

**Fiscal Year 2002 Allocations for Supportive Housing for Persons
with Disabilities**

[Fiscal Year 2002 Section 811 Allocations]

Office	Capital Advance Authority	Units
Boston Hub:		
Boston	\$2,976,663	33
Hartford	1,936,740	23
Manchester	1,271,053	19
Providence	879,638	10
Total	7,064,094	85
New York Hub:		
New York	7,648,935	68
Total	7,648,935	68
Buffalo Hub:		
Buffalo	2,299,638	29
Total	2,299,638	29
Philadelphia Hub:		
Newark	4,112,294	44
Pittsburgh	1,980,587	28
Philadelphia	3,953,620	48
Charleston	1,386,307	20
Total	11,432,808	140
Baltimore Hub:		
Baltimore	1,784,474	24
Richmond	1,720,331	28
D.C.	1,883,997	25
Total	5,388,802	77
Greensboro Hub:		
Columbia	1,880,200	28
Greensboro	3,294,280	41
Total	5,174,480	69

Atlanta Hub:

Atlanta	2,466,215	40
San Juan	2,650,388	28
Louisville	1,901,310	29
Knoxville	1,243,966	21
Nashville	1,417,019	23
Total	9,678,898	141

Jacksonville Hub:

Jacksonville	4,539,477	75
Birmingham	2,046,309	33
Jackson	1,545,040	26
Total	8,130,826	134

Chicago Hub:

Chicago	5,019,623	58
Indianapolis	2,172,915	32
Total	7,192,538	90

Columbus Hub:

Cincinnati	1,372,687	21
Cleveland	2,506,192	34
Columbus	1,359,500	21
Total	5,238,379	76

Detroit Hub:

Detroit	3,023,387	40
Grand Rapids	1,215,602	19
Total	4,238,989	59

Minneapolis Hub:

Milwaukee	1,975,162	25
Minneapolis	1,851,097	23
Total	3,826,259	48

Fort Worth Hub:

Fort Worth	2,712,704	45
Houston	1,811,282	30
Little Rock	1,317,626	24
New Orleans	1,911,260	32
San Antonio	1,655,717	29
Total	9,408,589	160

Kansas City Hub:

Des Moines	1,268,970	20
Kansas City	1,764,278	26
Omaha	679,936	10
Oklahoma City	1,410,061	25
St. Louis	1,808,839	24
Total	6,932,084	105

Denver Hub:		
Denver	2,063,368	31
Total	2,063,368	31
San Francisco Hub:		
Honolulu (Guam)	1,711,728	10
Phoenix	1,513,446	23
Sacramento	1,643,154	19
San Francisco	4,469,565	43
Total	9,337,893	95
Los Angeles Hub:		
Los Angeles	7,108,940	85
Total	7,108,940	85
Seattle Hub:		
Anchorage	1,711,728	10
Portland	1,654,235	23
Seattle	1,943,783	24
Total	5,309,746	57
National Total	\$117,475,266	1,549

III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description.* HUD provides capital advances and contracts for project rental assistance in accordance with 24 CFR part 891. Capital advances may be used to construct, rehabilitate, or acquire structures (including structures from the Federal Deposit Insurance Corporation (FDIC)), to be developed into a variety of housing options described in Section III(C) below. Capital advance funds may also be used in combination with other non-Section 811 funding sources to develop additional units for a mixed-finance or mixed-use project. (See Note below.) Capital advance funds bear no interest and are based on development cost limits published in this SuperNOFA. Repayment of the capital advance is not required as long as the housing remains available for at least 40 years for occupancy by very low-income persons with disabilities. PRAC funds are used to cover the difference between the tenants' contributions toward rent (30 percent of adjusted income) and the HUD-approved cost to operate the project.

Note: For purposes of approving Section 811 capital advances, HUD will consider proposals involving mixed-financing or a mixed-use purpose for additional units if the Sponsor has legal control of an approvable site and the additional units do not cause the project to exceed the project size limits if they will also house persons with disabilities. However, you must obtain funds to assist the additional units with other than PRAC funds. HUD will not provide PRAC funds for non-Section 811 units.

(B) *Eligible Applicants.* Nonprofit organizations with a section 501(c)(3) tax exemption from the Internal Revenue Service are the only eligible applicants for this program. A Sponsor or Co-sponsor may not apply for more than 70 units of housing or 4 projects (whichever is less) for persons with disabilities in a single Hub. In addition, a Sponsor or Co-sponsor may not apply for more units in a given HUD Office than allocated for the Section 811 program in that HUD Office, or for more than 10 percent of the total units allocated in all HUD offices. If the proposed project will be an independent living project, your application must request at least five units, not necessarily in one structure. If your proposed project will be a group home, your Sponsor must request at least two units per group home. If your proposed project will be a combination of an independent living project and a group home, your application must request at least the minimum number of units for each project type. Affiliated entities that

submit separate applications are considered a single entity for the purpose of these limits.

(C) *Eligible Activities.* The types of housing that can be developed with Section 811 capital advance funds include independent living projects, dwelling units in multifamily housing developments, condominium and cooperative housing and small group homes.

Note: You may propose to rehabilitate an existing currently-owned or leased structure that may or may not already serve persons with disabilities.)

(D) *Ineligible Activities.* Section 811 funds may not be used for any of the following:

- (1) Nursing homes, infirmaries and medical facilities;
- (2) Transitional housing facilities;
- (3) Manufactured housing facilities;
- (4) Intermediate care facilities;
- (5) Community centers, with or without special components for use by persons with disabilities;
- (6) Sheltered workshops and centers for persons with disabilities;
- (7) Headquarters for organizations for persons with disabilities; and
- (8) Refinancing of Sponsor-owned facilities without rehabilitation.

IV. Program Requirements

By signing Form HUD-92016, Application for a Section 811 Capital Advance, you are certifying that you will comply with the program requirements listed in the **General Section** of this SuperNOFA as well as the following requirements:

(A) *Statutory and Regulatory Requirements.* You must comply with all statutory and regulatory requirements listed in Sections III, IV and IX of this program section of the SuperNOFA.

(B) *HUD/RHS Agreement.* HUD and the Rural Housing Service (RHS) have an agreement to coordinate the administration of the agencies' respective rental assistance programs. As a result, HUD is required to notify RHS of applications for housing assistance it receives. This notification gives RHS the opportunity to comment if it has concerns about the demand for additional assisted housing and possible harm to existing projects in the same housing market area. HUD will consider RHS comments in its review and application selection process.

(C) *Development Cost Limits.* (1) The following development cost limits, adjusted by locality as described in Section IV(C)(2) below, must be used to determine the capital advance amount reserved for projects for persons with disabilities:

(a) *For independent living projects and dwelling units in multifamily housing developments, condominium and cooperative housing:* The total development cost of the project attributable to dwelling use (less the incremental development cost and the capitalized operating costs associated with any excess amenities and design features you will pay for) may not exceed:

Non-elevator structures:

- \$41,238 per family unit without a bedroom;
- \$47,548 per family unit with one bedroom;
- \$57,344 per family unit with two bedrooms;
- \$73,400 per family unit with three bedrooms;
- \$81,770 per family unit with four bedrooms.

For elevator structures:

- \$43,398 per family unit without a bedroom;
- \$49,748 per family unit with one bedroom;
- \$60,493 per family unit with two bedrooms;
- \$78,257 per family unit with three bedrooms;
- \$85,902 per family unit with four bedrooms.

(b) *For group homes only:*

TYPE OF DISABILITY

# Residents	Physical/developmental	Chronic mental illness
2	\$166,022	\$160,262
3	178,533	172,340
4	191,045	183,069
5	203,556	193,798
6	216,054	204,527

(c) These cost limits reflect those costs reasonable and necessary to develop a project of modest design that complies with HUD minimum property standards; the minimum group home requirements of 24 CFR 891.310(a) (if applicable); the accessibility requirements of 24 CFR 891.120(b) and 891.310(b); and the project design and cost standards of 24 CFR 891.120.

(2) *Increased development cost limits.*

(a) HUD may increase the development cost limits set forth in Section IV(C)(1) of this program section of the SuperNOFA by up to 140 percent in any geographic area where the cost levels require, and may increase the development cost limits by up to 160 percent on a project-by-project basis. This increase may include covering additional costs to make dwelling units accessible through rehabilitation.

(b) If HUD finds that high construction costs in Alaska, Guam, the Virgin Islands or Hawaii make it infeasible to construct dwellings, without the sacrifice of sound standards of construction, design, and livability, within the development cost limits provided in Section IV(C)(1) of this program section of the SuperNOFA, the amount of capital advances may be increased to compensate for such costs. The increase may not exceed the limits established under this section (including any high cost area adjustment) by more than 50 percent.

(c) For group homes only, HUD Offices may approve increases in the development cost limits in Section IV(C)(1)(b), above, in areas where you can provide sufficient documentation that high land costs limit or prohibit project feasibility. An example of acceptable documentation is 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 your project is to be built. The average cost of the documented sales must exceed ten percent of the development cost limit for your project in order for an increase to be considered.

(D) *Minimum Capital Investment.* Selected nonprofit organizations must provide a minimum capital investment of one-half of one percent of the HUD-approved capital advance amount not to exceed a maximum of \$10,000 in accordance with 24 CFR 891.145.

(E) *Accessibility.* If you intend to construct, substantially rehabilitate, or acquire, with or without rehabilitation, structures to be used as housing for persons with disabilities, you should note 24 CFR 891.310, which requires that your project meet accessibility requirements. In addition, you should note that 24 CFR 8.4(b)(5) prohibits the selection of a site or location which has the purpose or effect of excluding persons with disabilities from the Federally assisted program or activity. Thus, if you choose an existing structure, make sure that it can be made accessible, in accordance with 24 CFR 891.120, 891.310 and section 504 of the Rehabilitation Act of 1973, without resulting in an infeasible project. HUD also encourages you to add accessible design features beyond those required under civil rights laws and regulations. See Section VI(C) of the **General Section** of this SuperNOFA, entitled "Encouraging Accessible Design Features."

(F) *Conducting Business in Accordance With Core Values and Ethical Standards.* Section 811 Sponsors are not subject to the requirements of 24

CFR parts 84 and 85 as outlined in the **General Section** of this SuperNOFA. However, Sponsors are still subject to the core values and ethical standards as they relate to the conflict of interest provisions in 24 CFR 891.130. To ensure compliance with the program's conflict of interest provisions, you are required to submit a signed Conflict of Interest Resolution and include it in your application. Further, if awarded a Section 811 fund reservation, the officers, directors, board members, trustees, stockholders and authorized agents of the Section 811 Sponsor and Owner entities will be required to submit to HUD individual certifications regarding compliance with HUD's conflict of interest requirements.

(G) *Ensuring the Participation of Small Businesses, Small Disadvantaged Businesses, and Women-Owned Businesses.* Although the Section 811 program is not subject to the provisions of 24 CFR 85.36(e) as described in the corresponding paragraph in the **General Section** of the SuperNOFA, you are required to comply with Executive Order 12432—Minority Business Enterprise Development and Executive Order 11625, Prescribing Additional Arrangements for Developing and Coordinating a National Program for Minority Business Enterprise as they relate to the encouragement of HUD grantees to utilize minority business enterprises.

(H) *Fair Housing Requirements.* You must comply with the requirements of the Fair Housing Act, Title VI of the Civil Rights Act, the Age Discrimination Act of 1975, the affirmative fair housing marketing requirements of 24 CFR part 200, subpart M, and the implementing regulations at 24 CFR part 108, and other applicable Federal, State and local laws prohibiting discrimination and promoting equal opportunity. You are required to affirmatively further fair housing in conducting your programs or activities in accord with Section II(D) of the **General Section** of the SuperNOFA entitled, "Affirmatively Furthering Fair Housing."

(I) *Economic Opportunities for Low and Very Low Income Persons.* You must comply with section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701u (Economic Opportunities for Low and Very Low Income Persons) and its implementing regulations at 24 CFR part 135. To comply, you must ensure that training, employment and other economic opportunities are directed, to the greatest extent feasible, 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. To comply with section 3 requirements, you are required to strongly encourage the general contractor and subcontractors to participate in local apprenticeship programs or training programs registered with or certified by the Department of Labor's Office of Apprenticeship, Training, Employer and Labor Services or recognized State Apprenticeship Agency.

(J) *Design and Cost Standards.* You must comply with HUD's Section 811 project design and cost standards (24 CFR 891.120 and 891.310), the Uniform Federal Accessibility Standards (24 CFR 40.7), section 504 of the Rehabilitation Act of 1973 and HUD's implementing regulations at 24 CFR part 8, and for covered multifamily dwellings designed and constructed for first occupancy after March 13, 1991, the design and construction requirements of the Fair Housing Act and HUD's implementing regulations at 24 CFR part 100, and the Americans with Disabilities Act of 1990.

(K) *Acquisition and Relocation.* You must comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (49 CFR part 24 and 24 CFR part 891.155(e)) (URA), which covers the acquisition of sites, with or without existing structures. However, you are exempt from complying with the site acquisition requirements of the URA if you do not have the power of eminent domain and prior to entering into a contract of sale, option to purchase or any other method of obtaining site control, you inform the seller of the land: (1) That you do not have the power of eminent domain and, therefore, you 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. An appraisal is not required to meet this requirement, however, your files must include an explanation, with reasonable evidence of the basis for the estimate.

(L) *Formation of Owner Corporation.* You must form an "Owner" in accordance with 24 CFR 891.305 after issuance of the capital advance; cause the Owner to file a request for determination of eligibility and a request for capital advance, and provide sufficient resources to the Owner to insure the development and long-term operation of the project, including capitalizing the Owner at firm commitment processing in an amount sufficient to meet its obligations in connection with the project.

(M) *Supportive Services*. You are required to include a Supportive Services Plan and a certification from the appropriate State or local agency that the provision of services identified in your Supportive Services Plan is well designed to address the individual health, mental health and other needs of persons with disabilities who will live in your proposed project. Section VI(B)(4)(e) of this program section of the SuperNOFA, below, outlines the information that must be in the Supportive Services Plan. You must submit one copy of your Supportive Services Plan to the appropriate State or local agency well in advance of the application submission deadline date for the State or local agency to review your Supportive Services Plan and complete the Supportive Services Certification and return it to you so that you can include it in the application you submit to HUD.

(1) HUD will reject your application if the supportive services certification:

- (i) Is not submitted with your application *and* is not submitted to HUD within the 14-day cure period; or
- (ii) Indicates that the provision of supportive services is not well designed to address the individual health, mental health and other needs of persons with disabilities who will live in your project; or
- (iii) Indicates that the provision of supportive services will not enhance independent living success or promote the dignity of the persons with disabilities who will live in your proposed project.

(2) In addition, if the agency completing the certification will be a major funding or referral source for your proposed project or be responsible for licensing the project, HUD will reject your application if either the agency's supportive services certification indicates—or, where the agency fails to complete item 3 or 4 of the certification, HUD determines that:

- (i) You failed to demonstrate that supportive services will be available on a consistent long-term basis; and/or
- (ii) The proposed housing is not consistent with State or local agency plans/policies addressing the housing needs of people with disabilities.

Any prospective resident of a Section 811 project who believes he/she needs supportive services must be given the choice to be responsible for acquiring his/her own services or to take part in your Supportive Services Plan which must be designed to meet the individual needs of each resident.

You must not require residents to accept any supportive services as a condition of occupancy or admission.

(N) *Davis-Bacon*. You must comply with the Davis-Bacon Requirements and the Contract Work Hours and Safety Standards Act.

(O) *Flood Disaster Protection Act of 1973*. You must comply with the requirements under the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001–4128) and the Coastal Barrier Resources Act (16 U.S.C. 3601).

(P) *National Environmental Policy Act*. You must comply with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321) and applicable related environmental authorities at 24 CFR Part 50.4 and HUD's implementing regulations at 24 CFR part 50 and 24 CFR 891.155(b).

(Q) *Sites*. (1) NAHA requires you to provide in your application either:

- (a) Evidence of site control, or
- (b) A reasonable assurance that you will have control of a site within six months of notification of fund reservation.

(2) Accordingly, if you have control of a site at the time you submit your application, you must include evidence of such as described in Section VI(B)(4)(d)(i) of this program section of the SuperNOFA relative to site control. If you do not have site control of one or more of your sites, you must provide the information required in Section VI(B)(4)(d)(ix) of this program section of the SuperNOFA under "site identified" for any site not under control as a reasonable assurance that site control will be obtained within six months of fund reservation notification.

(3) Under Criterion (a) of Rating Factor 3 in Section V(D), below, related to your proposed site, your application has the potential of earning 17 points. Criterion (a)(i) is related to site approvability and is worth a maximum of 7 points. Five points for Criterion (a)(ii) will be awarded if your project 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). Criterion (a)(iii) which is worth five points for site control will be awarded as outlined in Section IV(D)(5) below. Regardless of whether you submit evidence of site control or have identified a site without obtaining control of the site, the site will be evaluated based on its proximity or accessibility to shopping, medical facilities, transportation, places of worship, recreational facilities, places of employment and other necessary services to the intended tenants.

(4) To meet the "proximity" or "accessibility" test, you must demonstrate that community services and amenities described above are

either near or accessible to the residents. Sites where the community services and amenities described above are either near or accessible to the residents other than solely by a project residence or private vehicle will be rated more favorably than sites where residents must depend upon the project residence or private vehicle to access such community services and amenities. Your application will also be evaluated to determine whether it complies with the site and neighborhood standards in 24 CFR 891.125.

(5) Criterion (a)(iii) relates to the existence of legally acceptable site control. If you:

- (a) Submit evidence of site control for all proposed sites in your application,
- (b) The evidence is determined to be legally acceptable for all of the sites, and
- (c) All of the sites are approvable (i.e., receive a score of 1 or higher for Criterion (a)(i), your application will receive 5 points for Criterion (a)(iii).

(d) If any of your proposed sites are not permissively zoned, one (1) point will be deducted in Criterion 3(a)(iv).

(6) If your application contains evidence of site control where either the evidence or the site is not approvable, your application will *not* be rejected provided you indicate in your application that you are willing to seek an alternate site and provide an assurance that site control will be obtained within six months of fund reservation notification.

(R) *Project Size Limits*.

(1) *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 14 plus one additional one or two bedroom unit for a resident manager, if necessary.

(2) *Group home*—The minimum number of persons with disabilities that can reside in a group home is two, and the maximum number is six. An additional one or two bedroom unit can be provided for a resident manager. Only one person per bedroom is allowed, unless two residents choose to share one bedroom or a resident determines he/she needs another person to share his/her bedroom.

(S) *Lead-Based Paint*. You must comply with the requirements of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821–4846) and implementing regulations at 24 CFR part 35.

(T) *Truth and Accuracy*. By signing your application, you are certifying that the information you are providing to HUD in your application under the

Section 811 Program of Supportive Housing for Persons with Disabilities is true and accurate, to the best of your knowledge.

(U) *Expiration of Section 811 Funds.* The FY 2002 HUD Appropriations Act requires HUD to obligate all Section 811 funds appropriated for FY 2002 by September 30, 2004. Under 31 USC 1551, no funds can be disbursed from this account after September 30, 2009. Under Section 811, obligation of funds occurs for both capital advances and project rental assistance upon fund reservation and acceptance. If all funds are not disbursed by HUD and expended by the project owner by September 30, 2009, the funds, even though obligated, will expire and no further disbursements can be made from this account. In submitting an application, you need to carefully consider whether your proposed project can be completed through final capital advance closing no later than September 30, 2009. Furthermore, absent Congressional relief, all unexpended balances, including any remaining balance on PRAC contracts, will be cancelled as of October 1, 2009. Amounts needed to maintain PRAC payments for any remaining term on the affected contracts beyond that date will have to be funded from other current appropriations.

V. Application Selection Process

(A) *Review for Curable Deficiencies.* You should ensure that your application is complete before submitting it to the appropriate HUD office. HUD will screen all applications received by the deadline to determine if there are any curable deficiencies. A curable deficiency is a missing Exhibit or portion of an Exhibit that will not affect the rating of your application. The following is a list of the only deficiencies that will be considered curable in a Section 811 application:

Exhibits

- (1) Form 92016-CA (Application Form)*
- (2) (a) Articles of Incorporation*
(b) By-laws*
- (3) (c) IRS tax exemption ruling*
- (4) (c)(ii) Energy efficiency
(d)(vii) Letter from the State Historic Preservation Officer (SHPO)
(d)(viii) Seek alternate site
- (5) Supportive Services Plan
- (6) Relocation
- (7) (a) Standard Form 424, Application for Federal Assistance (and compliance with Executive Order 12372)*
(b) Form-HUD 50070, Certification of a Drug-Free Workplace
(c) Form-HUD 50071, Certification of

Payments to Influence Federal Transactions and Standard Form-LLL, Disclosure of Lobbying Activities

- (d) Form-HUD 2880, Applicant/Recipient Disclosure/Update Report
- (e) Form-HUD 2992, Certification Regarding Debarment and Suspension
- (f) Form-HUD 2991, Certification of Consistency with Consolidated Plan
- (g) Conflict of Interest Resolution
- (h) Resolution for Commitment to Project*
- (j) Supportive Services Certification

The HUD Office will notify you in writing if your application is missing any of the above exhibits or portions of exhibits and will give you 14 days from the date of the notification to submit the information required to cure the noted deficiencies. The items identified by an asterisk (*) must be dated on or before the application deadline date.

(B) *Rating.* HUD will review and rate your application in accordance with the Application Selection Process in the **General Section** of this SuperNOFA with the following exception. HUD will not reject your application based on technical review without notifying you of the rejection with all the reasons for rejection and providing you an opportunity to appeal. You will have 14 calendar days from the date of HUD's written notice to appeal a technical rejection to the HUD Office.

The HUD Office will make a determination on an appeal before making its selection recommendations. Your application(s) will be either rated or technically rejected at the end of technical review. If your application meets all program eligibility requirements after completion of technical review, your application will be rated according to the Rating Factors in Section V(D) below.

If an Exhibit or portion of an Exhibit listed above as curable is not discovered as missing until technical processing, HUD will provide you with 14 calendar days in which to cure the deficiency.

(C) *Ranking and Selection Procedures.* Applications that have a total base score of 70 points or more (without the addition of EC/EZ bonus points) and meet all of the applicable threshold requirements of Section II(B) of the **General Section** of the SuperNOFA will be eligible for selection and will be placed in rank order. HUD will select applications, after adding any bonus points for EC/EZ, based on rank order, up to and including the last application that can be funded out of each HUD Office's allocation. HUD Offices must not skip over any applications in order

to select one based on the funds remaining. After making the initial selections, however, HUD may use any residual funds to select 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. For this purpose, however, HUD will not reduce the number of units in projects of five units or less.

After this process is completed, residual funds from all HUD Offices within each Multifamily Hub will be combined. First, these funds will be used 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 only one application selected per HUD Office. More than one application may be selected per HUD Office if there are no 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, HUD may use any remaining residual funds, to select 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 or result in the project being less than 5 units.

Funds remaining after these processes are completed will be returned to Headquarters. HUD Headquarters will use these funds first to restore units to projects reduced by HUD Offices as a result of the instructions for using their residual funds. HUD Headquarters will then use these funds for selecting applications based on field offices' rankings, beginning with the highest rated application nationwide. Only one application will be selected per HUD Office from the national residual amount. 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.

(D) *Factors For Award Used To Evaluate and Rate Applications.* HUD will rate applications that successfully complete technical processing using the Rating Factors set forth below and in accordance with the application submission requirements in Section

VI(B) below. The maximum number of points an application may receive under this program is 102. This includes two (2) EZ/EC bonus points, as described in the **General Section** of this SuperNOFA.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Staff (25 Points)

This factor addresses the extent to which you have the organizational resources to successfully implement the proposed activities in a timely manner. Submit information responding to this factor in accordance with Application Submission Requirements in paragraphs (B)(2), (B)(3)(a), (B)(3)(b), (B)(3)(e), and (B)(5) of Section VI of this program section of the SuperNOFA.

In rating this factor, HUD will consider the extent to which your application demonstrates your ability to develop and operate the proposed housing on a long-term basis, considering the following:

(a)(i) **(11 POINTS)** The scope, extent, and quality of your 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 your demonstrated development and management capacity as well as your financial management capability;

(a)(ii) **(1 POINT)** Your organization is a “grassroots” organization as defined in the **General Section** of this SuperNOFA.

(b) **(8 POINTS)** The scope, extent, and quality of your experience in providing housing or related services to minority persons or families as well as your ties to the community at large and to the minority and disability communities in particular. For purposes of this program section of the SuperNOFA, “minority” means the basic racial and ethnic categories for Federal statistics and administrative reporting, as defined in the Appendix section of the Office of Management and Budget’s (OMB) **Federal Register** Notice entitled “Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity” and dated October 30, 1997 (62 FR 58782–90). This notice contains the definitions of the various racial and ethnic data categories that were used in the 1990 Census. It can be found on the OMB Web site at: www.whitehouse.gov/omb/fedreg/ombdir15.html.

(c) **(5 POINTS)** You have experience in developing integrated housing (e.g., condominium units scattered within one or more buildings or non-contiguous independent living units on scattered sites).

(d) **(–2 POINTS)** A fund reservation you received under either the Section 811 program of Supportive Housing for Persons with Disabilities or the Section 202 program of Supportive Housing for the Elderly has been extended beyond 36 months (except if the delay was beyond your control). Examples of such delays include, but are not limited to, initial closing delays that are: (1) directly attributable to HUD, (2) directly attributable to third party opposition, including litigation, and (3) due to a disaster, as declared by the President of the United States.

(e) **(–1 POINT)** Amendment money was required as a result of the delay in (d) above (except if the delay was beyond your control).

Rating Factor 2: Need/Extent of the Problem (15 Points)

This factor addresses the extent to which there is a need for funding the proposed activities to address a documented problem in the target area. Submit information responding to this factor in accordance with Application Submission Requirements in paragraphs (B)(4)(a) and (B)(4)(b) of Section VI of this program section of the SuperNOFA. In evaluating this factor, HUD will consider:

The extent of the need for the project in the area based on a determination by the HUD Office. In making this determination, HUD will consider your evidence of need in the area, as well as other economic, demographic, and housing market data available to the HUD Office. The data could include the availability of existing comparable subsidized housing for persons with disabilities and current occupancy in such housing, comparable subsidized housing for persons with disabilities under construction or for which fund reservations have been issued, and, in accordance with an agreement between HUD and RHS, comments from RHS on the demand for additional comparable subsidized housing and the possible harm to existing projects in the same housing market area. The Department also will review more favorably those applications which establish a connection between the proposed project and 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. 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.

Rating Factor 3: Soundness of Approach (38 Points)

This factor addresses the quality and effectiveness of your proposal. There must be a clear relationship between the proposed activities, the community’s needs and purposes of the program funding for your application to receive points for this factor. Submit information responding to this factor in accordance with Application Submission Requirements in paragraphs (B)(2)(d), (B)(4)(c), (B)(4)(d), and (B)(4)(e) of Section VI of this program section of the SuperNOFA. In evaluating this factor, HUD will consider the following:

(a)(i) **(7 POINTS)** Site approvability—The proximity or accessibility (other than by sole means of a project residence or private vehicle) of the site to shopping, medical facilities, transportation, places of worship, recreational facilities, places of employment, and other necessary services to the intended tenants; adequacy of utilities and streets, and freedom of the site from adverse environmental conditions (based on site visit for site control projects only); and compliance with site and neighborhood standards in 24 CFR 891.125(a), (d), and (e);

(a)(ii) **(5 POINTS)** Integrated model—If your project will be an integrated model as described in Section IV(Q) above, your application will receive 5 points for this Criterion.

(a)(iii) **(5 POINTS)** Site control—If your application contains legally acceptable site control for all proposed sites and all of the proposed sites are approvable (*i.e.*, receive a score of 1 or higher on Criterion (a)(i)), your application will receive 5 points for site control.

(a)(iv) **(–1 POINT)** One or more of your proposed sites is not permissively zoned for the intended use.

(b) **(8 points)** The suitability of the site from the standpoints of promoting a greater choice of housing opportunities for minorities and persons with disabilities and affirmatively furthering fair housing. In reviewing this criterion, HUD will assess whether the site meets the site and neighborhood standards at 24 CFR 891.125(b) and (c) by examining relevant data in your application or in the HUD Office. If appropriate, HUD may visit the site.

(i) The site will be deemed acceptable if it increases housing choice and opportunity by:

—Expanding housing opportunities in non-minority neighborhoods if located in such a neighborhood. (“Nonminority area” is defined as one

in which the minority population is lower than 10 percent.); or
 —Contributing to the revitalization of and reinvestment in minority neighborhoods, including improvement of the level, quality and affordability of services furnished to minority persons with disabilities. You should refer to the Site and Neighborhood Standards provisions of the regulations governing the Section 811 Supportive Housing Program (24 CFR 891.125(b) and (c)) when considering sites for your projects.

(ii) For the purpose of this competition, the term “minority neighborhood (area of minority concentration)” is defined as one where any one of the following statistical conditions exists:

- 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,
- The neighborhood’s total percentage of minority persons is at least 20 points higher than the total percentage of minorities for the housing market area as a whole; or
- In the case of a metropolitan area, the neighborhood’s total percentage of minority persons exceeds 50 percent of its population.

(c) **(4 points)** The extent to which the proposed design of the project, including both the exterior and interior design, will meet the individual needs of persons with disabilities the housing is expected to serve;

(d) **(4 points)** 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; and

(e) **(5 points)** At least 51% of your board members are persons with disabilities.

(f) **(–1 point)** Your application did not include a plan for completing your project within the initial fund reservation period of 18 months.

Rating Factor 4: Leveraging Resources (10 Points)

This factor addresses your ability to secure other community resources which can be combined with HUD’s program resources to achieve program purposes. Submit information responding to this factor in accordance with Application Submission Requirements in paragraphs (B)(3)(c) and (B)(3)(d) of Section VI of this program section of the SuperNOFA.

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

(b) **(5 points)** The extent of your activities in the community, including previous experience in serving the area where the project is to be located, developing integrated housing models and your demonstrated ability to enlist volunteers and raise local funds.

Rating Factor 5: Coordination, Self-Sufficiency and Sustainability (12 Points)

This factor addresses the extent to which you coordinated your activities with other known organizations that will not be directly involved in the proposed project, participate or promote participation in the community’s planning process (e.g., the Consolidated Planning process including the Analysis of Impediments to Fair Housing Choice), and are working towards addressing a need in a holistic and comprehensive manner to ensure that the project will not operate in isolation. This factor also addresses the extent to which your project will implement practical solutions that will result in assisting residents in achieving independent living, economic empowerment, educational opportunities, and improved living environments. Finally, this factor addresses the extent to which the long-term viability of your project will be sustained for the duration of the 40-year capital advance period. Submit information responding to this factor in accordance with Application Submission Requirements in paragraphs (B)(3)(f), (B)(3)(g), (B)(3)(h), (B)(3)(i) and (B)(3)(j) of Section VI of this program section of the SuperNOFA.

(a) **(3 points)** You involved persons with disabilities (including minority persons with disabilities) in the development of the application, and will involve persons with disabilities (including minority persons with disabilities) in the development and operation of the project;

(b) **(2 points)** The extent to which you coordinated your application with other organizations (including local independent living centers; a list of such can be obtained from the local HUD Office) that will not be directly participating in your project, but with which you share common goals and objectives and are working toward meeting these objectives in a holistic and comprehensive manner;

(c) **(2 points)** The extent to which you demonstrated that you have been actively involved, or if not currently active, the steps you will take to become actively involved in the community’s

planning process (e.g., the Consolidated Planning process including the Analysis of Impediments to Fair Housing Choice) to identify and address a need/problem that is related in whole or part, directly or indirectly to the proposed project;

(d) **(2 points)** The extent to which your project will implement practical solutions that will result in assisting residents in achieving independent living, economic empowerment, educational opportunities, and improved living environments; and

(e) **(2 points)** The extent to which you demonstrated that your project will remain viable as housing with the availability of supportive services for very low income persons with disabilities for the 40-year capital advance period.

(f) **(1 point)** Your project will provide activities that will improve computer access, literacy and employment opportunities (e.g., programs that can teach residents how to use computers to achieve educational goals and economic self-sufficiency through job training and placement).

Bonus Points

(2 bonus points) Location of proposed site in an EZ/EC area, as described in the **General Section** of this SuperNOFA. Submit the information responding to the bonus points in accordance with the Application Submission Requirements in paragraph (B)(7)(i) of Section VI of this program section of the SuperNOFA.

(E) *Applicant Debriefing.* In accordance with the **General Section** of this SuperNOFA, you may request a debriefing on your application. The request must be made in writing to the Director of Multifamily Housing in the HUD Field Office to which you sent your application no sooner than 30 days after the awards for assistance are announced in the **Federal Register**. Materials provided to you during your debriefing will be the score you received for each rating factor, final evaluator comments for each rating factor, and the final assessment indicating the basis upon which assistance was provided or denied.

VI. Application Submission Requirements

(A) *Application.* Your application must include all of the information, materials, forms, and exhibits listed in Section VI(B) of this program section of the SuperNOFA (unless you were selected for a Section 811 fund reservation within the last three funding cycles). If you qualify for this exception, you are not required to submit the information described in Section VI(B)(2)(a), (b), and (c), below, of this

program section of the SuperNOFA (Exhibits 2.a., b., and c. of the application kit), which are the articles of incorporation (or other organizational documents), by-laws, and the IRS tax exemption, respectively. If there has been a change in any of these documents since your previous HUD approval, you must submit the updated information in your application. The HUD Office will verify your indication of previous HUD approval by checking the project number and approval status with the appropriate HUD Office based on information submitted in Section VI(B)(2) below.

In addition to this relief of paperwork burden in preparing applications, you are able to use information and exhibits previously prepared for prior applications under Section 811, Section 202, or other funding programs. Examples of exhibits that may be readily adapted or amended to decrease the burden of application preparation include, among others, those on previous participation in the Section 202 or Section 811 programs, your experience in the provision of housing and services, supportive services plans, community ties, and experience serving minorities.

(B) General Application

Requirements. Your application must contain the items listed in this Section VI(B). These items include the standard forms, certifications, and assurances listed in the **General Section** of the SuperNOFA that are applicable to this funding (collectively referred to as the "standard forms"). The standard forms can be found in Appendix B to the **General Section** of the SuperNOFA. The remaining application items that are forms (*i.e.*, excluding such items as narratives), referred to as the "non-standard forms" can be found as Appendix B to this program section of the SuperNOFA. The items are as follows:

Note: You may apply for a scattered site project in one application.

(1) Form HUD-92016-CA, Application for Section 811 Supportive Housing Capital Advance.

(2) Evidence of your and each Co-Sponsor's legal status as a nonprofit organization, including the following:

(2)(a) Articles of Incorporation, constitution, or other organizational documents;

(2)(b) By-laws;

(2)(c) IRS section 501(c)(3) tax exemption ruling (this must be submitted by you and all Co-Sponsors, including churches).

Note: If you received a Section 811 Fund Reservation within the last three funding

cycles, you are not required to submit the documents described in paragraph (2)(a), (2)(b), and (2)(c), above. Instead, you must submit the project number of the latest application selected and the HUD office to which it was submitted. If there have been any modifications or additions to the subject documents, indicate such, and submit the new material.

(2)(d) The number of people on your board and the number of those people who have disabilities.

(3) A description of your purpose, community ties, and experience, including the following:

(3)(a) A description of your purpose, current activities and how long you have been in existence;

(3)(b) A description of your ties to the community in which your project will be located and to the minority and disability communities in particular, including a description of the specific geographic area(s) in which you have served;

(3)(c) A description of local government support for the project (including financial assistance, donation of land, provision of services, etc.);

(3)(d) Letters of support for your organization and for the proposed project from organizations familiar with the housing and supportive services needs of the persons with disabilities that you expect to serve in the proposed project (*e.g.*, the local center for independent living, the Statewide Independent Living Council);

(3)(e) A description of your housing and/or supportive services experience. The description should include any rental housing projects (including integrated housing developments) and/or supportive services facilities that you have sponsored, owned, and/or operated; your past or current involvement in any programs other than housing that demonstrates your management capabilities (including financial management) and experience, and your experience in serving persons with disabilities and minorities; and the reasons for receiving any increases in fund reservations for developing and/or operating any previously funded Section 811 or Section 202 projects. The description should include data on the facilities and services provided, the racial/ethnic composition of the populations served, if available, and information and testimonials from residents or community leaders on the quality of the activities. Examples of activities that could be described include housing counseling, nutrition and food services, special housing referral, screening and information projects.

(3)(f) A description of your efforts to involve persons with disabilities

(including minority persons with disabilities) in the development of your application and in the development and operation of the project.

(3)(g) A description of the steps you took to coordinate your application with other organizations (*e.g.*, the local center for independent living), that will not be directly involved in your project but with which you share common goals and objectives, to complement and/or support your proposed project so that the project will provide a comprehensive and holistic solution to the needs of persons with disabilities. Also describe the steps you will take, if funded, to share information on solutions and outcomes relative to the development of your proposed project.

(3)(h) A description of your involvement in the community's planning process (*e.g.*, the Consolidated Planning process including the Analysis of Impediments to Fair Housing Choice), including:

(3)(h)(i) An identification of the lead/facilitating agency that organizes/administers the process;

(3)(h)(ii) An identification of the areas of the community's planning process in which you participate;

(3)(h)(iii) Your level of participation in the process, including active involvement with any neighborhood-based organizations, associations or any committees that support programs and activities that enhance projects, or the lives of residents of projects, such as the one proposed in your application.

If you are not currently active, describe the specific steps you will take to become active in the community's planning process. (Consult the local HUD Office for the identification of the Consolidated Plan community process for the appropriate area if that is the process you wish to become involved in.)

(3)(i) A description of the practical solutions you will implement which will enable the residents of your project to achieve independent living and economic empowerment. In addition, describe the educational opportunities you will provide for the residents and how you will provide them. This description should include the activities you will undertake that will improve computer access, literacy and employment opportunities (*e.g.*, provide programs that can teach residents how to use computers to become educated as well as achieve economic self-sufficiency through job training and placement). And, finally, describe how your proposed project will be an improved living environment for the residents when compared to their previous place of residence.

(3)(j) Describe how you will ensure that your proposed project will remain viable as housing with the availability of supportive services for very low income persons with disabilities for the 40-year capital advance period. This description should address the measures you would take should any of the following occur: (1) funding for any of the needed supportive services becomes depleted or, (2) if, for any state funded services for your project, the state changes its policy regarding the provision of supportive services to projects such as the one you propose, or (3) if the need for housing for the population you will be serving wanes over time, causing vacancies in your project.

(4) Project information including the following:

(4)(a) Evidence of need for supportive housing. Such evidence would include a description of the proposed population and evidence demonstrating sustained effective demand for supportive housing for the proposed population in the market area to be served, taking into consideration the occupancy and vacancy conditions in existing comparable subsidized housing for persons with disabilities, State or local needs assessments of persons with disabilities in the area, the types of supportive services arrangements currently available in the area, and the use of such services as evidenced by data from local social service agencies. Also, a description of how information in the community's Analysis of Impediments to Fair Housing Choice was used in documenting the need for the project.

(4)(b) A description of how the proposed project will benefit the target population and the community in which it will be located;

(4)(c) A description of the project, including the following:

(4)(c)(i) A narrative description of the building(s) including the number and type of structure(s), number of units with bedroom distribution if independent living units (including dwelling units in multifamily housing developments, condominiums and cooperatives), number of bedrooms if group home, number of residents with disabilities, and any resident manager per structure; an identification of all community spaces, amenities, or features planned for the housing and a description of how the spaces, amenities, or features will be used, and the extent to which they are necessary to accommodate the needs of the proposed residents. If these community spaces, amenities, or features would not comply with the project design and cost standards of § 891.120 and the special

project standards of § 891.310, you must demonstrate your ability and willingness to contribute both the incremental development cost and continuing operating cost associated with the community spaces, amenities, or features; and a description of how the design of the proposed project will promote the integration of the residents into the surrounding community and create opportunities for independent living; and

(4)(c)(ii) A description of whether and how the project will promote energy efficiency, and, if applicable, innovative construction or rehabilitation methods or technologies to be used that will promote efficient construction.

(4)(c)(iii) If applicable, a description of any plans and the actions you have taken to create a mixed-finance/mixed-use project by developing additional units (*i.e.*, in addition to the Section 811 units) with the use of Section 811 capital advance funds in combination with other funding sources. See Section III.A. for further information regarding the additional units. Specify the number of Section 811 units and the number of additional units from non-Section 811 funding sources. Provide copies of any letters you have sent seeking outside funding for the non-Section 811 units and any responses thereto. You must also demonstrate your ability to proceed with the development of a Section 811 project that will not involve mixed-financing or a mixed-use purpose, as proposed in your application, in the event you are later unable to obtain the necessary outside funding, or HUD disapproves your proposal for mixed-financing or mixed-use.

Note: Approval of the Section 811 capital advance will not necessarily be approval of the mixed-finance/mixed-use proposal. If approved for a reservation of capital advance funds, you will be required to submit, after reservation of capital advance funds, a detailed proposal outlining how you will fund both development and operation of the additional units in accordance with HUD instructions that will be issued later. Based on the strength of your organization and HUD's prior experience with your projects, as well as your outline of your intentions, at the time of making the fund reservation, HUD will determine whether you will be permitted to submit a mixed-finance/mixed-use proposal at a later time. 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. (A mixed-finance/mixed-use project, as used here, does not include the development of Section 811 units using secondary/supplemental financing or the development of a mixed-use project in which the Section 811 units are mortgaged separately from the other uses of the structure).

(4)(c)(iv) Describe your plan for completing the proposed project within the initial 18-month term of the fund reservation (optional).

(4)(d) Evidence of control of an approvable site, or identification of a site for which you provide a reasonable assurance that you will obtain control within 6 months from the date of fund reservation (if you are approved for funding).

Site control—If you are submitting an application with site control, you must submit the following:

(4)(d)(i) Acceptable evidence that you have site control, which is limited to any one of the following:

(A) Deed or long-term leasehold which evidences that you have title to or a leasehold interest in the site. If a leasehold, the term of the lease must be at least 75 years;

(B) Contract of sale for the site which is free of any limitations affecting ability to deliver ownership to you after you receive and accept a notice of Section 811 capital advance. The only condition for closing on the sale can be your receipt and acceptance of the capital advance. The contract of sale cannot require closing on a date earlier than the Section 811 closing.

(C) Option to purchase or for a long-term leasehold which must remain in effect for six months from 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 you are not awarded a fund reservation. The option must be renewable at the end of the six month option period.

(D) Where the proposed site is subject to a mortgage under a HUD program (e.g., an earlier Section 811 or an FHA-insured mortgage), you must submit evidence that consent to release of the site from the mortgage has been obtained or has been requested from HUD and from the mortgagee, if other than HUD.

(E) For sites to be acquired from a public body, evidence is needed that the public body possesses clear title to the site and has entered into a legally binding agreement to lease or convey the site to you after you receive and accept a notice of Section 811 capital advance. If HUD determines that time constraints of the funding round will not permit you to obtain all of the required official actions (*e.g.*, approval of Community Planning Boards) that are necessary to convey publicly-owned sites, you may include in your application a letter from the mayor or director of the appropriate local agency indicating that conveyance or leasing of

the site is acceptable without imposition of additional covenants or restrictions, and only contingent on the necessary approval action. Such a letter commitment will be considered sufficient evidence of site control.

Note: For this funding cycle, New York City-owned sites that are designated as community gardens and are involved in litigation will not meet site control requirements due to litigation involving those sites.

(4)(d)(ii) Whether you have title to the site, a contract of sale, an option to purchase or are acquiring a site from a public body, you must provide evidence (a title policy or other acceptable evidence) that the site is free of any limitations, restrictions, or reverts which could adversely affect the use of the site for the proposed project for the 40-year capital advance period under HUD's regulations and requirements (e.g., reversion to seller if title is transferred). If the title evidence contains restrictions or covenants, copies of the restrictions or covenants must be submitted with the application. If the site is subject to any such limitations, restrictions, or reverts, the site will be rejected. 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 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.

Note: A proposed project site may not be acquired or optioned from a General Contractor (or its affiliate) that will construct the Section 811 project or from any other development team member.

(4)(d)(iii) Evidence that your project as proposed is permissible under applicable zoning ordinances or regulations, or a statement of the proposed action required to make your proposed project permissible. You must provide the basis for your belief that the proposed action will be completed successfully before the submission of the firm commitment application (e.g., a summary of the results of any requests for rezoning and/or the procedures for obtaining special or conditional use permits on land in similar zoning classifications and the time required for such rezoning, or preliminary indications of acceptability from zoning bodies, etc.).

Note: You 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 you are relying upon a theory of reasonable accommodation to satisfy the zoning requirement, then you must clearly articulate the basis for your reasonable accommodation theory.

(4)(d)(iv) A narrative topographical and demographic description of the suitability of the site and area as well as a description of the area surrounding the site, the characteristics of the neighborhood, how the site will promote greater housing opportunities for minorities and persons with disabilities thereby affirmatively furthering fair housing.

Note: You can best demonstrate your commitment to affirmatively furthering fair housing by describing how your proposed activities will assist the jurisdiction in overcoming impediments to fair housing choice identified in the applicable jurisdiction's Analysis of Impediments to Fair Housing Choice (AI), which is a component of the jurisdiction's Consolidated Plan, or any other planning document that addresses fair housing issues. The applicable Consolidated Plan and AI may be the Community's, the County's, or the State's, to which input should have been provided by local community organizations, agencies in the community, and residents of the community. Alternatively, a document that addresses fair housing issues and remedies to barriers to fair housing in the community that was previously prepared by a local planning board, or similar organization, may be used. Applicable impediments could include a lack of units that are accessible to persons with disabilities, a lack of transportation services or other assistance that would serve persons with disabilities, or the need for improved housing quality and services for all persons with disabilities.

(4)(d)(v) A map showing the location of the site, the racial composition of the neighborhood, and any areas of racial concentration. For this competition, you should use the racial and ethnic data categories stated in the Appendix section of the October 30, 1997, Office of Management and Budget **Federal Register** Notice (62 FR 58782-90) (a copy may also be obtained at <http://www.whitehouse.gov/omb/fedreg/ombdir15.html>), and data from the 1990 Census of Population, when determining the racial and ethnic composition of the neighborhood surrounding the proposed site. Data from the 1990 Census of Population may also be found at www.factfinder.census.gov/servlet/BasicFactsServlet.

(4)(d)(vi) A Phase I Environmental Site Assessment (ESA), in accordance with the American Society for Testing

and Material (ASTM) Standards E 1527-97, as amended, in order for the application to be considered as an application with site control. The Phase I ESA must be completed and submitted with the application. In order for the Phase I ESA to be acceptable, it must have been completed or updated no earlier than six months prior to the application deadline date. The Phase I study is not a curable deficiency for the Section 811 Program. Therefore, it is important that you start the Phase I ESA process as soon after publication of this SuperNOFA as possible.

If the Phase I ESA indicates the possible presence of contamination and/or hazards, you must decide whether to continue with this site or choose another site. Should you choose another site, the same Phase I ESA process identified above must be followed for the new site.

Note: You are not limited to acquiring properties from the FDIC. However, if the property is to be acquired from the FDIC, include a copy of the FDIC prepared Transaction Screen Checklist or Phase I ESA, and applicable documentation, per the FDIC Environmental Guidelines.

If you choose to continue with the original site on which the Phase I ESA indicated contamination or hazards, you must undertake a detailed Phase II ESA by an appropriate professional. If the Phase II ESA reveals site contamination, the extent of the contamination and a plan for clean-up 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. In order for your application to be considered as an application with site control you must submit this information to the local HUD Office on or before July 5, 2002.

Note: This could be an expensive undertaking. You must pay for the cost of any clean-up and/or remediation.

(4)(d)(vii) A letter from the State Historic Preservation Officer (SHPO) indicating whether the proposed site(s) has any historical significance. If you cannot obtain a letter from the SHPO due to the SHPO not responding to your request or the SHPO responding that it cannot or will not comply with the requirement, you must submit the following:

(A) A letter indicating that you attempted to get the required letter from the SHPO but that the SHPO either had not responded to your request or would not honor or recognize your request;

(B) A copy of your letter to the SHPO requesting the required letter; and

(C) A copy of the SHPO's response, if available.

(4)(d)(viii) A statement that you are willing to seek a different site if the preferred site is unapprovable and that site control will be obtained within six months of notification of fund reservation.

Site identified—If you have identified a site, but do not have it under control, you must submit the following information:

(4)(d)(ix) A description of the location of the site, including its street address, its unit number (if condominium), neighborhood/community characteristics (to include racial and ethnic data), amenities, adjacent housing and/or facilities, and how the site will promote greater housing opportunities for minorities and persons with disabilities thereby affirmatively furthering fair housing. You can best demonstrate your commitment to affirmatively furthering fair housing by describing how your proposed activities will assist the jurisdiction in overcoming impediments to fair housing choice identified in the community's AI or any other planning document that addresses fair housing issues. Examples of the applicable impediments include the need for improved housing quality and services for minority persons with disabilities and the need for quality services for persons with disabilities within the type and quality of similar services and housing in minority areas;

(4)(d)(x) A description of the activities undertaken to identify the site, as well as what actions must be taken to obtain control of the site, if approved for funding;

(4)(d)(xi) An indication as to whether the site is properly zoned. If it is not, an indication of the actions necessary for proper zoning and whether these can be accomplished within six months of fund reservation award, if approved for funding;

(4)(d)(xii) A status of the sale of the site; and

(4)(d)(xiii) An indication as to whether the site would involve relocation.

Note: If an application is submitted without evidence of site control and does not provide a specific street address for the identified site(s) (e.g. only an indication that the project will be developed in a particular part of town but a site(s) has not been chosen) the application will be rejected.

(4)(e) A supportive services plan (a copy of which must be sent to the appropriate State or local agency as instructed in Section IV(M) of this program section of the SuperNOFA) that includes:

(4)(e)(i) A detailed description of whether the housing is expected to serve persons with physical disabilities, developmental disabilities, chronic mental illness or any combination of the three. Include how and from whom/where persons will be referred to and accepted for occupancy in the project.

(4)(e)(ii) Information concerning limitation of occupancy, if applicable. You may, with the approval of the Secretary, limit occupancy within housing developed under this program section of the SuperNOFA to persons with disabilities who have similar disabilities and require a similar set of supportive services in a supportive housing environment. However, the Owner must permit occupancy by any qualified person with a disability who could benefit from the housing and/or services provided, regardless of the person's disability. If you are requesting approval to limit occupancy in your proposed project(s), you must submit the following:

(A) A description of the population of persons with disabilities to which occupancy will be limited;

(B) An explanation of why it is necessary to limit occupancy of the proposed project(s) to the population described in (4)(e)(ii) above. This should include but is not limited to:

—An explanation of how limiting occupancy to a subcategory of persons with disabilities promotes the goals of the Section 811 Program; and,

—An explanation of why the housing and/or service needs of this population cannot be met in a more integrated setting

(C) A description of your experience in providing housing and/or supportive services to the proposed occupants; and

(D) A description of how you will ensure that the occupants of the proposed project(s) will be integrated into the neighborhood and surrounding community.

(4)(e)(iii) A detailed description of the supportive service needs of the persons with disabilities that the housing is expected to serve.

(4)(e)(iv) A list of community service providers, including those that are consumer-controlled, and letters of intent to provide services to residents of the proposed project(s) from as many potential service providers as possible. You must make this list available to any residents who wish to be responsible for acquiring their own supportive services. However, a provider may not require residents to accept any particular service.

(4)(e)(v) The evidence of each service provider's capability and experience in

providing such supportive services (applicable even if you will be the service provider);

(4)(e)(vi) Identification of the extent of State and/or local agency involvement in the project (*i.e.*, funding for the provision of supportive services, referral of residents, or licensing the project). If there will be any State or local agency involvement, a description of the State or local agency's philosophy/policy concerning housing for the population to be served and a demonstration that your application is consistent with State or local plans and policies governing the development and operation of housing for the same disabled population;

(4)(e)(vii) If you will be making any supportive services available to the residents or will be coordinating the availability of any supportive services, a letter providing:

(A) A description of the supportive services that you will make available to the residents or, if you will be coordinating the availability of any supportive services, a description of the supportive service(s) and how the coordination will be implemented;

(B) An assurance that any supportive services that you will make available to the residents will be based on their individual needs; and

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

(4)(e)(viii) A description of how the residents will be afforded opportunities for employment.

(4)(e)(ix) An indication as to whether the project will include a unit for a resident manager; and

(4)(e)(x) A statement that you will not condition occupancy on the resident's acceptance of any supportive services.

(5) A list of the applications, if any, that you have submitted or are planning to submit to any other HUD Office in response to this announcement of Section 811 Program funding availability or the announcement of funding availability for the Section 202 Program of Supportive Housing for the Elderly, published elsewhere in this SuperNOFA. Indicate, by HUD Office, the number of units requested and the proposed location by city and State for each application. Include a list of all FY 2001 and prior year projects to which you are a party. Identify each by project number and HUD Office and include the following information: (a) whether the project has initially closed and, if so, when, (b) if the project was older than 36 months when it initially closed or is older than 36 months now and has not initially closed, provide the reasons for the delay in closing; (c) whether

amendment money was or will be needed for any project in (b) above; and (d) those projects which have not been finally closed.

(6) A statement that:

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

(6)(b) Indicates the estimated cost of relocation payments and other services;

(6)(c) Identifies the staff organization that will carry out the relocation activities; and

(6)(d) Identifies all persons who have moved from the site within the last 12 months. (This requirement applies to applications with site control only. Sponsors of applications with identified sites that are selected will be required to submit this information at a later date once they have obtained site control.)

Note: If any of the relocation costs will be funded from sources other than the Section 811 capital advance, you must provide evidence of a firm commitment of these funds. When evaluating applications, HUD will consider the total cost of proposals (*i.e.*, cost of site acquisition, relocation, construction and other project costs).

(7) *Certifications and Resolutions.* In addition to the certifications and assurances listed in the **General Section** of this SuperNOFA with the exception of SF-424A, SF-424B, SF-424C, SF-424D, HUD 424M and the OMB Circulars which are not required, you are required to submit signed copies of the following:

(7)(a) *Standard Form 424.* Application for Federal Assistance and indication of whether you are delinquent on any Federal debt, and compliance with Executive Order 12372 (a certification that you have submitted a copy of your application, if required, to the state agency (Single Point of Contact) for state review in accordance with Executive Order 12372). (See instructions for submitting this form in the Consolidated Application Submissions section of the **General Section** of the SuperNOFA.)

(7)(b) *Drug-Free Workplace (HUD-50070).* Certification to provide a drug-free workplace.

(7)(c) *Payments to Influence Federal Transactions (HUD-50071) and Standard Form LLL, Disclosure of Lobbying Activities.* Certification of whether any of the funds received will be used to influence any Federal transactions and disclosure of those activities, if applicable.

(7)(d) *Applicant/Recipient Disclosure/Update Report, including Social Security Numbers and Employee*

Identification Numbers, (HUD-2880). A disclosure of assistance from other government sources received in connection with the project.

(7)(e) *Certification Regarding Debarment and Suspension (HUD-2992) (24 CFR 24.510)*

—a certification attesting to the eligibility of your principals.

(7)(f) *Certification of Consistency with the Consolidated Plan (Plan) (Form HUD-2991)* for the jurisdiction in which the proposed project will be located. The certification must be made by the unit of general local government if it is required to have, or has, a complete Plan. Otherwise, the certification may be made by the State, or by the unit of general local government if the project will be located within the jurisdiction of the unit of general local government authorized to use an abbreviated strategy, and if it is willing to prepare such a Plan.

All certifications must be made by the public official responsible for submitting the Plan to HUD. The certifications must be submitted as part of the application by the application submission deadline date set forth in this program section of the SuperNOFA. The Plan regulations are published in 24 CFR part 91.

(7)(g) *A certified Board Resolution that no officer or director of the Sponsor or Owner has or will have any financial interest in any contract with the Owner or in any firm or corporation that has or will have a contract with the Owner, including a current listing of all duly qualified and sitting officers and directors by title and the beginning and ending dates of each person's term.*

(7)(h) *A Certified Board Resolution acknowledging responsibilities of sponsorship, long-term support of the project(s), your willingness to assist the Owner to develop, own, manage and provide appropriate services in connection with the proposed project, and that it reflects the will of your membership. Also, it shall indicate your willingness to fund the estimated start-up expenses, the Minimum Capital Investment (one-half of one-percent of the HUD-approved capital advance, not to exceed \$10,000), and the estimated cost of any amenities or features (and operating costs related thereto) that would not be covered by the approved capital advance.*

(7)(i) *Certification of Consistency with the EZ/EC Strategic Plan (HUD-2990).* A certification that the project is consistent with the EZ/EC strategic plan, is located within the EZ/EC, and serves EZ/EC residents. (This certification is not required if the project site(s) will not be located in an EZ/EC.)

(7)(j) *Supportive Services Certification.* A certification from the appropriate State or local agency identified in the application kit indicating whether the:

(7)(j)(i) Provision of supportive services is well designed to serve the needs of persons with disabilities the housing is expected to serve;

(7)(j)(ii) The provision of supportive services will enhance independent living success and promote the dignity of those who will access your proposed project;

(7)(j)(iii) Supportive services will be available on a consistent, long-term basis; and

(7)(j)(iv) Proposed housing is consistent with State or local plans and policies addressing the housing needs of people with disabilities if the State or local agency will provide funding for the provision of supportive services, refer residents to the project or license the project. (The name, address, and telephone number of the appropriate agency will be identified in the application kit and can also be obtained from the appropriate HUD Office.)

VII. Corrections to Deficient Applications

The **General Section** of the SuperNOFA provides the procedures for corrections to deficient applications.

VIII. Formation of Owner Corporation for Development of Section 811 Projects and for Section 811 Projects Involving Mixed-Financing or a Mixed-Use Purpose.

Applicant eligibility for purposes of applying for a Section 811 fund reservation under this NOFA has not changed; *i.e.*, all Section 811 Sponsors and Co-Sponsors must be nonprofit organizations. However, the Owner corporation, when later formed by the Sponsor, 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 partnership with the nonprofit entity as the sole general partner.

IX. Authority

Section 811 of the Cranston-Gonzalez National Affordable Housing Act (Pub.L. 101-625, approved November 28, 1990), as amended by the Housing and Community Development Act of 1992 (Pub.L. 102-550, approved October 28, 1992); the Rescissions Act (Pub.L. 104-19, approved July 27, 1995); the American Homeownership and

Economic Opportunity Act of 2000 (Pub. L. 106-569, approved December 27, 2000) and the fiscal year 2002 HUD Appropriations Act (Pub.L. 107-73, approved November 26, 2001) authorized a new supportive housing program for persons with disabilities, and replaced assistance for persons with disabilities previously covered by section 202 of the Housing Act of 1959 (section 202 continues, as amended by section 801 of the NAHA, and the HCD Act of 1992, to authorize supportive housing for the elderly).

APPENDIX A: LOCAL HUD OFFICES

Notes: (1) The first line of the mailing address for all offices is U.S. Department of Housing and Urban Development. Telephone numbers listed are not toll free.

(2) Applications for projects proposed to be located within the jurisdiction of the Seattle, Washington and the Anchorage, Alaska Offices must be submitted to the Portland, Oregon Office.

(3) Applications for projects proposed to be located within the jurisdiction of the Sacramento, California Office must be submitted to the San Francisco, California Office.

(4) Applications for projects proposed to be located within the jurisdiction of the Cincinnati, Ohio Office must be submitted to the Columbus, Ohio Office.

(5) Applications proposed to be located within the jurisdiction of the Washington, DC Office must be submitted to the Baltimore, Maryland Office.

HUD—Boston Hub

Hartford Office, One Corporate Center, 19th Floor, Hartford, CT 06103-3220, (860) 240-4800, TTY Number: (860) 240-4665

Boston Office, Room 301, Thomas P. O'Neill, Jr., Federal Building, 10 Causeway Street, Boston, MA 02222-1092, (617) 994-8500, TTY Number: (617) 565-5453

Manchester Office, Norris Cotton Federal Building, 275 Chestnut Street, Manchester, NH 03101-2487, (603) 666-7681, TTY Number: (603) 666-7518

Providence Office, Sixth Floor, 10 Weybosset Street, Providence, RI 02903-2808, (401) 528-5230, TTY Number: (401) 528-5403

HUD—New York Hub

New York Office, 26 Federal Plaza, New York, NY 10278-0068, (212) 264-8000, TTY Number: (212) 264-0927

HUD—Buffalo Hub

Buffalo Office, Fifth Floor, Lafayette Court, 465 Main Street, Buffalo, NY 14203-1780, (716) 551-5755, TTY Number: (716) 551-5787

HUD—Philadelphia Hub

Philadelphia Office, The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107-3380, (215) 656-0600, TTY Number: (215) 656-3452

Charleston Office, Suite 708, 405 Capitol Street, Charleston, WV 25301-1795, (304) 347-7000, TTY Number: (304) 347-5332

Newark Office, Thirteenth Floor, One Newark Center, Newark, NJ 07102-5260, (973) 622-7900, TTY Number: (973) 645-3298

Pittsburgh Office, 339 Sixth Avenue, Sixth Floor, Pittsburgh, PA 15222-2515, (412) 644-6428, TTY Number: (412) 644-5747

HUD—Baltimore Hub

Baltimore Office, Fifth Floor, City Crescent Building, 10 South Howard Street, Baltimore, MD 21201-2505, (410) 962-2520, TTY Number: (410) 962-0106

Richmond Office, The 3600 Centre, 3600 West Broad Street, Richmond, VA 23230-4920, (804) 278-4500, TTY Number: (804) 278-4501

HUD—Greensboro Hub

Greensboro Office, Koger Building, 2306 West Meadowview Road, Greensboro, NC 27407-3707, (336) 547-4000, TTY Number: (336) 547-4055

Columbia Office, Strom Thurmond Federal Building, 1835-45 Assembly Street, Columbia, SC 29201-2480, (803) 765-5592, TTY Number: (803) 253-3071

HUD—Atlanta Hub

Atlanta Office, 40 Marietta Street—Five Points Plaza, Atlanta, GA 30303-2806, (404) 331-5001, TTY Number: (404) 730-2654

San Juan Office, Edificio Administracion de Terrenos, 171 Carlos Chardon Avenue, Suite 301, San Juan, PR 00918-0903, (787) 766-5400, TTY Number: (787) 776-5609

Louisville Office, 601 West Broadway, P.O. Box 1044, Louisville, KY 40201-1044, (502) 582-5251, TTY Number: 1-800-648-6056

Knoxville Office, Third Floor, John J. Duncan Federal Building, 710 Locust Street, Knoxville, TN 37902-2526, (423) 545-4384, TTY Number: (423) 545-4559

Nashville Office, Suite 200, 235 Cumberland Bend, Nashville, TN 37228-1803, (615) 736-5213, TTY Number: (615) 736-2886

HUD—Jacksonville Hub

Jacksonville Office, Suite 2200, Southern Bell Tower, 301 West Bay Street, Jacksonville, FL 32202-5121, (904) 232-2626, TTY Number: (904) 232-2631

Birmingham Office, Medical Forum Building, 950 22nd St., North, Suite 900, Birmingham, AL 35203-5301, (205) 731-2630, TTY Number: (205) 731-2624

Jackson Office, Suite 910, Doctor A.H. McCoy Federal Building, 100 West Capitol Street, Jackson, MS 39269-1096, (601) 965-4700, TTY Number: (601) 965-4171

HUD—Chicago Hub

Chicago Office, Ralph H. Metcalfe Federal Building, 77 West Jackson Boulevard, Chicago, IL 60604-3507, (312) 353-5680, TTY Number: (312) 353-5944

Indianapolis Office, 151 North Delaware Street, Indianapolis, IN 46204-2526, (317) 226-6303, TTY Number: (317) 226-7081

HUD—Detroit Hub

Detroit Office, Patrick V. McNamara Federal Building, 477 Michigan Avenue, Detroit, MI 48226-2592, (313) 226-7900, TTY Number: (313) 226-6899

Grand Rapids Office, Trade Center Building, 50 Louis Street, NW., Third Floor, Grand Rapids, MI 49503-2648, (616) 456-2100, TTY Number: (616) 456-2159

HUD—Columbus Hub

Columbus Office, 200 North High Street, 7th Floor, Columbus, OH 43215-2499, (614) 469-2540, TTY Number: (614) 469-6694

Cleveland Office, Renaissance Building, 1350 Euclid Avenue, Suite 500, Cleveland, OH 44115-1815, (216) 522-4058, TTY Number: (216) 522-2261

HUD—Minneapolis Hub

Minneapolis Office, 220 Second Street, South, Minneapolis, MN 55401-2195, (612) 370-3000, TTY Number: (612) 370-3186

Milwaukee Office, Suite 1380, Henry S. Reuss Federal Plaza, 310 West Wisconsin Avenue, Milwaukee, WI 53203-2289, (414) 297-3214, TTY Number: (414) 297-1423

HUD—Ft. Worth Hub

Little Rock Office, Suite 900, TCBY Tower, 425 West Capitol Avenue, Little Rock, AR 72201-3488, (501) 324-5931, TTY Number: (501) 324-5931

New Orleans Office, Ninth Floor, Hale Boggs Federal Building, 501 Magazine Street, New Orleans, LA 70130-3099, (504) 589-7200, TTY Number: (504) 589-7279

Ft. Worth Office, 801 Cherry Street, P.O. Box 2905, Fort Worth, TX 76113-2905, (817) 978-5965, TTY Number: (817) 978-5595

Houston Office, Suite 200, Norfolk Tower, 2211 Norfolk, Houston, TX 77098-4096, (713) 313-2274, TTY Number: (713) 834-3274

San Antonio Office, Washington Square, 800 Dolorosa Street, San Antonio, TX 78207-4563, (210) 475-6800, TTY Number: (210) 475-6885

HUD—Great Plains

Des Moines Office, Room 239, Federal Building, 210 Walnut Street, Des Moines, IA 50309-2155, (515) 284-4512, TTY Number: (515) 284-4728

Kansas City Office, Room 200, Gateway Tower II, 400 State Avenue, Kansas City, KS 66101-2406, (913) 551-5462, TTY Number: (913) 551-6972

Omaha Office, Executive Tower Centre, 10909 Mill Valley Road, Omaha, NE 68154-3955, (402) 492-3100, TTY Number: (402) 492-3183

Saint Louis Office, Third Floor, Robert A. Young Federal Building, 1222 Spruce Street, St. Louis, MO 63103-2836, (314) 539-6583, TTY Number: (314) 539-6331

Oklahoma City Office, 500 West Main Street, Suite 400, Oklahoma City, OK 73102-2233, (405) 553-7401, TTY Number: 1-800-877-8339

HUD—Denver Hub

Denver Office, 633 17th Street, Denver, CO 80202-3607, (303) 672-5440, TTY Number: (303) 672-5248

HUD—San Francisco Hub

Phoenix Office, Suite 1600, Two Arizona Center, 400 North 5th Street, Phoenix, AZ 85004-2361, (602) 379-4434, TTY Number: (602) 379-4464

San Francisco Office, Philip Burton Federal Building and U.S. Courthouse, 450 Golden Gate Avenue, P.O. Box 36003, San Francisco, CA 94102-3448, (415) 436-6550, TTY Number: (415) 436-6594
Honolulu Office, Suite 500, 7 Waterfront Plaza, 500 Ala Moana Boulevard, Honolulu, HI 96813-4918, (808) 522-8185, TTY Number: (808) 522-8193

HUD—Los Angeles Hub
Los Angeles Office, 611 West 6th Street, Suite 800, Los Angeles, CA 90017-3106, (213) 894-8000, TTY Number: (213) 894-8133

HUD—Seattle Hub
Portland Office, 400 Southwest Sixth Avenue, Suite 700, Portland, OR 97204-

1632, (503) 326-2561, TTY Number: (503) 326-3656

Appendix B

The non-standard forms, which follow, are required for your Section 811 Program application.

BILLING CODE 4210-32-P

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	PAGE
PART I - APPLICATION FORM FOR SECTION 811 SUPPORTIVE HOUSING - CAPITAL ADVANCE	
EXHIBIT 1: Form HUD-92016-CA, Application for Section 811 Supportive Housing Capital Advance	_____
PART II - YOUR ABILITY TO DEVELOP AND OPERATE THE PROPOSED PROJECT	
EXHIBIT 2: Your Legal Status	
(a) Articles of Incorporation (or other organizational documents)	_____
(b) By-laws	_____
(c) IRS Tax Exemption Ruling	_____
[EXCEPTION: SEE EXHIBIT TO DETERMINE IF YOU MAY BE EXEMPT FROM SUBMITTING THESE DOCUMENTS.]	
(d) The number of people on your board and the number of board members who have disabilities	_____
EXHIBIT 3: Your purpose, community ties and experience:	
(a) Purpose(s), current activities, how long you have been in existence	_____
(b) Ties to the community at large, to the target population, and description of geographic areas served	_____
(c) Local government support for project	_____
(d) Letters of support for your organiza- tion and for the proposed project	_____

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- (e) Housing and/or supportive services experience _____
- (f) Efforts to involve target population _____
- (g) Identification/coordination with other organizations; information sharing on solutions/outcomes about project development _____
- (h) Involvement in the community's planning process including Analysis of Impediments to Fair Housing Choice:
- (i) Agency that organizes/administers the process _____
- (ii) Identification of areas of community's planning process in which you participate _____
- (iii) Level of your participation in the process _____

OR

Specific steps you will take to become active in the process _____

- (i) Description of practical solutions to be implemented _____
- (j) Description of how project will remain viable _____

PART III - THE NEED FOR SUPPORTIVE HOUSING FOR THE TARGET POPULATION IN THE AREA TO BE SERVED, SITE CONTROL AND/OR IDENTIFICATION OF SITE, SUITABILITY OF SITE, ADEQUACY OF THE PROVISION OF SUPPORTIVE SERVICES AND OF THE PROPOSED PROJECT

EXHIBIT 4: Project information including:

- (a) Evidence of need for project _____
- (b) How project will benefit target population and community _____

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- (c) A narrative description of the project, including:
- (i) Building design _____
 - (ii) Whether and how project will promote energy efficiency _____
 - (iii) If, applicable, description of plans and actions to create a mixed-finance/mixed-use project _____
 - (iv) Description of plan for completing project within 18 mth fund reservation period (optional) _____

- (d) Evidence of site control and permissive zoning, **OR** identification of site if applying for Section 811 without having site control (in this latter case skip to **Identification of Site** below):

Evidence of Site Control:

- (i) Site control document(s) _____
- (ii) Evidence site is free of limitations, restrictions, or reverters _____
- (iii) Evidence of permissive zoning or statement of proposed action required to make project permissible _____
- (iv) Narrative topographical/demographic description of site/area suitability, how site will promote greater housing opportunities for minorities/target population _____
- (v) Racial composition/concentration map of site _____
- (vi) Phase I Environmental Site Assessment _____
- (vii) Letter from State Historic _____

Preservation Office (SHPO) _____

OR

If no response from SHPO:

(A) Letter indicating no response from SHPO and why _____

(B) Your letter to SHPO requesting required letter _____

(C) SHPO's response, if available _____

(viii) Willingness to seek an alternate site _____

Identification of a Site:

(ix) Location of site _____

(x) Steps undertaken to identify site; what must be done to obtain site control _____

(xi) Whether site is properly zoned _____

(xii) Status of the sale of the site _____

(xiii) Whether the site would involve relocation _____

(e) Provision of supportive services:

(i) Description of occupancy _____

(ii) Request for approval to limit occupancy, if applicable, including:

(A) Description of population to which occupancy will be limited _____

(B) Why it is necessary to limit occupancy, including:

-- How goals of 811 will still be achieved _____

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- Why housing and services needs cannot be met in more integrated setting _____
- (C) Experience in providing housing and/or supportive services to proposed population _____
- (D) How you will ensure occupants will be integrated into neighborhood and community _____
- (iii) Supportive services needs of proposed population _____
- (iv) List of community service providers with letters of intent _____
- (v) Evidence of each service provider's capability and experience _____
- (vi) Extent of State and local agency involvement in project _____
- (vii) Letter indicating your commitment to make services available or coordinate their availability _____
- (viii) How residents will be afforded employment opportunities _____
- (ix) Whether project will include manager's unit _____
- (x) Statement that you will not condition occupancy on the resident's acceptance of supportive services _____

PART IV - GENERAL APPLICATION REQUIREMENTS, CERTIFICATIONS AND RESOLUTIONS

EXHIBIT 5: A list of applications, if any, you have submitted or are planning to submit to any other HUD Office in response to the Section 811 or Section 202 NOFA, and

required information about each _____

EXHIBIT 6: A statement that:

- (a) Identifies all persons occupying property on application submission date _____
- (b) Indicates estimated cost of relocation payments/other services _____
- (c) Identifies staff organization that will carry out relocation activities _____
- (d) Identifies all persons who have moved from site within past 12 months _____

NOTE: Exhibit 6 applies to applications with site control only.

EXHIBIT 7: CERTIFICATIONS AND RESOLUTIONS:

- (a) Standard Form 424 _____
- (b) Drug-Free Workplace (HUD-50070) _____
- (c) Certification of Payments to Influence Federal Transactions (HUD-50071), and Disclosure of Lobbying Activities (Standard Form LLL), if applicable _____
- (d) Applicant/Recipient Disclosure/Update Report (HUD-2880) _____
- (e) Certification Regarding Debarment and Suspension (HUD-2992) _____
- (f) Certification of Consistency with the Consolidated Plan (HUD-2991) _____
- (g) Sponsor's Conflict of Interest Resolution _____
- (h) Sponsor's Resolution for Commitment to Project _____
- (i) Certification of Consistency with the EZ/EC Strategic Plan (HUD-2990) _____
- (j) Supportive Services Certification _____

Supportive Housing for Persons with Disabilities
Section 811

**U.S. Department of Housing
and Urban Development**
Office of Housing
Federal Housing Commissioner

OMB Approval No. 2502-0462
(exp. 6/30/2002)

**Application for Capital Advance
Summary Information**

For HUD Use Only	HUD Project Number	PRAC Number
-------------------------	--------------------	-------------

<p>1. Name(s), Address(es), Contact Person, and Telephone Number(s) of Sponsor(s)</p>	<p>2. Minority Sponsor Designation: A minority sponsor is one in which at least 51 percent of the board members are minority. Is this sponsor a minority applicant? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If "Yes," identify by numeric code as shown below <input type="checkbox"/></p> <p>Codes: 2 - Black; 3 - Native American 4 - Hispanic; 5 - Asian Pacific 6 - Asian Indian</p>
---	---

<p>3a. Location of Site (city & State)</p>	<p>3b. Will project be located within the boundaries of a Federally-designated: (1) Empowerment Zone, (2) Enterprise Community, (3) Urban Enhanced Enterprise Community, or (4) Strategic Planning Community? (Contact local HUD Office for information on these designated areas.)</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If "Yes," please indicate appropriate number as shown above. <input type="checkbox"/></p>
--	--

<p>4a. Congressional District</p>	<p>5. Capital Advance Amount Requested</p>	
<p>4b. Census Tract</p>	<p>\$</p>	

<p>6. Project Rental Assistance Contract Amount Requested</p> <p>\$</p> <p>Note: For a group home(s) in 10. below, include the number of disabled residents in both the "Total Units" and the "Total Disabled Residents" categories. For an independent living project(s), include Resident Manager unit, if applicable, in the "Total Units" category.</p>	<p>7. Application Contains</p> <p><input type="checkbox"/> Evidence of Site Control</p> <p><input type="checkbox"/> Identification of Site</p>	<p>8. Type of Construction</p> <p><input type="checkbox"/> New Construction</p> <p><input type="checkbox"/> Rehabilitation</p> <p><input type="checkbox"/> Acquisition</p>	<p>9a. Occupancy Type</p> <p><input type="checkbox"/> Physically Disabled</p> <p><input type="checkbox"/> Developmentally Disabled</p> <p><input type="checkbox"/> Chronically Mentally Ill</p> <p><input type="checkbox"/> Mixed Occupancy</p> <p>Identify Categories _____</p>	<p>9b. Restricted Occupancy Requested</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p>If "Yes," identify subcategory _____</p>
--	--	--	--	--

10. Project Type & Number of Units/Residents Proposed

a. **Group Home**

Site	No. of Disabled Residents	Resident Mgr. Unit (Y/N)	Address
#1			
#2			
#3			
#4			

b. **Independent Living Project**

Site	Units by No. of Bedrooms				Total Disabled		Resident Mgr. Unit (Y/N)	Total Units	Address
	0	1	2	3	Units	Residents			
#1									
#2									
#3									
#4									

c. **Condominium**

Site	Units by No. of Bedrooms				Total Disabled		Resident Mgr. Unit (Y/N)	Total Units	Address
	0	1	2	3	Units	Residents			
#1									
#2									
#3									
#4									

Note: If an elevator structure in b or c above, indicate by placing an "E" next to the total number of units for each applicable site.

Totals

	Units (Section 811)		
	Disabled Residents	Mixed Finance or Mixed Use Project for Additional Units	
	Sites	<input type="checkbox"/> Yes <input type="checkbox"/> No	# of Add'l Units _____

<p>11. Check utilities and services not included in the rent and to be paid directly by the tenant</p> <p><input type="checkbox"/> Electric</p> <p><input type="checkbox"/> Water</p> <p><input type="checkbox"/> Heat</p> <p><input type="checkbox"/> Gas</p>	<p>12. Unusual Site Features</p> <table style="width: 100%;"> <tr> <td><input type="checkbox"/> None</td> <td><input type="checkbox"/> Poor Drainage</td> <td><input type="checkbox"/> Other (specify)</td> </tr> <tr> <td><input type="checkbox"/> Cuts</td> <td><input type="checkbox"/> Retaining Walls</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Fill</td> <td><input type="checkbox"/> Rock Foundations</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Erosion</td> <td><input type="checkbox"/> High Water Table</td> <td></td> </tr> </table>	<input type="checkbox"/> None	<input type="checkbox"/> Poor Drainage	<input type="checkbox"/> Other (specify)	<input type="checkbox"/> Cuts	<input type="checkbox"/> Retaining Walls		<input type="checkbox"/> Fill	<input type="checkbox"/> Rock Foundations		<input type="checkbox"/> Erosion	<input type="checkbox"/> High Water Table	
<input type="checkbox"/> None	<input type="checkbox"/> Poor Drainage	<input type="checkbox"/> Other (specify)											
<input type="checkbox"/> Cuts	<input type="checkbox"/> Retaining Walls												
<input type="checkbox"/> Fill	<input type="checkbox"/> Rock Foundations												
<input type="checkbox"/> Erosion	<input type="checkbox"/> High Water Table												

<p>13. Off-Site Facilities:</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;"></th> <th style="width: 15%; text-align: center;">Public</th> <th style="width: 15%; text-align: center;">At Site</th> <th style="width: 15%; text-align: center;">Ft. from Site</th> </tr> </thead> <tbody> <tr> <td>Water</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td>_____</td> </tr> <tr> <td>Sewer</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td>_____</td> </tr> <tr> <td>Paving</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td>_____</td> </tr> <tr> <td>Gas</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td>_____</td> </tr> <tr> <td>Electric</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td>_____</td> </tr> </tbody> </table>		Public	At Site	Ft. from Site	Water	<input type="checkbox"/>	<input type="checkbox"/>	_____	Sewer	<input type="checkbox"/>	<input type="checkbox"/>	_____	Paving	<input type="checkbox"/>	<input type="checkbox"/>	_____	Gas	<input type="checkbox"/>	<input type="checkbox"/>	_____	Electric	<input type="checkbox"/>	<input type="checkbox"/>	_____	<p>14. Community Spaces to be Included in Project: (identified by site no. indicated in 10 above):</p>
	Public	At Site	Ft. from Site																						
Water	<input type="checkbox"/>	<input type="checkbox"/>	_____																						
Sewer	<input type="checkbox"/>	<input type="checkbox"/>	_____																						
Paving	<input type="checkbox"/>	<input type="checkbox"/>	_____																						
Gas	<input type="checkbox"/>	<input type="checkbox"/>	_____																						
Electric	<input type="checkbox"/>	<input type="checkbox"/>	_____																						

15. If Sponsor is applying for more than one HUD program from the SuperNOFA, indicate which application(s) contain the forms with original signatures.

Program Name	Form

16. Name, Address and Telephone Number of (mark one box)

Consultant

Agent

Authorized Representative

17. Sponsor's Attorney (name, address and telephone number)

By (signature of sponsor's authorized representative)

Type in Name

Title Date(mm/dd/yyyy)

Public reporting burden for this collection of information is estimated to average 46 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

This collection of information is in support of HUD's efforts to expand the supply of Supportive Housing for Persons with Disabilities under Section 811. The information is necessary to assist HUD to determine applicant eligibility and ability to develop housing for disabled with statutory and program criteria. A thorough evaluation of an applicant's qualifications and capabilities is critical to protect the Government's financial interest and to mitigate any possibility of fraud, waste or mismanagement of public funds. This application does not collect any sensitive information. HUD does not ensure confidentiality.

SPONSOR'S CONFLICT OF INTEREST RESOLUTION

TO: The Secretary of Housing and Urban Development

SUBJECT: Section 202 Program - Application for Fund Reservation
Section 811 Program - Application for Fund Reservation

Sponsor:

Project Location:

WHEREAS, Section 202 of the Housing Act of 1959, as amended, authorizes the making of capital advances for housing for the elderly to private, nonprofit corporations, OR Section 811 of the National Affordable Housing Act of 1990, as amended, authorizes the making of capital advances to nonprofit corporations for housing for persons with disabilities, no part of the net earnings of which inure to the benefit of any member, founder, contributor or individual;

WHEREAS, HUD has implemented this statutory requirement by promulgating a regulation providing that the Sponsor may not be controlled by or under the direction of persons or firms seeking to derive profit or gain therefrom. The regulation also prohibits any officer or director of the Sponsor from having any financial interest in any contract in connection with the rendition of services, the provision of goods or supplies, procurement of furnishings or equipment, construction of the project, procurement of the site or any other matters whatsoever, except with respect to management or supportive services contracts entered into by the Owner with the Sponsor or its nonprofit affiliate.

WHEREAS, HUD has determined that assurance of compliance with this prohibition can best be obtained by requiring that all officers and directors of the Sponsor certify that they do not have and will not have during their term of office, any prohibited financial interest.

WHEREAS, because of the time constraints imposed under the application process and difficulties in meeting these deadlines caused by such factors as large boards and unavailability of officers and directors of the board, some prospective Sponsors have been unable or experienced hardship in obtaining all of the required certifications for submission with the applications for fund reservation.

WHEREAS, HUD is willing to defer submission of the required Sponsors' Conflict of Interest and Disclosure Certifications until the submission of the firm commitment applications by those

(2)

Owners for which fund reservations were approved, if such certifications are provided by all the Sponsor's officers and directors listed below, who are duly qualified and sitting in these capacities from the date of the Sponsor's fund reservation application.

[LIST THE NAME, TITLE, AND THE BEGINNING AND ENDING DATES OF THE TERM OF ALL OFFICERS AND DIRECTORS]

NOW, THEREFORE, in order to induce HUD to forego requiring submission of the Conflict of Interest and Disclosure Certifications until after projects have been selected and fund reservations granted, it is hereby resolved and agreed by the Board of Directors of the Sponsor:

1. That it will submit an updated Incumbency Certificate, in a form prescribed by HUD, showing all changes in incumbency for submission with the Owner's Application for Firm Commitment, initial closing and final closing.

2. That no officer or director of the Sponsor has or will be permitted to have any prohibited interest which would prevent him or her from signing the required Conflict of Interest and Disclosure Certification.

3. That the fund reservation will be subject to cancellation by HUD if the officers or directors of either the Sponsor or the Owner fail to submit Conflict of Interest and Disclosure Certifications duly executed by each and all of their respective officers and directors.

4. That no HUD capital advance funds or project rental assistance funds will be expended on account of any contract or arrangement where a conflict of interest is determined to exist, and the Sponsor shall be responsible for the payment of any and all obligations involving its officers and directors.

5. That should any contract or arrangement entered into by the Owner be determined by HUD to involve a conflict of interest, involving either the Sponsor's or Owner's officers or directors, the Sponsor will exercise its best efforts to cause the Owner to promptly cancel or terminate such contract or arrangement at HUD's request.

Adopted and approved by the Board of Trustees of the Sponsor on the _____ date of _____, _____.

Authorized Signature

SPONSOR'S RESOLUTION FOR COMMITMENT TO PROJECT

TO: Secretary of Housing and Urban Development

SUBJECT: Section 202 Program - Application for Fund Reservation
Section 811 Program - Application for Fund Reservation

Sponsor:
Project Location:

1. WHEREAS, under the Section 202 Program for Supportive Housing for the Elderly, the Sponsor acknowledges its responsibilities of sponsorship, long-term support, its willingness to assist the Owner to develop, own, manage and provide appropriate services in connection with the proposed project, and it reflects the will of its membership. The Sponsor is required to make a commitment to cover the estimated start-up expenses, the minimum capital investment of 1/2 of one percent of the HUD-approved capital advance, not to exceed \$25,000 (\$10,000 for sponsors not affiliated with a national sponsor) and the estimated cost of any amenities or features (and operating costs related thereto) which would not be covered by the approved capital advance.

OR

Whereas, under the Section 811 Program of Supportive Housing for Persons with Disabilities, the Sponsor acknowledges its responsibilities of sponsorship, long-term support, its willingness to assist the Owner to develop, own, manage and provide appropriate services in connection with the proposed project, and that it reflects the will of its membership. The Sponsor is required to make a commitment to cover the estimated start-up expenses, the minimum capital investment of 1/2 of one percent of the HUD-approved capital advance, not to exceed \$10,000 and the estimated cost of any amenities or features (and operating costs related thereto) which would not be covered by the approved capital advance.

2. WHEREAS, HUD has determined that assurance by the Sponsor of its commitment and willingness to provide those funds can best be assured by requiring a resolution of the Board of Directors that funds will be made available for such purposes.
3. NOW, THEREFORE, the Board of Directors of the Sponsor hereby resolves and agrees that funds will be available for the subject project to meet estimated start-up expenses, the

(2)

minimum capital investment and the estimated cost of any amenities or features (and operating costs related thereto) which would not be covered by the approved capital advance.

Adopted and approved by _____ of the
Sponsor on the _____ day of _____, _____.

Authorized Signature

CERTIFICATION FOR PROVISION OF SUPPORTIVE SERVICES (Section 811 Only)

The undersigned certifies that this Agency has reviewed the Sponsor's supportive services plan and finds that:

1. The provision of supportive services is:

Well designed 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 enhance independent living success and promote the dignity of those who will access the proposed project.

Will enhance Will not enhance

3. The supportive services will be available on a consistent, long-term basis.

Yes No

4. The proposed housing is:

Consistent Inconsistent

with State or local plans and policies addressing the housing needs of people with disabilities.

Sponsor

Project Location

(Print Name of Authorized Official)

(Signature) / (Date)

(Title)

(Agency Name)

**DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT**

**HOUSING OPPORTUNITIES FOR
PERSONS WITH AIDS (HOPWA)**

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR THE HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA) PROGRAM

PROGRAM OVERVIEW

Purpose of the Program. To provide States and localities with the resources and incentives to devise long-term comprehensive strategies for meeting the housing and related supportive service needs of persons with HIV/AIDS and their families.

Available funds. Approximately \$27,543,000 (and under a related part of this SuperNOFA, up to \$2,000,000 for technical assistance for the HOPWA program). Funds will be made available under this program NOFA in the following priority order: (1) Renewal of expiring HOPWA grants providing permanent supportive housing as described in Part B: Renewal Projects; (2) award of project outcome add-on funding for HOPWA grants not receiving such funding, as described in Part C: Project Outcomes Add-on Funding; and (3) to continuing and new projects seeking HOPWA funding, as described under Part D: Continuing and New Projects.

Eligible Applicants. States, units of general local government, and nonprofit organizations may apply for HOPWA competitive funding under this NOFA. Additional, eligibility requirements are outlined under each part of this program NOFA.

Application Deadline.

Part B: Project Renewals: May 16, 2002

Part C: Project Outcome Add-on

Funding: May 16, 2002

Part D: Continuing and New Projects:

June 25, 2002

Match. None.

ADDITIONAL INFORMATION

If you are interested in applying for funding under this program, please review carefully the **General Section** of this SuperNOFA and the following sections of this program NOFA. For more information on the program itself including eligible uses of funds, see the HOPWA program regulations at 24 CFR Part 574 and the AIDS Housing Opportunity Act (42 U.S.C. 12901), which control over any information contained herein.

PART A: GENERAL PROGRAM REQUIREMENTS

The following information provides general guidelines, policies, and requirements for applicants applying for HOPWA competitive funding under this NOFA. Unless otherwise noted, the following provisions apply to applicants of Parts B–D of this program NOFA.

I. Available Funding and Additional Resources

(A) *HOPWA FY2002 Competitive Program.* Through this NOFA, approximately \$27,543,000 is being made available for HOPWA awards. Additional funds may be awarded if funds are recaptured, deobligated, appropriated or otherwise made available during the fiscal year. Priority funding will be given to applicants applying, first, to renewal of expiring permanent supportive housing grants as outlined under Part B of this program NOFA. Secondly, if funds remain, HUD will fund applicants for project outcome add-on funding, as outlined under Part C of this program NOFA. Lastly, if funds remain, HUD will award funds for continuing or new projects, as outlined under Part D of this program NOFA.

(B) *Availability of FY 2002 Formula Allocations.* You should consider seeking funds from the formula component of the HOPWA program and from other resources. Ninety (90) percent of the HOPWA program is allocated by formula to recipient states and cities. In FY2002, a total of \$247,889,000 million was allocated by formula to the qualifying cities for 74 eligible metropolitan statistical areas (EMSAs) and to 34 eligible States for areas outside of EMSAs. All HOPWA formula grants are available as part of the jurisdiction's Consolidated Plan. Information on consolidated planning, including HOPWA formula programs and descriptions of previously awarded competitive grants, is available on the HUD HOME Page at www.hud.gov/grants.

(C) *Availability of National HOPWA Technical Assistance.* To apply for HOPWA technical assistance funds, submit an application for funds under the Community Development Technical Assistance (CDTA) part of this notice, which is published elsewhere in this SuperNOFA. The CDTA notice makes available up to \$2,000,000 in HOPWA funds to organizations for technical assistance support on a national or regional basis.

II. Application Kits, Further Information, and Technical Assistance

(A) *Where to Send Your Application.* You must send your application on or before **12:00 midnight, Eastern time**, consistent with the specific due date for your application as stated in the Program Overview of this program NOFA, to HUD Headquarters. See the **General Section** of this SuperNOFA for specific procedures governing the form of application submission (e.g., mailed

applications, express mail, or overnight delivery.

(B) *Address for Submitting Applications.* Your completed application consists of an original signed application and three copies. Submit the original application and one copy to: Department of Housing and Urban Development, Attn: HOPWA, 451 Seventh Street, SW, Room 7251, Washington, DC 20410. The original application submitted to HUD headquarters is considered the official application.

Submit the additional two (2) copies of your application to the area CPD Field Office or Offices that serve the area in which activities are proposed. For multi-state efforts you must submit two copies of your application to the Field Office that serves your main office. The list of addresses for area CPD Field Offices is provided as Appendix B of this program section of this SuperNOFA. If you propose nationwide activities, you must send all copies to the HUD headquarters office. When submitting your applications, please refer to HOPWA, and include your name, mailing address (including zip code), facsimile, email, and telephone number (including area code).

(C) *For Application Kits.* Although you may begin working on your application with the materials provided in this NOFA and its appendixes, please call the SuperNOFA Information Center at 1-800-HUD-8929 (1-800-483-8929) for an application kit. Persons with hearing or speech challenges may access the above number via TTY (text telephone) by calling the Federal Relay Service at 1-800-877-8339 (this is a toll-free number). The application kit also will be available on the Internet through the HUD Web site at <http://www.hud.gov/grants>.

(D) *For Further Information and Technical Assistance.* You may call the HUD Field Office serving your area, at the telephone number shown in Appendix B, or you may contact the Office of HIV/AIDS Housing, HUD at (202) 708-1934. HUD staff may assist with program questions, but may not assist in preparing your application.

(E) *Seeking Technical Assistance in Developing a HOPWA Application.* HOPWA TA providers may not provide technical assistance in the drafting of responses to HUD's NOFA due to the unfair advantage such assistance gives to one organization over another. If HUD determines that HOPWA technical assistance has been used to draft a HOPWA application, HUD reserves that right to reject the application for funding. If, after your application has been selected for an award, HUD

determines that HOPWA technical assistance was used to draft your application, the award will be withdrawn and you may be liable for any funds already spent.

(F) *Satellite Broadcast*. HUD will hold information broadcasts via satellite for potential applicants to learn more about the program and preparation of the application. For more information about the date and time of the broadcast, you should consult the HUD Web site at <http://www.hud.gov/grants>.

III. Applicable Requirements of the General Section of the SuperNOFA

The provisions outlined within the General Section of the SuperNOFA apply to the HOPWA program unless otherwise stated within this program NOFA. Specifically, you are encouraged to review:

(A) *Section II: Requirements and Procedures Applicable to All Programs*. The threshold requirements in the General Section apply to the HOPWA program and applicants must meet all threshold requirements to receive funding.

(B) *Section VI: HUD's FY 2002 SuperNOFA Policy Priorities*. HUD has identified policy priorities which applicants are encouraged to address in implementing programs funded under this notice. Applicable policy priorities for HOPWA grants seeking funding under Part D of this program NOFA are outlined in Part D, Section III: Policy Priorities. Applicants seeking funding under Parts B and C of this program NOFA are not required to address HUD's policy priorities.

IV. Corrections to Deficient Applications

See Part V: Corrections to Deficient Applications of the **General Section** of the SuperNOFA.

V. Award Modifications

After reviewing each application HUD reserves the right to:

(A) *Make Award Adjustments*. HUD reserves to make award adjustments as outlined in Section III.(E), Application Selection Process, of the **General Section** of this SuperNOFA.

(B) *Add Project Outcome Funding*. Applicants must add up to \$50,000 to the HOPWA application for the purposes of the collection of data on project outcomes. If an applicant fails to request this level of funding for this activity, HUD reserves the right to add such funding to the selected application.

(C) *Not to Duplicate Continuum of Care Projects*. HUD reserves the right to ensure that activities funded under the

FY 2002 Continuum of Care will not duplicate new or continuing activities funded under this competition.

VI. Statutory Certifications

HOPWA applicants are not required to provide the forms, certifications, and assurances listed in the **General Section** of the SuperNOFA unless stated below. The following certifications must be included with your application. All certifications and forms, except those found in the **General Section** of the SuperNOFA, are included in the appendixes to the HOPWA section of the NOFA.

(A) *Certifications found in the General Section of the SuperNOFA*.

(1) *Consolidated Plan Certification (HUD-2991)*. Except as stated below, you must include a Consolidated Plan certification from the applicable State or local government official responsible for submitting the appropriate plan. If your project will be carried out on a national basis or will be located on a reservation of an Indian tribe, Guam, the Virgin Islands, American Samoa, or the Northern Mariana Islands you are not required to include a Consolidated Plan certification with your application. The authorizing official from the State or local government must sign this certification.

(2) Certification of Drug-Free Workplace (HUD-50070)

(3) Certification of Payments to Influence Federal Transactions (HUD-50071)

(4) Disclosure of Lobbying Activities (SF-LLL)

(5) Certification Regarding Debarment and Suspension (HUD-2992)

(6) Consistency with the RC/RC/EZ/EC Strategic Plan (HUD-2990)

(7) Applicant/Recipient Disclosure/Update Report (HUD-2880)

(B) *HOPWA Certification found at Appendix D of this program section of the NOFA*.

(1) Fair Housing and Non-discrimination

(2) Environmental Law and authorities

(3) Continued use periods for assisted structures

(4) Debarred, Suspended and Ineligible Principals

VII. Program Requirements

(A) *Nonprofit Requirement*. To be eligible as a nonprofit applicant or project sponsor, you must satisfy the requirements of 24 CFR 574.3. Your application must establish both that you are a nonprofit organization and that your organizational documents include a purpose of significant activities related to providing services or housing to persons with HIV/AIDS.

If you do not qualify as a nonprofit, you are not eligible to receive funds and serve as the grantee or as a project sponsor. However, you may collaborate with eligible nonprofit organizations or with a government agency that applies for the grant and assist them, for example, in planning for the proposed activities, identifying needs in your community and identifying clients who will be assisted. In addition, you may do work under contract with a grantee for services funded by this grant.

(1) We will accept as evidence of your nonprofit status:

(a) A copy of the Internal Revenue Service (IRS) ruling providing tax-exempt status under Section 501(C) (3), (4), (6), (7), (9) or (19) of the IRS code; or

(b) A ruling from the Treasury Department of the Commonwealth of Puerto Rico granting income tax exemption under section 101 of the Income Tax Act of 1954, as amended (13 LPRA 3101); or

(c) Documentation showing that the applicant is a certified United Way agency; or

(d) All of these:

(i) A certification by the appropriate official of the jurisdiction under whose laws the nonprofit was organized that your organization was so organized and is in good standing;

(ii) A certification from a designated official of the organization that no part of the net earnings of the organization inures to the benefit of any member, founder, contributor, or individual; that the organization has a voluntary board; and that the organization practices nondiscrimination in the provision of assistance; and

(iii) An opinion letter from a CPA that the nonprofit has a functioning accounting system that provides for each of these (the letter must mention all of these):

(1) Accurate, current and complete disclosure of the financial results of each federally funded project;

(2) Records that identify adequately the source and application of funds for federally funded activities;

(3) Effective control over and accountability for all funds, property and other assets;

(4) Comparison of outlays with budget amounts;

(5) Written procedures to minimize the time elapsing between the transfer of funds to the recipient from the US Treasury and the use of funds for program purposes;

(6) Written procedures for the determining the reasonableness, allocability and allowability of costs; and

(7) Accounting records including cost accounting records that are supported by source documentation.

(2) We will accept as evidence of your purpose, a certified copy of the organization's articles of incorporation and by-laws which includes in the organization's purposes significant activities related to providing services or housing to persons with HIV/AIDS.

(B) *Performance Benchmark Requirements.* All grantees receiving funds under this program NOFA are expected to meet the following benchmark requirements. If a selected project does not meet the appropriate performance benchmark, HUD reserves the right to cancel or withdraw the grant funds.

(1) *Execution of Grant Agreement.* Selected applicants must execute grant agreements by the earlier of September 25, 2003 or the first anniversary of HUD's announcement of the awards. HOPWA grants are obligated upon grant execution and the FY 2002 Appropriations Act requires HUD to obligate funds within two years of the appropriation, September 30, 2003, or to lose the funds.

(2) *Disbursement of Funds.* Grantees receiving awards under this NOFA must fully expended their grants no later than the earlier of three years following the effective date of the grant agreement or by September 30, 2008. The FY2002 Appropriation Act requires deobligation of grant funds which not expended within five years of the appropriation, September 30, 2008.

(3) *Site Control through Acquisition or Lease.* If you acquire or lease a site, you are required to gain site control within one year from the date your selection letter was signed by HUD.

(4) *Rehabilitation or New Construction.* If you propose to use HOPWA funds for rehabilitation or new construction activities, you must begin the rehabilitation or construction within 18 months and complete that work within 3 years from the date your selection letter was signed by HUD.

(5) *Program Operations.* For projects conducting rehabilitation or new construction activities, program operations must begin within 36 months of the date your selection letter was signed by HUD. Program operations begin when clients begin receiving housing or supportive services.

(6) *Six-Month Report.* You must provide an initial report to the Field Office and Headquarters on the startup of the planned activities within six months of your selection. Outline any accomplishments in implementing the funds along with identifying any

barriers or issues for which the Department may provide assistance.

(C) *Program Guidance.*

(1) *Program Operating Year.* Grants awarded through this NOFA must designate the 12-month operating year, which indicates the start and end dates of the term of the grant, at the signing of the grant agreement. The operating year may begin within four months of the signing of the grant agreement or as specified by HUD at the time of award. The operating period begins the day when participants begin to receive housing or supportive services, or for capital development activities at site control or the start of rehabilitation or new construction activities. The operating period is a 12-month period for which grantees report annual accomplishments. Grantees are required to submit annual progress reports to HUD within 90 days following the end of each operating year.

(2) *Incorporation of Mainstream Resources.* To the extent possible, HUD encourages projects to incorporate mainstream resources into their project plans to maximize the benefit of requested HOPWA funds. Mainstream resources may include private, other public, and mainstream services and housing programs that provide benefits to eligible clients. Applicants are encouraged to create community wide strategies to coordinate assistance to eligible clients through these mainstream programs. These mainstream programs include Medicaid, Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health Block Grant and Substance Abuse Block Grant, Workforce Investment Act and the Welfare-to-Work grant program. Under each part of this program NOFA, as an applicant, you may be asked to address how your project is incorporating mainstream programs to benefit clients.

VIII. Other Requirements

(A) *Environmental Requirements.* All HOPWA assistance is subject to the National Environmental Policy Act and applicable related Federal environmental authorities. In accordance with Section 856(h) of the AIDS Housing Opportunities Act, environmental reviews for HOPWA activities are to be completed by responsible entities (including units of general local government, States, Indian tribes and Alaska Native villages) in accordance with 24 CFR Part 58. Applicants or grantees that are not States or units of general local government must request the unit of

general local government to perform the environmental review. This statutory provision supersedes the environmental provisions in the HOPWA regulation at 24 CFR 574.510. HOPWA grantees and project sponsors may not commit or expend any grant or nonfederal funds on project activities (other than those listed in 24 CFR 58.22(c), 58.34 or 58.35 (b)) until HUD has approved a Request for Release of Funds and environmental certification from the responsible entity. The expenditure or commitment of HOPWA or nonfederal funds for such activities prior to this HUD approval may result in the denial of assistance for the project under consideration.

(B) *Local Resident Employment (Section 3 Requirements).* For grants in excess of \$200,000, to the extent that grant funds are used for housing rehabilitation (including reduction and abatement of lead-based paint hazards, but excluding routine maintenance, repair, and replacement) or housing construction, then it is subject to section 3 of the Housing and Urban Development Act of 1968 and the implementing regulations at 24 CFR part 135. Section 3 requires that economic opportunities shall, to the greatest extent feasible, be given to low- and very low-income persons, particularly those who are recipients of government assistance for housing, and to businesses that provide economic opportunities for these persons.

IX. Authority

This program is authorized under the AIDS Housing Opportunity Act (42 U.S.C. 12901). The regulations for HOPWA are found at 24 CFR part 574.

PART B. RENEWAL PROJECTS

HUD will consider applications under this part that are renewals of expiring HOPWA competitive grants whose primary purpose is the provision of permanent supportive housing.

I. General Policies on Renewal of Permanent Supportive Housing Grant—Purpose

Under the provisions of the HUD Appropriation Act for FY2002, the Secretary is required to renew qualifying expiring contracts for permanent supportive housing on a priority basis. Grants funded under prior HOPWA competitions that meet the below eligibility requirements and meet all program requirements will be given priority renewal by HUD. Applications will be reviewed on a pass/fail threshold review system and are not required to address the departmental policy priorities described in the General Section of the

SuperNOFA. If you have an expiring grant, which is not for permanent supportive housing, you may apply for funding under Part D of this NOFA.

II. Eligibility of Applicants and Grants

To be eligible for priority renewal under this part, you must meet all of the following eligibility requirements:

(A) *Eligible Permanent Supportive Housing Grants.* To be eligible, your project must provide permanent supportive housing to eligible persons. Permanent supportive housing is housing in which the eligible person has a continuous legal right to remain in the unit and which provides the eligible person on-going supportive services through qualified providers. HUD has deemed grants in which 51 percent or more of HOPWA program activity funds are used (1) to provide permanent housing where on-going supportive services are made available through other resources; or (2) to provide supportive services where permanent housing is provided through other resources, to be grants providing permanent supportive housing, and thereby eligible. To establish eligibility, provide documentation of the following:

(1) *Certification of the Provision of Permanent Housing.* You must certify that at least 51% of the HOPWA program activity funds awarded to your grant were and are being used to provide permanent supportive housing to eligible persons. To determine whether your grant meets this test, use the Permanent Supportive Housing Worksheet found in Appendix D and submit it with your certification. The test is based on the HOPWA funded program activity costs approved in the original application or, as amended by HUD, excluding administrative costs and project outcome funding. To be counted, the grant funds must be used to provide the housing or to provide supportive services to eligible persons living in permanent housing.

(2) *Documentation of Other Resources.* If your project relies on other state, local, Federal, or private resources to provide the permanent housing or supportive services portion of your project, you must demonstrate that the other resources will continue to be available for that purpose throughout the term of the renewal grant. The continuing assistance must have been documented within the original application to HUD and be used in conjunction with requested HOPWA funds. Evidence of continuing assistance must be provided, as follows:

(a) *Permanent Housing.* Permanent housing provided through other resources must be documented in the

renewal application through a leveraging letter. The leveraging letter must outline the amount of funds for the housing to be provided, the term the funds will be made available, and be signed by the organization providing such housing or funding for the housing. See Part D, Section V, Rating Factor 4: Leveraging Resources, for acceptable leveraging letter examples.

(b) *Supportive Services.* Supportive services provided through other resources must be documented through a commitment letter(s), which outline(s) the type of support that will be provided to clients, the organizations providing such support, and the length of time such supportive will be available. Supportive services must be available to clients in permanent housing throughout the term of the renewal grant.

(3) *Evidence of Permanent Client Occupancy.* Except for funds used for short term mortgage, rent and utility payments, you must evidence that the client has a continuous legal right to remain in the unit or property and has access to on-going supportive services provided through qualified providers. You must include in your application a copy of the standard lease form used for residents of the project. It must be for a term of at least one year, be renewable by the tenant and may only be terminable by the landlord for cause.

(B) *Eligible Expiring Grant.* To be eligible, the HOPWA grant must be an expiring grant, defined as a grant that will not have sufficient funds to continue activities until September 30, 2003, if not awarded additional Federal funds. The applicant must demonstrate to HUD that all funds awarded in the grant it seeks to renew will be expended before September 30, 2003 (as measured by reimbursements filed with HUD under the financial system, PAS). HUD may deobligate funding of HOPWA grants that have been renewed on this basis and fail to expend funding by September 30, 2003.

(C) *Eligible Prior Grants.* To be eligible, prior grants must have been selected by HUD for funding under HUD's SuperNOFA process in 1998, 1999, or 2000 and must not have been renewed through a previous competition. Grants selected in 1997 were required to operate and complete activities before the end of fiscal year 2001. Grants funded in 1997 are not eligible for renewal, unless the grantee documents that HUD approved a grant extension of the project that would allow for its continued operations in the Federal Fiscal Year 2002 or 2003.

(D) *Eligibility based on Achieving Measurable Progress.* To be eligible,

prior grants must have operated with measurable progress, defined as not evidencing weak performance. Weak performance consists of sanctions or unresolved monitoring findings during the active competitive period, from the date of publication of this NOFA until the selection of grants, or other HUD knowledge of unresolved problems. Unresolved problems may include that planned activities remain delayed in their implementation, a significant number of units are vacant, annual progress reports were not filed with HUD at by the application due date under this NOFA for renewals, or significant citizen complaints are unresolved or not responded to with justified reasons. Weak performance is also evident if more than 50 percent of grant funds remain unexpended on the first day of the month in which the application due date for renewals under this NOFA falls (as measured by reimbursements filed with HUD's financial system, PAS).

(E) *Eligible Applicant for Renewals.* You are eligible to apply for renewal of a prior HOPWA grant only if you have executed a grant agreement for the project directly with HUD. If you are a project sponsor or subrecipient who has not signed such an agreement, you are not eligible to apply. HUD will reject applications submitted by ineligible applicants. If you have questions about your eligibility to apply, contact the local HUD field office.

(F) *Eligible Project Sponsors.* The project should also continue with the same project sponsors, as documented in the prior HOPWA application funded by HUD. HUD will consider the merits for changing a project sponsor if the new sponsor evidences the capacity to enhance project operations or improve responsiveness to clients. Such examples for changing a project sponsor may be that a new project sponsor has greater capacity to conduct program activities, a prior project sponsor is no longer in operation or has merged with another entity, or HUD approved such a sponsor change through a grant amendment.

(G) *Ineligible Grants and Projects.* You are ineligible if any of the following apply:

(1) *Expired Grants.* Your grant expired in the Federal Fiscal Year 2001 or earlier, i.e. all funds were expended (as measured by PAS) by September 30, 2001, or only a residual amount that is less than one percent of the amount of the prior grant remains, are not eligible to apply for renewal funding under this notice.

(2) *Prior Grants.* Your grant was awarded under the 1992–1996 HOPWA

competitions. These grants were required to complete activities within three years of the grant agreement.

(3) *Non-Permanent Supportive Housing Projects*. Projects primarily offering short-term, transitional, or emergency housing options are not eligible. Applicants with existing HOPWA projects that do not qualify for priority renewal under this part, may apply for continuing funding under Part D: Continuing and New Projects section of this program NOFA.

III. Renewable Activities and Amount of Renewals

(A) Eligible grants will receive renewal funding on approved eligible activities, as follows:

(A) *Eligible Renewal Activities*. The activities to be renewed must be on-going forms of support, such as rental assistance, short-term rent, mortgage and utility payments, operating costs for housing facilities, leasing, supportive service costs, housing information services, resource identification/technical assistance for community residences activities and administrative costs. Additionally, applicants must request up to \$50,000 in project outcome funding as a part of their renewal budget request.

(B) *Ineligible Renewal Activities*. Funds for acquisition, new construction or for rehabilitation costs will not be renewed. These capital development activities are not on-going or available for additional sites. If you wish to undertake additional capital development activities or to add funding for new activities, such as operating costs and services, you must apply under Part D.

(C) *Amount of Renewals*. Renewal projects may only request renewal funds for continuing a previously approved project at the same level of housing and/or services provided in the previous grant. Proposals to expand or significantly alter a funded-project must apply under Part D for the new activities or the expanded part of the project.

(D) *Project and Activity Funding*. Renewal funding must not exceed 120% of the amount originally awarded for an activity, but may be less than the amount originally awarded, including any amendments affecting this amount that were approved by HUD prior to the publication of this NOFA. However, the total activity costs may not exceed \$1,200,000. The limits on administrative costs, three percent for grantees and seven percent for project sponsors, continue to apply. In addition, renewal grantees must add up to \$50,000 to the renewal award for the purpose of the collection of data on program outcomes.

(E) *Annual Amounts*. As an applicant for renewal funding, you must specify the annual amount needed to continue each activity and specify the number of years, up to three, for your request by completing the HOPWA Renewal Budget Form (Appendix A). You should describe your plan for continued operations in the Executive Summary section of your application, including any significant reduction to your prior award level.

IV. Selection Criteria and Process

(A) *Selection Process*. To the degree that funds are available, the Department will select for funding all renewal requests from applicants that meet program requirements and pass a threshold review for a need for renewal. In the case that the amount requested for renewal is less than the amount available under this notice, HUD will apply the remaining funds, first, to applicants under Part C and then, second, Part D. If the amount of the request for renewal activities is greater than the amount made available by this notice, HUD will select all of the approvable applications and allocate awards to each based on a prorata reduction to the amount available under this notice to ensure that all eligible and performing renewal projects receive funding that allows their continued operation.

(B) *Selection Criteria*. HUD will conduct a threshold review of all renewal applications based on the following criteria:

(1) *Eligibility*. HUD will review your eligibility to apply for renewal funding under this program as described above under Part B, Section II, *Eligibility of Applicants and Grants*.

(2) *Organizational Capacity*. If a new project sponsor is added, HUD will review the project sponsor's capacity to conduct program activities.

(3) *Provision of Permanent Supportive Housing*. HUD will review whether your project provides permanent supportive housing.

(4) *Need for Renewal*. HUD will review your need for renewal, and how this project has operated with measurable progress, as described below in the *Need for Renewal Narrative*.

(5) *Standard Eligibility Threshold Requirements*. HUD will also review your application to ensure that your project meets the standard eligibility threshold requirements as described in Part A, Section III.(A), above.

(C) *Application Contents*. Applicants are requested to submit the following information:

(1) *Application for Federal Assistance (Form SF-424)*. You should complete

Items 1 through 18 with the following additions:

(a) Item 5—Add e-mail address of the contact person;

(b) Item 7—The applicable letters are "A" for State; "B, C, or D" for a unit of local government; or "N" for Nonprofit;

(c) Item 9—Enter U.S. Department of Housing and Urban Development or HUD if not preprinted;

(d) Item 10—Enter 14-241 and the title "Housing Opportunities for Persons With AIDS Program" or "HOPWA" for the Catalogue of Federal Domestic Assistance;

(e) Item 15—You must complete the budget on HUD-424M and the HOPWA Renewal Project Budget Form. Please make sure that both the Total Amount on HUD-424M and the "Total Budget" section on the HOPWA Renewal Project Budget Form are the same. In the event that the total budgets are in conflict, HUD will refer to the HOPWA Project Budget form.

(f) Item 16—Check "No".

(2) *Executive Summary and Synopsis*. On no more than five (5) double spaced pages, please provide an Executive Summary of the renewal project, beginning with a two to three sentence synopsis of the focus of your project. In the Executive Summary, please provide the name of the grantee and any project sponsors.

(3) *Narrative Statements*. Your application must include the following narrative statements:

(a) *Organizational Capacity Narrative*. If a new project sponsor(s) is added to the proposal, please describe the capacity of the project sponsor(s) to conduct program activities. Please provide this information on no more than two double-spaced typed pages. If you are adding more than one project sponsor, you may add two (2) additional pages per project sponsor. Address the extent to which the project sponsor(s) have the organizational resources necessary to successfully implement your proposed activities in a timely manner. HUD will review the project sponsor's ability to develop and operate your proposed program. With regard to new project sponsor(s), HUD will consider:

(i) Past experience and knowledge in serving persons with HIV/AIDS and their families;

(ii) Past experience and knowledge in programs similar to those proposed in your application;

(iii) Experience and knowledge in monitoring and evaluating program performance and disseminating information on project outcomes; and

(iv) Past experience as measured by expenditures and measurable progress

in achieving the purpose for which funds were provided.

(b) In reviewing the elements of organizational capacity under paragraph (a), immediately above, HUD will consider the extent to which your proposal demonstrates:

(i) The knowledge and experience of the proposed project director and staff, including the day-to-day program manager, consultants and contractors in planning and managing the kind of activities for which you are requesting funds. The project sponsor will be reviewed in terms of recent, relevant and successful experience of staff to undertake eligible program activities, including experience and knowledge in serving persons with HIV/AIDS and their families.

(ii) The project sponsor's experience in managing complex interdisciplinary programs, especially those involving housing and community development programs directly relevant to the work activities proposed and carrying out grant management responsibilities.

(iii) If the project sponsor received funding in previous years in the program area for which you are currently seeking funding, the sponsor's past experience will be reviewed in terms of the ability to attain demonstrated measurable progress in the implementation of the grant award. Measurable progress is defined as:

(1) Meeting performance benchmarks, as applicable, in program development and operation;

(2) Meeting project goals and objectives, such as, that the number of persons assisted was comparable to the number that was planned at the time of application;

(3) Submitting timely performance reports; and

(4) Expending prior funding as outlined in the prior proposal with no outstanding audit or monitoring issues.

(c) *Provision of Permanent Supportive Housing Narrative.* On no more than three (3) double-spaced pages, demonstrate how your project provides permanent supportive housing through HOPWA and other resources. Include the type of assistance and number of housing units being provided and a description of the supportive services provided. Additionally, your description should outline how HOPWA and other funding, if applicable, work together to provide permanent supportive housing. In addition, you must provide the following:

(i) *Certification of the Provision of Permanent Housing.* A certification, in the form provided in Appendix A, that at least 51% of the HOPWA funds

awarded the Project were and will continue to be used to provide permanent supportive housing to eligible persons. To determine whether you can make this certification, complete the "Permanent Supportive Housing Worksheet" provided in Appendix A.

(ii) *Documentation of Other Resources.* If your project relies on other state, local, Federal, or private resources to provide the housing or supportive services, you must document that such assistance will be provided throughout the term of the renewal grant. For information on acceptable forms of evidence, see Part B, Section II (A)(2).

(iii) *Evidence of Permanent Housing.* Except for funds used for short term mortgage, rent and utility payments, you must provide a copy of the standard lease used for residents of the project. The lease must be for a term of at least one year, be renewable by the tenant and may be terminated by the landlord for cause.

(d) *Need for Renewal Narrative.* Please address the following on no more than three (3) double-spaced pages:

(i) *Measurable Progress.* Please demonstrate the need for renewal funding and how this project has operated with measurable progress. Measurable progress is defined as not failing or not evidencing weak performance in:

(1) Meeting performance benchmarks, as appropriate, in program development and operation;

(2) Meeting project goals and objectives, such as, that the number of persons assisted is comparable to the number that was planned at the time of the application;

(3) Submitting timely performance reports;

(4) Expending over 50% of prior funding at the beginning of the month for the due date for renewals (as measured by reimbursements filed with HUD's financial system, PAS.).

(ii) *Need for Renewal Chart.* Additionally, you should complete the HOPWA Need for Renewal Chart, which demonstrates that prior grant funds will expire by September 30, 2003. You must complete the HOPWA Need for Renewal Chart (Appendix A), as described below:

Line 1.—Indicate the amount of the prior HOPWA award;

Line 2.—Indicate the amount expended as of 9-30-01:

Line 3.—Subtotal: subtract line 2 from line 1:

Line 4.—Indicate the amount to be expended in FY2002: _____ (By September 30, 2002)

Line 5.—Indicate the amount to be expended in

FY2003: _____ (By September 30, 2003)

Line 6.—Subtotal: subtract lines 4 and 5 from line 3: _____

Notes: If the subtotal on Line 6 is greater than zero, you are not eligible to apply for renewal funding under this notice. Also note that continued use of prior funds may require that you file an extension request with the area CPD Field Office. Further, if the subtotal on Line 3 is zero or a residual amount that is less than one percent of the amount on Line 1, you are not eligible to apply for renewal funding under this notice. In reviewing the information that you provide in this chart, HUD will determine your eligibility for renewal funding based on financial records for reimbursement of expenditures that are filed under HUD's financial system (PAS).

(4) *HOPWA Renewal Budget.* Please complete the HOPWA Renewal Budget Form (Appendix A). See Part B, Section III, *Renewable Activities and Amount of Renewals*, for details on renewal funding.

(5) *HOPWA Renewal Project Form (Appendix A).* Complete the form including the following:

(a) *Project Sponsor.* You must identify any organization that will receive HOPWA funds as a project sponsor and the amount of funds to be received.

(b) *Non-profit Status.* If not previously submitted to HUD through the prior HOPWA application or if a change occurred in non-profit status, non-profit grantees or project sponsors must submit documentation verifying your non-profit status, as outlined under Part A, Section VII (A).

(c) *Service Areas.* Your application must identify the area(s) in which you are proposing to offer housing and other assistance.

(6) *Statutory Certifications.* The renewal application should include the required certifications as described under Part A, Section VI, *Statutory Certifications.*

After your entire application is assembled, please mark each exhibit with an appropriately numbered tab and number every page of the application sequentially. Complete the HOPWA Renewal Application Checklist found in Appendix A to this program section of the SuperNOFA. Attach the HOPWA Renewal Application Checklist to the front of your application.

V. Additional Renewal Information

As an applicant of renewal funding, you are encouraged to read Part A: General Program Requirements at the beginning of this program NOFA. This section outlines submission details,

technical assistance, and statutory requirements for using HOPWA funds.

PART C: PROJECT OUTCOMES ADD-ON FUNDING

I. Purpose

Funds for data collection on project outcomes are made available in this part of the NOFA to enable all HOPWA competitive grantees to enhance efforts in gathering information on client and project accomplishments. The information to be collected is related to the special design features, service delivery models, or objectives of these grants that were selected by national competition, as Special Projects of National Significance or projects that serve clients in areas that are not eligible for HOPWA formula allocations. The use of these additional funds will allow your agency to enhance the design of outcome measures, the collection of this data, the evaluation and reporting on this information. In assisting HUD to better disseminate the results from your efforts, the project outcome reports and findings are expected to be of benefit to other communities in considering improvements in their area efforts that provide housing assistance to eligible persons. HUD has made funding for data collection on project outcomes a feature of the national HOPWA competitions in 1998–2001, although not all applicants requested such funding. To assist all recipients to enhance their evaluation efforts, this funding is again being made available to the prior grantees that did not receive funds under this budget line item in their approved application. A threshold review will be undertaken to select applications from current HOPWA competitive grants that propose responsive evaluation and dissemination activities. HUD will award up to \$50,000 per application.

II. Eligible Applicants

Eligible applicants are grantees that were awarded HOPWA funds under the FY1999 or FY2000 HOPWA competitive program and were not originally granted project outcome funding. Since the eligible applicants are limited to current recipients of HOPWA competitive funding, HUD will not require applicants to duplicate their original application as to the eligibility of the applicant, client, or activities. HUD is satisfied that the review that was undertaken for these entities in the FY1999 and FY2000 HOPWA competition, for which these entities were determined eligible, is sufficient for the award of these additional funds. Applicants will be required to submit an abbreviated application.

III. Threshold Review

The Department will conduct a threshold review of all HOPWA grantees requesting project outcome add-on funding. Applicants failing to meet the threshold review requirements will not be awarded project outcome add-on funding. The basic threshold review will consist of the following criteria:

(A) *Eligibility*. HUD will review your eligibility to apply for the project outcome add-on funding under this section, as described above under *Eligibility*.

(B) *Monitoring Review*. HUD will review your current HOPWA grant to ensure the project is meeting applicable benchmark requirements and making measurable progress, defined as not evidencing weak performance. HUD will consider that weak performance is evidenced if there are sanctions or unresolved monitoring findings during the active competitive period, from the date of this notice until the selection of grants, or other HUD knowledge of unresolved problems. Unresolved problems may include that planned activities remain delayed in their implementation, a significant number of units are vacant, annual progress reports were not filed with HUD at the time of the due date for applications, or significant citizen complaints are unresolved or not responded to with justified reasons. Grants in default of grant agreement or with unresolved management issues will not be awarded project outcome add-on funding.

(C) *Project Outcome Plan*. You may request up to \$50,000 to collect information and report to HUD, or a third party designated by HUD, on project outcomes. HUD will review your plan to ensure the requested funding will be used to conduct eligible activities. The requested funding may be used for the following activities:

- (1) Defining monitoring questions that will be addressed and examined during the project period;
- (2) Specifying outcome measures;
- (3) Development instruments to assess project outcomes and systems outcomes;
- (4) Training project staff in the collection of data, including the preparation of the standard HOPWA Annual Progress Report to HUD;
- (5) Monitoring data collection activities to assure the submissions are complete and accurate, including data coding and entry;
- (6) Summarizing data collected;
- (7) Participate in HUD-sponsored collaboration and HUD-designated training events in order to prepare and disseminate the finding of reports on project accomplishments and lessons learned.

Applicants may include an expert third-party to conduct project outcome/evaluation activities, but grantees are encouraged to train staff internally. Such training will increase the internal capacity of your and your partner organizations by learning how to make use of project outcome data in operating and adjusting assistance provided to clients.

IV. Application Submission

To apply for add-on funding you must submit the following:

(A) *Application for Federal Assistance (Form SF-424)*. You should complete Items 1 through 18 with the following additions:

(1) Item 5—Add e-mail address of the contact person (if applicable);

(2) Item 7—The applicable letters are “A” for State; “B, C, or D” for a unit of local government; or “N” for Nonprofit;

(3) Item 9—Enter U.S. Department of Housing and Urban Development or HUD if not preprinted

(4) Item 10—Enter 14–241 and the title “Housing Opportunities for Persons With AIDS Program” or “HOPWA” for the Catalogue of Federal Domestic Assistance;

(5) Item 15—You must complete the budget on HUD-424M.

(6) Item 16—Check “No”.

(B) *Project Narrative*. A written description approximately one to two pages on:

(1) The current status of your grant including how the project has met NOFA benchmark requirements, in compliance with the statute and regulations, and is making measurable progress. See Part C, Section III(B): *Monitoring Review*.

(2) Your plan for utilizing project outcome/evaluation funding. Include a request to receive an amount up to \$50,000 and describe your plan to use the additional funds through the remaining term of your grant. See Part C, Section III: *Project Outcome Plan*.

V. Award Modifications

HUD reserves the right to modify the requested amount of project outcome funding based on a grantees expenditure rate as measured through PAS. HUD may prorate requested funding to match the percentage of remaining funds on any current HOPWA grant.

PART D: CONTINUING AND NEW PROJECTS

I. Program Purpose

Funds under this program are to be used to support the Department’s national goal of increasing the availability of decent, safe, and affordable housing in American

communities. The statutory purpose of the HOPWA program is meeting the housing needs of low-income persons with HIV/AIDS and their families. Projects selected for HOPWA awards will be funded to provide housing and related supportive services for eligible persons under two categories of assistance:

(A) Grants for Special Projects of National Significance (SPNS) that, due to their innovative nature or their potential for replication, are likely to serve as effective models in addressing the housing and related supportive service needs of low-income persons living with HIV/AIDS and their families; and

(B) Grants for projects that are part of Long-Term Comprehensive Strategies (Long-Term) which provide housing and related supportive services for low-income persons living with HIV/AIDS and their families in areas that are not eligible for HOPWA FY 2002 formula allocations found in Appendix C of this program section of this SuperNOFA.

II. Eligible Applicants and Activities

(A) *Eligible Applicants and Project Sponsors.*

(1) States, units of general local government, and nonprofit organizations may apply for SPNS grants;

(2) States and units of general local government may apply for grants for projects under the Long-Term category of grants, if proposed activities will serve areas that were not eligible to receive HOPWA formula allocations in Fiscal Year 2002. Nonprofit organizations are not eligible to apply directly for the Long-Term grants but may serve as a project sponsor for an eligible State or local government grantee.

(3) You must identify your project sponsors in your application. Project Sponsors cannot be identified at a later date through such processes as an RFP or other selection process.

(B) *Eligible Activities.*

(1) *HOPWA Activities.* Eligible activities with their standards and limitations may be found in the HOPWA regulations at 24 CFR Part 574. A copy of the regulations may be downloaded from the HUD Web site at <http://www.hud.gov> or may be obtained through the application kit. You are encouraged to review the HOPWA regulations before seeking funding.

(2) *Additional Guidance on Use of Program Funds.*

(a) *Housing Assistance.* To receive the maximum points under the rating criteria, your project must clearly address the housing need of eligible

persons. If you are proposing emergency or transitional housing assistance, your plan should include linkages to or the provision of permanent supportive housing.

(b) *Supportive Services.* Many of the clients who will be served by HOPWA may need services in addition to housing. It is important that you design programs which enhance access to those needed services, including access to health-care, AIDS drug assistance, and other services funded through the Ryan White CARE Act or other Federal, state, local or private funds. While HUD recognizes that there are many ways to ensure that clients receive the services they need, to the extent possible, HUD encourages you to develop housing programs which do not require participation in services as a part of your or your project sponsor's tenancy requirements. Further, to help ensure that selected projects address housing related purposes, no more than 35 percent of the proposed budget for program activities can be designated for supportive services costs. If HOPWA funds will be utilized to operate or develop a supportive service only facility through acquisition, rehabilitation, new construction, lease, or operating costs, these costs will be considered related supportive service costs and will be subject to the 35 percent cap on program activity costs.

(c) *Resource identification.* HUD will not select under this notice an application that is solely directed at providing resource identification activities, since national HOPWA technical assistance funds are being made available under the Community Development Technical Assistance (CDTA) part of this NOFA for this purpose. You may propose a resource identification or technical assistance component in your application, if the amount of funds designated for these activities are less than 20 percent of the proposed program activity costs.

(d) *Other Activities.* As authorized by the statute, you may propose other activities in your application, if approved by HUD. HUD will not approve proposals that depend on future decisions on how funds are to be used, for example, a proposal to establish a local request-for-proposal process to select activities or project sponsors.

(e) *Project Outcome Funding.* You must request funding to conduct data collection on project outcomes. The budget provides that up to \$50,000 may be added to collect information and report to HUD on the outcomes of your service delivery model. You must propose data collection activities in

your application. Project outcome activities include:

(i) Defining monitoring questions that will be addressed and examined during the project period;

(ii) Specifying outcome measures;

(iii) Developing instruments to assess project outcomes and systems outcomes;

(iv) Training project staff in the collection of data, including the preparation of the standard HOPWA Annual Progress Report to HUD;

(v) Monitoring data collection activities to assure that submissions are complete and accurate, including data coding and entry;

(vi) Summarizing data collected; and

(vii) Participate in HUD-sponsored collaborations and HUD-designated training events in order to prepare and disseminate the findings of reports on project accomplishments and lessons learned.

Applicants may include an expert third-party to conduct project outcome activities, but grantees are encouraged to train staff internally. Such training will increase the internal capacity of your and your partner organizations by learning how to make use of project outcome data in operating and adjusting assistance provided to clients.

(3) *Maximum Grant Amounts.* The maximum amount that you may receive is \$1,200,000 for program activities (e.g., activities that directly benefit eligible clients), irrespective of the number of applications that you submit. You may also add-on up to 3 percent of this program activities amount for grantee administrative costs and, if your program involves project sponsors, add-on up to 7 percent of the amount they receive for their administrative costs. In addition, you must add up to \$50,000 for project outcome activities.

III. Policy Priorities

(A) *Departmental Policy Priorities.* As outlined in Section VI of the General Section of the SuperNOFA, HUD has identified policy priorities that applicants are encouraged to address through the proposed plans. HUD has identified two Departmental policy priorities as being applicable to the HOPWA program. Applications for HOPWA funding will receive a rating point for each applicable Departmental policy priority initiative addressed through the proposed program activities and performance goals and objectives. Applicants must demonstrate how these priorities will be addressed through the Soundness of Approach Section of the application as outlined under Rating Factor 3. One Rating Point will be awarded to each of the following addressed priorities:

(1) In accordance with Section VI(C) of the **General Section** of the SuperNOFA, for applicants seeking HOPWA funds for capital development activities, including rehabilitation or new construction, you are encouraged to:

(a) Institute visitability standards in these activities undertaken with HOPWA funds. Visitability standards allow a person with mobility impairments access into the home, but do not require that all features be made accessible.

(b) Incorporate universal design in the construction or rehabilitation of housing undertaken with HOPWA funds.

Universal design provides housing that is usable by all without the need for adaptation or specialized design.

(2) For applications in which the grantee, project sponsor(s), or other collaborating organizations meets the definition of a faith-based and other community-based, or grassroots organization as defined in Section VI(E) of the **General Section** of the SuperNOFA.

(B) *Program Policies—Target Populations.* The Department has been advised by persons living with HIV/AIDS, HIV/AIDS housing providers, and national organizations, of the continuing disparity in accessing housing, health-care, and HIV/AIDS treatment among underserved populations, as well as health-related disparities that result from limited access to health-care, treatment and other support for persons living with HIV/AIDS. Applications seeking to provide housing assistance and related supportive services to one or more of the following underserved populations will receive priority consideration in the selection of grants. To receive this consideration, you must demonstrate the need of the special population in your area under the Need /Extent of the Problem section of your application as outlined under Rating Factor 2, as well as, demonstrate your response to this need under the Soundness of Approach section of your application as outlined under Rating Factor 3.

HUD reserves the right to select the highest rated application (but not one that is rated at less than 70 points) that demonstrates that the planned HOPWA activities and activities supported by leveraged funds, will serve one of the following special populations of HOPWA eligible persons. If funds are insufficient to select one of each of these four special demonstration grants, HUD's selection priority will be in the order listed:

(1) *Persons with HIV/AIDS and their families who are living in the Colonias.*

Primarily the southwest border of the United States, the Colonias are home to persons living an extreme poverty and poor housing conditions. With the limited access to HIV/AIDS housing, services, healthcare, and treatment, persons living with HIV in the Colonias do not receive the necessary care and treatment. HUD is encouraging applications that strive to meet the needs of eligible clients living in the Colonias.—Applicants seeking funding as a Colonias must meet the definition of a Colonias as defined in the General Section of the SuperNOFA.

(2) *Youth.* Stable housing is one of the most important parts of the safety net for persons living with HIV and AIDS and their families. Youth who are homeless or who run away from home are at greater risk of HIV infection. Youth who are infected with HIV are more likely to be able to follow complex treatment regimens if they have a reliable address where they can be reached by care providers, a safe place to keep medications, refrigeration for drugs that require it, and other necessities that many of us take for granted. Some 20,000 young people are still becoming infected every year, and most of them are not receiving the medical care they need. HUD is encouraging applications that strive to meet the needs of youth impacted by HIV/AIDS.

(3) *Rural Populations.* A growing number of new HIV and AIDS cases are known to be occurring in the rural and smaller population areas of the country. In many areas, the limited availability of affordable and quality housing, the lack of specialized service providers, excessive travel distances to access HIV care and treatment and/or the lack of HIV treatment options, provide difficult challenges in providing for comprehensive housing and service programs for persons living with HIV/AIDS. HUD is encouraging applications that strive to meet the special need of rural populations through the provision of housing and related supportive services geared to ensure that clients have improved access to necessary treatment. A model service delivery project under this demonstration effort must be located in and serve clients in areas that are outside of the metropolitan statistical areas that have populations of more than 500,000 persons.

(4) *Post-Incarcerated.* The U.S. Department of Justice (DOJ) estimates that 2.1% of all state and federal prison inmates are persons who are living with HIV, a rate that is higher than the rest of the population. Due to their criminal history, many post-incarcerated persons

have difficulty in reentering the community, especially in finding basic housing as well as employment, health care and other necessities when dealing with HIV-infection. Discharge planning actions can coordinate resources to help post-incarcerated persons successfully reintegrate into the community as productive, law abiding citizens. HUD, in partnership with DOJ, the U.S. Departments of Health and Human Services and Education, and other federal agencies, is encouraging the development of projects in which applicants would provide post-incarcerated persons with linkages to permanent housing and services to reduce recidivism, maintain access to healthcare and HIV/AIDS treatment, and access to education, job training and placement opportunities.

IV. Program Requirements

(A) *Performance Measures and Project Goals and Objectives.* You must use HUD's required performance measures, as detailed below, that will show your accomplishments in using HOPWA funds to expand the housing options that benefit eligible persons. You must also establish individual goals and objectives for your proposal. They should be specific, achievable and measured within set time periods. Your individual goals and objectives should result in possible findings on the successes and lessons learned in undertaking your activities that would be shared with other communities. In designing your proposal, please use the following:

(1) *Required HOPWA national performance goal.* Your proposed activities must increase the amount of housing assistance and related supportive services to eligible persons to enable them to achieve housing stability and access to health-care and related supportive services.

(2) *Measurements of Performance.* After each year of operation, you must report on the number of housing units that were provided with HOPWA and other funding, and number of additional persons served with related supportive services. HUD will measure your progress and achievements in evaluating your performance on your HOPWA grant.

(B) *Descriptive Budget.* You must provide a description of each of your requested budget items and how the funds will be used, including each amount of requested funding for you and your project sponsors, and a description of how each line item will relate to eligible HOPWA activities as defined in Part D, Section II (B). You are expected to match requested funds to

specific goals and objectives in your project. See Appendix D.

V. Application Selection Process

(A) *HOPWA Application Threshold Reviews*. HUD will review your HOPWA application to ensure that:

(1) Your application meets the threshold requirements found in Section II of the **General Section** of the SuperNOFA.

(2) Your application contains all required certifications as outlined in Part A, Section VI: *Statutory Certifications*.

(B) *Procedures for the Rating of Applications*. HUD will rate all HOPWA applications based on the factors listed below.

The points awarded for the factors total 100. In addition, bonus points for projects in RC/EZ/EC areas and by the City of Dallas may be available under Section III(C) of the **General Section** of this SuperNOFA apply to this competition. After rating, all applications will be placed in the rank order of their final score for selection within the appropriate category of assistance.

Rating Factor 1: Capacity of the Applicant and Project Sponsors and Relevant Organizational Experience (20 Points)

Address the following factor on not more than five (5) double-spaced, typed pages. For each project sponsor, you may add two additional pages. This factor addresses the extent to which you and any project sponsor have the organizational resources necessary to successfully implement your proposed activities in a timely manner. If you will be using project sponsor(s) in your project, you must identify each project sponsor in your application. HUD will award up to 20 points based on your and any project sponsor's ability to develop and operate your proposed program in relation to which entity is carrying out an activity.

(a) With regard to both you and any project sponsor(s), HUD will consider:

(i) Past experience and knowledge in serving persons with HIV/AIDS and their families;

(ii) Past experience and knowledge in programs similar to those proposed in your application;

(iii) Experience and knowledge in monitoring and evaluating program performance and disseminating information on project outcomes; and

(iv) Past experience as measured by expenditures and measurable progress in achieving the purpose for which funds were provided.

(b) In reviewing the elements of paragraph (1), HUD will consider:

(i) The knowledge and experience of the proposed project director and staff, including the day-to-day program manager, consultants and contractors in planning and managing the kind of activities for which you are requesting funds. You and any project sponsor will be judged in terms of recent, relevant and successful experience of staff in undertaking eligible program activities;

(ii) Your and/or the project sponsor's experience in managing complex interdisciplinary programs, especially those involving housing and community development programs directly relevant to the work activities proposed and carrying out grant management responsibilities.

(iii) If you and/or the project sponsor received funding in previous years in the program area for which you are currently seeking funding, you and your project sponsor's past experience will be evaluated in terms of the ability to attain demonstrated measurable progress in the implementation of your grant awards. Measurable progress is defined as:

(1) Meeting applicable performance benchmarks in program development and operation;

(2) Meeting project goals and objectives, such as, that the number of persons assisted was comparable to the number that was planned at the time of application;

(3) Submitting timely performance reports; and

(4) Expending prior funding as outlined in the prior proposal with no outstanding audit or monitoring issues.

Rating Factor 2: Need/Extent of the Problem (20 Points)

Address this factor on not more than five (5) double-spaced, typed pages. Up to 20 points will be awarded for this factor.

(a) *AIDS Cases—(5 Points)*. Up to five of these points will be determined by the relative numbers of AIDS cases and per capita AIDS incidence within your service area, in metropolitan areas of over 500,000 population and in areas of a State outside of these metropolitan areas, in the State for proposals involving state-wide activities, and in the nation for proposals involving nation-wide activities. Your application must define a planned service area. To determine these points, HUD will obtain AIDS surveillance information from the Director of the Centers for Disease Control and Prevention.

(b) *Description of Unmet Need—(5 Points)*. Up to five of these points will be awarded based on demonstration of

need for funding eligible activities in the area to be served. To receive the maximum points, demonstrate that substantial housing and related service needs of eligible persons and/or the target population, as outlined in Part D, Section III (B), are not being met in the area and that reliable statistics and data sources (i.e. Census, health department statistics, research, scientific studies, and Needs Analysis of Consolidated Plan and/or Continuum of Care documentation) show this unmet need. To receive the maximum points, show that your jurisdiction's Consolidated Plan and Analysis of Impediments to Fair Housing Choice, Continuum of Care Homeless Assistance plans (if homeless persons are to be served), and comprehensive HIV/AIDS housing plans are applicable to your project and identify the level of the problem and the urgency of the need.

(i) If you apply for a SPNS grant, you must describe a need that is not currently addressed by other projects or programs in the area. Also describe any unresolved or emerging issues and the need to provide new or alternative forms of assistance that, if provided, would enhance your area's programs for housing and related care for persons living with HIV/AIDS and their families; or

(ii) If you apply for a project that is part of a Long-Term Comprehensive Strategy in an area that does not receive a HOPWA formula allocation, you must describe the need that is not currently addressed by other projects or programs in the area. You must also describe any unresolved or emerging issues and/or the need to provide forms of assistance that enhance the community's strategy for providing housing and related services to eligible persons.

(iii) HUD will evaluate your presentation of statistics and data sources based on soundness, reliability and the specificity of information to the target population and the area to be served. If you propose to serve a subpopulation of eligible persons on the basis that these persons have been traditionally and are currently underserved (e.g., persons with multiple disabilities including AIDS), your application must document the need for this targeted effort through statistics and data sources that support the need of this population in your service area.

(c) *Need in Non-Formula Areas and Need for Renewals—(5 Points)*.

Within the points available under this criterion, HUD will award points under the following two circumstances:

(i) Five points will be awarded, if your SPNS application proposes to serve clients in an area that does not

qualify for HOPWA formula allocation; or

(ii) Up to five points will be awarded, if you propose to continue the operations of HOPWA funded activities that have been supported by HOPWA competitive funds in years immediately prior to this application and that have operated with measurable success. To receive the maximum points, you must describe what unmet need would result if funding for the project was not renewed from this Federal funding and describe your efforts to secure other sources of funding to continue this project. You must also show that you operated with measurable progress and your previous HOPWA-funded activities have been carried out and are nearing completion of the planned activities in a timely manner. Measurable progress is defined as:

(1) Meeting performance benchmarks, as appropriate, in program development and operation;

(2) Meeting project goals and objectives, such as, that the number of persons assisted is comparable to the number that was planned at the time of application;

(3) Submitting timely performance reports; and

(4) Expending 50% of prior funding by the application due date of this program section of the SuperNOFA.

(d) *Highest Rated in a State or the Nation (for nationwide activities)*—(5 Points). After rating of all other factors, HUD will award five of the points to help achieve greater geographic diversity in funding activities within a variety of States. Under this criterion, five points will be awarded to the highest rated SPNS and Long-term applications in each State and to the highest rated SPNS application among the applications that propose nationwide activities.

Rating Factor 3: Soundness of Approach: Responsiveness and Model Qualities (40 Points)

Address the factor on not more than fifteen (15) double-spaced, typed pages. Include the HOPWA Budget Forms found in Appendix D. This factor addresses the method by which your plan meets your identified needs. HUD will award up to 40 points based on the extent to which your plan evidences a sound approach in its responsiveness to eligible persons and how it offers model qualities in providing supportive housing opportunities for eligible persons, when compared to other applications and projects funded under previous HOPWA competitions.

(a) *Responsiveness*—(20 Points). HUD will award up to 20 points based on

how well your project plan responds to the unmet needs of the eligible population, including target populations outlined under Part D, Section III, and establishes specific goals and objectives for providing housing and related supportive services eligible persons. To receive the highest ratings in this element, describe:

(i) *Your project's goals and objectives*. Demonstrate how you will measure how the project is performing under the required HOPWA performance measures. Review Part D, Section IV (A), *Performance Measures and Project Goals and Objectives* of this NOFA. To receive the highest rating your goals and objectives must address:

(1) The projected numbers of persons to be served through each activity for each year of your program;

(2) The projected number of housing units by type to be provided through your project by year over a 3-year period, and;

(3) The specific organizations that will provide housing, supportive services, or other activities either through an agreement with your organization or through funding from your project.

(ii) *Your plans for accomplishing these goals and objectives*. Demonstrate your methodologies for achieving these goals and objectives by describing the project plan. Include a description of the coordination, roles, and responsibilities of your project sponsors and/or other organizations within your project plan to conduct eligible activities. Your plan must describe the eligible activities you intend to conduct and how those activities will benefit eligible clients. To receive the maximum points your project plan you must explain and include the eligible activities that you or your project sponsor will conduct in meeting the housing needs of eligible persons. A description may include such activities as:

(1) *Housing Activities*. You must demonstrate how the housing needs of clients will be addressed through one or more of the HOPWA eligible activities or through other resources and how such activities coordinate with other housing assistance. Your plan for housing assistance must include:

(a) *Linkages to or the provision of permanent supportive housing*. You must describe how clients will access permanent housing options through your project or through linkages with other community providers, even if the focus of your project is emergency or transitional assistance.

(b) *Description of housing sites*. You must describe any appropriate site

features, including accessibility, visitability, and access to other community amenities associated with your project.

(c) *A development and operations plan*. You must describe a development and/or operations plan for the housing assistance you are proposing to provide. For rental assistance programs, this will include your plan for providing rental assistance, proposed housing sites, and length of stay. If you are proposing to use HOPWA funds for acquisition, rehabilitation, or new construction activities your plan must also document that you have secured funding sources (if applicable), identified a site(s), and must provide rehabilitation/construction timelines.

(2) *Supportive Service Activities*. You must describe how the supportive service needs of clients will be addressed from HOPWA or other sources by describing the type of supportive services that will be offered directly by the program and/or how services will be accessed and coordinated from other sources. Explain the connection of these services in helping clients obtain and/or maintain housing. You are reminded that supportive service costs may represent no more than 35 percent of your program activity costs. In describing your supportive services delivery plan, explain:

(a) How clients will have access to mainstream programs that offer healthcare and other supportive services, as discussed in Part A, Section VI (C);

(b) How clients will participate in decision making in the project operation and management;

(c) Your plan for delivering supportive services through a comprehensive plan. If you plan on using HOPWA funds to acquire, rehabilitate, lease, or operate a supportive service only facility, you must describe your development and operations plan for that facility. Include in the plan how such a facility relates to the program purpose of housing eligible clients and document that other funding has been secured, if applicable, a site has been identified, and provide rehabilitation/construction timelines.

(3) *Additional Activities*. You must describe your plan for utilizing other requested HOPWA funds (described at 24 CFR 574.300 (b)). Explain how these activities will be integrated to your overall plan in the provision of housing and related supportive services to eligible clients.

(4) *Other Activities*. As authorized by statute and in addition to the activities

at 24 CFR 574.300(b), you may propose other activities in your application.

(b) *Model Qualities—(20 Points)*. HUD will award up to 20 points based on your service delivery plan and how well it addresses the ongoing housing and supportive service needs within a replicable operational framework. To receive the maximum points, you must offer a plan that describes the following:

(i) *Policy Priorities*. Describe how you will meet the Departmental policy priorities emphasized in Part D, Section III of this NOFA.

(ii) *Operational Procedures*. Describe your outreach, intake, and assessment procedures, as well as how clients will link to services and (if necessary) housing funded from other sources and how your project provides for consistent monitoring of all clients. Include a description of how a client moves through the program from intake, assessment, service delivery, and finally to termination or linkage to other services.

(iii) *Project Management and Oversight*. Describe your method for managing and overseeing your, your project sponsors", and any other organizations activities. Identify staff members who are responsible for management and oversight of the project and activity implementation.

(iv) *Evaluation*. Evaluation is defined as your method for collecting data on HUD program measures and your project's goals and objectives. HUD will assess your method for reviewing this data and your basis for making relative adjustments based on outcomes and lessons learned. Your evaluation plan must include how you propose to utilize the project outcome funding, as described in Part D, Section II (B)(2)(v). HUD will award a greater number of points for programs which will serve as a national model and which provide for the dissemination of information from the lessons learned from your proposed activities.

(v) *Innovative Qualities*. If you propose a new program, or an alternative method of meeting the needs of your clients, describe the innovative qualities of your activities. HUD will rate your applications higher if you provide strong evidence that your methods will yield qualities that will benefit or expand knowledge in serving eligible persons, when compared to other applications and HOPWA projects funded in the past. In order to learn about innovative qualities of previously funded and on-going HOPWA projects, please review the HOPWA Executive Summaries for all HOPWA formula and competitive grantees at <http://www.hud.gov>.

(vi) *Descriptive Budget*. HUD will review your budget in describing:

(1) How each amount of requested funding for you and your project sponsors will be used;

(2) How each line item will relate to eligible HOPWA activities as defined in Part D, Section II (B), of this program section of the SuperNOFA; and

(3) How specific line items match with the goals and objectives in your project. You must complete the HOPWA Project Budget Form as described in Part B, Section VI (E). Please note that only the forms are required and an additional narrative under the Model Qualities Section is not required.

Rating Factor 4: Leveraging Resources (10 Points)

This factor addresses your ability to secure community resources that can be combined with HUD's funds to achieve program purposes. HUD will award up to 10 points based on the extent to which resources from other public or private sources have been committed at the time of application, to support your project. To receive the maximum points, you must evidence commitments of leveraged resources that match or exceed the amount of HOPWA funds that are requested, but not including funds designated for data collection.

(a) In establishing leveraging, HUD will not consider other HOPWA-funded activities, entitlement benefits inuring to eligible persons, or conditioned commitments that depend on future fund-raising or actions. In assessing the use of acceptable leveraged resources, HUD will consider the likelihood that State and local resources will be available and continue during the operating period of your grant. In evaluating this factor HUD will also consider:

(i) The extent to which you document leveraged resources, such as funding and/or in-kind services from governmental entities, private organizations, resident management organizations, educational institutions, or other entities to achieve the purposes of the project for which you are requesting HOPWA funds;

(ii) The extent to which the documented resources evidence that you have partnered with other entities to make more effective use of available public or private resources. Partnership arrangements may include funding or in-kind services from local governments or government agencies, nonprofit or for-profit entities, private organizations, educational institutions, or other entities that are willing to partner with you on proposed activities, or partnering with other program funding

recipients to make more effective use of resources within the geographic area covered by your award.

(b) To receive highest leveraging points, you must document the cash value of leveraged resources pledged to your project(s). The commitment of resources will be evidenced by use the appropriate language as described below:

(i) *Applicant or Third Party Cash Resources*. If this proposal is funded, (applicant name or third party name) commits \$(amount) (of its own funds, if applicant, or to applicant name, if third party) for (type of activity) to be made available to the HOPWA program. These funds will be available from (date) to (date). (Signature and Title of authorized representative and date).

(ii) *Non-Cash Resources*. If this proposal is funded, (organization's name) commits to make available (type of resource) valued at \$(amount) to the HOPWA program proposed by (applicant name). These resources will be made available to the HOPWA program from (date) to (date). (Signature and Title of authorized representative and date) The donation of a third party professional service should be valued at the professional's customary charge. The value of materials to be contributed to the project by a third party or by the applicant may also be counted as leveraging.

(iii) *Volunteer Time*. If this proposal is funded, (name of the organization or of self), commits to provide (number of hours) of volunteer time from (date) to (date) to provide (type of activity) to the HOPWA program proposed by (applicant name). The total value of these services, based on \$10.00 per hour, is \$(amount). (Signature and Title, and date) Time to be contributed to the project by volunteers should be valued at \$10.00 per hour. In the case of individuals volunteering their time directly to the applicant, the applicant should list itself as the organization.

(iv) *Contribution of a Building*. If this proposal is funded, (applicant name) pledges the building at (site address) to the HOPWA program. The building has a fair market value of \$(amount). A licensed independent real estate appraiser made this appraisal, which is based on comparable properties in the area. (Signature of applicants authorized representative and date) Ownership of a building or portion of a building to be used in the project may be counted as leveraging. The fair market value of the building or portion of the building being contributed may be counted. Do not send an appraisal to HUD, but keep documentation of fair market value on file. The contribution of land (as a

leveraged resource for new construction) should be treated the same as contribution of a building. You will need to keep documentation of the fair market value on file, particularly if it is improved land and you wish to include the value of the improvements in the contribution.

(v) *Contribution of a Building to be Acquired with HOPWA Funds.* If this proposal is funded, (applicant name) commits the building at (site address) for the HOPWA program. The building has a fair market value of \$(amount). A licensed independent real estate appraiser made this appraisal, which is based on comparable properties in the area. The HOPWA request for the building is \$(amount). Therefore, the contribution is the difference between the fair market value and the HOPWA request, or \$(amount). (Signature of applicants authorized representative and date) The difference between the documented fair market value and the portion paid for with HOPWA funds may be counted as leveraging. Maintain documentation of fair rental value on file.

(vi) *Contribution of Leasehold Interest.* If this proposal is funded, (applicant name) commits the leasehold interest at (site address) for the HOPWA program. The fair rental value of this site is \$(amount) annually, and at constant value will amount to \$(amount) over (term of the lease, up to three years). An appropriate independent third party made this appraisal, which is based on comparable properties in the area. The total leasing cost over the term of the lease to be paid with HOPWA funds is \$(amount). Therefore, the contribution is the difference between the HOPWA leasing cost and the fair rental value, or \$(amount). (Signature of applicants authorized representative and date) The difference between the fair rental value (for a term up to three years) and the cost of the lease to be paid for with HOPWA funds may be counted as leveraging.

Factor 5: Coordination, Self-Sufficiency and Sustainability (Maximum 10 Points)

Address the factor on not more than five (5) double-spaced, typed pages. Coordination involves efforts that are taken outside of your project to help clients become self-sufficient and that enable the project to become sustainable from other resources. HUD will award up to 10 points based on your proposal's coordination, self-sufficiency, and sustainability efforts.

(a) *Coordination.* You should demonstrate the extent to which you

have coordinated your activities and the activities of your project sponsors with other organizations that are not directly participating in your proposed work activities. This involves organizations for which you share common goals and objectives. You will be rated on the extent to which you demonstrate you have:

(i) Coordinated your proposed activities with those of other groups or organizations within the community or region prior to submission, to best complement, support, and coordinate all housing and supportive service activities;

(ii) Developed your project through consultation with other organizations, groups, or consumers involved with area HIV/AIDS housing and service planning, including Ryan White Planning and other Federal planning. You should demonstrate that the project is linked or promotes participation in HUD's planning processes, such as the jurisdiction's Consolidated Planning process or the community's Continuum of Care Homeless Assistance planning process (if homeless persons are to be served by proposed activities);

(iii) Coordination with other HUD-funded programs outside of the Consolidated Planning Process, for example accessing additional housing resources through a local public housing authority;

(iv) Coordination with mainstream resources including private, other public, and mainstream services and housing programs. To achieve the maximum points, applicants must evidence explicit agency strategies to coordinate client assistance with mainstream health, social services and employment programs for which eligible clients may benefit.

(b) *Self-sufficiency.* Demonstrate the extent to which your application implements practical solutions within the grant term to assist clients in achieving independent living, economic empowerment, educational opportunities, housing choice, or improved living environments. This may be demonstrated through such efforts as ensuring access to permanent, safe, decent, and affordable housing for eligible clients, educational programs designed to return clients to work, or through independent living services for clients.

(c) *Sustainability.* Demonstrate the extent to which your program exhibits the potential to be financially self-sustaining by decreasing dependence on Federal funding and relying more on state, local and private funding so your activities can be continued after your grant award period is completed. In

order to ensure that resources are used to their maximum effect within the community, it is important that you demonstrate involvement in other state, local, and private funding arenas. In evaluating this factor HUD will consider the extent you have:

(i) Developed linkages, or specific steps you will take to develop linkages with other activities, programs or projects through meetings, information networks, planning processes, or other mechanisms, to coordinate your activities so solutions are holistic and comprehensive with other state, local, or private entities;

(ii) Demonstrate how planned activities may be sustained through other resources in order to provide a comprehensive and responsive range of housing and related supportive services to meet the changing needs of persons with HIV/AIDS.

(C) *Selection of HOPWA Awards.* Whether your HOPWA application is conditionally selected will depend on your overall ranking compared to other applications within each of the two categories of assistance. HUD will select applications in rank order in each category of assistance to the extent that funds are available, except as outlined in Part D, Section III (B):

Policy Priorities, where HUD reserves the right to select applications that target the priority eligible populations. In allocating amounts to the categories of assistance, HUD reserves the right to ensure that sufficient funds are available for the selection of at least one application with the highest ranking under each category of assistance. HUD will not select an application that is rated below 70 points.

In the event of a tie between applications in a category of assistance, HUD reserves the right to break the tie by selecting the proposal that was scored higher on a rating criterion in the following order: Soundness of Approach: Responsiveness and Model Qualities (Rating Factor 3); Comprehensiveness and Coordination (Rating Factor 5); the Capacity of the Applicant and Relevant Organizational Experience (Rating Factor 1); the Need/Extent of the Problem (Rating Factor 2); and Leveraging Resources (Rating Factor 4).

HUD will notify you in writing if you are conditionally selected. You may be notified subsequently of any modification made by HUD, the additional project information necessary for grant award, and the date of deadline for submission of the required information. In the event that a conditionally-selected applicant is unable to meet any conditions for fund

award within the specified time, HUD reserves the right not to award funds to the applicant, but use those funds to make awards to the next highest rated applications in this competition; to restore amounts to a funding request that had been reduced in this competition; or to add amounts to funds available for the next competition.

VI. Application Submission Requirements

Your HOPWA application must contain the following items in the order shown below. The standard forms can be found in Appendix B to the General Section of the SuperNOFA. The remaining application items that are forms (i.e., excluding such items as narratives, letters) can be found as Appendix D to this program section of the SuperNOFA. The items are as follows:

(A) *Application for Federal Assistance (Form SF-424)*. You should complete Items 1 through 18 with the following additions:

(1) Item 5—Add e-mail address of the contact person (if applicable);

(2) Item 7—The applicable letters are “A” for State; “B, C, or D” for a unit of local government; or “N” for Nonprofit;

(3) Item 9—Enter U.S. Department of Housing and Urban Development or HUD if not preprinted;

(4) Item 10—Enter 14-241 and the title “Housing Opportunities for Persons With AIDS Program” or “HOPWA” for

the Catalogue of Federal Domestic Assistance;

(5) Item 15—You must complete the budget on HUD-424M and the HOPWA Project Budget Form. Please make sure that both the Total Amount on HUD-424M and the “Total Budget” section on the HOPWA Project Budget Form are the same. In the event that the total budgets are in conflict, HUD will refer to the HOPWA Project Budget form.

(6) Item 16—Check “No”.

(B) *Executive Summary and Synopsis*. Please provide a two to three sentence synopsis of the main focus or features of your proposed program, followed by an Executive Summary of the proposed project on no more than two double-spaced, typed pages. HUD will use this as a summary if your project is chosen for funding. In your abstract, include your organization’s name and the name of any project sponsor.

(C) *Narrative Statements*. Your application must include narrative statements that address each of the Factors for Award found at Part D, Section V (B) of this program section of the SuperNOFA. Respond to each factor within the stated page limits and do not use a font size smaller than 12 point. Applications failing to submit any of the narrative statements will be rated as zero during the rating process.

(D) *Proposed HOPWA Project Information Form*. See Appendix D in program section of SuperNOFA. Complete the form including the following:

(1) *Project Sponsors*. You must identify any organization that will receive HOPWA funds as a project sponsor and the amount of funds to be received.

(2) *Non-profit Status*. Non-profit grantees or project sponsors must submit documentation verifying your non-profit status, as outlined in Part A, Section VI (A).

(3) *Service Areas*. Your application must identify the area(s) in which you are proposing to offer housing and other assistance.

(E) *Budget*. You must complete the HOPWA Project Budget Form found in Appendix D of this program section of the SuperNOFA, which lists the amount of requested HOPWA funds designated for each type of HOPWA-eligible activity. For more information, please see Part D, Section IV (B) and Rating Factor 3, *Soundness of Approach*.

(F) *Statutory Certifications*. You must complete the statutory certifications as outlined in Part A, Section VI section of this program NOFA.

After your entire application is assembled, please mark each exhibit with an appropriately numbered tab and number every page of the application sequentially. Complete the HOPWA Application Checklist found in Appendix D to this program section of the SuperNOFA. Attach the HOPWA Application Checklist to the front of your application.

BILLING CODE 4210-32-P

HOPWA NOFA – Appendix A

HOPWA Renewal Application Checklist**Checklist of Exhibits**

Please insert page numbers

- Transmittal Letter (that identifies HOPWA and amount requested)
- Application for Federal Assistance (form SF-424) and (HUD-424M)
- Project Synopsis and Executive Summary
- Organizational Capacity Narrative (if applicable)
- Provision of Permanent Supportive Housing Narrative
- HOPWA Permanent Supportive Housing Certification
- HOPWA Permanent Supportive Housing Worksheet
- Need for Renewal Narrative
- HOPWA Need for Renewal Chart
- HOPWA Renewal Budget Form
- HOPWA Renewal Project Form
- Statutory Certifications (Required by law)
- Acknowledgement of Application Receipt (Optional) (HUD-2993)
- Client Comments and Suggestions (Optional) (HUD-2994)

HOPWA NOFA – Appendix A

HOPWA Permanent Supportive Housing Certification

The Applicant, in order to induce HUD to renew the Applicant’s Grant with HUD for HOPWA Project Number _____, pursuant to HUD’s authority under the FY 2002 Appropriations Act, hereby assures and certifies HUD that no less than 51 percent of the HOPWA funds awarded to the Project were and continue to be used to provide permanent supportive housing to low income persons with HIV/AIDS and their families. Permanent housing is defined as housing in which the resident has a lease for a term of at least one year, which is renewable by the tenant and which may be terminated by the landlord for cause. Permanent supportive housing is permanent housing, which provides the tenant with on-going supportive services through qualified providers.

Warning: If you knowingly make a false statement on this form, you may be subject to civil or criminal penalties under Section 1001 of Title 18 of the United States Code.

HOPWA Applicant Certifications

Name of Applicant _____

Signature of Authorized Certifying Official & Date _____

Typed Name of Signatory _____

Title of Signatory _____

Date _____

HOPWA NOFA – Appendix A

Permanent Supportive Housing Worksheet

Applicants seeking renewal under Part B of the HOPWA NOFA, must demonstrate that the HOPWA project supported by the prior HOPWA grant and continued through this renewal provides permanent supportive housing to eligible clients. Permanent supportive housing is defined in Part B, Section II of the HOPWA program NOFA. To meet this definition, you must document that at least 51 percent of the HOPWA program activity funds awarded to the grant you are seeking to renew provided direct permanent supportive housing assistance or provided supportive services to clients living in permanent housing you provided with resources other than HOPWA funds. Complete the following worksheet to determine if your project at least meets this 51 percent threshold.

INSTRUCTIONS

Part 1: Calculation of Funding

1. HOPWA Project Funding – Funding amount of the original or amended HOPWA grant, which you seek to renew.

Column A - Original or Amended HOPWA Grant. In Column A, for HOPWA funds only, enter the total program activity costs requested and approved in the prior HOPWA grant. Please note, these costs do not include administrative or project outcome costs. Total Column A.

2. Permanent Supportive Housing Funding – Percentage of funding dedicated to permanent supportive housing, as defined in the HOPWA NOFA.

Column B - HOPWA. In Column B, enter the amount of HOPWA funds from the prior HOPWA grant expended or pending use as approved in the grant that directly provide permanent supportive housing. HOPWA funds used for services or housing of clients in emergency, short-term, or transitional situations, may not be included (except in relation to short-term rent, mortgage, or utility payments). For example, if part of the supportive services provided actually provides services in a short-term, transitional housing situation or to clients not receiving housing assistance, then only the amount of funds directly providing the permanent supportive housing may be used in the calculation.

Please note, HUD has determined that only the following activity categories allow expenditures that meet the definition of permanent supportive housing under your prior grant. You may only account for the percentage of funds that were expended or will be expended on permanent housing activities through:

- Acquisition
- Rehabilitation, repair, and conversion
- New construction
- Rental Assistance
- Short-term rent, mortgage, or utility payments

HOPWA NOFA – Appendix A

- Lease
- Operating Costs
- Supportive Services (for residents of permanent housing only)
- Other HUD approved permanent housing activities

Other HOPWA funded activities, like housing information or resource identification, do not meet the definition of permanent supportive housing. Total Column B.

Column C – Other Funding. If applicable, enter the amount of other funds that provide permanent supportive housing. Other funding resources must be documented in the prior HOPWA grant and documentation that such assistance will continue during the term of the renewal grant must be provided to HUD. Total Column C.

Eligible Activity	HOPWA Project Funding		Permanent Supportive Housing*	
	A. Original or Amended	B. HOPWA	C. Other	
1. Acquisition	\$	\$	\$	
2. Rehabilitation, Repair, & Conversion	\$	\$	\$	
3. New Construction	\$	\$	\$	
4. Lease	\$	\$	\$	
5. Operating Costs	\$	\$	\$	
6. Supportive Services	\$	\$	\$	
7. Housing Information	\$			
8. Technical Assist. & Resource Identification	\$			
9. Rental Assistance	\$	\$	\$	
10. Short-term rent, mortgage, & Utility Payments	\$	\$	\$	
11. Other (name the type of alternative activity – must be approved in the prior HOPWA grant)	\$			
12. Total	\$	\$	\$	

* Enter only the amounts of HOPWA or other resources that directly provide permanent supportive housing. You may not consider funds providing other types of housing assistance.