

# DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4053-N-01]

## Office of the Assistant Secretary for Housing—Federal Housing Commissioner; Notice of Funding Availability (NOFA) for Supportive Housing for Persons with Disabilities

**AGENCY:** Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

**ACTION:** Notice of funding availability for Fiscal Year (FY) 1996.

**SUMMARY:** This NOFA announces HUD's funding for supportive housing for persons with disabilities. This document describes the following: (a) the purpose of the NOFA and information regarding eligibility, submission requirements, available amounts, and selection criteria; and (b) application processing, including how to apply and how selections will be made.

**APPLICATION PACKAGE:** The Application Package can be obtained from the Multifamily Housing Clearinghouse, P.O. Box 6424, Rockville, MD 20850, telephone 1-800-685-8470 (the TTY number is 1-800-483-2209); and from the appropriate HUD Office identified in appendix A to this NOFA. The Application Package includes a checklist of exhibits and steps involved in the application process.

**DATES:** The deadline for receipt of applications in response to this NOFA is 4:00 p.m. local time on August 19, 1996. The application deadline is firm as to *date* and *hour*. In the interest of fairness to all applicants, HUD will not consider any application that is received after the deadline. Sponsors should take this into account and submit applications as early as possible to avoid the risk of unanticipated delays or delivery-related problems. In particular, Sponsors intending to mail applications must provide sufficient time to permit delivery on or before the deadline date. Acceptance by a Post Office or private mailer does not constitute delivery. Facsimile (FAX), COD, and postage due applications will not be accepted.

**ADDRESSES:** Applications must be delivered to the Director of the Multifamily Housing Division in the HUD Office for your jurisdiction. A listing of HUD Offices, their addresses, and telephone numbers is attached as appendix A to this NOFA. HUD will date and time stamp incoming applications to evidence timely receipt, and, upon request, will provide the

applicant with an acknowledgement of receipt.

**FOR FURTHER INFORMATION CONTACT:** The HUD Office for your jurisdiction, as listed in appendix A to this NOFA.

### SUPPLEMENTARY INFORMATION:

#### Paperwork Reduction Act Statement

The information collection requirements contained in this NOFA have been approved by the Office of Management and Budget (OMB), under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520), and assigned OMB Control Number 2502-0267. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.

#### I. Purpose and Substantive Description

##### A. Authority

Section 811 of the Cranston-Gonzalez National Affordable Housing Act (the NAHA) (Pub. L. 101-625, approved November 28, 1990), as amended by the Housing and Community Development Act of 1992 (HCD Act of 1992) (Pub. L. 102-550, approved October 28, 1992), and by the Rescissions Act (Pub. L. 104-19, approved July 27, 1995) 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). HUD provides the assistance as capital advances and contracts for project rental assistance in accordance with 24 CFR part 891. Capital advances may be used to finance the construction, rehabilitation, or acquisition with or without rehabilitation, including acquisition from the Resolution Trust Corporation, now the Federal Deposit Insurance Corporation (RTC/FDIC), of structures to be developed into a variety of housing options ranging from group homes and independent living facilities, to dwelling units in multifamily housing developments, condominium housing, and cooperative housing. This assistance may also cover the cost of real property acquisition, site improvement, conversion, demolition, relocation, and other expenses that the Secretary determines are necessary to expand the supply of supportive housing for persons with disabilities.

Note that on March 22, 1996, HUD published a final rule (61 FR 11948) that consolidated the regulations for the Section 202 Program of Supportive Housing for the Elderly and the Section

811 Program of Supportive Housing for Persons with Disabilities in 24 CFR part 891.

For supportive housing for persons with disabilities, the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Pub. L. 104-134, approved April 26, 1996) (Act) provides \$233,168,000 for capital advances for supportive housing for persons with disabilities, as authorized by section 811 of the NAHA, and for project rental assistance, and amendments to contracts for project rental assistance, for supportive housing for persons with disabilities, as authorized by section 811 of the NAHA. Twenty-five percent of this amount is being set aside for tenant-based assistance administered through public housing agencies (PHAs) for persons with disabilities and will be announced through a separate Notice in the Federal Register.

In accordance with the waiver authority provided in the Act, the Secretary is extending the determinations made in the Notice published in 61 F.R. 3047 to Fiscal Year 1996 funding by waiving the following statutory and regulatory provision: The term of the project rental assistance contract is reduced from 20 years to a minimum term of 5 years and a maximum term which can be supported by funds authorized by the Act. The Department anticipates that at the end of the contract terms, renewals will be approved subject to the availability of funds. In addition to this provision, the Department will reserve project rental assistance contract funds based on 75 percent rather than on 100 percent of the current operating cost standards for approved units in order to take into account the average tenant contribution toward rent. PLEASE NOTE THAT THE WAIVER BROADENING THE ELIGIBILITY OF TENANTS TO PERSONS WITH INCOMES AT 80 PERCENT OF THE MEDIAN OR BELOW (61 F.R. 3047, JANUARY 30, 1996) IS NOT BEING EXTENDED TO THE PROJECTS FUNDED IN ACCORDANCE WITH THIS NOFA. THE STATUTORY PROVISION LIMITING ELIGIBILITY TO PERSONS WITH INCOMES AT 50 PERCENT OF THE MEDIAN OR BELOW REMAINS IN EFFECT.

In accordance with an agreement between HUD and the Rural Housing Service (RHS) (formerly the Administration For Rural Housing and Economic Development Services (ARHEDS)), which facilitates the coordination between the two agencies in administering their respective rental assistance programs, HUD is required to

notify RHS of applications for housing assistance it receives. This notification gives RHS the opportunity to comment if it has concern about the demand for additional assisted housing and possible harm to existing projects in the same housing market area. HUD will consider the RHS comments in its review and project selection process.

#### B. Allocation Amounts

In accordance with 24 CFR part 791, the Assistant Secretary will allocate the amounts available for capital advances for supportive housing for persons with disabilities. HUD reserves project rental assistance funds based upon 75 percent of the current operating cost standards to support the units selected for capital advances sufficient for minimum 5-year project rental assistance contracts.

The allocation formula for Section 811 funds consists of the following two data elements:

1. A measure of the number of persons identified as having a public transportation disability; and
2. A measure of the number of persons identified as having a work disability.

The Section 811 capital advance funds have been allocated, based on the formula above, to 51 HUD Offices as shown on the following chart:

#### FISCAL YEAR 1996 ALLOCATIONS FOR SUPPORTIVE HOUSING FOR PERSONS WITH DISABILITIES

[Fiscal Year 1996 Section 811 Allocations]

Offices	Capital advance authority	Units
<b>New England:</b>		
Massachusetts .....	\$2,304,347	30
Connecticut .....	1,775,776	23
New Hampshire .....	1,272,707	21
Rhode Island .....	1,163,556	15
<b>Total .....</b>	<b>6,516,386</b>	<b>89</b>
<b>New York/New Jersey:</b>		
New York .....	4,621,108	60
Buffalo .....	1,907,911	27
New Jersey .....	2,848,274	37
<b>Total .....</b>	<b>9,377,293</b>	<b>124</b>
<b>Mid-Atlantic:</b>		
Maryland .....	1,588,274	24
West Virginia .....	1,275,059	22
Pennsylvania .....	2,815,166	39
Pittsburgh .....	1,686,184	26
Virginia .....	1,443,678	26
D.C. ....	1,644,052	24
<b>Total .....</b>	<b>10,452,413</b>	<b>161</b>
<b>Southeast/Caribbean:</b>		
Georgia .....	1,872,307	34
Alabama .....	1,588,206	29
Caribbean .....	2,065,136	27
South Carolina .....	1,546,241	26
North Carolina .....	2,368,371	35

#### FISCAL YEAR 1996 ALLOCATIONS FOR SUPPORTIVE HOUSING FOR PERSONS WITH DISABILITIES—Continued

[Fiscal Year 1996 Section 811 Allocations]

Offices	Capital advance authority	Units
Mississippi .....	1,280,439	25
Jacksonville .....	3,308,152	55
Kentucky .....	1,544,489	27
Knoxville .....	1,123,096	22
Tennessee .....	1,213,784	23
<b>Total .....</b>	<b>17,910,221</b>	<b>303</b>
<b>Midwest:</b>		
Illinois .....	3,396,420	45
Cincinnati .....	1,282,225	22
Cleveland .....	1,997,821	30
Ohio .....	1,267,812	22
Michigan .....	2,292,272	34
Grand Rapids .....	1,179,163	20
Indiana .....	1,726,524	29
Wisconsin .....	1,641,472	25
Minnesota .....	1,589,090	23
<b>Total .....</b>	<b>16,372,799</b>	<b>250</b>
<b>Southwest:</b>		
Texas/New Mexico .....	1,960,498	37
Houston .....	1,495,930	27
Arkansas .....	1,135,063	24
Louisiana .....	1,489,983	29
Oklahoma .....	1,230,229	24
San Antonio .....	1,350,583	26
<b>Total .....</b>	<b>8,662,286</b>	<b>167</b>
<b>Great Plains:</b>		
Iowa .....	1,178,380	21
Kansas/Missouri .....	1,426,009	25
Nebraska .....	804,793	15
St. Louis .....	1,524,072	24
<b>Total .....</b>	<b>4,933,254</b>	<b>85</b>
<b>Rocky Mountains:</b>		
Colorado .....	1,664,893	28
<b>Total .....</b>	<b>1,664,893</b>	<b>28</b>
<b>Pacific/Hawaii:</b>		
Hawaii .....	1,745,334	15
(Guam) .....	4,776,022	63
Los Angeles .....	1,258,733	23
Sacramento .....	1,558,476	21
California .....	2,972,723	39
<b>Total .....</b>	<b>12,311,288</b>	<b>161</b>
<b>Northwest/Alaska:</b>		
Alaska .....	1,745,334	15
Oregon .....	1,467,167	23
Washington .....	1,687,959	24
<b>Total .....</b>	<b>4,900,460</b>	<b>62</b>
<b>National Total ...</b>	<b>93,101,293</b>	<b>1,430</b>

#### C. Eligibility

Nonprofit organizations that have a Section 501(c)(3) tax exemption from the Internal Revenue Service are the only eligible applicants under this program. A single Sponsor shall not request more units in a given HUD

Office than permitted for that HUD Office in this NOFA.

#### D. Initial Screening, Technical Processing, and Selection Criteria

##### 1. Initial Screening.

HUD will review applications for section 811 capital advances that HUD receives at the appropriate address by 4:00 p.m. local time on August 19, 1996, to determine if all parts of the application are included. HUD will not review the content of the application as part of initial screening. HUD will send deficiency letters, by certified mail and facsimile, informing Sponsors of any missing parts of the application. Sponsors must correct such deficiencies within 8 calendar days from the date of the deficiency letter. Any document requested as a result of the initial screening may be executed or prepared within the deficiency period, except for Forms HUD-92016-CAs, Articles of Incorporation, IRS exemption rulings, Forms SF-424, Board Resolution committing the minimum capital investment, and site control documents (all of these excepted items must be dated no later than the application deadline date).

##### 2. Technical Processing.

All applications will be placed in technical processing upon receipt of the response to the deficiency letter or at the end of the 8-day period. All applications will undergo a complete analysis. If a reviewer finds that clarification is needed to complete the review or an exhibit is missing that was not requested after initial screening, the reviewer shall immediately advise the Multifamily Housing Representative, who will: (a) request, by telephone, that the Sponsor submit the information within five (5) working days; and (b) follow up by certified letter. Communications must be attached to the technical review and findings memorandum. As part of this analysis, HUD will conduct its environmental review in accordance with 24 CFR part 50 only on those applications containing satisfactory evidence of site control. (Applications selected with sites identified will receive environmental reviews after submission to HUD of satisfactory evidence of site control and prior to approval of the sites.)

Examples of reasons for technical processing rejection include an ineligible Sponsor, ineligible population to be served, lack of legal capacity, insufficient need for the project, insufficient evidence that the Sponsor will obtain control of the identified site

within six months of fund reservation award if the Sponsor did not submit site control evidence with its application, the project will adversely affect other HUD insured and assisted housing or an unsatisfactory Supportive Services Certification by the appropriate State or local agency.

The Secretary will not reject an application based on technical processing without giving notice of that rejection with all rejection reasons and affording the applicant an opportunity to appeal. HUD will afford an applicant 10 calendar days from the date of HUD's written notice to appeal a technical rejection to the HUD Office. The HUD Office must respond within five working days to the Sponsor. The HUD Office shall make a determination on an appeal prior to making its selection recommendations. All applications will be either rated or technically rejected at the end of technical processing.

Technical processing will also assure that the Sponsor has complied with the requirements in the civil rights certification in the Application Package. There must not have been an adjudication of a civil rights violation in a civil action brought against the Sponsor by a private individual, unless the Sponsor is operating in compliance with a court order, or implementing a HUD-approved compliance agreement designed to correct the areas of noncompliance. There must be no pending civil rights suits against the Sponsor instituted by the Department of Justice, and no pending administrative actions for civil rights violations instituted by HUD (including a charge of discrimination under the Fair Housing Act). There must be no outstanding findings of noncompliance with civil rights statutes, Executive Orders, or regulations, as a result of formal administrative proceedings, nor any charges issued by the Secretary against the Sponsor under the Fair Housing Act, unless the Sponsor is operating under a conciliation or compliance agreement designed to correct the areas of noncompliance. Moreover, there must not be a deferral of the processing of applications from the Sponsor imposed by HUD under Title VI of the Civil Rights Act of 1964, HUD's implementing regulations (24 CFR 1.8), procedures (HUD Handbook 8040.1), and the Attorney General's Guidelines (28 CFR 50.3); or under section 504 of the Rehabilitation Act of 1973 and HUD's implementing regulations (24 CFR 8.57), and the Americans with Disabilities Act.

Upon completion of technical processing, all acceptable applications will be rated according to the selection

criteria in section I.D.3. below.

Applications that have a total score of 60 points or more will be eligible for selection and will be placed in rank order. These applications will be selected based on rank order to and including the last application that can be funded out of the local HUD Office's allocation. Local HUD Offices shall not skip over any applications in order to select one based on the funds remaining. However, after making the initial selections, any residual funds may be utilized to fund the next rank-ordered application by reducing the units by no more than 10 percent rounded to the nearest whole number, provided the reduction will not render the project infeasible. Projects of nine units or less may not be reduced.

Funds remaining after this process is completed will be returned to Headquarters. These funds will be used first to restore units to projects reduced by HUD Offices as a result of the instructions above and, second, for selecting applications on a national rank order. However, no more than one application will be selected per HUD Office from the national residual amount unless there are insufficient approvable applications in other HUD Offices. If funds still remain, additional applications will be selected based on a national rank order, insuring an equitable distribution among HUD Offices.

### 3. Selection Criteria.

Applications for Section 811 capital advances that successfully complete technical processing will be rated using the following selection criteria:

(a) The Sponsor's ability to develop and operate the proposed housing on a long-term basis, considering the following (70 points maximum—60 base points plus 10 bonus points):

(1) The scope, extent, and quality of the Sponsor's experience in providing housing or related services to those proposed to be served by the project and the scope of the proposed project (*i.e.*, number of units, services, relocation costs, development, and operation) in relationship to the Sponsor's demonstrated development and management capacity. (32 points);

(2) The scope, extent, and quality of the Sponsor's experience in providing housing or related services to minority persons or families (13 points);

(3) Applications submitted by Sponsors whose boards are comprised of at least 51 percent consumers with disabilities (5 bonus points);

(4) The extent of local community support for the project and for the Sponsor's activities, including previous

experience in serving the area where the project is to be located, and the Sponsor's demonstrated ability to raise local funds (15 points); and

(5) The Sponsor's involvement of persons with disabilities (including minority persons with disabilities) in the development of the application, and its intent to involve persons with disabilities (including minority persons with disabilities) in the implementation of the program (5 bonus points).

(b) The need for supportive housing for persons with disabilities in the area to be served, the extent to which the Sponsor has site control, suitability of the site, and the design of the project, considering (55 points maximum—40 base points plus 15 bonus points):

(1) The extent of the need for the project in the area based on a determination by the HUD Office. This determination will be made by considering the Sponsor's evidence of need in the area based on the guidelines in the Application Package, as well as other economic, demographic, and housing market data available to the HUD Office. The data could include the availability of existing Federally assisted housing (HUD and RHS) for persons with disabilities and current occupancy in such facilities, Federally assisted 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 assisted housing and the possible harm to existing projects in the same housing market area (8 points);

(2) Applications containing acceptable evidence of control of an approvable site (10 bonus points);

(3) The proximity or accessibility of the site to shopping, medical facilities, transportation, places of worship, recreational facilities, places of employment, and other necessary services to the intended tenants; adequacy of utilities and streets, and freedom of the site from adverse environmental conditions (site control projects only); and compliance with the site and neighborhood standards (15 points);

(4) Suitability of the site from the standpoint of promoting a greater choice of housing opportunities for minority persons with disabilities (7 points);

(5) The extent to which the proposed design will meet any special needs of persons with disabilities the housing is intended to serve (10 points); and

(6) The project will be located within the boundaries of a Place Based Community Revitalization Area defined as a Federally-designated Empowerment

Zone, Urban Supplemental Empowerment Zone, Enterprise Community, Urban Enhanced Enterprise Community, or a HUD-approved CDBG neighborhood revitalization strategy area (5 bonus points).

For the selection criterion in (6) above, the Secretary's Representative, or the Secretary's Representative in consultation with the State/Area Coordinator, may assign the 5 bonus points to an application if the site under control for the proposed project is approvable, is located within the boundaries of a Place Based Community Revitalization Area, as defined above, and the locally developed strategy for the area involves items such as physical improvements, necessary public facilities and services, private investment and citizen self-help activities.

The maximum number of points an application can earn without bonus points is 100. An application can earn an additional 25 bonus points for a maximum total of 125 points.

## II. Application Process

All applications for Section 811 capital advances submitted by eligible Sponsors must be filed with the appropriate HUD Office receiving an allocation and must meet the requirements of this NOFA. No application will be accepted after 4:00 p.m. local time on August 19, 1996, unless that date and time is extended by a Notice published in the Federal Register. HUD will not accept applications received after that date and time, even if postmarked by the deadline date. Applications submitted by facsimile are not acceptable.

Immediately upon publication of this NOFA, if names have not already been provided to the Multifamily Housing Clearinghouse, HUD Offices shall notify minority media and media for persons with disabilities, all persons and organizations on their mailing lists, minority and other organizations within their jurisdiction involved in housing and community development, and groups with special interest in housing for disabled households.

Organizations interested in applying for a Section 811 capital advance should contact the Multifamily Housing Clearinghouse at 1-800-685-8470 (the TTY number is 1-800-483-2209) for a copy of the Application Package, and advise the appropriate HUD Office if they wish to attend the workshop described below. HUD encourages minority organizations to participate in this program as Sponsors. HUD Offices will advise all organizations on their mailing list of the date, time, and place

of workshops at which HUD will explain the Section 811 program.

HUD strongly recommends that prospective applicants attend the local HUD Office workshop. Interested persons with disabilities should contact the HUD Office to assure that any necessary arrangements can be made to enable their attendance and participation in the workshop. While strongly urged to do so, if Sponsors cannot attend a workshop, Application Packages can also be obtained from the Multifamily Housing Clearinghouse (see address and telephone number in the "Application Package" section, above). However, Sponsors must contact the appropriate HUD Office with any questions regarding the submission of applications and for any additional application requirements.

At the workshops, HUD will distribute Application Packages and will explain application procedures and requirements. Also, HUD will address concerns such as local market conditions, building codes, historic preservation, floodplain management, displacement and relocation, zoning, and housing costs.

## III. Application Submission Requirements

### A. Application

Each application shall include all of the information, materials, forms, and exhibits listed in section III.B., below, of this NOFA (with the exception of applications submitted by Sponsors selected for a Section 811 fund reservation within the last three funding cycles), and must be indexed and tabbed. Such previously selected Section 811 Sponsors are not required to submit the information described in B.2.(a), (b), and (c), below, of this NOFA (Exhibits 2.a., b., and c. of the application), 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 the eligibility documents since its previous HUD approval, the Sponsor must submit the updated information in its application. The HUD Office will base its determination of the eligibility of a new Sponsor for a reservation of Section 811 capital advance funds on the information provided in the application. HUD Offices will verify a Sponsor's indication of previous HUD approval by checking the project number and approval status with the appropriate HUD Office. In addition to this relief of paperwork burden in preparing applications, applicants will be 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; applicant experience in the provision of housing and services; supportive services plan; community ties; and experience serving minorities.

### B. General Application Requirements

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

Note: A sponsor may apply for a Scattered site Project in one application.

2. Evidence of *each* Sponsor's legal status as a nonprofit organization, including the following:

- (a) Articles of Incorporation, constitution, or other organizational documents;
- (b) By-laws;
- (c) IRS section 501(c)(3) tax exemption ruling (this must be submitted by all Sponsors, including churches).

Note: Sponsors who have received a section 811 fund reservation within the last three funding cycles are not required to submit the documents described in (a), (b), and (c), above. Instead, sponsors must submit the project number of the latest application submitted 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.

(d) Resolution of the board, duly certified by an officer, 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 and that includes 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.

(e) The number of people on the Sponsor's board and the number of those people who are consumers with disabilities.

3. Sponsor's purpose, community ties, and experience, including the following:

- (a) Description of Sponsor's purpose and current activities;
- (b) Description of Sponsor's ties to the community at large and to the disabled community in particular;
- (c) Description of Sponsor's housing and/or supportive services experience. The description should include any rental housing projects (including integrated housing developments) and/

or medical facilities sponsored, owned, and operated by the Sponsor, the Sponsor's past or current involvement in any programs other than housing that demonstrates the Sponsor's management capabilities and experience, and the Sponsor's experience in serving persons with disabilities and minorities.

(d) A description of Sponsor's participation in joint ventures and experience in contracting with minority-owned businesses, women-owned businesses, and small businesses over the last three years, including a description of the joint venture, partners and the Sponsor's involvement and a summary of the total contract amounts awarded in each of the three categories for the preceding three years, and the percentage that amount represents of all contracts awarded by the Sponsor in the relevant time period;

(e) A certified Board Resolution acknowledging responsibilities of sponsorship, long-term support of the project(s), willingness of Sponsor 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. Also, evidence, in the form of a certified Board Resolution, of the Sponsor's 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;

(f) Description, if applicable, of the Sponsor's efforts to involve persons with disabilities in the development of the application, as well as its intent to involve persons with disabilities in the implementation of the program.

4. Project information including the following:

(a) Evidence of need for supportive housing. An identification of the proposed population and evidence demonstrating sustained effective demand for the housing for the proposed population in the area to be served, such as a description of market conditions in existing Federally assisted housing for persons with disabilities (occupancy, waiting lists, etc.), 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.

(b) Description of the project, including the following:

(1) Number and type of structure(s), number of bedrooms if group home, number of units with bedroom distribution if independent living units (including condos), number of residents with disabilities, and resident staff per structure.

(2) An identification of all community spaces, amenities, or features planned for the housing. A description of how the spaces, amenities, or features will be used, and the extent to which they are necessary to accommodate any special 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, the Sponsor must demonstrate its ability and willingness to contribute both the incremental development cost and continuing operating cost associated with the community spaces, amenities, or features; and

(3) 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.

(c) A supportive services plan (a copy of which must be sent to the appropriate State or local agency as instructed in section IV.C., below, of this NOFA) that includes:

(1) A detailed description of whether the housing is intended to serve persons with physical, mental, or emotional impairments, developmental disabilities, or chronic mental illness. Include how and from whom/where persons will be referred and admitted to the project. The Sponsor may, with the approval of the Secretary, limit occupancy within housing developed under this part to persons with disabilities who have similar disabilities and require a similar set of supportive services in a supportive housing environment. However, no otherwise qualified individual, regardless of disability, may be denied occupancy if the person can benefit from the housing and/or services provided.

(2) A detailed description of any supportive service needs of the proposed population and the extent to which the supportive services will be needed.

(3) The manner in which such services will be provided, either by residents taking responsibility for acquiring their own services, to the extent needed, on an individual basis, or by a comprehensive service plan organized by the Sponsor.

(4) If services will be organized or provided by the Sponsor, include the following:

(i) The name(s) of the agency(s) (if other than the Sponsor) that will be responsible for providing the supportive services;

(ii) The evidence of each service provider's capability and experience in providing such supportive services;

(iii) A description of how, when, how often, and where (on/off-site) the services will be provided;

(iv) A description of residential staff, if needed;

(v) Identification of the extent of State and local funds to assist in the provision of supportive services;

(vi) Letters of intent from service providers or funding sources, indicating commitments to fund or to provide the supportive services, or indication that a particular service will be available to proposed residents. If the Sponsor will be providing any supportive services or will be coordinating the provision of any of the supportive services, a letter indicating its commitment to either provide the supportive services or ensure their provision for the life of the project;

(vii) If any State or local government funds will be provided, a description of the State or local agency's philosophy/policy concerning residential facilities for the population to be served, and a demonstration by the Sponsor that the application is consistent with State or local plans and policies governing the development and operation of facilities for the same disabled population.

(5) If the proposed residents will be taking responsibility for acquiring their own supportive services, a description of appropriate services in the community from which the residents can choose.

(6) Assurances that the proposed residents will receive supportive services based on their individual needs, and a commitment that accepting supportive services will not be a condition of occupancy.

(7) Form HUD-92013E, Supplemental Application Processing Form—Housing for Persons with Disabilities. Identify all supportive services, if any, to be provided to the persons occupying such housing.

(d) Supportive Services Certification. A certification from the appropriate State or local agency identified in the Application Package that the provision of supportive services is well designed to serve the special needs of persons with disabilities, that the necessary supportive services will be provided on a consistent, long-term basis, and that the proposed facility is consistent with

State or local plans and policies governing the development and operation of facilities to serve individuals of the proposed occupancy category. (The name, address, and telephone number of the appropriate agency can be obtained from the appropriate HUD Office.)

(e) Evidence of control of an approvable site, or identification of a site for which the Sponsor provides reasonable assurances that it will obtain control within 6 months from the date of fund reservation (if Sponsor is approved for funding).

(1) If the Sponsor has control of the site, it must submit the following information:

(i) Evidence that the Sponsor has entered into a legally binding option agreement (which extends through the end of the current fiscal year and contains a renewal provision so that the option can be renewed for at least an additional six months) to purchase or lease the proposed site; or has a copy of the contract of sale for the site, a deed, long-term leasehold, a request with all supporting documentation, submitted either prior to or with the Application for Capital Advance, for a partial release of a site covered by a mortgage under a HUD program, or other evidence of legal ownership of the site (including properties to be acquired from the RTC/FDIC). The Sponsor must also identify any restrictive covenants, including reverter clauses. In the case of a site to be acquired from a public body, evidence 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 the Sponsor after it receives and accepts a notice of Section 811 capital advance, and identification of any restrictive covenants, including reverter clauses. However, in localities where HUD determines that the time constraints of the funding round will not permit all of the required official actions (e.g., approval of Community Planning Boards) that are necessary to convey publicly-owned sites, a letter in the application from the mayor or director of the appropriate local agency indicating their approval of conveyance of the site contingent upon the necessary approval action is acceptable and may be approved by the HUD Office if it has satisfactory experience with timely conveyance of sites from that public body. In such cases, documentation shall also include a copy of the public body's evidence of ownership and identification of any restrictive covenants, including reverter clauses.

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.

(ii) Evidence that the project as proposed is permissible under applicable zoning ordinances or regulations, or a statement of the proposed action required to make the proposed project permissible and the basis for belief that the proposed action will be completed successfully before the submission of the commitment application (e.g., a summary of the results of any requests for rezoning on land in similar zoning classifications and the time required for such rezoning, preliminary indications or acceptability from zoning bodies, etc.).

(iii) Narrative description of site and area surrounding the site, characteristics of neighborhood, how the site will promote greater housing opportunities for minorities, and any other information that affects the suitability of the site for persons with disabilities and including:

(A) A statement that the Sponsor is 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;

(B) A map showing the location of the site and the racial composition of the neighborhood, with the area of racial concentration delineated;

(C) A Transaction Screen Process, in accordance with the American Society for Testing and Material (ASTM) Standards E 1528-93 and E 1527-93, as amended. If the completion of the Transaction Screen Questionnaire results in either a "yes" or "unknown" response, further study is required, and the Sponsor must complete a Phase I Environmental Site Assessment in accordance with the ASTM and submit it with the application. Sponsors may choose to automatically complete a Phase I Environmental Site Assessment in lieu of completing the Transaction Screen Questionnaire. If the Phase I study indicates the possible presence of contamination and/or hazards, further study must be undertaken. At this point, the Sponsor must decide whether to continue with this site or choose another site. Should the Sponsor choose another site, the same environmental site assessment procedure identified above must be followed for that site. Since all Transaction Screen processes and Phase I studies must be completed and submitted with the application, it is important that the Sponsor start the site assessment process as soon after the publication of this NOFA as possible.

If the Sponsor chooses to continue with the original site, then it must undertake a detailed Phase II Environmental Site Assessment by an appropriate professional.

Note: This could be an expensive undertaking. The cost of the study will be borne by the sponsor if the application is not selected.

If the Phase II Assessment reveals site contamination, the extent of the contamination and a plan for clean-up 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 the application to be considered for review under this FY 1996 funding, this information would have to be submitted to the local HUD Office *no later than thirty days after the application submission deadline date*.

Note: For properties to be acquired from the RTC/FDIC, include a copy of the RTC/FDIC prepared Transaction Screen Checklist or Phase I Environmental Site Assessment, and applicable documentation, per the RTC/FDIC Environmental Guidelines.

(D) If an exception to the project size limits found in section IV.D., below, of this NOFA is being requested, describe why the site was selected and demonstrate the following:

(i) The increased number of people is necessary for the economic feasibility of the project;

(ii) The project is compatible with other residential development and the population density of the area in which the project is to be located;

(iii) The increased number of people will not prohibit their successful integration into the community;

(iv) The project is marketable in the community;

(v) The size of the project is consistent with State and/or local policies governing similar facilities for the proposed population; and

(vi) A statement that the Sponsor is willing to have its application processed at the project size limit should HUD not approve the exception.

(D) If applicable, identify whether the site for the proposed project is located within the boundaries of a Place Based Community Revitalization Area, as defined above. If the site is in a Place Based Community Revitalization Area, briefly summarize the locally developed strategy for the area involving items such as physical improvements, necessary public facilities and services, private investment and citizen self-help activities.

(2) If the Sponsor has identified a site, but does not have it under control, it must submit the following information:

(i) A description of the location of the site, including its street address and unit number (if condominium), neighborhood/community characteristics (to include racial and ethnic data), amenities, adjacent housing and/or facilities, how the site will promote greater housing opportunities for minorities, and any other information that affects the suitability of the site for persons with disabilities;

(ii) 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;

(iii) 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;

(iv) A status of the sale of the site; and

(v) An indication as to whether the site would involve relocation.

(f) Statements of support for the proposed project from nongovernmental organizations familiar with the needs of the population it would serve, any sources of local funds to serve the project, minority support, and how long the Sponsor has been in existence (include any additional related information).

(g) For group homes to be licensed as intermediate care facilities (in which funding for the intermediate care is provided under Title XIX of the Social Security Act) that serve persons with developmental disabilities, the following must be submitted:

(1) Evidence demonstrating that the proposed project will primarily provide housing rather than medical facilities, and is or will be licensed by appropriate State agencies;

(2) Description of the medical training of the staff of the proposed facility and any nursing services that will be required by the residents on-site;

(3) Description of the services that will be funded by Medicaid for residents of the proposed project, including their nature, frequency, and where the services are to be provided;

(4) Description of any special design features proposed for the group home that are not common to other Section 811 group homes for the proposed population, and the Sponsor's rationale for including them;

(5) Written evidence from the State Medicaid Office that it recognizes the need for a tenant contribution to rent

and has agreed to pay the cost of the tenant contribution in the Medicaid payment to the Owner; and

(6) Statement certifying that the Individual Program Plan for each resident will include participation in an out-of-the-home activity program for at least six hours each weekday.

5. A list of the applications, if any, the Sponsor has submitted or is planning to submit to any other HUD Office in response to this NOFA or the NOFA for Supportive Housing for the Elderly (published elsewhere in today's Federal Register). Indicate, by HUD Office, the number of units requested and the proposed location by city and State for each application. Also, a list of all FY 1995 and prior year projects to which the Sponsor(s) is a party, identified by project number and HUD Office, which have not been finally closed.

6. HUD-2880, Applicant/Recipient Disclosure/Update Report including Social Security Numbers and Employee Identification Numbers.

7. E.O. 12372. A certification that the Sponsor has submitted a copy of its application, if required, to the State agency (single point of contact) for State review in accordance with Executive Order 12372.

8. A statement that: (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; (b) indicates the estimated cost of relocation payments and other services; and (c) identifies the staff organization that will carry out the relocation activities. (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, the sponsor 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).

9. SF-424. A certification on SF-424, Application for Federal Assistance, that the Sponsor(s) is not delinquent on the repayment of any Federal debt.

10. Disclosure of Lobbying Activities. If the amount applied for is greater than \$100,000, the certification with regard to lobbying required by 24 CFR part 87 must be included. If the amount applied for is greater than \$100,000 and the applicant has made or has agreed to make any payment using

nonappropriated funds for lobbying activity, as described in 24 CFR part 87, the submission must also include SF LLL, Disclosure of Lobbying Activities. The applicant determines if the submission of the SF LLL is applicable.

11. Certification of Consistency with the Consolidated Plan (Plan) for the jurisdiction in which the proposed project will be located must be submitted by the Sponsor. 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 if the project will be located in a unit of general local government authorized to use an abbreviated strategy, by the unit of general local government if it is willing to prepare such a Plan.

All 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 NOFA. The Plan regulations are published in 24 CFR part 91.

## 12. Sponsor Certifications

(a) A certification of the Sponsor(s)' intent to comply with section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and the implementing regulations at 24 CFR part 8; the Fair Housing Act (42 U.S.C. 3600-3619) and the implementing regulations at 24 CFR parts 100, 108, 109, and 110; Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and the implementing regulations at 24 CFR part 1; section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and the implementing regulations at 24 CFR part 135; the Age Discrimination Act of 1975 (42 U.S.C. 6101-6107) and the implementing regulations at 24 CFR part 146; Executive Order 11246 (as amended) and the implementing regulations at 41 CFR Chapter 60; the regulations implementing Executive Order 11063 (Equal Opportunity in Housing) at 24 CFR part 107; the Americans with Disabilities Act (42 U.S.C. 12101 *et seq.*) to the extent applicable; 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.

(b) A certification that the Sponsor(s) will comply with the requirements of the Drug-Free Workplace Act.

(c) A certification that the project will comply with HUD's project design and cost standards and special project standards; the Uniform Federal



Accessibility Standards and HUD's implementing regulations at 24 CFR part 40; 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.

(d) A certification by the Sponsor(s) that it will comply (or has complied) with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA), implemented by regulations at 49 CFR part 24, and 24 CFR 891.155(e).

(e) A certification by the Sponsor(s) that it will form an Owner (as defined in 24 CFR 891.305) after the issuance of the capital advance, will cause the Owner to file a request for determination of eligibility and a request for capital advance, and will provide sufficient resources to the Owner to insure the development and long-term operation of the project.

(f) A certification that the Sponsor will 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 (except as superseded in 24 CFR 891.325).

(g) A certification that the Sponsor will not require residents to accept any supportive services as a condition of occupancy.

#### IV. Additional Information

##### A. Development Cost Limits

(a) The following development cost limits, adjusted by locality as described in (b) below, shall be used to determine the capital advance amount to be reserved for projects for persons with disabilities:

(1) *For independent living facilities:* The total development cost of the property or project attributable to dwelling use (less the incremental development cost and the capitalized operating costs associated with any excess amenities and design features to be paid for by the Sponsor) may not exceed:

##### *Non-elevator structures:*

\$28,032 per family unit without a bedroom;  
\$32,321 per family unit with one bedroom;  
\$38,979 per family unit with two bedrooms;  
\$49,893 per family unit with three bedrooms;

\$55,583 per family unit with four bedrooms.

##### *For elevator structures:*

\$29,500 per family unit without a bedroom;  
\$33,816 per family unit with one bedroom;  
\$41,120 per family unit with two bedrooms;  
\$53,195 per family unit with three bedrooms;  
\$58,392 per family unit with four bedrooms.

##### (2) *For group homes only:*

Number residents	Type of Disability	
	Physical/developmental	Chronic mental illness
3 .....	\$128,710	\$124,245
4 .....	137,730	131,980
5 .....	146,750	139,715
6 .....	155,760	147,450
7 .....	162,876	153,576
8 .....	168,126	157,731

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 § 891.310(a); the accessibility requirements of §§ 891.120(b) and 891.310(b); and the project design and cost standards of § 891.120.

##### (b) Increased development cost limits.

(1) HUD may increase the development cost limits set forth in paragraphs (a) (1) and (2) above 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.

(2) If HUD finds that high construction costs in Alaska, Guam, 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 paragraphs (a) (1) and (2) of this section, 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.

(3) For group homes only, HUD Offices may approve increases in the development cost limits in paragraph (a)(2) above, in areas where Sponsors 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 the project is to be built. The average cost of the documented sales must exceed seven percent of the development cost limit for which the project in question is eligible in order for an increase to be considered.

##### B. Sites

The National Affordable Housing Act requires Sponsors submitting applications for Section 811 fund reservations to provide either (a) evidence of site control, or (b) reasonable assurances that it will have control of a site within six months of notification of fund reservation.

Accordingly, if a Sponsor has control of a site at the time it submits its application, it must include evidence of such as described in the Application Package. If it does not have site control, it must provide the information required in the application for identified sites as a reasonable assurance that site control will be obtained within six months of fund reservation notification.

Sponsors may select a site different from the one(s) submitted in their original applications if the original site is not approvable. Selection of a different site will require HUD performance of an environmental review on the new site, which could result in rejection of that site. However, if a Sponsor does not have site control for any reason 12 months after notification of fund reservation, the assistance will be recaptured and reallocated.

Sponsors submitting satisfactory evidence of an approvable site (*i.e.*, site control) will have 10 bonus points added to the rating of their applications. Sponsors submitting proper identification of a site will not be eligible for the 10 bonus points.

Applications containing evidence of site control where either the evidence or the site is not approvable will *not* be rejected provided the application indicates the Sponsor's willingness to select another site and an assurance that site control will be obtained within six months of fund reservation notification.

In the case of a scattered site application submitted with evidence of site control for all of the sites, the evidence must be satisfactory for each site, and all the sites must be approvable for the application to receive the 10 bonus points for site control. The same applies to a scattered site application in which the Sponsor has control of some of the sites but has only identified



others. It would also not be eligible for the 10 bonus points for site control.

### C. Supportive Services

The National Affordable Housing Act requires Sponsors submitting applications for Section 811 fund reservations to include a supportive services plan and a certification from the appropriate State or local agency that the provision of services identified in the supportive services plan is well designed to serve the special needs of persons with disabilities. Paragraph III.B.4.(c) above outlines the information that must be in the Supportive Services Plan. Sponsors must submit one copy of their Supportive Services Plans to the appropriate State or local agency well in advance of the application submission deadline date in order for the State or local agency to review the Supportive Services Plan and complete the Supportive Services Certification (Paragraph III.B.4(d) above, to be supplied by the Sponsor from the Application Package received from the HUD Office) and return it to the Sponsor for inclusion with the application submission to HUD.

Since the appropriate State or local agency will review the Supportive Services Plan on behalf of HUD, the Supportive Services Certification, in addition to the indication as to whether the provision of supportive services is well designed, will indicate whether the Sponsor demonstrated that necessary supportive services will be provided on a consistent, long-term basis. If HUD receives an application in which the Supportive Services Certification is missing, is received by HUD after the deficiency period, or indicates that either the provision of services is *not* well designed to meet the special needs of persons with disabilities, the proposed facility is not consistent with the agency's plans/policies governing the development and operation of facilities to serve the proposed population and the agency will be a major funding or referral source for the proposed project, or that the Sponsor failed to demonstrate that any necessary services will be provided on a consistent, long-term basis, the application shall be rejected.

HUD recognizes that there will be varying degrees of need for supportive services by the potential residents of Section 811 housing, even to the degree of needing no special services at all. Sponsors must describe this in the application, in Exhibit 4. A Sponsor proposing to serve persons with disabilities who need few, if any, special services will not have its application penalized as a result. In

addition, Sponsors may not require residents, as a condition of occupancy, to accept any supportive service.

### D. Project Size Limits

1. *Group home*—The minimum number of persons with disabilities that can be housed in a group home is three and the maximum number is eight.

2. *Independent living facility*—The minimum number of units that can be applied for in one application is five. The maximum number of persons with disabilities that can be housed in an independent living facility is 24.

3. *Exceptions*—Sponsors may request an exception to the above project size limits by providing the information required in the Application Package and as outlined in section III. B. 4.(e)(iii)(D) above.

## V. Other Matters

### A. Environmental Impact

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations that implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332). The Finding of No Significant Impact is available for public inspection during business hours in the Office of the Rules Docket Clerk, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410. This NOFA announces the availability of funds for supportive housing for persons with disabilities.

### B. Federalism Executive Order

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, *Federalism*, has determined that this NOFA does not have substantial direct effects on States or their political subdivisions, or on the relationship between the Federal government and the States, or on the distribution of power and responsibilities among the various levels of government. This NOFA merely notifies the public of the availability of capital advances for supportive housing for persons with disabilities.

### C. Family Executive Order

The General Counsel, as the Designated Official under Executive Order 12606, *The Family*, has determined that this NOFA does not have the potential for significant impact on family formation, maintenance, or general well-being. This NOFA may have a positive though indirect effect on families, to the extent that families will benefit from the provision of supportive

housing for persons with disabilities. Since any effect on families is beneficial, this NOFA is not subject to review under the Order.

### D. Accountability in the Provision of HUD Assistance

HUD has promulgated a final rule to implement section 102 of the Department of Housing and Urban Development Reform Act of 1989 (HUD Reform Act). This final rule is codified at 24 CFR part 12. Section 102 contains a number of provisions that are designed to ensure greater accountability and integrity in the provision of certain types of assistance administered by HUD. On January 14, 1992, HUD published in the Federal Register (57 FR 1942) additional information that gave the public (including applicants for, and recipients of, HUD assistance) further information on the implementation, public access, and disclosure requirements of section 102. The documentation, public access, and disclosure requirements of section 102 are applicable to assistance awarded under this NOFA as follows:

#### 1. Documentation and Public Access Requirements

HUD will ensure that documentation and other information regarding each application submitted pursuant to this NOFA are sufficient to indicate the basis upon which assistance was provided or denied. This material, including any letters of support, will be made available for public inspection for a five-year period beginning not less than 30 days after the award of the assistance. Material will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR part 15. In addition, HUD will include the recipients of assistance pursuant to this NOFA in its Federal Register notice of all recipients of HUD assistance awarded on a competitive basis. (See 24 CFR 12.14(a) and 12.16(b), and the notice published in the Federal Register on January 16, 1992 (57 FR 1942), for further information on these requirements.)

#### 2. Disclosures

HUD will make available to the public for five years all applicant disclosure reports (HUD Form 2880) submitted in connection with this NOFA. Update reports (also Form 2880) will be made available along with the applicant disclosure reports, but in no case for a period less than three years. All report—both applicant disclosures and updates—will be made available in accordance with the Freedom of

Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR part 15. (See 24 CFR subpart C, and the notice published in the Federal Register on January 16, 1992 (57 FR 1942), for further information on these disclosure requirements.)

#### *E. Prohibition Against Advance Information on Funding Decisions*

HUD's regulation implementing section 103 of the Department of Housing and Urban Development Reform Act of 1989, codified as 24 CFR part 4, applies to the funding competition announced today. The requirements of the rule continue to apply until the announcement of the selection of successful applicants. HUD employees involved in the review of applications and in the making of funding decisions are limited by part 4 from providing advance information to any person (other than an authorized employee of HUD) concerning funding decisions, or from otherwise giving any applicant an unfair competitive advantage. Persons who apply for assistance in this competition should confine their inquiries to the subject areas permitted under 24 CFR part 4.

Applicants or employees who have ethics related questions should contact the HUD Office of Ethics (202) 708-3815 (TTY/Voice). (This is not a toll-free number.) For HUD employees who have specific program questions, such as whether particular subject matter can be discussed with persons outside HUD, the employee should contact the appropriate Field Office Counsel, or Headquarters Counsel for the program to which the question pertains.

#### *F. Prohibition Against Lobbying Activities*

The use of funds awarded under this NOFA is subject to the disclosure requirements and prohibitions of Section 319 of the Department of Interior and Related Agencies Appropriations Act for Fiscal Year 1990 (31 U.S.C. 1352) (the Byrd Amendment) and the implementing regulations at 24 CFR part 87. These authorities prohibit recipients of Federal contracts, grants, or loans from using appropriated funds for lobbying the executive or legislative branches of the Federal Government in connection with a specific contract, grant, or loan. The prohibition also covers the awarding of contracts, grants, cooperative agreements, or loans unless the recipient has made an acceptable certification regarding lobbying. Under 24 CFR part 87, applicants, recipients, and subrecipients of assistance exceeding \$100,000 must certify that no Federal funds have been or will be spent

on lobbying activities in connection with the assistance.

#### *G. Catalog of Federal Domestic Assistance Program*

The Catalog of Federal Domestic Assistance Program title and number are 14.181, Supportive Housing for Persons with Disabilities.

Authority: Section 811, National Affordable Housing Act, as amended (42 U.S.C. 1803), Section 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Dated: June 27, 1996.

Nicolas P. Retsinas,

*Assistant Secretary for Housing—Federal Housing Commissioner.*

#### *Appendix A—HUD Offices*

Note: 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.

##### *HUD—New England Area*

Connecticut State Office, First Floor, 330 Main Street, Hartford, CT 06106-1860, (203) 240-4523

Massachusetts State Office, Room 375, Thomas P. O'Neill, Jr. Federal Building, 10 Causeway Street, Boston, MA 02222-1092, (617) 565-5234

New Hampshire State Office, Norris Cotton Federal Building, 275 Chestnut Street, Manchester, NH 03101-2487, (603) 666-7681

Rhode Island State Office, Sixth Floor, 10 Weybosset Street, Providence, RI 02903-3234, (401) 528-5351

##### *HUD—New York, New Jersey Area*

New Jersey State Office, Thirteenth Floor, One Newark Center, Newark, NJ 07102-5260, (201) 622-7900

New York State Office, 26 Federal Plaza, New York, NY 10278-0068, (212) 264-6500

Buffalo Area Office, Fifth Floor, Lafayette Court, 465 Main Street, Buffalo, NY 14203-1780, (716) 551-5755

##### *HUD—MIDATLANTIC AREA*

District of Columbia Office, 820 First Street, NE, Washington, D.C. 20002-4502, (202) 275-9200

Maryland State Office, Fifth Floor, City Crescent Building, 10 South Howard Street, Baltimore, MD 21201-2505, (410) 962-2520

Pennsylvania State Office, The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107-3390, (215) 656-0600

Virginia State Office, The 3600 Centre, 3600 West Broad Street, P.O. Box 90331, Richmond, VA 23230-0331, (804) 278-4507

West Virginia State Office, Suite 708, 405 Capitol Street, Charleston, WV 25301-1795, (304) 347-7000

Pittsburgh Area Office, 339 Sixth Avenue, Sixth Floor, Pittsburgh, PA 15222-2515, (412) 644-6428

##### *HUD—Southeast/Caribbean Area*

Alabama State Office, Suite 300, Beacon Ridge Tower, 600 Beacon Parkway, West, Birmingham, AL 35209-3144, (205) 290-7617

Caribbean Office, New San Juan Office Building, 159 Carlos Chardon Avenue, San Juan, PR 00918-1804, (809) 766-6121

Georgia State Office, Richard B. Russell Federal Building, 75 Spring Street, S.W., Atlanta, GA 30303-3388, (404) 331-5136

Kentucky State Office, 601 West Broadway, P.O. Box 1044, Louisville, KY 40201-1044, (502) 582-5251

Mississippi State Office, Suite 910, Doctor A.H. McCoy Federal Building, 100 West Capitol Street, Jackson, MS 39269-1096, (601) 965-5308

North Carolina State Office, Koger Building, 2306 West Meadowview Road, Greensboro, NC 27407-3707, (919) 547-4001

South Carolina State Office, Strom Thurmond Federal Building, 1835-45 Assembly Street, Columbia, SC 29201-2480, (803) 765-5592

Tennessee State Office, Suite 200, 251 Cumberland Bend Drive, Nashville, TN 37228-1803, (615) 736-5213

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

Knoxville Area Office, Third Floor, John J. Duncan Federal Building, 710 Locust Street, Knoxville, TN 37902-2526, (615) 545-4384

##### *HUD—Midwest Area,*

Illinois State Office, Ralph H. Metcalfe Federal Building, 77 West Jackson Boulevard, Chicago, IL 60604-3507, (312) 353-5680

Indiana State Office, 151 North Delaware Street, Indianapolis, IN 46204-2526, (317) 226-6303

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

Minnesota State Office, 220 Second Street, South, Minneapolis, MN 55401-2195, (612) 370-3000

Ohio State Office, 200 North High Street, Columbus, OH 43215-2499, (614) 469-5737

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

Cincinnati Area Office, 525 Vine Street, Seventh Floor, Cincinnati, OH 45202-3188, (513) 684-2884

Cleveland Area Office, Fifth Floor, Renaissance Building, 1350 Euclid Avenue, Cleveland, OH 44115-1815, (216) 522-4065

Grand Rapids Area Office, Trade Center Building, Third Floor, 50 Louis Street, NW, Grand Rapids, MI 49503-2648, (616) 456-2100

##### *HUD—Southwest Area*

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

Louisiana State Office, Ninth Floor, Hale Boggs Federal Building, 501 Magazine

Street, New Orleans, LA 70130-3099, (504) 589-7200

Oklahoma State Office, 500 Main Plaza, 500 West Main Street, Suite 400, Oklahoma City, OK 73102-2233, (405) 553-7400

Texas State Office, 1600 Throckmorton Street, P.O. Box 2905, Fort Worth, TX 76113-2905, (817) 885-5401

Houston Area Office, Suite 200, Norfolk Tower, 2211 Norfolk, Houston, TX 77098-4096, (713) 313-2274

San Antonio Area Office, Washington Square, 800 Dolorosa Street, San Antonio, TX 78207-4563, (210) 472-6800

*HUD—Great Plains*

Iowa State Office, Room 239, Federal Building, 210 Walnut Street, Des Moines, IA 50309-2155, (515) 284-4512

Kansas/Missouri State Office, Room 200, Gateway Tower II, 400 State Avenue, Kansas City, KS 66101-2406, (913) 551-5462

Nebraska State Office, Executive Tower Centre, 10909 Mill Valley Road, Omaha, NE 68154-3955, (402) 492-3100

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

*HUD—Rocky Mountains Area*

Colorado State Office, 633 17th Street, Denver, CO 80202-3607, (303) 672-5440

*HUD—Pacific/Hawaii Area*

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

California State Office, Philip Burton Federal Building and U.S. Courthouse, 450 Golden Gate Avenue, P.O. Box 36003, San Francisco, CA 94102-3448, (415) 436-6532

Hawaii State Office, Suite 500, 7 Waterfront Plaza, 500 Ala Moana Boulevard, Honolulu, HI 96813-4918, (808) 522-8175

Los Angeles Area Office, 1615 West Olympic Boulevard, Los Angeles, CA 90015-3801, (213) 251-7122

Sacramento Area Office, Suite 200, 777 12th Street, Sacramento, CA 95814-1997, (916) 498-5220

*HUD—Northwest/Alaska Area*

Alaska State Office, Suite 401, University Plaza Building, 949 East 36th Avenue, Anchorage, AK 99508-4399, (907) 271-4170

Oregon State Office, 400 Southwest Sixth Avenue, Suite 700, Portland, OR 97204-1632, (503) 326-2561

Washington State Office, Suite 200, Seattle Federal Office Building, 909 First Avenue, Seattle, WA 98104-1000, (206) 220-5101.

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