

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

NATIONAL ALLIANCE TO END
HOMELESSNESS
1025 Vermont Avenue, NW
Suite 1200
Washington, DC 20005, and

WOMEN'S DEVELOPMENT
CORPORATION
861 A Broad Street
Providence, RI 02907,

Plaintiffs,

v.

Case No.

SCOTT TURNER, in his official capacity as
Secretary of the United States Department of
Housing and Urban Development
451 7th Street, SW
Washington, DC 20410, and

UNITED STATES DEPARTMENT OF
HOUSING AND URBAN DEVELOPMENT,
451 7th Street, SW
Washington, DC 20410,

Defendants.

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

INTRODUCTION

1. Recognizing the pressing need to build more housing for homeless individuals and families, Congress appropriated \$75 million for the Department of Housing and Urban Development to award to nonprofits, states, or localities to build permanent supportive housing. As it was required to do, HUD identified qualified projects and was prepared to award these

essential funds, even going so far as to notify members of Congress of the selections. But, last week, days before the funds are set to expire, it abruptly reversed course and is now seeking new applicants based on newly announced criteria. Under these new criteria, HUD will only award those funds for projects in jurisdictions aligned with the Administration's broader social policy views and to applicants that will commit to them. And HUD is rushing the funds out the door, promising to award them during a 7-day period on a first-come, first-served basis for projects that clear its ideological threshold.

2. The new notice of funding opportunity disqualifies from consideration any entity seeking to build housing in a jurisdiction with policies the Administration disfavors. This means there will be no funding for projects in a city or state that has not adopted the Administration's draconian approach to local homelessness policies and agreed to help enforce federal immigration law. And, even in jurisdictions with policies the Administration deems acceptable, entities effectively cannot compete for funding unless they profess agreement with the Administration's view that sex is binary and immutable and foreswear operating safe injection sites or similar programs designed to reduce the harm from drug use—even with wholly non-federal funds.

3. HUD does not have authority to do this—and the Constitution does not permit it. In our constitutional system, Congress controls the purse strings and decides what funding to provide, for what purposes, and under what criteria. And states and localities decide what policies to adopt and implement in their own local jurisdictions. HUD has transgressed both these bounds. HUD has likewise impermissibly trenched on states' and localities' powers by coercing them to abandon the policies their own citizens have chosen and to implement the executive branch's preferred policies instead. The new criteria conflict also with federal statutes

and regulations, violate constitutional rights, did not go through required procedures, and are arbitrary and capricious to boot.

4. Both the process and substance of this new award process are shockingly unlawful and irreparably injure qualified applicants for these funds and the communities they serve, including Plaintiffs, the National Alliance to End Homelessness, on behalf of its members, and the Women's Development Corporation, a Rhode Island a nonprofit that develops and operates quality, affordable housing. Through this lawsuit, Plaintiffs request that the Court halt the current rushed, unlawful award process and preserve the funds at issue from expiration, allowing for their prompt award for projects that meet lawful criteria.

PARTIES

5. As set forth in its bylaws, Plaintiff National Alliance to End Homelessness (Alliance) is a nonprofit, nonpartisan membership organization that works to end homelessness in the United States and prevent its continued growth. The Alliance seeks to ensure that no American is homeless by mobilizing all sectors of American society in an alliance to end homelessness. The Alliance is located in Washington, D.C.

6. The Alliance brings this lawsuit on behalf of its members, a robust coalition that works to end homelessness through collaborative action and proven solutions. Alliance members include nonprofit organizations, service providers, practitioners, local researchers, local and state government entities, and people with lived experience of homelessness—all of which are dedicated to ending homelessness and many of which receive HUD CoC grants. The September 5 Notice of Funding Opportunity (NOFO) injures many of the Alliance's members, such as Women's Development Corporation (WDC), by adopting unlawful criteria that render those members ineligible to compete for the CoC Builds funds. Many of these members, including

WDC, would apply for the CoC Builds grants under the September 5 NOFO if they were eligible, but are unable to do so because of the current criteria. Likewise, Alliance members who nevertheless move forward with the application are injured because their applications will be screened and evaluated according to unlawful criteria.

7. The Alliance's members play a significant role in the organization by guiding the Alliance's agenda and activities through various means such as robust surveys and regular convenings; by contributing financial support through conference fees and donations; and by sitting on the Alliance's board and advisory bodies and helping to select the Alliance's leadership.

8. Plaintiff Women's Development Corporation is a nonprofit headquartered in Rhode Island that develops and operates quality, affordable housing for low- and moderate-income families, people with special housing needs, and seniors living in Rhode Island and surrounding states. WDC has previously applied for HUD's CoC Builds grant, and would apply for that grant in the absence of the criteria at issue in this case, which render it ineligible. WDC is a member of the Alliance.

9. Defendant Scott Turner is the Secretary of Housing and Urban Development. He is sued in his official capacity.

10. Defendant United States Department of Housing and Urban Development is an executive department of the United States federal government headquartered in Washington, D.C. 42 U.S.C. § 3532(a). HUD is an "agency" within the meaning of the APA. 5 U.S.C. § 551(1).

JURISDICTION AND VENUE

11. The Court has subject-matter jurisdiction under 28 U.S.C. § 1331 because the claims arise under federal law, including the U.S. Constitution and the Administrative Procedure Act, 5 U.S.C. § 551 *et seq.*

12. The Court has authority to enter a declaratory judgment and to provide temporary, preliminary, and permanent injunctive relief pursuant to Federal Rules of Civil Procedure 57 and 65, 28 U.S.C. §§ 2201–2202, the All Writs Act, and the Court’s inherent equitable powers.

13. Venue is proper in the District of Rhode Island under 28 U.S.C. § 1391(e)(1) because this action seeks relief against an agency of the United States and an officer of that agency acting in his official capacity and Plaintiff Women’s Development Corp. resides in this district.

BACKGROUND

A. The Administration leverages federal funding to advance unrelated policy goals and to punish jurisdictions with disfavored policies.

14. The Administration is leveraging federal funding to advance the President’s ideological vision, including by blocking applicants from jurisdictions that do not comply with that vision. Upon taking office in January 2025, President Trump issued a series of executive orders that aim to effect sweeping social changes, including by directing agencies to terminate, withhold, or condition federal funding to coerce federal funding recipients to fall into line with various Administration policies, and to discriminate against those that offer opposing viewpoints.

1. The Administration attacks sanctuary jurisdictions

15. Since taking office, the President has taken a series of actions designed to coerce states and localities into helping enforce federal immigration law.

16. On his first day in office, for example, the President issued an executive order directing the Attorney General and Department of Homeland Security to “ensure that so-called ‘sanctuary’ jurisdictions”—jurisdictions that the Administration deems not to be sufficiently cooperative with federal immigration enforcement—“do not receive access to Federal funds.” Protecting the American People Against Invasion, § 17, 90 Fed. Reg. 8443, 8446 (Jan. 29, 2025). This Executive Order also instructed those officials to take “any other lawful actions, criminal or civil, that they deem warranted” to address those jurisdictions’ “interfere[nce] with” immigration enforcement. *Id.*

17. A month later, the President issued another executive order, this time directing all executive agencies to ensure that “Federal payments to States and localities do not, by design or effect, facilitate the subsidization or promotion of illegal immigration, or abet so-called ‘sanctuary’ policies that seek to shield illegal aliens from deportation.” Ending Taxpayer Subsidization of Open Borders, § 2(a), 90 Fed. Reg. 10581 (Feb. 25, 2025). That order further directed White House offices to “recommend additional agency actions to align Federal spending” with the order’s purpose of making public benefits unavailable to undocumented immigrants. *Id.* § 2(b).

18. Later, the President issued yet another executive order further aiming to punish so-called “sanctuary” jurisdictions that decline to use their resources on federal immigration enforcement. This order instructs the Attorney General to publish a list of “sanctuary jurisdictions”—“States and local jurisdictions” that the Administration deems to “obstruct the enforcement of Federal immigration laws.” Protecting American Communities from Criminal Aliens, § 2, 90 Fed. Reg. 18761 (May 2, 2025). It then instructs each federal agency to suspend or terminate federal funds, including grants and contracts, to those jurisdictions. *Id.* § 3(a).

19. DOJ published the ordered list of sanctuary jurisdictions on August 5, 2025. Press Release, Off. of Pub. Affs., Justice Dep’t Publishes List of Sanctuary Jurisdictions (Aug. 5, 2025), <https://perma.cc/XQV6-D562>. Rhode Island is included on that list.

2. *The Administration attacks unhoused people’s rights*

20. The Administration has also launched an attack on a resource that our most vulnerable citizens need: a rapid connection to permanent housing.

21. On July 24, 2025, the President issued Exec. Order No. 14321, titled “Ending Crime and Disorder on America’s Streets.” 90 Fed. Reg. 35817 (Jul. 29, 2025) (“Unhoused People” Order). That Order portrays homelessness as a criminal issue rather than a societal challenge requiring systemic solutions. Without citing any supporting sources or data sets, the Order declares that “the overwhelming majority” of “individuals living on the streets in the United States” “are addicted to drugs, have a mental health condition, or both.” The Order also declares that the “Federal Government and the States have spent tens of billions of dollars on failed programs that address homelessness ... leaving other citizens vulnerable to public safety threats.” The Order conflates unhoused people with perpetrators of crime despite data supporting that individuals experiencing persistent homelessness are the ones actually at higher risk of violent victimization.¹

22. Taking only a punitive approach to unhoused people which calls for “ending” all “‘housing first’ policies,” *id.* § 5, the Unhoused People Order urges increasing federal funding to municipalities that enforce laws prohibiting “urban camping,” “loitering,” and “urban squatting”

¹ Michelle S. Tong, et al., *Persistent Homelessness and Violent Victimization Among Older Adults in the HOPE HOME Study*, J Interpers Violence 1, 1 (Sept. 2021), <https://perma.cc/REZ8-VDRD> (finding that “[o]lder homeless adults experience high rates of victimization,” and “[r]e-entering housing reduces this risk”).

under the guise of “fighting vagrancy,” *id.* § 3, going as far as inviting states to request federal law enforcement assistance from the Attorney General through 34 U.S.C. § 50101 for “encampment removal efforts” that displace people who are unhoused, *id.*

23. The Unhoused People Order disparages “housing first” policies as “fail[ing] to promote treatment, recovery, and self-sufficiency.” *Id.* § 5. Additionally, the Order encourages the involuntary institutionalization of unhoused people by asking state and local governments to civilly commit people who are unhoused and force them into treatment. *See Id.* § 2.

24. The Order also directs federal agencies to divert funds away from programs that promote non-punitive approaches toward “harm reduction” or “safe consumption” efforts so agencies can “prioritize available funding to support the expansion of drug courts and mental health courts.” *Id.* § 4(b).

3. The Administration attacks transgender rights

25. The Administration has also launched a broadside attack on the rights and dignity of transgender people.

26. On January 20, the President issued Exec. Order No. 14168, titled “Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government.” 90 Fed. Reg. 8615 (Jan. 30, 2025) (“Gender Ideology” Order). That Order announces that “the policy of the United States” is “to recognize two sexes, male and female,” that are “not changeable and are grounded in fundamental and incontrovertible reality.” *Id.* § 2. It decries “the erasure of sex” in both “policy” and “language,” and it commits to using what the Administration considers “accurate language and policies that recognize women are biologically female, and men are biologically male.” *Id.* § 1.

27. To accomplish its ideological vision, the “Gender Ideology” Order makes a host of directives, including requiring federal agency heads to “take all necessary steps, as permitted by law, to end the Federal funding of gender ideology” and to “assess grant conditions and grantee preferences and ensure grant funds do not promote gender ideology.” *Id.* § 3(e), (g). The Order defines “gender ideology” as an ideology that “replaces the biological category of sex with an ever-shifting concept of self-assessed gender identity” and “includes the idea that there is a vast spectrum of genders that are disconnected from one’s sex.” *Id.* § 2(f). The Order disparages this viewpoint as “false” and “internally inconsistent.” *Id.*

B. The HUD Continuum of Care program funds assistance for individuals and families experiencing homelessness

28. Congress enacted the McKinney-Vento Homeless Assistance Act (Homeless Assistance Act) in 1987 to establish a coordinated federal response to homelessness, including by providing funds for programs to assist homeless individuals and families. Pub. L. No. 100-77, § 102 (1987), *codified at* 42 U.S.C. § 11301.

29. In 2009, Congress passed the Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act, which amended the Homeless Assistance Act to establish the Continuum of Care (CoC) program, which is designed to help individuals and families experiencing homelessness move into transitional and permanent housing, with the goal of long-term stability. Pub. L. No. 111-22, § 1301(2) (2009), *codified at* 42 U.S.C. § 11381. Congress created the CoC program “to promote community-wide commitment to the goal of ending homelessness,” to support efforts by nonprofit providers and state and local governments “to quickly rehouse homeless individuals and families,” to “promote access to, and effective utilization of, mainstream programs,” and to “optimize self-sufficiency among individuals and

families experiencing homelessness.” 42 U.S.C. § 11381. The CoC program codifies a rehousing approach coupled with ongoing supportive services. *See* 42 U.S.C. § 11383.

30. The CoC Program funds a variety of programs that help homeless individuals and families, including by constructing new housing units for permanent or transitional housing, rehabilitating structures to provide such housing, providing rental assistance, and offering supportive services such as child care, job training, healthcare, mental health services, trauma counseling, and life skills training. *Id.* §§ 11383(a), 11360(29).

31. CoCs, the community-wide bodies responsible for coordinating homelessness response systems, provide essential services to millions of individuals and families experiencing homelessness.

32. In 2022, in addition to amounts appropriated for the CoC program generally, Congress appropriated \$75 million for “one-time awards under the Continuum of Care program for new construction, acquisition, or rehabilitation of new permanent supportive housing.” Pub. L. No. 117-328, 136 Stat. 4459, 5160 (2022). The appropriations act specifies that “these amounts shall be awarded on a competitive basis, based on need and other factors to be determined by the Secretary, including incentives to establish projects that coordinate with housing providers, healthcare organizations and social service providers.” *Id.* Those funds remain available until September 30, 2025. *Id.* at 5158.

C. Statutes and regulations govern HUD’s administration of the CoC grant program

33. Congress established statutory directives governing how HUD may administer the CoC Program and award CoC Grants, including delineating which activities are eligible for funding, selection criteria that HUD must apply to awards, and the program requirements that grantees must agree to as a condition of receiving funds. 42 U.S.C. §§ 11383; 11386a; 11386.

34. For instance, the Homeless Assistance Act requires the HUD Secretary to establish certain “required” selection criteria that the Secretary must use to evaluate grant applications. *See id.* § 11386a (listing required criteria such as reducing length of homelessness, rehousing effectiveness, collaboration with schools, and success in serving high-risk subpopulations).

35. The Act also specifies the “[r]equired agreements” to which grant recipients must agree to receive funds under the program. *Id.* § 11386(b). For instance, recipients must agree to operate funded projects in accordance with statutory requirements, to involve individuals experiencing homelessness in project operations where practicable, and to certify that children in family programs are enrolled in school and connected to services such as Head Start and Individuals with Disabilities Education Act programs. *Id.*

36. The Homeless Assistance Act also authorizes the HUD Secretary to promulgate regulations establishing other terms and conditions on grant funding and other selection criteria “to carry out [the CoC program] in an effective and efficient manner.” *Id.* §§ 11386(b)(8); 11386a(b)(1)(G); 11387.

37. Pursuant to this authority, HUD promulgated a Rule implementing the Continuum of Care Program (CoC Rule). This Rule addresses “how to establish and operate a Continuum of Care, how to apply for funds under the program, and how to use the funds for projects approved by HUD,” 77 Fed. Reg. 45422 (Jul. 31, 2012), and sets forth application requirements and additional conditions to which CoC grant recipients and subrecipients must agree in their agreements. 24 C.F.R. §§ 578.19(b), 578.23(c).

38. Recipients of funds under the CoC program must also comply with statutory and regulatory nondiscrimination requirements. For instance, HUD’s Equal Access Rule applies to

CoC-funded programs and requires, among other things, that grantees provide individuals equal access to programs, shelters, benefits, services, and accommodations “in accordance with the individual’s gender identity,” “place[], serve[], and accommodate[]” individuals “in accordance with the[ir] gender identity,” “not subject[]” individuals “to intrusive questioning” or ask them to provide evidence of their gender identity, and place individuals in facilities with shared sleeping quarters or bathing facilities according to their gender identity. 24 C.F.R. § 5.106.

39. Additional statutes and regulations also constrain HUD’s administration of financial assistance programs more generally.

40. Under the HUD Reform Act of 1989, at least 30 days before any deadline to apply for a grant, HUD must publish the criteria by which it will select awardees. 42 U.S.C.

§ 3545(a)(3). This requirement can be waived only if “required for appropriate response to an emergency.” *Id.* § 3545(a)(5).

41. HUD has also adopted regulations requiring it to proceed by notice-and-comment rulemaking including for “matters that relate to . . . grants,” “even though such matters would not otherwise be subject to rulemaking by law or Executive policy.” 24 C.F.R. § 10.1 (“It is the policy of the Department of Housing and Urban Development to provide for public participation in rulemaking with respect to all HUD programs and functions, including matters that relate to public property, loans, grants, benefits, or contracts”); *Id.* § 10.2 (definition of “rule”); *Id.* §§ 10.7–10.10 (notice-and-comment procedures); *Yesler Terrace Cmty. Council v. Cisneros*, 37 F.3d 442, 447, 448 (9th Cir. 1994). While the regulation has an exception for “statements of policy, interpretative rules, rules governing the Department’s organization or its own internal practices or procedures, or if a statute expressly so authorizes,” it does not have an exception for substantive rules. *See* 24 C.F.R. § 10.1.

D. HUD imposes new eligibility and selection criteria for CoC Builds grants.

42. HUD has manufactured an extreme time crunch by waiting until the last minute to make CoC Builds awards, despite having previously solicited and received eligible and meritorious applications.

43. In particular, HUD previously solicited applications for grants funded by Congress's 2022 appropriation for construction or rehabilitation of permanent supportive housing—named “CoC Builds” grants—two times, but did not make any awards either time.

44. First, HUD published a notice of funding opportunity (NOFO) for the CoC Builds grants in July 2024, with an application deadline of December 5, 2024. Although HUD received and reviewed applications, it did not complete the process of making awards before the Administration changed on January 20, 2025. The new Administration did not make awards from the existing application pool.

45. HUD then published a new NOFO to solicit applications for the CoC Builds grants on May 16, 2025, with an application deadline of June 26, 2025.

46. HUD received and reviewed applications in response to that NOFO, made selections, and even notified Congress of who the agency had selected for awards. Yet, without explanation, the agency never notified the awardees or executed any grant agreement.

47. Then, on September 5, 2025—less than one month before the \$75 million in appropriated funds are set to expire—HUD published a new NOFO for the CoC Builds grants, this time with an unprecedented (and unlawful) one-week deadline for applications, requiring submissions by September 12. (Funding Opportunity Number FR-6902-N-25A, available at <https://simpler.grants.gov/opportunity/23e87946-467a-486f-b6c5-db8c6b3c2317>.) The September 5 NOFO is appended as Exhibit A to this Complaint.

48. It is nearly impossible for applicants to prepare application materials on that short timeframe, particularly given that the September 5 NOFO requires funded programs to focus on medical respite for elderly individuals and individuals with a physical disability, while the prior NOFOs did not require that focus. That change would require applicants to make dramatic shifts in their previously prepared project proposals. This change alone could trigger new and substantial architectural and engineering services; new regulatory approvals from local planning and zoning boards; approvals from local emergency management and transportation departments; approvals from local building and fire officials; and reviews from local historical preservation associations.

49. This additional work is exclusive of all the preliminary funding commitments an applicant would need to secure. For example, Plaintiff WDC secured additional funding commitments that provide over 75% of the funding to support the WDC CoC Builds FY2025 project under the May 2025 NOFO.

50. The September 5 NOFO states that HUD expects to make around eight awards.

51. The September 5 NOFO imposes multiple new eligibility and selection criteria unrelated to achieving the purposes of the grant program and designed instead to further the Administration's separate policy goals.

52. The NOFO imposes multiple criteria designed to exclude projects based in any state, county, or city with policies the Administration disfavors (collectively, Jurisdiction Criteria). In particular, the NOFO requires that the proposed project be located in a jurisdiction (state, county, city) that:

- a. Prohibits public camping or loitering and enforces that prohibition (Camping Enforcement Jurisdiction Criterion);

- b. Prohibits public illicit drug use and enforces that prohibition (Drug Enforcement Jurisdiction Criterion);
- c. Prohibits urban squatting and enforces that prohibition (Squatting Enforcement Jurisdiction Criterion);
- d. Cooperates with federal immigration enforcement (Immigration Enforcement Jurisdiction Criterion);
- e. “Utilizes standards that address individuals who are a danger to themselves or others” (Involuntary Commitment Jurisdiction Criterion); and
- f. “Substantially implements and complies with SORNA, particularly in the case of registered sex offenders with no fixed address, including by adequately mapping and checking the location of homeless sex offenders” (SORNA Jurisdiction Criterion).

53. The NOFO also imposes multiple criteria based on the applicant’s own activities, including activities outside the scope of the funded program (collectively, Applicant Criteria). In particular, the applicant must state that:

- a. It “does not,” and “will not,” “operate drug injection sites or ‘safe consumption sites,’ knowingly distribute drug paraphernalia on or off of property under their control, permit the use or distribution of illicit drugs on property under their control, or conduct any of these activities under the pretext of ‘harm reduction’” (Safe Drug Use Criterion); and
- b. It “does not and will not deny the sex binary in humans or promote the notion that sex is a chosen or mutable characteristic” (Sex Binary Criterion).

54. The NOFO establishes a three-step process for reviewing awards, with unlawful new criteria at each step, and often with the same criteria appearing at multiple steps.

55. First is the “threshold review” step, at which HUD reviews each application to make sure it meets specified “threshold requirements.” If an applicant meets all threshold requirements, it will advance to the next step. If it does not meet all threshold requirements, the application is not eligible for funding.

56. The “threshold” requirements include requirements that categorically disqualify projects based in state and local jurisdictions with policies the Administration disfavors. In particular, the “threshold” requirements include the Camping Enforcement Jurisdiction Criterion, the Drug Enforcement Jurisdiction Criterion, the Squatting Enforcement Jurisdiction Criterion, and the Immigration Enforcement Jurisdiction Criterion.

57. Second is the “merit review” step. For this step, applicants must indicate—with a “yes” or “no” answer—whether they satisfy so-called “merit criteria.”

58. The criteria at the “merit review” step include multiple requirements—both Jurisdiction Criteria and Applicant Criteria—that advance the Administration’s unrelated ideological goals at the expense of the purposes of the program Congress created. In particular, the “merit” criteria include Camping Enforcement Jurisdiction Criterion, the Drug Enforcement Jurisdiction Criterion, the Immigration Enforcement Jurisdiction Criterion, the Involuntary Commitment Jurisdiction Criterion, and the SORNA Jurisdiction Criterion, as well as the Safe Drug Use Criterion and Sex Binary Criterion.

59. Third, HUD conducts a “risk review,” ostensibly to evaluate each applicant’s likelihood of successfully implementing an award.

60. The “risk review” looks at factors like the applicant’s financial stability, history of performance, audit findings, and staffing structure. But the September 5 NOFO’s “risk review” criteria also look to the “[e]xistence of evidence” that the applicant meets the Safe Drug Use Criterion and Sex Binary Criterion.

61. The NOFO states that HUD will make awards to the first applicants who meet the “threshold” criteria and answer “yes” to all the “merit” criteria, in the order of submission timestamp. It does not state how HUD intends to apply the “risk review” criteria.

62. The New Criteria prescribe policy and are a rule subject to notice-and-comment requirement under HUD’s regulations, 24 C.F.R. § 10.1, 10.2(a), yet HUD did not undertake notice and comment in adopting them.

63. The practical effect of the New Criteria and HUD’s selection process is that applicants will not receive funding, or even have a chance to compete for it, if they operate in states or other jurisdictions with policies the Administration disfavors or if they themselves engage in activities or express viewpoints that the Administration dislikes.

E. Plaintiffs are irreparably harmed by HUD’s new criteria for CoC Builds funding.

64. HUD’s new criteria injures many Alliance members by depriving them of a fair opportunity to compete for CoC Builds funding in one of two ways.

65. *First*, the Jurisdictional Criteria render many Alliance members ineligible for reasons entirely outside of their control. Namely, such members are ineligible simply because their projects are located in jurisdictions that have adopted policies that the administration does not like—on issues that range from immigration to drug use.

66. Many of these members would apply for the CoC Builds grants under the September 5 NOFO, but are unable to do so—or are unable to have a fair opportunity to compete—because of the Jurisdictional Criteria.

67. Under either scenario, Alliance members are ineligible if their proposed projects are located in any state that HUD would deem to fail to meet one or more of the Jurisdictional Criteria mentioned above. While the vagueness of the criteria make it difficult to identify every jurisdiction that is excluded, the Department of Justice has compiled a list of “sanctuary jurisdictions” (which the Department has concluded are not cooperating with the federal government on immigration enforcement), as well as a list of jurisdictions that have not substantially implemented SORNA. On information and belief, HUD will consider projects that are located in states appearing on those lists to be ineligible for CoC Build funds under the Jurisdiction Criteria. In addition to Puerto Rico and the District of Columbia, those states include:

- a. Alaska;
- b. Arizona;
- c. Arkansas;
- d. California;
- e. Colorado;
- f. Connecticut;
- g. Delaware;
- h. Georgia;
- i. Hawaii;
- j. Idaho;
- k. Illinois;
- l. Indiana;
- m. Iowa;

- n. Kansas;
- o. Kentucky;
- p. Maine;
- q. Massachusetts;
- r. Minnesota;
- s. Montana;
- t. Nebraska;
- u. Nevada;
- v. New Hampshire;
- w. New Jersey;
- x. New Mexico;
- y. New York;
- z. North Carolina;
- aa. North Dakota;
- bb. Oregon;
- cc. Pennsylvania;
- dd. Rhode Island;
- ee. Texas;
- ff. Utah;
- gg. Vermont;
- hh. Washington;
- ii. West Virginia; *and*
- jj. Wisconsin.

68. The Alliance has members located throughout the above states, many of whom would compete for the CoC Builds funding but are now unable to compete fairly under the New Criteria.

69. For example, Alliance Member WDC proposed a project located in Rhode Island under the May 2025 NOFO.

70. HUD notified members of Congress that WDC was selected for an award under the May 2025 NOFO.

71. However, under the new September 5 NOFO, WDC is now ineligible for the CoC Builds funding because the project is located in Rhode Island—a jurisdiction that HUD likely would deem not to meet various Jurisdiction Criteria, including the Immigration Enforcement Jurisdiction Criteria and the SORNA Jurisdiction Criteria. Thus, although WDC would like to compete for the CoC Build funds under the September 5 NOFO, WDC cannot do so, or cannot be fairly considered, as a direct result of the Jurisdiction Criteria.

72. *Second*, other Alliance members who would like to compete for the CoC Build funds are now ineligible because they do not meet one or both of the unlawful Applicant Criteria. Because of the Applicant Criteria, such members will now either forgo applying altogether or they will be effectively disqualified when they submit their application.

73. For example, Alliance member WDC would like to apply for the funds, but is effectively ineligible because it does not meet the Sex Binary Merit Criterion. Specifically, WDC recognizes and provides culturally appropriate services to transgender and non-binary people according to their gender identity.

74. Absent preliminary relief, these members will be irreparably harmed because they will be irretrievably deprived of the opportunity to compete for these funds. As noted, the NOFO

was published on September 5, applications are due on September 12, and HUD intends to award funds to the first approximately eight applicants who answer “yes” to the Merits Criteria, and to obligate those funds by September 15.

75. Absent immediate relief, that application process will conclude tomorrow and the funds will be obligated to other recipients imminently, thus permanently depriving Alliance members of the opportunity to compete for the CoC Build funds.

76. Beyond injuries to its members, the Alliance has also suffered a direct injury in the form of an increased demand on its services, resulting in diverted resources and the loss of valuable staff time.

77. The Alliance serves its members by (1) providing members with research and analysis on solutions to end homelessness; (2) offering intensive, on-the-ground technical assistance tailored to its members’ local needs; and (3) convening members across the country—through annual conferences and other fora—to share best practices regarding how to end homelessness.

78. The Alliance also offers its members specific services regarding the Department of Housing and Urban Development (HUD) Continuum of Care (CoC) grant program, including analysis and trainings on HUD’s priorities in the grant program. Such services facilitate the ability of Alliance members to compete for and comply with grants issued under the program.

79. In addition to formal webinars and trainings, the Alliance answers requests from members for analysis on the CoC grant program priorities. These requests are received by email, phone, and through a Facebook group called the “Hub.”

80. Since the September 5 NOFO, requests from Alliance members for analysis on the CoC program—and the September 5 NOFO in particular—have skyrocketed. Indeed, nine

Alliance Staff have spent no less than 169 hours collectively answering questions and requests related to the September 5 NOFO. This valuable staff time is being diverted away from other important work at the Alliance.

81. In fielding calls from the September 5 NOFO, the Alliance has learned the following: many potential applicants do not feel like they can meet the criteria established in the NOFO; understanding HUD's goals for this funding is challenging because even key terms used in the NOFO are undefined; one week is not enough time to develop high-quality projects and get required approvals from government officials or other required approvers; the application period does not allow for enough time to secure adequate funding to match the level of supportive services required; some applicants feel like their time has been wasted by HUD given the previous two application rounds; that the NOFO criteria disadvantages organizations that have the most experience to take on this type of project; and that many applicants from previous rounds will not apply again.

CLAIMS FOR RELIEF

COUNT I

Violation of the Administrative Procedure Act: In Excess of Statutory Authority (All New Criteria)

82. The paragraphs above are incorporated and reasserted as if fully set forth here.

83. The Administrative Procedure Act (APA) provides that a court "shall" "hold unlawful and set aside agency action" found to be "in excess of statutory jurisdiction, authority, or limitations, or short of statutory right." 5 U.S.C. § 706(2)(C).

84. An agency action is reviewable under the APA if it is a final agency action. 5 U.S.C. § 704. An agency action is final if it "mark[s] the consummation of the agency's decisionmaking process" and is an action by which "rights or obligations have been determined,

or from which legal consequences will flow.” *Bennett v. Spear*, 520 U.S. 154, 156, 177–78 (1997) (cleaned up).

85. Defendants have made a final decision to impose the New Criteria for applying for CoC Builds grants. Those New Criteria are final agency action reviewable under 5 U.S.C. § 704, as they determine applicants’ rights and obligations and produce legal consequences by excluding applicants from eligibility, or otherwise disadvantaging their applications, if they do not meet the criteria.

86. No statute authorizes Defendants to withhold CoC Builds funding from projects in states and localities that do not implement the Administration’s ideological and policy agenda or to otherwise adopt any of the New Criteria. Defendants therefore acted in excess of their statutory authority in imposing them.

87. The New Criteria must be declared unlawful and set aside as “in excess of statutory jurisdiction, authority, or limitations.” 5 U.S.C. § 706(2)(C).

COUNT II
Violation of the Administrative Procedure Act: Arbitrary and Capricious (All New Criteria)

88. The paragraphs above are incorporated and reasserted as if fully set forth here.

89. The APA provides that a court “shall” “hold unlawful and set aside agency action” found to be “arbitrary, capricious, [or] an abuse of discretion.” 5 U.S.C. § 706(2)(A).

90. Defendants provided no reasoned explanation for their decision to adopt the New Criteria.

91. Defendants failed to acknowledge their departure from past policies or explain the reasons for their change in policy in imposing the New Criteria.

92. Defendants ignored factors that Congress required them to consider and considered factors that Congress did not permit them to consider.

93. In imposing the New Criteria, Defendants have failed to consider multiple important aspects of the problem. There is no indication that Defendants considered best practices in homelessness policy, detrimental impact of the New Criteria on the communities served by grantees, any alternative more limited policy change, or grantees' reasonable reliance on the opportunity to compete for the funds or the reliance interests of communities served by grantees.

94. The Jurisdiction Criteria are also arbitrary and capricious because they are so vague that they do not give grantees adequate notice of how to determine whether they meet them and invite arbitrary implementation by Defendants. Defendants also did not consider the effect that would have on prospective applicants, including by causing confusion that deters them from applying for fear of making a false statement.

95. The Sex Binary Criterion is also arbitrary and capricious because it conflicts with the Fair Housing Act, Title VII, and binding agency regulations, yet Defendants fail to acknowledge or address those conflicts.

96. The New Criteria must be declared unlawful and set aside as arbitrary and capricious.

COUNT III

Violation of the Administrative Procedure Act: Contrary to Constitutional Right (All New Criteria)

97. The paragraphs above are incorporated and reasserted as if fully set forth here.

98. The Administrative Procedure Act (APA) provides that a court "shall" "hold unlawful and set aside agency action" found to be "contrary to constitutional right, power, privilege, or immunity." 5 U.S.C. § 706(2)(B).

99. As described in Counts V-VII and IX, the New Criteria violate multiple constitutional commands, including the First Amendment, the Spending Clause, the Tenth

Amendment, and the constitutional separation of powers and associated constitutional provisions.

100. The New Criteria must be declared unlawful and set aside as “contrary to constitutional right, power, privilege, or immunity.” 5 U.S.C. § 706(2)(B).

COUNT IV
Violation of the Administrative Procedure Act: Not in Observance of Procedure Required By Law (All New Criteria)

101. The paragraphs above are incorporated and reasserted as if fully set forth here.

102. The Administrative Procedure Act (APA) provides that a court “shall” “hold unlawful and set aside agency action” found to be “without observance of procedure required by law.” 5 U.S.C. § 706(2)(D).

103. The requirement to observe procedure “required by law” includes not just procedures required by governing statutes, but also procedures required by the agency’s own regulations.

104. Defendants did not publish the criteria for selecting awardees at least 30 days before the deadline to apply, as required by the HUD Reform Act, 42 U.S.C. § 3545(a)(3). No emergency justified that failure.

105. Defendants also did not comply with the requirement in the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, which HUD has adopted, 24 C.F.R §§ 84, 85, that no funding opportunity be available for less than 30 calendar days absent exigent circumstances. 2 C.F.R. § 200.204 (previously codified at § 200.203).

106. The New Criteria imposed on applications for CoC Builds grants comprise a substantive rule, but HUD did not comply with the notice-and-comment requirements set forth in

its own regulations, and thus failed to observe procedures required by HUD regulations, 24 C.F.R. § 10.1.

107. The New Criteria must be declared unlawful and set aside as “without observance of procedure required by law.” 5 U.S.C. § 706(2)(D).

COUNT V
Violation of the Separation of Powers (All New Criteria)

108. The paragraphs above are incorporated and reasserted as if fully set forth here.

109. This Court has inherent equitable power to enjoin executive conduct that violates the Constitution, including the separation of powers. *See Free Enter. Fund v. Pub. Co. Acct. Oversight Bd.*, 561 U.S. 477, 491 n.2 (2010).

110. The Constitution empowers Congress to make laws, U.S. Const. art. I, § 1, and to control federal spending, U.S. Const., art. I, § 8, cl. 1; *id.*, § 9, cl. 7, and it requires the President to faithfully execute those laws, *id.* art. II, § 3. The President lacks the unilateral authority to modify or amend duly enacted Legislation—the President may only “approve all the parts of a Bill, or reject it in toto.” *Clinton v. City of New York*, 524 U.S. 417, 439–40 (1998) (citation omitted); *see* U.S. Const. art. I, § 7, cl. 2. The President cannot delegate powers to other executive branch officials that violate the Constitution.

111. Duly enacted statutes establish the CoC grant program for specified purposes, and Congress has appropriated funding for permanent supportive housing under the CoC grant program. Nothing in those laws authorizes the Executive Branch to impose the New Criteria. Defendants may not lawfully condition funding on the New Criteria, which are nowhere to be found in statute and which Congress did not authorize Defendants to impose.

112. Defendants’ imposition of each New Criteria violates the separation of powers in infringing on Congress’ legislative authority and spending and appropriations power, in failing to

faithfully execute Congress’s laws, and in attempting to amend, modify, or partially veto duly enacted legislation.

113. To prevent Defendants’ violations of the separation of powers, Defendants must be enjoined from implementing or enforcing each New Criteria.

COUNT VI
Violation of the Spending Clause (All New Criteria)

114. The paragraphs above are incorporated and reasserted as if fully set forth here.

115. This Court has inherent equitable power to enjoin executive conduct that violates the Constitution. *See Free Enter. Fund*, 561 U.S. at 491.

116. The Spending Clause of the U.S. Constitution provides that “Congress”—not the Executive—“shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States” U.S. Const. art. I, § 8, cl. 1.

117. Under the Spending Clause, funding restrictions may only impose conditions that are reasonably related to the federal interest in the project and the project’s objectives, *South Dakota v. Dole*, 483 U.S. 203, 207, 208 (1987), and must not be so severe as to be coercive, *Nat’l Fed’n of Indep. Bus. v. Sebelius*, 567 U.S. 519, 577–78 (2012).

118. Even if Congress had delegated authority to the Executive and HUD to condition CoC Builds grant funding on the policies of local jurisdictions or on the applicant’s activities and viewpoints outside the scope of the funded program, the New Criteria would violate the Spending Clause because they are not germane to the stated purpose of HUD program funds. In addition, by barring organizations operating within jurisdictions with disfavored policies, the Jurisdiction Criteria unconstitutionally coerce those jurisdictions to adopt the Administration’s agenda.

119. To prevent Defendants’ violations of the Spending Clause, Defendants must be enjoined from implementing or enforcing each New Criteria.

COUNT VII
Violation of the Tenth Amendment (All Jurisdiction Criteria)

120. The paragraphs above are incorporated and reasserted as if fully set forth here.

121. This Court has inherent equitable power to enjoin executive conduct that violates the Constitution. *See Free Enter. Fund*, 561 U.S. at 491.

122. The Tenth Amendment provides that “[t]he powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.” U.S. Const. amend X.

123. Legislation that “coerces a State to adopt a federal regulatory system as its own” “runs contrary to our system of federalism.” *Nat’l Fed’n of Indep. Bus.*, 567 U.S. at 577–78 (2012).

124. The Jurisdiction Criteria violate the Tenth Amendment by imposing criteria that coerce states and localities to adopt the Administration’s agenda as their own. The Jurisdiction Criteria do not just exclude the jurisdictions themselves from consideration—and allow the jurisdictions to determine whether to take the funds subject to the criteria or leave them—but exclude organizations operating within those jurisdictions from consideration as well. This blacklisting of organizations based in the targeted jurisdictions works greater coercion than merely imposing conditions on the jurisdictions themselves would. The Jurisdiction Criteria thus threaten to improperly commandeer state and local officials into adopting and implementing the Administration’s favored policies.

125. To prevent Defendants’ violations of the Tenth Amendment, Defendants must be enjoined from implementing or enforcing each Jurisdiction Criteria.

COUNT VIII

Violation of the Administrative Procedure Act: Contrary to Law (Sex Binary Criterion)

126. The paragraphs above are incorporated and reasserted as if fully set forth here.

127. The Administrative Procedure Act (APA) provides that a court “shall” “hold unlawful and set aside agency action” found to be “not in accordance with law.” 5 U.S.C. § 706(2)(A).

128. The Sex Binary Criterion is contrary to the Fair Housing Act and Title VII, which prohibit discrimination in housing and employment, respectively, on the basis of sex, including gender identity. 42 U.S.C. § 3604(a)-(b), 42 U.S.C. §2000e-2(a)(1); *see also Bostock v. Clayton Cnty.*, 590 U.S. 644 (2020) (interpreting Title VII to prohibit discrimination based on gender identity); *see also Texas Dep’t of Hous. & Cmty. Affs. v. Inclusive Cmty. Project, Inc.*, 576 U.S. 519 (2015) (likening Fair Housing Act’s sex discrimination provisions to those of Title VII).

129. The Sex Binary Criterion is also contrary to HUD regulations requiring that, in CoC programs, individuals be treated in accordance with their gender identity. *See* 24 C.F.R. § 5.106.

130. The Sex Binary Criterion must be declared unlawful and set aside as contrary to law.

COUNT IX

Violation of the First Amendment – Free Speech Clause (Sex Binary Criterion)

131. The paragraphs above are incorporated and reasserted as if fully set forth here.

132. This Court has inherent equitable power to enjoin executive conduct that violates the Constitution. *See Free Enter. Fund*, 561 U.S. at 491.

133. The First Amendment to the United States Constitution provides that the government “shall make no law . . . abridging the freedom of speech.” U.S. Const. amend. I.

134. While the government may in some circumstances attach conditions to federal funding that “affect the recipient’s exercise of its First Amendment rights,” there are limits. *Agency for Int’l Dev. v. All. for Open Soc’y Int’l, Inc.*, 570 U.S. 205, 214–15 (2013). The government may not restrict “protected [speech] outside the scope of the federally funded program.” *Id.* at 217 (citing *Rust v. Sullivan*, 500 U.S. 173, 197 (1991)). In addition, even in providing what recipients may do with government funding, “the Government may not aim at the suppression of dangerous ideas.” *Nat’l Endowment for the Arts v. Finley*, 524 U.S. 569, 587 (1998) (cleaned up). And where the government imposes a funding condition “not relevant to the objectives of the program,” that can violate the First Amendment. *See All. For Open Soc’y*, 570 U.S. at 214.

135. The Sex Binary Criterion runs afoul of those limits.

136. The Sex Binary Criteria imposes a viewpoint-based bar on applicants that “deny the sex binary in humans or promote the notion that sex is a chosen or mutable characteristic”—that is, applicants who express a viewpoint that the Administration disfavors. This curtails applicants’ speech outside the scope of the federally funded program and punishes applicants based on that speech.

137. The Sex Binary Criterion also has no relevance to the CoC Builds program’s purposes of creating permanent supportive housing for individuals and families experiencing homelessness, but rather aims at the suppression of an idea with which the Administration disagrees. That censorious purpose and lack of relation to the objectives of the CoC program additionally render it unconstitutional under the First Amendment.

138. No compelling government interest justifies Defendants’ viewpoint-based targeting of speech, and the Sex Binary Criterion is not the least restrictive means available to advance whatever interest the criteria serve.

139. The Sex Binary Criterion violates the First Amendment, and Defendants must be enjoined from enforcing or implementing it.

COUNT X
Ultra Vires (All New Criteria)

140. The paragraphs above are incorporated and reasserted as if fully set forth here.

141. This Court has inherent equitable power to enjoin and declare unlawful executive ultra vires conduct. *R.I. Dep’t of Env’t Mgmt. v. United States*, 304 F.3d 31, 42 (1st Cir. 2002). An agency acts ultra vires when it “plainly acts in excess of its delegated powers.” *Fresno Cmty. Hosp. & Med. Ctr. v. Cochran*, 987 F.3d 158, 162 (D.C. Cir. 2021) (cleaned up).

142. No statute, constitutional provision, or other source of law authorizes Defendants to impose the New Criteria.

143. The New Criteria are ultra vires, and Defendants must be enjoined from implementing or enforcing them.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs request that this Court:

- A. Declare unlawful, vacate, and set aside the New Criteria;
- B. Preliminarily and permanently enjoin Defendants, their agents, and all persons acting in concert or participation with Defendants from imposing or implementing the New Criteria, or any substantively similar criteria, on any HUD CoC awards in any manner, including by requiring applicants to meet the criteria to be considered for an award or to

receive an award, by considering those criteria in selecting awardees, or by requiring grantees to comply with such criteria upon obtaining an award;

- C. Stay the New Criteria pursuant to 5 U.S.C. § 705 and issue all other necessary and appropriate process to preserve status or rights pending conclusion of the review proceedings;
- D. Exercise its inherent equitable authority to preserve the appropriated CoC Builds funds for award past their expiration date pending resolution of this matter;
- E. Award Plaintiffs reasonable costs and attorneys' fees; and
- F. Grant any other relief that the Court deems fit and proper.

September 11, 2025

Respectfully submitted,

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EXHIBIT A



U.S. Department of Housing
and Urban Development

Continuum of Care Builds (CoC Builds)

FR-6902-N-25A

Applications are due by 3:00 PM Eastern Time on 09/12/2025.

Community Planning and Development

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BEFORE YOU BEGIN

If you believe you are a good candidate for this funding opportunity, register in the appropriate systems now and review the application package. If you are already registered, make sure your registration is active and up-to-date.

SAM.gov Registration

You must have an active and up-to-date account with [SAM.gov](https://sam.gov), at the time of application and throughout the life of any award.

To register, go to [SAM.gov Entity Registration](https://sam.gov) and click Get Started. From the same page, you can also click on the Entity Registration Checklist for the information you will need to register.

It can take several weeks to register in [SAM.gov](https://sam.gov), so please get started now if you are planning to apply. [SAM.gov](https://sam.gov) also provides each organization with a unique entity identifier (UEI). A valid UEI is required to apply for funding.

Grants.gov Registration

You must have an active [Grants.gov](https://grants.gov) registration. This requires a [Login.gov](https://login.gov) registration as well. See step-by-step instructions at the [Grants.gov Quick Start Guide for Applicants](https://grants.gov). You must apply for funding using [Grants.gov](https://grants.gov), unless HUD has approved your [waiver request](#).

See [Section VI.B](#). Submission Methods.

Find the Application Package

Use the Grants Search at [Grants.gov](https://grants.gov) and search for opportunity number FR-6902-N-25A . The application package has all the online forms you need to apply. You also need to access the Download Instructions link and review the content before you apply.

If you have other technical difficulties using [Grants.gov](https://grants.gov), access the Support Center on [Grants.gov](https://grants.gov) for assistance.

To get updates on changes to this notice of funding opportunity (NOFO), click Subscribe from the View Grant Opportunity page for this NOFO on [Grants.gov](https://grants.gov).

Application Deadline

Applications are due by 3:00 PM Eastern Time on 09/12/2025.
See [Section VI.A](#). of this NOFO.

HUD Listserv

If you are interested in email notices about upcoming funding opportunities, subscribe to [HUD's Funding Opportunities listserv](#).

Note: To help you find what you need, this NOFO uses internal links. In Adobe Reader, you can go back to where you were by pressing Alt + Left Arrow (Windows) or Command + Left Arrow (Mac) on your keyboard.

I. BASIC INFORMATION

I. Basic Information

A. Summary

B. Agency Contact(s)

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I. BASIC INFORMATION

See [Contact and Support](#) section of this NOFO.

A. Summary

Federal Agency Name:

United States Department of Housing and Urban Development (HUD)

HUD Program Office:

Community Planning and Development

Announcement Type:

Initial

Program Type:

Discretionary

Paperwork Reduction Act Information:

2506-0112, 2506-0182, 2506-0183, 2506-0145

Due Date for Intergovernmental Review:

See [Section VI.C.1.](#)

Key Facts

Opportunity Name:

Continuum of Care Builds (CoC Builds)

Opportunity Number:

FR-6902-N-25A

Federal Assistance Listing:

14.267

Key Dates

Application Due Date: 3:00 PM Eastern Time on:

09/12/2025

Anticipated Award Date:

09/30/2025

Estimated Performance Period Start Date:

01/01/2026

Estimated Performance Period End Date:

12/31/2031

1. NOFO Summary

The Continuum of Care Builds (CoC Builds) program provides \$75,000,000 for competitive one-time grants to CoC geographic areas to fund the new construction, acquisition, and rehabilitation (capital costs) of new unites of permanent supportive housing (PSH). No more than 20 percent of each award may be used for other eligible

CoC Program activities (Section IV.B.1.b) and no more than 10 percent of an award may be used for project administration.

The CoC Program does not require intergovernmental review.

2. Funding Details

Type of Funding Instrument

G (Grant)

Grant terms may be two, three, four, or five years. Projects selected for conditional award must be able to:

- a. provide proof of site control (24 CFR 578.25) prior to execution of the grant agreement
- b. demonstrate, prior to grant agreement execution, that the project is financially feasible (24 CFR 578.21(c); see Section III.G of this NOFO for more information); and
- c. execute the grant agreement with HUD within the timeframe permitted.

Additionally, projects selected for conditional award must:

- a. have a completed environmental review before awarded funds can be drawn for project activities;
- b. complete a subsidy layering review (SLR) in accordance with 24 CFR 578.29 and Section III.G of this NOFO; and
- c. meet the timeliness standards outlined in 24 CFR 578.85 for new construction or rehabilitation activities.

Project applicants should select the grant term based on the type of capital costs project you are submitting and the realistic time frame for completion. Generally, rehabilitation and acquisition time frames are less than new construction.

See [24 CFR 578.85](#) for timeliness requirements related to new construction and rehabilitation projects.

Available Funds

Funding of approximately **\$75,000,000** is available through this NOFO.

Additional funds may become available for award. Use of these funds is subject to statutory constraints. All awards are subject to the selection process contained in this NOFO.

The submission due date is September 12, 2025, with a total of \$75,000,000 (Consolidated Appropriations Act, 2023) available where not less than \$30,000,000 is available only for CoCs that are located in states with populations of fewer than 2.5 million people.

If HUD does not receive the indicated application requests from CoCs in states with populations of fewer than 2.5 million people, any remaining amount may be awarded to qualified applicants for projects in any state. All application requirements are included in this NOFO.

Number of Awards

HUD expects to make approximately 8 awards from the funds available under this NOFO.

Maximum Award. The maximum award amount under this CoC Builds NOFO is based on

each CoC's FY 2025 Final Pro Rata Need, which is the higher of the CoC's Preliminary Pro Rata Need based on FY 2025 CoC Program Registration or Annual Renewal Demand which is based on the eligible renewal amount for FY 2025 CoC Program funding consideration. CoCs that submit two project applications, with one project proposing new PSH units located on Tribal reservations, trust lands, or in Tribal projects located in IHBG formula areas, may request an additional \$2,000,000 above the maximum amount as indicated in the following chart. The maximum award amount for a single project may not exceed the maximum amount listed in the *Maximum Amount for a Single Project* column of the following chart.

FPRN Amount	Maximum Amount for a Single Project	Maximum Amount for Projects Submitted by CoCs with Units Located on Tribal Reservations, Trust Lands, or in Tribal Projects Located in IHBG Formula Areas
\$40,000,000 and above	\$12,000,000	\$14,000,000
\$10,000,000 to \$39,999,999	\$9,000,000	\$11,000,000
\$0 to \$9,999,999	\$6,000,000	\$8,000,000
CoCs that are the only CoC within their State or Territory	\$12,000,000	\$14,000,000

Maximum Award and FMR Adjustments. The process for determining the maximum award amount is detailed in [24 CFR 578.17\(b\)](#).

Length of Performance Period:

12-month project period and budget period

24-month project period and budget period

36-month project period and budget period

48-month project period and budget period

60-month project period and budget period

Length of Periods Explanation:

Period of performance dates may range from 24 months to 60 months.

B. Agency Contact(s)

See [Contact and Support](#) section of this NOFO.

II. ELIGIBILITY

II. Eligibility

A. Eligible Applicants

B. Cost Sharing or Matching

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II. ELIGIBILITY

You are invited to apply if your organization is an eligible entity type and meets the funding conditions included in the NOFO. HUD will review applications from eligible applicants using the criteria in [Section V. of this NOFO](#).

A. Eligible Applicants

1. Eligible Entity Types:

- 00 (State governments)
- 01 (County governments)
- 02 (City or township governments)
- 04 (Special district governments)
- 07 (Native American tribal governments (Federally recognized))
- 08 (Public housing authorities/Indian housing authorities)
- 12 (Nonprofits having a 501(c)(3) status with the IRS, other than institutions of higher education)
- 25 (Others (see text field entitled "Additional Information on Eligibility" for clarification))

Additional Information on Eligibility

[Faith-based organizations](#) may apply on the same basis as any other organization. [HUD does not engage in any unlawful and improper conduct, policies, or practices that target faith-based organizations.](#)

Individuals are ineligible applicants.

2. Restrictions

a. Statutory and Regulatory Requirements Affecting Eligibility

You must comply with the current [General Statutory and Regulatory Requirements Affecting Eligibility for HUD's Competitive Programs](#). HUD will review your eligibility before issuing an award. As part of this review, HUD uses [SAM.gov](#) and Department of Treasury data.

b. Application Eligibility

Your application is considered for funding if it satisfies the application review requirements in [Section V. of this NOFO](#).

Project applications will be disqualified if the submitted budget forms do not include funding requests for new units of permanent supportive housing through new construction, acquisition, or rehabilitation.

CoC Review of Project Applications.

CoCs are required to review proposed CoC Builds applications locally and if more than one application is received, the CoC must determine which application it will submit to HUD. CoCs are permitted to submit a second application if the new PSH units are constructed,

rehabilitated, or acquired on Tribal reservations or trust lands. HUD encourages CoCs to use the criteria outlined in Section V.A.1 of this NOFO to ensure it submits the most viable application(s) to HUD for review.

Certification of Consistency with the Consolidated Plan. This program requires a certification of Consistency with the Consolidated Plan under [24 CFR 91.2](#). This certification means the proposed activities in the application are consistent with the jurisdiction's strategic plan, and the location of the proposed activities is consistent with the geographic areas specified in the Consolidated Plan.

Applicants must submit a certification by the jurisdiction in which the proposed project will be located so that the applicant's project application for funding is consistent with the jurisdiction's HUD-approved consolidated plan. The certification must be made in accordance with the provisions of the consolidated plan regulations at [24 CFR part 91, subpart F](#).

Form HUD-2991 must be completed and dated between May 12, 2025 and September 12, 2025.

Additionally, applicants that propose to locate a project on a Tribal reservation or trust land or propose to carry out a Tribal project located in an IHBG formula area must include a Tribal resolution from the Tribe authorizing the applicant to do so or a letter from an official or principal of the Indian Tribe or TDHE who is authorized to act on behalf of the Indian Tribe or TDHE. Indian Tribes do not need to include a tribal resolution to site a project on their own reservation or trust land. A tribal resolution is the formal way the tribal government expresses its legislative will in accordance with its organic documents. In the absence of such organic documents, a written expression adopted pursuant to tribal practices will be acceptable.

- a. **Application Process.** Under this CoC Builds NOFO, Collaborative Applicants must submit applications on behalf of project applicants through *Grants.gov*. Project applications may include multiple project sites and multiple subrecipients. However, only one application per CoC may be submitted, except for CoCs that are able to submit two project applications because one project proposes new PSH units located on Tribal reservations, trust lands, or in Tribal projects located in IHBG formula areas. Responses to merit-based rating factors in this NOFO will also be submitted through the project applications in *Grants.gov*.
- b. **Indian Tribes and Tribally Designated Housing Entities (TDHE).** The Consolidated Appropriations Act, 2021 (Public Law 116-260, approved December 27, 2020) amended title IV to add section 435 of the Act to allow Indian Tribes and TDHEs to be Collaborative Applicants, eligible entities, or subrecipients of the CoC Program in addition to amending title IV section 401 to add the terms "Formula Area" and "Indian Tribe." These amendments mean that not only may Tribes and TDHEs apply for grants through other CoCs, but that formula areas, as that term is defined in the [Indian Housing Block Grant program at 24 CFR 1000.302](#), are eligible to be added to the geographic areas of existing CoCs or may be included in newly formed CoCs through the CoC registration process (see [Notice CPD-22-02](#)) or may be temporarily added through the process outlined in Section III.A.5. Any applicant that is not a Tribe or TDHE proposing to site a project on a Tribal reservation or trust land, or proposing to carry out a Tribal project located in an IHBG formula area must include a Tribal

resolution from the Tribe authorizing the applicant to do so or a letter from an official or principal of the Indian Tribe or TDHE who is authorized to act on behalf of the Indian Tribe or TDHE. Tribes do not need to include a Tribal resolution to site a project on their own reservation or trust land.

- c. Collaborative Applicants. HUD will only accept CoC Builds project applications from CoCs that had a valid *e-snaps* registration for the FY 2025 CoC Program Registration process. If the Collaborative Applicant changed after the FY 2025 CoC Program registration closed, see Section II.D of [Notice CPD-22-02, Continuum of Care Program Registration](#) for the process you must follow to correct the CoC's designated Collaborative Applicant. Collaborative Applicants. All recognized Collaborative Applicants eligible to submit the application to HUD on behalf of the project applicant organization are listed on the CoC Builds Final Pro Rata Need Report located on the CoC Builds NOFO page on HUD's website.
- d. Temporarily Add to CoC Geography and Tribal Reservations, Trust Lands, and Tribal projects located in IHBG formula areas. In general, HUD will only consider projects that propose to locate PSH units in geographic areas included in their FY 2025 CoC Program Registration. However, HUD will make an exception for Tribal reservations and trust lands and permit CoCs to temporarily include projects for new PSH units on Tribal Reservations and trust lands not currently a part of their geographic area if the Collaborative Applicant is a Tribe or TDHE or if the CoC adds the Tribal Reservations and trust lands to the geographic areas covered by their CoC with the Tribe's express consent. To apply for a project on a Tribal Reservation or trust land or for a Tribal project located in an IHBG formula area not currently included in the CoCs geographic area, the Collaborative Applicant must add the formula area to the COCs geographic area by sending an email to HUD at CoCBuilds@hud.gov with the following information:
 1. The name of the CoC.
 2. The name of the Tribe(s) assigned to the formula area(s) the Collaborative Applicant is seeking to add; and
 3. If the Collaborative Applicant is adding the formula area on behalf of a CoC that is not an Indian Tribe or TDHE directly selecting their own formula area, a tribal resolution from the applicable Indian Tribe authorizing the CoC to select the trust land or reservation or a letter from an official or principal of the Indian Tribe or TDHE who is authorized to act on behalf of the Indian Tribe or TDHE. Indian Tribes and TDHEs are not required to include a tribal resolution to select their own trust land or reservation.

This message must be submitted to HUD on or before the application deadline. The formula area must be either contiguous to the CoCs existing geographic area or the formula area must overlap with the CoCs existing geographic area. For the non-capital costs of these PSH projects to be eligible for renewal under the CoC program, the CoC must complete the CoC registration process (see Notice CPD-22-02) to add the Tribal Reservations and trust lands to the geographic areas covered by their CoC. Note: HUD will not update a CoCs PPRN based on the inclusion of the temporary new

formula area(s) to determine the maximum award amount established in Section I.A.4.h of this NOFO and the temporary addition to the CoC's geography will not be considered by HUD under the FY CoC Program Competition.

e. Eligible Project Applicants (McKinney-Vento Homeless Assistance Act, [24 CFR 578.15](#), [24 CFR 5.100](#)). Eligible project applicants for the CoC Program Competition are found at [24 CFR 578.15](#) and in the Act and include nonprofit organizations, states, local governments, instrumentalities of state and local governments, Indian Tribes and TDHE [as defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 ([25 U.S.C. 4103](#)) (TDHEs)]. Public housing agencies, as such term is defined in [24 CFR 5.100](#), are eligible without limitation or exclusion. For-profit entities are ineligible to apply for grants and are prohibited from being subrecipients of CoC Program grant funds.

f. There are a series of helpful, short videos on grants.gov that we encourage you to view prior to beginning the application submission process, and again as needed when you are ready to submit the application. See Applicant Training on Grants.gov. The videos provide helpful information to assist you with the process and are generally less than 5 minutes each. We strongly encourage you to view these video resources as you begin the application process.

Individuals, foreign entities, and sole proprietorship organizations are not eligible to compete for or receive awards made under this announcement.

B. Cost Sharing or Matching

This Program requires [cost sharing or matching](#), as described below.

[24 CFR 578.73](#) provides the information regarding match requirements. Project applicants that intend to use program income as a match must provide an estimate of how much program income will be used for the match.

III. PROGRAM DESCRIPTION

III. Program Description

A. Purpose

B. Goals and Objectives

C. Authority

D. Unallowable Costs

E. Indirect Costs

F. Program History

G. Other Information

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III. PROGRAM DESCRIPTION

A. Purpose

CoC Builds provides funding for construction, acquisition, or rehabilitation of new units of PSH. Most of the requested funding must be for new construction, acquisition, or rehabilitation to create new units of permanent supportive housing. See IV.B.1.b and c of this NOFO for information regarding other CoC Program eligible costs, including project administrative costs that includes the percentages of funding that may be requested.

B. Goals and Objectives

HUD has the following goals for this competition:

Increasing Supportive Housing for Elderly and Disabled. HUD is seeking Permanent Supportive Housing projects that are dedicated to serving elderly individuals and/or individuals with a physical disability in a medical respite setting.

Partnering with Housing, Health, and Service Organizations. HUD seeks PSH projects that integrate healthcare organizations (e.g. primary healthcare, substance use disorder treatment, mental health treatment) into the provision of housing.

C. Authority

CoC Builds is part of the CoC Program that is authorized by Subtitle C of Title IV of the McKinney-Vento Homeless Assistance Act, (42 U.S.C. 11381–11389) (the Act), and the CoC Program rule found in 24 CFR part 578 (the Rule). The CoC Builds funds were provided by the Consolidated Appropriations Act, 2023 (Public Law 117-328, approved December 29, 2022). The term, conditions and criteria in this NOFO are in compliance with Executive Order 14321 (Ending Crime and Disorder on America's Streets.)

D. Unallowable Costs

While the CoC Program allows for additional costs, the NOFO does not allow the following:

- Leasing for units or structures;
- Tenant-based and sponsor-based rental assistance;
- CoC planning; and
- UFA costs.

E. Indirect Costs

If you expect to charge [indirect costs](#) to the award, submit the Indirect Cost Rate Certification form (HUD-426) with your application.

F. Program History

This NOFO supersedes and replaces the CoC Builds NOFO published May 16, 2025 in its entirety. Applicants that applied under the previously published NOFO must submit a new application under this NOFO through *Grants.gov*. This NOFO does not require applicants to

submit narrative responses to merit review rating factors. Instead, applicants must respond “Yes” or “No” to the merit review criteria. No numerical scores will be provided. Awards under this NOFO will be made in the order that application submissions are received in which the applicant affirms “Yes” to all the criteria.

G. Other Information

Eligible program participants are individuals and families experiencing homelessness outlined in [24 CFR 578.37\(a\)\(1\)\(i\)](#). This includes individuals and families who meet the definition of homelessness under paragraphs 1, 2, and 4 of the definition of homeless ([24 CFR 578.3](#)).

You must comply with the requirements of the Build America, Buy America (BABA) Act, Sections 70901-52 of Public Law No. 117-58, 41 U.S.C. 8301 note, and all applicable rules and notices, as may be amended, if applicable to the Grantee’s infrastructure project. Applicants are encouraged to consult with the NOFO point of contact to confirm additional requirements or waivers specific to each grant. See Build America, Buy America (BABA) Act, Sections 70901-52 of Pub. L. No. 117-58, 41 U.S.C. 8301. For additional resources, please see <https://babawaiver.hud.gov/s/>.

The CoC Interim Rule requires that applicants demonstrate, prior to grant agreement execution, that the project is financially feasible (24 CFR 578.21(c)). Additionally, program regulations require that a Subsidy Layering Review (SLR) be conducted to ensure that the proposed project is not receiving more assistance than what is necessary for the project to be sustainable (24 CFR 578.29). Applicants will be able to meet this requirement by submitting an SLR and financial feasibility analysis conducted by a Housing Credit Agency (i.e., a state housing finance agency or other state housing agency that meets the definition of “housing credit agency” under Section 42 of the internal revenue code of 1986), or through another program administered by the Secretary. The SLR must include consideration of the Continuum of Care assistance being applied for under this NOFO.

HUD may adjust proposed budgets, or decide not to fund an application, based on the results of these reviews. Additionally, HUD may reduce any grant amounts not yet drawn as a result of the SLR. Applicants must submit any additional information required by HUD to conduct a financial feasibility review or SLR within the timeline established by HUD and meet any additional requirements established by HUD for completion of the SLR and financial feasibility review.

IV. APPLICATION CONTENTS AND FORMAT

IV. Application Contents and Forms

A. Standard Forms, Assurances, and Certifications

B. Budget

C. Narratives and Non-Form Attachments

D. Other Application Content

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IV. APPLICATION CONTENTS AND FORMAT

Applications must include three main elements: a) standard forms, assurances, and certifications; b) budget; and c) narratives and other attachments. The content, forms, and format for each element are included in this section.

You may use this section as a checklist to ensure you submit a complete application.

If you don't provide the required documents in the correct format, your application is incomplete.

Do not submit password protected or encrypted files.

Element	Submission Form
Standard Forms, Assurances, and Certifications	Upload using each required form.
Budget	Use the required budget form.
Narratives or Other Attachments	Insert each in the Attachments form.

Other

CoC Builds applications are submitted via *Grants.gov*. Application submission includes:

- CoC Priority Listing, modified for the CoC Builds competition includes:
 - CoC Number and Name,
 - Collaborative Applicant Name, and
 - identifies the CoC geographic area submitting the project application(s); and
- Project application(s) completed by the project applicant that was reviewed and selected by the CoC for submission under this NOFO.
 - A response to each of the criteria in Section V.A. of this NOFO.
 - The budget forms are also included in *Grants.gov*.

An attachment of the completed and signed HUD-2991 and required attachments.

A. Standard Forms, Assurances, and Certifications

You must properly complete and submit with your application the standard forms, assurances, and certifications identified below. You can find all forms in the application package or review them and their instructions at [Grants.gov Forms](#). You can also [read more about standard forms](#) on HUD’s Funding Opportunities page.

Forms/Assurances/ Certifications	Submission Requirement	Notes/Description
Application for Federal Assistance (SF-424)	Required with the application	Page limit: Not applicable File name: SF-424
Applicant and Recipient Assurances and Certifications (HUD 424-B)	Required with the application	Page limit: Not applicable File name: HUD-424B
Applicant/Recipient Disclosure/Update Report (HUD 2880)	If applicable, required with the application	Page limit: Not applicable File name: HUD-2880
Certification Regarding Lobbying	If applicable, required with the application	Page limit: Not applicable File name: Lobbying Certification form
Disclosure of Lobbying Activities (SF-LLL)	Required with the application	Page limit: Not applicable File name: SF-LLL
Certification for a Drug-Free Workplace (HUD-50070)	If applicable, required with the application	Page limit: Not applicable File name: HUD-50070
Assurances for Construction Programs (SF-424D)	If applicable, required with the application	Page limit: Not applicable File name: SF-424D
Certification for Opportunity Zone Preference Points (HUD 2996)	If applicable, required with the application	Page limit: Not applicable File name: HUD-2996 Form location:

Additionally, all applications must include an attached HUD-2991, Certification of Consistency with the Consolidated Plan.

Following award announcement, applicants must be prepared to submit evidence of site control and a completed financial feasibility review conducted by a Housing Credit Agency (i.e., a state housing finance agency or other state housing agency that meets the definition of "housing credit agency" under Section 42 of the internal revenue code of 1986), or through another program administered by the Secretary, or be able to submit any additional information required by HUD to conduct a financial feasibility review within the timeline established by HUD. The financial feasibility review must demonstrate that there is sufficient funding for the project to be sustainable. HUD may adjust proposed budgets, or decide not to

fund an application, based on the financial feasibility review.

B. Budget

You must submit a budget with your application to support your project narrative. At a minimum, your budget must indicate direct and any indirect costs.

You must also submit form HUD-426, based on the requirements in [Section III.E.](#) of this NOFO.

The application must attach the required budget form.

1. Project Applications will include the following budgets, and project applicants will select the applicable budget(s) for their funding request:
 - a. Capital Costs:
 - i. New construction ([24 CFR 578.47](#));
 - ii. Acquisition ([24 CFR 578.43](#));_and
 - iii. Rehabilitation ([24 CFR 578.45](#)).
 - b. Other Eligible CoC Program Costs which can be no more than 20 percent of the total request, where project applicants will select the applicable budget(s) for their non-capital costs:
 - i. Project-based rental assistance ([24 CFR 578.51\(e\)](#)) where the unit sizes and current FMRs are prepopulated;
 - ii. Operating ([24 CFR 578.55](#));
 - iii. Supportive Services ([24 CFR 578.53](#));
 - iv. HMIS ([24 CFR 578.57](#));
 - v. VAWA eligible costs (42 USC 11383(a)(13));
 - vi. Rural eligible costs (42 USC 11383(a)(13)); and
 - vii. Relocation costs (24 CFR 578.61)
 - c. Administrative costs ([24 CFR 578.59](#)) can be no more than 10 percent of the total amount requested.

If a project application’s budget exceeds the cost limits noted above, HUD will reduce the costs to the eligible amount which will result in a reduction in the total amount of funds requested.

See [24 CFR 578.87\(c\)](#) for restrictions on combining funds.

Budget Form/Document	Submission Requirement	Notes/Description
Indirect Cost Information Certification (HUD-426)	If applicable, this document is required with the application and after award	Page limit: Not applicable File name: ICR Doc. Form location: download

Budget Form/Document	Submission Requirement	Notes/Description
		instructions

C. Narratives and Other Attachments

If applicable, you must upload narrative and non-form attachments in e-snaps.hud.gov. When adding the attachments to the form, you can upload PDF, Word or Excel formats.

Document	Submission Requirement	Notes/Description
Nonprofit Status – Documentation	If applicable, this document is required with the application	Page limit: Not applicalbe File Name: Code Acceptable Content
Code of Conduct	If not included in HUD's eLibrary , this document is required with the application	Page limit: Not applicable File name: Code Acceptable Content

Project applicants and any subrecipients that are non-profit organizations must attach a copy of their non-profit documentation.

D. Other Application Content

If your project is selected for conditional award, the conditional recipient will work with the applicable CPD field office to complete the technical submission process. During this process the conditional recipient will address any issues or conditions identified during the application review process by HUD and finalize budget information. This may include obtaining additional information needed to move to the grant agreement phase.

Additionally, if the conditional recipient will use in-kind services match contributions [\(24 CFR 578.73\(c\)\)](#) provided by a third party, you must submit documentation; e.g., memorandum of understanding; between you, or your subrecipient, and the third party that will provide the services.

V. APPLICATION REVIEW INFORMATION

V. Application Review Information

A. Threshold Review

B. Merit Review

C. Risk Review

D. Selection Process

E. Award Notices

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V. APPLICATION REVIEW INFORMATION

A. Threshold Review

HUD reviews each application to make sure it meets the following threshold requirements. If you meet all threshold requirements, your application will advance to a merit review. If you fail to meet one or more threshold requirements, your application is not eligible for HUD funding.

1. Eligible Applicant

You must meet the applicant eligibility criteria in this NOFO. Applications from ineligible applicants are not rated or ranked and will not receive HUD funding.

2. Resolution of Civil Rights Matters

Applicants with outstanding, unresolved judgments against them for violations of civil rights laws must resolve those judgments before the application submission deadline or the applicant will be deemed ineligible.

a. An applicant is ineligible for funding if the applicant has received notice of a judgment imposed against them for violations of:

1. the Fair Housing Act or a substantially equivalent state or local fair housing law for discrimination because of race, color, religion, sex, national origin, disability or familial status; or
2. Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Section 109 of the Housing and Community Development Act of 1974, the Americans with Disabilities Act, or the Violence Against Women Act or substantially equivalent state or local laws.

b. HUD will determine if actions to resolve the judgment taken before the application deadline date will resolve the matter. Examples of actions that may be sufficient to resolve the matter include, but are not limited to:

1. Current compliance with a voluntary compliance agreement signed by all the parties;
2. Current compliance with a HUD-approved conciliation agreement signed by all the parties;
3. Current compliance with a conciliation agreement signed by all the parties and approved by the state governmental or local administrative agency with jurisdiction over the matter;
4. Current compliance with a consent order or consent decree; or
5. Current compliance with a final judicial ruling or administrative ruling or decision.

3. Timely Submission of Applications

Late applications are not eligible for funding. See deadlines in [Section VI of this NOFO](#).

The proposed project must be located in a jurisdiction (state, county, city) that enforces laws and/or ordinances prohibiting urban camping or loitering, prohibiting open illicit drug use, and prohibiting urban squatting.

The proposed project must be located in a jurisdiction that cooperates with Federal immigration enforcement.

B. Merit Review

HUD expects to evaluate and score your application using the following merit criteria and process. Merit reviewers evaluate and score all applications that pass the threshold review. Merit reviewers may include Federal and non-Federal persons. Reviewers receive a copy of your application to evaluate and score each application separately.

Merit Review Summary

HUD will conduct a merit review on all applications that pass the threshold review. Merit reviews will be based on measuring the number of “Yes/No” responses to the criteria below. Merit review may be conducted by any HUD employees designated by the Secretary. Reviewers receive a copy of your application to evaluate each application separately.

1. Rating Factors

Your application must include a response to the following criteria.

The application is based on the Yes/No responses to the following criteria.

	Rating Factor	To Receive Maximum Points	Y/N
	a. Serving Elderly and Physically Disabled Individuals.	The project is designed to house individuals over age 62 and/or is a medical respite project designed to house individuals with at least one physical disability as allowable under 24 CFR 578.93(b)(2).	
	b. Providing Robust Wraparound Services.	The proposed project will provide regular, on-site supportive services to participants including case management, healthcare and behavioral health services.	
		The applicant currently	

		provides regular, on-site supportive services to participants including case management, healthcare and behavioral health services.	
	c. Requiring Supportive Service Participation	The proposed project will require program participants to participate in services by contract, occupancy agreement, or lease. Participation requirements must be in line with 24 CFR 578.75(h). Examples of services include case management, employment assistance and job training, life skills training, and substance abuse treatment. For the full list of supportive services see 24 CFR 578.53(e).	
		The applicant currently requires program participants to participate in supportive services.	
	d. Customized Supportive Service Plans	The applicant currently provides program participants with full-time, individual, customized services. Examples of services include substance use disorder treatment,	

		case management, job training, and life skills classes. Individuals over age 62, with a physical disability, or who have full-time employment may not be required to participate in full-time services.	
	e. Promoting Recovery	The applicant does not operate drug injection sites or “safe consumption sites,” knowingly distribute drug paraphernalia on or off of property under their control, permit the use or distribution of illicit drugs on property under their control, or conduct any of these activities under the pretext of “harm reduction.”	
		The applicant will not operate drug injection sites or “safe consumption sites,” knowingly distribute drug paraphernalia on or off of property under their control, permit the use or distribution of illicit drugs on property under their control, or conduct any of these activities under the pretext of “harm reduction.”	

	f. Reducing Returns to Homelessness.	Fewer than 10% of the applicant’s current participants who have exited the program return to homelessness within 24 months according to HMIS data or their own data system.	
	g. Implementation	<p>The proposed project will be able to:</p> <ul style="list-style-type: none"> a. provide proof of site control (24 CFR 578.25) prior to execution of the grant agreement b. demonstrate, prior to grant agreement execution, that the project is financially feasible (24 CFR 578.21(c); see Section III.G of this NOFO for more information); and c. execute the grant agreement with HUD within the timeframe permitted. d. have a completed environmental review before awarded funds 	

		<p>can be drawn for project activities;</p> <p>e. complete a subsidy layering review (SLR) in accordance with 24 CFR 578.29 and Section III.G of this NOFO; and</p> <p>f. meet the timeliness standards outlined in 24 CFR 578.85 for new construction or rehabilitation activities.</p>	
	<p>h. Coordinating with Housing Providers, Healthcare Organizations, and Social Service Providers</p>	<p>The proposed project is leveraging non-CoC funded housing resources through coordination with housing providers, and other organizations for new construction, acquisition, and rehabilitation to provide at least 50 percent of the amount being requested in the application, or the project is leveraging non-CoC funded housing resources to provide subsidies for at least 25 percent of the units that are proposed in the application. The applicant has a plan to</p>	

		utilize non-federal (state, local, private) resources to support the ongoing operation of the project.	
		<p>The proposed project has a plan and resources in place to provide wraparound supportive services to participants through written commitment from healthcare organizations, social service provider, or other organization. The value of assistance being provided is an amount that is equivalent to at least \$7,500 per unit included in the proposed project.</p>	
	i. Section 3 Requirement	<p>The applicant will comply with Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) (Section 3) and HUD’s implementing rules at 24 CFR part 75 to provide employment and training opportunities for low- and very low-income persons, as well as contracting and other economic opportunities for business that provide economic opportunities to low-</p>	

		<p>and very low-income persons.</p> <p>This does not affect applicant's existing responsibilities to provide training, employment, and other economic opportunities pursuant to Section 3 that result from their receipt of other HUD funding. Grants to Indian Tribes are subject to Indian Preference under Section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5307(b) and are not subject to Section 3 requirements.</p>	
	<p>j. Protecting Public Safety</p>	<p>The city, county, or state in which the project is located:</p> <ul style="list-style-type: none"> Prohibits public illicit drug use and enforces such prohibition; Prohibits public camping or loitering and enforces such prohibition; Utilizes standards that address individuals who are a danger to themselves or 	

		<p>others;</p> <ul style="list-style-type: none"> Substantially implements and complies with SORNA, particularly in the case of registered sex offenders with no fixed address, including by adequately mapping and checking the location of homeless sex offenders. 	
	k. Affirming Fairness and Reality	The applicant does not and will not promote, encourage, subsidize, or facilitate racial preferences or other forms of illegal discrimination.	
		The applicant does not and will not deny the sex binary in humans or promote the notion that sex is a chosen or mutable characteristic.	
	I. Cooperating with Federal Law Enforcement	The city, county, or state in which the project is located cooperates with Federal immigration enforcement.	
Certifications			Y/N
The activities conducted by the Continuum of Care and project			

applicant are fully compliant with all applicable laws.	
In the course of administering funds made under this NOFO, the Continuum of Care and project applicant will fully comply with all applicable laws.	
All statements made in and information provided in connection with this application are true and accurate in all regards and may be relied upon by the issuing agency.	

Rating Factors Details

<p>Section 3</p> <p>If your application includes a quality Section 3 plan, you may receive up to the allowed points for this criterion. HUD will consider the following in evaluating the quality of the Section 3 plan:</p> <ul style="list-style-type: none"> types and amounts of employment, training, and contracting opportunities to be generated as a result of proposed grant activities; specific actions to be taken to give Targeted Section 3 workers (as defined at 24 CFR 75.21) and Section 3 business concerns (as defined at 24 CFR 75.5) priority consideration for employment, training, contracting, and other economic opportunities in accordance with HUD's regulations at 24 CFR part 75, subparts A and C
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2. Policy Initiative Preference Points

Preference points are added to your overall application score. You do not need to address the policy initiatives in this section to receive an award. If you choose to address a policy initiative in your application, you must adhere to the information with any award.

a. Opportunity Zones

If your proposed activities are within an [Opportunity Zone](#), you may complete and submit [form HUD-2996](#).

3. Other Factors

Your application must respond to the following other additional criteria.

a. Budget

The panel will review but not approve the budget. The panel will assess whether the budget aligns with planned program activities and objectives. Panel members will consider whether the budget and the requested performance period are fully justified and reasonable in relation to the proposed project.

The budget information will be reviewed to ensure:

- The requested costs are eligible under the CoC Program and this NOFO.
- The total amount of funding is within the amount of funding available to the CoC as described in Section I. A.2 of this NOFO.
- Any funds requested for other eligible CoC Program costs indicated in Section IV.B.1.b of this NOFO are no more than 20 percent of the total funding requested.
- If funds are requested for project administrative costs, the amount requested is no more than 10 of the total funding requested.

b. Certification of Consistency with the Consolidated Plan

You must make sure your application activities are [consistent with your local Consolidated Plan](#).

The CoC must make sure project application activities are [consistent with your local Consolidated Plan](#).

As required by [24 CFR 578.27](#), applicants will submit the HUD-2991 as an attachment to the project application.

C. Risk Review

Before making an award, HUD will evaluate each applicant's likelihood of successfully implementing an award based on the following criteria.

- OMB-designated repositories of governmentwide data, as noted in [2 CFR 200.206\(a\)](#)
- Financial stability
- Quality of management systems and ability to meet the management standards prescribed in 2 CFR part 200
- History of performance. The applicant's record in managing Federal awards, if it is a prior recipient of Federal awards, including timeliness of compliance with applicable reporting requirements, failing to make significant progress in a timely manner, failing to meet planned activities in a timely manner, conformance to the terms and conditions of previous Federal awards, and, if applicable, the extent to which any previously awarded amounts will be expended prior to future awards
- Reports and findings from audits performed under 2 CFR part 200, subpart F—Audit Requirements or the reports and findings of any other available audits
- The applicant's ability to effectively implement statutory, regulatory, or other requirements imposed on non-Federal entities
- Capacity of the applicant, including staffing structures and capabilities
- History of timely completion of activities and receipt and expenditure of promised matching or leveraged funds
- Existence of evidence that the applicant promotes, encourages, subsidizes, or facilitates racial preferences or other forms of illegal discrimination or denies the sex binary in humans or promotes the notion that sex is a chosen or mutable

characteristic.

- Existence of evidence that the applicant operates drug injection sites or “safe consumption sites,” knowingly distributes drug paraphernalia on or off of property under their control, permits the use or distribution of illicit drugs on property under their control, or conducts any of these activities under the pretext of “harm reduction.”

HUD may use the results of the risk review to make funding decisions and to apply award conditions.

D. Selection Process

When making funding decisions, HUD will consider:

- Eligibility requirements, including threshold review results.
- Merit review results.
- Risk review results.

To the extent allowed by law, HUD may:

- Fund applications in whole or in part.
- Fund applications at a lower amount than requested.
- Choose to fund no applications under this NOFO.
- Adjust funding for an application, to ensure funding or geographic dispersion, and alignment with program or administrative priorities.
- Withdraw an award offer and make an offer of funding to another eligible application, if terms and conditions are not finalized or met.
- Use additional funds made available after NOFO publication to either fully fund an application or fund additional applications.
- Correct HUD review and selection errors. If HUD commits an error that causes an applicant not to be selected, HUD may make an award to that applicant when and if funding is available.
- Release another NOFO, if funding is available and if HUD does not receive applications of merit.

HUD will conditionally select project applications based on applications using the following process:

- i. HUD will determine whether the application meets the threshold requirements;
- ii. HUD will then select the applications in order of submission timestamp that affirm “Yes” to all the criteria in the merit review and are from states with fewer than 2,500,000 people until \$30,000,000 in awards are made. HUD may award less than that amount if an insufficient number of eligible applications from small states are received.
- iii. HUD will then select the remaining applications in order of submission timestamp that

affirm “Yes” to all the criteria in the merit review until the total amount of funding for awards for applications is up to \$75,000,000.

E. Award Notices

If you are successful, HUD will email an award notice to the authorized official representative from the SF-424. HUD will also notify unsuccessful applicants.

The award notice communicates the amount of the award, important dates, and the terms and conditions you need to follow. HUD may impose specific conditions on an award as provided under [2 CFR 200.208](#).

You agree to the award terms and conditions by either drawing funds from HUD’s payment system or signing the agreement with HUD. If you do not agree to the award terms and conditions, HUD may select another eligible applicant.

Under [2 CFR 200.458](#) pre-award costs are allowable with written approval from HUD if such costs: a) are consistent with [2 CFR 200.458](#); and b) would be allowable as a post-award cost; and c) do not exceed 10 percent of the total funds obligated to this award. However, HUD will not consider eligibility for pre-award costs until after the date of the HUD selection notice. Additionally, the incurrence of pre-award costs in anticipation of an award imposes no obligation on HUD either to make the award, or to increase the amount of the approved budget, if the award is made for less than the amount anticipated and is inadequate to cover the pre-award costs incurred.

For selected projects, HUD will require recordation of a HUD-approved use and repayment covenant before funds can be drawn down (the form can be obtained from the local HUD CPD field office) for all grants of funds for new construction, acquisition, and rehabilitation. ([24 CFR 578.81](#)) HUD Field Office Counsel must approve the use and repayment covenants in advance of their being recorded, and proof of recording must be submitted to HUD Field Office Counsel before HUD will release grant funds, other than acquisition funds.

If the award includes funds for acquisition, HUD may allow recipients to draw down acquisition funds before recording the Declaration of Restrictive Covenant if the HUD Field Office confirms that the escrow agent has received the Declaration of Restrictive Covenant and the recording instructions. The recipient or subrecipient may not draw down any funds other than acquisition funds until HUD Field Counsel has confirmed the Declaration of Restrictive Covenants has been recorded.

VI. SUBMISSION REQUIREMENTS AND DEADLINES

VI. Submissions Requirements and Deadlines

A. Deadlines

B. Submission Methods

C. Other Submissions

D. False Statements

VI. SUBMISSION REQUIREMENTS AND DEADLINES

You must apply electronically. See [Find the Application Package](#) to make sure you have everything you need to apply online. See [Application Waiver](#) if you qualify to submit a paper application.

Make sure you are current with [SAM.gov](#) and UEI requirements before applying for the award. See the [Before You Begin](#) section of this NOFO.

A. Deadlines

1. Application submission deadline:

The application deadline is 3:00 PM Eastern time on:

09/12/2025

HUD must receive your application by the deadline. Applications received after the deadline are late. Late applications are not eligible for HUD funding.

If HUD receives more than one application from you, HUD will review only the last submission.

HUD may extend an application due date based on emergency situations such as Presidentially-declared natural disasters. Improper or expired registration and password issues are not causes to allow HUD to accept applications after the deadline date.

HUD will not consider any extensions under this NOFO.

- **Geographic Diversity.** HUD has determined that geographic diversity is an appropriate consideration in selecting projects under this NOFO. HUD believes that geographic diversity can be achieved best by awarding grants in each of HUD's ten regions. To this end, in instances where any of the ten regions do not have at least one funded project, HUD reserves the right to fund eligible project(s) with the highest total score in that region.
- **Funding Diversity.** HUD reserves the right to reduce the amount of a grant, if necessary, to ensure no more than 20 percent of assistance made available under this NOFO will be awarded to projects located within any one state. Additionally, HUD reserves the right to select up to four projects where PSH units will be located on Tribal reservations, trust lands, or in Tribal projects located in IHBG formula areas.
- **Tie Breaking Rules.** Submission timestamps will be used to determine awards for equally eligible applicants.

B. Submission Methods

Applications under this NOFO must be submitted in *Grants.gov* by the due dates and times indicated.

Need Help? See the [Contact and Support](#) section of this NOFO.

2. Electronic Submission Application Waiver

You may request a waiver from the requirement to submit your application electronically. The request must show good cause and detail why you are technologically unable to submit electronically. An example of good cause may include: a valid power or internet service disruption in the area of your business office. Lack of [SAM.gov](https://www.sam.gov) registration is not good cause.

Use the information in the [Contact and Support](#) section of this NOFO to submit a written request to HUD. You must **submit your waiver request at least 15 calendar days before the application deadline.**

C. Other Submissions

1. Intergovernmental Review

This NOFO is not subject to Executive Order [12372](#). No action is needed.

2. Technical Application Errors

HUD may contact you to fix a technical error with your timely application after the due date. Technical errors that you may fix are not submitted to satisfy merit review criteria. And you may not fix technical errors related to threshold review except eligibility entity documentation. Examples of technical errors include: inconsistencies in funding requests; improper signature on a form; a missing or incomplete form; and nonprofit status documentation.

HUD will send notice to the authorized organization representative from the SF-424 to fix a technical error.

Your application is not eligible for funding, if you fail to fix the error to HUD's satisfaction and by the due date in HUD's notice. HUD will not review information submitted after the application due date in HUD's notice.

a. Fix Errors in Electronic Applications

To fix an error in response to a HUD notice, you must email the corrections to HUD at CoCNOFO@hud.gov.

HUD allows 7 calendar days from the date of the HUD notice to fix an error. If the due date to fix an error falls on a Saturday, Sunday, Federal holiday, or on a day when HUD's Headquarters office in Washington, DC is closed, then the due date is the next business day.

b. Fix Errors in Paper Applications

You must fix an error in your paper application, in accordance with HUD's notice. If your paper application includes an incorrect UEI, HUD will request you supply the correct UEI.

D. False Statements

By submitting an application, you acknowledge your understanding that providing false or misleading information during any part of the application, award, or performance phase of an award may result in criminal, civil or administrative sanctions, including but not limited to: fines, restitution, and/or imprisonment under 18 USC 1001, 18 USC 1012, 18 USC 1010, 18 USC 1014, or 18 USC 287; treble damages and civil penalties under the False Claims Act, 31 USC 3729 et seq.; double damages and civil penalties under the Administrative False Claims

Act, 31 USC Sections 3801-3812; civil recovery of award funds; suspension and/or debarment from all federal procurement and non-procurement transactions, FAR Part 9.4 or 2 CFR Part 180; and other remedies including termination of active HUD award.

VII. POST - AWARD REQUIREMENTS AND ADMINISTRATION

VII. Post-Award Requirements and Administration

- A. Administrative, National and Departmental Policy Requirements and General Terms and Conditions
- B. Environmental Requirements
- C. Remedies for Noncompliance
- D. Reporting

VII. POST-AWARD REQUIREMENTS AND ADMINISTRATION

Standard post-award requirements are available online at: 24 CFR 58.85 .

A. Administrative, National and Departmental Policy Requirements, and General Terms and Conditions

You must follow the applicable provisions in the [Administrative, National & Departmental Policy Requirements and Terms for HUD Financial Assistance – 2025](#). You must comply with these applicable provisions:

1. The Fair Housing Act ([42 USC 3601-3619](#)) and Civil Rights laws which encompass the Fair Housing Act and related authorities (24 CFR 5.105(a))
2. Affirmatively Furthering Fair Housing (AFFH) requirements, ([42 USC § 3608\(e\)\(5\)](#)) and implementing regulations at [24 CFR 5.150 et seq.](#) as amended by 90 FR 11020.
3. Economic Opportunities for Low-and Very Low-income Persons ([12 USC 1701u](#)) requirements, including those listed at [24 CFR part 75](#)
4. Compliance with Immigration Requirements (8 U.S.C. 1601-1646; [Executive Order 14218](#))
5. Accessible Technology requirements, ([29 USC § 794d](#), 29 USC 794, 42 USC 12131-12165) and implementing regulations at 36 CFR part 1194 (Section 508 regulations), [24 CFR § 8.6](#) (Section 504 effective communication regulations), 28 CFR part 35, subpart H (DOJ Web Access Rule), and [28 CFR part 35, subpart E](#) (DOJ's Title II communications regulations)
6. Ensuring, when possible, small businesses, minority businesses, women's business enterprises, veteran-owned businesses, and labor surplus area firms receive consideration consistent with [2 CFR 200.321](#)
7. Equal Participation of Faith-based Organizations in HUD Programs and Activities consistent with 42 U.S.C. 2000bb et seq.; 42 U.S.C. 2000d et seq.; 24 CFR 5.109; and Executive Orders 14202, *Eradicating Anti-Christian Bias* and EO 14205, *Establishment of the White House Faith Office*.
8. Uniform Relocation Assistance and Real Property Acquisition Policies Act ([42 USC § 4601 et seq.](#)) (URA) requirements, [49 CFR part 24](#), and applicable program regulations
9. Participation in HUD-Sponsored Program Evaluation (12 USC 1701z-1; 12 USC 1702z-2; 24 CFR part 60; and FR-6278-N-01)
10. OMB Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards ([2 CFR part 200](#))
11. Drug-Free Workplace requirements ([2 CFR part 2429](#))
12. HUD requirements related to safeguarding resident/client files (e.g., [2 CFR 200.303\(e\)](#))
13. The Federal Funding Accountability and Transparency Act of 2006 ([2 CFR part 170](#)) (FFATA), as amended

15. Accessibility for Persons with Disabilities requirements ([29 USC § 794](#)) and implementing regulations at [24 CFR parts 8](#) and [100](#); [28 CFR part 35](#)
16. Applicable Violence Against Women Act requirements in the Housing Chapter of VAWA ([34 USC § 12491-12496](#)) [24 CFR part 5, subpart L](#), and program-specific regulations.
17. Conducting Business in Accordance with Ethical Standards/Code of Conduct, including [2 CFR 200.317](#), [2 CFR 200.318\(c\)](#) and other applicable conflicts of interest requirements
18. [Build America, Buy America \(BABA\) Act](#) procurement purchase requirements
20. Environmental requirements that apply in accordance with [24 CFR part 50](#) or [part 58](#)
22. Unless prohibited by law and to the extent permitted under the Freedom of Information Act (FOIA), your application and post-award content may be released to the public in response to FOIA requests, except to the extent that certain information may be withheld under a FOIA exemption ([5 USC § 552\(b\)](#); [24 CFR 15.107\(b\)](#)). HUD may also share your information within HUD or with other Federal agencies if HUD determines that sharing is relevant to the respective program's objectives.
23. Waste, Fraud, Abuse, and Whistleblower Protections. [41 USC § 4712](#), which includes informing your employees in writing of their rights and remedies, in the predominant native language of the workforce. Under [41 U.S.C. § 4712](#), employees of a contractor, subcontractor, grantee, subgrantee, and personal services contractor may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing information that the employee reasonably believes is evidence of gross mismanagement of a Federal contract or grant, a gross waste of Federal funds, an abuse of authority relating to a Federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a Federal contract (including the competition for or negotiation of a contract) or grant. (See [Federal Contractor or Grantee Protections | Office of Inspector General, Department of Housing and Urban Development \(hudoig.gov\)](#))
24. Implementing Presidential Executive Actions affecting federal financial assistance programs, as advised by the Department, unless otherwise restricted by law: Executive Order (EO) [14219](#) (Ensuring Lawful Governance and Implementing the President's "Department of Government Efficiency" Deregulatory Initiative); [14218](#) (Ending Taxpayer Subsidization of Open Borders); guidance resulting from the White House Task Force established by [14202](#) (Eradicating Anti-Christian Bias) and the Senior Advisor to the White House Faith Office assigned by [14205](#) (Establishment of the White House Faith Office); [14182](#) (Enforcing the Hyde Amendment); [14173](#) (Ending Illegal Discrimination and Restoring Merit-Based Opportunity); [14168](#) (Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the Federal Government); [14151](#) (Ending Radical and Wasteful Government DEI Programs and Preferencing); and [14148 \(Initial Rescissions of Harmful Executive Orders and Actions\)](#)

B. Environmental Requirements

1. Environmental Review

You must follow these environmental review requirements, including regulations at:

[24 CFR part 50](#)

[24 CFR part 58](#)

Compliance with environmental requirements, including regulations at [24 CFR 50](#) or [58](#):

Notwithstanding 24 CFR 578.31 and 24 CFR 578.99(a) of the Rule, and in accordance with Section 100261(3) of MAP-21 (Pub. L. 112-141, 126 Stat. 405), activities under this NOFO are subject to environmental review by a responsible entity under HUD regulations at 24 CFR part 58 or by HUD under 24 CFR part 50.

1. Two types of projects are Categorically Excluded from review under the National Environmental Policy Act and not subject to the laws and authorities listed under 24 CFR 58.5 (CENST): All scattered-site projects where program participants choose their own unit and are not restricted to units within a pre-determined specific project site or sites are categorized in 24 CFR 58.35(b)(1) as CENST. This includes both tenant-based rental assistance and tenant-based leasing projects where program participants choose their own unit. An Exempt/CENST environmental review determination addressing the laws and authorities at 24 CFR 58.6 is only required for each project, not every unit.
2. For activities under a grant to a recipient other than a state or unit of general local government that generally would be subject to review under 24 CFR part 58, HUD may make a finding in accordance with 24 CFR 58.11(d) and may itself perform the environmental review under the provisions of 24 CFR part 50.
3. Irrespective of whether the responsible entity in accordance with 24 CFR part 58 (or HUD in accordance with 24 CFR part 50) performs the environmental review, the recipient must supply all available, relevant information necessary for the responsible entity (or HUD, if applicable) to perform for each property any required environmental review. The recipient also must carry out mitigating measures required by the responsible entity (or HUD, if applicable) or select alternative property.
4. The recipient, its project partners, and their contractors may not acquire, rehabilitate, convert, lease, repair, dispose of, demolish, or construct property for a project under this NOFO, or commit or expend HUD or Non-HUD funds for such eligible activities under this NOFO, until the responsible entity (as defined by 24 CFR 58.2(a)(7)) has completed the environmental review procedures required by 24 CFR part 58 and the environmental certification and Request for Release of Funds (RROF) have been approved or HUD has performed an environmental review under 24 CFR part 50 and the recipient has received HUD approval of the project. HUD will not release grant funds if the recipient or any other party commits grant funds (i.e., incurs any costs or expenditures to be paid or reimbursed with such funds) before the recipient submits and HUD approves its RROF (where such submission is required), or HUD has completed the environmental review under 24 CFR part 50 and notified the recipient of its approval of the project.

Acquisition and Relocation Requirements

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA) and its implementing regulations, implemented through the CoC program via [24 CFR](#)

[578.83](#), apply to any acquisition, rehabilitation, or demolition undertaken as part of any project funded under this NOFO. Grantees are thus required to plan for relocation and displacement, provide proper notification and all applicable relocation assistance to residents and owners, comply with acquisition requirements, and keep adequate records of acquisition and relocation activities. Relocation assistance can prove costly, so it's important for grantees to minimize displacement and proactively plan for relocation costs. Grantees are encouraged to contact their [HUD Regional Relocation Specialist](#) with any questions or concerns pertaining to acquisition and relocation compliance and best practices.

2. NOFO Impact Determination Related to the Environment

This NOFO has no significant impact related to the environment. HUD has made a Finding of No Significant Impact (FONSI) as required by HUD regulations at [24 CFR part 50](#), which implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 USC § 4332(2)(c)). To learn more about this FONSI, go to [HUD's Funding Opportunities](#) web page.

3. Lead-Based Paint Requirements

You must follow the lead-based paint rules below if you fund any work on pre-1978 housing. This includes buying, leasing, support services, operating, or work that disturbs painted surfaces.

- [HUD's rules](#) (Lead Disclosure Rule; and Lead Safe Housing Rule).
- EPA's rules ([Renovation, Repair and Painting Rule](#), and [Lead Abatement, Inspection and Risk Assessment Rule](#)).

You must discuss the [Lead Disclosure Rule](#) if you fund education or counseling on buying or renting housing that may have been built before 1978. You must also discuss the Lead Safe Housing Rule if the education or counseling focuses on buying or renting HUD-assisted pre-1978 housing.

C. Remedies for Noncompliance

HUD may terminate all or a part of your award as described under 2 CFR 200.340 through 200.343 pursuant to the terms and conditions of your award, including, to the extent authorized by law, if an award no longer effectuates the program goals or agency priorities. HUD may also impose specific conditions on your award or take other remedies as described by 2 CFR 200.339 through 200.343, if you do not comply with your award terms and conditions.

HUD may terminate all or a part of your award as described under 2 CFR 200.340 through 200.343 pursuant to the terms and conditions of your award, including, to the extent authorized by law, if an award no longer effectuates the program goals or agency priorities. HUD may also impose specific conditions on your award or take other remedies as described by 2 CFR 200.339 through 200.343, if you do not comply with your award terms and conditions.

D. Reporting

HUD requires recipients to submit the performance, financial, and program reports as

outlined below. You must comply with these reporting requirements to remain eligible for HUD funding. See [Section VII.C.](#) of this NOFO.

HUD is implementing new grants management and reporting tools, which will be rolled out for your use in the near term. As a grantee, you will be required to report on grant performance and financial activities (including vendor and cash disbursement supporting details for yourself and your sub-recipients) using these new tools when they are released. HUD will work with you to support your transition to this new reporting environment. Once implemented, timely reporting in this new environment will be mandatory. HUD reserves the right to exercise all available rights and remedies for any noncompliance with these grants management and financial reporting requirements, to include requiring 100% review or stopping future disbursements altogether if reporting is not timely submitted.

Report	Description	When
Federal Funding Accountability and Transparency Act (FFATA)	<ul style="list-style-type: none"> Awards equal to or greater than \$30,000 Data on executive compensation and first-tier subawards See Public Law 109-282 and 2 CFR part 170 HUD reports initial prime recipient data to usaspending.gov Submit via SAM.gov 	See 2 CFR Appendix A to Part 170(a)(2)(ii)
Reporting on Recipient Integrity and Performance Matters	<ul style="list-style-type: none"> Total value of all current Federal awards exceeds \$10,000,000 for any period of time during the period of performance of this Federal award See Appendix XII to 2 CFR 200 Submit via SAM.gov 	See 2 CFR Appendix-XII to Part 200 I.(d)
Progress Report	<ul style="list-style-type: none"> Summary of progress status Work to be performed during the next 	

Report	Description	When
	reporting period <ul style="list-style-type: none"> Any anticipated risks and plans to mitigate those risks 	
Race, Ethnicity, and Other Data Reporting	Recipients that provide HUD-funded program benefits to individuals or families, report data on the race, color, religion, sex, national origin, age, disability, and family characteristics of persons and households funded by this program	
Audited financial statement	Recipient's organizational structure, any sub-grantees or sub-recipients, and how each disbursement of grant funds was applied to an eligible cost throughout the life of the grant to receive disbursements of Federal funds.	No less than annually

1. Program Specific Reporting Requirements.
- a. In accordance with [24 CFR 578.103](#), recipients must maintain records within the timeframe required, submit any reports, that HUD may require. Recipients may report the data as part of their Annual Performance Report (APR) submission to HUD. Additionally, recipients that expend \$750,000 or more in 1 year in federal awards must have a single audit or program-specific audit for that year in accordance with [2 CFR part 200, subpart F](#).

b. Section 3 Reporting Regulations. Recipients are required to report their Section 3 activities per 24 CFR 75.25 if funds were awarded for housing rehabilitation, housing construction, and other public construction. See [HUD's Section 3](#) website for additional information including annual reporting requirements.

c. Award notices may also include requirements for sub-award reporting in compliance with the requirements of the Federal Financial Assistance Accountability and Transparency Act of 2006 (Pub. L. 109-282) (FFATA) and Section 872 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Pub. L. 110-417), referred to as "Section 872." See the General Section for further information.
2. Administrative and Other Program Requirements. Federal agencies are required to

measure the performance of their programs. HUD captures this information from monitoring visits and APRs.

3. Timeliness Standards. All conditional funds awarded under this NOFO must be obligated by HUD by September 15, 2025. Once obligated, these funds will remain available for expenditure until September 30, 2030.

HUD reserves the right to require an earlier expenditure deadline under a grant agreement. The applicant is expected to initiate the approved project promptly in accordance with the requirements of this Section of the NOFO. Projects, and associated grant operations, may not extend beyond the availability of funds. Applicants must plan accordingly and only submit applications that can start operations in a timely manner with sufficient time to complete the post award process within the awarded grant term. Additionally, HUD will act if the recipient fails to satisfy the timeliness standards found in [24 CFR 578.85](#).

VIII. CONTACT AND SUPPORT

VIII. Contact and Support

A. Agency Contact

B. Grants.gov

C. Sam.gov

D. Debriefing

E. Applicant Experience Survey

F. Other Online Resources

VIII. CONTACT AND SUPPORT

Individuals who are deaf or hard of hearing, as well as individuals who have speech or communication disabilities may use a relay service. To learn more about how to make an accessible telephone call, visit the webpage for the [Federal Communications Commission](#).

A. Agency Contact

1. Program and Application Requirements

Name: Office of Community Planning and Development

Phone: 202-708-1112

Email: CoCBuilds@hud.gov

Note: HUD's assistance is limited by the standards at [24 CFR 4.26](#).

2. Paper Application Waiver Request

Name: _____

Email: CoCBuilds@hud.gov

Phone: 202-708-1112

HUD Organization: _____

Street: _____

City: _____

HUD Reform Act. HUD is prohibited from disclosing [covered selection information](#) during the selection process. The selection process includes NOFO development and publication, and concludes with the announcement of selected recipients of financial assistance. HUD will not assist you with completing your application.

HUD will only address requests related to paper application waiver requests via the phone number provided. All other requests or questions regarding this NOFO must use and will be directed to the email address provided.

B. esnaps.hud.gov

CoCs, Collaborative Applicants, and project applicants that require information and technical support concerning this NOFO and the application in e-snaps may submit an inquiry to CoCNOFO@hud.gov. Starting 2 days prior to the application deadline, this email address will respond only to emergency technical support questions

C. [SAM.gov](https://sam.gov)

If you need help, you can call 866-606-8220 or live chat with the [Federal Service Desk](#).

D. Debriefing and Appeals

1. After public announcement of awards, HUD will debrief the Collaborative Applicant upon

your written request. Submit your written request to the [agency contact for program and application requirements](#) in this NOFO. HUD may limit the information provided to protect the integrity of the competition.

2. You may appeal an application decision or a HUD funding decision. Email your appeal to snapsappeals@hud.gov. The subject line of your email must include the CoC Number, "Appeal Notice," and type of appeal, i.e., Participation, HUD Error, or Consolidated Plan Certification. A sample email Subject Line is, Subject: XX-500 – Appeal Notice–Consolidated Plan Certification.

[24 CFR 578.35](#) sets forth the following types of appeals:

- **Solo Applicants.** A process for eligible project applicants that attempted to participate in their CoC planning process and believe they were denied the right to participate in a reasonable manner.
- **Denied or Decreased Funding.** A process for eligible applicants that are denied funds by HUD or that requested more funds than HUD awarded to them.
- **Consolidated Plan Certification.** A process for eligible applicants whose jurisdiction refused to provide a Certification of Consistency with the Consolidated Plan (form HUD-2990).
- **Competing CoCs.** A process when more than one CoC selects the same geographic area, for eligible applicants of lower-scoring CoCs, to appeal to HUD's decision to fund the competing CoC. Should two or more CoCs select the same geographic codes associated with formula areas during the CoC Program Registration process, HUD will use the competing CoC process provided by 24 CFR 578.35(d).

Appeals must be submitted via email to snapsappeals@hud.gov. The subject line of your email must include the CoC Number, Applicant Name, Appeal Notice, and type of appeal (i.e., Denied, Decreased, Consolidated Plan Certification). An example Subject Line is: AA-500 – Appeal Notice – Consolidated Plan Certification. HUD will not accept or consider appeals outside of those listed below, nor will it consider appeals that do not include the requirements listed in this Section.

HUD will respond to all appeals via email and will not consider any requests to reconsider funding except for the types of appeals outlined below.

- a. **Solo Applicant.** Per the Act, "A solo applicant may submit an application to the Secretary for a grant under subsection (a) and be awarded such grant on the same basis as such grants are awarded to other applicants based on the criteria described in section 427, but only if the Secretary determines that the solo applicant has attempted to participate in the continuum of care process but was not permitted to reasonably participate. The Secretary may award such grants directly to such applicants in a manner determined to be appropriate by the Secretary."

To apply as a solo applicant, the project applicant must submit a Solo Applicant Project Application in [Grants.gov](#) by the application submission deadline of September 12, 2025 at 3:00 PM ET. Additionally, the solo applicant, Collaborative Applicant, and HUD must take the following steps (See 24 CFR 578.35 for more information):

1. Written Notice of Intent to Appeal. The solo applicant must submit a written notice of intent to appeal, with a copy to the CoC, with their funding application.
 2. No later than 30 days after the date that HUD announces the awards, the solo applicant shall submit in writing, with a copy to the Collaborative Applicant, all relevant evidence supporting its claim. The submission shall be emailed to snapsappeals@hud.gov.
 3. The CoC has 30 days from the date of its receipt of the solo applicant's evidence to respond to HUD in writing, with a copy to the solo applicant. The submission must be emailed to snapsappeals@hud.gov.
 4. HUD will notify the solo applicant and the CoC of its decision within 60 days of receipt of the CoC's response.
 5. If HUD finds that the solo applicant was not permitted to participate in the Continuum of Care planning process in a reasonable manner, then HUD may award a grant to the solo applicant when funds next become available and may direct the Continuum of Care to take remedial steps to ensure reasonable participation in the future. HUD may also reduce the award to the Continuum's applicant(s).
- b. Denied or Decreased Funding. Eligible applicants that applied to HUD in response to this NOFO, that were either not awarded funds by HUD, or that requested more funds than HUD awarded, may appeal HUD's decision within 45 days after the final funding announcement. HUD will only consider funding or additional funding based on the CoC's maximum amount available. To appeal HUD's decision, you must submit a written appeal to HUD, with a copy to the authorized representative from the CoC's designated Collaborative Applicant, that must include evidence demonstrating HUD error and follow the instructions for submitting an appeal.
- (1) For applicants that were fully denied funding for a grant, you must provide evidence that demonstrates HUD error in not awarding the grant. Your documentation must include:
 - a. evidence from the application supporting your claim that the application met project eligibility and project quality; and
 - b. evidence that you believe HUD failed to follow its selection priorities set forth in this NOFO that resulted in the project not receiving funding.
 - (2) If your application was denied funding due to the application being decreased to such a level that the project was no longer feasible, documentation submitted must include:
 - (a) evidence from the project application supporting your claim that the project application met project eligibility and project quality thresholds set forth in the NOFO; and
 - (b) evidence that you believe HUD failed to follow its selection priorities set forth in this NOFO that resulted in the application not receiving funding.
3. If your application was denied funding due to the application score not being high

enough due to HUD error, you may appeal the application score and request funding for the project. The documentation submitted must include evidence of HUD error when calculating the application score.

4. Where HUD determines that a HUD error occurred, and you should have been awarded funding or additional funding, HUD will provide funding from the next available funds and make necessary adjustments by amending the award. HUD will reverse a decision only when you can show that HUD error caused the denial or decrease.

c. Consolidated Plan Certification. An applicant may appeal to HUD a jurisdiction's refusal to provide a certification of consistency with the Consolidated Plan.

(1) Written Appeal. With the application that is submitted by the application submission deadline, you must submit a written appeal that is attached to the application and email a copy of the appeal to the jurisdiction that denied the Certification of Consistency with the Consolidations Plan and send a copy to the authorized representative from the CoC's designated Collaborative Applicant. The written appeal must include the following information:

- a. a copy of your request to the jurisdiction for the Certification of Consistency with the Consolidated Plan; and
- b. a copy of the jurisdiction's response stating the reason(s) the proposed project is not consistent with the jurisdiction's Consolidated Plan in accordance with 24 CFR 91.510(c); and a statement of the reasons why the applicant believes its project is consistent with the jurisdiction's Consolidated Plan.

(2) Jurisdiction's Response. The jurisdiction will have 10 days after the receipt of your written appeal to submit a written response to HUD. The response must be sent by email to snapsappeals@hud.gov on the jurisdiction's letterhead, with a copy to you. The response must include the following information:

- a. an explanation of the reason(s) originally given for refusing to provide the Certification with the Consolidated Plan; and
- b. written rebuttal to any claims made by your in the written appeal.

d. HUD Decision and Notification of Decision.

1. HUD will review the appeal submissions and provide written notification, by email, of its decision to you and the jurisdiction within 45 days of the date of the receipt of the jurisdiction's response. In making its decision, HUD will consider whether you submitted the request to the appropriate certifying jurisdiction and the reasonableness of the jurisdiction's refusal to provide the certification.
2. If HUD finds the certifying jurisdiction's refusal to provide the Certification of Consistency with the Consolidated Plan was reasonable, HUD will automatically reject the application. If HUD finds the certifying jurisdiction's refusal to provide a Certification of Consistency with the Consolidated Plan was unreasonable, HUD will consider the application for funding in accordance with the review standards set forth in this NOFO.
3. If the jurisdiction failed to provide written reasons for refusal, including the reason(s)

why the project is inconsistent with the jurisdiction's Consolidated Plan in its initial response to your request for a certification, HUD will find in your favor without further inquiry or response from the political jurisdiction.

4. HUD will provide written notification of its decision with 45 days of the date of HUD's receipt of the jurisdiction's response. If the jurisdiction failed to provide a written response, HUD will provide written notification of its decision within 55 days of the date of HUD's receipt of your response.

E. Applicant Experience Survey

You are encouraged to provide feedback on your application experience by completing our [Applicant Experience Survey](#). Your feedback is optional; you are not required to provide personal information. HUD may use your feedback to improve future NOFOs. Your feedback has no impact on funding decisions.

F. Other Online Resources

You are encouraged to review the [online resources](#) for context on some of the NOFO requirements.

APPENDIX

[Appendix](#)

[Appendix I Definitions](#)

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APPENDIX

Appendix I. Definitions

1. Standard Definitions

For standard definitions not listed below, refer to [2 CFR 200.1](#).

Affirmatively Furthering Fair Housing (AFFH) - statutory obligation to affirmatively further the purposes and policies of the Fair Housing Act (see also [24 CFR 5.151](#), as amended by 90 FR 11020).

Authorized Organization Representative (AOR) is the official within your organization with the legal authority to: give assurances, make commitments, submit your application to HUD, enter into agreements, and execute such documents on behalf of your organization. The AOR is not necessarily the Project Director. The AOR has [defined privileges](#) within Grants.gov.

Consolidated Plan has the same meaning as defined at [24 CFR part 91](#).

E-Business Point of Contact (E-Biz POC) is [defined at Grants.gov](#).

Eligibility requirements are mandatory requirements for an application to be considered for funding.

Grants.gov is the website serving as the Federal government’s central portal for searching and applying for federal financial assistance.

Primary Point of Contact (PPOC) is the person HUD may contact with questions about the application submitted. The PPOC is listed in item 8F on the SF-424.

Small business is defined as a privately-owned corporation, partnership, or sole proprietorship that has fewer employees and less annual revenue than regular-sized business. The definition of “small”—in terms of being able to apply for government support and qualify for preferential tax policy—varies by country and industry. The U.S. Small Business Administration defines a small business according to a set of standards based on specific industries. See [13 CFR part 121](#).

System for Award Management (SAM) has the same meaning as [2 CFR 25.100\(b\)](#).

Threshold Requirements are eligibility requirements you must meet before HUD advances to a merit review of your application.

Unique Entity Identifier (UEI) has the same meaning as [2 CFR 25.100\(a\)](#).

2. Program Definitions.

- a. The following definitions are defined in 24 CFR 578.3.
1. Applicant

2. Centralized or Coordinated Assessment System (also known as Coordinated Entry)

3. Collaborative Applicant

4. Continuum of Care

5. Consolidated Plan
6. Homeless Management Information System (HMIS)
7. HMIS Lead
8. Homeless. Although not reflected in the regulation, section 605 of the Violence Against Women Reauthorization Act of 2022 amended Section 103(b) of the McKinney-Vento Homeless Assistance Act and requires HUD to consider certain individuals and families as homeless. This amendment took effect on October 1, 2022. Notwithstanding anything to the contrary contained elsewhere in this NOFO, where 24 CFR 578.3 of the homeless definition, paragraph (4) is referenced, you may apply to serve the population as defined in Section 103(b) of the Act.
9. Permanent Housing
10. Permanent Supportive Housing
11. Private Nonprofit Organization
12. Program Participant
13. Project
14. Recipient
15. Subrecipient
16. Unified Funding Agency
17. Victim Service Provider

b. CoC Builds NOFO Concepts. The following terms are not found in 24 CFR 578.3 but are used in other areas of the Rule or are used in this NOFO to define concepts that pertain specifically to this NOFO.

1. Adaptive Reuse. Refers to the process of reusing an existing building for a purpose other than which it was originally built or designed for. It is also known as recycling and conversion. Adaptive reuse is an effective strategy for optimizing the operational and commercial performance of built assets. Where possible, consider existing vacant structures that were initially designed for use other than housing (e.g., used as office space) if requesting funds for rehabilitation or acquisition where the structure can be cost-effectively restructured to create new PH-PSH units for individuals and families experiencing homelessness.
2. Annual Renewal Demand (ARD) (24 CFR 578.17(b)(2)). The total amount of all the CoC's projects that were eligible for renewal in the FY 2023 CoC Program Competition, before any required adjustments to funding for rental assistance, and operating Budget Line Items (BLIs) based on FMR changes.
3. Consolidated Plan Certification. The standard form HUD-2991, *Certification of Consistency with the Consolidated Plan* in which a state or local official certifies the proposed project, and activities are consistent with the jurisdiction's Consolidated Plan and, if the project applicant is state or unit of local government, that the jurisdiction is following its Consolidated Plan per the requirement of 24 CFR part 91.

4. Final Pro Rata Need. (24 CFR 578.17(b)(3)). The higher of Preliminary Pro Rata Need (PPRN) or ARD for the CoC is the FPRN, which determines the amount of CoC Builds funds a project can apply for through this NOFO.
5. Formula. Defined in 24 CFR 578.17(a).
6. Formula Area. Defined in the Indian Housing Block Grant Program at [24 CFR 1000.302](#).
7. Indian Tribe. A federally recognized Tribe or a State recognized Tribe as defined in Section 4 of NAHASDA (25 U.S.C. 4103).
8. Low-income Housing Tax Credit. Provides a tax incentive to construct or rehabilitate affordable rental housing for low-income households.
9. Reservation. For purposes of this NOFO, reservations are a type of formula area as specifically delineated under HUD's IHBG program at 24 CFR 1000.302.
10. Rural Area. For this competition, a rural area is a county which:
 - a. has no part of it within an area designated as a standard metropolitan statistical area by the office of Management and Budget;
 - b. is within an area designated as a metropolitan statistical area or considered as part of a metropolitan statistical area and at least 75 percent of its population is local on U.S. Census blocks classified as non-urban; or
 - c. is located in a state that has a population density of less than 30 persons per square mile (as reported in the most recent decennial census), and of which at least 1.25 percent of the total acreage of such State is under Federal jurisdiction, provided that no metropolitan city in such State is the sole beneficiary of the grant amounts awarded under this NOFO. A metropolitan city means a city that was classified as a metropolitan city under section 102(a) of the Housing and Community Development Act of 1974 (42.U.S.C. 5302(a)) for the fiscal year immediately preceding the fiscal year for which Emergency Solutions Grants program funds are made available.
11. Tribal Project. A Tribal project is a project in which CoC Builds funds will be used for PSH units designed to benefit Tribal communities or Tribal members.
12. Tribally Designated Housing Entity. For purposes of this NOFO, this term has the same meaning as in Section 4 of NAHASDA (25 U.S.C. 4103).
13. Trust land. For purposes of this NOFO, trust lands are a type of formula area as delineated under HUD's IHBG program at 24 CFR 1000.302.
- c. CoC Geographic Area. 24 CFR 578.5 requires representatives from relevant organizations within a geographic area to establish a CoC to carry out the duties within the geographic area. The boundaries of identified CoC geographic areas cannot overlap, and any overlapping geographies are considered Competing CoCs. HUD follows the process at 24 CFR 578.35(d) to determine which CoC HUD will recognize in the case of CoC geographic areas that overlap. For the CoC Builds competition, there are no Competing CoCs.
 - a. Centralized or Coordinated Assessment System. In general, 24 CFR 578.23(c)(9) and

(11) require all CoC program recipients and subrecipients to use the centralized or coordinated assessment system (coordinated entry) established by CoCs. The definition of Centralized or Coordinated Assessment is found at 24 CFR 578.3. 24 CFR 578.7(a)(8) details the responsibilities of the CoC to establish and operate this required system. In addition to the definition and responsibilities established in the Rule, HUD posted on its website, CPD-17-01: Notice Establishing Additional Requirements for a Continuum of Care Centralized or Coordinated Assessment System, establishing additional requirements related to the development and use of a centralized or coordinated entry assessment system. These systems help communities assess the needs of program participants and effectively match individuals and families experiencing homelessness with the most appropriate resources available to address their supportive service and housing needs. CoCs must operate the system with CoC Program funds, other funds, or a combination of the two. Section 578.23(c)(9) of the CoC Program Rule exempts a victim service provider from using the CoC's centralized or coordinated assessment system if victim service providers use a centralized or coordinated assessment system that otherwise meets HUD's requirements.

e. CoC Program Components. 24 CFR 578.37 states CoC funds may be used to pay for the eligible costs listed in 24 CFR 578.39 through 578.63 when used to establish and operate projects under five components: Permanent Housing – Permanent Supportive Housing (PH-PSH) or Rapid Rehousing (PH-RRH); Transitional Housing (TH); Supportive Services Only (SSO); Homeless Management Information System (HMIS); and in some cases, homelessness prevention.

Only designated high performing communities (HPCs) may carry out homelessness prevention activities through the CoC Program. No CoCs have applied for or been designated as a HPC, thus none of the funds in this NOFO can be used for homelessness prevention.

For this NOFO, the following will be considered for funding:

- new PH-PSH which must include a capital costs budget for new construction, acquisition, or rehabilitation; and
- the application may also request no more than 20 percent of an award for CoC Program eligible activities and costs associated with such new PH-PSH projects (see Section IV.G.1 of this NOFO), and no more than 10 percent for administrative costs.

f. Collaborative Applicant. HUD will only review CoC Builds project applications submitted by the CoC-designated Collaborative Applicants. Each CoC-designated Collaborative Applicant may only submit one CoC Builds application. However, if a CoC is working with a Tribe or TDHE to provide units of PSH on Tribal reservations or trust land, two applications may be submitted by the CoC-designated Collaborative Applicant, one for the CoC's geographic area not including the Tribal reservations or trust lands and one where the units will be located on Tribal reservations, trust lands, or in Tribal projects located in IHBG formula areas.

g. Coordination with Housing and Healthcare. The Consolidated Appropriations Act, 2023 and the Consolidated Appropriations Act, 2024 that authorized these funds directs HUD to provide incentives to create project that coordinate with housing providers, healthcare organizations, and social service providers to provide permanent supportive housing.

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

National Alliance to End Homelessness,
Women's Development Corporation

(b) County of Residence of First Listed Plaintiff Washington, D.C.
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

See attachment.

DEFENDANTS

See attachment.

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input checked="" type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Administrative Procedure Act, U.S. Constitution, ultra vires claims

Brief description of cause:
Challenge to unlawful new eligibility and selection criteria for HUD grants

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. **DEMAND \$**

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____ DOCKET NUMBER _____

DATE

September 11, 2025

SIGNATURE OF ATTORNEY OF RECORD

/s/ Amy Romero

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related cases, if any. If there are related cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

1(c) Complete List of Attorneys for Plaintiffs

Amy R. Romero; Kevin Love Hubbard
DeLuca, Weizenbaum, Barry & Revens, Ltd.
199 North Main Street
Providence, RI 02903
(401) 453-1500
Cooperating counsel, Lawyers' Committee for RI

Kristin Bateman; Yenisey Rodriguez; Kristen Miller; Robin F. Thurston
Democracy Forward Foundation
P.O. Box 34553
Washington, DC 20043
(202) 448-9090

Antonia K. Fasanelli (DC Bar No. 481856)
National Homelessness Law Center
1400 16th Street, NW, Suite 425
Washington, DC 20036
(202) 638-2535

Lynette Labinger (RI Bar No. 1645)
128 Dorrance St., Box 710
Providence, RI 02903
(401) 465-9565

Complete List of Defendants

Scott Turner, in his official capacity as Secretary of the United States Department of Housing and Urban Development; **United States Department of Housing and Urban Development**

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____ .

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____ ; or

☐ I returned the summons unexecuted because _____ ; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Rhode Island

National Alliance to End Homelessness, et al.,

Plaintiff(s)

V.

Scott Turner et al.,

Defendant(s)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* United States Department of Housing and Urban Development,
451 7th Street, SW
Washington, DC 20410

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Amy R. Romero
DeLuca, Weizenbaum, Barry & Revens, Ltd.
199 North Main Street
Providence, RI 02903

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: 09/11/2025

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____ .

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____ ; or

☐ I returned the summons unexecuted because _____ ; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Rhode Island

National Alliance to End Homelessness, et al.,

Plaintiff(s)

v.

Scott Turner et al.,

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Pam Bondi, Attorney General
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Amy R. Romero
DeLuca, Weizenbaum, Barry & Revens, Ltd.
199 North Main Street
Providence, RI 02903

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: 09/11/2025

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____ .

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____ ; or

☐ I returned the summons unexecuted because _____ ; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____ .

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____ ; or

☐ I returned the summons unexecuted because _____ ; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: