(c) Certification Regarding Lobbying. Section 319 of the Department of the Interior Appropriations Act, Public Law 101–121, approved October 23, 1989, (31 U.S.C. 1352) (the "Byrd Amendment") generally prohibits recipients of Federal contracts, grants and loans from using appropriated funds for lobbying the Executive or Legislative Branches of the Federal Governments in connection with a specific contract, grant or loan.

The Department's regulations on these restrictions on lobbying are codified at 24 CFR part 87. To comply with 24 CFR 87.110, any HA submitting an application under this announcement for more than \$100,000 of budget authority must submit a certification and, if applicable, a Disclosure of Lobbying Activities (SF-LLL). IHAs established by an Indian tribe as a result of the exercise of the tribe's sovereign power are excluded from coverage of the Byrd Amendment, but IHAs established under State law are not excluded from the statute's coverage. HAs may obtain a copy of the certification and the Form SF-LLL from the local HUD Office.

(d) Application Requirements for

Subprograms.

HAs must also comply with the additional application requirements for each subprogram identified in the section of the NOFA for the specific subprogram.

(e) HA Eligibility.

All HAs that meet the eligibility requirements for the various subprograms, other than those HAs notified under the provisions of paragraph I.(D)(2) of this NOFA and those with certain civil rights or program violations or deficiencies as specified in section I.(G)(2), are eligible to apply for funding.

#### (E) Selection Criteria—General

Each subprogram section of this NOFA has specific selection criteria to evaluate the applications submitted. Refer to the specific subprogram section in this NOFA for the selection criteria.

### (F) Local Government Comments

Section 213 of the Housing and Community Development Act of 1974 requires that HUD independently determine that there is a need for the housing assistance requested in applications, and solicit and consider comments relevant to this determination from the chief executive officer of the unit of general local government. The HUD Office will obtain Section 213 comments from the unit of general local government in accordance with 24 CFR part 791, subpart C, Applications for Housing Assistance in Areas Without

Housing Assistance Plans. Comments submitted by the unit of general local government must be considered before an application can be approved. The Section 213 requirements do not apply to applications for the FSS Service Coordinators and Section 8 Counseling subprograms.

For purposes of expediting the application process, the HA should encourage the chief executive officer of the unit of general local government to submit a letter with the HA application commenting on the HA application in accordance with Section 213. Since **HUD** cannot approve an application until the 30-day comment period is closed, the Section 213 letter should not only comment on the application, but also state that HUD may consider the letter to be the final comments and that no additional comments will be forthcoming from the unit of general local government.

# (G) Corrections to Deficient Applications—General

### (1) Acceptable Applications—General

To be eligible for processing, an application must be received by the appropriate HUD Office no later than the date and time specified in Section I.(B) of this NOFA. The HUD Office will initially screen all applications and notify HAs of technical deficiencies by letter.

If an application has technical deficiencies, the HA will have 14 calendar days from the date of the issuance of the HUD notification letter to submit the missing or corrected information to the HUD Office. Curable technical deficiencies relate only to items that do not improve the substantive quality of the application relative to the rating factors. The 14 calendar day technical correction period does not apply to NOFAs for Section 8 Counseling, Mainstream Housing Opportunities, Persons with HIV/AIDS and Homeless Families.

All HAs must submit corrections within 14 calendar days from the date of the HUD letter notifying the applicant of any such deficiency. Information received after 3 p.m. local time (i.e., the time in the appropriate HUD Office), of the fourteenth calendar day of the correction period will not be accepted and the application will be rejected as incomplete.

## (2) Unacceptable Applications—General

(a) After the 14-calendar day technical deficiency correction period, the HUD Office will disapprove HA applications that it determines are not acceptable for processing. The HUD Office notification

- of rejection letter must state the basis for the decision.
- (b) Applications that fall into any of the following categories will not be processed:
- (i) There is a pending civil rights suit against the HA instituted by the Department of Justice or there is a pending administrative action for civil rights violations instituted by HUD (including a charge of discrimination under the Fair Housing Act).
- (ii) There has been an adjudication of a civil rights violation in a civil action brought against the HA by a private individual, unless the HA is operating in compliance with a court order, or implementing a HUD approved resident selection and assignment plan or compliance agreement designed to correct the areas of noncompliance.
- (iii) There are outstanding findings of noncompliance with civil rights statutes, Executive Orders, or regulations, as a result of formal administrative proceedings, or the Secretary has issued a charge against the applicant under the Fair Housing Act, unless the applicant is operating under a conciliation or compliance agreement designed to correct the areas of noncompliance.
- (iv) HUD has denied application processing under Title VI of the Civil Rights Act of 1964, the Attorney General's Guidelines (28 CFR 50.3), and the HUD Title VI regulations (24 CFR 1.8) and procedures (HUD Handbook 8040.1), or under section 504 of the Rehabilitation Act of 1973 and HUD regulations (24 CFR 8.57).
- (v) The HA has serious unaddressed, outstanding Inspector General audit findings, Fair Housing and Equal Opportunity monitoring review findings, or HUD Office management review findings for one or more of its Rental Voucher, Rental Certificate, or Moderate Rehabilitation Programs, or, in the case of an HA that is not currently administering a Rental Voucher, Rental Certificate, or Moderate Rehabilitation Program, for its Public Housing Program or Indian Housing Program. The only exception to this category is if the HA has been identified under the policy established in section I.(D)(2) of this NOFA and the HA makes application with a designated contract administrator.
- (vi) The HA is involved in litigation and HUD determines that the litigation may seriously impede the ability of the HA to administer an additional increment of rental vouchers or rental certificates.
- (vii) An HA application that does not comply with the requirements of 24 CFR 882.204(a) or 887.55(b) and this notice,