

# EXHIBIT A

## **EXHIBIT A**

### **Delaware State Statute 11 Del. C. § 1321 Loitering; violation:**

A person is guilty of loitering when:

- (1) The person fails or refuses to move on when lawfully ordered to do so by any police officer; or
  
- (2) The person stands, sits idling or loiters upon any pavement, sidewalk or crosswalk, or stands or sits in a group or congregates with others on any pavement, sidewalk, crosswalk or doorstep, in any street or way open to the public in this State so as to obstruct or hinder the free and convenient passage of persons walking, riding or driving over or along such pavement, walk, street or way, and fails to make way, remove or pass, after reasonable request from any person; or
  
- (3) The person loiters or remains in or about a school building or grounds, not having reason or relationship involving custody of or responsibility for a pupil or any other specific or legitimate reason for being there, unless the person has written permission from the principal; or
  
- (4) The person loiters, remains or wanders about in a public place for the purpose of begging; or
  
- (5) The person loiters or remains in a public place for the purpose of engaging or soliciting another person to engage in sexual intercourse or deviate sexual intercourse; or
  
- (6) The person loiters, congregates with others or prowls in a place at a time or in a manner not usual for law-abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity, especially in light of the crime rate in the relevant area. Unless flight by the accused or other circumstances make it impracticable, a peace officer shall, prior to any arrest for an offense under this paragraph, afford the accused an opportunity to dispel any alarm which would otherwise be warranted, by requesting identification and an explanation of the person's presence and conduct. No person shall be convicted of an offense under this paragraph if the peace officer did not comply with the preceding sentence, or if it appears that the explanation given by the accused was

true and, if believed by the peace officer at the time, would have dispelled the alarm.

The penalty for violating 11 *Del.C.* § 1321 is identified below in 11 *Del.C.* § 4207:

11 *Del.C.* § 4207. Sentences for violations.

(a) The Court may impose a fine of up to \$345 for the first offense of any violation, up to \$690 for the second offense of that same violation and up to \$1,150 for the third offense of the same violation; provided, that only violations which occurred within 5 years of the violation for which sentence is imposed shall be considered in determining sentence.

(b) The Court may impose a period of Level I probation up to 1 year for any violation.

**City of Wilmington's Loitering Ordinance Sec. 36-68:**

(a) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Public place means an area generally visible to public view and including streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles, while moving or not, within 50 feet of buildings which are single-family or multifamily residences, or which are open to the general public and which serve food or drink for consumption on or off the premises, or which provide entertainment, and the doorway and entrances to such buildings and the grounds enclosing them, or any other area either publicly owned or to which the public has access or any vacant property in either a residential or commercial district as designated by section 48-96 of this Code.

(b) Prohibited behavior. A person is guilty of loitering under this section when, within 50 feet of a single-family or multifamily residence, or within 50 feet of a business which is open to the general public and which serves food or drink for consumption on or off the premises or which provides entertainment, or within 50 feet of any vacant property in either a residential or commercial district:

(1) The person fails or refuses to move on when lawfully ordered to do so by any police officer;

(2) The person stands, sits idly or loiters upon any pavement, sidewalk or

crosswalk, or stands or sits in a group or congregates with others on any pavement, sidewalk, crosswalk, or doorstep, in any street or way open to the public in this city so as to obstruct or hinder the free and convenient passage of other persons walking, riding or driving over or along such pavement, walk, street or way, and shall fail to make way, remove or pass, after reasonable request from any other person;

(3) person loiters or remains in a public place for the purpose of solicitation as set forth in section 36-93; or

(4) The person loiters, prowls, wanders or creeps in a place at a time or in a manner not usual for law-abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Unless flight by the accused or other circumstances make it impracticable, a police officer shall, prior to any arrest for an offense under this subsection, afford the accused an opportunity to dispel any alarm which would otherwise be warranted, by requesting him to identify himself and explain his presence or conduct. No person shall be convicted of an offense under this subsection if the police officer did not comply with the preceding sentence, or if it appears that the explanation given by the accused was true and, if believed by the police officer at the time, would have dispelled the alarm.

(c)Notice to the public. The owner or proprietor of any business which is included within the provisions of this section shall post a sign or signs in the business premises which shall clearly state for customers to read the prohibition of loitering under this section and the penalties for violation thereof.

(d)Penalties. Any person who violated the provisions of this section shall be fined \$100.00 for his first offense, \$250.00 for a second offense, \$450.00 for a third offense, and \$500.00 for every subsequent offense. These fines shall not be subject to suspension or reduction for any reason. The current offense shall be considered a subsequent offense to any offense or offenses for the same violation which have occurred within the past five years.

**Delaware State Statute 21 Del.C. § 4147 Pedestrians soliciting rides or business:**

(a) No person shall stand in a highway for the purpose of soliciting any employment, business or contributions from the occupant of any vehicle.

(b) No person shall stand on or in proximity to a highway for the purpose of soliciting the watching or guarding of any vehicle while parking or about to be parked on a highway.

(c) No person shall stand in a highway for the purpose of soliciting a ride.

(d) No person shall at any time be jailed solely for violation of subsection (c) of this section.

(e) The prohibition against soliciting contributions contained in subsection (a) of this section shall not apply on the Saturday immediately prior to Father's Day each year to solicitations by charitable organizations, defined as those organizations previously qualified as such under the federal Internal Revenue Code [26 U.S.C. § 1 et seq.], when those solicitations take place only during daylight hours, at intersections with traffic control signals in place, using only existing median strips or other off-street facilities, using individuals no younger than 18 years of age to conduct the solicitation, without using any devices to alter or impede the traffic flow.

The penalty for violating 21 *Del.C.* § 4147 is identified below in 21 *Del.C.* § 4205:

21 *Del.C.* § 4205. Penalties.

(a) Whoever violates this chapter or Chapter 41 of this title shall for the first offense be fined not less than \$25 nor more than \$75. For each subsequent like offense, the person shall be fined not less than \$57.50 nor more than \$95. All second offenses, before being punishable as such, shall have been committed within 24 months after the commission of the first offense unless otherwise specifically provided.

(b) Subsection (a) of this section shall not apply to violations for which penalties are prescribed elsewhere in this chapter or Chapter 41 of this title.

# EXHIBIT B

Del. Op. Atty. Gen. 02-IB13 (Del.A.G.), 2002 WL 1830840

Office of the Attorney General

State of Delaware  
Opinion No. 02-IB13  
July 8, 2002

**Re: Soliciting from Occupants of Vehicles**

\*1 Honorable Robert J. Valihura, Jr.  
House of Representatives  
Legislative Hall  
411 Legislative Hall  
Dover, DE 19901

Dear Representative Valihura:

You have asked several questions concerning [21 Del. C. §4147\(a\)](#). Specifically, your questions are:

1. Does [21 Del. C. § 4147\(a\)](#) prohibit individuals or organizations from soliciting contributions (i) at any time other than on the Saturday immediately prior to Father's Day, and (ii) by walking among traffic stopped at an intersection, thereby leaving existing medians or other off-street facilities to do so?
2. May the Delaware State Police, the New Castle County Police, or local police agencies take steps to enforce [§ 4147\(a\)](#) against anyone found to be soliciting contributions as described above, and if so, what steps may they take?

For the reasons stated below, we conclude that some portion of [§4147](#) is enforceable, and that one section, which is severable, is not. In the absence of a compelling state interest, the First Amendment to the United States Constitution does not permit government limitation on speech based on content. Subsection (e) of [§4147](#), which permits some charitable solicitation from median strips and off street facilities on the Saturday immediately prior to Father's Day with some time and age restrictions, is content-based. The remainder of the statute, which expressly prohibits solicitation among the traffic at all times, is severable under Delaware law and therefore, enforceable by law enforcement agencies.

You have also asked what steps may be taken by law enforcement agencies. A person may be charged with an unclassified misdemeanor for violating [§4147](#).

**STATUTORY PROVISION**

Title [21 Del. C. § 4147](#) states as follows:

**§ 4147. Pedestrians soliciting rides or business.**

- (a) No person shall stand in a highway for the purpose of soliciting any employment, business or contributions for the occupant of any vehicle.
- (b) No person shall stand on or in proximity to a highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a highway.
- (c) No person shall stand in a highway for the purpose of soliciting a ride.

(d) No person shall at any time be jailed solely for violation of subsection (c) of this section.

(e) The prohibition against soliciting contributions contained in subsection (a) of this section shall not apply on the Saturday immediately prior to Father's Day each year to solicitations by charitable organizations, defined as those organizations previously qualified as such under the federal Internal Revenue Code [26 U.S.C.], when those solicitations take place only during daylight hours, at intersections with traffic control signals in place, using only existing median strips or other off-street facilities, using individuals no younger than 18 years of age to conduct the solicitation, without using any devices to alter or impede the traffic flow.

## **DISCUSSION**

\*2 By its express terms, § 4147(a) prohibits individuals and organizations<sup>1</sup> from standing in the highway to solicit "contributions from the occupant of any vehicle." Section 4147(e) creates an exception, however, to allow such solicitation under limited conditions on the Saturday immediately prior to Father's Day each year by qualified charitable organizations. The exception in subsection (e) only permits solicitation by persons standing "on existing median strips or other off street facilities." Section 4147 does, therefore, prohibit walking among traffic for the purpose of solicitation at all times. It permits solicitation from "median strips or other off street facilities" only on the Saturday immediately prior to Father's Day.

Whether §4147 can be enforced is a more difficult question. Soliciting contributions is protected speech under the First Amendment to the U.S. Constitution. [Helfron v. International Society For Krishna Consciousness, Inc.](#), 452 U.S. 640, 647 (1981); [International Society For Krishna Consciousness, Inc. v. Lee](#), 505 U.S. 672-677 (1992). A highway is a public forum. [United States v. Grace](#), 461 U.S. 171, 177 (1983); [ACORN v. City of Phoenix](#), 798 F.2d 1260 (9th Cir.1986). Any content-based restrictions on speech in a public forum imposed by a state must be narrowly tailored to serve a compelling governmental interest. A content-neutral provision must be narrowly tailored to serve a significant governmental interest and leave open alternative channels for communication. [Perry Education Assoc. v. Perry Local Educator's Association](#), 460 U.S. 37, 45 (1983).

A law is not content-neutral if it restricts "expression because of its message, its ideas, its subject matter or its content." [Police Department v. Mosley](#), 408 U.S. 92, 95 (1972). The Court added:

[U]nder the Equal Protection Clause, not to mention the First Amendment itself, government may not grant the use of a forum to people whose views its finds acceptable, but deny use to those wishing to express less favored or more controversial views. And it may not select which issues are worth discussing or debating in public facilities.

*Id.* at 96. Because §4147(e) permits solicitation by some charitable organizations, but not others, and discriminates between charitable solicitation and political or commercial solicitation, the subsection is not content-neutral. The exception describes permissible solicitation in terms of subject matter. A state may impose time, place and manner restrictions on speech, but may not impose content limitations in the absence of a compelling state interest. [Rappa v. New Castle County v. State of Delaware](#), 18 F.3d 1043, 1054 (3d Cir. 1994). It is likely that a court would find the exception unconstitutional since it is not narrowly tailored to serve a compelling governmental interest.

If § 4147 did not provide for the exception in § 4147(e), it would establish an absolute prohibition and would not discriminate in favor of one group or type of solicitation. As a result, subsections (a) through (d) are content-neutral and serve the significant governmental purpose of enhancing public safety. Therefore, § 4147(a) through (d) may only be enforced if the offending subsection (e), can be severed from these subsections to preserve their validity.

\*3 In determining whether an unconstitutional provision of a state statute is severable, federal courts look to state law. [Rappa](#), *supra* at 1072. The Delaware General Assembly has, by statute, demonstrated its intention to sever those statutory provisions found to be unlawful. 1 [Del. C. §308](#). Whether the remainder of a statute can survive if the offending subsection is severed turns on whether the valid provisions "have a separate purpose and are capable of functioning independently." *Id.* at 1043 citing [In the Matter of Oberly](#), 524 A.2d 1176,1182 (1987).

The Court in [Rappa](#) refused to sever the offending exception to preserve the remainder of the statute. It noted that the Constitution favors freedom of speech and since severing the exception would create a more restrictive statute, it refused to



do so. The Court held that:

..the proper remedy for content discrimination generally cannot be to sever the statute so that restricts more speech than it did before-at least absent quite specific evidence of a legislative preference for elimination of the exception. Absent a severability clause much more specific than §308, we refuse to assume that the Delaware legislature would prefer us to sever the exception and restrict more speech than to declare Subchapter I invalid. (Emphasis added)

Id. at 1073.

In addition to the general severability clause found at 1 Del. C. §308, the General Assembly also included a specific severability provision when it enacted 21 Del. C. §4147(a)-(d). See 60 Del. Laws c. 700 §10. Section 10 of 60 Del. Laws c. 700 provides:

**Section 10. Severability.**

If any provision of this Act, or any rule, regulation or order thereunder or the application of such provision to any person or circumstances, shall be held invalid, the remainder of this Act and the application of such provisions of this Act or of such rule, regulation or order to persons or circumstances other than those to which it is held invalid shall not be affected hereby.

These provisions stood independently until June 27, 1989 when the content-based exception in subsection (e) was enacted. 67 Del. Laws, c. 39, §1.

While severing subsection (e) will restrict certain speech by eliminating the one day exception for some charitable solicitation, the remaining valid provisions of the statute can continue to function independently as they did prior to the enactment of subsection (e). The remaining subsections are content-neutral and have a separate and significant governmental purpose to promote highway safety. By its enactment of the specific severability provision in §10 of 60 Del. Laws c. 700, the General Assembly expressed its clear intention that all lawful provisions of 21 Del. C. §4147 should survive in the event any portion of the statute was found to be unconstitutional.

**CONCLUSION**

It is likely that a court may hold that the exception for charitable solicitation on highways violates the First Amendment to the U. S. Constitution. The remainder of the statute prohibiting solicitation in the highway by anyone at all times is severable and therefore enforceable by law enforcement agencies.

Very truly yours,

\*4 James J. Hanley  
Deputy Attorney General  
Lawrence W. Lewis  
Deputy Attorney General

Approved:

Malcolm S. Cobin  
State Solicitor

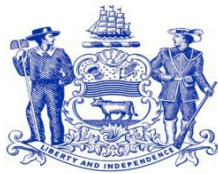
Footnotes

<sup>1</sup> The word “person” is defined in 1 Del. C. §302(16) to include individuals and organizations.

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# EXHIBIT C



STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
CRIMINAL JUSTICE COUNCIL  
STATISTICAL ANALYSIS CENTER  
410 FEDERAL STREET, SUITE # 6  
DOVER, DELAWARE 19901

Telephone: (302) 739-4626  
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SLC: D380B  
Web: sac.delaware.gov/

February 9, 2023

MEMORANDUM

To: The Honorable Eric Morrison, Representative; Delaware General Assembly  
From: Philisa Weidlein-Crist, Director; Statistical Analysis Center  
Analyst: Brie Gannon, Research Specialist III; Statistical Analysis Center  
Subject: State Loitering Charges

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As per your request, the Center updated a previous request to include calendar year 2022. The Center reviewed charge and demographic information for state loitering charges, with a focus on panhandling, over the years 2020, 2021, and 2022. The Center analyzed annual arrest records involving charges of Title 11 § 1320, Title 11 § 1321, and Title 21 § 4147 for each of the three years. Only state loitering charges were selected for this study; analysis of municipal statutes would be a more complex and time-consuming undertaking.

The statute references in the following tables cover a diverse array of actions, ranging from loitering on school grounds to hitchhiking. To provide a better understanding of the charges analyzed for this request, the selected loitering statute subsections are summarized below.

- Title 11 § 1320 – loitering on property of a state-supported school, college, or university with no legitimate purpose, without authorization.
- Title 11 § 1321 (1) – failure or refusal to move after receiving a lawful order of a police officer to do so.
- Title 11 § 1321 (2) – loitering on a sidewalk, obstructing free passage of same, after reasonable request of any person asking the offender to move.
- Title 11 § 1321 (3) – loitering on school grounds without having a legitimate reason to be there, without permission of the principal.
- Title 11 § 1321 (4) – loitering in a public place for the purpose of begging.
- Title 11 § 1321 (5) – loitering in a public place for the purpose of soliciting sexual intercourse.
- Title 11 § 1321 (6) – loitering or congregating in a place at a time or in a manner not usual for law-abiding individuals, under circumstances that warrant alarm for the safety of persons or property in the vicinity.
- Title 21 § 4147 (a) – standing in a highway for the purpose of soliciting employment, business, or donations from the occupants of vehicles.
- Title 21 § 4147 (b) – standing on or in proximity of a highway for the purpose of watching or guarding any vehicle while parking on a highway.
- Title 21 § 4147 (c) – standing in a highway for the purpose of soliciting a ride.

The following table displays counts of charges from annual arrests identified as state loitering statutes. It should be noted that all arrests may not be represented, as expungements have had increasing impact on the Criminal Justice Information System.

Annual Charges by Statute Reference

	2020	2021	2022
<b>11-1320</b>	9	0	1
<b>11-1321(1)</b>	86	51	26
<b>11-1321(2)</b>	12	16	9
<b>11-1321(3)</b>	2	1	1
<b>11-1321(4)</b>	62	42	44
<b>11-1321(5)</b>	12	2	8
<b>11-1321(6)</b>	134	94	44
<b>21-4147(a)</b>	184	257	116
<b>21-4147(b)</b>	1	0	1
<b>21-4147(c)</b>	7	7	2
<b>Total</b>	509	470	252

The Center further analyzed unique cases containing these charges, providing an annual breakout of case counts by county and race. Those case counts are displayed in the next three tables.

Distinct Cases by County and Race, 2020

	2020							
	New Castle		Kent		Sussex		State Total	
	Black	White	Black	White	Black	White	Black	White
<b>11-1320</b>	1	5	0	0	0	0	1	5
<b>11-1321(1)</b>	42	14	16	5	5	4	63	23
<b>11-1321(2)</b>	5	4	1	1	1	0	7	5
<b>11-1321(3)</b>	0	0	0	0	0	0	0	0
<b>11-1321(4)</b>	9	19	6	7	13	8	28	34
<b>11-1321(5)</b>	0	2	1	7	0	2	1	11
<b>11-1321(6)</b>	48	55	19	5	7	0	74	60
<b>21-4147(a)</b>	15	131	0	36	0	2	15	169
<b>21-4147(b)</b>	0	1	0	0	0	0	0	1
<b>21-4147(c)</b>	0	3	1	1	0	2	1	6
<b>Total</b>	120	234	44	62	26	18	190	314

Distinct Cases by County and Race, 2021

	2021							
	New Castle		Kent		Sussex		State Total	
	Black	White	Black	White	Black	White	Black	White
<b>11-1320</b>	0	0	0	0	0	0	0	0
<b>11-1321(1)</b>	19	17	8	2	4	1	31	20
<b>11-1321(2)</b>	7	4	4	0	1	0	12	4
<b>11-1321(3)</b>	0	1	0	0	0	0	0	1
<b>11-1321(4)</b>	10	8	3	2	13	6	26	16
<b>11-1321(5)</b>	1	0	0	0	0	1	1	1
<b>11-1321(6)</b>	18	10	13	51	0	1	31	62
<b>21-4147(a)</b>	47	169	3	33	0	5	50	207
<b>21-4147(b)</b>	0	0	0	0	0	0	0	0
<b>21-4147(c)</b>	1	1	0	2	2	1	3	4
<b>Total</b>	103	210	31	90	20	15	154	315

Distinct Cases by County and Race, 2022

	2022									
	New Castle		Kent		Sussex			State Total		
	Black	White	Black	White	Black	White	Unk	Black	White	Unk
<b>11-1320</b>	0	0	1	0	0	0	0	1	0	0
<b>11-1321(1)</b>	13	7	1	2	1	2	0	15	11	0
<b>11-1321(2)</b>	2	1	3	0	1	2	0	6	3	0
<b>11-1321(3)</b>	0	1	0	0	0	0	0	0	1	0
<b>11-1321(4)</b>	10	21	4	0	5	4	0	19	25	0
<b>11-1321(5)</b>	1	2	2	1	2	0	0	5	3	0
<b>11-1321(6)</b>	11	7	5	21	0	0	0	16	28	0
<b>21-4147(a)</b>	14	69	2	19	0	11	1	16	99	1
<b>21-4147(b)</b>	0	1	0	0	0	0	0	0	1	0
<b>21-4147(c)</b>	1	0	1	0	0	0	0	2	0	0
<b>Total</b>	52	109	19	43	9	19	0	80	171	1

It should be noted that most of the cases identified in this analysis involved other charges in addition to loitering. The following table displays the annual breakout of cases involving only charges from the three loitering statutes, as well as cases containing charges for offenses other than loitering.

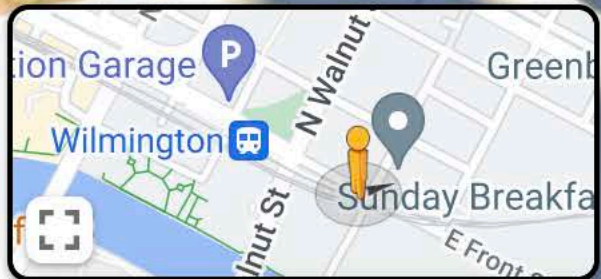
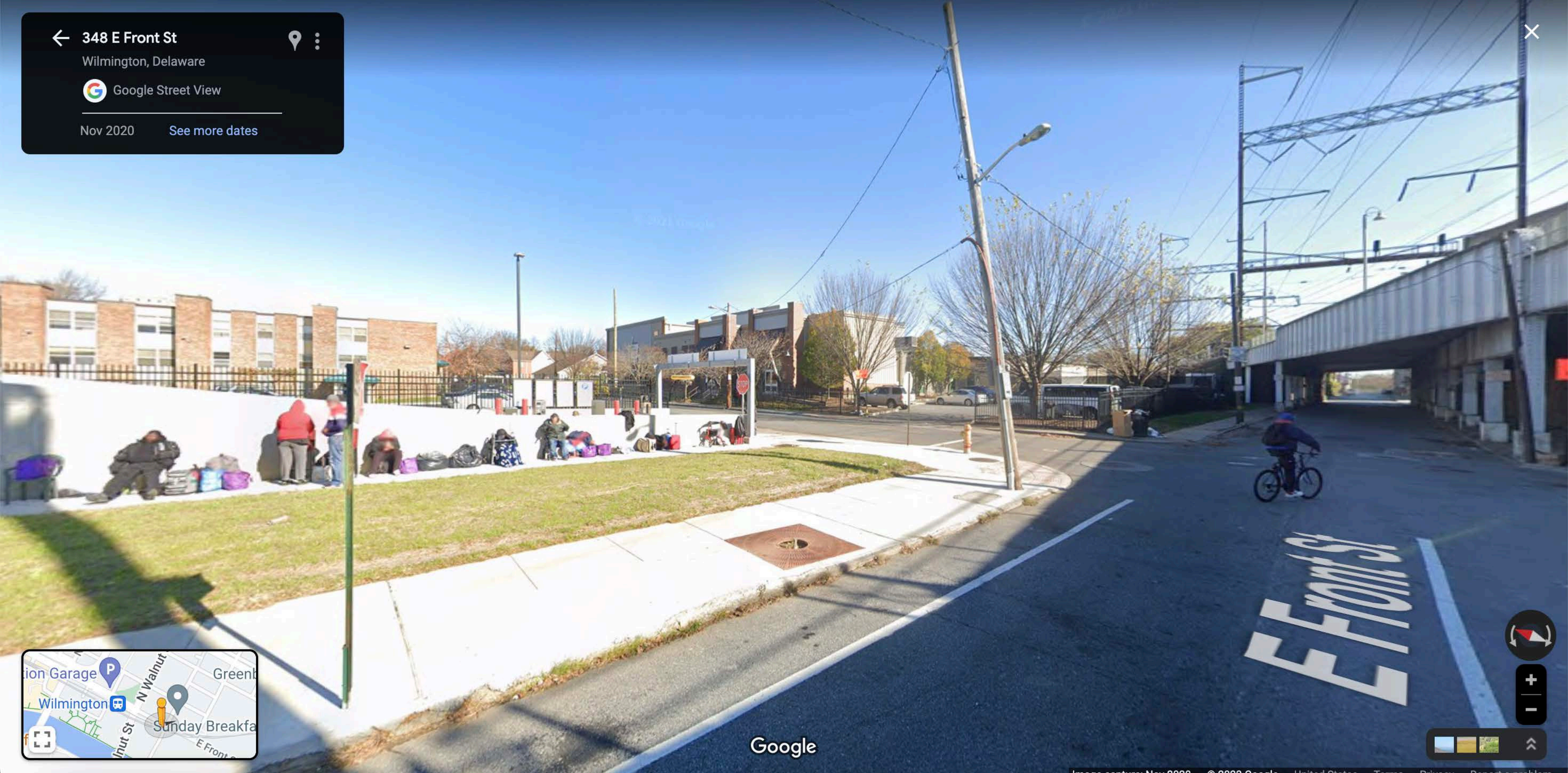
Cases With Loitering Only Versus Cases Including Additional Charges

	Total Cases	Cases Containing Only Loitering Charges		Cases Containing Charges In Addition To Loitering	
		Count	% of Total	Count	% of Total
2020	503	202	40.2%	301	59.8%
2021	464	178	38.4%	286	61.6%
2022	245	102	41.6%	143	58.4%

# EXHIBIT D



← 348 E Front St  
Wilmington, Delaware  
Google Street View  
Nov 2020 See more dates



Google


Navigation controls including a compass, zoom in (+) and zoom out (-) buttons, a street view pegman icon, and a small thumbnail image of the current view.



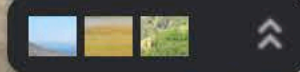
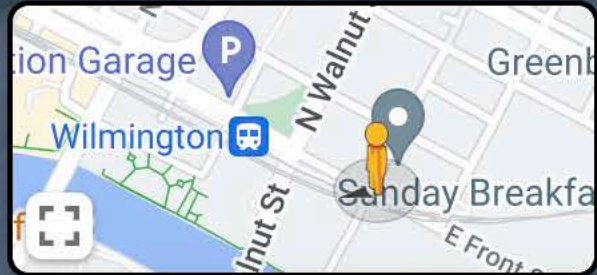
# EXHIBIT E



← 101 Poplar St  
Wilmington, Delaware

 Google Street View

Nov 2020 [See more dates](#)



Google



# EXHIBIT F



**All Caring Groups and Individuals  
Providing  
Food, Clothing, Furniture  
On the Street**

We want to offer the opportunity to you to continue serving homeless and hungry possibly within Sunday Breakfast Mission.

Be Aware:

- The City of Wilmington will soon be disallowing the provision of food, clothing, furniture or other items on the streets or sidewalks around or across from the Mission.
- You will be encouraged to utilize Christina Park (contact Director of Parks and Recreation, Mr. Ewin Smith)
- This is to help all the homeless to seek help for their persistent issues.



# EXHIBIT G



# EXHIBIT H





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

Community Planning and Development

Notice of Funding Opportunity (NOFO) for Fiscal Year (FY) 2023 Continuum of Care  
Competition and Renewal or Replacement of Youth Homeless Demonstration Program Grants

FR-6700-N-25

09/28/2023

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Community Planning and Development

Notice of Funding Opportunity (NOFO) for Fiscal Year (FY) 2023 Continuum of Care Competition and Renewal or Replacement of Youth Homeless Demonstration Program Grants

**Funding Opportunity Number:**

FR-6700-N-25

**Assistance Listing Number (formerly CFDA Number):**

14.267

**Due Date for Applications:**

09/28/2023

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

In accordance with [Title 24 part 4, subpart B](#) of the Code of Federal Regulations (CFR), during the selection process (which includes HUD’s NOFO development and publication and concludes with the award of assistance), HUD is prohibited from disclosing covered selection information. Examples of impermissible disclosures include: 1) information regarding any applicant’s relative standing; 2) the amount of assistance requested by any applicant; and 3) any information

contained in the application. Prior to the application deadline, HUD may not disclose the identity of any applicant or the number of applicants that have applied for assistance.

For further information regarding this NOFO, direct questions regarding the specific requirements of this NOFO to the agency contact identified in Section VIII.

**Paperwork Reduction Act Statement.** The information collection requirements in this notice were approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 ([44 U.S.C. 3501- 3520](#)) (PRA). In accordance with PRA, 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. This NOFO identifies its applicable OMB control number, unless its collection of information is excluded from these requirements under [5 CFR part 1320](#).

**OMB Approval Number(s):**

2506-0012

**I. FUNDING OPPORTUNITY DESCRIPTION**

**A. Program Description**

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

The goal of the Youth Homelessness Demonstration Program (YHDP) is to support the development and implementation of a coordinated community approach to preventing and ending youth homelessness and sharing that experience with and mobilizing communities around the country toward the same end. The population to be served by the demonstration program is youth ages 24 and younger experiencing homelessness, including unaccompanied and pregnant or parenting youth.

**1. Authority**

The CoC Program is authorized by subtitle C of title IV of the McKinney-Vento Homeless Assistance Act, (42 U.S.C. 11381–11389) (the Act), and the CoC Program rule found in 24 CFR part 578 (the Rule).

The FY 2023 funds were authorized by the Consolidated Appropriations Act, 2023 (Public Law 117-328, approved December 29, 2022). The noncompetitive or competitive renewal or replacement of YHDP grants under the CoC program is authorized by the Consolidated Appropriations Act, 2023.

**2. Deadline.**

The deadline for submitting applications to HUD for the FY 2023 CoC Program Competition is 8:00 PM EST on September 28, 2023. Applicants must complete and submit their applications in *e-snaps* at <https://esnaps.hud.gov/>. See Sections IV.F and G of this NOFO for application submission and timely receipt requirements.

### 3. Changes from Previous NOFO

**a. Round 1 YHDP Grants.** HUD will competitively renew or replace projects that HUD initially funded in the FY 2016 Youth Homelessness Demonstration Competition (Round 1). These Round 1 YHDP projects may be reallocated by CoCs to create new CoC grants [see section I.B.2.b.(24)]. If a Round 1 YHDP grant is reallocated to create a new CoC grant, the reallocated funds are no longer eligible to be used for YHDP Special Activities. If significant changes to a renewing Round 1 YHDP project are needed, a Round 1 YHDP project may continue to replace its current project with a new Round 1 YHDP Replacement project, that may wholly or in part include activities ineligible under the CoC Program as outlined in section III.B.4.b.(5) and (6) of this NOFO while still serving youth ages 24 and younger experiencing homelessness.

**b. YHDP Special Activities.** The CoC Program NOFO permits YHDP project applicants to integrate YHDP Special Activities into the project design through the selection of these activities in YHDP Renewal and YHDP Replacement project applications. YHDP renewal applicants may continue to select previously approved Special YHDP Activities in their project application; however, YHDP Renewal applicants may also request to add new Special YHDP Activities through their renewal application [see sections I.B.3.n and III.B.4.b.(6) of this NOFO].

If a recipient of YHDP funding determines that changing the project model of their grant would better serve youth experiencing homelessness in the area, the recipient must submit an application to replace the YHDP project through this competition. An example of this would be if a community decides that a JOINT TH-RRH project would better serve youth compared to an RRH project. More details on submitting a YHDP Replacement project are in section III.B.4.b.(5).

**c. CoC Planning Increase.** HUD is establishing an alternative maximum amount for CoC Planning grant applications under this NOFO. Specifically, the maximum grant amount for CoC planning activities under 24 CFR 578.39 will be the greater of \$50,000 or 5 percent of the applicable FPRN, provided that the total grant amount for CoC planning activities does not exceed \$1,500,000. This new maximum replaces the 3 percent cap in 24 CFR 578.39(a) for purposes of awards under this NOFO. More information is provided in section III.B.3.f.(9).

**d. New Eligible Continuum of Care Activities.** These following new budget line items (BLIs) will be built into the CoC Program Competition Application process. Applicants wishing to utilize these new BLIs can request a budget modification during the competition to add funds to these line items from an existing line item. Applicants may also request to expand existing renewal grants to add new funding to these BLIs.

(1) *VAWA Costs Budget Line Item.* On March 15, 2022, the President signed into law the Consolidated Appropriations Act of 2022 (Pub. L. 117-103, 136 Stat. 49), which included the Violence Against Women Act Reauthorization Act of 2022 (VAWA 2022). VAWA 2022 reauthorizes, amends, and strengthens the Violence Against Women Act of 1994, as amended (VAWA) (Pub. L. 103-322, tit. IV, sec. 40001-40703; 42 U.S.C. 13925 et seq.).

Section 605 of VAWA 2022 amends section 423(a) of the McKinney-Vento Homeless Assistance Act to add the following eligible Continuum of Care Program activity:

Facilitating and coordinating activities to ensure compliance with [the emergency transfer plan requirement in 34 U.S.C. 12491(e)] and monitoring compliance with the confidentiality protections of [the confidentiality requirement in 34 U.S.C. 12491(c)(4)].

See section VI.B for more information on compliance with VAWA 2022 and section III.B.4.a.(3) of this NOFO for more information on eligible VAWA costs. For general guidance on implementation of VAWA 2022, please also see “[The Violence Against Women Act Reauthorization Act of 2022: Overview of Applicability to HUD Programs](#),” a notice HUD published in the Federal Register on January 4, 2023.

(2) *Rural Costs Budget Line Item.* Section 5707 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (PL 117-263, December 23, 2022, 136 Stat 2395) amends section 423(a) of the McKinney-Vento Homeless Assistance Act to include activities that address barriers to transitioning families in rural areas to permanent housing and additional activities to increase capacity to address the unique challenges CoCs face when serving people experiencing homelessness in rural areas.

See section III.B.4.a.(4) of this NOFO for more information on eligible Rural costs.

**e. Federal Relay Service’s Text Telephone (TTY) service.** The Federal Relay Service contract expired in February 2022 and is no longer available. The NOFO is updated to include the use of Federal Communications Commission (FCC) relay services for individuals who are deaf or hard of hearing, or who have speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit <https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs> for more information on relay services available.

**f. Amendment to criteria for qualifying as “homeless.”** For purposes of the CoC Program and other HUD programs authorized by the McKinney-Vento Homeless Assistance Act, section 605 of VAWA 2022 amended section 103(b) of the McKinney-Vento Homeless Assistance Act to require HUD to consider as homeless:

any individual or family who—

(1) is experiencing trauma or a lack of safety related to, or fleeing or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous, traumatic, or life-threatening conditions related to the violence against the individual or a family member in the individual's or family's current housing situation, including where the health and safety of children are jeopardized;

(2) has no other safe residence; and

(3) lacks the resources to obtain other safe permanent housing.

This statutory change took effect on October 1, 2022. Rulemaking will be needed to require Continuums of Care (CoCs) and CoC Program recipients and subrecipients to make corresponding changes to the applicable written standards, coordinated entry policies, and documentation policies used to qualify individual and families as homeless under the CoC Program. That said, because HUD must recognize as “homeless” families and individuals who

meet the new statutory criteria in section 103(b) of the McKinney-Vento Homeless Assistance Act as of October 1, 2022, CoC recipients may implement the new definition prior to HUD rulemaking, provided that CoCs update the relevant written standards and policies as needed to reflect the new statutory criteria. For further information, please see “The Violence Against Women Act Reauthorization Act of 2022: Overview of Applicability to HUD Programs” which HUD published in the Federal Register on January 4, 2023. **This qualification of HUD’s understanding and use of the “homeless” definition applies for purposes of all references to the “homeless” definition in this NOFO, including all references to specific paragraphs of the “homeless” definition in 24 CFR 578.3.**

#### **4. HUD's Strategic Planning Goals and Homeless Policy Priorities**

##### **a. HUD Strategic Goals**

The U.S. Department of Housing and Urban Development (HUD) Strategic Plan sets the direction and focus of our programs and staff to create strong, sustainable, inclusive communities and quality, affordable homes for all. This NOFO supports [HUD’s Strategic Plan for Fiscal Years \(FY\) 2022-2026](#) to accomplish HUD’s mission and vision. Each of the five goals in the [Strategic Plan](#) include what HUD hopes to accomplish, the strategies to accomplish those objectives, and the indicators of success.

HUD will pursue two overarching priorities focused on increasing equity and improving customer experience across all HUD programs. Five strategic goals and several objectives undergird the Plan; however, the follow goals are applicable to this NOFO:

##### **Applicable Goals and Objectives from HUD’s Strategic Plan**

###### **1. Strategic Goal 1: Support Underserved Communities**

Fortify support for underserved communities and support equitable community development for all people.

###### **2. Strategic Goal 2: Ensure Access to and Increase the Production of Affordable Housing**

Ensure housing demand is matched by adequate production of new homes and equitable access to housing opportunities for all people.

###### **3. Strategic Goal 3: Promote Homeownership**

Promote homeownership opportunities, equitable access to credit for purchase and improvements, and wealth-building in underserved communities.

###### **4. Strategic Goal 4: Advance Sustainable Communities**

Advance sustainable communities by strengthening climate resilience and energy efficiency, promoting environmental justice, and recognizing housing's role as essential to health.

You are expected to align your application to the applicable strategic goals and objectives below. Use the information in this section to describe in your application the specific goals, objectives, and measures that your project is expected to help accomplish. If your project is selected for funding, you are also expected to establish a plan to track progress related to those goals, objectives, and measures. HUD will monitor compliance with the goals, objectives, and measures in your project.

##### **b. HUD Homeless Policy Priorities**

This section provides additional context regarding the selection criteria found in section V.B. of this NOFO and is included here to help applicants better understand how the selection criteria supports the goal of ending homelessness:

**(1) *Ending homelessness for all persons.*** In 2022, the United States Interagency Council on Homelessness (USICH) presented All In: The Federal Strategic Plan to Prevent and End Homelessness to the President and Congress. The plan is built around six pillars: three foundations—equity, data and evidence, and collaboration—and three solutions—housing and supports, crisis response, and prevention. The work funded through this NOFO will support the actions and strategies proposed within the pillars. To end homelessness, CoCs should identify, engage, and effectively serve all persons experiencing homelessness. CoCs should measure their performance based on local data that consider the challenges faced by all subpopulations experiencing homelessness in the geographic area (e.g., veterans, youth, families, those experiencing chronic homelessness, and people with disabilities, including those living with HIV/AIDS). CoCs should partner with housing, health care, and supportive services providers to expand housing options, such as permanent supportive housing, housing subsidies, and rapid rehousing. Additionally, CoCs should use local data to determine the characteristics of individuals and families with the highest needs and longest experiences of homelessness to develop housing and supportive services tailored to their needs.

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

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

**(4) *Improving System Performance.*** CoCs should be using system performance measures (e.g., average length of homeless episodes, rates of return to homelessness, rates of exit to permanent housing destinations) to determine how effectively they are serving people experiencing homelessness. Additionally, CoCs should use their Coordinated Entry process to promote participant choice, coordinate homeless assistance and mainstream housing, and services to ensure people experiencing homelessness receive assistance quickly, and make homelessness assistance open, inclusive, and transparent. CoCs should review all projects eligible for renewal in FY 2023 to determine their effectiveness in serving people



experiencing homelessness, including cost-effectiveness. CoCs should also look for opportunities to implement continuous quality improvement and other process improvement strategies.

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

**(a)** Work closely with public and private healthcare organizations and assist program participants to receive primary care, receive housing related services, and obtain medical insurance to address healthcare needs. This includes developing close partnerships with public health agencies to analyze data and design approaches that reduce homelessness, improve the health of people experiencing homelessness, and prevent and address disease outbreaks, including HIV/AIDS.

**(b)** Partner closely with PHAs and state and local housing organizations to utilize coordinated entry, develop housing units, and provide housing subsidies to people experiencing homelessness. These partnerships can also help CoC Program participants exit permanent supportive housing through Housing Choice Vouchers and other available housing options. CoCs and PHAs should especially work together to implement targeted programs such as Emergency Housing Vouchers, HUD-VASH, Mainstream Vouchers, Family Unification Program (FUP) Vouchers, and other housing voucher programs targeted to people experiencing homelessness. CoCs should coordinate with their state and local housing agencies on the utilization of new program resources provided through the Homelessness Assistance and Supportive Services Program (HOME-ARP) that was created through the American Rescue Plan.

**(c)** Partner with local workforce development centers to improve employment opportunities.

**(d)** Work with Tribal organizations to ensure that Tribal members can access CoC-funded assistance when a CoC's geographic area borders a Tribal area.

**(6) *Racial Equity.*** In nearly every community, Black, Indigenous, and other people of color are substantially over-represented in the homeless population. HUD is emphasizing system and program changes to address racial equity within CoCs. Responses to preventing and ending homelessness should address racial inequities to ensure successful outcomes for all persons experiencing homelessness using proven approaches, such as: developing a coordinated community response created in partnership with a racially diverse set of stakeholders and people experiencing homelessness and partnering with organizations with experience serving underserved populations. CoCs should review local policies, procedures, and processes with attention to identifying barriers that result in racial disparities and taking steps to eliminate barriers to improve racial equity and to address disparities.

**(7) *Improving Assistance to LGBTQ+ Individuals.*** Discrimination on the basis of gender identity or sexual orientation manifests differently for different individuals and often overlaps with other forms of prohibited discrimination. CoCs should address the needs of

LGBTQ+, transgender, gender non-conforming, and non-binary individuals and families in their planning processes. Additionally, when considering which projects to select in their local competition to be included in their application to HUD, CoCs should ensure privacy, respect, safety, and access regardless of gender identity or sexual orientation in projects. CoCs should also consider partnering with organizations with expertise in serving LGBTQ+ populations.

**(8) *Persons with Lived Experience.*** The people who know best what solutions will effectively end homelessness are those who are experiencing homelessness. HUD expects CoCs to include people with lived homeless expertise and experience in their local planning and decision-making process. People with lived experience should determine how local policies may need to be revised and updated to improve the effectiveness of homelessness assistance programs, including participating in planning and oversight activities, and developing local competition processes. CoC leaders and stakeholders should prioritize hiring people who have experienced homelessness in areas where their expertise is needed.

**(9) *Increasing Affordable Housing Supply.*** The lack of affordable housing is the main driver of homelessness. CoCs play a critical role in educating local leaders and stakeholders about the importance of increasing the supply of affordable housing and the specific consequences of the continued lack of affordable housing. CoCs should be communicating with jurisdiction leaders, including for the development of Consolidated Plans, about the harmful effects of the lack of affordable housing, and they should engage local leaders about steps such as zoning and land use reform that would increase the supply of affordable housing. This FY 2023 CoC NOFO awards points to CoCs that take steps to engage local leaders about increasing affordable housing supply.

## **B. Definitions and CoC Program Concepts**

### **1. Standard Definitions**

**Affirmatively Furthering Fair Housing (AFFH)** means taking meaningful actions, in addition to combating discrimination to overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunities, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws. The duty to affirmatively further fair housing extends to all program participant's activities and programs relating to housing and urban development. See 24 CFR 578.93(c) for specific Affirmatively Furthering Fair Housing requirements that apply to the CoC program.

**Assistance Listing (formerly CFDA)** refers to the publicly available listing of Federal assistance programs managed and administered by the General Services Administration, formerly known as the Catalog of Federal Domestic Assistance (CFDA). The Assistance Listing Number is a unique number assigned to identify a Federal Assistance listing, formerly known as the CFDA Number.

**Deficiency**, with respect to the making of an application for funding, is information missing or omitted within a submitted application. Examples of deficiencies include missing documents, missing or incomplete information on a form, or some other type of unsatisfied information requirement. Depending on specific criteria, a deficiency may be either Curable or Non-Curable.

**A Curable Deficiency** is missing or incomplete application information that may be corrected by the applicant with timely action. To be curable, the deficiency must:

- not be a threshold requirement, except for documentation of applicant eligibility;
- not influence how an applicant is ranked or scored versus other applicants; and
- be remedied within the time frame specified in the notice of deficiency.

**A Non-Curable Deficiency** is missing or incomplete application information that cannot be corrected by an applicant after the submission deadline. A non-curable deficiency is a deficiency that is a threshold requirement, or a deficiency that, if corrected, would change an applicant's score or rank versus other applicants. If an application includes a non-curable deficiency, the application may receive an ineligible determination, or the non-curable deficiency may otherwise adversely affect the application's score and final funding determination.

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

**Environmental Justice** means investing in environmental improvements, remedying past environmental inequities, and otherwise developing, implementing, and enforcing laws and policies in a manner that advances environmental equity and provides meaningful involvement for people and communities that have been environmentally underserved or overburdened, such as Black and Brown communities, indigenous groups, and individuals with disabilities. This definition does not alter the requirements under HUD's regulations at [24 CFR 58.5\(j\)](#) and [24 CFR 50.4\(l\)](#) implementing [Executive Order 12898](#). E.O. 12898 requires a consideration of how federally assisted projects may have disproportionately high and adverse human health or environmental effects on minority and/or low-income populations. For additional information on environmental review compliance, refer to:

[https://www.hud.gov/program\\_offices/comm\\_planning/environment\\_energy/regulations](https://www.hud.gov/program_offices/comm_planning/environment_energy/regulations).

**Equity** has the meaning given to that term in Section 2(a) of Executive Order [13985](#) and means the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality.

**Federal award**, has the meaning, depending on the context, in either paragraphs (1) or (2) of this definition:

(1)

(a) The Federal financial assistance that a recipient receives directly from a Federal awarding agency or a subrecipient receives indirectly from a pass-through entity, as described in [2 CFR 200.101](#); or

(b) The cost-reimbursement contract under the Federal Acquisition Regulations that a non-Federal entity receives directly from a federal awarding agency or indirectly from a pass-through entity, as described in [2 CFR 200.101](#).

(2) The instrument setting forth the terms and conditions. The instrument is the grant agreement, cooperative agreement, other agreement for assistance covered in paragraph (2) of the definitions of Federal financial assistance in [2 CFR 200.1](#), and this NOFO, or the cost-reimbursement contract awarded under the Federal Acquisition Regulations.

(3) Federal award does not include other contracts that a Federal agency uses to buy goods or services from a contractor or a contract to operate Federal Government owned, contractor operated facilities (GOCOs).

(4) See also definitions of Federal financial assistance, grant agreement, and cooperative agreement in [2 CFR 200.1](#).

**Federal financial assistance has the same meaning defined at 2 CFR 200.1.**

**Grants.gov** is the website serving as the Federal government’s central portal for searching and applying for Federal financial assistance throughout the Federal government. Registration on Grants.gov is required for submission of applications to prospective agencies unless otherwise specified in this NOFO. Although the CoC Program NOFO is officially posted on Grants.gov, this program only accepts applications submitted in *e-snaps*, an electronic application system.

**Racial Equity** is the elimination of racial disparities, and is achieved when race can no longer predict opportunities, distribution of resources, or outcomes – particularly for Black and Brown persons, which includes Black, Latino, Indigenous, Native American, Asian, Pacific Islander, and other persons of color.

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

**Threshold Requirements** are eligibility and quality requirements that must be met for an application to be reviewed, rated, and ranked. Threshold requirements are not curable, except for documentation of applicant eligibility and are listed in Section III.C., Threshold Eligibility Requirements. Similarly, there are eligibility requirements under Section III.C., Statutory and Regulatory Requirements Affecting Eligibility.

**Underserved Communities** has the meaning given to that term in Section 2(b) of Executive Order [13985](#) and refers to populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life, as exemplified by the list in the definition of “equity” above.

**Unique Entity Identifier (UEI)** means the identifier assigned by SAM to uniquely identify business entities. As of April 4, 2022, the Federal government has transitioned from the use of the DUNS Number to the use of UEI, as the primary means of entity identification for Federal awards government-wide.

**2. Program-Specific Definitions and Concepts**

Regulatory citations are provided below so applicants can refer to specific areas of the Rule. Projects awarded CoC Program funds are subject to the program regulations as they may be amended from time to time. However, YHDP Renewal and YHDP Replacement projects and awards are subject to CoC Program regulations except as otherwise provided in this NOFO [see section I.B.3.f].

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 2023 CoC Consolidated Application in e-snaps on behalf of the CoC.

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

- (1) Annual Renewal Amount (ARA)
- (2) Applicant
- (3) Centralized or Coordinated Assessment System
- (4) Chronically Homeless
- (5) Collaborative Applicant
- (6) Continuum of Care
- (7) Consolidated Plan
- (8) High Performing Community (HPC)
- (9) Homeless Management Information System (HMIS)
- (10) HMIS Lead
- (11) Homeless. Although not reflected in the regulation, section 605 of Violence Against Women Act Reauthorization Act of 2022 amended Section 103(b) of the Act and requires HUD to consider certain individuals and families as homeless. This amendment took effect on October 1, 2022. Notwithstanding anything to the contrary contained elsewhere in this NOFO, where 578.3 paragraph (4) is referenced, applicants may apply to serve the population as defined in Section 103(b) of the Act.
- (12) Permanent Housing
- (13) Permanent Supportive Housing
- (14) Private Nonprofit Organization
- (15) Program Participant
- (16) Project
- (17) Recipient
- (18) Subrecipient
- (19) Transitional Housing
- (20) Unified Funding Agency
- (21) Victim Service Provider

**b. CoC Program NOFO Concepts.** The following terms are not found in 24 CFR 578.3 but are used in other areas of the Rule or are used in this NOFO to define concepts that pertain specifically to the FY 2023 CoC Consolidated Application.

(1) *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 2023 CoC Program Competition, before any required adjustments to funding for leasing, rental assistance, and operating Budget Line Items (BLIs) based on FMR changes. HUD will calculate the ARD by combining the total amount of funds requested by eligible renewal projects from eligible:

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

**(2) Beds Dedicated to Chronically Homeless Individuals and Families.** A permanent supportive housing bed that is dedicated specifically for use by individuals and families experiencing chronic homelessness [see 24 CFR 578.3 definition of Chronically Homeless] within a CoC's geographic area, as reported in the CoC's HIC and the FY 2023 PH project applications. When a program participant exits the project, the bed must be filled by another participant who is experiencing chronic homelessness unless there are no persons experiencing chronic homelessness within the CoC's geographic area. This concept only applies to PSH projects.

**(3) CoC Bonus Project.** The CoC Bonus allows CoCs to use up to 7 percent of their Final Pro Rata Need (FPRN) to create one or more new project applications. New projects created through the CoC Bonus must meet the project eligibility and project quality threshold requirements established by HUD in sections III.C.5.b. and c. of this NOFO. To be eligible to receive a CoC Bonus project, the Collaborative Applicant must demonstrate its CoC ranks projects based on how they improve system performance as outlined in section V.B.2.b of this NOFO.

**(4) CoC Merger.** The CoC merger is a process where two or more CoCs voluntarily agree to merge the entire geographic areas of all CoCs into one larger CoC. HUD strongly encourages CoCs that struggle with capacity to merge with a neighboring CoC or Balance of State CoC during each fiscal year's CoC Program Registration process. To encourage CoC mergers and mitigate the potential adverse scoring implications that may occur when a high performing CoC merges with one or more lower-performing CoC(s), HUD will award up to 25 bonus points to the CoC Score for CoCs that first registered as a merged CoC between the FY 2022 and FY 2023 CoC Program Registration process. The minimum number of points awarded will be 5 with the maximum points awarded up to 25. To be eligible for these points, the merged CoC must include all the geographic areas previously included in two or more CoCs that received funding in the FY 2022 CoC Program Competition. Points will be awarded as follows:

- (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 lower in either the FY 2021 or FY 2022 CoC Program Competitions; and
- (c) 10 points to CoCs that demonstrate that the results of their Point-in-Time counts were affected by the changes in methodology that resulted from the merger in a way that would affect their CoC score.

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

**(6) Consolidation.** The process by which two or more projects eligible for renewal in the FY 2023 CoC Program Competition apply for funding and are combined into a single renewal project upon award. See sections I.B.3.e and III.B.4.b.(8) of this NOFO for additional information.

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

**(a)** experiencing chronic homelessness, meaning they qualify as “chronically homeless” as defined in 24 CFR 578.3;

**(b)** residing in a TH 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 TH project;

**(c)** residing in a place not meant for human habitation, emergency shelter, or Safe Haven and had been admitted and enrolled in a PH project within the last year but were unable to maintain a housing placement and met the definition of chronically homeless as defined by 24 CFR 578.3 prior to entering the project;

**(d)** residing in transitional housing funded by a Joint TH/PH-RRH component project and who were experiencing chronic homelessness as defined by 24 CFR 578.3;

**(e)** residing and has resided in a place not meant for human habitation, Safe Haven, or emergency shelter for at least 12 months in the last three years, but has not done so on four separate occasions and the individual or head of household meet the definition of 'homeless individual with a disability'; or

**(f)** 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.

**(g)** A renewal project where 100 percent of the beds were dedicated to individuals and families experiencing chronic homelessness, as described in section I.B.2.b.(2), under the grant that is being renewed may either be reallocated as a DedicatedPLUS project or may continue as a renewal dedicating 100 percent of its beds to individuals and families experiencing chronic homelessness. If the project is reallocated as a DedicatedPLUS project, the project must adhere to all fair housing requirements at 24 CFR 578.93.

Projects HUD awarded as DedicatedPLUS in a previous CoC Program Competition must continue to include households with children to qualify as a DedicatedPLUS project in the FY 2023 CoC Program Competition.

**(8) Domestic Violence, Dating Violence, Sexual Assault, and Stalking Bonus (DV Bonus).** A new project that is dedicated to survivors of domestic violence, dating violence, sexual assault, or stalking who qualify under the definition of homeless at 24 CFR 578.3 or section 103(b) of the McKinney-Vento Homeless Assistance Act. As described in paragraph (13) below, survivors of human trafficking may qualify as homeless under paragraph (4) of the homeless definition at 24 CFR 578.3 or section 103(b) of the McKinney-Vento Homeless Assistance Act because they are often also victims of domestic violence, dating violence, sexual assault, or stalking; however, a DV Bonus project may not exclusively serve people fleeing or attempting to flee human trafficking. New DV Bonus projects are subject to the limitation on new projects in section I.B.3.a.(1) of this NOFO, and a CoC may apply for up to 10 percent of its Preliminary Pro Rata Need (PPRN) to create a new DV Bonus project(s); however, this amount is limited to a:

**(a)** a minimum of \$50,000 if 10 percent of the CoC's PPRN is less than \$50,000; or

**(b)** maximum of \$5 million if 10 percent of the CoC's PPRN is more than \$5 million.

See sections I.B.3.1 and I.B.2.b.(8) of this NOFO for project application requirements and how DV Bonus projects will be reviewed and selected.

**(9) Eligible Renewal Project.** A project that will have an expiration date in CY 2024 (between January 1, 2024, and December 31, 2024). See section I.B.4.n and III.B.3.c and for more information on renewal projects.

**(10) Expansion.** The process used by renewal project applicants to submit a new project application to add funds to a project to expand its current operations by adding units, beds, persons served, services provided to existing program participants, or in the case of HMIS, increase the current HMIS activities within the CoC's geographic area. DV Bonus funds can only be used to expand an existing renewal project if the expansion project is dedicated to survivors of domestic violence, dating violence, sexual assault, or stalking who qualify under paragraph (4) of the definition of homeless at 24 CFR 578.3 or section 103(b) of the McKinney-Vento Homeless Assistance Act; however, as explained in section I.B.3.1 of this NOFO, only the new project application for the expansion will be considered for DV Bonus funds, and HUD will only select a new DV Bonus project that expands an existing renewal project if HUD conditionally selects the renewal project in Tier 1 or 2. For projects that are expanding their current CoC Program-funded project, project applicants must submit:

**(a)** the renewal project application that will be expanded; and

**(b)** a new project application with expansion information.

YHDP projects cannot use the expansion process.

Except for new DV Bonus projects, if a project application does not meet the above requirements, or if HUD does not select for award the renewal project the new project application is proposing to expand, HUD will review the new project and will consider it as a standalone project during the selection process if the project is feasible on its own with its



requested funding and provided if it passes project eligibility and project quality threshold requirements.

For DV Bonus applications that propose expansion, if the DV Bonus application does not meet the above requirements for an expansion project, or the renewal portion is not selected, HUD will consider the DV Bonus application as a standalone DV Bonus application and use the DV Bonus selection process described in I.B.2.b.(8) above.

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

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

**(13) *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 or section 103(b) of the McKinney-Vento Homeless Assistance Act and 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 and “other dangerous, traumatic, or life-threatening conditions related to the violence against the individual or a family member in the individual's or family's current housing situation” under section 103(b) of the McKinney-Vento Homeless Assistance Act.

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

**(15) *Housing First.*** A model of housing assistance that prioritizes rapid placement and stability in permanent housing in which admission does not have preconditions (such as sobriety or a minimum income threshold) and in which housing assistance is not conditioned upon participation in services. Transitional Housing and Supportive Services Only projects are considered to be using a Housing First model for the purposes of this NOFO if they operate with low barriers; work to quickly move people into permanent housing; do not require participation in supportive services for continued tenancy, occupancy, or participation in the project; and, for Transitional Housing projects, do not require preconditions for moving into the transitional housing (e.g., sobriety or minimum income

threshold) but do provide or assist with access to such supportive services. Additional information regarding Housing First is in section I.A.4.b.(2) of this NOFO.

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

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

**(18) *Joint TH/PH-RRH Component Project*.** The Joint TH/PH-RRH component project combines two existing program components—Transitional Housing and Permanent Housing-Rapid Rehousing—in a single project to serve individuals and families experiencing homelessness. The recipient must adopt a Housing First approach [see sections I.A.4.b.(2) and I.B.2.b.(15) of this NOFO] across the entire project and program participants may only receive up to 24-months of total assistance. For more information about Joint TH/PH-RRH component project quality threshold requirements, see section III.C.5.c. of this NOFO. If funded, HUD will limit eligible costs as follows, in addition to other limitations found in the Rule:

- (a) leasing of a structure or units, and operating costs to provide transitional housing;
- (b) short- or medium-term tenant-based rental assistance on behalf of program participants to pay for the RRH portion of the project;
- (c) supportive services;
- (d) costs of contributing data to the HMIS; and
- (e) project administrative costs.

Project applicants must provide details in the project description of how TH and PH-RRH assistance will be provided. Additionally, if CoC Program funds are not being requested for both TH and PH-RRH units, the project application must describe and include the number of the project's TH and PH-RRH units that will be paid for from another funding source. Applicants may only use CoC Program Leasing funds or non-CoC Program Funds to house program participants enrolled in the TH portion of the project.

When a program participant is enrolled in a Joint TH/PH-RRH component project, the recipient or subrecipient must be able to provide both components, including the units supported by the TH 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 assistance provided through the TH portion of the project or the assistance provided through the PH-RRH component, but the recipient or subrecipient must make both types of assistance available.

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

**(20) Project Applicants.** Eligible project applicants for the CoC Program are identified in section III.A of this NOFO. For-profit entities are ineligible. HUD will not review applications submitted by ineligible entities.

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

**(22) Racial Disparities.** Racial disparities are differences in the homeless population based on race or ethnicity, which includes individuals who are Black, Latino, Indigenous, Native American, Asian, Pacific Islander, and other persons of color relative to the general population or differences in the provision or outcomes of homelessness assistance based on race or ethnicity.

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

**(24) Reallocation.** Reallocation is a process CoCs use to shift funds in whole or in 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 in section I.B.3.a, III.B.4.b.(3) and the project eligibility and project quality thresholds established in sections III.C.5.b. and c. of this NOFO. CoCs may only reallocate eligible renewal projects that HUD previously renewed during a CoC Program competition. To create a Transition Grant through the reallocation process, the CoC must wholly eliminate one or more projects and use those funds to create the single, new transition grant [see section I.B.2.b.(30) of this NOFO].

CoCs may reallocate YHDP projects HUD initially awarded Round I YHDP to create new CoC grants. Reallocated YHDP grants are not required to serve Youth. CoCs are prohibited from reallocating YHDP projects initially awarded in Round 2 or later.

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

**(26) Rural Area.** For this competition a rural area is a county which:

(a) has no part of it within an area designated as a standard metropolitan statistical area by the Office of Management and Budget;

(b) is within an area designated as a metropolitan statistical area or considered as part of a metropolitan statistical area and at least 75 percent of its population is local on U.S. Census blocks classified as non-urban; or

(c) is located in a state that has a population density of less than 30 persons per square mile (as reported in the most recent decennial census), and of which at least 1.25 percent of the total acreage of such State is under Federal jurisdiction, provided that no metropolitan city in such State is the sole beneficiary of the grant amounts awarded under this NOFO. A metropolitan city means a city that was classified as a metropolitan city under section 102(a) of the Housing and Community Development Act of 1974 (42.

U.S.C. 5302(a)) for the fiscal year immediately preceding the fiscal year for which Emergency Solutions Grants program funds are made available.

**(27) Shared Housing.** For purposes of YHDP Renewal and replacement grants, “shared housing” refers to a model of housing assistance where rental assistance is provided for a youth to reside with a family or another unrelated person. The youth leases from the property owner and shares the unit with the family or unrelated person. The unit may be a house or an apartment.

**(a)** YHDP rental assistance cannot be provided to a youth to reside in a unit occupied by the youth’s parent(s), grandparent(s), or legal guardian.

**(b)** YHDP rental assistance cannot be provided to a youth in a shared housing unit if the landlord or owner is the youth’s parent, grandparent, or legal guardian.

**(c)** YHDP rental assistance may only be provided to a youth if the youth can enter into a valid, binding, and enforceable lease under applicable state or local law. This includes a legally appointed guardian executing a lease on behalf of a youth or an emancipated youth entering into a lease.

**(d)** YHDP Renewal and replacement grants may provide a shared housing option for youth program participants who are not part of a household but are interested in sharing a housing unit with a roommate unrelated to the program participant.

**(28) Solo Applicants.** Per the Act, "A solo applicant may submit an application to the Secretary for a grant under subsection (a) and be awarded such grant on the same basis as such grants are awarded to other applicants based on the criteria described in section 427 [42 U.S.C. 11386a], but only if the Secretary determines that the solo applicant has attempted to participate in the continuum of care process but was not permitted to participate in a reasonable manner. The Secretary may award such grants directly to such applicants in a manner determined to be appropriate by the Secretary." A solo applicant must submit a solo applicant project application in e-snaps prior to the application deadline of 8:00 PM EST on September 28, 2023. Additionally, for HUD to consider its solo application, a solo applicant must also meet all the requirements outlined in section VII.C of this NOFO.

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

**(30) Transition Grant.** A grant to fund a new CoC project to transition an eligible renewal project being eliminated through reallocation from one program component to another eligible new component over a 1-year period. Transition grants in this Competition are eligible for renewal in subsequent fiscal years for eligible activities of the new component. The new transition project must meet the following requirements:

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

**(b)** the new project application must meet project eligibility and project quality thresholds established by HUD in sections III.C.5.b. and c. of this NOFO.

Transition grants HUD conditionally awards in the FY 2023 CoC Program Competition will have 1 year to fully transition from the original component to the new component during the

normal operating year (e.g., April 1, 2024 through March 31, 2025) after HUD executes the grant agreement. The project's operating start date will be the day after the end of the previous grant term for the expiring component, i.e., the transition grant will have the same operating year as the expiring component project. For transition grants reallocated from more than one project, the operating start date of the transition grant will be the day after the end of the earliest expiring grant term. The grant term may be extended consistent with 2 CFR 200.308 and 2 CFR 200.309. By the end of the operating year for which FY 2023 funds were awarded, the transition grant must be fully operating under the new component and will be eligible to apply for renewal in the next CoC Program Competition under the component to which it transitioned.

For a new project to be considered a transition grant, the new project applicant must be the recipient listed on the current grant agreement for the eligible renewal grant(s) being eliminated and must include the grant number(s) of the project(s) being eliminated to create the new project and attach a copy of the most recently awarded project application (most projects will attach a copy of the FY 2022 CoC Program Competition project application).

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

- The project application identifies the project as a transition project, and the CoC ranks the new transition grant project on the New Project Listing in the FY 2023 CoC Priority Listing.
- If HUD determines a new project submitted as a transition grant does not qualify but meets all other new project requirements, HUD may award the project as a new non-transition grant project. If this occurs, HUD will not allow the recipient to expend any FY 2023 funds until the local HUD field office executes the new project grant agreement.
- YHDP Renewal and YHDP Replacement grants are not eligible to use the transition grant process.

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

**(32) YHDP Replacement Project.** The Consolidated Appropriations Act, 2023, permits the replacement of renewing YHDP projects under the CoC Program; therefore, renewing YHDP projects may be replaced with new YHDP projects that may wholly or in part include activities ineligible under the CoC Program if the replacement project demonstrates it will directly serve youth aged 24 and under experiencing homelessness. CoCs may replace a renewing YHDP project to create one or more YHDP Replacement projects. YHDP Renewal project applicants may submit renewal applications [see section I.B.3.n] for minor changes to a project, including adding or modifying Special YHDP Activities under III.B.4.b.(6), but larger changes to a project will require applying for a replacement project.

**c. FY 2023 CoC Program Competition NOFO Requirements.** CoCs and applicants should read this NOFO in its entirety in conjunction with the Rule to ensure a comprehensive understanding of and compliance with all CoC Program requirements. This NOFO frequently references citations from the Rule.

**(1)** CoCs should consider the policy priorities established in this NOFO in conjunction with local priorities to determine the ranking of new and renewal project application requests. See

section I.A.4 of this NOFO for more information on HUD's homelessness policy priorities and program highlights.

**(2)** HUD will conduct threshold reviews of project applicants, subrecipients, and project applications for all CoC Consolidated Applications submitted by the application submission deadline as described in section V.C.

**(3)** HUD may issue more than one conditional funding announcement, including for instances where a CoC has been affected by a disaster and for which HUD has extended the deadline for application submission.

**(4)** HUD will score the FY 2023 CoC Application portion of the Consolidated Application in accordance with the criteria set forth in section V.B of this NOFO.

**(5)** CoC Planning and UFA Costs project applications are not ranked and will be selected, provided they pass project eligibility and project quality threshold review.

**(6)** Project applications for YHDP Renewal and YHDP Replacement projects that HUD initially funded in FY 2017 (Round 2) or later are not ranked and HUD will select them for funding if they pass project eligibility and project quality threshold review, and for YHDP Renewals, project renewal threshold; as explained in section III.C.5.d. of this NOFO. HUD will not reject Round 2 or later YHDP Replacement project applications during quality threshold review; however, HUD may require YHDP Replacement recipients to correct or revise information submitted after the final FY 2023 CoC Program Competition award announcement.

**(7)** CoCs must rank project applications for YHDP Renewal and YHDP Replacement projects that HUD initially funded in FY 2016 (Round 1), and CoCs may reallocate these projects to create new CoC projects in accordance with section I.B.2.b.(24) and section III.B.3.e of this NOFO.

**(8)** HUD may select new DV Bonus project applications that pass project eligibility and project quality threshold with:

**(a)** DV Bonus funds based on the CoC Application score, how the CoC collaborates with victim service providers, the need for the project, and how the provider will involve survivors with lived expertise in the policy and program development [section I.B.3.1 of this NOFO]. HUD will remove DV Bonus project application selected with DV Bonus funds from the Tier 1 and Tier 2 ranking process; or

**(b)** CoC Bonus or reallocated funds as a new project where the project application retains its ranked position in Tier 1 or Tier 2 and where HUD may select the project as outlined in sections I.B.3.j.(1) or (2) of this NOFO.

**(9)** HUD selects the following project applications that pass project eligibility, project quality threshold, and if applicable, project renewal threshold, using the Tier 1 and Tier 2 ranking process in sections I.B.3.j.(1) and (2) of this NOFO:

**(a)** New project applications created through reallocation or CoC Bonus; Round 1 YHDP Renewal and YHDP Replacement project applications; and CoC renewal project applications will be selected based on ranked position in Tier 1 [section I.B.3.j.(1) of this NOFO]; and

(b) New project applications created through reallocation or CoC Bonus; Round 1 YHDP Renewal and YHDP Replacement project applications; and CoC renewal project applications in Tier 2 will be selected based on the CoC Application score and the project application score outlined in section I.B.3.j.(2) of this NOFO.

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

**e. CoC Geographic Area.** 24 CFR 578.5 requires representatives from relevant organizations within a geographic area to establish a CoC to carry out the duties within the geographic area. The boundaries of identified CoC geographic areas cannot overlap, and any overlapping geographies are considered Competing CoCs. HUD follows the process at 24 CFR 578.35(d) to determine which CoC HUD will fund in the case of CoC geographic areas that overlap. For the FY 2023 CoC Program Competition, there are no Competing CoCs.

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

**g. Centralized or Coordinated Assessment System.** In general, 24 CFR 578.23(c)(9) and (11) requires all CoC program recipients and subrecipients to use the centralized or coordinated assessment system established by CoCs. The definition of Centralized or Coordinated Assessment is found at 24 CFR 578.3. 24 CFR 578.7(a)(8) details the responsibilities of the CoC to establish and operate this required system. In addition to the definition and responsibilities established in the Rule, HUD posted on its website, [CPD-17-01: Notice Establishing Additional Requirements for a Continuum of Care Centralized or Coordinated Assessment System](#), establishing additional requirements related to the development and use of a centralized or coordinated entry assessment system. These systems help communities assess the needs of program participants and effectively match individuals and families experiencing homelessness with the most appropriate resources available to address their supportive service and housing needs. CoCs may use planning costs to design and plan for the implementation of a centralized or coordinated assessment system; however, once the system is established and operating, the costs of operating it are not eligible planning costs. CoCs must operate the system with CoC Program funds, other funds, or a combination of the two. Section 578.23(c)(9) of the CoC Program Rule exempts, a victim service providers from using the CoC's coordinated entry process if victim service providers use a coordinated entry process that otherwise meets HUD's requirements.

**h. CoC Program Components.** 24 CFR 578.37 states CoC funds may be used to create and operate projects under five program components: PH (including PSH and RRH); TH; SSO; HMIS; and in some cases, homelessness prevention. Only designated HPCs may carry out homelessness prevention activities through the CoC Program. Although CoCs were able to apply for HPC designation during the FY 2023 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 2023 CoC Program Competition are:

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

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

**i. Collaborative Applicant.** HUD will only review CoC Consolidated Applications submitted by the CoC-designated Collaborative Applicant. The Collaborative Applicant is required to compile all parts of the CoC Consolidated Application, including the FY 2023 CoC Application, the FY 2023 CoC Priority Listing, and all project applications requesting FY 2023 funds the CoC has ranked for funding within the geographic area (24 CFR 578.9(a)(3)). Additionally, the Collaborative Applicant is the only entity eligible to apply to HUD for CoC Planning costs and if designated as a UFA by HUD, for UFA Costs (24 CFR 578.3).

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

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

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

(b) Funds awarded for rental assistance for renewal projects that request less than FMR, 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. If the FMR for a specific area decreased from the previous year, the award will not exceed the FMR after adjustment. If the FMR for the project applicant's entire area decreased from the previous year, the project will be awarded the lesser amount of the per-unit amount requested by the project applicant, based on the actual rent costs per unit, or the FMR after adjustment.

(2) HUD will increase funds awarded for operating and leasing in PH projects 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) HUD will not decrease leasing and operating BLIs if FMRs decrease in the geographic area. The operating and leasing BLIs in these projects will remain the same as in the most recent grant agreement or grant agreement amendment.

### 3. CoC Program Provisions

The following list highlights important information that applicants should consider as they are preparing the FY 2023 CoC Application and project applications(s). This is not an exhaustive list of considerations or requirements; therefore, all applicants should carefully review the Rule for comprehensive information.

**a. Performance-Based Decisions.** Consistent with the requirements of the Consolidated Appropriations Act, 2023:



(1) Requests for new CoC project applications are not allowed, unless the CoC evaluates and competitively ranks projects based on how they improve system performance as outlined in section V.B.2.b of this NOFO; and

(2) HUD will prioritize funding for CoCs that have demonstrated the capacity to reallocate funding from lower to higher performing projects.

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

(1) create a CoC;

(2) be a Collaborative Applicant;

(3) be an eligible project applicant; or

(4) receive grant amounts from another entity that receives a grant directly from HUD (i.e. be a CoC grant subrecipient).

However, under 42 U.S.C. 11383(g) only States, Units of General Local Government, nonprofit organizations, and Public Housing Agencies may administer permanent housing rental assistance.

**c. Transition Grants.** See section I.B.2.b.(30) of this NOFO for a definition of the transition grant and process.

**d. Coordination with Housing and Healthcare.** The Consolidated Appropriations Act, 2023 directs HUD to provide incentives to create projects that coordinate with housing providers and healthcare organizations to provide permanent supportive housing and rapid rehousing services. In the FY 2023 CoC Program Competition, CoCs may receive up to 14 points on the CoC Application if the FY 2023 CoC Priority Listing includes new project applications created through reallocation or the CoC Bonus that utilizes housing vouchers and healthcare provided through an array of healthcare services providers. See section V.B.6 of this NOFO for additional details.

**e. Consolidation Project.** Project applicants can consolidate two but no more than ten eligible renewal projects during the application process. The projects being combined during a grant consolidation will continue uninterrupted. To be eligible for consolidation, the projects must have the same recipient (as evidenced by recipient's Unique Entity Identifier) and be for the same component; and will only be funded in this Competition with FY 2023 funds (meaning no funds recaptured from prior years will be awarded to the project). See section III.B.4.b.(8) of this NOFO for additional information.

**f. Youth Homeless Demonstration Program (YHDP).** Consistent with the requirements of the Consolidated Appropriations Act, 2023, funding for the CoC Program may be used to competitively or non-competitively renew or replace grants for YHDP projects. HUD will competitively renew or replace projects that were initially funded in the FY 2016 Youth Homelessness Demonstration Competition (Round 1). HUD will non-competitively renew or replace all other expiring YHDP grants (Round 2 or later); however, these project applications will be reviewed for compliance with project eligibility, project quality, and if applicable, project

renewal thresholds. See sections I.B.3.k, I.B.3.m, and III.B.4.b.(5) and (6) of this NOFO for additional information.

While YHDP projects can use the replacement process to consolidate projects as outlined in section III.B.4.b.(8) of this NOFO, these projects cannot consolidate with non-YHDP projects. YHDP projects cannot use the expansion process [section I.B.2.b.(10)]. Unified Funding Agencies (UFAs) are prohibited from moving funds out of or into YHDP-funded projects from any other non-YHDP funded project; except, UFAs may reallocate Round 1 YHDP projects to create new non-YHDP projects.

CoCs may reallocate Round 1 YHDP projects that HUD initially awarded in the FY 2016 Youth Homelessness Demonstration competition to create new CoC projects described in section III.B.4.b.(3) of this NOFO. However, YHDP Renewal and YHDP Replacement projects that were initially funded in FY 2017 (Round 2) or later, cannot use the reallocation process outlined in section I.B.2.b.(24) this NOFO.

All YHDP Renewal and replacement projects are subject to the following provisions of the Rule, as may be amended from time to time, except where they conflict with the NOFO requirements, with the special YHDP activities identified in section III.B.4.b.(6) of this NOFO, or the requirement that grant funds may only be used to serve homeless youth, age 24 and younger: 24 CFR 578.3, 578.15, 578.23(a), 578.25, 578.27, 578.29, 578.37, 578.43, 578.45, 578.47, 578.49, 578.51, 578.53, 578.55, 578.57, 578.59, 578.61, 578.63, 578.73(c), 578.75, 578.77, 578.79, 578.81, 578.83, 578.85, 578.87, 578.89, 578.89, 578.91, 578.93, 578.95, 578.97, 578.99, 578.103(a)(3) - (18) and (b) – (e), 578.105, 578.107 and 578.109. The requirements of 2 CFR 200.306, as may be amended from time to time, with the exception of 200.306(b)(5) apply. All YHDP Renewal and replacement projects must comply with 24 CFR 578.93, except that in 578.93(c)(2), recipients must provide such information to the jurisdiction in which the project is located. Federal fair housing and nondiscrimination requirements cannot be waived.

**g. Adjustments for Ineligible Projects.** If an ineligible renewal project is submitted in this Competition or used in the reallocation process; or an ineligible YHDP Renewal or YHDP Replacement project is submitted, HUD will remove the ineligible project when calculating the final ARD amount for the CoC. To be eligible for renewal, reallocation, or replacement in FY 2023, a project must have an expiration date in Calendar Year (CY) 2024 (between January 1, 2024, and December 31, 2024).

**h. Homeless Management Information System (HMIS).** 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 Emergency Solutions Grants (ESG) Program recipients must participate in the local HMIS; unless a recipient is a victim service provider or legal service provider, in which case these recipients must use a comparable database and provide de-identified information to the CoC. For many communities, the inclusion of ESG recipients and subrecipients and other HUD federal partners (e.g., the Department of Health and Human Services and Department of Veterans Affairs) that require their programs to use the CoC's HMIS, results in an increase in users that the HMIS must be able to accommodate. HUD expects communities to be able to use the HMIS information as well as aggregate data from comparable

databases to review performance for the entire CoC geographic area, not just at the project level. The HMIS Lead should continue to consider any unique needs that the HMIS might be required to address to accommodate emergency shelter, street outreach, homelessness prevention, and other federal programs.

**i. Review of CoC Rankings.** CoCs must rank all renewal project applications; new project applications created through reallocation, CoC Bonus, DV Bonus, and Round 1 YHDP Renewal and Round 1 YHDP Replacement (grants originally funded in the FY 2016 YHDP Competition) project applications submitted by project applicants in e-snaps. CoCs must not rank the following project applications: YHDP Renewal or replacement projects originally awarded through the FY 2017 YHDP Competition (Round 2) or later, CoC Planning, and UFA Costs (if applicable) projects.

**j. HUD Funding Process.** HUD will continue the Tier 1 and Tier 2 funding selection process. CoCs and applicants should ensure there is a thorough understanding of the information provided in this NOFO. HUD will establish each CoC's Tier 1 and Tier 2 amounts based on the total amount of funds requested by the following eligible project applications included in the CoC Priority Listing: Round 1 YHDP Renewal project applications on the YHDP Renewal Project Listing, applications for Round 1 YHDP projects being replaced that are included on the YHDP Replacement Project listing, renewal project applications on the Renewal Project Listing, and the eligible renewal project amount(s) that were reallocated as listed on the reallocation forms. HUD will post a report that lists the available amounts for each CoC's Preliminary Pro Rata Need (PPRN), estimated ARD, Tier 1, CoC Planning, estimated CoC Bonus amounts, and estimated DV Bonus amounts on HUD's website. The [Grant Inventory Worksheets \(GIWs\)](#) are also posted on HUD's website. The selection process described in this section of the NOFO will also be used for CoC Collaborative Applicants designated as UFAs. Section V of this NOFO provides additional information regarding project selection.

Note that Tier 1 and Tier 2 selection processes take place after the initial DV Bonus selection process has occurred. For more on the initial DV Bonus selection process, see [I.B.3.1].

**(1) Tier 1.** Tier 1 is equal to 93 percent of the CoC's Annual Renewal Demand (ARD) as described in section I.B.2.b.(1) of this NOFO minus the Annual Renewal Amounts (ARAs) of YHDP Renewal and YHDP Replacement projects that were initially awarded through the FY 2017 YHDP Competition (Round 2) or later. HUD will conditionally select project applications in Tier 1 from the highest scoring CoC application to the lowest scoring CoC application and according to the rank assigned by the CoC on the FY 2023 CoC Priority listing, provided the project applications pass both project eligibility and project quality threshold review, and if applicable, project renewal threshold.

Project applications for new (including CoC Bonus and DV Bonus), renewal, Round 1 YHDP Renewal and Round 1 YHDP Replacement projects can be placed in Tier 1. YHDP Renewal or YHDP Replacement projects that were initially funded in FY 2017 (Round 2) or later, CoC Planning, and if applicable, UFA Costs projects are not competitively ranked, and therefore must be excluded from CoC ranking. If a DV Bonus project ranked in Tier 1 is selected with DV Bonus funds, HUD will remove the project from the FY 2023 Priority Listing and move the projects below it up one rank position. However, if HUD has not selected a new DV Bonus project in the initial DV Bonus selection, the project will retain its ranked position [see section I.B.3.1 of this NOFO]. In the event insufficient funding is

available to award all Tier 1 projects, Tier 1 will be reduced proportionately, which could result in some Tier 1 projects falling into Tier 2. Therefore, CoCs should carefully determine the priority and ranking for all project applications in Tier 1 as well as Tier 2, which is described below.

**(2) Tier 2.** Tier 2 is the difference between Tier 1 and the maximum amount of renewal, reallocation, Round 1 YHDP Renewal, Round 1 YHDP Replacement and CoC Bonus funds that a CoC can apply for but does not include YHDP Renewal or YHDP Replacement projects initially awarded funding in the FY 2017 YHDP Competition (Round 2) or later, CoC Planning projects, and if applicable, UFA Costs projects or projects selected with DV Bonus funds. If HUD selected a DV Bonus project during the initial DV Bonus selection, HUD will remove that project from the FY 2023 Priority Listing and move the projects below it up one rank position. See section I.B.3.i of this NOFO. HUD will assess project applications placed in Tier 2 for project eligibility and project quality threshold requirements and project renewal threshold requirements, if applicable; and HUD will determine funding using the CoC Application score as well as the factors listed in section I.B.3.j of this NOFO.

HUD will award a point value to each new, renewal, YHDP Renewal and YHDP Replacement project application that is in Tier 2 using a 100-point scale, and conditionally select applications in Tier 2 using this point value from the highest scoring project application to the lowest:

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

**(b) CoC Project Ranking.** Up to 40 points for the CoC's ranking of the project application(s). To consider the CoCs ranking of projects, HUD will assign point values directly related to the CoCs' ranking of project applications. The calculation of point values will be 40 times the quantity  $(1-x)$  where  $x$  is the ratio of the cumulative funding requests for all projects or portions of projects ranked higher by the CoC in Tier 2 plus one half of the funding of the project of interest to the total amount of funding available in Tier 2 for the CoC. 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 based on the project application's commitment to follow a Housing First approach as defined in section I.B.2.b.(15) of this NOFO. Dedicated HMIS projects and supportive service only for centralized or coordinated assessment system (SSO-CE) projects will automatically receive 10 points.

**(3) Projects Straddling Tiers.** If a project application straddles the Tier 1 and Tier 2 funding line, HUD will conditionally select the project up to the amount of funding that falls within Tier 1. Using the CoC score, and other factors described in section I.B.3.j of this NOFO, HUD may fund the Tier 2 portion of the project. If HUD does not fund the Tier 2 portion of the project, HUD may award the project at the reduced amount based on the amount of funding that falls within Tier 1, provided the project is still feasible with the reduced funding (e.g., is able to continue serving homeless program participants effectively).

**k. Renewal and Replacement YHDP, CoC Planning, and UFA Costs Projects.** Because CoC Planning projects, UFA Costs projects and YHDP Renewal and YHDP Replacement projects initially funded in the FY 2017 YHDP Competition (Round 2) or later are not ranked, HUD will not include these project applications in the Tier 1 or Tier 2 calculations. CoCs may only submit one project application for CoC Planning costs and, if applicable, one project application for UFA Costs. The Collaborative Applicant listed on the CoC Applicant Profile in e-snaps is the only eligible applicant that may apply for CoC Planning and UFA Costs projects.

**l. Domestic Violence, Dating Violence, Sexual Assault, and Stalking Bonus (DV Bonus).** The Consolidated Appropriations Act, 2023 provides not less than \$52 million for “new rapid rehousing projects and supportive service projects providing coordinated entry, and for eligible activities that the Secretary determines to be critical in order to assist survivors of domestic violence, dating violence, sexual assault, or stalking.” See section I.B.2.b.(8) of this NOFO for additional information.

For new projects the CoC indicates it would like considered as part of the DV Bonus, HUD will award a point value to each project application using the following 100-point scale, including points based on CoC Application score and responses to the domestic violence bonus specific questions in the CoC Application [see (1), (2) and (3) below]:

**(1) Rapid Rehousing (PH-RRH) and Joint Transitional Housing and Permanent Housing-Rapid Rehousing (Joint TH/PH-RRH) component projects:**

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

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

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

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

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

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

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

**(3) SSO-CE to implement policies, procedures, and practices that equip the CoC’s coordinated entry to better meet the needs of people experiencing homelessness who are**

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

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

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

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

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

Each CoC may only submit one SSO-CE project; however, there is no limit on the number of PH-RRH and Joint TH/PH-RRH projects CoCs may submit, provided that each application is for at least \$50,000. A project applicant may also apply to expand an existing renewal project, including one that was previously awarded with DV Bonus funding, in accordance with section I.B.2.b.(8) of this NOFO; however, only the new project application for the expansion will be considered for DV Bonus funds through this process. DV Bonus funding may be used to expand an existing renewal project that is not dedicated to serving survivors of domestic violence, dating violence, sexual assault, or stalking who meet the definition of homeless in paragraph (4) of 24 CFR 578.3 or section 103(b) of the McKinney-Vento Homeless Assistance Act [see section III.B.4.a.(3)], so long as the DV Bonus funds for expansion are solely for additional units, beds, or services dedicated to persons eligible to be served with DV Bonus funding.

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

In the initial DV Bonus selection process, HUD will conditionally select approximately \$45,000,000 in new DV Bonus eligible projects. As HUD continues to make selections through Tiers 1 and 2, HUD will apply additional DV Bonus funds to selected projects. If in total HUD would conditionally select less than \$52,000,000 for projects that applied for the DV Bonus either through the DV Bonus selection process or the HUD funding process

described in section I.B.3.j.(2), then HUD will select additional projects through the DV Bonus selection process until the combined amount conditionally selected through the DV Bonus selection process and the HUD funding process is at least \$52,000,000. In all cases, new projects identified as DV Bonus will be funded from funds made available for “new rapid re-housing projects and supportive service projects providing coordinated entry, and for eligible activities that the Secretary determines to be critical in order to assist survivors of domestic violence, dating violence, sexual assault, or stalking[.]” HUD anticipates selecting no more than \$57,000,000 for DV Bonus projects, consistent with the relevant appropriations Acts. To be eligible to receive a new DV Bonus project, the CoC must demonstrate it ranks projects based on how they improve system performance as outlined in section V.B.2.b of this NOFO. Additionally, to be eligible to receive a DV Bonus project for PH-RRH or Joint TH/PH-RRH component, all projects funded through the DV Bonus must adopt a Housing First approach.

**m. Participant Eligibility.** Projects funded through this NOFO must have the following eligibility criteria for program participants. All references to paragraphs of the definition of homeless that are found throughout this NOFO refer to the paragraphs listed under the definition of "homeless" in 24 CFR 578.3 and include the definition of "homeless" under section 103(b) of the McKinney-Vento Homeless Assistance Act, even if section 103(b) is not explicitly referenced. All specific references to the definition of “homeless” under paragraph (4) of 24 CFR 578.3 that are found throughout this NOFO also include the definition of “homeless” under section 103(b) of the McKinney-Vento Homeless Assistance Act, even if section 103(b) is not explicitly referenced. All projects must participate in coordinated entry, and the selection of program participants must be consistent with the CoC's coordinated entry process. As provided by the Consolidated Appropriations Act, 2023, youth aged 24 and under must not be required to provide third-party documentation that they meet the homeless definition in 24 CFR 578.3 or section 103(b) of the McKinney-Vento Homeless Assistance Act as a condition for receiving services funded under this NOFO. Additionally, any youth-serving provider funded under this NOFO may serve unaccompanied youth aged 24 and under or families headed by youth aged 24 and under who are living in unsafe situations. HUD interprets “youth-serving provider” as a private nonprofit organization whose primary mission is to provide services to youth aged 24 and under and families headed by youth aged 24 and under. HUD interprets “living in unsafe situations” as having an unsafe primary nighttime residence and no safe alternative to that residence. These youth-related requirements supersede any conflicting requirements under this NOFO or the Rule.

**n. Renewal Projects.** Renewal project applications must be submitted by the same recipient that signed the executed grant agreement for the grant being renewed, or entity that became the recipient through a grant agreement transfer amendment. To be eligible as a renewal project, the application must (1) be for the same amount of funding before any adjustments described in this NOFO (e.g. FMR adjustments), or the amount reduced due to reallocation of a CoC or YHDP Round 1 project; (2) be for the same program component; (3) in the case of CoC renewal projects, must continue to serve program participants who are enrolled in the project under the project’s current grant agreement; and (4) in the case of DV Bonus renewal projects and YHDP Renewal projects, must continue to serve the same subpopulation.

(1) Subject to HUD approval and the terms of the NOFO, the following requests may be included in a renewal application:

**(a)** CoC renewal project applications may include requests to add eligible activities to a project, shift up to 10-percent of funds from one approved eligible activity to another, and change the subpopulation served.

**(b)** YHDP Renewal project applications from any round may include requests to add eligible activities to a project including Special YHDP Activities and shift up to 10 percent of funds from one approved eligible activity to another.

**(c)** DV Bonus renewal project applications may include requests to add eligible activities to a project and shift up to 10 percent of funds from one approved eligible activity to another.

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

Renewal applications that include requests to shift more than 10 percent of funds from one approved eligible activity to another will not be considered during the CoC Program Competition by HUD. If an application includes a budget shift that exceeds 10 percent, HUD will correct the project budget to reflect the previously awarded budget amounts.

**(2)** CoC renewal project applicants may also apply to transition an eligible renewal project from one program component to another eligible new component through reallocation and use those funds to create a single, new transition grant [see section I.B.2.b.(30) of this NOFO]. YHDP Renewal project applicants are not permitted to utilize the transition grant application process. YHDP applicants must submit a YHDP Replacement application to change program components.

**(3) Renewal Project Participant Eligibility Criteria.**

**(a)** Permanent Housing-Permanent Supportive Housing (PH-PSH) renewal projects must serve the following:

- (i)** the same population of individuals or families as indicated in the expiring grant application;
- (ii)** persons eligible to be served by DedicatedPLUS projects as described in section I.B.2.b.(7) of this NOFO where all units funded by this project must be used to serve program participants who meet the qualifications for DedicatedPLUS; or
- (iii)** persons experiencing chronic homelessness at the time they initially enrolled in the project.

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



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

(d) YHDP Renewal projects must serve youth aged 24 or younger, including unaccompanied and pregnant or parenting youth who:

- (i) qualify as homeless under paragraphs (1), (2), or (4) of the homeless definition in 24 CFR 578.3 or Section 103(b) of the McKinney-Vento Homeless Assistance Act;
- (ii) have an unsafe primary nighttime residence and no safe alternative to that residence; or
- (iii) qualify as homeless under paragraph (3) of 24 CFR 578.3 if the CoC is approved to serve persons in paragraph (3).

**o. New Projects.** See section III.B.3.e for more information on New Project applications.

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

- (a) persons eligible to be served by DedicatedPLUS projects as described in section I.B.2.b.(7) of this NOFO in which case all units funded by the project must be used to serve program participants who meet the qualifications for DedicatedPLUS; or
- (b) persons who are experiencing chronic homelessness [see 24 CFR 578.3 definition of Chronically Homeless] at the time they initially enroll in the project.

(2) New PH-RRH, Joint TH/PH-RRH, and SSO-CE projects must serve persons who qualify as homeless under paragraphs (1), (2), or (4) of 24 CFR 578.3, Section 103(b) of the McKinney-Vento Homeless Assistance Act, or persons who qualify as homeless under paragraph (3) of 24 CFR 578.3 if the CoC is approved to serve persons in paragraph (3).

(3) New DV Bonus projects (RRH, Joint TH/PH-RRH, and SSO-CE) must serve survivors of domestic violence, dating violence, sexual assault, or stalking who qualify as homeless under paragraph (1) or (4) of 24 CFR 578.3 or Section 103(b) of the McKinney-Vento Homeless Assistance Act. Additionally, these projects may serve survivors of domestic violence, dating violence, sexual assault, and stalking who qualify as homeless under paragraph (3) of 24 CFR 578.3 if the CoC is approved to serve persons in paragraph (3).

**p. YHDP Replacement Projects.** YHDP Replacement projects [section III.B.4.b.(5)] must serve youth aged 24 or younger, including unaccompanied and pregnant or parenting youth who:

- (1) qualify as homeless under paragraphs (1), (2), or (4) of the homeless definition in 24 CFR 578.3 or Section 103(b) of the McKinney-Vento Homeless Assistance Act;
- (2) have an unsafe primary nighttime residence and no safe alternative to that residence; or
- (3) qualify as homeless under paragraph (3) of 24 CFR 578.3 if the CoC is approved to serve persons in paragraph (3).

## II. AWARD INFORMATION

### A. Available Funds

Funding of approximately \$3,134,000,000 is available through this NOFO.

Additional funds may become available for award under this NOFO. Use of these funds is subject to statutory constraints. All awards are subject to the funding restrictions contained in this NOFO.

Funding includes approximately \$147,000,000, available for the competitive renewal and replacement of expiring Round 1 YHDP Grants and the non-competitive renewal and replacement of expiring grants YHDP grants initially funded in FY 2017 (Round 2) or later, and at least \$52,000,000 available for Domestic Violence, Dating Violence, Sexual Assault, and Stalking Bonus (DV Bonus) projects, described in sections I.B.3.1 and I.B.2.b.(8) of this NOFO. HUD may add to the total amount with available funds that have been carried over or recaptured from previous fiscal years. All requirements in the FY 2023 application process, including requirements for the entire CoC Consolidated Application and the total amount of funds available, are included in this NOFO.

HUD requires Collaborative Applicants to rank all new reallocation, CoC Bonus, DV Bonus, CoC renewal, Round 1 YHDP Renewal and Round 1 YHDP replacement projects in two tiers. Round 2 or later YHDP Renewal, Round 2 or later YHDP Replacement, CoC Planning, and if applicable, UFA Costs projects must not be ranked. Tier 1 is equal to 93 percent of the combined ARD amounts as described in section I.B.2.b.(1) of this NOFO. Tier 2 is the difference between Tier 1 and the maximum amount of CoC renewal, Round 1 YHDP Renewal, Round 1 YHDP Replacement, reallocation, and CoC bonus funds that a CoC can apply for; but does not include Round 2 or later YHDP Renewal, Round 2 or later YHDP Replacement, CoC Planning, and if applicable, UFA Costs projects, or projects selected with DV Bonus funds. CoC Planning and UFA Cost projects will be reviewed separately from these tiers. YHDP Renewal and YHDP Replacement projects that HUD initially funded in FY 2017 (Round 2) or later are being non-competitively awarded separately from the tiers. The \$52,000,000 in available DV Bonus funding is also being awarded separately from the tiers as described in section I.B.3.1 for new projects (including the new projects that are part of an expansion) that CoCs indicate they would like considered for the available DV Bonus funding.

### **III. ELIGIBILITY INFORMATION**

#### **A. Eligible Applicants**

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

#### **2. Faith-based organizations**

a. Faith-based organizations may apply for this award on the same basis as any other organization, as set forth at 24 CFR 5.109, and subject to the protections and requirements of 42 U.S.C. 2000bb et seq., HUD will not, in the selection of recipients, discriminate against an organization based on the organization's religious character, affiliation, or exercise.

b. A faith-based organization that participates in this program will retain its independence and may continue to carry out its mission consistent with religious freedom and conscience protections in Federal law, including the Free Speech and Free Exercise Clauses of the Constitution, 42 U.S.C. 2000bb et seq., 42 U.S.C. 238n, 42 U.S.C. 18113, 42 U.S.C. 2000e-1(a) and 2000e-2(e), 42 U.S.C. 12113(d), and the Weldon Amendment, among others. Religious accommodations may also be sought under many of these religious freedom and conscience

protection laws, particularly under the Religious Freedom Restoration Act.

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

### **3. Indian Tribes and Tribally Designated Housing Entities (TDHE)**

The Consolidated Appropriations Act, 2021 (Public Law 116-260, approved December 27, 2020) amended title IV to add section 435 of the Act to allow Indian Tribes and Tribally Designated Housing Entities (TDHE) to be Collaborative Applicants, eligible entities, or subrecipients of the CoC Program in addition to amending title IV section 401 to add the terms “Formula Area” and “Indian Tribe.” These amendments mean that not only may Tribes and TDHEs apply for grants through other CoCs, but that formula areas, as that term is defined in the Indian Housing Block Grant program at 24 CFR 1000.302, are eligible to be added to the geographic areas of existing CoCs or may be included in newly formed CoCs through the CoC registration process (see Notice CPD-22-02).

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

### **4. Collaborative Applicants**

Only CoCs with a valid *e-snaps* registration for the FY 2023 CoC Program Competition will have access to the FY 2023 CoC Consolidated Application in *e-snaps*, which includes the CoC Application, FY 2023 CoC Priority Listing, and the project application(s). CoCs should not attempt to change Collaborative Applicants during the FY 2023 CoC Program Competition without prior HUD approval unless HUD replaces the CoC's designated Collaborative Applicant under the authority of Section 402(c) of the Act. HUD will approve Collaborative Applicant changes outside the annual CoC Program Registration process under the following circumstances:

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

In cases where the CoC changes its designated Collaborative Applicant during the FY 2023 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).

## **5. Eligible Project Applicants (McKinney-Vento Act, 24 CFR 578.15, 24 CFR 5.100)**

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

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

Applicants must comply with these rules to apply.

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

The following requirements affect applicant eligibility. Detailed information on each requirement is found in the "Eligibility Requirements for Applicants of HUD's Competitive Programs" document on [HUD's Funding Opportunities page](#).

- Universal Identifier and System for Award Management (SAM.gov) Requirements
- Outstanding Delinquent Federal Debts
- Debarments or Suspensions, or both
- Mandatory Disclosure Requirement
- Pre-selection Review of Performance
- Sufficiency of Financial Management System
- False Statements
- Failure to conducting Business in Accordance with Ethical Standards/Code of Conduct
- Prohibition Against Lobbying Activities

In addition, each applicant under this NOFO must have the necessary processes and systems in place to comply with the Award Term in Appendix A of [24 CFR part 170](#) if the applicant receives an award, unless an exception applies as provided in [2 CFR170.110](#).

### **2. Resolution of Civil Rights Matters**

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

a. An applicant is ineligible for funding if the applicant has any of the charges, cause determinations, lawsuits, or letters of findings referenced in subparagraphs (1) – (5) that are not resolved to HUD's satisfaction before or on the application deadline date for this NOFO.

(1) Charges from HUD concerning a systemic violation of the Fair Housing Act or receipt of a cause determination from a substantially equivalent state or local fair housing agency concerning a systemic violation of a substantially equivalent state or local fair housing law proscribing

discrimination because of race, color, religion, sex (including sexual orientation and gender identity), national origin, disability or familial status;

(2) Status as a defendant in a Fair Housing Act lawsuit filed by the United States alleging a pattern or practice of discrimination or denial of rights to a group of persons raising an issue of general public importance under 42 U.S.C. 3614(a);

(3) Status as a defendant in any other lawsuit filed or joined by the Department of Justice, or in which the Department of Justice has intervened, or filed an amicus brief or statement of interest, alleging a pattern or practice or systemic violation of Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Section 109 of the Housing and Community Development Act of 1974, the Americans with Disabilities Act, Violence Against Women Act, or a claim under the False Claims Act related to fair housing, non-discrimination, or civil rights generally including an alleged failure to affirmatively further fair housing;

(4) Receipt of a letter of findings identifying systemic non-compliance with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Section 109 of the Housing and Community Development Act of 1974; Violence Against Women Act; or the Americans with Disabilities Act; or

(5) Receipt of a cause determination from a substantially equivalent state or local fair housing agency concerning a systemic violation of provisions of a state or local law prohibiting discrimination in housing based on sexual orientation, gender identity, or lawful source of income.

b. HUD will determine if actions to resolve the charge, cause determination, lawsuit, or letter of findings taken before the application deadline date will resolve the matter. Examples of actions that may be sufficient to resolve the matter include, but are not limited to:

(1) Current compliance with a voluntary compliance agreement signed by all the parties;

(2) Current compliance with a HUD-approved conciliation agreement signed by all the parties;

(3) Current compliance with a conciliation agreement signed by all the parties and approved by the state governmental or local administrative agency with jurisdiction over the matter;

(4) Current compliance with a consent order or consent decree;

(5) Current compliance with a final judicial ruling or administrative ruling or decision; or

(6) Dismissal of charges.

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

a. **Advancing Racial Equity.** In accordance with Executive Order [13985](#), *Executive Order On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, and federal fair housing and civil rights laws, HUD is emphasizing rating factors regarding CoC evaluation of racial disparities as well as system and program changes to address racial equity within CoCs. Responses to preventing and ending homelessness should address racial inequities to ensure successful outcomes for all persons experiencing homelessness using proven approaches, such as: developing a coordinated community response created in partnership with a racially diverse set of stakeholders and people experiencing homelessness and partnering with organizations with experience serving underserved populations. CoCs should

review local policies, procedures, and processes with attention to identifying barriers that result in racial disparities, and taking steps to eliminate barriers to improve racial equity and to address disparities. Note that any actions taken in furtherance of this section must be consistent with federal nondiscrimination requirements.

All applicants must address the four bullets outlined in Rating Factor V.B.1.q. Advancing Racial Equity in Homelessness.

**b. Participative Planning and Implementation.** Applicants must identify the steps they will take to ensure that traditionally underserved populations (such as Black, Latino, and Indigenous and Native American persons; Asian American persons, Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons who live in rural areas, persons with disabilities, and others adversely affected by persistent poverty or inequality) will be able to meaningfully participate in the planning process. The applicant must identify the specific populations that it will include, identify community organizations that represent these populations, and describe how these populations will be included in the planning process. For capital investment projects, recipients should commit to and demonstrate plans to employ low- and very low-income persons and/or use Section 3 businesses at levels beyond those required by Section 3.

In accordance with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794) and HUD's implementing regulations at 24 CFR Part 8, and Title II of the Americans with Disabilities Act (42 U.S.C. §§ 12131-12134) and the implementing regulation at 28 CFR Part 35, the programs services, and activities funded through this NOFO must be accessible to and usable by persons with disabilities. Applicants and recipients must ensure meetings are held in facilities that are physically accessible to persons with disabilities and ensure effective communication for individuals with disabilities. Auxiliary aids or services and reasonable accommodations must be provided, when necessary, to ensure equal participation by individuals with disabilities.

In addition, applicants and recipients must take reasonable steps to ensure meaningful language access for persons with limited English proficiency (LEP) pursuant to Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d and Executive Order 13166. For assistance in ensuring meaningful access for individuals with limited English proficiency, recipients and subrecipients should consult HUD's Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons (HUD's LEP Guidance) published in the Federal Register on January 22, 2007 (72 Fed. Reg. 2732).

**c. Renewal Project Requirements.** Awards HUD made under the CoC Program and YHDP are eligible for renewal with FY 2023 CoC Program funds if they are currently in operation and expire in CY 2024 (the period from January 1, 2024 through December 31, 2024). Projects renewed under the FY 2022 CoC Program Competition NOFO are renewable as set forth in 24 CFR 578.33 to continue ongoing leasing, operating, supportive services, rental assistance, HMIS, and project administrative costs. YHDP is being administered under the Consolidated Appropriations Act, 2023 which permits YHDP projects to be renewed or replaced competitively or non-competitively through the CoC Program. Except as otherwise provided in section I.B.3.f of this NOFO, HUD will govern all YHDP projects and awards by the requirements of the Rule. Project applications for grants previously awarded 1 year of funding that are renewing in the FY 2023 CoC Program competition must establish a Period of Performance (PoP) start date no later

than January 1, 2024 to be eligible for FY 2023 renewal funding. If a conditionally selected FY 2023 or earlier renewal grant does not have an expiration date in CY 2024, HUD will withdraw any funds conditionally awarded for FY 2023.

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

(2) The total request for each renewing project, including both non-competitive and competitive YHDP Renewal and YHDP Replacement projects, is limited to a project's ARA. Additionally, where two or more eligible projects are being consolidated through the project application, the total ARA of the consolidation project must be equal to or less than the sum of the original renewal projects before consolidation. Because funds for acquisition, new construction, and rehabilitation are not renewable, grants being renewed whose original expiring award included acquisition, new construction, and rehabilitation funds may only renew leasing, supportive services, rental assistance, operating, and HMIS costs and must not exceed 10 percent in administrative costs.

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

(4) HUD encourages the consolidation of eligible renewal grants as provided in section I.B.3.e of this NOFO. This does not apply to CoCs that HUD designates as UFAs, because UFAs enter into a single renewal grant agreement with HUD for the CoC's entire geographic area. If applicable, HUD issues a separate UFA grant agreement that only includes YHDP grants.

**d. Renewal and Replacement Grant Terms.** CoC Program renewal, YHDP Renewal, and YHDP Replacement project applications are limited to a 1-year grant term and 1 year of funding. HUD may extend the grant term consistent with 2 CFR 200.308 and 2 CFR 200.309.

Any renewal PH project that receives project-based rental assistance or operating costs may request up to a 15-year grant term; however, project applicants may only request 1 year of funding. HUD may extend the grant term consistent with 2 CFR 200.308 and 2 CFR 200.309. Project applicants must apply for the additional funds as a renewal project application prior to the anniversary of the first expenditure of grant funds by which date grant funds should have been expended; or, if HUD extends the date that funds must be expended, the date the extension expires. HUD does not guarantee CoC Program funds past the 1 year of renewal funding.

**e. New Projects.** CoCs may submit new projects created through reallocation, CoC Bonus, or a combination of reallocation and CoC Bonus, new DV Bonus projects, CoC Planning project, and if applicable, UFA Costs project.

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.

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

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

(3) Per the Consolidated Appropriations Act, 2023, to receive funding for a new project, except those created through reallocation, HUD must determine the CoC has demonstrated that projects are evaluated and ranked based on the degree to which they improve the CoC's system performance [See more information on System Performance in sections I.A.4.b.(4) and V.B.2.b of this NOFO].

**f. New Project Grant Terms.** The initial grant term for new project applications may be 1-year, 2-years, 3-years, 4-years, 5-years, or 15-years. HUD may extend the grant consistent with 2 CFR 200.308 and 2 CFR 200.309. However, the following exceptions apply:

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

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

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

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

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



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

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

(8) If an applicant requests funds for new construction, acquisition, or rehabilitation in addition to requesting funds for operating, supportive services, or HMIS, the funding will be for the 3-years to 5-years requested, and the grant term will be 3-years to 5-years plus the time necessary to acquire the property, complete construction, and begin operating the project. HUD will require recordation of a HUD-approved use and repayment covenant before funds can be drawn down (the form can be obtained from the local HUD CPD field office) for all grants of funds for new construction, acquisition, and rehabilitation. (24 CFR 578.81) HUD Field Office Counsel must approve the use and repayment covenants in advance of their being recorded, and proof of recording must be submitted to HUD Field Office Counsel before HUD will release grant funds, other than acquisition funds.

(9) All new CoC Planning or UFA Costs project applications are limited to 1-year grant terms and 1 year of funding, such grants are not renewable.

(a) The maximum amount available to spend on administrative costs associated with CoC planning activities listed at 24 CFR 578.39 is the greater of \$50,000 or 5 percent of FPRN, provided that the total grant amount for those activities does not exceed \$1,500,000.

(b) The maximum amount available to spend on administrative costs associated with UFA costs described at 42 USC 11360(g) is up to 3 percent of FPRN or \$1,250,000; whichever is less.

(10) Any new project that is requesting consideration under the DV Bonus [see sections I.B.3.1 and I.B.2.b.(8) of this NOFO] may only request 1 year of funding, but may request a longer initial grant term not to exceed 18 months regardless of project application type.

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

**g. YHDP Replacement Grant Terms.** All YHDP Replacement project applications are limited to a 1-year grant terms with 1 year of funding and the funding for these projects is based on the 1-year renewal amount of the current YHDP project being replaced. The YHDP Replacement project's operating start date will be the day after the end of the previous grant term for the project being replaced. HUD may extend the grant term consistent with 2 CFR 200.308 and 2 CFR 200.309. Additionally, YHDP Replacement projects cannot request capital costs (i.e., new construction, acquisition, or rehabilitation).

**h. Match. 24 CFR 578.73 provides the information regarding match requirements.** Project applicants that intend to use program income as a match must provide an estimate of how much

program income will be used for the match. HUD will not require YHDP Renewal or replacement projects to meet the 25 percent match requirement if the applicant is able to demonstrate it has taken reasonable steps to maximize resources available for youth experiencing homelessness.

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

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

**j. Affirmative Marketing.** CoCs must demonstrate in rating factor V.B.j that CoC street outreach procedures ensure that housing and services available within the CoC are affirmatively marketed broadly throughout the local area to any demographic groups that would be unlikely or least likely to apply absent such efforts. Such demographic groups may include, for example, Black and Brown persons or communities, individuals with limited English proficiency, individuals with disabilities, or families with children.

Such activities may include outreach through community contacts or service providers or at community centers serving the target population; and marketing on websites, social media channels, television, radio, and print media serving local members of the targeted group.

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

##### **a. Eligible Costs.**

(1) Except as otherwise stated below, 24 CFR 578.37 through 578.63 identify the eligible costs that applicants may request under the CoC Program.

(2) Eligible costs for YHDP projects originally funded under the YHDP Competition are eligible YHDP Renewal project costs under this NOFO. Additionally, YHDP Renewal projects may include the YHDP Special Activities described in section III.B.4.b.(6) of this NOFO. YHDP Replacement project applications under this NOFO may include requests for eligible CoC Program Costs and the YHDP Replacement activities described in section

III.B.4.b.(5) and the YHDP Special Activities in section III.B.4.b.(6) of this NOFO. HUD will reject any requests for ineligible costs, except as otherwise provided in this NOFO.

**(3)** Section 605(a)(2) of VAWA 2022 amends section 423(a) of the McKinney-Vento Homeless Assistance Act to add the following eligible activity to the CoC program: “Facilitating and coordinating activities to ensure compliance with the emergency transfer plan requirement in [34 U.S.C. 12491\(e\)](#) and monitoring compliance with the confidentiality protections in [34 U.S.C. 12491\(c\)\(4\)](#).”

HUD has determined that this new eligible activity category is not subject to the CoC program’s spending caps on administrative costs under section 423(a)(10), (11), and (12). This activity may be included in new project applications. It may also be added to eligible renewal projects through expansion or added to eligible renewal projects by shifting up to 10 percent of funds from one eligible activity to the VAWA costs line item.

**(a)** Examples of eligible costs for emergency transfer facilitation include the costs of assessing, coordinating, approving, denying and implementing a survivor’s emergency transfer which includes:

- (i)** Assistance with moving costs. Reasonable moving costs to move survivors for an emergency transfer.
- (ii)** Assistance with travel costs. Reasonable travel costs for survivors and their families to travel for an emergency transfer.
- (iii)** Security Deposits. Grant funds can be used to pay for security deposits of the safe units the survivor is transferring to via an emergency transfer.
- (iv)** Utilities. Grant funds can be used to pay for costs of establishing utility assistance in the safe unit the survivor is transferring to.
- (v)** Housing Fees. Fees associated with getting survivor into a safe unit via emergency transfer, includes but not limited to application fees, broker fees, holding fees, trash fees, pet fees where the person believes they need their pet to be safe, etc.
- (vi)** Case management. Grant funds can be used to pay staff time necessary to assess, coordinate and implement emergency transfers.
- (vii)** Housing navigation. Grant funds can be used to pay staff time necessary to identify safe units and facilitate moves into housing for survivors through emergency transfers.
- (viii)** Technology to make an available unit safe. Grant funds can be used to pay for technology that the individual believes is needed to make the unit safe, including but not limited to doorbell cameras, security systems, phone and internet service when necessary to support security systems for the unit, etc.

**(b)** Examples of eligible costs for monitoring compliance with the VAWA confidentiality requirements include the costs of ensuring compliance with the VAWA confidentiality requirements which includes:

- (i)** Monitoring and evaluating compliance with VAWA confidentiality requirements.
- (ii)** Developing and implementing strategies for corrective actions and remedies.
- (iii)** Program evaluation of confidentiality policies, practices and procedures.
- (iv)** Training on compliance with VAWA confidentiality requirements.
- (v)** Reporting to Collaborative Applicant, HUD and other interested parties on

compliance with VAWA confidentiality requirements

(vi) Costs for establishing methodology to protect survivor information.

(vii) Staff time associated with maintaining adherence to confidentiality requirements.

(4) Section 5707 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (PL 117-263, December 23, 2022, 136 Stat 2395) amends section 423(a) of the McKinney-Vento Homeless Assistance Act to allow projects in rural areas [as defined in section I.B.2.b.(26) of this NOFO] to use Continuum of Care Program funds to pay for the following eligible activities:

(a) Payment of short-term emergency lodging, including in motels or shelters, directly or through vouchers.

(b) Repairs to units in which homeless individuals and families will be housed; or are currently not fit for human habitation.

(c) Staff training, professional development, skill development, and staff retention activities.

HUD has determined that this new eligible Rural cost category may be included in new project applications or added to eligible renewal projects through expansion.

HUD will publish a list of CoCs located in rural areas as defined in section I.B.2.b.(26) of this NOFO.

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

(1) *CoC Planning projects.* All Collaborative Applicants are eligible and encouraged to apply for CoC Planning funds which they may use according to 24 CFR 578.39. CoC Planning project applications must be submitted by the CoC-designated Collaborative Applicant and the Collaborative Applicant organization must match the organization listed as the Collaborative Applicant in the CoC Applicant Profile in *e-snaps*. Collaborative Applicants must not rank Planning project applications in the FY 2023 CoC Program Competition. Planning projects will not affect a CoC's available amount for new and renewal project applications because it is not included in the CoC's ARD calculation.

(2) *UFA Costs projects.* Only those CoC-designated Collaborative Applicants approved for UFA designation by HUD are eligible to apply for UFA Costs project funds as described in 24 CFR 578.41. UFA Costs project application must be submitted by the CoC-designated Collaborative Applicant and the Collaborative Applicant organization must match the organization listed as the Collaborative Applicant in the CoC Applicant Profile in *e-snaps*. Collaborative Applicants must not rank UFA Costs projects in the FY 2023 CoC Program Competition. UFA Costs projects will not affect a CoC's available amount for new and renewal project applications as it is not included in the CoC's ARD calculation.

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

(a) PH-PSH projects.

(b) PH-RRH projects.

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

(d) Dedicated HMIS project for the costs at 24 CFR 578.37(a)(4) that may only be carried out by the HMIS Lead, which is the recipient or subrecipient of an HMIS grant and is listed on the HMIS Lead form in the CoC Applicant Profile in *e-snaps*.

Additionally, if the CoC has organizations within its geographic area that are victim service providers, the HMIS Lead, or subrecipient, may request HMIS funds for a comparable database. Victim service providers may also request HMIS funds in their project application budgets to enter data into a comparable database.

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

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

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

A new project may only use reallocated funds from eligible renewal project(s) that have previously been renewed under the CoC Program, including Round 1 YHDP projects, and have a current grant agreement.

CoCs may reallocate renewing Round 1 YHDP projects to create new CoC projects, including projects with a youth focus. Projects created with reallocated Round 1 YHDP funds would no longer be classified as YHDP projects.

For new projects created through the CoC Bonus, HUD must determine the CoC has demonstrated that the projects are evaluated and ranked based on the degree to which they improve the CoC's system performance.

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

(a) PH-RRH projects dedicated to serving survivors of domestic violence, dating violence, sexual assault, or stalking that are defined as homeless (24 CFR 578.3);

(b) Joint TH/PH-RRH component projects defined in section I.B.2.b.(18) of this NOFO dedicated to serving survivors of domestic violence, dating violence, sexual assault, or stalking who are defined as homeless (24 CFR 578.3); or

(c) SSO-CE project to implement policies, procedures, and practices that equip the CoC's coordinated entry to better meet the needs of survivors of domestic violence, dating violence, sexual assault, or stalking.

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

For new projects created through DV Bonus, HUD must determine the CoC has demonstrated that projects are evaluated and ranked based on the degree to which they improve the CoC's system performance.

**(5) Replacement YHDP Project.**

**(a)** In general, CoCs may replace a renewing YHDP project to create one or more YHDP Replacement projects. YHDP Replacement project applications must be submitted by the same recipient of the YHDP Renewal grant(s) being replaced.

**(b)** If an eligible YHDP Renewal project applicant submits a YHDP Replacement project application instead of submitting a renewal project application, it must:

**(i)** include the grant number from the YHDP Renewal project(s) being replaced with the YHDP Replacement project application. The CoC's Collaborative Applicant is responsible for ensuring that only a renewal YHDP or replacement YHDP project application is submitted through the FY 2023 CoC Priority Listing. If the Collaborative Applicant submits both a renewal and replacement YHDP project application for the same project, HUD will only select the renewal YHDP project application;

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

**(iii)** show that the project is consistent with the CoC's most recent Coordinated Community Plan.

**(c)** If a renewing YHDP project applicant chooses to modify the current project in a way that does not meet the definition of renewal project found at I.B.4.n of this NOFO, it must submit a YHDP Replacement project application, which HUD will review to ensure the activities requested are eligible and do not exceed the ARA of the renewal project being replaced. HUD will not reject Round 2 or later YHDP projects being replaced unless a renewal YHDP project application is submitted for the same project being replaced. HUD may require replacement YHDP recipients to correct or revise information submitted after the final FY 2022 award announcement prior to executing the grant agreement.

**(d)** CoCs must rank Round 1 YHDP projects being replaced, and they are subject to the Tier 1 and Tier 2 ranking process in sections I.B.3.j.(1) and (2) of this NOFO.

**(e)** YHDP Replacement Project Activities. HUD will only fund YHDP Replacement projects as described below and in section III.B.4.a.(7) of this NOFO:

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

**(ii)** Joint TH/PH-RRH Component.

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

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

(v) SSO-CE.

(vi) SSO - Host Home and Kinship Care. A model in which a family agrees to permit a youth to reside with them. Recognizing that the addition of another person in the home may increase costs to the family, HUD will entertain applications that propose to house youth with families and to subsidize the additional costs attributable to housing the youth. The residence is in a community-based setting. The family could be related to the youth and the length of stay may be time-limited or without time limits. YHDP funds may be used to subsidize the increased costs to the family that are attributable to housing the youth. An example of eligible costs would be additional food or transportation costs, which are eligible supportive services under 24 CFR 578.53(e)(7) or 24 CFR 578.53(e)(15). Recipients must keep records related to this determination by the recipient for HUD review upon request.

(vii) HMIS.

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

**(6) Special YHDP Activities.** YHDP Renewal and YHDP Replacement projects may submit applications that include the following special YHDP activities in addition to activities eligible under the CoC program. The following activities, which are ineligible under the CoC Program, may also be included in a YHDP Renewal and YHDP Replacement project and award, subject to the conditions specified in this section:

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

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

**(ii)** Projects may use leasing, sponsor-based rental assistance, and project-based rental assistance in RRH projects.

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

**(iv)** Recipient may use project administrative funds to attend conferences and

trainings that are not HUD-sponsored or HUD-approved, provided that the subject matter is relevant to youth homelessness.

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

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

**(vii)** Recipients may provide moving expenses to a program participant more than once.

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

**(ix)** YHDP recipients may continue providing supportive services to program participants for up to 12 months after the program participant exits homelessness, transitional housing or after the end of housing assistance.

**(x)** Recipients may use grant funds for the following if they are necessary to assist program participants to obtain and maintain housing. Recipients and subrecipients must maintain records establishing how it was determined that paying the costs was necessary for the program participant to obtain and retain housing and must also conduct an annual assessment of the needs of the program participants and adjust costs accordingly:

**i.** Security deposits for units in an amount not to exceed 2 months of rent.

**ii.** The costs to pay for any damage to housing due to the action of program participants, which may be paid while the youth continues to reside in the unit. The total costs paid for damage per program participant may not exceed the cost of 2-months' rent.

**iii.** The costs of providing household cleaning supplies to clients.

**iv.** Housing start-up expenses for program participants, including furniture, pots and pans, linens, toiletries, and other household goods, not to exceed \$300 in value per program participant.

**v.** The one-time cost of purchasing a cellular phone and service for program participant use, provided access to a cellular phone is necessary to obtain or maintain housing and the costs of the phone and services are reasonable per 24 CFR 200.404.

**vi.** The cost of internet in program participants' units if the costs of the service is reasonable per 24 CFR 200.404.

**vii.** Payment of rental arrears consisting of a one-time payment for up to 6 months of rent in arrears, including any late fees on those arrears.

**viii.** Payment of utility arrears of up to 6 months per utility.

**ix.** Up to 3 months of utilities for a program participant, based on the utility costs schedule for the unit size and location.

**x.** In addition to transportation costs eligible in 24 CFR 578.53(e)(15), recipients



may pay gas and mileage costs for a program participant's personal vehicle for trips to and from medical care, employment, childcare, or other services eligible under this section.

**xi.** Legal fees, including court fees, bail bonds, and required courses and equipment.

**xii.** Program participant's past driving fines and fees that are blocking a young person from being able to obtain or renew a driver's license and impacting their ability to obtain or maintain housing. Additionally, recipients may pay for program participants' costs for insurance and registration for personal vehicles, if the personal vehicle is necessary to reach medical care, employment, childcare, or other services eligible under this section.

**(xi)** Recipients may provide assistance for "Shared Housing," as defined in section I.B.2.b(27) of this NOFO, subject to the following conditions:

**i.** YHDP rental assistance cannot be provided to a youth to reside in a unit occupied by the youth's parent(s), grandparent(s), or legal guardian.

**ii.** YHDP rental assistance cannot be provided to a youth in a shared housing unit if the landlord or owner is the youth's parent, grandparent, or legal guardian.

**iii.** YHDP rental assistance may only be provided to a youth if the youth can enter into a valid, binding, and enforceable lease under applicable state or local law. This includes a legally appointed guardian executing a lease on behalf of a youth or an emancipated youth entering into a lease.

**iv.** Subject to the use of other special YHDP activities under this section III.B.4.a.(7), the provision of YHDP rental assistance for shared housing must comply with all CoC requirements for rental assistance, except that FMR must be adjusted to the youth's pro-rata share of the FMR for the shared housing unit size. For example, in the case of a single youth who will occupy one bedroom in a 4-bedroom house, the FMR used would be the youth's pro-rata share of the 4-bedroom FMR (i.e.,  $\frac{1}{4}$  of the 4-bedroom FMR).

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

**(i)** Projects may provide up to 36 months of RRH rental assistance to program participants if the recipient demonstrates: (1) the method it will use to determine which youth need rental assistance beyond 24 months and (2) the services and resources that will be offered to ensure youth are able to sustain their housing at the end of the 36 months of assistance.

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

sufficiency and ensure stable housing for program participants.

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

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

(v) Projects may provide payments of up to \$1,000 per month for families that provide housing under a host home and kinship care model, provided that the recipient can show that the additional cost is necessary to recruit hosts to the program.

(vi) YHDP recipients may pay for short-term (up to three months) emergency lodging in motels or shelters as the transitional housing component in a Joint transitional housing-rapid rehousing (TH-RRH) project, provided that the recipient can demonstrate that use of the hotel or motel room is accessible to supportive services.

(c) In addition to the specific activities authorized above or in 24 CFR part 578, other innovative activities to reduce youth homelessness may be carried out in a YHDP Replacement project, subject to approval by the Deputy Assistant Secretary for Special Needs and requirements governing grant agreement amendments at 24 CFR 578.105. Requests to carry out YHDP innovative activities are only permitted to be requested in YHDP Replacement applications. YHDP Replacement applicant must demonstrate to HUD that the activity meets the following criteria; and to expedite grant agreement processing, must include as much information as possible as part of their project application.

YHDP Replacement applications must demonstrate the following:

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

(ii) That activity will be testing or likely to achieve a positive outcome in at least one of the four core outcomes for youth experiencing homelessness (stable housing, permanent connections, education/employment, and well-being);

(iii) The activity is cost-effective; and

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

(7) *Expansion Project.* HUD will allow project applicants to apply for a new expansion project [see section I.B.2.b.(10) of this NOFO] through reallocation, CoC Bonus, and DV

Bonus processes to expand existing projects to increase the number of units, persons served, services provided to existing program participants, or to add additional activities to HMIS and SSO-CE projects. If the new expansion project will expand an existing eligible CoC Program renewal project, HUD will not fund capital costs (i.e., new constructions, rehabilitation, or acquisition) and will only allow 1-year funding requests. YHDP projects cannot use the expansion process.

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

- (i)** enter the grant number of the eligible renewal project, proposed for expansion, in the new project application;
- (ii)** indicate how the new project application will expand units, beds, services, persons served, or services provided to existing program participants, or in the case of HMIS or SSO-CE projects, how the current activities will be expanded for the CoC's geographic area; and
- (iii)** ensure the funding request for the expansion grant is within the funding parameters allowed under reallocation, CoC Bonus, or DV Bonus available amounts.

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

The new expansion project application must meet the project eligibility and project quality thresholds in sections III.C.5.b. and c. of this NOFO. If the new expansion project exceeds the amount of funding available under the reallocation or Bonus processes, HUD will reduce the funding request to the available amount, which could affect the activities of the new expansion project, so long as the project is feasible with reduced funding. If both the new expansion project and the CoC Program renewal project it expands are conditionally selected for funding, one grant agreement incorporating both approved project applications will be executed. If the renewal project application is not conditionally selected for funding, HUD will not select the expansion project application.

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

**(8) Consolidation Project.** Applicants intending to use the consolidation process to combine two or more eligible renewal projects, but no more than 10 projects, may do so through the renewal project application, including renewing YHDP projects, and must ensure:

- (a)** Budget Line Items (BLIs) for the consolidated project application submitted exactly match the sum of the BLIs for each of the individual projects as they appear on the GIW located on HUD's website, or grant agreement or grant agreement as amended;
- (b)** inclusion of the expiring grant numbers with period of performance and budget period start and end dates for the projects that are consolidating;
- (c)** current period of performance and budget period end dates must end in CY 2024;
- (d)** are in good standing with HUD, meaning none of the projects have:

- (i) outstanding audit or monitoring findings,
- (ii) outstanding obligation to HUD that is in arrears,
- (iii) unresolved construction delays,
- (iv) a history of poor financial management/drawdown issues,
- (v) history of low occupancy levels, or lack experience in administering the project type, or
- (vi) other capacity issues.

(e) the projects have the same recipient and are for the same component. YHDP Renewal projects that wish to consolidate may establish a single YHDP Replacement grant to replace multiple YHDP grants. The following projects cannot be consolidated and if a project application meeting these characteristics attempts to consolidate, HUD will not consider the consolidation, but rather select the projects individually in their ranked position provided they pass project eligibility and project quality threshold requirements:

- (i) a YHDP Renewal project cannot consolidate with a non-YHDP project;
- (ii) a TH and a PH project cannot consolidate to form a Joint TH/PH-RRH component project; and
- (iii) transition grants cannot consolidate with any other project.

To request the consolidation of eligible renewal projects, project applicants must submit renewal projects for the individual projects to be included in the consolidation and each project application must identify the grant number that will survive which must be the grant number with the earliest start date in CY 2024. Project applications for the grants that are proposed to be part of the consolidation must be ranked with a unique rank number for each project, and if all those grants are selected, HUD will conditionally award the single surviving grant based on its ranked position to include the amount of funding of all grants included in the consolidation. All other project applications included in the surviving grant will be removed from the CoC's ranking resulting in project applications below to slide up one ranked position. Project applicants must not submit a consolidated project application that contains two different components (e.g., PH and TH).

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

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

the last day of the previous month, and if it is 0.5 or more, then the consolidated grant will expire on the last day of the calculated month.

Collaborative Applicants designated by HUD as UFAs have more flexibility in how they manage their CoC Program-funded projects making the consolidation of projects through the FY 2023 project application process unnecessary. A Collaborative Applicant with UFA designation can consolidate projects during the grant term, so long as the consolidations are not combining different component types and the projects are funded under the same grant (e.g., projects are currently funded under the same renewal grant). If a UFA-designated Collaborative Applicant consolidates projects during the grant term, it can apply to renew them during the FY 2023 CoC Program Competition as consolidated projects.

**(9) *Renewal Grants Per Unit Cost.*** Applicants requesting renewal of grants for rental assistance may request a per-unit amount less than the Fair Market Rent (FMR) if the actual rent per unit under lease is less than the FMR. The applicants must provide copies of the leases to establish the actual rents. This will help reduce the number of projects receiving rental assistance that have large balances of unspent funds remaining at the end of the operating year. Renewal project applicants must ensure the amount requested will be sufficient to cover all eligible costs as HUD cannot provide funds beyond the amount awarded through the FY 2023 CoC Program 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 V.D of this NOFO for additional information regarding FMR adjustments for projects receiving funds for rental assistance.

## **C. Rules that Affect How HUD Evaluates Applications**

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

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

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

### **2. Past Performance**

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

OMB-designated repositories of government-wide data, as noted in [2 CFR 200.206\(a\)](#)

The ability to account for funds in compliance with applicable reporting and recordkeeping requirements

Timely use of funds received from HUD

Timely submission and quality of reports submitted to HUD

Meeting program requirements

Meeting performance targets as established in the grant agreement

The applicant's organizational capacity, including staffing structures and capabilities

Timely completion of activities and receipt and expenditure of promised matching or leveraged funds

The number of persons served or targeted for assistance

Promoting self-sufficiency and economic independence

Producing positive outcomes and results

HUD may reduce scores based on the past performance review, as specified under Section V.A. Review Criteria. Whenever possible, HUD will obtain and review past performance information. If this review results in an adverse finding related to integrity of performance, HUD reserves the right to take any of the remedies provided in the [Pre-Selection Review of Performance section of the Eligibility Requirements for Applicants of HUD Financial Assistance Programs](#).

### **3. Experience Promoting Racial Equity**

In evaluating applications for funding, HUD will consider the extent to which the application demonstrates that the applicant has the experience and the resources to effectively address the needs of underserved communities, particularly Black, Indigenous, and other people of color who are substantially overrepresented in the homeless population. This may include experience successfully working directly with such groups, experience designing or operating programs that equitably benefit such groups, or experience successfully advancing racial equity in other ways. This may also include experience soliciting, obtaining, and applying input from such groups when designing, planning, or implementing programs and activities.

HUD will consider whether applicants have this experience and resources in response to Rating Factors V.B.1.f and V.B.1.q in the NOFO which would allow applicants to demonstrate how they have experience or resources to effectively meet the needs of underserved communities.

### **4. Statutory and Regulatory Requirements**

To be eligible for funding under the FY 2023 CoC Program Competition NOFO, project applicants must meet all statutory and regulatory requirements in the Act and the Rule. The FY 2023 competitive renewal and replacement of Round 1 YHDP grants and the noncompetitive renewal and replacement of Round 2 and later YHDP grants are administered under the Consolidated Appropriations Act, 2023 which permits YHDP projects to be renewed or replaced

competitively or non-competitively through the CoC Program [see section I.B.3.f of this NOFO]. Project applicants can obtain a copy of the Act and the Rule on [HUD's website](#) or by contacting the NOFO Information Center at 1-800-483-8929. Individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities may visit <https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs> for more information on how to make an accessible telephone call to HUD.

## **5. 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 CoC-designated Collaborative Applicant.

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

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

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

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

(4) The population to be served must meet program eligibility requirements as described in the Act, the Rule, and section I.B.3.m of this NOFO.

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

**c. Project Quality Threshold.** HUD will review all new project applications to determine if they meet the following project quality threshold requirements. HUD will not award funds to a new project unless the project was created through reallocation, or the CoC has demonstrated to HUD's satisfaction that projects are evaluated and ranked based on the degree to which they improve the CoC's system performance. HUD will consider any project requesting renewal

funding, including renewing YHDP, as having met project quality threshold requirements through its previously approved grant application unless HUD receives information to the contrary (e.g., monitoring findings, results from investigations by HUD's Office of Inspector General, the recipient routinely does not draw down funds from eLOCCS at least once per quarter, consistently late APR submissions) and/or if the renewal project has compliance issues which results in the project not operating in accordance with the Rule. If awarded, a recipient must meet all the criteria listed in the criteria column for its component. Additionally, the housing and services proposed must be appropriate to the needs of the program participants and the community. A determination that a project meets the project quality threshold is not a determination by HUD that a recipient is compliant with applicable fair housing and civil rights requirements.

HUD will consider YHDP Replacement project applications as having met project quality threshold requirements if the project application activities and costs are eligible under this NOFO. If a YHDP Replacement project application is not for activities and costs that are eligible under this NOFO, HUD will not reject the project under this project quality threshold, but HUD will require the project applicant to correct or revise information submitted after the final FY 2023 CoC Program award announcement but before executing the grant agreement.

<b>Permanent Housing: Permanent Supportive Housing or Rapid Rehousing</b>		
<b>New Project Application Rating Factors</b>	<b>Points Available</b>	<b>Criteria</b>
New Permanent Housing projects must receive at least 4 out of the 5 points available for this project type. New Permanent Housing projects that do not receive at least 4 points will be rejected.	1	The type of housing proposed, including the number and configuration of units, will fit the needs of the program participants.
	1	The type of supportive services that will be offered to program participants will ensure successful retention in or help to obtain permanent housing, including all supportive services regardless of funding source.
	1	The proposed project has a specific plan for ensuring program participants will be individually assisted to obtain the benefits of mainstream health, social, and employment programs for which they are eligible to apply meets the needs of program participants (e.g., Medicare, Medicaid, SSI, Food Stamps, local Workforce office, early childhood education).
	1	Program participants are assisted to obtain and remain in permanent housing in a manner that fits their needs (e.g., provides the participant with some type of transportation to access needed services, safety planning, case



		management, additional assistance to ensure retention of permanent housing).
	1	The average cost per household served is reasonable, meaning that the costs for housing and services provided by the project are consistent with the population the project plans to serve.
<b>Joint TH/PH-RRH</b>		
<b>New Project Application Rating Factors</b>	<b>Points Available</b>	<b>Criteria</b>
New Joint TH/PH-RRH component project applications must receive at least 6 out of 8 points available for this project type. New Joint TH/PH-RRH component projects that do not receive at least 6 points will be rejected.	1	The type of housing proposed, including the number and configuration of units, will fit the needs of the program participants (e.g., two or more bedrooms for families.)
	2	The proposed project will provide enough rapid rehousing assistance to ensure that at any given time a program participant may move from transitional housing to permanent housing. This may be demonstrated by identifying a budget that has twice as many resources for the RRH portion of the project than the TH portion, by having twice as many PH-RRH units at a point in time as TH units, or by demonstrating that the budget and units are appropriate for the population being served by the project.
	1	The type of supportive services that will be offered to program participants will ensure successful retention or help to obtain permanent housing, including all supportive services regardless of funding source.
	1	The proposed project has a specific plan for ensuring program participants will be individually assisted to obtain the benefits of mainstream health, social, and employment programs for which they are eligible to apply, and which meets the needs of program participants (e.g., Medicare, Medicaid, SSI, Food Stamps, local Workforce office, early childhood education).
	1	Program participants are assisted to obtain and remain in permanent housing in a manner that fits their needs (e.g., provides the participant with some type of transportation to access needed services, safety planning, case

		management, additional assistance to ensure retention of permanent housing).
	1	The project adheres to a Housing First model as defined in section I.B.2.b.(15) of this NOFO.
	1	The average cost per household served is reasonable, meaning that the costs for housing and services provided by the project are consistent with the population the project plans to serve.

**SSO-Coordinated Entry**

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

**HMIS**

<b>New Project Application Rating Factors</b>	<b>Points Available</b>	<b>Criteria</b>

New HMIS project applications must receive at least 3 out of the 4 points available for this project type. New HMIS projects that do not receive at least 3 points will be rejected.	1	How the HMIS funds will be expended in a way that is consistent with the CoC's funding strategy for the HMIS and furthers the CoC's HMIS implementation.
	1	The HMIS collects all Universal Data Elements as set forth in the HMIS Data Standards.
	1	The ability of the HMIS to un-duplicate client records.
	1	The HMIS produces all HUD-required reports and provides data as needed for HUD reporting (e.g., APR, quarterly reports, data for CAPER/ESG reporting) and other reports required by other federal partners.
<b>CoC Planning – Collaborative Applicants Only</b>		
<b>New Project Application Rating Factors</b>	<b>Points Available</b>	<b>Criteria</b>
New CoC Planning projects, submitted only by the CoC's designated Collaborative Applicant, must receive at least 3 out of the 5 points available for this project type. CoC Planning projects that do not receive at least 3 points will be	1	Governance and Operations-The CoC conducts meetings of the entire CoC membership that are inclusive and open to members and demonstrates the CoC has a written governance charter in place that includes CoC policies.
	1	CoC Committees-The CoC has CoC-wide planning committees, subcommittees, or workgroups to address the needs of persons experiencing homelessness in the CoC's geographic area that recommends and sets policy priorities for the CoC.
	2	The proposed planning project that will be carried out by the CoC with Planning grant funds are compliant with the provisions of 24 CFR 578.7.
	1	The funds requested will improve the CoC's ability to evaluate the outcome of both CoC Program-funded and ESG-funded projects.

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

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

**d. Project Renewal Threshold.** CoCs must consider the need to continue funding for projects expiring in CY 2024 (January 1, 2024 to December 31, 2024). Renewal projects must meet minimum project eligibility, capacity, timeliness, and performance standards identified in this NOFO or they will be rejected from consideration for funding:

- (1) When considering renewal projects for award; HUD will review information in eLOCCS, APRs, and information provided from the local HUD CPD field office; including monitoring reports and audit reports as applicable, and performance standards on prior grants, and will assess projects using the following criteria on a pass/fail basis:
  - (a) whether the project applicant's performance met the plans and goals established in the initial application, or grant as amended;
  - (b) whether the project applicant demonstrated all timeliness standards for grants being renewed have been met, including those standards for the expenditure of grant funds;
  - (c) the project applicant's performance in assisting program participants to achieve and maintain independent living and records of success, except dedicated HMIS projects are not required to meet this standard; and
  - (d) evidence of unwillingness of project applicants to accept technical assistance, a history of inadequate financial accounting practices, indications of project

mismanagement, a drastic reduction in the population served, program changes have been made without prior HUD approval, or the loss of project site control.

(2) HUD reserves the right to reduce or reject a project application submitted during the FY 2023 CoC Program Competition 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.

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

Each project applicant must submit a certification by the jurisdiction in which the proposed project(s) will be located that the applicant's project application for funding is consistent with the jurisdiction's HUD-approved consolidated plan. The certification must be made in accordance with the provisions of the consolidated plan regulations at 24 CFR part 91, subpart F. Form HUD-2991 must be completed and dated between May 1, 2023 and September 28, 2023. Additionally, applicants that propose to locate a project on a reservation or trust land must include a tribal resolution from the tribe authorizing the applicant to do so or a letter from an official or principal of the Indian Tribe or TDHE who is authorized to act on behalf of the Indian Tribe or TDHE. Tribes do not need to include a tribal resolution to site a project on their own reservation or trust land. A tribal resolution is the formal manner in which the tribal government expresses its legislative will in accordance with its organic documents. In the absence of such organic documents, a written expression adopted pursuant to tribal practices will be acceptable.

#### **7. Affirmatively Furthering Fair Housing**

With some exceptions for Federally recognized Indian tribes and their instrumentalities, the application must discuss how the applicant will carry out the proposed activities in a manner that affirmatively furthers fair housing in compliance with the Fair Housing Act and its implementing regulations, and how applicants will meet the requirements of the definition of AFFH at 24 CFR 5.151. Applicants may propose activities that are consistent with their jurisdiction's Analysis of Impediments (AI), an Assessment of Fair Housing (AFH), or other means of fair housing planning that meaningfully supports their AFFH certification.

If the applicant will carry out proposed activities in a jurisdiction with an AFH, the proposed activities should be consistent with the AFH's fair housing goals and with fair housing strategies specified in the jurisdiction's Consolidated Plan or Public Housing Agency Plan.

Applicants will describe how their proposed NOFO activities are aligned with AFFH requirements, as specified at 24 CFR 578.93(c), in response to Rating Factor V.B.1.p.

## **IV. APPLICATION AND SUBMISSION INFORMATION**

### **A. Application Package**

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

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

### **B. System for Award Management (SAM) and Unique Entity Identifier (UEI)**

#### **1. SAM Registration Requirement**

You must register with <https://www.sam.gov/> before submitting your application. You must maintain current information in SAM on immediate and highest-level owner and subsidiaries, as well as on all predecessors that have been awarded a federal contract or grant within the last three years, if applicable. Information in SAM must be current for all times during which you have an active Federal award or an application or plan under consideration by HUD.

#### **2. UEI Requirement**

As of April 4, 2022, entities doing business with the federal government must use the UEI created in SAM.gov. Also, you must provide a valid UEI, registered and active at [www.sam.gov/](http://www.sam.gov/) in the application. For more information, see: <https://www.gsa.gov/about-us/organization/federal-acquisition-service/office-of-systems-management/integrated-award-environment-iae/iae-systems-information-kit/unique-entity-identifier-update>.

### **C. Other Guidance and Notifications**

#### **1. Federalism.**

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

#### **2. Section 102 of the HUD Reform Act.**

Section 102 of the Department of Housing and Urban Development Reform Act of 1989 (HUD Reform Act) (42 U.S.C. 3545) and the regulations codified at 24 CFR 4, subpart A, contain several requirements that are designed to ensure greater accountability and integrity in the provision of certain types of assistance administered by HUD. On January 14, 1992, HUD published a notice that also provides information on the implementation of Section 102 (57 FR

1942). The documentation, public access, and disclosure requirements of Section 102 apply to assistance awarded under NOFOs published as described below:

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

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

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

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

### **3. Section 103 of the HUD Reform Act.**

Section 103 of the HUD Reform Act, codified at 24 CFR part 4, subpart B, applies to this funding competition until the announcement of selection of successful applicants. HUD’s employees involved in the review of applications and in the making of funding decisions are prohibited by the regulations from providing advance information to any person (other than an authorized HUD employee) concerning funding decisions or from otherwise giving any applicant an unfair competitive advantage. Persons who apply for assistance must confine their inquiries to the subject areas HUD’s employees are permitted to answer under 24 CFR part 4. Applicants who have ethics-related questions may contact HUD’s Ethics Law Division at 202-708-3815 (this is not a toll-free number). Individuals who are deaf or hard of hearing, or who have speech or communication disabilities may use a relay service. To learn more about how to make an accessible telephone call, please visit <https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs>.

### **4. Digital Signatures and Recordkeeping.**

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

## **D. Application Verification**



Applicants should compare their application submission with the requirements in the CoC Program NOFO. The FY 2023 CoC Program Competition NOFO located on Grants.gov is HUD's official NOFO. If a discrepancy in the CoC Program NOFO posted on Grants.gov or other information provided in any other version or supporting documentation is found, please, notify HUD immediately as indicated in section VIII of this NOFO. Individuals who are deaf or hard of hearing, or who have speech or communication disabilities may use a relay service. To learn more about how to make an accessible telephone call, please visit <https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs>.

HUD will post any corrections or changes to a CoC Program NOFO on Grants.gov.

## **E. Content and Form of Application Submission**

**Summary of the Application Process.** Applicants should review and follow the steps as outlined below to ensure applications are complete and submitted by the deadlines established in this NOFO. Documents referenced in this section can be found on the CoC Program page of HUD's website: [https://www.hud.gov/program\\_offices/comm\\_planning/coc](https://www.hud.gov/program_offices/comm_planning/coc).

### **1. CoC Registration.**

HUD required Collaborative Applicants complete the FY 2023 CoC Program Registration in accordance with [Notice CPD-22-02: Continuum of Care Program Registration](#). If a Collaborative Applicant did not complete the FY 2023 CoC Program Registration, HUD moved the previous year's registration forward with no changes.

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

The CoC must review each project application submitted to the CoC for inclusion on the FY 2023 CoC Priority Listing as part of the CoC Consolidated Application and either approve and rank or reject project application submissions. All project applications approved by the CoC must be listed on the FY 2023 CoC Priority Listing in rank order, including project applications for Round 1 YHDP Renewal or replacement projects (those initially funded during the FY 2016 YHDP competition). CoC Planning, UFA Costs, and Round 2 or later YHDP Renewal or replacement projects are not competitively awarded and must not be ranked. Higher ranked projects will be assigned to Tier 1 and lower ranked projects will be assigned to Tier 2 as described in sections I.B.3.j.(1) and (2) of this NOFO. This two-tiered approach for CoCs notifies HUD which projects are prioritized for funding based on local needs and gaps.

### **3. CoC Consolidated Application Submission.**

The CoC Consolidated Application for funds under this NOFO includes (1) the FY 2023 CoC Application, which describes the CoC's plan for ending homelessness, its system-level performance, and addresses the selection criteria specified in section V of this NOFO; (2) the FY 2023 Project Application(s) completed by project applicants, (3) the FY 2023 CoC Priority Listing which includes the reallocation forms, all project applications submitted to the CoC for funding consideration that are either approved and ranked or rejected; and (4) the form HUD-2991, Certification of Consistency with the Consolidated Plan.

Collaborative Applicants, including any HUD-designated UFAs, must submit 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 2023 CoC Application.** The Collaborative Applicant must provide information about the CoC planning body, governance structure, overall performance, and the strategic planning process. HUD scores this part of the application to determine the order in which CoCs are funded.

**b. FY 2023 Project Application.** Project applications must be completed by project applicants for all renewal, new, CoC Planning, UFA Costs, and YHDP Renewal or YHDP Replacement projects including the population(s) and subpopulation(s) they will serve, the type of housing and services they will provide, and the budget activities they are requesting. Collaborative Applicants applying for CoC Planning and UFA Costs (if designated as a UFA by HUD) must provide a description of the activities that will be carried out with CoC Program grant funds. For more information on project applications, see section III of this NOFO. Additionally, all project applicants must ensure their organization has a Code of Conduct that complies with the requirements of 2 CFR part 200 and is included on HUD's website. If the organization's Code of Conduct does not appear on HUD's website, the project applicant must attach its Code of Conduct that includes all required information to its Project Applicant Profile in *e-snaps*.

**c. FY 2023 CoC Priority Listing.** The FY 2023 CoC Priority Listing in *e-snaps* must include the following completed forms, certifications and attachment:

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

(2) two project listing forms that require all the following project applications to be ranked, with unique numbers, in order of priority and any project applications the CoC rejected must be identified.

(a) CoC New project applications (including reallocated, CoC Bonus, and DV Bonus applications), and

(b) CoC Renewal project applications,

Collaborative Applicants must certify there is a demonstrated need for all ranked (PH) renewal projects and these projects comply with program requirements and appropriate standards of housing quality and habitability on the Renewal Project Listing. For more information on the FY 2023 CoC Priority Listing, see section IV.F.3 of this NOFO.

(3) two project listing forms that includes all YHDP Renewal and YHDP Replacement project applications.

(a) YHDP Renewal project applications, and

(b) YHDP Replacement project applications.

CoCs with grants initially awarded Round 1 YHDP funding are required to rank all Round 1 YHDP Renewal and Round 1 YHDP Replacement applications with unique numbers, in order of priority in the following project listings. CoCs must not rank YHDP Renewal and YHDP Replacement project applications for grants initially awarded Round 2 or later YHDP funding. Therefore, CoCs that include both competitive and non-competitive YHDP Renewal and replacement applications will be required to identify and rank only Round 1 YHDP Renewal and YHDP Replacement applications.

(4) two project listing forms that include the following non-ranked project applications. Collaborative Applicants must ensure the CoC only submits one project application for CoC Planning, and if the CoC's Collaborative Applicant is a HUD-designated UFA, one UFA Costs project application.

(a) CoC Planning project applications, and

(b) UFA Costs project applications (if applicable).

(5) Form HUD-2991, Certification of Consistency with the Consolidated Plan must be signed by the authorizing jurisdiction(s), dated between May 1, 2023 and September 28, 2023 and attached to the FY 2023 CoC Priority Listing.

CoCs that propose to locate a project on a reservation or trust land were required to obtain authorization from the Tribe or TDHE, documented by a Tribal resolution or a letter from an official or principal of the Indian Tribe or TDHE who is authorized to act on behalf of the Indian Tribe or TDHE. CoCs were required to attach Tribal resolutions or approval letters to the CoC's Registration submission in March. Tribes were not required to include a Tribal resolution or a letter from an official of the Indian Tribe or TDHE to site a project on their own reservation or trust land. A Tribal resolution is the formal manner in which the Tribal government expresses its legislative will in accordance with its organic documents. In the absence of such organic documents, a written expression adopted pursuant to Tribal practices is acceptable.

#### **4. CoC Review of Project Applications Prior to Submission to HUD.**

HUD expects CoCs to implement a thorough review and oversight process at the local level for both new and renewal project applications to be submitted to HUD in the FY 2023 CoC Program Competition. HUD's experience is that many project applications contain information resulting in conditions on the grant; or for more serious infractions, HUD rejecting a project application. Deficient project applications prolong HUD's review process, which results in delayed funding announcements, lost funding for CoCs due to HUD rejecting projects, and delays accessing project funds to house and assist individuals and families experiencing homelessness. HUD expects CoCs to closely review the information provided in each project application, including YHDP Renewal or YHDP Replacement projects, to ensure:

**a.** all proposed program participants will be eligible for the program component type selected, including YHDP Renewal or YHDP Replacement projects;

**b.** the information provided in the project application and proposed activities are:

(1) eligible and consistent with program requirements in the Rule; or

(2) eligible YHDP Renewal or YHDP Replacement projects [see sections I.B.3.f of this NOFO];

**c.** each project narrative is fully responsive to the question being asked and that it meets all the criteria for that question as required by this NOFO;

**d.** the data provided in various parts of the project application are consistent; and

**e.** all required attachments correspond to the list of attachments in *e-snaps*, must contain accurate and complete information and must be dated between May 1, 2023 and September 28, 2023.

## 5. Electronic Submission in *e-snaps*.

The submission summary in *e-snaps* provides the list of elements required to complete each type of project application. Collaborative Applicants will not be able to submit their Consolidated Application to HUD until all required parts are completed, including the project-level review and either accepting and ranking or rejecting the project applications. Once available, the CoC Application, Project Application, and FY 2023 CoC Priority Listing can be accessed at <https://esnaps.hud.gov/>.

## F. CoC Consolidated Application

The CoC-designated Collaborative Applicant must submit the CoC Consolidated Application in *e-snaps* on behalf of their CoC. The Consolidated Application includes the parts listed below (for more information see the *e-snaps* Navigational Guides and the project application, CoC Application, and FY 2023 CoC Priority Listing detailed instructions located on HUD's website).

### 1. The FY 2023 CoC Application, with all charts and narratives completed (as applicable) and all required attachments including:

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

**b. CoC Public Notice.** A screenshot(s) from the CoC's, or a partner website, that includes the date the CoC notified the public of its local competition process, the due date for project applications, and the full CoC Application and FY 2023 CoC Priority Listing that includes all Project Listings of project applications (including Round 1 renewal and replacement YHDP project applications) submitted to HUD as ranked or rejected. For Round 2 or later renewal and replacement YHDP, CoC Planning, and UFA Costs projects, the Project Listings should indicate the project application(s) were accepted, unless they were submitted by an ineligible applicant, in which case, they should indicate rejected.

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

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

**e. Public Notification of Ranked Project Applications.** The notification of action that all project applicants who submitted new and renewal project applications in the local CoC competition are notified at least 15-days prior to the HUD application submission deadline of the CoC's

acceptance that includes the ranked position of the project applications. This notification may be posted publicly or sent via email to individual project applicants.

**f. PHA Administrative Plan.** If the CoC is seeking points under section V.B.1.g of this NOFO, a copy or the relevant excerpt from the local PHA(s) administrative planning document(s), or other written policy developed between the CoC and the PHA(s) that describes the PHA(s) homeless preference for housing. Instead of a relevant excerpt from the written plan, a letter from the PHA(s) that describes the PHA(s) homeless preference for housing may be attached.

**g. Letter Signed by Working Group Comprised of Persons with Lived Experience of Homelessness.** The letter must be signed by either (1) at least three members involved in the working group (e.g., advisory committee, subcommittee) comprised of individuals with lived experience or (2) an authorized representative of the workgroup (e.g., a working chair) along with evidence that the person is authorized to represent the group; and the letter must demonstrate support of the priorities for serving individuals and families experiencing homelessness with severe service needs in the CoC's geographic area.

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

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

**j. The FY 2023 HDX Competition Report.** The FY 2023 HDX Competition Report contains data submitted to HUD via HUD's Homelessness Data Exchange (HDX), including HIC, PIT count, and system performance data.

## **2. FY 2023 Project Application(s), including for each project application:**

**a. Charts, narrative responses, and attachments.**

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

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

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

- (1) SF-424 Application for Federal Assistance;
- (2) SF-424 Supplement, Survey on Ensuring Equal Opportunities for Application required for nonprofit applicants only where completion and submission of this survey is voluntary;
- (3) Form HUD-2880, Applicant/Recipient Update/Disclosure;

- (4) Form HUD-424-B, HUD Applicant and Recipient Assurances and Certifications
- (5) SF LLL, Disclosure of Lobbying Activities (if applicable);
- (6) Form HUD-50070, Certification for Drug-Free Workplace;
- (7) Disclosure of Lobbying Activities; and
- (8) Applicant Certifications.

**3. The FY 2023 CoC Priority Listing, including:**

**a. *Project Reallocation Form (if applicable).*** Indicates the eligible renewal projects that are being reallocated in whole or part to create new project applications;

**b. *CoC New Project Listing;***

**c. *CoC Renewal Project Listing;***

**d. *UFA Costs Project Listing;***

**e. *CoC Planning Project Listing;***

**f. *YHDP Renewal Project Listing;***

**g. *YHDP Replacement Project Listing; and***

**h. *Form HUD-2991, Certification of Consistency with the Consolidated Plan.*** The Collaborative Applicant must attach a certification signed by the local jurisdiction(s) official and must be dated between May 1, 2023 and September 28, 2023. A certification must be attached for each jurisdiction where each proposed project submitted as part of the CoC Consolidated Application is or will be located. The CoC Program requires a Certification of Consistency with the Consolidated Plan under 24 CFR 91.2 that certifies the proposed activities in the project applications are consistent with the jurisdiction's strategic plan, and the location of the proposed activities is consistent with the geographic areas specified in the Consolidated Plan. For more information on FY 2023 CoC Priority Listing see section IV.E.3.c of this NOFO.

**4. Solo Applicants.**

Eligible project applicants that attempted to participate in the CoC planning process in the geographic area in which they operate, that believe they were denied the right to participate in a reasonable manner, may submit a solo project application to HUD by following the procedure found in 24 CFR 578.35. If HUD finds in favor of the solo applicant, HUD may award grant funds. Solo applicants must submit their solo project application in *e-snaps* to HUD by 8:00 PM EST, on September 28, 2023. See section VII.C of this NOFO for additional information regarding the Solo Applicant appeal process.

**G. Submission Dates and Times**

**1.** Completed applications must be submitted to HUD on or before September 28, 2023 by 8:00 PM EST.

**2.** 24 CFR 578.9 requires CoCs to design, operate, and follow a collaborative process for the development of an application in response to a NOFO issued by HUD (which, under this NOFO includes applications for noncompetitive YHDP Renewal and YHDP Replacement projects). As part of this collaborative process, CoCs must implement internal competition deadlines to ensure

transparency and fairness at the local level. The implementation of deadlines that meet the standards outlined below for FY 2023 CoC Program project applications are part of the scoring criteria as detailed in section V.B.2.g of this NOFO.

**a. *Project Application.*** All project applications must be submitted to the CoC no later than 30 days before HUD's CoC Program application submission deadline of September 28, 2023 by 8:00 PM EST. CoCs that fail to establish this deadline for local project application(s) will receive 0 points under section V.B.2.g of this NOFO.

**b. *CoC Notification to Project Applicants.*** The CoC is required to notify, in writing outside of *e-snaps*, all project applicants who submitted their project applications to the CoC by the local CoC-established deadline whether their project application(s) will be accepted and ranked on the FY 2023 CoC Priority Listing, rejected, or reduced by the CoC no later than 15 days of the FY 2023 CoC Program application submission deadline.

Where a project application is being rejected or reduced, the CoC must provide the project applicant with the reason(s) for the rejection or reduction. CoCs failing to provide this information to a project applicant that submits its project application by the local competition deadline will receive 0 points under section V.B.2.g of this NOFO.

**3.** For HUD to consider the CoC Consolidated Application complete and properly submitted for review in the FY 2023 CoC Program Competition, the Collaborative Applicant must submit the entire CoC Consolidated Application by the CoC Program application submission deadline which includes: CoC Application, the FY 2023 CoC Priority Listing, and the project applications on behalf of the CoC. The "Submit" button will not be available on the Submission Summary of the CoC Application and FY 2023 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 FY 2023 CoC Priority Listing are separate submissions in *e-snaps*; therefore, Collaborative Applicants must ensure both the CoC Application and the FY 2023 CoC Priority Listing, that includes all project applications either approved and ranked or rejected, are submitted in *e-snaps* prior to the CoC Program application submission deadline.**

**4.** Collaborative Applicants should print a copy of the Submission Summary form from the CoC Application and the FY 2023 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 FY 2023 CoC Priority Listing is determined to be late and are unable to provide HUD with a record of submission that verifies the FY 2023 CoC Consolidated Application was submitted prior to the application deadline date and time.

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

6. As stated in section IV.G.1 of this NOFO, it is imperative that all Collaborative Applicants meet the application submission deadline of September 28, 2023 at 8:00 PM EST. HUD will not fund applications that are not received on time. Also, failure to submit a complete CoC Consolidated Application may result in HUD finding that the CoC does not meet the requirements of the Act or its implementing regulations under 24 CFR 578.13. If the Secretary makes that finding, HUD may take remedial action to ensure fair distribution of grant funds to eligible entities within the CoC's geographic area, which includes the possibility that HUD will designate another eligible applicant to be the Collaborative Applicant for the CoC. In addition to the remedial actions listed in 24 CFR 578.13(a), HUD may also impose another remedial action, such as requiring the CoC to create new policies and procedures to ensure that the Collaborative Applicant performs its duties.

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

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

## H. Intergovernmental Review

This program is not subject to [Executive Order 12372, Intergovernmental Review of Federal Programs](#).

Not Applicable.

## I. Funding Restrictions

Not Applicable.

## J. Other Submission Requirements

### 1. Standard Application, Assurances, Certifications and Disclosures

**Standard Form 424 (SF-424) Application for Federal Assistance.** The SF-424 is the government-wide form required to apply for Federal assistance programs, discretionary Federal grants, and other forms of financial assistance programs. You must complete and submit the form with the other required forms and information as directed in this NOFO.

By signing the forms in the SF-424 either through electronic submission or in paper copy submission (for those granted a waiver), you and the signing authorized organization representative affirm that you both have reviewed the certifications and assurances associated with the application for Federal assistance and (1) are aware the submission of the SF-424 is an assertion that the relevant certifications and assurances are established and (2) acknowledge that the truthfulness of the certifications and assurances are material representations upon which

HUD will rely when making an award to the applicant. If it is later determined the signing authorized organization representative to the application made a false certification or assurance, caused the submission of a false certification or assurance, or did not have the authority to make a legally binding commitment for the applicant, the applicant and the individual who signed the application may be subject to administrative, civil, or criminal action. Additionally, HUD may terminate the award to the applicant organization or pursue other available remedies. Each applicant is responsible for including the correct certifications and assurances with its application submission, including those applicable to all applicants, those applicable only to Federally recognized Indian tribes, or Alaskan native villages and those applicable to applicants other than Federally recognized Indian tribes, or Alaskan native villages.

**Assurances (HUD 424-B).** By submitting your application, you provide assurances that, if selected to receive an award, you will comply with U.S. statutory and other requirements, including, but not limited to civil rights requirements. All recipients and subrecipients of the award are required to submit assurances of compliance with federal civil rights requirements. *See, e.g.,* Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments Act of 1972, Section 504 of the Rehabilitation Act of 1973, Violence Against Women Act, and the Age Discrimination Act of 1975; *see also* [24 C.F.R. §§ 1.5; 3.115; 8.50; and 146.25](#). HUD accepts these assurances in the form of the HUD 424-B, which also require compliance with HUD Reform Act requirements and all general federal nondiscrimination requirements in the administration of the federal assistance award.

**Applicant Disclosure Report Form 2880 (HUD 2880).** The form HUD 2880 is required if you are applying for assistance within the jurisdiction of HUD to any project subject to Section 102(d) of the [HUD Reform Act](#). Assistance is provided directly by HUD to any person or entity, but not to subrecipients. It includes assistance for the acquisition, rehabilitation, operation, conversion, modernization, renovation, or demolition of any property containing five or more dwelling units that is to be used primarily for residential purposes. It includes assistance to independent group residences, board and care facilities, group homes and transitional housing but does not include primarily nonresidential facilities such as intermediate care facilities, nursing homes and hospitals. It also includes any change requested by a recipient in the amount of assistance previously provided, except changes resulting from annual adjustments in Section 8 rents under Section 8(c)(2)(A) of the United States Housing Act of 1937 ([42 U.S.C. 1437f](#)). *See* [HUD Reform Act regulation for additional information](#).

The HUD Form 2880 is built into *e-snaps* and must be fully completed and electronically signed before project applicants have access to the project application.

**Code of Conduct.** Both you, as the award recipient, and all subrecipients must have a code of conduct (or written standards of conduct). The code of conduct must comply with the requirements included in the “Conducting Business in Accordance with Ethical Standards” section of the FY2023 [Administrative, National and Department Policy Requirements and Terms for HUD Financial Assistance Awards](#), as well as any program-specific requirements. These requirements include ethical standards related to conflicts of interest for procurements in [2 CFR 200.318\(c\)](#) and [2 CFR 200.317](#), as well as HUD-specific conflict of interest standards. HUD maintains a list of organizations that have previously submitted written standards of conduct on its [Code of Conduct for HUD Grant Programs webpage](#). But it is your responsibility to ensure that the standards are compliant with the noted requirements and that HUD has the latest version



of the written standards. Updated written standards should be submitted with the application. Any updates to your written standards, after the application period, should be submitted as directed by the HUD program contact for this NOFO.

## **2. Other Program-Specific Requirements**

### **Waiver of Electronic Submission Requirements.**

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

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

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

If HUD grants the waiver, 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. If HUD grants CoCs a waiver of the electronic submission requirement, such CoCs will not receive additional time to submit their applications. Therefore, Collaborative Applicants seeking a waiver of the electronic submission requirement on behalf of the CoC must submit their waiver request with sufficient time to allow HUD to process and respond to the request. Collaborative Applicants should also allow themselves sufficient time to submit the application on behalf of the CoC so that HUD receives the application by the established CoC Program Application submission deadline date. For this reason, if a Collaborative Applicant finds it cannot submit its application electronically and must seek a waiver of the electronic grant submission requirement, its request must be postmarked no later than 60 days after the publication date of this NOFO. To expedite the receipt and review of each request, Collaborative Applicants may email their written requests to Norm Suchar, Director, Office of Special Needs Assistance Program at [CoCNOFO@hud.gov](mailto:CoCNOFO@hud.gov). If HUD does not have sufficient time to process the waiver request, HUD will not grant a waiver. HUD will not consider paper applications received without a prior approved waiver or after the established deadline.

## **V. APPLICATION REVIEW INFORMATION**

HUD encourages activities in support of the Secretary's Initiatives for any of the five (5) preferences: Climate Change, Environmental Justice, Promise Zones, Historically Black Colleges and Universities (HBCU), and Minority-Serving Institutions; however, this NOFO does not include preference points. Rather, Section V.B.6 provides the information and points associated with the Consolidated Appropriations Act, 2023 and the requirement to provide

incentives to create projects that coordinate housing providers and healthcare organizations to provide permanent supportive housing and rapid rehousing services.

## **A. Criteria**

HUD will assess CoC Consolidated Applications on a 200-point scale. No Collaborative Applicants have exercised the authority under 422(j) of the Act; therefore, no selection criteria based on section 427(b)(1)(A)(viii) is included in this NOFO. Additionally, for purposes of the requirements of section 427 (b)(1)(B)(iv)(I) of the Act. HUD considers “all relevant subpopulations” to mean families, youth, veterans, persons fleeing domestic violence, dating violence, sexual assault, and stalking, persons who are unsheltered, and individuals and families experiencing chronic homelessness.

### **1. Major Disaster Areas.**

If a major disaster impacts a CoC’s geographic area, as declared by the President under the Stafford Act, during the FY 2023 CoC Program application process that will impact local competition deadlines as outlined in section IV.G.2.a of this NOFO, the CoC’s Collaborative Applicant must send written notification to Norm Suchar, Director, Office of Special Needs Assistance Program at [CoCDisaster@hud.gov](mailto:CoCDisaster@hud.gov) The email must include:

- a.** the nature of the disaster, date(s) the major disaster occurred, how the major disaster affected the Collaborative Applicant, the CoC, or its project(s);
- b.** the duration, and the impact on the Collaborative Applicant, the project applicants, or the CoC to meet the local competition deadline; and
- c.** the anticipated amount of time the CoC is requesting for an extension (e.g., number of days, weeks, or months). This does not mean HUD will allow the full amount of time requested. Based on the timing and the extent of the major disaster, HUD may extend the application deadline for the affected CoC(s). All requests received will be confirmed via the Federal Emergency Management Agency (FEMA) website, <https://www.fema.gov/disasters>.

### **2. Housing Inventory Count (HIC) and Point-in-Time (PIT) Data.**

CoCs were required to submit the FY 2023 HIC and PIT data directly to the HUD HDX website by April 28, 2023 by 8:00 PM EDT. CoCs that did not meet the established deadline for HIC and PIT count data submission and did not receive an extension from HUD will not receive the maximum number of points available as described in sections V.B.3 and V.B.4 of this NOFO.

### **3. Capital Costs.**

For a CoC to receive maximum points if a project applicant(s) requests CoC Program funds for construction or rehabilitation, it must include information describing the actions that will be taken by project applicants to comply with Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) (Section 3) and HUD’s implementing rules at 24 CFR part 75 to provide employment and training opportunities for low- and very low-income persons, as well as contracting and other economic opportunities for business that provide economic opportunities to low- and very low-income persons. This does not affect applicants’ existing responsibilities to provide training, employment, and other economic opportunities pursuant to Section 3 that result from their receipt of other HUD funding. YHDP Replacement project applications cannot

include capital costs. Grants to Indian Tribes are subject to Indian Preference under Section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5307(b)) and are not subject to Section 3 requirements.

**B. CoC Application Scoring**

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

<p><b>1. CoC Coordination and Engagement.</b> HUD will award up to 85 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.</p>		
Rating Factor	Maximum Points	To Receive Maximum Points
<p><b>a. Inclusive Structure and Participation.</b></p>		
<p>(1) Has an inclusive membership of a variety of stakeholders within the geographic area.</p>	<p>2</p>	<p>Demonstrate participation from a broad array of stakeholders, not limited to organizations listed in 24 CFR 578.5(a), within the geographic area, including at a minimum:</p> <ul style="list-style-type: none"> <li>• victim service organizations (e.g. organizations that serve survivors of domestic and intimate partner violence, sexual assault, and human trafficking);</li> <li>• youth service providers;</li> <li>• individuals who are homeless or were formerly homeless;</li> <li>• organizations led by and serving culturally specific communities experiencing homelessness in the geographic area to address equity (e.g., Black, Latino, Indigenous, LGBTQ+, or persons with disabilities); and</li> </ul>

		<ul style="list-style-type: none"> <li>• Tribal organizations for CoCs where a Tribal organization is present.</li> </ul>
(2) Has an invitation process for new members to join.	1	<p>Demonstrate:</p> <ul style="list-style-type: none"> <li>• a transparent, accessible process (e.g., communicated to the public on the CoC’s website) is in place to invite new members to join and includes an invitation process for new members to join that is publicly available within the geographic area at least annually; and</li> <li>• how the CoC invites organizations serving culturally specific communities experiencing homelessness in the geographic area to addresses equity (e.g., Black, Latino, Indigenous, LGBTQ+, and persons with disabilities).</li> </ul>
(3) Solicits and considers opinions from knowledgeable individuals and organizations.	1	Demonstrate a transparent, accessible process (e.g., communicated in a public manner on the CoC’s website) is in place to solicit and consider opinions from individuals and organizations with knowledge of homelessness in the geographic area or an interest in preventing or ending homelessness in the geographic area.
(4) Accepts and considers proposals from organizations that have not previously received CoC Program funding.	1	Demonstrate an accessible and transparent process (e.g., communicated in a public manner on the CoC’s website) is in place to accept and consider proposals from organizations that have not previously received CoC Program funding.
<b><i>b. Coordination with Federal, State, Local, Private, and Other</i></b>	2	CoCs must:

<p><b>Organizations.</b> Coordinates with other organizations that serve individuals, families, unaccompanied youth, and persons fleeing domestic violence, dating violence, sexual assault, or stalking who are experiencing or at risk of homelessness. Each CoC will be required to demonstrate how it is coordinating with ESG recipients.</p>		<ul style="list-style-type: none"> <li>• indicate coordination with other federal, state and local governments; private; and other organizations that are included in the planning or operation of projects;</li> <li>• 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 sub-recipients; and</li> <li>• demonstrate active consultation with ESG recipients in the planning and allocation of ESG funds and participation in the Consolidated Plan jurisdictions' process(s) by providing PIT and HIC data and ensuring local homelessness information is communicated and addressed in the Consolidated Plan updates.</li> </ul>
<p><b>c. Ensuring Families are not Separated.</b> Ensure projects do not deny admission to or separate family members.</p>	<p>2</p>	<p>Demonstrate that the emergency shelters, TH projects, and PH 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 sexual orientation and gender identity.</p>
<p><b>d. CoC Collaboration Related to Children and Youth.</b> Demonstrate the CoC coordinates to provide education services to families with children between the ages of 0-5; and collaborates with education</p>	<p>3</p>	<p>CoCs must:</p> <ul style="list-style-type: none"> <li>• identify formal partnerships the CoC has with youth education providers, local educational authorities, or school districts;</li> </ul>

<p>providers, local educational authorities, and school districts.</p>		<ul style="list-style-type: none"> <li>• demonstrate policies and procedures have been adopted to inform individuals and families who become homeless of their eligibility for educational services; and</li> <li>• indicate there are written agreements in place between the CoC or its HUD-funded projects and educational supports and services for children ages 0-5, such as Public Pre-K, Head Start, Child Care (Child Care and Development Fund), and home visiting (including Maternal, Infant and Early Childhood Home and Visiting or MIECHV).</li> </ul>
<p><b><i>e. Addressing the Needs of Victims of Domestic Violence, Dating Violence, Sexual Assault, and Stalking.</i></b> Addressing the Needs of Survivors of Domestic Violence, Dating Violence, Sexual Assault, and Stalking. Coordinate with survivors and people with lived experience, victim service providers, and operators of coordinated entry to address the unique needs for housing and safety that prioritize housing defined as safe by survivors. The CoC must identify the current efforts to increase access to housing and services defined as safe by survivors of domestic violence, dating violence, sexual assault, and stalking, adopting survivor-centered practices that maximum client choice while maintaining safety and confidentiality.</p>	<p>5</p>	<p>The CoCs must demonstrate it:</p> <ul style="list-style-type: none"> <li>• includes victim service providers (including but not limited to: state domestic violence coalitions, state sexual assault coalitions) as voting members of the CoC;</li> <li>• regularly collaborates with victim service providers state domestic violence coalitions, state sexual assault coalitions, and other organizations who help provide housing and services to survivors of domestic violence, dating violence, sexual assault, and stalking including those funded by HUD’s CoC and ESG Programs, U.S. Department of Justice, and U.S. Department of Health and Human Services to update CoC-wide policies and</li> </ul>

		<p>ensure all housing and services provided in the CoC are trauma-informed and able to meet the needs of survivors;</p> <ul style="list-style-type: none"><li>• provides annual training to CoC providers and operators of Coordinated Entry that addresses best practices in serving survivors of domestic violence, dating violence, sexual assault, and stalking;</li><li>• implemented safety planning and confidentiality protocols in its coordinated assessment;</li><li>• uses de-identified aggregate data on survivors of domestic violence, dating violence, sexual assault, and stalking – including data from comparable databases; HMIS; other stakeholders serving survivors of domestic violence, dating violence, sexual assault, or stalking – to evaluate how best to meet the specialized needs related to domestic violence and homelessness;</li><li>• implemented policies and procedures that ensure all individuals and families receiving and seeking CoC Program assistance are made aware of the CoC’s emergency transfer plan, the process for requesting an emergency transfer and the CoCs plan for responding to an emergency transfer once a survivor requests it;</li><li>• ensures survivors of domestic violence, dating</li></ul>
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		<p>violence, sexual assault, or stalking have access to all housing and services available within the CoC's geographic area;</p> <ul style="list-style-type: none"> <li>• ensures survivors with a range of lived expertise are involved in the development of CoC-wide policy and programs to ensure the CoC accounts for the unique and complex needs of survivors; and</li> <li>• reviews the CoC's systems to proactively identify barriers specific to survivors to ensure safe access to all CoC Programs/services.</li> </ul>
<p><b>f. Addressing the Needs of LGBTQ+ Individuals.</b> Demonstrates efforts to address the needs of Lesbian, Gay, Bisexual, Transgender, and Queer(LGBTQ+) individuals and their families experiencing homelessness.</p>	<p>7</p>	<p>CoC must:</p> <ul style="list-style-type: none"> <li>• demonstrate LGBTQ+ serving organizations or advocacy groups are included in the CoC membership;</li> <li>• annually conduct training to providers about how to effectively implement the <a href="#">Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity Rule</a>, and the <a href="#">Equal Access in Accordance with an Individual's Gender Identity in Community Planning and Development Programs Rule</a>;</li> <li>• demonstrate that they have implemented and trained providers on a CoC-wide, anti-discrimination policy ensuring that LGBTQ+ individuals and families receive supportive services,</li> </ul>



		<p>shelter, and housing free from discrimination;</p> <ul style="list-style-type: none"> <li>• demonstrate that the CoC regularly collaborates with LGBTQ+ and other organizations to update their CoC-wide, anti-discrimination policy, as necessary to ensure all housing and services provided in the CoC are trauma-informed and able to meet the needs of LGBTQ+ individuals and families;</li> <li>• Demonstrate that the CoC has assisted providers in developing agency anti-discrimination policies that are consistent with the CoC-wide anti-discrimination policy; and</li> <li>• Demonstrate that the CoC has a process for evaluating compliance with the CoC's anti-discrimination policies and addresses any non-compliance with those policies.</li> </ul>
<p><b>g. Public Housing Agencies.</b> Coordinates with the Public Housing Agencies (PHAs) located in their geographic area that resulted in admission preferences for households experiencing homelessness, including move-on strategy-which is a partnership between the CoC and one or more PHAs who have an admission preference for clients in PH-PSH who are able and want to move out of supportive housing with a rental subsidy.</p>	<p><b>10</b></p>	<p>CoCs must demonstrate how they work with the PHA(s) in their geographic area to:</p> <ul style="list-style-type: none"> <li>• coordinate with a PHA to apply for or implement Housing Choice Voucher funding that is statutorily dedicated to people experiencing homelessness;</li> <li>• coordinate with a PHA to apply for or implement existing funding for people experiencing homelessness (e.g. Mainstream vouchers, FUP, or other programs);</li> </ul>

		<ul style="list-style-type: none"> <li>• established PHA(s) admission preferences for households experiencing homelessness which may include a preference for formerly homeless households residing in units of housing for persons experiencing homelessness (e.g., Move-on Program), or project-basing vouchers for households experiencing homelessness;</li> <li>• ensure at least 20 percent of new PHA admissions were individuals or families experiencing homelessness at admission; and</li> <li>• Include PHA(s)-funded units described above in the CoC’s coordinated entry.</li> </ul>
<p><b>h. Discharge Planning.</b> Coordinates with and assists in state or local discharge planning efforts (e.g., community reentry, community transitions, or reentry services) to ensure that those discharged do not become homeless.</p>	<p><b>2</b></p>	<p>CoCs must coordinate with state or local discharge planning efforts to ensure people exiting from foster care and institutions (i.e., jails/prisons/hospitals, mental health facilities, or other institutional settings) are not released directly to the streets, emergency shelters, or other McKinney-Vento Homeless Assistance programs, and the CoC works with discharge planning efforts to help identify affordable and integrated housing opportunities for individuals with disabilities transitioning from institutional settings, including providing reasonable accommodations that may be necessary for program participation, and ensuring housing options include housing that meets one’s disability-related needs.</p>
<p><b>i. Housing First.</b> Projects in the CoC use a Housing First approach and the CoC assesses fidelity to the Housing</p>	<p><b>10</b></p>	<p>CoCs must demonstrate at least 75 percent of all project applications that include housing activities (e.g.,</p>

<p>First approach. Any housing project application that indicates it will use a Housing First approach, that is awarded FY 2023 CoC Program funds will be required to do so.</p>		<p>permanent housing, safe haven) submitted under this NOFO are using the Housing First approach by providing low barrier projects that do not require preconditions to accessing housing nor participation in supportive services for continued tenancy, occupancy, or participation in the project, and prioritize rapid placement and stabilization in permanent housing.</p> <p>This means the projects allow entry to program participants regardless of their income, current or past substance use, history of victimization (e.g., domestic violence, sexual assault, childhood abuse), and criminal record—except restrictions imposed by federal, state, or local law or ordinance (e.g., restrictions on serving people who are listed on sex offender registries).</p> <p>CoCs must describe what tools and methods are used outside of the local CoC competition rating and ranking process to regularly evaluate and ensure all projects that commit to following a Housing First approach in their project applications are maintaining fidelity to a Housing First approach in project implementation. CoCs must attach an example of such an evaluation.</p>
<p><b>j. <i>Street Outreach.</i></b> Has implemented outreach procedures to ensure all persons experiencing homelessness are aware of the housing and services providers within the CoC’s geographic area.</p>	<p><b>3</b></p>	<p>CoCs must demonstrate:</p> <ul style="list-style-type: none"> <li>• the CoC’s street outreach covers 100 percent of the CoC’s geographic area;</li> <li>• outreach is conducted on a regular basis; and</li> </ul>

		<ul style="list-style-type: none"> <li>• outreach is tailored to reach those that are least likely to request assistance.</li> </ul>
<p><b>k. Criminalization.</b> Implement specific strategies to prevent the criminalization of homelessness within the CoC’s geographic area.</p>	2	<p>Indicate specific strategies to (1) ensure homelessness is not criminalized and (2) to reverse existing criminalization policies such as bans on public sleeping or other behaviors associated with homelessness. This includes engaging and educating local policymakers and law enforcement to reduce criminalization of homelessness and adopt protocols that uphold civil rights and prioritize connections to housing and services, implementing community plans, or engaging and educating businesses.</p>
<p><b>l. Rapid Rehousing.</b> Demonstrate an increase, in the number of rapid rehousing beds available as recorded on the 2023 HIC data submitted to HUD, or that an increase is not needed.</p>	9	<p>Demonstrate an increase in the number of rapid rehousing beds in the CoC geographic area as reported in HDX.</p> <p><b>OR</b></p> <p>Clearly demonstrate the number of rapid rehousing beds in the CoC’s geographic area sufficiently meeting the needs for this type of housing, which will be verified against information in the most recent PIT and HIC data reported in HDX.</p> <p><b>OR</b></p> <p>Demonstrate using Annual Performance Report or other longitudinal data from HMIS that more households entered permanent housing through RRH programs in the most recent 12-month period covered by the Annual Performance Reports or other longitudinal data from HMIS compared to the previous 12-month period.</p>

<p><b>m. Mainstream Benefits and Other Assistance.</b> The CoC provides information and training to CoC Program-funded projects to supplement CoC Program funds with resources from other public and private sources, including programs that assist program participants in applying for and receiving mainstream benefits or gaining employment.</p>	<p>2</p>	<p>CoCs must demonstrate:</p> <ul style="list-style-type: none"> <li>• at least once a year, the CoC provides training to program staff and trains program staff regarding the following mainstream resources available for program participants within the geographic area: <ul style="list-style-type: none"> <li>○ Food Stamps</li> <li>○ SSI</li> <li>○ SSDI</li> <li>○ TANF</li> <li>○ Substance Use Disorder Programs</li> <li>○ Employment Assistance Programs</li> </ul> </li> <li>• how the CoC works with projects to collaborate with healthcare organizations, including those that provide substance use disorder treatment and mental health treatment, to assist program participants with receiving healthcare services, including Medicaid; and</li> <li>• how the CoC promotes <a href="#">SOAR</a> certification among program staff, unless the CoC is in a U.S. Territory where SSI/SSDI benefits are federally prohibited.</li> </ul>
<p><b>n. Utilizing Non-Congregate Sheltering.</b> The CoC is increasing their capacity to provide non-congregate shelter, which may include when the non-congregate sheltering that is used to prevent the spread of infectious diseases or to protect highly vulnerable individuals from infectious diseases.</p>	<p>1</p>	<p>The CoC must demonstrate that they are increasing their capacity to provide non-congregate sheltering, which may include when the non-congregate sheltering that is used to prevent the spread of infectious diseases or to protect highly vulnerable individuals from infectious disease.</p>

<p><b>o. Partnerships with Public Health Agencies.</b> The CoC coordinates with state and local public health agencies to respond to and prevent infectious disease outbreaks among people experiencing homelessness.</p>	<p>5</p>	<p>The CoC must demonstrate:</p> <ul style="list-style-type: none"> <li>• that the CoC effectively collaborates with state and local public health agencies to develop CoC-wide policies and procedures to respond to and prevent infectious disease outbreaks among people experiencing homelessness; and</li> <li>• that the CoC effectively shares information related to public health measures and homelessness and facilitates communication between public health agencies and homeless service providers to ensure street outreach providers and shelter and housing providers are equipped to prevent or limit infectious disease outbreaks among program participants.</li> </ul>
<p><b>p. Centralized or Coordinated Assessment System and Affirmatively Furthering Fair Housing (AFFH).</b> The CoC has an effective Coordinated Entry System and has implemented affirmative marketing procedures to ensure all persons seeking assistance are informed of their rights and remedies under federal, state, and local fair housing and civil rights laws.</p>	<p>4</p>	<p>CoCs must demonstrate the centralized or coordinated entry system:</p> <ul style="list-style-type: none"> <li>• covers the entire CoC geographic area;</li> <li>• affirmatively markets housing and services provided within the CoC’s geographic area and ensures it reaches all persons experiencing homelessness;</li> <li>• reaches people who are least likely to apply in the absence of special outreach;</li> <li>• informs program participants of their rights and remedies available under federal, State and local fair housing and civil rights laws.</li> <li>• reports any conditions or actions that impede fair</li> </ul>

		<p>housing choice for current or prospective program participants to the jurisdiction that provided the Certification of Consistency with the Consolidated Plan;</p> <ul style="list-style-type: none"> <li>• uses a standardized assessment process and assessment tool;</li> <li>• prioritizes persons most in need of assistance and ensures that permanent housing is rapidly obtained consistent with participants' preferences;</li> <li>• takes steps to reduce burdens on people utilizing coordinated entry, including any invasive questions or complexity in the assessment processes;</li> <li>• engages with a broad range of organizations (e.g., local government, law enforcement, CDBG/HOME/ESG entitlement jurisdictions, affordable housing developers, early childhood programs, education authorities, mental health organizations.) that participate in the coordinated entry system;</li> <li>• is updated regularly using feedback they receive from participating projects and households that participated in coordinated entry.</li> </ul>
<p><b>q. Advancing Racial Equity in Homelessness.</b> The CoC has assessed racial disparities in the provision or outcome of homeless assistance and</p>	<p>7</p>	<p>CoCs must describe:</p> <ul style="list-style-type: none"> <li>• how the CoC analyzed whether any racial disparities are present in the provision</li> </ul>

<p>taken the necessary steps to address such disparities.</p>		<p>or outcomes of homeless assistance;</p> <ul style="list-style-type: none"> <li>• what racial disparities the CoC identified in the provision or outcomes of homeless assistance;</li> <li>• what steps the CoC is taking to address the disparities identified in the provision or outcomes of homeless assistance; and</li> <li>• what measures the CoC has in place to track progress on preventing or eliminating disparities in the provision or outcomes of homeless assistance.</li> </ul> <p>Any actions taken must be consistent with federal nondiscrimination requirements</p>
<p><b><i>r. Involving Individuals with Lived Experience of Homelessness in Service Delivery and Decision-Making and Provide Professional Development and Employment Opportunities.</i></b> The CoC has included persons with lived experience of homelessness in the CoC’s decision-making process, and the CoC encourages CoC members to provide professional development and employment opportunities to people experiencing homelessness.</p>	<p>5</p>	<p>CoCs must demonstrate:</p> <ul style="list-style-type: none"> <li>• outreach efforts (e.g., social media announcements, targeted outreach) to engage those with lived experience of homelessness in leadership roles and decision-making processes;</li> <li>• individuals with lived experience of homelessness participate in CoC committees, subcommittees, or workgroups;</li> <li>• individuals with lived experience of homelessness are routinely included in decision-making processes of the CoC related to addressing homelessness (e.g. minutes from CoC or CoC Subcommittee meetings show people with lived</li> </ul>



		<p>experience are involved in decision-making);</p> <ul style="list-style-type: none"><li>• individuals with lived experience of homelessness are included in the development, or revision, of the local competition rating factors;</li><li>• individuals with lived experience of homelessness are included in the development of the CoC's coordinated entry process;</li><li>• professional development (e.g. internships, continuing education, skill-based training) and employment opportunities are provided to individuals with lived experience of homelessness either within the CoC or by CoC membership organizations; and</li><li>• feedback is routinely gathered from people experiencing homelessness and people who have received assistance through the CoC or ESG program on their experience receiving assistance and the steps the CoC takes to address challenges raised by people with lived experience of homelessness.</li><li>• CoCs must attach a letter signed by either (1) at least three members involved in the working group (e.g., advisory committee, subcommittee) comprised of individuals with lived experience or (2) an authorized representative of the workgroup (e.g., a</li></ul>
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		<p>working chair) along with evidence that the person is authorized to represent the group; and the letter must demonstrate support of the priorities for serving individuals and families experiencing homelessness with severe service needs in the CoC’s geographic area.</p> <p>Persons with lived experience must have been homeless within the last 7 years or are currently program participants. Full points are available if there is more than one person with lived experience of homelessness engaged in local CoC planning and at least one person with lived experience came from an unsheltered situation.</p>
<p><b>s. Section 3 Requirements for CoCs.</b> CoCs submitting new project applications that include funding requests for new construction or rehabilitation activities must complete a series of questions that address the actions taken by project applicants to comply with Section 3 as described in the “To Receive Maximum Points” column.</p> <p>HUD will deduct 2 points from a CoC’s overall score if the information provided is insufficient to meet the required criteria.</p> <p>If a CoC does not have new project applications that include new construction or rehabilitation, these criteria do not apply.</p> <p>Grants to Indian Tribes are subject to Indian Preference under Section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C.</p>	<p>-2</p>	<p>For project applicants that plan to use funding for construction or rehabilitation, HUD will deduct 2 points from the CoC’s overall score, unless the CoC includes information that describes the actions that will be taken by project applicants that receive CoC funding to comply with section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) (Section 3) and HUD’s implementing rules at 24 CFR part 75 to provide employment and training opportunities for low- and very low-income persons (Section 3 residents), and to award contracts to businesses that are owned by or substantially employ those persons (Section 3 businesses). Self-certified Section 3 businesses in your locality may be found at <a href="http://www.hud.gov/sec3biz">www.hud.gov/sec3biz</a>. This does not affect applicants’ existing responsibilities to provide training, employment, and other</p>

5307(b)) and are not subject to Section 3 requirements.		economic opportunities pursuant to Section 3 that result from their receipt of other HUD funding.
<b>t. Increasing Affordable Housing Supply.</b> The CoC has taken steps to work with jurisdictions within their geographic area to reduce barriers to housing development and increase the supply of affordable housing	1	CoCs must describe at least 2 steps they have taken in the past 12 months that engage city, county, or state governments within their geographic area regarding the following: <ul style="list-style-type: none"> <li>• reforming zoning and land use policies to permit more housing development; or</li> <li>• reducing regulatory barriers to housing development.</li> </ul>
<p><b>2. Project Capacity, Review, and Ranking.</b> HUD will award up to 27 points to CoCs that demonstrate the existence of a single coordinated, inclusive, and outcome-oriented community process for the solicitation, objective review, ranking, and selection of project applications, that includes reviewing and a process by which renewal projects, except expiring YHDP Renewals and YHDP Replacements, are reviewed for performance and compliance with 24 CFR part 578. HUD will award maximum points for the Ranking and Selection Process in this section to CoCs with the project(s) that have been covered by a major disaster, as declared by the President under Title IV of the Robert T. Stafford Act, that occurred in the 12 months prior to the application deadline for the CoC Consolidated Application for FY 2023 funds. To receive consideration for such a major disaster, the Collaborative Applicant must notify HUD in writing before the application deadline and must include information about how the disaster affected the Collaborative Applicant’s ability to meet the criteria in 2.g below. The notification must be sent to Norm Suchar, Director, Office of Special Needs Assistance Programs, at <a href="mailto:CoCDisaster@hud.gov">CoCDisaster@hud.gov</a>.</p>		
<b>a. Objective Criteria.</b> Demonstrate the use of objective criteria to review project applications requesting CoC Program funding.	4	The CoC must demonstrate it publicly notified applicants and used objective criteria to evaluate applications in the local competition: <ul style="list-style-type: none"> <li>• Up to 1 of the 4 points for attaching the CoC’s local scoring and rating criteria, including point values, that was publicly posted at the time the CoC notified the public it was accepting applications.</li> </ul>

		<ul style="list-style-type: none"> <li>• Up to 1 of the 4 points based on the CoC’s use of objective criteria (e.g., cost-effectiveness, type of population served, type of housing proposed; commitment to Housing First);</li> <li>• Up to 1 of the 4 points where the use of the objective criteria accounted for at least 33 percent of the total points available for project applications; and</li> <li>• Up to 1 of the 4 points for use of more than one objective criterion.</li> </ul> <p>CoCs may receive full points for this criterion if they only use system performance measures to meet the objective criteria for rating, selection, and ranking project applications provided it accounts for 33 percent of the total points available for project applications.</p>
<p><b>b. Using System Performance Measures.</b> Demonstrate the use of CoC Program required system performance measures to review project applications requesting CoC Program funding.</p>	<p><b>9</b></p>	<p>The CoC must demonstrate it publicly notified applicants of and used local competition criteria based on system performance measures:</p> <ul style="list-style-type: none"> <li>• Up to 2 of the 9 points for attaching the CoC’s local scoring and rating criteria, including point values, that included outcome measures related to CoC system performance measures;</li> <li>• Up to 3 of the 9 points based on the CoC’s use of measures related to system performance measures (e.g., returns to homelessness, first-time homeless, jobs and income growth) in its local</li> </ul>

		<p>review, selection, rating process;</p> <ul style="list-style-type: none"> <li>• Up to 2 of the 9 points where the use of the measures related to system performance accounted for at least 20 percent of the total points available for project applications; and</li> <li>• Up to 2 of the 9 points for use of more than one measure related to system performance criteria.</li> </ul>
<p><b>c. Comparable Databases to Evaluate Domestic Violence Providers.</b> Victim service providers are required to use comparable databases in lieu of HMIS to collect the required Universal Data Elements and CoC Program system performance measures.</p>	1	<ul style="list-style-type: none"> <li>• The CoC must demonstrate it requires organizations serving survivors of domestic violence to submit performance data, including comparable database data if the provider is a victim service provider.</li> </ul>
<p><b>d. Rapid Return to Permanent Housing and Severity of Barriers Experienced by Program Participants.</b> The CoC collects and analyzes data on program participants in permanent housing and uses data on the severity of barriers experienced by a project’s program participants when ranking project performance related to obtaining and maintaining permanent housing.</p>	4	<p>The CoC must explain:</p> <ul style="list-style-type: none"> <li>• how the CoC collects and analyzes data regarding each project that has successfully housed program participants in permanent housing;</li> <li>• how the CoC analyzes data regarding how long it takes to house people in permanent housing; and</li> <li>• how the CoC considers the severity of barriers (e.g., substance use, history of domestic violence, criminal history), experienced by program participants preventing rapid placement in permanent housing or the ability to maintain permanent housing when rating, selecting, and ranking projects. The CoC must list</li> </ul>

		the severe barriers considered.
<b>e. Advance Racial Equity in the local CoC Process.</b> Demonstrate how the CoC is advancing racial equity when reviewing applications. Any actions taken must be consistent with federal nondiscrimination requirements.	<b>3</b>	<p>The CoC must demonstrate how:</p> <ul style="list-style-type: none"> <li>• efforts to obtain input and include persons of different races and ethnicities, particularly those over-represented in the local homelessness population, have impacted how the CoC has determined the rating factors used to review project applications; and</li> <li>• it includes persons of different races and ethnicities, particularly those over-represented in the local homelessness population, in the review, selection, and ranking process; and</li> <li>• projects are rated and ranked based on the degree to which their project has identified any barriers to participation (e.g., lack of outreach) faced by persons of different races and ethnicities, particularly those over-represented in the local homelessness population, and has taken or will take steps to eliminate the identified barriers.</li> </ul>
<b>f. Reallocating Projects.</b> Demonstrate that the CoC either reallocates funding from lower performing projects to create new higher performing projects or has a process to review the performance of existing projects and reallocate funding from lower performing projects to higher performing projects.	<b>3</b>	<p>Demonstrate the CoC actively reviews the performance of existing CoC Program-funded projects and has a standard process for reallocating funding from lower performing projects to create new high performing projects.</p> <p><b>OR</b></p> <p>Have cumulatively reallocated at least 20 percent of the CoC’s ARD</p>

		between the FY 2018 and FY 2023 CoC Program Competitions.
<p><b>g. Ranking and Selection Process.</b>          Demonstrate the use of an objective ranking and selection process for project applications that is publicly announced by the CoC.</p>	<p><b>3</b></p>	<p>CoCs must:</p> <ul style="list-style-type: none"> <li>• post to their website or a CoC member organization’s website the 30-day deadline for project applications that is no later than 30 days before the FY 2023 CoC Program Competition submission deadline of September 28, 2023;</li> <li>• attach a listing of all projects submitted to HUD that includes the final scores, ranking, accepted or rejected status, and requested funding amounts including reallocated funds from the CoC’s local competition;</li> <li>• notify, in writing outside of <i>e-snaps</i>, project applicants who submitted their project applications to the CoC by the CoC-established deadline, whether their project application(s) will be accepted and ranked, rejected, or reduced on the FY 2023 CoC Priority Listing no later than 15 days before the FY 2023 CoC Program Competition application submission deadline, and where a project application is being rejected or reduced, the CoC must indicate the reason(s) for the rejection or reduction; and</li> <li>• Post on their website, or a CoC member organization’s website, at least 2 days before the FY 2023 CoC Program Competition</li> </ul>

		<p>application submission deadline, the CoC Application, including the attachments, and the FY 2023 CoC Priority Listing, and notify community members and key stakeholders that the CoC Consolidated Application is available. CoCs that do not have a website must post this information to a CoC member organization's website (e.g., a city or county website).</p>
<p><b>3. Homeless Management Information System.</b> HUD will award up to <b>9</b> points to CoCs that demonstrate the existence of a functioning HMIS, and that victim service providers use comparable databases, that facilitate the collection of information on homelessness using residential and other homeless services and stores that data in an electronic format.</p>		
<p><b>a. Housing Inventory Count (HIC).</b> Submit complete HIC data in a timely manner.</p>	<p><b>1</b></p>	<p>Submitted 2023 HIC data in HDX 1.0 by the submission deadline of 8:00 PM EDT on April 28, 2023 or an alternate date approved by HUD.</p>
<p><b>b. Comparable Database for DV Providers.</b> Have in place, developing, or coordinating a comparable database with victim service providers to collect required data elements for reporting de-identified information to the CoC.</p>	<p><b>2</b></p>	<p>Demonstrate how the CoC and HMIS Lead are supporting victim service providers to collect data in a database that meets HUD's comparable database requirements.</p>
<p><b>c. Bed Coverage.</b> The bed coverage rate for the housing types within the CoC that includes emergency shelter, Safe Haven, Transitional Housing, rapid rehousing, and permanent supportive housing.</p>	<p><b>4</b></p>	<p>At least 85 percent of the beds in the CoC's geographic area are covered in HMIS and comparable databases. The bed coverage rate is the number of HMIS and comparable database participating beds divided by the number of year-round beds dedicated to persons experiencing homelessness in the geographic area covered by the CoC.</p> <p>To receive partial credit, if the bed coverage rate is below 85 percent, the CoC must provide clear steps on</p>



		<p>how it intends to increase this percentage over the next 12 months.</p> <p>A CoC that merged between the FY 2022 CoC Program Registration process and the FY 2023 CoC Program Registration process will have its bed coverage rate calculated based on the higher of:</p> <p style="padding-left: 40px;">the bed coverage rate reported by the combined, newly merged CoC in the 2022 or 2023 HIC;</p> <p style="text-align: center;"><b>OR</b></p> <p style="padding-left: 40px;">the highest bed coverage rate reported by one of the merged CoCs as constituted before the merger in the FY 2022 CoC Program Competition.</p> <p>To receive consideration as a merged CoC, the new CoC must contain all the geographic area of at least two CoCs that were awarded funds under the FY 2021 CoC Program Competition and submitted separate applications in the FY 2022 CoC Program Competition.</p>
<p><b>d. Longitudinal Systems Analysis (LSA) Submission.</b> Submit usable 2022 LSA data in a complete and timely manner.</p>	<p><b>2</b></p>	<p>The CoC submitted its LSA data in HDX 2.0 by the submission deadline of February 28, 2023 at 8:00 PM EST or an alternate date approved by HUD; and HUD determined that there were at least 2 usable files.</p>
<p><b>4. Point-in-Time Count.</b> HUD will award up to 5 points to CoCs that collect, use, and submit data from the 2023 PIT count.</p>		
<p><b>a. PIT Count and Data Submission.</b> Conduct a PIT count and report the data in HDX.</p>	<p><b>3</b></p>	<p>Conduct a sheltered and unsheltered PIT count during the last 10 days in January 2023, or if an exception was provided by HUD, during the time period agreed upon by the CoC and</p>

		<p>HUD; and</p> <p>Submit the 2023 PIT count data in HDX by April 28, 2023, 8:00 PM EDT, or if the CoC received an extension, the date indicated in the extension.</p>
<p><b>b. Effectively Count Youth.</b> Implement specific measures to identify youth in the CoC's PIT count.</p>	2	<p>Demonstrate that for the 2023 PIT count, the CoC:</p> <ul style="list-style-type: none"> <li>engaged youth serving organizations and youth experiencing homelessness (including unaccompanied youth) in your most recent PIT count planning process;</li> <li>worked with youth serving organizations and youth with lived experience of homelessness to select locations where youth experiencing homelessness are most likely to be identified; and</li> <li>involved youth experiencing homelessness in the actual count.</li> </ul>
<p><b>5. System Performance.</b> HUD will award up to <b>60</b> points to CoCs for system-wide performance related to reducing homelessness.</p>		
<p><b>a. Reducing the Number of Homeless Individuals and Families.</b> Up to 1 point to CoCs that demonstrate an overall reduction of at least 5 percent in the number of individuals and families who experience homelessness.</p>	12	<ul style="list-style-type: none"> <li>Up to 2 of the 12 points for demonstrating a decrease of at least 5 percent in the number of sheltered homeless individuals and families in the 2023 PIT count compared to the 2022 PIT count as recorded in HDX, excluding emergency shelter beds added for a Presidentially declared disaster and recorded as such in HDX;</li> <li>Up to 7 of the 12 points for demonstrating a decrease of at least 5 percent in the</li> </ul>

		<p>number of unsheltered homeless individuals and families in the 2023 PIT compared to the 2022 PIT count (or most recent unsheltered PIT count submitted) as recorded in HDX; and</p> <ul style="list-style-type: none"> <li>Up to 3 of the 12 points for demonstrating a decrease of at least 5 percent in the combined number of sheltered and unsheltered homeless individuals and families in the 2023 PIT compared to the 2022 PIT count (or most recent PIT count submitted with both sheltered and unsheltered data) as recorded in HDX.</li> </ul> <p>HUD will consider the impact of persons displaced by natural disasters (including displaced in the CoC's geographic area) and displaced persons seeking short-term shelter or housing assistance who recently arrived in your CoC's geographic area if the CoC demonstrates that those factors affected their performance on this rating factor.</p>
<p><b>b. Reduction in the Number of First-Time Homeless.</b> Demonstrate how the CoC works to reduce the number of individuals and families who become homeless for the first time.</p>	<p><b>3</b></p>	<ul style="list-style-type: none"> <li>Demonstrate that between FY 2021 and FY 2022 the CoC reduced the number of first-time homeless as reported in HDX (1 of the 3 points);</li> <li>Identify the process by which risk factors are identified in its community for becoming homeless for the first time;</li> </ul>

		<ul style="list-style-type: none"> <li>• Describe the strategies in place to address individuals and families at risk of becoming homeless; and</li> <li>• Identify the organization or position that is responsible for overseeing the CoC strategy to reduce or end the number of people experiencing homelessness for the first time.</li> </ul> <p>HUD will consider the impact of persons displaced by natural disasters (including displaced in the CoC's geographic area) and displaced persons seeking short-term shelter or housing assistance who recently arrived in your CoC's geographic area if the CoC demonstrates that those factors affected their performance on this rating factor.</p>
<p><b>c. <i>Length of Time Homeless.</i></b> Reduce the length of time individuals and families remain homeless and describe how they will reduce the length of time individuals and families remain homeless in the future.</p>	<p><b>13</b></p>	<ul style="list-style-type: none"> <li>• Demonstrate that between FY 2021 and FY 2022 the CoC reduced the average length of time individuals and families remained homeless in the CoC's geographic area of at least 5 percent or that the CoC's average length of time homeless was 90 days or less as reported in HDX (8 of 13 points);</li> <li>• Describe the CoC's strategy to reduce the length of time individuals and families remain homeless;</li> <li>• Describe how the CoC identifies and houses individuals and families with the longest length of time homeless; and</li> </ul>

		<ul style="list-style-type: none"> <li>• 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.</li> </ul>
<p><b>d. Successful Permanent Housing Placement or Retention.</b>          Demonstrate an increase in the rate in which individuals and families move to permanent housing destinations or continue to reside in PH projects and describe how the CoC will improve their rate of permanent housing placement.</p>	<p><b>13</b></p>	<ul style="list-style-type: none"> <li>• Demonstrate that between FY 2021 and FY 2022 the CoC increased the rate at which persons exiting emergency shelter, TH, Safe Haven, and RRH projects exit to permanent housing destinations by at least 2 percentage points (e.g. from 36% to 38%) or that the rate of exits to permanent housing destinations was 50 percent or higher as reported in HDX (up to 8 of the 13 points);</li> <li>• Demonstrate that between FY 2021 and FY 2022 the CoC increased the rate at which persons residing in permanent supportive housing or other permanent housing, excluding rapid rehousing, exited to permanent housing destinations by at least 1 percentage point (e.g. from 92% to 93%) or that rate of retention of or exits to permanent housing destinations was 96 percent or higher as reported in HDX (up to 4 of the 13 points);</li> <li>• Describe the strategy the CoC is taking to improve permanent housing placement and retention; and</li> <li>• Identify the organization or position that is responsible for overseeing the CoC's</li> </ul>

		<p>strategy to increase permanent housing placements or retain housing for individuals and families residing in permanent housing.</p>
<p><b>e. Returns to Homelessness.</b> Reduce the extent to which individuals and families leaving homelessness experience additional spells of homelessness and describe how the number of individuals and families who return to homelessness will be reduced in the community.</p>	<p><b>8</b></p>	<ul style="list-style-type: none"> <li>• Demonstrate that between FY 2021 and FY 2022 the CoC reduced the rate at which persons who exited to permanent housing destinations experienced additional spells of homelessness within 6 months of exit by at least 1 percentage point (e.g., from 10% to 9%) or that the CoC’s rate of return in 6 months was 5 percent or less as reported in HDX (up to 3 of the 8 points):</li> <li>• Demonstrate that between FY 2021 and FY 2022 the CoC reduced the rate at which persons who exited to permanent housing destinations experienced additional spells of homelessness within 12 months by at least 1 percentage point (e.g., from 15% to 14%) or that the CoC’s rate of return in 12 months was 10 percent or less as reported in HDX (up to 3 of the 8 points):</li> <li>• Describe the strategy that has been implemented to identify individuals and families who return to homelessness;</li> <li>• Describe the strategy that will reduce returns to homelessness; and</li> </ul>



		<ul style="list-style-type: none"> <li>• Identify the organization or position that is responsible for overseeing the CoC’s strategy to reduce returns to homelessness.</li> </ul>
<p><b>f. Jobs and Income Growth.</b> Increase program participants’ incomes from employment and non-employment cash sources and describe specific strategies to assist program participants’ incomes.</p>	<p>7</p>	<ul style="list-style-type: none"> <li>• Demonstrate that between FY 2021 and FY 2022 the CoC increased the percentage of CoC Program participants who had an increase in income from employment or that the rate of income from employment in the CoC was 20 percent or higher as reported in HDX (2 of the 7 points);</li> <li>• Demonstrate that between FY 2021 and FY 2022 the CoC increased the percentage of CoC Program participants who had increased income from non-employment cash sources for persons served in CoC Program-funded projects or that the rate of income from non-employment cash sources in the CoC was 50 percent or higher as reported in HDX (2 of the 7 points);</li> <li>• Describe the strategy that has been implemented to access employment and non-employment cash sources;</li> <li>• Describe how the CoC is working with mainstream employment organizations to help individuals and families experiencing homelessness increase their cash income; and</li> <li>• Identify the organization or position that is responsible for overseeing the CoC’s strategy to increase jobs and</li> </ul>

		income growth from employment and non-employment cash sources, including mainstream employment organizations.
<b>g. HMIS Performance Measures.</b> Submit data quality report that describes the data quality for system performance	4	The CoC submitted FY 2022 System Performance Measures data in HDX 1.0 by the submission deadline of 8:00 PM EDT on February 28, 2023, or an alternate date approved by HUD.
<b>6. Coordination with Housing and Healthcare.</b> As stated in section I.B.3.d of this NOFO, HUD will award up to <b>14</b> points to CoCs that submit new PSH and RRH project applications demonstrating coordination with housing providers and healthcare organizations.		
<b>a. Leveraging Housing Resources.</b> These points are available for CoCs that apply for at least one new PSH or RRH project that utilizes housing subsidies or subsidized housing units not funded through the CoC or ESG programs. Housing subsidies or subsidized housing units may be funded through any of the following sources: <ul style="list-style-type: none"> <li>• Private organizations;</li> <li>• State or local government, including through the use of HOME funding provided through the American Rescue Plan;</li> <li>• Public Housing Agencies, including through the use of a general or limited preference;</li> <li>• Faith-based organizations; or</li> <li>• Federal programs other than the CoC or ESG programs.</li> </ul>	7	CoC's will receive full points by demonstrating that they have applied for at least one PSH or RRH project that utilizes housing subsidies or subsidized housing units not funded through the CoC or ESG programs. The CoC must demonstrate that these housing units will: <ul style="list-style-type: none"> <li>(i) in the case of a PSH project, provide at least 25 percent of the units included in the project; or</li> <li>(ii) in the case of a RRH project, serve at least 25 percent of the program participants anticipated to be served by the project.</li> </ul> CoCs must attach letters of commitment, contracts, or other formal written documents that demonstrate the number of subsidies or units being provided to support the project.  CoCs can receive less than full points for demonstrating commitments less than the threshold described above.

<p><b>b. Leveraging Healthcare Resources.</b> These points are available for CoCs that apply for at least one PSH or RRH project that utilizes healthcare resources to help individuals and families experiencing homelessness. Sources of health care resources include:</p> <ul style="list-style-type: none"> <li>• Direct contributions from a public or private health insurance provider to the project (e.g., Medicaid), and</li> <li>• Provision of health care services by a private or public organization (e.g., Ryan White funded organization) tailored to the program participants of the project.</li> <li>• Eligibility for the project must comply with HUD program and fair housing requirements. Eligibility criteria cannot be restricted by the eligibility requirements of the health care service provider.</li> </ul>	7	<p>CoCs must demonstrate through a written commitment from a health care organization that:</p> <ul style="list-style-type: none"> <li>(i) in the case of a substance use disorder treatment or recovery provider, it will provide access to treatment or recovery services for all program participants who quality and choose those services; or</li> <li>(ii) the value of assistance being provided is at least an amount that is equivalent to 25 percent of the funding being requested for the project, which will be covered by the healthcare organization.</li> </ul> <p>Acceptable forms of commitment are formal written agreements and must include:</p> <ul style="list-style-type: none"> <li>• value of the commitment, and</li> <li>• dates the healthcare resources will be provided.</li> </ul> <p>In-kind resources must be valued at the local rates consistent with the amount paid for services not supported by grant funds.</p> <p>CoCs can receive less than full points for demonstrating commitments less than the threshold described above.</p>
<p><b>7. CoC Merger Bonus Points.</b> As stated in section I.B.2.b.(4) of this NOFO, HUD will award up to a possible <b>25</b> bonus points to CoCs that merged in the period between FY 2022 and FY 2023 CoC Program Registration deadlines based on the following structure. The minimum number of bonus points a merged CoC may receive is 5 with the maximum number of points available at 25.</p>		
<p><b>a. Merged CoCs between FY 2022 CoC Program Registration and FY 2023 CoC Program Registration.</b></p>	5	<p>Merged CoCs - all CoCs that merged will receive this minimum number of points.</p>
<p><b>b. CoC Application score in FY 2021 or FY 2022.</b></p>	10	<p>One or more of the merged CoCs had a CoC Application score of 140</p>

		points or below in the FY 2021 or FY 2022 CoC Program Competitions. HUD will review the FY 2021 and FY 2022 CoC Applications and award 10 bonus points if at least one of the merged CoCs meet this criterion.
<b>c. Point in Time Counts</b>	<b>10</b>	Demonstrating that the results of their Point-in-Time counts reported in the Homelessness Data Exchange (HDX) were affected by changes in methodology that resulted from the merger in a way that would affect their CoC score. To receive these bonus points for mergers, the CoC will need to demonstrate that they changed the methodology of their Point-in-Time count and how it affected results. Maximum points will be awarded for CoCs for which a change in methodology resulted in a reduction of at least 10 points in their CoC Score.

### **C. Project Review and Selection Process**

In addition to the selection criteria rating for the overall CoC Application, described in section V.B. of this NOFO, HUD will conduct a project eligibility and project quality threshold review for project applicants and project applications. For new project applications, HUD will consider project applicant and subrecipient eligibility and capacity, project eligibility, and project quality as part of the threshold review, see sections III.C.5.b. and c. of this NOFO. HUD’s renewal project application threshold review will consider project applicant and subrecipient capacity and eligibility as explained in section III.C.5.d of this NOFO. Section III of this NOFO covers eligible project applicants and project applications.

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

#### **1. Threshold Review.**

Project applicant and subrecipient eligibility, capacity, and quality. HUD will review project applications to determine whether project applicants and subrecipients meet the project eligibility in section III.b.3, and whether the project applications meet the project eligibility and project quality thresholds detailed in sections III.C.5.b. and c. of this NOFO. HUD will review renewal projects to determine if project applicants and subrecipients meet the project quality threshold requirements detailed in section III.C.5.d of this NOFO. If HUD determines these standards are not met, HUD will reject the project application, unless otherwise provided in this NOFO. If a

new project application passes the project eligibility threshold review in section III.C.5.b. and receives enough points to pass the project quality threshold review in section III.C.5.b. of this NOFO but does not receive all the points available for its project type, HUD may place conditions on the grant award that must be satisfied before HUD will execute a grant agreement with the applicant for the project. If an applicant is unable to satisfy the condition(s) within the timeframe specified by HUD, HUD reserves the right to withdraw the conditionally awarded funds.

## **2. Conditional Selection and Adjustments to Funding.**

HUD Headquarters will conditionally select project applications for funding using the following process:

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

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

**c. *UFA Costs projects.*** HUD will conditionally select every UFA Costs project submitted by UFA-designated Collaborative Applicants that pass project eligibility and project quality threshold review. Only one UFA Costs project application may be submitted per UFA-designated Collaborative Applicant.

**d. *FY 2017 (Round 2) or later YHDP Renewal and YHDP Replacement projects.*** HUD will conditionally select all renewal and replacement YHDP projects initially awarded during the FY 2017 (Round 2) or later YHDP competitions, that pass project eligibility and project quality threshold review. YHDP Replacement projects that do not meet quality threshold will be conditionally selected with conditions that the recipient correct any project quality threshold failures prior to executing a grant agreement.

**e. *DV Bonus.*** HUD will conditionally select new DV Bonus projects (including new DV Bonus projects that are part of an expansion) that pass project eligibility and project quality threshold in accordance with the criteria established in this NOFO [see section I.B.3.1 of this NOFO].

**f. *Project applications fully in Tier 1.*** HUD will conditionally select new CoC project applications created through reallocation or the CoC Bonus; project applications for YHDP Renewal and replacement grants initially awarded during the FY 2016 (Round 1) YHDP competition; and CoC renewal project applications that are fully within Tier 1 and pass project eligibility, project quality, and if applicable, project renewal threshold review. HUD will select projects based on CoC score, beginning with the highest scoring CoC to the lowest scoring CoC. As stated in section I.B.3.j.(1) of this NOFO, if the available funding under this NOFO is reduced, a reduction will be made to all CoCs’ Tier 1 amount proportionately which would result in lower ranked Tier 1 project applications falling into Tier 2.

**g. *Projects in Tier 2.*** HUD will conditionally select new CoC project applications created through reallocation and the CoC Bonus; project applications for YHDP Renewal and

replacement grants initially awarded during the FY 2016 (Round 1) YHDP competition; and renewal project applications, that pass project eligibility, project quality, and if applicable, project renewal threshold review in Tier 2 using the criteria in section I.B.3.j.(2) of this NOFO. HUD will select projects in order of point value until there are no more funds available. In the case of a tie, HUD will fund the projects in the order of CoC application score. In case there is still a tie, HUD will select the project from the CoC that has the highest score on the rating factors described in section I.B.3.j.(2) of this NOFO.

**h. *Projects that are partially in Tier 1.*** If a project application straddles the Tier 1 and Tier 2 funding line, HUD will conditionally select the project application up to the amount of funding that falls within Tier 1. Using the CoC score, and other factors described in section I.B.3.j of this NOFO, HUD may then fund the Tier 2 portion of the project. If HUD does not fund the Tier 2 portion of the project, HUD may award the project at the reduced amount, provided the project is still feasible with the reduced funding (e.g., is able to continue serving homeless program participants effectively).

### **3. Environmental Justice.**

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

### **4. Conflict of Interest of Consultants or Technical Experts Assisting HUD.**

Consultants and technical experts who assist HUD in rating and ranking applications for funding under published FY 2023 Program NOFOs are subject to 18 U.S.C. 208, the Federal criminal conflict-of-interest statute, and the Standards of Ethical Conduct for Employees of the Executive Branch regulation published at 5 CFR 2635. Therefore, consultants and technical experts who have assisted or plan to assist applicants with preparing applications for FY 2023 Program NOFOs are prohibited from serving on a selection panel or serving as a technical advisor to HUD. Anyone involved in rating and ranking FY 2023 Program NOFO applications, including departmental staff, experts, and consultants, must avoid conflicts of interest or the appearance of such conflicts. These individuals must also disclose to HUD's Office of General Counsel Ethics Law Division the following information, if applicable:

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

The consultant or technical expert assisting HUD must disclose this information before participating in any matter regarding a program NOFO. Applicants with questions regarding these provisions or concerning a conflict of interest should call the Office of General Counsel Ethics Law Division, at (202)708-3815 (this is not a toll-free number). Individuals who are deaf or hard of hearing, or who have speech or communication disabilities may use a relay service. To learn more about how to make an accessible telephone call, please visit <https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs>.

## **D. Adjustments to Projects.**

HUD may adjust the selection of competitive projects as follows:

### **1. Geographic Diversity.**

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

### **2. Funding Diversity.**

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

### **3. Tie-breaking Rules.**

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

### **4. Transferring conditionally selected projects.**

**a.** If HUD awards a renewal project for an expiring grant that had been amended to a new recipient, HUD will award the renewal project to the new recipient.

**b.** If it is determined that an eligible project applicant is unable to execute the conditionally selected project, the CoC may identify another eligible entity to assume the project as awarded and submit a request to HUD to have the grant executed with the selected eligible entity. If there is no such applicant available to operate the project, HUD may reject the project and award funds to project(s) on the FY 2023 CoC Priority Listing that were reduced due to insufficient funding availability; or HUD may select another eligible project(s) according to the project's rank on the FY 2023 CoC Priority Listing.

## **E. Corrections to Deficient Applications.**

Deficiency is information missing or omitted within a submitted application. Deficiencies typically involve missing documents, information on a form, or some other type of unsatisfied information requirement (e.g., an unsigned form, unchecked box, expansion grant application errors, etc.). As described in section I.B.1 of this NOFO, deficiencies may be either curable or non-curable. Correction of technical deficiencies must be received by HUD within 7 calendar days after notification is received by the applicant from HUD via email. The start of the cure period will be the date stamp on the email HUD sends to the authorized representative as noted



in the Project Applicant Profile in *e-snaps*; therefore, it is critical the project applicant's authorized representative's information is accurate. Additionally, HUD reserves the right to respond to unanticipated system defects, ambiguities, and technical difficulties in application submissions in *e-snaps* through a flexible implementation of its authority to cure application deficiencies through written inquiries 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.

## **F. Other Federal Statutes.**

CoCs may request, in the FY 2023 CoC Application, up to 10 percent of funding for the fiscal year awarded under this NOFO be approved to serve homeless households with children and youth defined as homeless under other federal statutes who are unstably housed (paragraph 3 of the definition of homeless found at 24 CFR 578.3). Approved CoCs are limited to using only up to 10 percent of the total amount awarded for each fiscal year appropriation to the CoC to serve this population and must determine which project(s) HUD will allow to use some or all their funding for this purpose. The only project types that will be funded in this Competition to serve this population are Transitional Housing, Supportive Services Only, and the Joint TH/PH-RRH component projects.

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

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

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

- project name(s) as listed on the FY 2023 CoC Priority Listing; and
- amount of funding in the project or per project that will be used for this purpose.

See 24 CFR 578.89 for more information about this limitation.

## **VI. AWARD ADMINISTRATION INFORMATION**

### **A. Award Notices**

Following the evaluation process, HUD will notify successful applicants of their selection for funding. HUD will also notify other applicants whose applications were received by the deadline but were not chosen for award. Notifications will be sent by email to the person listed as the Authorized Organizational Representative (AOR) in the applicant profile in *e-snaps*.

#### **1. Final Grant**

After HUD has made selections, HUD will finalize specific terms of the award and budget in consultation with the conditionally selected applicant. HUD may subsequently request conditionally selected applications to submit additional project information which may include documentation to show the project is financially feasible; documentation of firm commitments for match; documentation showing site control; information necessary for HUD to perform an environmental review, where HUD determines to do so in accordance with 24 CFR 58.11(d); a copy of the organization's Code of Conduct; and such other documentation as specified by HUD in writing that confirms or clarifies information provided in the application. HUD will require the submission of the additional project information no later than 30 days after the date of the letter, except as otherwise provided in 24 CFR 578.21(c). If HUD and the conditionally selected applicant do not finalize the terms and conditions of the award in a timely manner, or the conditionally selected applicant fails to provide the requested information within 90 days, an award will not be made to that applicant. In this case, HUD Headquarters may select another eligible applicant. HUD may also impose specific conditions on an award as provided under [2 CFR 200.208](#).

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

#### **2. Adjustments to Funding**

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

- a. HUD will fund no portion of an application that:
  - (1) Is ineligible for funding under applicable statutory or regulatory requirements;
  - (2) Fails, in whole or in part, to meet the requirements of this notice;
  - (3) Duplicates activities funded by other federal awards; or
  - (4) Duplicates activities funded in a prior year.

- b. If funds are available after funding the highest-ranking application, HUD Headquarters may fund all or part of another eligible fundable application.
- c. HUD may adjust the funding for an application to ensure funding diversity, geographic diversity, and alignment with HUD administrative priorities.
- d. If an applicant turns down an award offer, or if HUD and an applicant do not finalize the terms and conditions of the award in a timely manner, HUD Headquarters may withdraw the award offer and make an offer of funding to another eligible application.
- e. If funds remain after all selections have been made, remaining funds may be made available within the current FY for other competitions within the program area, or be held for future competitions (if allowable in accordance with the applicable appropriation or authorizing statute), or be used as otherwise provided by authorizing statute or appropriation.
- f. If, after announcement of awards made under the current NOFO, additional funds become available either through the current appropriations, a supplemental appropriation, other appropriations or recapture of funds, HUD may, in accordance with the appropriation, use the additional funds to provide additional funding to an applicant awarded less than the requested amount of funds to make the full award, and/or to fund additional applicants that were eligible to receive an award but for which there were no funds available.

### **3. Funding Errors**

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

If HUD discovers that an award was made because of HUD error, HUD may allow the award to stand if the project meets statutory and regulatory requirements.

### **4. Grant Transfers**

Approval from HUD Headquarters is required before a grant awarded under this NOFO may be transferred.

Under this NOFO, HUD will treat the change of project applicant as a curable deficiency. This occurs when a Recipient of a FY 2022 CoC grant award applies to renew their award under this NOFO and during the period between applying and before HUD announces awards, with HUD approval a grant transfer of the FY 2022 grant is executed with a New Recipient. This grant transfer results in a FY 2023 CoC renewal application that does not reflect the New Recipient as the applicant. In this type of situation, HUD will treat the change of project applicant as a curable deficiency

## **B. Administrative, National and Departmental Policy Requirements and Terms for HUD Applicants and Recipients of Financial Assistance Awards**

Unless otherwise specified, the following Administrative, National and Department Policy Requirements and Terms for HUD Financial Assistance Awards apply and are detailed in the document with the same name on [HUD's Funding Opportunity page](#). Failure to comply with these requirements may impact your ability to receive or retain a financial assistance award from HUD.

1. Compliance with The Fair Housing Act ([42 U.S.C. 3601-3619](#)) and implementing regulations at [24 CFR part 100 et seq](#)
2. Compliance with Title VI of the Civil Rights Act of 1964, [42 U.S.C. 2000d-2000d-4](#) (Nondiscrimination in Federally Assisted Programs) and implementing regulations at [24 CFR part 1](#)
3. Compliance with the Age Discrimination Act of 1975 ([42 U.S.C. 6101-6107](#)) and implementing regulations at [24 CFR part 146](#)
4. Compliance with Section 504 of the Rehabilitation Act of 1973 ([29 U.S.C. 794](#)) and implementing regulations at [24 CFR part 8](#)
5. Compliance with the Americans with Disabilities Act, [42 U.S.C. 12101 et seq](#)
6. Compliance with Affirmatively Furthering Fair Housing (AFFH) requirements, including those listed on HUD's [Affirmatively Furthering Fair Housing](#) webpage
7. Compliance with Economic Opportunities for Low-and Very Low-income Persons (Section 3) requirements, including those listed at [24 CFR part 75](#)
8. Compliance with Improving Access to Services for Persons with Limited English Proficiency (LEP) requirements, including those listed within [Federal Register Notice, FR-4878-N-02](#) (also see [HUD's webpage](#))
9. Compliance with Accessible Technology requirements, including those listed on in [HUD's Policy on Section 508 of the Rehabilitation Act and Accessible Technology](#)
10. Compliance with Equal Access Requirements (see [24 CFR 5.105\(a\)\(2\)](#) and [5.106](#))
11. Compliance with Ensuring the Participation of Small Disadvantaged Business, and Women-Owned Business requirements at [2 CFR 200.321](#)
12. Compliance with Energy Efficient, Sustainable, Accessible, and Free from Discrimination by Design
13. Compliance with Real Estate Acquisition and Relocation requirements (see [49 CFR part 24](#) and applicable program regulations)
14. Compliance with Participation in HUD-Sponsored Program Evaluation (see [Federal Register Notice, FR-6278-N-01](#))
15. Compliance with OMB Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (see [2 CFR part 200](#))
16. Compliance with Drug-Free Workplace requirements (see [2 CFR part 2429](#), which is HUD's implementation of [41 U.S.C. 701, et seq.](#))
17. Compliance with the requirements related to safeguarding resident/client files
18. Compliance with the Federal Funding Accountability and Transparency Act of 2006 ([2 CFR part 170](#)) (FFATA), as amended
19. Compliance with Accessibility for Persons with Disabilities requirements on [HUD's Disability Overview](#) webpage
20. Compliance with Violence Against Women Act at [24 CFR part 5](#), subpart L and applicable program regulations
21. Compliance with Conducting Business in Accordance with Ethical Standards/Code of Conduct, including [2 CFR 200.317](#), [2 CFR 200.318\(c\)](#) and other applicable conflicts of interest

requirements

22. Compliance with the [Build America, Buy America \(BABA\) Act](#) procurement requirements and [implementing guidance available on HUD's dedicated webpage](#)
23. Compliance with System for Award Management and Universal Identifier Requirements at [2 CFR part 25](#)
24. Compliance with [section 106\(g\) of the Trafficking Victims Protection Act of 2000 \(TVPA\), as amended \(22 USC 7104\(g\)\)](#) and implementing regulations at [2 CFR part 175](#) (Award Term for Trafficking in Persons)
25. Compliance with Award Term and Condition for Recipient Integrity and Performance Matters (see [Appendix XII to 2 CFR part 200](#))
26. Compliance with Suspension and Debarment (see [2 CFR part 2424](#) and [2 CFR part 180](#))
27. Compliance with environmental justice requirements under Executive Orders [12898](#) and [14008](#), and OMB Memorandum [M-21-28](#), which implements the Justice40 Initiative, section 223 of Executive Order [14008](#).
28. Compliance with Eliminating Barriers That May Unnecessarily Prevent Individuals with Criminal Histories from Participation in HUD Programs (see [HUD Secretary Fudge's April 12, 2022 memorandum](#))
29. Compliance with equity requirements, which include compliance with racial equity and underserved communities and LGBTQ+ requirements under Executive Orders [13985](#) and [13988](#)
30. Compliance with waste, fraud, and abuse requirements, including whistleblower protections (see [HUD's webpage](#))

### C. Environmental Review

Notwithstanding 24 CFR 578.31 and 24 CFR 578.99(a) of the Rule, and in accordance with Section 100261(3) of MAP-21 (Pub. L. 112-141, 126 Stat. 405), activities under this NOFO are subject to environmental review by a responsible entity under HUD regulations at 24 CFR part 58 or by HUD under 24 CFR part 50.

1. Two types of projects are Categorically Excluded from review under the National Environmental Policy Act and not subject to the laws and authorities listed under 24 CFR 58.5 (CENST): All scattered-site projects where program participants choose their own unit and are not restricted to units within a pre-determined specific project site or sites are categorized in 24 CFR 58.35(b)(1) as CENST. This includes both tenant-based rental assistance and tenant-based leasing projects where program participants choose their own unit. An Exempt/CENST environmental review determination addressing the laws and authorities at 24 CFR part 58.6 is only required for each project, not every 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 24 CFR part 58, HUD may make a finding in accordance with 24 CFR 58.11(d) and may itself perform the environmental review under the provisions of 24 CFR part 50.
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 NOFO, or commit or expend HUD or Non-HUD funds for such eligible activities under this NOFO, until the responsible entity (as defined by 24 CFR 58.2(a)(7)) has completed the environmental review procedures required by 24 CFR part 58 and the environmental certification and Request for Release of Funds (RROF) have been approved or HUD has performed an environmental review under 24 CFR part 50 and the recipient has received HUD approval of the project. 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).

#### **D. Lead-Based Paint Requirements**

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

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

#### **E. Prohibition on Surveillance**

Compliance with [2 CFR 200.216, Prohibition on Certain Telecommunication and Video Surveillance Services or Equipment](#) is required.

#### **F. Remedies for Noncompliance**

HUD may apply the remedies at [2 CFR 200.339](#) or impose additional conditions to remedy noncompliance with any Federal State, or local statutes, regulations, or terms and conditions of the financial assistance award. If noncompliance cannot be remedied, HUD may terminate a Federal award, in whole or in part, for any of the reasons specified in [2 CFR 200.340, Termination](#).

For more information on CoC Program sanctions and remedies for noncompliance see 24 CFR 578.107.

#### **G. Reporting**

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

## **1. Recipient Integrity and Performance Matters**

Applicants should be aware that if the total Federal share of their Federal award includes more than \$500,000 over the period of performance, the award will be subject to post award reporting requirements reflected in [Appendix XII to 2 CFR part 200, Award Terms and Conditions for Recipient Integrity and Performance Matters](#).

## **2. Race, Ethnicity and Other Data Reporting**

HUD requires recipients that provide HUD-funded program benefits to individuals or families to report data on the race, color, religion, sex, national origin, age, disability, and family characteristics of persons and households who are applicants for, participants in, or beneficiaries or potential beneficiaries of HUD programs in order to carry out the Department's responsibilities under the Fair Housing Act, Executive Order 11063, Title VI of the Civil Rights Act of 1964, and Section 562 of the Housing and Community Development Act of 1987. These authorities prohibit discrimination in housing and in programs receiving financial assistance from the Department and direct the Secretary to administer the Department's programs and activities in a manner affirmatively to further these policies and to collect certain data to assess the extent of compliance with these policies. Each recipient shall keep such records and submit to the Department timely, complete, and accurate compliance reports at such times, and in such form and containing such information, as the Department may determine to be necessary to enable it to ascertain whether the recipient has complied or is complying with 24 CFR parts 1 and 121. In general, recipients should have available for the Department data showing the demographics of beneficiaries of federally-assisted programs.

## **3. Compliance with the Federal Funding Accountability and Transparency Act of 2006 (Pub. L. 109-282) as amended (FFATA)**

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

## **4. Program-Specific Reporting Requirements**

**a.** In accordance with program regulations at 24 CFR 578.103, project recipients must maintain records within the timeframe 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 must have a single or program-specific audit for that year in accordance with the provisions of 2 CFR part 200, subpart F.

**b.** Section 3 Reporting Regulations. Recipients are required to report their Section 3 activities per 24 CFR 75.25 if funds were awarded for housing rehabilitation, housing construction, and other



public constructions. See [HUD's Section 3](#) website for additional information including annual reporting requirements.

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

## **H. Debriefing**

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

## **I. 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 from the data gathered in annual Competitions. HUD's homeless assistance programs are being measured in FY 2023 by the objective to reduce the overall number of people experiencing homelessness and reduce the length of time homeless; measured based on system performance and the ability of CoCs that have the capacity to reallocate funds from lower performing projects to higher performing projects.

## **J. Timeliness Standards.**

All conditional funds awarded in the FY 2023 CoC Program Competition must be obligated by HUD by September 30, 2025. Obligated funds remain available for expenditure until September 30, 2030. HUD reserves the right to require an earlier expenditure deadline under a grant agreement. The project applicant is expected to initiate the approved projects promptly in accordance with the requirements of this section of this NOFO. Grant terms, and associated grant operations, may not extend beyond the availability of funds. Project applicants must plan accordingly and only submit project applications that can start operations in a timely manner with sufficient time to complete the post award process within the awarded grant term. Additionally, HUD will take action if the recipient fails to satisfy the timeliness standards found in 24 CFR 578.85.

## **VII. APPEALS**

### **A. Description**

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

Additionally, HUD is clarifying the impact that Solo Applicant appeals will have on HUD signing grant agreements for FY 2023 funds awarded under this NOFO. If HUD receives one or more Solo Applicant appeals from a CoC for FY 2023 funds, HUD will determine the amount of funding the Solo Applicant(s) have requested which may delay signing grant agreements for the awarded project(s) listed at the bottom of the FY 2023 CoC Priority Listing that has requested funding for FY 2023 equal to double the amount requested by the Solo Applicant(s). Refer to the Solo Applicant appeal process in section VII.C of this NOFO for additional information about the Solo Application appeal process.

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

## **B. Types of Appeals**

The provision at 24 CFR part 578 set forth the following types of appeals:

### **1. Solo Applicants.**

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

### **2. Denied or Decreased Funding.**

A process for eligible applicants that are denied funds by HUD or that requested more funds than HUD awarded to them.

### **3. Consolidated Plan Certification.**

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

### **4. Competing CoCs.**

A process when more than one CoC selects the same geographic area, for eligible applicants of lower-scoring CoCs, to appeal to HUD's decision to fund the competing CoC. Should two or more CoCs select the same geographic codes associated with formula areas during the CoC Program Registration process, HUD will use the competing CoC process provided by 24 CFR 578.35(d).

### **C. Solo Applicant**

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

To apply as a solo applicant, the project applicant must submit a Solo Applicant Project Application in *e-snaps* by the application submission deadline of September 28, 2023 at 8:00 PM EST. Additionally, the solo applicant, Collaborative Applicant, and HUD must take the following steps (See 24 CFR 578.35 for more information):

- 1.** Written Notice of Intent to Appeal. The solo applicant must submit a written notice of intent to appeal, with a copy to the CoC, with their funding application.
- 2.** No later than 30 days after the date that HUD announces the awards, the solo applicant shall submit in writing, with a copy to the Collaborative Applicant, all relevant evidence supporting its claim. The submission shall be emailed to [snapsappeals@hud.gov](mailto:snapsappeals@hud.gov).
- 3.** The CoC has 30 days from the date of its receipt of the solo applicant's evidence to respond to HUD in writing, with a copy to the solo applicant. The submission must be emailed to [snapsappeals@hud.gov](mailto:snapsappeals@hud.gov).
- 4.** HUD will notify the solo applicant and the CoC of its decision within 60 days of receipt of the CoC's response.
- 5.** If HUD finds that the solo applicant was not permitted to participate in the Continuum of Care planning process in a reasonable manner, then HUD may award a grant to the solo applicant when funds next become available and may direct the Continuum of Care to take remedial steps to ensure reasonable participation in the future. HUD may also reduce the award to the Continuum's applicant(s).

### **D. Denied or Decreased Funding**

Eligible applicants, including project applicants and Collaborative Applicants, that submitted an application to HUD in response to this NOFO, that were either not awarded funds by HUD, or that requested more funds than HUD awarded, may appeal HUD's decision within 45 days after the final funding announcement. HUD will only consider for funding or additional funding applicants the CoC ranked within the CoC's maximum amount available. Collaborative Applicants that submitted CoC planning, and if applicable, UFA Costs project applications can appeal decreased funding if they can demonstrate HUD decreased the submitted project application's funding request to less than 5 percent of the CoC's FPRN or \$1,250,000; whichever is less. To appeal HUD's decision, the applicant must submit a written appeal to HUD, with a copy to the authorized representative from the CoC's designated Collaborative Applicant. The written appeal must include evidence demonstrating HUD error and follow the instructions in this section.

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

### **1. Denied Funding.**

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

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

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

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

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

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

c. For CoCs that were denied funding due to the score of the CoC Application or the score of the project application not being high enough to result in the funding of project(s) within the CoC, and the lower score for one or both application types was the result of HUD error, the CoC may appeal the CoC or project application score and request funding for affected projects.

Documentation submitted by the Collaborative Applicant on behalf of the CoC must include evidence of HUD error when calculating the CoC Application or project application score.

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

## **2. Decreased Funding.**

To appeal HUD's decision, the applicant must submit a written appeal to HUD using the process outlined in Section VII.F of this NOFO within 45 days of the date of the final funding announcement of the conditional awards from HUD, with a copy to the authorized representative of the CoC's designated Collaborative Applicant.

Documentation submitted by the applicant must include evidence of the HUD error the applicant believes was made.

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

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

## **E. Consolidated Plan Certification**

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

### **1. Written Appeal.**

With the project application that is submitted by the application deadline, the applicant must submit a written appeal. Project applicants may submit its appeal in *e-snaps* with its project application. When submitted with the project application in *e-snaps*, the applicant must also email a copy of this appeal to the jurisdiction that denied the Certification of Consistency with the Consolidated Plan and should send a copy to the authorized representative from the CoC's designated Collaborative Applicant, unless it is the Collaborative Applicant that is filing the appeal. Otherwise, the project applicant or Collaborative Applicant may submit the appeal to HUD using one of the methods in Section VII.F of this NOFO. The written appeal must include the following information:

a. a copy of the applicant's request to the jurisdiction for the Certification of Consistency with the Consolidated Plan;

b. a copy of the jurisdiction's response stating the reasons for denial, including the reasons the proposed project is not consistent with the jurisdiction's Consolidated Plan in accordance with 24 CFR 91.510(c); and

c. a statement of the reasons why the applicant believes its project is consistent with the jurisdiction's Consolidated Plan.

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

- (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 the date on which it was sent.

## **2. Jurisdiction Response.**

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

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

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

- a. HUD will review the submissions and will provide written notification, by email, of its decision to the applicant and the jurisdiction, with a copy to the authorized representative from the CoC's designated Collaborative Applicant within 45 days of the date of the receipt of the jurisdiction's response. In making its decision, HUD will consider whether the applicant submitted the request to the appropriate certifying jurisdiction and the reasonableness of the jurisdiction's refusal to provide the certificate.
- b. If HUD finds that the certifying jurisdiction's refusal to provide a certification of consistency with the Consolidated Plan was reasonable, then HUD will automatically reject the project application. If HUD finds that the certifying jurisdiction's refusal to provide a certification of consistency with the Consolidated Plan was not reasonable, then HUD will consider the project application for funding in the respective FY CoC Program Competition in accordance with the review standards set forth in this NOFO.
- c. If the jurisdiction failed to provide written reasons for refusal, including the reasons why the project is not consistent with the jurisdiction's Consolidated Plan in its initial response to the applicant's request for a certification, HUD will find for the applicant without further inquiry or response from the political jurisdiction.
- d. HUD will provide written notification of its decision within 45 days of the date of HUD's receipt of the jurisdiction's response. Where the jurisdiction failed to provide a written response, HUD will provide written notification of its decision within 55 days of the date of HUD's receipt of the project applicant's response.

## **F. Appeals Submission**

### **1. Submission of Appeals by Email.**

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

## **2. HUD Response.**

HUD will respond to all appeals via email. HUD will not consider any requests to reconsider funding for FY 2023 funds except for those appeals outlined in this NOFO.

## **VIII. AGENCY CONTACT**

### **A. For Further Information**

Recipients and individuals can use the locator on [HUD’s website](#) to find contact information for the local HUD CPD Field Office serving the CoC’s geographic area. Individuals who are deaf or hard of hearing, as well as individuals with speech and communication disabilities may use any relay service to reach the local HUD CPD Field Office. To learn more about how to make an accessible telephone call, visit the webpage for the [Federal Communications Commission](#). Note that HUD staff cannot assist applicants in preparing their applications.

### **B. For Technical Assistance**

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

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

### **C. General Clarification.**

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

#### **1. Local HUD Community Planning Development (CPD) Office.**

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

#### **2. Training and Resources.**



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

### 3. Questions.

CoCs, Collaborative Applicants, and project applicants that require information and technical support concerning this NOFO and the application in *e-snaps* may submit an inquiry to [CoCNOFO@hud.gov](mailto:CoCNOFO@hud.gov). Starting 2 days prior to the application deadline for FY 2023 funds, this email address will respond only to emergency technical support questions up to the deadline of 8:00 PM EST on September 28, 2023. Applicants experiencing technical difficulty should contact [CoCNOFO@hud.gov](mailto:CoCNOFO@hud.gov) immediately for assistance and document their attempts to obtain assistance.

## IX. OTHER INFORMATION

### 1. Compliance of this NOFO with the National Environmental Policy Act (NEPA)

A Finding of No Significant Impact (FONSI) with respect to the environment has been made for this NOFO in accordance with HUD regulations at [24 CFR part 50](#), which implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C.4332(2)(C)). The FONSI is available for inspection at [HUD's Funding Opportunities](#) web page.

### 2. Web Resources

- [Affirmatively Furthering Fair Housing](#)
- [Assistance Listing \(formerly CFDA\)](#)
- [Climate Action Plan](#)
- [Climate and Economic Justice Screening Tool \(CEJST\)](#)
- [Code of Conduct Requirements and E-Library](#)
- [Environmental Review](#)
- [Equal Participation of Faith-Based Organizations](#)
- [Fair Housing Rights and Obligations](#)
- [Federal Awardee Performance and Integrity Information System](#)
- [Federal Funding Accountability and Transparency Act \(FFATA\) Subaward Reporting System](#)
- [Grants.gov](#)
- [Healthy Homes Strategic Plan](#)
- [Healthy Housing Reference Manual](#)
- [Historically Black Colleges and Universities \(HBCUs\)](#)
- [HUD's Strategic Plan](#)
- [HUD Grants](#)
- [HUD Reform Act](#)
- [HUD Reform Act: HUD Implementing Regulations](#)
- [Limited English Proficiency \(LEP\)](#)
- [NOFO Webcasts](#)

- [Procurement of Recovered Materials](#)
- [Promise Zones](#)
- [Section 3 Business Registry](#)
- [State Point of Contact List](#)
- [System for Award Management \(SAM\)](#)
- [Real Estate Acquisition and Relocation](#)
- [Unique Entity Identifier](#)
- [USA Spending](#)