



**U.S. Department of Housing and Urban Development**

Community Planning and Development

Notice of Funding Opportunity (NOFO) for Fiscal Year (FY) 2022 Continuum of Care  
Competition and Noncompetitive Award of Youth Homeless Demonstration Program Renewal  
and Replacement Grants

FR-6600-N-25

09/30/2022

## Table of Contents

Summary .....	1
OVERVIEW .....	2
I. Funding Opportunity Description and Program Overview .....	2
II. HUD's Homeless Policy Priorities and Program Highlights.....	9
III. Continuum of Care Program Requirements.....	18
IV. Award Information .....	29
V. Eligibility Information .....	30
VI. APPLICATION AND SUBMISSION INFORMATION .....	54
VII. Application Review Information.....	61
VIII. Project Review and Selection Process .....	88
IX. Award Administration Information .....	91
X. Appeals.....	95
XI. Agency Contacts .....	100
XII. Other Information.....	101

### **Program Office:**

Community Planning and Development

### **Funding Opportunity Title:**

Notice of Funding Opportunity (NOFO) for Fiscal Year (FY) 2022 Continuum of Care Competition and Noncompetitive Award of Youth Homeless Demonstration Program Renewal and Replacement Grants

### **Funding Opportunity Number:**

FR-6600-N-25

### **Assistance Listing Number:**

14.267

### **Application Due Date:**

September 30, 2022

### **Summary**

The U.S. Department of Housing and Urban Development (HUD) Strategic Plan sets the direction and focus of our programs and staff to create strong, sustainable, inclusive communities and quality, affordable homes for all.

### **HUD's Strategic Goals**

HUD's FY 2022-2026 Strategic Plan lays out this administration's strategy for ensuring everyone has an affordable, healthy place to live. Over the course of the next four years HUD will pursue two overarching priorities focused on increasing equity and improving customer experience across all HUD programs. Five strategic goals undergird the Plan as follows:

- Strategic Goal 1: Support Underserved Communities
- Strategic Goal 2: Ensure Access to and Increase the Production of Affordable Housing
- Strategic Goal 3: Promote Homeownership
- Strategic Goal 4: Advance Sustainable Communities
- Strategic Goal 5: Strengthen HUD’s Internal Capacity

The five goals of the FY 2022-2026 Strategic Plan present the core vision of what we hope to accomplish, the strategies to accomplish those objectives, and the indicators of success.

## OVERVIEW

The U.S. Department of Housing and Urban Development (HUD) issues this Notice of Funding Opportunity (NOFO) to invite applications from eligible applicants for the program and purpose described within this NOFO. Prospective applicants should carefully read all instructions in all sections to avoid sending an incomplete or ineligible application. HUD funding is highly competitive. Failure to respond accurately to any submission requirement could result in an incomplete or noncompetitive proposal.

During the selection process HUD is prohibited from disclosing 1) information regarding any applicant’s relative standing, 2) the amount of assistance requested by an applicant, and 3) any information contained in the application. Prior to the application deadline, HUD may not disclose the identity of any applicant or the number of applicants that have applied for assistance.

For Further Information regarding this NOFO - Please direct specific program requirements of this NOFO to the office contact identified in Section XI.

**Paperwork Reduction Act Statement.** The information collection requirements in this notice have been approved by OMB under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520). In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to a collection of information unless the collection displays a valid OMB control number. Each NOFO will identify its applicable OMB control number unless its collection of information is excluded from these requirements under [5 CFR part 1320](#).

**OMB Approval Number(s):**

2506-0112

## I. Funding Opportunity Description and Program Overview

**A. Program Description.** The Continuum of Care (CoC) Program (24 CFR part 578) is designed to promote a community-wide commitment to the goal of ending homelessness; to provide funding for efforts by nonprofit providers, states, Indian Tribes or tribally designated housing entities (as defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103) (TDHEs)), and local governments to quickly rehouse homeless individuals, families, persons fleeing domestic violence, dating violence, sexual assault, and stalking, and youth while minimizing the trauma and dislocation caused by homelessness; to promote access to and effective utilization of mainstream programs by homeless individuals and families, and to optimize self-sufficiency among those experiencing homelessness.

The goal of the Youth Homelessness Demonstration Program (YHDP) is to support the development and implementation of a coordinated community approach to preventing and ending youth homelessness and sharing that experience with and mobilizing communities around the country toward the same end. The population to be served by the demonstration program is youth experiencing homelessness, including unaccompanied and pregnant or parenting youth.

**B. Authority.** The CoC Program is authorized by subtitle C of title IV of the McKinney-Vento Homeless Assistance Act, (42 U.S.C. 11381–11389) (the Act), and the CoC Program rule found in 24 CFR part 578 (the Rule). The FY 2022 funds were authorized by the Consolidated Appropriations Act, 2022 (Public Law 117-103, approved March 15, 2022). The renewal and replacement of YHDP grants is authorized by the Consolidated Appropriations Act, 2022.

**C. Deadline.** The deadline for submitting applications to HUD for the FY 2022 CoC Program Competition is 8:00 PM EDT on September 30, 2022. Applicants must complete and submit their applications in *e-snaps* at <https://esnaps.hud.gov/>. See Sections VI.F and G of this NOFO for application submission and timely receipt requirements.

**D. Available Funds.** Approximately \$2,794,000,000 is available in this FY 2022 CoC Program NOFO, including approximately \$80,000,000, available for non-competitive YHDP renewal and replacement expiring grants, and at least \$52,000,000 available for Domestic Violence, Dating Violence, Sexual Assault, and Stalking Bonus (DV Bonus) projects, described in Section II.B.5 of this NOFO. HUD may add to the total amount with available funds that have been carried over or recaptured from previous fiscal years and authorized by prior Acts. All requirements in the FY 2022 application process, including requirements for the entire CoC Consolidated Application and the total amount of funds available, are included in this NOFO. HUD will continue to require Collaborative Applicants to rank all projects, except YHDP renewal, YHDP replacement, CoC Planning, and Unified Funding Agency (UFA) Costs in two tiers as described in Sections II.B.11.a and b of this NOFO.

**E. Summary of the Application Process.** The FY 2022 CoC Program Competition is administered under the FY 2022 CoC Program Competition NOFO and Rule. The FY 2022 YHDP non-competitive renewal and replacement of expiring YHDP grants is administered under the Consolidated Appropriations Act, 2022 which permits expiring YHDP projects to be renewed or replaced non-competitively through the CoC Program. See Section II.B.7 of this NOFO for the requirements that apply to YHDP renewal and YHDP replacement projects. Applicants should review and follow the steps as outlined below to ensure applications are complete and submitted timely. Documents referenced in this section can be found on the CoC Program page of HUD's website: [https://www.hud.gov/program\\_offices/comm\\_planning/coc](https://www.hud.gov/program_offices/comm_planning/coc).

#### 1. *CoC Registration.*

Collaborative Applicants were required to complete the FY 2022 CoC Program Registration in accordance with [Notice CPD-22-02: Continuum of Care Program Registration](#). If a Collaborative Applicant did not complete the FY 2022 CoC Program Registration, HUD moved the previous year's registration forward with no changes.

#### 2. *CoC Project Review and Ranking.*

Project applications submitted to the CoC for inclusion on the FY 2022 CoC Priority Listing as part of the CoC Consolidated Application must be reviewed and either accepted and ranked, approved, or rejected by the CoC. All project applications approved by the CoC must be listed on

the CoC Priority Listing in rank order, except project applications for YHDP renewal or replacement, CoC planning and UFA Costs projects which are not ranked. Higher ranked projects will be assigned to Tier 1 and lower ranked projects will be assigned to Tier 2 as described in Sections II.B.11.a and b of this NOFO. The purpose of this two-tiered approach is for CoCs to notify HUD which projects are prioritized for funding based on local needs and gaps.

3. *CoC Consolidated Application Submission.* Collaborative Applicants, including any Collaborative Applicant designated by HUD as a UFA, are responsible for submitting the CoC Consolidated Application in *e-snaps* on behalf of the CoC. The CoC Consolidated Application is made up of the following three parts:

a. *FY 2022 CoC Application.* The Collaborative Applicant must provide information about the CoC planning body, governance structure, overall performance, and the strategic planning process. This part of the application is scored and will determine the order in which CoCs are funded.

b. *FY 2022 Project Application.* Project applications must be completed by project applicants for all renewal, new, CoC planning, UFA Costs, and YHDP renewal or YHDP replacement projects including the population(s) and subpopulation(s) they will serve, the type of housing and services that will be provided, and the budget activities that are being requested. Collaborative Applicants applying for CoC planning and UFA Costs (if designated as a UFA by HUD) must provide a description of the activities that will be carried out with CoC Program grant funds. For more information on project applications, see Section V of this NOFO. Additionally, all project applicants must ensure their organization has a [Code of Conduct](#) that complies with the requirements of 2 CFR part 200 and is included on HUD's website. If the organization's Code of Conduct does not appear on HUD's website, the project applicant must attach its Code of Conduct that includes all required information to its Project Applicant Profile in *e-snaps*.

c. *FY 2022 CoC Priority Listing.* The CoC Priority Listing includes:

(1) The reallocation forms for CoCs to indicate which eligible renewal projects, if any, will be reduced or eliminated through the reallocation process.

(2) Six separate project listing forms:

(a) two project listings require that all CoC project applications, New (reallocated, CoC Bonus, and DV Bonus) and Renewal, are ranked with unique numbers, in order of priority and identify any project applications rejected by the CoC; and

(b) four project listings for non-ranked project applications, YHDP renewal, YHDP replacement, CoC planning, and UFA Costs (if applicable); and, Collaborative Applicants must ensure only one project application for CoC planning, and if the CoC's Collaborative Applicant is designated as a UFA by HUD, one UFA Costs project application is submitted by the CoC.

(3) Form HUD-2991, Certification of Consistency with the Consolidated Plan, which must be signed by the authorizing jurisdiction(s) and dated between June 30, 2022 and September 30, 2022. Additionally, applicants that propose to locate a project on a reservation or trust land must include a tribal resolution from the tribe authorizing the

applicant to do so or a letter from an official or principal of the Indian Tribe or TDHE who is authorized to act on behalf of the Indian Tribe or TDHE indicating approval. Tribes do not need to include a tribal resolution or a letter from an official of the Indian Tribe or TDHE who is authorized to act on behalf of the Indian Tribe or TDHE to site a project on their own reservation or trust land. A tribal resolution is the formal manner in which the tribal government expresses its legislative will in accordance with its organic documents. In the absence of such organic documents, a written expression adopted pursuant to tribal practices will be acceptable.

Collaborative Applicants will also be required to certify there is a demonstrated need for all ranked permanent housing (PH) renewal projects and these projects comply with program requirements and appropriate standards of housing quality and habitability on the Renewal Project Listing. For more information on the CoC Priority Listing, see Section VI.F.3 of this NOFO.

#### **F. Eligible Applicants.**

1. *Collaborative Applicants.* Only those CoCs with a valid registration for FY 2022 will have access to the FY 2022 CoC Consolidated Application, which includes the CoC Application, CoC Priority Listing, and the project application(s). CoCs should not attempt to change Collaborative Applicants during the FY 2022 CoC Program Competition without HUD's prior approval unless HUD replaces the CoC's designated Collaborative Applicant under the authority of Section 402(c) of the Act. HUD will approve Collaborative Applicant changes outside the annual CoC Program Registration process under the following circumstances:

- a. the Collaborative Applicant made an error when entering the Collaborative Applicant name in the CoC Applicant Profile;
- b. the Collaborative Applicant designated by the CoC is no longer in business;
- c. the CoC selected a new Collaborative Applicant; or
- d. a new Collaborative Applicant was selected by HUD as a remedial action under Section 402(c) of the Act.

In cases where the CoC needs to change the Collaborative Applicant approved during the FY 2022 CoC Program Registration process, the CoC must notify the local HUD CPD field office, in writing, stating the reason for the Collaborative Applicant change. The notice to HUD must provide documentation of the CoC's approval of the change (e.g., a copy of the meeting minutes to include the date and attendees).

2. *Project Applicants.* Eligible project applicants for the CoC Program are identified in Section V.A. of this NOFO. For-profit entities are ineligible, and applications submitted from these entities will not be reviewed.

**G. Local Competition Deadlines.** 24 CFR 578.9 requires CoCs to design, operate, and follow a collaborative process for the development of an application in response to a NOFO issued by HUD. As part of this collaborative process, CoCs should implement internal competition deadlines and notification processes to ensure transparency and fairness at the local level. The implementation of deadlines that meet the standards outlined in Section VII.B.2.g of this NOFO for FY 2022 project applications will be part of the scoring criteria.

**H. CoC Review of Project Applications.** HUD expects each CoC to implement a thorough review and oversight process at the local level for both new and renewal project applications submitted to HUD in the FY 2022 CoC Program Competition. It has been HUD's experience that many project applications contain information resulting in conditions on the grant; or for more serious infractions, a project application being rejected. Deficient project applications prolong the review process for HUD, which results in delayed funding announcements, lost funding for CoCs due to rejected projects, and delays in funding to house and assist individuals and families experiencing homelessness. CoCs are expected to closely review the information provided in each project application, including YHDP renewal or YHDP replacement projects, to ensure:

1. all proposed program participants will be eligible for the program component type selected, including YHDP renewal or YHDP replacement projects;
2. the information provided in the project application and proposed activities are:
  - a. eligible and consistent with program requirements in the Rule; or
  - b. eligible YHDP renewal or YHDP replacement projects (see Sections II.B.7 of this NOFO);
3. each project narrative is fully responsive to the question being asked and that it meets all the criteria for that question as required by this NOFO;
4. the data provided in various parts of the project application are consistent; and
5. all required attachments correspond to the list of attachments in *e-snaps* that must contain accurate and complete information that are dated between June 30, 2022 and September 30, 2022.

**I. FY 2022 CoC Program Competition NOFO.** CoCs and applicants should read this NOFO in its entirety in conjunction with the Rule to ensure a comprehensive understanding of and compliance with all CoC Program requirements. This NOFO frequently references citations from the Rule.

1. CoCs should consider the policy priorities established in this NOFO in conjunction with local priorities to determine the ranking of new and renewal project application requests. See Section II of this NOFO for more information on HUD's homelessness policy priorities and program highlights.
2. HUD will conduct threshold reviews of project applicants, subrecipients, and project applications for all CoC Consolidated Applications submitted by the application submission deadline as described in Section VIII.
3. HUD may issue more than one conditional funding announcement, including for those instances where a CoC has been affected by a disaster and for which HUD has extended the deadline for application submission.
4. HUD will score the FY 2022 CoC Application portion of the Consolidated Application in accordance with the criteria set forth in Section VII.B. of this NOFO.
5. CoC Planning and UFA Costs project applications are not ranked and will be selected provided they pass project eligibility and project quality threshold review.

6. YHDP renewal and YHDP replacement project applications are not ranked and will be selected for funding provided they pass project eligibility and project quality threshold review, and for YHDP renewals, project renewal threshold; as explained in Section V.C.4.c of this NOFO. YHDP replacement project applications will not be rejected during project quality threshold review; however, HUD may need to work with the YHDP replacement recipients to correct or revise information submitted after the final FY 2022 award announcement.

7. New DV Bonus project applications passing project eligibility and project quality threshold may be selected:

a. with DV Bonus funds based on the CoC Application score, how the CoC collaborates with victim service providers, the need for the project, and how the provider will involve survivors with lived expertise in the policy and program development (Section II.B.11.e of this NOFO) which will remove the DV Bonus project application from the Tier 1 and Tier 2 ranking process; or

b. without DV Bonus funds as a new project where the project application will retain its ranked position in Tier 1 or Tier 2 and may be selected as outlined in Sections II.B.11. a or b of this NOFO.

8. Using the Tier 1 and Tier 2 ranking process in Sections II.B.11.a and b, HUD will select:

a. new project applications, created through reallocation or CoC Bonus, and renewal project applications passing project eligibility, project quality threshold, and if applicable, project renewal threshold, based on ranked position in Tier 1 (Section II.B.11.a of this NOFO); and

b. new project applications, created through reallocation or CoC Bonus, and renewal project applications passing project eligibility, project quality threshold, and if applicable, project renewal threshold in Tier 2 based on the CoC Application score and the project application score outlined in Section II.B.11.b of this NOFO.

## **J. Changes from Previous NOFO.**

1. The Consolidated Appropriations Act, 2021 (Public Law 116-260, approved December 27, 2020) added section 435 of the Act to allow Indian Tribes and Tribally Designated Housing Entities (TDHE) to be Collaborative Applicants, eligible entities, or subrecipients of the CoC Program in addition to amending section 401 of the Act to add the terms “Formula Area” and “Indian Tribe.” These amendments mean that not only may Tribes and TDHEs apply for grants through other CoCs, but that formula areas, as that term is defined in the Indian Housing Block Grant program at 24 CFR 1000.302, are eligible to be added to the geographic areas of existing CoCs or may be included in newly formed CoCs through the CoC registration process (see Notice CPD-22-02). HUD chose to implement integration of Tribes and TDHEs into the CoC program in stages. In the FY 2021 competition, Tribes and TDHEs were eligible to apply for projects through existing CoCs only. In the FY 2022 competition, HUD published PPRNs for all formula areas, including tribal formula areas and allowed CoCs to include tribal formula areas in their CoC geography during the FY 2022 CoC Program registration process. A Tribe or TDHE could also form a CoC including only tribal formula areas as part of their geography through the CoC registration process. Additionally, beginning in FY 2022 CoC Program Competition Tribes and TDHEs can be designated as Collaborative Applicants. As in the FY 2021 Competition, any applicant that is not a Tribe or TDHE proposing to site a project on a reservation or trust land



must include a tribal resolution from the tribe authorizing the applicant to do so or a letter from an official or principal of the Indian Tribe or TDHE who is authorized to act on behalf of the Indian Tribe or TDHE. Tribes do not need to include a tribal resolution to site a project on their own reservation or trust land.

2. HUD first introduced transition grants in the FY 2018 CoC Program Competition. This process provides an opportunity for renewal projects to transition from one CoC Program component to another during the CoC Program Competition. New this year, CoCs will not be limited to only 50 percent of awarded funds to be used for the costs of eligible activities of the program component originally funded. Instead, recipients may use as much of the awarded grant funds on the costs of eligible activities of the program component originally funded; however, by the end of the operating year, the recipient must be fully operating the new program component. Recipients will be eligible for renewal in subsequent fiscal years for eligible activities of the new program component. See Section III.B.2.cc for more information on Transition Grants.

3. HUD revised its rating factors regarding CoC evaluation of racial disparities to place greater emphasis on racial equity and increased the number of points in Section VII.B.1.q of this NOFO on whether CoCs and homeless providers have identified barriers that lead to racial disparities, have taken steps to eliminate barriers to improve racial equity, and have implemented measures to evaluate the efficacy of the steps taken. Additionally, points were added to Section VII.B.2.e of this NOFO that will be awarded to CoCs that are promoting racial equity through the local CoC competition. These points will be awarded on the rating factors; review, selection, and ranking processes used; and if rating and ranking of projects is based on the degree to which projects have identified any barriers to participation (e.g., lack of outreach) faced by persons of different races and ethnicities, particularly those over-represented in the local homelessness population, and are taking or will take steps to eliminate the identified barriers.

4. HUD revised of the rating factors for addressing the needs of Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ+) individuals to place greater emphasis on CoCs implementing and training their providers on the CoC-wide anti-discrimination policies that ensure LGBTQ+ individuals and families receive supportive services, shelter, and housing free from discrimination. Further, points were added to Section VII.B.1.f of this NOFO that will be awarded to CoCs that are updating their CoC-wide anti-discrimination policies based on stakeholder feedback and assisting providers in developing their own agency anti-discrimination policies that are consistent with the CoC-wide anti-discrimination policies.

5. Throughout the past two years, as CoCs responded to the challenges of COVID-19, partnerships were developed between CoCs, homeless service providers, and state and local public health agencies. In the FY 2021 CoC Program Competition, HUD asked CoCs to demonstrate how these partnerships increased the safety of people experiencing homelessness from contracting COVID-19 and helped people increase vaccination rates amongst people experiencing homelessness. In the FY 2022 CoC Program Competition, HUD is asking CoCs to demonstrate how they will build on these partnerships to ensure they are prepared to prevent and respond to future infectious disease outbreaks amongst people experiencing homelessness. See Section VII.B.1.o for more information.

6. Ambiguous language in the Tier 2 Scoring process described in II.B.11.b.(2) was corrected. The language now states that the calculation for the CoC Project Ranking factor will be 40 times the quantity  $(1-x)$  where  $x$  is the ratio of the cumulative funding requests for all projects or

portions of projects ranked higher by the CoC in Tier 2 plus one half of the funding of the project of interest to the total amount of funding available in Tier 2, which matches the examples.

7. As described in Section II.B.11.e of this NOFO, for new projects the CoC would like to be considered as part of the DV Bonus, HUD revised the point value distribution for project applications based on the CoC Application score and responses to the revised domestic violence bonus specific questions in the project applications. For the FY 2022 CoC Program Competition, HUD added scoring factors based on the responses to questions that demonstrate CoCs' collaboration with victim service providers in the CoC Application, projects' plans to include survivors with lived experience in policy and program development and the inclusion of victim-centered practices in operating their projects.

8. HUD added an additional rating factor at Section VII.B.1.t. that awards points to CoCs that take steps to engage local leaders about increasing affordable housing supply.

## II. HUD's Homeless Policy Priorities and Program Highlights

**A. Policy Priorities.** This section provides additional context regarding the selection criteria found in Section VII.B of this NOFO and is included here to help applicants better understand how the selection criteria support the goal of ending homelessness:

1. *Ending homelessness for all persons.* To end homelessness, CoCs should identify, engage, and effectively serve all persons experiencing homelessness. CoCs should measure their performance based on local data that consider the challenges faced by all subpopulations experiencing homelessness in the geographic area (e.g., veterans, youth, families, those experiencing chronic homelessness, and people with disabilities, including those living with HIV/AIDS). CoCs should partner with housing, health care, and supportive services providers to expand housing options, such as permanent supportive housing, housing subsidies, and rapid rehousing. Additionally, CoCs should use local data to determine the characteristics of individuals and families with the highest needs and longest experiences of homelessness to develop housing and supportive services tailored to their needs.

2. *Use a Housing First approach.* Housing First prioritizes rapid placement and stabilization in permanent housing and does not have service participation requirements or preconditions. CoC Program funded projects should help individuals and families move quickly into permanent housing, and CoCs should measure and help projects reduce the length of time people experience homelessness. Additionally, CoCs should engage landlords and property owners to identify housing units available for rapid rehousing and permanent supportive housing participants, remove barriers to entry, and adopt client-centered service methods. HUD encourages CoCs to assess how well Housing First approaches are being implemented in their communities.

3. *Reducing Unsheltered Homelessness.* In recent years, the number of people experiencing unsheltered homelessness has risen significantly, including a rising number of encampments in many communities across the country. People living unsheltered have extremely high rates of physical and mental illness and substance use disorders. CoCs should explore all available resources, including CoC and ESG funded assistance, housing subsidies, and supportive services to provide permanent housing options for people who are unsheltered.

4. *Improving System Performance.* CoCs should be using system performance measures (e.g., average length of homeless episodes, rates of return to homelessness, rates of exit to permanent

housing destinations) to determine how effectively they are serving people experiencing homelessness. Additionally, CoCs should use their Coordinated Entry process to promote participant choice, coordinate homeless assistance and mainstream housing, and services to ensure people experiencing homelessness receive assistance quickly, and make homelessness assistance open, inclusive, and transparent. CoCs should review all projects eligible for renewal in FY 2022 to determine their effectiveness in serving people experiencing homelessness, including cost-effectiveness. CoCs should also look for opportunities to implement continuous quality improvement and other process improvement strategies. HUD recognized the effects of COVID-19 on CoC performance and data quality and reduced the points available for rating factors related to system performance in the FY 2021 CoC NOFO. This FY 2022 CoC NOFO significantly increases the points available for system performance rating factors.

*5. Partnering with Housing, Health, and Service Agencies.* Using cost performance and outcome data, CoCs should improve how all available resources are utilized to end homelessness. This is especially important as the CARES Act and American Rescue Plan have provided significant new resources to help end homelessness. HUD encourages CoCs to maximize the use of mainstream and other community-based resources when serving persons experiencing homelessness and should:

- a. work closely with public and private healthcare organizations and assist program participants to receive primary care, receive housing-related services, and obtain medical insurance to address healthcare needs. This includes developing close partnerships with public health agencies to analyze data and design approaches that reduce homelessness, improve the health of people experiencing homelessness, and prevent and address disease outbreaks, including HIV/AIDS.
- b. partner closely with PHAs and state and local housing organizations to utilize coordinated entry, develop housing units, and provide housing subsidies to people experiencing homelessness. These partnerships can also help CoC Program participants exit permanent supportive housing through Housing Choice Vouchers and other available housing options. CoCs and PHAs should especially work together to implement targeted programs such as Emergency Housing Vouchers, HUD-VASH, Mainstream Vouchers, Family Unification Program (FUP) Vouchers, and other housing voucher programs targeted to people experiencing homelessness. CoCs should coordinate with their state and local housing agencies on the utilization of new HOME program resources provided through the Homelessness Assistance and Supportive Services Program that was created through the American Rescue Plan;
- c. partner with local workforce development centers to improve employment opportunities; and
- d. work with tribal organizations to ensure that tribal members can access CoC-funded assistance when a CoC's geographic area borders a tribal area.

*6. Racial Equity.* In nearly every community, Black, Indigenous, and other people of color are substantially overrepresented in the homeless population. HUD is emphasizing system and program changes to address racial equity within CoCs. Responses to preventing and ending homelessness should address racial inequities to ensure successful outcomes for all persons experiencing homelessness using proven approaches, such as: developing a coordinated

community response created in partnership with a racially diverse set of stakeholders and people experiencing homelessness and partnering with organizations with experience serving underserved populations. CoCs should review local policies, procedures, and processes with attention to identifying barriers that result in racial disparities, and taking steps to eliminate barriers to improve racial equity and to address disparities.

*7. Improving Assistance to LGBTQ+ Individuals.* Discrimination on the basis of gender identity or sexual orientation manifests differently for different individuals and often overlaps with other forms of prohibited discrimination. CoCs should address the needs of LGBTQ+, transgender, gender non-conforming, and non-binary individuals and families in their planning processes. Additionally, when considering which projects to select in their local competition to be included in their application to HUD, CoCs should ensure privacy, respect, safety, and access regardless of gender identity or sexual orientation in projects. CoCs should also consider partnering with organizations with expertise in serving LGBTQ+ populations.

*8. Persons with Lived Experience.* HUD is encouraging CoCs to include in the local planning process people who are currently experiencing or have formerly experienced homelessness. People with lived experience should determine how local policies may need to be revised and updated to improve the effectiveness of homelessness assistance programs, including participating in planning and oversight activities and developing local competition processes. CoC leaders and stakeholders should also prioritize hiring people who have experienced homelessness in areas where their expertise is needed (e.g. peer outreach and support).

*9. Increasing Affordable Housing Supply.* The lack of affordable housing is the main driver of homelessness. CoCs play a critical role in educating local leaders and stakeholders about the importance of increasing the supply of affordable housing and the specific consequences of the continued lack of affordable housing. CoCs should be communicating with jurisdiction leaders, including for the development of Consolidated Plans, about the harmful effects of the lack of affordable housing, and they should engage local leaders about steps such as zoning and land use reform that would increase the supply of affordable housing. This FY2022 CoC NOFO awards points to CoCs that take steps to engage local leaders about increasing affordable housing supply.

**B. CoC Program Implementation.** The following list highlights important information that applicants should consider as they are preparing the FY 2022 CoC Application and project applications(s). This is not an exhaustive list of considerations or requirements; therefore, all applicants should carefully review the Rule for comprehensive information.

*1. Performance-Based Decisions.* Consistent with the requirements of the Consolidated Appropriations Act, 2022:

- a. Requests for new CoC project applications are not allowed, other than through reallocation, unless the CoC evaluates and competitively ranks projects based on how they improve system performance as outlined in Section VII.B.2.b of this NOFO; and
- b. HUD will prioritize funding for CoCs that have demonstrated the capacity to reallocate funding from lower to higher performing projects.

2. *Indian Tribes or Tribally Designated Housing Entities (TDHE)*. The Consolidated Appropriations Act, 2021 amended title IV of the Act by adding section 435 so designated Indian Tribe or TDHEs (as defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103) may:

- a. be a Collaborative Applicant, eligible project applicant, or subrecipient; or
- b. receive grant amounts from another entity that receives a grant directly from HUD.

3. *Transition Grants*. See Section III.B.2.cc of this NOFO for a definition of the transition grant and process.

4. *Coordination with Housing and Healthcare*. The Consolidated Appropriations Act, 2022 directs HUD to provide incentives to create projects that coordinate with housing providers and healthcare organizations to provide permanent supportive housing and rapid rehousing services. In the FY 2022 CoC Program Competition, CoCs may receive up to 14 points on the CoC Application if the CoC Priority Listing includes new project applications created through reallocation or the CoC Bonus that utilizes housing vouchers and healthcare provided through an array of healthcare services providers. See Section VII.B.6 of this NOFO for additional details.

5. *Domestic Violence, Dating Violence, Sexual Assault, and Stalking Bonus (DV Bonus)*. The Consolidated Appropriations Act, 2022 provides at least \$52 million for “rapid re-housing projects and supportive service projects providing coordinated entry, and for eligible activities that the Secretary determines to be critical in order to assist survivors of domestic violence, dating violence, sexual assault, or stalking.” See Section II.B.11.e of this NOFO for additional information.

6. *Consolidation Project*. Project applicants can consolidate two but no more than ten eligible renewal projects during the application process. The projects being combined during a grant consolidation will continue uninterrupted. To be eligible for consolidation, the projects must have the same recipient and be for the same component; and will only be funded in this Competition with FY 2022 funds (meaning no funds recaptured from prior years will be awarded to the project). See Section V.B.4.a.(7) of this NOFO for additional information.

7. *Youth Homeless Demonstration Program (YHDP)*. Consistent with the requirements of the Consolidated Appropriations Act, 2022, funding for the CoC Program may be used to competitively or non-competitively renew or replace grants for YHDP projects. HUD has decided to non-competitively renew or replace expiring YHDP grants; however, these project applications will be reviewed for compliance with project eligibility, project quality, and if applicable, project renewal thresholds. See Sections II.B.11.d, II.B.11.f, and V.B.4.a.(5) of this NOFO for additional information.

While YHDP projects can use the consolidation process as outlined in Section II.B.6 and V.B.4.a.(7) of this NOFO these projects cannot consolidate with non-YHDP projects. YHDP projects cannot use the expansion (Section III.B.2.j) or reallocation processes (Section III.B.2.x) outlined in this NOFO.

All YHDP renewal and replacement projects are subject to the following provisions of the Rule, as may be amended from time to time, except where they conflict with the NOFO requirements, with the special YHDP activities identified in Section V.B.4.a.(5) of this NOFO, or the requirement that grant funds may only be used to serve homeless youth, age 24 and younger: 24

CFR 578.3, 578.15, 578.23(a), 578.25, 578.27, 578.29, 578.37, 578.43, 578.45, 578.47, 578.49, 578.51, 578.53, 578.55, 578.57, 578.59, 578.61, 578.63, 578.73(c), 578.75, 578.77, 578.79, 578.81, 578.83, 578.85, 578.87, 578.89, 578.91, 578.93, 578.95, 578.97, 578.99, 578.103(a)(3) - (18) and (b) – (e), 578.107 and 578.109. The requirements of 2 CFR 200.306, as may be amended from time to time, with the exception of 200.306(b)(5) apply. All YHDP renewal and replacement projects must comply with 24 CFR 578.93, except that in 578.93(c)(2), recipients must provide such information to the jurisdiction in which the project is located. Federal fair housing and nondiscrimination requirements cannot be waived.

8. *Adjustments for Ineligible Projects.* If an ineligible renewal project is submitted in this Competition or used in the reallocation process, or an ineligible YHDP renewal or YHDP replacement project is submitted, HUD will remove the ineligible project when calculating the final ARD amount for the CoC. To be eligible for renewal in FY 2022, a project must have an executed grant agreement by December 31, 2022, and have an expiration date in Calendar Year (CY) 2023 (between January 1, 2023, and December 31, 2023).

9. *Homeless Management Information System (HMIS).* CoCs must have an HMIS that has the capacity to collect unduplicated counts of individuals and families experiencing homelessness and provide information to project subrecipients and applicants for needs analysis and funding priorities. Additionally, CoC and Emergency Solutions Grants (ESG) Program recipients must participate in the local HMIS; unless a recipient is a victim service provider or legal service provider, in which case it must use a comparable database and provide de-identified information to the CoC. For many communities, the inclusion of ESG recipients and subrecipients and other HUD federal partners (e.g., the Department of Health and Human Services and Department of Veterans Affairs) that require their programs to use the CoC's HMIS, results in an increase in users that the HMIS must be able to accommodate. HUD expects communities to be able to use the HMIS information as well as aggregate data from comparable databases to review performance for the entire CoC geographic area, not just at the project level. The HMIS Lead should continue to consider any unique needs that the HMIS might be required to address to accommodate emergency shelter, street outreach, homelessness prevention, and other federal programs.

10. *Review of CoC Rankings.* CoCs will be required to rank all new reallocated, CoC Bonus, DV Bonus, and renewal project applications submitted by project applicants in *e-snaps*, except YHDP renewal, YHDP replacement, CoC Planning, and UFA Costs (if applicable) projects.

11. *HUD Funding Process.* HUD will continue the Tier 1 and Tier 2 funding selection process. CoCs and applicants should ensure there is a thorough understanding of the information provided in this NOFO. For CoC Collaborative Applicants designated as a UFA, HUD will use the selection process described in Section II.B.11 of this NOFO. HUD will establish each CoC's Tier 1 and Tier 2 amounts based on the total amount of funds requested by eligible renewal project applications on the Renewal Project Listing combined with the eligible renewal project amount(s) that were reallocated as listed on the reallocation forms in the CoC Priority Listing. HUD will post a report that lists the available amounts for each CoC's PPRN, estimated ARD, Tier 1, CoC planning, CoC Bonus, and DV Bonus on HUD's website. The [Grant Inventory Worksheets \(GIWs\)](#) are also posted on HUD's website. Section VIII of this NOFO provides additional information regarding project selection.

a. *Tier 1.* Tier 1 is equal to 95 percent of the CoC's Annual Renewal Demand (ARD) as described in Section III.B.2.a of this NOFO minus the Annual Renewal Amounts (ARAs) of YHDP renewal and YHDP replacement projects. Project applications in Tier 1 will be conditionally selected from the highest scoring CoC to the lowest scoring CoC, provided the project applications pass both project eligibility and project quality threshold review, and if applicable, project renewal threshold. Any type of new or renewal project application can be placed in Tier 1, except YHDP renewal or YHDP replacement, CoC planning, and if applicable, UFA Costs projects as these projects are not ranked. If a DV Bonus project ranked in Tier 1 is selected with DV Bonus funds, the project will be removed from this tier and the projects below it will move up one rank position. However, if a new DV Bonus project is not selected with DV Bonus funds, the project will retain its ranked position (see Section II.B.11.e of this NOFO). In the event insufficient funding is available to award all Tier 1 projects, Tier 1 will be reduced proportionately, which could result in some Tier 1 projects falling into Tier 2. Therefore, CoCs should carefully determine the priority and ranking for all project applications in Tier 1 as well as Tier 2, which is described below.

b. *Tier 2.* Tier 2 is the difference between Tier 1 and the maximum amount of renewal, reallocation, and CoC Bonus funds that a CoC can apply for but does not include YHDP renewal or YHDP replacement projects, CoC planning projects, and if applicable, UFA Costs projects or projects selected with DV Bonus funds. If a DV Bonus project ranked in Tier 2 is selected with DV Bonus funds, the project will be removed from this tier and the projects below it will move up one rank position. However, if a new DV Bonus project is not selected with DV Bonus funds, the project will retain its ranked position (see Section II.B.11.e of this NOFO). Project applications placed in Tier 2 will be assessed for project eligibility and project quality threshold requirements, and if applicable, project renewal threshold requirements and funding will be determined using the CoC Application score as well as the factors listed in Section II.B.11 of this NOFO.

HUD will award a point value to each new and renewal project application that is in Tier 2 using a 100-point scale:

(1) *CoC Score.* Up to 50 points in direct proportion to the score received on the CoC Application; e.g., if a CoC received 100 out of 200 points on the CoC Application, the project application would receive 25 out of 50 points for this criterion.

(2) *CoC Project Ranking.* Up to 40 points for the CoC's ranking of the project application(s). To consider the CoC's ranking of projects, point values will be assigned directly related to the CoC's ranking of project applications. The calculation of point values will be 40 times the quantity  $(1-x)$  where  $x$  is the ratio of the cumulative funding requests for all projects or portions of projects ranked higher by the CoC in Tier 2 plus one half of the funding of the project of interest to the total amount of funding available in Tier 2. For example, if a CoC is eligible to apply for projects totaling \$500,000 in Tier 2 and applies for 5 projects ranked in Tier 2 of \$100,000 each: the highest-ranked project would receive 36 points, and then the subsequently ranked projects would receive 28, 20, 12, and 4 points.

(3) *Commitment to Housing First.* Up to 10 points based on the project application's commitment to follow a housing first approach as defined in Section III.B.2.o of this

NOFO. Dedicated HMIS projects and supportive service only for centralized or coordinated assessment system (SSO-CE) projects will automatically receive 10 points.

c. *Projects Straddling Tiers.* If a project application straddles the Tier 1 and Tier 2 funding line, HUD will conditionally select the project up to the amount of funding that falls within Tier 1. Using the CoC score, and other factors described in Section II.B.11 of this NOFO, HUD may fund the Tier 2 portion of the project. If HUD does not fund the Tier 2 portion of the project, HUD may award the project at the reduced amount, provided the project is still feasible with the reduced funding (e.g., is able to continue serving homeless program participants effectively).

d. *Renewal and Replacement YHDP, CoC Planning, and UFA Costs Projects.* As previously stated, YHDP renewal, YHDP replacement, CoC Planning, and UFA Costs projects are not ranked; therefore, these project applications will not be included in Tier 1 or Tier 2. CoCs may only submit one project application for CoC planning costs and, if applicable, one project application for UFA Costs. The project applicant for CoC planning and UFA Costs must be the Collaborative Applicant that is listed on the CoC Applicant Profile in *e-snaps*.

e. *DV Bonus.* For new projects the CoC indicates it would like considered as part of the DV Bonus, HUD will award a point value to each project application combining both the CoC Application score and responses to the domestic violence bonus specific questions in the CoC Application using the following 100-point scale:

(1) Rapid Rehousing (RRH), and joint transitional housing and permanent housing-rapid rehousing (Joint TH/PH-RRH) component projects:

(a) *CoC Score.* Up to 50 points in direct proportion to the score received on the CoC Application.

(b) *CoC Collaboration with Victim Service Providers.* Up to 10 points in direct proportion to the score received on the following rating factors in the CoC application: Section VII.B.1.e, Section VII.B.2.c, and Section VII.B.3.b.

(c) *Need for the Project.* Up to 10 points based on the extent the CoC quantifies the need for the project in its portfolio, the extent of need, and how the project will fill that gap.

(d) *Quality of the Project Applicant Experience.* Up to 15 points based on the previous performance of the applicant in serving survivors of domestic violence, dating violence, sexual assault, or stalking, and their ability to house survivors and meet safety outcomes.

(e) *Demonstration of inclusion of victim-centered practices.* Up to 8 points based on the quality of the project's plan to address the housing and safety needs of survivors by adopting victim-centered practices (e.g., Housing First, Trauma-Informed Care, Confidentiality) in operating their project. Full points will be awarded to project applicants that can demonstrate they are already adopting victim-centered practices.

(f) *Demonstration of plan to include survivors with lived expertise.* Up to 7 points based on the project's ability to demonstrate its plan to involve survivors in policy and program development throughout the project's operation.



RRH and Joint TH/PH-RRH component projects must follow a housing-first approach.

(2) SSO-CE to implement policies, procedures, and practices that equip the CoC's coordinated entry to better meet the needs of people experiencing homelessness who are survivors of domestic violence, dating violence, sexual assault, or stalking (e.g., to implement policies and procedures that are trauma-informed, client-centered or to better coordinate referrals between the CoC's coordinated entry and the victim service providers coordinated entry system where they are different):

(a) *CoC Score*. Up to 50 points in direct proportion to the score received on the CoC Application.

(b) *CoC Collaboration with Victim Service Providers*. Up to 10 points in direct proportion to the score received on the following rating factors in the CoC application: Section VII.B.1.e, Section VII.B.2.c, and Section VII.B.3.b.

(c) *Need for the Project*. Up to 25 points based on the extent to which the CoC demonstrates the need for a coordinated entry system that better meets the needs of survivors of domestic violence, dating violence, sexual assault, or stalking, and how the project will fill this need.

(d) *Demonstration of plan to include survivors with lived expertise*. Up to 15 points based on the project's ability to demonstrate its plan to involve survivors in policy and program development throughout the project's operation.

Only one SSO-CE project can be submitted per CoC; however, there is no limit on the number of Permanent housing-rapid rehousing (PH-RRH) and Joint TH/PH-RRH projects provided that each application is for at least \$50,000. A project applicant may also apply to expand an existing renewal project, including one that was previously awarded with DV Bonus funding, in accordance with Section III.B.2.j of this NOFO, however, only the new project application for the expansion will be considered for DV Bonus funds through this process. DV Bonus funding may be used to expand an existing renewal project that is not dedicated to serving survivors of domestic violence, dating violence, sexual assault, or stalking who meet the definition of homeless in paragraph (4) of 24 CFR 578.3 so long as the DV Bonus funds for expansion are solely for additional units, beds, or services dedicated to persons eligible to be served with DV Bonus funding.

CoCs are required to rank all new DV Bonus project applications on the New Project Listing of the CoC Priority Listing with a unique rank number and the corresponding renewal project application must be on the Renewal Project Listing with a unique rank number. A new DV Bonus project that expands an existing renewal project will only be selected if the renewal project is conditionally selected in Tier 1 or 2. If the renewal project application is selected for conditional award with CoC Program funds and the new DV Bonus expansion project is approved for selection, HUD will only select the new DV Bonus project with DV Bonus funds and HUD will remove the new DV Bonus project from the New Project Listing and all other project applications ranked below the new DV Bonus project will move up one rank position.

HUD will conditionally select approximately \$45,000,000 in new DV Bonus eligible projects. If HUD would conditionally select less than \$52,000,000 for projects that applied for the DV Bonus either through the DV Bonus selection process or the HUD funding process described in II.B.11, then HUD will select additional projects through the DV Bonus selection process until the combined amount conditionally selected through the DB Bonus selection process and the HUD funding process is at least \$52,000,000. To be eligible to receive a new DV Bonus project, a CoC must demonstrate it ranks projects based on how they improve system performance as outlined in Section VII.B.2.b of this NOFO. Additionally, to be eligible to receive a DV Bonus project for PH-RRH or Joint TH/PH-RRH component, all projects funded through the DV Bonus must adopt a housing first approach.

f. *Participant Eligibility.* Projects funded through this NOFO must have the following eligibility criteria for program participants. References to paragraphs of the definition of homeless refer to the paragraphs listed under the definition of "homeless" in 24 CFR 578.3. All projects must participate in coordinated entry, and the selection of program participants must be consistent with the CoC's coordinated entry process. As provided by the Consolidated Appropriations Act, 2022, youth aged 24 and under must not be required to provide third-party documentation that they meet the homeless definition in 24 CFR 578.3 as a condition for receiving services funded under this NOFO. Additionally, any youth-serving provider funded under this NOFO may serve unaccompanied youth aged 24 and under (or families headed by youth aged 24 and under) who are living in unsafe situations. HUD interprets "youth-serving provider" as a private nonprofit organization whose primary mission is to provide services to youth aged 24 and under and families headed by youth aged 24 and under. HUD interprets "living in unsafe situations" as having an unsafe primary nighttime residence and no safe alternative to that residence. These youth-related requirements supersede any conflicting requirements under this NOFO or the Rule.

(1) *Renewal Projects*

(a) Permanent housing-permanent supportive housing (PH-PSH) renewal projects must serve one of the following:

(i) program participants who are eligible for assistance under the project's current grant agreement;

(ii) persons eligible to be served by DedicatedPLUS projects as described in Section III.B.2.g of this NOFO where all units funded by this project must be used to serve program participants who meet the qualifications for DedicatedPLUS;

Or

(iii) persons experiencing chronic homelessness at the time they initially enrolled in the project.

(b) PH-RRH, Joint TH/PH-RRH component, transitional housing (TH), and SSO projects may serve persons who qualify as homeless under paragraphs (1), (2), or (4) of 24 CFR 578.3. Additionally, these projects may serve persons who qualify as homeless under paragraph (3) of 24 CFR 578.3 if the CoC is approved to serve persons in paragraph (3).

(c) Renewal projects originally awarded under a previous year's DV Bonus must continue to serve survivors of domestic violence, dating violence, sexual assault, and stalking who qualify as homeless under paragraph (4) of 24 CFR 578.3.

(d) YHDP renewal projects must serve youth, age 24 or younger, who qualify as homeless under paragraph (1), (2), and (4) of 578.3, including unaccompanied, pregnant and parenting youth, where no member of the household is older than 24. Additionally, these projects may serve youth aged 24 and under who qualify as homeless under paragraph (3) of 24 CFR 578.3 if the CoC is approved to serve persons in paragraph (3).

(2) *New Projects*

(a) New PH-PSH projects must serve one of the following:

(i) persons eligible to be served by DedicatedPLUS projects as described in Section III.B.2.g of this NOFO in which case all units funded by the project must be used to serve program participants who meet the qualifications for DedicatedPLUS; or

(ii) persons experiencing chronic homelessness at the time they initially enroll in the project.

(b) New PH-RRH, Joint TH/PH-RRH, and SSO-CE projects may serve persons who qualify as homeless under paragraphs (1), (2), or (4) of 24 CFR 578.3. Additionally, these projects may serve persons who qualify as homeless under paragraph (3) of 24 CFR 578.3 if the CoC is approved to serve persons in paragraph (3).

(c) New DV Bonus projects (RRH, Joint TH/PH-RRH, and SSO-CE) must serve survivors of domestic violence, dating violence, sexual assault, or stalking who qualify as homeless under paragraph (4) of 24 CFR 578.3.

(3) *YHDP Replacement Projects*. YHDP replacement projects must serve youth aged 24 or younger, including unaccompanied and pregnant or parenting youth, including as necessary to reunite youth aged 24 or younger with family members, who meet the definition of homeless under paragraphs (1), (2) or (4) of 24 CFR 578.3. Additionally, these projects may serve youth aged 24 and under who qualify as homeless under paragraph (3) of 24 CFR 578.3 if the CoC is approved to serve persons in paragraph (3).

### III. Continuum of Care Program Requirements

#### A. Standard HUD Definitions

**Affirmatively Furthering Fair Housing (AFFH)**. See 24 CFR 578.93(c) for specific Affirmatively Furthering Fair Housing requirements that apply to the CoC program.

**Assistance Listings (formerly CFDA)** refers to the publicly available listing of Federal assistance programs managed and administered by the General Services Administration, formerly known as the Catalog of Federal Domestic Assistance (CFDA). Assistance Listing

Number is a unique number assigned to identify a Federal Assistance listing, formerly known as the CFDA.

**Deficiency** is information missing or omitted within a submitted application. Examples of deficiencies include missing documents, information on a form, or some other type of unsatisfied information requirement (e.g., an unsigned form, unchecked box.). Depending on specific criteria, deficiencies may be either curable or non-curable.

- Curable deficiencies may be corrected by the applicant with timely action. To be curable the deficiency must:
  - not be a threshold requirement, except for documentation of applicant eligibility;
  - not influence how an applicant is ranked or scored versus other applicants; and
  - be remedied within the time frame specified in the notice of deficiency.
- Non-curable deficiencies cannot be corrected by an applicant after the submission deadline. Non-curable deficiencies are deficiencies that, if corrected, would change an applicant's score or rank versus other applicants. Non-curable deficiencies may result in an application being marked ineligible, or otherwise adversely affect an application's score and final determination.

**DUNS Number** is the nine-digit Dun & Bradstreet Data Universal Number System (DUNS) identification number assigned to a business or organization by Dun & Bradstreet and provides a means of identifying business entities on a location-specific basis. The DUNS number remains the official identifier for doing business with the U.S. Government until April 4, 2022.

**Eligibility requirements** are mandatory requirements for an application to be eligible for funding.

**Federal award** has the meaning, depending on the context, in either paragraph (i) or (ii) of this definition:

1. (i) The Federal financial assistance that a recipient receives directly from a Federal awarding agency or a subrecipient receives indirectly from a pass-through entity, as described in [2 CFR §200.101](#); or  
(ii) The cost-reimbursement contract under the Federal Acquisition Regulations that a non-Federal entity receives directly from a federal awarding agency or indirectly from a pass-through entity, as described in [2 CFR §200.101](#).
2. The instrument setting forth the terms and conditions. The instrument is the grant agreement, cooperative agreement, other agreement for assistance covered in paragraph (2) of the definitions of Federal financial assistance in [2 CFR §200.1](#), and this NOFO, or the cost-reimbursement contract awarded under the Federal Acquisition Regulations.
3. Federal award does not include other contracts that a Federal agency uses to buy goods or services from a contractor or a contract to operate Federal Government owned, contractor operated facilities (GOCOs).
4. See also definitions of Federal financial assistance, grant agreement, and cooperative agreement in [2 CFR 200.1](#).

**System for Award Management (SAM)** is the Federal Repository into which an entity must provide information required for the conduct of business as a recipient. Registration with SAM is required for submission of applications via *e-snaps*. You can access the website at <https://www.sam.gov/SAM/> . There is no cost to use SAM.

**Threshold Requirements** are eligibility and quality requirements that must be met for an application to be reviewed. Threshold requirements are not curable, except for documentation of applicant eligibility, and are listed in Section V of this NOFO. Similarly, there are eligibility requirements under Section V.

**Unique Entity Identifier** means the identifier required for SAM registration to uniquely identify business entities.

Regulatory citations are provided below so applicants can refer to specific areas of the Rule. Projects awarded CoC Program funds are subject to the program regulation as it may be amended from time to time, however, YHDP renewal and YHDP replacement projects and awards are subject to CoC Program regulations except as otherwise provided in this NOFO (see Section II.B.7).

**B. Definitions and Concepts.** The definitions and concepts contained in this section include terms that are important for all applicants to understand to complete all parts of the FY 2022 CoC Consolidated Application in *e-snaps* on behalf of the CoC.

**1. Definitions from 24 CFR 578.3.** The following terms are defined in 24 CFR 578.3. Applicants must refer to the Rule for the definitions contained in this section.

- a. *Annual Renewal Amount (ARA)*
- b. *Applicant*
- c. *Centralized or Coordinated Assessment System*
- d. *Chronically Homeless*
- e. *Collaborative Applicant*
- f. *Continuum of Care*
- g. *Consolidated Plan*
- h. *High Performing Community (HPC)*
- i. *Homeless Management Information System*
- j. *Homeless Management Information Lead*
- k. *Homeless. Although not reflected in the regulation, section 605 of Violence Against Women Act Reauthorization Act of 2022 amended Section 103(b) of the Act and requires HUD to consider certain individuals and families as homeless. This amendment takes effect on October 1, 2022. Notwithstanding anything to the contrary contained elsewhere in this NOFO, where 578.3 paragraph (4) is referenced, applicants may apply to serve the population as defined in Section 103(b) of the Act.*
- l. *Permanent Housing*
- m. *Permanent Supportive Housing*
- n. *Private Nonprofit Organization*
- o. *Program Participant*
- p. *Project*
- q. *Recipient*
- r. *Subrecipient*

- s. *Transitional Housing*
- t. *Unified Funding Agency*
- u. *Victim Service Provider*

**2. CoC Program NOFO Concepts.** The following terms are not found in 24 CFR 578.3 but may be found in other areas of the Rule or are used in this NOFO to define concepts that pertain specifically to the FY 2022 CoC Consolidated Application.

a. *Annual Renewal Demand (ARD) (24 CFR 578.17(b)(2)).* The total amount of all the CoC's projects that will be eligible for renewal in the FY 2022 CoC Program Competition, before any required adjustments to funding for leasing, rental assistance, and operating Budget Line Items (BLIs) based on FMR changes. The ARD will be calculated by combining the total amount of funds requested by eligible renewal projects from eligible:

- (1) renewal projects approved and ranked on the Renewal Project Listing;
- (2) renewal project amount(s) that were reallocated as recorded on the reduced or eliminated reallocation forms of the CoC Priority Listing;
- (3) renewal YHDP projects on the YHDP Renewal Project Listing; and
- (4) replacement YHDP projects on the YHDP Replacement Project Listing as these projects are eligible for funding as renewal YHDP projects but have chosen to submit the application as a YHDP replacement project with the amount of funding that is eligible for renewal.

b. *Beds Dedicated to Chronically Homeless Individuals and Families.* A permanent supportive housing bed that is dedicated specifically for use by chronically homeless individuals and families within a CoC's geographic area, as reported in the CoC's HIC and the FY 2022 PH project applications. When a program participant exits the project, the bed must be filled by another chronically homeless participant unless there are no chronically homeless persons located within the CoC's geographic area. This concept only applies to permanent supportive housing projects.

c. *CoC Bonus Project.* Collaborative Applicants may include new project applications of up to 5 percent of its CoC Final Pro Rata Need (FPRN). New projects created through the CoC Bonus must meet the project eligibility and project quality threshold requirements established by HUD in Sections V.C.4.b and c of this NOFO. To be eligible to receive a CoC Bonus project, a Collaborative Applicant must demonstrate its CoC ranks projects based on how they improve system performance as outlined in Section VII.B.2.b of this NOFO.

d. *CoC Merger.* The CoC merger is a process where two or more CoCs voluntarily agree to merge the entire geographic areas of all CoCs into one larger CoC. HUD strongly encourages CoCs that struggle with the capacity to merge with a neighboring CoC or Balance of State CoC during each fiscal year's CoC Program Registration process. To encourage CoC mergers and mitigate the potential adverse scoring implications that may occur when a high performing CoC merges with one or more lower-performing CoC(s), HUD will award up to 25 bonus points to CoCs that first registered as a merged CoC between the FY 2021 and FY 2022 CoC Program Registration process. The minimum number of points awarded will be 5 with the maximum points awarded up to 25. To be eligible for these points, the merged CoC

must include all the geographic areas previously included in two or more CoCs that received funding in the FY 2021 CoC Program Competition. Points will be awarded as follows:

- (1) 5 bonus points to CoCs that merged;
- (2) 10 bonus points to CoCs where one or more of the merging CoCs had a CoC Application score of 140 points or lower in either the FY 2019 or FY 2021 CoC Program Competitions; and
- (3) 10 points to CoCs that demonstrate that the results of their Point-in-Time counts were affected by the changes in methodology that resulted from the merger in a way that would affect their CoC score.

e. *Consolidated Plan Certification.* The standard form, Certification of Consistency with the Consolidated Plan (form HUD-2991), in which a state or local official certifies that the proposed activities or projects are consistent with the jurisdiction's Consolidated Plan and, if the project applicant is a state or unit of local government, that the jurisdiction is following its Consolidated Plan per the requirement of 24 CFR part 91. All project applications submitted and listed on the CoC Project Listings by the Collaborative Applicant must be included in the certification either by submitting one correctly signed and dated HUD-2991 from the appropriate jurisdiction that includes an attachment listing of all submitted project applications, or a single signed and dated HUD-2991 for each individual project application from the appropriate jurisdiction.

f. *Consolidation.* The process by which two or more projects eligible for renewal in the FY 2022 CoC Program Competition apply for funding and are combined into a single renewal project upon award. See Sections II.B.6, and V.B.4.a.(7) of this NOFO for additional information.

g. *DedicatedPLUS Project.* A permanent supportive housing project where 100 percent of the beds are dedicated to serve individuals, households with children, and unaccompanied youth (including pregnant and parenting youth) that at intake meet one of the following categories:

- (1) experiencing chronic homelessness as defined in 24 CFR 578.3;
- (2) residing in a transitional housing project that will be eliminated and meets the definition of chronically homeless in effect at the time in which the individual or family entered the transitional housing project;
- (3) residing in a place not meant for human habitation, emergency shelter, or Safe Haven and had been admitted and enrolled in a PH project within the last year but were unable to maintain a housing placement and met the definition of chronic homeless as defined by 24 CFR 578.3 prior to entering the project;
- (4) residing in transitional housing funded by a Joint TH/PH-RRH component project and who were experiencing chronic homelessness as defined at 24 CFR 578.3;
- (5) residing and has resided in a place not meant for human habitation, Safe Haven, or emergency shelter for at least 12 months in the last three years, but has not done so on four separate occasions and the individual or head of household meet the definition of 'homeless individual with a disability; or

(6) receiving assistance through a Department of Veterans Affairs (VA)-funded homeless assistance program and met one of the above criteria at initial intake to the VA's homeless assistance system.

A renewal project where 100 percent of the beds were dedicated to chronically homeless individuals and families, as described in Section III.B.2.b, under the grant that is being renewed may either become a DedicatedPLUS project or may continue to dedicate 100 percent of its beds to chronically homeless individuals and families. If a renewal project that has 100 percent of its beds dedicated to chronically homeless individuals and families elects to become a DedicatedPLUS project, the project will be required to adhere to all fair housing requirements at 24 CFR 578.93.

Projects that were awarded as DedicatedPLUS in a previous CoC Program Competition are required to continue to include households with children to qualify as a DedicatedPLUS project in the FY 2022 CoC Program Competition.

h. *Domestic Violence, Dating Violence, Sexual Assault, and Stalking Bonus (DV Bonus)*. A new project that is dedicated to survivors of domestic violence, dating violence, sexual assault, or stalking who qualify under paragraph (4) of the definition of homeless at 24 CFR 578.3. New DV Bonus projects are subject to the limitation on new projects in Section II.B.1.a of this NOFO, and a CoC may apply for up to 10 percent of its Preliminary Pro Rata Need (PPRN) to create a new DV Bonus project(s); however, this amount is limited to a:

- (1) a minimum of \$50,000 if 10 percent of the CoC's PPRN is less than \$50,000; or
- (2) maximum of \$5 million if 10 percent of the CoC's PPRN is more than \$5 million.

See Sections II.B.5 and II.B.11.e of this NOFO for project application requirements and how DV Bonus projects will be reviewed and selected.

i. *Eligible Renewal Project*. A project that will be under grant agreement by December 31, 2022 and will have an expiration date in CY 2023 (between January 1, 2023, and December 31, 2023).

j. *Expansion*. The process by which a renewal project applicant submits a new project application to expand its current operations by adding units, beds, persons served, services provided to existing program participants, or in the case of HMIS, increase the current HMIS activities within the CoC's geographic area. DV Bonus funds can only be used to expand an existing renewal project if the expansion project is dedicated to survivors of domestic violence, dating violence, sexual assault, or stalking who qualify under paragraph (4) of the definition of homeless at 24 CFR 578.3; however, as explained in II.B.11.e, only the new project application for the expansion will be considered for DV Bonus funds. For projects that are expanding their current CoC Program-funded project, project applicants will be required to submit:

- (1) the renewal project application that will be expanded; and
- (2) a new project application with the expansion information.

YHDP projects cannot use the expansion process.



If a project application does not meet the above requirements, or if the renewal project the new project application is proposing to expand is not selected for award, HUD will review the new project and will consider it as a standalone project during the selection process provided that the project is feasible on its own with its requested funding and provided it passes project eligibility and project quality threshold requirements.

k. *Final Pro Rata Need (FPRN) (24 CFR 578.17(b)(3))*. The higher of PPRN or ARD for the Continuum of Care is the FPRN, which is the base for the maximum award amount for projects within the CoC.

l. *Formula Area*. Defined in the Indian Housing Block Grant Program at [24 CFR 1000.302](#).

m. *Homelessness and Human Trafficking*. HUD is clarifying that persons who are fleeing or attempting to flee human trafficking may qualify as homeless under paragraph (4) of the homeless definition at 24 CFR 578.3; and, therefore, the individuals may be eligible for certain forms of homeless assistance under the CoC Program, subject to other restrictions that may apply. HUD considers human trafficking, including sex trafficking, to be “other dangerous or life-threatening conditions that relate to violence against the individual or family member” under paragraph (4) of the definition of homeless at 24 CFR 578.3.

n. *Host Home and Kinship Care*. Host Home and Kinship Care is limited to YHDP renewal and replacement grants. This is a model of housing where a family agrees to permit a youth program participant to reside with them. Recognizing the addition of another person in the home may increase costs to the family, HUD will consider YHDP replacement project applications that propose to house youth with families and subsidize the additional costs attributable to housing the youth. An example of eligible costs would be additional food or transportation costs, which are eligible supportive services under 24 CFR 578.53(e)(7) or 24 CFR 578.53(e)(15). Records must be kept related to this determination by the recipient for HUD review upon request. The residence is in a community-based setting and the family may be related to youth program participants with a time-limited or unlimited length of stay.

o. *Housing First*. A model of housing assistance that prioritizes rapid placement and stabilization in permanent housing that does not have service participation requirements or preconditions (such as sobriety or a minimum income threshold). Transitional housing and supportive service only projects are considered using a Housing First model for the purposes of this NOFO if they operate with low barriers, work to quickly move people into permanent housing, do not require participation in supportive services, and, for transitional housing projects, do not require preconditions for moving into the transitional housing (e.g., sobriety or minimum income threshold) but do provide or assist with access to such supportive services if needed and requested by program participants. Additional information regarding Housing First is in Section II.A.2 of this NOFO.

p. *Housing Inventory Count (HIC)*. A complete listing of the CoC's HUD and non-HUD funded beds dedicated to individuals and families experiencing homelessness in the CoC's geographic area.

q. *Indian Tribe*. A federally recognized tribe or a State recognized tribe as defined in Section 4 of NAHASDA (25 U.S.C. 4103).

r. *Joint TH/PH-RRH Component Project.* The Joint TH/PH-RRH component project combines two existing program components—transitional housing and permanent housing-rapid rehousing—in a single project to serve individuals and families experiencing homelessness. HUD will require the recipient to adopt a Housing First approach (see Sections II.A.2 and III.B.2.o of this NOFO) across the entire project and program participants may only receive up to 24-months of total assistance. For more information about Joint TH/PH-RRH component projects, see Section V.C.4.c of this NOFO.

If funded, HUD will limit eligible costs as follows, in addition to other limitations found in the Rule:

- (1) leasing of a structure or units, and operating costs to provide transitional housing;
- (2) short- or medium-term tenant-based rental assistance on behalf of program participants to pay for the rapid rehousing portion of the project;
- (3) supportive services;
- (4) HMIS; and
- (5) project administrative costs.

When a program participant is enrolled in a Joint TH/PH-RRH component project, the recipient or subrecipient must be able to provide both components, including the units supported by the transitional housing component and the tenant-based rental assistance and services provided through the PH-RRH component, to all participants. A program participant may choose to receive only the TH unit or the assistance provided through the PH-RRH component, but the recipient or subrecipient must make both types of assistance available. Additionally, if CoC Program funds are not being requested for both TH and PH-RRH units, the project application must describe and include the number of TH and PH-RRH units that will be utilized by the project from another funding source, if selected for conditional award, and provide details in the project description of how TH and PH-RRH assistance will be provided.

s. *Non-Dedicated Permanent Supportive Housing Beds.* Permanent supportive housing beds within a CoC's geographic area that are not currently classified as dedicated for use by chronically homeless individuals and families or as DedicatedPLUS.

t. *Persons with Lived Experience.* Persons with first-hand knowledge of homelessness who can share their perspective on how social, economic, and political situations affect homelessness. Provides insight, training, and voice from persons who have or are experiencing homelessness regarding the current homeless system through discussion, recommendation, and participation.

u. *Preliminary Pro Rata Need (PPRN).* The amount of funds a CoC could receive, based on the geographic areas included by the CoC as part of their geography and reviewed by HUD during the CoC Program Registration process. To determine the amount of funding available for each geographic area, HUD will use the formula described in Section IV.B.7 of [CPD-22-02](#): CoC Program Registration Notice.

v. *Racial Disparities*. Racial disparities are differences in the homeless population based on race or ethnicity relative to the general population or differences in the provision or outcomes of homelessness assistance based on race or ethnicity.

w. *Rapid Rehousing*. A type of permanent housing meeting the requirements of 24 CFR 578.37(a)(1)(ii).

x. *Reallocation*. Reallocation is a process CoCs use to shift funds in whole or part from existing eligible renewal projects to create one or more new projects without decreasing the CoC's ARD. New projects created through reallocation must meet the requirements set forth in Section II.B.1 of this NOFO and the project eligibility and project quality thresholds established by HUD in Sections V.C.4.b and c of this NOFO. CoCs may only reallocate eligible renewal projects that have previously been renewed under the CoC Program. To create a Transition Grant (see Section III.B.2.cc of this NOFO), the CoC must wholly eliminate one or more projects and use those funds to create a single, new transition grant. YHDP projects cannot be reallocated.

y. *Reservation*. For purposes of this Notice, reservations are a type of formula area as specifically delineated under HUD's IHBG program at 24 CFR 1000.302.

z. *Shared Housing*. Shared housing is limited to YHDP renewal and replacement grants. A housing option for youth program participants who are not part of a household but are interested in sharing a housing unit with a roommate unrelated to the program participant. Each youth program participant must have their own lease where the rent is calculated on the youth's income, not the combined income of all residents within the unit. Grant funds can be used to rent a portion of the unit for their bedroom (or portion of if sharing with another person) plus a portion of shared living spaces (e.g., living room, kitchen).

aa. *Solo Applicants*. Per the Act, "A solo applicant may submit an application to the Secretary for a grant under subsection (a) and be awarded such grant on the same basis as such grants are awarded to other applicants based on the criteria described in section 427 [42 USC 11386a], but only if the Secretary determines that the solo applicant has attempted to participate in the continuum of care process but was not permitted to participate in a reasonable manner. The Secretary may award such grants directly to such applicants in a manner determined to be appropriate by the Secretary." A solo applicant must submit a solo applicant project application in e-snaps prior to the application deadline of 8:00 PM EDT on September 30, 2022. Additionally, for HUD to consider its solo application, a solo applicant must also meet all the requirements outlined in Section X.C of this NOFO.

bb. *Tribally Designated Housing Entity*. For purposes of this Notice, this term has the same meaning as in Section 4 of NAHASDA (25 U.S.C. 4103).

cc. *Transition Grant*. A grant to fund a new CoC project to transition an eligible renewal project being eliminated through reallocation from one program component to another eligible new component over a 1-year period. The new transition project must meet the following requirements:

- (1) transition grants in this Competition are eligible for renewal in subsequent fiscal years for eligible activities of the new component;

(2) to be eligible to receive a transition grant, the current recipient must have the consent of its Continuum of Care; and

(3) the new project application must meet project eligibility and project quality thresholds established by HUD in Sections V.C.4.b and c of this NOFO.

All remaining funds must be used for eligible activities awarded under the new component for the project. Transition grants conditionally awarded in the FY 2022 CoC Program Competition will have one year to fully transition from the original component to the new component during the normal operating year (e.g., April 1, 2023 through March 31, 2024) once the grant agreement is executed. The project's operating start date will be the day after the end of the previous grant term for the expiring component, i.e., the transition grant will have the same operating year as the expiring component project. For transition grants reallocated from more than one project, the operating start date of the transition grant will be the day after the end of the earliest expiring grant term. The grant term may be extended consistent with 2 CFR 200.308 and 2 CFR 200.309. By the end of the operating year for which FY 2022 funds were awarded, the transition grant must be fully operating under the new component and will be eligible to apply for renewal in the next CoC Program Competition under the component to which it transitioned.

For a new project to be considered a transition grant, the new project applicant must be the recipient listed on the current grant agreement for the eligible renewal grant(s) being eliminated and must include the grant number(s) of the project(s) being eliminated to create the new project and attach a copy of the most recently awarded project application (most projects will attach a copy of the FY 2021 CoC Program Competition project application).

To meet the requirements HUD will consider the following as CoC consent for the transition grant:

- the project application identifies the project as a transition project,
- and the CoC ranks the new transition grant project on the New Project Listing in the FY 2022 CoC Priority Listing.

If HUD determines a new project submitted as a transition grant does not qualify but meets all other new project requirements, HUD may award the project as a new non-transition grant project. If this occurs, the recipient will not be permitted to expend any FY 2022 funds until the new project grant agreement is executed by the local HUD field office.

dd. *Trust Land*. For purposes of this Notice, trust lands are a type of formula area as delineated under HUD's IHBG program at 24 CFR 1000.302

ee. *Underserved Communities*. Populations sharing a particular characteristic, as well as geographic communities, that have been systemically denied a full opportunity to participate in aspects of economic, social, and civic life, as exemplified by the list in the Executive Order On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government definition of equity (Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities (including HIV/AIDS); persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality).

**C. Establishing and Operating the CoC.** 24 CFR 578.5 and 24 CFR 578.7 detail the requirements for the establishment of a CoC and its responsibilities.

**D. CoC Geographic Area.** 24 CFR 578.5 require representatives from relevant organizations within a geographic area to establish a CoC to carry out the duties within the geographic area. The boundaries of identified CoC geographic areas cannot overlap, and any overlapping geographies are considered Competing CoCs. HUD follows the process at 24 CFR 578.35(d) to determine which CoC HUD will fund in the case of CoC geographic areas that overlap. For the FY 2022 CoC Program Competition, there are no Competing CoCs.

**E. Planning Duties of the CoC.** Planning duties for CoCs are detailed in 24 CFR 578.7.

**F. Centralized or Coordinated Assessment System.** The definition of Centralized or Coordinated Assessment is found at 24 CFR 578.3. 24 CFR 578.7(a)(8) details the responsibilities of the CoC to establish and operate this required system. In addition to the definition and responsibilities established in the Rule, HUD posted on its website, [CPD-17-01: Notice Establishing Additional Requirements for a Continuum of Care Centralized or Coordinated Assessment System](#), establishing additional requirements related to the development and use of a centralized or coordinated entry assessment system. These systems help communities assess the needs of program participants and effectively match individuals and families experiencing homelessness with the most appropriate resources available to address their supportive service and housing needs. CoCs may use planning costs to design and plan for the implementation of a centralized or coordinated assessment system; however, once the system is established and operating, the costs of operating it are not eligible planning costs. CoCs must operate the system with CoC Program funds, other funds, or a combination of the two.

**G. CoC Program Components.** 24 CFR 578.37 states CoC funds may be used to create and operate projects under five program components: PH (including PSH and RRH); TH; SSO; HMIS; and in some cases, homelessness prevention. Only designated HPCs may carry out homelessness prevention activities through the CoC Program. Although CoCs were able to apply for HPC designation during the FY 2022 CoC Program Registration process, HUD did not receive any requests for HPC designation; therefore, no CoCs may request funds for homelessness prevention. The only components that will be funded in the FY 2022 CoC Program Competition are:

1. PH (PSH and RRH);
2. TH;
3. SSO; and
4. HMIS.

Additionally, Collaborative Applicants may apply for projects that include the TH and PH-RRH component in a single project, a Joint TH and PH-RRH component project.

**H. Collaborative Applicant.** HUD will only review CoC Consolidated Applications submitted by the Collaborative Applicant that is designated by the CoC. The Collaborative Applicant is required to compile all parts of the CoC Consolidated Application, including the FY 2022 CoC Application, the FY 2022 CoC Priority Listing, and all project applications requesting FY 2022 funds the CoC has ranked for funding within the geographic area (24 CFR 578.9(a)(3)). Additionally, the Collaborative Applicant is the only entity that may apply to HUD for CoC planning costs and if designated as a UFA by HUD, for UFA Costs (24 CFR 578.3).

**I. Compliance with Violence Against Women Act (VAWA) Rule.** Provides various protections to victims of domestic violence, dating violence, sexual assault, and stalking under the CoC Program and other HUD programs. The grants awarded under this NOFO must comply with the VAWA Rule as provided in 24 CFR 578.99(j). Among other obligations to comply, each CoC must have an established emergency transfer plan (24 CFR 578.7(d)) and make related updates to the written standards for administering CoC program assistance under 24 CFR 578.7(a)(9)(ii), (iii) and (v).

**J. CoC Maximum Award and FMR Adjustments.** The process for determining a CoC's maximum award amount is detailed in 24 CFR 578.17(b). HUD is required to adjust awards for leasing, operating, and rental assistance BLIs based on changes to the Fair Market Rents (FMR). All adjustments for each fiscal year appropriation will be made prior to award announcement. HUD will make these adjustments as follows:

1. Funds awarded for rental assistance will be adjusted in one of two ways.

a. Funds awarded for rental assistance in all new and renewal projects requesting the FMR will be adjusted by applying the FMR in effect at the time of application submission to HUD, including instances where the FMR for a specific area has decreased from the previous year.

b. Funds awarded for rental assistance for renewal projects that request less than FMR (i.e., a per-unit amount based on the actual rent costs per unit), will be increased based on the average increase in FMR amounts within the CoC's geographic area, weighted for population density. If the FMR for a specific area decreased from the previous year, project applicants will not receive an award that exceeds the FMR after adjustment. If the FMR for the project applicant's entire area decreased from the previous year, the project will be awarded the lesser amount of the per-unit amount requested by the project applicant, based on the actual rent costs per unit, or the FMR after adjustment.

2. Funds awarded for operating and leasing in PH projects will be increased based on the average increase in FMR amounts within the CoC's geographic area, weighted for population density. Because leasing and operating costs do not decrease relative to rent amounts for specific units (e.g., operating costs for 10 units that have rents of \$500 are likely the same as for 10 units that have rents that are \$450) adjustments to leasing and operating BLIs will not include decreases if FMRs decrease in the geographic area. The operating and leasing BLIs in these projects will remain the same as in the most recent grant agreement or grant agreement amendment.

## **IV. Award Information**

### **A. Available Funds**

Funding of approximately \$2,794,000,000 is available through this NOFO. Additional funds may become available for award under this NOFO, because of HUD's efforts to recapture funds, use carryover funds, or because of the availability of additional appropriated funds. Use of these funds is subject to statutory constraints. All awards are subject to the funding restrictions contained in this NOFO.

HUD will continue to require Collaborative Applicants to rank all projects (new reallocation, CoC Bonus, DV Bonus, and renewal) other than YHDP renewal, YHDP replacement, CoC planning, and if applicable, UFA Costs projects in two tiers. Tier 1 is equal to 95% of the combined ARD amounts as described in Section III.B.2.a of this NOFO. Tier 2 is the difference

between Tier 1 and the maximum amount of CoC renewal, reallocation, and CoC bonus funds that a CoC can apply for, but does not include YHDP renewal, YHDP replacement, CoC planning, and if applicable, UFA Costs projects, or projects selected with DV Bonus funds. CoC Planning and UFA Cost projects will be reviewed separately from these tiers. YHDP renewal and YHDP replacement projects are being non-competitively awarded separately from the tiers. The \$52,000,000 in available DV Bonus funding is also being awarded separately from the tiers as described in II.B.11.e. for new projects (including the new projects that are part of an expansion) that CoCs indicate they would like considered for the available DV Bonus funding.

**B. Lead-Based Paint Requirements.** When providing housing assistance funding for purchase, lease, support services, operation, or work that may disturb painted surfaces, of pre-1978 housing, you must comply with the lead-based paint evaluation and hazard reduction requirements of HUD's lead-based paint rules (Lead Disclosure; and Lead Safe Housing (24 CFR part 35)), and the EPA's lead-based paint rules (e.g., Repair, Renovation and Painting; Pre-Renovation Education; and Lead Training and Certification (40 CFR part 745)).

When providing education or counseling on buying or renting housing that may include pre-1978 housing, applicants must inform clients of their rights under the Lead Disclosure Rule (24 CFR part 35, subpart A.), and, if the focus of the education or counseling is on rental or purchase of HUD-assisted pre-1978 housing, the Lead Safe Housing Rule (subparts B, R, and as applicable, F-M).

## V. Eligibility Information

### A. Eligible Applicants

HUD does not award grants to individuals. HUD will also not evaluate applications from ineligible applicants.

1. **SAM Registration Requirement.** Applicants must be registered with <https://www.sam.gov/SAM> before submitting their application. Applicants must maintain current information in SAM on immediate and highest-level owner and subsidiaries, as well as on all predecessors that have been awarded a federal contract or grant within the last three years, if applicable. Information in SAM must be current for all times during which the applicant has an active Federal award or an application or plan under consideration by HUD.
2. **UEI Number Requirement.** Applicants must provide a valid UEI number, registered and active at <https://www.sam.gov/SAM> in the application.

The DUNS number remains the official identifier for doing business with the U.S. Government only until April 4, 2022. As of April 4, 2022, entities doing business with the federal government must use the Unique Entity Identifier created in SAM.gov.

### 3. Faith Based Organizations

- a. Faith-based organizations may apply for this award on the same basis as any other organization, as set forth at [24 CFR 5.109](#), and subject to the protections and requirements of 42 U.S.C. 2000bb et seq., HUD will not, in the selection of recipients, discriminate against an organization on the basis of the organization's religious character, affiliation, or exercise.
- b. A faith-based organization that participates in this program will retain its independence and may continue to carry out its mission consistent with religious freedom and conscience protections in Federal law, including the Free Speech and Free Exercise Clauses of the Constitution, 42 U.S.C. 2000bb et seq., 42 U.S.C. 238n, 42 U.S.C. 18113, 42 U.S.C. 2000e-

1(a) and 2000e-2(e), 42 U.S.C. 12113(d), and the Weldon Amendment, among others. Religious accommodations may also be sought under many of these religious freedom and conscience protection laws, particularly under the Religious Freedom Restoration Act.

c. A faith-based organization may not use direct financial assistance from HUD to support or engage in any explicitly religious activities except where consistent with the Establishment Clause and any other applicable requirements. Such an organization also may not, in providing services funded by HUD, discriminate against a beneficiary or prospective program beneficiary on the basis of religion, religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice.

## **B. Rules and Regulations Applicable to HUD NOFOs**

Applicants must comply with these rules to apply.

### **1. Eligibility Requirements for Applicants of HUD's Grant Programs.**

Evidence of the following issues may prevent an award from being granted to otherwise successful project applicants. Detailed information on each requirement is posted on [HUD's Funding Opportunities Page](#).

- Outstanding Delinquent Federal Debt
- Debarments and/or Suspensions
- Pre-selection Review of Performance
- Sufficiency of Financial Management System
- False Statements
- Mandatory Disclosure Requirement
- Conducting Business in Accordance with Ethical Standards/Code of Conduct
- Prohibition Against Lobbying Activities
- In addition, each applicant under this NOFO must have the necessary processes and systems in place to comply with the Award Term in Appendix A of 2 CFR part 170 if the applicant receives an award unless an exception applies as provided in 2 CFR 170.110.

**2. Resolution of Civil Rights Matters.** Outstanding civil rights matters must be resolved before the application submission deadline. Project applicants, who after review are confirmed to have civil rights matters unresolved at the application submission deadline, will be deemed ineligible. Their applications will receive no further review, will not be rated and ranked, and will not receive funding.

- a. Project applicants having any of the charges, cause determinations, lawsuits, or letters of findings referenced in subparagraphs (1) – (5) that have not been resolved to HUD's satisfaction before or on the application submission deadline date are ineligible for funding. Such matters include:
  - i. Charges from HUD concerning a systemic violation of the Fair Housing Act or receipt of a cause determination from a substantially equivalent state or local fair housing agency concerning a systemic violation of a substantially equivalent state or local fair housing law proscribing discrimination because of race, color, religion, sex, national origin, disability, or familial status;
  - ii. Status as a defendant in a Fair Housing Act lawsuit filed by the Department of Justice alleging a pattern or practice of discrimination or denial of rights to a group of persons raising an issue of general public importance under 42 U.S.C. 3614(a);



- iii. Status as a defendant in any other lawsuit filed or joined by the Department of Justice, or in which the Department of Justice has intervened, or filed an amicus brief or statement of interest, alleging a pattern or practice or systemic violation of Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Section 109 of the Housing and Community Development Act of 1974, the Americans with Disabilities Act or a claim under the False Claims Act related to fair housing, non-discrimination, or civil rights generally including an alleged failure to affirmatively further fair housing;
  - iv. Receipt of a letter of findings identifying systemic non-compliance with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Section 109 of the Housing and Community Development Act of 1974; or the Americans with Disabilities Act; or
  - v. Receipt of a cause determination from a substantially equivalent state or local fair housing agency concerning a systemic violation of provisions of a state or local law prohibiting discrimination in housing based on sexual orientation, gender identity, or lawful source of income.
- b. HUD will determine if actions to resolve the charge, cause determination, lawsuit, or letter of findings taken before the application submission deadline date will resolve the matter. Examples of actions that may be sufficient to resolve the matter include, but are not limited to:
- i. Current compliance with voluntary compliance agreement signed by all parties;
  - ii. Current compliance with a HUD-approved conciliation agreement signed by all the parties;
  - iii. Current compliance with conciliation agreement signed by all parties and approved by the state governmental or local administrative agency with jurisdiction over the matter;
  - iv. Current compliance with a consent order or consent decree;
  - v. Current compliance with a final judicial ruling or administrative ruling or decision; or
  - vi. Dismissal of charges.

### **3. Program Specific Requirements.**

a. *Participative Planning and Implementation.* Applicants must identify the steps they will take to ensure that traditionally marginalized populations (such as racial and ethnic minorities and persons with disabilities) will be able to meaningfully participate in the planning process. The applicant must identify the specific populations that it will include, identify community organizations that represent these populations, and describe how these populations will be included in the planning process. For capital investment projects, grantees should commit to and demonstrate plans to employ low-income and very low-income persons and/or utilize Section 3 businesses at levels beyond those required by Section 3. In seeking public participation, applicants and recipients must ensure that all communications are provided in a manner that is effective for persons with hearing, visual, and other communication-related disabilities consistent with Section 504 of the Rehabilitation Act of 1973 and, as applicable, the Americans with Disabilities Act. In addition, Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d and Executive Order

13166 require that grantees take reasonable steps to ensure meaningful access to services, programs, and activities by persons with Limited English Proficiency (LEP persons).

b. *Eligible Project Applicants (McKinney-Vento Act, 24 CFR 578.15, 24 CFR 5.100)*. Eligible project applicants for the CoC Program Competition are found at 24 CFR 578.15 and in the Act and include nonprofit organizations, states, local governments, instrumentalities of state and local governments, Indian Tribes and TDHE (as defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103) (TDHEs)). Public housing agencies, as such term is defined in 24 CFR 5.100, are eligible without limitation or exclusion. For-profit entities are ineligible to apply for grants or to be subrecipients of grant funds.

c. *Renewal Projects*. Awards made under the CoC Program and YHDP are eligible for renewal with FY 2022 funds if they are currently in operation and have an executed grant agreement that is dated no later than December 31, 2022 and expire in CY 2023 (the period from January 1, 2023 through December 31, 2023). Projects renewed under the FY 2022 CoC Program Competition NOFO are renewable as set forth in 24 CFR 578.33 to continue ongoing leasing, operating, supportive services, rental assistance, HMIS, and project administrative costs. YHDP is being administered under the Consolidated Appropriations Act, 2022 which permits YHDP projects to be renewed or replaced non-competitively through the CoC Program. Except as otherwise provided in Section II.B.7 of this NOFO, all YHDP projects and awards will be governed by the requirements of the Rule. Grant agreements for FY 2021 funds must be executed by December 31, 2022 to be eligible for renewal. If a project application is not executed by December 31, 2022, HUD will withdraw any funds conditionally awarded for FY 2022.

Projects that were eligible under predecessor programs, specifically Safe Haven projects, will continue to be eligible under the CoC Program and will continue to be eligible for renewal of leasing, operating, supportive services, rental assistance, HMIS, and project administrative costs under 24 CFR 578.33(d)(1) so long as the project continues to serve the same population and the same number of program participants or units in the same type of housing as identified in their most recently amended grant agreement signed before August 31, 2012. No new Safe Haven projects will be funded; however, existing Safe Haven projects may be renewed to continue to carry out activities that are eligible costs under Subpart D of the Rule.

(1) The total request for each renewing project, including non-competitive YHDP renewal and YHDP replacement projects, may not exceed a project's ARA. Additionally, where two or more eligible projects are being consolidated through the project application, the total ARA of the consolidation project must be equal to or less than the sum of the original renewal projects.

(2) Because funds for acquisition, new construction, and rehabilitation may not be renewed, grants being renewed whose original expiring award included those funds may only renew leasing, supportive services, rental assistance, operating, and HMIS costs and may not exceed 10 percent in administrative costs. For information on ARA, see Section III.B.2.a of this NOFO.

(3) HUD will recapture grant funds remaining unspent at the end of the previous grant period when it renews a grant.

(4) HUD encourages the consolidation of eligible renewal grants as provided in Section II.B.6 of this NOFO. This does not apply to CoCs that are designated by HUD as a UFA, since UFAs will enter into a single renewal grant agreement with HUD for the CoC's entire geographic area.

d. *Renewal and Replacement Grant Terms.*

(1) Except as provided in d.(2) below, all CoC Program renewal, YHDP renewal, and YHDP replacement project applications are limited to a 1-year grant term and one year of funding. The grant term may be extended consistent with 2 CFR 200.308 and 2 CFR 200.309. Additionally, YHDP replacement projects cannot request capital costs (i.e., new construction, acquisition, or rehabilitation).

(2) Any renewal PH project that receives project-based rental assistance or operating costs may request up to a 15-year grant term; however, project applicants may only request one year of funding. The grant term may be extended consistent with 2 CFR 200.308 and 2 CFR 200.309. Project applicants must apply for the additional funds as a renewal project application prior to the anniversary of the first expenditure of grant funds by which date the grant funds should have been expended or, if the date upon which funds must be expended has been extended by HUD, the date upon which the extension ends. CoC Program funds are not guaranteed past the 1-year of renewal funding if conditionally awarded.

e. *New Projects.*

(1) CoCs may submit new projects created through reallocation, CoC Bonus, or a combination of reallocation and CoC Bonus, new DV Bonus projects, CoC planning project, and if applicable, UFA Costs project.

(2) To expend funds within statutorily required deadlines, applicants funded for sponsor-based and project-based rental assistance must execute the grant agreement and begin providing rental assistance within 2 years. However, HUD strongly encourages all rental assistance to begin within 12 months of award. Applicants that are unable to begin rental assistance within the 12-month period should consult with the local HUD CPD field office.

(3) HUD will review project subrecipient eligibility as part of the project quality threshold review process. Project applicants are required to submit documentation of the subrecipient's eligibility with the project application.

(4) Any youth-serving provider funded under this NOFO may serve unaccompanied youth aged 24 and under (or families headed by youth aged 24 and under) who have an unsafe primary nighttime residence and no safe alternative to that residence.

(5) Per the Consolidated Appropriations Act, 2022, to receive funding for a new project, except those created through reallocation, the CoC must demonstrate that projects are evaluated and ranked based on the degree to which they improve the CoC's system performance.

f. *New Project Grant Terms.* The initial grant term for new project applications may be 1-year, 2-years, 3-years, 4-years, 5-years, or 15-years. The grant term may be

extended consistent with 2 CFR 200.308 and 2 CFR 200.309. However, the following exceptions apply:

(1) HUD will allow new projects to request 1 year of funding with a longer initial grant term not to exceed 18 months. HUD has determined that most new projects requesting 1 year of funding normally take approximately 3 to 6 months to begin fully operating the new project (e.g., hiring staff, developing partnerships with landowners if leasing or renting). Therefore, a new project requesting 1 year of funding may request a grant term of 12 months to 18 months that will allow for the additional start-up process. Any new projects requesting capital costs (i.e., new construction, acquisition, or rehabilitation) are not eligible for 1-year requests. See (7) for further information on new projects requesting capital costs.

(2) Any new expansion project that is submitted to expand an eligible renewal CoC Program-funded project may only request a 1-year grant term, regardless of the project type.

(3) Any new project that requests tenant-based rental assistance may request a 1-year, 2-year, 3-year, 4-year, or 5-year grant term.

(4) Any new project that requests leasing costs-either leasing costs only or leasing costs plus other costs (e.g., supportive services, HMIS) may request up to a 3-year grant term.

(5) Any new project that requests project-based rental assistance or sponsor-based rental assistance, or operating costs may request up to a 15-year grant term; however, the project applicant may only request up to 5 years of funds. Funding for the remainder of the term is subject to availability. Applicants must apply for additional funds through a renewal project application in the competition held in the calendar year prior to the anniversary of the first expenditure of grant funds, or if the grant term has been extended by HUD, the date upon which the extension ends. CoC Program funds are not guaranteed past the initial 5-year grant term, if conditionally awarded.

(6) Any new project that requests operating costs, supportive services only, HMIS, and project administrative costs may request 1-year, 2-year, 3-year, 4-year, or 5-year grant terms with funding for the same number of years.

(7) Any new project that requests new construction, acquisition, or rehabilitation must request a minimum of a 3-year grant term and may request up to a 5-year grant term. Any new projects requesting capital costs (i.e., new construction, acquisition, or rehabilitation) are not eligible for 1-year requests. If 1-year of funding is requested for new projects with capital costs, HUD will increase the grant term to 3-years and the new project will be required to spend the funds requested over a 3-year period, assuming the project is conditionally selected for award.

(8) If an applicant requests funds for new construction, acquisition, or rehabilitation in addition to requesting funds for operating, supportive services, or HMIS, the funding will be for the 3-years to 5-years requested, and the grant term will be 3-years to 5-years plus the time necessary to acquire the property, complete construction, and begin operating the project. HUD will require recordation of a HUD-approved use and repayment covenant before funds can be drawn down (the form can be obtained from the local HUD

CPD field office) for all grants of funds for new construction, acquisition, and rehabilitation. (24 CFR 578.81) HUD Field Counsel must approve the use and repayment covenants in advance of their being recorded, and proof of recording must be submitted to HUD Field Counsel before grant funds, other than acquisition funds, will be released.

(9) All new CoC Planning or UFA Costs project applications are limited to 1-year grant terms and 1-year of funding.

(a) The maximum amount available for CoC planning project applications is 3 percent of FPRN or \$1,250,000; whichever is less.

(b) The maximum amount available for UFA Costs, only available for UFA designated Collaborative Applicants, is 3 percent of FPRN or \$1,250,000; whichever is less.

(10) Any new project that is requesting consideration under the DV Bonus (see Sections II.B.5 and III.B.2.h of this NOFO) may only request 1-year of funding but may request a longer initial grant term not to exceed 18 months regardless of project application type.

(11) New YHDP projects submitted to replace current renewal YHDP activities may only request 1-year of funding.

g. *Match.* 24 CFR 578.73 provides the information regarding match requirements. Project applicants that intend to use program income as a match must provide an estimate of how much program income will be used for the match. YHDP renewal or replacement projects will not be required to meet the 25 percent match requirement if the applicant is able to demonstrate it has taken reasonable steps to maximize resources available for youth experiencing homelessness.

h. *Eligible Costs.* 24 CFR 578.37 through 578.63 and section 423(a)(13) of the Act (42 USC 11383(a)(13)) identify the eligible costs for which funding may be requested under the CoC Program. Costs for renewing eligible YHDP renewal projects are eligible costs and may be requested under this NOFO. For YHDP replacement projects eligible costs under the CoC program, including section 423(a)(13) of the Act (42 USC 11383(a)(13)), and costs for eligible YHDP replacement activities described in V.B.4.a.(5) may be requested under this NOFO. HUD will reject any requests for ineligible costs, except as otherwise provided in this NOFO.

i. *Indirect Costs.* Normal indirect cost rules under 2 CFR part 200 apply. Project applicants that intend to charge indirect costs to the award must clearly state in the project application(s) the rate and distribution base the recipient intends to use, and if applicable, the rate and distribution base to be used by any sub-recipient(s). If the rate is a Federally negotiated indirect cost rate, the project application must include the corresponding negotiated indirect cost rate agreement signed by the cognizant agency. A government department or agency unit that receives no more than \$35 million in direct federal funding per year and has developed and maintains an indirect cost rate proposal and supporting documentation in accordance with 2 CFR part 200, appendix VII, may use the rate and distribution base specified in that indirect cost rate proposal, unless the cognizant agency requires the proposal to be submitted for negotiation.

For each applicant or intended sub-recipient that meets the conditions for the de minimis rate under 2 CFR 200.414(f) and will use that rate to charge indirect costs, the project application must clearly state the intended use of the de minimis rate of 10 percent of Modified Total Direct Costs (MTDC). As described in 2 CFR 200.403, costs must be consistently charged as either indirect or direct costs but may not be double charged or inconsistently charged as both. Once an organization elects to use the de minimis rate, the organization must apply this methodology consistently for all Federal awards until the organization chooses to negotiate for a rate, which the organization may apply to do at any time. Documentation of the decision to use the de minimis rate must be retained on file for audit.

#### **4. Criteria for Applicants.**

a. *Project Applications.* The following types of project applications will be eligible for completion and submission under this NOFO. Ineligible project applications will not be reviewed.

(1) *CoC planning projects.* All Collaborative Applicants are eligible and encouraged to apply for CoC planning funds which may be used as described in 24 CFR 578.39. CoC planning project applications must be submitted by the Collaborative Applicant, which must match the organization listed as the Collaborative Applicant in the CoC Applicant Profile in *e-snaps*. This project is not ranked in the FY 2022 CoC Program Competition and will not affect a CoC's available amount for new and renewal project applications as it is not included in the CoC's ARD calculation.

(2) *UFA Costs projects.* Only those Collaborative Applicants approved for UFA designation by HUD are eligible to apply for UFA Costs project funds as described in 24 CFR 578.41. The UFA Costs project application must be submitted by the Collaborative Applicant, which must match the organization listed as the Collaborative Applicant in the CoC Applicant Profile in *e-snaps*. This project is not ranked in the FY 2022 CoC Program Competition and will not affect a CoC's available amount for new and renewal project applications as it is not included in the CoC's ARD calculation.

(3) *New Projects Created Through Reallocation or CoC Bonus processes:*

(a) PH-PSH projects.

(b) PH-RRH projects.

(c) Joint TH/PH-RRH component projects.

(d) Dedicated HMIS project for the costs at 24 CFR 578.37(a)(4) that can only be carried out by the HMIS Lead, which is the recipient or subrecipient of an HMIS grant and is listed on the HMIS Lead form in the CoC Applicant Profile in *e-snaps*. Additionally, if the CoC has organizations within its geographic area that are victim service providers, the HMIS Lead, or subrecipient, may request HMIS funds for a comparable database. Victim service providers may also request HMIS funds in their project application budgets to enter data into a comparable database.

(e) SSO-CE project to develop or operate a centralized or coordinated assessment system.

Prior to completing a new project created through the reallocation process or Bonus processes, project applicants should consult with the CoC to determine which of these options will be available in the local CoC competition.

Because new project applications may be created through the reallocation or CoC Bonus processes, if HUD determines that a project applicant or a CoC incorrectly classified one or more new projects as reallocation or CoC Bonus, HUD may reclassify the project(s) as either reallocation or CoC Bonus if the CoC exceeded either its reallocation or CoC Bonus amount. For example, if a project applicant or the CoC classified a new project application as reallocation but did not reallocate funds in whole or part from an eligible renewal project, and there are CoC Bonus funds available, HUD may reclassify the new project application as CoC Bonus during its review. If a project applicant uses both reallocation and CoC Bonus amounts to create a single new project but did not have enough available from either source, HUD will reduce the project to the amount available, if any.

A new project may only use reallocated funds from eligible renewal project(s) that have previously been renewed under the CoC Program and hold a current grant agreement.

(4) *New Projects for DV Bonus.* To be considered for the DV Bonus, new projects must be:

- (a) PH-RRH projects dedicated to serving survivors of domestic violence, dating violence, sexual assault, or stalking that are defined as homeless (24 CFR 578.3);
- (b) Joint TH/PH-RRH component projects defined in Section III.B.2.r of this NOFO dedicated to serving survivors of domestic violence, dating violence, sexual assault, or stalking who are defined as homeless (24 CFR 578.3); or
- (c) SSO-CE project to implement policies, procedures, and practices that equip the CoC's coordinated entry to better meet the needs of survivors of domestic violence, dating violence, sexual assault, or stalking.

Where a new project may be eligible for the DV Bonus, CoC Bonus or reallocation process, if HUD determines that a project applicant incorrectly classified one or more new projects as a DV Bonus (e.g., the proposed project does not propose to serve survivors of domestic violence, dating violence, sexual assault, or stalking), HUD may reclassify the project(s) as either reallocation or CoC Bonus if they are eligible. If a project does not have enough funding available from the CoC Bonus or reallocation sources, HUD will reduce the project to the amount available, if any.

(5) *Replacement YHDP Project.*

- (a) *In general.* The Consolidated Appropriations Act, 2022 permits the renewal or replacement of YHDP projects through the CoC Program; therefore, a renewing YHDP project may choose to replace its current project with a new project that may include activities ineligible under the CoC Program, or portions of its current program design, to conduct activities that are ineligible with CoC Program funds, provided the replacement project demonstrates it will directly address youth homelessness.

(b) *Requirements.* If an eligible YHDP renewal project applicant wants to submit a YHDP replacement project application in lieu of submitting a renewal project application, it must:

(i) include the grant number from the YHDP renewal project being replaced with the YHDP replacement project application. The CoC's Collaborative Applicant is responsible for ensuring that only a renewal YHDP or replacement YHDP project application is submitted through the CoC Priority Listing. If the Collaborative Applicant submits both a renewal and replacement YHDP project application for the same project, HUD will only select the renewal YHDP project application;

(ii) include a letter of support from the Youth Action Board; and

(iii) if a renewing YHDP project applicant chooses to replace some or all activities in the current grant, it must submit a YHDP replacement project application and it will be reviewed by HUD to ensure that the activities requested are eligible and do not exceed the ARA of the renewal project that is being replaced; however, the replacement YHDP project will not be rejected (unless a renewal YHDP project application has been submitted for the same project being replaced). If needed, HUD will work with replacement YHDP recipients to correct or revise information submitted after the final FY 2022 award announcement prior to executing the grant agreement.

(c) *Eligible YHDP Replacement Projects.* HUD will only fund YHDP replacement projects as described below and in (d):

(i) Permanent Housing, including PH-PSH and PH-RRH projects.

(ii) Joint TH/PH-RRH Component.

(iii) TH or Crisis Residential Transitional Housing which is a form of transitional housing that is short-term, low-barrier, utilizes a congregate living setting, and provides access to the following supportive services in particular: family engagement and unification, case management, emergency triage services and other supportive services whose purpose is to move youth rapidly into stable housing.

(iv) SSO, including, but not limited to, housing search and placement services, case management, drop-in centers which are a physical location that offers a variety of services to individuals and families experiencing homelessness that can be funded through the drop-in center grant or through another grant, legal services, or street outreach.

(v) SSO-CE.

(vi) SSO - Host Home and Kinship Care, A model in which a family agrees to permit a youth to reside with them. Recognizing that the addition of another person in the home may increase costs to the family, HUD will entertain applications that propose to house youth with families and to subsidize the additional costs attributable to housing the youth. The residence is in a



community-based setting. The family could be related to the youth and the length of stay may be time-limited or without time limits. YHDP funds may be used to subsidize the increased costs to the family that are attributable to housing the youth. An example of eligible costs would be additional food or transportation costs, which are eligible supportive services under 24 CFR 578.53(e)(7) or 24 CFR 578.53(e)(15). Records must be kept related to this determination by the recipient for HUD review upon request.

(vii) HMIS.

(viii) Shared Housing, A model of housing assistance where tenant-based rental assistance is provided for a youth to reside with a family member or an unrelated person. All CoC requirements that apply to rental assistance would apply to rental assistance provided in shared housing. Under this NOFO “immediate family member” is defined to mean parents, grandparents, siblings, and legal guardians. These requirements include the following:

(aa) There must be a rental assistance agreement between the recipient or the subrecipient and the owner;

(bb) The housing meets CoC housing quality standards, or habitability standards if permitted under this NOFO;

(cc) The rental assistance is provided in accordance with applicable written standards;

(dd) Rental assistance is not provided to a program participant who is receiving project-based rental assistance or operating assistance, through other public sources;

(ee) Rental assistance cannot be provided to a youth to reside in a unit occupied by its owner or occupied by a person with any interest in the unit if the youth is an immediate family member;

(ff) rental assistance may be provided to a youth in a shared housing unit leased by a family if both the family and the youth are unrelated to the property owner or landlord. Both the family and the youth would have a lease for the entire unit. The youth may be an immediate family member of the family; and

(gg) The shared housing must meet the rent reasonableness standards.

FMR will be adjusted to the youth’s pro-rata share of the FMR for the shared housing unit size. For example, in the case of a single youth who will occupy one bedroom in a 4-bedroom house, the FMR used would be the youth’s pro-rata share of the 4-bedroom FMR (i.e.,  $\frac{1}{4}$  of the 4-bedroom FMR).

(ix) The inclusion of TH and SSO other than SSO-CE are only available to YHDP Replacement project applications, no other project applicant is allowed to submit new project applications with these components; and if received, will be rejected.

(d) *Eligible YHDP Replacement Projects - Special YHDP Activities.* YHDP replacement projects may also choose to submit applications that include the following special YHDP activities in addition to activities eligible under the CoC program. The following options would not meet CoC program requirements but may be used to carry out YHDP projects. The following activities, which are ineligible under the CoC Program, may also be included in a YHDP replacement project and award, subject to the conditions specified in this section:

(i) The activities below may be carried out with notice to the Deputy Assistant Secretary for Special Needs, subject to the requirements governing grant agreement amendments at 24 CFR 578.105. HUD will consider the inclusion of these activities in the project application as notification to the Deputy Assistance Secretary for Special Needs.

(aa) Housing projects may have leases for a minimum term of 1 month plus 1 day under rental assistance budget line items.

(bb) Projects may use leasing, sponsor-based rental assistance, and project-based rental assistance in Rapid Rehousing projects.

(cc) In addition to the eligible costs listed in 24 CFR 578.59(a), project administration funds may be used to support costs of involving youth with lived experience in project implementation, execution, and improvement.

(dd) Project administrative funds may be used to attend conferences and trainings that are not HUD-sponsored or HUD-approved, provided that the subject matter is relevant to youth homelessness.

(ee) Projects may employ youth who are receiving services, or housing assistance, from the recipient organization. Recipients that utilize this special YHDP activity must maintain documentation that discloses the nature of work that the youth does, and that the youth is not in a position that creates a conflict of interest.

(ff) Projects may use habitability standards in 24 CFR 576.403(c) rather than Housing Quality Standards in 24 CFR 578.75 for short or medium-term (up to 24 months) housing assistance. Recipients implementing this special YHDP activity must keep documentation of which standards are applied to the units and proof that the units complied with standards before assistance is provided for every unit funded.

(gg) Moving expenses may be provided more than one time to a program participant.

(hh) Recipients may provide payments of up to \$500 per month for families that provide housing under a host home and kinship care model in order to offset the increased costs associated with having youth housed in the unit.

(ii) Grant funds may be used for the following if they are necessary to assist program participants to obtain and maintain housing. Recipients and subrecipients must maintain records establishing how it was determined

paying the costs was necessary for the program participant to obtain and retain housing and must also conduct an annual assessment of the needs of the program participants and adjust costs accordingly:

- i. Security deposits for units in an amount not to exceed 2 months of rent.
- ii. The costs to pay for any damage to housing due to the action of a program participant, which may be paid while the youth continues to reside in the unit. The total costs paid for damage per program participant may not exceed the cost of 2 months' rent.
- iii. The costs of providing household cleaning supplies to clients.
- iv. Housing start-up expenses for program participants, including furniture, pots and pans, linens, toiletries, and other household goods, not to exceed \$300 in value per program participant.
- v. The one-time cost of purchasing a cellular phone and service for program participant use, provided access to a cellular phone is necessary to obtain or maintain housing and the costs of the phone and services are reasonable per 2 CFR 200.404.
- vi. The cost of internet in a program participant's unit if the costs of the service is reasonable per 2 CFR 200.404.
- vii. Payment of rental arrears consisting of a one-time payment for up to 6 months of rent in arrears, including any late fees on those arrears.
- viii. Payment of utility arrears of up to 6 months per utility.
- ix. Up to three months of utilities for a program participant, based on the utility costs schedule for the unit size and location.
- x. In addition to transportation costs eligible in 24 CFR 578.53(e)(15), a recipient may pay gas and mileage costs for a program participant's personal vehicle for trips to and from medical care, employment, childcare, or other services eligible under this section.
- xi. Legal fees, including court fees, bail bonds, and required courses and equipment.
- xii. Program participant's past driving fines and fees that are blocking a young person from being able to obtain or renew a driver's license and impacting their ability to obtain or maintain housing. Additionally, recipients may pay for program participants' costs for insurance and registration for personal vehicles, if the personal vehicle is necessary to reach medical care, employment, childcare, or other services eligible under this section.

(ii) Under the conditions specified below, recipients may make use of the following built-in exceptions to this NOFO's requirements, subject to approval by the Deputy Assistance Secretary for Special Needs and requirements governing grant agreement amendments at 24 CFR 578.105. To expedite grant agreement processing, applicants should include as much information as possible as part of their project application to demonstrate they meet the conditions specified below.

(aa) Projects may provide up to 36 months of Rapid Rehousing rental assistance to a program participant if the recipient demonstrates: (1) the

method it will use to determine which youth need rental assistance beyond 24 months and (2) the services and resources that will be offered to ensure youth are able to sustain their housing at the end of the 36 months of assistance.

(bb) Projects may continue providing supportive services to program participants for up to 24 months after the program participant exits homelessness, transitional housing or after the end of housing assistance if the recipient demonstrates: (1) the proposed length of extended services to be provided; (2) the method it will use to determine whether services are still necessary; and (3) how those services will result in self-sufficiency and ensure stable housing for the program participant.

(cc) Projects may continue providing supportive services to program participants for up to 36 months after the program participant exits homelessness, if the services are in connection with housing assistance, such as the [Foster Youth to Independence initiative](#), or if the recipient can demonstrate that extended supportive services ensures continuity of case workers for program participants.

(dd) Rental assistance may be combined with leasing or operating funds in the same building, provided that the recipient submits a project plan that includes safeguards to ensure that no part of the project would receive a double subsidy.

(ee) Projects may provide payments of up to \$1000 per month for families that provide housing under a host home and kinship care model, provided that the recipient can show that the additional cost is necessary to recruit hosts to the program.

(iii) In addition to the specific activities authorized above or in 24 CFR part 578, other innovative activities to reduce youth homelessness may be carried out in a YHDP replacement project, subject to approval by the Deputy Assistant Secretary for Special Needs and requirements governing grant agreement amendments at 24 CFR 578.105. The recipient must demonstrate to HUD that the activity meets the following criteria. To expedite grant agreement processing, applicants should include as much information as possible as part of their project application to demonstrate they meet the conditions specified below.

(aa) The activity is approved by both the Youth Action Board (YAB) which is a group of at least 3 youth with voting power on policy decisions of the CoC, particularly on policies that relate to preventing and ending youth homelessness. Each YAB member must be age 24 or younger, and at least two-thirds of the YAB members must have lived experience of homelessness and should be representative of the youth and young adult population experiencing homelessness in the community, and must be a formal committee within the CoC, and the Continuum of Care, as evidenced by letters of support from each organization;

(bb) That activity will be testing or likely to achieve a positive outcome in at least one of the four core outcomes for youth experiencing homelessness

(stable housing, permanent connections, education/employment, and well-being);

(cc) The activity is cost-effective; and

(dd) The activity is not in conflict with fair housing, civil rights, or environmental regulations.

(6) *Expansion Project.* HUD will allow project applicants to apply for a new expansion project (see Section III.B.2.j of this NOFO) through reallocation, CoC Bonus, and DV Bonus processes to expand existing projects to increase the number of units, persons served, services provided to existing program participants, or to add additional activities to HMIS and SSO-CE projects. If the new expansion project will expand an existing eligible CoC Program renewal project HUD will not fund capital costs (i.e., new constructions, rehabilitation, or acquisition) and will only allow 1-year funding requests. YHDP projects cannot use the expansion process.

(a) Project applicants intending to submit new project applications for the purposes of expanding an eligible renewal in the CoC Program must:

(i) enter the grant number of the eligible renewal project, proposed for expansion, in the new project application;

(ii) indicate how the new project application will expand units, beds, services, persons served, or services provided to existing program participants, or in the case of HMIS or SSO-CE projects, how the current activities will be expanded for the CoC's geographic area; and

(iii) ensure the funding request for the expansion grant is within the funding parameters allowed under reallocation, CoC Bonus, or DV Bonus available amounts.

(b) Project applicants may expand an existing renewal project that is not currently dedicated to serving survivors of domestic violence, dating violence, sexual assault, or stalking that meet the definition of homeless (24 CFR 578.3) to dedicate additional beds, units, persons served, or services provided to existing program participants to this population.

The new expansion project application must meet the project eligibility and project quality thresholds in Sections V.C.4.b and c of this NOFO. If the new expansion project exceeds the amount of funding available under the reallocation or Bonus processes, HUD will reduce the funding request to the available amount, which could affect the activities of the new expansion project. If both the new expansion project and the CoC Program renewal project it expands are conditionally selected for funding, one grant agreement incorporating both approved project applications will be executed. If the renewal project application is not conditionally selected for funding, the expansion project application will not be selected.

To apply for an expansion grant, project applicants must submit separate renewal and new project applications, and both must be ranked by the CoC with unique rank numbers.

(7) *Consolidation Project.* Applicants intending to use the consolidation process to combine two or more (but no more than ten) eligible renewal projects (e.g., PH-PSH) may do so through the renewal project application, including renewing YHDP, and must ensure:

- (a) Budget Line Items (BLIs) for the consolidated project application submitted exactly match the sum of the BLIs for each of the individual projects as they appear on the GIW located on HUD's website, or grant agreement as amended;
- (b) inclusion of the expiring grant numbers with period of performance and budget period start and end dates for the projects that are consolidating;
- (c) current period of performance and budget period end dates must end in CY 2023;
- (d) are in good standing with HUD, meaning none of the projects have:
  - (i) outstanding audit or monitoring findings,
  - (ii) outstanding obligation to HUD that is in arrears,
  - (iii) unresolved construction delays,
  - (iv) a history of poor financial management/drawdown issues,
  - (v) history of low occupancy levels, or lack experience in administering the project type, or
  - (vi) other capacity issues.
- (e) the projects have the same recipient and are for the same component.

The following cannot consolidate and if a project application meeting these characteristics attempts to consolidate, HUD will not consider the consolidation, but rather select the projects individual in their ranked position provided they pass project eligibility and project quality threshold requirements:

- a YHDP renewal project cannot consolidate with a non-YHDP project;
- a YHDP replacement project cannot consolidate;
- a TH and a PH project cannot consolidate to form a Joint TH/PH-RRH component project; and
- transition grants cannot consolidate with any other project.

To request the consolidation of eligible renewal projects, project applicants must submit renewal projects for the individual projects to be included in the consolidation and each project application will identify the grant number that will survive which must be the grant number with the earliest start date in CY 2023. Project applications for the grants that are proposed to be part of the consolidation must be ranked with a unique rank number for each project, and if all those grants are selected, HUD will conditionally award the single surviving grant based on its ranked position to include the amount of funding of all grants included in the consolidation. All other project applications included in the surviving grant will be removed from the CoC's ranking resulting in project applications below to slide up one ranked position. A project applicant cannot submit a consolidated project application that contains two different components (e.g., PH and TH).

The start date for the consolidated grant, if conditionally awarded, will be the day after the expiration date of the eligible renewal project with the earliest expiration date. The expiration date for the consolidated grant will be calculated by averaging the expiration dates for all expiring grants included in the consolidated grant weighted by the size of each expiring grant. If that date falls on the first through the fifteenth of a month, then the expiration date will be the last day of the previous month. If the date falls on the sixteenth through the end of the month, then the expiration date will be the last day of the month.

The expiration date for the consolidated grant will be calculated as follows: It will be X months after the end of the 12th month after the start date for the consolidated grant with X determined by calculating the sum for all grants of the total award times the number of months after the expiration of the first expiring grant that the grant expires and dividing that sum by the total award for the consolidated grant. If the calculation of X results in a partial month, if it is less than 0.5, then the consolidated grant will expire on the last day of the previous month, and if it is 0.5 or more, then the consolidated grant will expire on the last day of the calculated month.

Collaborative Applicants designated as UFAs have more flexibility in how they manage their CoC Program-funded projects making the consolidation of projects through the FY 2022 project application process unnecessary. A Collaborative Applicant with UFA designation can consolidate projects during the grant term, so long as the consolidations are not combining different component types and the projects are funded under the same grant (e.g., projects are currently funded under the same renewal grant). If a UFA designated Collaborative Applicant consolidates projects during the grant term, it can apply to renew them during the FY 2022 CoC Program Competition as consolidated projects.

(8) *Renewal Grants Per Unit Cost.* Applicants requesting renewal of grants for rental assistance are permitted to request a per-unit amount less than the Fair Market Rent (FMR) if the actual rent per unit under lease is less than the FMR. The applicants must provide copies of the leases to establish the actual rents. This will help reduce the number of projects receiving rental assistance that have large balances of unspent funds remaining at the end of the operating year. Renewal project applicants must ensure the amount requested will be sufficient to cover all eligible costs as HUD cannot provide funds beyond the amount awarded through this Competition. Project applications for rental assistance cannot request more than 100 percent of the published FMR. New project applications must adhere to 24 CFR 578.51(f) and must request the full FMR amount per unit. See Section VIII.B of this NOFO for additional information regarding FMR adjustments for projects receiving funds for rental assistance.

## **C. Rules that affect how HUD evaluates applications**

### **1. Assessing Applicant Risk**

In evaluating risks posed by project applicants, HUD may use a risk-based approach and may consider any items such as the following:

- Financial stability;

- Quality of management systems and ability to meet the management standards prescribed in 2 CFR part 200;
- History of performance. The applicant's record in managing Federal awards, if it is a prior recipient of Federal awards, including timeliness of compliance with applicable reporting requirements, failing to make significant progress in a timely manner, failing to meet planned activities in a timely manner, conformance to the terms and conditions of previous Federal awards, and if applicable, the extent to which any previously awarded amounts will be expended prior to future awards;
- Reports and findings from audits performed under Subpart F—Audit Requirements of 2 CFR part 200 or the reports and findings of any other available audits; and
- The applicant's ability to effectively implement statutory, regulatory, or other requirements imposed on non-Federal entities.

## **2. Past Performance**

In evaluating project applications for funding, HUD will consider a project applicant's past performance in managing funds. Items HUD will consider include, but are not limited to:

- the ability to account for funds in compliance with applicable reporting and recordkeeping requirements;
- timely use of funds received from HUD;
- timely submission and quality of reports submitted to HUD;
- meeting program requirements;
- meeting performance targets as established in the grant agreement;
- the project applicant's organizational capacity, including staffing structures and capabilities;
- timely completion of activities and receipt and expenditure of promised matching funds;
- the number of persons served or targeted for assistance;
- promoting self-sufficiency and economic independence;
- producing positive outcomes and results; and
- Encouraging participation with faith-based entities.

HUD may reduce scores based on the past performance review. Wherever possible, HUD will obtain past performance information and if this review results in an adverse finding related to integrity of performance, HUD reserves the right to take any of the remedies necessary.

## **3. Statutory and Regulatory Requirements.**

To be eligible for funding under the FY 2022 CoC Program Competition NOFO, project applicants must meet all statutory and regulatory requirements in the Act and the Rule. The FY 2022 YHDP noncompetitive renewals and replacements are administered under the Consolidated Appropriations Act, 2022 which permits YHDP projects to be renewed or replaced non-competitively through the CoC Program notwithstanding any conflict with the requirements of the CoC Program (see Section II.B.7 of this NOFO). Project applicants can obtain a copy of the Act and the Rule on [HUD's website](#) or by contacting the NOFO Information Center at 1-800-483-8929.

## **4. Threshold Requirements.**



a. *Ineligible Applicants.* HUD will not consider a project application from an ineligible project applicant, including an application submitted for CoC planning funds or UFA Costs from a project applicant other than the Collaborative Applicant.

b. *Project Eligibility Threshold.* HUD will review all projects to determine if they meet the following project eligibility threshold requirements on a pass/fail standard. If HUD determines the applicable standards are not met for a project, the project will be rejected. Any project requesting renewal funding will be considered as having met these requirements through its previously approved grant application unless information to the contrary is received (e.g., monitoring findings, results from investigations by HUD's Office of Inspector General, the recipient routinely does not draw down funds from eLOCCS at least once per quarter, consistently late Annual Performance Report (APR) submissions). Approval of new and renewal projects is not a determination by HUD that a recipient is compliant with applicable fair housing and civil rights requirements.

(1) Project applicants and potential subrecipients must meet the eligibility requirements of the CoC Program as described in the Act and the Rule and provide evidence of eligibility required in the application (e.g., nonprofit documentation).

(2) Project applicants and subrecipients must demonstrate the financial and management capacity and experience to carry out the project as detailed in the project application and the capacity to administer federal funds. Demonstrating capacity may include a description of the applicant and subrecipient experience with similar projects and with successful administration of SHP, S+C, or CoC Program funds or other federal funds.

(3) Project applicants must submit the required certifications specified in this NOFO.

(4) The population to be served must meet program eligibility requirements as described in the Act, the Rule, and Section II.B.11.f of this NOFO.

(5) Project applicants, except Collaborative Applicants that only receive awards for CoC planning costs and, if applicable, UFA Costs, must agree to participate in a local HMIS system. However, in accordance with Section 407 of the Act, any victim service provider that is a recipient or subrecipient must not disclose, for purposes of HMIS, any personally identifying information about any client. Victim service providers must use a comparable database that meets the needs of the local HMIS.

c. *Project Quality Threshold.* HUD will review all new project applications to determine if they meet the following project quality threshold requirements. HUD will not award funds to a new project unless the project was created through reallocation, or the CoC has demonstrated to HUD's satisfaction that projects are evaluated and ranked based on the degree to which they improve the CoC's system performance. Any project requesting renewal funding, including renewing YHDP, will be considered as having met project quality threshold requirements through its previously approved grant application unless information to the contrary is received (e.g., monitoring findings, results from investigations by HUD's Office of Inspector General, the recipient routinely does not draw down funds from eLOCCS at least once per quarter, consistently late APR submissions) and/or if the renewal project has compliance issues which results in the project not operating in accordance with the Rule. If awarded, a recipient is required to meet all the criteria listed in the criteria column for its component. Additionally, the housing and services proposed must be appropriate to the needs

of the program participants and the community. A determination that a project meets the project quality threshold is not a determination by HUD that a recipient is compliant with applicable fair housing and civil rights requirements.

YHDP replacement project applications will be considered as having met project quality threshold requirements if the project application activities and costs are eligible under this NOFO. If a YHDP replacement project application is not for activities and costs that are eligible under this NOFO, it will not be rejected under this project quality threshold and HUD will work with the project applicant to correct or revise information submitted after the final FY 2022 award announcement before executing the grant agreement.

<b>Permanent Housing: Permanent Supportive Housing or Rapid Rehousing</b>		
<b>New Project Application Rating Factors</b>	<b>Points Available</b>	<b>Criteria</b>
New permanent housing projects must receive at least 3 out of the 4 points available for this project type. New permanent housing projects that do not receive at least 3 points will be rejected.	1	The type of housing proposed, including the number and configuration of units, will fit the needs of the program participants (e.g., two or more bedrooms for families).
	1	The type of supportive services that will be offered to program participants will ensure successful retention in or help to obtain permanent housing, including all supportive services regardless of funding source.
	1	The proposed project has a specific plan for ensuring program participants will be individually assisted to obtain the benefits of mainstream health, social, and employment programs, for which they are eligible to apply, that meet the needs of program participants (e.g., Medicare, Medicaid, SSI, Food Stamps, local Workforce office, early childhood education).
	1	Program participants are assisted to obtain and remain in permanent housing in a manner that fits their needs (e.g., provides the participant with some type of transportation to access needed services, safety planning, case management, and additional assistance to ensure retention of permanent housing).
<b>Joint TH/PH-RRH</b>		
<b>New Project Application Rating Factors</b>	<b>Points Available</b>	<b>Criteria</b>

<p>New Joint TH/PH-RRH component project applications must receive at least 4 out of 6 points available for this project type. New Joint TH/PH-RRH component projects that do not receive at least 4 points will be rejected.</p>	1	The type of housing proposed, including the number and configuration of units, will fit the needs of the program participants (e.g., two or more bedrooms for families.)
	1	The proposed project will provide enough rapid rehousing assistance to ensure that at any given time a program participant may move from transitional housing to permanent housing. This may be demonstrated by identifying a budget that has twice as many resources for the rapid rehousing portion of the project than the TH portion, by having twice as many PH-RRH units at a point in time as TH units, or by demonstrating that the budget and units are appropriate for the population being served by the project.
	1	The type of supportive services that will be offered to program participants will ensure successful retention or help to obtain permanent housing, including all supportive services regardless of funding source.
	1	The proposed project has a specific plan for ensuring program participants will be individually assisted to obtain the benefits of mainstream health, social, and employment programs, for which they are eligible to apply, and meets the needs of program participants (e.g., Medicare, Medicaid, SSI, Food Stamps, local Workforce office, early childhood education).
	1	Program participants are assisted to obtain and remain in permanent housing in a manner that fits their needs (e.g., provides the participant with some type of transportation to access needed services, safety planning, case management, and additional assistance to ensure retention of permanent housing).
	1	The project adheres to a housing first model as defined in Section III.B.2.o of this NOFO.
	<b>SSO-Coordinated Entry</b>	

<b>New Project Application Rating Factors</b>	<b>Points Available</b>	<b>Criteria</b>
New SSO-CE project applications (also known as centralized or coordinated assessment) must receive at least 2 out of the 4 points available for this project type. New SSO-CE projects that do not receive at least 2 points will be rejected.	1	The centralized or coordinated assessment system is easily available/reachable for all persons within the CoC's geographic area who are seeking homelessness assistance. The system must also be accessible for persons with disabilities within the CoC's geographic area.
	1	There is a strategy for advertising that is designed specifically to reach homeless persons with the highest barriers within the CoC's geographic area.
	1	There is a standardized assessment process.
	1	Ensures program participants are directed to appropriate housing and services that fit their needs.

**HMIS**

<b>New Project Application Rating Factors</b>	<b>Points Available</b>	<b>Criteria</b>
New HMIS project applications must receive at least 3 out of the 4 points available for this project type. New HMIS projects that do not receive at least 3 points will be rejected.	1	How the HMIS funds will be expended in a way that is consistent with the CoC's funding strategy for the HMIS and furthers the CoC's HMIS implementation.
	1	The HMIS collects all Universal Data Elements as set forth in the HMIS Data Standards.
	1	The ability of the HMIS to un-duplicate client records.
	1	The HMIS produces all HUD-required reports and provides data as needed for HUD reporting (e.g., APR, quarterly reports, data for CAPER/ESG reporting) and other reports required by other federal partners.

**CoC Planning – Collaborative Applicants Only**

<b>New Project Application Rating Factors</b>	<b>Points Available</b>	<b>Criteria</b>
New CoC planning projects, submitted only by the CoC's designated Collaborative Applicant, must receive at least	1	Governance and Operations-The CoC conducts meetings of the entire CoC membership that are inclusive and open to members and demonstrates the CoC has a

3 out of the 5 points available for this project type. CoC planning projects that do not receive at least 3 points will be rejected.		written governance charter in place that includes CoC policies.
	1	CoC Committees-The CoC has CoC-wide planning committees, subcommittees, or workgroups to address homeless needs in the CoC's geographic area that recommends and sets policy priorities for the CoC.
	2	The proposed planning project that will be carried out by the CoC with Planning grant funds are compliant with the provisions of 24 CFR 578.7.
	1	The funds requested will improve the CoC's ability to evaluate the outcome of both CoC Program-funded and ESG-funded projects.

HUD will review the UFA Costs submitted by the UFA designated Collaborative Applicant to ensure appropriate match and eligibility of costs requested. Additionally, HUD will assess all new project applications for the following minimum project eligibility, capacity, timeliness, and performance standards. To be considered as meeting project quality threshold, all new projects must meet all the following criteria:

- (1) Project applicants and potential subrecipients must have satisfactory capacity, drawdowns, and performance for existing grant(s) that are funded under the CoC Program, as evidenced by timely reimbursement of subrecipients, regular drawdowns, and timely resolution of any monitoring findings; however, this does not apply to project applicants who have never received a CoC Program funded project;
- (2) For expansion project applications, project applicants must articulate the part of the project that is being expanded. Additionally, project applicants must demonstrate they are not replacing other funding sources; and
- (3) Project applicants must demonstrate they will be able to meet all timeliness standards per 24 CFR 578.85. Project applicants with existing projects must demonstrate that they have met all renewal project threshold requirements of this NOFO. HUD reserves the right to deny the funding request for a new project if the request is made by an existing recipient that HUD finds to have significant issues related to capacity, performance, unresolved audit, or monitoring findings related to one or more existing grants; or does not routinely draw down funds from eLOCCS at least once per quarter. Additionally, HUD reserves the right to withdraw funds if no APR is submitted on the prior grant.

d. *Project Renewal Threshold.* A CoC must consider the need to continue funding for projects expiring in CY 2023 (January 1, 2023 to December 31, 2023). Renewal projects must meet minimum project eligibility, capacity, timeliness, and performance standards identified in this NOFO or they will be rejected from consideration for funding:

(1) When considering renewal projects for award, HUD will review information in eLOCCS, APRs, and information provided from the local HUD CPD field office, including monitoring reports and audit reports as applicable, and performance standards on prior grants, and will assess projects using the following criteria on a pass/fail basis:

- (a) Whether the project applicant's performance met the plans and goals established in the initial application, as amended;
- (b) Whether the project applicant demonstrated all timeliness standards for grants being renewed, including those standards for the expenditure of grant funds that have been met;
- (c) The project applicant's performance in assisting program participants to achieve and maintain independent living and records of success, except for dedicated HMIS projects that are not required to meet this standard; and
- (d) Whether there is evidence that a project applicant has been unwilling to accept technical assistance, has a history of inadequate financial accounting practices, has indications of project mismanagement, has a drastic reduction in the population served, has made program changes without prior HUD approval, or has lost a project site.

(2) HUD reserves the right to reduce or reject a project application from the project applicant for the following reasons:

- (a) outstanding obligation to HUD that is in arrears or for which a payment schedule has not been agreed upon;
- (b) audit finding(s) for which a response is overdue or unsatisfactory;
- (c) history of inadequate financial management accounting practices;
- (d) evidence of untimely expenditures on prior award;
- (e) history of other major capacity issues that have significantly affected the operation of the project and its performance;
- (f) history of not reimbursing subrecipients for eligible costs in a timely manner, or at least quarterly; and
- (g) history of serving ineligible program participants, expending funds on ineligible costs, or failing to expend funds within statutorily established timeframes.

### **5. Certification of Consistency with the Consolidated Plan.**

Each project applicant must submit a certification by the jurisdiction in which the proposed project(s) will be located that the applicant's project application for funding is consistent with the jurisdiction's HUD-approved consolidated plan. The certification must be made in accordance with the provisions of the consolidated plan regulations at 24 CFR part 91, subpart F. Form HUD-2991 must be completed and dated between June 30, 2022 and September 30, 2022. Additionally, applicants that propose to locate a project on a reservation or trust land must include a tribal resolution from the tribe authorizing the applicant to do so or a letter from an official or principal of the Indian Tribe or TDHE who is authorized to act on behalf of the Indian

Tribe or TDHE. Tribes do not need to include a tribal resolution to site a project on their own reservation or trust land. A tribal resolution is the formal manner in which the tribal government expresses its legislative will in accordance with its organic documents. In the absence of such organic documents, a written expression adopted pursuant to tribal practices will be acceptable.

## VI. APPLICATION AND SUBMISSION INFORMATION

### A. Obtaining an Application

**1. Authoritative Versions of HUD NOFOs.** The version of these NOFOs as posted on Grants.gov are the official documents HUD uses to solicit applications. While the CoC Program NOFO is officially posted on Grants.gov, this program uses *e-snaps*, an electronic application system. HUD does not accept faxed applications or supportive documents.

**2. Exemptions.** Parties that believe the requirements of the NOFO would impose a substantial burden on the exercise of their religion should seek an exemption under the Religious Freedom Restoration Act (RFRA).

### B. Other Guidance and Notifications

**1. Federalism.** E.O. 13132 prohibits, to the extent practicable and permitted by law, an agency from promulgating policies that have federalism implications and either impose substantial direct compliance costs on state and local governments and are not required by statute, or preempt state law, unless the relevant requirements of Section 6 of the executive order are met. This notice does not have federalism implications and does not impose substantial direct compliance costs on state and local governments or preempt state law within the meaning of the executive order.

**2. Section 102 of the HUD Reform Act.** Section 102 of the Department of Housing and Urban Development Reform Act of 1989 (HUD Reform Act) (42 U.S.C. 3545) and the regulations codified at 24 CFR 4, subpart A, contain several requirements that are designed to ensure greater accountability and integrity in the provision of certain types of assistance administered by HUD. On January 14, 1992, HUD published a notice that also provides information on the implementation of Section 102 (57 FR 1942). The documentation, public access, and disclosure requirements of Section 102 apply to assistance awarded under NOFOs published as described below:

a. Documentation, Public Access, and Disclosure Requirements. HUD will ensure that documentation and other information regarding each application submitted pursuant to a FY 2022 NOFO are sufficient to indicate the basis upon which assistance was provided or denied. This material, including any letters of support, will be made available for public inspection for a 5-year period beginning not less than 30 days after the award of the assistance. Material will be made available in accordance with the FOIA and HUD's implementing regulations at 24 CFR 15.

b. Form HUD 2880, "Applicant/Recipient Disclosure/Update Report". HUD will also make available to the public for a period of 5 years all applicant disclosure reports (form HUD 2880) submitted in connection with a FY 2022 NOFO. Updated reports (also reported on form HUD 2880) will be made available along with the applicant disclosure reports, but in no case for a period of less than 3 years. All reports will be made available in accordance with the FOIA and HUD's implementing regulations.

c. Publication of Recipients of Funding. HUD's regulations at 24 CFR part 4 provide that HUD will publish a notice in the Federal Register to notify the public of all funding decisions made by HUD to provide:

- (1) Assistance subject to Section 102(a) of the HUD Reform Act; and
- (2) Assistance provided through grants or cooperative agreements on a discretionary (non- formula, non-demand) noncompetitive basis.

**3. Section 103 of the HUD Reform Act.** Section 103 of the HUD Reform Act, codified at 24 CFR part 4, subpart B, applies to this funding competition until the announcement of selection of successful applicants. HUD's employees involved in the review of applications and in the making of funding decisions are prohibited by the regulations from providing advance information to any person (other than an authorized HUD employee) concerning funding decisions or from otherwise giving any applicant an unfair competitive advantage. Persons who apply for assistance must confine their inquiries to the subject areas HUD's employees are permitted to answer under 24 CFR part 4. Applicants who have ethics-related questions may contact HUD's Ethics Law Division at 202-708-3815 (this is not a toll-free number). Persons with speech or hearing impairments may access this number via TTY by calling the Federal Relay Service at 1-800-877-8339.

**4. Digital Signatures and Recordkeeping.** HUD is increasing electronic recordkeeping where feasible.

- a. HUD plans to use digital signatures on grant award and modification documents to expedite awards and modification.
- b. HUD will manage email records in an electronic format. Recipients need not print emails and file them if their email system and procedures meet records management and litigation requirements (e.g., identifying, retrieving, and retaining the records for as long as they are needed).

**C. Application Package.** The submission summary in *e-snaps* provides the list of elements required to complete each type of project application. A Collaborative Applicant will not be able to submit its application to HUD until all required parts are completed, including the project-level review and either accepting and ranking or rejecting the project applications. Once available, the CoC Application, Project Application, and CoC Priority Listing can be accessed at <https://esnaps.hud.gov/>.

**D. Application Verification.** Applicants are advised to compare their application submission with the requirements in the Program NOFO. If there is a discrepancy in the Program NOFO posted on Grants.gov and other information provided in any other copy or version or supporting documentation, the Program NOFO located on Grants.gov prevails. If discrepancies are found, notify HUD immediately as indicated in Section XI of this NOFO. Persons with hearing, or speech impairments, may use the Federal Relay Service's teletype service at 1-800-877-8339. HUD will post any corrections or changes to a Program NOFO on Grants.gov.

**E. Content and Form of Application Submission.** The CoC Consolidated Application for funds under this NOFO includes the FY 2022 CoC Application, which describes the CoC's plan for ending homelessness, its system-level performance, and addresses the selection criteria specified in Section VII of this NOFO; the FY 2022 Project Application completed by project



applicants, the CoC Priority Listing which includes the reallocation forms, all project applications submitted to the CoC for funding consideration that are either approved and ranked or rejected; and the form HUD-2991, Certification of Consistency with the Consolidated Plan.

**F. CoC Consolidated Application.** The Collaborative Applicant must submit the CoC Consolidated Application in *e-snaps* on behalf of the CoC. The Consolidated Application includes the parts listed below (for more information see the project application, CoC Application, and CoC Priority Listing detailed instructions and *e-snaps* Navigational Guides located on [HUD's website](#)).

1. The FY 2022 CoC Application, with all charts and narratives completed (as applicable) and all required attachments including:

a. *CoC Review, Score, and Ranking Procedures.* The CoC's written procedures that are publicly posted for all interested stakeholders and applicants that clearly describe the project-level review and ranking process that is used by the CoC to determine how CoC Program project applications submitted to the CoC are reviewed, scored, and ranked.

b. *CoC Public Notice.* A screenshot(s) from a CoC member organization's website (e.g. if the collaborative applicant does not have a website and instead posts this on the website of a local government, provider organization, or other member of the CoC), that includes the date the CoC notified the public of its local competition process, the due date for project applications, and the full CoC Application and CoC Priority Listing that includes all Project Listings of project applications submitted to HUD as ranked or rejected. For renewal and replacement YHDP, CoC Planning, and UFA Costs projects the Project Listings should indicate whether the project application(s) were accepted.

c. *CoC Review and Ranking Process.* Documents the process used by the CoC in the local competition to review, assess, and score new and renewal project applications, a copy of one scored project application form used by most renewal project applicants that includes the objective criteria and system performance criteria and their respective maximum point values and the actual points your CoC awarded to the project applicant; and the final project scores for new and renewal project applications.

d. *Notification to Project Applicants.* The notification of the action (rejection or reduction) that must be sent to the project applicant at least 15-days prior to the HUD application submission deadline, if a new or renewal project application was submitted to the CoC in the local competition and was rejected or had its funding request reduced as part of the CoC's local process.

e. *Public Notification of Ranked Project Applications.* The notification of action that all project applicants who submitted new and renewal project applications in the local CoC competition are notified at least 15-days prior to the HUD application submission deadline of the CoC's acceptance, including the ranked position of the project applications. This notification may be posted publicly or sent via email to individual project applicants.

f. *PHA Administrative Plan.* If the CoC is seeking points under Section VII.B.1.g of this NOFO, a copy, or the relevant excerpt, from the PHA(s) administrative planning document(s), or other document from the PHA(s) with the written policy, if any was developed between the CoC and the PHA(s) located within the CoC's geographic area that

describes the PHA(s) homeless preference for housing. Instead of a relevant excerpt from the written plan, a letter from the PHA(s) may be attached that describes the PHA(s) homeless preference for housing.

g. *Leveraging Healthcare Resources.* A written commitment from a health care organization with the value of the commitment and the date(s) healthcare resources will be provided.

h. *Projects to Serve Persons Defined as Homeless under paragraph (3) of 24 CFR 578.3.* If the CoC is seeking to serve persons defined as homeless under paragraph (3) of the homeless definition, a list of projects that will serve persons defined as homeless under paragraph (3) of the homeless definition.

## **2. FY 2022 Project Application(s), including for each project application:**

a. Project application, charts, narratives, and attachments.

b. *Documentation of Applicant and Subrecipient Eligibility.* All nonprofit project applicants must attach eligibility documentation to the Project Applicant Profile. If nonprofit sub-recipients are included in a project application, sub-recipient eligibility documentation must be attached to the project application.

c. *Applicant Code of Conduct.* All project applicants must ensure their organization has a Code of Conduct that complies with the requirements of 2 CFR part 200 and is on file with HUD at [https://www.hud.gov/program\\_offices/spm/gmomgmt/grantsinfo/conduct](https://www.hud.gov/program_offices/spm/gmomgmt/grantsinfo/conduct). If the organization's Code of Conduct does not appear on HUD's website, the project applicant must attach its Code of Conduct that includes all required information to its Project Applicant Profile in *e-snaps*.

d. The following HUD required forms are built into *e-snaps* and must be fully completed and electronically signed before project applicants have access to the project application:

- (1) SF-424 Application for Federal Assistance;
- (2) SF-424 Supplement, Survey on Ensuring Equal Opportunities for Application required for nonprofit applicants only where completion and submission of this survey is voluntary;
- (3) Form HUD-2880, Applicant/Recipient Update/Disclosure;
- (4) SF LLL, Disclosure of Lobbying Activities (if applicable);
- (5) Form HUD-50070, Certification for Drug-Free Workplace;
- (6) Disclosure of Lobbying Activities; and
- (7) Applicant Certifications.

## **3. The FY 2022 CoC Priority Listing, including:**

a. Project reallocation forms (if applicable) that indicate the eligible renewal projects that are being reallocated in whole or part to create new project applications;

b. New Project Listing;

c. Renewal Project Listing;

- d. UFA Costs Project Listing;
- e. CoC Planning Project Listing;
- f. YHDP Renewal Project Listing;
- g. YHDP Replacement Project Listing; and
- h. Form HUD-2991, Certification of Consistency with the Consolidated Plan. The Collaborative Applicant must submit a certification signed by the local jurisdiction(s) official in which the proposed project(s) are or will be located for all project applications submitted as part of the CoC Consolidated Application dated between June 30, 2022 and September 30, 2022. This program requires a Certification of Consistency with the Consolidated Plan under [24 CFR 91.2](#) and certifies the proposed activities in the project applications are consistent with the jurisdiction's strategic plan, and the location of the proposed activities is consistent with the geographic areas specified in the Consolidated Plan. Additionally, applicants that propose to claim a reservation or trust land geographic area and to locate a project on a reservation or trust land must include a tribal resolution from the tribe authorizing the applicant to do so. Tribes do not need to include a tribal resolution to claim their own reservation or trust land or to site a project on their own reservation or trust land. A tribal resolution is the formal manner in which the tribal government expresses its legislative will in accordance with its organic documents. In the absence of such organic documents, a written expression adopted pursuant to tribal practices will be acceptable.

**4. Solo Applicants.** Eligible project applicants that attempted to participate in the CoC planning process in the geographic area in which they operate, that believe they were denied the right to participate in a reasonable manner, may submit a solo project application to HUD and may be awarded a grant from HUD by following the procedure found in 24 CFR 578.35. Solo applicants must submit their solo project application in *e-snaps* to HUD by 8:00 PM EDT, on September 30, 2022. See Section X.C of this NOFO for additional information regarding the Solo Applicant appeal process.

#### **G. Submission Dates and Times.**

**1. Completed applications must be submitted to HUD on or before September 30, 2022 by 8:00 PM EDT.**

**2.** 24 CFR 578.9 requires CoCs to design, operate, and follow a collaborative process for the development of an application in response to a NOFO issued by HUD (which, under this NOFO includes applications for noncompetitive YHDP renewal and YHDP replacement projects). As part of this collaborative process, CoCs must implement internal competition deadlines to ensure transparency and fairness at the local level. The implementation of deadlines that meet the standards outlined below for FY 2022 project applications are part of the scoring criteria as detailed in Section VII.B.2.g of this NOFO.

- a. *Project Application.* All project applications are required to be submitted to the CoC no later than 30 days before the application submission deadline to HUD of September 30, 2022 by 8:00 PM EDT. CoCs failing to establish this deadline for local project application(s) will receive 0 points under Section VII.B.2.g of this NOFO.

b. *CoC Notification to Project Applicants.* The CoC is required to notify, in writing outside of *e-snaps*, all project applicants who submitted their project applications to the CoC by the local CoC-established deadline whether their project application(s) will be accepted and ranked on the CoC Priority Listing, rejected, or reduced by the CoC no later than 15 days of the FY 2022 application submission deadline. Where a project application is being rejected or reduced, the CoC must provide the project applicant with the reason(s) for the rejection or reduction. CoCs failing to provide this information to a project applicant that submits its project application by the local competition deadline will receive 0 points under Section VII.B.2.g of this NOFO.

**3.** For the CoC Consolidated Application to be considered complete and properly submitted for review by HUD in the FY 2022 CoC Program Competition, the Collaborative Applicant must submit the entire CoC Consolidated Application by the application submission deadline which includes: CoC Application, the CoC Priority Listing, and the project applications on behalf of the CoC. Note that the "Submit" button will not be available on the Submission Summary of the CoC Application and CoC Priority Listing until all required sections of the application and all parts of the listings, including accepting and ranking with a unique rank number or rejecting project applications have been completed. Collaborative Applicants should review the Submission Summary form carefully to ensure that no sections state "Please Complete." **The CoC Application and the CoC Priority Listing are separate submissions in *e-snaps*; therefore, Collaborative Applicants must ensure both the CoC Application and the CoC Priority Listing, that includes all project applications either approved and ranked or rejected, are submitted in *e-snaps* prior to the application submission deadline.**

**4.** Collaborative Applicants should print a copy of the Submission Summary form from the CoC Application and the CoC Priority Listing before closing their internet browser after the CoC Consolidated Application has been submitted to HUD. This is the Collaborative Applicant's receipt of submission and proof of compliance with the application deadline. HUD will not give funding consideration to any Collaborative Applicant whose CoC Application or CoC Priority Listing is determined to be late and are unable to provide HUD with a record of submission that verifies the FY 2022 CoC Consolidated Application was submitted prior to the application deadline date and time.

**5.** HUD strongly suggests that applicants use the "Export to PDF" functionality of *e-snaps* to print a hard copy of all submission documents for their records. This can be completed prior to or after submission.

**6.** As stated in Section VI.G.1 of this NOFO, it is imperative that all Collaborative Applicants meet the application submission deadline of September 30, 2022 at 8:00 PM EDT. Applications that are not received on time will not be funded. Also, failure to submit a complete CoC Consolidated Application may result in HUD finding that the CoC does not meet the requirements of the Act or its implementing regulations under 24 CFR 578.13. If the Secretary makes that finding, HUD may take remedial action to ensure fair distribution of grant funds to eligible entities within the CoC's geographic area, which includes the possibility that HUD will designate another eligible applicant to be the Collaborative Applicant for the CoC. In addition to the remedial actions listed in 24 CFR 578.13(a), HUD may also decide to impose another remedial action, such as requiring the CoC to create new policies and procedures to ensure that the Collaborative Applicant performs its duties.

7. CoC and project applicants experiencing technical difficulty with any part of the Consolidated Application should notify HUD immediately for assistance and document all attempts to obtain assistance. Notification of technical difficulties must be sent to [CoCNOFO@hud.gov](mailto:CoCNOFO@hud.gov). HUD will not provide assistance directly related to content, only to troubleshoot submission issues.

8. If after notice and reasonable opportunity to be heard, HUD finds pursuant to 24 CFR 578.13, that one or more Continuums have failed to comply with the requirements of the Act and the Rule, HUD may, solely at its discretion and only if sufficient funds become available by recapture, publish a new NOFO for eligible applicants in Continuums that HUD has determined do not meet the requirements of the Act and program regulations.

#### **H. Intergovernmental Review. Not Applicable.**

#### **I. Funding Restrictions. Not Applicable.**

#### **J. Other Submission Requirements**

**1. Application, Assurances, and Certifications.** Standard Form 424 (SF-424) Application for Federal Assistance Programs is the government-wide form required to apply for Application for Federal Assistance Programs, discretionary Federal grants, and other forms of financial assistance programs. Applicants for this Federal assistance program must submit all required forms in the SF-424 Family of forms, including SF-424B (Assurances of Non-construction Programs) or SF-424D (Assurances for Construction Programs). Applications receiving funds for both non-construction programs and construction programs must submit both the SF-424B and SF-424D.

By signing the forms in the SF-424 either through electronic submission or in paper copy submission (for those granted a waiver), the applicant and the signing authorized representative affirm they have reviewed the certifications and assurances associated with the application for federal assistance and (1) are aware the submission of the SF-424 is an assertion that the relevant certifications and assurances are established and (2) acknowledge that the truthfulness of the certifications and assurances are material representations upon which HUD will rely when making an award to the applicant. If it is later determined the signing authorized representative to the application made a false certification or assurance, caused the submission of a false certification or assurance, or did not have the authority to make a legally binding commitment for the applicant, the applicant and the individual who signed the application may be subject to administrative, civil, or criminal action. Additionally, HUD may terminate the award to the applicant organization or pursue other available remedies. Each applicant is responsible for including the correct certifications and assurances with its application submission, including those applicable to all applicants, those applicable only to federally recognized Indian tribes, and those applicable to applicants other than federally-recognized Indian tribes. All program-specific certifications and assurances are included in the program Instructions Download on [Grants.gov](https://www.grants.gov).

**Assurances.** By submitting your application, you provide assurances that, if selected to receive an award, you will comply with U.S. statutory and public policy requirements, including, but not limited to civil rights requirements. Applicants and recipients are required to submit assurances of compliance with federal civil rights requirements. *See, e.g.,* Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments Act of 1972, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975; *see also* 24 C.F.R. §§ 1.5; 3.115; 8.50;

and 146.25. HUD accepts these assurances in the form of the SF-424B and SF-424D, which also require compliance with all general federal nondiscrimination requirements in the administration of the grant.

**2. Waiver of Electronic Submission Requirements.** The regulatory framework of HUD's electronic submission requirement is the final rule established in 24 CFR 5.1005. CoCs seeking a waiver of the electronic submission requirement must request a waiver in accordance with 24 CFR 5.1005. HUD regulations allow for a waiver of the electronic submission requirement for good cause. For this NOFO, HUD is defining good cause as:

- a. there are no computers that could be used by applicants or the Collaborative Applicant that are newer than 5 years old anywhere within the CoC's geographic area; or
- b. there are no computers that could be used by applicants or the Collaborative Applicant anywhere within the CoC's geographic area; or
- c. there is no internet access that could be used by applicants or the Collaborative Applicant anywhere within the CoC's geographic area.

HUD will grant waivers only at the CoC level and not at the individual project applicant level, and only to CoCs that were approved by HUD during the required CoC Registration process.

If the waiver is granted, the Office of Special Needs Assistance Programs' response will include instructions on how many copies of the paper application must be submitted, as well as where to submit them. CoCs that are granted a waiver of the electronic submission requirement will not be afforded additional time to submit their applications. Therefore, Collaborative Applicants seeking a waiver of the electronic submission requirement on behalf of the CoC must submit their waiver request with sufficient time to allow HUD to process and respond to the request. Collaborative Applicants should also allow themselves sufficient time to submit the application on behalf of the CoC so that HUD receives the application by the established deadline date. For this reason, if a Collaborative Applicant finds it cannot submit its application electronically and must seek a waiver of the electronic grant submission requirement, its request must be postmarked no later than 60 days after the publication date of this NOFO. To expedite the receipt and review of each request, Collaborative Applicants may fax their written requests to Norm Suchar. If HUD does not have sufficient time to process the waiver request, a waiver will not be granted. Paper applications received without a prior approved waiver or after the established deadline will not be considered.

## **VII. Application Review Information**

While HUD encourages activities in support of the Secretary's Initiatives for any of the three (3) preferences (Opportunity Zone, Promise Zone or Historically Black Colleges or University), this NOFO does not those include preference points. However, Section VII.B.6 provides the information and points associated with the Consolidated Appropriations Act, 2022 requirement to provide incentives to create projects that coordinate housing providers and healthcare organizations to provide permanent supportive housing and rapid rehousing services.

### **A. Criteria**

CoC Consolidated Applications will be assessed on a 200-point scale. No Collaborative Applicants have exercised the authority under 422(j) of the Act; therefore, no selection criteria based on section 427(b)(1)(A)(viii) is included in this NOFO. Additionally, for purposes of the

requirements of section 427 (b)(1)(B)(iv)(I) of the Act. HUD considers “all relevant subpopulations” to mean families, youth, veterans, persons fleeing domestic violence, dating violence, sexual assault, and stalking, persons who are unsheltered, and chronically homeless individuals and families.

**1. Major Disaster Areas.** If a major disaster impacts a CoC’s geographic area, as declared by the President under the Stafford Act, during the FY 2022 CoC Program application process that will impact local competition deadlines as outlined in Section I.G of this NOFO, the CoC’s Collaborative Applicant must send written notification to Norm Suchar, Director, Office of Special Needs Assistance Program at [CoCDisaster@hud.gov](mailto:CoCDisaster@hud.gov). The email must include:

- a. the nature of the disaster, date(s) the major disaster occurred, how the major disaster affected the Collaborative Applicant, the CoC, or its project(s);
- b. the duration, and the impact on the Collaborative Applicant, the project applicants, or the CoC to meet the local competition deadline; and
- c. the anticipated amount of time the CoC is requesting for an extension (e.g., number of days, weeks, or months). This does not mean HUD will allow the full amount of time requested.

Based on the timing and the extent of the major disaster, HUD may extend the application deadline for the affected CoC(s). All requests received will be confirmed via the Federal Emergency Management Agency (FEMA) website, <https://www.fema.gov/disasters>.

**2. Housing Inventory Count (HIC) and Point-in-Time (PIT) Data.** CoCs were required to submit the FY 2022 HIC and PIT data directly to the HUD HDX website by April 29, 2022 by 8:00 PM EDT. CoCs that did not meet the established deadline for HIC and PIT count data submission and did not receive an extension from HUD will not receive the maximum number of points available as described in VII.B.3 and VII.B.4 of this NOFO.

**3. Capital Costs.** For a CoC to receive maximum points if a project applicant(s) requests CoC Program funds for construction or rehabilitation, it must include information describing the actions that will be taken by project applicants to comply with Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) (Section 3) and HUD’s implementing rules at 24 CFR part 75 to provide employment and training opportunities for low- and very low-income persons, as well as contracting and other economic opportunities for business that provide economic opportunities to low- and very low-income persons. This does not affect applicants’ existing responsibilities to provide training, employment, and other economic opportunities pursuant to Section 3 that result from their receipt of other HUD funding. YHDP replacement project applications cannot include capital costs. Grants to Indian tribes are subject to Indian Preference under Section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5307(b)) and are not subject to Section 3 requirements.

## **B. CoC Application Scoring.**

The following chart describes the CoC Application criteria that will be used to establish CoC scores:

<p><b>1. CoC Coordination and Engagement.</b> HUD will award up to <b>83</b> points to CoCs that demonstrate coordination with other systems of care that serve homeless individuals and</p>
--

families, including sources of funding other than the CoC Program; an inclusive and outcome-oriented community process, including an organization structure(s) and decision-making process for developing and implementing a CoC strategy that is inclusive of representatives from both the private and public sectors, has a fair and impartial project review and selection process; and has created, maintained, and built upon a community-wide inventory of housing for homeless individuals and families.

Rating Factor	Maximum Points	To Receive Maximum Points
<b><i>a. Inclusive Structure and Participation.</i></b>		
(1) Has an inclusive membership of a variety of stakeholders within the geographic area.	<b>2</b>	<p>Demonstrate participation from a broad array of stakeholders, not limited to organizations listed in 24 CFR 578.5(a), within the geographic area, including at a minimum:</p> <ul style="list-style-type: none"> <li>• victim service organizations (e.g. organizations that serve survivors of domestic and intimate partner violence, sexual assault, and human trafficking).</li> <li>• youth service providers;</li> <li>• homeless or formerly homeless individuals;</li> <li>• organizations led by and serving culturally specific communities experiencing homelessness in the geographic area to address equity (e.g., Black, Latino, Indigenous, LGBTQ+, or persons with disabilities); and</li> <li>• tribal organizations for CoCs where a tribal organization is present.</li> </ul>
(2) Has an invitation process for new members to join.	<b>1</b>	<p>Demonstrate:</p> <ul style="list-style-type: none"> <li>• a transparent process (e.g., communicated to the public on the CoC’s website) is in place to invite new members to join and includes an invitation process for new members to join that is publicly available within the geographic area at least annually; and</li> <li>• how the CoC invites organizations serving culturally specific communities experiencing homelessness in the geographic area</li> </ul>



		to addresses equity (e.g., Black, Latino, Indigenous, LGBTQ+, and persons with disabilities).
(3) Solicits and considers opinions from knowledgeable individuals and organizations.	1	Demonstrate a transparent process (e.g., communicated in a public manner on the CoC’s website) is in place to solicit and consider opinions from individuals and organizations with knowledge of homelessness in the geographic area or an interest in preventing or ending homelessness in the geographic area.
(4) Accepts and considers proposals from organizations that have not previously received CoC Program funding.	1	Demonstrate a transparent process (e.g., communicated in a public manner on the CoC’s website) is in place to accept and consider proposals from organizations that have not previously received CoC Program funding.
<b>b. Coordination with Federal, State, Local, Private, and Other Organizations.</b> Coordinates with other organizations that serve individuals, families, unaccompanied youth, and persons fleeing domestic violence, dating violence, sexual assault, or stalking who are experiencing or at risk of homelessness. CoCs must consult with Emergency Solutions Grants (ESG) recipients within the geographic area on the plan for allocating ESG funds, including ESG-CV funds, and reporting on and evaluating the performance of ESG recipients and sub-recipients. Each CoC will be required to demonstrate how it is coordinating with ESG recipients.	3	CoCs must: <ul style="list-style-type: none"> <li>• indicate coordination with other federal, state and local governments; private; and other organizations that are included in the planning or operation of projects; and</li> <li>• demonstrate active consultation with ESG recipients in the planning and allocation of ESG and ESG-CV funds and participation in the Consolidated Plan jurisdictions' process(s) by providing PIT and HIC data and ensuring local homelessness information is communicated and addressed in the Consolidated Plan updates.</li> </ul>
<b>c. Ensuring Families are not Separated.</b> Ensure projects do	1	Demonstrate that the emergency shelters, transitional housing, and permanent housing projects within the CoC do not deny

<p>not deny admission to or separate family members.</p>		<p>admission to or separate family members when they enter shelter or housing, including serving all family members together and in accordance with each family member's self-reported sexual orientation and gender identity.</p>
<p><b>d. CoC Collaboration Related to Children and Youth.</b>          Demonstrate the CoC coordinates to provide education services to families with children between the ages of 0-5; and collaborates with education providers, local educational authorities, and school districts.</p>	<p>3</p>	<p>CoCs must:</p> <ul style="list-style-type: none"> <li>• Indicate there are written agreements in place between the CoC or its HUD-funded projects and educational supports and services for children ages 0-5, such as Public Pre-K, Head Start, Child Care (Child Care and Development Fund), and home visiting (including Maternal, Infant and Early Childhood Home and Visiting or MIECHV);</li> <li>• Identify formal partnerships the CoC has with youth education providers, local educational authorities, or school districts; and</li> <li>• Policies and procedures have been adopted to inform individuals and families who become homeless of their eligibility for educational services.</li> </ul>
<p><b>e. Addressing the Needs of Victims of Domestic Violence, Dating Violence, Sexual Assault, and Stalking.</b>          Coordinate with victim service providers and operators of coordinated entry to address the unique needs for housing and services that prioritize safety that includes providing training for CoC recipients. This includes housing and services made available from the CoC Program, ESG Program, Department of Justice programs, and Department of Health and Human Services programs.</p>	<p>5</p>	<p>CoCs must demonstrate:</p> <ul style="list-style-type: none"> <li>• victim service providers are voting members of the CoC;</li> <li>• the CoC regularly collaborates with victim service providers, state domestic violence coalitions, state sexual assault coalitions, and other organizations who help provide housing and services to survivors of domestic violence, dating violence, sexual assault, and stalking to update CoC-wide policies and ensure all housing and services provided in the CoC are trauma-informed and able to meet the needs of survivors;</li> </ul>

<p>The CoC must identify the current efforts to increase access to safe housing and services for survivors of domestic violence, dating violence, sexual assault, and stalking, adopting victim-centered practices that maximize client choice while maintaining safety and confidentiality.</p>		<ul style="list-style-type: none"> <li>• annual training is provided to CoC providers and operators of Coordinated Entry that addresses best practices in serving survivors of domestic violence, dating violence, sexual assault, and stalking;</li> <li>• the CoC uses de-identified aggregate data on survivors of domestic violence, dating violence, sexual assault, and stalking – including data from comparable databases; HMIS; other stakeholders serving survivors of domestic violence, dating violence, sexual assault, or stalking – to evaluate how best to meet the specialized needs related to domestic violence and homelessness;</li> <li>• the CoC has policies and procedures that ensure all individuals and families receiving and seeking CoC Program assistance are made aware of the CoC’s emergency transfer plan and the process for requesting an emergency transfer;</li> <li>• the CoC is ensuring that survivors of domestic violence, dating violence, sexual assault, or stalking have access to all of the housing and services available within the CoC’s geographic area; and</li> <li>• safety, planning, and confidentiality protocols are included in the coordinated assessment.</li> </ul>
<p><b>f. Addressing the Needs of LGBTQ+ Individuals.</b> Demonstrates efforts to address the needs of Lesbian, Gay, Bisexual, Transgender, and Queer(LGBTQ+) individuals and their families experiencing homelessness.</p>	<p>7</p>	<p>CoC must:</p> <ul style="list-style-type: none"> <li>• demonstrate LGBTQ+ serving organizations or advocacy groups are included in the CoC membership;</li> <li>• annually conduct training to providers about how to effectively implement the <a href="#">Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity</a> Rule, and the <a href="#">Equal</a></li> </ul>

		<p><a href="#"><u>Access in Accordance with an Individual’s Gender Identity in Community Planning and Development Programs</u></a> Rule;</p> <ul style="list-style-type: none"> <li>• demonstrate that they have implemented and trained providers on a CoC-wide, anti-discrimination policy ensuring that LGBTQ+ individuals and families receive supportive services, shelter, and housing free from discrimination;</li> <li>• demonstrate that their CoC-wide, anti-discrimination policy is updated, as necessary based on stakeholder feedback;</li> <li>• Demonstrate that the CoC has assisted providers in developing agency anti-discrimination policies that are consistent with the CoC-wide anti-discrimination policy; and</li> <li>• Demonstrate that the CoC has a process for evaluating compliance with the CoC’s anti-discrimination policies and addresses any non-compliance with those policies.</li> </ul>
<p><b>g. Public Housing Agencies.</b> Coordinates with the Public Housing Agencies (PHAs) located in their geographic area that resulted in admission preferences for households experiencing homelessness, including move-on strategy- which is a partnership between the CoC and one or more PHAs who have an admission preference for clients in PH-PSH who are able and want to move out of supportive housing with a rental subsidy.</p>	<p><b>10</b></p>	<p>CoCs must demonstrate how they work with the PHA(s) in their geographic area to:</p> <ul style="list-style-type: none"> <li>• coordinate with a PHA to apply for or implement Housing Choice Voucher funding that is statutorily dedicated to people experiencing homelessness (e.g. Emergency Housing Vouchers)</li> <li>• coordinate with a PHA to apply for or implement existing funding for people experiencing homelessness (e.g. Mainstream vouchers, FUP, or other programs);</li> <li>• established PHA(s) admission preferences for households experiencing homelessness which may include a preference for formerly homeless households residing in units of housing for persons experiencing homelessness</li> </ul>

		<p>(e.g., Move-on Program), or project-basing vouchers for households experiencing homelessness;</p> <ul style="list-style-type: none"> <li>• ensure at least 20 percent of new PHA admissions were homeless at admission; and</li> <li>• Include PHA(s)-funded units described above in the CoC’s coordinated entry.</li> </ul>
<p><b>h. Discharge Planning.</b> Coordinates with and assists in state or local discharge planning efforts (e.g., community reentry, community transitions, or reentry services) to ensure that those discharged do not become homeless.</p>	2	<p>CoCs must indicate they coordinate with state or local discharge planning efforts to ensure people exiting from foster care and institutions (i.e., jails/prisons/hospitals, mental health facilities, or other institutional settings) are not released directly to the streets, emergency shelters, or other McKinney-Vento Homeless Assistance programs, and the CoC works with discharge planning efforts to help identify affordable and integrated housing opportunities for individuals with disabilities transitioning from institutional settings, including providing reasonable accommodations that may be necessary for program participation, and ensuring housing options include housing that meets one’s disability-related needs.</p>
<p><b>i. Housing First.</b> Projects in the CoC use a Housing First approach and the CoC assesses fidelity to the Housing First approach. Any housing project application that indicates it will use a Housing First approach, that is awarded FY 2022 CoC Program funds will be required to do so.</p>	10	<p>CoCs must demonstrate at least 75 percent of all project applications that include housing activities (e.g., permanent housing, safe haven) submitted under this NOFO are using the Housing First approach by providing low barrier projects that do not have service participation requirements or preconditions to entry and prioritize rapid placement and stabilization in permanent housing.</p> <p>This means the projects allow entry to program participants regardless of their income, current or past substance use, history of victimization (e.g., domestic violence, sexual assault, childhood abuse), and criminal record—except restrictions imposed by federal, state, or local law or</p>

		<p>ordinance (e.g., restrictions on serving people who are listed on sex offender registries).</p> <p>CoCs must describe what tools and methods are used to regularly evaluate projects to ensure those that commit to following a Housing First approach are maintaining fidelity to a housing first approach in implementing their project which must include a process to review fidelity to a Housing First approach outside of the local CoC competition rating and ranking process.</p>
<p><b>j. Street Outreach.</b> Has implemented outreach procedures to ensure all persons experiencing homelessness are aware of the housing and services providers within the CoC's geographic area.</p>	3	<p>CoCs must demonstrate:</p> <ul style="list-style-type: none"> <li>• the CoC's street outreach covers 100 percent of the CoC's geographic area;</li> <li>• outreach is conducted on a regular basis; and</li> <li>• outreach is tailored to reach those that are least likely to request assistance.</li> </ul>
<p><b>k. Criminalization.</b> Implement specific strategies to prevent the criminalization of homelessness within the CoC's geographic area.</p>	2	<p>Indicate specific strategies to (1) ensure homelessness is not criminalized and (2) to reverse existing criminalization policies such as bans on public sleeping or other behaviors associated with homelessness. This includes engaging and educating local policymakers and law enforcement to reduce criminalization of homelessness and adopt protocols that uphold civil rights and prioritize connections to housing and services, implementing community plans, or engaging and educating businesses.</p>
<p><b>l. Rapid Rehousing.</b> Demonstrate an increase in the number of rapid rehousing beds available as recorded on the 2022 HIC data submitted to HUD, or that an increase is not needed.</p>	10	<p>Demonstrate an increase of at least 20 percent in the number of rapid rehousing beds in the CoC geographic area as reported in HDX.</p> <p><b>OR</b></p> <p>Clearly demonstrate the number of rapid rehousing beds in the CoC's geographic area sufficiently meets the need for this type</p>

		of housing, which will be verified against information in the most recent PIT and HIC data reported in HDX.
<p><b>m. Mainstream Benefits and Other Assistance.</b> The CoC provides information and training to CoC Program-funded projects to supplement CoC Program funds with resources from other public and private sources, including programs that assist program participants in applying for and receiving mainstream benefits or gaining employment.</p>	2	<p>CoCs must demonstrate:</p> <ul style="list-style-type: none"> <li>• at least once a year, the CoC provides training to program staff and trains program staff regarding the following mainstream resources available for program participants within the geographic area: <ul style="list-style-type: none"> <li>○ Food Stamps</li> <li>○ SSI</li> <li>○ TANF</li> <li>○ Substance Abuse Programs</li> <li>○ Employment Assistance Programs</li> </ul> </li> <li>• how the CoC works with projects to collaborate with healthcare organizations, including those that provide substance abuse treatment and mental health treatment, to assist program participants with receiving healthcare services, including Medicaid; and</li> <li>• how the CoC promotes <a href="#">SOAR</a> certification among program staff.</li> </ul>
<p><b>n. Utilizing Non-Congregate Sheltering.</b> The CoC is increasing their capacity to provide non-congregate shelter, which may include non-congregate sheltering that is used to prevent the spread of infectious diseases or to protect highly vulnerable individuals from infectious diseases.</p>	1	<p>The CoC must demonstrate that they are increasing their capacity to provide non-congregate sheltering, which may include non-congregate sheltering that is used to prevent the spread of infectious diseases or to protect highly vulnerable individuals from infectious disease.</p>
<p><b>o. Partnerships with Public Health Agencies.</b> The CoC coordinates with state and local public health agencies to respond to and prevent</p>	5	<p>The CoC must demonstrate:</p> <ul style="list-style-type: none"> <li>• that the CoC effectively collaborates with state and local public health agencies to develop CoC-wide policies and procedures to respond</li> </ul>

<p>infectious disease outbreaks amongst people experiencing homelessness.</p>		<p>to and prevent infectious disease outbreaks among people experiencing homelessness; and</p> <ul style="list-style-type: none"> <li>• that the CoC effectively shares information related to public health measures and homelessness and facilitates communication between public health agencies and homeless service providers to ensure street outreach providers and shelter and housing providers are equipped to prevent or limit infectious disease outbreaks among program participants.</li> </ul>
<p><b>p. <i>Centralized or Coordinated Assessment System.</i></b> The CoC has an effective Coordinated Entry System.</p>	<p><b>3</b></p>	<p>CoCs must demonstrate the centralized or coordinated entry system:</p> <ul style="list-style-type: none"> <li>• covers the entire CoC geographic area;</li> <li>• reaches people who are least likely to apply in the absence of special outreach;</li> <li>• uses a standardized assessment process and assessment tool;</li> <li>• prioritizes persons most in need of assistance and ensures that permanent housing is rapidly obtained consistent with participants' preferences;</li> <li>• takes steps to reduce burdens on people utilizing coordinated entry, including any invasive questions or complexity in the assessment processes;</li> <li>• engages with a broad range of organizations (e.g., local government, law enforcement, CDBG/HOME/ESG entitlement jurisdictions, affordable housing developers, early childhood programs, education authorities, mental health organizations.) that participate in the coordinated entry system;</li> </ul>



		<ul style="list-style-type: none"> <li>• is updated regularly using feedback they receive from participating projects and households that participated in coordinated entry.</li> </ul>
<p><b>q. Promoting Racial Equity in Homelessness Response.</b> The CoC has assessed racial disparities in the provision or outcome of homeless assistance and taken the necessary steps to address such disparities.</p>	7	<p>CoCs must describe:</p> <ul style="list-style-type: none"> <li>• how the CoC analyzed whether any racial disparities are present in the provision or outcomes of homeless assistance;</li> <li>• what racial disparities the CoC identified in the provision or outcomes of homeless assistance;</li> <li>• what steps the CoC is taking to address the disparities identified in the provision or outcomes of homeless assistance; and</li> <li>• What measures the CoC has in place to track progress on preventing or eliminating disparities in the provision or outcomes of homeless assistance.</li> </ul> <p>Any actions taken must be consistent with federal nondiscrimination requirements</p>
<p><b>r. Involving Individuals with Lived Experience of Homelessness in Service Delivery and Decision Making and Provide Professional Development and Employment Opportunities.</b> The CoC has included persons with lived experience are of homelessness in the CoC’s decision-making process, and the CoC encourages CoC members to provide professional development and employment opportunities to people experiencing homelessness.</p>	3	<p>CoCs must demonstrate:</p> <ul style="list-style-type: none"> <li>• Outreach efforts (e.g., social media announcements, targeted outreach) to engage those with lived experience of homelessness in leadership roles and decision-making processes;</li> <li>• individuals with lived experience of homelessness participate in CoC committees, subcommittees, or workgroups;</li> <li>• individuals with lived experience of homelessness are routinely included in decision-making processes of the CoC related to addressing homelessness (e.g. minutes from CoC or CoC Subcommittee meetings show people with lived experience are involved in decision-making); and</li> </ul>

		<ul style="list-style-type: none"> <li>• individuals with lived experience of homelessness are included in the development, or revision, of the local competition rating factors;</li> <li>• Professional development (e.g. internships, continuing education, skill-based training) and employment opportunities are provided to individuals with lived experience of homelessness either within the CoC or by CoC membership organizations;</li> <li>• Feedback is routinely gathered from people experiencing homelessness and people who have received assistance through the CoC or ESG program on their experience receiving assistance and the steps the CoC takes to address challenges raised by people with lived experience of homelessness.</li> </ul> <p>Persons with lived experience must have been homeless within the last 7 years or are currently program participants. Full points are available if there is more than one person with lived experience of homelessness engaged in local CoC planning and at least one person with lived experience came from an unsheltered situation.</p>
<p><b>s. Section 3 Requirements for CoCs.</b> CoCs submitting new project applications that include funding requests for new construction or rehabilitation activities must complete a series of questions that address the actions taken by project applicants to comply with Section 3 as described in the “To Receive Maximum Points” column. HUD will deduct 2 points from a CoC’s overall score if the information provided is</p>	<p>-2</p>	<p>For project applicants that plan to use funding for construction or rehabilitation, HUD will deduct 2 points from the CoC’s overall score, unless the CoC includes information that describes the actions that will be taken by project applicants that receive CoC funding to comply with section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) (Section 3) and HUD’s implementing rules at 24 CFR part 75 to provide employment and training opportunities for low- and very low-income persons (Section 3 residents), and to award contracts to businesses that are owned by or substantially employ those persons (Section</p>

<p>insufficient to meet the required criteria.</p> <p>If a CoC does not have new project applications that include new construction or rehabilitation, these criteria do not apply.</p> <p>Grants to Indian tribes are subject to Indian Preference under Section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5307(b)) and are not subject to Section 3 requirements.</p>		<p>3 businesses). Self-certified Section 3 businesses in your locality may be found at <a href="http://www.hud.gov/sec3biz">www.hud.gov/sec3biz</a>. This does not affect the applicants' existing responsibilities to provide training, employment, and other economic opportunities pursuant to Section 3 that result from their receipt of other HUD funding.</p>
<p><b>t. Increasing Affordable Housing Supply.</b> The CoC has taken steps to work with jurisdictions within their geographic area to reduce barriers to housing development and increase the supply of affordable housing.</p>	<p><b>1</b></p>	<p>CoCs must describe at least 2 steps they have taken in the past 12 months that engage city, county, or state governments within their geographic area regarding the following:</p> <ul style="list-style-type: none"> <li>• Reforming zoning and land use policies to permit more housing development; or</li> <li>• Reducing regulatory barriers to housing development.</li> </ul>
<p><b>2. Project Capacity, Review, and Ranking.</b> HUD will award up to <b>30</b> points to CoCs that demonstrate the existence of a single coordinated, inclusive, and outcome-oriented community process for the solicitation, objective review, ranking, and selection of project applications, that includes reviewing and a process by which renewal projects, except expiring YHDP renewals and YHDP replacements, are reviewed for performance and compliance with 24 CFR part 578. HUD will award maximum points for the Ranking and Selection Process in this section to CoCs with the project(s) that have been covered by a major disaster, as declared by the President under Title IV of the Robert T. Stafford Act, that occurred in the 12 months prior to the application deadline for the CoC Consolidated Application for FY 2022 funds. To receive consideration for such a major disaster, the Collaborative Applicant must notify HUD in writing before the application deadline and must include information about how the disaster affected the Collaborative Applicant's ability to meet the criteria in 2.g below. The notification must be sent to Norm Suchar, Director, Office of Special Needs Assistance Programs, at <a href="mailto:CoCDisaster@hud.gov">CoCDisaster@hud.gov</a>.</p>		

<p><b>a. Objective Criteria.</b> Demonstrate the use of objective criteria to review project applications requesting CoC Program funding.</p>	<p>8</p>	<p>The CoC must demonstrate it publicly notified applicants and used objective criteria to evaluate applications in the local competition:</p> <ul style="list-style-type: none"> <li>• Up to 2 of the 8 points for attaching the CoC’s local scoring and rating criteria, including point values, that was publicly posted at the time the CoC notified the public it was accepting applications.</li> <li>• Up to 2 of the 8 points based on the CoC’s use of objective criteria (e.g., cost-effectiveness, type of population served, type of housing proposed; commitment to Housing First);</li> <li>• Up to 2 of the 8 points where the use of the objective criteria accounted for at least 33 percent of the total points available for project applications; and</li> <li>• Up to 2 of the 8 points for use of more than one objective criterion.</li> </ul> <p>CoCs may receive full points for this criterion if they only use system performance measures to meet the objective criteria for rating, selection, and ranking project applications provided it accounts for 33 percent of the total points available for project applications.</p>
<p><b>b. Using System Performance Measures.</b> Demonstrate the use of CoC Program required system performance measures to review project applications requesting CoC Program funding.</p>	<p>8</p>	<p>The CoC must demonstrate it publicly notified applicants of and used local competition criteria based on system performance measures:</p> <ul style="list-style-type: none"> <li>• Up to 2 of the 8 points for attaching the CoC’s local scoring and rating criteria, including point values, that included outcome measures related to CoC system performance measures;</li> <li>• Up to 2 of the 8 points based on the CoC’s use of measures related to system performance measures (e.g., returns to homelessness, first-time homeless, jobs and income growth)</li> </ul>

		<p>in its local review, selection, rating process;</p> <ul style="list-style-type: none"> <li>• Up to 2 of the 8 points where the use of the measures related to system performance accounted for at least 20 percent of the total points available for project applications; and</li> <li>• Up to 2 of the 8 points for use of more than one measure related to system performance criteria.</li> </ul>
<p><b>c. Comparable Databases to Evaluate Domestic Violence Providers.</b> Victim service providers are required to use comparable databases in lieu of HMIS to collect the required Universal Data Elements and CoC Program system performance measures.</p>	1	<ul style="list-style-type: none"> <li>• The CoC must demonstrate it required organizations serving survivors of domestic violence to submit performance data, including comparable database data if the provider is a victim service provider.</li> </ul>
<p><b>d. Rapid Return to Permanent Housing and Severity of Barriers Experienced by Program Participants.</b> The CoC collects and analyzes data on program participants in permanent housing and uses data on the severity of barriers experienced by a project’s program participants when ranking project performance related to obtaining and maintaining permanent housing.</p>	4	<p>The CoC must explain:</p> <ul style="list-style-type: none"> <li>• how the CoC collects and analyzes data regarding each project that has successfully housed program participants in permanent housing;</li> <li>• how the CoC analyzes data regarding how long it takes to house people in permanent housing; and</li> <li>• how the CoC considers the severity of barriers (e.g., substance use, history of domestic violence, criminal history), experienced by program participants preventing rapid placement in permanent housing or the ability to maintain permanent housing when rating, selecting, and ranking projects. The CoC must list the severe barriers considered.</li> </ul>
<p><b>e. Promote Racial Equity in the local CoC Process.</b> Demonstrate how the CoC is promoting racial equity when</p>	2	<p>The CoC must demonstrate how:</p> <ul style="list-style-type: none"> <li>• efforts to obtain input and include persons of different races and ethnicities, particularly those over-</li> </ul>

<p>reviewing applications. Any actions taken must be consistent with federal nondiscrimination requirements.</p>		<p>represented in the local homelessness population, have impacted how the CoC has determined the rating factors used to review project applications; and</p> <ul style="list-style-type: none"> <li>• it includes persons of different races and ethnicities, particularly those over-represented in the local homelessness population, in the review, selection, and ranking process; and</li> <li>• projects are rated and ranked based on the degree to which their project has identified any barriers to participation (e.g., lack of outreach) faced by persons of different races and ethnicities, particularly those over-represented in the local homelessness population, and has taken or will take steps to eliminate the identified barriers.</li> </ul>
<p><b>f. Reallocating Projects.</b> Demonstrate that the CoC either reallocates funding from lower performing projects to create new higher performing projects or has a process to review the performance of existing projects and reallocate funding from lower performing projects to higher performing projects.</p>	<p>4</p>	<p>Demonstrate the CoC actively reviews the performance of existing CoC Program-funded projects and has a standard process for reallocating funding from lower performing projects to create new high performing projects.</p> <p><b>OR</b></p> <p>Have cumulatively reallocated at least 20 percent of the CoC’s ARD between the FY 2017 and FY 2022 CoC Program Competitions.</p>
<p><b>g. Ranking and Selection Process.</b> Demonstrate the use of an objective ranking and selection process for project applications that is publicly announced by the CoC.</p>	<p>3</p>	<p>CoCs must:</p> <ul style="list-style-type: none"> <li>• post to their website or a CoC member organization’s website the 30-day deadline for project applications that is no later than 30 days before the FY 2022 CoC Program Competition submission deadline of September 30, 2022;</li> <li>• attach the final scores, ranking, rejection, and reallocation information from the CoC’s local</li> </ul>

		<p>competition that includes all of the projects that were submitted for consideration;</p> <ul style="list-style-type: none"> <li>• notify, in writing outside of <i>e-snaps</i>, project applicants who submitted their project applications to the CoC by the CoC-established deadline, whether their project application(s) will be accepted and ranked, rejected, or reduced on the CoC Priority Listing no later than 15 days before the FY 2022 CoC Program Competition application submission deadline, and where a project application is being rejected or reduced, the CoC must indicate the reason(s) for the rejection or reduction; and</li> <li>• Post on their website, or a CoC member organization’s website, at least 2 days before the FY 2022 CoC Program Competition application submission deadline, the CoC Application, including the attachments, and the Priority Listing, and notify community members and key stakeholders that the CoC Consolidated Application is available. CoCs that do not have a website must post this information to a CoC member organization's website (e.g., a city or county website).</li> </ul>
--	--	--

**3. Homeless Management Information System.** HUD will award up to **9** points to CoCs that demonstrate the existence of a functioning HMIS, and that victim service providers use comparable databases, that facilitate the collection of information on homelessness using residential and other homeless services and stores that data in an electronic format.

<p><b>a. Housing Inventory Count (HIC).</b> Submit complete HIC data in a timely manner.</p>	<p><b>1</b></p>	<p>Submitted 2022 HIC data in HDX 1.0 by the submission deadline of 5:00 PM EDT on April 29, 2022 or an alternate date approved by HUD.</p>
<p><b>b. Comparable Database for DV Providers.</b> Have in place, developing, or coordinating a comparable database with</p>	<p><b>2</b></p>	<p>Demonstrate how the CoC and HMIS Lead are supporting victim service providers to collect data in a database that meets HUD’s comparable database requirements.</p>

<p>victim service providers to collect required data elements for reporting de-identified information to the CoC.</p>		
<p><b>c. <i>Bed Coverage.</i></b> The bed coverage rate for the housing types within the CoC that includes emergency shelter, Safe Haven, transitional housing, rapid rehousing, and permanent supportive housing.</p>	<p>4</p>	<p>At least 85 percent of the beds in the CoC's geographic area are covered in HMIS and comparable databases. The bed coverage rate is the number of HMIS and comparable database participating beds divided by the number of year-round beds dedicated to homeless persons in the geographic area covered by the CoC.</p> <p>To receive partial credit, if the bed coverage rate is below 85 percent, the CoC must provide clear steps on how it intends to increase this percentage over the next 12 months.</p> <p>A CoC that merged between the FY 2021 CoC Program Registration process and the FY 2022 CoC Program Registration process will have its bed coverage rate calculated based on the higher of:</p> <p>the bed coverage rate reported by the combined, newly merged CoC in the 2021 or 2022 HIC;</p> <p><b>OR</b></p> <p>the highest bed coverage rate reported by one of the merged CoCs as constituted before the merger in the FY 2021 CoC Program Competition.</p> <p>To receive consideration as a merged CoC, the new CoC must contain all the geographic area of at least two CoCs that were awarded funds under the FY 2020 CoC Program Non-competitive Notice and submitted separate applications in the FY 2021 CoC Program Competition.</p>
<p><b>d. <i>Longitudinal Systems Analysis (LSA) Submission.</i></b> Submit 2021</p>	<p>2</p>	<p>The CoC submitted LSA data in HDX 2.0 by the submission deadline of February 15, 2022 at 8:00 PM EST or an alternate date</p>



LSA data in a complete and timely manner.		approved by HUD.
<b>4. Point-in-Time Count.</b> HUD will award up to <b>5</b> points to CoCs that collect, use, and submit data from the 2022 PIT count.		
<b>a. PIT Count and Data Submission.</b> Conduct a PIT count and report the data in HDX.	<b>3</b>	<p>Conduct a sheltered and unsheltered PIT count during the last 10 days in January 2022, or if an exception was provided by HUD, during the time period agreed upon by the CoC and HUD; and</p> <p>Submit the 2022 PIT count data in HDX by May 6, 2022, 5:00 PM EDT, or if the CoC received an extension, the date indicated in the extension.</p>
<b>b. Effectively Count Youth.</b> Implement specific measures to identify youth in the CoC's PIT count.	<b>2</b>	<p>Demonstrate that during the planning process for the 2022 PIT count, the CoC:</p> <ul style="list-style-type: none"> <li>• engaged stakeholders that serve homeless youth;</li> <li>• involved homeless youth in the actual count; and</li> <li>• worked with stakeholders to select locations where homeless youth are most likely to be identified.</li> </ul>
<b>5. System Performance.</b> HUD will award up to <b>59</b> points to CoCs for system-wide performance related to reducing homelessness.		
<b>a. Reducing the Number of Homeless Individuals and Families.</b> Up to 1 point to CoCs that demonstrate an overall reduction of at least 5 percent in the number of individuals and families who experience homelessness.	<b>10</b>	<ul style="list-style-type: none"> <li>• Up to 2 of the 10 points for demonstrating a decrease of at least 5 percent in the number of sheltered homeless individuals and families in the 2022 PIT count compared to the 2021 PIT count as recorded in HDX, excluding emergency shelter beds added for a Presidentially declared disaster and recorded as such in HDX;</li> <li>• Up to 5 of the 10 points for demonstrating a decrease of at least 5 percent in the number of unsheltered homeless individuals and families in the 2022 PIT compared to the 2021 PIT count (or most recent unsheltered PIT count submitted) as recorded in HDX; and</li> </ul>

		<ul style="list-style-type: none"> <li>Up to 3 of the 10 points for demonstrating a decrease of at least 5 percent in the combined number of sheltered and unsheltered homeless individuals and families in the 2022 PIT compared to the 2021 PIT count (or most recent PIT count submitted with both sheltered and unsheltered data) as recorded in HDX.</li> </ul>
<p><b>b. Reduction in the Number of First Time Homeless.</b> Demonstrate how the CoC works to reduce the number of individuals and families who become homeless for the first time.</p>	3	<ul style="list-style-type: none"> <li>Demonstrate that between FY 2020 and FY 2021 the CoC reduced the number of first-time homeless as reported in HDX (1 of the 3 points);</li> <li>Identify the process by which risk factors are identified in its community for becoming homeless for the first time;</li> <li>Describe the strategies in place to address individuals and families at risk of becoming homeless; and</li> <li>Identify the organization or position that is responsible for overseeing the CoC strategy to reduce or end the number of people experiencing homelessness for the first time.</li> </ul>
<p><b>c. Length of Time Homeless.</b> Reduce the length of time individuals and families remain homeless and describe how they will reduce the length of time individuals and families remain homeless in the future.</p>	13	<ul style="list-style-type: none"> <li>Demonstrate that between FY 2020 and FY 2021 the CoC reduced the average length of time individuals and families remained homeless in the CoC's geographic area of at least 5 percent or that the CoC's average length of time homeless was 90 days or less as reported in HDX (8 of 15 points);</li> <li>Describe the CoC's strategy to reduce the length of time individuals and families remain homeless;</li> <li>Describe how the CoC identifies and houses individuals and families with the longest length of time homeless; and</li> <li>Identify the organization or position that is responsible for overseeing the</li> </ul>

		CoC’s strategy to reduce the length of time individuals and families remain homeless.
<p><b>d. Successful Permanent Housing Placement or Retention.</b> Demonstrate an increase in the rate in which individuals and families move to permanent housing destinations or continue to reside in permanent housing projects and describe how the CoC will improve their rate of permanent housing placement.</p>	13	<ul style="list-style-type: none"> <li>• Demonstrate that between FY 2020 and FY 2021 the CoC increased the rate at which persons exiting emergency shelter, transitional housing, safe haven, and rapid rehousing projects exit to permanent housing destinations by at least 2 percentage points (e.g. from 36% to 38%) or that the rate of exits to permanent housing destinations was 50 percent or higher as reported in HDX (up to 6 of the 13 points);</li> <li>• Demonstrate that between FY 2020 and FY 2021 the CoC increased the rate at which persons residing in permanent supportive housing or other permanent housing, excluding rapid rehousing, exited to permanent housing destinations by at least 1 percentage point (e.g. from 92% to 93%) or that rate of retention of or exits to permanent housing destinations was 96 percent or higher as reported in HDX (up to 3 of the 13 points);</li> <li>• Describe the strategy the CoC is taking to improve permanent housing placement and retention; and</li> <li>• Identify the organization or position that is responsible for overseeing the CoC’s strategy to increase permanent housing placements or retain housing for individuals and families residing in permanent housing.</li> </ul>
<p><b>e. Returns to Homelessness.</b> Reduce the extent to which individuals and families leaving homelessness experience additional spells of</p>	8	<ul style="list-style-type: none"> <li>• Demonstrate that between FY 2020 and FY 2021 the CoC reduced the rate at which persons who exited to permanent housing destinations experienced additional spells of</li> </ul>

<p>homelessness and describe how the number of individuals and families who return to homelessness will be reduced in the community.</p>		<p>homelessness within 6 months of exit by at least 1 percentage point (e.g., from 10% to 9%) or that the CoC’s rate of return in 6 months was 5 percent or less as reported in HDX (up to 3 of the 8 points):</p> <ul style="list-style-type: none"> <li>• Demonstrate that between FY 2020 and FY 2021 the CoC reduced the rate at which persons who exited to permanent housing destinations experienced additional spells of homelessness within 12 months by at least 1 percentage point (e.g., from 15% to 14%) or that the CoC’s rate of return in 12 months was 10 percent or less as reported in HDX (up to 3 of the 8 points):</li> <li>• Describe the strategy that has been implemented to identify individuals and families who return to homelessness;</li> <li>• Describe the strategy that will reduce returns to homelessness; and</li> <li>• Identify the organization or position that is responsible for overseeing the CoC’s strategy to reduce returns to homelessness.</li> </ul>
<p><b>f. Jobs and Income Growth.</b> Increase program participants’ incomes from employment and non-employment cash sources and describe specific strategies to assist program participants’ incomes.</p>	<p>7</p>	<ul style="list-style-type: none"> <li>• Demonstrate that between FY 2020 and FY 2021 the CoC increased the percentage of CoC Program participants who had an increase in income from employment or that the rate of income from employment in the CoC was 20 percent or higher as reported in HDX (2 of the 7 points);</li> <li>• Demonstrate that between FY 2020 and FY 2021 the CoC increased the percentage of CoC Program participants who had increased income from non-employment cash sources for persons served in CoC Program-funded projects or that the rate of income from non-employment cash sources in the</li> </ul>

		<p>CoC was 50 percent or higher as reported in HDX (2 of the 7 points);</p> <ul style="list-style-type: none"> <li>• Describe the strategy that has been implemented to access employment and non-employment cash sources;</li> <li>• Describe how the CoC is working with mainstream employment organizations to help individuals and families experiencing homelessness increase their cash income; and</li> <li>• Identify the organization or position that is responsible for overseeing the CoC’s strategy to increase jobs and income growth from employment and non-employment cash sources, including mainstream employment organizations.</li> </ul>
<b>g. HMIS Performance Measures.</b> Submit data quality report that describes the data quality for system performance	<b>5</b>	The CoC submitted FY 2021 System Performance Measures data in HDX 1.0 by the submission deadline of 8:00 PM EDT on February 28, 2022, or an alternate date approved by HUD.
<b>6. Coordination with Housing and Healthcare.</b> As stated in Section II.B.4 of this NOFO, HUD will award up to <b>14</b> points to CoCs that submit new permanent supportive housing and rapid rehousing project applications demonstrating coordination with housing providers and healthcare organizations.		
<b>a. Leveraging Housing Resources.</b> These points are available for CoCs that apply for at least one new permanent supportive housing or rapid re-housing project that utilizes housing subsidies or subsidized housing units not funded through the CoC or ESG programs. Housing subsidies or subsidized housing units may be funded through any of the following sources: <ul style="list-style-type: none"> <li>• Private organizations;</li> <li>• State or local government, including</li> </ul>	<b>7</b>	<p>CoC’s will receive full points by demonstrating that they have applied for at least one permanent supportive housing or rapid re-housing project that utilizes housing subsidies or subsidized housing units not funded through the CoC or ESG programs. The CoC must demonstrate that these housing units will:</p> <p>(i) in the case of a permanent supportive housing project, provide at least 25 percent of the units included in the project; or</p> <p>(ii) in the case of a rapid re-housing project, serve at least 25 percent of the program participants anticipated to be served by the project.</p> <p>CoCs must attach letters of commitment,</p>

<p>through the use of HOME funding provided through the American Rescue Plan;</p> <ul style="list-style-type: none"> <li>• Public Housing Agencies, including through the use of a set aside or limited preference;</li> <li>• Faith-based organizations; or</li> <li>• Federal programs other than the CoC or ESG programs.</li> </ul>		<p>contracts, or other formal written documents that demonstrate the number of subsidies or units being provided to support the project.</p> <p>CoCs can receive less than full points for demonstrating commitments less than the threshold described above.</p>
<p><b>b. Leveraging Healthcare Resources.</b> These points are available for CoCs that apply for at least one permanent supportive housing or rapid re-housing project that utilizes healthcare resources to help individuals and families experiencing homelessness. Sources of health care resources include:</p> <ul style="list-style-type: none"> <li>• Direct contributions from a public or private health insurance provider to the project (e.g., Medicaid), and</li> <li>• Provision of health care services by a private or public organization (e.g., Ryan White funded organization) tailored to the program participants of the project.</li> <li>• Eligibility for the project must comply with HUD program and fair housing</li> </ul>	<p>7</p>	<p>CoCs must demonstrate through a written commitment from a health care organization that:</p> <p>(i) in the case of a substance abuse treatment or recovery provider, it will provide access to treatment or recovery services for all program participants who qualify and choose those services; or</p> <p>(ii) the value of assistance being provided is at least an amount that is equivalent to 25 percent of the funding being requested for the project, which will be covered by the healthcare organization.</p> <p>Acceptable forms of commitment are formal written agreements and must include:</p> <ul style="list-style-type: none"> <li>• value of the commitment, and</li> <li>• dates the healthcare resources will be provided.</li> </ul> <p>In-kind resources must be valued at the local rates consistent with the amount paid for services not supported by grant funds.</p> <p>CoCs can receive less than full points for demonstrating commitments less than the threshold described above.</p>

<p>requirements. Eligibility criteria cannot be restricted by the eligibility requirements of the health care service provider.</p>		
<p><b>7. CoC Merger Bonus Points.</b> As stated in Section III.B.2.d of this NOFO, HUD will award up to a possible <b>25</b> bonus points to CoCs that merged in the period between FY 2021 and FY 2022 CoC Program Registration deadlines based on the following structure. The minimum number of bonus points a merged CoC may receive is 5 with the maximum number of points available at 25.</p>		
<p><b>a. Merged CoCs between FY 2021 CoC Program Registration and FY 2022 CoC Program Registration.</b></p>	<p><b>5</b></p>	<p>Merged CoCs - all CoCs that merged will receive this minimum number of points.</p>
<p><b>b. CoC Application score in FY 2019 or FY 2021.</b></p>	<p><b>10</b></p>	<p>One or more of the merged CoCs had a CoC Application score of 140 points or below in the FY 2019 or FY 2021 CoC Program Competitions. HUD will review the FY 2019 and FY 2021 CoC Applications and award 10 bonus points if at least one of the merged CoCs meet this criterion.</p>
<p><b>c. Point in Time Counts</b></p>	<p><b>10</b></p>	<p>Demonstrating that the results of their Point-in-Time counts reported in the Homelessness Data Exchange (HDX) were affected by changes in methodology that resulted from the merger in a way that would affect their CoC score. To receive these bonus points for mergers, the CoC will need to demonstrate that they changed the methodology of their Point-in-Time count and how it affected results. Maximum points will be awarded for CoCs for which a change in methodology resulted in a reduction of at least 10 points in their CoC Score.</p>

**C. Other Federal Statutes.**

CoCs may request, in the FY 2022 CoC Application, up to 10 percent of funding for the fiscal year awarded under this NOFO be approved to serve homeless households with children and youth defined as homeless under other federal statutes who are unstably housed (paragraph 3 of

the definition of homeless found at 24 CFR 578.3). Approved CoCs are limited to using only up to 10 percent of the total amount awarded for each fiscal year appropriation to the CoC to serve this population and must determine which project(s) will be permitted to use some or all their funding for this purpose. The only project types that will be funded in this Competition to serve this population are Transitional Housing, Supportive Services Only, and the Joint TH/PH-RRH component projects.

To be approved to serve this population, CoCs making this request must demonstrate serving this population is of equal or greater priority, which means that it is equally or more cost-effective in meeting the overall goals and objectives of the plan submitted under Section 427(b)(1)(B) of the Act, especially with respect to children and unaccompanied youth, than serving the homeless as defined under paragraphs (1), (2), and (4) of the definition of homeless in 24 CFR 578.3. CoCs must thoroughly describe how the requirements described in Section 427(b)(1)(F) of the Act will be met. Some examples of how a CoC can demonstrate that serving this population is of equal or greater priority than serving those defined as homeless under paragraphs (1), (2), and (4) of the definition of homeless in 24 CFR 578.3 include:

- Evidence that the CoC has adequate resources to house all individuals and families defined as homeless under paragraphs (1) and (4) at 578.3 in their geographic area.
- An analysis that demonstrates that the net public cost (including mainstream resources, resources dedicated to preventing and ending homelessness, such as CoC Program funds, and other municipal funds, such as public works) is reduced if the CoC is able to use CoC Program funds to provide housing and supportive services to those individuals defined as homeless under paragraph (3) at 578.3.
- Evidence that the length of time individuals and families in the CoC's geographic area is low (e.g., less than 30 days) and the CoC has adequate resources to house all people who become homeless under paragraphs (1) and (4) at 578.3 within 30 days.

CoCs must identify the specific project(s) that will use funding for this purpose (up to 10 percent of the CoC's total award) by submitting an attachment to the CoC Application in *e-snaps* that must include the following:

- project name(s) as listed on the CoC Priority Listing; and
- amount of funding in the project or per project that will be used for this purpose.

See 24 CFR 578.89 for more information about this limitation.

#### **D. CoCs That Have Claimed the Same Geographic Area (Competing CoCs).**

While there were no CoCs that claimed the same geographic area as determined by the FY 2022 CoC Program Registration process; should two or more CoCs claim the same geographic codes associated with formula areas, HUD will use the competing CoC process at 24 CFR 578.35(d).

#### **E. Other Program Requirements**

**Environmental Justice.** HUD may consider environmental justice in evaluating applications. Under E.O.12898, each Federal agency is directed to identify and address disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. [Click here](#) to view E.O. 12898.



**Conflict of Interest of Consultants or Technical Experts Assisting HUD.** Consultants and technical experts who assist HUD in rating and ranking applications for funding under published FY 2022 Program NOFOs are subject to 18 U.S.C. 208, the Federal criminal conflict-of-interest statute, and the Standards of Ethical Conduct for Employees of the Executive Branch regulation published at 5 CFR 2635. Thus, consultants and technical experts who have assisted or plan to assist applicants with preparing applications for FY 2022 Program NOFOs may not serve on a selection panel and may not serve as a technical advisor to HUD. Anyone involved in rating and ranking FY 2022 Program NOFO applications, including departmental staff, experts, and consultants, must avoid conflicts of interest or the appearance of such conflicts. These individuals must also disclose to HUD's Office of General Counsel Ethics Law Division the following information, if applicable:

- How the selection or non-selection of any applicant under a FY Program NOFO will affect the individual's financial interests, as provided in 18 U.S.C. 208, or
- How the application process involves a party with whom the individual has a covered relationship under 5CFR 2635.502.

The consultant or technical expert assisting HUD must disclose this information before participating in any matter regarding a program NOFO. Applicants with questions regarding these provisions or concerning a conflict of interest should call the Office of General Counsel Ethics Law Division, at (202)708-3815 (this is not a toll-free number). The phone number above may also be reached by individuals who are deaf or hard of hearing, or with speech disabilities, through the Federal Relay Service's Text Telephone (TTY) service at 1-800-877-8339.

## VIII. Project Review and Selection Process

**A. Review, Rating, and Ranking.** In addition to the selection criteria rating for the overall CoC Application, described in Section VII of this NOFO, a project eligibility and project quality threshold review will be conducted for project applicants and project applications. For new project applications, the review process will consider project applicant and subrecipient eligibility and capacity, project eligibility, and project quality as part of the threshold review, see Sections V.C.4.b and c of this NOFO. The renewal project application threshold review will consider project applicant and subrecipient capacity and eligibility. The renewal project threshold reviews are explained in Section V.C.4.d of this NOFO. Section V of this NOFO covers eligible project applicants and project applications.

HUD may employ rating panels to review and rate all or part of the CoC Applications according to the rating criteria in Section VII of this NOFO.

**1. Threshold Review.** Project applicant and subrecipient eligibility, capacity, and quality. HUD will review project applications to determine whether project applicants and subrecipients meet the project eligibility in Section V.B.3, and whether the project applications meet the project eligibility and project quality thresholds detailed in Sections V.C.4.b and c of this NOFO. Renewal projects will be reviewed to determine if project applicants and subrecipients meet the project quality threshold requirements detailed in Section V.C.4.d of this NOFO. If HUD determines these standards are not met, the project application will be rejected, unless otherwise provided in this NOFO. If a new project application passes the project eligibility threshold review in Section V.C.4.b and receives enough points to pass the project quality threshold review in Section V.C.4.c of this NOFO but does not receive all the points available

for its project type, HUD may place conditions on the grant award that must be satisfied before HUD will execute a grant agreement with the applicant for the project. If an applicant is unable to satisfy the condition(s) within the time frame specified by HUD, HUD reserves the right to withdraw the conditionally awarded funds.

**2. Conditional Selection and Adjustments to Funding.** HUD Headquarters will conditionally select project applications for funding using the following process:

a. As authorized under the Consolidated Appropriations Act, 2017 (Public Law 115-31; 131 Stat. 135) for fiscal year 2017 and hereafter, HUD will conditionally select a renewal grant that exceeds \$10 million that was originally awarded pursuant to the matter under the heading “Department of Housing and Urban Development–Permanent Supportive Housing” in chapter 6 of title III of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 122 Stat. 2351).

b. *CoC planning projects.* HUD will conditionally select every CoC planning project that passes project eligibility and project quality threshold review. Only one CoC Planning project application can be submitted per CoC.

c. *UFA Costs projects.* HUD will conditionally select every UFA Costs projects that passes project eligibility and project quality threshold review and are submitted from Collaborative Applicants designated UFAs by HUD in the FY 2022 CoC Program Registration process. Only one UFA Costs project application can be submitted per UFA designated CoC.

d. *YHDP Renewal and YHDP Replacement projects.* HUD will conditionally select all renewal and replacement YHDP projects that pass project eligibility and project quality threshold review. YHDP replacement projects that do not meet project quality threshold will be conditionally selected with conditions that the recipient correct any project quality threshold failures prior to executing a grant agreement.

e. *DV Bonus.* HUD will conditionally select new DV Bonus projects (including new DV Bonus projects that are part of an expansion) that pass project eligibility and project quality threshold in accordance with the criteria established in this NOFO (see Section II.B.11.e of this NOFO).

f. *Project Applications Fully in Tier 1.* HUD will conditionally select new project applications created through reallocation or the CoC Bonus and renewal project applications, including renewals of previously funded DV Bonus projects, that are fully within Tier 1, that pass project eligibility, project quality, and if applicable, project renewal threshold review, based on CoC score, beginning with the highest scoring CoC to the lowest scoring CoC. As stated in Section II.B.11.a of this NOFO, if the available funding under this NOFO is reduced, a reduction will be made to all CoCs’ Tier 1 amount proportionately which would result in lower ranked Tier 1 project applications falling into Tier 2.

g. *Projects in Tier 2.* HUD will conditionally select new project applications created through reallocation and the CoC Bonus and renewal project applications, including renewals of previously funded DV Bonus projects that pass project eligibility, project quality, and if applicable, project renewal threshold review in Tier 2 using the criteria in Section II.B.11.b of this NOFO. HUD will select projects in order of point value until there are no more funds available. In the case of a tie, HUD will fund the projects in the order of CoC application

score. In case there is still a tie, HUD will select the project from the CoC that has the highest score on the rating factors described in Section II.B.11.b of this NOFO.

h. *Projects that are partially in Tier 1.* If a project application straddles the Tier 1 and Tier 2 funding line, HUD will conditionally select the project application up to the amount of funding that falls within Tier 1. Using the CoC score, and other factors described in Section II.B.11 of this NOFO, HUD may then fund the Tier 2 portion of the project. If HUD does not fund the Tier 2 portion of the project, HUD may award the project at the reduced amount, provided the project is still feasible with the reduced funding (e.g., is able to continue serving homeless program participants effectively).

**B. Adjustments to Projects.** HUD may adjust the selection of competitive projects as follows:

**1. Geographic Diversity.** HUD has determined that geographic diversity is an appropriate consideration in selecting homeless assistance projects in the CoC Program Competition. HUD believes that geographic diversity can be achieved best by awarding grants to as many CoCs as possible. To this end, in instances where any of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Northern Mariana Islands, the Virgin Islands, and American Samoa do not have at least one funded CoC, HUD reserves the right to fund eligible project(s) with the highest total score in the CoC.

**2. Funding Diversity.** HUD reserves the right to reduce the amount of a grant, if necessary, to ensure that no more than 10 percent of assistance made available under this NOFO will be awarded for projects located within any one unit of general local government or within the geographic area covered by any one CoC.

**3. Tie-breaking Rules.** In the case of a tie, HUD will fund the projects in the order of CoC Application score. In case there is still a tie, HUD will select the project from the CoC that has the highest score on the rating factors described in Section VII.B.1 of this NOFO. If HUD exercises a right it has reserved under this NOFO, that right will be exercised uniformly across all applications received in response to this NOFO.

**C. Corrections to Deficient Applications.** Deficiency is information missing or omitted within a submitted application. Deficiencies typically involve missing documents, information on a form, or some other type of unsatisfied information requirement (e.g., an unsigned form, unchecked box, etc.). As described in Section III.A of this NOFO, deficiencies may be either curable or non-curable. Correction of technical deficiencies must be received by HUD within 7 calendar days after notification is received by the applicant from HUD via email. The start of the cure period will be the date stamp on the email HUD sends to the authorized representative as noted in the Project Applicant Profile in *e-snaps*; therefore, it is critical the project applicant's authorized representative's information is accurate. Additionally, HUD reserves the right to respond to unanticipated system defects, ambiguities, and technical difficulties in application submissions in *e-snaps* through a flexible implementation of its authority to cure application deficiencies through written inquires seeking clarification and additional information (also known as callbacks). Upon proper publication in the Federal Register, HUD reserves the right to extend the Competition deadline for good cause.

**D. Conditionally selected projects that do not meet the requirements for execution.** If HUD and the conditionally selected applicant do not finalize the terms and conditions of the award in a timely manner, or the conditionally selected applicant fails to provide the requested information

within 90 days, HUD may withdraw the award to that applicant. In this case, HUD Headquarters may select another eligible applicant.

## **IX. Award Administration Information**

**A. Award Notices.** Following the evaluation process, HUD will notify successful applicants of their selection for funding. HUD will also notify all other applicants, whose applications were received by the deadline, but have not been chosen for award. Notifications will be sent by email to the person listed as authorized representative in item 21 of the SF-424.

**1. Final Grant.** After HUD has made selections, HUD will finalize specific terms of the award and budget in consultation with the conditionally selected applicant. HUD may subsequently request conditionally selected applications to submit additional project information which may include documentation to show the project is financially feasible; documentation of firm commitments for match; documentation showing site control; information necessary for HUD to perform an environmental review, where HUD determines to do so in accordance with 24 CFR 58.11(d); a copy of the organization's Code of Conduct; and such other documentation as specified by HUD in writing that confirms or clarifies information provided in the application. HUD will require the submission of the additional project information no later than 30 days after the date of the letter, except as otherwise provided in 24 CFR 58.21(c). If HUD and the conditionally selected applicant do not finalize the terms and conditions of the award in a timely manner, or the conditionally selected applicant fails to provide the requested information, an award will not be made to that applicant. In this case, HUD may select another eligible applicant. HUD may impose special conditions on the award as provided under 2 CFR 200.208:

- Based on HUD's review of the applicant's risk under 2 CFR 200.206;
- When the applicant or recipient has a history of failure to comply with the general or specific terms and conditions of a Federal award;
- When the applicant or recipient fails to meet expected performance goals contained in a Federal award; or
- When the applicant or recipient is not otherwise responsible.

**2. Adjustments to Funding.** To ensure the fair distribution of funds and enable the purposes or requirements of a specific program to be met, HUD reserves the right to fund less than the amount requested in an application.

a. HUD will fund no portion of an application that:

- (1) Is not eligible for funding under applicable statutory or regulatory requirements;
- (2) Does not meet the requirements of this notice; or
- (3) Duplicates other funded programs or activities from prior year awards or other selected applicants.

b. If funds are available after funding the highest-ranking application, HUD may fund all or part of another eligible fundable application. If an applicant turns down an award offer, or if HUD and an applicant do not finalize the terms and conditions of the award in a timely manner, HUD may withdraw the award offer and make an offer of funding to another eligible application.

c. If funds remain after all selections have been made, remaining funds may be made available within the current FY for other competitions within the program area, or be held for future competitions, or be used as otherwise provided by authorizing statute or appropriation.

d. If, after announcement of awards made under the current NOFO, additional funds become available either through the current appropriations, a supplemental appropriation, other

appropriations or recapture of funds, HUD may use the additional funds to provide additional funding to an applicant awarded less than the requested amount of funds to make the full award, and/or to fund additional applicants that were eligible to receive an award but for which there were no funds available.

**3. Funding Errors.** If HUD commits an error that when corrected would cause selection of an applicant during the funding round of a Program NOFO, HUD may select that applicant for funding, subject to the availability of funds. If funding is not available to award in the current fiscal year, HUD may make an award to this applicant during the next fiscal year if funding is available.

### **B. Administrative, National and Department Policy Requirements for HUD recipients**

For this NOFO, the following [Administrative, National and Department Policy Requirements and Terms for HUD Financial Assistance Awards](#) apply. (Select the linked text to read the detailed description of each applicable requirement).

1. Unless otherwise specified, these non-discrimination and equal opportunity authorities and other requirements apply to all NOFOs. Please read the following requirements carefully as the requirements are different among HUD's programs.

- Compliance with Fair Housing and Civil Rights Laws, Which Encompass the Fair Housing Act and Related Authorities (see cf. [24 CFR 5.105\(a\)](#)).

- Affirmatively Furthering Fair Housing ([Click Here](#)).

- Economic Opportunities for Low-and Very Low-income Persons (Section 3). See [24 CFR part 75](#).

- Improving Access to Services for Persons with Limited English Proficiency (LEP) See [https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/limited\\_english\\_proficiency](https://www.hud.gov/program_offices/fair_housing_equal_opp/limited_english_proficiency).

- Accessible Technology. See

<https://www.hud.gov/sites/dfiles/OCIO/documents/s508103017.pdf>

2. Equal Access Requirements. [See 24 CFR 5.105\(a\)\(2\)](#)

3. Ensuring the Participation of Small Disadvantaged Business, and Women-Owned Business.

4. Equal Participation of Faith-Based Organizations in HUD Programs and Activities.

5. Real Property Acquisition and Relocation. See [49 CFR part 24](#).

6. Participation in HUD-Sponsored Program Evaluation.

7. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.

8. Drug-Free Workplace.

9. Safeguarding Resident/Client Files.

10. Compliance with the Federal Funding Accountability and Transparency Act of 2006 (Pub. L.109-282) (Transparency Act), as amended.

11. Accessibility for Persons with Disabilities. See

[https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/disability\\_overview](https://www.hud.gov/program_offices/fair_housing_equal_opp/disability_overview)

12. Violence Against Women Act. See [24 CFR part 5](#), subpart L and applicable program regulations.

13. Conducting Business in Accordance with Ethical Standards/Code of Conduct.

### **C. Reporting.**

HUD requires recipients to submit performance and financial reports under OMB guidance and program instructions.

**1. Recipient Integrity and Performance Matters.** Applicants should be aware that if the total Federal share of their Federal award includes more than \$500,000 over the period of performance, the award may be subject to post award reporting requirements reflected in [Appendix XII to Part 200](#)-Award Term and Condition for Recipient Integrity and Performance Matters.

**2. Race, Ethnicity and Other Data Reporting.** HUD requires recipients that provide HUD-funded program benefits to individuals or families to report data on the race, color, religion, sex, national origin, age, disability, and family characteristics of persons and households who are applicants for, participants in, or beneficiaries or potential beneficiaries of HUD programs in order to carry out the Department's responsibilities under the Fair Housing Act, Executive Order 11063, Title VI of the Civil Rights Act of 1964, and Section 562 of the Housing and Community Development Act of 1987.

**3. Compliance with the Federal Funding Accountability and Transparency Act of 2006 (FFATA) (Pub. L. 109-282) as amended (FFATA).** FFATA requires information on federal awards be made available to the public via a single, searchable website, which is [www.USASpending.gov](http://www.USASpending.gov). Accordingly, each award HUD makes under this NOFO will be subject to the requirements provided by the Award Term in Appendix A to 2 CFR Part 170, "REPORTINGSUBAWARD AND EXECUTIVE COMPENSATION INFORMATION," unless the Federal funding for the award (including funding that may be added through amendments) is not expected to equal or exceed \$30,000. Requirements under this Award Term include filing subaward information in the Federal Funding Accountability and Transparency Act (FFATA) Sub-award Reporting System (FSRS.gov) by the end of the month following the month in which the recipient awards any sub-grant equal to or greater than \$30,000.

**D. Debriefing.** For a period of at least 120 days, beginning 30 days after the final public announcement of awards under this NOFO, HUD will provide a debriefing related to their application to requesting Collaborative Applicants. A request for debriefing must be made in writing or by email by the Primary Contact listed in the Collaborative Applicant Profile in e-snaps or by his or her successor in office and be submitted to the POC in Section XI.C.3. Information provided during a debriefing may include the final score the Collaborative Applicant received for each rating factor, final evaluator comments for each rating factor, and the final assessment indicating the basis upon which funding was approved or denied for the CoC.

#### **E. Administrative and National Policy Requirements.**

**1. Administrative and Other Program Requirements.** Federal agencies are required to measure the performance of their programs. HUD captures this information not only from monitoring visits and APRs, but also on the data gathered in annual Competitions. HUD's homeless assistance programs are being measured in FY 2022 by the objective to reduce the overall number of people experiencing homelessness and reduce the length of time homeless; measured based on system performance and the ability of CoCs that have the capacity to reallocate funds from lower performing projects to higher performing projects.

**2. Timeliness Standards.** All conditional funds awarded in the FY 2022 CoC Program Competition must be obligated by HUD by September 30, 2024. Obligated funds remain

available for expenditure until September 30, 2029. HUD reserves the right to require an earlier expenditure deadline under a grant agreement. The project applicant is expected to initiate the approved projects promptly in accordance with the requirements of this section of this NOFO. Grant terms, and associated grant operations, may not extend beyond the availability of funds. Project applicants must plan accordingly and only submit project applications that can start operations in a timely manner with sufficient time to complete the post award process within the awarded grant term. Additionally, HUD will take action if the recipient fails to satisfy the timeliness standards found in 24 CFR 578.85.

### **3. Reporting**

a. In accordance with program regulations at 24 CFR 578.103, project recipients must maintain records within the time frame required, make any reports, including those pertaining to race, ethnicity, gender, and disability status that HUD may require. Project recipients must report the data as part of their APR submission to HUD. Also, project recipients who expend \$750,000 or more in 1 year in federal awards must have a single or program-specific audit for that year in accordance with the provisions of 2 CFR part 200, subpart F.

b. Section 3 Reporting Regulations. Recipients are required to report their Section 3 activities per 24 CFR 75.25 if funds were awarded for housing rehabilitation, housing construction, and other public constructions. See [HUD's Section 3](#) website for additional information including annual reporting requirements.

c. Award notices may also include requirements for sub-award reporting in compliance with the requirements of the Federal Financial Assistance Accountability and Transparency Act of 2006 (Pub. L. 109-282) (FFATA) and Section 872 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Pub. L. 110-417), referred to as "Section 872." See the General Section for further information.

**4. Environmental Requirements.** Notwithstanding 24 CFR 578.31 and 24 CFR 578.99(a) of the Rule, and in accordance with Section 100261(3) of MAP-21 (Pub. L. 112-141, 126 Stat. 405), activities under this NOFO are subject to environmental review by a responsible entity under HUD regulations at 24 CFR part 58.

a. Two types of projects are Categorically Excluded from review under the National Environmental Policy Act and not subject to 24 CFR 58.5 (CENST): All scattered-site projects where program participants choose their own unit and are not restricted to units within a pre-determined specific project site or sites are categorized in 24 CFR 58.35(b)(1) as CENST. This includes both tenant-based rental assistance and tenant-based leasing projects where program participants choose their own unit. The [Exempt/CENST](#) form is only required for each project, not every unit.

b. For activities under a grant to a recipient other than a state or unit of general local government that generally would be subject to review under 24 CFR part 58, HUD may make a finding in accordance with 24 CFR 58.11(d) and may itself perform the environmental review under the provisions of 24 CFR part 50 if the recipient objects in writing to the responsible entity's performing the review under part 24 CFR part 58.

c. Irrespective of whether the responsible entity in accordance with 24 CFR part 58 (or HUD in accordance with 24 CFR part 50) performs the environmental review, the recipient must supply all available, relevant information necessary for the responsible entity (or HUD, if applicable) to perform for each property any required environmental review. The recipient also must carry out mitigating measures required by the responsible entity (or HUD, if applicable) or select alternative property.

d. The recipient, its project partners, and their contractors may not acquire, rehabilitate, convert, lease, repair, dispose of, demolish, or construct property for a project under this NOFO, or commit or expend HUD or local funds for such eligible activities under this NOFO, until the responsible entity (as defined by 24 CFR 58.2(a)(7)) has completed the environmental review procedures required by 24 CFR part 58 and the environmental certification and Request for Release of Funds (RROF) have been approved or HUD has performed an environmental review under 24 CFR part 50 and the recipient has received HUD approval of the property. HUD will not release grant funds if the recipient or any other party commits grant funds (i.e., incurs any costs or expenditures to be paid or reimbursed with such funds) before the recipient submits and HUD approves its RROF (where such submission is required).

## **X. Appeals**

**A. Description.** 24 CFR 578.35 provides the appeal process options. Sections 578.35(b)(3), (b)(4), (c)(1), and (d)(2) authorize HUD to establish requirements for the form and manner of submissions for appeals by Solo Applicants, applicants with denied or decreased funding, and from competing CoCs. For HUD to consider an appeal under 24 CFR 578.35(b) or (c), the solo project applicant must follow the applicable application process set forth in this NOFO. This NOFO also provides guidance to CoCs and applicants regarding appeals of a jurisdiction's refusal to sign the Consolidated Plan certification for a project under 24 CFR 578.35(c).

Additionally, HUD is clarifying the impact that Solo Applicant appeals will have on HUD signing grant agreements for FY 2022 funds awarded under this NOFO. If HUD receives one or more Solo Applicant appeals from a CoC for FY 2022 funds, HUD will determine the amount of funding the Solo Applicant(s) have requested which may delay signing grant agreements for the awarded project(s) listed at the bottom of the CoC's Priority Listing that has requested funding for FY 2022 equal to double the amount requested by the Solo Applicant(s). Refer to the Solo Applicant appeal process in Section X.C of this NOFO for additional information about the Solo Application appeal process.

Finally, for the purposes of the appeals identified in this NOFO where 24 CFR 578.35 requires that all evidence be sent to the CoC and that the CoC respond to evidence, this means that correspondence to the CoC should be addressed to the CoC-designated Collaborative Applicant and all correspondence to HUD from the CoC should be addressed from the CoC's designated Collaborative Applicant. If the CoC has authorized another entity other than the Collaborative Applicant to respond to the appeals identified in this NOFO on its behalf, it should notify HUD by sending an email to [snapsappeals@hud.gov](mailto:snapsappeals@hud.gov).

**B. Types of Appeals.** The provision at 24 CFR part 578 set forth the following types of appeals:



**1. Solo Applicants.** A process for eligible project applicants that attempted to participate in their CoC planning process and believe they were denied the right to participate in a reasonable manner.

**2. Denied or Decreased Funding.** A process for eligible applicants that are denied funds by HUD or that requested more funds than HUD awarded to them.

**3. Consolidated Plan Certification.** A process for eligible applicants whose jurisdiction refused to provide a Certification of Consistency with the Consolidated Plan (form HUD-2990).

**4. Competing CoCs.** A process when more than one CoC claims the same geographic area for eligible applicants of lower-scoring CoCs, to appeal to HUD's decision to fund the competing CoC. While there were no CoCs that claimed the same geographic area as determined by the FY 2022 CoC Program Registration process; should two or more CoCs claim the same geographic codes associated with formula areas, HUD will use the competing CoC process at 24 CFR 578.35(d).

**C. Solo Applicant.** Per the Act, "A solo applicant may submit an application to the Secretary for a grant under subsection (a) and be awarded such grant on the same basis as such grants are awarded to other applicants based on the criteria described in section 427, but only if the Secretary determines that the solo applicant has attempted to participate in the continuum of care process but was not permitted to participate in a reasonable manner. The Secretary may award such grants directly to such applicants in a manner determined to be appropriate by the Secretary."

To apply as a solo applicant, the project applicant must submit a Solo Applicant Project Application in *e-snaps* by the application submission deadline of September 30, 2022 at 8:00 PM EDT. Additionally, the solo applicant, Collaborative Applicant, and HUD must take the following steps (See 24 CFR 578.35 for more information):

**1. Written Notice of Intent to Appeal.** The solo applicant must submit a written notice of intent to appeal, with a copy to the CoC, with their funding application.

**2.** No later than 30 days after the date that HUD announces the awards, the solo applicant shall submit in writing, with a copy to the Collaborative Applicant, all relevant evidence supporting its claim. The submission shall be emailed to [snapsappeals@hud.gov](mailto:snapsappeals@hud.gov).

**3.** The CoC shall have 30 days from the date of its receipt of the solo applicant's evidence to respond to HUD in writing, with a copy to the solo applicant. The submission shall be emailed to [snapsappeals@hud.gov](mailto:snapsappeals@hud.gov).

**4.** HUD will notify the solo applicant and the CoC of its decision within 60 days of receipt of the CoC's response.

**5.** If HUD finds that the solo applicant was not permitted to participate in the Continuum of Care planning process in a reasonable manner, then HUD may award a grant to the solo applicant when funds next become available and may direct the Continuum of Care to take remedial steps to ensure reasonable participation in the future. HUD may also reduce the award to the Continuum's applicant(s).

**D. Denied or Decreased Funding.** Eligible applicants, including project applicants and Collaborative Applicants, that submitted an application to HUD in response to this NOFO, that

were either not awarded funds by HUD, or that requested more funds than HUD awarded, may appeal HUD's decision within 45 days after the final funding announcement. Only those applicants with projects that were ranked within the CoC's maximum amount available will be considered for funding or additional funding. Collaborative Applicants that submitted CoC planning, and if applicable, UFA Costs project applications can appeal decreased funding if they can demonstrate HUD decreased the submitted project application's funding request to less than 3 percent of the CoC's FPRN or \$1,250,000; whichever is less. To appeal HUD's decision, the applicant must submit a written appeal to HUD, with a copy to the authorized representative from the CoC's designated Collaborative Applicant. The written appeal must include evidence demonstrating HUD error and follow the instructions in this section.

The applicant must submit its written appeal by email to [snapsappeals@hud.gov](mailto:snapsappeals@hud.gov), from the organization's email address on the organization's letterhead and signed by the authorized representative.

**1. Denied Funding.** To appeal HUD's decision, the applicant must submit a written appeal to HUD using the process outlined in Section X.F of this NOFO within 45 days of the date of the funding announcement of the conditional awards from HUD, with a copy to the authorized representative from the CoC's designated Collaborative Applicant. Projects, including projects for CoC planning funds and Unified Funding Agency (UFA) costs, could have been rejected by HUD because:

- (1) the individual project application failed to meet project eligibility, project quality, and project renewal thresholds set forth in this NOFO;
- (2) the individual project application met project eligibility, project quality, and project renewal thresholds set forth in this NOFO, but was ranked in a position where a portion of the grant funds was outside the CoC's maximum award amount, and after HUD reduced its funding to fit within the CoC's maximum award amount, HUD determined that the project was no longer feasible; or
- (3) HUD did not have sufficient funding to fund all eligible projects ranked within the CoC's maximum award amount.

a. For applicants that were fully denied funding for a grant, the applicant must provide evidence that demonstrates HUD error in not awarding the grant. Documentation submitted by the applicant must include:

- (1) documentation that the project was ranked within the maximum award amount available to the CoC;
- (2) evidence from the project application supporting the applicant's claim that the project application met project eligibility, project quality, and project renewal thresholds set forth in this NOFO; and
- (3) evidence that the applicant believes HUD failed to follow its selection priorities set forth in this NOFO which resulted in the project not being funded (e.g., selecting a lower-scored project within the CoC or a similar project from another CoC).

b. For applicants that were denied funding due to the individual project's funding being decreased to such a level that the project was no longer feasible, documentation submitted by the applicant must include:

- (1) documentation that the project was ranked within the maximum award amount available to the CoC;
- (2) evidence from the project application supporting the applicant's claim that the project application met project eligibility and project quality thresholds set forth in this NOFO;
- (3) evidence that the applicant believes HUD failed to follow its selection priorities set forth in this NOFO which resulted in the project not being funded (e.g., selecting a lower-scored project within the CoC or a similar project from another CoC); and
- (4) the evidence in Section I.H of this NOFO as well as evidence for decreased funding in Section X.D.2 of this NOFO.

c. For CoCs that were denied funding due to the score of the CoC Application or the score of the project application not being high enough to result in the funding of project(s) within the CoC, and the lower score for one or both application types was the result of HUD error, the CoC may appeal the CoC or project application score and request funding for affected projects. Documentation submitted by the Collaborative Applicant on behalf of the CoC must include evidence of HUD error when calculating the CoC Application or project application score.

**Note: HUD can only consider information submitted with the CoC Application. HUD will not consider additional information in support of the CoC Application.**

**2. *Decreased Funding.*** To appeal HUD's decision, the applicant must submit a written appeal to HUD using the process outlined in Section X.F of this NOFO within 45 days of the date of the final funding announcement of the conditional awards from HUD, with a copy to the authorized representative of the CoC's designated Collaborative Applicant. Documentation submitted by the applicant must include evidence of the HUD error the applicant believes was made.

**3. *HUD Decision and Notification of Decision.*** Where HUD determines that HUD error occurred, and the applicant should have been awarded additional funding, HUD will provide funding from the next available funds and make necessary adjustments by amending the award. HUD will reverse a decision only when the applicant can show that HUD error caused the denial or decrease.

**E. Consolidated Plan Certification.** An applicant may appeal to HUD a jurisdiction's refusal to provide a certification of consistency with the Consolidated Plan. The appeals process is as follows:

**1. *Written Appeal.*** With the project application that is submitted by the application deadline, the applicant must submit a written appeal. Project applicants may submit its appeal in *e-snaps* with its project application. When submitted with the project application in *e-snaps*, the applicant must also email a copy of this appeal to the jurisdiction that denied the Certification of Consistency with the Consolidated Plan and should send a copy to the authorized representative from the CoC's designated Collaborative Applicant, unless it is the Collaborative Applicant that

is filing the appeal. Otherwise, the project applicant or Collaborative Applicant may submit the appeal to HUD using one of the methods in Section X.F of this NOFO. The written appeal must include the following information:

- a. a copy of the applicant's request to the jurisdiction for the Certification of Consistency with the Consolidated Plan;
- b. a copy of the jurisdiction's response stating the reasons for denial, including the reasons the proposed project is not consistent with the jurisdiction's Consolidated Plan in accordance with 24 CFR 91.510(c); and
- c. a statement of the reasons why the applicant believes its project is consistent with the jurisdiction's Consolidated Plan.

The appeal may include additional information the applicant believes supports its appeal, including:

- a. any additional communication between the applicant and the jurisdiction regarding the request for certification of consistency; and
- b. documentation that identifies to whom within the jurisdiction the evidence was sent and the date on which it was sent.

**2. *Jurisdiction Response.*** The jurisdiction will have 10 days after the receipt of the applicant's written appeal to submit a written response to HUD. The response must be sent by email to [snapsappeals@hud.gov](mailto:snapsappeals@hud.gov) on the organization's letterhead, with a copy to the project applicant and the authorized representative of the CoC's designated Collaborative Applicant. The response must include the following information:

- a. an explanation of the reasons originally given for refusing to provide the Certification of Consistency with the Consolidated Plan; and
- b. written rebuttal to any claims made by the applicant in the written appeal.

**3. *HUD Decision and Notification of Decision.***

a. HUD will review the submissions and will provide written notification, by email, of its decision to the applicant and the jurisdiction, with a copy to the authorized representative from the CoC's designated Collaborative Applicant within 45 days of the date of the receipt of the jurisdiction's response. In making its decision, HUD will consider whether the applicant submitted the request to the appropriate certifying jurisdiction and the reasonableness of the jurisdiction's refusal to provide the certificate.

b. If HUD finds that the certifying jurisdiction's refusal to provide a certification of consistency with the Consolidated Plan was reasonable, then HUD will automatically reject the project application. If HUD finds that the certifying jurisdiction's refusal to provide a certification of consistency with the Consolidated Plan was not reasonable, then HUD will consider the project application for funding in the respective FY CoC Program Competition in accordance with the review standards set forth in this NOFO.

c. If the jurisdiction failed to provide written reasons for refusal, including the reasons why the project is not consistent with the jurisdiction's Consolidated Plan in its initial response to the applicant's request for a certification, HUD will find for the applicant without further

inquiry or response from the political jurisdiction.

d. HUD will provide written notification of its decision within 45 days of the date of HUD's receipt of the jurisdiction's response. Where the jurisdiction failed to provide a written response, HUD will provide written notification of its decision within 55 days of the date of HUD's receipt of the project applicant's response.

## **F. Appeals Submission.**

**1. Submission of Appeals by Email.** Appeals must be submitted via email to [snapsappeals@hud.gov](mailto:snapsappeals@hud.gov). The subject line of your email must include the CoC Number, "Appeal Notice," and type of appeal, i.e., Participation, HUD Error, or Consolidated Plan Certification. A sample email Subject Line is: Subject: XX-500 – Appeal Notice–Consolidated Plan Certification.

**2. HUD Response.** HUD will respond to all appeals via email. HUD will not consider any requests to reconsider funding for FY 2022 funds except for those appeals outlined in this NOFO.

## **XI. Agency Contacts**

**A. For Further Information.** Individuals who are hearing- or speech-impaired should use the Information Relay Services at 1-800-877-8339 (these are toll-free numbers). Recipients and individuals can use the locator on [HUD's website](#) to find contact information for the local HUD CPD Field Office serving the CoC's geographic area.

**B. For Technical Assistance.** HUD will make appropriate resources available for technical assistance related to *e-snaps*, the electronic CoC program application and grants management system. Local HUD CPD Field Office staff will also be available to help citizens identify organizations in the community that are involved in developing the CoC system. All of HUD's responses to *e-snaps* technical assistance and other questions received will be made publicly available for review by any applicant or potential applicant. HUD staff and HUD contractors are prohibited from providing CoCs, Collaborative Applicants, and project applicants with guidance that will result in a competitive advantage for any CoC or project application.

Following conditional selection of applications, HUD staff will be available to assist conditionally awarded applicants in clarifying or confirming information that is a prerequisite to the offer of a grant agreement by HUD. However, between the application deadline and the announcement of conditional selections, HUD is prohibited from and will not accept any information that would improve the substantive quality of a CoC's application pertinent to HUD's funding decision.

**C. General Clarification.** HUD staff will be available to provide general clarification on the content of this NOFO; however, HUD staff are prohibited from assisting any applicant in preparing the application(s) in *e-snaps*.

**1. Local HUD Community Planning Development (CPD) Office.** Questions regarding specific program requirements should be directed to the local HUD CPD field office, a directory of which can be found at [https://www.hud.gov/program\\_offices/field\\_policy\\_mgt/localoffices](https://www.hud.gov/program_offices/field_policy_mgt/localoffices).

**2. Training and Resources.** Collaborative Applicants and project applicants that need assistance completing the applications in *e-snaps* or understanding the program requirements under the CoC Program may access the Rule, training materials, and program resources via [https://www.hud.gov/program\\_offices/comm\\_planning/coc](https://www.hud.gov/program_offices/comm_planning/coc).

**3. Questions.** CoCs, Collaborative Applicants, and project applicants that require information and technical support concerning this NOFO and the application in *e-snaps* may submit an inquiry to [CoCNOFO@hud.gov](mailto:CoCNOFO@hud.gov). Starting 2 days prior to the application deadline for FY 2022 funds, this email address will respond only to emergency technical support questions up to the application submission deadline of September 30, 2022 at 8:00 PM EDT. Applicants experiencing technical difficulty should contact [CoCNOFO@hud.gov](mailto:CoCNOFO@hud.gov) immediately for assistance and document their attempts to obtain assistance.

## **XII. Other Information**

**National Environmental Policy Act.** A Finding of No Significant Impact (FONSI) with respect to the environment has been made for this notice, in accordance with HUD regulations at 24 CFR part 50 that implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

The Finding of No Significant Impact FONSI is made available with the posting of this NOFO at [HUD's Funding Opportunities Page](#) web page .

### **1. Web Resources.**

- [\*\*Affirmatively Furthering Fair Housing\*\*](#) (See 24 CFR 578.93(c) for specific Affirmatively Furthering Fair Housing requirements that apply to the CoC program.)
- [\*\*Code of Conduct list\*\*](#)
- [\*\*Assistance Listing \(formerly CFDA\)\*\*](#)
- [\*\*Unique Entity Identifier\*\*](#)
- [\*\*Equal Participation of Faith-Based Organizations\*\*](#)
- [\*\*Federal Awardee Performance and Integrity Information System\*\*](#)
- [\*\*FFATA Subaward Reporting System\*\*](#)
- [\*\*Grants.gov\*\*](#)
- [\*\*HBCUs\*\*](#)
- [\*\*Healthy Homes Strategic Plan\*\*](#)
- [\*\*Healthy Housing Reference Manual\*\*](#)
- [\*\*HUD's Strategic Plan\*\*](#)
- [\*\*HUD Grants\*\*](#)
- [\*\*Limited English Proficiency\*\*](#)
- [\*\*NOFO Webcasts\*\*](#)
- [\*\*Procurement of Recovered Materials\*\*](#)
- [\*\*Promise Zones\*\*](#)
- [\*\*Section 3 Business Registry\*\*](#)
- [\*\*State Point of Contact List\*\*](#)
- [\*\*System for Award Management \(SAM\)\*\*](#)
- [\*\*Uniform Relocation Assistance and Real Property Acquisition Act of 1970 \(URA\)\*\*](#)

- [USA Spending](#)