



**HOUSING AUTHORITY
OF
THE COUNTY OF SAN DIEGO**

**Notice of Funding Availability (NOFA)
For
Project Based Vouchers for Veterans Affairs Supportive
Housing Program (VASH)**

Release Date: January 10th, 2024

Submission Date: March 22nd, 2024

Sources of Financial Assistance:
Veterans Affairs Supportive Housing Program (VASH)

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GENERAL INFORMATION

In releasing this Notice of Funding Availability (NOFA), the Housing Authority of the County of San Diego (HACSD), is announcing the opportunity for an allocation of Project Based Vouchers (PBV) under the Housing and Urban Development (HUD) Veterans Affairs Supportive Housing (VASH) program. This NOFA makes available 100 HUD-VASH PBV's for existing multi-family units.

The HACSD will select the projects with the highest scores based on the proposal requirements and evaluation factors described in this NOFA, including but not limited to, the PBV project selection process listed in the HACSD's Section 8 Housing Choice Voucher (HCV) Administrative Plan, the feasibility and readiness of the project, and the experience of the project owner's operation team.

Developments must be located within the jurisdiction of the HACSD which is comprised of: the Unincorporated Area of the County of San Diego, City of Coronado, City of Del Mar, City of Imperial Beach, City of Lemon Grove, City of Poway, City of Solana Beach, City of Chula Vista, City of El Cajon, City of Escondido, City of La Mesa, City of San Marcos, City of Santee, City of Vista.

The development may be owned by any individual, corporation, trust, partnership, non-profit or public entity, or relevant licensing related to transitional housing, with the exception of those identified on the Excluded Parties List/SAM.gov, Office of Inspector General (OIG) Exclusions database, the State of California Medi-Cal Suspended and/or Ineligible Provider List.

Qualified owners/operators of affordable housing developments who demonstrate their ability to maintain affordable housing developments are encouraged to submit applications. Project-based vouchers are secured under contract for up to 20 years with the potential for multiyear extension, subject to funding availability.

The County of San Diego's *Live Well, San Diego* initiative strives to achieve healthy, safe, and thriving communities throughout the region. The San Diego region is thriving when residents are engaging (building community awareness and cohesion), connecting (filling gaps and ensuring equal access to basic needs) and flourishing (exceeding basic needs). For more information on *Live Well, San Diego*, please visit www.livewellsd.org. HACSD is seeking applications that tie into and accentuate all aspects of *Live Well, San Diego*.

INSTRUCTIONS FOR NOFA APPLICATION

Submit complete and signed application proposals in electronic format. Electronic copies must be delivered and emailed by way of the following methods by 5:00 PM on March 22nd, 2024:

1. One (1) USB drive,

Please deliver USB Drive-NOFA application to:
Housing and Community Development Services
Attn: Anthony Ricciardi
3989 Ruffin Road
San Diego, CA 92123

2. Email application via a secured electronic document management and storage system (SharePoint, OneDrive, Drop Box, etc.) to NOFA.applications@sdcounty.ca.gov.

Applicants who do not submit both versions of the application on or before the application deadline will be deemed non-responsive.

Application must be saved/stored in accordance with the NOFA APPLICATION CHECKLIST. Documents should be in labeled folders and named in accordance with the NOFA Application Checklist.

Applications submitted for consideration must be complete. If any information requested in the NOFA is not applicable to the development, indicate section with "N/A." Faxed copies and electronic copies submitted via CD will not be accepted. Emailed application and the information on the USB drive must be consistent and the same.

VASH PROJECT BASED VOUCHER FUNDING

The HUD-VASH program combines assistance for homeless veterans, with case management and clinical services provided by the VA at its medical centers and in the community. The HUD-VASH and PBV program is administered in accordance regulations and program requirements found in 24 CFR Parts 982 and 983, HACSD 2023 Administrative Plan Chapter 18 and 19 part IV and PIH Notice 2017-21, which may be obtained by visiting HUD's website at www.hud.gov.

Applicants are required to coordinate with the U.S. Department of Veterans Affairs (VA) to discuss size and scope of the development. **A completed Attachment F** must be provided for all applications. HUD-VASH PBVs will be awarded to multi-family rental housing developments that will be occupied by qualified veterans referred by the VA. **This requires a consultation with VA staff prior to submitting an application for HUD-VASH PBVs.**

Through this NOFA, only existing multi-family units will be considered. **A housing unit is considered an existing unit for purposes of the PBV program if, at the time of notice of HACSD selection, the units substantially comply with the Housing Quality Standards (HQS)** issued by the U.S. Department of Housing and Urban Development (HUD). All sites must be located within the jurisdiction of the HACSD (as described above). PBV units must pass HQS inspection prior to the execution of the Housing Assistance Payment (HAP) contract.

EVALUATION FACTORS

The evaluation criteria listed below will be scored based on the application and attachments submitted as part of the proposal. Proposal materials should give clear, concise information in sufficient detail to allow an evaluation based on these requirements. Although some of the elements listed below will be weighted more heavily than others, all requirements are considered necessary for evaluation.

Project Feasibility

1. Project Readiness - This factor will be rated by HACSD based on when project units will be ready for occupancy, as indicated in the required project timeline indicating major milestones.
2. Project Capacity - This factor will be rated by HACSD based on number of vouchers the project will provide as indicated in the NOFA Application.

3. Financial Stability - This factor will be rated by HACSD based on the submission of the current (within the last 12 months) audited financial statements.

PBV Evaluation Criteria

1. The project promotes and contributes to the County's Leave No Veteran Homeless Initiative. [Leave No Veteran Homeless](#)
2. The project contributes to the geographical distribution of affordable housing throughout the jurisdiction.
3. The project promotes greater choice of housing opportunities and encourages assisted persons to move into areas of low poverty. Including an explanation of how the project is consistent with the goal of deconcentrating poverty and expanding housing and economic opportunities in accordance with the Public Housing Agency (PHA) Plan and the PHA's administrative plan policies.
4. The project provides accessibility features.
5. Proximity to amenities consistent to the needs of the Veterans being housed, including:
 - a. VA Community based outpatient Clinics.
 - b. Public transportation.
 - c. Grocery stores and other essential business and services.
6. The level of supportive services provided to the Veterans being housed in addition to the services being provided by the Veterans Administration.
7. The projects bedroom size make-up. Note: 1-bedroom and/or studio units are preferred over larger units.

Proposal Description

1. The proposal requirements are adequately addressed with supporting documentation.
2. Management Plan and Crime Free Multifamily Housing Element.

Operational Experience and Capacity

1. Each proposal must demonstrate the developer's capacity to perform administrative, managerial, and operational functions.
 - a. Use of property management companies with employees, specifically the onsite management team, who have experience with the HUD-VASH population and experience with management of operating other project-based housing sites.
 - b. Applicant possesses control of the proposed development site through fee title, long-term lease, an option to purchase, a disposition and development agreement with a

public agency, a leasehold with development provisions or any other enforceable instrument approved by HACDS/HCDS.

NOTE: It is the responsibility of each applicant to ensure that it and all its employees, contractors, affiliates, agents, volunteers and other personnel comply with all applicable laws and rules regarding conflicts of interest, including Government Code section 1090 et seq., the Political Reform Act and the County Administrative Code, including but not limited to Section 67.

CONDITIONS

HACSD reserves the right to negotiate and award an allocation of VASH PBVs to multiple applicants and request additional information from applicants, however, all terms indicated in this NOFA to be required are non-negotiable. By the act of submitting a proposal, the applicant acknowledges and agrees to the terms and conditions of this NOFA, PIH Notice 2017-21, and 24 CFR Parts 982 and 983. Applicant further certifies to the accuracy of the information submitted. All proposals become the property of the HACSD. HACSD reserves the right to reject any and all submittals, waive any irregularities in the submittal requirements, cancel this NOFA at any time, or award as many or as few PBVs under this NOFA as it sees fit. All submittal packages become the property of HACSD and will not be returned. All submitted information will become public information and is subject to public inspection under the State of California Public Records Act.

TECHNICAL ASSISTANCE, CLARIFICATION AND ADDENDA

Requests for clarification regarding this NOFA should be directed to Anthony Ricciardi with the Housing Authority of the County of San Diego at: Anthony.Ricciardi@sdcounty.ca.gov.

NOFA APPLICATION

APPLICATION CHECKLIST

Please complete the following checklist and submit this form with the application.

- HHSA NOFA DEVELOPMENT SUMMARY, CHECKLIST & CERTIFICATION** (Excel)
Applicants must complete the Excel template available on the Housing and Community Development Services Announcement NOFA homepage. All tabs must be completed upon submittal: Development Summary (tab 1), Application Checklist (tab 2), and Certification (tab 3)
- Development Narrative** (Word)
- All Required Development Forms** (Rental Income Form, Operating Expense, Development Costs, Sources and Uses of Funds, Multi-year Cash Flow and Development Pro Forma) and all applicable Proposal Requirements.

The application and all supporting documentation as listed above have been reviewed for completion using the Excel Application Checklist.

Project Name: _____

Name: _____ Title: _____ Date: _____

PROPOSAL REQUIREMENTS

1. HHS NOFA DEVELOPMENT SUMMARY, CHECKLIST & CERTIFICATION

Provide a completed NOFA Development Summary (Excel workbook tab 1), Application Checklist (tab 2) and Application Certification (tab 3). Include the excel version of the workbook along with the other application documents as described below.

2. PROJECT NARRATIVE

- Project Overview
Provide a brief overview description including: project location, number of units, unit types, development amenities, supportive services provided and the extent to which the development will involve community organizations and partnerships. Also include program goals/objectives, as applicable.

- Project Site
 - List any other housing developments or facilities that address the same need in the area.
 - Describe how the project will not overly concentrate low-income housing in the community.
 - Provide a detailed description of the project location; attach detailed street map(s) identifying the project and neighborhood boundaries, highlight local amenities, community resources, goods and services, access to transportation, etc.
 - Describe the availability of, and accessibility to, medical care (e.g., emergency, outpatient, acute and extended care) and social services that are commonly needed for the individuals who will be residing at the project.
 - Describe accessibility features for the development.
 - Attach outline of the project's Crime-Free Multi-Family Housing Program, including proposed Crime-Free lease addendum.
 - Describe environmentally sustainable development features and technologies.
 - Describe various levels of safety design features, technologies and policies for tenants.
 - Attach a sample lease and tenant agreement.
 - Will the project require the relocation of households? If so, describe the circumstances (number of vacant units, number of units potentially subject to relocation, etc.) and attach a relocation plan and relocation consultant contract to the application. Attach a copy of current tenant rents rolls and income levels.

- Supportive Services
 1. Supportive service provider experience, including tenant population descriptions.
 2. Support services descriptions, including service model, services offered, staffing plan with full-time equivalents (FTEs) and location of services (on site or off site).
 3. Role of Peers/Peer Support Specialists in service delivery.
 4. Services budget and funding sources.
 5. If the support services provider is a separate organization, a description of partnership history and draft or existing Memorandum of Understanding (MOU).
 6. Describe how the development will empower families and individuals toward greater self-sufficiency.

- Applicant Experience

1. Describe, in detail, applicant experience, as listed below. Provide supportive attachments, as applicable:
 - a. Mission Statement.
 - b. Past activities/experience.
 - c. Administrative structure/organizational chart.
 - d. Diversity, Equity and Inclusion Statement and/or governing practices/policies.
2. Describe the degree in which applicant integrates Diversity, Equity and Inclusion within the organization, including but not limited to: workplace values, hiring and training practices, executive leadership, Board of Directors, etc.

Technical Capacity

1. Describe applicant's technical capacity. Describe the project team's experience in management and/or support services. Describe applicant's ability to deliver high quality services to the target resident population.
 - a. Attach resumes of staff specifically assigned to this project. Include the credentials of the project's team members.
 - b. Include a list or description of the organization's ability to successfully manage the real estate component of the project.
 - i. Number of rental developments/units currently owned.
 - ii. Number of rental or housing developments/units currently managed.
2. Describe participation of Disabled Veterans Business Enterprises (DVBEs) and Minority- and Women-Owned Business Enterprises (MWBEs):
 - a) In accordance with the County of San Diego Board Policy B-39A, all recipients must ensure that every effort is made to provide equal opportunity to DVBEs and to encourage the participation of MWBEs as contractors and subcontractors. Please describe efforts that will be made to encourage the utilization and participation of DVBEs and MWBEs. A copy of the policy can be found on the County's website or via this link, [B-39A](#)

GENERAL PROGRAM REQUIREMENTS

Responsive proposals will include and/or adequately address each of the following sections.

1. Board Resolution
Applicants must submit a resolution of its board of directors authorizing the submittal of a proposal, specifying the maximum loan amount and identifying who is authorized to execute loan documents. (Refer to Attachment B).
2. Certifications
For non-profit organizations, proof of 501(c)(3) status and an up-to-date roster of the applicant's Board of directors.
3. Letter of Support (Applicable to all proposals)
The proposal must include a signed letter of support from the Veterans Affairs Medical Center (VAMC). The letter from the Veterans' Administration must confirm the VAMC's support of the project and ability to make the referrals. Requests for a letter of support must be submitted to the VAMC no later than two weeks prior to this NOFA closing. All Veterans' Administration inquiries

should be directed to Jonathan Flood, Supervisor HUD-VASH Program, at: Jonathan.Flood@va.gov or 619-497-8967.

ADDITIONAL COUNTY, STATE AND FEDERAL REQUIREMENTS

Provide attachments/descriptions, as applicable, to demonstrate compliance in the following areas.

1. Accessibility
Section 504 of the Rehabilitation Act, the Fair Housing Act, California's Fair Employment and Housing Act, the Unruh Civil Rights Act, and a variety of federal and California laws and regulations are applicable to the funding sources. The applicant must demonstrate how the proposed development will comply with all applicable laws regarding accessibility, both for individuals and all common areas in the development. Applicants must also ensure that any other applicable Federal, State, and local accessibility requirements are met.
2. Acquisition and Relocation Requirements
Projects are subject to the Uniform Acquisition and Relocation Act of 1970 (URA) as revised, and Section 104(d) of the Housing and Community Development Act of 1974, as amended.
3. Affirmative Fair Housing Marketing Plan
An Affirmative Fair Housing Marketing Plan (AFHMP) (refer to Attachment C) shall outline methods of informing potential tenants about fair housing laws and contractor policies. An AFHMP must also contain a plan outlining how the contractor will affirmatively market the assisted units. In addition, an AFHMP must contain a plan outlining the special outreach actions to inform persons who would not be likely to apply for the assisted housing without special outreach efforts.
4. Audited Financial Statements and Single Audit, (as applicable)
Submitted audited financial statements must be current (within last twelve (12) months) and must include surplus or deficits in operating accounts, a detailed itemized listing of income and expenses and the amounts of any fiscal reserves. The audit must be certified by an independent certified public accountant licensed in California. Any nonfederal entity, including states, local governments, and non-profit organizations, that expend \$750,000 or more in a year in federal awards shall have a single audit, as specified in 2 CFR 200, conducted for that year.
5. Applicant Developer, and Contractor Debarment
All applicants, developers, construction contractors and sub-contractors must not be on the Excluded Parties List/SAM.gov, OIG Exclusions database, Federal Debarred Contractors List, or the State of California Medi-Cal Suspended and Ineligible Provider List. Housing developers must verify compliance before awarding the construction contract(s). No award or contract shall be made with any organization that is debarred or suspended or is otherwise excluded from or ineligible for participation in federal or State assistance programs. Prior to award of any contract or subcontract, applicant must provide proof of compliance, to include exclusion records from the System for Award Management (SAM) OIG Exclusions database and the State of California Medi-Cal Suspended and Ineligible Provider List.

6. Consistency with the County of San Diego Consortium Consolidated Plan
Applicants are required to demonstrate that the proposed development is consistent with the current HUD-approved Consolidated Plan for the County of San Diego, and if applicable, for the jurisdiction where the development is located. A copy of the current County of San Diego Consolidated Plan can be found on the County's website or at the following link: [2020-2024 Consolidated Plan](#)

7. Conflict of Interest
Strict federal and state non-conflict of interest laws and regulations apply to all County and/or sub-recipient agency (i.e., participating cities, developers, non-profit agencies, etc.) staff who are engaged in implementing funded activities. These requirements prohibit all County and/or sub-recipient agency staff, their families or family/business ties from obtaining any financial interest in a funded contract if they participated in or had inside information about the contract.

8. Crime-Free Multi-Family Housing
Proposals must also include a Crime Free Multi-Family Housing Plan, as well as smoke-free policies that prohibit the use of cigarettes, electronic cigarettes, and marijuana (including use for medicinal purposes). The following provisions are included to ensure a crime-free environment for residents. The Crime Free Multi-Family Housing Plan should provide for special services in apartment developments to decrease all types of illegal activities and should include an educational component for owners and renters, physical inspections to improve lighting and landscaping and information sharing to establish neighborhood identity. The County Sheriff's Department Crime-Free Multi-Housing program may be available to provide support for the plan development. The Sheriff's local Crime Prevention Specialist provides informational sessions on how to cut crime in multi-family neighborhoods. Expenses associated with the Crime-Free Multi-Family Housing program for the proposed development should be covered in the budget. An outline of the development's Crime-Free Multi-Family Housing program must be submitted with the application. In addition, a full description of the development's Crime-Free Multi-Family Housing program must be included in the Management Plan. The Management Plan Checklist is available in Attachment D.

Attach the development's Crime Free Multi-Housing Plan. Provide documentation that specifies how the development will implement smoke-free programs onsite, including evidence of intent to commit to smoke-free housing, such as a sample lease or house rules.

9. Development Forms
Applicants must submit: Rental Income Form, Operating Expense, Sources and Uses of Funds, and Multi-year Cash Flow.

10. Environmental Review, Lead Based Paint, Asbestos and Other Hazardous Waste Assessment
Prior to the formal commitment of any vouchers, all funded projects must be processed in accordance with the California Environmental Quality Act (CEQA) and National

Environmental Policy Act (NEPA) requirements. These regulations examine the impact of land development on the environment. In addition, federal assistance carries with it environmental review responsibilities to determine hazards which may impact a proposed HUD project and its residents/clients, such as noise impacts.

San Diego County Environmental Services staff will complete the NEPA review for all Urban County projects. They will also complete the CEQA review for projects located in the unincorporated parts of the County. Contractors must involve the local jurisdiction in the CEQA review process for projects located in any of the 13 cities within the HACSD Jurisdiction. HACSD staff will keep applicants apprised of the progress of environmental processing. HACSD will be responsible for the environmental review under 24 CFR part 58 and will determine whether PBV assistance is categorically excluded from review under the National Environmental Policy Act and whether or not the assistance is subject to review under the laws and authorities listed in 24 CFR 58.5.

Testing for asbestos, residual pesticides, mold, water damage and the completion of a hazardous material (asbestos, lead paint) inspection report may be required. Demolition or renovation operations that involve lead-based paint (LBP), asbestos-containing materials (ACMs) or other hazardous materials from these activities must conform to and be in compliance with hazardous waste disposal requirements (Title 22 CCR Division 4.5), worker and health safety requirements (Title 8 CCR Section 1532.1), State Lead Accreditation, Certification, and Work Practice Requirements (Title 17 CCR Division 1, Chapter 8), the Health and Safety Code (Division 20, Chapter 6.95, Article 2, Section 25500-25520) and other local, State and federal regulations.

From the time the application is submitted, the contractor must not commit funds or take any choice limiting actions (including, but not limited to, contracts for excavation, filling, construction, rehabilitation, or other physical activities) until completion of the environmental processing and the execution of an AHAP with the HACSD, regardless of whether the work would be accomplished by federal funding or other matching funds. Time requirements for these reviews vary substantially, depending upon the potential for environmental impact. This process is also consistent with the HUD regulations (24 CFR Part 58), which state, "it is HUD policy that all properties that are being proposed for use in HUD programs be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended utilization of the property." (24 CFR 58.5(i)(2)(i))

Proposals involving buildings constructed prior to 1978 may be adversely affected by strict regulations requiring the remediation/removal of LBP and asbestos-containing building materials, making rehabilitation of older buildings infeasible in some cases. LBP regulations, effective September 2000, appear in 24 CFR §35. Further information on LBP hazard reduction can be obtained from the HUD Office of Lead Hazard Control and Healthy Homes.

11. Equal Opportunity

In accordance with Board Policy B-39a, all recipients must adopt a policy to ensure that every effort is made to provide equal opportunity to Disabled Veterans Business Enterprises and to encourage the participation of minority and women business vendors, contractors, and subcontractors. If the project is selected, the developer is also required to submit an Affirmative Fair Housing Marketing Plan (AFHMP) for review and approval.

12. Location Map and Plans

Applicants must provide a location map, site plan, floor plan and project photos.

13. Evidence of Supportive Services

Applicants must specify the type and level of supportive services to be provided to special needs populations, as applicable. In addition, applicants must provide evidence of commitment for the supportive services proposed and information about the supportive services provider and their ability to carry out services; see Proposal Requirements Section 2.D above for documentation required to be included in proposals related to supportive services.

14. Management Plan

The applicant will be required to submit a Management Plan for review and approval, pursuant to 24 CFR 92.253. Additionally, HHS requires a crime-free element to all management plans. A copy of the sample lease agreement and any addenda are also required: see Attachment D for the Management Plan Checklist.

15. Partnership Agreement

As applicable, applicant must provide partnership agreements entered into for the development.

16. Accessibility

Housing developments assisted with HUD funds must comply with Section 504 of the Rehabilitation Act of 1973, the Fair Housing Act, and HUD's implementing regulations, which prohibit discrimination, based on disability and establish requirements for program accessibility and physical accessibility in housing programs. The Fair Housing Act applies to all newly constructed multi-family rental housing with four or more units: Entrances, common spaces and all ground floor dwelling units of non-elevator buildings, and all units of elevator buildings must be made accessible, in accordance with the [Fair Housing Act standard](#).

17. Project Location

PBV funded projects must be located within the jurisdiction of the HACSD which includes: Unincorporated Area of the County of San Diego, City of Coronado, City of Del Mar, City of Imperial Beach, City of Lemon Grove, City of Poway, City of Solana Beach, City of Chula Vista,

City of El Cajon, City of Escondido, City of La Mesa, City of San Marcos, City of Santee, City of Vista.

18. Timeline for Occupancy

Time is of the essence. Upon approval of a PBV commitment, PBVs will be reserved for the project for a maximum of one year but may be withdrawn earlier if satisfactory progress is not demonstrated.

After execution of a PBV contract for up to 20 years, PBV rental assistance is provided on a unit-by-unit basis upon selection of a qualified tenant. Once a qualified applicant is approved through the eligibility process, the HACSD will inspect the selected unit for compliance with HUD Housing Quality Standards (HQS). If the unit meets HQS, the landlord will execute a lease with the applicant and monthly rental assistance payments based on the unit's rent and utilities, the current payment standard and the applicant's income will be paid to the landlord. After initial approval, annual HQS inspections may be required. As outlined elsewhere, lead-based paint, displacement, prevailing wages, environmental review, as well as other program requirements may apply.

19. Lead-Based Paint Hazard Reduction Requirements

Lead-based paint regulations, effective September 15, 2000, were issued under Sections 1012 and 1013 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, which are Title 10 of the Housing and Community Development Act of 1992. They appear in Title 24 of the Code of Federal Regulations as Part 35 (24 CFR 35). Any project for which federal funds are being obligated or committed after September 15, 2000, must comply with these regulations.

The regulations set hazard reduction requirements that give much greater emphasis to reduction of lead in house dust than did previous regulations. Scientific research has found that exposure to lead in dust is the most common way young children become lead poisoned. For this reason, the new regulations require dust testing after paint is disturbed to ensure that homes are lead-safe. Specific requirements depend on whether the housing is being disposed of or assisted by the federal government, and on the type and amount of financial assistance, age of the structure, and whether the dwelling is a rental or owner-occupied.

Further information on lead-based paint hazard reduction can be obtained from the HUD Office of Lead Hazard Control at (202) 755-1785, or at [Office of Lead Hazard Control and Healthy Homes | HUD.gov / U.S. Department of Housing and Urban Development \(HUD\)](#). A summary of lead hazard reduction requirements for various types of housing programs is on the following pages. Below is a description of the types of housing covered and not covered by the regulations.

- a) Types of housing covered include: a) Federally-owned housing being sold; b) Housing receiving a federal subsidy that is associated with the property, rather than with the

occupants (project-based assistance); c) Public Housing; d) Housing occupied by a family (with a child) receiving a tenant-based subsidy (such as a voucher or certificate); e) Multi-family housing for which mortgage insurance is being sought; and, f) Housing receiving federal assistance for rehabilitation, reducing homelessness, and other special needs.

- b) Types of housing not covered include: a) Housing built since January 1, 1978, when lead paint was banned for residential use; b) Housing exclusively for the elderly or people with disabilities, unless a child under age six is expected to reside there; c) Zero-bedroom dwellings, including efficiency apartments, single-room occupancy housing, dormitories, or military barracks; d) Property that has been found to be free of lead-based paint by a certified lead-based paint inspector; e) Property where all lead-based paint has been removed; f) Unoccupied housing that will remain vacant until it is demolished; g) Non-residential property; h) Any rehabilitation or housing improvement that does not disturb a painted surface; and, i) Emergency homeless assistance, unless the assistance lasts more than 100 days, in which case the rule does apply.

NOTE: Clearance is always required after abatement, interim controls, paint stabilization, or standard treatments.

Subpart of Rule/Type Program		Construction Period	Requirements
A.	Disposition by Federal Agency other than HUD	Pre-1960	(1) LBP inspection and risk assessment. (2) Abatement of LBP hazards. (1) Notice to occupants of inspection/abatement results.
		1960-1977	(1) LBP inspection and risk assessment. (2) Notice to occupants of results.
B.	Project-Based Assistance by Federal Agency other than HUD	Pre-1978	(1) Provision of pamphlet. (2) Risk assessment. (3) Interim controls. (4) Notice to occupants of results. (5) Response to EBL child.
C.	HUD-Owned Single-Family Sold with a HUD-Insured Mortgage	Pre-1978	(1) Visual assessment. (2) Paint stabilization. (6) Notice to occupants of clearance.
D.	Multi-family Mortgage Insurance		
	1. For properties that are currently residential	Pre-1960	(1) Provision of pamphlet. (2) Risk assessment. (3) Interim controls. (4) Notice to occupants. (7) Ongoing LBP maintenance.
		1960-1977	(1) Provision of pamphlet. (8) Ongoing LBP maintenance.
	2. For conversions and major renovations	Pre-1978	(1) Provision of pamphlet. (2) LBP inspection. (3) Abatement of LBP. (9) Notice to occupants.

Subpart of Rule/Type Program		Construction Period	Requirements
E.	Project-Based Assistance (HUD Program)		
	1. Multi-family property receiving more than \$5,000 per unit per year	Pre-1978	<ul style="list-style-type: none"> A. Provision of pamphlet. B. Risk assessment. C. Interim controls. D. Notice to occupants. E. Ongoing LBP maintenance and reevaluation. F. Response to EBL child.
	2. Multi-family property receiving less than or equal to \$5,000 per unit per year, and single-family properties	Pre-1978	<ul style="list-style-type: none"> A. Provision of pamphlet. B. Visual assessment. C. Paint stabilization. D. Notice to occupants. E. Ongoing LBP maintenance. F. Response to EBL child.
F.	HUD-Owned Multi-family Property	Pre-1978	<ul style="list-style-type: none"> A. Provision of pamphlet. B. LBP inspection and risk assessment. C. Interim controls. D. Notice to occupants. E. Ongoing LBP maintenance. F. Response to EBL child.
G.	Rehabilitation Assistance		
	1. Property receiving less than or equal to \$5,000 per unit	Pre-1978	<ul style="list-style-type: none"> A. Provision of pamphlet. B. Paint testing of surfaces to be disturbed, or presume LBP C. Safe work practices in rehab. D. Repair disturbed paint. E. Notice to occupants.
	2. Property receiving more than \$5,000, and up to \$25,000	Pre-1978	<ul style="list-style-type: none"> S. Provision of pamphlet. T. Paint testing of surfaces to be disturbed, or presume LBP U. Risk assessment. <ul style="list-style-type: none"> a) Interim controls. • Notice to occupants. <ul style="list-style-type: none"> • Ongoing LBP maintenance if HOME or CILP.
	3. Property receiving more than \$25,000 per unit	Pre-1978	<ul style="list-style-type: none"> • Provision of pamphlet. • Paint testing of surfaces to be disturbed or presume LBP. • Risk assessment. • Abatement of LBP hazards. • Notice to occupants. • Ongoing LBP maintenance.
H.	Acquisition, Leasing, Support Services, or Operation	Pre-1978	<ul style="list-style-type: none"> • Provision of pamphlet. • Visual assessment. • Paint stabilization. • Notice to occupants.

Subpart of Rule/Type Program		Construction Period	Requirements
I.	Public Housing	Pre-1978	<ul style="list-style-type: none"> • Ongoing LBP maintenance. • Provision of pamphlet. • LBP inspection. • Abatement of LBP. • Risk assessment if LBP not yet abated. • Interim controls if LBP not yet abated. • Notice to occupants. • Response to EBL child.
J.	Tenant-Based Rental Assistance	Pre-1978	<ul style="list-style-type: none"> • Provision of pamphlet. • Visual assessment. • Paint stabilization. • Notice to occupants. • Ongoing LBP maintenance. • Response to EBL child.

NOFA ATTACHMENTS

ATTACHMENT A

VASH Project Based Voucher Program Basics

All applications requesting PBV allocations will be reviewed for the following criteria:

- The Project's contributions to the geographical distribution of affordable housing throughout the jurisdiction, promoting the de-concentration of poverty and furthering fair housing objectives.

The PHA may not pay housing assistance under a VASH PBV HAP contract for ineligible housing types (CFR 983.53).

Ineligible Housing types include:

1. Shared housing
2. Units on the grounds of a penal, reformatory, medical, mental or similar public or private institution
3. Nursing homes or facilities providing continuous psychiatric, medical, nursing services, board and care, or intermediate care.
4. Units that are owned or controlled by an educational institution or its affiliate and are designated for occupancy by students of the institution;
5. Manufactured homes
6. Cooperative housing
7. Transitional housing
8. High-rise elevator project for families with children. The PHA may not attach or pay PBV assistance to a high-rise elevator project that may be occupied by families with children unless the PHA initially determines there is no practical alternative, and HUD approves such finding.
9. Owner-occupied units
10. Unit occupied by an ineligible family. Before a PHA selects a specific unit to which assistance is to be attached, the PHA must determine whether the unit is occupied and, if occupied, whether the unit's occupants are eligible for assistance.

The following types of subsidized housing are ineligible to receive PBV assistance from the HACD (CFR 983.54):

1. A Public Housing dwelling unit
2. A unit subsidized with any other form of Section 8 Assistance (tenant-based or project-based)
3. A unit subsidized with any governmental subsidy (a subsidy that pays all or any part of the rent)
4. A unit subsidized with any governmental subsidy that covers all or any part of the operating costs of the housing
5. A unit subsidized with Section 236 rental assistance payments
6. A unit subsidized with rental assistance payments under Section 521 of the Housing Act of 1949, 42 USC 1490a (a Rural Housing Service Program)
7. A section 202 project for non-elderly persons with disabilities (assistance under Section 162 of the Housing and Community Development Act of 1987, 12 U.S.C. 1701q note)
8. Section 811 project-based supportive housing for persons with disabilities
9. Section 202 supportive housing for the elderly
10. A Section 101 rent supplement project

11. A unit subsidized with any form of tenant-based rental assistance (as defined at 24 CFR 982.1(b) (2)) (e.g., a unit subsidized with tenant-based rental assistance under the HOME program, 42 U.S.C. 12701, et seq.)
12. A unit with any other duplicative federal, state, or local housing subsidy, as determined by HUD or by the PHA in accordance with HUD requirements. For this purpose, “housing subsidy” does not include the housing component of a welfare payment; a social security payment; or a federal, state, or local tax concession (such as relief from local real property taxes).

In order to ensure that the projects meet the appropriate level of Housing Quality Standards (HQS), the project must be inspected for compliance with Section 8 HQS prior to the execution of the PBV Contract (Contract) with the project owner or designee. The PBV rent limits and specific Contract terms shall be based upon the project’s characteristics, fair market rent, the Housing Choice Voucher payment standard at time of Contract execution, and an analysis of “rent reasonableness”. An analysis of the proposed PBV rents will be conducted to determine “rent reasonableness” based upon a comparison of rents for comparable unassisted units in the local market.

Vacancy Loss/Damage Claims

The HACSD will not make payment to the owner for vacancy loss or damages to the unit.

Rent Reasonableness

Rent reasonableness determinations will be conducted for project-based developments in the same manner as those conducted for the units in the tenant-based assistance program. The PBV rent limits and specific contract terms shall be based upon the project’s characteristics, fair market rent, the HCV payment standard at time of contract execution, and an analysis of “rent reasonableness.” An analysis of the proposed PBV rents will be conducted to determine “rent reasonableness,” based upon a comparison of rents for comparable unassisted units in the local market. However; units in developments with contracts to the contrary, to the extent any other restrictions applicable to the property limit the rent and/or occupancy of the property, the most restrictive shall apply.

Waiting List

Vacancies will be filled from an eligible list of applicants referred by the VA’s office to the HACSD. The owner must notify the HACSD when vacancies occur.

The HACSD will determine tenant eligibility for the PBV program.

Tenants receiving supportive services must comply with their Veteran Administration’s Individual Service Plan (ISP) as a condition of participation. The tenant and the PHA must sign a statement of family responsibility that contains all the family obligations, including the family’s participation. Failure by the family without good cause to fulfill its ISP obligation will result in termination of PBV assistance.

A Project owner cannot be the spouse of an assisted family member or a relative, as defined under the regulations for the HCV Program at [24 CFR §983](#).

ATTACHMENT B

Sample Board Resolution

[Letterhead of Applicant]

RESOLUTION OF BOARD OF DIRECTORS

OF

WHEREAS, this entity has a minimum of four directors who constitute a quorum for conducting organization business, the organization conducts at minimum quarterly board meetings, quarterly financial statements are reviewed by the board, and the executive director and other paid staff do not serve as voting board members;

WHEREAS, _____ is a _____ [Status of Corporation, i.e. A Non-profit Public Benefit Corporation, qualified pursuant to the provisions of Internal Revenue Code Section 501 (c)(3), etc.];

WHEREAS, _____, recognizes that the community at large, and especially low-income residents have many diverse needs for social, housing, education and other services;

WHEREAS, _____, is committed to effectively serving the communities referenced in the prior recital; and

NOW THEREFORE BE IT RESOLVED as follows:

- That _____ is committed to providing safe, decent and affordable housing for persons of very low-, low- and moderate-income levels;
- That on or about _____ 202____, the Board of Directors voted to authorize the _____ [title of person authorized], or his designee, to apply for and accept assistance of the Project located at _____ [address], for the purpose of obtaining Project Based Vouchers for Veterans Affairs Supportive Housing Program from the Housing Authority of the County of San Diego.
- That the Board of Directors further voted to authorize the _____ [title of person], or his designee, to execute any and all documents required by the Housing Authority of the County of San Diego, including, without limitation, the HAP Contract and/or Agreement to Enter into a Housing Assistance Payment and any and all other documents requested by the Housing Authority of the County of San Diego , to document and secure project based vouchers.
- That the Board of Directors further authorized the _____ [title of person], or his designee, to perform all acts and to do all things necessary, in the opinion of the Housing Authority of the County of San Diego to obtain the project based voucher allotment.

I, the undersigned, certify that this Resolution was adopted at regularly or specially noticed meeting of the Board of Directors on _____, 201____, at which a quorum of the Board of Directors was present, and at which the requisite percentage of the quorum voted to

adopt the Resolution and that the Resolution has not been rescinded, modified or canceled as of the date of my execution of the same and that it remains in full force and effect as of this date. I further understand that the Housing Authority of the County of San Diego is relying on the validity of this Resolution in taking the actions to process and approve the application.

I declare under penalty of perjury, under the laws of the State of California that the foregoing is true and correct.

Executed this __ day of _____, 202____, at San Diego, California.

By: _____

Title: _____

ATTACHMENT C

Affirmative Fair Housing Marketing Plan

The Affirmatively Fair Housing Marketing Plan (AFHMP) can be found at [935-2A.PDF \(hud.gov\)](#). This document must include all items outlined in this NOFA and must be submitted as part of the complete application packet. If awarded funding, the AFHMP must be approved by The US Department of Housing and Urban Development and submitted to HHS prior to leasing units.

ATTACHMENT D

Management Plan Checklist

The developer will be required to submit a Management Plan for review and approval by the HACSD.

The Management Plan is required to follow the format below.

Management

- Role and Responsibility of the Owner and/or Delegation of Authority of the Managing Agent
- Description of Site/Units
- Scope of Duties
- Changes in Management
- Personnel Policy and Staffing Arrangements
- Hiring and Personnel Policies
- Projected Staffing (On-Site Manager - 16 or more units)
- Training and Monitoring
- Hiring of Residents
- Maintaining Adequate Accounting Records and Handling Necessary Forms and Vouchers
- Accounting Basis
- Collections and Disbursements
- Contracting, Purchasing, Cost Controls
- Compliance and Reporting
- Vacancies and Rent Losses
- Security Deposits
- Provisions for Update of Management Plan
- Insurance

Occupancy

- Plan and Procedures for Publicizing and Achieving Early and Continued Occupancy
- Outreach (Affirmative Fair Housing Marketing/Advertising)
- Resident Selection
- Waiting List
- Orientation
- Procedures for Determining Resident Eligibility and for Certifying and Annually Recertifying Household Income and Size
- Initial Certification
- Recertification
- Changes in Eligibility During Occupancy
- Leasing Procedures
- Rent Collection
- Rent Payment
- Late Rents
- Rent Increases
- Procedure for Appeal, Grievance and Eviction
- Right to Hearing
- Eviction Procedures
- Plans for Enhancing Resident-Management Relations

- Resident Organization(s)
- Community Room
- Auxiliary Program

Maintenance and Security

- Construction Follow-Up
- Maintenance Programs
- Maintenance Duties
- Maintenance Supervision and Performance
- Tools
- Resident Maintenance Requests
- Resident Neglect and Abuse
- Reconditioning for New Residents
- Preventive Maintenance
- Emergency Maintenance
- Gardening and Landscape
- Contract Maintenance
- Maintenance Stock Control
- Security

Attach the Crime-Free Multifamily Housing Program Element

Attach the Affirmative Fair Housing Marketing Plan

ATTACHMENT E

Crime Free Lease Addendum

In consideration of the execution or renewal of a lease of the dwelling unit identified in the lease, Owner and Resident agree as follows:

- Resident, any members of the resident's household or a guest or other person under the resident's control shall not engage in criminal activity, including drug-related criminal activity, on or near the said premises. "Drug-related criminal activity" means the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use of a controlled substance (as defined in Section 102 of the Controlled Substance Act [21 U.S.C. 802]).
- Resident, any member of the resident's household or a guest or other person under the resident's control shall not engage in any act intended to facilitate criminal activity, including drug-related criminal activity, on or near the said premises.
- Resident or members of the household will not permit the dwelling unit to be used for, or to facilitate criminal activity, including drug-related criminal activity, regardless of whether the individual engaging in such activity is a member of the household, or a guest.
- Resident, any member of the resident's household or a guest, or another person under the resident's control shall not engage in the unlawful manufacturing, selling, using, storing, keeping, or giving of a controlled substance as defined in Health & Safety Code §11350, et seq., at any locations, whether on or near the dwelling unit premises or otherwise.
- Resident, any member of the resident's household, or a guest or another person under the resident's control shall not engage in any illegal activity, including: prostitution as defined in Penal Code §647(b); criminal street gang activity, as defined in Penal Code §186.20 et seq.; criminal threats, as prohibited in Penal Code §422 PC; assault and battery, as prohibited in Penal Code §240; burglary, as prohibited in Penal Code §459; the unlawful use and discharge of firearms, as prohibited in Penal Code §245; sexual offenses, as prohibited in Penal Code §269 and 288, or any breach of the lease agreement that otherwise jeopardizes the health, safety and welfare of the landlord, his agent or other tenant or involving imminent or actual serious property damage.
- **VIOLATION OF THE ABOVE PROVISIONS SHALL BE A MATERIAL AND IRREPARABLE VIOLATION OF THE LEASE AND GOOD CAUSE FOR IMMEDIATE TERMINATION OF TENANCY.** A single violation of any of the provisions of this added addendum shall be deemed a serious violation and a material and irreparable non-compliance. It is understood that a single violation shall be good cause for termination of the lease. Unless otherwise provided by law, proof of violation shall not require criminal conviction, but shall be by a preponderance of the evidence.
- In case of conflict between the provisions of this addendum and any other provisions of the lease, the provisions of the addendum shall govern.
- This LEASE ADDENDUM is incorporated into the lease executed or renewed this day between Owner and Resident.

Resident Signature: _____ Date: _____

Resident Signature: _____ Date: _____

Property Manager's Signature: _____ Date: _____

Property Name: _____ Address: _____

ATTACHMENT F

PBV-VASH Unit Concentration Consultation Request

Date Request Submitted:		Person Submitting Request:			
Applicant Name:					
Sponsor:					
Name of Development:					
Development Address:					
Additional Service Providers/Resident Services Coordinator:					
Property Management Company:					
Additional Services offered to PBV-VASH tenants:					
Total # of Units:	Studio	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom
Total # of PBV-VASH Units:	Studio	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom
Square footage of PBV-VASH by Unit Type:	Studio	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom
Total # of Non-PBV-VASH Units:	Studio	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom
Property Type: <input type="checkbox"/> Multi-family <input type="checkbox"/> Scattered Site					
Please describe the tenant population restrictions for non-PBV-VASH units (e.g., general affordable, general homeless, seniors, veterans, TAX, etc.) and the number of units restricted:					
Please describe plans for supporting PBV-VASH tenant integration within the proposed develop, including facility features, please include a service plan:					
Please describe plans for supporting PBV-VASH tenant stability and housing retention, including strategies that involve coordination amongst property management and supportive services staff:					
Outcome of Consultation: <input type="checkbox"/> Preliminary Approval of Proposed Unit Concentration. <input type="checkbox"/> Preliminary Conditional Approval Contingent on the Reduction in Number of PBV-VASH Assisted Units from { } to { } Units or fewer. <input type="checkbox"/> Preliminary Conditional Approval Contingent on:					

PLEASE NOTE: The preliminary review of by the VA is not, in any way, a guarantee of funding under the

PBV-VASH Program. Funding under the PBV-VASH Program is subject to the review and approval of a NOFA application by the County of San Diego HHSA, Housing and Community Development Services (HCDS) and is subject to the availability of PBV-VASH funding. Please contact HCDS with any questions related to the NOFA or its requirements.

Signatures are required from both the VA Representative and the Project Representative for document to be considered complete.

VA Representative Signature/Date

VA Representative Printed Name

Applicant Representative Signature/Date

Applicant Representative Printed Name

ATTACHMENT G

Required Federal Provisions

Applicants that receive federal funding sources shall be prepared to comply with the following federal provisions, as applicable.

1. Contracting with Small and Minority-Owned Business Enterprises, Women-Owned Business Enterprises and Labor Surplus Area Firms. Contractor shall, in accordance with 2 CFR 200.321, take affirmative steps to include minority-owned business enterprises, women-owned business enterprises and labor surplus area firms by:

- (a) Placing qualified small and minority-owned businesses and women-owned business enterprises on solicitation lists;
- (b) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
- (c) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
- (d) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises; and
- (e) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce.

2. Clean Air Act and The Federal Water Pollution Control Act. [for contracts in excess of \$150,000]

- (a) The Contractor agrees to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act, as amended, 42 U.S.C. § 7401 et seq.
 - a. The Contractor agrees to report each violation to the County and understands and agrees that the County will, in turn, report each violation as required to assure notification to the appropriate federal agency, and the appropriate Environmental Protection Agency Regional Office.
 - b. The Contractor agrees to include these requirements in each subcontract exceeding \$150,000 financed in whole or in part with federal assistance.
- (b) The Contractor agrees to comply with all applicable standards, orders or regulations issued pursuant to the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 et seq.
 - a. The Contractor agrees to report each violation to the County and understands and agrees that the County will, in turn, report each violation as required to assure

notification to the appropriate federal agency, and the appropriate Environmental Protection Agency Regional Office.

b. The Contractor agrees to include these requirements in each subcontract exceeding \$150,000 financed in whole or in part with federal assistance.

3. Debarment and Suspension.

(a) This Agreement is a covered transaction for purposes of 2 C.F.R. pt. 180 and 2 C.F.R. pt. 3000. As such, the Contractor is required to verify that none of the Contractor's principals (defined at 2 C.F.R. §180.995) or its affiliates (defined at 2 C.F.R. § 180.905) are excluded (defined at 2 C.F.R. § 180.940) or disqualified (defined at 2 C.F.R. § 180.935).

(b) The Contractor must comply with 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C, and must include a requirement to comply with these regulations in any lower tier covered transaction it enters into.

(c) This certification is a material representation of fact relied upon by County. If it is later determined that the Contractor did not comply with 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C, in addition to remedies available to County, the Federal Government may pursue available remedies, including but not limited to suspension and/or debarment.

4. Byrd Anti-Lobbying Amendment. In accordance with 31 U.S.C. 1352 and related regulations, (a) Contractor certifies, and shall require each lower-tier recipient (as that term is defined in 31 U.S.C. 1352) to certify to the tier above, that it will not and has not used federal appropriated funds to pay 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 covered federal contract, grant or any other award covered by 31 U.S.C. 1352, and (b) Contractor shall disclose, and shall require each lower-tier recipient to disclose to the tier above, any lobbying with non-federal funds that takes place in connection with obtaining any covered federal award.

5. Procurement of Recovered Materials.

(a) In the performance of this Agreement, the Contractor shall make maximum use of products containing recovered materials that are EPA-designated items unless the product cannot be acquired:

- i. Competitively within a timeframe providing for compliance with the contract performance schedule;
- ii. Meeting contract performance requirements; or
- iii. At a reasonable price.

(b) Information about this requirement, along with the list of EPA-designated items, is available at EPA's Comprehensive Procurement Guidelines web site: [Comprehensive Procurement Guideline \(CPG\) Program | US EPA](#)

(c) The Contractor also agrees to comply with all other applicable requirements of Section 6002 of the Solid Waste Disposal Act.

6. Domestic Preferences. In accordance with 2 CFR part 200.322, as appropriate and to the extent consistent with law, Contractor shall, to the greatest extent practicable, provide a preference for the purchase, acquisition or use of goods, products or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). This requirement shall be included in all subcontracts under this Agreement.

(a) "Produced in the United States" means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, must occur in the United States.

(b) "Manufactured products" means items and construction materials composed in whole or in part of nonferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber.

7. Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment. In accordance with 2 CFR part 200.216, Contractor and its subcontractors are prohibited from expending funds under this Agreement to:

(a) Procure or obtain;

(b) Extend or renew a contract to procure or obtain; or

(c) Enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. As described in Public Law 115-232, section 889, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).

i. For the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities).

ii. Telecommunications or video surveillance services provided by such entities or using such equipment.

iii. Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

8. Contract Work Hours and Safety Standards Act. [for contracts in excess of \$100,000 that involve the employment of mechanics or laborers] If mechanics or laborers are to be employed under this Agreement, Contractor shall comply with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Contractor shall 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 (1.5) times the basic rate of pay for all hours worked in excess of forty (40) hours in the work week. Contractor shall not require any laborer or mechanic to work in surroundings or under working conditions that are unsanitary, hazardous, or dangerous.

9. Equal Employment Opportunity. During the performance of this Agreement, the Contractor agrees as follows:

(a) The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, gender identity or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, sexual orientation, gender identity or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.

(b) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity or national origin.

(c) The Contractor will not discharge or in any other manner discriminate against any employee or applicant for employment because such employee or applicant has inquired about, discussed or disclosed the compensation of the employee or applicant or another employee or applicant. This provision shall not apply to instances in which an employee who has access to the compensation information of other employees or applicants as a part of such employee's essential job functions discloses the compensation of such other employees or applicants to individuals who do not otherwise have access to such information, unless such disclosure is in response to a formal complaint or charge, in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or is consistent with the Contractor's legal duty to furnish information.

(d) The Contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representatives of the Contractor's commitments under this section and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(e) The Contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations and relevant orders of the Secretary of Labor.

(f) The Contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the administering agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations and orders.

(g) In the event of the Contractor's noncompliance with the nondiscrimination clauses of this Agreement or with any of the said rules, regulations or orders, this Agreement may be canceled, terminated or suspended in whole or in part and the Contractor may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation or order of the Secretary of Labor, or as otherwise provided by law.

(h) The Contractor will include the portion of the sentence immediately preceding paragraph (a) and the provisions of paragraphs (a) through (h) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the administering agency, the Contractor may request the United States to enter into such litigation to protect the interests of the United States. The applicant further agrees that it will be bound by the above equal opportunity clause with respect to its own employment practices when it participates in federally assisted construction work: Provided, that if the applicant so participating is a State or local government, the above equal opportunity clause is not applicable to any agency, instrumentality or subdivision of such government which does not participate in work on or under the Agreement. The applicant agrees that it will assist and cooperate actively with the administering agency and the Secretary of Labor in obtaining the compliance of contractors and subcontractors with the equal opportunity clause and the rules, regulations, and relevant orders of the Secretary of Labor, that it will furnish the administering agency and the Secretary of Labor such information as they may require for the supervision of such compliance, and that it will otherwise assist the administering agency in the discharge of the agency's primary responsibility for securing compliance. The applicant further agrees that it will refrain from entering into any contract or contract modification subject to Executive Order 11246 of September 24, 1965, with a contractor debarred from, or who has not demonstrated eligibility for, Government contracts and federally assisted construction contracts pursuant to the Executive Order and will carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon contractors and subcontractors by the administering agency or the Secretary of Labor pursuant to Part II, Subpart D of the Executive Order. In addition, the applicant agrees that if it fails or refuses to comply with these undertakings, the administering agency may take any or all of the following actions: Cancel, terminate, or suspend in whole or in part this grant (contract, loan, insurance, guarantee); refrain from extending any further assistance to the applicant under the program with respect to which the failure or refund occurred until satisfactory assurance of

future compliance has been received from such applicant; and refer the case to the Department of Justice for appropriate legal proceedings.

10. Davis-Bacon Act. [for construction contracts in excess of \$2,000]

(a) All transactions regarding this Agreement shall be done in compliance with the Davis-Bacon Act (40 U.S.C. 3141- 3144, and 3146-3148) and the requirements of 29 C.F.R. pt. 5, as may be applicable. The Contractor shall comply with 40 U.S.C. 3141-3144, and 3146-3148 and the requirements of 29 C.F.R. pt. 5, as applicable.

(b) Contractors are 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.

(c) Additionally, contractors are required to pay wages not less than once a week.

11. Copeland Anti-Kickback Act. [for construction or repair contracts in excess of \$2,000]

(a) Contractor. The Contractor shall comply with 18 U.S.C. § 874, 40 U.S.C. § 3145, and the requirements of 29 C.F.R. pt. 3, as may be applicable, which are incorporated by reference into this Agreement.

(b) Subcontracts. The Contractor or subcontractor shall insert in any subcontracts the clause above and such other clauses as the federal funding agency may by appropriate instructions require, and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime Contractor shall be responsible for the compliance by any subcontractor or lower tier subcontractor with all of these contract clauses.

(c) Breach. A breach of the contract clauses above may be grounds for termination of the Agreement, and for debarment as a Contractor and subcontractor as provided in 29 C.F.R. § 5.12.