U.S. Department of Housing and Urban Development

Community Planning and Development

Notice of Funding Availability (NOFA) for the Fiscal Year (FY) 2017 Continuum of Care Program Competition

FR-6100-N-25

Application Due Date: 09/28/2017

Notice of Funding Availability (NOFA) for the Fiscal Year (FY) 2017 Continuum of Care Program Competition

FR-6100-N-25

TABLE OF CONTENTS

I. Funding Opportunity Description
II. HUD's Homeless Policy and Program Priorities
III. Continuum of Care Program Requirements
IV. Award Information
V. Eligibility Information
VI. Application and Submission Information
VII. Application Review Information
VIII. Project Review and Selection Process
IX. Award Administration Information
X. Appeals
XI. Agency Contacts
XII. Other Information

U.S. Department of Housing and Urban Development

Program Office:	Community Planning and Development
Funding Opportunity Title:	Notice of Funding Availability (NOFA) for the Fiscal Year (FY) 2017 Continuum of Care Program Competition
Announcement Type:	Modification
Funding Opportunity Number:	FR-6100-N-25
Primary CFDA Number:	14.267
Due Date for Applications:	**09/28/2017**

A. Deadline: The deadline for submitting applications to HUD for the FY 2017 Continuum of Care (CoC) Program Competition (CoC Program Competition) is **8:00 PM Eastern time on September 28, 2017**. Applicants must complete and submit their applications in *e-snaps* at www.hud.gov/esnaps. See Section VI. of this NOFA for application submission and timely receipt requirements.

B. For Further Information: HUD staff will be available to provide general clarification on the content of this NOFA. HUD staff is prohibited from assisting any applicant in preparing the application(s) in *e-snaps*.

1. Local HUD Community Planning Department (CPD) Field Office. Questions regarding specific program requirements should be directed to the local HUD CPD Field Office, a directory of which can be found at www.hudexchange.info/programs/cpd-field-office-directory/.

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 CoC Program interim rule, training materials, and program resources via the HUD Exchange at www.hudexchange.info/homelessness-assistance/.

3. The HUD Exchange Ask A Question (AAQ). CoCs, Collaborative Applicants, and project applicants that require information and technical support concerning this NOFA and the applications in *e-snaps* may submit an electronic inquiry via the HUD Exchange *e-snaps* AAQ at www.hudexchange.info/get-assistance/. The AAQ is accessible 24 hours each day. Starting 2 days prior to the application deadline for FY 2017 funds, the AAQ will respond only to emergency technical support questions up to the deadline of 8:00 p.m. eastern time. Applicants experiencing technical difficulty should contact the *e-snaps* AAQ immediately for assistance and document their attempts to obtain assistance.

4. HUD Homeless Assistance Listserv. HUD may provide Collaborative Applicants and Project Applicants with additional information through HUD websites located at www.hud.gov and www.hudexchange.info, and via the CoC Program email-based listserv. Visit this website to join the listserv: www.hudexchange.info/mailinglist. This additional information will not change the selection criteria or selection process in this NOFA, but may include

items such as updates on the status of *e-snaps* and reminders of impending deadlines.

C. General Section Questions. The General Section to HUD's Fiscal Year 2017 Notice(s) of Funding Availability for Discretionary Programs (General Section) applies to the FY 2017 funding made available under this NOFA and can be found at www.hudexchange.info/programs/e-snaps/fy-2017-coc-program-nofa-coc-program-competition/.

Questions regarding the General Section should be directed to HUD's Office of Strategic Planning and Management, Grants Management and Oversight Division at (202) 708-0667 (this is not a toll-free number). Persons with hearing or speech impairments can access this numbers via TTY by calling the Federal Information Relay Service at (800) 877-8339.

D. Available Funds. Approximately $2 billion is available in this FY 2017 CoC Program Competition NOFA. HUD may add to this amount any available funds that have been carried over or recaptured from previous fiscal years. All of the requirements in the FY 2017 application process including requirements for the entire CoC Consolidated Application and the total amount of funding available are contained in this NOFA. The available amount of funding may not be sufficient to fund anticipated eligible renewal projects in FY 2017. HUD will continue to require Collaborative Applicants to rank all projects, except CoC planning and Unified Funding Agency (UFA) Costs, in two tiers. Tier 1 is equal to the greater of the combined amount of Annual Renewal Amount (ARA) for all permanent housing and HMIS projects eligible for renewal up to $1,000,000 or 94 percent of the CoC's FY 2017 Annual Renewal Demand (ARD), as described in Section III.A.3.a. of this NOFA. Tier 2 is the difference between Tier 1 and the CoC's ARD plus any amount available for the permanent housing bonus as described in Section III.A.3.j. of this NOFA.

E. Eligible Applicants.

1. Collaborative Applicant. CoCs were required to designate a Collaborative Applicant to submit the CoC Consolidated Application on behalf of the CoC as part of the FY 2017 CoC Program Registration process. Collaborative Applicants cannot access the CoC Consolidated Application in *e-snaps* if the CoC does not have an approved FY 2017 CoC Program Registration. The Collaborative Applicant approved by HUD during the FY 2017 CoC Program Registration process must be the same entity that submits the FY 2017 CoC Consolidated Application–which includes the CoC Application, CoC Priority Listing that lists all project applications accepted and ranked or rejected in the CoC local competition, and the Project Application(s)–during the CoC Program Competition. CoCs should not attempt to change Collaborative Applicants during the FY 2017 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 McKinney-Vento Homeless Assistance Act. HUD will approve Collaborative Applicant changes after the FY 2017 CoC Program Registration process under circumstances that include:

a. an error made by the Collaborative Applicant when entering the Collaborative Applicant's name in the CoC Applicant Profile;

b. the Collaborative Applicant designated by the CoC is no longer in business;

c. the Collaborative Applicant withdrew;

d. the CoC selected a new Collaborative Applicant; or

e. a new Collaborative Applicant was selected by HUD through remedial action.

In cases where the CoC needs to change the Collaborative Applicant approved during the FY 2017 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.B. of this NOFA. Tribes, tribal housing authorities and for-profit entities are ineligible and applications from them will not be reviewed.

F. Amendments to FY 2017 CoC Program Registration. If a geographic area that includes projects eligible to apply for renewal funding during the CoC Program Competition was not claimed by a CoC with an approved FY 2017 CoC Program Registration, a contiguous CoC, or the Balance of State CoC may contact HUD in writing to request that its Registration and final FY 2017 Grant Inventory Worksheet (GIW) be amended to include the unclaimed geographic area and the renewal projects.

G. Eligible Costs. Provisions at 24 CFR 578.37 through 578.63 identify the eligible costs for which funding may be requested under the CoC Program. HUD will reject any requests for ineligible costs.

H. Match. 24 CFR 578.73 provides the information regarding match requirements. Project applicants that intend to use program income as match must provide an estimate of how much program income will be used for match.

I. Requirements. The following requirements apply to funding available under this NOFA.

1. DUNS number and SAM registration. Project applicants must register with Dun and Bradstreet to obtain a DATA Universal Numbering System (DUNS) number, if they have not already done so. Applicants must also complete or renew their registration in the System for Award Management (SAM) per Section V.A.1. of the FY 2017 General Section. HUD will not enter into a grant agreement with an organization that does not have a DUNS Number or an active SAM registration.

2. *Major disaster areas.* HUD will award at least 24.5 points out of 49 points for questions under Section VII.A.5. of this NOFA in the FY 2017 CoC Application for CoCs where one or more counties was directly 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 2017 funds and that resulted in the Collaborative Applicant, the CoC, or its project(s) inability to continue operations due to flooding, destroyed facilities, lack of power for a long duration, etc. Additionally, if a major disaster impacts a CoC's geographic area, as declared by the President under Title IV of the Robert T. Stafford Act, during the FY 2017 CoC Program application process that will impact local competition deadlines as outlined in Section J. Local Competition Deadlines of this NOFA, the CoC's Collaborative Applicant must send written notification to Norm Suchar, Director, Office of Special Needs Assistance Program at CoCDisaster@hud.gov. The email should include the nature of the disaster, when the major disaster occurred, how the major disaster affected the Collaborative Applicant, the CoC, or its project(s), the duration, and the affect on the Collaborative Applicant, the

project applicants, or the CoC to meet the local competition deadline. Based on the timing and the extent of the major disaster, HUD may extend the application deadline for the affected CoC(s) as outlined in Section VI.B.1 of the FY 2017 General Section NOFA. All requests received will be confirmed via the Federal Emergency Management Agency (FEMA) website, https://www.fema.gov/disasters.

J. Local Competition Deadlines. Provisions at 24 CFR 578.9 require CoCs to design, operate, and follow a collaborative process for the development of an application in response to a NOFA 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 below for FY 2017 project applications will be part of the scoring criteria as detailed in Section VII.A.2.d. of this NOFA.

1. Project Applications. All project applications are required to be submitted to the CoC no later than 30 days before the application deadline of September 28, 2017.

CoCs that fail to establish a deadline for project applications that is no later than 30 days before the FY 2017 CoC Program Competition application deadline of September 28, 2017 will receive 0 points under Section VII.A.2.d. of this NOFA.

2. CoC Notification to Project Applicants. The CoC is required to notify, in writing and outside of *e-snaps*, all 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 on the CoC Priority Listing, rejected, or reduced by the CoC within 15 days of the FY 2017 application deadline. Where a project application is being rejected or reduced, the CoC must indicate the reason(s) for the rejection or reduction.

Any project applicant whose project is rejected may appeal the local CoC competition decision to HUD if the project applicant believes it was denied the opportunity to participate in the local CoC planning process in a reasonable manner by submitting a Solo Application in *e-snaps* directly to HUD prior to the application deadline of **8:00 p.m. Eastern time on September 28, 2017**. The CoC's notification of rejection of the project application in the local competition must be attached to the Solo Application. If the CoC fails to provide written notification outside of *e-snaps*, the Solo Applicant must attach evidence that it attempted to participate in the local CoC planning process and submitted a project application that met the local deadlines, along with a statement that the CoC did not provide the Solo Applicant written notification of the CoC rejecting the project in the local CoC competition. CoCs that fail to provide rejection notification to a project applicant that submitted its project application within the local deadline will receive 0 points under in Section VII.A.2.d. of this NOFA.

K. CoC Transparency. To receive the maximum number of points available in Section VII.A.2.d. of this NOFA, each CoC must have in place a process to make all parts of the CoC Consolidated Application (which are the CoC Application and CoC Priority Listing with all project applications accepted and ranked, or rejected) available on its website to its community for inspection and to notify community members and key stakeholders that the CoC Consolidated Application is available. If the CoC does not have a website, the CoC should post this information to a partner website within the CoC (e.g., county/city website). The process must be conducted in a manner accessible for persons with disabilities and persons with limited

English proficiency.

L. 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 2017 CoC Program Competition. It has been HUD's experience that many project applications contain information that results 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 funds to house and assist homeless individuals and families. CoCs are expected to closely review information provided in each project application to ensure:

1. all proposed program participants will be eligible for the program component type selected;

2. the proposed activities are eligible under 24 CFR part 578;

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 NOFA and posted to the FY 2017 Continuum of Care (CoC) Program Competition: Funding Availability page on the HUD Exchange;

4. the data provided in various parts of the project application are consistent; and,

5. all required attachments correspond to the attachments list in *e-snaps* and the attachments must contain accurate and complete information, and dated between May 1, 2017 and September 28, 2017.

For Further Information Contact: Please direct questions regarding the specific program requirements of this Program Notice of Funding Availability (NOFA) to the agency contact identified in Section XI.B. Please direct general questions regarding the FY 2017 NOFAs to the Office of Strategic Planning and Management, Grants Management Division, at AskGMO@hud.gov. Persons with hearing or speech impairments may access these numbers via TTY by calling the Federal Relay Service at 1-800-877-8339.

Additional Information

1. Incorporation of the General Section. HUD publishes a General Section each fiscal year that contains mandatory requirements for all applicants to HUD's various competitive grant programs, including this NOFA. Applications must meet all of the requirements of the General Section in addition to the requirements of this NOFA to be considered and potentially receive funding. The full title of the General Section is the General Section to HUD's Fiscal Year 2017 Notice[s] of Funding Availability for Discretionary Programs. Copies are available at Grants.gov or HUD's Funds Available page.

2. Participative Planning and Implementation. HUD encourages all applicants to HUD's competitive programs to ensure, where applicable, public decision making and meaningful participation throughout the visioning, development, and implementation of funded projects, by residents of affected areas and especially communities traditionally marginalized from planning processes. In seeking public participation, applicants and grantees must ensure that all

communications are provided in a manner that is effective for persons with hearing, visual, and other communications-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. 2000(d) and Executive Order 13166 require that grantees take responsible steps to ensure meaningful access to services, programs, and activities by persons with Limited English Proficiency (LEP persons).

I. Funding Opportunity Description

A. Program Description. The 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, and local governments to quickly re-house homeless individuals, families, persons fleeing domestic violence, 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.

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 interim rule are found in 24 CFR part 578 (the CoC Program interim rule). The FY 2017 funds were authorized by the Consolidated Appropriations Act, 2017 (Pubic Law 115-31, approved May 5, 2017), (FY 2017 HUD Appropriations Act).

C. Summary of the Application Process.

The FY 2017 CoC Program Competition is administered under the FY 2017 CoC Program Competition NOFA and 24 CFR part 578. Applicants should review and follow the steps as outlined below to ensure applications are complete and submitted on time. Documents referenced in this section can be found on the HUD Exchange at www.hudexchange.info/homelessness-assistance.

1. Collaborative Applicants must have completed and successfully submitted the FY 2017 CoC Program Registration in accordance with the *Notice of Fiscal Year (FY) 2017 Opportunity to Register and Other Important Information for Electronic Application Submission for Continuum of Care Competition* (FY 2017 CoC Program Registration Notice) posted April 10, 2017.

2. Project applications submitted to the CoC for inclusion on the FY 2017 CoC Priority Listing as part of the CoC Consolidated Application must be reviewed and either accepted and ranked or rejected by the CoC. All project applications approved by the CoC must be listed on the CoC Priority Listing in rank order, with the exception of project applications for CoC planning and UFA Costs which will not be ranked, to establish the project applications located within Tier 1 and the project applications located within Tier 2, as described in Sections II.B.16. and II.B.17. of this NOFA. The purpose of this two-tiered approach is for CoCs to indicate to HUD which projects are prioritized for funding.

3. The Collaborative Applicant, including any Collaborative Applicant designated by HUD as a UFA, is 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 2017 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 2017 Project Application. Project applications must be completed by project applicants for CoC planning, UFA Costs, new, and renewal project application requests. New project applicants applying for funds through reallocation or the permanent housing bonus and renewal projects must provide a description of the proposed project including the population/sub-population they will serve, the type of housing and services that will be provided, and the budget activities that are being requested. Project applicants applying for CoC planning must provide a description of the activities that will be carried out with grant funds for CoC planning and UFA Costs. Project applicants must provide a description for the budget line items that are being requested with grant funds. For more information on project applications, see Section V. of this NOFA.

c. FY 2017 CoC Priority Listing. The Priority Listing includes:

(1) the reallocation forms for CoCs to indicate which projects, if any, will be reallocated;

(2) four separate project listing forms–New Project Listing, Renewal Project Listing, UFA Costs Project Listing, and CoC Planning Project Listing; and

(3) form HUD-2991, Certification of Consistency with the Consolidated Plan, which must be signed and dated between May 1, 2017 and September 28, 2017.

The project listing forms rank project applications in order of priority and identify any project applications rejected by the CoC. HUD is not requiring Collaborative Applicants to rank CoC planning or UFA Costs project applications; however, Collaborative Applicants must ensure that only one project application for CoC planning, and if designated a UFA by HUD, one project application for UFA Costs is submitted by the CoC. The Collaborative Applicant cannot accurately complete the project listing forms of the CoC Priority Listing until all project applications have been submitted to the CoC. Further, the Collaborative Applicant will be required to certify that there is a demonstrated need for all ranked permanent housing renewal projects on the Renewal Project Listing. For more information on the CoC Priority Listing, see Section VI.C.3. of this NOFA.

D. FY 2017 CoC Program Competition NOFA. CoCs and applicants should read this NOFA in its entirety in conjunction with the CoC Program interim rule (24 CFR part 578) in order to ensure a comprehensive understanding of and compliance with all CoC Program requirements. This NOFA frequently makes reference to citations from 24 CFR part 578. Applicants should review the FY 2017 General Section NOFA published on September 16, 2016 as well as any additional Notices and HUD guidance provided in relation to the CoC Program.

1. CoCs should consider the policy priorities established in this NOFA in conjunction with

local priorities to determine the ranking of new and renewal project application requests. See Section II. of this NOFA for more information on HUD's homeless policy and program priorities.

2. HUD will conduct a threshold review of ranked projects for all CoCs that submit the CoC Consolidated Application by the application deadline.

3. HUD may issue up to two conditional funding announcements with the criteria set forth in Section VII. of this NOFA.

4. HUD will score the FY 2017 CoC Application portion of the CoC Consolidated Applications in accordance with the criteria set forth in Section VII. of this NOFA.

5. HUD will select new and renewal project applications in Tier 1 in accordance with the criteria set forth in Section II.B.16. of this NOFA.

6. The project application score(s), which will incorporate the CoC Application score, will determine which projects in Tier 2 will be conditionally selected for award as set forth in Section II.B.17. of this NOFA.

a. Eligibility Requirements – Eligibility requirements are those requirements that must be met for an application to be eligible for funding. Deficiencies in meeting an eligibility requirement may be categorized as either curable or non-curable.
b. Threshold Requirement – Threshold requirements are a category of eligibility requirements. A threshold requirement is a requirement that must be met in order for an application to be reviewed. Threshold requirements are not curable.
Threshold requirements are listed in Section V.G.2 of this Program NOFA.
Applicants must ensure their application package addresses all threshold requirements. Please check your application carefully!
c. Deficiency – Deficiencies are not the same as errors. Errors are never curable except as permitted under Section IV.D.4 (General Section). Deficiencies are items of missing or omitted information 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.). Depending on specific criteria, deficiencies may be either curable or non-curable.
d. Curable Deficiency – A curable deficiency is a specific type of deficiency that applicants may correct with timely action. To be curable the deficiency must:

- Not be a threshold requirement;
- 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.

e. Non-Curable Deficiency – An applicant cannot correct a non-curable deficiency 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.

II. HUD's Homeless Policy and Program Priorities

A. Policy Priorities. This section provides additional context regarding the selection criteria found in Section VII.A. of this NOFA and is included here to help applicants better understand how the selection criteria support the goal of ending homelessness: The policy priorities below are somewhat different than those in Section IV.A. of the *Notice of Fiscal Year (FY) 2017 Opportunity to Register and Other Important Information for Electronic Application Submission for the Continuum of Care (CoC) Program Competition*. HUD has added more information to better explain these priorities.

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 take into account the challenges faced by all subpopulations experiencing homelessness in the geographic area (e.g., veterans, youth, families, or those experiencing chronic homelessness). CoCs should have a comprehensive outreach strategy in place to identify and continuously engage all unsheltered individuals and families. 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. Finally, CoCs should use the reallocation process to create new projects that improve their overall performance and better respond to their needs.

2. Creating a systemic response to homelessness. CoCs should be using system performance measures such as the average length of homeless episodes, rates of return to homelessness, and rates of exit to permanent housing destinations to determine how effectively they are serving people experiencing homelessness. Additionally, CoCs should be using 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.

3. Strategically allocating and using resources. Using cost, performance, and outcome data, CoCs should improve how resources are utilized to end homelessness. CoCs should review project quality, performance, and cost effectiveness. HUD also encourages CoCs to maximize the use of mainstream and other community-based resources when serving persons experiencing homelessness. Finally, CoCs should review all projects eligible for renewal in FY 2017 to determine their effectiveness in serving people experiencing homelessness as well as their cost effectiveness.

4. 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 the CoC should measure and help projects reduce the length of time people experience homelessness. Additionally, CoCs should engage landlords and property owners, remove barriers to entry, and adopt client-centered service methods.

B. CoC Program Implementation. The following list highlights important information that applicants should consider as they are preparing the FY 2017 CoC Application and project applications(s). This is not an exhaustive list of considerations or requirements; therefore, all applicants and CoC stakeholders should carefully review 24 CFR part 578 for comprehensive

information.

1. The FY 2016 Appropriations Act established certain requirements for the FY 2016 Competition that HUD will continue to require in the FY 2017 CoC Program Competition:

a. CoCs cannot receive grants for new projects, other than through reallocation, unless the CoC competitively ranks projects based on how they improve system performance;

b. HUD is increasing the share of the CoC score that is based on performance criteria; and

c. HUD will prioritize funding for CoCs that have demonstrated the ability to reallocate resources to higher performing projects.

2. In addition to grants for CoC planning and UFA Costs, CoCs may create new projects by making funds available through reallocation or by using amounts available through the permanent housing bonus.

a. The following types of projects may be created using funds that the CoC has made available through reallocation:

(1) CoCs may create new permanent supportive housing projects that meet the requirements of DedicatedPLUS as defined in Section III.A.3.d. of this NOFA or new permanent supportive housing projects where 100 percent of the beds are dedicated to chronic homelessness.

(2) CoCs may create new rapid rehousing projects that will serve homeless individuals and families, including unaccompanied youth, who meet the following criteria:

(a) residing in a place not meant for human habitation;

(b) residing in an emergency shelter;

(c) persons meeting the criteria of paragraph (4) of the definition of homeless, including persons fleeing or attempting to flee domestic violence situations;

(d) residing in a transitional housing project that was eliminated in the FY 2017 CoC Program Competition;

(e) residing in transitional housing funded by a Joint TH and PH-RRH component project (see Section III.A.3.h. of this NOFA); or

(f) receiving services from a VA-funded homeless assistance program and met one of the above criteria at initial intake to the VA's homeless assistance system.

(3) CoCs may create new Joint TH and PH-RRH component projects as defined in Section III.A.3.h. of this NOFA to better serve homeless individuals and families, including individuals or families fleeing or attempting to flee domestic violence.

(4) CoCs may create a new dedicated Homeless Management Information System (HMIS) project for the costs at 24 CFR 578.37(a)(2) that can only be carried out

by the HMIS Lead, which is the recipient or subrecipient of an HMIS grant, and that is listed on the HMIS Lead form in the CoC Applicant Profile in *e-snaps.*

(5) CoCs may create a new supportive services only project to develop or operate a new centralized or coordinated assessment system.

CoCs may only reallocate eligible renewal projects that have previously been renewed under the CoC Program or projects funded under the Supportive Housing Program (SHP) or Shelter Plus Care (S+C) Program that are eligible for first-time renewal in the FY 2017 CoC Program Competition.

b. CoCs may create new projects through the permanent housing bonus up to 6 percent of the CoC's Final Pro Rata Need (FPRN) for the following types of new projects:

(1) CoCs may create new permanent supportive housing projects that meet the requirements of DedicatedPLUS as defined in Section III.A.3.d. of this NOFA or new permanent supportive housing projects where 100 percent of the beds are dedicated to chronic homelessness.

(2) CoCs may create new rapid rehousing projects that will serve homeless individuals and families, including unaccompanied youth, who meet the following criteria:

(a) residing in a place not meant for human habitation;

(b) residing in an emergency shelter;

(c) persons meeting the criteria of paragraph (4) of the definition of homeless, including persons fleeing or attempting to flee domestic violence situations;

(d) residing in a transitional housing project that was eliminated in the FY 2017 CoC Program Competition;

(e) residing in transitional housing funded by a Joint TH and PH-RRH component project (see Section III.A.3.h. of this NOFA); or

(f) receiving services from a VA-funded homeless assistance program and met one of the above criteria at initial intake to the VA's homeless assistance system.

(3) CoCs may create new Joint TH and PH-RRH component projects as defined in Section III.A.3.h. of this NOFA to better serve homeless individuals and families, including individuals or families fleeing or attempting to flee domestic violence.

3. Because new Joint TH and PH-RRH projects and permanent housing projects (permanent supportive housing and rapid rehousing) may be created through either reallocation or the permanent housing bonus, HUD may reclassify these projects that a project applicant or a CoC has classified as reallocation or permanent housing bonus if the project would be ineligible for funding because the CoC exceeded either its reallocation or permanent housing bonus amount. New Joint TH and PH-RRH component projects and permanent housing projects will be evaluated using the same criteria regardless of whether

the CoC has identified them as bonus or reallocation projects.

4. New in the FY 2017 CoC Program Competition, HUD will allow project applicants to apply for a new expansion project under the reallocation process or permanent housing bonus in order to expand existing eligible renewal projects that will increase the number of units in the project, or allow the recipient to serve additional persons. Project applicants that intend to submit a new reallocation or permanent housing bonus project for the purposes of expanding an eligible renewal project must:

a. provide the eligible renewal grant number that the project applicant requests to expand on the new project application;

b. indicate how the new project application will expand units, beds, services, persons served, or in the case of HMIS projects, how the current HMIS grant activities will be expanded for the CoC's geographic area; and

c. ensure the funding request for the new expansion project is within the funding parameters allowed under the reallocation process or permanent housing bonus.

The new expansion project application will be reviewed using the procedures and selection criteria established in Section V.G.2.c. of this NOFA. If the new expansion project exceeds the amount of funding available under the reallocation process or permanent housing bonus amount, 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 renewal it expands are conditionally selected for funding, one grant agreement incorporating both project applications will be executed. If the renewal project application is not conditionally selected for funding, the expansion project application will not be selected.

5. 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 completed a merger in the period between the final funding announcement for FY 2016 and the FY 2017 CoC Program Registration deadline. The minimum number of points awarded will be 5; the maximum will be 25. To be eligible for these points, the merged CoC must contain all of the geographic area previously included in two or more CoCs that applied for funding in the FY 2016 Continuum of Care Program Competition. The points will be awarded by giving:

a. 5 bonus points to CoCs that merged;

b. 10 bonus points to CoCs where one or more of the merging CoCs had a CoC Application score of 140 points or below in the FY 2016 CoC Program Competition;

c. Up to 10 bonus points to CoCs that demonstrate 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 affected their CoC score.

6. HUD no longer requires submission of the final GIW in the CoC Program Competition; however, if an ineligible renewal project is submitted in this Competition or used in the reallocation process, HUD will remove the ineligible project when calculating the final ARD amount for the CoC. To be eligible for renewal in FY 2017, a project must have an

executed grant agreement by December 31, 2017 and have an expiration date in Calendar Year (CY) 2018 (between January 1, 2018 and December 31, 2018).

7. Eligible renewal projects requesting rental assistance are permitted to request a per-unit amount less than the Fair Market Rent (FMR), based on the actual rent costs per unit. 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 that the amount requested will be sufficient to cover all eligible costs as HUD cannot provide funds beyond what is 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 NOFA for additional information regarding FMR adjustments for projects receiving funds for rental assistance.

8. CoCs were required to submit the FY 2017 Housing Inventory Count (HIC) and Point-in-Time (PIT) count data directly to the HUD HDX website by the submission deadline of May 5, 2017. 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 be eligible to receive the maximum number of points available as described in Sections VII.A.3. and VII.A.4. of this NOFA.

9. To receive the maximum number of points available as described in Section VII.A.2. of this NOFA CoCs must:

a. establish an internal CoC deadline for project applications to be submitted to the CoC that is no later than 30 days before the application deadline; and,

b. notify, in writing and outside of *e-snaps*, all 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 on the CoC Priority Listing, rejected, or reduced by the CoC within 15 days of the FY 2017 CoC Program Competition application deadline. Where a project application is being rejected or reduced, the CoC must indicate the reason(s) for the rejection or reduction.

Per 24 CFR 578.35(c), project applicants that believe they were denied the opportunity to participate in the local CoC planning process in a reasonable manner and were rejected or reallocated by the CoC may appeal the rejection directly to HUD by submitting a Solo Applicant project application prior to the application deadline of **September 28, 2017 by 8:00 p.m. eastern time**.

10. Only one CoC planning project application may be submitted per CoC per funding year. Similarly, only one project application for UFA Costs may be submitted for HUD-designated UFAs per funding year. The project applications for CoC planning and UFA Costs 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*. HUD is not ranking CoC planning and UFA Costs projects in the FY 2017 CoC Program Competition so they will not affect a CoC's available amount for new and renewal project applications.

11. CoCs must consult with Emergency Solutions Grants (ESG) recipients within the geographic area on the plan for allocating ESG funds and reporting on and evaluating the

performance of ESG recipients and subrecipients. Each CoC will be required to demonstrate how it is coordinating with ESG recipients. See Section VII.A.1.b. of this NOFA for more information about scoring criteria related to coordinating with ESG recipients.

12. As directed by Congress, HUD must provide an annual estimate of all individuals and families experiencing homelessness nationwide and within the territories. Therefore, all 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 ESG 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, will mean 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.

13. CoCs may request, in the FY 2017 CoC Application, that up to 10 percent of funding for the fiscal year awarded under this NOFA 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 of 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 and PH-RRH component projects.

In order to be approved to serve this population, CoCs making this request must demonstrate that 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. 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:

a. Project name(s) as listed on the CoC Priority Listing; and

b. Amount of funding in the project or per project that will be used for this purpose.

If HUD approves a CoC's request, the grant agreement will reflect the ability to serve this population. See 24 CFR 578.89 for more information about this limitation.

14. HUD will allow new reallocated projects to request funding for 1 year; however, any new reallocated projects requesting capital costs (i.e., new construction, acquisition, or rehabilitation) are not eligible for 1-year requests; therefore, HUD will increase the grant term to 3-years if they are submitted for 1-year grant terms. CoCs may only reallocate eligible renewal projects that have previously been renewed under the CoC Program or projects funded under the SHP or S+C Program that are eligible for first-time renewal in the FY 2017 CoC Program Competition.

15. CoCs will be required to rank all new and renewal project applications submitted by project applicants in *e-snaps*, except CoC planning and UFA Costs projects. HUD will not review any project that is rejected by the CoC. CoCs may only submit one application for CoC planning costs and, if designated as a UFA, one 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*.

16. HUD will continue the Tier 1 and Tier 2 funding process and CoCs and applicants should ensure there is a thorough understanding of the information provided in this NOFA. 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 each CoC's estimated ARD, Tier 1 amount, CoC planning amount, and permanent housing bonus amount on the HUD Exchange. HUD has also posted the final GIWs on the HUD Exchange. Section VIII. of this NOFA provides additional information regarding project selection.

a. Tier 1 is equal to the greater of the combined amount of ARA for all permanent housing and HMIS projects eligible for renewal up to $1,000,000 or 94 percent of the CoC's FY 2017 ARD, as described in Section III.A.3.a. of this NOFA. The CoC's ARD amount will be based on the 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. Projects in this tier will be conditionally selected from the highest scoring CoC to the lowest scoring CoC, provided the project applications pass both eligibility and threshold review. Any type of new or renewal project application can be placed in Tier 1, except for CoC Planning and UFA projects, which are not ranked. However, in the event insufficient funding is available under this NOFA 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 is the difference between Tier 1 and the CoC's ARD plus any amount available for the permanent housing bonus (before adjustments are made to permanent housing leasing, operating, and rental assistance budget line items based on changes to FMR) as described in Section II.B.2.b. of this NOFA. This does not include the amounts available for CoC planning and UFA Costs. Project applications that are in Tier 2 will be selected for FY 2017 CoC Program funding using the process described in Section II.B.17. of this NOFA. Projects placed in Tier 2 will be assessed for eligibility and threshold requirements, and funding will be determined using the CoC

Application score as well as the factors listed in Section II.B.17. of this NOFA.

c. 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 as stated above; and then, using the CoC score and other factors described in Section II.B.17. of this NOFA, 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. As previously stated, CoC planning and UFA Costs are not ranked and; therefore, will not be included in Tier 1 or Tier 2. CoC planning and UFA Costs projects that pass eligibility and review threshold will be conditionally selected using CoC scores from the highest scoring CoC to the lowest scoring CoC.

While the CoC will determine the order in which project applications are ranked, HUD will calculate which projects fall in Tier 1 and Tier 2 based on all project applications that pass eligibility and threshold review.

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

a. *CoC Score*. Up to 50 points in direct proportion to the score received on the CoC Application. For example, 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. CoCs must receive all 200 CoC Application points available to receive the full 50 points for the CoC Application score.

b. *CoC Project Ranking.* Up to 40 points for the CoC's ranking of the project application(s). To more evenly distribute funding across CoCs and take into account the CoCs ranking of projects, point values will be assigned directly related to the CoCs ranking of projects. 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.

c. *Commitment to Housing First.* Up to 10 points for how the permanent housing project application commits to applying the Housing First model. Transitional housing, Joint TH and PH-RRH component, safe haven, and SSO projects that are not for centralized or coordinated assessment can receive up to 10 points for how the project demonstrates that it is low-barrier, prioritizes rapid placement and stabilization in permanent housing, and does not have service participation requirements or preconditions to entry (such as sobriety or a minimum income threshold). HMIS projects and SSO projects for a centralized or coordinated assessment system will automatically receive 10 points.

III. Continuum of Care Program Requirements

The CoC Program interim rule at 24 CFR part 578 details the requirements with which grants awarded under this Competition must comply. Regulatory citations are provided below so that applicants can refer to specific areas of 24 CFR part 578. Beginning this year, the grant agreements will be subject to the program regulation as it may be amended from time to time. Recipients will be subject to regulatory revisions as they come into effect, without having to wait until the grant is renewed in a future Competition.

A. Definitions and Concepts. The definitions and concepts contained in this section include terms that are important for all applicants to understand in order to complete all parts of the FY 2017 CoC Consolidated Applications 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 CoC Program interim 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. Final Pro Rata Need

i. High Performing Community

j. Homeless

k. Permanent Housing

l. Permanent Supportive Housing

m. Private Nonprofit Organization

n. Program Participant

o. Project

p. Recipient

q. Subrecipient

r. Transitional Housing

s. Unified Funding Agency

2. CoC Program NOFA Definitions. The following terms are not found in 24 CFR part 578, but are used in this NOFA to define concepts that pertain specifically to the FY 2017 CoC Consolidated Application.

a. *Consolidated Plan Certification.* The statutory form 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 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.

b. *Housing Inventory Count (HIC).* A complete listing of the community's HUD and non-HUD funded beds dedicated to homeless individuals and families.

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

3. Concepts. The concepts contained in this section are important for all applicants to understand in order to complete all parts of the FY 2017 CoC Consolidated Application. These concepts are used throughout this NOFA:

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 2017 CoC Program Competition, before any required adjustments to funding for leasing, rental assistance, and operating budget line items based on FMR changes. The ARD will be calculated by combining the total amount of funds requested by eligible renewal projects on the Renewal Project Listing combined and the eligible renewal project amount(s) that were reallocated.

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 2016 permanent housing 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. *Continuum of Care Merger.* The CoC merger is a process where two or more CoCs voluntarily agreed to merge the entire geographic areas of both or all CoCs into one larger CoC. HUD strongly encourages CoCs that struggle with capacity to merge with a neighboring CoC or Balance of State CoC during each fiscal year's CoC Program Registration process. To receive the bonus points described in Section II.B.5 of this NOFA for merged CoCs established in Section VII.A. of this NOFA, the Collaborative Applicant must have completed the merger between the final funding announcement for FY 2016 and the FY 2017 CoC Program Registration deadline.

d. *DedicatedPLUS project.* A permanent supportive housing project where 100 percent of the beds are dedicated to serve individuals with disabilities and families in which one adult or child has a disability, including unaccompanied homeless youth, that at intake are:

(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; but the individuals or families experiencing chronic homelessness as defined at 24 CFR 578.3 had been admitted and enrolled in a permanent housing project within the last year and were unable to maintain a housing placement;

(4) residing in transitional housing funded by a Joint TH and PH-RRH component project and who were experiencing chronic homelessness as defined at 24 CFR 578.3 prior to entering the project;

(5) residing and has resided in a place not meant for human habitation, a safe haven, or emergency shelter for at least 12 months in the last three years, but has not done so on four separate occasions; 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.A.3.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.

e. *Definition of 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, 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. Where an individual or family is fleeing, or is attempting to flee human trafficking, that has either taken place within the individuals or family's primary night-time residence or has made the individual or family afraid to return to their primary night-time residence; and the individual or family has no other residence; and the individual or family lacks the resources or support networks to obtain other permanent housing; HUD would consider that individual or family to qualify as homeless under paragraph 4 of the definition.

f. *Eligible Renewal Project.* A project that will be under grant agreement by December 31, 2017 and will have an expiration date in Calendar Year (CY) 2018 (between January 1, 2018 and December 31, 2018).

g. *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 can be considered to be using a Housing First model for the purposes of this NOFA 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 any preconditions for moving into the transitional housing (e.g., sobriety or minimum income threshold). Additional information regarding Housing First is in Section II.A.4. of this NOFA.

h. *Joint TH and PH-RRH Component Project.* In the FY 2017 CoC Program Competition, CoCs may create new Joint TH and PH-RRH component projects to better serve homeless individuals and families. The Joint TH and PH-RRH component project includes two existing program components–transitional housing and permanent housing-rapid rehousing–in a single project to serve individuals and families experiencing homelessness. For more information about new Joint TH and PH-RRH component projects, see Section V.G.2.c(2) of this NOFA for additional information.

If funded, HUD will limit eligible costs as follows, in addition to other limitations found in 24 CFR part 578:

(1) capital costs (i.e., new construction, rehabilitation, or acquisition), 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 and 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 transitional housing unit or the assistance provided through the PH-RRH component, but the recipient or subrecipient must make both types of assistance available.

i. *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.

j. *Permanent Housing Bonus.* The Permanent Housing Bonus is available to all CoCs to apply for funding to create new:

(1) DedicatedPLUS projects as defined in Section III.A.3.d. of this NOFA;

(2) permanent supportive housing projects where 100 percent of the beds are dedicated to chronically homeless individuals and families;

(3) rapid rehousing projects that will serve homeless individuals and families, including youth up to age 24, who meet the following criteria:

(a) residing in a place not meant for human habitation;

(b) residing in an emergency shelter;

(c) persons meeting the criteria of paragraph (4) of the definition of homeless, including persons fleeing or attempting to flee domestic violence situations;

(d) residing in a transitional housing project that was eliminated in the FY 2017 CoC Program Competition; or

(e) residing in transitional housing funded by a Joint TH and PH-RRH component project (see Section III.A.3.h. of this NOFA); or

(f) receiving services through a VA-funded homeless assistance program and met one of the above criteria (Sections III.A.3.j.(3)(a), (b), (c), or (d) at initial intake to the VA's homeless assistance system.

(4) Joint TH and PH-RRH component projects, which will include transitional housing and permanent housing-rapid rehousing in a single project to serve individuals and families experiencing homelessness, including victims of domestic violence.

A CoC is eligible to apply for up to 6 percent of its FPRN and may apply for more than one permanent housing bonus project. New projects created through a permanent housing bonus must meet the project eligibility and threshold requirements established by HUD in Sections V.G.2.b. and V.G.2.c. of this NOFA.

k. *Preliminary Pro Rata Need (PPRN).* The amount of funds a CoC could receive based upon the geographic areas claimed by the CoC 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 set forth at 24 CFR 578.17(a). Each year, HUD publishes the PPRN for each jurisdiction on the HUD Exchange. A CoC's PPRN is determined by adding the published PPRN of each metropolitan city, urban county, and other county located within the HUD-approved CoC geographic area. HUD will post a report to the FY 2017 CoC Program Competition: Funds Available page on the HUD Exchange that will list each CoC's available PPRN based on the geographic codes selected by the Collaborative Applicant during the FY 2017 CoC Program Registration process.

l. *Reallocation.* Reallocation is a process that 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.2.a. of this NOFA and the project eligibility and project quality thresholds established by HUD in Sections V.G.2.b. and V.G.2.c. of this NOFA. In the FY 2017 CoC Program Competition, CoCs may use reallocation to create new:

(1) DedicatedPLUS projects as defined in Section III.A.3.d. of this NOFA or permanent supportive housing projects where 100 percent of the beds are dedicated to chronic homelessness;

(2) may create new rapid rehousing projects that will serve homeless individuals and families, including unaccompanied youth, who meet the following criteria:

(a) residing in a place not meant for human habitation;

(b) residing in an emergency shelter;

(c) persons meeting the criteria of paragraph (4) of the definition of homeless, including persons fleeing or attempting to flee domestic violence situations;

(d) residing in a transitional housing project that was eliminated in the FY 2017 CoC Program Competition;

(e) residing in transitional housing funded by a Joint TH and PH-RRH Component project (see Section III.
A.3.h of this NOFA); or

(f) receiving services from a VA-funded homeless assistance program and met one of the above criteria at initial intake to the VA's homeless assistance system;

(3) Joint TH and PH-RRH component projects, which will include transitional housing and permanent housing-rapid rehousing in a single project to serve individuals and families experiencing homelessness;

(4) dedicated HMIS projects; and

(5) SSO projects for a centralized or coordinated assessment system.

For a CoC to receive funding for a new project, other than through reallocation, the CoC must demonstrate that all project applications are evaluated and ranked based on the degree to which they improve the CoC's system performance.

B. Establishing and Operating the CoC. Provisions at 24 CFR 578.5 and 24 CFR 578.7 detail the requirements for the establishment of a CoC and its operations.

C. CoC Geographic Area. Provisions at 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 will follow the process at 24 CFR 578.35(d) to determine which CoC HUD will fund in the case of CoC geographic areas that overlap. See Section III.H. of this NOFA for more information about how HUD will award funding to projects in Competing CoCs.

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

E. Centralized or Coordinated Assessment System. The definition of Centralized or Coordinated Assessment can be found at 24 CFR 578.3. Provisions at 24 CFR 578.7(a)(8) detail the responsibilities of the CoC with regard to establishing and operating such a system. In addition to the definition and responsibilities established in the regulation, HUD also posted on the HUD Exchange the CPD-17-01: Notice Establishing Additional Requirements for a Continuum of Care Centralized or Coordinated Assessment System in January 2017, establishing new requirements related to the development and use of a centralized or coordinated entry assessment system. CoCs may use planning costs to design and plan for the implementation of a centralized or coordinated assessment system. These systems help communities assess the needs of program participants and effectively match homeless persons with the most appropriate

resources available to address their particular needs.

F. CoC Program Components. Provisions at 24 CFR 578.37 state that CoC funds may be used for projects under five program components: permanent housing (including rapid rehousing and permanent supportive housing); transitional housing; Supportive Services Only; HMIS; and in some cases, homelessness prevention. Homelessness prevention is a component through the implementation of High Performing Communities (HPC), as 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 2017 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 2017 CoC Program Competition are:

1. Permanent Housing;
2. Transitional Housing;
3. Supportive Services Only; and
4. HMIS.

In addition to funding projects that use these components, Collaborative Applicants may apply for projects that include the Transitional Housing and Permanent Housing-Rapid Re-Housing components in a single project, a Joint TH and PH-RRH Component project.

G. Collaborative Applicant. HUD will only review CoC Consolidated Applications submitted from the Collaborative Applicant that has been designated by the CoC. As set forth at 24 CFR 578.9(a)(3), the Collaborative Applicant will compile all parts of the CoC Consolidated Application, including the FY 2017 CoC Application, the FY 2017 CoC Priority Listing, and all project applications for FY 2017 funds the CoC has ranked for funding within the geographic area. Additionally, as set forth at 24 CFR 578.3, the Collaborative Applicant is the only entity that may apply to HUD for CoC planning costs and for UFA Costs, if the Collaborative Applicant is designated to apply as an UFA applicant.

H. Competing CoCs. For the FY 2017 CoC Program Competition there are no Competing CoCs.

I. Compliance with Violence Against Women Act (VAWA) Rule. On November 16, 2016, HUD published its VAWA final rule (81 FR 80798), which provides various protections to victims of domestic violence, dating violence, sexual assault, and stalking under the CoC Program and other HUD programs. The grants to be awarded under this NOFA will be the first CoC Program grants that will be required to comply with the VAWA rule as provided in 24 CFR 578.99(j)(3). To enable full compliance with this rule, each CoC must establish an emergency transfer plan under 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). These tasks must be completed by the time the local CPD Field Office issues the first FY 2017 grant agreement for a project in the CoC's geographic area.

J. CoC Maximum Award. 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 budget line items 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 projects and all 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. Because the application deadline falls in FY 2017, HUD will use FY 2017 FMRs.

   b. Funds awarded for rental assistance for renewal projects that request less than FMR, that is, 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. In the event that 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 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 permanent housing 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 budget line items will not include decreases if FMRs decrease in the geographic area. The operating and leasing budget line items in these projects will remain the same as in the most recent grant agreement or grant agreement amendment.

IV. Award Information

A. Amount Allocated. Approximately $2 billion of FY 2017 funds is available for funding. Carried over or recaptured funds from previous fiscal years, if available, may be added to this amount. Although the available amount of funding is expected to be sufficient to fund anticipated eligible renewal projects in the FY 2017 funding process, HUD will continue to require Collaborative Applicants to rank all projects in two tiers. Tier 1 is equal to the greater of the combined amount of ARA for all permanent housing and HMIS projects eligible for renewal up to $1,000,000 or 94 percent of the CoC's ARD as described in Section III.A.3.a. of this NOFA. Tier 2 is the difference between Tier 1 and the CoC's ARD plus any amount available for the permanent housing bonus as described in Section II.B.2.b. of this NOFA.

B. Distribution of Funds. The distribution of funds will depend largely on CoC determined priorities, HUD selection priorities, overall demand, and renewal eligibility.

1. *Renewals.* Awards made under the CoC Program, Supportive Housing Program (SHP), and Shelter Plus Care (S+C) are eligible for renewal for FY 2017 funds if they have an executed grant agreement by December 31, 2017 and have an expiration date that occurs in Calendar Year (CY) 2018 (the period between January 1, 2018 and December 31, 2018).

These projects are renewable under the CoC Program Competition as set forth in 24 CFR 578.33 to continue ongoing leasing, operating, supportive services, rental assistance, HMIS, and project administration costs. Grant agreements for FY 2016 funds must be executed by December 31, 2017 to be eligible for renewal. If a project application is submitted for FY 2017 funds where the grant agreement for FY 2016 funds is not executed by December 31, 2017, HUD will withdraw any funds conditionally awarded for FY 2017.

Applicants that were eligible under the SHP and S+C programs but are no longer eligible under the CoC Program, will continue to be eligible for renewal of leasing, operating, supportive service, rental assistance, HMIS, and project administration costs under 24 CFR 578.33(d)(1), so long as their 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 30, 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 CoC Program interim rule.

2. *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. However, the following exceptions apply:

a. 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.

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

c. 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 applicants 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 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 initial 5-year grant term, if conditionally awarded.

d. Any new project that requests operating costs, Supportive Services Only, HMIS, and project administration may request 1-year, 2-year, 3-year, 4-year, or 5-year grant terms with funding for the same number of years.

e. 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.

f. 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 requested, and the grant term will be 3 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 (a form can be obtained from the local HUD CPD Field Office) for all grants

of funds for new constructions, acquisition, and rehabilitation. (24 CFR 578.81)

g. All new CoC planning or UFA Costs applications are limited to 1-year grant terms and 1-year of funding.

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

(2) The maximum amount available for UFA Costs, for UFA designated Collaborative Applicants, is 2 percent of FPRN or $750,000; whichever is less.

3. *Renewal Project Grant Terms.*

a. All renewal project applications, including rental assistance, are limited to 1-year grant terms and 1 year of funding.

b. Any renewal permanent housing project that receives project-based rental assistance or operating costs may request up to a 15-year grant term; however, the project applicants may only request 1 year of funding. 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.

C. Lead-Based Paint Requirement. When providing housing assistance funding for purchase, lease, supportive services, operating, or work that my 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 Environmental Protection Agency (EPA) lead-based paint rules (e.g., Repair, Renovations and Painting, Pre-Renovation Education and Certification (40 CFR part 745)).

When providing education or counseling on buying or renting housing that may include pre-1978 housing, when required by regulation or policy, inform participants of their rights under the Lead Disclosure Rule (24 CFR part 36, subpart A,), and if the focus or the education or counseling is on rental or purchase of HUD-assisted pre-1978 housing, the Lead Safe Housing Rule (subpart 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.

As required in the Code of Federal Regulations (CFR) at 2 CFR 25.200 and 24 CFR Part 5 Subpart K, all applicants for financial assistance must have an active unique entity identifier (currently a DUNS number, https://fedgov.dnb.com/webform) and have an active registration in the System for Award Management (SAM) (www.sam.gov) before submitting an application. Getting a DUNS number and completing SAM registration can take up to four weeks; therefore,

applicants should start this process or check their status early.

B. Eligible Project Applicants (24 CFR 578.15, 24 CFR 5.100). Eligible project applicants for the CoC Program Competition are under 24 CFR 578.15 and include nonprofit organizations, states, local governments, and instrumentalities of state and local governments. Public housing agencies, as such term is defined in 24 CFR 5.100, are eligible without limitation or exclusion. For-profit entities are not eligible to apply for grants or to be subrecipients of grant funds.

C. Renewal Projects. Awards made under the CoC Program, SHP, and S+C programs are eligible for renewal for FY 2017 funds if they are currently in operation and have an executed grant agreement that is dated no later than December 31, 2017 and expires in Calendar Year (CY) 2018 (the period from January 1, 2018 through December 31, 2018).

1. HUD will not select renewal projects for an award for FY 2017 funds in the FY 2017 CoC Program Competition unless the project meets one of the following additional eligibility requirements:

a. Any CoC Program, SHP, or S+C grants awarded in a preceding Competition that expire in CY 2018.

b. Any S+C grant awarded prior to FY 2002 for which funding is expected to run out in CY 2018, and which has never applied for renewal funding.

c. Any SHP or S+C grant originally awarded in the FY 2011 Homeless Assistance Programs Competition and, notwithstanding the expiration date, that has funds expiring in CY 2017 or later and has not been renewed in a previous Competition. Funds for these grants will no longer be available after September 30, 2017. The electronic Line of Credit Control System (*e*LOCCS) requires that all draws for the grants awarded in the FY 2011 Homeless Assistance Programs Competition be made no later than September 22, 2017. Funds from these expiring grants will be recaptured and will no longer be available for expenditure, even if the end date established in the grant agreement is beyond September 30, 2017. Recipients are prohibited from accelerating their spending rate to spend down funds by September 22, 2017. Local HUD CPD field offices will monitor draws for affected grants to ensure that funds will be drawn only for actual costs incurred in accordance with the project budget on, or before, the eLOCCS availability of funds deadline. Grants awarded in the FY 2011 Homeless Assistance Competition are not eligible for renewal in the CoC Program Competition if they expired, or are expiring, in CY 2017 (time period from January 1, 2017 through December 31, 2017), were not renewed in a previous Competition, or were not approved for extension into CY 2018. Grants awarded in the FY 2011 Homeless Assistance Programs Competition that have an expiration date beyond CY 2017 must apply for renewal in the FY 2017 funding process. The only exception is for any grant awarded as S+C grant that included rehabilitation that has a 10-year grant term.

2. The total request for each renewing project may not exceed the ARA. 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.A.1.a. of this NOFA.

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 appropriate renewal grants when the grants are with the same recipient, have the same component, and expire in the same year. However, projects that have not yet been consolidated must submit separate project applications for individual renewal grants. Where a recipient intends to consolidate renewal grants, this action can be accomplished by the local HUD CPD field office at the point of renewal grant agreement execution. Projects that have outstanding audit findings or that are poor performers cannot be consolidated. Further, any grant that applied to move from SHP leasing to rental assistance in the CoC Program Competition cannot be consolidated in the first year after the change from leasing to rental assistance occurs. This paragraph 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.

5. Shelter Plus Care projects renewing for the first time under this NOFA may indicate a higher number of units than approved in the original application on the GIW during the FY 2017 CoC Program Registration process. However, for HUD to approve this increase, the applicant must have provided its local HUD CPD Field Office with copies of all executed leases to support the higher number of units. This must have been completed prior to the FY 2017 CoC Program Registration process as the increase in units affected the project's ARA. HUD will consider the number of documented units under lease at the time of GIW review the maximum number of units eligible for renewal in the FY 2017 CoC Program Competition. The number and configuration of units eligible for renewal must match the number and configuration of units recorded on the Rental Assistance Worksheet that was part of the final GIW.

D. New Projects.

1. CoCs may submit new projects created through reallocation, permanent housing bonus, CoC planning, and UFA Costs (if applicable).

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 threshold review process. Project applicants are required to submit documentation of subrecipients' eligibility with the application

E. Matching. 24 CFR 578.73 provides the information regarding match requirements. Project applicants that intend to use program income as match must provide an estimate of how much program income will used for match.

F. Indirect Costs. Indirect costs, (defined at 2 CFR 200.56) are those costs incurred for a common or joint purpose benefiting more than one cost objective, and not readily assignable to

the cost objectives specifically benefited, without effort disproportionate to the results achieved. To facilitate equitable distribution of indirect expenses to the cost objectives served, it may be necessary to establish a number of pools of indirect (F&A) costs. Indirect (F&A) cost pools should be distributed to benefited cost objectives on bases that will produce an equitable result in consideration of relative benefits derived. Refer to 200.413 and 200.414 for additional information on determining if costs charged to the award are direct or indirect.

Project applicants selected for funding pursuant to this NOFA may charge indirect costs to the award. Project applicants with an approved federally negotiated indirect cost rate must submit with their application a copy of their approved Indirect Cost Rate Proposal to substantiate their request.

Project applicants that never had an approved federally negotiated indirect cost rate may charge a rate of 10 percent of modified total direct costs. 2 CFR 200.414(f) states that nonfederal entities that have never received a negotiated indirect cost rate, except those non-federal entities described in Appendix VII. to Part 200–States and Local Government and Indian Tribe Indirect Costs Proposals, paragraph D.1.b. may elect to charge a *de minimis* rate of 10 percent of modified total direct costs, which may be used indefinitely. If chosen, this methodology must be used consistently for all federal awards until the entity chooses to submit an indirect cost rate proposal and negotiate for a rate.

If an applicant chooses to negotiate for an indirect cost rate, the applicant must contact the designated cognizant agency for indirect costs. The cognizant agency for indirect cost rates is defined at 2 CFR 200.19. For assignments of cognizant agencies see the following:

1. For Institutions of Higher Education: Appendix III. to 2 CFR part 200–Indirect (F&A) Costs Identification and Assignment, and Rate Determination for Institutions of Higher Education (IHEs), paragraph C.11.

2. For nonprofit organizations: Appendix IV. to 2 CFR part 200–Indirect (F&A) Costs Identification and Assignment, and Rate Determination for Nonprofit Organizations, paragraph C.12.

3. For State and local governments: Appendix V. to 2 CFR part 200–State/Local Government-wide Central Service Cost Allocation Plans, paragraph F.1.

If HUD is the applicant's cognizant agency for indirect costs, the applicant shall submit its Indirect Cost Rate Proposal to the following person and address of the U.S. Department of Housing and Urban Development: Lisa Abell, Director, Budget Director, Office of Community Planning and Development, 451 7th Street SW, Room 7236, Washington, DC, 20410, or via email at HUDIndirectCostRates@hud.gov. Approval of the proposal may take several weeks.

G. Other Project Eligibility Requirements.

1. **Statutory and Regulatory Requirements.** To be eligible for funding under this NOFA, project applicants must meet all statutory and regulatory requirements in the Act and 24 CFR part 578. Project applicants can obtain a copy of the Act and 24 CFR part 578 on the HUD Exchange or by contacting the NOFA Information Center at 1-800-483-8929).

2. 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 eligibility threshold requirements on a pass/fail standard. If HUD determines that 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 in compliance 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 24 CFR part 578 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/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 as specified in this NOFA.

(4) Subject to the qualifications below, the population to be served must meet program eligibility requirements as described in the Act and 24 CFR part 578, and the project application must establish eligibility of project applicants. This includes the following additional eligibility criteria for certain types of projects:

(a) Subject to the qualifications below, the only persons who may be served by any non-dedicated permanent supportive housing beds are homeless individuals and families who come from the streets, emergency shelters, safe havens, institutions, or transitional housing.

i. Homeless individuals and families coming from transitional housing must have originally come from the streets or emergency shelters.

ii. Homeless individuals and families with a qualifying disability who were fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking, or other dangerous or life threatening conditions and are living in transitional housing are eligible for permanent supportive housing even if they did not live on the streets, emergency shelters, or safe havens prior to entry in the transitional housing.

iii. Persons exiting institutions where they resided for 90 days or less and came from the streets, emergency shelter, or safe havens immediately prior to entering the institution are also eligible for permanent supportive

housing.

(b) The only persons who may be served in DedicatedPLUS project are persons described in III.A.3.d. of this NOFA. Renewal PSH projects, including those where 100 percent of the beds are currently dedicated to individuals and families experiencing chronic homelessness, may change the classification of the project through the project application to DedicatedPLUS. Because DedicatedPLUS projects may serve the chronically homeless and other homeless persons described in III.A.3.d, some or all of the persons assisted by a DedicatedPLUS project at any given time may be chronically homeless.

(c) Rapid re-housing projects, including new and renewal projects, may serve individuals and families, including unaccompanied youth, who meet the following criteria:

i. residing in a place not meant for human habitation;

ii. residing in an emergency shelter or coming directly from the streets;

iii. persons who qualify under paragraph (4) of the definition of homelessness, including persons fleeing or attempting to flee domestic violence situations;

iv. residing in a transitional housing project that was eliminated in the FY 2017 CoC Program Competition;

v. residing in transitional housing funded by a Joint TH and PH-RRH component project (see Section III.A.3.h. of this NOFA); or

vi. receiving services through a VA-funded homeless assistance program and met one of the above criteria at initial intake to the VA's homeless assistance system.

(d) Renewal projects originally funded under the Permanent Supportive Housing Bonus or Samaritan Housing Initiative in previous years must continue to serve the homeless population in accordance with the respective NOFA under which it was originally awarded. However, where applicable, these renewal projects may change the classification of the project to DedicatedPLUS as defined in Section III.A.3.d. of this NOFA through the project application.

(5) The project must be cost-effective, including costs of construction, operations, and supportive services with such costs not deviating substantially from the norm in that locale for the type of structure or kind of activity.

(6) 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 with clear and convincing evidence. 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 APR submissions) and if the renewal project has compliance issues which results in the project not operating in accordance with 24 CFR part 578. These projects are required to meet the requirements outlined in this section of this NOFA. 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.

(1) To be considered as meeting project quality threshold, new permanent housing–permanent supportive housing and rapid rehousing–project applications must receive at least 3 out of the 4 points available for the criteria below. New permanent housing project applications that do not receive at least 3 points will be rejected.

(a) Whether the type of housing, number, and configuration of units will fit the needs of the program participants (e.g., two or more bedrooms for families) (1 point);

(b) Whether the type of supportive services that will be offered to program participants will ensure successful retention or help to obtain permanent housing–this includes all supportive services, regardless of funding source (1 point);

(c) Whether the specific plan for ensuring that program participants will be individually assisted to obtain the benefits of the mainstream health, social, and employment programs for which they are eligible to apply meets the needs of the program participants (e.g., Medicare, Medicaid, SSI, Food Stamps, local Workforce office, early childhood education) (1 point); and

(d) Whether 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, additional assistance to ensure retention of permanent housing) (1 point).

(2) To be considered as meeting project quality threshold, new Joint TH and PH-RRH component project applications must receive at least 3 out of the 5 points available for the criteria below. New Joint TH and PH-RRH component project applications that do not receive at least 3 points will be rejected.

(a) Whether the type of housing, number, and configuration of units will fit

the needs of the program participants (1 point);

(b) Whether the type of supportive services that will be offered to program participants will ensure successful retention or help to obtain permanent housing–this includes all supportive services, regardless of funding source (1 point);

(c) Whether the specific plan for ensuring that program participants will be individually assisted to obtain the benefits of the mainstream health, social, and employment programs for which they are eligible to apply meets the needs of the program participants (e.g., Medicare, Medicaid, SSI, Food Stamps, local Workforce office, early childhood education) (1 point);

(d) Whether 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, additional assistance to ensure retention of permanent housing) (1 point); and

(e) Whether the project adheres to a housing first model as defined in Section III.A.3.g. of this NOFA. (1 point).

(3) To be considered as meeting project quality threshold, new SSO project applications for centralized or coordinated assessment systems must receive at least 2 out of the 4 points available for the criteria below. SSO project applications for centralized or coordinated assessment systems that do not receive at least 2 points will be rejected.

(a) Whether the centralized or coordinated assessment system is easily accessible for all persons within the CoC's geographic area who are seeking information regarding homelessness assistance (1 point);

(b) Whether there is a strategy for advertising the program that is designed specifically to reach homeless persons with the highest barriers within the CoC's geographic area (1 point);

(c) Whether there is a standardized assessment process (1 point); and

(d) Whether the program ensures that program participants are directed to appropriate housing and services that fit their needs (1 point).

(4) To be considered as meeting project quality threshold, new HMIS project applications must receive at least 3 out of the 4 points available for the criteria below. New HMIS project applications that do not receive at least 3 points will be rejected.

(a) 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 point);

(b) Whether the HMIS collects all Universal Data Elements as set forth in the HMIS Data Standards (1 point);

(c) Whether the HMIS un-duplicates client records (1 point); and

(d) Whether 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 (1 point).

(5) To be considered as meeting project quality threshold, the Collaborative Applicant's project application for new CoC planning funds must receive at least 6 out of 10 points using the criteria below. Project applications that do not receive at least 6 points will be rejected. Project applications for UFA Costs are not subject to a threshold review, as UFA status was determined as part of Registration.

(a) Governance and Operations. Whether the CoC conducts meetings of the entire CoC membership that are inclusive and open to members and whether the CoC demonstrates that is has a written governance charter in place that contains CoC policies (2 points).

(b) CoC Committees. Whether the CoC has CoC-wide planning committees, subcommittees, or workgroups to address homeless needs in the CoC's geographic area that recommend and set policy priorities for the CoC (2 points).

(c) The proposed planning activities that will be carried out by the CoC with grant funds are compliant with the provisions of 24 CFR 578.7 (4 points); and

(d) The funds requested will improve the CoC's ability to evaluate the outcome of both CoC Program-funded and ESG-funded projects (2 points).

(6) 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 of the following criteria:

(a) Project applicants and potential subrecipients must have satisfactory capacity, drawdowns, and performance for existing grant(s) that are funded under the SHP, S+C, or CoC Program, as evidenced by timely reimbursement of subrecipients, regular drawdowns, and timely resolution of any monitoring findings;

(b) For expansion project applications, project applicants must articulate the part of the project that is being expanded. Additionally, the project applicants must demonstrate that they are not replacing other funding sources; and,

(c) 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 project renewal threshold requirements of this NOFA. 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 *e*LOCCS 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 2018. Renewal projects must meet minimum project eligibility, capacity, timeliness, and performance standards identified in this NOFA or they will be rejected from consideration for funding.

(1) When considering renewal projects for award; HUD will review information in *e*LOCCS, 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 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 funding request 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.

e. *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 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 May 1, 2017 and September 28 2017.

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

(1) HUD made two important changes for projects categorized or Categorically Excluded from review under the National Environmental Policy Act and not subject to 24 CFR 58.5 (CENST):

(a) 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 now includes both tenant-based rental assistance and tenant-based leasing projects where program participants choose their own unit. Previous guidance included only Tenant Based Rental Assistance as eligible CENST projects.

(b) The Exempt/CENST form is only required for each project, not every unit. Previous guidance instructed recipients to complete an Exempt/CENST form for each unit.

(2) 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 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.

(3) 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.

(4) 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 NOFA, or commit or expend HUD or local funds for such eligible activities under this NOFA, 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).

All applicants must also refer to Section V. Rules and Regulations Applicable to HUD NOFAs, subsections A, B, and C. the 2017 General Section, for information on HUD-wide rules affecting applications for HUD funding. These requirements may determine whether your application is reviewed or make your application ineligible for funding.

VI. Application and Submission Information

Authoritative Versions of HUD NOFAs. The General Section and Program NOFAs posted on Grant s.gov are the official documents HUD uses to solicit applications. Applicants are advised to compare their application submission with the requirements in the General Section and Program NOFA. If there is a discrepancy between the General Section or Program NOFA posted on Grant s.gov and other information provided in any other copy or version or supporting documentation, the General Section and Program NOFA located on Grant s.gov prevail. If discrepancies are found, please notify HUD immediately by calling or emailing the program contact listed in the Program NOFA. Individuals 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 NOFA or to this General Section on Grant s.gov. Applicants must enroll an email address at the application download page to receive e-mail alerts from Grant s.gov when funding opportunities are changed.

A. 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 an 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 Consolidated Application, Project Application, and CoC Priority Listing can be accessed at www.hud.gov/esnaps.

B. Content and Form of Application Submission. The CoC Consolidated Application for funds under this NOFA includes the FY 2017 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 NOFA. The CoC Priority Listing 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.

C. CoC Consolidated Application. An entire CoC Consolidated Application must be submitted by the Collaborative Applicant on behalf of the CoC. The application will include the parts listed below, all of which will be submitted electronically either through *e-snaps* or as an uploaded attachment (for more information see the Training on *e-snaps* located on the HUD Exchange).

1. The FY 2017 CoC Application, including:

a. The CoC plan with all charts and narratives completed as applicable;

b. All required attachments, including:

(1) 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;

(2) HMIS Policy, Procedures and Agreements With the HMIS Lead. The policy and procedures developed for the CoC's HMIS Lead and the signed agreements that address the roles and responsibilities of the CoC, HMIS Lead, and contributing organizations to the HMIS.

(3) Governance Charter (HMIS Governance). The section of the governance charter containing the policies and procedures used by the CoC to comply with the HMIS requirements prescribed by HUD. Alternatively, if the CoC has created a separate document (e.g., an HMIS Governance Agreement) to outline the policies and procedures related to HMIS governance and incorporated this document into the governance charter by reference, the CoC may attach that document;

(4) PHA Administrative Plan. If the CoC is seeking points under Section VII.A.1.d. of this NOFA, the relevant excerpt from a written plan, 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;

(5) Projects to Serve Persons Defined as Homeless under paragraph 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;

(6) FY 2017 CoC Competition HDX Report. The report that shows all of the system performance measures that were submitted to HUD as well as the data quality measures for the information submitted to HUD.

2. FY 2017 Project Application(s), including for each project application:

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

b. SF-424 Application for Federal Assistance;

c. SF-424 Supplement, Survey on Ensuring Equal Opportunities for Application required for nonprofit applicants only where completion and submission of this survey is voluntary;

d. Documentation of Applicant and Subrecipient Eligibility. All project applicants must attach documentation of eligibility and the subrecipient eligibility must also be attached to the project application;

e. Applicant Certifications;

f. Form HUD-2880, Applicant/Recipient Disclosure/Update Report. Must be attached for each project and must include the correct amount of HUD assistance requested and must be dated between May 1, 2017 and September 28, 2017.

g. SF-LLL, Disclosure of Lobbying Activities (if applicable);

h. Form HUD-50070, Certification for Drug-Free Workplace dated between May 1, 2017 and September 28, 2017; and

i. 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://portal.hud.gov/hudporta/HUD?src=/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*.

3. The FY 2017 CoC Priority Listing, including:

a. Project reallocation forms (if applicable) that indicates 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; and,

f. Form HUD-2991, Certification of Consistency with the Consolidated Plan. The Collaborative Applicant must submit a certification by the jurisdiction in which the proposed project(s) will be located that the applicant's application(s) for funding is consistent with the jurisdiction's HUD-approved consolidated plan dated between May 1, 2017 and September 28, 2017.

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 an 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 project application to HUD by **8:00 p.m. eastern time, September 28, 2017,** which must include the CoC's notification of rejection of the project in the local competition as an attachment to the Solo Applicant's project application. If the CoC fails to provide written notification, outside of *e-snaps*, the Solo Applicant must attach a statement that the CoC did not provide the Solo Applicant written notification of the CoC rejecting the project in the local CoC competition. See Section X.C. of this NOFA for additional information regarding the Solo Applicant appeal process.

5. The General Section of HUD's FY 2017 NOFA contains certifications that the applicant will comply with fair housing and civil rights requirements, program regulations, and other federal requirements, and where applicable that the proposed activities are consistent with the HUD-approved Consolidated Plan of the applicable state or unit of general local

government.

D. Submission Dates and Times.

1. Application Deadline Date

a. Completed applications must be submitted to HUD on or before **8:00 p.m. eastern time on September 28, 2017**.

b. Provisions at 24 CFR 578.9 require CoCs to design, operate, and follow a collaborative process for the development of an application in response to a NOFA issued by HUD. 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 2017 project applications will be considered as part of scoring criteria as detailed in Section VII.A.2. of this NOFA.

(1) *Project Application.* All project applications are required to be submitted to the CoC no later than 30 days before the application deadline.

CoCs that fail to establish a deadline for project applications that is no later than 30 days before the FY 2017 CoC Program Competition application deadline of September 28, 2017 will receive 0 points under Section VII.A.2.d. of this NOFA.

(2) *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 CoC-established deadline whether their project application(s) will be accepted and ranked on the CoC Priority Listing, rejected, or reduced by the CoC with 15 days of the FY 2017 application deadline. Where a project application is being rejected or reduced, the CoC must indicate the reason(s) for the rejection or reduction. Any project applicants that are rejected or reduced by the CoC must be notified in writing outside of *e-snaps*, with an explanation for the decision to reject or reduce the project application. CoCs that fail to provide rejection or reduction notification to a project applicant that submits its project application within the local competition deadline will receive 0 points under Section VII.A.2.d. of this NOFA.

c. All applicants may access the HUD Exchange Ask A Question (AAQ) any time prior to 8:00 p.m. eastern time, on the application submission deadline date for FY 2017 funds. Applicants that are experiencing technical difficulty should contact the AAQ immediately for assistance and document their attempts to obtain assistance. HUD strongly encourages CoCs to allow ample time to resolve any technical difficulties that might be encountered during the submission of the application to HUD. Applicants should not wait until the final minutes before the application submission deadline to submit any portion of their CoC Consolidated Application, including the CoC Priority Listing.

d. For the CoC Consolidated Application to be considered complete and properly submitted for review by HUD in the FY 2017 CoC Program Competition, the Collaborative Applicant must submit the entire CoC Consolidated Application by the 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 that both the CoC Application and the CoC Priority Listing, with all project applications either approved and ranked or rejected, are submitted in *e-snaps* prior to the application submission deadline**.

e. Collaborative Applicants must 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 that are unable to provide HUD with a record of submission that verifies the FY 2017 CoC Consolidated Application was submitted prior to the application deadline date and time.

f. 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.

g. As stated in Section VI. of this NOFA, it is imperative that all Collaborative Applicants meet the submission deadline of **September 28, 2017 at 8:00 p.m. eastern time**. 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 Continuum of Care 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.

h. 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 CoC program interim rule, HUD may, solely at its discretion and only if sufficient funds become available by recapture, publish a new NOFA for eligible applicants in Continuums that HUD has determined do not meet the requirements of the Act and program regulations.

E. Intergovernmental Review. Not Applicable.

F. Funding Restrictions. Not Applicable.

G. Other Submission Requirements

1. 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 the Continuum of Care Program Competition, HUD is defining good cause as follows:

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 should 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, HUD strongly recommends that if a Collaborative Applicant finds it cannot submit its application electronically and must seek a waiver of the electronic grant submission requirement, it should submit the waiver request to the Office of Special Needs Assistance Programs no later than 30 days after the publication date of this NOFA. To expedite the receipt and review of each request, Collaborative Applicants may fax their written requests to Norm Suchar, at (202) 401-0053. 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 and/or after the established deadline will not be considered.

VII. Application Review Information

The Continuum of Care competition does not award preference points.

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 NOFA. Additionally, for purposes of the requirements of section 427 (b)(1)(B)(iv)(II) of the Act. HUD considers "all relevant subpopulations" to mean families, youth, veterans, persons fleeing domestic violence,

persons who are unsheltered, and chronically homeless individuals and families.

1. CoC Coordination and Engagement. HUD will award up to 43 points to CoCs that demonstrate coordination with other systems of care that serve homeless individuals and 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. HUD will award:

a. *Inclusive Structure and Participation.* Up to 4 points to CoCs that demonstrate:

(1) has an inclusive membership of a variety of stakeholders within the geographic area, not limited to organizations listed in 24 CFR 578.5(a);

(2) has an invitation process for new members to join and that invitation process is publicly available within the geographic area at least annually;

(3) solicits and considers 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; and

(4) accepts and considers proposals from organizations that have not previously received CoC Program funding.

Maximum points will be awarded to CoCs that clearly 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, victim service organizations, youth providers, and homeless or formerly homeless individuals, and that a transparent process (e.g. communicated in a public manner such as on the CoC's website) is in place for criteria (2) through (4) above.

b. *Coordination with Federal, State, Local, Private, and Other Organizations.* Up to 3 points to CoCs that identify and coordinate with other organizations that serve individuals, families, unaccompanied youth, and persons fleeing domestic violence who are experiencing or at risk of homelessness. To receive maximum points, CoCs must demonstrate:

(1) other federal, state, local, private, and other organizations are included in the planning and operation of projects; and

(2) they actively consult with ESG recipients in the planning and allocation of ESG funds and participate 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.

c. *Addressing the Needs of Victims of Domestic Violence.* Up to 3 points to CoCs that demonstrate efforts to address the needs of persons fleeing domestic violence, including their families. CoCs must demonstrate how they ensure that persons fleeing domestic violence have access to housing and services that prioritize their safety and accommodate their unique circumstances and needs that include housing and services made available from: the CoC Program, ESG Program, Department of Justice

programs, and Department of Health and Human Services programs. Further, the CoC must identify the efforts in place to increase access to safe housing and services for survivors of domestic violence and the efforts taken to ensure HUD-funded programs are adopting victim-centered practices in the provision of housing and services while maximizing client choice and maintaining the safety and confidentiality of program participants. Maximum points will be awarded to CoCs that demonstrate:

(1) victim service providers are voting members of the CoC;

(2) regular training is provided to CoC providers and operators of coordinated entry processes that addresses best practices in serving survivors of domestic violence;

(3) the CoC uses statistics and other available data about domestic violence, including aggregate data from comparable databases as appropriate, to assess the scope of community needs related to domestic violence and homelessness; and

(4) safety planning protocols are included in coordinated assessment.

d. *Addressing the Needs of LGBT Individuals*. Up to 2 points to CoCs that demonstrate efforts to address the needs of Lesbian, Gay, Bisexual, and Transgender (LGBT) individuals and their families experiencing homelessness. Maximum points will be awarded to CoCs that demonstrate LGBT serving organizations or advocacy groups are included in the CoC membership, CoCs regularly conduct training to providers about how to effectively implement the Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity, including the Equal Access in Accordance with an Individual's Gender Identity in Community Planning and Development Programs, and have implemented a CoC-wide anti-discrimination policy.

e. Public Housing Agencies. Up to 5 points to CoCs that demonstrate coordination with the Public Housing Agencies (PHAs) located in their geographic area that resulted in admission preferences for households experiencing homelessness. This may include a preference for formerly homeless households residing in projects for persons experiencing homelessness, project-basing vouchers for households experiencing homelessness, or demonstrating that new PHA admissions are households that are experiencing homelessness. Maximum points will be awarded to CoCs that demonstrate the PHA(s) in their geographic area have established admission preferences for households experiencing homelessness and that at least 20 percent of new admissions were homeless at admission.

f. *Discharge Planning.* Up to 2 points to CoCs that affirm coordination with and assistance in state or local discharge planning efforts to ensure that those discharged are not released directly to the streets, emergency shelters, or other McKinney-Vento Homeless Assistance programs. No points will be awarded if the CoC does not coordinate with or assist in state or local discharge planning efforts.

g. *Housing First and Reducing Barriers.* Up to 8 points to CoCs that demonstrate at least 75 percent of all housing project applications (i.e., permanent housing, transitional housing, and safe haven) submitted under this NOFA 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. 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–with the exception of restrictions imposed by federal, state or local law or ordinance (e.g., restrictions on serving people who are listed on sex offender registries). Maximum points will be awarded to CoCs that demonstrate at least 75 percent of the housing project application(s) will use a Housing First approach. Any housing project application that indicates it will use a Housing First approach, that is awarded FY 2017 CoC Program funds will be required to operate as a Housing First project.

h. *Street Outreach.* Up to 3 points to CoCs that demonstrate the CoC has implemented outreach procedures to ensure that all persons experiencing homelessness are aware of the housing and services providers within the CoC's geographic area. Maximum points will be awarded to CoCs that demonstrate that the CoC's street outreach covers 100 percent of the CoC's geographic area, is conducted on a regular basis, and is tailored to reach those that are least likely to request assistance.

i. *Affirmative Outreach*. 1 point will be provided to CoCs that have implemented specific strategies that affirmatively further fair housing as detailed in 24 CFR 578.93(c) by describing the procedures used to market housing and supportive services to eligible persons regardless of race, color, national origin, religion, sex, gender identity, sexual orientation, age, familial status, or disability who are least likely to apply in the absence of special outreach. Additionally, the Collaborative Applicant must include the CoC's efforts to provide effective communication to persons with disabilities and to ensure meaningful access to persons with limited English proficiency.

j. *Criminalization.* Up to 2 points to CoCs that implemented specific strategies to prevent criminalization of homelessness within the CoC's geographic area. Maximum points will be awarded to CoCs that indicate specific strategies to ensure homelessness in not criminalized such as engaging or educating local policy makers, engaging or educating law enforcement, implementing community plans, or engaging or educating businesses.

k. *Rapid Rehousing.* Up to 8 points to CoCs that demonstrate an increase, if needed, in the number of rapid rehousing beds available as recorded on the 2017 HIC data submitted to HUD. Maximum points will be awarded to CoCs that demonstrate an increase in the number of rapid rehousing beds in the CoC geographic area as reported in HDX or that can clearly demonstrate the number of rapid rehousing beds in the CoC's geographic area sufficiently meets the need for this type of housing. If a CoC has sufficient rapid rehousing beds to accommodate the need for rapid rehousing in its geographic area, it may receive maximum points by demonstrating it has sufficient rapid rehousing beds, which will be verified against information in the 2017 PIT and HIC data reported in HDX.

l. *Mainstream Benefits and Other Assistance.* Up to 2 points to CoCs that demonstrate CoC Program funded projects supplement CoC Program funds with resources from

other public and private sources, including mainstream programs that assist program participants in applying for and receiving mainstream benefits. Maximum points will be awarded to CoCs that demonstrate systematically keeping program staff up-to-date regarding mainstream resources available for program participants (e.g., Food Stamps, SSI, TANF, substance abuse programs), collaboration with healthcare organizations to assist program participants with enrolling in health insurance, and provide assistance with the effective utilization of Medicaid and other benefits.

2. Project Ranking, Review, and Capacity. HUD will award up to 29 points to CoCs that demonstrate the existence of a coordinated, inclusive, and outcome-oriented community process for the solicitation, objective review, ranking, and selection of project applications, and a process by which renewal projects are reviewed for performance and compliance with 24 CFR part 578. HUD may award maximum points for the Ranking and Selection Process in this section to CoCs with 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 2017 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.d. below. The notification must be sent to Norm Suchar, Director, Office of Special Needs Assistance Programs, at CoCDisaster@hud.gov. See Section I.2. of this NOFA for additional information. HUD will award:

a. *Objective Criteria and Past Performance.* Up to 18 points to CoCs for the extent to which they demonstrate the use of established objective criteria and, where available, past performance data to review project applications requesting CoC Program funding. Maximum points will be awarded to CoCs that attach written documentation that demonstrates the process the CoC used to rank and select project applications for the FY 2017 CoC Program Competition:

(1) used objective criteria (e.g., cost effectiveness, performance data, type of population served, or type of housing proposed);

(2) included at least one factor related to achieving positive housing outcomes (e.g., exits to permanent housing destinations); and

(3) included a specific method for evaluating projects submitted by victim service providers that utilized data generated from a comparable database and considered the unique circumstances of these providers and the population they serve.

b. *Severity of Needs and Performance.* Up to 4 points for the extent to which CoCs consider the severity of needs and vulnerabilities experienced by program participants in their project ranking and selection process. Needs and vulnerabilities include: low or no income, current or past substance abuse, a history of victimization (e.g., domestic violence, sexual assault, childhood abuse), criminal histories, and chronic homelessness. Maximum points will be awarded to CoCs that describe the specific needs and vulnerabilities the CoC considers and exactly how the CoC takes them into account during its ranking and selection process.

c. Reallocating Projects. Up to 4 points to CoCs that demonstrate the ability to

reallocate lower performing projects to create new higher performing projects. To receive maximum points, the CoC must:

(1) demonstrate the CoC actively encourages new and existing providers to apply for new projects through reallocation; or

(2) have cumulatively reallocated at least 20 percent of the CoC's ARD between the FY 2013 and FY 2017 CoC Program Competitions.

d. *Ranking and Selection Process.* Up to 3 points to CoCs that demonstrate the use of an objective ranking and selection process for project applications that is publicly announced by the CoC. Maximum points will be awarded to CoCs that:

(1) demonstrate they used an objective ranking and selection process for all projects (new and renewal) that was made publicly available to potential project applicants; and

(2) post on their website, at least 2 days before the application submission deadline, all parts of the CoC Consolidated Application, including the CoC Application attachments and the Priority Listing, and notify community members and key stakeholders that the Consolidated Application is available. CoCs that do not have a website must post this information to a partner website within the CoC (e.g., a city or county website).

A CoC will receive 0 points for this selection criteria if the CoC failed to establish a deadline for project applications that is no later than 30 days before the FY 2017 CoC Program Competition application deadline of September 28, 2017.

A CoC will receive 0 points for this selection criteria if the CoC did not notify project applicants, in writing outside of *e-snaps,* 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 within 15 days of the FY 2017 CoC Program Competition application deadline. Where a project application is being rejected or reduced, the CoC must indicate the reason(s) for the rejection or reduction.

3. Homeless Management Information System. HUD will award up to 13 points to CoCs that demonstrate the existence of a functioning HMIS that facilitates the collection of information on homelessness using residential and other homeless services and stores that data in an electronic format. HUD will award:

a. *HMIS Governance.* Up to 2 points to CoCs that have in place policies and procedures and a written agreement with the HMIS Lead including a Memorandum of Understanding (MOU) or Memorandum of Agreement (MOA) that defines the roles and responsibilities of the CoC and HMIS Lead necessary to meet the HMIS requirements established by HUD. These policies may be incorporated directly into the governance charter or in a separate document and incorporated by reference into the governance charter. To receive maximum points, the CoC and the HMIS Lead must have a written agreement, a MOU, or a MOA that defines the roles and responsibilities of the CoC and the HMIS Lead. A copy of the sections of the governance charter addressing the HMIS policies and procedures (or the document

incorporated by reference) and the agreement or memorandum must be attached to the CoC Application in *e-snaps*.

b. *HMIS Policy and Procedures.* Up to 2 points to CoCs that adopt and follow an HMIS Policy and Procedures Manual that includes signed agreements that specify the roles and responsibilities of the HMIS Lead. A copy of the HMIS Policy and Procedures must be attached to the CoC Application in e-snaps.

c. *Housing Inventory Count (HIC).* 1 point to CoCs that submitted 2017 HIC data in HDX by the submission deadline of 7:59:59 PM Eastern Time on May 5, 2017. If a CoC did not submit 2017 HIC data by the deadline, the CoC will receive 0 points.

d. *Bed Coverage.* Up to 6 points to CoCs that recorded 85 percent or higher bed coverage rate in the CoC's geographic area. CoCs will be assessed on the bed coverage rate for the housing types within the CoC that includes: emergency shelter, safe haven, transitional housing, rapid rehousing, permanent supportive housing, and other permanent housing. The bed coverage rate is the number of HMIS participating beds divided by the number of year-round beds dedicated to homeless persons in the geographic area covered by the CoC. Beds funded by victim service providers must not be included in this calculation. 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.

A CoC that merged between the FY 2016 CoC Program Competition final funding announcement and the deadline of the FY 2017 CoC Program Registration process will have its bed coverage rate calculated based on the higher of:

(1) the bed coverage rate reported by the combined, newly merged CoC in the FY 2017 Housing Inventory Count (HIC); or

(2) the highest bed coverage rate reported by one of the merged CoCs as constituted before the merger in the FY 2016 CoC Program Competition.

To receive consideration as a merged CoC, the new CoC must contain all of the geographic area of at least two CoCs that submitted applications in the FY 2016 CoC Program Competition.

e. *Annual Homeless Assessment Report (AHAR) Submission.* HUD will award up to 2 points to CoCs that demonstrate all tables submitted to HUD were accepted and used in the last AHAR.

4. **Point-in-Time Count.** HUD will award up to 6 points to CoCs related to the collection, use, and submission of data from the 2017 PIT count. HUD will compare 2017 PIT count data to 2016 PIT count data. If a CoC did not conduct an unsheltered count in 2016, HUD will rely on the CoC's 2015 unsheltered PIT count data. HUD will award:

a. *PIT Count and Data Submission.* Up to 3 points to CoCs that conducted a PIT count and reported the data in HDX. Maximum points will be awarded to CoCs that:

(1) conducted a sheltered and unsheltered PIT count during the last 10 days in January, 2017, or if an exception was provided by HUD, during the time period agreed upon by the CoC and HUD; and

(2) submitted the 2017 PIT data in HDX by 7:59:59 PM Eastern Time on May 5, 2017.

b. *Effectively Counting Youth.* Up to 3 points to CoCs that implemented specific measures to identify youth in their PIT count. To receive maximum points, CoCs must demonstrate that during the planning process they engaged stakeholders that serve homeless youth; involved homeless youth; and worked with stakeholders to select locations where homeless youth are most likely to be identified.

5. System Performance. HUD will award up to 49 points for CoC system-wide performance related to reducing homelessness within the CoC's defined geographic area as reported to HUD via HDX by comparing FY 2016 information to FY 2015 information unless noted otherwise for each measure. HUD may award a minimum of 24.5 out of the 49 points available in this section to CoCs with projects that have been affected 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 2017 funds, see Section I.2. of this NOFA for additional information. Those CoCs in covered areas must notify HUD in writing prior to the close of this FY 2017 CoC Program Competition. Send written notification to Norm Suchar, Director, Office of Special Needs Assistance Programs, at CoCDisaster@hud.gov. This written notification must demonstrate that the disaster affected the performance of one or more projects in the CoC. HUD will award:

a. *Reducing the Number of Homeless Individuals and Families.* Up to 10 points to CoCs that demonstrate an overall reduction of at least 5 percent in the number of individuals and families who experience homelessness. The information provided for both sheltered and unsheltered homeless based on the criteria below will be verified against the information submitted to the HDX. To receive maximum points:

(1) the CoC will receive up to 2 of the 10 points for demonstrating a decrease in the number of sheltered homeless individuals and families in the 2017 PIT count compared to the 2016 PIT count as recorded in HDX, excluding emergency shelter beds added for a Presidentially declared disaster and recorded as such in HDX;

(2) the CoC will receive up to 5 of the 10 points for demonstrating a decrease in the number of unsheltered homeless individuals and families in the 2017 PIT count compared to the previous PIT count as recorded in HDX; and

(3) the CoC will receive up to 3 of the 10 points for demonstrating a decrease in the combined number of sheltered and unsheltered homeless individuals and families in the 2017 PIT count compared to the previous PIT count as recorded in HDX.

For the purposes of this measure, HUD will exclude from the calculation changes in youth homelessness that are the result of specific measures implemented to more effectively count youth (e.g., engaging youth and youth-serving providers to help identify known hang-outs for homeless youth, utilizing better methods and outreach methods geared to homeless youth) as described in Section VII.A.6.b of this NOFA in the 2017 PIT Count.

b. *Reduction in the Number of First Time Homeless.* Up to 3 points to CoCs that demonstrate how they are working to reduce the number of individuals and families who become homeless for the first time. Maximum points will be awarded to CoCs that demonstrate a reduction in the number of first-time homeless as reported in HDX, identify the process by which risk factors are identified in its community for becoming homeless for the first time, describe the strategies in place to address individuals and families at risk of becoming homeless, and identify the organization or position that is responsible for overseeing the CoCs strategy to reduce or end the number of people experiencing homelessness for the first time.

c. *Length of Time Homeless.* Up to 11 points to CoCs that reduce the length of time individuals and families remain homeless and specifically describe how they will reduce the length of time individuals and families remain homeless. Maximum points will be awarded to CoCs that demonstrate a reduction in the length of time individuals and families remain homeless in the CoC's geographic area as reported in HDX, describe the CoC's efforts to reduce the length of time individuals and families remain homeless, describe how the CoC identifies and houses individuals and families with the longest length of time homeless, and identify the organization or position that is responsible for overseeing the CoC's strategy to reduce the length of time individuals and families remain homeless.

d. *Successful Permanent Housing Placement or Retention*. Up to 9 points to CoCs that 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. Maximum points will be awarded to CoCs that demonstrate an increase in the rate at which persons exit to permanent housing destinations (and retain permanent housing if they are currently in a permanent housing project) as reported in HDX and describe steps the CoC is taking to improve permanent housing placement and retention.

e. *Returns to Homelessness*. Up to 6 points to CoCs that reduce the extent to which individuals and families leaving homelessness experience additional spells of homelessness and specifically describe how the number of individuals and families who return to homelessness will be reduced in the community. Maximum points will be awarded to CoCs that demonstrate a reduction in the rate at which persons that exited to permanent housing destinations experienced additional spells of homelessness as reported in HDX, describe the strategies that have been implemented to identify individuals and families who return to homelessness, describe the strategies that will reduce returns to homelessness, and identify the organization or position that is responsible for overseeing the CoC's strategy to reduce returns to homelessness.

f. *Jobs and Income Growth.* Up to 4 points to CoCs that increase program participants' incomes from employment and non-employment cash sources and describe specific strategies to assist program participants' incomes. Maximum points will be awarded to CoCs that demonstrate an increase in income from employment and non-employment cash sources for persons served in CoC Program-funded projects as reported in HDX, describe the strategies that have been implemented to access employment and mainstream benefits, describe how CoC Program-funded projects

have been assisted to implement the strategies, describe how the CoC is working with mainstream employment organizations to help individuals and families experiencing homelessness increase their cash income, and 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.

For project applicants that plan to use funding for construction or rehabilitation, in order for the CoC to receive maximum points, the CoC must include 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 135 to provide employment and training opportunities for low- and very low-income persons, as well as contracting and other economic opportunities for businesses that provide economic opportunities to low- and very low-income persons. 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.

g. *HMIS System Performance Measures.* Up to 6 points for CoCs that submit a data quality report that describes the data quality for system performance. Maximum points will be awarded to CoCs that submit the data quality report with their system performance measures submission in HDX.

6. **Performance and Strategic Planning.** HUD will award up to 60 points based on the CoC's plan for and progress towards reducing homelessness within its geographic area. HUD will award:

a. *Ending Chronic Homelessness.* HUD will award up to 15 points to CoCs for demonstrating the extent to which they are ending chronic homelessness. HUD will award:

(1) Up to 2 points to CoCs that have adopted the order of priority in Notice CPD 16-11: Prioritizing Persons Experiencing Chronic Homelessness and Other Vulnerable Homeless Persons in Permanent Supportive Housing.

(2) Up to 5 points to CoCs that increase the total number of PSH beds (from any funding source) dedicated to chronically homeless individuals or families as defined in Section III.A.3(b) of this NOFA. Maximum points will be awarded to CoCs that demonstrate an increase in dedicated permanent supportive housing beds reported on the HIC from 2016 to 2017.

(3) Up to 6 points to CoCs where at least 90 percent of permanent supportive housing beds requested in the FY 2017 CoC Program Competition are either beds dedicated to chronically homeless individuals or families as defined in Section III.A.3.(b) of this NOFA or are in projects classified as DedicatedPLUS as defined in III.A.3.(d) of this NOFA.

(4) Up to 2 points to CoCs for reducing the number of chronically homeless individuals and families in the CoC's geographic area, as reported by the CoC in the 2017 PIT count compared to the 2016 PIT count (or the 2015 PIT count if an

unsheltered count was not conducted in 2016). Maximum points will be awarded to CoCs that demonstrate a decrease in both the total number of chronically homeless individuals and families as well as a decrease in the total unsheltered chronic homeless population. CoCs must explain any increase or no change to the number of chronically homeless individuals and families in the CoC.

b. *Ending Homelessness Among Households with Children.* HUD will award up to 15 points to CoCs based on the extent to which they will end homelessness among households with children. HUD will award:

(1) Up to 2 points to CoCs that prioritize households with children based on need, including factors such as: history of or vulnerability to victimization (e.g., domestic violence, sexual assault, childhood abuse), number of previous episodes of homelessness, unsheltered homelessness, criminal histories, or bad credit or rental history.

(2) Up to 3 points to CoCs that describe a strategy to rapidly re-house households with children within 30 days of those families becoming homeless. Maximum points will be awarded to CoCs that describe an effective strategy to quickly re-house families and identify the organization or position that is responsible for implementing the strategy.

(3) Up to 4 points to CoCs for increasing rapid rehousing units for households with children experiencing homelessness. Maximum points will be awarded to CoCs that increase rapid rehousing units by at least 5 percent.

(4) Up to 2 points to CoCs for ensuring emergency shelters, transitional housing, and permanent housing projects within the CoC do not deny 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 gender.

(5) Up to 3 points to CoCs that demonstrate the total number of homeless households with children and youth has decreased as reported in the 2017 PIT count compared to 2016.

(6) Up to 1 point to CoCs that demonstrate unaccompanied youth and families with children experiencing homelessness are informed of and receive access to educational services through programs 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). Maximum points will be awarded to CoCs that demonstrate there are written agreements in place between the CoC or its HUD-funded projects and educational supports and services, including those for children ages 0-5.

c. *Ending Youth Homelessness.* HUD will award up to 15 points to CoCs progress towards ending homelessness among unaccompanied youth. HUD will award:

(1) Up to 2 points to CoCs that prioritize unaccompanied youth based on need, including factors such as: history of or vulnerability to victimization (e.g., domestic violence, sexual assault, childhood abuse), number of previous homeless

episodes, unsheltered homelessness, criminal history, and bad credit or rental history.

(2) Up to 5 points to CoCs for strategies that address the unique circumstances and needs of unaccompanied homeless youth. Maximum points will be awarded to CoCs that demonstrate they are addressing unsheltered homelessness, trafficking, and other forms of exploitation experienced by unaccompanied youth experiencing homelessness.

(3) Up to 7 points to CoCs that demonstrate the strategies used by the CoC, including additional funding secured, to increase the availability of housing and services for youth experiencing homelessness, especially those experiencing unsheltered homelessness. Maximum points will be awarded to CoCs that provide evidence that the strategies implemented are effective at ending youth homelessness and include the measure that is being used to determine the effectiveness of the strategies.

(4) Up to 1 points to CoCs that demonstrate how the CoC collaborates with youth education providers, McKinney-Vento local educational authorities, and school districts. Maximum points will be awarded to CoCs that demonstrate formal partnerships with these entities and that policies and procedures have been adopted to inform individuals and families who become homeless of their eligibility for educational services.

d. *Ending Veteran Homelessness.* HUD will award up to 15 points to CoCs for progress towards ending veteran homelessness. HUD will award:

(1) Up to 8 points to CoCs that demonstrate a decrease in the total number of homeless veterans in the CoC, as reported in the 2017 PIT count, compared to 2016.

(2) Up to 4 points to CoCs that demonstrate the total number of homeless veterans has decreased as reported in the 2017 PIT count compared to 2016.

(3) Up to 3 points to CoCs that demonstrate they identify, assess, and refer homeless veterans who are eligible for Veterans Affairs services and housing to appropriate resources such as HUD-VASH, Supportive Services for Veterans Families (SSVF), and Grant and Per Diem (GPD).

7.CoC Merger Bonus Points: As stated in Section II.B.5 of this NOFA, HUD will award up to a possible 25 bonus points to CoCs that merged in the period between the final funding announcement for FY 2016 and the FY 2017 CoC Program Registration deadline based on the following structure:

a. 5 bonus points to CoCs for merging – all CoCs that merged will receive this minimum number of points.

b. 10 bonus points to CoCs where one or more of the merged CoCs had a CoC Application score of 140 points or below in the FY 2016 CoC Program Competition. HUD will review the FY 2016 CoC Applications for the individual CoCs that were part of the merger to determine if at least one of the CoCs scored 140 points or below. These 10 bonus points for merging will be awarded if at least one of the merged CoCs

meet this criteria.

c. Up to 10 bonus points to CoCs that demonstrate 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 the results. Maximum points will be awarded for CoCs for which the change in methodology resulted in a reduction of at least 10 points in their CoC Score.

The minimum number of bonus points a merged CoC may receive is 5 and the maximum number or bonus points is 25.

8. **CoCs That Have Claimed the Same Geographic Area (Competing CoCs)**. There are no CoCs that claimed the same geographic area as determined by the FY 2017 CoC Program Registration process; therefore, there are no competing CoCs.

VIII. Project Review and Selection Process

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, that have not been chosen for award. Notifications will be sent by email, delivery receipt requested, to the person designated in item 8F of the SF424 and to the person listed as authorized representative in item 21 of the SF424.

A. Review, Rating, and Ranking. Two types of reviews will be conducted: selection criteria rating for the overall CoC Application and threshold review for project applicants and project applications. For new project applications, the review process will consider project applicant and sponsor eligibility and capacity, project eligibility, and project quality as part of the threshold review. The renewal project application threshold review will consider project applicant and sponsor capacity and eligibility. The renewal project threshold reviews are explained in Section V.G.2.d. of this NOFA, which 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 NOFA. See the FY 2017 General Section NOFA for more information on rating panels.

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 eligibility and capacity thresholds, and whether the project applications meet the eligibility and project quality thresholds detailed in Section V.G.2.c. and V.G.2.d. of this NOFA. If HUD determines these standards are not met, the project application will be rejected from the Competition. If a new project application receives sufficient points to pass the project quality threshold review described in Sections V.G.2.c.(1),(2), (3) (4), (5), or (6) of this NOFA, as applicable, but does not meet one or more of the criteria within the rating factors, then HUD may place conditions on the grant award and the applicant must demonstrate that the criteria will be met before HUD will execute a grant agreement with the applicant for the project. If an applicant is unable to

demonstrate that the project quality threshold criteria are met 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 will conditionally select project applications for funding using the following process:

a. 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 all CoC planning projects that pass eligibility and threshold review.

c. UFA Costs projects. HUD will conditionally select all UFA Costs projects submitted.

d. Project Applications Fully in Tier 1. HUD will conditionally select project applications that are fully within Tier 1, pass eligibility and threshold, based on CoC score, beginning with the highest scoring CoC to the lowest scoring CoC. As stated in Section II.B.16. of this NOFA, if the available funding under this NOFA is reduced, a reduction will be made to all CoC's Tier 1 amount proportionately which would result in lower ranked Tier 1 project applications falling into Tier 2.

e. Projects in Tier 2. HUD will conditionally select project applications that pass eligibility and threshold review in Tier 2 using the criteria in Section II.B.17 of this NOFA. 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 VIII.A.2.e. of this NOFA.

f. 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 as stated above; and then, using the CoC score and other factors described in Section II.B.17. of this NOFA, 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).

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

1. The FMRs used in calculating award amounts will be those in effect at the time of the application submission deadline. Because the CoC Consolidated Application is due prior to the publication of the final FY 2018 FMRs, the FY 2017 FMRs will be used.

2. *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.

3. *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 NOFA will be awarded for projects located within any one unit of general local government or within the geographic area covered by any one CoC.

4. If HUD exercises a right it has reserved under this NOFA, that right will be exercised uniformly across all applications received in response to this NOFA.

5. *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.A.5.

C. **Corrections to Deficient Applications.** HUD will exercise the authority for curing deficiencies as provided in the Section VI.B.7. of HUD's FY 2017 General Section NOFA, if needed, on a consistent and uniform basis for all CoCs and applicants. Correction of technical deficiencies must be received by HUD within 7 calendar days after notification is received by the applicant from HUD via email or fax. 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 that 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.

IX. Award Administration Information

A. Award Notices

1. Action on Conditionally Selected Application. HUD will notify conditionally selected applicants in writing. HUD may subsequently request conditionally selected applicants 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–to the application, 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 for such information, except as otherwise provided in 24 CFR 578.21(c). If an applicant is unable to meet any conditions for the award within the specified time frame, HUD reserves the right not to award funds to the applicant and add those funds to the funds available for the next Competition.

2. Applicant Debriefing. For the CoC Program, HUD will issue uniform debriefing information within 90 days after the final FY 2017 conditional award announcement to each CoC that will include the overall score for the CoC and a breakdown of the score

received for the main sections of the CoC Application. HUD does not intend to issue individual debriefings for each applicant.

3. Appeals Process. Applicants may appeal funding decisions only as provided in 24 CFR 578.35. See Section X. of this NOFA regarding the CoC Program specific process for appeals.

B. 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 2017 by the objective to "end chronic homelessness and to move the homeless individuals and families to permanent housing," measures 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 2017 CoC Program Competition must be obligated by September 30, 2019. Obligated funds remain available for expenditure until September 30, 2024. However, 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 NOFA. 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. In addition, 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 may 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 are reminded they 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. Pursuant to 24 CFR 135.3(a)(2), the Section 3 requirements apply to housing and community development assistance that is used for housing rehabilitation, housing construction, and other public constructions. Recipients of CoC Program funds must submit Form HUD-60002 to the Office of Fair Housing and Equal Opportunity (FHEO) at the time they submit their APR to the Office of Special Needs Assistance Programs. This form can be completed electronically at www.hud.gov/section3.

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.

X. Appeals

A. Description. The process for appeal options are found at 24 CFR 578.35. 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 process set forth in this NOFA. In addition, this NOFA 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 2017 funds awarded under this NOFA. If HUD receives one or more Solo Applicant appeals from a CoC for FY 2017 funds, HUD will determine the amount of funding that the Solo Applicant(s) have requested; and HUD may delay signing grant agreements for the awarded project(s) listed at the bottom of the CoC's Priority Listing that have requested funding for FY 2017 equal to double the amount requested by the Solo Applicant(s). Refer to the Solo Applicant appeal process in Section X.C of this NOFA for additional information about the Solo Application appeal process.

Finally, for the purposes of the appeals identified in this NOFA 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 NOFA on its behalf, it should notify HUD by sending an email to snapsappeals@hud.gov.

B. Types of Appeals. 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. There were no competing CoCs for FY 2017 funds; therefore, this NOFA does not address the process for appealing HUD's decision to award funds to the competing CoC.

C. Solo Applicant. Project applicants that attempted to participate in the CoC planning process for FY 2017 funds in the geographic area in which they operate, that believe they were denied

the right to participate in a reasonable manner may appeal the CoC's decision not to include their project application in the CoC Priority Listing for FY 2017 funds. In order to appeal, the project applicant must have submitted a Solo Application for funding to HUD, in *e-snaps* by the application submission deadline of **September 28, 2017 by 8:00 p.m. eastern time**.

The appeals process for FY 2017 funds is as follows:

1. Written Notice of Intent to Appeal. With the FY 2017 project application that is submitted through *e-snaps* by the application deadline, the project applicant must also submit a written notice of intent to appeal. At the time the application and notice of intent to appeal are submitted to HUD through *e-snaps*, the project applicant must also provide a copy of the notice of intent to appeal to the CoC. The copy should be addressed to the authorized representative from the CoC's designated Collaborative Applicant. Additionally, HUD encourages the project applicant to share a copy of the notice of intent to appeal to the chair of the CoC Board or the Chair of another CoC leadership committee. Once the project applicant submits an appeal, the project applicant is thereafter known as a Solo Applicant.

2. Evidence Supporting Appeal. Between September 28, 2017 at 8:00 p.m. eastern time and October 27, 2017 at 8:00 p.m. eastern time, the Solo Applicant must submit any evidence indicating that the CoC did not allow the Solo Applicant to participate in the CoC planning process in a reasonable manner to HUD by email to snapsappeals@hud.gov. Solo Applicants must submit all evidence by email, from the Solo Applicant's organization's email address, on the Solo Applicant's letterhead to HUD and to the authorized representative from the CoC's designated Collaborative Applicant. Additionally, HUD encourages the project applicant to share a copy of the notice of intent to appeal with the chair of the CoC Board or the Chair of another CoC leadership committee.

HUD will only consider one submission from the Solo Applicant. If HUD receives more than one submission from any Solo Applicant, HUD will only consider the first submission it receives and will not review any subsequent submissions; therefore, it is important that the Solo Applicant include all relevant evidence that it intends HUD to consider in its initial submission.

The Solo Applicant should include all evidence that it believes supports its claim that it was not allowed to participate in the CoC planning process in a reasonable manner; however, at a minimum, the evidence submitted to support the appeal request should include the following information:

a. the notification process used by the CoC to provide public notification of all planning meetings;

b. the invitation process used by the CoC to invite new members to join the CoC;

c. the number of CoC planning meetings the Solo Applicant attended between October 1, 2016 and August 1, 2017;

d. the role the Solo Applicant played as a member of its local CoC;

e. the portion of the CoC's governance charter containing the collaborative process used to develop and approve the submission of project applications for the FY 2017 CoC Program Competition; and

f. the selection process used to rate and rank project applications for FY 2017 funds in this NOFA.

In the information submitted to HUD, the Solo Applicant must include documentation that identifies the person to whom within the CoC the evidence was sent and the date on which it was sent.

3. CoC Response. No later than 30 days after the date the CoC receives the evidence from the Solo Applicant, the CoC must send a response to HUD with a copy to the Solo Applicant. The CoC must submit its written response by email, from the organization's email address on the organization's letterhead and signed by the authorized representative. If HUD receives more than one written response, HUD will only consider the first response it receives and will not considered any subsequent responses.

The response must include information and documentation that addresses each of the solo applicant's claims that the Solo Applicant was denied the right to participate in the CoC planning process in a reasonable manner. In the information submitted to HUD, the CoC must include documentation that the response was sent to the Solo Applicant and the date on which it was sent.

4. HUD Decision and Notification of Decision. HUD will review the evidence submitted by the Solo Applicant and the written response from the Collaborative Applicant to determine whether the Solo Applicant was permitted to participate in the CoC's planning process in a reasonable manner.

a. If the CoC fails to submit a written response, then HUD will consider the evidence submitted by the Solo Applicant to make its decision. HUD will also consider whether the Solo Applicant complied with 24 CFR 578.35 and with the requirements and guidance established in this NOFA.

b. If HUD finds that the Solo Applicant was permitted to participate in the CoC's planning process in a reasonable manner, the Solo Applicant will not receive funding for its project application.

c. If HUD finds that the Solo Applicant was not permitted to participate in the CoC's planning process in a reasonable manner, HUD will review the project application to determine whether it meets the quality and eligibility thresholds set forth in this CoC Program NOFA. If the project meets all quality and eligibility thresholds, the Solo Applicant will receive funding directly from HUD for the project. However, because a CoC is prohibited from receiving more total funding than was awarded in the CoC Program Competition, HUD will reduce or eliminate funding for the awarded project(s) listed at the bottom of the CoC's Priority Listing for FY 2017 funds until the CoC's total FY 2017 award amount, including the Solo Applicant's project, is within the total award amount originally approved by HUD.

d. HUD will provide written notification, by email, of its decision to the authorized representative from the CoC's designated Collaborative Applicant and the Solo Applicant within 60 days of the date of the receipt of the Collaborative Applicant's response. Where the CoC failed to submit a response, HUD will provide written notification within 90 days of its receipt of the evidence submitted by the Solo Applicant. The CoC's designated Collaborative Applicant should share HUD's

written notification with the CoC and the CoC Board or other relevant CoC leadership committee or workgroup. If HUD determines that the Solo Applicant will receive funding, then HUD will consider the project application for funding in the FY 2017 CoC Program Competition in accordance with the review standards set forth in this NOFA. HUD will also provide the list of project(s) whose funding will be reduced or eliminated to accommodate the Solo Applicant's project in the notification sent to the CoC.

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

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.

Note: HUD may correct any funding errors that it identifies, per Section V.D.5. of the FY 2017 General Section NOFAs, outside of the process outlined below for denied or decreased funding. This includes any technical errors to a CoC's score that may have impacted the funding of its projects.

The applicant must submit its written appeal by email to snapsappeals@hud.gov, from the organization's email address on the organization's letterhead and signed by the authorized representative. The appeal process is as follows:

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 NOFA 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.

a. 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 eligibility and quality thresholds set forth in this NOFA;

(2) the individual project application met eligibility and quality thresholds set forth in this NOFA, but was ranked in a position where a portion of the grant funds were 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.

b. 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 eligibility and quality thresholds set forth in this NOFA; and

(3) evidence that the applicant believes HUD failed to follow its selection priorities set forth in this NOFA 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).

c. 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 the evidence in J. Local Competition Deadlines of this NOFA as well as evidence for decreased funding in Section X.D.2. of this NOFA.

d. 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 NOFA within 45 days of the date of the 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, then 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, 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 NOFA. 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:

(1) any additional communication between the applicant and the jurisdiction regarding the request for certification of consistency; and

(2) documentation that identifies to whom within the jurisdiction the evidence was sent and 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 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 NOFA.

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. 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 2017 funds except for those appeals outlined in this NOFA.

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 at www.hudexchange.info to find contact information for the Collaborative Applicant and for the local HUD CPD Field Office serving the CoC's territory.

B. For Technical Assistance. HUD will make appropriate resources available for technical assistance related to *e-snaps*. Specifically, HUD will make available *e-snaps* AAQ at www.hudexchange.info/get-assistance/. To address technical or other questions, 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. 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.

XII. Other Information

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 Program NOFA will identify its applicable OMB control number unless its collection of information is excluded from these requirements under 5 CFR part 1320.

Environmental Impact. A finding of No Significant Impact 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 is made available with the posting of this NOFA at http://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/grants/fundsavail.