Resident Organization (RO) means an incorporated or unincorporated nonprofit organization or association that meets each of the following requirements:

- (1) It must be representative of the residents it purports to represent;
- (2) It may represent residents in more than one housing development, but it must fairly represent residents from each development that it represents;
- (3) It must adopt written procedures providing for the election of specific officers on a regular basis (but at least once every three years); and
- (4) It must have a democratically elected governing board. The voting membership of the board must consist of residents of the development or developments that the resident organization represents.

Single State Agency means an agency responsible for licensing and monitoring State or tribal drug abuse programs.

State means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State exclusive of local governments. The term does not include any public or Indian housing agency under the United States Housing Act of 1937.

Unit of general local government means any city, county, town, municipality, township, parish, village, local public authority or other general purpose political subdivision of a State.

Subpart B—Use of Grant Funds

§ 261.10 Applicants and activities.

Applicants and activities eligible for funding under the Assisted Housing Drug Elimination Program are listed in this section. The applicants and activities eligible under any particular funding round may be limited in a Notice of Funding Availability (NOFA) published in the **Federal Register**. Additional details concerning eligible and ineligible applicants and activities will also be published in the NOFAs for this program.

- (a) *Eligible applicants.* The applicant must be the owner of a federally assisted low-income housing project under:
- (1) Section 221(d)(3), section 221(d)(4) or 236 of the National Housing Act (Note: However, section 221(d)(4) and section 221(d)(3) market rate projects without project-based assistance contracts are not considered federally assisted low-income housing. Therefore, section 221(d)(4) and section 221(d)(3) market rate projects with tenant-based assistance contracts are not considered

federally assisted low-income housing and are not eligible for funding.);

- (2) Section 101 of the Housing and Urban Development Act of 1965; or
- (3) Section 8 of the United States Housing Act of 1937 (not including tenant-based assistance).
- (b) Eligible activities. An application for funding under this program may be for one or more of the following eligible activities, as further specified in program NOFAs:
 - (1) Employment of security personnel.
- (2) Reimbursement of local law enforcement agencies for additional security and protective services.
- (3) Physical improvements to enhance security.
- (4) Employment of one or more individuals:
- (i) To investigate drug-related crime, and the problems associated with it, on or about the real property comprising any federally assisted low-income housing project; and
- (ii) To provide evidence relating to such crime in any administrative or judicial proceeding.
- (5) The provision of training, communications equipment, and other related equipment for use by voluntary tenant patrols acting in cooperation with local law enforcement officials.
- (6) Drug-abuse prevention, intervention and treatment programs to reduce the use of drugs.
- (7) Continuation of current program activities. Current or previous Assisted Housing Drug Elimination Program grant recipients who are eligible under § 261.10(a) of this subpart may apply, on the same basis as other applicants, for grants to continue their grant activities or implement other program activities. The Department will evaluate an applicant's performance under any previous Drug Elimination Program grants within the past five years. Subject to evaluation and review are the applicant's financial and program performance; reporting and special condition compliance; accomplishment of stated goals and objectives under the previous grant; and program adjustments made in response to previous ineffective performance. If the evaluation discloses a pattern under past grants of ineffective performances with no corrective measures attempted, it will result in a deduction of points from the current application. Since this is a competitive program, HUD does not guarantee continued funding of any previously funded Drug Elimination Program grant.

Subpart C—Application and Selection

§ 261.15 Application selection and requirements.

- (a) Selection criteria. HUD will review each application that it determines meets the requirements of this part and assign points in accordance with the selection criteria. The number of points that an application receives will depend on the extent to which the application is responsive to the information requested in Notices of Funding Availability (NOFAs) published for this program. Each application submitted for a grant under this part will be evaluated on the basis of the following selection criteria:
- (1) First criterion: The extent of the drug-related crime problem in the applicant's development or developments proposed for assistance.
- (2) Second criterion: The quality of the plan to address the crime problem in the developments proposed for assistance, including the extent to which the plan includes initiatives that can be sustained over a period of several years.

(3) Third criterion: The capability of the applicant to carry out the plan.

- (4) Fourth criterion: The extent to which tenants, the local government and the local community support and participate in the design and implementation of the activities proposed to be funded under the application.
- (b) Plan requirement. Each application must include a plan for addressing the problem of drug-related crime and the problems associated with drug-related crime on the premises of the housing for which the application is being submitted. For applications that cover more than one housing development, the plan does not have to address each development separately if the same activities will apply to each development. Only where program activities will differ from one development to another must the plan address each development separately.
- (c) Notice of Funding Availability. **HUD** will publish Notices of Funding Availability (NOFAs) in the **Federal** Register, as appropriate, to inform the public of the availability of grant amounts under this part. NOFAs will provide specific guidance with respect to the grant process, including the deadlines for the submission of grant applications; the limits (if any) on maximum grant amounts; the eligible applicants and activities; the information that must be submitted to permit HUD to score each of the selection criteria; the maximum number of points to be awarded for each