

**HOPE Village Revitalization
Request for Proposal
Consultant
Sustainable Community Builders Project
Responses Due: May 23, 2025**

Overview/Background:

HOPE Village Revitalization (HVR) is a nonprofit community development corporation serving the HOPE Village neighborhood – a roughly 107 block neighborhood straddling the border between Detroit and Highland Park on the near northwest side of Detroit (see figure 1). More than 48% of the population of HOPE Village live in poverty, and more than 39% of its residents are both low-income and severely cost-burdened. In general, the housing stock in the HOPE Village has seen significant, decades-long disinvestment caused by absentee ownership and a lack of available capital for replacement of roofs, buildings systems, and more. In addition, because much of the housing stock is between 60 and 75 years old, buildings are typically not well-insulated, resulting in exceptionally high energy bills.

In 2016, HOPE Village residents and local stakeholders came together to co-create a Community Vision and Strategic Plan, with sustainability, livability, equity and resilience as core concepts. The HOPE Village Vision and Strategic Plan also had a clear goal to see renewable energy, particularly solar power, developed in the neighborhood in a way that benefits all residents. During the same year, HOPE Village also became one of only two inaugural Ecodistricts in Detroit.

HVR is a community-controlled, community-driven organization, with a mission to move the HOPE Village neighborhood forward in a way that mitigates disparities in wealth, privilege and educational resources. HVR envisions a sustainable, equitable, healthy neighborhood with a high quality of life for all, where neighbors have access to fresh and local food and affordable, quality housing with energy solutions that reduce utility costs and build resilience against climate change.

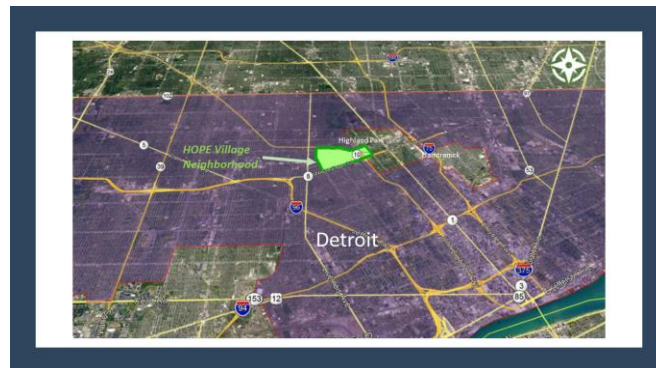


Figure 1: HOPE Village Neighborhood/Location

By way of additional background, HVR's headquarters (the La Salle Eco Demonstration Home, located on La Salle Blvd just south of Oakman Blvd) is a formerly fire-damaged and abandoned two family flat that has been renovated as an all electric building, with ducted cold climate air source heat pumps, photovoltaic (solar) panels and a number of other sustainable features. The home received the first LEED Platinum home rehab certification in Detroit.

Sustainable Community Builders Project

The Hope Village project targets two vacant apartment buildings located in the Hope Village neighborhood on the near northwest side of Detroit, at 14022 La Salle Blvd and 13905 La Salle Blvd, for sustainable rehabilitation. Both buildings were built in the 1920s; the interiors will be gutted and rebuilt, while much of the exterior of each building will be preserved.

The goal of this gut rehab project is to create 31 units of housing between the two buildings, retrofitting them to use air source cold climate heat pump technology, together with a backup heating source, and to be powered in part by rooftop solar energy. The unit mix is composed of mostly one bedrooms and five studios. The units will be deeply affordable and Low Income Housing Tax Credits are a primary funding source for the development.

HVR has been awarded U.S. Department of Housing and Urban Development (HUD) Section 4 funding through the Enterprise Community Partners for consulting services for recommended design and specifications for cold climate air source heat pumps, backup heat source, solar array and battery storage for both buildings.

Timeframe: Proposals are due on **Friday May 23, 2025**. We anticipate awarding a consulting contract or contracts on or before **May 27, 2025**. Draft deliverables are due as they are completed and prior to **June 23, 2025**, with final deliverables due on or before **June 30, 2025**. An optional virtual pre-proposal meeting will be held on **Tuesday May 20, 2025 EDT at 2:00 p.m.** to review the proposal and answer any questions. The meeting will be virtual, and can be accessed here: <https://bit.ly/HVRZoom>

Scope of Services: HVR is seeking the services of a qualified consultant or consultants to provide the services described on Exhibit A hereto as part of its Sustainable Community Builders Project. The project scope includes compliance with all applicable HUD statutory and regulatory requirements (set forth in Exhibit B) and documentation of such compliance where required. Consultants may submit proposals for one or all components of the Scope of Services, but must clearly identify the component(s) that the proposal covers.

Maximum Price: The maximum consultant cost (all fees and expenses) for this project may not exceed the total funding allocated for the project: Eighteen Thousand, Seven Hundred and Fifty Dollars and No Cents (**\$18,750.00**) Because of the grant funded nature of this project, no project cost overages will be entertained after project award.

Submission of Proposal: Proposals for this work should be submitted to Hope Village Revitalization at hopevillage@hopevillagecdc.org by **5:00 p.m. on Friday May 23, 2025**. Proposals should include:

1. A statement of your firm's background and experience in providing services of this type, with a particular reference to technology selection, sizing and feasibility considerations for cold climate air source heat pumps, backup heating sources, solar (PV), and/or battery storage, installation of heat pumps and solar in gut rehabs and Inflation Reduction Act and other incentives and third party financing for such installations.
2. An explanation of the number and size of other projects your firm is currently undertaking, and a discussion of how your firm will be able to meet the timelines required by this proposal.
3. Specific information as to the individuals from your firm who will be assigned to this project, and their capacity (given other projects) to complete work of this type in the required framework.
4. Project cost proposal form including a breakdown of all consultant fees and all expenses with a not to exceed total figure together with proposed payment schedule.

After careful review and consideration, HOPE Village Revitalization (HVR) will select the best suited team for the services described herein. HVR reserves the right to reject any and all proposals and is not bound to accept the lowest bidder. HVR may choose to accept a consultant's proposal with respect to one or more Component(s) of this RFP but not for others. HVR may negotiate with one or more firms with respect to their response to this RFP.

HOPE Village Revitalization is an equal opportunity employer.

EXHIBIT A

Scope of Services

Component 1: Cold Climate Air Source Heat Pumps (CCasHPs) and Backup Heating Strategies

- a) Evaluate suitable CCasHP technologies, ducting options and temperature controls for the two target buildings. Evaluate suitable backup heating system strategies, including recommended set point for switch to backup heating system, and recommended approaches for common area.
Deliverable: memorandum analyzing the options and recommending the best and most feasible technologies for ensuring resident comfort and cost effectiveness.
- b) Review memorandum with HVR and obtain HVR's direction regarding technologies to be pursued.
Deliverable: review meeting and summary of conclusions.
- c) Estimate peak load and equipment sizing for all CCasHP and backup heating strategies for each property and develop equipment specifications for CCasHPs and backup heating systems for the two target buildings, including installation specifications. Create engineer's estimate for cost of equipment and installation.
Deliverable: peak load estimates, equipment sizing and system specifications in biddable form and engineer's estimate.
- d) Run annual energy simulation and identify projected annual energy use by heating source and for cooling and estimate energy costs for heating and cooling for each building as a whole and for each size of unit. Compare estimated energy use and carbon outputs with proposed technology to estimated energy use and carbon outputs using natural gas systems for heating and electricity for cooling.
Deliverable: Energy simulation showing projected annual energy use and cost estimate of heating and of cooling per building and per each unit type. Projection of energy savings and decarbonization savings for proposed technologies.
- e) Determine MiHERS and any other rebates or funding available to the project and process for applying for the rebates through discussion with EGLE and review of MiHERS rebate materials.
Deliverable: Memorandum identifying total dollar amount of MiHERS rebates and other financing available for the project and process and eligibility requirements for applying for those funds.

Component 2: Rooftop Solar (Photovoltaic) and Battery Storage

- a) Solar array: Measure available space in each building, identify potential obstructions/shading issues, and develop system size and layout design that maximizes available space and energy production, while taking into account shading constraints and any pertinent physical limitations of the site.
Deliverable: Summary documents showing preferred layout design and system size and architecture.

- b) Battery Storage: recommend the amount of battery storage needed to maximize the benefit to each building of the solar array, to ensure that all energy generated by the solar array is used on site, and to create a back up power source for some or all building uses for one to three days.
Deliverable: Recommended size of battery storage system for each building.
- c) Recommend specifications for all system hardware (including monitoring systems) and identify system requirements for load-bearing capacity required for the panels and racks, required electrical panel capacity, space requirements (size, ventilation, fire-resistant enclosures) for mounting and racking of battery storage, any other engineering or architectural considerations for installation.
Deliverable: specifications and quantities for all system hardware including module, inverter, structural BOS and electrical BOS, and specifications for load bearing capacity and electrical panel capacity; discussion of any options.
- d) Provide engineer's estimate of cost to install including system hardware (including sales tax), labor, design and permit costs. Develop detailed estimates of monthly and annual energy production and annual utility bill savings.
Deliverable: Engineer's estimate and estimate of energy production and annual utility bill savings.
- e) Funding sources – provide specific information about available funding, rebates, tax credits and subsidies for solar array and battery storage, and how to access those subsidies.
Deliverable: Memorandum detailing specific funding options and eligibility and how to access those funds.

For both components: at a minimum, all proposed equipment must meet and be consistent with Enterprise Community Partners Green Communities standards.

Exhibit B
HUD and other Regulatory Requirements
HOPE Village Revitalization
Request for Proposal
Renewable Energy Financial and Feasibility Consultant
Sustainable Community Builders Project

Consultant shall comply with and be bound by the following requirements that bind HOPE Village Revitalization (“HVR”) pursuant to the Section 4 grant (“Grant”) funding received from the U.S. Department of Housing Development (“HUD”), through Enterprise Community Partners (“Enterprise”). This Exhibit B shall be made a part of the agreement (“Contract”) entered into by Consultant and HVR for the Project and the applicable provisions shall flow through to and bind the Consultant. Consultant shall include the same provisions in any contract that it executes for the performance of the work.

ADMINISTRATIVE REQUIREMENTS

Pursuant to the Federal Grant Agreement, unless excepted under 24 CFR chapters through IX, this Contract shall be governed by 2 CFR 200 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards) and Federal Acquisition Regulations at 48 CFR part 31.2 (for Commercial/For-profits).

The Code of Federal Regulations (CFR) can be found at: www.gpo.gov/fdsys/.

ALLOWABLE COSTS

Consultant will be paid only for allowable, allocable and reasonable costs incurred in the performance of this award in accordance with 2 CFR 200 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards).

FLOW DOWN PROVISIONS

Consultant is required, to the extent feasible, to include these in all contracts of employment with persons who perform any part of the work under the Grant and the Contract, and with all contractors or other persons or organizations participating in any part of the work under the Grant and the Contract.

HIGH RATE CONTRACTORS AND CONSULTANTS

Section 4 program funds may not be used, directly or indirectly, to pay or provide reimbursement for payment of the salary of a consultant or a contractor at more than the daily equivalent of the rate paid for the level IV of the Executive Schedule, without prior written approval from Enterprise and HUD. For more information on the Executive Schedule, please see the Office of Personnel Management (OPM) website at

<https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2024/executive-senior-level>. If the Consultant believes there is sufficient need or cause for hiring a consultant or contractor at a high rate, it may submit a request to HVR and a written justification for review and consideration. In all cases, the Consultant must receive approval from HVR, Enterprise and HUD before commencing any Section 4 program work with a high rate consultant or contractor.

DELIVERABLE PRODUCTS

Consultant shall timely submit all required reports and other documentation to enable HVR and Enterprise to comply with its reporting requirements under the Federal Grant Agreement. Failure to submit required reports on time may jeopardize funding under the Federal Grant Agreement and therefore funding under the Grant and the Contract.

COPYRIGHT

- a. The Consultant may copyright any work that is subject to copyright and was developed, or for which ownership was acquired, under the Federal Grant Agreement. HUD reserves a royalty-free, nonexclusive and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use for federal government purposes. HVR and Enterprise Community Partners, Inc. reserve a royalty-free, nonexclusive and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use any work developed by the Consultant under the Contract.
- b. The Consultant is subject to applicable regulations governing patents and inventions, including government wide regulations issued by the Department of Commerce at 37 CFR Part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Awards, Contracts and Cooperative agreements."

PRIVACY ACT OF 1974 (5 U.S.C. 552a)

The Consultant is required to design, develop, or operate U.S. Housing & Urban Development (HUD) data subject to the Privacy Act of 1974 (5 U.S.C. 552a) and applicable agency regulations. Violation of the Act may result in criminal penalties and a fine of up to \$5,000.

- a) The Consultant agrees to:
 - 1) Comply with the Privacy Act of 1974 (the Act) and HUD rules and regulations issued under the Act in the design, development, or operation of a system of records on individuals.
 - 2) Include the Privacy Act notification contained in the Contract in every solicitation and resulting subcontract and in every subcontract awarded without a solicitation, when the work statement in the proposed subcontract requires the redesign, development, or operation of a system of records on individuals that is subject to the Act and
 - 3) Include this clause in all subcontracts awarded under the Contract

which requires the design, development, or operation of such a system of records.

- b) Any person who knowingly or willfully requests or obtains any record concerning an individual from an agency under false pretenses shall be subject to criminal penalties under the Privacy Act and may be subject to prosecution under other statutes such as 18 U.S.C. § 494, § 495, and § 1001. In the event of improper use or disclosure of HUD data, the Consultant agrees to report the incident and to cooperate fully with HUD.

RIGHT TO AUDIT AND DISALLOW OR RECOVER EXPENDITURES

HVR, Enterprise Community Partners, Inc., HUD, the Comptroller General of the United States, or any of their duly authorized representatives shall be permitted to inspect and photocopy all books, accounting records, invoices, receipts, payroll records, personnel records, and any other project data and/or records pertaining to all matters covered in the Contract. Such records and information must be made available during normal business hours at a reasonable location, and as often as the aforementioned officials deem necessary. HVR, Enterprise, HUD or U.S. Government officials must be permitted to make excerpts or copies of such records and data that are related in whole, or in part, to the executed grant agreement or the Contract. HUD must keep any copies of the recipient's data and records in the strictest confidence allowed by law. HVR and Enterprise reserves the right to seek from the Consultant recovery of any expenditures found unallowable under the cost principles found in 2 CFR 200 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards) and Federal Acquisition Regulations at 48 CFR part 31.2 (for Commercial/For-profits) or the provisions of the HUD Grant Agreement and the Contract, based upon the final audit or any other special audits.

PRE-AWARD COSTS AND FEES

Notwithstanding any other provision of this Agreement, Consultant may not collect funds for activities performed prior to the effective date of its contract with HVR. Mandatory fees, interest, and profit are prohibited under the Section 4 Grant.

DAVIS -BACON ACT, AS AMENDED (40 U.S.C. 3141-3148)

When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by the Consultant must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, "Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction"). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The Consultant must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract

must be conditioned upon the acceptance of the wage determination. The Consultant must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the COPELAND "ANTI-KICKBACK" ACT (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States"). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The Consultant must report all suspected or reported violations to the Federal awarding agency.

CONTRACT WORK HOURS AND SAFETY STANDARDS ACT (40 U.S.C. 3701-3708)

Where applicable, all contracts awarded by the Consultant in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

CLEAN AIR ACT (42 U.S.C. 7401-7671q) and the FEDERAL WATER POLLUTION CONTROL ACT (33 U.S.C. 1251-1387), AS AMENDED

Contractors and subgrantees with award amounts in excess of \$150,000 must comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

DEBARMENT AND SUSPENSION (EXECUTIVE ORDERS 12549 AND 12689)

A contract award (see 2 CFR 180.220) must not be made to parties listed on the governmentwide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), "Debarment and Suspension ." SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

RELIGIOUS CONTROL OR INFLUENCE

Consultant must ensure that all activities undertaken pursuant to the executed HVR grant agreement and the Contract are free of religious control or influence, and that no monies, property, materials or services that are provided under the grant agreement and Contract are applied to religious establishment or purpose.

IMPROVING ACCESS TO SERVICES FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY

Consultant shall take reasonable steps to ensure meaningful access to their programs and activities to LEP individuals. As an aid to recipients, HUD published Final Guidance to Federal Financial Assistance Recipients: Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons (LEP Guidance) in the Federal Register on January 22, 2007 (72 FR 2732). LEP Guidance and LEP information is available here: Federal Register.

ACCESSIBLE TECHNOLOGY

Section 508 of the Rehabilitation Act of 1973, as amended (Section 508) requires HUD to ensure, when developing, procuring, maintaining, or using electronic and information technology (EIT), that the EIT allows persons with disabilities to access and use information and data comparably to those without disabilities unless an undue burden would result to the Federal agency. HUD encourages its recipients to adopt the goals and objectives of Section 508 by ensuring comparable access whenever EIT is used.

EQUAL ACCESS TO HOUSING REGARDLESS OF SEXUAL ORIENTATION OR GENDER IDENTITY

The Equal Access Rule at 24 CFR 5.105(a)(2) requires that a determination of eligibility for housing that is assisted by HUD or subject to a mortgage insured by HUD shall be made in accordance with the eligibility requirements provided for such program by HUD, and such housing shall be made available without regard to actual or perceived sexual orientation, gender identity or marital status. Furthermore, under 24 CFR 5.106, any recipient, sub-recipient, owner, operator, manager or service provider funded in whole or part by any Community Planning and Development (CPD) program may not deny equal access to programs, activities, services, or facilities based on a person's gender identity. Thus, the aforementioned parties must comply with 24 CFR 5.105(a)(2) when determining eligibility for housing assisted by HUD or insured by FHA and, and, in addition, with 24 CFR 5.106 when receiving assistance from CPD programs.

HUD's definitions of sexual orientation and gender identity are at 24 CFR 5.100. HUD's definition of family is at 24 CFR 5.403. (See other regulatory changes made through HUD's Equal Access Rules: Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity and amended by Equal Access in Accordance with an Individual's Gender Identity in Community Planning and Development Programs, 81 Fed. Reg. 64763 (Sept. 21, 2016)).

HUD's Native American and Native Hawaiian programs are covered by the rule Equal Access to Housing in HUD's Native American and Native Hawaiian Programs-Regardless of Sexual Orientation or Gender Identity, 81 Fed. Reg. 80989 (Nov. 17, 2016).

ENSURING THE PARTICIPATION OF SMALL DISADVANTAGED BUSINESSES AND WOMEN- OWNED BUSINESSES

HUD is committed to ensuring that small businesses, small disadvantaged businesses, and women-owned businesses, and Labor Surplus Area Firms participate fully in the direct contracting and contracting opportunities generated by HUD 's financial assistance. Recipients (except States) and subrecipients are required by 2 CFR 200.321 to take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and Labor Surplus Area Firms are used whenever possible.

EMINENT DOMAIN

Section 407 of Div. K, Title IV of the Consolidated Appropriations Act, 2016 (Public Law 114-113) prohibits the use of funds to support any Federal, state, or local project that seeks to use the power of eminent domain, unless eminent domain is employed only for a public use. Public use shall not be construed to include economic development that primarily benefits private entities. Use of funds for mass transit , railroad, airport, seaport, or highway projects, and utility projects which benefit or serve the general public (including energy-related, communication-related, water-related, and waste water-related infrastructure), other structures designated for use by the general public or with other common-carrier or public-utility functions that serve the general public and are subject to regulation and oversight by the government, and projects for the removal of an immediate threat to public health and safety or brownfields, as defined in the Small Business Liability Relief and Brownfields Revitalization Act (Pub. L. 107-118), will be a public use for Section 407 purposes.

ACCESSIBILITY FOR PERSONS WITH DISABILITIES

For all HUD-funded activities:

- a. All meetings must be held and services provided in facilities that are physically accessible to persons with disabilities. Where physical accessibility is not achievable, successful applicants must give priority to alternative methods of product or information delivery that offer programs and activities to qualified individuals with disabilities in the most integrated setting appropriate in accordance with HUD's implementing regulations for section 504 of the Rehabilitation Act of 1973 (29 U.S.C. §794) at 24 CFR part 8, subpart C; and,
- b. All notices of and communications during all training sessions and public meetings shall be provided in a manner that is effective for persons with hearing, visual, and other communication-related disabilities or provide other means of accommodation for persons with disabilities consistent with section 504 of the Rehabilitation Act of 1973 and HUD's Section 504 regulations. Recipients must provide appropriate auxiliary aids and services necessary to

ensure effective communication, which includes ensuring that information is provided in appropriate accessible formats as needed, e.g., Braille, audio, large type, assistive listening devices, sign language interpreters, accessible websites, and other electronic communications. See 24 CFR Section 8.6; 28 CFR 35.160, 36.303.

VIOLENCE AGAINST WOMEN ACT

The Violence Against Women Reauthorization Act of 2013 amended the Violence Against Women Act of 1994 (VAWA) to provide housing protections for victims of domestic violence, dating violence, sexual assault, and stalking in many of HUD's housing programs. HUD's implementing regulations for VAWA are found in the applicable program regulations and 24 CFR Part 5, Subpart L, Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking (collectively, the VAWA rule). The specific HUD programs that are subject to the VAWA rule are listed in the "covered housing program" definition at 24 CFR 5.2003. In general, the VAWA rule provides that an applicant for assistance or tenant assisted under a covered housing program may not be denied admission to, denied assistance under, terminated from participation in, or evicted from the housing on the basis or as a direct result of the fact that the applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, if the applicant or tenant otherwise qualifies for admission, assistance, participation, or occupancy. The VAWA rule also requires the establishment of emergency transfer plans for facilitating the emergency relocation of certain tenants who are victims of domestic violence, dating violence, sexual assault, or stalking. For the specific requirements of the VAWA rule, please refer to 24 CFR Part 5, Subpart L, and the applicable program regulations.

CONDUCTING BUSINESS IN ACCORDANCE WITH ETHICAL STANDARDS

Code of Conduct for Procuring Property and Services

Consultant must have a code of conduct (or written standards of conduct) for procurements that meets all requirements in 2 CFR 200.318(c).

Other Conflicts of Interest

In all cases not governed by 2 CFR 200.317 and 200.318(c), Consultant must comply with the conflict of interest requirements in the applicable program regulations. If there are no program-specific regulations for the award, the following conflict of interest requirements apply in all cases not governed by 2 CFR 200.317 and 200.318(c):

- i. *General prohibition.* No person who is an employee, agent, consultant, officer, or elected or appointed official of the recipient or subrecipient and who exercises or has exercised any functions or responsibilities with respect to assisted activities, or who is in a position to participate in a decision making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from the activity, or have an interest in any contract, subcontract, or agreement with respect thereto, or the proceeds thereunder, either for himself or herself or for those with whom he or she has immediate family or business ties, during his or her tenure or for one year thereafter. Immediate family ties include (whether by blood, marriage or

adoption) the spouse, parent (including a stepparent), child (including a stepchild), brother, sister (including a stepbrother or stepsister), grandparent, grandchild, and in-laws of a covered person.

11. *Exceptions.* HUD may grant an exception to the general prohibition in paragraph (i) upon the recipient's written request and satisfaction of the threshold requirements in paragraph (iii), if HUD determines the exception will further the Federal purpose of the award and the effective and efficient administration of the recipient's program or project, taking into account the cumulative effects of the factors in paragraph (iv).

iii. *Threshold requirements for exceptions.* HUD will consider an exception only after the recipient has provided the following documentation:

- a. A disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict and a description of how the public disclosure was made; and
- b. An opinion of the recipient's attorney that the interest for which the exception is sought would not violate State or local law.

iv. *Factors to be considered for exceptions.* In determining whether to grant a requested exception after the recipient has satisfactorily met the threshold requirements in paragraph (iii), HUD will consider the cumulative effect of the following factors, where applicable:

- a. Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project that would otherwise not be available;
- b. Whether an opportunity was provided for open competitive bidding or negotiation;
- c. Whether the person affected is a member of a group or class of low- or moderate-income persons intended to be the beneficiaries of the assisted activity, and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class;
- d. Whether the affected person has withdrawn from his or her functions or responsibilities, or the decision-making process with respect to the specific assisted activity in question;
- e. Whether the interest or benefit was present before the affected person was in a position as described in paragraph (i);
- f. Whether undue hardship will result either to the recipient or the person affected when weighed against the public interest served by avoiding the prohibited conflict; and
- g. Any other relevant considerations.

Consultant must disclose in writing any potential conflict of interest to HVR.

CERTIFICATIONS AND ASSURANCES

By signing the contract document Consultant certifies the following:

1. Consultant will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
2. Consultant will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
3. Consultant will initiate and complete the work within the applicable time frame after receipt of approval of HVR.
4. Consultant will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to:
 - a) Federal Executive Order 11246, as amended by Executive Order 11375, relating to Equal Employment Opportunity
 - b) 41 CFR part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor"
 - c) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin;
 - d) Title IV and Title VII of the Civil Rights Act of 1974, as amended Americans with Disabilities Act of 1990 (42 U.S.C. 1201 *et seq.*)
 - e) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681- 1683, and 1685-1686), which prohibits discrimination on the basis of sex;
 - f) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps;
 - g) The Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6 107), which prohibits discrimination on the basis of age;

- h) The Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse;
 - i) The Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism;
 - j) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records;
 - k) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing;
 - l) Any other nondiscrimination provisions in the specific statute(s) under award is being made; and
 - m) The requirements of any other nondiscrimination statute(s) which may apply to the award.
5. Consultant will comply, as applicable, with the provisions of the Davis Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327- 333), regarding labor standards for federally-assisted construction subagreements.
 6. Consultant will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
 7. Consultant will comply with environmental standards which may be prescribed pursuant to the following:
 - a) Institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514;
 - b) Notification of violating facilities pursuant to EO 11738;
 - c) Protection of wetlands pursuant to EO 11990;
 - d) Evaluation of flood hazards in floodplains in accordance with EO 11988;
 - e) Assurance of project consistency with the approved State management program developed

- under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.);
 - f) Conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.);
 - g) Protection of underground sources of drinking water under the safe Drinking Water Act of 1974, as amended (P.L. 93-523); and
 - h) Protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
8. Consultant will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
 9. Consultant will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
 10. Consultant will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
 11. Consultant will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm-blooded animals held for research, teaching, or other activities supported by this award of assistance.
 12. Consultant will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
 13. Consultant will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing the Section 4 program.

Certification Regarding Debarment and Suspension. Consultant certifies to the best of its knowledge that neither it nor its principal employees and officers:

1. Are presently, suspended, proposed for debarment, declared ineligible or voluntarily excluded from covered transactions by any federal department or agency;
2. Within a three year period preceding this Contract, have been: convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain or performing a public (federal, state or local) transaction or grant under a public transaction; or in violation of federal or state

- antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements or receiving stolen property;
3. Are presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state or local) with commission of any offenses enumerated in paragraph two of this certification; and
 4. Within a three-year period preceding this Contract, have had one or more public (federal, state or local) transactions terminated for cause or default.

Certification of Payments to Influence Federal Transactions/Lobbying.

1. Consultant shall comply with all requirements of Section 319 of the Department of the Interior and Related Agencies Appropriation Act for the Fiscal Year 1991, 31 U.S.C. 1352 (the Byrd Amendment) and to the provisions of the Lobbying Disclosure Act of 1995, P.L. 104-65 (December 19, 1995).
2. No Federal appropriated funds may be paid, by or on behalf of the Consultant, to any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352.
3. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Contract, the Consultant shall complete and submit Standard Form-LLL, Disclosure Form to Report Lobbying, in accordance with its instructions.

Certification of Drug-Free Workplace Requirements.

Consultant certifies that as a condition of this Contract it will comply with the drug-free workplace requirements in accordance with the Drug-Free Workplace Act of 1988 (41 U.S.C. 701) and with HUD's rule at 2 CFR Part 2429.

Fair Housing and Civil Rights Laws. Consultant certifies that it shall comply with all fair housing and civil rights laws, statutes, regulations and executive orders as enumerated in 24 CFR 5.105(a). Federally recognized Indian tribes must comply with the nondiscrimination requirements listed at 24 CFR 1000.12.

GENERAL ADMINISTRATIVE REQUIREMENTS FOR SECTION 4 CAPACITY BUILDING FOR COMMUNITY DEVELOPMENT AND AFFORDABLE HOUSING PROGRAM

1. Compliance with Non-discrimination and Other Requirements.

a. Compliance with Fair Housing and Civil Rights Laws. With some exceptions for federally recognized Indian tribes and their instrumentalities, Consultant must comply with all applicable fair housing and civil rights requirements in 24 CFR 5.105(a), including, but not limited to, the Fair Housing Act; Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973; Title II and Title III of the

Americans with Disabilities Act of 1990. Section 109 of the Housing and Community Development Act of 1974 may also apply. *See* 24 CFR Part 6. Consultants who are conducting programs or activities in a state or local jurisdiction that has passed a law prohibiting discrimination in housing based upon sexual orientation or gender identity, or a law prohibiting discrimination in housing based on lawful source of income, must comply with the law(s) of the state or locality in which the program activities are conducted. Federally recognized Indian tribes and their instrumentalities must comply with non-discrimination requirements listed at 24 CFR 1000.12.

b. Affirmatively Furthering Fair Housing. Section 808(e)(5) of the Fair Housing Act requires HUD to affirmatively further the purposes of the Fair Housing Act in its housing and urban development programs. HUD requires recipients of funds, including those awarded and announced under HUD's FY 2018 NOFAs not specifically exempted, to take meaningful actions that affirmatively further fair housing. Unless otherwise specified elsewhere in the Section 4 NOFA, Consultant must discuss how it will carry out the proposed activities in a manner that affirmatively furthers fair housing in compliance with the Fair Housing Act. If Consultant operates in a jurisdiction with an accepted Assessment of Fair Housing (“AFH”), the proposed activities should be consistent with the AFH's fair housing goals and with fair housing strategies specified in any applicable Consolidated Plan or Public Housing Agency Plan. Federally recognized Indian tribes are not subject to the requirement to affirmatively further fair housing in their use of certain HUD funds. Other tribal entities may also be exempt.

c. Economic Opportunities for Low-and Very Low-income Persons (Section 3).

Certain programs require recipients of assistance to comply with Section 3 of the Housing and Urban Development Act of 1968 (Section 3), 12 U.S.C. 1701u (Economic Opportunities for Low- and Very Low-Income Persons in Connection with Assisted Projects), and the HUD regulations at 24 CFR part 135. The regulations at 24 CFR part 135 implementing Section 3 ensure, to the greatest extent feasible, that training, employment, contracting and other economic opportunities be directed to low- and very low-income persons, especially recipients of government assistance for housing, and to businesses that provide economic opportunities to low-and very low-income persons where a proposed project is located. As covered by 24 CFR Part 135, program NOFAs for programs that are subject to Section 3 must include information regarding how Section 3 activities will be considered in rating the application, the evaluation criteria utilized, and the rating points assigned. (See 24 CFR 135.9) Consultants subject to this requirement must describe in their applications their plans to train and employ Section 3 residents and contract with Section 3 businesses. By submission of an application for programs covered by Section 3, Consultants certify compliance with Section 3 requirements. HUD encourages recipients to search the national Section 3 Business Registry to find local businesses that prioritize hiring Section 3 residents.

d. Improving Access to Services for Persons with Limited English Proficiency (LEP). Executive Order (E.O.) 13166 seeks to improve access to federally assisted programs and activities for individuals who, because of national origin, have LEP. Recipients of HUD funds shall take reasonable steps to ensure meaningful access to their programs and activities to LEP individuals. As an aid to recipients, HUD published Final Guidance to Federal Financial Assistance Recipients: Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons (LEP Guidance) in the Federal Register on January 22, 2007 (72 FR 2732). LEP guidance and LEP information is available here: [Federal Register](#).

e. Accessible Technology. Section 508 of the Rehabilitation Act of 1973, as amended (Section 508) requires HUD to ensure, when developing, procuring, maintaining, or using electronic and information technology (“EIT”), that the EIT allows persons with disabilities to access and use information and data comparably to those without disabilities unless an undue burden would result to the Federal agency. HUD encourages its recipients to adopt the goals and objectives of Section 508 by ensuring comparable access whenever EIT is used. Recipients must also comply with Section 504 of the Rehabilitation Act and, where applicable, the ADA. These statutes also require effective communication with individuals with disabilities and prohibit EIT-imposed barriers to access information, programs, and activities for persons with disabilities. (See Information on [accessible technology](#).)

2. Equal Access to Housing Regardless of Sexual Orientation or Gender Identity.

The Equal Access Rule at 24 CFR 5.105(a)(2) requires that a determination of eligibility for housing that is assisted by HUD or subject to a mortgage insured by HUD shall be made in accordance with the eligibility requirements provided for such program by HUD, and such housing shall be made available without regard to actual or perceived sexual orientation, gender identity (77 Fed. Reg. 5662 (Feb. 3. 2012)) or marital status. Furthermore, under 24 CFR 5.106, any recipient, sub-recipient, owner, operator, manager or service provider funded in whole or part by any Community Planning and Development (“CPD”) program may not deny equal access to programs, activities, services, or facilities based on a person’s gender identity. Thus, the aforementioned parties must comply with 24 CFR 5.105(a)(2) when determining eligibility for housing assisted by HUD or insured by FHA and, and, in addition, with 24 CFR 5.106 when receiving assistance from CPD programs. HUD’s definitions of sexual orientation and gender identity are at 24 CFR 5.100. HUD's definition of family is at 24 CFR 5.403. (See other regulatory changes made through HUD’s Equal Access Rules: Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity and amended by Equal Access in Accordance with an Individual’s Gender Identity in Community Planning and Development Programs, 81 Fed. Reg. 64763 (Sept. 21, 2016)). HUD’s Native American and Native Hawaiian programs are covered by the rule Equal

Access to Housing in HUD's Native American and Native Hawaiian Programs – Regardless of Sexual Orientation or Gender Identity, 81 Fed. Reg. 80989 (Nov. 17, 2016).

3. Ensuring the Participation of Small Disadvantaged Businesses, and Women-Owned Business. HUD is committed to ensuring that small businesses, small disadvantaged businesses, and womenowned businesses, and Labor Surplus Area Firms participate fully in the direct contracting and contracting opportunities generated by HUD's financial assistance. Consultants (except States) are required by 2 CFR 200.321 to take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and Labor Surplus Area Firms are used whenever possible.

4. Equal Participation of Faith-based Organizations in HUD Programs and Activities. HUD's regulations on the equal participation of faith-based organizations are at 24 CFR 5.109. On April 4, 2016, HUD amended 24 CFR 5.109 consistent with E.O. 13559, entitled Fundamental Principles and Policymaking Criteria for Partnerships with Faith-Based and Other Neighborhood Organizations (75 Fed. Reg. 71319 (Nov. 22, 2010)). (See 81 FR 19355). These regulations apply to all HUD programs and activities, including all of HUD's Native American Programs, except as may be otherwise provided in the respective program regulations, or unless inconsistent with the respective program authorizing statute. These regulations provide, among other things, that a faith-based organization that participates in a HUD-funded program or activity retains its independence, and may continue to carry out its mission provided that it does not use direct Federal financial assistance to support or engage in any explicitly religious activities; an organization that engages in explicitly religious activities must separate those activities, in time or location, from activities supported by direct Federal financial assistance and participation must be voluntary; a faith-based organization that carries out programs or activities with direct Federal financial assistance from HUD must provide beneficiaries and prospective beneficiaries with a written notice of certain protections; beneficiaries and prospective beneficiaries may object to the religious character of an organization, upon which the organization must undertake reasonable efforts to identify and refer the beneficiary or prospective beneficiary to an alternative provider; and an organization that receives Federal financial assistance under a HUD program or activity may not discriminate against a beneficiary or prospective 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. ([See 24 CFR 5.109](#)).

5. Real Property Acquisition and Relocation. HUD-funded programs or projects are subject to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Act or URA) (42 U.S.C. 4601-4655), and the government-wide implementing regulations issued by the Federal Highway Administration at 49 CFR part 24, unless the Uniform Act or other Federal law provides that it does not apply. The

Uniform Act applies to acquisitions of real property and relocation occurring as a direct result of the acquisition, rehabilitation, or demolition of real property for Federal or federally-funded programs or projects. With certain limited exceptions, real property acquisition for a program or project that receives federal financial assistance from HUD must comply with 49 CFR part 24, subpart B. To be exempt from the URA's acquisition requirements, real property acquisitions must satisfy the applicable requirements of 49 CFR 24.101(b)(1) through (5), commonly referred to as "voluntary acquisitions," which generally are those conducted without the threat or use of eminent domain. Records demonstrating compliance with these requirements must be maintained by the recipient. The relocation requirements of the Uniform Act, and its implementing regulations at 49 CFR part 24, cover any person who moves from real property or moves personal property from real property as a direct result of acquisition, rehabilitation, or demolition for a program or project receiving HUD assistance. While there are no URA statutory provisions for "temporary relocation", the URA regulations recognize that there are circumstances where a person will not be permanently displaced but may need to be moved from a project for a short period of time. Appendix A of the URA regulation (49 CFR 24.2(a)(9)(ii)(D)) explains that any tenant who has been temporarily relocated for a period beyond one year must be contacted by the displacing agency and offered URA permanent relocation assistance. Some HUD program regulations provide additional protections for temporarily relocated tenants. Before planning their project, Consultants must review the regulations for the programs to which they are applying. Generally, the URA does not apply to displacements resulting from the demolition or disposition of public housing covered by Section 18 of the United States Housing Act of 1937. Individual NOFAs may have additional relocation guidance and requirements. Additional resources and guidance pertaining to real property acquisition and relocation for 5 HUDfunded programs and projects are available on HUD's Real Estate Acquisition and Relocation website at www.hud.gov/relocation. Applicable laws and regulations, policy and guidance, publications, training resources, and a listing of HUD contacts are also available for you if you have questions or need assistance.

6. Participation in a HUD-Sponsored Program Evaluation. As a condition of the receipt of financial assistance under a NOFA, Consultant will be required to cooperate with all HUD staff, contractors, or designated Consultants performing research or evaluation studies funded by HUD.

7. OMB Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. Unless excepted under 24 CFR Subtitle B chapters I through IX, the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, set forth in 2 CFR part 200, shall apply to this Grant and Consultant.

8. Drug-Free Workplace. Consultant is subject to [292 CFR Part 24](#), which implements the Drug-Free Workplace Act of 1988 (41 U.S.C. 701, et seq.), as amended, and required

to provide a drug-free workplace. Compliance with this requirement means that Consultant will:

- a. Publish a statement notifying employees that it is unlawful to manufacture, distribute, dispense, possess, or use a controlled substance in the Consultant's workplace and such activities are prohibited. The statement must specify the actions that will be taken against employees for violation of this prohibition. The statement must also notify employees that, as a condition of employment under the federal award, they are required to abide by the terms of the statement and that each employee must agree to notify the employer in writing if the employee is convicted for a violation of a criminal drug statute occurring in the workplace, no later than 5 calendar days after such conviction.
- b. Establish an ongoing drug-free awareness program to inform employees about:
 - 1) The dangers of drug abuse in the workplace;
 - 2) Consultant's policy of maintaining a drug-free workplace;
 - 3) Available drug counseling, rehabilitation, or employee assistance programs; and
 - 4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
- c. Notify HUD and Enterprise in writing within 10 calendar days after receiving notice from an employee of a drug abuse conviction or otherwise receiving actual notice of a drug abuse conviction. The notification for HUD must be provided in writing to HUD's Office of Strategic Planning and Management, Grants Management Division, Department of Housing and Urban Development, 451 7th Street, SW, Room 3156, Washington DC 20410-3000, along with the following information:
 - 1) The program title and award number for each HUD award covered;
 - 2) The HUD staff contact name, telephone and fax numbers;
 - 3) A contact name, telephone and fax numbers; and
 - 4) The convicted employee's position and title.
- d. Require that each employee engaged in the performance of the federally funded award be given a copy of the drug-free workplace statement required in item (a) above and notify the employee that one of the following actions will be taken against the employee within 30 calendar days of receiving notice of any drug abuse conviction:
 - 1) Institution of a personnel action against the employee, up to and including termination consistent with requirements of the Rehabilitation Act of 1973 (29 U.S.C. 794), as amended; or
 - 2) Imposition of a requirement that the employee participates satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.
- e. Identify to the agency making the award all known workplaces under the award. The workplace identification must include the actual address of buildings or other sites where work under the award will take place. Consultant must also inform the agency of any workplace changes during the performance of the award. The identification of the workplaces must occur either:
 - 1) At the time of application or upon award; or
 - 2) In documents Consultant keeps on file in its offices during performance of the award, in which case Consultant must make the information available for inspection upon request by the agency.

9. Safeguarding Resident/Client Files. In maintaining resident and client files, funding recipients shall comply with the Privacy Act of 1974 (Privacy Act), the agency rules and regulations issued under the Privacy Act and observe state and local laws concerning the disclosure of records that pertain to individuals. Recipients must comply with the Privacy Act in the design, development, or operation of any system of records on individuals and take reasonable measures to ensure that resident and client files are safeguarded, including when reviewing, printing, or copying client files.

10. Compliance with the Federal Funding Accountability and Transparency Act of 2006 (Pub. L.109-282) (Transparency Act), as amended. Prime Grant Awardee Reporting. Prime recipients of HUD's financial assistance are required to report certain subawards in the [Federal Funding Accountability and Transparency Act Subaward System \(FSRS\)](#) or its successor system for all prime awards listed on the FSRS website. Prime financial assistance awardees receiving funds directly from HUD are required to report subawards and executive compensation information both for the prime award and subaward recipients, including awards made as pass-through awards or awards to vendors. For reportable subawards, if executive compensation reporting is required and subaward recipients' executive compensation is reported through the SAM system, the prime recipient is not required to report this information. The reporting of subaward and executive compensation information shall be in accordance with the requirements of the Transparency Act, as amended, and Appendix A to 2 CFR part 170. Information on requirements under the Transparency Act and OMB guidance is available at www.fsrs.gov.

11. Eminent Domain. Section 407 of Div. L, Title III of the Consolidated Appropriations Act, 2018 (Public Law 115-141) prohibits the use of appropriated funds to support any Federal, state, or local project that seeks to use the power of eminent domain, unless eminent domain is employed only for a public use. Public use shall not be construed to include economic development that primarily benefits private entities. Use of funds for mass transit, railroad, airport, seaport, or highway projects, and utility projects which benefit or serve the general public (including energy-related, communication-related, water-related, and waste water-related infrastructure), other structures designated for use by the general public or with other common-carrier or public-utility functions that serve the general public and are subject to regulation and oversight by the government, and projects for the removal of an immediate threat to public health and safety or brownfields, as defined in the Small Business Liability Relief and Brownfields Revitalization Act (Pub. L. 107-118), will be a public use for Section 407 purposes. Applicants for FY assistance may be subject to this restriction if it is incorporated in HUD's FY appropriation. A notice will be published if this provision no longer applies following passage of HUD's FY appropriation.

12. Accessibility for Persons with Disabilities. For all HUD-funded activities: a. All meetings must be held, and services provided in facilities that are physically accessible to persons with disabilities. Where physical accessibility is not achievable, successful Consultants must give priority to alternative methods of product or information delivery that offer programs and activities to qualified individuals with disabilities in the most integrated setting appropriate in accordance with HUD’s implementing regulations for section 504 of the Rehabilitation Act of 1973 (29 U.S.C. §794) at 24 CFR part 8, subpart C; and, b. All notices of and communications during all training sessions and public meetings shall be provided in a manner that is effective for persons with hearing, visual, and other communication-related disabilities or provide other means of accommodation for persons with disabilities consistent with section 504 of the Rehabilitation Act of 1973 and HUD’s Section 504 regulations. Recipients must provide appropriate auxiliary aids and services necessary to ensure effective communication, which includes ensuring that information is provided in appropriate accessible formats as needed, e.g., Braille, audio, large type, assistive listening devices, sign language interpreters, accessible websites, and other electronic communications. [See 24 CFR Section 8.6; 28 CFR 35.160, 36.303.](#)

13. Violence Against Women Act. The Violence Against Women Reauthorization Act of 2013 amended the Violence Against Women Act of 1994 (“VAWA”) to provide housing protections for victims of domestic violence, dating violence, sexual assault, and stalking in many of HUD’s housing programs. HUD’s implementing regulations for VAWA are found in the applicable program regulations and 24 CFR Part 5, Subpart L, Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking (collectively, the “VAWA rule”). The specific HUD programs that are subject to the VAWA rule are listed in the “covered housing program” definition at 24 CFR 5.2003. In general, the VAWA rule provides that an applicant for assistance or tenant assisted under a covered housing program may not be denied admission to, denied assistance under, terminated from participation in, or evicted from the housing on the basis or as a direct result of the fact that the applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, if the applicant or tenant otherwise qualifies for admission, assistance, participation, or occupancy. The VAWA rule also requires the establishment of emergency transfer plans for facilitating the emergency relocation of certain tenants who are victims of domestic violence, dating violence, sexual assault, or stalking. For the specific requirements of the VAWA rule, please refer to 24 CFR Part 5, Subpart L, and the applicable program regulations.

14. Conducting Business in Accordance with Ethical Standards.

A. Code of Conduct for Procuring Property and Services. Consultant must have a code of conduct (or written standards of conduct) for procurements that meets all requirements in 2 CFR 200.318(c). Before entering into an agreement with HUD, each Consultant selected for award (other than a state) must ensure an up-to-date copy of the

organization's code of conduct, dated and signed by the Executive Director, Chair, or equivalent official, of the governing body of the organization, is available in Code of Conduct e-library. Consultant can check the [Code of Conduct List](#) to confirm HUD has determined its Code of Conduct complies with 2 CFR 200.318(c). HUD does not collect or review state codes of conduct for compliance with 2 CFR 200.318(c). Instead, each state must follow the same policies and procedures for procurements under Federal awards that the state uses for procurements from its non-Federal funds, as provided in 2 CFR 200.317.

B. Other Conflicts of Interest In all cases not governed by 2 CFR 200.317 and 200.318(c), all recipients and subrecipients must comply with the conflict of interest requirements in the applicable program regulations. If there are no program-specific regulations for the award, the following conflict of interest requirements apply in all cases not governed by 2 CFR 200.317 and 200.318(c): i. *General prohibition.* No person who is an employee, agent, consultant, officer, or elected or appointed official of the recipient or subrecipient and who exercises or has exercised any functions or responsibilities with respect to assisted activities, or who is in a position to participate in a decision making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from the activity, or have an interest in any contract, subcontract, or agreement with respect thereto, or the proceeds thereunder, either for himself or herself or for those with whom he or she has immediate family or business ties, during his or her tenure or for one year thereafter. Immediate family ties include (whether by blood, marriage or adoption) the spouse, parent (including a stepparent), child (including a stepchild), brother, sister (including a stepbrother or stepsister), grandparent, grandchild, and in-laws of a covered person. ii. *Exceptions.* HUD may grant an exception to the general prohibition in paragraph (i) upon the recipient's written request and satisfaction of the threshold requirements in paragraph (iii), if HUD determines the exception will further the Federal purpose of the award and the effective and efficient administration of the recipient's program or project, taking into account the cumulative effects of the factors in paragraph (iv). iii. *Threshold requirements for exceptions.* HUD will consider an exception only after the recipient has provided the following documentation: a. A disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict and a description of how the public disclosure was made; and b. An opinion of the recipient's attorney that the interest for which the exception is sought would not violate State or local law. iv. *Factors to be considered for exceptions.* In determining whether to grant a requested exception after the recipient has satisfactorily met the threshold requirements in paragraph (iii), HUD will consider the cumulative effect of the following factors, where applicable: a. Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project that would otherwise not be available; b. Whether an opportunity was provided for open competitive bidding or negotiation; c. Whether the

person affected is a member of a group or class of low- or moderate-income persons intended to be the beneficiaries of the assisted activity, and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class; d. Whether the affected person has withdrawn from his or her functions or responsibilities, or the decision-making process with respect to the specific assisted activity in question; e. Whether the interest or benefit was present before the affected person was in a position as described in paragraph (i); f. Whether undue hardship will result either to the recipient or the person affected when weighed against the public interest served by avoiding the prohibited conflict; and g. Any other relevant considerations. Recipients must disclose in writing any potential conflict of interest to HUD.

Environmental Requirements. Compliance with 24 CFR part 50 or 58 procedures is explained below: Administrative expenses and training, education, support, and advice to beneficiaries are excluded from environmental review in accordance with 24 CFR 50.19(b)(3) and (b)(9). However, acquisition of real property, when authorized by HUD, is subject to environmental review under 24 CFR part 50. Selection for funding does not constitute approval of individual project sites. After selection for funding, HUD will perform an environmental review of individual sites in accordance with 24 CFR part 50, as applicable, when the sites are identified. Therefore, in accordance with 24 CFR 50.3(h), the Consultant signature on the Grant constitutes an assurance to Enterprise and HUD that the Consultant agrees to assist Enterprise and HUD in complying with 24 CFR Part 50, and will: 1) supply Enterprise and HUD with all available, relevant information necessary for HUD to perform for each property any environmental review required by 24 CFR Part 50; 2) carry out mitigating measures required by HUD or select alternate eligible property; and 3) not acquire or lease property, nor commit or expend Section 4 program funds, HUD or local funds for these program activities regarding any eligible property, until HUD approval of the property is received.

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, Consultant 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 training, education, support, and advice on education or counseling on buying or renting housing that may include pre-1978 housing, Consultant must inform beneficiaries of the requirements 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).

License to Use Intangible Property. Any activity that results in the creation of intangible property, including but not limited to the creation of curriculum, trainings, data or research findings will be held to the rules at 2 CFR 200.315 whereby the HUD reserves a royalty-free, nonexclusive and irrevocable right to reproduce, publish, or otherwise use the work for Federal purposes, and to authorize others to do so. Additionally, Enterprise and HVR each reserve a royalty-free, nonexclusive and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use any work developed by Consultant under the Grant.

High Rate Contractors and Consultants. Section 4 program funds may not be used, directly or indirectly, to pay or provide reimbursement for payment of salaries at more than the “unloaded” hourly equivalent of the rate paid for the OPM General Schedule Grade 15, Step 10 (based on the locality of the consultant, contractor, or subrecipient’s primary work address) without prior written approval from Enterprise and HUD. For more information on OPM's General Schedule, please see the Office of Personnel Management (OPM) website at <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2020/DCB.pdf>. Additionally, Section 4 program funds may not be used, directly or indirectly, to pay or provide reimbursement for payment of the salaries at more than the “loaded” rate of \$150 an hour without prior written approval from HUD. If the Consultant believes there is sufficient need or cause for hiring a contractor or subrecipient at a high rate, it may submit a request to HUD and a written justification for review and consideration, and it must receive HUD’s approval prior to commencing services with the high rate contractor, consultant, or subrecipient. In all cases, the Consultant must receive approval from Enterprise and HUD before commencing any Section 4 program work with a high rate contractor or subrecipient.

Right to Audit and Disallow or Recover Expenditures. Enterprise, HUD, the Comptroller General of the United States, or any of their duly authorized representatives shall be permitted to inspect and photocopy all books, accounting records, invoices, receipts, payroll records, personnel records, and any other project data and/or records pertaining to all matters covered in the grant agreement. Such records and information must be made available during normal business hours at a reasonable location, and as often as the aforementioned officials deem necessary. Enterprise, HUD or U.S. Government officials must be permitted to make excerpts or copies of such records and data that are related in whole, or in part, to the executed grant agreement. HUD must keep any copies of the recipient’s data and records in the strictest confidence allowed by law. Enterprise reserves the right to seek from the Borrower recovery of any expenditures found unallowable under the cost principles found in 2 CFR 200 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards) and Federal Acquisition Regulations at 48 CFR part 31.2 (for Commercial/For-profits) or the provisions of the HUD Grant Agreement, based upon the final audit

