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PROGRAM GUIDANCE

PROGRAM: Indian Community Development Block Grant (ICDBG)
Recovery Act Program

FOR: Fiscal Year 2008 ICDBG Grantees


FROM: For Rodger J. Boyd, Deputy Assistant Secretary for Native American
Programs, PN

TOPIC: Notice of Funding Availability (NOFA)
ICDBG Recovery Act Program

Purpose: The purpose of this guidance is to notify eligible tribes and tribal organizations of the ICDBG funding opportunity available pursuant to the American Recovery and Reinvestment Act of 2009 (Recovery Act).

The purposes of the Recovery Act are to: (1) preserve and create jobs and promote economic recovery; (2) assist those most impacted by the recession; (3) provide investments needed to increase economic efficiency by spurring technological advances in science and health; (4) invest in transportation, environmental protection, and other infrastructure that will provide long-term economic benefits; and (5) stabilize State and local government budgets, in order to minimize and avoid reductions in essential services and counterproductive state and local tax increases.

Eligible Applicants: Only Indian tribes, bands, groups, nations, tribal organizations, including Alaska Indians, Aleuts, Eskimo, and any Alaska Native village that received ICDBG funds in FY 2008 are eligible for these funds.

Eligible Activities: Activities that are eligible for funding include housing construction, rehabilitation, acquisition of land for housing, direct assistance to facilitate homeownership among low- and moderate-income persons, construction of tribal and other facilities for single- or multi-use, streets and other public facilities, and economic development projects (see 24 CFR 1003.201-1003.206). Funds awarded in accordance with this NOFA will be subject to the requirements of the ICDBG regulations at 24 CFR Part 1003 except as waived or modified. The Recovery Act states that funds cannot be used for any casino, or other gambling establishment, aquarium zoo, golf course, or swimming pool.

Funding Availability: The total amount of funding available for this ICDBG Recovery Act program is \$10,000,000. Funds are only available for single-purpose grants. No Imminent Threat grants will be awarded. The Area ONAP allocations are:

Eastern/Woodlands:	\$1,430,885
Southern Plains:	\$1,879,025
Northern Plains:	\$1,559,692
Southwest:	\$2,579,743
Northwest:	\$1,153,033
Alaska:	\$1,397,622

Grant Ceilings: Tribes are permitted to submit only one application. The grant ceiling for applications in all Area ONAPs is \$600,000.

Waivers: The Recovery Act gave HUD the authority to waive or specify alternative requirements for some of the ICDBG statutory and regulatory provisions to facilitate the use of ICDBG Recovery Act funds. Waivers of some or all of the following requirements have been approved for applications submitted pursuant to this NOFA: Housing Rehabilitation Standards; New Construction Standards; Economic Development Project Analysis; and Citizen Participation Requirement. See Section II.E.3 of the NOFA for details.

Applicants will be required to indicate in their applications the waivers they wish to use. Applicants seeking a waiver of any other regulatory requirement not listed in the NOFA should submit the request to their Area ONAP for approval by the Assistant Secretary.

Major Changes from FY 2008 NOFA: The following major changes have been made to the FY 2008 ICDBG NOFA. Please check the NOFA carefully for additional changes.

- An applicant must include a DUNS number on the SF-424 and register with the Central Contractor Registry (CCR).
- The housing rehabilitation limit for the NWONAP has been increased from \$40,000 to \$50,000 per unit.
- Factor 1 on “Capacity of the Applicant” has been replaced with a factor on “Recovery Act and Other Priorities.” Points will be awarded if contracts can be awarded based on bids within 120 days from the date the funds are made available. Points will also be awarded if funds are used to spur construction and create employment opportunities. Also, points will be awarded if the applicant will use Energy Star appliances and products and incorporate Green Development practices/techniques as described in the General Section of HUD’s FY 2009 NOFAs for Discretionary Programs (73 FR 79548, December 29, 2008).
- The criteria for economic development projects in Rating Factor 3 have been modified and streamlined.
- Applications must be submitted on paper through either the United States Postal Service or via courier. Applications submitted via fax or delivered by hand will not be accepted.

Specific Recovery Act Requirements: There are several additional requirements for recipients that receive funds under the Recovery Act. They are summarized below:

- *Buy American.* ICDBG grantees must follow the “Buy American” requirements of section 1605 of the Recovery Act, and use only iron, steel, and manufactured goods produced in the United States in their projects. Additional guidance may be found in the Office of Management and Budget’s Interim Final Guidance published in the *Federal Register* on April 23, 2009 (74 Fed. Reg. 18449). Further guidance on this issue will be forthcoming.
- *Wage Rate Requirements.* Under Section 1606 of the Recovery Act, contractors and subcontractors hired with Recovery Act funds are required to pay prevailing wages to laborers and mechanics in compliance with the Davis-Bacon Act. Grantees selected for funding under this program will receive additional guidance on compliance with these provisions.
- *Reporting Requirements.* In addition to the reports required by the ICDBG program, grantees who receive Recovery Act funds will be required to report on the progress of awarded grants in a Recovery Act format. HUD will provide the format and additional guidance to grantees after grant award. Information on Recovery Act ICDBG grants will be posted to <http://www.hud.gov/recovery>.
- *Environmental Reporting Requirements.* Each federal agency must report on the status of NEPA compliance for all projects under the Recovery Act. Reporting information will be provided to each recipient as soon as it is available.

Failure to submit Recovery Act reports on time will result in inability to draw down funds from LOCCs.

Application Submission Deadline: Applications will be accepted by your Area ONAP at any time after publication of this NOFA, but will not be accepted after 5:00 p.m. local ONAP time on July 7, 2009. Applications will be date- and time-stamped, and reviewed and rated for minimum requirements until all funds are obligated.

Funding Obligation: Awards will be announced as applications are approved. All funds must be obligated by September 30, 2009. HUD will post a notice on its website once all funds for this program have been obligated.

Technical Assistance: Contact staff at your Area ONAP for general guidance and technical assistance regarding the NOFA. ONAP staff is not, however, permitted to help you prepare your application.

Copies of this NOFA and application forms may be downloaded from the HUD website at <http://www.hud.gov/recovery> under the ICDBG program.

Applicants should not rely solely on information in this Guidance since it does not include all applicable NOFA requirements on the subjects addressed.