



DEPARTMENT OF THE ATTORNEY GENERAL

**News Release**

**NEIL ABERCROMBIE**  
GOVERNOR

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For Immediate Release: June 4, 2012

News Release 2012-18

**STATE REQUESTS APPLICATIONS FROM ORGANIZATIONS TO PARTICIPATE IN  
THE FORECLOSURE ASSISTANCE PROGRAM**

HONOLULU – The Department of the Attorney General (the “Department”) is seeking applications from organizations that are interested in receiving funding to assist distressed homeowners in Hawaii. This funding is part of the historic multi-state mortgage foreclosure settlement between the State of Hawaii and Bank of America Corp., J.P. Morgan Chase & Co., Wells Fargo & Co., CitiGroup, Inc., and Ally Financial, Inc. (Ally is the parent of GMAC Mortgage) (the “Settlement”).

The Settlement includes approximately \$7.9 million in direct funds to the State of Hawaii, which will be administered by the Department to create a Foreclosure Assistance Program.

**Attorney General Louie** declared his intention to distribute this money swiftly: **“By assisting organizations who are on the front lines fighting the foreclosure crisis, this program will make a major difference in the lives of thousands of Hawaii homeowners. We will distribute this money as quickly and effectively as possible.”**

It is the Attorney General’s intention to distribute the funds for, among other things:

- Housing and financial counseling;
- Public education;
- Mediation and dispute resolution; and

- Enforcement of laws and agreements protecting the rights of homeowners.

Interested organizations are encouraged to submit an application to be part of this effort to help Hawaii homeowners, in coordination with the Department. Applicants may apply for funding in accordance with procedures set forth on the Department's website. Go to [www.hawaii.gov/ag](http://www.hawaii.gov/ag) and click on the link titled "Foreclosure Assistance Program."

Pursuant to the procedures set forth by the Department, **all applications for funding must be received by July 13, 2012.**

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For more information, contact:

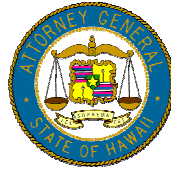
Joshua Wisch

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<http://hawaii.gov/ag/>

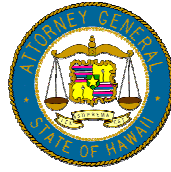


## **THE FORECLOSURE ASSISTANCE PROGRAM**

The Foreclosure Assistance Program (Program), created pursuant to an April 2012 consent judgment involving the State of Hawaii and Bank of America, J.P. MorganChase, Wells Fargo, CitiGroup, and Ally/GMAC consists of approximately \$7.9 million in money intended to fund local efforts to immediately assist distressed homeowners in Hawaii, through housing and financial counseling, public education, mediation, dispute resolution, and enforcement of laws and agreements protecting the rights of homeowners and lessees. In order to maximize the range of assistance to Hawaii homeowners, the Program is envisioned to cover a three-year period. During the initial application process applicants may request more than one year of funding. There will be at least one subsequent application process, and agencies not previously funded will have the opportunity to compete for funds.

The Program will be administered by the Department of the Attorney General. Eligible entities may apply for monies from the Program in accordance with the procedures set forth in the instructions. Applications will be reviewed by an advisory committee established by the Department of the Attorney General and, pursuant to the Court Order, the Attorney General will make the final decision regarding which applications to fund.

**The deadline to submit applications is Friday, July 13, 2012.**  
**Applications must be hand-delivered or postmarked by that date. Late submissions shall not be considered.**



## **INSTRUCTIONS FOR APPLICATIONS FOR FUNDING FROM THE FORECLOSURE ASSISTANCE PROGRAM**

**APPLICATON DEADLINE: July 13, 2012**

The deadline to submit applications is Friday, July 13, 2012. Applications must be hand-delivered or postmarked by that date. Late submissions shall not be considered.

### **Initial Application Cycle for Year 2012**

The Attorney General of the State of Hawaii (Attorney General), on behalf of the State of Hawaii, has obtained a consent judgment against the five largest mortgage loan servicers in the United States. As a result of the judgment, the Attorney General has received approximately \$7.9 million to be held in trust for the benefit of homeowners and others in the State of Hawaii who are, have been, or may be affected by mortgage loan proceedings. As part of the consent judgment, the Attorney General developed the Foreclosure Assistance Program (Program) in an effort to immediately assist distressed homeowners through housing and financial counseling, public education, mediation, and dispute resolution efforts, and enforcement of laws and agreements protecting the rights of homeowners and lessees. (United States of America, et al. v. Bank of America, et. al., United States District Court for the District of Columbia, Civil No. 12-0361 (RMC)).

As provided by the judgment, the Program is administered by the Department of the Attorney General. The Program is established to give the Attorney General and other authorized agencies access to funds that can be directed towards benefiting homeowners and others in the State of Hawaii who are, have been, or may be affected by mortgage loan proceedings.

### **Eligibility:**

“Eligible applicants” are those entities that in the sole discretion of the Attorney General are able to use the Program funds for housing and financial counseling, public education, mediation, dispute resolution, enforcement of laws and agreements protecting the rights of homeowners and lessees, or other activities that will assist distressed homeowners. Pursuant to the consent judgment, the Attorney General will make the final decision regarding which applicants to fund. Applicants may include state and county government agencies, for profit companies, and non-profit organizations in good standing with the Internal Revenue Service and in compliance with all reporting requirements of the Attorney General’s Charities Division. All applicants shall be in compliance with all applicable federal and state of Hawaii laws including, but not limited to, the State of Hawaii’s business registration, labor, and taxation requirements.

An “Advisory Committee” has been established by the Attorney General to provide appropriate guidance and recommendations regarding the merit of applications submitted by eligible agencies.

1. Schedule for Applications and Disbursements

Applications for the Initial 2012 Application Cycle will be accepted starting June 4, 2012, and must be hand-delivered or postmarked by July 13, 2012, to be considered for the first round of disbursements. Applicants must submit one (1) original and four (4) copies of their application to the Foreclosure Assistance Program Advisory Committee at the address below:

Foreclosure Assistance Program  
Department of the Attorney General  
State of Hawaii  
425 Queen Street  
Honolulu, Hawaii 96813

Applicants must also transmit an electronic copy of their application in a PDF file to: [atg.foreclosure.assistance.program@hawaii.gov](mailto:atg.foreclosure.assistance.program@hawaii.gov). The PDF file must be submitted in addition to the mailing or hand delivery requirements.

Applications must be submitted by U.S. mail or by hand delivery. If hand delivered, applications must be received by the Attorney General by 4:00 p.m. on Friday, July 13, 2012. If mailed, the application must be postmarked by July 13, 2012. The applicant’s proposal should be attached to the application form. Supporting documentation is permitted. Dates for any subsequent Application Cycle will be announced at a later time.

Applications should focus on one or more of the following priority areas:

- Housing and Financial Counseling
- Dispute Resolution/Mediation
- Consumer Education
- Foreclosure Hotline or Other Consumer Resources
- Enforcement of Laws Protecting the Rights of Homeowners and Lessees

The Department of the Attorney General expects to notify applicants for the 2012 Application Cycle regarding whether their application was granted by August 17, 2012. The target date to begin disbursement of funds for the 2012 Application Cycle is September 28, 2012.

Applicants are limited to one application per Application Cycle. An applicant may request more than one year of funding in its application. There is no prohibition against re-submitting the same application in a future cycle, if it has been denied in a previous cycle.

Application procedures may be modified from year-to-year as needed.

2. Disbursements from the Foreclosure Assistance Program: Purpose and Scope

A. Purpose

Monies from the Program are intended to be used by “eligible agencies” for housing and financial counseling, public education, mediation, dispute resolution, and enforcement of laws and agreements protecting the rights of homeowners and lessees. An “eligible agency” means any of those which fit the criteria set forth in the consent judgment. Applications may be made on behalf of multiple agencies. A multi-agency application for monies should identify a lead agency and specify the roles to be played by each agency. Eligible agencies may work together to expand the scope of services to be offered through monies provided by the Program, provided that the application specifically identifies and describes the role to be played by each of the eligible agencies.

Applicants can request funds to help cover costs and expenses incurred by multi-agency foreclosure assistance projects or to fund projects to be undertaken in conjunction with eligible agencies, as well as the costs of experts, consultants, investigators, auditors, and equipment the applicant needs, but does not currently possess, to make the proposed project a success.

B. Factors that May Be Considered by the Attorney General

In considering which applications to approve for funding, the Attorney General may consider the following factors:

- (1) the intended purpose for which funds are sought;
- (2) the specificity of the proposal, including the use of funds, expected costs and expenses, the role to be played by the eligible agency, the materials and personnel to be used, and the services or goods to be provided through the project;
- (3) competing requests for funding;
- (4) the anticipated public benefits to be served by approving the project and the extent to which all counties in the State will be benefited;
- (5) the ability of the Attorney General to audit the use of the disbursed funds to ensure that the funds are used solely for authorized purposes;
- (6) the ability of the applicant to provide the Attorney General with a report regarding the results achieved by the investigation, prosecution, project, or activity funded by the Program;
- (7) the extent to which the proposed investigation, prosecution, project, or activity will likely provide significant benefits to consumers and/or distressed homeowners;

- (8) the likelihood for the production of high quality materials that may be replicated and used by the applicant and others after the term of the project has expired; and
- (9) the extent to which the applicant proposes to use Program monies for expenses involving travel and lodging, food and refreshments, etc.

During the review process, the Attorney General may contact applicants with questions regarding their applications and may discuss revisions to any application that the Attorney General believes are needed to make the application a better proposal to fund.

### 3. Conditions on Disbursements

Each applicant must agree in writing, as part of its application, to the following if awarded monies from the Program:

#### A. Compliance and Authority

- (1) The recipient will comply with any order of the Court in connection with the Program and the disbursement received.
- (2) Approval of the application does not constitute the Advisory Committee's or Attorney General's endorsement of the applicant's project or other activity.

#### B. Use of Program Funds and Financial Controls

- (1) The recipient will vigilantly safeguard the monies disbursed by the Program, maintain financial controls sufficient to protect the monies, and ensure that the use of monies fully comports with the recipient's application. The recipient will provide a detailed written description of its financial controls upon request by the Attorney General.
- (2) Except as otherwise expressly agreed by the Attorney General in writing, the Program funds will only be used for the purposes described in the application, as approved or modified by the Attorney General.

#### C. Cooperation with the Attorney General

- (1) The recipient will provide the Attorney General and his agents all information concerning the use of Program funds the Attorney General requests and will maintain sufficient records for auditing purposes to substantiate any expenditure. In the event of a multi-agency award of Program funds, the lead agency shall be solely responsible for complying with this paragraph, except as otherwise expressly agreed by the Attorney General in writing.
- (2) The recipient will comply with any additional requirements the Attorney General may impose, including but not limited to completing and promptly returning any

form required by the Attorney General to acknowledge selection as a recipient of Program funds.

- (3) The Attorney General may designate, and require completion of forms, to satisfy these requirements. The Attorney General may attach additional written conditions to the award of any disbursements from the Program.
- (4) The Attorney General will (except in extraordinary circumstances) condition funding an application for the production of any materials on the applicant's agreement to permit the Department of the Attorney General and other authorized agencies to use those materials, without restriction, for their intended purposes.

#### 4. Amount and Timing of Disbursements

Any amount up to the current balance of the Foreclosure Assistance Program may be awarded in an Application Cycle, at the discretion of the Attorney General, as provided for in the judgment. While there is no restriction on the number of applications granted or the specific amounts awarded to a recipient in an Application Cycle, it is the Attorney General's intent that disbursements will be made to a number of projects in order to broaden the Program's impact and the benefits to authorized agencies and communities.

Successful applicants will not automatically receive the amount of funding requested in the application. The Attorney General reserves the right to review and reduce the amounts requested and/or to request modifications to an application prior to awarding Program funds. If the Attorney General decides to award less funding than requested by an applicant, the applicant shall have the opportunity to modify its budget and project objectives accordingly, or decline to accept the Program funds.

Partial operating support may be awarded to existing projects depending on how well they fulfill the purpose and goals of the Program, and the availability of other sources of funding, now and in the future.

#### 5. The Foreclosure Assistance Program Advisory Committee

The Attorney General will appoint an Advisory Committee to provide him with suitable guidance on the merits of applications for funding. The Advisory Committee will not have any authority on its own behalf to approve or to deny any proposal.

#### 6. Auditing and Reporting

Recipients of awards from the Program shall maintain accounting records and other documents pertaining to costs incurred during the Application Cycle for three years from the date of the final disbursement from the Program. The Attorney General shall be permitted to audit, review, and inspect the recipient's books and records during the application period and for three years following the final disbursement of Program funds to the recipient.



Three months after receiving disbursements, and every three months thereafter, recipients will be required to submit reports to the Attorney General on the progress of their project as well as a description of how the Program funds were used. Multi-year recipients will also be required to submit an annual progress report in each succeeding year of a multi-year award.

**Contract Execution:**

Successful applicants shall be required to enter into a formal written contract with the Attorney General in accordance with the laws and rules of the State of Hawaii.

**Public Records:**

All responses and information submitted in response to this call for applications are subject to the Hawaii Uniform Information Practices Act, Chapter 92F of the Hawaii Revised Statutes.

**Questions:**

Questions regarding the application process may be submitted to the Attorney General by telephone (586-1180) or by email ([atg.foreclosure.assistance.program@hawaii.gov](mailto:atg.foreclosure.assistance.program@hawaii.gov)), no later than Friday, July 13, 2012.

**Updates Regarding the Foreclosure Assistance Program:**

Any changes or corrections regarding application procedures will be posted on [www.hawaii.gov/ag](http://www.hawaii.gov/ag). It is the applicant's responsibility to check this web page frequently for any updates.



**APPLICATION FOR FUNDS FROM THE  
FORECLOSURE ASSISTANCE PROGRAM ADMINISTERED  
BY THE HAWAII DEPARTMENT OF THE ATTORNEY GENERAL**

**2012 CYCLE**

**I. NAME OF APPLICANT/ LEAD AGENCY:**

Contact Name:

Title:

Address:

Phone Number:

Fax Number:

E-mail:

Alternate Contact Name:

Title:

Phone Number:

Fax Number:

E-mail:

Check if this is a multi-agency application

**II. STATUS OF APPLICANT (check and provide information as appropriate)**

A. Is the applicant eligible to receive monies from the Attorney General of the State of Hawaii? Monies from the Program can only be used for housing and financial counseling, public education, mediation, dispute resolution, and enforcement of laws and agreements protecting the rights of homeowners and lessees.

Check one:

Yes

No

**If no**, the applicant is not eligible to receive funds from the Foreclosure Assistance Program.

**If yes**, the applicant should provide a detailed response to all requests for information contained in this application.

- B. Identify the Project Manager who will oversee the proposed project and who will be the contact person for purposes of the application. Attach a resume and contact information for the Project Manager.
- C. Identify the Financial Officer who will be responsible for the fiscal matters of the project. The Financial Officer should be someone other than the Project Manager.

**III. APPLICANT'S PROPOSAL**

Amount Requested: \$ \_\_\_\_\_

Project Period: \_\_\_\_\_ to \_\_\_\_\_

Priority Area (check one or more):

- Consumer Education
- Housing and Financial Counseling
- Mediation/Dispute Resolution
- Enforcement
- Legal Representation
- Hotline

Target Group (check one or more):

- Pre-foreclosure
- In-foreclosure
- Post-foreclosure

Geographic Target Area (check one or more):

- Statewide
- City and County of Honolulu
- County of Hawaii
- County of Maui (includes Maui, Lanai, and Molokai)
- County of Kauai

In a separate document, describe the proposal for which the applicant is seeking funding from the Foreclosure Assistance Program, including:

- A. The perceived need for the project.
- B. The applicant's experience in operating a project similar to the one being proposed in this application.
- C. The anticipated public benefits to be served by the proposed project. If applicable, explain how the proposed project and any materials developed with

the Program funds may produce benefits extending beyond the specific project which is sought.

- D. The geographic area to be served by the project. Include in your description whether the project will be designed for a local geographic region or whether it will be designed for the entire state.
- E. A description of the strategy or method to achieve your objectives and the reasons for selecting the particular approach.
- F. A description of the staffing, including number, type, experience, and expertise.
- G. A description of the target population to be served and the criteria for selecting this group.
- H. A description of any special training or technical assistance which will be required to complete the actual work, including the manner in which this training/technical assistance is to be utilized.
- I. The identity of any participating eligible agencies, including the role to be played by each, and an estimate of the portion of the monies that would be used to fund the activities of the eligible agencies. If applicable, please also provide documentation verifying the non-profit status of each organization. The applicant must also verify that the non-profit is in compliance with all applicable registration and regulatory requirements.
- J. All equipment and materials, including brochures, pamphlets, and audio, video, and electronic materials, that will be prepared, developed, used, purchased, or rented with funds in connection with the proposed project. If possible, please provide drafts, detailed descriptions, or copies of materials to be used in the proposed project.
- K. How any materials identified in response to Paragraph J, above, may have use or application outside of the proposed project.
- L. A detailed itemization of all expected costs and expenses related to the proposed project that are expected to be paid from the monies. A complete response to the information requested in attached Exhibit A must be provided. See, Exhibit A, Budget Detail and Explanation, attached.
- M. If any expenses related to the project are expected to be paid from sources other than monies received from the Foreclosure Assistance Program, please identify the source and amount of those monies. This includes a detailed description of goods and services, such as personnel, travel and transportation, and materials to be used in connection with the proposed project.

- N. A project schedule and timeline detailing what will be accomplished at each phase, including the division of labor, estimated time intervals involved, and when purchases for goods and services will be conducted.
- O. An outline of available resources.
- P. A description of how the proposed project relates to the applicant's other activities, including, for example, whether the proposed project supplements or duplicates other projects.
- Q. A description of how the applicant will ensure that any monies received from the Foreclosure Assistance Program will be used solely for purposes proposed in the application.
- R. A description of how the applicant intends to measure the success of the project.

#### **IV. PROJECT ORGANIZATION AND MANAGEMENT**

Describe the proposed duties and responsibilities of the Project Manager. Indicate to whom the Project Manager reports and the manner in which project accountability will be maintained.

#### **V. PERSONNEL**

If the program requires the employment of full- or part-time personnel, indicate the positions to be filled and the duties or responsibilities of each.

Identify any persons selected to work on the project who have been convicted of a felony during the past ten years involving an act of fraud, dishonesty, breach of trust, or money laundering.

#### **VI. BRIEF PERSONNEL BIOGRAPHIES**

Where pertinent, include a brief resume or biography for each person selected to work on the project or indicate that the resume will be submitted when the staff is hired. Provide the names(s) of staff, if already known.

#### **VII. PERFORMANCE INDICATORS/OUTCOME MEASURES**

Describe the performance indicators/outcome measures that the project will use. The performance indicators/outcome measures identify the data that will be collected to determine whether the goals and objectives have been met. Performance indicators/outcome measures must have a logical link to program goals, objectives, and activities and provide an explicit measure of effects or results.

## **VIII. REPRESENTATIONS BY APPLICANT REGARDING ACCEPTANCE OF CONDITIONS FOR DISBURSEMENT**

- A. The undersigned is the responsible person for this application, has been duly authorized by the applicant to act as its agent in connection with this application, and hereby certifies that the information in this application, including attached documents, is true. The undersigned further represents that the funding requested will not be used to pay for current staff of the applicant applying for this project (unless the Attorney General expressly approves otherwise). If a project is accepted, the undersigned further represents that he/she will sign a form(s) that acknowledges that the applicant's project has been selected for receipt of monies from the Program, and that the applicant will comply with the terms and conditions associated with the receipt of the Program funds.
- B. The applicant will comply with any order of the Court in connection with the Foreclosure Assistance Program and the funds received.
- C. The applicant will safeguard any funds, maintain financial controls sufficient to protect such monies and ensure that the use of money is consistent with the recipient's application, and provide a detailed written description of those financial controls if requested by the Attorney General.
- D. The applicant understands that Program funds will only be used for the purposes described in this application, as approved or modified by the Attorney General.
- E. The applicant will submit a report within three (3) months after receipt of Program funds, and every three (3) months thereafter, and a final report to the Attorney General within sixty (60) days of completing the project for which the Program funds was awarded. These reports shall specify how the Program funds were used, as well as a description of the progress and/or outcome of the project for which the Program funds was awarded.
- F. The applicant will immediately notify the Attorney General in writing of the status of all outstanding litigation or investigations related to this project and provide relevant updates every three (3) months thereafter.
- G. All correspondence with the Attorney General shall be directed to the Foreclosure Assistance Program, Department of the Attorney General, 425 Queen Street, Honolulu, Hawaii 96813, phone: (808) 586-1180, fax: (808) 586-1205, e-mail: [atg.foreclosure.assistance.program@hawaii.gov](mailto:atg.foreclosure.assistance.program@hawaii.gov).
- H. The applicant will cooperate with the Attorney General and its agents in providing all information concerning the use of the Program funds as the Attorney General may reasonably request and will maintain sufficient records for auditing purposes to substantiate any expenditure. In the event of a multi-agency program, the lead

applicant shall be solely responsible for complying with this paragraph, except as otherwise expressly agreed by the Attorney General in writing.

- I. The applicant will comply with all additional requirements the Attorney General imposes, including but not limited to completing and promptly returning any required form to acknowledge selection as a recipient.
- J. Approval of this application does not constitute the Attorney General's endorsement of this project.
- K. Except as otherwise expressly agreed by the Attorney General in writing, within sixty (60) days after the conclusion of the project for which the applicant requested Program funds, the applicant will return any unused or excess funds to the Attorney General by check made payable to the "Hawaii Department of the Attorney General", with the notation "Foreclosure Assistance Program Reimbursement."
- L. If the project is for the purchase of non-case specific goods or services, the applicant will return any excess or unused Program funds to the Attorney General within sixty (60) days after purchase of those goods or services by check made payable to the "Hawaii Department of the Attorney General", with the notation "Foreclosure Assistance Program Reimbursement."
- M. If an application is for the production of any materials, the applicant agrees to permit the Department of the Attorney General and other authorized agencies to use those materials, without restriction, for their intended purposes, if the Attorney General so requests.

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Signature of Applicant

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Title

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Date

**Application Materials Needed:**

- Application Form
- Application Proposal (narrative)
- Exhibit A. Budget Detail and Explanation
- Supporting Documentation (optional)

**Submit four (4) copies of the application and attachments to:**

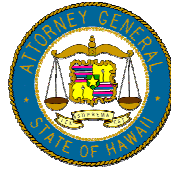
Foreclosure Assistance Program  
Department of the Attorney General  
State of Hawaii  
425 Queen Street  
Honolulu, Hawaii 96813

Applicants should also transmit a copy of their application in a PDF file to:

[atg.foreclosure.assistance.program@hawaii.gov](mailto:atg.foreclosure.assistance.program@hawaii.gov).

The PDF file must be submitted in addition to the mailing or hand delivery requirements.





**DEPARTMENT OF THE ATTORNEY GENERAL  
BUDGET DETAIL AND EXPLANATION  
INSTRUCTIONS**

Round off all budgeted amounts to the nearest dollar. All budget items must fit in one of the seven budget categories.

**A. SALARIES AND WAGES**

List each position, indicating the monthly salary of each, and the percentage or ratio of time that they will be compensated with the money received from the Foreclosure Assistance Program or the time they will devote to the Foreclosure Assistance Program project.

**B. FRINGE BENEFITS**

1. Show employee benefits and list the percentage breakdown of the employee benefits on a separate sheet.
2. List the fringe benefit cost per position(s).

**C. CONSULTANTS/CONTRACTS**

1. List type of consultant/contract to be selected and total estimated costs. Include the estimated length of the consultant/contract services, in days, weeks, or months. In the budget explanation section, detail the scope of services to be performed and the basis for calculating the cost.
2. Applicants are encouraged to promote free and open competition in awarding contracts.

**D. TRANSPORTATION AND SUBSISTENCE**

1. Show travel costs by estimating the number of trips, multiplied by the estimated cost per trip and the number of people traveling.
2. Itemize per diem, ground transportation, and other related travel costs separately.
3. Explain proposed destination(s) and purpose(s) of trip(s) on the budget explanation page.

**E. OFFICE SUPPLIES**

Generally describe the type of materials required by the project, such as postage, printing, copying, and other expendable materials, and provide an estimated cost.

**F. EQUIPMENT**

List non-expendable items to be purchased. Non-expendable equipment is tangible property having a useful life of more than two years.

**G. OTHER COSTS**

Specify any other costs not covered by cost elements listed above such as office rent. In the budget explanation section, provide the basis of the computation. For example, provide the square footage and the cost per square foot for rent, or provide a monthly rental cost and how many months to rent.

**H. TOTAL PROGRAM COSTS**

Total budgeted amounts from items A to G.

**I. BUDGET EXPLANATION**

1. On a separate page after the budget detail, provide the budget explanation. The cost of the budgeted items should be reasonable, and the items necessary for the execution and completion of the project.
2. The budget explanation should reflect how the expenditures will support the project activities and be listed in the same order as the budget detail.