

CHAPTER 2. DEFINITIONS, ROLES AND RESPONSIBILITIES.

- 2-1. OVERVIEW. This chapter defines terms commonly used in FHAP and ascribes the roles and responsibilities of individuals and offices involved in the Program.
- 2-2. DEFINITIONS.
- A. Allotment. This is an authorization by the Secretary of HUD to the various Assistant Secretaries to incur obligations within a specified amount. The allotment for each program establishes a ceiling on the amount which can be obligated during the fiscal year and any limitations on the obligations. In addition to the appropriation and any carryover money, the allotment can include authority to spend up to a certain extra amount in the event that funds are recaptured during the year from unexpired appropriations. Allotments and apportionments can be readjusted throughout the year.
 - B. Amendment (Contractual). A written change, signed by the Grant/Cooperative Agreement Officer (G/CAO), in the terms and conditions of the award document.
 - C. Applicant. An individual or organization which submits an application for funding. In FHAP, eligible applicants must be a certified State or local fair housing agency.
 - D. Application. A written request for HUD funding submitted in response to a solicitation.
 - E. Application Kit. A package of instructions, procedures, forms, and other guidance used by an applicant to apply for funding. It describes the program objectives, recipient and project eligibility requirements, evaluation criteria, award terms and conditions, and information about the funding availability. This is also called solicitation and Request for Applications (RFA).
 - F. Apportionment. An apportionment is a distribution made by OMB of amounts available to HUD and other Federal agencies for obligation pursuant to an appropriation act. The process occurs after an appropriation bill has been passed by Congress and signed by a President. An appropriation can include the division of funds available for obligation by specific time periods, activities, projects, objects of expense, or a combination thereof.

- G. Appropriation. Legislation enacted by Congress that authorizes agencies to incur obligations and to make payment out of the Treasury for specific purposes. Such

legislation includes an amount which cannot be exceeded and may set a time limit within which the money must be obligated. The first two years of the FHAP were funded with a "no year" appropriation, which remains available until expended. Subsequent appropriations have all been two year appropriations.

- H. Assignment. An assignment is a distribution by an Assistant Secretary of amounts available to Regions for obligation.
- I. Assistance. The transfer of money, property, services, or anything of value to a recipient to accomplish a public purpose of support or stimulation authorized by Federal statute.
 - 1. A grant is an assistance instrument used by HUD when no substantial involvement is anticipated between HUD and the recipient during performance of the contemplated activity.
 - 2. A cooperative agreement is an assistance instrument used by HUD when substantial involvement is anticipated between HUD and the recipient during performance of the contemplated activity.
- J. Authorization. Legislation enacted by Congress that sets up or continues the operation of a Federal program or agency.
- K. Award. The legal document signed by the recipient and the G/CAO which contains the terms and conditions for providing assistance to the recipient. It is also referred to as the funding instrument. FHAP awards to State and local agencies are always made through a Cooperative Agreement.
- L. Certified Agency. A State or local fair housing agency certified by the Assistant Secretary for FHEO as providing rights and remedies substantially equivalent to the Fair Housing Act. This is also called a Substantially Equivalent Agency.
- M. Complaint and Compliance Review Reporting and Control Procedures (CCRS). The reporting and control procedure for all HUD Fair Housing complaints and compliance reviews which accommodate Headquarter's and the Regional Offices' need for a uniform means of receiving, recording, and controlling complaints and compliance reviews and reporting actions taken during the processing of complaints and compliance reviews.

- N. Complaint Monitoring and Reporting Systems (CMRS). An agency's system to record information and monitor the processing of complaints in a fashion compatible with that of

HUD for internal tracking of fair housing complaint activity and for the development of various kinds of data and management systems necessary for effective program management and utilization. Capacity building agencies are still required to have available a computer capability set forth in the solicitation; however, the agencies have discretion to determine the amount of capacity building funds, if any, they will need to devote to this purpose.

- O. Comprehensive Funding Approach (CFA). An alternate term used to refer to the Fair Housing Assistance Program (FHAP). The CFA was initiated as a result of the final rule published May 9, 1989. This program consolidates the noncompetitive and competitive components into one comprehensive, noncompetitive funding approach. It is administered by the Regional FHEO Offices.
- P. Contact Person. The individual identified in Block 10 of the cover page of an Assistance Award (HUD-1044) as the contact at the recipient agency.
- Q. Contract . A funding instrument providing for the lease or purchase of property or services for the direct benefit or use of the Federal government.
- R. Cost Reimbursement Award. An award which establishes a ceiling on project costs that the recipient may not exceed and provides for payment of allowable incurred costs as prescribed in the funding instrument.
- S. Factors for Award. The significant factors stated in the Request for Applications (RFA) which HUD must apply in evaluating the relative merits of competitive funding applications.
- T. FHAP. The Fair Housing Assistance Program.
- U. FHAP Agency. A State or local fair housing enforcement agency participating in the FHAP.
- V. FHEO - Office of Fair Housing and Equal Opportunity, HUD.
- W. Fixed Price Award. An award which provides a firm fixed amount for satisfactory completion of the work to be performed, regardless of actual costs incurred.

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- X. Federal Records Center. The official repository for expired awards.
- Y. Grant/Cooperative Agreement Officer (G/CAO). The official who is responsible for negotiation, award and administration of

discretionary grants and cooperative agreements. For the FHAP noncompetitive CFA Cooperative Agreements, this individual is the Regional FHEO Director. For Type II Agreements entered into prior to 1989, the authorized individual in the Program Support Division of the Office of Procurement and Contracts is the Grant/Cooperative Agreement Officer.

- Z. Government Technical Monitor (GTM). An individual designated to provide technical monitoring, advice, and assistance to aid the GTR and carry out those responsibilities delegated to the GTM. For FHAP CFA Agreements, the GTM is a staff person in the Title VIII Branch of the Regional FHEO Office. For Type II Agreements, the GTM is the Regional FHEO Director.
- AA. Government Technical Representative (GTR). An individual in the program office who is responsible for the technical and financial oversight and evaluation of the recipient's performance. For CFA Agreements, the GTR is a Regional FHEO staff person designated by the Regional FHEO Director. For Type II Agreements, the GTR is an Equal Opportunity Specialist in the FHEO Headquarters Programs Division.
- AB. "Grandfathered" Agency. A State or local fair housing agency which had substantial equivalency recognition or an agreement for interim referral of complaints at the time of passage of the Fair Housing Amendments Act of 1988. These agencies have until January 12, 1992 to secure certification under the amended Federal Fair Housing Act.
- AC. Headquarters Liaison. An Equal Opportunity Specialist in the FHEO Headquarters Programs Division who provides oversight and technical assistance to Regional Office staff on all aspects of the FHAP.
- AD. HUD. The U.S. Department of Housing and Urban Development (HUD), sponsor of the Cooperative Agreements.
- AE. HUD-1044 Assistance Award/Amendment. The cover page of a Grant or Cooperative Agreement which contains the signature of the Recipient and the G/CAO, as well as the amount of the award and other information.
- AF. Interim Agency. A State or local fair housing agency with an

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agreement for interim referral of complaints pending development of a performance record. An interim agency is eligible to receive FHAP Capacity Building funds, but, except for grandfathered agencies, is ineligible for Contribution funds.

- AG. Notice of Funds Availability (NOFA). A notice issued by HUD which solicits applications and describes program objectives,

recipient and project eligibility requirements, evaluation criteria, terms and conditions of the award and information about the funding.

- AH. Obligation. The execution of the award by the G/CAO. Typically, this occurs after the recipient has signed the award instrument. It is recorded in the Regional Accounting Division for the CFA and in the Office of Financing and Accounting for Type II. It allows the disbursement of funds subsequent to voucher approval.
- AI Official File. The award file maintained by the G/CAO which contains the award, preaward documentation, payment record, performance and financial reports, correspondence and closeout documentation.
- AJ. OFA. HUD's Headquarters Office of Finance and Accounting which maintains financial records and processes approved payment requests.
- AK. OLCR. HUD's Headquarters Office of Legislation and Congressional Relations, which notifies Members of Congress of awards made by HUD. For the Region, Congressional notification may be made by the Office of Public Affairs.
- AL. OMB Approval Number. An approval number from the Office of Management and Budget required for all forms, surveys, or other data gathering requirements of the Federal Government or of other entities collecting the information pursuant to Federal funding.
- AM. OPC. HUD's Headquarters Office of Procurement and Contracts, which places and administers awards where this authority has not been redelegated to Regional Offices.
- AN. Period of Performance. The time specified in the funding instrument for completion of activity for which financial assistance is awarded.
- AO. Program Office. A primary organizational unit of HUD having express responsibility for planning, developing, coordinating,

and evaluating the contractual effort and for selecting the Government Technical Representative. For FHAP, the program office is FHEO.

- AP. Public Information Officer (PIO). The individual in the HUD Regional Office responsible for all publicity regarding awards made in the Regional Office.
- AQ. Recipient. The entity which receives an assistance award from HUD and is financially accountable for the use of HUD funds

and is legally responsible for carrying out the terms and conditions of the award. This is also called Grantee.

- AR. Regional Government Technical Monitor (RGTM). See GTM
- AS. Regional Accounting Division (RAD). Unit in the HUD Regional Office responsible for performing accounting and reporting for programs decentralized to Regional Offices.
- AT. Regional Contracting Officer (RCO). The individual in the Region responsible for the award and administration of procurement contracts and selected assistance agreements. He/she provides technical assistance to Regional and Field Office personnel on contracts, grants and cooperative agreement policies and procedures, including advice on award and administration of FHAP Agreements.
- AU. Request for Application (RFA) - See Application Kit.
- AV. Reservation. A reservation is the earmarking of funds for a specific project. This is to ensure that there are sufficient funds to cover the obligation.
- AW. Schedule of Articles. Provisions of a funding instrument which describe the terms and conditions of the funding instrument.
- AX. Single Point of Contact (SPOC). Individual in State government responsible for reviewing funding proposals pursuant to the requirements of Executive Order 12372.
- AY. Standard Form (SF). A Federal form, approved by OMB, for use by all Federal agencies. The three standard forms used in the FHAP are:
 - 1. SF 269 (Financial Status Report) - Financial statement required by an Award;
 - 2. SF 270 - Request for Advance or Reimbursement; and

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- 3. SF 424 (Application for Federal Assistance) - Funding application and budget.
- AZ. Statement of Work. A clear and comprehensive description of the work to be performed, the products to be delivered, and/or services to be performed by the recipient in terms of results so that the recipient can be effectively monitored.
- BA. Substantially Equivalent Agency (SE Agency). An agency enforcing a fair housing law and those with an interim agreement certified by the Assistant Secretary for FHEO as providing rights and remedies substantially equivalent to

Title VIII.

- BB. Suspension. This is an intermediate corrective action that can be taken when there is a performance problem in an award. A suspension prohibits drawdowns until the deficiency is remedied. If the performance problem is not corrected, suspension is followed by termination for cause.
- BC. Technical Evaluation Panel (TEP). A group of at least three (3) individuals designated by the Selecting Official (Assistant Secretary for Fair Housing and Equal Opportunity or Regional Administrator) to review, rate, and rank competitive applications.
- BD. Termination. This is a cancellation of an award. Terminations can be in whole or in part. There are two types of termination:
 - 1. Termination for Convenience. This is a termination of a funding instrument unrelated to the performance of the recipient.
 - 2. Termination for Cause. This is termination because the recipient has failed to perform or failed to make adequate progress so as to endanger performance.
- BE. Type II Funds. A competitive component of the FHAP which allowed funding for specialized project proposals developed by State and local agencies to enhance their fair housing programs.
- BF. Voucher. A request for payment which includes all information necessary for approval of the disbursement. There are partial (sometimes referred to as interim) vouchers and a final voucher.

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2-3. ROLES AND RESPONSIBILITIES.

- A. Assistant Secretary for FHEO. The Assistant Secretary is responsible for:
 - 1. Approving all program policy, guidance memoranda, handbooks, NOFAS, and related issuances regarding the FHAP;
 - 2. Negotiating and placing awards pursuant to solicitations or delegating such authority to an official in OPC; and
 - 3. Redelegating authority to award and administer noncompetitive Cooperative Agreements to the Regional Administrators and to the Regional FHEO Directors.

B. Programs Division. The Programs Division is within the Office of Fair Housing Enforcement and Section 3 Compliance and is responsible for:

1. Developing and recommending program policy for the Assistant Secretary for FHEO;
2. Developing handbooks, Field Office training, and technical guidance memoranda;
3. Developing, clearing, and securing publication of NOFAs;
4. Developing Application Kit and Cooperative Agreement provisions;
5. Designating which agency in a jurisdiction with a substantially equivalent law is entitled to participate in the program;
6. Providing oversight, guidance, and direction to Regional Office staff;
7. Serving as Technical Evaluation Panel Chairpersons, Advisors, and Panelists;
8. Serving as GTRs as appointed by the Assistant Secretary; and
9. Assisting in resolving problems between Regional Offices and recipients.

C. Office of Procurement and Contracts (OPC). OPC is responsible for:

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1. Serving as G/CAO for Type II Agreements as requested by the Program Office; and
2. Providing advice, guidance, and training to FHEO as requested in the award and administration of FHAP agreements.

D. Office of Finance and Accounting (OFA). OFA is responsible for:

1. Validating availability of noncompetitive program funds for assignment to RADS;
2. Establishing and maintaining records and accounts showing the current status of allotments issued to each program office;

3. Establishing and maintaining official reservation, obligation, and payment files, except as assigned to Regions;
 4. Processing approved payment requests in a timely manner for payment by the Treasury Department, except as assigned to Regions; and
 5. Establishing letters of credit for cost reimbursement awards, as necessary.
- E. Regional Accounting Division (RAD). The RAD is responsible for:
1. Establishing and maintaining records and accounts showing the current status of assignments issued to each Regional Office, validating funds availability for Regional Office G/CAOs;
 2. Establishing and maintaining official contract reservation, obligation and payment files; and
 3. Processing approved vouchers in a timely manner for prompt payment by the Treasury Department, and recording all payments in the accounting records.
- F. Grant/Cooperative Agreements Officer (G/CAO). The G/CAO is responsible for:
1. Negotiating awards and executing amendments to existing awards;

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2. Determining allowability of cost for cost reimbursement awards (Type II only) and for the incentive portion of the CFA;
3. Monitoring recipient compliance with all assistance terms and conditions;
4. Ensuring that recipients account for proper use and accounting of program income (Type II and incentive portion of the CFA only);
5. Ensuring that recipients submit required organizational audits and/or requesting Federal audits;
6. Ensuring recipient financial status and cash management reports for cost reimbursement awards are submitted in a timely manner (Type II only);
7. Reviewing recipient payment requests, financial, cash management and performance reports, and taking

appropriate action as necessary;

8. Approving recipient budget and project revisions;
9. Suspending and terminating awards when appropriate;
10. Providing for property approvals and disposition;
11. Approving recipient noncompetitive contracts;
12. Initiating and completing administrative closeout of awards and providing OFA/RAD with appropriate closeout documentation;
13. Making the final decision in the event of a dispute between the recipient and the GTR/GTM;
14. Maintaining the official award file;
15. Providing the GTR with copies of all correspondence issued by the G/CAO to the recipient; and
16. Promptly resolving problems raised by the GTR or the recipient.

G. Government Technical Representative (GTR). The GTR is responsible for:

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1. Monitoring the recipient's performance, including progress against the recipient's work plan, performance schedule, and budget;
2. Fulfilling substantial involvement responsibilities stated in the cooperative agreement;
3. Maintaining liaison with both the recipient and the Grant/Cooperative Agreement Officer (G/CAO) in order to resolve performance problems;
4. Advising the recipient that all proposed changes must be submitted in writing to the G/CAO;
5. Advising the recipient of and monitoring conformance with all Section 504 requirements.
6. Reviewing and evaluating recipient requests for project changes or modifications to the Cooperative Agreement, and providing recommendations to the G/CAO for action;
7. Recommending, in writing, to the G/CAO other changes desired in the award and providing justification for the proposed changes;

8. Furnishing technical advice to the G/CAO as requested;
9. Issuing instructions to a recipient to clarify the Statement of Work, informing the G/CAO of the context of such communications;
10. Evaluating official products of work (progress and technical reports, publications, products, or services) for acceptance and notifying the G/CAO and recipient in writing if any submitted items are rejected, and the basis for rejection;
11. Reviewing publications produced under the award and granting requests for waiver of the required waiting period prior to publication by the recipient;
12. Ensuring that key personnel are being utilized to the extent required by the award and evaluating the qualifications of any personnel which the recipient proposes to substitute for named key personnel (CFA);
13. Making site visits as appropriate and necessary;
14. Promptly notifying the G/CAO if performance is not

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satisfactory, outlining cause of problem, and recommending course of action;

15. Reviewing vouchers for accuracy and correctness. For Type II, the review is also for approval of payment in connection with the reasonableness of the activity(ies);
 16. Approving vouchers for payment in fixed price agreements (CFA);
 17. Recommending initiation of payment suspension procedures or other change to the payment system;
 18. Recommending final HUD closeout of agreement, with evaluation of overall performance, and providing assistance to the G/CAO in the event of disputes, patent, and publication problems during closeout;
 19. Maintaining a GTR working file; and
 20. Redelegating GTR duties and responsibilities, as necessary, to the GTM.
- H. Regional Government Technical Monitor (RGTM). The RGTM is responsible for:

1. Serving as an advisor to the GTR; and
2. Carrying out any duties and responsibilities as redelegated by the GTR.

2-4. RESPONSIBILITIES NOT DELEGATED. The GTR and/or RGTM shall not:

- A. Direct the recipient to undertake any activity which will change the:
 1. Total award amount;
 2. Project description or content; or
 3. Administrative provisions of the award.
- B. Consent to the placement of contracts;
- C. Disallow the recipient's costs; or
- D. Provide any directions to the recipient in those areas of

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responsibility delegated or redelegated to the other, in order to avoid the issuance of any conflicting instructions to the recipient.

2-5. REDELEGATION OF AUTHORITY OF ASSISTANT SECRETARY.

The Assistant Secretary for FHEO has redelegated authority to award and administer Cooperative Agreements under the FHAP for the noncompetitive component to the Regional Administrators and to the Regional FHEO Directors, by notice in the Federal Register (Appendix 9).

2-6. DESIGNATION OF THE GOVERNMENT TECHNICAL REPRESENTATIVE AND GOVERNMENT TECHNICAL MONITOR.

The Head of the Program Office or his/her designee designates the GTR and the GTM in writing, with a copy provided to the contracting officer. For noncompetitive CFA, the Regional FHEO

Director makes this designation. For Type II, the Assistant Secretary for FHEO makes the designation. The RAD will be provided a copy of the GTR and GTM designation and with a copy of their signatures.

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