



U.S. Department of Housing and Urban Development
Community Planning and Development

Special Attention of:

All Secretary's Representatives
All Regional Directors for CPD
All CPD Division Directors
Continuums of Care
Recipients of the Continuum of Care Program

Notice: CPD-14-01

Issued: January 28, 2014

Expires: This Notice applies to (Fiscal Year)
the FY 2013 – FY 2014 CoC
Program Competition only

Cross Reference: 24 CFR Part 578,
42 U.S.C. 11381, et seq.

Subject: Notice on Appeals for the FY 2013 – FY 2014 Continuum of Care (CoC) Program Competition

I. BACKGROUND AND PURPOSE

The Continuum of Care (CoC) Program interim rule, at 24 CFR 578.35 provides appeal options to applicants.

On November 22, 2013, the Notice of Funding Availability (NOFA) for the Fiscal Years 2013 and 2014 CoC Program Competition was posted on grants.gov and HUD.gov, officially commencing the competition for FY 2013 and FY 2014 CoC Program funds. The application deadline for CoC applications for FY 2013 and FY 2014 funds and the project applications for FY 2013 is 7:59:59 p.m. eastern time, **February 3, 2014**. The deadline for submitting the documentation required for FY 2014 funds will be announced in a subsequent Notice to be published by HUD, but will be no earlier than 60 days after Congress enacts an appropriation funding the Department for the balance of FY 2014. See Section I.B.2 of the FY 2013 – FY 2014 CoC Program NOFA for information on when and how to apply for FY 2014 funds. HUD anticipates awarding funding for Tier 1 renewal projects for FY 2013 within 45 days of the application deadlines. HUD will announce any additional Conditional Awards, new projects and Tier 2 renewals, for FY 2013 CoC Program funds after scoring is complete, depending on availability of funding.

Sections 578.35(b)(3), (b)(4), (c)(1) and (d)(2) of the CoC Program interim rule authorize HUD to establish requirements for the form and manner of submissions for appeals by Solo Applicants, applicants with denied or decreased funding, and from competing CoCs by Notice. This Notice establishes those submission requirements. For HUD to consider an appeal under 24 CFR 578.35(b), or (c) the applicant must follow the applicable process set forth in this Notice. There were no competing CoCs for FY 2013 funds; and this notice does not address the process for 24 CFR 578.35 (d). In the subsequent notice for FY 2014 funds, HUD will provide the process to apply as a competing CoC for FY 2014 funds, and the appeal process for competing CoCs.

In addition, this Notice provides guidance to CoCs and applicants regarding appeals of a jurisdiction's refusal to sign the Consolidated Plan certification for a project under 24 CFR 578.35(e).

Additionally, HUD is using this Notice to clarify the impact that Solo Applicant appeals will have on HUD signing grant agreements for FY 2013 and FY 2014 funds awarded under the FY 2013 - FY 2014 CoC Program Competition. If HUD receives one or more Solo Applicant appeals from a CoC for FY 2013 CoC Program funds, then HUD will determine the amount of funding that the Solo Applicants have requested; and, HUD will delay signing grant agreements for the awarded project(s) listed at the bottom of the CoC's priority listing that have requested funding for FY 2013 equal to double the amount requested by the solo applicant(s). If HUD receives one or more Solo Applicant appeals from a CoC for FY 2014 CoC Program funds, then HUD will determine the amount of funding that the Solo Applicants have requested; and, HUD will delay signing grant agreements for the awarded project(s) listed at the bottom of the CoC's priority listing that have requested funding for FY 2014 equal to double the amount requested by the solo applicant(s). Please refer to the Solo Applicant appeal process set forth in this Notice for additional information about the Solo Applicant appeal process.

Finally, this Notice clarifies, that for the purposes of the appeals identified in this Notice where the CoC Program interim rule requires that all evidence be sent to the CoC and that the CoC respond to evidence, this means that **correspondence to the CoC should be addressed to the CoC's designated Collaborative Applicant and all correspondence to HUD from the CoC should be addressed from the CoC's designated Collaborative Applicant**. If the CoC has authorized another entity other than the Collaborative Applicant to respond to the appeals identified in this Notice on its behalf, it should contact HUD in the manner described in Section III.A or III.B of this Notice, and identify the entity authorized to respond to appeals identified in this Notice.

II. TYPES OF APPEALS

The CoC Program interim rule 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 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.

Competing CoCs—a process for eligible applicants of the lower scoring CoC to appeal HUD's decision to fund the competing CoC. **There were no Competing CoCs for FY 2013 funds; therefore, this Notice does not address the process for appealing HUD's decision to award the competing CoC.** In the subsequent

notice for FY 2014 funds, HUD will provides the process to apply as a competing CoC for FY 2014 funds, and the appeal process for Competing CoCs.

A. Solo Applicants

Project applicants that attempted to participate in the CoC planning process for FY 2013 funds in the geographic area in which they operate, that believe they were denied the right to participate in a reasonable manner may appeal the CoC decision not to include their project application in the Priority Listing for FY 2013 funds. In order to appeal, the project applicant must have submitted a solo application for funding to HUD, in *e-snaps*, by the application deadline established in the NOFA. With the project application submitted in *e-snaps*, the project applicant must have attached a written notice of their intent to appeal in *e-snaps*. At the time the application and notice of intent to appeal are submitted to HUD through *e-snaps*, the project applicant must also provide a copy of the notice of intent to appeal to the CoC. The copy should be addressed to the authorized representative from the CoC's designated Collaborative Applicant. Additionally, HUD encourages the project applicant to share a copy of the notice of intent to appeal to the chair of the CoC Board or the Chair of another CoC leadership committee. This notice of intent to appeal should be sent by email, from the organization's email address, or by mail, on the organization's letterhead and signed by the authorized representative.

Because the amount of funding available for FY 2014 is not yet known, HUD will publish at a later date any additional application requirements and the submission deadline for FY 2014 funds. However, the appeal process for project applicants that attempted to participate in the CoC planning process for FY 2014 CoC Program funds in the geographic area in which they operate, that believe they were denied the right to participate in a reasonable manner and are appealing the CoC decision not to include their project application in its Priority Listing for FY 2014 funds is included in this Notice.

The appeals process for FY 2013 funds is as follows:

1. **Written Notice of Intent to Appeal.** With the FY 2013 project application that is submitted through *e-snaps* by the application deadline, the project applicant must also submit a written notice of intent to appeal. At the time the application and notice of intent to appeal are submitted to HUD through *e-snaps*, the project applicant must also provide a copy of the notice of intent to appeal to the CoC. The copy should be addressed to the authorized representative from the CoC's designated Collaborative Applicant. Additionally, HUD encourages the project applicant to share a copy of the notice of intent to appeal to the chair of the CoC Board or the Chair of another CoC leadership committee. Once the project applicant submits an appeal, the project applicant is known as a Solo Applicant.
2. **Evidence Supporting Appeal.** No earlier than the date that HUD announces the FY 2013 conditional awards for new projects and Tier 2 renewals, but no later than 30 days after the date that HUD announces the

FY 2013 conditional awards for new projects and Tier 2 renewals, the Solo Applicant must submit any evidence indicating that the CoC did not allow the Solo Applicant to participate in the CoC planning process in a reasonable manner. Solo Applicants must submit all evidence by email, from the organization's email address, or by mail, on company letterhead to: HUD and the authorized representative from the CoC's designated Collaborative Applicant. Additionally, HUD encourages the project applicant to share a copy of the notice of intent to appeal to the chair of the CoC Board or the Chair of another CoC leadership committee.

HUD will only consider one submission from the Solo Applicant. If HUD receives more than one submission from any solo applicant, HUD will only consider the first submission it receives and will not review any subsequent submissions; therefore, it is important that the Solo Applicant include all relevant evidence that it intends HUD to consider in its initial submission.

The Solo Applicant should include all evidence that it believes supports its claim that it was not allowed to participate in the CoC planning process in a reasonable manner; however, at a minimum, the evidence submitted to support the appeal request should include the following information:

- (A) the notification process used by the CoC to provide public notification of all planning meetings;
- (B) the invitation process used by the CoC to invite new members to join the CoC;
- (C) the number of CoC planning meetings the Solo Applicant attended in 2013;
- (D) the role the Solo Applicant played as a member of its local CoC;
- (E) the portion of the CoC's governance charter containing the collaborative process used to develop and approve the submission of applications for FY 2013 funds for the FY 2013 – FY 2014 CoC Program Competition; and,
- (F) Any selection process used to rate and rank project applications for FY 2013 funds in response to the FY 2013 – FY 2014 CoC Program NOFA.

In the information submitted to HUD, the Solo Applicant must include documentation that identifies the person to whom within the CoC the evidence was sent and the date on which it was sent.

3. **CoC Response.** No later than 30 days after the date the CoC receives the evidence from the solo applicant, the CoC must send a response to HUD with a copy to the solo applicant. The CoC must submit its written response by email, from the organization's email address, or by mail, on the organization's letterhead and signed by the authorized representative.

If HUD receives more than one written response, HUD will only consider the first response it receives and will not consider any subsequent responses.

The response must include information and documentation that addresses each of the solo applicant's claims that the Solo Applicant was denied the right to participate in the CoC planning process in a reasonable manner. In the information submitted to HUD, the CoC must include documentation that the response was sent to the Solo Applicant and the date on which it was sent.

4. HUD Decision and Notification of Decision

- (A) HUD will review the evidence submitted by the Solo Applicant and the written response from the Collaborative Applicant to determine whether the Solo Applicant was permitted to participate in the CoC's planning process in a reasonable manner. If the CoC fails to submit a written response, then HUD will consider the evidence submitted by the Solo Applicant to make its decision. HUD will also consider whether the Solo Applicant complied with 24 CFR 578.35 and with the requirements established in and guidance provided in this Notice.
- (B) If HUD finds that the Solo Applicant was permitted to participate in the CoC's planning process in a reasonable manner, then the Solo Applicant will not receive funding for its project application.
- (C) If HUD finds that the Solo Applicant was not permitted to participate in the CoC's planning process in a reasonable manner, then HUD will review the project application to determine whether it meets the quality and eligibility thresholds set forth in the CoC Program NOFA. If the project meets all quality and eligibility thresholds, then the Solo Applicant will receive funding directly from HUD, for the project. However, because a CoC is prohibited from receiving more total funding than was awarded in the CoC Program Competition, HUD will reduce or eliminate funding for the awarded project(s) listed at the bottom of the CoC's priority listing for FY 2013 funds in the FY 2013-FY 2014 CoC Program Competition until the CoC's total FY 2013 award amount, including the solo applicant's project, is within the total amount awarded originally.
- (D) HUD will provide written notification, by email, of its decision to the authorized representative from the CoC's designated Collaborative Applicant and the Solo Applicant within 60 days of the date of the receipt of the Collaborative Applicant's response. Where the CoC failed to submit a response, HUD will provide written notification within 90 days of its receipt of the evidence submitted by the solo applicant. The CoC's designated Collaborative Applicant should share HUD's written notification

with the CoC and the CoC Board or other relevant CoC leadership committee or workgroup. If HUD determines that the Solo Applicant will receive funding, then HUD will consider the project application for funding in the respective FY CoC Program Competition in accordance with the review standards set forth in the NOFA. HUD will also provide the list of project(s) whose funding will be reduced or eliminated to accommodate the solo applicant's project in the notification sent to the CoC.

- (E) If HUD receives one or more Solo Applicant appeals from a CoC, then HUD will determine the amount of funding that the Solo Applicants have requested; and, HUD will delay signing grant agreements for the awarded project(s) listed at the bottom of the CoC's priority listing that have requested funding equal to double the amount requested by the solo applicant(s) until Solo Applicant appeals have been decided.

The appeals process for FY 2014 funds is as follows:

1. **Written Notice of Intent to Appeal.** With the FY 2014 project application that is submitted in *e-snaps* by the application deadline, the project applicant must also submit a written notice of intent to appeal. At the time the application and notice of intent to appeal are submitted to HUD through *e-snaps*, the project applicant must also provide a copy of the notice of intent to appeal to the CoC. The copy should be addressed to the authorized representative from the CoC's designated Collaborative Applicant. Additionally, HUD encourages the project applicant to share a copy of the notice of intent to appeal to the chair of the CoC Board or the Chair of another CoC leadership committee. Once the project applicant submits an appeal the project applicant is now known as a Solo Applicant.
2. **Evidence Supporting Appeal.** No earlier than the date that HUD announces the final announcement of FY 2014 conditional awards, but no later than 30 days after the date that HUD announces the final announcement of FY 2014 conditional awards, the Solo Applicant must submit any evidence indicating that the CoC failed to allow the Solo Applicant to participate in the CoC planning process in a reasonable manner. Solo Applicants must submit all evidence by email, from the organization's email address, or by mail, on company letterhead to: HUD and the authorized representative from the CoC's designated Collaborative Applicant. Additionally, HUD encourages the project applicant to share a copy of the notice of intent to appeal to the chair of the CoC Board or the Chair of another CoC leadership committee.

HUD will only consider one submission from the Solo Applicant. If HUD receives more than one submission from any solo applicant, HUD will only consider the first submission it receives and will not review any subsequent submissions; therefore, it is important that the Solo Applicant include all relevant evidence that it intends HUD to consider in its initial submission.

The Solo Applicant should include all evidence that it believes supports its claim that it was not allowed to participate in the CoC planning process in a reasonable manner; however, at a minimum, the evidence submitted to support the appeal request should include the following information:

- (A) the notification process used by the CoC to provide public notification of all planning meetings;
- (B) the invitation process used by the CoC to invite new members to join the CoC;
- (C) the number of CoC planning meetings the Solo Applicant attended in 2013 and 2014;
- (D) the role the Solo Applicant played as a member of its local CoC;
- (E) the portion of the CoC's governance charter containing the collaborative process used to develop and approve the submission of applications for FY 2014 funds in the FY 2013 – FY 2014 CoC Program Competition; and,
- (F) Any selection process used to rate and rank project applications for FY 2014 funds in response to the FY 2013 – FY 2014 CoC Program NOFA.

In the information submitted to HUD, the Solo Applicant must include documentation that identifies the person within the CoC to whom the evidence was sent and the date on which it was sent.

3. **CoC Response.** No later than 30 days after the date the CoC receives the evidence from the solo applicant, the CoC must send a response to HUD with a copy to the solo applicant. The CoC must submit its written response by email, from the organization's email address, or by mail, on the organization's letterhead and signed by the authorized representative.

If HUD receives more than one written response, HUD will only consider the first response it receives and will not consider any subsequent responses.

The response must include information and documentation that addresses each of the solo applicant's claims that the Solo Applicant was denied the right to participate in the CoC planning process in a reasonable manner. In the information submitted to HUD, the CoC must include documentation that the response was sent to the Solo Applicant and the date on which it was sent.

4. **HUD Decision and Notification of Decision**

- (A) HUD will review the evidence submitted by the Solo Applicant and the written response from the Collaborative Applicant to determine whether the Solo Applicant was permitted to participate in the CoC's planning process in a reasonable manner. If the CoC fails to submit a written response, then HUD will consider the evidence

submitted by the Solo Applicant to make its decision. HUD will also consider whether the Solo Applicant complied with 24 CFR 578.35 and with the requirements established and guidance provided in this Notice.

- (B) If HUD finds that the Solo Applicant was permitted to participate in the CoC's planning process in a reasonable manner, then the Solo Applicant will not receive funding for its project application.
- (C) If HUD finds that the Solo Applicant was not permitted to participate in the CoC's planning process in a reasonable manner, then HUD will review the project application to determine whether it meets the quality and eligibility thresholds set forth in the CoC Program NOFA. If the project meets all quality and eligibility thresholds, then the Solo Applicant will receive funding directly from HUD for the project. However, because a CoC is prohibited from receiving more total funding than was awarded in the CoC Program Competition, HUD will reduce or eliminate funding for the awarded project(s) listed at the bottom of the CoC's priority listing for FY 2014 funds in the FY 2013-FY 2014 CoC Program Competition until the CoC's total FY 2014 award amount, including the solo applicant's project, is within the total amount awarded originally.
- (D) HUD will provide written notification, by email, of its decision to the authorized representative from the CoC's designated Collaborative Applicant and the Solo Applicant within 60 days of the date of the receipt of the Collaborative Applicant's response. Where the CoC failed to submit a response, HUD will provide written notification within 90 days of its receipt of the evidence submitted by the solo applicant. The CoC's designated Collaborative Applicant should share HUD's written notification with the CoC and the CoC Board or other relevant CoC leadership committee or workgroup. If HUD determines that the Solo Applicant will receive funding, then HUD will consider the project application for funding in the respective FY CoC Program Competition in accordance with the review standards set forth in the NOFA. HUD will also provide the list of project(s) whose funding will be reduced or eliminated to accommodate the solo applicant's project in the notification sent to the CoC.
- (E) CoCs and applicants should also note that if HUD receives one or more Solo Applicant appeals from a CoC, then HUD will determine the amount of funding that the Solo Applicants have requested; and, HUD will delay signing grant agreements for the awarded project(s) listed at the bottom of the CoC's priority listing that have requested funding equal to double the amount requested by the solo applicant(s) until Solo Applicant appeals have been decided.

B. Denied or Decreased Funding

Eligible applicants, including project applicants and Collaborative Applicants, that submitted an application to HUD in response to the FY 2013-FY 2014 CoC Program NOFA, that were either not awarded funds by HUD, or that requested more funds than HUD awarded, may appeal HUD's decision. Only those applicants with projects that were ranked within the CoC's maximum amount available will be considered for funding or additional funding.

To appeal HUD's decision, the applicant must submit a written appeal to HUD, with a copy to the authorized representative from the CoC's designated Collaborative Applicant. The written appeal must include evidence demonstrating HUD error and follow the instructions in this section.

Note: HUD may correct any funding errors that it identifies, per Section VI.A.3 of the Notice of FY 2013 Policy Requirements and General Section to HUD's FY 2013 NOFAs for Discretionary Programs (General Section), outside of the process outlined below for denied or decreased funding. This includes any technical errors to a CoC's score that may have impacted the funding of its projects.

The applicant must submit its written appeal by email, from the organization's email address, or by mail, on the organization's letterhead and signed by the authorized representative. The appeal process is as follows:

1. Denied Funding.

To appeal HUD's decision, the applicant must submit a written appeal to HUD using the process outlined in Section III of this Notice within 45 days of the date of the announcement of the conditional awards in which the project applicant anticipated receiving funding (e.g., for FY 2013 funds after the first announcement of conditional awards - Tier 1 renewals - or after the second conditional announcement - Tier 2 renewals and Tier 1 new awards) from HUD, with a copy to the authorized representative from the CoC's designated Collaborative Applicant.

(A) Projects, including projects for CoC planning funds and Unified Funding Agency (UFA) costs, could have been rejected by HUD because:

- (1) the individual project application failed to meet eligibility and quality thresholds set forth in the NOFA;
- (2) the individual project application met eligibility and quality thresholds set forth in the NOFA, but was ranked in a position where a portion of the grant funds were outside the CoC's maximum award amount, and after HUD reduced its funding to fit within the CoC's maximum award amount, HUD determined that the project was no longer feasible; or
- (3) HUD did not have sufficient funding to fund all eligible projects ranked within the CoC's maximum award amount.

To determine the reason your project was rejected, please contact your local HUD field office.

- (B) For applicants that were fully denied funding for a grant, the applicant must provide evidence that demonstrates HUD error in not awarding the grant. Documentation submitted by the applicant must include:
 - (1) documentation that the project was ranked within the maximum award amount available to the CoC;
 - (2) evidence from the project application supporting the applicant's claim that the project application met eligibility and quality thresholds set forth in the NOFA; and
 - (3) evidence that the applicant believes HUD failed to follow its selection priorities set forth in the NOFA which resulted in the project not being funded (e.g., selecting a lower-ranked similar project within the CoC or a similar project from a lower-scoring CoC).
- (C) For applicants that were denied funding due to the individual project's funding being decreased to such a level that the project was no longer feasible, documentation submitted by the applicant must include the evidence in section II.B.1.(C) above as well as evidence for decreased funding below.
- (D) For CoCs that were denied funding due to the score of the CoC Application not being high enough to result in the funding of project(s) within the CoC, and the lower score was the result of HUD error, the CoC may appeal the score and request funding for affected projects. Documentation submitted by the Collaborative Applicant on behalf of the CoC must include the evidence of the HUD error when calculating the CoC Application score.

Note: HUD can only consider information submitted with the CoC Application. HUD will not consider additional information in support of the CoC Application.

2. **Decreased funding.**

To appeal HUD's decision, the applicant must submit a written appeal by email, from the organization's email address, or by mail, on the organization's letterhead and signed by the authorized representative to the local HUD field office, with a copy to the authorized representative from the CoC's designated Collaborative Applicant.

Documentation submitted by the applicant must include evidence of the HUD error the applicant believes was made.

3. HUD Decision and Notification of Decision

Where HUD determines that HUD error occurred, and the applicant should have been awarded additional funding, then HUD will provide funding from the next available funds and make necessary adjustments by amending the award. HUD will reverse a decision only when the applicant 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. The appeals process is as follows:

1. **Written Appeal.** With the project application that is submitted by the application deadline, the applicant must submit a written appeal. Project applicants may submit its appeal in *e-snaps* with its project application. When submitted with the project application in *e-snaps*, the applicant must also email, mail, or fax a copy of this appeal to the jurisdiction that denied the certification of consistency, and, should send a copy to the authorized representative from the CoC's designated Collaborative Applicant, unless it is the Collaborative Applicant that is filing the appeal. Otherwise, the project applicant or Collaborative Applicant may submit the appeal to HUD using one of the methods in Section III of this Notice. The written appeal must include the following information:
 - (A) a copy of the applicant's request to the jurisdiction for the certification of consistency with the Consolidated Plan;
 - (B) a copy of the jurisdiction's response stating the reasons for denial, including the reasons the proposed project is not consistent with the jurisdiction's Consolidated Plan in accordance with 24 CFR 91.510(c); and
 - (C) a statement of the reasons why the applicant believes its project is consistent with the jurisdiction's Consolidated Plan.

The appeal may include additional information the applicant believes supports its appeal, including:

- (A) any additional communication between the applicant and the jurisdiction regarding the request for certification of consistency; and
 - (B) documentation that identifies to whom within the jurisdiction the evidence was sent and date on which it was sent.
2. **Jurisdiction Response.** The jurisdiction will have 10 days after the receipt of the applicant's written appeal to submit a written response to HUD. The response should be either by email or by mail on the organization's letterhead, with a copy to the project applicant and the authorized representative of the CoC's designated Collaborative Applicant. The response must include the following information:

- (A) an explanation of the reasons originally given for refusing to provide the certification of consistency with the Consolidated Plan; and
- (B) a written rebuttal to any claims made by the applicant in the written appeal.

3. HUD Decision and Notification of Decision

- (A) HUD will review the submissions and will provide written notification, by email, of its decision to the applicant and the jurisdiction, with a copy to the authorized representative from the CoC's designated Collaborative Applicant within 45 days of the date of the receipt of the jurisdiction's response. In making its decision, HUD will consider whether the applicant submitted the request to the appropriate certifying jurisdiction and the reasonableness of the jurisdiction's refusal to provide the certificate.
- (B) If HUD finds that the certifying jurisdiction's refusal to provide a certification of consistency with the Consolidated Plan was reasonable, then HUD will automatically reject the project application. If HUD finds that the certifying jurisdiction's refusal to provide a certification of consistency with the Consolidated Plan was not reasonable, then HUD will consider the project application for funding in the respective FY CoC Program Competition in accordance with the review standards set forth in the NOFA.
- (C) If the jurisdiction failed to provide written reasons for refusal, including the reasons why the project is not consistent with the jurisdiction's Consolidated Plan in its initial response to the applicant's request for a certification, HUD will find for the applicant without further inquiry or response from the political jurisdiction.
- (D) HUD will provide written notification of this decision within 45 days of the date of HUD's receipt of the jurisdiction's response. Where 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 the project applicant's response.

III. APPEALS SUBMISSION

Project applicants, CoCs, and Collaborative Applicants choosing any of the above appeal options must submit all information to HUD by either option below:

- A. Submission of Appeals by Mail.** Appeals will be considered filed in a timely manner if they are postmarked on or before 11:59:59 p.m. on the appropriate date described in the previous section, and received by HUD on or within 15 days of that date. Applicants and CoCs may use any type of mail service provided by the United States Postal Service (USPS), to have their appeal package delivered to HUD, to meet the timely submission requirements. Applicants and/or CoCs using

the USPS must take their application to a post office to get a receipt of mailing that provides the date and time the package was submitted to the USPS. If the USPS does not have a receipt with a digital time stamp, HUD will accept a receipt showing USPS Form 3817, Certificate of Mailing with a dated postmark. The proof of submission receipt provided by the USPS must show receipt no later than the appeal deadline. The Certificate of Mailing or other USPS receipt will be your documentary evidence that your appeal was timely filed. If your appeal is sent by overnight delivery or express mail, other than the United States Postal Service, your appeal will be timely filed if it is placed in transit with the overnight/express mail service on or before the appeal submission date. Applicants should retain a receipt from these services showing that it was submitted for delivery by the appropriate deadline date and time. Applicants and/or CoCs whose appeals are determined to be late, who cannot provide HUD with a receipt from the USPS or other mail carrier that verifies the package was submitted prior to the deadline date and time will not receive consideration. Appeals via mail must be submitted to:

Ann Marie Oliva, Director
Office of Special Needs Assistance Programs
Department of Housing and Urban Development
451 7th Street SW, Room 7262
Washington, DC 20410
(202) 708-4300

- B. Submission of Appeals by Email.** Appeals submitted via email must be sent 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**. Below is a sample email Subject line:

Subject: AL-101 – Appeal Notice – Consolidated Plan Certification

- C. HUD Response.** HUD will respond to all appeals in the manner outlined in each section of this Notice. HUD will not consider any requests to reconsider funding for the FY 2013-FY 2014 CoC Program competition except for those appeals outlined in this Notice.