

U.S. Department of Housing and Urban Development
HOUSING

Special Attention of:
Multifamily Hub Directors;
Program Center Supervisors;
Supervisory Project Managers

Notice H 2001-11 (HUD)

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Cross References:

Handbook 4571.2 (811)

Handbook 4571.3 REV-1 (202)

Subject: Fiscal Year 2001 Policy for Capital Advance Authority Assignments, Instructions and Program Requirements for the Section 202 and Section 811 Capital Advance Programs, Application Processing and Selection Instructions, and Processing Schedule.

1. **PURPOSE. This Notice transmits for Fiscal Year 2001:**
 - A. Changes to Application/Selection Process
 - B. Application Processing Schedule
 - C. Allocations for Section 202 (ATT.1)
 - D. Allocations for Section 811 (ATT.2)
 - E. Section 811 Workshop Instructions (ATT.3)
 - F. Section 202 Funding Notification (ATT.4)
 - G. Section 811 Funding Notification (ATT.5)
 - H. Applications Processing and Selections Policy (ATT.6)
 - I. Congressional Notification Memorandum Formats (ATT.7)
 - J. Section 202 Minority Business Enterprise Goals (ATT.8)

- K. Section 811 Minority Business Enterprise Goals (ATT.9)
- L. Initial Screening for Curable Deficiencies (ATT.10)
- M. Technical Review Sheets (ATT.11)
- N. Section 202 Standard Rating Criteria Form (ATT.12)
- O. Section 811 Standard Rating Criteria Form (ATT.13)
- P. Draft Letter to Appropriate State or Local Agency with Enclosures (ATT.14)
- Q. List of Statewide Independent Living Councils and Local Centers for Independent Living (ATT.15)
- R. Guidance on the Fair Housing and Equal Opportunity (FHEO) Review of FHEO-Related Provisions of Section 202 and Section 811 Applications (ATT.16)

This Notice should be used in conjunction with the Final Rule (Part 891), the Super Notice of Funding Availability (SuperNOFA) published in the Federal Register on February 26, 2001, the Technical Corrections to the SuperNOFA published in the Federal Register on May 21, 2001, and Handbook 4571.3 REV-1 - Section 202 Supportive Housing for the Elderly or Handbook 4571.2 - Section 811 Supportive Housing for Persons with Disabilities, as appropriate.

NOTE: In addition to following the requirements in the Section 202 and/or Section 811 program section of the SuperNOFA, it is essential to pay particular attention to the General Section of the SuperNOFA which includes important information regarding the application submission procedures which have changed since Fiscal Year 2000 and additional application requirements that are applicable to all programs contained in the SuperNOFA including the standard forms that must be submitted with the application.

2. CHANGES TO THE FY 2001 SECTION 202 AND SECTION 811 PROGRAMS:

- A. Increased Development Cost Limits.** The Development Cost Limits for elevator and non-elevator structures under the Section 202 program and for Section 811 independent living projects have been increased to reflect the current trend in costs to develop such projects. The Development Cost Limits for Section 811 group homes have also be increased. The high cost factors also have been revised to correspond to the new development cost limits. HUD Offices will calculate Fiscal Year 2001 Section 202 and Section 811 fund reservations based on outstanding program

instructions (see Paragraph 3-50 of Handbooks 4571.3REV and 4571.2) using the revised development cost limits and high cost factors. The revised development cost limits are listed in Section IV(C) of the Section 202 and Section 811 NOFAs and were also published in the Federal Register on January 22, 2001.

- B. Eligibility of Owner Entity When Later Formed by the Sponsor.** The American Homeownership and Economic Opportunity Act of 2000 (P.L. 106-569), approved December 27, 2000, revised the definition of an eligible Owner entity to include a for-profit limited dividend organization with a nonprofit entity as the sole general partner. In view of the statutory change, an administrative decision was made to permit such Owners to participate in the Section 202 and Section 811 programs for the purposes of developing a mixed-finance or mixed-use project for additional units, i.e., units in addition to the Section 202 or Section 811 units. Section IX of the Sections 202 and 811 NOFAs provides the eligibility requirements of the Owner entity when it is later formed by the Sponsor.

Under the Section 202 program, the Owner corporation may be (1) a single-purpose private nonprofit organization that has tax exempt status under Section 501(c)(3) or Section 501(c)(4) of the Internal Revenue Code of 1986, (2) nonprofit consumer cooperative, or (3) for purposes of developing a mixed-finance/mixed-use project for developing additional units over and above the Section 202 units, a for-profit limited dividend organization with a nonprofit entity as the sole general partner.

Under the Section 811 program, the Owner corporation may be (1) a single-purpose nonprofit organization that has tax exempt status under Section 501(c)(3) of the Internal Revenue Code of 1986 or (2) for purposes of developing a mixed-finance/mixed use project for developing additional units over and above the Section 811 units, a for-profit limited dividend organization with the nonprofit entity as the sole general partner.

NOTE: The expansion of the eligibility criteria for the Owner entity to include a for-profit limited dividend organization with the nonprofit as the sole general partner **DOES NOT** apply to Section 202 or Section 811 Sponsors or Co-Sponsors. Applicant eligibility for purposes of applying for a Section 202 or Section 811 fund reservation has not changed; i.e., all Section 202 Sponsors and Co-Sponsors must be private nonprofit organizations or nonprofit consumer cooperatives and all Section 811 Sponsors and Co-Sponsors must be nonprofit organizations with a 501(c)(3) tax exemption from the IRS.

- C. **New Exhibit - Description of Plans to Develop a Mixed-Finance or Mixed-Use Project.** A new Exhibit (4)(c)(iii) under Section VI(B) of both Sections 202 and 811 NOFAs and the Application Kit has been added to require those Sponsors who plan to develop a mixed-finance or mixed-use project to describe their plans and the actions they have taken to create a mixed-finance/mixed-use project by developing additional units with the use of Section 202 or Section 811 capital advance funds in combination with other funding sources. Sponsors must specify the number of Section 202 or Section 811 units and the number of additional units from non-Section 202 or non-Section 811 funding sources. Under this Exhibit, Sponsors must also provide copies of any letters that have been sent seeking outside funding for the non-Section 202 or non-Section 811 units along with any responses thereto. The Section 202 and Section 811 Application Forms (Forms HUD-92015-CA and HUD-92016-CA, respectively) have been revised to provide space for the Sponsor to show the breakdown between the Section 202/811 units and the additional units. Further, if developing a mixed-financing/mixed-use project, Sponsors must demonstrate in this Exhibit their ability to proceed with the development of a Section 202 or Section 811 project that will not involve mixed-financing or a mixed-use purpose, as proposed in their application, in the event they are later unable to obtain the necessary outside funding or HUD disapproves their proposal for mixed-financing or a mixed-use.

Sponsors must be informed that approval of the Section 202 or Section 811 capital advance will not constitute approval of the mixed-finance/mixed-use proposal. If the Sponsor is approved for a fund reservation, they will be required to submit, after reservation of capital advance funds, a detailed proposal outlining how they will fund both development and operation of the additional units in accordance with implementing regulations, the Front End Risk Analysis and HUD instructions that will be issued later. **NOTE:** If the Sponsor submits a detailed proposal outlining how they will fund both development and operation of the additional units in its application, the application is to be submitted to Headquarters for review. Headquarters will review the proposal to determine if the intended financing structures will result in feasible projects that would not jeopardize the Section 202 and Section 811 units. At the completion of the review, Headquarters will provide comments to your Office for inclusion in the project's Notification of Selection Letter, if selected. At the time of making the fund reservation, HUD will determine whether the Sponsor of a mixed-finance/mixed-use proposal will be permitted to submit such a proposal at a later time after taking into consideration the strength of the sponsoring organization and HUD's prior experience with the Sponsor's other projects, as well as the Sponsor's outline of their intentions. Only those Sponsors that indicate in their application for a fund reservation an intention to propose additional units will be eligible to submit, at a later time, a mixed-finance/mixed-use proposal for additional units.

For Section 811 proposals, the additional units cannot cause the project to exceed the project size limits for the type of project proposed unless the Sponsor requests and receives approval to exceed the project size limit **or** the additional units will house people without disabilities.

NOTE: The term mixed-finance/mixed-use project, as used here and in the Section 202 and Section 811 NOFAs, does not include the development of Section 202 or Section 811 units using secondary/supplemental financing or the development of a mixed-use project in which the Section 202 or Section 811 units are mortgaged separately from the other uses of the structure.

- D. Compliance with Section 3 of Housing and Urban Development Act of 1968, Economic Opportunities for Low and Very Low Income Persons.** Sponsors have previously been required to certify with respect to the Section 3 requirements, i.e., a certification ensuring that training, employment, and other economic opportunities are, to the greatest extent feasible, directed toward low and very low income persons, particularly those who are recipients of government assistance for housing and to business concerns which provide economic opportunities to low and very low income persons. This year, the Section 3 certification has been expanded to include additional provisions. Accordingly, to fully comply with Section 3 of the HUD Act of 1968 and implementing regulations at 24 CFR Part 135, Sponsors must now also certify that they will strongly encourage their general contractor and subcontractors to participate in local apprenticeship programs or training programs registered with or certified by the Department of Labor's Bureau of Apprenticeship and Training or recognized State Apprenticeship Agency. Information regarding this requirement may be found in Sections IV(E) and VI(B)(7)(k)(ii) of the Section 202 NOFA and Sections IV(H) and VI(B)(7)(k)(ii) of the Section 811 NOFA. The certification form is in Exhibit 7(k) of the Section 202/811 Application Kit.
- E. Applicability of Acquisition of Sites under the Uniform Relocation Assistance and Real Property Acquisition Act of 1970, as amended (URA).** In past years, as well as this year, the annual Notices of Fiscal Year Section 202 and Section 811 Policy have included information to remind Sponsors of their exemption from the site acquisition requirements of the URA if they have no power of eminent domain and inform the seller of the land (1) that they have no power of eminent domain and, therefore, will not acquire the property if negotiations fail to result in an amicable agreement and (2) of the estimate of the fair market value of the property. Because of the importance of getting this

information to Sponsors as early as possible in the project planning stages, beginning this year, the exemption provisions under the URA's site acquisition requirements are now included in Section IV(F) of the Section 202 NOFA and Section IV(I) of the Section 811 NOFA. See Paragraph 16 of this Notice for more detailed information regarding this requirement.

- F. Site Control.** The requirements for evidence of site control have not changed from last year, except with respect to certain sites owned by the City of New York. According to information received from the HUD New York Office, litigation has been initiated against the City of New York which prohibits the City from conveying sites that are presently designated as community gardens. Therefore, in view of this litigation and until such time as the litigation is satisfactorily resolved, sites owned by the City of New York which are designated as community gardens and the subject of this litigation will not meet the Section 202 or Section 811 program requirements for site control. Refer to Section VI(B)(4)(d) of the Section 202 and Section 811 NOFAs.
- G. Section 202 - Acquisition of Housing With or Without Rehabilitation.** The American Homeownership and Economic Opportunity Act of 2000 (P.L. 106-569) removed the limitation on acquiring structures for Section 202 projects solely from the Federal Deposit Insurance Corporation (formerly Resolution Trust Corporation) (FDIC/RTC). Therefore, similar to the Section 811 program, Sponsors may submit applications proposing the acquisition of housing with or without rehabilitation whether or not such housing is obtained from the FDIC/RTC.
- H. Section 202 - New Exhibit under Supportive Services Plan.** A new Exhibit (4)(e)(iv) under Section VI(B) of the Section 202 NOFA and the Application Kit, pertaining to the Sponsor's provision of supportive services in the proposed facility, requires the Sponsor to describe how the residents will be afforded opportunities for employment. This is consistent with a similar requirement under the Section 811 program.
- I. Section 811 - Adjustments to Development Cost Limits for Group Homes.** Section IV(C)(2)(c) of the Section 811 NOFA provides for increases in the development cost limits for Section 811 group homes where it can be documented that high land costs limit or prohibit project feasibility. The NOFA provides an example of acceptable documentation which includes evidence of at least three land sales which have actually taken place (listed prices for land are not acceptable) within the last two years in the area where the project is to be built. For Fiscal Year 2001, the average cost of the documented sales must exceed ten percent of the development cost limits for

the project in order for an increase to be considered. This is a change from last Fiscal Year when the average cost of the documented sale could not exceed seven percent.

J. Section 811 - Maximum Project Size Limit for Group Homes. The maximum number of persons with disabilities that can reside in a group home is six. This is now a mandatory maximum limit for Section 811 group homes. Therefore, HUD will no longer consider any requests to exceed this six person limit.

K. Section 811 - Changes in Rating Factors.

(1) **Integrated Housing.** The Department is placing greater emphasis on the development of Section 811 housing in a more integrated setting. In view of this, the following changes were made to the applicable Rating Factors:

(a) **Experience in Developing Integrated Housing.** Two additional points were given to Rating Factor 1(c), “The sponsor has experience in developing integrated housing”, which brings the total points available for this Rating Factor to five instead of the three points previously established for this Factor.

(b) **Integrated Model.** Two additional points were given to Rating Factor 3(a)(ii), “Integrated Model”, for projects which will represent an integrated housing model (e.g., condominium units scattered within one or more buildings or non-contiguous independent living units on scattered sites). Therefore, for Fiscal Year 2001, under Rating Factor 3(a)(ii), “Integrated Model”, an application may receive five points instead of the three points previously established for this Rating Factor.

(2) **Quality of Sponsor’s Experience in Providing Housing or Related Services to Minority Persons or Families.** Due to the additional points given to projects in which the Sponsors have demonstrated their experience in developing integrated housing, an equivalent reduction of points was made to another Rating Factor. Under Rating Factor 1(b) pertaining to the quality of the Sponsor’s housing and service experience to minority persons or families, the rating for this Factor was reduced from ten points to eight.

(3) **Site Suitability Based on Promoting Greater Choice of Housing Opportunities.** Due to the additional

points given to projects proposing an integrated model, it was necessary to make an equivalent reduction of points under another Rating Factor. Accordingly, Rating Factor 3(b), pertaining to the suitability of the site from the standpoint of promoting greater choice of housing opportunities for minorities and persons with disability and affirmatively furthering fair housing, has been reduced from ten points to eight.

L. Section 811 - Certifications. One additional certification and an addition to an existing certification have been included in the Fiscal Year 2001 NOFA as indicated below.

(1) **Exhibit 7(n) of the NOFA, Single Occupancy Bedrooms in Group Homes.** A certification that if the Sponsor is developing a group home, all bedrooms will be occupied by one person with a disability unless that person chooses to share his/her bedroom with another person with a disability or determines that he/she needs another person to share his/her bedroom.

(2) **Exhibit 7(l)(ii) of the NOFA, Supportive Services Certification.** An addition has been made to the certification that addresses whether the provision of supportive services will enhance independent living success and promote the dignity of those who will access the proposed project.

M. Section 811 - Resident Manager's Units. In an independent living project, the Sponsor can designate either a one or two bedroom unit for a resident manager. In a group home, the size of the resident manager's unit is limited to a one bedroom unit.

3. CHANGES PURSUANT TO THE APPROPRIATIONS ACT OF 2001: In accordance with the waiver authority provided in the FY 2001 Appropriations Act, the Secretary is extending the following determination made in the Notice, published in 61 F.R. 3047 and in the FYs 1997 through FY 2000 Section 202 and Section 811 NOFAs, to FY 2001 funding by waiving the statutory and regulatory provisions governing the amount and term of the Project Rental Assistance Contract (PRAC).

Project rental assistance funds will be reserved based on **75 percent** of the current operating cost standards to support the units selected for capital advances sufficient for a minimum **five-year** project rental assistance contract term. The Department anticipates that at the end of the contract term, renewals will be approved depending upon the availability of funds. **PLEASE**

NOTE THAT THE WAIVER BROADENING THE ELIGIBILITY OF TENANTS TO PERSONS WITH INCOMES AT 80 PERCENT OF THE MEDIAN OR BELOW (61 F.R. 3047, JANUARY 30, 1996) IS NO LONGER IN EFFECT. THE STATUTORY PROVISION LIMITING ELIGIBILITY TO PERSONS WITH INCOMES AT 50 PERCENT OF THE MEDIAN OR BELOW REMAINS IN EFFECT.

4. FISCAL YEAR 2000 AND EARLIER YEAR CHANGES STILL IN EFFECT:

- A. Initial Screening for Curable Deficiencies.** The general discussion on initial screening for curable deficiencies, which is repeated below, was included in Notice 98-29 and a description of the curable deficiencies was mailed to potential applicants after SuperNOFA III was published on February 24, 2000. As in FY 2000, the list of exhibits or portions of exhibits that are considered curable deficiencies has been included in the FY 2001 Section 202 and Section 811 program sections of the SuperNOFA (see paragraph V(A) of the Section 202 or Section 811 program section of the SuperNOFA, as appropriate). Three exhibits were added to the Section 202 program NOFA list of curable deficiency exhibits, Exhibits 4(d)(ii), 4(d)(iii), and 4(d)(vi). Also, the requirement for the site control document (Exhibit 4(d)(i)) to have been executed prior to the application deadline date has been deleted.

HUD Offices will complete an initial screening for curable deficiencies of all applications received by the application deadline date. Curable deficiencies include those items in the application that are required but do not have an impact on the rating of the application (e.g., missing certifications). Applicants will no longer be afforded the opportunity to submit missing exhibits or parts of exhibits that have an impact on the rating of the application (e.g., a failure to include a description of local government support for the project in the Sponsor's description of its purpose, community ties and experience). Applicants will be given 14 calendar days from the date of HUD notification to correct any curable deficiencies. At the end of the 14-day curable deficiency period, all applications received in accordance with the application submission requirements will be placed into technical processing.

- B. Technical Rejections.** At the conclusion of technical processing, the HUD Office will send out technical reject letters to Sponsors of applications in which curable deficiencies were not corrected during the curable deficiency period, incurable deficiencies were discovered during initial screening, and/or technical deficiencies were identified during technical processing. The technical reject letter will indicate all of the reasons for rejection of the application and

provide the Sponsor 14 calendar days from the date of the letter to appeal the rejection. HUD must respond to the Sponsor within five (5) working days of receipt of the appeal.

NOTE: If the rejection is due to the nonsubmission of the following exhibits because of the failure of a third party to provide information under the control of the third party but outside the control of the Sponsor (i.e., a contractual arrangement with a third party) and the Sponsor was not notified of the deficiency during the curable deficiency period, the Sponsor should be afforded the opportunity to cure the deficiency during the 14 calendar day appeal period. The exhibits are:

- (1) Exhibit 4(d)(iii) - Evidence of permissive zoning. (Applies to Section 202 only.)
- (2) Exhibit 7(g) - Form-HUD 2991, Certification of Consistency with the Consolidated Plan. (Applies to Section 202 and Section 811.)
- (3) Exhibit 7(l) - Supportive Services Certification. (Applies to Section 811 only.)

The Sponsor must submit the deficient exhibit and documentation showing that the information had been requested from the third party at least 45 days prior to the application deadline date in order to cure the deficiency.

- C. **Site Control.** The specific forms of site control acceptable to the Department have been clarified (see paragraph VI(B)(4)(d) of the Section 202 or Section 811 program section of the SuperNOFA, as applicable). One of the clarifications that Sponsors must pay particular attention to is the site option which must remain in effect for six months from May 25, 2001, the date on which the applications are due, and must state a firm price binding on the seller. The only condition on which the option may be terminated is if the Sponsor is not awarded a fund reservation. The option must be renewable at the end of the six months option period.

Sponsors must also provide evidence (a title policy or other acceptable evidence) that the site is free from any limitations, restrictions, or reverters which could adversely affect the use of the site for the proposed project for the 40-year capital advance period (e.g., reversion to seller if title is transferred). If the title evidence contains restrictions or covenants, the Sponsor must submit copies of such covenants or restrictions with the applications. However, if not

submitted, this is a curable deficiency. If the site is subject to any such limitations, restrictions, or reverts: 1) for Section 202, the application will be rejected; or 2) for Section 811, the site will be rejected, the application will not receive points for site control, for Site Approvability from Valuation or for Site Suitability from FHEO, and the application will be processed as "site identified" as long as the Sponsor indicated its willingness to seek an alternate site. Purchase money mortgages that will be satisfied from capital advance funds are not considered to be limitations or restrictions that would adversely affect the use of the site. If the contract of sale or the option agreement contains provisions that allow a Sponsor not to purchase the property for reasons such as environmental problems, failure of the site to pass inspection, or the appraisal is less than the purchase price, then such provisions are not objectionable and a Sponsor is allowed to terminate the contract of sale or the option agreement.

- D. Suitability of the Site from the Standpoint of Promoting a Greater Choice of Housing Opportunities for Minority Elderly Persons/Families and Persons with Disabilities, Including Minorities.** In accordance with the Secretary's December 16, 1996, memorandum that requires NOFAs to include a selection factor addressing affirmatively furthering fair housing, the application submission requires a narrative description of how the Sponsor will use the site to affirmatively further fair housing opportunities for minority elderly person/ families and persons with disabilities, including minorities.

To determine the acceptability of the site and to rate the application, FHEO will review the narrative submitted by the Sponsor. The site will be deemed acceptable if it increases housing choice and opportunity by (1) expanding housing opportunities in non-minority neighborhoods (if located in such a neighborhood); or by (2) contributing to the revitalization of and reinvestment in minority neighborhoods, including improvement of the level, quality and affordability of services furnished to the minority elderly and persons with disabilities.

For FY 2001, the term "minority neighborhood (area of minority concentration)" has been defined as one where any one of the following statistical conditions exist: (1) the percentage of persons of a particular racial or ethnic minority is at least 20 points higher than the minority's or combination of minorities' percentage in the housing market as a whole; or, (2) the neighborhood's total percentage of minority persons is at least 20 points higher than the total percentage of minorities for the housing market as a whole; or, (3) in the case of a metropolitan area, the neighborhood's total percentage of minority persons exceeds 50 percent of its population. The term "nonminority area" is defined as one in which the minority population is lower than 10 percent.

The Office of FHEO has developed guidelines, which are included as Attachment 16 to this Notice, to assist you with the rating of these applications.

- E. Bonus Points for Location of Site.** An application containing satisfactory evidence of control of an approvable site which is located in a Federally designated Empowerment Zone (EZ) or Enterprise Community (EC), Urban Enhanced Enterprise Communities (EECs) or Strategic Planning Communities and serves the residents of these Federally designated references (collectively referred to as “EZs/ECs”), will be awarded two (2) bonus points. To be eligible to receive the two bonus points, the Sponsors must have submitted a certification (see Exhibit 7(j) of the application) that the proposed project(s): (1) will be located in a Federally designated EZ or EC and will serve residents of the EZ/EC; and (2) is consistent with the strategic plan of the EZ/EC. CPD will determine if the application is eligible for the bonus points (see CPD's Technical Processing Review and Findings Memorandum in Attachment 11 of this Notice). For a scattered site application with site control, all sites must be located in an EZ/EC area, be approvable and have acceptable evidence of site control, and the Sponsor must have submitted the required certification (Exhibit 7(j)) to receive the two (2) bonus points.

A list of the Federally designated EZs and ECs is attached to the General Section of the SuperNOFA, is available from the SuperNOFA Information Center, is included in the Application Kit as Appendix B, and is available through the Internet at the following address: <http://www.hud>. Local HUD Offices should also provide information about the local community agency for applicants to contact to determine if their proposed projects will be located in one of the Federally designated areas identified above. Please note that the Technical Correction to the SuperNOFA amended the EZ/EC listing to correctly identify the Empowerment Zone in Upper Manhattan/Bronx and add the Strategic Planning Community in Brooklyn.

- F. Evidence of Need/Demand.** Where EMAS finds there is not sufficient sustainable demand for additional units of the number and type of units proposed, without long-term adverse impact on the occupancy in existing Federally assisted housing for the elderly or persons with disabilities, a detailed report of EMAS’s findings must be prepared. The report must present the data and findings justifying the conclusion. A copy of the report must be attached to the Technical Processing Review and Findings Memorandum, and one copy is to be sent to the Headquarters Economic and Market Analysis Division, Office of Policy Development and Research, Room 8224.

The maximum number of points available to EMAS for rating the need factor is 12. Under Section 202, the 12 points are to be awarded as follows:

12 points if: the number of units proposed is 10 percent or less of the unmet need, OR

the number of units proposed is greater than 10 percent but no more than 15 percent of unmet need AND the market area has not received any Federally funded project based rental assistance for the very low-income elderly since 1990 (HUD or RHS programs).

6 points if: the number of units proposed is 11 percent or more of the income eligible unmet need and the market area has received Federally funded (HUD or RHS) for the elderly between 1990 - 2000, OR

the number of units proposed is 16 percent or more of the income eligible unmet need.

Under Section 811, the application is to receive 12 points if a determination has been made that there is a need for additional supportive housing for persons with disabilities in the area to be served. If not, the application is to be awarded 0 points.

G. Rating Factors. One of the purposes of publishing the SuperNOFA instead of 40 individual program NOFAs was to improve customer service by simplifying the application process. To that end, the Department developed five standard Rating Factors by which all applications for HUD funding will be rated, regardless of the program.

In expanding the Rating Factors for the Section 202 and Section 811 programs from three to five and from two to five, respectively, the existing criteria within the previous factors were retained for the most part but, in some cases, were reorganized to fit within the new Rating Factors.

Furthermore, to ensure consistency among all HUD programs, it was necessary to add some additional criteria within the new Rating Factors as well as corresponding application submission requirements. The new criteria for the Section 202 and Section 811 programs in FY 1998 and still in effect in FY 2001 are:

- The extent to which the Sponsor coordinated its application with other organizations to complement and/or support the proposed project;
- The extent to which the Sponsor demonstrates that it has been actively involved, or if not currently active, the steps it will take to become actively involved in the community's Consolidated Planning process to identify and address a need/problem that is related in whole or part, directly or indirectly to the proposed project; and
- The extent to which the Sponsor developed or plans to develop linkages with other activities, programs or projects related to the proposed project to coordinate its activities so solutions are holistic and comprehensive.

In addition to these three criteria, for the Section 811 program only, the following criterion also applies:

- The extent to which the proposed design of the project and its placement in the neighborhood will facilitate the integration of the residents into the surrounding community.

- H. Adjustments to Need/Extent of the Problem Rating Factors.** In FY 1999, because the Department had become increasingly concerned that Section 202 and Section 811 projects be selected in areas with the greatest need for the units, greater weight was given to the need factor. This was accomplished by giving five (5) additional points to the Need/Extent of the Problem factor for a total of 15 points. To provide the additional five points to the Need/Extent of the Problem factor, five points were taken from the Capacity of the Applicant and Relevant Organizational Staff factor, reducing that factor to 25 points.
- I. Allocation of Funds.** The allocation of funds reflects the revised Field Office Multifamily Hub structure.
- J. Points for the Involvement of the Target Population in the Development of the Application and in the Future Development and Operation of the Project.** Applications will receive four (4) base points if the Sponsor has involved the target population (elderly persons, particularly minority elderly persons for Section 202 or persons with disabilities (including minorities) for Section 811), in the development of the application, and intends to involve the target population in the development and operation of the project.

- K. **Revised Application Submission Procedures.** Application submission procedures have been made consistent for all programs in the SuperNOFA. Hand carried applications must be received in the appropriate HUD Office by the deadline date and time published in the Federal Register. Mailed applications will be determined acceptable as long as they are postmarked on or before midnight on the application deadline date and received by the appropriate HUD Office within ten (10) days of the application deadline date. Applications sent by overnight or express mail delivery will be accepted before or on the application deadline date or after that date as long as there is documentary evidence that they were placed in transit with the overnight delivery service no later than the application due date.

The last page of the Application Kit contains an Acknowledgement of Application Receipt form which must be completed and returned to the Sponsor indicating whether or not the local HUD Office received the application by the deadline as described above and, consequently, whether it will be considered for funding.

- L. **Revised Selection Process.** At the conclusion of technical processing, Rating/Selection Panels must score each Rating Factor for all applications that successfully complete technical processing. Applications that receive a score of 60 base points or higher are then ranked in descending order. The Rating/Selection Panels then select for funding the highest rated applications ranked in descending order which most reasonably approximate the number of units and capital advance funds available to each HUD Office. The Rating/Selection Panels must select in rank order down to the next highest rated application that can utilize the remaining funds **WITHOUT** skipping over a higher rated application.

After making the initial selections, any residual funds may be used to fund the next rank-ordered application by reducing the units by no more than 10 percent rounded to the nearest whole number; provided the reduction will not render the project infeasible. Projects of five units or less or 2 units if a Section 811 group home may not be reduced. An example of a project becoming infeasible by a unit reduction is a project that will be rehabilitated (for Section 811 this applies only if the Sponsor has site control), where the project will not be able to sustain fewer units than those requested. Acceptance by a Sponsor of a project where the units have been reduced means acceptance of the reduced number of units.

Under Section 202, the above processes must be done separately for each HUD Office's metropolitan and

nonmetropolitan allocations. Once this is completed, HUD Offices may combine their unused metropolitan and nonmetropolitan funds to select the next highest ranked application in either category using the unit reduction policy described above.

After the Offices have funded all possible projects based on the process above, residual funds from all HUD Offices in each Multifamily Hub will be combined. These funds will be used first to restore units to projects reduced by HUD Offices based on the above instructions. Second, additional applications within each Multifamily Hub will be selected in rank order with no more than one additional application selected per HUD Office unless there are insufficient approvable applications in other HUD Offices within the Multifamily Hub. This process will continue until there are no more approvable applications within the Multifamily Hub that can be selected with the remaining funds. However, any remaining residual funds may be used to fund the next rank-ordered application by reducing the number of units by no more than 10% rounded to the nearest whole number, provided the reduction will not render the project infeasible. For this purpose, HUD will not reduce the number of units in projects of five units or less.

NOTE: Field and Hub Offices cannot skip over any applications in order to fund one based on the fund remaining.

Funds remaining after these processes are completed will be returned to Headquarters.

For Section 202, HUD Headquarters will first fund the application submitted by Mercy Charities Housing California, Cathedral City, California, within the HUD Los Angeles Hub jurisdiction. This is a FY 2000 Section 202 application which was not funded due to HUD error.

For Section 811, HUD Headquarters will first fund United Cerebral Palsy of LA and Ventura, in the jurisdiction of the HUD Los Angeles Hub, a FY 2000 Section 811 application which was not funded due to HUD error.

Then for both Section 202 and Section 811, the residual funds will be used to restore units to projects reduced by HUD Offices as a result of the instructions above and, third, for selecting applications based on field office rankings, beginning with the next highest rated application nationwide. No more than one application will be selected per HUD Office from the national residual amount, unless there are insufficient approvable applications in other HUD

Offices. If there are no approvable applications in other HUD Offices, the process will begin again with the selection of the next highest rated application nationwide. This process will continue until all approvable applications are selected using the available remaining funds. However, for Section 202, priority will be given to those applications for projects in non-metropolitan areas, if necessary to meet the statutory requirement pertaining to Section 202 funding in non-metropolitan areas.

- M. Application Unit Limit.** A Sponsor or a Co-sponsor may apply for a maximum of 200 units within a single Hub under the Section 202 program and a maximum of 70 units or 4 projects (whichever is less) under the Section 811 program.
- N. Ineligible Activities.** The NOFAs include a list of activities that are ineligible for funding through either the Section 202 or Section 811 programs.
- O. Appeal Period for Technical Rejection.** The appeal period for applications that receive a technical rejection is 14 calendar days from the date of HUD's letter notifying the Sponsor of the technical rejection.
- P. Sponsors Cannot Require Residents to Accept Supportive Services.** Section 202 and Section 811 Sponsors must certify in their applications that they will **not** require residents to accept any supportive services as a condition of occupancy. Although the acceptance of services has never been a program requirement, it has come to the Department's attention that in many cases residents have been required to accept services in order to live in housing for persons with disabilities developed under either the Section 202 Direct Loan program or the Section 811 program.
- Q. Congressional Notification Memoranda.** Congressional Notification Memoranda (generated by DAP) are to be sent along with the other Headquarters submission requirements (see Attachment 6 for details on the submission requirements) to: Office of Housing Assistance and Grant Administration, Room 6138, Attention: 202/811. **DO NOT SEND THEM TO THE OFFICE OF CONGRESSIONAL AND INTERGOVERNMENTAL RELATIONS.**
- R. Environmental Site Assessment.** In conformance with 24 CFR 50.3(i), as revised (effective October 28, 1996), all Section 202 applicants and those Section 811 applicants who have site control are required to submit a Phase

I Environmental Site Assessment of their proposed site(s) with their applications. The Phase I Environmental Site Assessment is to be completed in accordance with the American Society for Testing and Material (ASTM), Standards E 1527-97, as amended, and must be submitted with the application by the application deadline date. The Phase I is **NOT** a curable deficiency under the Section 811 program. Section 811 Sponsors submitting applications with identified sites (i.e., not under control) are not required to submit a Phase I with their applications. However, if they are selected for funding, they must complete the Phase I Environmental Site Assessment upon obtaining site control and prior to submitting their Application for Firm Commitment.

NOTE: The Transaction Screen Process is no longer accepted as an application submission requirement.

If the Phase I study indicates the possible presence of contamination and/or hazards, further study must be undertaken. At this point, the Sponsor must decide whether to continue with this site or choose another site. Should the Sponsor choose another site, the same environmental site assessment procedure identified above must be followed for that site. **Since the Phase I studies must be completed and submitted with the application, it is important that the Sponsor start the site assessment process as soon after NOFA publication as possible. Ensure that Sponsors receive a copy of "Choosing an Environmentally Safe Site" to assist them in this process.**

If the Sponsor chooses to continue with the original site on which the Phase I study indicated possible contamination or hazards, then a detailed Phase II Environmental Site Assessment by an appropriate professional will have to be undertaken. **NOTE: THE COST OF THE STUDY MUST BE BORNE BY THE SPONSOR IF THE APPLICATION IS NOT SELECTED.** If the Phase II Assessment reveals site contamination, the extent of the contamination and a plan for clean-up (as identified in Section VI.(B)(4)(d)(vi) of the Section 202 and Section 811 NOFAs) of the site must be submitted to the local HUD Office. The plan for clean-up must include a contract for remediation of the problem(s) and an approval letter from the applicable Federal, State, and/or local agency with jurisdiction over the site. For Section 202 applications to be considered for review and Section 811 applications with evidence of control of an approvable site to be eligible for 5 points for site control, the Phase II Assessment and the plan for clean-up including the contract for remediation (if appropriate) must be submitted to the local HUD Office no later than **June 25, 2001**. HUD will not consider a site to be cleaned up or clean if a contamination problem is to be/has

been capped or paved over and if there are to be active testing, monitoring, flushing wells put in place in relation to contamination or suspected contamination. In the Section 202 program, if the required information is not received by the deadline specified in the Section 202 NOFA, the application must be rejected. In the Section 811 program, if the information is not received by the deadline specified in the Section 811 NOFA, the application will be considered a "site identified" application and will **NOT** receive any points for Site Approvability (Rating Criterion 3(a)(i)), 5 points for Site Control (Criterion 3(a)(iii)) or any points for Site Suitability (Criterion 3(b)).

NOTE: THIS COULD BE AN EXPENSIVE UNDERTAKING. THE COST OF ANY CLEANUP AND/OR REMEDIATION MUST BE BORNE BY THE SPONSOR.

To be considered valid, no more than 6 months can elapse after completion of the Phase I study. If the Phase I is dated prior to November 25, 2000, the preparer or other appropriate environmental professional must update the environmental site assessment. If there have been no changes since the previous assessment, the preparer must certify to same.

- S. Historic Preservation.** Sponsors are to submit with their applications, a letter from the State Historic Preservation Officer (SHPO) indicating whether the proposed site has any historic significance or whether it impacts any site or area of historic significance. Having this information submitted with the application will assist HUD in the timely completion of its environmental review. Sponsors must be informed to request a letter from the SHPO well in advance of the application deadline date to ensure a timely response from the SHPO.

If the Sponsor cannot obtain a letter from the SHPO due to the SHPO not responding to the Sponsor's request or the SHPO responding that it cannot or will not comply with the requirement, the Sponsor must submit the following: (1) a letter indicating that it attempted to get the required letter from the SHPO but that the SHPO either had not responded to the Sponsor's request or would not honor or recognize the Sponsor's request; (2) a copy of the Sponsor's letter to the SHPO requesting the required letter; and, (3) a copy of the SHPO's response, if available.

In such cases, the HUD Office must process the application in accordance with the standard environmental review procedures in place prior to the NOFA publication (i.e., file with the SHPO, allow time for a response from the SHPO, and then make the appropriate finding, which must be received prior to convening the Rating/Selection Panel).

- T. **Threshold Score.** The threshold score for an application to be eligible for selection is 60 base points, not including EZ/EC bonus points.
- U. **Sponsor as Consultant.** The Sponsor may also serve as a consultant to the project. Section 891.130(a)(2)(iii) of the final rule for the Section 202 and Section 811 programs states that developer (consultant) contracts between the Owner and the Sponsor or the Sponsor's nonprofit affiliate will not constitute a conflict of interest if no more than two persons salaried by the Sponsor or management affiliate serve as nonvoting directors on the Owner's board of directors.
- V. **Limit on Amendments.** Per Section 891.100(d) of the final rule for the Section 202 and Section 811 programs, fund reservations may be amended only after initial closing, subject to the availability of funds. This change must be emphasized to Sponsors so that as they plan their projects they will be aware that they need to keep the cost of the project within the fund reservation amount. Should the cost exceed the fund reservation amount, it may be necessary for Sponsors/Owners to seek outside funding sources to cover any additional expenses.
- W. **Limit on Fund Reservation Extensions.** Section 891.165 of the final rule for the Section 202 and Section 811 programs permits fund reservations to be extended up to 24 months on a limited case-by-case basis. This approval will be made at the local HUD Office level.
- X. **Minimum and Maximum Project Sizes.** For **Section 202** applications, the minimum project size for both metro and nonmetro proposals is five (5) units including the nonrevenue manager's unit, if applicable. A Sponsor can propose scattered sites in its application as long as each site consists of at least 5 units and the Sponsor has site control for all sites. In such cases, for the rating criteria pertaining to the need for supportive housing in the area and the suitability of the site, each site is to be rated separately and then the scores averaged. The maximum of 125 units for projects in metro and nonmetro areas is unchanged. For **Section 811** projects, the limits are as follow:

Group home - The minimum number of persons with disabilities that can be housed in a group home is two (2) and the maximum number is six (6), with one person per bedroom unless two residents choose to share one bedroom or a resident determines he/she needs another person to share his/her bedroom. The corresponding development cost

limits for the larger group homes have been eliminated from the NOFA since, in many States, funding for supportive services will not be provided to persons with disabilities living in larger housing developments. **Furthermore, exceptions to the 6-person limit for group homes will not be considered in Fiscal Year 2001.**

Independent living project - The minimum number of units that can be applied for in one application is five; not necessarily in one structure. The maximum number of persons with disabilities that can be housed in an independent living project is 18. An additional unit can be provided for a resident manager.

- Y. **Secretary's Representative.** As in FY 2000, the Secretary's Representative will not participate in the rating of applications submitted in response to the Fiscal Year 2001 SuperNOFA. The Project Manager will perform the function that was assigned to the Secretary's Representative in FY 1998 (review of Factor 5).
- Z. **Selection of Projects from Residual Funds.** The restriction on the size of a project that can be reduced to use residual funds has been changed from projects of nine (9) units or less to those of five (5) units or less.
- AA. **Additional Changes Applicable to the Section 811 Program Only.**
 - (1) **Exceptions to Project Size Limits.** Sponsors may no longer use “economic feasibility of the project” as a justification for requesting an exception to the project size limits. Instead, they must justify that the increased number of units/people is warranted by the market conditions in the area in which the project is to be located. Field Offices will continue to have the authority to approve exceptions up to and including 24 units if the project will be an independent living project. Any requests for exceptions over this limit must be reviewed in Headquarters.
 - (2) **Minimum size of Group Home.** The minimum size of a group home has been reduced to two (2) persons to more closely resemble shared housing in a community. A two (2) person cost limit has been provided. A Sponsor can submit an application requesting two units if it is proposing to develop one group home for two persons with disabilities.

- (3) **Reduction in Number of Units that Can be Applied for in a Single Hub.** A Sponsor may apply for the lesser of 70 units or 4 projects in a single Hub in order to facilitate the participation by Sponsors that have not yet participated in the program.
- (4) **Access to Community Services and Amenities.** Proposed project sites that are either in close proximity to community services and amenities or accessible to them other than by sole means of a project residence or private vehicle will be rated more favorably than sites located in areas where the residents must be dependent upon a project residence or private vehicle as their only means of accessing such services and amenities.
- (5) **Section 811 - Sponsor's Board Comprised of At Least 51% Persons with Disabilities.** Although Sponsors will continue to receive 5 points if their Boards are comprised of at least 51% persons with disabilities, the composition of the Board no longer has to include persons with the same disability or disabilities as those of the proposed residents.
- (6) **Involvement of Centers for Independent Living.** In order to encourage Sponsors to work with their local Center for Independent Living they are required to indicate in their applications the extent to which they involved their local Center for Independent Living in the development of their applications. In addition, the NOFA and Application Kit identifies local Centers for Independent Living and Statewide Independent Living Councils as examples of organizations from which they can obtain letters or support for their projects to include in their applications. A listing of Centers for Independent Living and Statewide Independent Living Councils is in Attachment 15 of this Notice.
- (7) **Supportive Services.** The requirements for the Supportive Services Plan have been streamlined to coincide with the philosophy that residents must be given the freedom to choose whether they want to 1) receive supportive services available in the community, 2) receive supportive services available to them from the Sponsor directly or coordinated by the Sponsor, or 3) receive no supportive services at all. If the Sponsor will be providing any supportive services directly or coordinating the availability of any supportive services, they must include a letter in their Supportive Services Plan that the services they will either make available directly or coordinate their availability and describe how the coordination will be implemented; provide an assurance that any supportive services made available to the residents will be based on their individual needs; and, state

their commitment to make the supportive services available or coordinate their availability for the life of the project.

- (8) **Opportunities for Employment.** Sponsors must include in their Supportive Services Plans a description of how the residents will be afforded opportunities for employment.
- (9) **Occupancy Issues.**
- (a) **Mixed Occupancy.** In the application submission requirements, the Sponsor is asked to specify whether the proposed housing will serve persons with physical disabilities, developmental disabilities or chronic mental illness, or any combination of the three.
- (b) **Restricted Occupancy.** Sponsors may request approval to limit occupancy to a subcategory of one of the three main disability categories (i.e., physically disabled, developmentally disabled, chronically mentally ill). For example, autism is a subcategory of developmentally disabled. If requesting approval to limit occupancy, Sponsors must submit more detailed information in their Supportive Service Plans for HUD to determine whether approval is justified. Such information includes: 1) a description of the population to which occupancy will be limited, 2) an explanation of why it is necessary to limit occupancy, 3) how restricted occupancy will promote the goals of the Section 811 program, 4) why the needs of the proposed occupants cannot be met in a more integrated setting, 5) a description of the Sponsor's experience in providing housing and/or supportive services to the proposed occupants, and 6) a description of how the Sponsor will ensure that the occupants will be integrated into the neighborhood and surrounding community. The Project Manager (PM) will be responsible for reviewing requests for restricted occupancy and the PM Technical Processing Review and Findings Memorandum has been modified accordingly. If the PM determines that approval of restricted occupancy is justified, a memorandum to the file shall be developed for the signature of the Supervisory Project Manager and attached to the PM Technical Processing Review and Findings Memorandum. If the Sponsor is selected for funding, the Notification of Selection Letter must include the information in the Supervisory Project Manager's approval memorandum.

- (c) **Single Occupancy Bedrooms in Group Homes.** Sponsors proposing to develop a group home may not require residents to share a bedroom unless a resident indicates a preference or need to share a bedroom with another resident.

- (10) **Intermediate Care Facilities (ICFs) are no Longer Eligible.** Sponsors may no longer propose the development of an ICF. Due to the quasi-institutional nature of an ICF which is contrary to programmatic goals, the Department decided to eliminate its eligibility for development under the program.

- (11) **Tenant-based Assistance.** Twenty-five percent of the Section 811 appropriations will be used for tenant-based assistance to be administered through public housing agencies and nonprofit disability organizations under the "Mainstream Housing Opportunities for Persons with Disabilities (Mainstream Program)" which was also published in the SuperNOFA on February 26, 2001.

- (12) **Site Issues.**
 - (a) **Review of Sites under Control/Sites Identified.** Sites under control and sites identified will be evaluated using the same review factors. However, applications with sites identified will have to specifically include information on how the site will promote greater housing opportunities for persons with disabilities, including minorities, affirmatively further fair housing and any other information on the suitability of the site for persons with disabilities.

 - (b) **Rejection of a Site Identified Application.** If, in the case of a site identified application, the evidence provided in the site description is not sufficient to lead to the conclusion that the Sponsor will have site control within six months, the application will be rejected.

Although identified sites are **NOT** to receive an environmental review, if the local HUD Office has knowledge about an identified site that would result in rejection of the site, (e.g., it is located in a community that is already impacted with assisted housing), the application is to be rejected on the basis that it is unlikely that the Sponsor will be able to obtain control of an approvable site within six months

of fund reservation. The reason for treating Sponsors who submit applications with site control where the site is unacceptable differently from Sponsors who submit applications with identified sites where the site is unacceptable, is that the Department can be more reasonably assured that Sponsors who were able to obtain site control during the application preparation period will be able to obtain site control within six months of fund reservation than are Sponsors who were only able to identify sites during this period. The statute requires that the Department have "reasonable assurances that the applicant will own or have control of an acceptable site for the proposed housing not later than six months after notification of an award for assistance".

- (c) **Specific Street Address Required.** Sponsors must provide the specific street address of the site, even if it is an identified site.
If the Sponsor proposes one or more condominium units, the unit number(s) must also be provided.
- (d) **Zoning.** Sponsors must provide evidence that the proposed projects are either permissible under applicable zoning ordinances or regulations or describe action that is required to make the projects permissible as well as the basis for the belief that the proposed action will be completed successfully before issuance of the firm commitment application. Furthermore, Sponsors should be aware that, under certain circumstances, the Fair Housing Act requires localities to make reasonable accommodations to their zoning ordinances or regulations to offer persons with disabilities an opportunity to live in an area of their choice. If the Sponsor is relying upon a theory of reasonable accommodation to satisfy the zoning requirement, then the Sponsor must clearly articulate the basis for its reasonable accommodation theory.
- (e) **Relaxation of Site Location Requirements.** Under Section 891.320(b) of the final rule for the Section 811 program, the site and neighborhood standards were revised to provide more flexibility to the site location requirements for Section 811 housing. The final rule now indicates that Section 811 housing should, rather than must, be located where other family housing is located and should not, rather than must not, be located adjacent to or in areas concentrated by: schools or day-care centers for persons with disabilities, workshops, medical facilities, or other housing primarily serving persons with disabilities. Local HUD Offices will make these determinations and must ensure that, in doing so, the

selected site will facilitate the integration of persons with disabilities into the surrounding community. The requirements that not more than one group home be located on one site and two group homes not be next to each other remains in Section 891.320(b), since the prohibitions are statutory.

- (13) **Scattered-site Applications.** If Sponsors are applying for a scattered-site project consisting of different project types (e.g., group home and independent living project) they may do so in one application. In order to come up with an overall rating for the rating criteria pertaining to the need for supportive housing in the area and the approvability and suitability of the site, each site is to be rated separately and then the scores averaged.
- (14) **Experience with Integrated Housing Developments.** When describing any rental housing projects sponsored, owned and operated by the Sponsor as part of the description of its housing and/or supportive services experience, the Sponsor should include its experience with integrated housing developments (i.e., condominium units scattered within one or more buildings or non-contiguous independent living units on scattered sites).
- (15) **Contact for Agency Providing Independent Living Services.** The State Independent Living Council and the local Center for Independent Living must be included on the list of State and local agency contacts provided to Sponsors for submission of the Supportive Services Plan of their applications. A current listing is in Attachment 15.
- (16) **Restrictions Removed from Acquisition Projects.** In Section 891.305 of the final rule, the definition of "acquisition" was revised. The restriction to group homes and Resolution Trust Corporation properties was removed so that any housing type may now be acquired. The restriction to properties that are at least three years old was also removed.
- (17) **Supportive Services.**
 - (a) **Residents' Choice in Supportive Services Plan.** Since Sponsors cannot require potential residents to accept any supportive services as a condition of occupancy, they must design a Supportive Services Plan that offers potential residents the following choices: 1) to take responsibility for choosing and acquiring their own services; 2) to receive any supportive services made available directly or

indirectly by the Sponsor; or 3) to not receive any supportive services at all. Such a Supportive Services Plan will offer maximum choice for residents while meeting the statutory requirement that Section 811 housing provide supportive services that address the individual health, mental health, and other needs of the residents.

- (b) **Supportive Services Certification.** The Sponsor is required to submit a copy of its Supportive Services Plan and Supportive Services Certification to the appropriate State or local agency for review of the Supportive Services Plan and completion of the Supportive Services Certification which is a requirement of the Section 811 application. The Supportive Services Certification provides HUD with information about whether the Sponsor's Plan is well designed to serve the individual needs of persons with disabilities. Furthermore, it indicates whether the proposed housing is consistent with State or local policies or plans governing the development and operation of housing to serve persons with disabilities. In addition, the appropriate State or local agency must indicate on the Supportive Services Certification whether the Sponsor demonstrated that the necessary supportive services will be available on a consistent, long-term basis.

If the Supportive Services Certification is missing or incomplete, the Sponsor must be notified that it is a curable deficiency and be given the 14-day period to have the appropriate State or local agency complete the Certification. If the Supportive Services Certification is not received during the curable deficiency period the application must be rejected but must still undergo technical processing. If the Certification comes in during the curable deficiency period and the appropriate State or local agency did not indicate whether the Supportive Services Plan is well designed to meet the needs of the residents, or indicated that it was **not** well designed, or indicates that the provision of supportive services will not enhance independent living success or promote the dignity of the residents, the application must also be rejected. If the appropriate State or local agency failed to respond to either one or both of the other two questions (whether or not the housing is consistent with State or local policies or plans governing the development and operation of housing for persons with disabilities population and whether or not the supportive services will be available on a consistent, long-term basis), the Project Manager must review the Supportive Services Plan and respond to these two questions.

If the appropriate State or local agency or, if necessary, the Project Manager, determines that the housing is inconsistent with State or local policies or plans governing the development and operation of housing to serve the proposed population and the appropriate State or local agency will be a primary funding or referral source for the project or is required to license the project; or, that supportive services will not be provided on a consistent, long term basis, the application must be rejected.

Sponsors must be reminded to send their Supportive Services Plans to the appropriate State or local agency in ample time so that the agency can review them, complete the Supportive Services Certifications and return them to the Sponsors for inclusion in their applications to HUD.

- (18) **Applicant Eligibility.** Section 603 of the Housing and Community Development Act of 1992 (HCD Act of 1992) amended Section 811 of the NAHA by striking the language "incorporated private" and thus expanding the definition of private nonprofit organization in Section 811(k)(6) to include public and unincorporated institutions or foundations. This amendment also requires such sponsoring organizations to have received tax-exempt status under section 501(c)(3) of the Internal Revenue Service Code of 1986 which effectively limits the eligibility of public bodies. (Temporary clearance to receive section 501(c)(3) tax-exempt status is not permissible.) The same requirements apply to the Owner except that the Owner must be incorporated.
- (19) **Davis-Bacon Act.** Davis-Bacon Labor standards apply to housing containing 12 or more units. A group home is considered as one unit for this purpose; therefore, the labor standards do not apply. Independent living projects with 12 or more units **are** covered by the standards.
- (20) **Lead-Based Paint.** The requirements of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821-4846) and implementing regulations at 24 CFR part 35, and 24 CFR section 891.325 apply to all Section 811 dwelling units except as indicated in the aforementioned regulations.
- (21) **Exhibit 6 of the Application Kit.** Exhibit 6 which must be completed if the site will involve relocation does not apply to Section 811 applications that are "site identified."

- (22) **Exceptions to Project Size Limits.** Sponsors of site control applications for independent living projects requesting approval to exceed the project size limits must provide the information required in the application kit and in Section VI(B)(4)(d)(ix) of the Section 811 NOFA, including documentation (e.g., results of a written or verbal survey) that people with disabilities similar to those of the prospective residents of the proposed project(s) have indicated acceptance of and/or a preference to living in housing with as many people with disabilities as proposed for the project(s).

Although the elimination of the upper limit for exceptions to project size limits remains the policy for FY 2001, local HUD Offices will only have authorization to approve exceptions up to 24 persons for an independent living project. However, Offices should be extremely cautious in approving exceptions to project size limits that would exceed the 18 person limit for an independent living project. Offices need to ensure that the program goal of integration is not compromised and should handle each request on a case-by-case basis following the criteria outlined in the NOFA.

Requests for exceptions to exceed 24 persons for an independent living project must be submitted to Headquarters, Office of Housing Assistance and Grant Administration, Room 6138, Attention: 202/811, immediately upon the conclusion of initial screening for curable deficiencies. Please submit Exhibits 1, 4(a), (b), (c), and (d)(ix) of each application requesting such an exception. If the site is rejected (i.e., receives a score of 0 for Criterion 3(a)(i) or Criterion 3(b), or the request is denied, the application must be processed at the project size limit.

- (23) **Site Issues.** Applications containing satisfactory evidence of control of an approvable site will **NOT** be awarded 10 bonus points. Instead, an application will receive 5 points for Criterion 3(a)(iii), Site Control, if it contains legally acceptable site control for all proposed sites and if all of the proposed sites are approvable by Valuation (a score of 1 or higher for Criterion 3(a)(i), Site Approvability) and FHEO (a score of 1 or higher for Criterion 3(b), Site Suitability).

If the site control is NOT acceptable in a single site application, the application will be treated as "site identified" and may still receive up to 7 points for Site Approvability (Criterion 3(a)(i)) from Valuation and up to 8 points from FHEO for the suitability of the site in promoting a greater choice of housing opportunities for

persons with disabilities, including minorities (Criterion 3(b)).

If either VAL or FHEO REJECTS the site in a single site application, the application will receive 0 points for Criterion 3(a)(i), Criterion 3(a)(iii) and Criterion 3(b). The application will be treated as "site identified" and remain in the competition as long as the Sponsor indicated in Exhibit 4(d)(viii) that it is willing to seek an alternate site. Otherwise, the application will be rejected.

NOTE: For a scattered site application to receive points for Criterion 3(a)(i), Criterion 3(a)(iii) and Criterion 3(b), **all** proposed sites must be under acceptable control and be approvable.

- (24) **Accessibility.** All Section 811 applications, whether proposing new construction, rehabilitation, or acquisition with or without rehabilitation, must adhere to the provisions of 24 CFR 891.310. The applications must also adhere to the provisions of 24 CFR 8.4(b)(5) which prohibits the selection of a site or location which has the purpose or effect of excluding persons with disabilities from the project. Sponsors who choose to use existing structures must make sure that the structures can be made accessible without resulting in infeasible projects.
- (25) **Project Type Name Change.** The term "independent living facility" has been changed to "independent living project" to eliminate the institutional connotation associated with the term "facility".

5. **SITES LOCATED IN FLOODPLAINS OR WETLANDS:** Due to the length of the review process required for all sites that are located in floodplains or (for new construction projects) wetlands (see Attachment 6, paragraph A.5.), HUD Offices may not be able to complete their reviews in time for the applications to be considered for funding. Therefore, Sponsors should take this into consideration when selecting project sites and put forth all efforts to locate sites that are not in floodplains or (for new construction projects) wetlands.

6. **FISCAL YEAR 2001 CAPITAL ADVANCE AUTHORITY ASSIGNMENTS:**

A. **Fair Share Factors.** Although not subject to the section 213(d) requirements, a formula is still used for allocating

Section 202 and Section 811 funds. The allocation formula was developed to reflect the "relevant characteristics of prospective program participants", as specified in 24 CFR 791.402(a).

Section 202. The FY 2001 formula for allocating Section 202 capital advance funds consists of one data element: a measure of the number of one and two person renter households with incomes at or below the Department's Very-low Income Limit (50 percent of area median family income, as determined by HUD, with an adjustment for household size), which have housing deficiencies. The counts of elderly renter households with housing deficiencies were taken from a special tabulation of the 1990 Decennial Census. The formula focuses the allocation on targeting the funds based on the unmet needs of elderly renter households with housing problems.

A fair share factor is developed for each metropolitan and nonmetropolitan portion of each local HUD Office jurisdiction by dividing the number of renter households for the jurisdiction by the total for the United States. The resulting percentage for each local HUD Office jurisdiction is then adjusted to reflect the relative cost of providing housing among the HUD Office jurisdictions. The adjusted needs percentage for the applicable metropolitan or nonmetropolitan portion of each jurisdiction is then multiplied by respective total remaining capital advance funds available nationwide.

Eight-five (85) percent of the total capital advance amount is allocated to metropolitan areas and 15 percent to nonmetropolitan areas. Each HUD Office jurisdiction receives sufficient capital advance funds for a minimum of 20 units in metropolitan areas and 5 units in nonmetropolitan areas. The total amount of capital advance funds to support these minimum set-asides is subtracted from the respective (metropolitan or nonmetropolitan) total capital advance amount available. The remainder is fair shared to each HUD Office jurisdiction whose original fair share exceeded the minimum set-aside, based on its respective fair share factor.

NOTE: The allocations for metropolitan and nonmetropolitan portions of the Multifamily Hub or Program Center jurisdictions reflect the most current definitions of metropolitan and nonmetropolitan areas, as defined by the Office of Management and Budget.

Section 811. The FY 2001 formula for allocating Section 811 capital advance funds consists of two data elements from the 1990 Decennial Census: (1) the number of non-institutionalized persons age 16 or older with a work

disability and a mobility or self-care limitation; and (2) the number of non-institutionalized persons age 16 or older having a mobility or self-care limitation but having no work disability.

The fair share factors were developed by taking the sum of the number of persons in each of the two elements for each state, or state portion, of each HUD Office jurisdiction as a percent of the sum of the two data elements from the Decennial Census, as described above, for the total United States. The resulting percentage for each local HUD Office is then adjusted to reflect the relative cost of providing housing among the local HUD Office jurisdictions. The adjusted needs percentage for each local HUD Office jurisdiction is then multiplied by the total amount of capital advance funds available nationwide.

Each HUD Office jurisdiction receives sufficient capital advance funds for a minimum of 10 units. The total amount of capital advance funds to support this minimum set-aside is then subtracted from the total capital advance available. The remainder is fair shared to each HUD Office jurisdiction whose original fair share exceeded the minimum set-aside, based on the allocation formula fair share factors described above.

- B. Program Fund Assignments.** HUD-185s will be processed assigning funds to the field offices when all of the selections for the FY 2001 program are finalized.

7. LOCAL HUD OFFICE ALLOCATIONS:

A. Allocation of Funds.

Section 202: The Department of Housing and Urban Development Reform Act of 1989 (HUD Reform Act) provides that allocations of funds be made to the smallest practicable areas consistent with the delivery of assistance through meaningful competition. The HUD Reform Act also states that program funding under Section 202 shall be allocated in a manner that ensures selections of projects of sufficient size to accommodate facilities for supportive services appropriate to the needs of the population to be served. To meet the intent of the Reform Act, the following rules will apply to the FY 2001 Section 202 allocations.

- (1) Offices are required to establish allocation areas only for the respective metropolitan and nonmetropolitan

assignments of capital advance authority for the entire Office jurisdiction. Therefore, all applications received from metropolitan areas will compete against each other and all applications from nonmetropolitan areas will compete against each other.

- (2) There is a minimum proposal size of **5** units and a maximum of **125** units for projects in metropolitan and nonmetropolitan areas. **Offices may NOT establish their own minimum or maximum application sizes.**

Where the Office allocation in either the metropolitan or nonmetropolitan areas is less than 125, the maximum proposal size will be limited by the allocated amount. Among other requirements, to be considered responsive to the NOFA, an applicant must not request a larger number of units for the specific geographical area (metropolitan or nonmetropolitan) than permitted in the NOFA (see Attachment 1) and must not exceed the maximum number of units per application as established herein.

Section 811: The allocations for Section 811 housing for persons with disabilities are not subject to the Section 213(d) requirements including the control on nonmetropolitan funding and the requirement for a formula allocation. Accordingly, there will not be any division of funding between metropolitan and nonmetropolitan areas. We will, however, continue funding the program on a formula basis.

In accordance with 24 CFR part 791, the Assistant Secretary has allocated the amounts available for capital advances for supportive housing for persons with disabilities for FY 2001. To be responsive to the NOFA, a Sponsor must request at least five (5) units if proposing to develop an independent living project (all five (5) units do not have to be on one site) or two (2) units if proposing to develop a group home. The Sponsor cannot request more units in a Field Office jurisdiction than allocated to that Office in the NOFA (see Attachment 2).

- B. Project Rental Assistance Contract Funds.** The Department reserves project rental assistance contract funds for five (5) years consistent with current operating cost standards.
- C. Local HUD Office Funding Notifications.** This paragraph expands on Paragraph 2-1 of Handbooks 4571.2 (Section 811) or 4571.3 REV-1 (Section 202) as appropriate. All Offices shall issue Funding Notifications in accordance with this paragraph and the above Handbook references. See Attachments 4 and 5 for Funding Notification Formats. The

funding notification formats shall be used by all Offices with no deviations.

Although previous advertising requirements have been eliminated, Offices must notify potential applicants by following the instructions in Handbooks 4571.2 and 4571.3 REV-1 and Attachment 3 of this Notice.

8. **CONSOLIDATED PLAN CERTIFICATION:** Each applicant must submit a certification by the jurisdiction in which the proposed project is to be located that the application is consistent with the jurisdiction's HUD-approved Consolidated Plan for FY 2001. The certification is to be signed by the unit of general local government if it is required to have, or has, a complete Consolidated Plan. Otherwise, the certification may be made by the State, or if the project will be located within the jurisdiction of a unit of general local government authorized to use an abbreviated strategy, by the unit of general local government if it is willing to prepare such a plan.

All Consolidated Plan Certifications must be made by the public official responsible for submitting the plan to HUD. All plan certifications must be submitted as part of the application by the application submission deadline set forth in the NOFA. The Plan regulations are published in 24 CFR Part 91.

9. **WORKSHOPS:** To the extent possible, experienced program and technical staff should conduct the workshops to provide guidance, particularly for new program participants. Since first time applicants may have difficulty with the complexity of the Section 202 or Section 811 program, Offices are urged to conduct pre-workshops (to be held prior to the start of the regularly scheduled session) for first time applicants. These applicants should attend the pre-workshop and remain for the regular session.

Particular emphasis should be placed on the new requirements for the FY 2001 program.

It should also be pointed out to potential applicants at the workshop that the second to the last page of the Application Kit is an optional form for them to fill out with their comments and suggestions about the NOFA and the Application Kit which they can include as part of their applications or submit separately to HUD Headquarters, 451 7th Street, SW, Washington, DC, 20410, Office of Grants Management and Program Compliance, Room 2182 with a copy to the Office of Housing Assistance and Grant Administration, Room 6138, Attention: Section 202/811. Local HUD Offices are also encouraged to complete this form and return it to HUD Headquarters at the above address, along with any Sponsor-completed forms that may have been

attached to applications.

10. **SUBMISSIONS TO HEADQUARTERS:** For FY 2001, application selection information will be reported to Headquarters via the Development Application Processing System (DAP). Multifamily Hubs will submit the following hard copies separately for the Section 202 and Section 811 programs to Headquarters, Office of Housing Assistance and Grant Administration, room 6138, Attention: Section 202/811 (See Attachment 6 for more detailed instructions): (1) a transmittal memorandum summarizing the results of the selection process (e.g., number of applications received and number of applications selected, identification of any selected applications where units and dollars were reduced by up to 10% and the number of units and funds needed to restore the application to its original request, identification of any approvable but unfunded applications the Multifamily Hub funded with residual funds received from the Program Centers, amount of residual money being returned to Headquarters, achievement of MBE goals, nonmetro achievement for Section 202, etc.); (2) a separate completed recapitulation form for each program by Program Center and by Hub, (3) an initial selection list in rank order for each Program Center (for Section 202, metro and nonmetro selections must be on separate lists), (4) an approvable but unfunded list in rank order for each Program Center (for Section 202, metro and nonmetro must be on separate lists), (5) a list of applications in rank order that received a score of less than 60 base points, (6) A list of applications that have been technically rejected, (7) A completed Congressional Notification form for each application on the Initial Selection Lists. (Do **NOT** send originals or copies to the Office of Congressional and Intergovernmental Relations), (Headquarters will notify HUD Offices of which additional applications selected with residual funds will need completed Congressional Notification forms.), and (8) all selection information (excluding technical processing review and findings memoranda) submitted by the Multifamily Program Centers to the Multifamily Hub). Headquarters will notify Offices when to submit the 718s and PADs for the initial selections to the Office of the Comptroller, Field Accounting Division. **NOTE: IF ANY PROJECT WAS REDUCED BY UP TO 10 PERCENT SO IT COULD BE FUNDED FROM RESIDUAL FUNDS, PLEASE IDENTIFY THE PROJECT IN THE APPLICABLE TRANSMITTAL MEMORANDUM AND ON THE SELECTION LIST. ALSO, INCLUDE IN THE MEMORANDUM THE NUMBER OF UNITS REDUCED AND THE AMOUNT OF CAPITAL ADVANCE AND PRAC FUNDS NEEDED TO RESTORE THE UNITS TO THE PROJECT.**
11. **MINORITY BUSINESS ENTERPRISE GOALS:** The Department encourages participation by the Minority Business Enterprise (MBE) sector in HUD programs and establishes MBE goals each fiscal year. Therefore, MBE goals (expressed in dollars and units) have been established for the Section 202 and Section 811 FY 2001 funding round as set forth in Attachments 8 and 9. (These goals do not affect the rating of Section 202 or Section 811 applications.) A minority Sponsor is

one in which more than 50 percent of the board members are minority (i.e., Black, Hispanic, Native American, Asian Pacific, or Asian Indian). Offices are expected to encourage participation by minority Sponsors.

12. **NOTIFICATION TO PROGRAM APPLICANTS:** Sponsors must be advised that all applications submitted under the FY 2001 program must be in conformance with the Federal Register SuperNOFA, Regulations, Handbook and local HUD Office Funding Notifications. To this end, FY 2001 applications must follow the format provided in the Section 202 or Section 811 Application Kit, as applicable, which is in accordance with the Paperwork Reduction Act of 1980 (P.L. 96-511).
13. **PROCESSING SCHEDULE:** In accordance with the schedule included in the SuperNOFA published in the Federal Register, the following processing schedule has been developed. It is not mandatory that Offices maintain all dates in this schedule. However, the underscored dates and actions are specific deadlines which must be met:

<u>Application Deadline</u>	<u>May 25, 2001</u>
Initial Screening for Curable Deficiencies Completed and Deficiency Letters Mailed	June 8, 2001
<u>Expiration of 14-day period for submission of missing application items</u>	June 22, 2001
<u>Submission of the Phase II ESA and/or the Phase II ESA and contract for remediation and the approval letter from the Federal, State and/or local agency with jurisdiction over the site, IF so indicated by the Phase I ESA and/or Phase II ESA</u>	June 25, 2001

Notification of Technical rejects July 13, 2001

End of 14 day appeal period for
Technical Rejects July 27, 2001

Program Center Offices submit
transmittal memoranda,
recapitulation sheets, lists
of initial selections, approvable
but unfunded applications, applications
that scored less than 60 base pts.,
and Congressional Notification
Memoranda to Hubs Aug. 6, 2001

Hubs submit lists of initial
selections, approvable but
unfunded applications,
applications that scored less
than 60 base pts., transmittal
memoranda, recapitulation sheets
and Congressional Notification
Memoranda to Headquarters
and submit 718s and PADs to
appropriate location Aug. 20, 2001

14. RELEASE OF INFORMATION ON RATINGS AND RANKINGS:

Release of information regarding selections or nonselections is prohibited until after funding announcements are made. Local HUD Offices may not release selection letters until authorized to do so by Headquarters. It is the policy of the Department to

operate an open selection system. Release of rating and ranking information to Section 202 and Section 811 applicants or their authorized representatives is permitted, but only after the release of selection letters. If standard rating criteria forms or technical processing review and findings memoranda are requested, they may also be released. However, the name of the reviewer must be deleted from the copy released to the applicant.

The above information may also be released to any member of the public requesting such information under the Freedom of Information Act (FOIA).

15. **HUD REFORM ACT PROVISIONS:** As required by the HUD Reform Act, the Department will publish the funding decisions in the Federal Register at the conclusion of the funding cycle. Local HUD Office staff also are reminded that the HUD Reform Act prohibits advance disclosure of funding decisions. Also see 24 CFR Part 4.

16. **UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION ACT (URA):** **It is imperative that the following information be covered at the workshops:**

In addition to complying with the URA, Sponsors must be reminded of its site acquisition provisions. These provisions apply to the acquisition of sites with or without existing structures. The implementing instructions regarding site acquisition under the URA are contained in Chapter 5 of HUD Handbook 1378, Tenant Assistance, Relocation and Real Property Acquisition.

Sponsors that do not have the power of eminent domain are exempt from compliance with the site acquisition requirements of the URA under certain conditions. The site acquisition requirements do not apply to the above Sponsors if, prior to entering into a contract of sale or any other method of obtaining site control, the Sponsor informs the seller of the land:

- A) That it does not have the power of eminent domain and, therefore, will not acquire the property if negotiations fail to result in an amicable agreement; and
- B) Of its estimate of the fair market value of the property. An appraisal is not required; however, the Sponsor's files must include an explanation, with reasonable evidence, of the basis for the estimate.

In those cases, prior to submission of an application for a fund reservation, where there are existing contracts or options and

Sponsors did not provide the pre-contractual notifications to the sellers, the Sponsor must provide the notification after-the-fact and give the seller an opportunity to withdraw from the contract/option. All Section 202 and Section 811 applications for fund reservations that are filed in response to the FY 2001 NOFAs must be in compliance with the above.

17. **PRIOR SUCCESSFUL APPLICANTS:** Sponsors applying for a Section 202 or Section 811 fund reservation who have received a Section 202 or Section 811 fund reservation, as applicable, within the last three funding cycles are **NOT** required to submit the following:
- Articles of Incorporation, constitution, or other organizational documents;
 - By-laws;
 - IRS tax exemption ruling

Instead, these Sponsors must submit the project number of the last appropriate application selected and the local HUD Office to which it was submitted. If there have been any modifications or additions to the subject documents, Sponsors must indicate such, and submit the new material.

18. **APPLICATION KITS:** Applicants may request Application Kits from the SuperNOFA Information Center by calling 1-800-HUD-8929 (the TDD number is 1-800-HUD-2209), by contacting the appropriate HUD Office, or accessing the HUD Homepage on the Internet at <http://www.hud.gov>. Program staff can also obtain Application Kits for their use by accessing them from the HUD homepage at www.hud.gov. A checklist of steps and exhibits involved in the application process is included in the Application Kit.

Programmatic questions concerning the FY 2001 Section 202 or Section 811 program and questions concerning DAP may be discussed with the Office of Housing Assistance and Grant Administration in Headquarters at (202) 708-2866.

Questions concerning Section 202 or Section 811 Capital Advance or Project Rental Assistance Contract Authority should be directed to the Funding Control Division (202-708-2750).

John C. Weicher, Assistant Secretary for
Housing-Federal Housing Commissioner

Attachments

FY 2001 SECTION 202 ALLOCATIONS BY FIELD OFFICE

	METROPOLITAN		NONMETRO		TOTALS	
OFFICES	UNITS	CAPITAL ADVANCE	UNITS	CAPITAL ADVANCE	UNITS	CAPITAL ADVANCE
BOSTON HUB						
BOSTON	159	17,635,963	5	554,690	164	18,190,653
HARTFORD	80	8,524,569	5	532,304	85	9,056,873
MANCHESTER	42	3,570,436	31	2,590,545	73	6,160,981
PROVIDENCE	48	5,279,819	5	547,228	53	5,827,047
TOTAL	329	35,010,787	46	4,224,767	375	39,235,554
NEW YORK HUB						
NEW YORK	433	51,649,323	5	596,976	438	52,246,299
BUFFALO HUB						
BUFFALO	123	12,014,217	24	2,367,696	147	14,381,913
PHILADELPHIA HUB						
CHARLESTON	20	1,721,281	16	1,347,576	36	3,068,857
NEWARK	182	21,194,647			182	21,194,647
PHILADELPHIA	153	15,583,741	19	1,959,212	172	17,542,953
PITTSBURGH	79	6,957,009	17	1,455,988	96	8,412,997
TOTAL	434	45,456,678	52	4,762,776	486	50,219,454
BALTIMORE HUB						
BALTIMORE	68	6,050,819	10	854,143	78	6,904,962
RICHMOND	65	5,006,403	22	1,680,285	87	6,686,688
WASHINGTON	69	6,502,715			69	6,502,715
TOTAL	202	17,559,937	32	2,534,428	234	20,094,365

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	METROPOLITAN		NONMETRO		TOTALS	
OFFICES	UNITS	CAPITAL ADVANCE	UNITS	CAPITAL ADVANCE	UNITS	CAPITAL ADVANCE
GREENSBORO HUB						
COLUMBIA	45	3,705,147	17	1,360,377	62	5,065,524
GREENSBORO	74	7,333,061	35	3,403,815	109	10,736,876
TOTAL	119	11,038,208	52	4,764,192	171	15,802,400
ATLANTA HUB						
ATLANTA	74	5,681,174	33	2,508,460	107	8,189,634
KNOXVILLE	36	2,700,689	11	804,591	47	3,505,280
LOUISVILLE	48	3,899,316	25	2,075,729	73	5,975,045
NASHVILLE	50	3,858,446	18	1,381,920	68	5,240,366
SAN JUAN	39	4,088,207	14	1,439,774	53	5,527,981
TOTAL	247	20,227,832	101	8,210,474	348	28,438,306
JACKSONVILLE HUB						
BIRMINGHAM	57	4,335,834	22	1,711,494	79	6,047,328
JACKSON	20	1,482,490	27	2,036,523	47	3,519,013
JACKSONVILLE	214	17,438,863	14	1,143,069	228	18,581,932
TOTAL	291	23,257,187	63	4,891,086	354	28,148,273
CHICAGO HUB						
CHICAGO	200	21,646,892	30	3,255,500	230	24,902,392

	METROPOLITAN		NONMETRO		TOTALS	
OFFICES	UNITS	CAPITAL ADVANCE	UNITS	CAPITAL ADVANCE	UNITS	CAPITAL ADVANCE
INDIANAPOLIS	76	6,408,301	22	1,825,288	98	8,233,589
TOTAL	276	28,055,193	52	5,080,788	328	33,135,981

	METROPOLITAN		NONMETRO		TOTALS	
OFFICES	UNITS	CAPITAL ADVANCE	UNITS	CAPITAL ADVANCE	UNITS	CAPITAL ADVANCE
COLUMBUS HUB						
CINCINNATI	61	5,043,772	5	412,908	66	5,456,680
CLEVELAND	100	9,169,378	14	1,253,834	114	10,423,212
COLUMBUS	46	3,792,857	16	1,327,346	62	5,120,203
TOTAL	207	18,006,007	35	2,994,088	242	21,000,095
DETROIT HUB						
DETROIT	105	9,994,767	5	475,093	110	10,469,860
GRAND RAPIDS	43	3,477,790	17	1,377,948	60	4,855,738
TOTAL	148	13,472,557	22	1,853,041	170	15,325,598
MINNEAPOLIS HUB						
MINNEAPOLIS	71	7,103,990	26	2,610,819	97	9,714,809
MILWAUKEE	80	7,696,535	28	2,737,327	108	10,433,862
TOTAL	151	14,800,525	54	5,348,146	205	20,148,671

	METROPOLITAN		NONMETRO		TOTALS	
OFFICES	UNITS	CAPITAL ADVANCE	UNITS	CAPITAL ADVANCE	UNITS	CAPITAL ADVANCE
FT. WORTH HUB						
FT. WORTH	97	7,341,132	29	2,188,222	126	9,529,354
HOUSTON	63	4,744,457	11	855,642	74	5,600,099
LITTLE ROCK	20	1,363,095	25	1,707,312	45	3,070,407
NEW ORLEANS	64	4,650,855	15	1,103,113	79	5,753,968
SAN ANTONIO	54	3,902,085	12	852,154	66	4,754,239
TOTAL	298	22,001,624	92	6,706,443	390	28,708,067

	METROPOLITAN		NONMETRO		TOTALS	
OFFICES	UNITS	CAPITAL ADVANCE	UNITS	CAPITAL ADVANCE	UNITS	CAPITAL ADVANCE
KANSAS CITY HUB						
DES MOINES	36	2,854,399	26	2,032,942	62	4,887,341
KANSAS CITY	59	4,915,374	25	2,053,794	84	6,969,168
OKLAHOMA CITY	43	3,114,030	20	1,444,174	63	4,558,204
OMAHA	20	1,671,533	14	1,194,153	34	2,865,686
ST LOUIS	57	5,273,030	19	1,754,902	76	7,027,932
TOTAL	215	17,828,366	104	8,479,965	319	26,308,331
DENVER HUB						
DENVER	76	6,588,595	36	2,866,477	112	9,455,072

	METROPOLITAN		NONMETRO		TOTALS	
OFFICES	UNITS	CAPITAL ADVANCE	UNITS	CAPITAL ADVANCE	UNITS	CAPITAL ADVANCE
SAN FRANCISCO HUB						
SAN FRANCISCO	180	20,829,005	11	1,235,800	191	22,064,805
HONOLULU	20	3,581,856	5	895,464	25	4,477,320
PHOENIX	57	4,528,660	9	745,095	66	5,273,755
SACRAMENTO	57	5,852,878	10	1,054,428	67	6,907,306
TOTAL	314	34,792,399	35	3,930,787	349	38,723,186
LOS ANGELES HUB						
LOS ANGELES	322	33,369,160	5	517,379	327	33,886,539

	METROPOLITAN		NONMETRO		TOTALS	
OFFICES	UNITS	CAPITAL ADVANCE	UNITS	CAPITAL ADVANCE	UNITS	CAPITAL ADVANCE
SEATTLE HUB						
SEATTLE	75	7,468,620	15	1,548,653	90	9,017,273
ANCHORAGE	20	3,581,856	5	895,464	25	4,477,320
PORTLAND	58	5,349,500	21	1,813,769	79	7,163,269
TOTAL	153	16,399,976	41	4,257,886	194	20,657,862
NATIONAL TOTAL	4,338	421,528,571	851	74,387,395	5,189	495,915,966

**Fiscal Year 2001 Allocations for Supportive Housing for Persons with Disabilities
[Fiscal Year 2001 Section 811 Allocations]**

Office	Capital Advance Authority	Units
Boston Hub:		
Boston	\$3,089,629	29
Hartford	2,062,628	20
Manchester	1,394,194	17
Providence	1,046,056	10
Total	7,592,507	76
New York Hub:		
New York	7,360,216	64
Total	7,360,216	64
Buffalo Hub:		
Buffalo*	2,408,991	26
Total	2,408,991	26
Philadelphia Hub:		
Newark	4,142,909	37
Pittsburgh	2,070,017	25
Philadelphia	4,013,262	41
Charleston	1,524,527	19
Total	11,750,715	122
Baltimore Hub:		
Baltimore	1,855,055	22
Richmond	1,815,246	24
D.C.	1,987,627	22
Total	5,657,928	68
Greensboro Hub:		
Columbia	1,910,484	25
Greensboro	3,338,433	35
Total	5,248,917	60

* This amount includes \$740,700 in capital advance authority to fund the Urban League of Rochester, New York. Since this eight unit project was not selected in FY 2000 due to HUD error, the application will be funded from the FY 2001 allocation to the Buffalo Office.

Atlanta Hub:

Atlanta	2,528,535	34
San Juan	2,508,799	25
Louisville	1,981,913	25
Knoxville	1,323,818	19
Nashville	1,519,414	21
Total	9,862,479	124

Jacksonville Hub:

Jacksonville	4,872,033	62
Birmingham	2,106,747	29
Jackson	1,611,115	23
Total	8,589,895	114

Chicago Hub:

Chicago	5,096,887	49
Indianapolis	2,251,482	28
Total	7,348,369	77

Columbus Hub:

Cincinnati	1,487,520	19
Cleveland	2,614,154	30
Columbus	1,465,702	19
Total	5,567,376	68

Detroit Hub:

Detroit	3,126,806	34
Grand Rapids	1,309,727	17
Total	4,436,533	51

Minneapolis Hub:

Milwaukee	2,095,718	23
Minneapolis	1,957,249	20
Total	4,052,967	43

Fort Worth Hub:

Fort Worth	2,767,360	38
Houston	1,887,748	26
Little Rock	1,382,422	21
New Orleans	1,950,850	28
San Antonio	1,724,932	25
Total	9,713,312	138

Kansas City Hub:

Des Moines	1,353,642	18
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Kansas City	1,842,263	24
Omaha	798,806	10
Oklahoma City	1,485,979	22
St. Louis	1,885,189	21
Total	7,365,879	95
Denver Hub:		
Denver	2,162,064	27
Total	2,162,064	27
San Francisco Hub:		
Honolulu (Guam)	1,711,728	10
Phoenix	1,598,410	21
Sacramento	1,744,998	18
San Francisco 4,393,483	40	
Total	9,448,619	89
Los Angeles Hub:		
Los Angeles	7,117,139	72
Total	7,117,139	72
Seattle Hub:		
Anchorage	1,711,728	10
Portland	1,784,427	21
Seattle	2,069,651	22
Total	5,565,806	53
National Total	\$121,249,712	1,367

SECTION 811 WORKSHOP INSTRUCTIONS

The local HUD Office will send a copy of the Funding Notification and information regarding the date, time and place of the workshop (Attachment 5) to the following:

- Disabled and minority media, and minority and other organizations involved in housing and community development within the Office's jurisdiction;
- Groups with a special interest in housing for persons with disabilities, including State and local disability agencies (e.g., Department of Mental Health and Developmental Disabilities); State Independent Living Councils and Centers for Independent Living;
- The applicable State Single Point of Contact (Executive Order 12372) and Chief Executive Officers of appropriate units of State/local government in all instances where there is a Consolidated Plan.

In addition, the following must be notified, where feasible:

- Trade association journals;
- Associations representing persons with disabilities;
- State Agencies, such as Departments of Human Resources;
 - Fair Housing Groups (the names and addresses of such organizations and groups shall be provided to the PC&R staff by the Equal Opportunity Division Directors).

**FUNDING NOTIFICATION FOR FISCAL YEAR 2001
SECTION 202 SUPPORTIVE HOUSING FOR THE ELDERLY
CAPITAL ADVANCE PROGRAM**

The Department of Housing and Urban Development will accept applications from private nonprofit organizations for rental or cooperative housing under the Section 202 Capital Advance Program for Supportive Housing for the Elderly subject to the following:

	<u>Units</u>	<u>Capital Advance</u>
METROPOLITAN AREA:	_____	\$ _____
NONMETROPOLITAN AREA:	_____	_____

This represents the funding available for the _____ Office. The minimum number of units per application is 5 and the maximum number is 125* (including the manager's unit). Applicants submitting applications for units in either of the areas identified above may not request more units than advertised for the specific area (metropolitan or nonmetropolitan).

Appropriate filing information is contained in an Application Kit which may be obtained from the SuperNOFA Information Center at 1-800-HUD-8929 (TDD: 1-800-HUD-2209); or from _____ (HUD Office Address) _____; or on the Internet by accessing the HUD Homepage at <http://www.hud.gov>.

This office will conduct a workshop on (date) at (time) for interested applicants to explain the Section 202 program, to distribute Application Kits and to discuss application procedures. The facility for the workshop is accessible to individuals with disabilities. The VOICE/TDD telephone number is _____.

THE DEADLINE DATE FOR THE SUBMISSION OF APPLICATIONS IS MAY 25, 2001.

* If your office's allocation is less than 125 units, then insert that number instead of 125.

**FUNDING NOTIFICATION FOR FISCAL YEAR 2001
SECTION 811 SUPPORTIVE HOUSING FOR PERSONS WITH DISABILITIES
CAPITAL ADVANCE PROGRAM**

The Department of Housing and Urban Development will accept applications from nonprofit organizations for rental or cooperative housing under the Section 811 Capital Advance Program for Supportive Housing for Persons with Disabilities subject to the following:

<u>Units</u>	<u>Capital Advance</u>
_____	\$ _____

This represents the funding available for the _____ Office. Applicants must not request more units than available.

Appropriate filing information is contained in an Application Kit which may be obtained from the SuperNOFA Information Center at 1-800-HUD-8929 (TDD-1-800-HUD-2209); or from _____

(HUD Office Address) _____; or on the Internet by
accessing the HUD Homepage at <http://www.hud.gov>.

This office will conduct a workshop on ___(date)___ at ___(time)___ for interested applicants to explain the Section 811 program, to distribute Application Kits and to discuss application procedures. The facility for the workshop is accessible to individuals with disabilities. The VOICE/TDD telephone number is _____.

THE DEADLINE DATE FOR THE SUBMISSION OF APPLICATIONS IS MAY 25, 2001.

Fiscal Year 2001 Policy for Section 202 and Section 811 Applications Processing and Selections

The modifications outlined below eliminate the need for technical review documents being forwarded to Headquarters for review.

Separate selection lists, lists of unfunded but approvable applications and lists of applications that received base scores below 60 for the Section 202 and Section 811 programs are still to be submitted to Headquarters prior to completion of the selection and announcement process.

Residual funds not used by Multifamily Hubs for each program shall be identified in the transmittal memorandum to accompany the above lists. These funds will be recaptured by Headquarters and will be used to restore units, where possible, to projects that had units reduced in order to be selected and to fund additional applications based on field office ratings, beginning with the highest rated application nationwide, ensuring equity among field offices as described in paragraph 4.L. on page 17 above.

Headquarters will coordinate Congressional notification of selected applicants with the Office of Congressional and Intergovernmental Relations based upon Congressional Notification Memoranda completed by HUD Offices. See Attachment 7 for the current Congressional Notification Memorandum format and a sample completed format.

Responsibility for notifying State Points of Contact of nonaccommodations has been transferred from Headquarters to the local HUD Offices.

REVISED REVIEW, RATING AND SELECTION PROCEDURES

The following revised review, rating and selection procedures are to be used in place of Paragraphs 3-51 through 3-58 of Handbooks 4571.3 REV-1 and 4571.2.

A. Considerations Prior to Forwarding Applications to the Rating/Selection Panel.

1. Applications that are determined to be technical rejects after the conclusion of the appeal process, will receive a final score of 0 and cannot be considered by the Rating/Selection Panel.

NOTES:

- (a) Sponsors whose applications are found technically unapprovable must be promptly notified when all technical reviews are complete. The letters shall be sent by certified mail and shall enumerate all reasons for technical rejection including missing or incomplete Exhibits identified during the initial screening for curable deficiencies period but were not requested due to their impact on the

rating of the applications. Sponsors shall have 14 calendar days from the date of the letter to appeal the rejection.

(b) Sponsors whose applications are found technically unapprovable due to the nonsubmission of Exhibit 7(g), Form HUD-2991, Certification of Consistency with the Consolidated Plan, and/or Exhibit 4(d)(iii), Evidence of Permissive Zoning (if it is a 202 application) or Exhibit 7(l), Certification for Provision of Supportive Services (if it is an 811 application) and the nonsubmission was not discovered during the curable deficiency period must be given the opportunity to cure the deficiency during the 14 calendar day appeal period. In order for the technical rejection to be overturned, the Sponsor must submit the deficient Exhibit and documentation showing that the information had been requested from the third party at least 45 days prior to the application deadline date.

2. The selection process cannot take place until after receipt of comments from the State Single Point of Contact or upon expiration of the comment period, whichever occurs first.
3. HUD Offices should alert the Rating/Selection Panel of any applications with adverse State comments.
4. The Environmental Assessment and Compliance Findings for the Related Laws Form (Form 4128) must be completed for applications with satisfactory evidence of site control, all compliance findings made, including the Finding of No Significant Impact, and properly executed by the Appraiser and Supervisory Project Manager/Operations Director and Hub Director/Program Center Director before technical processing can be completed. For projects that require the 8-Step process identified in 24 CFR Part 55 (Floodplains/ Wetlands), the Form 4128 should indicate that Steps 1 through 6 have been completed, documentation attached. Also, if the application does not include a letter from the SHPO indicating that the site has no historic significance, and does not impact on a site or area of historic significance, the applicable determination under Historic Preservation procedures must be made and documented by HUD Office staff. After completion of technical processing, the Form 4128 must be executed by the Supervisory Project Manager and attached to the Valuation Technical Processing Review and Findings Memorandum.
5. HUD Offices should have initiated the eight-step process for sites located in the 100-year floodplain (500-year floodplain for critical actions) and/or, in the case of sites for new construction, a wetland, prior to submission to the Rating/Selection Panel. The first six steps **must** be completed prior to the convening of the Rating/Selection Panel.

B. Notification of Technical Rejection. Upon completion of technical processing, a copy of the Technical Reject Log and a copy of each technical rejection letter shall be sent to Headquarters, Office of Housing Assistance and Grant Administration, room 6138, Attention: 202/811.

C. Determining Approvable Applications.

1. Establishing the Rating/Selection Panel. The HUD Office will convene a Rating/Selection Panel to assure each Section 202 and Section 811 application is approvable, to complete final ratings and to rate and rank the approvable applications.
 2. Composition of Panel. The Panel will include the Project Manager and staff from the following Technical Disciplines:
 - a. Valuation
 - b. Architectural and Engineering
 - c. Economic and Market Analysis
 - d. Fair Housing and Equal Opportunity
 - e. Community Planning and Development
 3. Area of Competition (Section 202 Only). All metropolitan applications will compete against each other and all nonmetropolitan applications will compete against each other within each local HUD Office's jurisdiction.
 4. Review for Consistency. If the Supervisory Project Manager's review reveals that a particular Technical Discipline's review comments have violated or are inconsistent with any outstanding instructions, the Supervisory Project Manager shall take corrective action prior to making selections. Such items should be noted and maintained in the application file.
 5. Recommended Scores. Based on the findings from the Technical Processing Review and Findings Memoranda, the Project Manager will complete the appropriate Standard Rating Criteria Form (Attachment 12 for 202, Attachment 13 for 811), to be used by the Rating/Selection Panel in assigning final ratings to all approvable applications.
 6. Rank Order. All approvable applications are to be placed in rank order.
- D. Selection of Applications. The Panel shall select applications according to the following process:
1. Descending Order. Applications shall be selected in descending order which most reasonably approximate the number of units and capital advance authority allocated to each HUD Office without skipping over a higher rated application. For Section 202, this process must be done separately for the metropolitan and nonmetropolitan categories. For Section 811, the Buffalo Office will first fund the application submitted by the Urban League of Rochester, New York, a FY 2000 application which was not funded due to HUD error.
 2. Units and Dollars Control. The selection process is controlled by the number of units and dollars stated in the NOFA. Therefore, a HUD Office may not select more units nor approve more funds than it was allocated. **REMINDER: In calculating the capital advance amount, you are to use the development cost limits and high cost percentages that are currently in effect. However, in applying the high cost**

percentages, you may use a percentage that is higher or lower than that assigned to your office if it is needed to provide a capital advance amount that is comparable to what it typically costs to develop a 202 or 811 project in your area.

3. Minimum Score. Only those applications that receive a score of 60 base points or above may be considered for selection. (The base score does not include bonus points.)

NOTE: In no case may applications with technical deficiencies (e.g., ineligible Sponsor, missing or unsatisfactory Supportive Services Certification (Section 811), be considered by HUD Office panels, or included on the lists described in E. 3. and 4. below.

4. EZ/EC Bonus Points. After rating applications, those that receive at least 60 base points, have complete EZ/EC certifications, and acceptable site control of an approvable site(s) should be reviewed against HUD's list of EZs/ECs to determine if they are eligible to receive two (2) bonus points. Only those applications where the proposed site(s) is consistent with the strategic plan of the EZ/EC, will be located in an EZ/EC, and will serve residents of the EZ/EC may receive the two (2) bonus points.
5. Residual Funds. After making the initial selections, any residual funds may be utilized to fund the next rank-ordered application by reducing the units by no more than 10 percent rounded to the nearest whole number; provided the reduction will not render the project infeasible. Applications proposing 5 units or less may not be reduced. For Section 202, the HUD Office may then combine its unused metropolitan and nonmetropolitan funds in order to select the next ranked application in either category, using the unit reduction policy, if necessary.
6. Approvable but Unfunded Applications. After the above process has been completed, HUD Offices must identify all unfunded but otherwise approvable applications.
7. Program Center's Submission to the Multifamily Hub. Each Program Center, after completion of its selection process, shall submit the following items separately for Section 202 and Section 811 to the Director of the appropriate Multifamily Hub in accordance with the schedule in Paragraph 13:
 - a. A transmittal memorandum summarizing the results of the selection process (e.g., number of applications received and number of applications selected, identification of those applications, if any, where the number of units requested was reduced by up to 10 percent and the amount of the reduction (units and dollars), the amount of residual funds being returned to the Multifamily Hub, achievement of MBE goals, nonmetro achievement for Section 202, etc.
 - b. A separate completed recapitulation form.
 - c. An initial selection list in rank order (For Section 202, metro and nonmetro selections must be on separate lists).

- d. An approvable but unfunded list in rank order (For Section 202, metro and nonmetro selections must be on separate lists).
- e. A list of applications in rank order that received a score of less than 60 base points.
- f. A list of applications that have been technically rejected.
- g. A completed Congressional Notification form for each application on the Initial Selection Lists.
- h. The Standard Rating Criteria Form for each application.

NOTE: HUD Offices **must** use the DAP System to complete items b. through h. above. (See Paragraph 10 of this Notice.)

- 8. Multifamily Hub's Use of Residual Funds. After the HUD Offices within each Hub have funded all possible projects for the Section 202 and Section 811 programs, the residual funds will be combined within each program (for Section 202, metropolitan and nonmetropolitan funds are to be combined). These funds will first be used to restore units to projects reduced by HUD Offices. Then, additional applications within each Multifamily Hub will be selected in rank order with no more than one application selected per HUD Office unless there are insufficient approvable applications in other HUD Offices within the Multifamily Hub. This process will continue until there are no more approvable applications within the Multifamily Hub that can be selected with the remaining funds. Applications may not be skipped over to select one based on funds remaining. However, if necessary, any remaining residual funds may be used to fund the next rank-ordered application by reducing the number of units by no more than 10 percent, rounded to the nearest whole number, provided the reduction will not render the project infeasible. HUD will not reduce the number of units in projects of 5 units or less.
- 9. Headquarters' Use of Residual Funds. Headquarters will use residual funds first to restore units to projects that were reduced by HUD Offices and/or Multifamily Hubs **(with the exception that in the Section 202 program, the residual funds will be used first to fund a FY 2000 application submitted by Mercy Charities Housing California, Cathedral City, California, and in the Section 811 program, the residual funds will be used first to fund a FY 2000 application submitted by United Cerebral Palsy of LA and Ventura, both in the jurisdiction of the Los Angeles Hub and both which were not funded due to HUD error).** After the above, residual funds remaining will be used for the selection of additional applications based on a national rank order. However, no more than one application will be selected per HUD Office (excluding the Los Angeles Hub for the 202 and Section 811 programs, already funded) from the national residual amount unless there are insufficient approvable applications in other HUD Offices. If funds still remain, additional applications will be selected based on field office ratings, beginning with the highest rated application nationwide insuring an

equitable distribution among all HUD Offices.

E. Submission to Headquarters. Each Multifamily Hub shall submit the following items separately for Section 202 and Section 811 to Headquarters, Office of Housing Assistance and Grant Administration, Room 6138, Attention: 202/811, in accordance with the schedule in Paragraph 13:

1. A transmittal memorandum summarizing the results of the selection process (e.g., number of applications received and number of applications selected, identification of those applications, if any, where the number of units was reduced by up to 10% and the number of units and funds needed to restore the application to its original request, identification of any approvable but unfunded applications the Multifamily Hub funded with residual funds from the Program Centers, amount of unused funds being returned for recapture by Headquarters, achievement of MBE goals, nonmetro achievement for Section 202, etc.
2. A separate completed recapitulation form.
3. An initial selection list in rank order (For Section 202, metro and nonmetro selections must be on separate lists).
4. An approvable but unfunded list in rank order (For Section 202, metro and nonmetro selections must be on separate lists).
5. A list of applications in rank order that received a score of less than 60 base points.
6. A list of applications that have been technically rejected.
7. A completed Congressional Notification form for each application on the Initial Selection Lists (Do **NOT** send the originals or copies to the Office of Congressional and Intergovernmental Relations). Headquarters will notify HUD Offices of which additional applications selected with residual funds will need completed Congressional Notification forms.

NOTE: HUD Offices **must** use the DAP System to complete items 2. through 7. above.

8. All selection information (**excluding** Technical Processing Review and Findings Memoranda) submitted by the Multifamily Program Centers to the Multifamily Hub.

HUD NOTIFICATION
U.S. Department of Housing and Urban Development
Washington, D.C. 20410-8000

MEMORANDUM FOR: Assistant Secretary for
Congressional and Intergovernmental Relations

FROM:

HUD OFFICE:

ACTION: Section 202 Supportive Housing for the Elderly Funding Award: An assistance program that provides capital advance financing and rental assistance to private nonprofit sponsors for the development and operation of supportive housing for the elderly.

PROJECT DESCRIPTION

An allocation of funding has been approved to develop housing for the elderly as follows:

Sponsor Name/Address:

Project Name/Number

Project Address:

Number of Units:

Capital Advance Authority:

PRAC Contract Authority:

PRAC Budget Authority:

Total Award (Cap. Adv. + PRAC BA):

Project Contact/Phone Number

PROJECT HIGHLIGHTS

STATUS

All administrative, regulatory and statutory requirements have been met.

LOCAL HUD OFFICE CONTACT/PHONE NUMBER:

CONGRESSIONAL DELEGATION:

Senator:

Senator:

Member of Congress/District:

HUD NOTIFICATION
U.S. Department of Housing and Urban Development
Washington, D.C. 20410-8000

MEMORANDUM FOR: Assistant Secretary for
Congressional and Intergovernmental Relations

FROM: Ellen Connolly, Director, Boston Multifamily Hub

HUD OFFICE: Boston

ACTION: Section 202 Supportive Housing for the Elderly Funding Award: An assistance program that provides capital advance financing and rental assistance to private nonprofit sponsors for the development and operation of supportive housing for the elderly.

PROJECT DESCRIPTION

An allocation of funding has been approved to develop housing for the elderly as follows:

Sponsor Name/Address:	Boston Harbor Elderly Association 67 Highland Avenue Boston, MA 01076
Project Name/Number	Foster Towers 023EE117/MA06S011001
Project Address:	2000 Newbine Street Boston, MA 01076
Number of Units:	126
Capital Advance Authority:	\$8,194,700
PRAC Contract Authority:	\$375,000
PRAC Budget Authority:	\$1,875,000
Total Award (Cap. Adv. + PRAC BA):	\$10,069,700
Project Contact/Phone Number:	Helen Wilson (617) 555-5555

PROJECT HIGHLIGHTS

The funds will be used to construct 125 one-bedroom units for very-low income elderly persons and 1 two-bedroom unit for a resident manager. The site for the project is adjacent to an existing senior center and the residents will be able to participate in the many activities sponsored by the center including a meals program. A public bus stop will be located in front of the project so the residents will have easy access to shopping and medical facilities. A Service Coordinator is being provided on site to help residents access services.

STATUS

All administrative, regulatory and statutory requirements have been met.

LOCAL HUD OFFICE CONTACT/PHONE NUMBER: Helen Wilson/(215)555-5555

CONGRESSIONAL DELEGATION:

Senator: Edward M. Kennedy	Senator John F. Kerry
Member of Congress/District:	Richard E. Neal/2

HUD NOTIFICATION
U.S. Department of Housing and Urban Development
Washington, D.C. 20410-8000

MEMORANDUM FOR: Assistant Secretary for
Congressional and Intergovernmental Relations

FROM:

HUD OFFICE:

ACTION: Section 811 Supportive Housing for Persons with Disabilities Funding Award: An assistance program that provides capital advance financing and project rental assistance to nonprofit sponsors for the development and operation of supportive housing to enable persons with disabilities to live as independently as possible in the community.

PROJECT DESCRIPTION

An allocation of funding has been approved to develop housing for persons with disabilities as follows:

Sponsor Name/Address:

Project Name/Number:

Project Address:

Number of Units:

Capital Advance Authority:

PRAC Contract Authority:

PRAC Budget Authority:

Total Award (Cap. Adv. + PRAC BA):

Project Contact/Phone Number:

PROJECT HIGHLIGHTS

STATUS

All administrative, regulatory and statutory requirements have been met.

LOCAL HUD OFFICE CONTACTPHONE NUMBER:

CONGRESSIONAL DELEGATION:

Senator:

Senator:

Member of Congress/District:

HUD NOTIFICATION
U.S. Department of Housing and Urban Development
 Washington, D.C. 20410-8000

MEMORANDUM FOR: Assistant Secretary for
Congressional and Intergovernmental Relations

FROM: Encamacion C. Loukatos, Director, Philadelphia Multifamily Hub

HUD OFFICE: Philadelphia

ACTION: Section 811 Supportive Housing for Persons with Disabilities Funding Award:

An assistance program that provides capital advance financing and project rental assistance to nonprofit sponsors for the development and operation of supportive housing to enable persons with disabilities to live as independently as possible in the community.

PROJECT DESCRIPTION

An allocation of funding has been approved to develop housing for persons with disabilities as follows:

Sponsor Name/Address:	ABC Housing Corporation 2960 Milford Avenue Philadelphia, PA 19131
Project Name/Number	Tenley Gardens 034HD058/PA26Q011001
Project Address:	243 South 12th Street Philadelphia, PA 19999
Number of Units:	18
Capital Advance Authority:	\$1,266,800
PRAC Contract Authority:	\$66,200
PRAC Budget Authority:	\$331,000
Total Award (Cap. Adv. + PRAC BA):	\$1,597,800
Project Contact/Phone Number:	John Michaels (215) 555-5555

PROJECT HIGHLIGHTS

The funds will be used for the new construction of a fully wheelchair accessible apartment complex consisting of 11 one-bedroom units and 7 two-bedroom units plus community space for persons with physical disabilities. This project will contribute to the revitalization of an urban renewal area and is in close proximity to medical facilities, shopping, entertainment, places of worship and recreational activities.

STATUS

All administrative, regulatory and statutory requirements have been met.

LOCAL HUD OFFICE CONTACT/PHONE NUMBER: John Smith/(215)555-5555

CONGRESSIONAL DELEGATION:

Senator Arlen Specter

Senator: Rick Santorum

SECTION 202 MINORITY BUSINESS ENTERPRISE (MBE) GOALS

OFFICES	SECTION 202 CAPITAL ADVANCE	UNITS
BOSTON HUB		
Boston	\$ 1,306,516	12
Hartford	650,496	6
Manchester	421,985	5
Providence	549,721	5
NEW YORK HUB		
New York City	12,084,356	101
BUFFALO HUB		
Buffalo	3,326,478	34
PHILADELPHIA HUB		
Charleston	426,230	5
Newark	4,902,236	42
Pittsburgh	1,669,370	19
Philadelphia	3,481,005	34
BALTIMORE HUB		
Baltimore	1,370,135	15
Richmond	1,326,823	17
DC	1,290,318	14
GREENSBORO HUB		
Columbia	1,338,131	16
Greensboro	2,836,299	29
ATLANTA HUB		

Atlanta	2,163,409	28
San Juan	1,460,295	14
Louisville	1,578,394	19
Knoxville	925,970	12
Nashville	1,384,318	18

SECTION 202 MINORITY BUSINESS ENTERPRISE (MBE) GOALS

OFFICES	SECTION 202 CAPITAL ADVANCE	UNITS
JACKSONVILLE HUB		
Jacksonville	4,908,683	60
Birmingham	1,597,488	21
Jackson	929,598	12
CHICAGO HUB		
Chicago	3,698,412	34
Indianapolis	1,222,822	15
COLUMBUS HUB		
Cincinnati	810,406	10
Cleveland	1,548,017	17
Columbus	760,434	9
DETROIT HUB		
Detroit	1,554,945	16
Grand Rapids	721,156	9
MINNEAPOLIS HUB		
Milwaukee	1,549,599	16
Minneapolis	1,442,808	14
FT. WORTH HUB		
Ft. Worth	2,470,913	33
Houston	1,452,077	19
Little Rock	796,141	12
New Orleans	1,491,975	20
San Antonio	1,232,750	17
KANSAS CITY HUB		

Des Moines	394,140	5
Kansas City	661,744	8

ATTACHMENT 8

SECTION 202 MINORITY BUSINESS ENTERPRISE (MBE) GOALS

OFFICES	SECTION 202 CAPITAL ADVANCE	UNITS
Oklahoma City	361,762	5
Omaha	421,424	5
St. Louis	667,324	7
DENVER HUB		
Denver	920,808	11
SAN FRANCISCO HUB		
Honolulu (Guam)	1,302,658	7
Phoenix	1,534,378	19
Sacramento	2,009,653	19
San Francisco	6,419,665	56
LOS ANGELES HUB		
Los Angeles	9,859,151	95
SEATTLE HUB		
Anchorage	895,464	5
Portland	654,014	7
Seattle	823,286	8
TOTAL	\$99,606,180	1,036

SECTION 811 MINORITY BUSINESS ENTERPRISE (MBE) GOALS

OFFICES	SECTION 811 CAPITAL ADVANCE	UNITS
BOSTON HUB		
Boston	\$ 319,617	3
Hartford	309,394	3
Manchester	246,035	3
Providence	313,816	3
NEW YORK HUB		
New York City	839,355	7
BUFFALO HUB		
Buffalo	274,720	3
PHILADELPHIA HUB		
Charleston	240,715	3
Newark	472,455	4
Pittsburgh	202,518	2
Philadelphia	392,633	4
BALTIMORE HUB		
Baltimore	252,962	3
Richmond	177,593	2
DC	271,040	3
GREENSBORO HUB		
Columbia	248,831	3
Greensboro	434,815	5
ATLANTA HUB		
Atlanta	329,329	4
San Juan	326,759	3
Louisville	258,134	3

Knoxville	172,421	2
Nashville	197,896	3

SECTION 811 MINORITY BUSINESS ENTERPRISE (MBE) GOALS

OFFICES	SECTION 811 CAPITAL ADVANCE	UNITS
JACKSONVILLE HUB		
Jacksonville	634,559	8
Birmingham	274,394	4
Jackson	209,840	3
CHICAGO HUB		
Chicago	373,221	4
Indianapolis	241,230	3
COLUMBUS HUB		
Cincinnati	234,872	3
Cleveland	261,415	3
Columbus	231,427	3
DETROIT HUB		
Detroit	228,962	2
Grand Rapids	231,128	3
MINNEAPOLIS HUB		
Milwaukee	273,355	3
Minneapolis	293,587	3
FT. WORTH HUB		
Ft. Worth	353,791	5
Houston	241,338	3
Little Rock	176,735	3
New Orleans	249,405	4
San Antonio	220,523	3
KANSAS CITY HUB		

Des Moines	225,608	3
Kansas City	230,283	3

ATTACHMENT 9

SECTION 811 MINORITY BUSINESS ENTERPRISE (MBE) GOALS

OFFICES	SECTION 811 CAPITAL ADVANCE	UNITS
Oklahoma City	202,633	3
Omaha	239,641	3
St. Louis	269,313	3
DENVER HUB		
Denver	240,229	3
SAN FRANCISCO HUB		
Honolulu (Guam)	513,518	3
Phoenix	229,291	3
Sacramento	250,319	3
San Francisco	630,244	6
LOS ANGELES HUB		
Los Angeles	1,020,951	10
SEATTLE HUB		
Anchorage	513,518	3
Portland	254,918	3
Seattle	282,225	3
TOTAL	\$16,113,511	178

**SECTION 202/SECTION 811 CAPITAL ADVANCE PROGRAM
APPLICATION FOR FUND RESERVATION
INITIAL SCREENING FOR CURABLE DEFICIENCIES CHECKLIST FORMAT**

Instructions:

1. The Project Manager shall screen each application to determine if the application has any curable deficiencies (i.e., deficiencies that have no affect on the rating of the application). Other deficiencies such as exhibits or portions of exhibits that are incomplete or missing and will affect the rating of the application shall be noted on the checklist for inclusion in a technical reject letter to the Sponsor. They shall **NOT** be requested during the curable deficiency period. **NOTE:** During initial screening, the contents of the exhibits are not to be reviewed; only the inclusion of the material.
2. When completed, the Project Manager shall draft a letter to the Sponsor identifying the deficiencies that must be corrected within 14 calendar days from the date of the letter.
3. **(Section 811 Only)** If the Sponsor checks box 9b. of Form HUD-92016-CA indicating that it is requesting approval to restrict occupancy of the proposed project to a subcategory of persons with disabilities within one of the three main categories (i.e., physically disabled, developmentally disabled, chronically mentally ill) the Project Manager must ensure that the Sponsor has submitted the required information in Exhibit 4(e)(ii) to justify its request.

Project Sponsor: _____
Project Location: _____
Project No.: _____ No. of Units/Residents: _____

INITIAL SCREENING SUMMARY

Date Received for Screening: _____
Date Screening Completed: _____

_____ Application is complete.

OR

_____ Application is incomplete.

Date of curable deficiency letter (attach copy): _____

Date of response to curable deficiency letter: _____

Date Application Placed into Technical Processing: _____

Signature of Project Manager

Date

**Section 202/Section 811 - Application for Fund Reservation
Initial Screening for Curable Deficiencies Checklist**

Project Manager

Sponsor Name: _____
 Project Location: _____
 Project No.: _____

The Project Manager must complete an initial screening of each application to determine if there are any curable deficiencies (See Section 202 or Section 811 Program Section of the SuperNOFA for a list of curable deficiencies). The Project Manager shall also note whether there are any missing or incomplete Exhibits that would affect the rating of the application and, thus, will need to be included in a technical reject letter to the Sponsor.

<u>EXHIBIT NO.</u>	<u>COMPLETE</u>	<u>INCOMPLETE</u>	<u>MISSING</u>
1	_____	_____	_____
2(a)	_____	_____	_____
2(b)	_____	_____	_____
2(c)	_____	_____	_____
2(d) (811)	_____	_____	_____
3(a)	_____	_____	_____
3(b)	_____	_____	_____
3(c)	_____	_____	_____
3(d)	_____	_____	_____
3(e)	_____	_____	_____
3(f)	_____	_____	_____
3(g)	_____	_____	_____
3(h)(i)	_____	_____	_____
3(h)(ii)	_____	_____	_____
3(h)(iii)	_____	_____	_____
3(i)	_____	_____	_____
4(a)	_____	_____	_____
4(b)	_____	_____	_____
4(c)(i)	_____	_____	_____
4(c)(ii)	_____	_____	_____
4(c)(iii)	_____	_____	_____
4(d)(i)	_____	_____	_____
4(d)(ii)	_____	_____	_____
4(d)(iii)	_____	_____	_____
4(d)(iv)	_____	_____	_____
4(d)(v)	_____	_____	_____
4(d)(vi)	_____	_____	_____
4(d)(vii)	_____	_____	_____
4(d)(vii)(A)	_____	_____	_____
4(d)(vii)(B)	_____	_____	_____
4(d)(vii)(c)	_____	_____	_____

<u>EXHIBIT NO.</u>	<u>COMPLETE</u>	<u>INCOMPLETE</u>	<u>MISSING</u>
4(d)(viii) (811)	_____	_____	_____
4(d)(ix)(A) (811)	_____	_____	_____
4(d)(ix)(B) (811)	_____	_____	_____
4(d)(ix)(C) (811)	_____	_____	_____
4(d)(ix)(D) (811)	_____	_____	_____
4(d)(ix)(E) (811)	_____	_____	_____
4(d)(ix)(F) (811)	_____	_____	_____
4(d)(ix)(G) (811)	_____	_____	_____
4(d)(x) (811)	_____	_____	_____
4(d)(xi) (811)	_____	_____	_____
4(d)(xii) (811)	_____	_____	_____
4(d)(xiii) (811)	_____	_____	_____
4(d)(xiv) (811)	_____	_____	_____
4(e)(i) (202)	_____	_____	_____
4(e)(ii) (202)	_____	_____	_____
4(e)(iii) (202)	_____	_____	_____
4(e)(iv) (202)	_____	_____	_____
4(e)(i) (811)	_____	_____	_____
4(e)(ii)(A) (811)	_____	_____	_____
4(e)(ii)(B) (811)	_____	_____	_____
4(e)(ii)(C) (811)	_____	_____	_____
4(e)(ii)(D) (811)	_____	_____	_____
4(e)(iii) (811)	_____	_____	_____
4(e)(iv) (811)	_____	_____	_____
4(e)(v) (811)	_____	_____	_____
4(e)(vi) (811)	_____	_____	_____
4(e)(vii) (811)	_____	_____	_____
4(e)(viii) (811)	_____	_____	_____
4(e)(ix) (811)	_____	_____	_____
4(e)(x) (811)	_____	_____	_____
5	_____	_____	_____
6(a)	_____	_____	_____
6(b)	_____	_____	_____
6(c)	_____	_____	_____
6(d)	_____	_____	_____
7(a)	_____	_____	_____
7(b)	_____	_____	_____
7(c)	_____	_____	_____
7(d)	_____	_____	_____
7(e)	_____	_____	_____
7(f)	_____	_____	_____
7(g)	_____	_____	_____
7(h)	_____	_____	_____
7(i)	_____	_____	_____
7(j)	_____	_____	_____
7(k)	_____	_____	_____
7(l) (811)	_____	_____	_____

7(m) (811)
7(n) (811)

NOTES:

1. **Section 811 Only** - Sponsors must provide **either** evidence of control of an approvable site (Exhibit 4(d)(i) through (viii) **or** information on an identified site(s)(Exhibit 4(d)(x) through (xiv). Put N/A for those parts of Exhibit 4d that are not applicable to the application.
2. **Section 811 Only** - Exhibit 4(d)(ix)(A) through (G) applies only to site control applications in which the Sponsor requests an exception to the project size limits. If the request for an exception to the project size limits exceeds 24 persons with disabilities for an independent living project, send Exhibits 1, 4(a), (b), (c) and (d)(ix) to Headquarters, Office of Housing Assistance and Grant Administration, room 6138, Attn: Section 202/811, immediately upon the conclusion of initial screening so Headquarters can review the request and inform the field office of its decision to approve or disapprove the request. If the site is rejected or the exception is not approved, the application must be processed at the project size limit. If an exception to the project size limits was not requested, put N/A for Exhibit 4(d)(ix)(A) through (G).
3. **Section 202 Only** - For those Exhibits or parts of Exhibits that apply only to Section 811, put N/A in the column titled, "Complete".

After review of the application for curable deficiencies, and missing or incomplete Exhibits, complete 1. or 2. below, as applicable:

1. _____ The Sponsor shall be notified of the following curable deficiencies:

Curable Deficiencies Identified

_____ The following Exhibits or portions of Exhibits are missing or incomplete and, since they have an impact on the rating of the application, they cannot be corrected. They shall be included in a technical reject letter sent to the Sponsor at the conclusion of technical processing:

Information to be identified in technical reject letter

OR

2. _____ The application is complete.

Comments: _____

Signature of Project Manager

Date

**SECTION 202/811 CAPITAL ADVANCE
APPLICATION FOR FUND RESERVATION
TECHNICAL PROCESSING REVIEW AND FINDINGS MEMORANDA
FORMATS**

Instructions:

1. The attached contains 7 separate suggested memoranda formats for use by the reviewing disciplines during technical processing at the fund reservation stage. The memoranda formats provide for:
 - the assignment of recommended rating points by the reviewing discipline for the Section 202 or Section 811 Rating/Selection Panel.
 - identification of all required findings and applicable program instructions.
 - identification of substantive comments by the reviewer.

NOTE: Other review formats may be used as long as the required information is recorded.

2. The rating criteria on the memoranda formats correspond to the Rating Factors on the Standard Rating Criteria Form (Attachment 12 (202) and Attachment 13 (811)). For example, on the Project Manager's Memorandum Format there is no (b) under Rating Factor 1 because that criterion is rated by FHEO. Furthermore, the points for each overall factor on the memoranda formats relate to the maximum points the particular technical discipline can assign to the rating criterion and may not equal the total points for the corresponding Rating Factor on the Standard Rating Criteria Form. For example, Rating Factor 1 on the Standard Rating Criteria Form is worth 25 base points. However, on the Project Manager's Memoranda Format, Rating Factor 1 is worth 15 points because the Project Manager does not rate Rating Criterion 1(b) which is worth 10 points for 202 and 8 points for 811.
3. **Missing Information.** If the reviewing discipline discovers that an exhibit or part of an exhibit is missing which was not identified during initial screening for curable deficiencies, the Project Manager must be notified immediately. The Project Manager shall telephone the Sponsor and request the missing information if it is a curable deficiency to be submitted within 14 calendar days from the date of the telephone call. The Project Manager shall also request this information on the same day by certified mail. Any other missing information shall be listed in a technical reject letter to the

Sponsor. If any of the following exhibits are discovered missing during technical processing, the Sponsor must be given the opportunity to submit the missing exhibits during the 14 calendar day technical reject appeal period: Exhibit 7(g), Form HUD-2991, Certification of Consistency with the Consolidated Plan (202 or 811), Exhibit 4(d)(iii), Evidence of Permissive Zoning (202 only), or Exhibit 7(l), Certification for Provision of Supportive Services (811 only). See Paragraph 4.B. of this Notice.

4. **Restricted Occupancy.** Under Section 811, if the Project Manager determines, based on a review of the Sponsor's justification, that the Sponsor's request for restricted occupancy should be approved, it must prepare a memorandum to the file for the signature of the Supervisory Project Manager indicating whether the Sponsor's request to restrict occupancy has been approved or disapproved. The memorandum shall be attached to the Project Manager's Technical Processing Review and Findings Memorandum and include the following language which must be inserted in the Notification of Selection Letter should the Sponsor be selected for funding:

If Approved:

"Your request to restrict occupancy to (insert applicable subcategory of persons with disabilities) is approved. However, you must permit occupancy by any otherwise qualified very low income person with a disability, provided the person can benefit from the housing and/or services provided."

If Disapproved:

"Your request to restrict occupancy to (insert applicable subcategory of persons with disabilities) has been disapproved. Therefore, your project must serve persons with (insert applicable category(ies) of persons with disabilities)."

5. **Requests for Exceptions to Project Size Limits.** If a Sponsor of a "site control" application requests an exception to the project size limits of up to 24 persons (excluding the resident manager's unit) for an independent living project, the HUD Office must review the request (Exhibit 4(d)(ix)) and make a determination ensuring that the integration goals of the program will be met. If the request exceeds 24 persons (excluding the resident manager's unit) for an independent living project, you must ensure that Exhibits 1, 4(a),(b),(c) and (d)(ix) of the application are submitted to Headquarters, Office of Housing Assistance and Grant Administration, room 6138, Attn: 202/811, at the conclusion of initial screening for review and approval/disapproval. If the HUD Office or Headquarters denies the request or the site is rejected, the application must be processed at the project size limit.
6. **Section 811 Site Control Applications.** A single site application with site control will receive 5 points for Site Control (Criterion 3(a)(iii)) **ONLY** if the evidence of site control is acceptable and the site is approvable by Valuation (this includes the Phase I and Phase

II, if necessary, being received according to the NOFA instructions) and FHEO.

If the site control is **NOT** acceptable for a single site application, the application may still receive up to 7 points for Site Approvability (Criterion 3(a)(i)) from Valuation and up to 8 points from FHEO for the suitability of the site in promoting a greater choice of housing opportunities for persons with disabilities, including minorities (Criterion 3(b)).

If either VAL or FHEO rejects the site, the application will receive 0 points for Criterion 3(a)(i), Criterion 3(a)(iii) and Criterion 3(b). The application will be treated as "site identified" and remain in the competition as long as the Sponsor indicated in Exhibit 4(d)(viii) that it is willing to seek an alternate site. Otherwise, the application will be rejected.

NOTE: For a scattered site application, site control must be acceptable for all sites and all sites must be approvable for the application to receive points for Criterion 3(a)(i), Criterion 3(a)(iii) and Criterion 3(b).

7. Review Disciplines Summary: The Project Manager shall complete the following:

Reviewing Office

Recommendation 1/

Acceptable

Not Acceptable

PROJECT MANAGER
A & E
VAL
EMAS
FH&EO
COUNSEL
CPD

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

1/ If an application receives a "not acceptable" recommendation, the application is a "technical reject" and a letter must be sent to the Sponsor outlining all reasons for rejection and providing the Sponsor 14 calendar days from the date of HUD's notification to appeal the rejection. If the Sponsor submits an appeal which causes the rejection to be overturned, the application is then rated, ranked and submitted to the Rating/Selection Panel for consideration. If the Sponsor does not appeal the rejection or does appeal but the rejection is not overturned, the application remains a "technical reject", receives a final score of 0 and is not to be considered by the Rating/Selection Panel.

SECTION 202/811
TECHNICAL PROCESSING REVIEW AND FINDINGS MEMORANDUM

Project Manager

MEMORANDUM FOR: Supervisory Project Manager

FROM: _____, Project Manager

SUBJECT: Technical Processing Review and Findings Memorandum

Sponsor's Name: _____

Project Location: _____

Project No.: _____

Section 811 Only: Proj. Type/# of Sites: _____

of Units per Site: _____

The subject application has been reviewed and the Project Manager's findings are as follows:

1. The proposed housing and intended occupants are eligible under the ____ Section 811 or ____ Section 202 program (check one).

Yes ____ No ____ If No, the application must be rejected.

Comments : _____

2. The Sponsor/Co-sponsor submitted a board resolution stating its commitment to cover the required minimum capital investment, estimated start-up expenses, and the estimated cost of any amenities or features and (operating costs related thereto) which would not be covered by the approved capital advance.

Yes ____ No ____ If No, was a board resolution provided by another organization to furnish these funds or a combination thereof?

Yes ____ No ____ If No, the application must be rejected.
If Yes, name of organization:



Technical Processing - Project Manager) - continued
Project No. _____

Comments: _____

3. The Sponsor submitted properly executed Exhibits including Certifications and Resolutions.

Yes _____ No _____ If No, the application must be rejected.

Comments: _____

4. HUD's experience with the Sponsor has been satisfactory, if self-management or identity of interest management is proposed.

Yes _____ No _____ N/A _____

Comments: _____

5. Is project likely to affect adversely other HUD-insured and assisted housing?
(Coordinate response with EMAS)

Yes _____ No _____ If yes, application must be rejected.

Comments: _____

Technical Processing - Project Manager) - continued
Project No. _____

6. Is the Sponsor proposing a mixed-financed or mixed-use project that will result in additional units over and above the Section 202 or Section 811 units (whichever applies)?

Yes _____ No _____ If yes, did Sponsor describe their plans or actions to develop such a proposal? (See Exhibit 4(c)(iii).)

Comments: _____

7. **Section 811 Only:** The likelihood that the Sponsor will have site control (if not already in control of a site) within six months of receiving a notice of Section 811 Capital Advance.

Yes _____ No _____ If No, the application must be rejected.

Comments: _____

8. **Section 811 Only:** Did the State/local agency Supportive Services Certification indicate that the supportive services plan is well designed to meet the needs of the persons with disabilities the housing is intended to serve?

Yes _____ No _____ If No, the application must be rejected.

Comments: _____

Technical Processing - Project Manager) - continued
Project No. _____

9. **Section 811 Only:** Did the State/local agency Supportive Services Certification indicate that the provision of supportive services will enhance independent living success and promote the dignity of those who will access the project?

Yes _____ No _____ If No, the application must be rejected.

Comments: _____

10. **Section 811 Only:** Did the State/local agency Supportive Services Certification (or the Supportive Services Plan if the State/local agency fails to complete this part of the Certification) indicate that the necessary supportive services will be available on a consistent, long-term basis?

Yes _____ No _____ If No, and the agency will be a major funding or referral source for the proposed project, or must license the project, the application must be rejected.

Comments: _____

11. **Section 811 Only:** Did the State/local agency Supportive Services Certification indicate that the proposed housing is consistent (or the Supportive Services Plan if the State/local agency fails to complete this part of the Certification) with the agency's plans/policies governing the development and operation of housing to serve persons with disabilities?

Yes _____ No _____ If No, and the agency will be a major funding or referral source for the proposed project, or must license the project, the application must be rejected.

Technical Processing - Project Manager) - continued

Project No. _____

Comments: _____

12. **Section 811 Only:** If the Sponsor requested approval to limit occupancy to a subcategory of one of the three main categories of disability (see paragraph 4.AA.(9)(b) of the Notice above), did the Sponsor sufficiently respond to all six requirements to justify an approval of the request?

Yes _____ No _____ (Explain below) N/A _____

Comments: _____

NOTE: A memorandum to the file indicating whether or not the approval is granted must be signed by the Supervisory Project Manager and attached to this Review Sheet. If the Sponsor is selected for funding, the paragraph in item 4. of the Instructions above must be included in the Notification of Selection Letter.

13. **Section 811 Only:** If the Sponsor of a site control application for an independent living project is requesting approval to exceed the project size limits, does the Sponsor sufficiently justify approval of such an exception?

NOTE: If the request requires Headquarters review (exceeds 24 persons for an independent living project [not counting the resident manager's unit]), ensure that Exhibits 1, 4(a),(b),(c), and (d)(ix) have been submitted to Headquarters, Office of Housing Assistance and Grant Administration, room 6138, Attn: 202/811. Headquarters will respond within 5 working days. The response must be attached to this technical review sheet. If the site is rejected or the exception is not approved, the application must be processed at the project size limit; provided in the latter case that the Sponsor indicated its willingness to have its application processed at the project size limit.

Yes _____ No _____ (Explain below) N/A _____

Technical Processing - Project Manager) - continued
Project No. _____

Comments: _____

RATING FACTORS

1. CAPACITY OF THE APPLICANT AND RELEVANT ORGANIZATIONAL STAFF (25 POINTS)

In determining the Sponsor's ability to develop and operate the proposed housing on a long-term basis, consider:

- (a) The scope, extent and quality of the Sponsor's experience in providing housing or related services to those proposed to be served by the project and the scope of the proposed project (i.e., number of units, services, relocation costs, development, and operation) in relationship to the Sponsor's demonstrated development and management capacity as well as its financial management capability. (202-15 points maximum, 811-12 points maximum)

Recommended rating: _____

Comments: _____

- (c) **Section 811 Only:** The Sponsor has experience in developing integrated housing (condominium units scattered within one or more buildings or non-contiguous independent living units on scattered sites). (5 or 0 points)

Recommended rating: _____

Comments: _____

Technical Processing - Project Manager) - continued
Project No. _____

2. NEED/EXTENT OF THE PROBLEM (15 POINTS)

In determining the extent to which there is a need for funding the proposed supportive housing to address a documented problem in the market area, consider:

- (b) The extent that information in the community's Analysis of Impediments to Fair Housing Choice (AI) or other planning document that analyzes fair housing issues and is prepared by a local planning or similar organization is used by the Sponsor in identifying the level of the problem and the urgency in meeting the need for the project. (3 points maximum)

NOTES: 1) Applications in which the Sponsor not only uses the AI to identify the level of the problem and the urgency in meeting the need for the project but also establishes a connection between the proposed project and the AI will be given 3 points. Applications in which the Sponsor uses the AI to identify the level of the problem and the urgency in meeting the need for the project will receive 1 point. 2) Consider FHEO's comments in rating this Factor.

Recommended rating: _____

Comments: _____

3. SOUNDNESS OF APPROACH (40 POINTS)

In determining the quality and effectiveness of the project as well as the relationship between the project, the community's needs and purposes of the program funding, consider:

- (e) **Section 811 Only:** The Sponsor's board is comprised of at least 51% persons with disabilities. (0 or 5 points)

Recommended rating: _____

Comments: _____

Technical Processing - Project Manager) - continued
Project No. _____

- (f) **Section 202 Only:** The extent to which the proposed supportive services meet the identified needs of the (anticipated) residents. (3 points maximum)

Recommended rating: _____

Comments: _____

- (g) **Section 202 Only:** The extent to which the Sponsor demonstrated that the identified supportive services will be provided on a consistent, long-term basis. (3 points maximum)

Recommended rating: _____

Comments: _____

4. LEVERAGING RESOURCES. (10 POINTS)

In determining the ability of the Sponsor to secure other community resources which can be combined with HUD's program resources to achieve program purposes, consider: (10 points)

- (a) The extent of local government support (including financial assistance, donation of land, provision of services, etc.) for the project. (5 points maximum)

Recommended rating: _____

Comments: _____

Technical Processing - Project Manager) - continued
Project No. _____

- (b) The extent of the Sponsor's activities in the community, including previous experience in serving the area where the project is to be located, and the Sponsor's demonstrated ability to enlist volunteers and raise local funds. (5 points maximum)

Recommended rating: _____

Comments: _____

5. COMPREHENSIVENESS AND COORDINATION (10 POINTS)

In determining the extent to which the Sponsor coordinated its activities with other known organizations, participates or promotes participation in the community's Consolidated Planning process, and is working towards addressing a need in a holistic and comprehensive manner through linkages with other activities in the community, consider: (10 points)

- (a) The Sponsor's involvement of elderly persons, particularly minority elderly persons (Section 202), persons with disabilities (including minority persons with disabilities) (Section 811), in the development of the application, and its intent to involve elderly persons, particularly minority elderly persons (Section 202) persons with disabilities (including minority persons with disabilities (Section 811), in the development and operation of the project. (4 points maximum)

Recommended rating: _____

Comments: _____

- (b) The extent to which the Sponsor coordinated its application with other organizations (including the local Center for Independent Living for 811 applications) to complement and/or support the proposed project. (2 points maximum)

Recommended rating: _____

Comments: _____

Technical Processing - Project Manager) - continued

Project No. _____

- (c) The extent to which the Sponsor demonstrates that it has been actively involved or, if not currently active, the steps it will take to become actively involved in the community's Consolidated Planning process to identify and address a need/problem that is related in whole or part, directly or indirectly to the proposed project. (2 points maximum)

Recommended rating: _____

Comments: _____

- (d) The extent to which the Sponsor developed or plans to develop linkages with other activities, programs (for example, the Mainstream Housing Opportunities for Persons with Disabilities Program for Section 811 applications) or projects related to the proposed project to coordinate its activities so solutions are holistic and comprehensive. (2 points maximum)

Recommended rating: _____

Comments: _____

In summary, the subject application is acceptable.

Yes _____ No _____

Comments: _____

Signature of Project Manager

Date

NOTE: ALL OF THE EXHIBITS WERE REVIEWED TO DETERMINE THE ABOVE FINDINGS.

SECTION 202/811
TECHNICAL PROCESSING REVIEW AND FINDINGS MEMORANDUM

ARCHITECTURAL, ENGINEERING, AND COST (A&E)

MEMORANDUM FOR: Supervisory Project Manager

FROM: _____, A&E

SUBJECT: Technical Processing Review and Findings Memorandum

Sponsor's Name: _____

Project Location: _____

Project No.: _____

Section 811 Only: Proj. Type/# of Sites: _____

of Units per Site: _____

The subject application has been reviewed and Architectural, Engineering and Cost's findings are as follows:

RATING FACTORS

3. SOUNDNESS OF APPROACH (40 POINTS)

In determining the quality and effectiveness of the project as well as the relationship between the project, the community's needs and purposes of the program funding, consider:

- (c) The extent to which the proposed design(both interior and exterior design) will meet the special physical needs of elderly persons (**Section 202**) or the individual needs of persons with disabilities the housing is expected to serve (**Section 811**). (3 points maximum (**202**); 5 points maximum (**811**))

Recommended rating: _____

Comments: _____



(Technical Processing - A&E) - continued
Project No. _____

Section 202 Only:

- (d) The extent to which the proposed size and unit mix of the housing will enable the Sponsor to manage and operate the housing efficiently and ensure that the provision of supportive services will be accomplished in an economical fashion. (3 points maximum)

Recommended rating: _____

Comments: _____

- (e) The extent to which the proposed design of the housing will accommodate the provision of supportive services that are expected to be needed, initially and over the useful life of the housing, by the category or categories of elderly persons the housing is intended to serve. (3 points maximum)

Recommended rating: _____

Comments: _____

Section 811 Only:

- (d) The extent to which the proposed design of the project and its placement in the neighborhood will facilitate the integration of the residents into the surrounding community and promote the ability of the residents to live as independently as possible. (5 points maximum)

Recommended rating: _____

Comments: _____

(Technical Processing - A&E) - continued
Project No. _____

The application is acceptable from an Architectural, Engineering and Cost viewpoint.

Yes _____ No _____

Comments: _____

Signature of Reviewer

Date

NOTE: EXHIBITS 1, 4(c),4(d),4(e) WERE REVIEWED TO DETERMINE THE ABOVE FINDINGS.

SECTION 202/811
TECHNICAL PROCESSING REVIEW AND FINDINGS MEMORANDUM

VALUATION BRANCH

MEMORANDUM FOR: Supervisory Project Manager

FROM: _____, Chief Appraiser

SUBJECT: Technical Processing Review and Findings Memorandum

Sponsor Name: _____
Project Location: _____
Project No: _____

Section 811 Only: Proj. Type/# of Sites: _____
of Units per Sites: _____
Site Control _____ **OR** Site Identified _____

The subject application has been reviewed and comments are as follows:

NOTES: 1) If the Section 811 Sponsor did not submit either evidence of site control or an identified site, the application must be rejected. 2) If the Section 811 Sponsor has control of a single site, and the site control documentation is not acceptable, it can still receive points for Criterion 3(a)(i) below but 0 points for Criterion 3(a)(iii) below. However, if the Sponsor submits a scattered site application, the site control documentation must be acceptable for all sites and all sites must be approvable in order for the application to receive points for Criteria 3(a)(i), 3(a)(iii), and 3(b) below. Otherwise, the application will be considered as "site identified" and remain in the competition as long as the Sponsor indicated in Exhibit 4(d)(viii) that it is willing to locate an alternate site.

1. The number of units and bedroom sizes are marketable.

Yes _____ No _____

Comments: _____

(Technical Processing - Valuation) - continued

Project No. _____

2. The proposed site is located inside the 100-year floodplain (or, if a critical action, the 500-year floodplain) and, if a new construction project, the proposed site is located in a wetland.

Yes _____ No _____ If Yes, initiate the 8-step process.

Comments: _____

NOTE: Contact the Sponsor to determine if a Conditional/Final Letter of Map Amendment/Revision has been issued by FEMA that would remove/remove development from the 100-year or 500-year floodplain, as appropriate. If not or in the case of wetlands, six steps of the 8-step process identified in 24 CFR Part 55 must be completed prior to convening of the Rating/Selection Panel.

3. For **Section 202 applications** and **Section 811 applications with site control only**, the Environmental Assessment has been completed (through step 6 of the 8-step process for projects in floodplains/wetlands) including signatures of the Appraiser and Supervisory Project Manager/Operations Director and Hub Director/Program Center Director, and the proposed project meets Environmental Assessment requirements, including Compliance Findings (including SHPO historic findings) set forth in attached Form HUD-4128.

Yes _____ No _____ N/A _____ (Section 811 – site identified)

Section 202: If No, the application is rejected.

Section 811: If No, the site must be rejected and the application shall receive 0 points for Criterion 3(a)(i) and Criterion 3(a)(iii) above.

Comments: _____

(Technical Processing - Valuation) - continued

Project No. _____

4. Is the site located in a floodway, Coastal High Hazard Area, and/or within the designated Coastal Barrier Resources System (Coastal Barrier Resources Act, as amended)?

Yes _____ No _____ N/A _____ (811 site identified)

Section 202: If Yes, the application must be rejected.

Section 811: If Yes, the site must be rejected and the application shall receive 0 points for Criterion 3(a)(i) and Criterion 3(a)(iii) above.

Comments: _____

5. Was the Phase I Environmental Site Assessment submitted?

Yes _____ No _____ N/A _____ (811 site identified)

Section 202: If no, the application must be rejected.

Section 811: If No, the site must be rejected and the application shall receive 0 points for Criterion 3(a)(i) and Criterion 3(a)(iii) above.

If yes, check one of the following:

_____ No further study was indicated.

_____ Further study was indicated and the Phase II Environmental Assessment was completed.

Comments: _____

(Technical Processing - Valuation) - continued
Project No. _____

6. If the Phase II Assessment was completed, did it reveal site contamination?

Yes _____ No _____ N/A _____

Comments: _____

7. If the answer to Question #6 is Yes, was the extent of contamination and an acceptable plan for clean-up, including a contract for remediation and an approval letter from the applicable Federal, State and/or local agency submitted to HUD within the appropriate time?

Yes _____ No _____ N/A _____

Section 202: If No, the application must be rejected.

Section 811: If No, the site must be rejected and the application shall receive 0 points for Criterion 3(a)(i) and Criterion 3(a)(iii) above.

Comments: _____

8. If the answer to Question #7 is Yes, do the approval letters appear to reflect proper governmental approval of the clean-up plan and remediation contract, and does the clean-up plan and remediation contract appear adequate to address the contamination and not allow for the site to be capped or paved over and active testing, monitoring, flushing wells put in place in relation to contamination or suspected contamination?

Yes _____ No _____

(Technical Processing - Valuation) - continued
Project No. _____

Section 202: If no, the application must be rejected.

Section 811: If No, the site must be rejected and the application shall receive 0 points for Criterion 3(a)(i) and Criterion 3(a)(iii) above.

Comments: _____

9. The proposed construction or rehabilitation is permissible under applicable zoning ordinances or regulations, or a statement was included indicating the proposed action required to make the proposed project permissible and the basis for belief that the proposed action would be completed successfully before the submission of the firm commitment application.

Yes _____ No _____

Section 202: If no, the application must be rejected.

Section 811: If No, the site must be rejected and the application shall receive 0 points for Criterion 3(a)(i) and Criterion 3(a)(iii) above.

Comments: _____

10. **Section 202 Only:** The proposed congregate dining facility will be financially viable.

Yes _____ No _____ N/A _____

Comments: _____

(Technical Processing - Valuation) - continued
Project No. _____

RATING FACTOR

3. SOUNDNESS OF APPROACH (40 POINTS)

In determining the quality and effectiveness of the project as well as the relationship between the project, the community's needs and purposes of the program funding, consider: (10 base points maximum)

811 (a)(i) Site approvability
202 (a)

Proximity or accessibility of the site to shopping, medical facilities, transportation, places of worship, recreational facilities, places of employment and other necessary services to the intended occupants, adequacy of utilities and streets and freedom of the site from adverse environmental conditions **(applies only to site control projects for 811)** and compliance with the site and neighborhood standards. (15 points maximum for Section 202, 7 points maximum for Section 811)

Recommended rating: _____

Comments: _____

811 Only

(a)(ii) Integrated Housing

Application proposes integrated housing (condominium units scattered within one or more buildings or non-contiguous independent living units on scattered sites. (0 or 5 points)

Recommended rating: _____

Comments: _____



(Technical Processing - Valuation) - continued
Project No. _____

(a)(iii) Site Control

Application contains legally acceptable site control for all proposed sites and all proposed sites are approvable. (0 or 5 points)

Recommended rating: _____

Comments: _____

In summary, the subject Section 202 application is:

_____ Acceptable _____ Not Acceptable

the subject Section 811 site is:

_____ Acceptable _____ Not Acceptable

If "Not Acceptable", the Section 811 application shall be treated as "site identified" as long as the Sponsor indicated its willingness to seek an alternate site (Exhibit 4(d)(viii)); otherwise, the application will be rejected.

Explain: _____

(Signature or Appraiser)

Date

Attachment: Form HUD-4128 with supporting documentation.

NOTE: EXHIBITS 1, 4(a), 4(c), 4(d) and 4(e) WERE REVIEWED TO DETERMINE THE ABOVE FINDINGS.

SECTION 202/811
TECHNICAL PROCESSING REVIEW AND FINDINGS MEMORANDUM

ECONOMIC & MARKET ANALYSIS

MEMORANDUM FOR: Supervisory Project Manager

FROM: _____, Economic & Market Analysis

SUBJECT: Technical Processing Review and Findings Memorandum

Sponsor Name: _____

Project Location: _____

Project No.: _____

Section 811 Only: Proj. Type/# of Sites: _____

of Units per Site: _____

In determining the need for additional supportive housing (elderly or disabled), EMAS should take into consideration the Sponsor's evidence of need; current and anticipated market conditions in assisted housing (elderly or disabled); economic, demographic and housing market data available to the HUD Office; and in accordance with an agreement between HUD and RHS, comments from RHS on the need for additional assisted housing and the possible long-term impact on existing projects in the same housing market area.

The data should include a count of the available Federally (HUD and RHS) assisted housing (elderly or disabled) in the market area; the current occupancy and waiting lists in such facilities; and the extent of the pipeline of assisted housing (for the elderly or disabled) under construction and for which fund reservations have been issued.

Based on the above, the subject application has been reviewed and EMAS' findings are as follows:

1. Taking into consideration the information available, including the Sponsor's evidence of need, comments from the rural Housing Service (RHS), and EMAS's independent analysis, there is sufficient sustainable demand for additional units of the number and type of units proposed, without long-term adverse impact in existing Federally-assisted housing.

Yes _____ No _____

(Technical Processing - EMAS) - continued

Project No. _____

If No, the application is a technical reject and is to be given zero (0) points on Rating Factor 2 below. A detailed report must be attached presenting the data and findings justifying the conclusion of insufficient demand.

2. The proposed location is acceptable and desirable for the target population (elderly (202) or disabled (811)) taking into consideration the proximity or accessibility of public facilities, health care and other necessary services to the intended occupants. **NOTE:** EMAS should complete this question only if it has available relevant information on the site and location.

Yes _____ No _____

Comments: _____

RATING FACTOR

2. NEED/EXTENT OF THE PROBLEM (15 POINTS)

Rating Section 202 projects: Rating points for all Section 202 projects, determined to have sufficient demand, are to be based on the ratio of the number of units in the proposed project to the estimate of unmet need for housing assistance by the income eligible elderly households with selected housing conditions. Unmet housing need is defined as the number of very low-income elderly renter households with housing problems, as of the 1990 Census minus the number of Federally assisted housing units for the elderly provided since the 1990 Census. Units to be occupied by resident managers are not to be counted.

To the extent practicable, consider all units provided for the very low-income elderly under the Section 8 programs, the Public and Indian Housing programs, the Section 202 program, and Section 515 Rural Rental Housing program under RHS. (12 points maximum)

12 points: The number of units proposed is 10 percent or less of the unmet need, **OR**

(Technical Processing - EMAS) - continued

Project No. _____

The number of units proposed is greater than 10 percent but no more than 15 percent of unmet need; **AND** the market area has not received any Federally funded project based rental assistance for the very low-elderly since 1990 (HUD or RHS programs).

6 points: The number of units proposed is 11 percent or more of the income eligible unmet need and the market area has received Federally funded project based rental assistance (HUD or RHS) for the elderly between 1990 and 2000; **OR**

The number of units proposed is 16 percent or more of the income eligible unmet need.

Project/Needs Ratio: _____

Recommended rating: _____

Comments: _____

Rating Section 811 projects: If a determination has been made that there is a need for additional supportive housing for persons with disabilities in the area to be served, the project is to be awarded 12 points maximum. If not, the project is to be awarded 0 points. Awarding of points between 0 and 12 points is not permitted.

Recommended rating: _____

Comments: _____

(Technical Processing - EMAS) - continued
Project No. _____

Based on the EMAS review, the application is:

_____ Acceptable _____ Not Acceptable

Explain: _____

(Signature of Economist)

Date

NOTES: EXHIBITS 1, 4(a) and 4(c) WERE REVIEWED TO DETERMINE THE ABOVE FINDINGS.

Where you find there is **not** sufficient sustainable demand for additional units, a memorandum of the review must be prepared with the data and findings justifying the conclusion. A copy of the memorandum must be attached to this Technical Processing Review and Findings Memorandum, and a second copy sent to Headquarters, Economic and Market Analysis Division, REE, Office of Policy Development and Research, Attention: Bruce D. Atkinson, Room 8224.

SECTION 202/811
TECHNICAL PROCESSING REVIEW AND FINDINGS MEMORANDUM

FAIR HOUSING & EQUAL OPPORTUNITY (FHEO)

MEMORANDUM FOR: Supervisory Project Manager

FROM: _____, Director, Fair Housing and Equal Opportunity

SUBJECT: Technical Processing Review and Findings Memorandum

Sponsor Name: _____

Project Location: _____

Project No.: _____

Section 811 Only: Proj. Type/# of Sites: _____

of Units per Site: _____

The Office of Fair Housing and Equal Opportunity (FHEO) has reviewed the subject application in accordance with the Rating Factors as outlined in the SuperNOFA, this Notice, other applicable notices, and in accordance with applicable civil rights requirements. FHEO's recommended ratings and comments on the acceptability of the application are as follows:

1. Based on the application submission, even without the benefit of a site visit, the proposed site meets site and neighborhood standards.

Yes _____ No _____

Section 202 Only: If no, without proper justification, the application must be rejected.

Section 811 Only: If No, without proper justification, site is rejected and application receives 0 points for Criterion 3(b) under "Rating Factors" below.

Comments: _____

2. Sponsor is in compliance with civil rights laws and applicable regulations, i.e., there is no pending Department of Justice civil rights lawsuit alleging ongoing pattern or

(Technical Processing - FHEO) - continued

Project No. _____

practice of discrimination; or outstanding letter of noncompliance findings under Title VI of the Civil Rights Act of 1964 or Section 504 of the Rehabilitation Act of 1973 involving systemic discrimination, or Secretarial charge alleging ongoing discrimination under the Fair Housing Act which have not been resolved to the satisfaction of the Secretary. In cases where such problems exist, HUD will decide whether a charge, lawsuit or finding has been satisfactorily resolved, based on whether the applicant has taken appropriate actions to address the allegations of ongoing discrimination.

Yes _____ No _____

Comments: _____

3. The Sponsor's Certifications are acceptable in connection with compliance with civil rights laws, regulation, Executive Orders, and equal opportunity requirements.

NOTE: FHEO shall accept the Certifications unless there is documented evidence to the contrary.

Yes _____ No _____

Comments: _____

NOTE: Any application that would require rejection based on a "No" response in any of the above questions (with the exception of Question #1 for Section 811 only) must be rated. However, the application will not be ranked. The applicant will not be notified of the rejection until technical processing has been completed.

(Technical Processing - FHEO) - continued
Project No. _____

RATING FACTORS

1. CAPACITY OF THE APPLICANT AND RELEVANT ORGANIZATIONAL STAFF (25 POINTS)

In determining the Sponsor's ability to develop and operate the proposed housing on a long-term basis, consider:

- (b) The scope, extent and quality of the Sponsor's experience in providing housing or related services to minority persons or families (10 points maximum for Section 202 and 8 points maximum for Section 811).

NOTE: If the Sponsor has no previous housing experience, all relevant supportive services experience should be examined.

Recommended rating: _____

Comments: _____

2. NEED/EXTENT OF THE PROBLEM (15 points)

Did the Sponsor utilize the community's Analysis of Impediments to Fair Housing Choice (AI) or other planning document that analyses fair housing issues and was prepared by a local planning or similar organization in identifying the level of the problem and the urgency in meeting the need of the project? Extra consideration should be given to the Sponsor that also shows how the AI or other planning documents support the need for the project.

NOTE: Although FHEO doesn't rate this Factor, its comments are to be considered in the award of points by the Project Manager.

Comments: _____



(Technical Processing - FHEO) - continued
Project No. _____

3. SOUNDNESS OF APPROACH (40 POINTS)

In determining the quality and effectiveness of the project as well as the relationship between the project, the community's needs and purposes of the program funding, consider:

- (a) The suitability of the site from the standpoints of promoting a greater choice of housing opportunities for minority elderly persons/families (**Section 202**) or persons with disabilities, including minorities (**Section 811**) and affirmatively furthering fair housing. The site will be deemed acceptable if it increases housing choice and opportunity by (a) expanding housing opportunities in non-minority neighborhoods (if located in such a neighborhood); **OR** contributing to the revitalization of and reinvestment in minority neighborhoods, including improvement of the level, quality and affordability of services furnished to the minority elderly (202) or minority persons with disabilities (811). (10 points maximum for Section 202 and eight points maximum for Section 811)

Recommended rating: _____

Section 202: If 0 points, application must be rejected.

Section 811: If 0 points, site must be rejected and the application will also receive 0 points for Criterion 3(a)(i) and Criterion 3(a)(iii).

Comments: _____

5. COMPREHENSIVENESS AND COORDINATION (10 POINTS)

- (a) Did the Sponsor involve minority elderly (202) or minority persons with disabilities (811) in the development of the application?

Yes _____ No _____

(Technical Processing - FHEO) - continued

Project No. _____

Does the applicant intend to involve minority elderly (202) or minority persons with disabilities (811) in the development and operation of the project?

Yes _____ No _____

Comments: _____

NOTE: Although the Project Manager assigns the rating points on this factor, FHEO is to make recommendations and comments to the Project Manager.

The following additional findings have been made:

1. The project addresses a low participation rate and an identified need for housing for very low income minority elderly persons/families (**Section 202**) or persons with disabilities, including minorities (**Section 811**).

Yes _____ No _____

Comments: _____

2. Based upon data submitted in Exhibit 3(b), the Sponsor indicates ties to the minority community.

Yes _____ No _____

Comments: _____

(Technical Processing - FHEO) - continued

Project No. _____

3. The Sponsor's project is consistent with the affirmatively furthering fair housing provisions of the jurisdiction's Consolidated Plan Certification.

Yes _____ No _____

Comments: _____

4. For projects with relocation indicated, is the information submitted in Exhibit 6 acceptable?

Yes _____ No _____ N/A _____

Comments: _____

The subject application is acceptable from an FHEO viewpoint.

Yes _____ No _____

Explain: _____

(Signature of FHEO Reviewer)

Date

NOTE: EXHIBITS 1, 3(a), 3(b), 3(d), 3(e), 3(f), 3(h), 4(a),
REVIEWED TO DETERMINE THE ABOVE FINDINGS.

4(d), 6 and 7 WERE

SECTION 202/811
TECHNICAL PROCESSING REVIEW AND FINDINGS MEMORANDUM

FIELD OFFICE COUNSEL

MEMORANDUM FOR: Supervisory Project Manager

FROM: _____, Field Office Counsel

SUBJECT: Technical Processing Review and Findings Memorandum

Sponsor Name: _____

Project Location: _____

Project No.: _____

Section 811 Only: Proj. Type/# of Sites: _____

of Units per Site: _____

The subject application has been reviewed and the Field Office Counsel's comments are as follows:

1. The Sponsor is an eligible private nonprofit entity (**Section 202**) or nonprofit with 501(c)(3) IRS tax exemption (**Section 811**), no part of the net earnings of which inures to the benefit of any private party and which is not controlled by or under the direction of persons seeking to derive profit or gain therefrom.

Yes _____ No _____

Comments: _____

2. The Sponsor has the necessary legal authority to sponsor the project, to assist the Owner and to apply for the capital advance.

Yes _____ No _____

Comments: _____

(Technical Processing - Counsel) - continued
Project No. _____

3. The Sponsor has an IRS tax exemption ruling, a blanket exemption with the Sponsor specifically named in the list, or a copy of the letter from the national/parent organization to the IRS requesting that the Sponsor be included under its blanket exemption. **NOTE: For Section 811 applications, the tax exemption must be under Section 501(c)(3) of the IRS tax code.**

Yes _____ No _____ If No, the application must be rejected.

Comments: _____

4. **Section 202 Only:** The Sponsor is a public body or an instrumentality of a public body.

Yes _____ No _____ If Yes, the application must be rejected.

Comments: _____

5. The Sponsor has submitted legally acceptable evidence of site control (see paragraph VI(A)(4)(d) of the Section 202 or Section 811 program section of the SuperNOFA.

Yes _____ No _____ N/A _____ (Section 811 site identified)

Section 202: If No, the application must be rejected.

Section 811: If No, the site must be rejected; not the application.

Comments: _____

(Technical Processing - Counsel) - continued

Project No. _____

6. The site control document contains restrictive covenants or reverter clauses which are unacceptable to HUD (see paragraph VI(A)(4)(d)(ii) of the Section 202 or Section 811 program section of the SuperNOFA.

Yes _____ No _____ N/A _____ (Section 811 site identified)

Section 202: If Yes, the application must be rejected.

Section 811: If Yes, the site must be rejected; not the application.

Comments: _____

7. The Sponsor's board has adopted a resolution which:

- (a) Certifies that no officer or board member of the Sponsor, or of the Owner when formed, has or will be permitted to have any financial interest in any contract or in any firm or corporation that has a contract with the Owner in connection with the construction or operation of the project, procurement of the site or other matters whatsoever.

NOTE: This prohibition, as to the Sponsor's officers or board, does not apply to any management, supportive service or developer (consultant) contracts entered into by the Owner with the Sponsor or its nonprofit affiliate. (See 891.130(a)(2).)

Yes _____ No _____

Comments: _____

(Technical Processing - Counsel) - continued
Project No. _____

- (b) Lists all the Sponsor's duly qualified and sitting officers and directors, their titles, and the beginning and ending date for each of their terms of office.

Yes _____ No _____

Comments: _____

NOTES: 1) If the answer to any item is checked "No", with the exception of an answer of "Yes" to Question 4 for Section 202 only, Question 5 for Section 811 only and Question 6 for Section 202 and Section 811, Counsel will check "not acceptable" below and the application will be rejected. 2) If the evidence of site control is not acceptable for a Section 811 application or the site control document contains unacceptable restrictions, the application shall be treated as "site identified" (Questions 5 and 6)

RECOMMENDATION: _____ The subject Application is acceptable.

_____ The subject Application must be rejected
for the following reason(s):

(Signature of Field Office Counsel)

Date

NOTE: EXHIBITS 1, 2, and 4(d) WERE REVIEWED TO DETERMINE THE ABOVE FINDINGS.

SECTION 202/811
TECHNICAL PROCESSING REVIEW AND FINDINGS MEMORANDUM

COMMUNITY PLANNING AND DEVELOPMENT (CPD)
RELOCATION REVIEW

MEMORANDUM FOR: Supervisory Project Manager

FROM: _____, Director, Community Planning
and Development

SUBJECT: Technical Processing Review and Findings Memorandum

Sponsor Name: _____

Project Location: _____

Project No.: _____

Section 811 Only: Proj. Type/# of Sites: _____
of Units per Site: _____

The subject application has been reviewed with regard to displacement and acquisition and CPD's findings are the following:

- 1.(a) Sponsor has completed the information required by Exhibit 6, Data on Project Occupancy, Displacement and Real Property Acquisition.

Yes ___ No ___ N/A ___ (811 site identified)

- (b) Sponsor has identified persons occupying the property on the date of submission of the application (or initial site control, if later).

	No, not to be Displaced	No, to be Displaced
Households (families and individuals)	_____	_____
Business and Nonprofit Organizations	_____	_____
Farms	_____	_____

Totals

(Technical Processing - CPD) continued

Project No. _____

- 2.(a) Estimated costs for relocation and real property acquisition, if applicable, are reasonable.

Yes _____ No _____

Comments: _____

- (b) The source of funding for such costs has been identified.

Yes _____ No _____

Comments: _____

- (c) There is a firm commitment to provide funds for relocation costs (Section 202 or Section 811 funds or other sources).

Yes _____ No _____

Comments: _____

3. Organization to administer relocation has been identified.

Yes _____ No _____

Comments: _____

(Technical Processing - CPD) continued
Project No. _____

4. Certification of compliance with relocation and real Property acquisition requirements has been provided.

Yes _____ No _____

Comments: _____

BONUS POINTS (2 POINTS)

1. Will the project be located in an Empowerment Zone, Enterprise Community, Urban Enhanced Enterprise Community, or Strategic Planning Community, (collectively referred to as EZs/ECs), be consistent with the EZ/EC strategic plan, and serve EZ/EC residents?

Yes _____ No _____

If yes, then the application will receive **two (2) bonus points**.

Recommended rating: _____

Comments: _____

Technical Processing - CPD) continued
Project No. _____

In view of the above, the proposal is acceptable to Community Planning and Development.

Yes _____ No _____

If No, identify the conditions for acceptability below:

(Signature of CPD Reviewer)

Date

NOTE: EXHIBITS 1, 4(d), and 6 WERE REVIEWED TO DETERMINE THE ABOVE FINDINGS.

STANDARD RATING CRITERIA FORM
Section 202

Form HUD-9879-CA

ATTACHMENT 13

STANDARD RATING CRITERIA FORM
Section 811

Form HUD-9883-CA

Draft Letter from the Supervisory Project Manager to the Director of the Appropriate State or Local Agency Requesting Designation of Representative to Review Supportive Services Plans of Section 811 Applications

Dear _____:

The purpose of this letter is to request your assistance, [once again], in reviewing supportive services plans from applications for funding under the Section 811 Program of Supportive Housing for Persons with Disabilities. This program was authorized by the National Affordable Housing Act of 1990 and provides funding in the form of capital advances to nonprofit organizations (Sponsors) to construct, rehabilitate or acquire (with or without rehabilitation) housing for persons with disabilities. The capital advance does not have to be repaid as long as the housing remains available for very low income persons with disabilities for at least 40 years. Project rental assistance funds are also provided to cover the HUD-approved operating costs of the housing with the exception of the cost of any necessary supportive services for the residents. Residents are required to pay no more than 30 percent of their adjusted incomes for rent.

On February 26, 2001, HUD published in the Federal Register a Notice of Fund Availability for the Section 811 Program as part of a Super Notice of Funding Availability (SuperNOFA) for HUD's Housing, Community Development and Empowerment Programs and Housing Voucher Assistance. A copy is enclosed for your information. Applications for funding are due in HUD Offices no later than 6:00 p.m. on May 25, 2001. Nationwide, HUD has \$121,249,712 in capital advance funds available which will facilitate the development of 1,367 housing units for persons with disabilities.

The supportive services plan and the Sponsor's description of its experience in providing housing or related services to the intended population are key parts of a Section 811 application. HUD recognizes that housing without necessary supportive services may not be sufficient to enable many persons with disabilities to live independently in the community. Since HUD cannot pay for supportive services, it will not select an applicant for a Section 811 capital advance unless the provision of supportive services described in the supportive services plan is well designed to serve the needs of the proposed residents and there is evidence that any necessary supportive services will be provided on a consistent, long-term basis to ensure the continued viability of the housing project. It should be noted, however, that accepting the supportive services that are offered in conjunction with the housing is not a condition of occupancy.

We [again] are requesting your assistance in reviewing the supportive services plans from Sponsors proposing to serve people with (insert disability category) because of your agency's knowledge and expertise in the provision of supportive services to this population. In order to be approved for funding, Sponsors are required by law to have a certification from the "appropriate State or local agency" indicating that the provision of the services identified in the supportive services plan is well designed to meet the special needs of the proposed residents. Enclosed are a copy of the Certification for Provision of Supportive Services (Certification) and an evaluation form designed to assist the reviewer in completing the Certification.

Please note that, in addition to the statutory requirement for a determination as to whether or not the provision of services is well designed, we have included space for the reviewer to indicate whether the proposed project is consistent/inconsistent with State or local plans and policies addressing the housing needs of people with disabilities. For example, if the proposed project will be a group home for four adults with developmental disabilities but the State will only provide supportive services funding for three persons in a group home, the reviewer would check the "Inconsistent" box. This additional indication will help assure us that Sponsors who are receiving funding or referrals through a particular agency, or their projects will be licensed by that agency, are proposing projects that are sanctioned by that agency. There is also space for the reviewer to indicate whether or not the necessary supportive services will be provided on a consistent, long-term basis. And, this year, we have added space for the reviewer to indicate whether the provision of supportive services will enhance the independent living success and promote the dignity of those who will access the proposed project.

HUD will not review the supportive services plan of Sponsor's applications and, consequently, there will be no points assigned to the plan. Instead, the supportive services plan and the Certification are threshold requirements which means that if the application does not include them and, after being notified by the HUD Office, the Sponsor does not provide the missing information by (insert deadline for submitting missing information), the application is rejected. Furthermore, if the agency completing the Certification indicates any of the following, the application will be rejected:

- 1) the provision of supportive services is **not** well designed to serve the individual needs of persons with disabilities the housing is expected to serve;
- 2) the provision of supportive services will **not** enhance the independent living success or promote the dignity of those who will access the proposed project;
- 3) the necessary supportive services will **not** be provided on a consistent, long-term basis; or

- 4) the proposed housing is **inconsistent** with State or local plans and policies addressing the housing needs of people with disabilities; (if the agency will be a major funding or referral source for or license the proposed project).

Unless we are informed otherwise, we assume that your agency is the appropriate agency to review the supportive services plans of applications from Sponsors proposing to develop housing for persons with (insert disability category) and to complete the Certification and we will be informing applicants interested in submitting a Section 811 application for persons with (insert disability category) that they are to send one copy of their application including the supportive services plan to your agency for review and completion of the Supportive Services Certification.

[We are having an orientation workshop for prospective Sponsors (insert information on the date, time and place) and would like you or your representative to attend in order to receive more detailed information on the Section 811 Program and to be available to help answer any questions on the supportive services plan. If you or a representative will be attending, please call this office on (insert telephone number) to confirm.]

If your agency is not the appropriate agency for Sponsors proposing to serve (insert disability category) to send a copy of their applications for review of the supportive services plan and completion of the Supportive Services Certification described above, please direct us to the appropriate agency as soon as possible.

Thank you for your time and attention to this important effort. We look forward to hearing from you soon.

Sincerely,

Supervisory Project Manager

Enclosures

Section 811 - Supportive Housing for Persons with Disabilities

SUPPORTIVE SERVICES PLAN
EVALUATION FORM

Appropriate State/Local Agency

Instructions:

This Evaluation Form may be used for review of the Supportive Services Plan (Exhibit 4(e) of the Section 811 Application) to facilitate completion of the Supportive Services Certification (Exhibit 7(l) of the Section 811 Application) by the designated representative for the State/Local Agency which provides funding for services, licenses housing for the population proposed in the Section 811 Application and/or will provide the majority of referrals for the proposed project.

The completed form should be sent to the appropriate HUD Office so that it can remain on file with the Sponsor's application.

Section 811 - Supportive Housing for Persons with Disabilities

EVALUATION FORM

Appropriate State/Local Agency

Sponsor Name/City/ST: _____

Project Address: _____

Project Number: _____



Evaluation of the Supportive Services Plan

A. The extent to which the Sponsor has demonstrated that the identified supportive services will be provided on a consistent, long-term basis.

1. Did the Sponsor demonstrate that supportive services will be available on a consistent, long-term basis?

Yes [] No []

If Yes, briefly describe the evidence that the Sponsor provided and indicate whether you think it is sufficient to ensure that the services will be available over a long period of time.

2. If the project will be a group home(s) and receive State funding for some or all of the supportive services, what is the maximum number of persons with disabilities the State will permit (i.e., provide funding for services on behalf of) per home?

B. The quality of the services implementation plan.

1. Does the supportive services plan have a clear description of each service, its frequency and location? Briefly describe the services, their frequency and where provided.

2. Does the Sponsor have experience in providing (or ensuring the provision of) the proposed services to the anticipated occupancy and appear to have a good working knowledge of the potential service needs in general for the proposed occupants? Explain.

3. Will there be any residential staff and what will be their function(s)?

4. Is the supportive services plan well thought-out?

5. Did the Sponsor clearly describe how the provision of the proposed services will be managed? Explain.

6. If the Sponsor is also the service provider, is there sufficient staff, both in terms of quantity and experience, to ensure the effective delivery of the proposed services? Briefly describe the number and qualifications of staff proposed.

7. If the Sponsor will not be the service provider, what agency(ies) will provide the services and how will coordination be ensured?

8. If the Sponsor indicates a particular agency will fund or provide some or all of the supportive services, is there a letter of intent from each agency named indicating its willingness to fund or provide the service(s)?

9. For those residents who will be taking responsibility for acquiring their own supportive services, did the Sponsor provide a description of appropriate services in the community from which the residents can choose and did the Sponsor get any commitments from outside service providers that the proposed residents will have access to these services?

10. Will any supportive services be provided on-site?

Yes [] No []

If Yes, explain and could they be provided off-site and still benefit the residents?

11. Did the Sponsor provide assurances that the proposed residents will receive supportive services based on their individual needs?

12. Did the Sponsor include a commitment that accepting supportive services will not be a condition of occupancy?

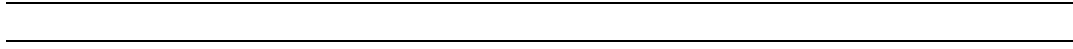
13. Will the Sponsor's Supportive Services Plan enhance independent living success and promote the dignity of those who will access the proposed project?

RECOMMENDATION: Application is

[] Acceptable

[] Unacceptable

Explain: _____



Print Name of Reviewer: _____

Signature: _____/Date: _____

Name of Agency: _____

Address: _____

Telephone Number: _____

DIRECTORY OF CENTERS FOR INDEPENDENT LIVING
FUNDED BY TITLE VII, CHAPTER , PART C FY 1999

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JUN 25 2001

OFFICE OF THE ASSISTANT SECRETARY
FOR FAIR HOUSING AND EQUAL OPPORTUNITY

MEMORANDUM FOR: ALL FHEO HUB DIRECTORS
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ALL FHEO SITE DIRECTORS

FROM: Floyd O. May, Deputy Assistant Secretary for Operations and
Management, EG

SUBJECT: Fair Housing and Equal Opportunity (FHEO) Review of FHEO-Related Provisions
of the Section 202 Supportive Housing for the Elderly and the Section 811
Supportive Housing for Persons with Disabilities - Notices of Funding Availability

I. Purpose and Background.

This Notice provides guidance to field Fair Housing and Equal Opportunity (FHEO) Public Trust Officers (PTOS) on the review and evaluation of applications for the FY 2001 Section 202 Supportive Housing for the Elderly and Section 811 Supportive Housing for Persons with Disabilities Programs. It discusses and clarifies FHEO's responsibilities for both of these programs.

II. Definitions.

A. Area of minority concentration. For the purpose of this competition, a neighborhood in which any one of the following statistical conditions exists:

1. The percentage of persons of a particular racial or ethnic minority is at least 20 percentage points higher than that minority's percentage in the housing market as a whole;
2. The neighborhood's total percentage of minority persons is at least 20 percentage points higher than the total percentage of minorities for the housing market area as a whole; or
3. In the case of a metropolitan area, the neighborhood's total percentage of

minority persons exceeds 50 percent of its population.

- B. Disability.** According to 24 CFR 891.305, with respect to an individual, a disability is a physical or mental impairment that substantially limits one or more of the major life activities of such individual (Section 811 (k)(2)(A-C) of the National Affordable Housing Act). The statute says that:

"A person shall be considered to have a disability if such person is determined, pursuant to regulations issued by the Secretary, to have a physical, mental or emotional impairment which (A) is expected to be of long-continued and indefinite duration, (B) substantially impedes his or her ability to live independently, and (C) is of such a nature that such ability could be improved by more suitable housing conditions."

- C. Elderly.** A person who is 62 years of age or older.

- D. Housing market area.** For the purpose of this competition, a housing market area is that geographic region from which it is likely that renters/purchasers would be drawn for a given multifamily housing project. A housing market area most often corresponds to a Metropolitan Statistical Area (MSA), which in most cases consists of one or more counties or several adjacent municipalities. To ensure consistency, PTOs should check with the Economic and Market Analysis staff to make sure that the same market areas are used.

- E. Minority.** For the purpose of this program, "minority" means the basic racial and ethnic categories for Federal statistics and administrative reporting, as defined in the Office of Management and Budget's Statistical and Policy Directive No. 15 (62 FR 58782, October 30, 1997).

- F. Minority persons.** As used throughout this guidance, this term refers mainly to elderly minority persons and minority persons with disabilities, although the NOFA also refers to minority persons generally.

- G. Overriding need.** One of two determinations that may be made regarding sites that are located within areas of minority concentration. The site will meet the overriding need test if:

1. The site is an integral part of a local strategy for the preservation or restoration of the immediate neighborhood; or
2. The site is located in a neighborhood experiencing significant private investment that is demonstrably changing the economic character of the area (a "revitalizing area").

- H. Person with disabilities.** The regulations at 24 CFR 891.305 define this term as follows:

1. A person who has a developmental disability, as defined in Section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act [42 U.S.C. 6001(5)], i.e., if he or she has a severe chronic disability which:
 - a. Is attributable to a mental or physical impairment or combination of mental and physical impairments;
 - b. Is manifested before the person attains age twenty-two;
 - c. Is likely to continue indefinitely;
 - d. Results in substantial functional limitation in three or more of the following areas of major life activity:
 - 1 Self-care;
 - 2 Receptive and expressive language;
 - 3 Learning;
 - 4 Mobility;
 - 5 Self-direction;
 - 6 Capacity for independent living; and
 - 7 Economic self-sufficiency;
 - e. Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned or coordinated.
2. A person with a chronic mental illness, i.e., a severe and persistent mental or emotional impairment that seriously limits his or her ability to live independently, and which impairment could be improved by more suitable housing conditions.
3. A person infected with the human acquired immunodeficiency virus, alcohol or drug addiction, provided they meet the definition of a person with a disability, as defined in 42 U.S.C. 8013(k)(2). A person whose sole impairment is a diagnosis of HIV-positive or alcoholism or drug addiction [i.e., does not meet the qualifying criteria in Section 811 (42 U.S.C. 8013 (k),(2))] will not be eligible for occupancy in a Section 811 project.

I. Sufficient and comparable housing opportunities. This term is part of the Department's site and neighborhood standards and is one of two tests that are applied to determine if a site proposed for an area of minority concentration is

approved. Under these standards, sufficient and comparable housing opportunities for minority elderly or persons with disabilities must exist in areas outside of the area of minority concentration. The Regulations at 24 891.125(c)(3) elaborate on this concept.

III. Role of FHEO in the Review Process. FHEO staff performs the following roles during the review process.

- A. Works with Multifamily Housing Field Office staff to notify the following about the Section 202 and Section 811 Notices of Funding Availability (NOFA):
 - 1. Media which service elderly persons and minorities and persons with disabilities;
 - 2. All persons and other organizations on Field Office mailing lists;
 - 3. Minority and other organizations involved in housing and community development within their jurisdictions- and
 - 4. Groups with a special interest in housing for the elderly and persons with disabilities.
- B. Participates in the Field Office's Section 202 and Section 811 workshops and pre-workshops by presenting information to all potential sponsors on the civil rights requirements of the program and the applications.
- C. Participates in the Technical Review Process by evaluating the application in accordance with the guidance provided below, as well as HUD Notice 01- Fiscal Year 2001 Policy for Capital Advance Authority Assignments, Instructions and Program Requirements for the Section 202 and Section 811 Capital Advance dated, 2001, which contains the Office of Housing's instructions for application processing and selection requirements for both the Section 202 and Section 811 programs.
- D. Serves on the Field Office's Rating Panel that is convened by the Director of Multifamily Housing to review the applications. FHEO provides advice and guidance to the panel members regarding those applications that will best meet Civil rights and fair housing objectives. FHEO's role is essential, because FHEO review may impact the scores on the applications. Especially when there are far more applications than can be funded, FHEO points may help an applicant to be funded over an applicant with no FHEO points.

IV. FHEO Concerns in the NOFAS.

- A. The following FHEO concerns apply to both the Section 202 and Section 811 Supportive Housing NOFAS:
 - 1. **Factors Rated by FHEO.** FHEO staff rate the following Standard Rating Factors:
 - a. Rating Factor 1(b), Capacity. (10 points for the Section 202

Program, 8 points for the Section 811 Program).

b. Rating Factor 3(b), Soundness of Approach (10 points for the Section 202 Program, 8 points for the Section 811 Program),

2. **Other Rating Factors.** FHEO reviewers comment on, but do not rate the following rating factors:

a. Rating Factor 2, Need/Extent of the Problem.

b. Rating Factor 5, Comprehensiveness and Coordination.

3. **Change in the Rating Points for the Section 811 Supportive Housing for Persons with Disabilities Program.** Because additional points are given to projects in which the Sponsors have demonstrated their experience in developing integrated housing, an equivalent reduction of points was made to (a) Rating Criterion 1(b) pertaining to the quality of the Sponsor's experience with providing housing and/or services to minority persons or families with disabilities, and to (b) Rating Criterion 3(b), pertaining to the suitability of the site from the standpoint of promoting greater choice of housing opportunities for minorities and persons with disabilities and affirmatively furthering fair housing. Both of these rating criteria have been reduced from 10 points to 8 points under the Section 811 program.

B. **FHEO reviewers should be aware of the following requirements when reviewing applications submitted for the Section 811 Supportive Housing for Persons with Disabilities Program:**

1. **Section 811 Occupancy.** In the application submission requirements, where the applicant is asked to specify whether the proposed housing will serve persons with physical, developmental or chronic mental disabilities, the phrase "or any combination of the three" has been added to make it clear that the applicant does not have to restrict occupancy to one of the three populations. For example, the applicant may serve one or more than one of the three populations or may serve a subclass of one of the three populations.

2. **Applicants Cannot Require Residents to Accept Supportive Services.** Applicants must certify in their applications that they will not require residents to accept any supportive services as a condition of occupancy. Although the acceptance of services has never been a program requirement, the Department has been informed that in many cases applicants have required residents to accept services in order to live in housing for persons with disabilities developed under either the old Section 202 program or the Section 811 program. Residents must be free

to choose between either accepting supportive services offered by the applicant, obtaining supportive services on the open market, or choosing to receive no supportive services at all.

V. QUESTIONS AND ANSWERS. The following questions and answers address issues pertaining to FHEO's role in the review process for applications submitted under this NOFA.

A. THRESHOLD REVIEW ISSUES.

Q. Do the Threshold Criteria contained in Section II(B) of the General Section of the SuperNOFA apply to applications submitted in response to the Section 202 and Section 811 program NOFAs?

A. Yes.

Q. What are these threshold criteria?

A. The applicant must be in compliance with civil rights laws and regulations and executive orders enumerated in 24 CFR 5.105(a). In order to pass the civil fight threshold, an applicant must not have any of the following:

1. A charge with a systemic violation of the Fair Housing Act by the Secretary alleging ongoing discrimination;
2. Involvement as the defendant in a Fair Housing Act lawsuit filed by the Department of Justice alleging an ongoing pattern or practice of discrimination; or
3. A letter of noncompliance findings under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, or Section 109 of the Housing and Community Development Act of 1974.

If an applicant is found to have any of the above three civil rights-related problems, then that applicant is not eligible to apply under this SuperNOFA, if the charge, lawsuit or letter of findings has not been resolved to the satisfaction of the Department before the application deadline. HUD's decision regarding whether a charge, lawsuit or letter of findings has been satisfactorily resolved will be based upon whether appropriate actions have been taken to address allegations of ongoing discrimination in the policies or practices involved in the charge, lawsuit or letter of findings.

Q. How does the Department determine whether an applicant has passed the Civil rights threshold?

A. The FHEO staff in the local HUD Offices must provide the local program staff:

1. A list of all entities in your respective regions that may have Civil rights problems that may implicate the SuperNOFA threshold requirements. Program staff will compare this list with the list of applicants for funding; and
2. Documented information about applicants that may not be on the list of potential problem sponsors, but nevertheless may have civil rights problems that would implicate the SuperNOFA threshold. FHEO then makes the final determination of the applicant's eligibility under the civil rights threshold requirements stated in the previous question.

Q. Does the affirmatively furthering fair housing language of Section II(D) of the General Section also apply to applicants for Section 202 and Section 811 funding?

A. Yes. According to Section II(D) of the General Section of the SuperNOFA, all successful applicants have a duty to affirmatively further fair housing.

Q. Do applicants for funding under these program NOFAs have to submit certifications of compliance with civil rights laws, and do they have to certify that they will affirmatively further fair housing? Does the Department review these certifications?

A. The answer to both questions is yes. Civil rights certifications are included in Exhibit 7(k), Applicant's Combined Certifications. FHEO reviews the Civil rights certifications stated in the Exhibit to determine whether the applicant has complied with civil rights laws in the past and has, where applicable, affirmatively furthered fair housing. The Department accepts them unless there is documented evidence to the contrary.

B. QUESTIONS ON THE RATING FACTORS FOR WHICH FHEO AWARDS POINTS.

1. Rating of Applicant's Experience and Ties to the Minority Community [Rating Factor I(b)]

- Q. Rating Factor I is entitled "Capacity of the Applicant and Relevant Organizational Staff." Which part of this factor does FHEO review?
- A. FHEO reviews the applicant's description of its experience in providing housing and/or related support services to minority persons or families and its historical ties to the minority community. This information is found in Exhibits 3(a), (b) and (e) of the application.
- Q. What must the applicant submit as part of its statement of purpose, community ties and experience?
- A. The Program NOFAs require the applicant to submit as Exhibits 3(b) and (d) a description of its ties or historical relationships with the community at large and to the minority and elderly (Section 202) or disabled (Section 811) communities in particular. It also requires a description of.
1. Housing and/or supportive services experience, which should include any rental housing projects and/or services and facilities owned and/or operated by the applicant;
 2. Experience in serving the elderly, including elderly persons with disabilities, and/or families and minorities (Section 202) and persons with disabilities and minorities (Section 811);
 3. Data on the facilities and services provided and the racial/ethnic composition of the populations served, if available; and
 4. Information and testimonials from residents or community leaders on the quality of the activities.

These items are included as Exhibit 3(e).

- Q. How does FHEO evaluate applicants under this criterion?
- A. In determining the applicant's ability to develop and operate the proposed housing on a long-term basis, FHEO must:
1. Consider the scope, extent and quality of the applicant's experience in providing housing or related services to minority persons or families, as well as its ties to the community at large and to the minority and elderly/persons with disabilities communities in particular;

2. Utilize data contained in the Exhibits in the application for an overall picture of the applicant's previous housing and/or services experience; and
 3. Consider information provided by Multifamily Housing staff in connection with the applicant's Previous Participation Certificate Review (Form HUD-2530).
- Q. How does FHEO evaluate the applicant's experience in serving minorities?
- A. In evaluating an applicant's experience in serving minorities, FHEO considers:
1. The variety of services and facilities provided, and the specific types of such services and facilities;
 2. The description of persons, by race and ethnicity, served by the activities, including the racial and ethnic composition of both tenant and/or client populations, if available;
 3. Information from residents in the community regarding the quality of the activities; and
 4. The description of its ties to the community.
- Q. What if the applicant has no previous experience in providing housing or related services?
- A. If the applicant has no previous housing experience, it is particularly important for FHEO staff to examine all data and all relevant experience reported in the application. Nonprofit organizations with little or no housing experience should have an opportunity (based upon their service experience) to compete successfully with larger organizations with significant housing experience.
- Q. How does FHEO review the applicant's ties to the minority community?
- A. As part of its analysis of applicant experience, FHEO reviews the narrative statements in Exhibits 3(b) and (d) to determine the extent of the applicant's ties to the minority community. FHEO's review includes any documentation submitted by the applicant, such as letters from minority community leaders, heads of organizations, etc. Such documentation must contain specific information about the writer's relationship with the applicants over time. Generic letters of support should not be considered as evidence of ties to the community.

Q. On what basis may FHEO award the maximum number of points for the previous experience of the applicant?

A. In order to receive the maximum number of points under the Section 202 or Section 811 programs, an applicant must have significant previous experience in housing and/or serving minorities and have ties to the minority community. For the purpose of this competition, "significant previous experience" means that the applicant:

1. Has served a population of minorities through its housing and/or services that was equal to or greater than the percentage of minorities in the jurisdiction; and/or
2. Has implemented specific types of services in the past or has shown such services to be actually in place.

Q. On what basis may FHEO award less than the maximum number of points?

A. If an applicant's submission warrants awarding less than 10 points on this criterion, FHEO shall do so based on the following:

Eight points (Section 202) or seven points (Section 811):

Applicant has significant previous experience in housing and/or serving minorities, but there is no evidence that the applicant has ties to the community.

Six points (Both programs):

Applicant has minimal experience in housing and/or serving minorities, and the applicant has ties to the minority community. For the purpose of this competition, "minimal experience" means:

1. Previous housing assistance and/or related service to minorities was less than the percentage of minorities in the jurisdiction where the previous housing and/or related service experience occurred; and
2. Applicant has not implemented or proposed specific types of services, but has made very general statements about such services.

Four points (Both programs):

Applicant has minimal experience in housing and/or serving minorities

and does not have ties to the minority community.

Two points (Both programs):

Applicant does not have experience in housing and/or serving minorities, but there is evidence that the applicant has ties to the minority community.

No points (Both programs):

Applicant has not addressed the issue at all, or has no experience in housing and/or serving minorities and does not have ties to the minority community.

2. Rating of the Site [Rating Factor 3(b)]

- Q. What does the NOFA require HUD to consider regarding the suitability of the site as a means of promoting a greater choice of housing opportunities?
- A. In determining the quality and effectiveness of the project, as well as the relationship between the project, the community's needs and the purposes of the program's funding, FHEO should consider the suitability of the site from the standpoint of promoting a greater choice of housing opportunities for minority elderly persons/families (Section 202) or minority persons with disabilities (Section 811), and affirmatively furthering fair housing. The site will be deemed acceptable if it increases housing choice and opportunity by:
1. Expanding housing opportunities in non-minority neighborhoods (if located in such a neighborhood); or
 2. Contributing to the revitalization or reinvestment in minority neighborhoods, including improvement of the level, quality and affordability of services furnished to the minority elderly (Section 202) (10 points maximum) or minority persons with disabilities (Section 811) (8 points maximum).
- Q. What materials must the applicant submit to support a showing of acceptability under the program's Site and Neighborhood Standards at 24 CFR 891.125(b) and (c)?
- A. The NOFA requires the applicant to submit as part of Exhibit 4(d) a narrative topographical and demographic description of the suitability of the site and area, and how the site will promote greater housing

opportunities for minority elderly and minority persons with disabilities, thereby affirmatively furthering fair housing.

Q. How does HUD review the proposed site for its potential for promoting greater housing choice and opportunity?

A. In determining whether a site promotes housing choice for minority elderly and minority persons with disabilities, FHEO reviewers should consider:

1. The existence of other assisted housing (including Section 202, Section 811 and low-income public housing projects) that houses such persons; and
2. The location(s) of such housing.

Using information contained in Exhibit 4(a), FHEO staff would have already determined whether a minority-concentrated area has an unmet need for housing for minority elderly and minority persons with disabilities. In this instance, FHEO determines whether the proposed housing and this location address that need.

Q. The regulations governing the Section 202 and Section 811 programs (24 CFR 891) include the Department's Site and Neighborhood Standards. In a nutshell, what do these standards say?

A. The Department's Site and Neighborhood Standards say the following:

1. New construction may not be located in an area of minority concentration or in a racially-mixed area if the project will cause a significant increase in the proportion of minority to non-minority residents in the area.
2. New construction may be located in an area of minority concentration if:
 - (a) Sufficient and comparable housing opportunities exist for minority elderly or minority persons with disabilities, in the income range to be served by the proposed project outside areas of minority concentration, or
 - (b) The project is necessary to meet an overriding need which cannot be met in the housing market area.

Q. How does FHCO determine the racial and ethnic composition of the area in which a proposed site is located, and which set of Census data should be used to make these determinations?

A. The definition of "Area of Minority Concentration" stated in this guidance should be used in determining whether a proposed site is located in an area of minority concentration. The NOFA states that this definition applies only to this competition. In addition, to help you in making your calculations, you should use the data from the 1990 Census of Population.

Q. How are these standards to be applied in this competition?

A. In rating sites that are located within areas of minority concentration or racially-mixed areas, reviewers shall consider the following questions:

1. How does the site address the housing needs of minority elderly or minority persons with disabilities?

To help you answer this question, note that it was addressed previously in Rating Factor 2, and your comments on that factor should be blended with your comments on this factor.

2. How will the site contribute to overall neighborhood revitalization as part of an overall revitalization plan or contribute to major private investment going on in the neighborhood?

3. How will the site improve the quality of facilities and services targeted to minority elderly or persons with disabilities?

4. Are there comparable housing opportunities, e.g., other Section or Section 811 projects, located outside of the area of minority concentration?

Points should be awarded as follows:

Ten points (Section 202 Program) or eight points (Section 811 Program), if the site meets subcriterion one and any one of the three parts of subcriterion two:

1. The site is located in a minority/racially-mixed area with a need for such housing, and has relatively little other subsidized housing; and

2.
 - a. The project is to be the first Section 202 or Section 811 project in the neighborhood and/or is part of ongoing private investment in the neighborhood; or part of a neighborhood revitalization plan undertaken by the local jurisdiction; or
 - b. The project is part of the Consolidated Plan's Annual Plan or is a tool for addressing impediments identified in the jurisdiction's Analysis of Impediments to Fair Housing Choice (AI); or
 - c. There are sufficient and comparable units outside of the minority/racially-mixed area that will be available to minority elderly or minority persons with disabilities, thus providing housing choices for those elderly minority persons or minority persons with disabilities who live inside and outside minority communities.

Five points (Section 202 Program), four points (Section 811 Program):

1. The site is located in a minority/racially-mixed area with a need for such housing, and
2. The project contributes to meeting the overall need for housing for minority elderly and minority persons with disabilities; but
3. There are no or few comparable housing opportunities located outside of minority/racially-mixed areas;
4. The project is not part of an overall revitalization plan and is not part of an overriding housing need in the community; and;
5. The project contributes to an already very heavy concentration of assisted housing.

Zero points: The site, although acceptable, does not promote greater choice of housing opportunities for minority elderly or minority persons with disabilities.

Q. What if a site is located within a non-minority area?

A. When rating sites are located within non-minority areas or areas with few minorities, reviewers shall consider the following questions:

1. How does the site address the housing need in the community as a whole, as well as in the non-minority area, even though there are existing assisted housing units in the non-minority area, including Section 202 or Section 811 housing?
2. Do both the non-minority area and a minority area adjacent to it have assisted housing and an unmet need for housing for minority elderly and minority persons with disabilities?
3. Will the project offer new housing opportunities for which minority elderly or minority persons with disabilities will apply?

Points should be awarded as follows:

Ten points (Section 202 Program), eight points (Section 811 Program):

1. The site addresses the need of the non-minority area and the community as a whole, or
2. The site creates comparable housing opportunities for which minority elderly or minority persons with disabilities who reside within areas of minority concentration will apply.

Five points (Section 202 Program), four points (Section 811 Program):
The site addresses the need of the community as a whole but does not offer minority elderly or minority persons with disabilities comparable housing opportunities for which they will apply.

Zero points (Both programs): None of the above. The proposal does not promote greater choice of housing opportunities for minority elderly, nor does it address the need within the non-minority area.

C. QUESTIONS ON THE RATING FACTORS ON WHICH FHEO DOES NOT ASSIGN A RATING.

Q. What are the civil rights requirements in Rating Factor 2?

A. The NOFA states that "the Department will review more favorably those applications which establish a connection between the proposed project and the community's AI or other planning document that analyzes fair housing issues and is prepared by a local planning or similar organization. You must show how the proposed project will address an impediment to fair housing choice described in the AI or meet a need identified in the other type of planning document."

Q. How does FHEO review this criterion?

- A. FHEO does not award points in the review of Rating Factor 2, Need. However, FHEO does evaluate whether the applicant utilized the community's AI or other planning document that analyzes Fair Housing issues. Such a document, prepared by a local planning or similar organization, should identify the level of the problem and the urgency in meeting the need for the project.

FHEO should review Exhibit 4(a) of the application and note whether the applicant had described how information in the community's or State's AI or other planning documents was used in documenting the need for the project. For example, if the application states that (1) the jurisdiction's AI had identified a concentration of assisted housing for the elderly within minority census tracts and racially-motivated resistance to the location of assisted housing for minority elderly or minority persons with disabilities within non-minority areas as impediments to fair housing choice, and (2) if the proposed project is to be located within a non-minority area, the fact that the project would be located in a non-minority area expresses a commitment to affirmatively further fair housing.

- Q. What are the civil rights-related considerations in Rating Factor 5, Comprehensiveness and Coordination?

- A. In FY 2001, applications will receive four (4) base points for involving the target population (elderly persons, particularly minority elderly persons for Section 202, and persons with disabilities, including minority persons with disabilities for Section 811), in the development of the application, and intends to involve the target population in the operation of the project. They will also receive 2 points out of 10 for demonstrating active involvement in, or the steps they will take to become actively involved in, the local jurisdiction's Consolidated Planning process (including the AI).

Although the Project Manager will award the points for this rating factor, FHEO should review Exhibits 3(f) and (h) and recommend ratings for the above-stated subcriteria of Rating Factor 5. FHEO staff should note specific actions either already taken or planned by applicants to involve themselves in the Consolidated Planning or AI processes or to involve minority elderly or minority persons with disabilities in the development and implementation of the project.

- Q. What if the applicant proposes relocation activities?

- A. With regard to relocation, the Section 202 and Section 811 NOFAs require applicants to submit a statement (Exhibit 6) that:

1. Identifies all persons (families, businesses, individuals and nonprofit organizations) occupying the property on the date of submission of the application for a capital advance, by race/minority group and status as owners or tenants;

2. Indicates the estimated cost of the relocation;
3. Identifies the staff organization that will carry out the relocation; and
4. Identifies all persons that have moved from the site over the last 12 months.

The applicant is also required to certify compliance with the Uniform Relocation Assistance and Real Property Acquisition Act and its regulations (49 CFR 24.205) for planning and implementing relocation programs and advisory services. These regulations require that, where displacement of minority persons is involved, services must include steps to ensure that such persons have a reasonable opportunity to relocate to decent, safe, and sanitary replacement dwellings that are within their financial means, in a full range of neighborhoods, including those which are outside areas of minority concentration [49 CFR 24.205(c)(2)(ii)(C)]. The Relocation Plan should also include a component for mobility counseling to ensure fair housing choice. Section 811 applications that are site-identified are not required to submit Exhibit 6 at the Application for Fund Reservation stage.

- Q. Who has the overall responsibility for the relocation plan review?
- A. The Office of Community Planning and Development has the responsibility for this activity. However, FHEO staff should review Exhibit 6 to determine whether the applicant has submitted the required racial and ethnic data on the persons or businesses to be displaced and whether the applicant's relocation advisory procedures promote a greater choice of housing opportunities for minority persons or households as required by the Uniform Relocation Act's regulations. Comments should be provided to Multifamily Housing.

Please address any questions on this memorandum to Ivy L. Davis, Director, Office of Programs, (202) 708-2288, ext. 7028, or Parnela D. Walsh, Director, Program Standards Division, (202) 708-2288, ext. 7017.