

**DEPARTMENT OF HOUSING  
AND URBAN DEVELOPMENT**

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**SECTION 202 SUPPORTIVE HOUSING  
FOR THE ELDERLY PROGRAM  
(SECTION 202 PROGRAM)**

## Section 202 Supportive Housing for the Elderly Program (Section 202 Program)

### Overview Information

A. *Federal Agency Name*: Department of Housing and Urban Development, Office of Housing.

B. *Funding Opportunity Title*: Section 202 Supportive Housing for the Elderly.

C. *Announcement Type*: Initial announcement.

D. *Funding Opportunity Number*: The **Federal Register** number for this NOFA is FR-4950-N-19. The OMB Approval Number for this program is 2502-0267.

E. *Catalog of Federal Domestic Assistance (CFDA) Number(s)*: 14.157, Section 202 Supportive Housing for the Elderly.

F. *Dates: Application Submission Date*: The application submission date is on or before May 31, 2005. Refer to Section IV of this NOFA and to the General Section for information on application submission requirements.

G. *Optional, Additional Overview Content Information*:

1. *Purpose of the Program*. This program provides funding for the development and operation of supportive housing for very low-income persons 62 years of age or older.

2. *Available Funds*. Approximately \$462.9 million in capital advance funds, plus associated project rental assistance contract (PRAC) funds and any carryover funds available.

3. *Types of Funds*. Capital advance funds will cover the cost of developing the housing. PRAC funds will cover the difference between the HUD-approved operating costs of the project and the tenants' contributions toward rent (30 percent of their adjusted monthly income).

4. *Eligible Applicants*. Private nonprofit organizations and nonprofit consumer cooperatives. (See Section III.C.3.k of this program NOFA for further details and information regarding the formation of the Owner corporation).

5. *Eligible Activities*. New construction, rehabilitation, or acquisition (with or without rehabilitation) of housing. (See Section III.C.1. below of this program NOFA for further information).

6. *Match Requirements*. None required.

7. *Local HUD Offices*. The local HUD office structure, for the purpose of implementing the Section 202 program, consists of 18 Multifamily Hub Offices. Within the Multifamily Hubs, there are Multifamily Program Centers with the exception of the New York Hub, the Buffalo Hub, the Denver Hub and the Los Angeles Hub. All future references

shall use the term "local HUD office" unless a more detailed description is necessary as in Limitations on Applications and Ranking and Selection Procedures, below.

### Full Text of Announcement

#### I. Funding Opportunity Description

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 for the construction or rehabilitation of a structure, or acquisition of a structure with or without rehabilitation (including structures from the Federal Deposit Insurance Corporation (FDIC)). Capital advance funds bear no interest and are based on development cost limits in Section IV.E.3. Repayment of the capital advance is not required as long as the housing remains available for occupancy by very low-income elderly persons for at least 40 years.

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. PRAC funds may also be used to provide supportive services and to hire a service coordinator in those projects serving frail elderly residents. The supportive services must be appropriate to the category or categories of frail elderly residents to be served.

B. *Authority*. The Section 202 Supportive Housing for the Elderly Program is authorized by section 202 of the Housing Act of 1959 (12 U.S.C. 1701q), as amended by section 801 of the Cranston-Gonzalez National Affordable Housing Act (Pub. L. 101-625; approved November 28, 1990); the Housing and Community Development Act of 1992 (Pub. L. 102-550; approved October 28, 1992), the Rescissions Act (Pub. L. 104-19; enacted on July 27, 1995); the American Homeownership and Economic Opportunity Act of 2000 (Pub. L. 106-569; approved December 27, 2000); and the Consolidated Appropriations Act, 2005 (Pub. L. 108-447, approved December 8, 2004).

C. *Calculation of Fund Reservation*. If selected, you will receive a fund reservation that will consist of both a reservation of capital advance funds and a reservation of contract authority (one year) and budget authority (five years) for project rental assistance.

1. *Capital Advance Funds*. The reservation of capital advance funds is based on a formula which takes the development cost limit for the appropriate building type (elevator, non-elevator) and unit size(s) and

multiplies it by the number of units of each size (including a unit for a resident manager, if applicable) and then multiplies the result by the high cost factor for the area. The development cost limits can be found in Section IV.E.3. of this program section of the SuperNOFA.

2. *PRAC Funds*. The PRAC contract authority is determined by multiplying the number of revenue units for elderly persons by the appropriate operating cost standard. The PRAC budget authority is determined by multiplying the PRAC contract authority by 5 (years). The operating cost standards will be published by Notice.

#### II. Award Information

##### A. Available Funds.

For FY2005, approximately \$462.9 million is available for capital advances for the Section 202 Supportive Housing for the Elderly Program. The Consolidated Appropriations Act, 2005 (Pub. L. 108-447, approved December 8, 2004) provides \$747,000,000 for capital advances, including amendments to capital advance contracts, for supportive housing for the elderly as authorized by section 202 of the Housing Act of 1959 (12 U.S.C. 1701q), as amended by section 801 of the Cranston-Gonzalez National Affordable Housing Act (Pub. L. 101-625, approved November 28, 1990), for project rental assistance, amendments to contracts for project rental assistance, and \$3 million for the renewal of expiring contracts for such assistance for up to a one-year term, for supportive housing for the elderly under section 202(c)(2) of the Housing Act of 1959 as well as the amount of \$450,000 to be transferred to the Working Capital Fund, all of which is subject to a .8 percent across-the-board rescission pursuant to Public Law 108-447. Additionally, of the amount appropriated, \$50 million is provided for service coordinators and the continuation of congregate services grants, up to \$25 million is provided for assisted living conversion grants and emergency capital repairs, and \$18 million is provided for a Section 202 Demonstration Planning Grant program.

The announcement of the availability of the funds for the service coordinators and the continuation of congregate services as well as the Assisted Living Conversion program is covered elsewhere in this SuperNOFA.

The announcement of the availability of funds for emergency capital repairs and the Section 202 Demonstration Planning Grant program will be addressed in a future **Federal Register**.

In accordance with the waiver authority provided in the Consolidated Appropriations Act, 2005, the Secretary is waiving the following statutory and regulatory provision: The term of the project rental assistance contract is reduced from 20 years to 5 years. HUD anticipates that at the end of the contract terms, renewals will be approved subject to the availability of funds. In addition to this provision, HUD 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.

The allocation formula used for Section 202 reflects the "relevant characteristics of prospective program participants," as specified in 24 CFR 791.402(a). The FY2005 formula consists of one data element from the 2000 Census: number of one-person elderly renter households (householder age 62 and older) with incomes at or below the applicable Section 8 very low-income limit, and with housing

conditions. Housing conditions are defined as paying more than 30 percent of income for gross rent, or occupying a unit lacking some or all kitchen or plumbing facilities, or occupying an overcrowded unit (1.01 persons per room or more).

Under Section 202, 85 percent of the total capital advance amount is allocated to metropolitan areas and 15 percent to nonmetropolitan areas. In addition, each local HUD office jurisdiction receives sufficient capital advance funds for a minimum of 20 units in metropolitan areas and 5 units in nonmetropolitan areas. The total amount of capital advance funds to support these minimum set-asides are subtracted from the respective (metropolitan or nonmetropolitan) total capital advance amounts available. The remainder is fair shared to each local HUD office jurisdiction whose fair share exceeds the minimum set-aside based on the allocation formula fair share factors described below.

**Note:** The allocations for metropolitan and nonmetropolitan portions of the local HUD office jurisdictions reflect the definitions of

metropolitan and nonmetropolitan areas as of the 2000 Census, as defined by the Office of Management and Budget at that time.

A fair share factor is developed for each metropolitan and nonmetropolitan portion of each local HUD office jurisdiction by dividing the number of elderly renter households in the respective metropolitan and nonmetropolitan portion of the jurisdiction by the total number of elderly rental households in the metropolitan and nonmetropolitan portions of the United States. The resulting percentage for each local HUD office jurisdiction is then adjusted to reflect the relative cost of providing housing among the local HUD office jurisdictions. The adjusted needs percentage for the applicable metropolitan or nonmetropolitan portion of each jurisdiction is then multiplied by the respective total remaining capital advance funds available nationwide. Based on the allocation formula, HUD has allocated the available capital advance funds as shown on the following chart:

## FY 2005 SECTION 202 ALLOCATIONS BY FIELD OFFICE

	METROPOLITAN		NONMETRO		TOTALS	
OFFICES	UNITS	CAPITAL ADVANCE	UNITS	CAPITAL ADVANCE	UNITS	CAPITAL ADVANCE
<b>BOSTON HUB</b>						
BOSTON	142	\$16,013,611	9	\$979,263	151	\$16,992,874
HARTFORD	73	\$8,563,592	5	\$583,301	78	\$9,146,893
MANCHESTER	38	\$3,540,132	28	\$2,538,223	66	\$6,078,355
PROVIDENCE	42	\$4,777,647	5	\$570,339	47	\$5,347,986
TOTAL	295	\$32,894,982	47	\$4,671,126	342	\$37,566,108
<b>NEW YORK HUB</b>						
NEW YORK	344	\$42,773,065	5	\$622,188	349	\$43,395,253
<b>BUFFALO HUB</b>						
BUFFALO	101	\$10,200,309	21	\$2,093,719	122	\$12,294,028
<b>PHILADELPHIA HUB</b>						
CHARLESTON	20	\$1,752,496	13	\$1,107,686	33	\$2,860,182
NEWARK	164	\$19,554,717			164	\$19,554,717
PHILADELPHIA	142	\$15,558,465	17	\$1,900,696	159	\$17,459,161
PITTSBURGH	71	\$6,624,999	15	\$1,370,054	86	\$7,995,053
TOTAL	397	\$43,490,677	45	\$4,378,436	442	\$47,869,113
<b>BALTIMORE HUB</b>						
BALTIMORE	100	\$9,247,502	9	\$872,488	109	10,119,990
RICHMOND	73	\$6,082,198	19	\$1,575,211	92	7,657,409
TOTAL	173	\$15,329,700	28	\$2,447,699	201	\$17,777,399
<b>GREENSBORO HUB</b>						
COLUMBIA	44	\$3,899,936	15	\$1,283,813	59	\$5,183,749
GREENSBORO	70	\$7,325,236	30	\$3,163,597	100	\$10,488,833
TOTAL	114	\$11,225,172	45	\$4,447,410	159	\$15,672,582

	METROPOLITAN		NONMETRO		TOTALS	
OFFICES	UNITS	CAPITAL ADVANCE	UNITS	CAPITAL ADVANCE	UNITS	CAPITAL ADVANCE
<b>ATLANTA HUB</b>						
ATLANTA	66	\$5,388,884	28	\$2,254,552	94	\$7,643,436
KNOXVILLE	20	\$1,545,100	11	\$815,270	31	\$2,360,370
LOUISVILLE	43	\$3,772,055	23	\$1,999,515	66	\$5,771,570
NASHVILLE	46	\$3,695,180	15	\$1,237,452	61	\$4,932,632
SAN JUAN	37	\$3,464,829	5	\$474,418	42	\$3,939,247
TOTAL	212	\$17,866,048	82	\$6,781,207	294	\$24,647,255
<b>JACKSONVILLE HUB</b>						
BIRMINGHAM	50	\$3,979,816	18	\$1,383,296	68	\$5,363,112
JACKSON	20	\$1,513,991	19	\$1,426,406	39	\$2,940,397
JACKSONVILLE	210	\$16,436,940	14	\$1,059,198	224	\$17,496,138
TOTAL	280	\$21,930,747	51	\$3,868,900	331	\$25,799,647
<b>CHICAGO HUB</b>						
CHICAGO	167	\$18,950,302	25	\$2,884,884	192	\$21,835,186
INDIANAPOLIS	74	\$6,415,330	21	\$1,865,042	95	\$8,280,372
TOTAL	241	\$25,365,632	46	\$4,749,926	287	\$30,115,558
<b>COLUMBUS HUB</b>						
CINCINNATI	55	\$4,688,312	5	\$422,569	60	\$5,110,881
CLEVELAND	92	\$8,683,364	12	\$1,174,225	104	\$9,857,589
COLUMBUS	43	\$3,645,626	16	\$1,314,340	59	\$4,959,966
TOTAL	190	\$17,017,302	33	\$2,911,134	223	\$19,928,436
<b>DETROIT HUB</b>						
DETROIT	96	\$9,561,740	5	\$497,750	101	\$10,059,490
GRAND RAPIDS	45	\$3,796,776	15	\$1,301,965	60	\$5,098,741
TOTAL	141	\$13,358,516	20	\$1,799,715	161	\$15,158,231
<b>MINNEAPOLIS HUB</b>						
MINNEAPOLIS	68	\$7,164,606	24	\$2,545,859	92	\$9,710,465
MILWAUKEE	78	\$7,877,171	27	\$2,691,141	105	\$10,568,312
TOTAL	146	\$15,041,777	51	\$5,237,000	197	\$20,278,777

	METROPOLITAN		NONMETRO		TOTALS	
OFFICES	UNITS	CAPITAL ADVANCE	UNITS	CAPITAL ADVANCE	UNITS	CAPITAL ADVANCE
<b>FT. WORTH HUB</b>						
FT. WORTH	104	\$7,954,513	25	\$1,930,923	129	\$9,885,436
HOUSTON	67	\$4,965,382	10	\$743,356	77	\$5,708,738
LITTLE ROCK	20	\$1,431,032	19	\$1,338,711	39	\$2,769,743
NEW ORLEANS	57	\$4,311,397	13	\$1,007,102	70	\$5,318,499
SAN ANTONIO	55	\$4,044,065	11	\$832,199	66	\$4,876,264
TOTAL	303	\$22,706,389	78	\$5,852,291	381	\$28,558,680
<b>KANSAS CITY HUB</b>						
DES MOINES	20	\$1,576,210	22	\$1,770,862	42	\$3,347,072
KANSAS CITY	57	\$4,947,060	23	\$1,930,190	80	\$6,877,250
OKLAHOMA CITY	41	\$3,113,744	17	\$1,269,689	58	\$4,383,433
OMAHA	20	\$1,731,757	14	\$1,225,267	34	\$2,957,024
ST LOUIS	47	\$4,678,985	16	\$1,563,094	63	\$6,242,079
TOTAL	185	\$16,047,756	92	\$7,759,102	277	\$23,806,858
<b>DENVER HUB</b>						
DENVER	82	\$7,629,546	33	\$2,603,747	115	\$10,233,293
<b>SAN FRANCISCO HUB</b>						
SAN FRANCISCO	162	\$19,233,215	12	\$1,322,892	174	\$20,556,107
HONOLULU	20	\$3,733,128	5	\$933,282	25	\$4,666,410
PHOENIX	62	\$4,983,847	9	\$741,329	71	\$5,725,176
SACRAMENTO	54	\$6,041,805	9	\$1,050,821	63	\$7,092,626
TOTAL	298	\$33,991,995	35	\$4,048,324	333	\$38,040,319
<b>LOS ANGELES HUB</b>						
LOS ANGELES	264	\$29,169,468	5	\$552,192	269	\$29,721,660
<b>SEATTLE HUB</b>						
SEATTLE	79	\$8,394,088	16	\$1,728,813	95	\$10,122,901
ANCHORAGE	20	\$3,733,128	5	\$933,282	25	\$4,666,410
PORTLAND	56	\$5,304,408	22	\$1,949,796	78	\$7,254,204
TOTAL	155	\$17,431,624	43	\$4,611,891	198	\$22,043,515
<b>NATIONAL TOTAL</b>	<b>3,921</b>	<b>\$393,470,705</b>	<b>760</b>	<b>\$69,436,007</b>	<b>4,681</b>	<b>\$462,906,712</b>

#### B. Type of Award

Capital Advance and Project Rental Assistance Contract Funds for new Section 202 applications.

#### C. Type of Assistance Instrument

The Agreement Letter stipulates the terms and conditions for the Section 202 fund reservation award as well as the submission requirements following the fund reservation award. The duration of

the fund reservation award for the capital advance is 18 months from the date of issuance of the fund reservation.

#### D. Anticipated Start and Completion Date

Immediately upon your acceptance of the Agreement Letter, you are expected to begin work toward the submission of a Firm Commitment Application, which is the next application submission stage. You are required to submit a Firm

Commitment Application to the local HUD office within 180 days from the date of the Agreement Letter. Initial closing of the capital advance and start of construction of the project are expected to be accomplished within the duration of the fund reservation award period as indicated in the above paragraph regarding the Type of Assistance Instrument. Final closing of this capital advance is expected to occur

no later than six months after completion of project construction.

### III. Eligibility Information

#### A. Eligible Applicants

Private nonprofit organizations and nonprofit consumer cooperatives who meet the threshold requirements contained in the General Section of the SuperNOFA and Section III.C. 2. of this NOFA are the only eligible applicants under this Section 202 program. Neither a public body nor an instrumentality of a public body is eligible to participate in the program.

Applicant eligibility for purposes of applying for a Section 202 fund reservation under this NOFA has not changed; *i.e.*, all Section 202 Sponsors and Co-Sponsors must be private nonprofit organizations and nonprofit consumer cooperatives. However, the Owner corporation, when later formed by the Sponsor, may be (1) a single-purpose private nonprofit organization that has tax-exempt status under Section 501(c)(3) or Section 501(c)(4) of the Internal Revenue Code of 1986, (2) nonprofit consumer cooperative, or (3) for purposes of developing a mixed-finance project pursuant to the statutory provision under Title VIII of the American Homeownership and Economic Opportunity Act of 2000, a for-profit limited partnership with a private nonprofit organization as the sole general partner.

See Section IV.E.2. regarding limits on the total number of units and projects for which you may apply for funding.

#### B. Cost Sharing or Matching

No cost sharing or match is required; however, you are required to make a commitment to cover the estimated start-up expenses, the minimum capital investment of one-half of one percent of the HUD-approved capital advance, not to exceed \$10,000 or for a national Sponsor not to exceed \$25,000, and any funds required in excess of the capital advance, including the estimated cost of any amenities or features (and operating costs related thereto) which are not covered by the capital advance. You make such a commitment by signing the Form HUD-92042, Sponsor's Resolution for Commitment to Project in Exhibit 8(g) of the application found in Section IV.B.

#### C. Other

1. *Eligible Activities.* Section 202 capital advance funds must be used to finance the development of housing through new construction, rehabilitation, or acquisition with or without rehabilitation. Capital advance

funds may also be used in combination with other non-Section 202 funding sources leveraged by a for-profit limited partnership (of which a single-purpose private nonprofit organization is the sole general partner) to develop a mixed-finance project, including a mixed-finance project for additional units over and above the Section 202 units. The development of a mixed-use project in which the Section 202 units are mortgaged separately from the other uses of the structure is not considered a mixed-finance project. Project rental assistance funds are provided to cover the difference between the HUD-approved operating costs and the amount the residents pay (each resident pays 30 percent of adjusted income) as well as to provide supportive services to frail elderly residents.

**Note:** For purposes of approving Section 202 capital advances, HUD will consider proposals involving mixed-financing for additional units over and above the Section 202 units. However, you must obtain funds to assist the additional units with other than PRAC funds. HUD will not provide PRAC funds for non-Section 202 units.

A portion of the PRAC funds (not to exceed \$15 per unit/per month) may be used to cover some of the cost of any supportive services for those frail elderly or those elderly determined to be at-risk of being institutionalized. The balance of the cost for services must be paid for from sources other than the capital advance or PRAC funds. Also, the cost of employing a service coordinator for those projects serving principally the frail elderly (when at least 25 percent of the residents will be frail or determined to be at-risk of being institutionalized) is an eligible use of PRAC funds. Section 202 projects receiving Congregate Housing Services assistance under Section 802 of the National Affordable Housing Act are not eligible to use capital advance or PRAC funds for supportive services or the cost of a service coordinator.

2. *Threshold Requirements for Funding Consideration.* In addition to the threshold criteria outlined in the General Section of the SuperNOFA (such as the inclusion of a DUN and Bradstreet Data Universal Numbering System (DUNS) Number on the SF-424), the following threshold requirements must be met:

a. *Non-Responsive Application.* Your application will be considered non-responsive to the NOFA and will not be accepted for processing if you:

(1) submit less than the required number of copies (an original and four copies are required if you requested and received approval for a waiver of the electronic submission requirement).

Refer to the General Section of the SuperNOFA for information on application submission and receipt procedures;

(2) request more units than were allocated in either the metropolitan or nonmetropolitan allocation category to the local HUD office that will be reviewing your application or 125 units, whichever is less (see the allocation chart in Section II.A. above); or

(3) request less than the minimum number of 5 units per site.

(4) request assistance for housing that you currently own or lease that is already occupied by elderly persons.

#### b. Other Criteria.

(1) You, or a Co-Sponsor, must have experience in providing housing or services to elderly persons.

(2) You and any Co-Sponsor must be eligible private nonprofit organizations or nonprofit consumer cooperatives with tax exempt status under Internal Revenue Service code.

(3) Your application must contain acceptable evidence of site control (see Exhibit 4(d)(i) of the application in Section IV.B. of this program section of the SuperNOFA).

(a) Evidence of Site Control. You must provide evidence of site control as described in this section and Exhibit 4(d)(i) of Section IV.B. of this program section of the SuperNOFA.

(b) Historic Preservation. You are required to send a letter to the State/Tribal Historic Preservation Officer (SHPO/THPO) that attempts to initiate consultation with their office and requests their review of your determinations and findings with respect to the historical significance of your proposed project. Appendix B to this program section of the SuperNOFA contains a sample letter to the SHPO/THPO that you may adapt for your use, if you so choose. You must include a copy of your letter to the SHPO/THPO in your application. You must also include in your application either:

(i) The response letter(s) from the SHPO/THPO, or

(ii) A statement from you that you have not received a response letter(s) from the SHPO/THPO.

(c) Contamination. HUD must determine if a proposed site contains contamination and, if so, HUD must be satisfied that it is eliminated to the extent necessary to meet non site-specific Federal, State or local health standards. You must assist HUD by doing the following:

(i) Phase I Environmental Site Assessment (ESA). You must submit a Phase I ESA, prepared in accordance with the ASTM Standards E 1527-00, as amended, completed or updated no

earlier than six months prior to the application deadline date. The Phase I ESA must be completed and submitted with the application. Therefore, it is important that you start the Phase I ESA process as soon after publication of the SuperNOFA as possible. To help you choose an environmentally safe site, HUD invites you to review the document "Choosing an Environmentally Safe Site" which is available on HUD's Web site at <http://www.hud.gov/offices/adm/grants/fundsavail.cfm> and the "Supplemental Guidance, Environmental Information", in Appendix C to this program section of the SuperNOFA.

(ii) Phase II ESA. 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. However, 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. In order for your application to be considered for review under this FY2005 funding competition, the Phase II must be received by the local HUD office on or before June 30, 2005.

(iii) Clean-up.—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 for review under this FY2005 funding competition, this information must be received by the local HUD office on or before June 30, 2005.

**Note:** Clean-up could be an expensive undertaking. You must pay for the cost of any clean-up and/or remediation. If the application is approved, clean-up must be completed prior to initial closing. Completion of clean-up means that HUD must be satisfied that the contamination has been eliminated to the extent necessary to meet non site-specific federal, state or local health standards, with no active or passive remediation still taking place, no capping over of any contamination, and no monitoring wells. However, it is acceptable if contamination remains solely in groundwater that is at least 25 feet below the surface.

(d) Asbestos. Asbestos is a hazardous substance commonly used in building products until the late 1970s. Therefore,

you must submit one of the following with your application:

(i) If there is no pre-1978 structure on the site, a statement to this effect, or  
(ii) If there is a pre-1978 structure on the site, an asbestos report which is based on a thorough inspection to identify the location and condition of asbestos throughout any structures. In those cases where suspect asbestos is found, it would either be assumed to be asbestos or would require confirmatory testing. If the asbestos report indicates the presence of asbestos or the presence of asbestos is assumed, and if the application is approved, HUD will condition the approval on an appropriate mix of asbestos abatement and an asbestos Operations and Maintenance Plan.

(4) There must be a market need for the number of units proposed in the area of the project location.

(5) You are required to include a Supportive Services Plan that describes the supportive services proposed to be provided to the anticipated occupants, including a description of the public or private funds that are expected to fund the proposed services and the manner in which the services will be provided to the proposed residents (see Exhibit 5 in Section IV.B. of this program section of the SuperNOFA). You must not require residents to accept any supportive services as a condition of occupancy or admission.

(6) Delinquent Federal Debt. Refer to the General Section of the SuperNOFA for information regarding delinquent Federal debt.

3. *Program Requirements.* By signing Form HUD-92015-CA, Supportive Housing for the Elderly Section 202, Application for Capital Advance Summary Information, you are certifying that you will comply with all program requirements listed in the General Section of the SuperNOFA as well as the following requirements:

a. *Statutory and Regulatory Requirements.* In addition to the statutory, regulatory, threshold and public policy requirements listed in the General Section of this SuperNOFA, you must comply with all statutory and regulatory requirements listed in Sections I and III of this program NOFA.

#### b. *Application/Project Size Limits.*

(1) *Application Limits Applicable to Sponsors or Co-Sponsors.* A Sponsor or Co-sponsor may not apply for more than 200 units of housing for the elderly in a single Hub or more than 10 percent of the total units allocated to all HUD offices. Affiliated entities (organizations that are branches or offshoots of a parent organization) that submit separate

applications are considered a single entity for the purpose of this limit.

(2) *Maximum Project Size.* No single application may propose the development of a project for more than the number of units allocated to a local HUD office (in either the metropolitan or nonmetropolitan allocation category, depending on the location of your proposed project) or 125 units, whichever is less. For example, the local HUD office, which has jurisdiction over the area of your proposed project, was allocated 80 units (metropolitan) and 20 units (nonmetropolitan) for a total of 100 units. You cannot apply for more than 80 units if your proposed project is in a metropolitan area and no more than 20 units if the project is in a nonmetropolitan area.

(3) *Minimum Project Size.* The minimum number of units that can be applied for in one application is five units. If the proposed project will be a scattered-site development, the five-unit minimum requirement will apply to each site.

c. *Minimum Capital Investment.* If selected, you must provide a minimum capital investment of one-half of one percent of the HUD-approved capital advance amount, not to exceed \$10,000 in accordance with § 891.145, with the following exception. If you, as Sponsor or Co-Sponsor, have one or more Section 202 or one or more Section 811 project(s) under reservation, construction, or management in two or more different HUD geographical regions (Hubs), the minimum capital investment shall be one half of one percent of the HUD-approved capital advance amount, not to exceed \$25,000.

d. *Accessibility.* Your project must meet accessibility requirements published at 24 CFR 891.120, 24 CFR 891.210, and Section 504 of the Rehabilitation Act of 1973, and, if new construction, the design and construction requirements of the Fair Housing Act and HUD's implementing regulations at 24 CFR part 100. In addition, 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. HUD will award higher points to applications that add accessible design features beyond those required under civil rights laws and regulations. Refer to Section V.A. below and the General Section of the SuperNOFA for information regarding the policy priority of encouraging accessible design.

e. *Conducting Business in Accordance with HUD Core Values and Ethical Standards.* You are not subject to the

requirements of 24 CFR parts 84 and 85 as outlined in the General Section of the SuperNOFA, except that the disposition of real property may be subject to 24 CFR part 84. However, you 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 sign a Conflict of Interest Resolution and include it in your Section 202 application. Further, if awarded a Section 202 fund reservation, the officers, directors, board members, trustees, stockholders and authorized agents of the Section 202 Sponsor and Owner entities will be required to submit to HUD individual certifications regarding compliance with HUD's conflict of interest requirements.

f. 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 50.4, HUD's programmatic implementing regulations at 24 CFR part 50 and 24 CFR 891.155(b), especially, but not limited to, the provision of information to HUD at 24 CFR 50.31(b) and you must comply with any environmental "conditions and safeguards" at 24 CFR 50.3(c).

Under 24 CFR part 50, HUD has the responsibility for conducting the environmental reviews. HUD cannot approve any site unless it first completes the environmental review. In rare cases where HUD is not able to complete the environmental review, it is due to a complex environmental issue that could not be resolved during the time period allocated for application processing. Thus, HUD requires you to attempt to obtain comments from the State/Tribal Historic Preservation Officer (see Exhibit 4(d)(ix) of Section IV.B. below) to help HUD complete the environmental review on time. It is also why HUD may contact you for additional environmental information. So that you can review the type of information that HUD needs for its preparation of the environmental review as well as the type of information requests that HUD may make to you, you are invited to go to the following Web site to view the HUD form 4128, including the Sample Field Notes Checklist, which HUD uses to record the environmental review: [www.hud.gov/utilities/intercept.cfm?/offices/cpd/energyenviro/development/compliance/forms/4128.pdf](http://www.hud.gov/utilities/intercept.cfm?/offices/cpd/energyenviro/development/compliance/forms/4128.pdf).

g. Executive Order 13202, Preservation of Open Competition and Government Neutrality Towards Government Contractors' Labor

Relations on Federal and Federally Funded Construction Projects. Refer to the General Section of the SuperNOFA for information regarding Executive Order 13202.

h. Fair Housing Requirements. Refer to the General Section of the SuperNOFA for information regarding fair housing requirements.

i. Economic Opportunities for Low and Very Low-Income Persons (Section 3). 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. You must ensure that training, employment and other economic opportunities shall, to the greatest extent feasible, be directed toward low and very low-income persons, particularly those who are recipients of government assistance for housing and to business concerns which provide economic opportunities to low and very low-income persons. To comply with Section 3 requirements you are hereby certifying that you will strongly encourage your general contractor and subcontractors to participate in local apprenticeship programs or training programs registered 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 202 design and cost standards (24 CFR 891.120 and 891.210), 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, where applicable, the Americans with Disabilities Act of 1990.

HUD has adopted a wide-ranging energy action plan for improving energy efficiency in all program areas. As a first step in implementing the energy plan, HUD, the Environmental Protection Agency (EPA) and the Department of Energy (DoE) have signed a joint partnership to promote energy efficiency in HUD's affordable housing efforts and programs. The purpose of the Energy Star partnership is to promote energy efficiency of the affordable housing stock, but also to help protect the environment. Although it is not a requirement, you are nonetheless encouraged to promote energy efficiency

in design and operations and your application will receive one (1) point if you describe your plans for doing so in the proposed project. You are urged especially to purchase and use Energy Star-labeled products. Program activities can include developing Energy Star promotional and information materials, outreach to low- and moderate-income renters on the benefits and savings when using Energy Star products and appliances, and promoting the designation of community buildings and homes as Energy Star compliant. For further information about Energy Star, see <http://www.energystar.gov> or call 1-888-STAR-YES (1-888-782-7937) or for the hearing-impaired, 1-888-588-9920 TTY.

k. Formation of Owner Corporation. You must form an Owner entity (in accordance with 24 CFR 891.205) after issuance of the capital advance fund reservation and must cause the Owner entity to file a request for determination of eligibility and a request for capital advance, and must provide sufficient resources to the Owner entity to ensure the development and long-term operation of the project, including capitalizing the Owner entity at firm commitment processing in an amount sufficient to meet its obligations in connection with the project over and above the capital advance amount.

l. Davis-Bacon. You must comply with the Davis-Bacon requirements (12 U.S.C. 1701q(j)(5)) and the Contract Work Hours and Safety Standards Act in accordance with 24 CFR 891.155(d).

#### IV. Application and Submission Information

##### A. Addresses to Request Application Package

All information required to complete and return a valid application is included in the General Section and this program section of the SuperNOFA, including appendices. Copies of the General Section, this program section, and the required forms and appendices are available and may be downloaded from the *Grants.gov* Web site at <http://www.grants.gov>.

You may request general information, copies of the General Section and program section of the SuperNOFA (including appendices), and required forms from the NOFA Information Center (800-HUD-8929 or 800-HUD-2209 (TTY)) Monday through Friday, except on federal holidays. When requesting information, please refer to the name of the program you are interested in. Be sure to provide your name, address (including zip code), and telephone number (including area code).

### B. Content and Form of Application Submission

The exhibits to be included in your application are contained in the body of this program section of the SuperNOFA. There will not be a separate Application Kit provided this year. Before preparing your application, you should carefully review the requirements of the regulations (24 CFR part 891) and general program instructions in Handbook 4571.3 REV-1, Section 202 Capital Advance Program for Housing the Elderly. *Note: Section 1001 of Title 18 of the United States Code (Criminal Code and Criminal Procedure, 72 Stat. 967) applies to all information supplied in the application submission.* (18 U.S.C. 1001, among other things, provides that whoever knowingly and willfully makes or uses a document or writing containing any false, fictitious, fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of the United States, shall be fined not more than \$10,000 or imprisoned for not more than five years, or both.)

The Application for a Section 202 Capital Advance consists of four parts with a total of eight Exhibits. Included with the eight Exhibits are prescribed forms, certifications and resolutions. The components of the Application are:

- Part 1—Application Form for Section 202 Supportive Housing—Capital Advance (Exhibit 1).
- Part 2—Your Ability to Develop and Operate the Proposed Project (Exhibits 2 and 3).
- Part 3—The Need for Supportive Housing for the Target Population in the Area to be Served, Site Control and Suitability of Site, Adequacy of the Provision of Supportive Services and of the Proposed Project (Exhibits 4 and 5).
- Part 4—General Application Requirements, Certifications and Resolutions (Exhibits 6 through 8).
- Appendix A—Listing of Local HUD Offices.
- Appendix B—Letter Requesting SHPO/THPO Review.
- Appendix C—Supplemental to Choosing an Environmentally Safe Site.

Your application must include all of the information, materials, forms, and exhibits listed below (unless you were selected for a Section 202 fund reservation within the last three funding cycles). If you qualify for this exception, you are not required to submit the information described in Exhibits 2(a), (b), and (c), 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 local HUD office will verify your indication of previous HUD approval by checking the project number and approval status with the appropriate local HUD office based on the information submitted.

In addition to this relief of paperwork burden in preparing applications, you will be able to use information and exhibits previously prepared for prior applications under Section 202, Section 811, 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.

For programmatic information, you MUST contact the appropriate local HUD office about the submission of applications within the jurisdiction of that Office.

**Note:** You may propose a scattered site project in one application, in which case the minimum unit requirement per site and the maximum number of units per application as specified in Section III.C.3.b. above apply.

Please submit your application using the following format provided in this program section of the SuperNOFA. Unless you received a waiver of the electronic application submission, you must number the pages of each file, narratives and other attached files. Include the name of your organization and your DUNS number on the header of each document.

1. Table of contents (This is also to be used as a checklist to assist you in submitting a complete application. For applicants who received a waiver of the electronic application submission, after your application is complete, you must insert the page number after each Exhibit or portion of the Exhibit item listed below.)

a. Part I—Application Form for Section 202 Supportive Housing—Capital Advance

(1) Exhibit 1: Form HUD-92015-CA, Supportive Housing for the Elderly Section 202, Application for Capital Advance Summary Information.

b. Part II—Your Ability to Develop and Operate the Proposed Project

(1) 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.]

(2) 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 organization and for the proposed project.

(e) Housing and/or supportive services experience.

(f) Efforts to involve target population.

(g) Description of practical solutions to be implemented.

(h) Project Development Timeline.

(i) Description of how project will remain viable.

(i) if service funds are depleted.

(ii) for state-funded services, if state changes policy.

(iii) if the need for project changes.

(j) Description of efforts to remove barriers to affordable housing.

c. Part III—The need for supportive housing for the target population in the area to be served, site control and suitability of site, adequacy of the provision of supportive services and of the proposed project

(1) Exhibit 4: Project information including:

(a) Evidence of need for project.

(b) How project will benefit target population and community.

(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 project for additional units and the number of additional units.

(d) Evidence of site control and permissive zoning.

(i) Site control document(s).

(ii) Evidence site is free of limitations, restrictions, or reverts.

(iii) Evidence of permissive zoning or statement of proposed action required to make project permissible.

(iv) Evidence of compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA) site notification requirement.

(v) Narrative topographical/demographic description of site/area

suitability, how site will promote greater housing opportunities for minorities/target population.

(vi) Racial composition/concentration map of site.

(vii) Phase I Environmental Site Assessment.

(viii) Asbestos Statement or Report.

(ix) Letter to State/Tribal Historic Preservation Officer (SHPO/THPO).

(x) Response from SHPO/THPO or statement that SHPO/THPO failed to respond.

(2) Exhibit 5: Supportive Services Plan.

LV. (a) Description of services.

(b) Public/private funding sources for proposed services.

(c) Manner in which services will be provided.

d. Part IV—General application requirements, certifications and resolutions

(1) Exhibit 6: Other Applications.

(a) A list of applications, if any, you are submitting to any other local HUD Office in response to the FY 2005 Section 202 or Section 811 NOFA, and required information about each.

(b) A list of all FY 2004 and prior year Section 202 or Section 811 projects to which you are a party and the required information about each.

(2) Exhibit 7: 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.

(3) Exhibit 8: Certifications and Resolutions:

(a) Standard Form 424, Application for Federal Assistance.

(b) Standard Form 424 Supplement, Survey on Ensuring Equal Opportunity for Applicants.

(c) Standard Form LLL, Disclosure of Lobbying Activities, if applicable.

(d) Form HUD-2880, Applicant/Recipient Disclosure/Update Report.

(e) Form HUD-2991, Certification of Consistency with the Consolidated Plan.

(f) Form HUD-92041, Sponsor's Conflict of Interest Resolution.

(g) Form HUD-92042, Sponsor's Resolution for Commitment to Project.

(h) Form HUD-2990, Certification of Consistency with the RC/EZ/EC-II Strategic Plan.

(i) Form HUD-2530, Previous Participation Certification.

(j) Form HUD-96010, Logic Model.

(k) Form HUD-27300, Questionnaire for HUD's Initiative on Removal of Regulatory Barriers.

(l) Form HUD-96011, Facsimile Transmittal to be used for faxing third party letters and other documents for your electronic application in accordance with the instructions in the General Section.

## 2. General Applications Requirements.

a. Part I—Application Form for Section 202 Supportive Housing—Capital Advance

(1) Exhibit 1—Form HUD-92015-CA, Supportive Housing for the Elderly Section 202, Application for Capital Advance Summary Information. Refer to Section IV.B.3. of this program section for a copy of this form.

b. Part II—Your ability to develop and operate the proposed project.

(1) Exhibit 2—Evidence of your legal status (Private nonprofit or nonprofit consumer cooperative (If another organization(s) is co-sponsoring the application with you, each Co-Sponsor must also submit the following):

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

(b) By-laws;

(c) IRS tax exemption ruling (this must be submitted by all Sponsors, including churches).

[Exception: if you received a Section 202 fund reservation within the last three funding cycles, you are not required to submit the documents described in (a), (b), and (c) above. Instead, submit the project number of the latest application and the local 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) Exhibit 3—Your purpose, community ties and experience:

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

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

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

(d) Letters of support for your organization and for the proposed project from organizations familiar with the housing and supportive services needs of the target population that you expect to serve in the proposed project.

(e) A description of your housing and/or supportive services experience. The description should include any rental housing projects and/or supportive

services facilities that you sponsored, own and/or operate, your past or current involvement in any programs other than housing that demonstrates your management capabilities (including financial management) and experience, your experience in serving the target population (the elderly and/or families and minorities); and the reasons for receiving any increases in fund reservations for developing and/or operating previously funded Section 202 or Section 811 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.

(f) A description of your efforts to involve members of the target population (elderly persons, including minority elderly persons) in the development of the application as well as your intent to involve the target population in the development and operation of the project.

(g) A description of the practical solutions you will implement which will enable residents of your project to achieve independent living. In addition, describe the educational opportunities you will provide for the residents and how you will provide them. This description should include any activities that will enhance the quality of life for the residents. And, finally, describe how your proposed project will be an improved living environment for the residents when compared to their previous place of residence.

(h) Describe your plan for completing the proposed project. Include a project development timeline which lists the major development stages for the project with associated dates that must be met in order to get the project to initial closing and start of construction within the 18-month fund reservation period as well as the full completion of the project, including final closing. Completion of Exhibit 8(j), Logic Model, will assist you in completing your response to this Exhibit.

(i) Describe how you will ensure that your proposed project will remain viable as housing with the availability of supportive services for the target population for the 40-year capital advance period. This description should address the measures you would take should any of the following occur:

(i) funding for any of the needed supportive services becomes depleted; (ii) 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

(iii) if the need for housing for the population you will be serving wanes over time, causing vacancies in your project.

(j) A description of the successful efforts the jurisdiction in which your project will be located has taken in removing regulatory barriers to affordable housing. To obtain up to 2 points for this policy priority, you must complete the optional Form HUD-27300, "Questionnaire for HUD's Initiative on Removal of Regulatory Barriers" in Exhibit 8(k) of the application AND provide the necessary URL references or submit the documentary evidence.

c. Part III—The need for supportive housing for the target population, site control and suitability of site, adequacy of the provision of supportive services and of the proposed project.

(1) Exhibit 4—Need and Project Information.

(a) Evidence of need for supportive housing. Include a description of the category or categories of elderly persons the housing is intended to serve and evidence demonstrating sustained effective demand for supportive housing for that population in the market area to be served, taking into consideration the occupancy and vacancy conditions in existing federally assisted housing for the elderly (HUD and the Rural Housing Service (RHS)) *e.g.*, public housing, state or local data on the limitations in activities of daily living among the elderly in the area; aging in place in existing assisted rentals; trends in demographic changes in elderly population and households; the numbers of income eligible elderly households by size, tenure and housing condition; 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 or agencies on aging. Also, a description of how information in the community's or (where applicable) the state's Consolidated Plan, Analysis of Impediments to Fair Housing Choice (AI) or other planning document that analyzes fair housing issues was used in documenting the need for the project.

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

(c) Description of the project.

(i) Narrative description of the building design including a description of the number of units with bedroom distribution, any special design features, including any features that incorporate visitability standards and universal design, amenities, and/or commercial and community spaces, and how this design will facilitate the delivery of services in an economical fashion and accommodate the changing needs of the residents over the next 10–20 years.

**Note:** If the community spaces, amenities, or features do not comply with the project design and cost standards of 24 CFR 891.120(a) and (c) and the special standards of 24 CFR 891.210, 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;

(ii) Describe whether and how the project will promote energy efficiency (in accordance with the requirements set forth in Section III.C.3.j. of this program NOFA), including any plans to incorporate energy efficiency features in the operation of the project through the use of Energy Star labeled products and appliances and, if applicable, innovative construction or rehabilitation methods or technologies to be used that will promote efficient construction.

(iii) If you are proposing to develop a mixed-finance project by developing additional units (*i.e.*, in addition to the 202 units), a description of any plans and actions you have taken to create such a mixed-finance project with the use of Section 202 capital advance funds, in combination with other funding sources. Provide the number of non-Section 202 units to be included in the mixed-finance project (also provide the number of additional units in the appropriate space on Form HUD-92015-CA). Also, provide copies of any letters you have sent seeking outside funding for the non-Section 202 units and any responses thereto. Your response to this Exhibit will be used to rate your application for Rating Factor 4.c., under Leveraging Resources.

**Notes:** (1) A proposal to develop a mixed-finance project for additional units must occur at the application for fund reservation stage. You cannot decide after selection that you want to do a mixed-finance project for additional units. (2) If you propose to develop a mixed-finance project for additional units, you must complete the development of such a proposal. If you are later unable to develop a mixed-finance project for additional units, you will not be permitted to proceed with a Section 202 project without additional units and your fund reservation will be canceled. This is due to the fact that the project would have received points in the rating of the

application in consideration of the additional units and, if selected for funding, a later change in the proposal to exclude the additional units would alter the fairness of the competition. (3) Section 202 capital advance amendment money will not be approved for projects proposing mixed-financing for additional units. (4) If approved for a reservation of capital advance funds, you will be required to submit with your Firm Commitment Application, the additional documents required by HUD for mixed-finance proposals. (5) A mixed-finance project does not include the development of a mixed-use project in which the Section 202 units are mortgaged separately from the other uses of the structure.

(d) Evidence of site control and permissive zoning.

(i) Acceptable evidence of site control 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 50 years with renewable provisions for 25 years, except for sites on Indian trust land, in which case, the term of the lease must be at least 50 years with no requirement for extensions;

(B) Contract of sale for the site that is free of any limitations affecting the ability of the seller to deliver ownership to you after you receive and accept a notice of Section 202 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 earlier than the Section 202 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, must state a firm price binding on the seller, and be renewable at the end of the six-month period. The only condition on which the option may be terminated is if you are not awarded a fund reservation;

(D) If the site is covered by a mortgage under a HUD program, (*e.g.*, a previously funded Section 202 or Section 811 project or an FHA-insured mortgage) you must submit evidence that consent to release the site from the mortgage has been obtained or has been requested from HUD (all required information in order for a decision on the request for a partial release of security must have been submitted to the local HUD office) and from the mortgagee, if other than HUD. Approval to release the site from the mortgage must be done before the local HUD office makes its selection recommendations to HUD Headquarters. Refer to Chapter 16 of HUD Handbook

4350.REV-1, Multifamily Asset Management and Project Servicing, for instructions on submitting requests to the local HUD office for partial release of security from a mortgage under a HUD program; or

(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 202 capital advance. Where 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 of commitment will be considered sufficient evidence of site control.

**Note:** For this funding cycle, the existing installment contract between the Village of Hanna City, Illinois and the General Services Administration is deemed sufficient to constitute site control for the purposes of the Section 202 program.

(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 application 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 202 project or from any other development team member.

(iii) 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 the 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.).

(iv) Evidence of compliance with the URA requirement that the seller has been provided, in writing, with the required information regarding a voluntary, arm's length purchase transaction (i.e., (1) applicant does not have the power of eminent domain and, therefore, will not acquire the property if negotiations fail to result in an amicable agreement, and (2) of the estimate of the fair market value of the property).

**Note:** This information should have been provided before making the purchase offer. However, in those cases where there is an existing option or contract, the seller must be provided the opportunity to withdraw from the agreement or transaction, without penalty, after this information is provided.

(v) Narrative describing topographical and demographic aspects of the site, the suitability of the site and area (as well as a description of the characteristics of the neighborhood), how use of the site will promote greater housing opportunities for minority elderly and elderly persons with disabilities, and how use of the site will affirmatively further 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 (AI) to Fair Housing Choice, 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, or similar organization, may be used. Applicable impediments could include the need for improved housing quality and services for elderly minority families, lack of affirmative marketing and outreach to minority elderly persons, and the need for quality eldercare services within areas of minority concentration when compared with the type and quality of similar services and housing in nonminority areas.

(vi) A map showing the location of the site, the racial composition of the neighborhood, and any areas of racial concentration.

**Note:** For this competition, when determining the racial and ethnic composition of the neighborhood surrounding the proposed site, use data from the 2000 Census of Population. Data from the 2000 Census may be found at: [www.factfinder.census.gov/servlet/BasicFactsServlet](http://www.factfinder.census.gov/servlet/BasicFactsServlet).

(vii) A Phase I Environmental Site Assessment (ESA), in accordance with the ASTM Standards E 1527-00, as amended, 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. Therefore, it is important to start the site assessment process as soon after the publication of the NOFA as possible. If the Phase I ESA indicates 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. If the property is to be acquired from the FDIC/RTC, include a copy of the FDIC/RTC prepared Transaction Screen Checklist or Phase I ESA and applicable documentation, per the FDIC/RTC 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 Assessment reveals site contamination, you must submit the extent of the contamination and a plan for clean-up of the site including 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 to the local HUD office. The Phase II and any necessary plans for clean-up do not have to be submitted with the application but must be received by the local HUD office by June 30, 2005. If it is not received by that date, the application will be rejected.

**Note:** You must pay for the cost of any clean-up or remediation which can be very expensive. See **Note** at Section III.C.2.B(3)(c)(iii).

(viii) You must submit one of the following:

(A) If there is no pre-1978 structure on the site, a statement to this effect, or

(B) If there is a pre-1978 structure on the site, an asbestos report which is based on a thorough inspection to identify the location and condition of asbestos throughout any structures.

**Note:** In those cases where suspect asbestos is found, it would either be assumed to be asbestos or would require confirmatory testing. If the asbestos report indicates the presence of asbestos, or the presence of asbestos is assumed, and if the application is approved, HUD will condition the approval on an appropriate mix of asbestos abatement and an asbestos Operations and Maintenance Plan.

(ix) The letter you sent to the State/Tribal Historic Preservation Officer (SHPO/THPO) initiating consultation with their office and requesting their review of your determinations and findings with respect to the historical significance of your proposed project. Appendix B to this program section of the SuperNOFA contains a sample letter that you may adapt and send to the SHPO/THPO.

(x) The SHPO/THPO response to your letter or a statement that you have not received a response letter from the SHPO/THPO.

(2) Exhibit 5—Supportive Services Plan.

(a) A detailed description of the supportive services proposed to be provided to the anticipated occupancy.

(b) A description of public or private sources of assistance that reasonably could be expected to fund the proposed services.

(c) The manner in which such services will be provided to such persons (*i.e.*, on or off-site), including whether a service coordinator will facilitate the adequate provision of such services, and how the services will meet the identified needs of the residents.

**Note:** You may not require residents, as a condition of admission or occupancy, to accept any supportive services.

#### d. Part IV—General Application Requirements, Certifications and Resolutions

(1) Exhibit 6: Other Applications.

(a) A list of the applications, if any, you are submitting to any other local HUD office in response to the FY 2005 Section 202 or Section 811 NOFA. Indicate by local HUD office, the proposed location by city and state and

the number of units requested for each application.

(b) Include a list of all FY2004 and prior year Section 202 and Section 811 capital advance projects to which you are a party. Identify each by project number and local HUD office and include the following information:

(1) whether the project has initially closed and, if so, when;

(2) if the project was older than 24 months when it initially closed (specify how old) or if older than 24 months now (specify how old) and has not initially closed, provide the reasons for the delay in closing;

(3) whether amendment money was or will be needed for any project in (2) above; and,

(4) those projects which have not been finally closed.

(2) Exhibit 7: 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.

(c) identifies the staff organization that will carry out the relocation activities.

(d) identifies all persons that have moved from the site within the past 12 months.

**Note:** If any of the relocation costs will be funded from sources other than the Section 202 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).

(3) Exhibit 8: Certifications and Resolutions. With the exception of Form HUD-424CB and Form HUD-424CBW listed in the General Section of the SuperNOFA, and OMB Circulars A-87 and A-21, you are required to submit copies of the following:

(a) Standard Form 424—Application for Federal Assistance, including a DUNS number, an 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). A copy of this form and instructions on how to obtain a DUNS number are contained in the online application and the General Section of the SuperNOFA.

(b) Standard Form 424 Supplement, Survey on Ensuring Equal Opportunity

for Applicants. Although the information on this form will not be considered in making funding decisions, it will assist the federal government in ensuring that all qualified applicants have an equal opportunity to compete for federal funding. A copy of this form is contained in the online application and the General Section of the SuperNOFA.

(c) Standard Form LLL—Disclosure of Lobbying Activities (if applicable). A disclosure of activities conducted to influence any federal transactions. A copy of this form is contained in the online application and the General Section of the SuperNOFA.

(d) Form HUD-2880, Applicant/Recipient Disclosure/Update Report, including Social Security and Employee Identification Numbers. A disclosure of assistance from other government sources received in connection with the project. A copy of this form is contained in the online application and the General Section of the SuperNOFA.

(e) Form HUD-2991, Certification of Consistency with the Consolidated Plan (Plan) 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 the program section of the SuperNOFA. The Plan regulations are published in 24 CFR part 91. A copy of this form is contained in the online application and the General Section of the SuperNOFA.

(f) Form HUD-92041, Sponsor's Conflict of Interest Resolution. 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. Refer to Section IV.B.3. for a copy of this Resolution.

(g) Form HUD-92042, Sponsor's Resolution for Commitment to Project. 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 or for national Sponsors, not to exceed \$25,000), and the estimated cost of any amenities or features (and operating costs related thereto) that would not be covered by the approved capital advance. Refer to Section IV.B.3. for a copy of this Resolution.

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

contained in the online application and the General Section of the SuperNOFA.

(i) Form HUD-2530, Previous Participation Certification. This form must be submitted for the Sponsor and all of the Officers and Directors of the Board of the Sponsor, including any Co-Sponsor, if applicable. This form provides HUD with a certified report of all your previous participation in HUD multifamily housing projects. The information is used to determine if you meet the standards established to ensure that all principal participants in HUD projects will honor their legal, financial, and contractual obligations and are acceptable risks from the underwriting standpoint of an insurer, lender or governmental agency. Refer to Section IV.B.3. below for a copy of this form.

(j) Form HUD-96010, Logic Model. In addition to the Project Development Timeline to be submitted in Exhibit 3(h) above, the information provided in the Logic Model will be used in rating your application for Rating Factor 5, Achieving Results and Program Evaluation. A copy of this form is

contained in the online application and the General Section of the SuperNOFA.

(k) Form HUD-27300, Questionnaire for HUD's Initiative on Removal of Regulatory Barriers. This form requires you to supply a reference, URL or brief statement documenting the successful efforts in removing barriers to affordable housing by the jurisdiction in which your project will be located. This Questionnaire will be considered in the rating of your application for Rating Factor 3.j. A copy of this form is contained in the online application and the General Section.

(l) Form HUD-96011, Facsimile Transmittal to be used for faxing third party letters and other documents for your electronic application in accordance with the instructions in the General Section.

3. *Required Forms.* In addition to the required forms that are found in the General Section as specified above, the following required forms (HUD-92015-CA, HUD-92041, HUD-92042, and HUD-2530) are specific to the Section 202 program.

# Previous Participation Certification

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

U.S. Department of Agriculture  
Farmers Home Administration

OMB Approval No. 2502-0118  
(exp. 7/31/2006)

## Part I To be completed by Principals of Multifamily Projects. See Instructions Reason for Submitting Certification

### For HUD HQ/FmHA use only

1. Agency Name and City where the application is filed		2. Project Name, Project Number, City and Zip Code contained in the application	
3. Loan or Contract Amount	4. Number of Units or Beds	5. Section of Act	6. Type of Project (check one) <input type="checkbox"/> Existing <input type="checkbox"/> Rehabilitation <input type="checkbox"/> Proposed (New)

### List of All Proposed Principal Participants

7. Names and Addresses of All Known Principals and Affiliates (people, businesses & organizations) proposing to participate in the project described above. (list names alphabetically, last, first, middle initial)	8. Role of Each Principal in Project	9. Expected % Owner ship Interest in Project	10. Social Security or IRS Employer Number

**Certifications:** I (meaning the individual who signs as well as the corporations, partnerships or other parties listed above who certify) hereby apply to HUD or USDA-FmHA, as the case may be, for approval to participate as a principal in the role and project listed above based upon my following previous participation record and this Certification.

I certify that all the statements made by me are true, complete and correct to the best of my knowledge and belief and are made in good faith, including the data contained in Schedule A, and Exhibits signed by me and attached to this form. **Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

I further certify that:  
1. Schedule A contains a listing of every assisted or insured project of HUD, USDA-FmHA and State and local government housing finance agencies in which I have been or am now a principal.

2. For the period beginning 10 years prior to the date of this certification, and except as shown by me on the certification:  
a. No mortgage on a project listed by me has ever been in default, assigned to the Government or foreclosed, nor has mortgage relief by the mortgagee been given;  
b. I have not experienced defaults or noncompliances under any Conventional Contract or Turnkey Contract of Sale in connection with a public housing project;  
c. To the best of my knowledge, there are no unresolved findings raised as a result of HUD audits, management reviews or other Governmental investigations concerning me or my projects;  
d. There has not been a suspension or termination of payments under any HUD assistance contract in which I have had a legal or beneficial interest;  
e. I have not been convicted of a felony and am not presently, to my knowledge, the subject of a complaint or indictment charging a felony.

(A felony is defined as any offense punishable by imprisonment for a term exceeding one year, but does not include any offense classified as a misdemeanor under the laws of a State and punishable by imprisonment of two years or less);  
f. I have not been suspended, debarred or otherwise restricted by any Department or Agency of the Federal Government or of a State Government from doing business with such Department or Agency;  
g. I have not defaulted on an obligation covered by a surety or performance bond and have not been the subject of a claim under an employee fidelity bond.  
3. All the names of the parties, known to me to be principals in this project(s) in which I propose to participate, are listed above.  
4. I am not a HUD/FmHA employee or a member of a HUD/FmHA employee's immediate household as defined in Standards of Ethical Conduct for Employees of the Executive Branch in 5 C.F.R. Part 2635 (57 FR 35006) and HUD's Standard of Conduct in 24 C.F.R. Part O and

USDA's Standard of Conduct in 7 C.F.R. Part O Subpart B.

5. I am not a principal participant in an assisted or insured project as of this date on which construction has stopped for a period in excess of 20 days or which has been substantially completed for more than 90 days and documents for closing, including final cost certification have not been filed with HUD or FmHA.

6. To my knowledge I have not been found by HUD or FmHA to be in noncompliance with any applicable civil rights laws.

7. I am not a Member of Congress or a Resident Commissioner nor otherwise prohibited or limited by law from contracting with the Government of the United States of America.

8. Statements above (if any) to which I cannot certify have been deleted by striking through the words with a pen. I have initialed each deletion (if any) and have attached a true and accurate signed statement (if applicable) to explain the facts and circumstances which I think helps to qualify me as a responsible principal for participation in this project.

Typed or Printed Name of Principal	Signature of Principal	Certification Date (mm/dd/yyyy)	Area Code and Telephone No.

This form was prepared by (Please print name)

Previous editions are obsolete

Page 1 of 2

ref Handbook 4065.1 form HUD-2530 (5/2001)

**Schedule A: List of Previous Projects and Section 8 Contracts.** By my name below is the complete list of my previous projects and my participation history as a principal; in Multifamily Housing programs of HUD/FmHA, State, and Local Housing Finance Agencies. **Note:** Read and follow the instruction sheet carefully. Abbreviate where possible. Make full disclosure. Add extra sheets if you need more space. Double check for accuracy. If you have no previous projects write, by your name, **"No previous participation, First Experience."**

1. List each Principal's Name (list in alphabetical order, last name first)	2. List Previous Projects (give the I.D. number, project name, city location, & government agency involved if other than HUD)	3. List Principals' Role(s) (indicate dates participated, and if fee or identity of interest participant)	4. Status of Loan (current, defaulted, assigned, or foreclosed)	5. Was Project ever in Default, during your participation?  Yes   No   If "Yes," explain	6. Last Mgmt. and/or Physical Inspectn Rating

**Part II – For HUD Internal Processing Only**

Received and checked by me for accuracy and completeness; recommend approval or transfer to Headquarters as checked below:

Date (mm/dd/yyyy)	Telephone Number and Area Code	<input type="checkbox"/> A. No adverse information; form HUD-2530 approval is recommended.	<input type="checkbox"/> C. Disclosure or Certification problem
Staff	Processing and Control	<input type="checkbox"/> B. Name match in system	<input type="checkbox"/> D. Other, our memorandum is attached.
Supervisor	Director of Housing / Director, Multifamily Division	Approved <input type="checkbox"/> Yes <input type="checkbox"/> No	Date (mm/dd/yyyy)
Previous editions are obsolete			
Page 2 of 2		ref Handbook 4065.1 form HUD-2530 (5/2001)	

### Instructions for Completing the Previous Participation Certificate, form HUD-2530

Carefully read these instructions and the applicable regulations. A copy of those regulations published at 24 C.F.R. 200.210 to 200.245 can be obtained from the Multifamily Housing Representative at any HUD Office. Type or print neatly in ink when filling out this form. Mark answers in all blocks of the form. If the form is not filled completely, it will delay approval of your application.

Attach extra sheets as you need them. Be sure to indicate "Continued on Attachments" wherever appropriate. Sign each additional page that you attach if it refers to you or your record. If you have many projects to list (20 or more) and expect to be applying frequently for participation in HUD projects, you should consider filing a Master List. See Master List instructions below under "Instructions for Completing Schedule A."

**Carefully read the certification before you sign it.** Any questions regarding the form or how to complete it can be answered by your HUD Office Multifamily Housing Representative.

**Purpose:** This form provides HUD with a certified report of all previous participation in HUD multifamily housing projects by those parties making application. The information requested in this form is used by HUD to determine if you meet the standards established to ensure that all principal participants in HUD projects will honor their legal, financial and contractual obligations and are acceptable risks from the underwriting standpoint of an insurer, lender or governmental agency. HUD requires that you certify your record of previous participation in HUD/USDA-FmHA, State and Local Housing Finance Agency projects by completing and signing this form, before your project application or participation can be approved.

HUD approval of your certification is a necessary precondition for your participation in the project and in the capacity that you propose. If you do not file this certification, do not furnish the information requested accurately, or do not meet established standards, HUD will not approve your certification.

**Note** that approval of your certification does not obligate HUD to approve your project application, and it does not satisfy all other HUD program requirements relative to your qualifications.

**Who Must Sign and File Form HUD-2530:** Form HUD-2530 must be completed and signed by all parties applying to become principal participants in HUD multifamily housing projects, including those who have no previous participation. The form must be signed and filed by all principals and their affiliates who propose participating in the HUD project. Use a separate form for each role in the project unless there is an identity of interest.

Principals include all individuals, joint ventures, partnerships, corporations, trusts, non-profit organizations, any other public or private entity, that will participate in the proposed project as a sponsor, owner, prime contractor, turnkey developer, managing agent, nursing home administrator or operator, packager, or consultant. Architects and attorneys who have any interest in the project other than an arms length fee arrangement for professional services are also considered principals by HUD.

In the case of partnerships, all general partners regardless of their percentage interest and limited partners having a 25 percent or more interest in the partnership are considered principals. In the case of public or private corporations or governmental entities, principals include the president, vice president, secretary, treasurer and all other executive officers who are directly responsible to the board of directors, or any equivalent governing body, as well as all directors and each stockholder having a 10 percent or more interest in the corporation.

Affiliates are defined as any person or business concern that directly or indirectly controls the policy of a principal or has the power to do so. A holding or parent corporation would be an example of an affiliate if one of its subsidiaries is a principal.

**Exception for Corporations** – All principals and affiliates must personally sign the certificate except in the following situation. When a corporation is a principal, all of its officers, directors, trustees and stockholders with 10 percent or more of the common (voting) stock need not sign personally if they all have the same record to report. The officer who is authorized to sign for the corporation or agency will list the names and title of those who elect not to sign. However, any person who has a record of participation in HUD projects that is separate from that of his or her organization must report that activity on this form and sign his or her name. The objective is full disclosure.

**Exemptions** – The names of the following parties do not need to be listed on form HUD-2530: Public Housing Agencies, tenants, owners of less than five condominium or cooperative units and all others whose interests were acquired by inheritance or court order.

**Where and When Form HUD-2530 Must Be Filed:** The original of this form must be submitted to the HUD Office where your project application will be processed at the same time you file your initial project application. This form must be filed with applications for projects, or when otherwise required in the situations listed below:

- Projects to be financed with mortgages insured under the National Housing Act (FHA).
- Projects to be financed according to Section 202 of the Housing Act of 1959 (Elderly and Handicapped).
- Projects in which 20 percent or more of the units are to receive a subsidy as described in 24 C.F.R. 200.213.

- Purchase of a project subject to a mortgage insured or held by the Secretary of HUD.

- Purchase of a Secretary-owned project.

- Proposed substitution or addition of a principal, or principal participation in a different capacity from that previously approved for the same project.

- Proposed acquisition by an existing limited partner of an additional interest in a project resulting in a total interest of 25 percent or more, or proposed acquisition by a corporate stockholder of an additional interest in a project resulting in a total interest of 10 percent or more.

- Projects with U.S.D.A., Farmers Home Administration, or with state or local governmental housing finance agencies that include rental assistance under Section 8 of the Housing Act of 1937. For projects of this type, form HUD-2530 should be filed with the appropriate applications directly to those agencies.

**Review of Adverse Determination:** If approval of your participation in a HUD project is denied, withheld, or conditionally granted on the basis of your record of previous participation, you will be notified by the HUD Office. You may request reconsideration by the HUD Review Committee. Alternatively, you may request a hearing before a Hearing Officer. Either request must be made in writing within 30 days from your receipt of the notice of determination.

If you do request reconsideration by the Review Committee and the reconsideration results in an adverse determination, you may then request a hearing before a Hearing Officer. The Hearing Officer will issue a report to the Review Committee. You will be notified of the final ruling by certified mail.

### Specific Line Instructions:

**Reason for submitting this Certification:** e.g., refinancing, management change in ownership, transfer of physical assets, etc.

**Block 1:** Fill in the name of the agency to which you are applying. For example: HUD Office, Farmers Home Administration District Office, or the name of a State or local housing finance agency. Below that, fill in the name of the city where the office is located.

**Block 2:** Fill in the name of the project, such as "Greenwood Apts." If the name has not yet been selected, write "Name unknown." Below that, enter the HUD contract or project identification number, the Farmers Home Administration project number, or the State or local housing finance agency project or contract number. Include all project or contract identification numbers that are relevant to the project. Also enter the name of the city in which the project is located, and the ZIP Code of the site location.

**Block 3:** Fill in the dollar amount requested in the proposed mortgage, or the annual amount of rental assistance requested.

**Block 4:** Fill in the number of apartment units proposed, such as "40 units." For hospital projects or nursing homes, fill in the number of beds proposed, such as "100 beds."

**Block 5:** Fill in the section of the Housing Act under which the application is filed.

**Block 7:** Definitions of all those who are considered principals and affiliates are given above in the section titled "Who Must Sign and File...."

**Block 8:** Beside the name of each principal, fill in the role that each will perform. The following are possible roles that the principals may perform: Sponsor, Owner, Prime Contractor, Turnkey Developer, Managing Agent, Packager, Consultant, General Partner, Limited Partner (include percentage), Executive Officer, Director, Trustee, Major Stockholder, or Nursing Home Administrator. Beside the name of each affiliate, write the name of the person or firm of affiliation, such as "Affiliate of Smith Construction Co."

**Block 9:** Fill in the percentage of ownership in the proposed project that each principal is expected to have. Also specify if the participant is a general or limited partner. Beside the name of those parties who will not be owners, write "None."

**Block 10:** Fill in the Social Security Number or IRS employer number of every party listed, including affiliates.

**Instructions for Completing Schedule A:**

Be sure that Schedule A is filled-in completely, accurately and signed, and the certification is properly dated and signed, because it will serve as a legal record of your previous experience. All Multifamily Housing projects involving HUD/FmHA, and State and local Housing Finance Agencies in which you have previously participated **must** be listed. Applicants are reminded that previous participation pertains to the individual principal within an entity as well as the entity itself. A newly formed company may not have previous participation, but the principals within the company may have had extensive participation and disclosure of that activity is required. To avoid duplication of disclosure, list the project and then the entities or individuals involved in that project. You may use the name or a number code to denote the entity or individual that participated. The number code can then be used in column 3 to denote role.

**Column 2** List the project or contract identification of each previous project. **All previous projects must be included or your certification cannot be processed.** Include the name of all projects, the cities in which they are located and the government agency (HUD, USDA-FmHA or State or local housing finance agency) that was involved. At the end of your list of projects, draw a straight line across the page to separate your record of projects from that of others signing this form who have a different record to report.

**Column 3** List the role(s) of your participation, dates participated, and if fee or identity of interest with owners.

**Column 4** Indicate the current status of the loan. Except for current loans, the date associated with the status is required. Loans under a workout arrangement are considered as signed. An explanation of the circumstances surrounding the status is required for all non-current loans.

**Column 5** Explain any project defaults during your participation.

**Column 6** Enter the latest Management and/or Physical Inspection Review rating. If either of the ratings are below average, the report issued by HUD is required to be submitted along with the applicant's explanation of the circumstances surrounding the rating.

**No Previous Record:** Even if you have never participated in a HUD project before, you must complete form HUD-2530. If you have no record of previous projects to list, fill in your name in column 1 of Schedule A, and write across the form by your name, "No previous participation, first experience."

**Master List System:** If you expect to file this form frequently and you have a long list of previous projects to report on Schedule A, you should consider filing a Master List. By doing so, you will avoid having to list all your previous projects each time you file a new application.

To make a Master List, use form HUD-2530. On page 1, in block 1, enter (in capital letters) the words "Master List." In blocks 2 through 6 enter in "N.A." meaning Not Applicable. Complete blocks 7 through 10.

In the box below the statement of certification, fill in the names of all parties who wish to file a Master List together (type or print neatly). Beside each name, every party must sign the form. In the box titled "Proposed Role," fill in "N.A." Also, fill in the date you sign the form.

and provide a telephone number where you can be reached during the day. No determinations will be made on these certifications.

File one copy of the Master List with each HUD Office where you do business and mail one copy to the following address:

**HUD-2530 Master List  
Participation and Compliance  
Division - Housing  
U.S. Department of Housing and  
Urban Development  
451 Seventh Street, S.W.  
Washington, D.C. 20410**

Once you have filed a Master List, you do not need to complete Schedule A when you submit form HUD-2530. Instead, write the name of the participant in column 1 of Schedule A and beside that write "See Master List on file." Also give the date that appears on the Master List that you submitted. Below that, report all changes and additions that have occurred since that date. Be sure to include any mortgage defaults, assignments or foreclosures not listed previously.

**If you have withdrawn from a project** since the date the Master List was filed, be sure to name the project. Give the project identification number, the month and year your participation began and/or ended.

**Certification:**

After you have completed all other parts of form HUD-2530, including Schedule A, read the Certification carefully. In the box below the statement of certification, fill in the name of all principals and affiliates (type or print neatly). Beside the name of each principal and affiliate, each party must sign the form, with the exception in some cases of individuals associated with a corporation (see "Exception for Corporations" in the section of the instructions titled "Who Must Sign and File form

HUD-2530"). Beside each signature, fill in the role of each party (the same as shown in block 8). In addition, each person who signs the form should fill in the date that he or she signs, as well as providing a telephone number where he or she can be reached during business hours. By providing a telephone number where you can be reached, you will help to prevent any possible delay caused by mailing and processing time in the event HUD has any questions.

If you cannot certify and sign the certification as it is printed because some statements do not correctly describe your record, use a pen and strike through those parts that differ with your record, then sign and certify to that remaining part which does describe you or your record.

Attach a signed letter, note or an explanation of the items you have struck out on the certification and report the facts of your correct record. Item A(2)(e) relates to felony convictions within the past 10 years. If you have been convicted of a felony within 10 years, strike out all of A(2)(e) on the certificate and attach your statement giving your explanation. A felony conviction will not necessarily cause your participation to be disapproved unless there is a criminal record or other evidence that your previous conduct or method of doing business has been such that your participation in the project would make it an unacceptable risk from the underwriting standpoint of an insurer, lender or governmental agency.

The Department of Housing and Urban Development (HUD) is authorized to collect this information by law (42 U.S.C. 3535(d) and 24 C.F.R. 200.217) and by regulation at 24 CFR 200.210. This information is needed so that principals applying to participate in multifamily programs can become HUD-approved participants. The information you provide will enable HUD to evaluate your record with respect to established standards of performance, responsibility and eligibility. Without prior approval, a principal may not participate in a proposed or existing multifamily project. HUD uses this information to evaluate whether or not principals pose an unsatisfactory underwriting risk. The information is used to evaluate the potential principals and approve only individuals and organizations who will honor their legal, financial and contractual obligations.

**Privacy Act Statement:** The Housing and Community Development Act of 1987, 42 U.S.C. 3543 requires persons applying for a Federally-insured or guaranteed loan to furnish his/her Social Security Number (SSN). HUD must have your SSN for identification of your records. HUD may use your SSN for automated processing of your records and to make requests for information about you and your previous records with other public agencies and private sector sources. HUD may disclose certain information to Federal, State and local agencies when relevant to civil, criminal, or regulatory investigations and prosecutions. It will not be otherwise disclosed or released outside of HUD, except as required and permitted by law. You must provide all of the information requested in this application, including your SSN.

**Public reporting burden** for this collection of information is estimated to average 1 hour 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.

A response is mandatory. Failure to provide any of the information will result in your disapproval for participation in this HUD program.

Previous editions are obsolete

ref Handbook 4065.1 form HUD-2530 (5/2001)

**SPONSOR'S CONFLICT OF  
INTEREST RESOLUTION**

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

OMB Approval No. 2502-0267  
(exp. 07/31/2007)

**Public reporting burden** for this collection of information is estimated to average .40 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. HUD 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 required for HUD's Supportive Housing for the Elderly under Section 202 and Supportive Housing for Persons with Disabilities under Section 811. The information is necessary to assist HUD in determining applicant eligibility and ability to develop housing for the elderly and for persons with disabilities within 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 collection of information does not collect any sensitive information. HUD does not ensure confidentiality.

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 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 \_\_\_\_\_  
day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Authorized Signature

**SPONSOR'S RESOLUTION FOR  
COMMITMENT TO PROJECT**

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

OMB Approval No. 2502-0267  
(exp 07/31/2007)

**Public reporting burden** for this collection of information is estimated to average .40 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. HUD 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 required for HUD's Supportive Housing for the Elderly under Section 202 and Supportive Housing for Persons with Disabilities under Section 811. The information is necessary to assist HUD in determining applicant eligibility and ability to develop housing for the elderly and for persons with disabilities within 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 collection of information does not collect any sensitive information. HUD does not ensure confidentiality.

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 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

form HUD-92042 (08/2003)

Supportive Housing for the Elderly Section 202  
**Application for Capital Advance  
 Summary Information**

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

OMB Approval No. 2502-0267  
 (exp. 07/31/2007)

Public reporting burden for this collection of information is estimated to average 30 minutes 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.

<b>HUD Use Only</b>	202 Project Number	PRAC Number																								
1. Sponsor's Name(s), Address(es) & Telephone Number (s)		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  If "Yes," place the numeric code as shown below in this box <input style="width: 40px;" type="text"/> <b>Codes:</b> 2 - Black; 3 - Native American; 4 - Hispanic; 5 - Asian Pacific; 6 - Asian Indian																								
1a. Sponsor is a "grassroots" organization <input type="checkbox"/> Yes <input type="checkbox"/> No																										
3a. Address of Site		3b. Will project be located within the boundaries of a Federally-designated: (1) Empowerment Zone, (2) Enterprise Community, (3) Urban Enhanced Enterprise Community, (4) Strategic Planning Community, or (5) Renewal Community? (Contact local HUD Office for information on these designated areas.) <input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes," please place the appropriate number as shown above in this box <input style="width: 40px;" type="text"/>																								
4a. Congressional District	5. Type of Area <input type="checkbox"/> Metropolitan <input type="checkbox"/> Non-metropolitan	6. Capital Advance Amount Requested \$																								
4b. Census Tract		7. Project Rental Assistance Contract Amount Requested \$																								
8. Total No. of 202 Units	8a. Number & Type of Resident Units Proposed <input type="checkbox"/> Efficiency <input type="checkbox"/> One bedroom	8b. Resident Manager's Unit (check appropriate type) <input type="checkbox"/> Efficiency <input type="checkbox"/> One bedroom <input type="checkbox"/> Two bedroom																								
9. Number of Buildings	10. Type of Project <input type="checkbox"/> New Construction <input type="checkbox"/> Rehabilitation <input type="checkbox"/> Acquisition Year Built (yyyy) <input style="width: 40px;" type="text"/>	11. Type of Building(s) <input type="checkbox"/> Row/Townhouse <input type="checkbox"/> Semi-detached <input type="checkbox"/> Walk-up <input type="checkbox"/> Detached <input type="checkbox"/> Elevator																								
12. Number of Stories	13. Number of Parking Spaces	14. Check utilities and services not included in the rent and to be paid directly by the tenant. <input type="checkbox"/> Electric <input type="checkbox"/> Water <input type="checkbox"/> Heat <input type="checkbox"/> Gas																								
15. Off-Site Facilities <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th>Public</th> <th>At Site</th> <th>Feet from Site</th> </tr> </thead> <tbody> <tr> <td>Water</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input style="width: 60px;" type="text"/></td> </tr> <tr> <td>Sewer</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input style="width: 60px;" type="text"/></td> </tr> <tr> <td>Paving</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input style="width: 60px;" type="text"/></td> </tr> <tr> <td>Gas</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input style="width: 60px;" type="text"/></td> </tr> <tr> <td>Electric</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input style="width: 60px;" type="text"/></td> </tr> </tbody> </table>			Public	At Site	Feet from Site	Water	<input type="checkbox"/>	<input type="checkbox"/>	<input style="width: 60px;" type="text"/>	Sewer	<input type="checkbox"/>	<input type="checkbox"/>	<input style="width: 60px;" type="text"/>	Paving	<input type="checkbox"/>	<input type="checkbox"/>	<input style="width: 60px;" type="text"/>	Gas	<input type="checkbox"/>	<input type="checkbox"/>	<input style="width: 60px;" type="text"/>	Electric	<input type="checkbox"/>	<input type="checkbox"/>	<input style="width: 60px;" type="text"/>	16a. Community Spaces to be included in Project   16b. Mixed-Finance or Mixed-Use Project For Additional Units <input type="checkbox"/> Yes <input type="checkbox"/> No No. of Additional Units <input style="width: 60px;" type="text"/>
	Public	At Site	Feet from Site																							
Water	<input type="checkbox"/>	<input type="checkbox"/>	<input style="width: 60px;" type="text"/>																							
Sewer	<input type="checkbox"/>	<input type="checkbox"/>	<input style="width: 60px;" type="text"/>																							
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Electric	<input type="checkbox"/>	<input type="checkbox"/>	<input style="width: 60px;" type="text"/>																							
17. Unusual Site Features <table style="width: 100%; border-collapse: collapse;"> <tbody> <tr> <td><input type="checkbox"/> None</td> <td><input type="checkbox"/> Poor Drainage</td> </tr> <tr> <td><input type="checkbox"/> Cuts</td> <td><input type="checkbox"/> Retaining Walls</td> </tr> <tr> <td><input type="checkbox"/> Fill</td> <td><input type="checkbox"/> Rock Foundations</td> </tr> <tr> <td><input type="checkbox"/> Erosion</td> <td><input type="checkbox"/> High Water Table</td> </tr> <tr> <td><input type="checkbox"/> Other (specify)</td> <td></td> </tr> </tbody> </table>		<input type="checkbox"/> None	<input type="checkbox"/> Poor Drainage	<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"/> Other (specify)		18. Mark one box <input type="checkbox"/> Consultant <input type="checkbox"/> Agent <input type="checkbox"/> Authorized Representative Name, Address & Telephone Number <input style="width: 100%; height: 40px;" type="text"/>														
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<input type="checkbox"/> Other (specify)																										
19. 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 <input style="width: 600px;" type="text"/> Form <input style="width: 60px;" type="text"/> <input style="width: 600px;" type="text"/> <input style="width: 60px;" type="text"/> <input style="width: 600px;" type="text"/> <input style="width: 60px;" type="text"/>																										
20. Sponsor's Attorney (name, address & telephone number)		By (Signature of Sponsor's Authorized Representative)   Type in Name <input style="width: 100%;" type="text"/> Type in Title <input style="width: 50%;" type="text"/> Date (mm/dd/yyyy) <input style="width: 50%;" type="text"/>																								

Previous editions are obsolete

form HUD-92015-CA (04/2002)  
 ref: Handbook 4571.3 Rev-1

### C. Submission Dates and Time

Your application must be submitted and received electronically by Grants.gov no later than 11:59:59 p.m. Eastern time on May 31, 2005, unless a waiver of the electronic delivery process has been approved by HUD. Please refer to the General Section for instructions on applying for a waiver. If a waiver is granted, you must submit an original and four copies of your application on the application submission date following the mailing and timely receipt instructions in the General Section and Appendix A of this program NOFA. These instructions have changed from the 2004 SuperNOFA.

### D. Intergovernmental Review

1. *State Review.* This funding opportunity is subject to Executive Order (EO) 12372, "Intergovernmental Review of Federal Programs." You must contact your State's Single Point of Contact (SPOC) to find out about and comply with the state's process under EO 12372. The names and addresses of the SPOCs are listed in the Office of Management and Budget's home page at <http://www.whitehouse.gov/omb/grants/spoc.html>. If required by the state, the submission to the state needs to occur before the Section 202 application submission date. It is recommended that you provide the state with sufficient time to review the application. Therefore, it is important that you consult with the SPOC for State review timeframes and take that into account when submitting the application.

2. *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.

### E. Funding Restrictions

1. *Ineligible Activities.* Section 202 funds may not be used for:

- a. Nursing homes;
- b. Infirmaries;
- c. Medical facilities;
- d. Mobile homes;
- e. Community centers;
- f. Headquarters for organizations for the elderly;
- g. Nonhousekeeping accommodations (e.g., central dining, but without private

kitchens and/or bathrooms in the residential units);

- h. Refinancing of sponsor-owned facilities without rehabilitation,
- i. Housing that you currently own or lease that is occupied by elderly persons; and
- j. Projects licensed or to be licensed as assisted living facilities.

**Note:** You may propose to rehabilitate an existing currently-owned or leased structure that does not already serve elderly person, except that the refinancing of any federally-funded or assisted project or project insured or guaranteed by a Federal agency is not permissible under this Section 202 NOFA. HUD does not consider it appropriate to utilize scarce program resources to refinance projects that have already received some form of assistance under a federal program. (For example, Section 202 or Section 202/8 direct loan projects cannot be refinanced with capital advances and project rental assistance.)

2. *Application Limits (Units/Projects).* Refer to Section III.C.3.b. of this program section of the SuperNOFA for information applicable to the limitations on the number of units you may apply for in a single application and the project sizes.

3. *Development Cost Limits.* a. The following development cost limits, adjusted by locality as described in Section IV.E.3.b. below must be used to determine the capital advance amount to be reserved for projects for the elderly. **Note:** The capital advance funds awarded for this project are to be considered the total amount of funds that the Department will provide for the development of this project. Amendment funds will only be provided in exceptional circumstances (e.g., to cover increased costs for construction delays due to litigation or unforeseen environmental issues resulting in a change of sites) that are clearly beyond your control. Otherwise, you are responsible for any costs over and above the capital advance amount provided by the Department as well as any costs associated with any excess amenities and design features.

(1) The capital advance amount for the project attributable to dwelling use (less the incremental development cost and the capitalized operating costs associated with any excess amenities and design features and other costs you must pay for) may not exceed:

*Non-elevator structures:* \$42,980 per family unit without a bedroom; \$49,557 per family unit with one bedroom; \$59,766 per family unit with two bedrooms.

*For elevator structures:* \$45,232 per family unit without a bedroom; \$51,849 per family unit with one bedroom;

\$63,049 per family unit with two bedrooms.

(2) These cost limits reflect those costs reasonable and necessary to develop a project of modest design that complies with HUD minimum property standards; the accessibility requirements of § 891.120(b); and the project design and cost standards of § 891.120 and § 891.210.

b. Increased development cost limits.

(1) HUD may increase the development cost limits set forth 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. This increase may include covering additional costs to make dwelling units accessible through rehabilitation.

**Note:** In applying the applicable high cost percentage, the local HUD Office may use a percentage that is higher or lower than that which is assigned to the local HUD Office if it is needed to provide a capital advance amount that is comparable to what it typically costs to develop a Section 202 project in that area.

(2) 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 sections IV.E.3.a.(1) and IV.E.3.b.(1) above, the amount of the 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.

4. *Commercial Facilities.* A commercial facility for the benefit of the residents may be located and operated in the Section 202 project. However, the commercial facility cannot be funded with the use of Section 202 capital advance or PRAC funds. The maximum amount of space permitted for a commercial facility cannot exceed 10 percent of the total project cost. An exception to this 10 percent limitation is if the project involves acquisition or rehabilitation and the additional space was incorporated in the existing structure at the time the proposal was submitted to HUD. Commercial facilities are considered public accommodations under Title III of the Americans with Disabilities Act of 1990 (ADA), and thus must comply with all the accessibility requirements of the ADA.

5. *Expiration of Section 202 Funds.* The Consolidated Appropriations Act, 2005, requires HUD to obligate all Section 202 funds appropriated for FY

2005 by September 30, 2008. Under 31 U.S.C. Section 1551, no funds can be disbursed from this account after September 30, 2013. Under Section 202, 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, 2013, 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, 2013. Furthermore, all unexpended balances, including any remaining balance on PRAC contracts, will be cancelled as of October 1, 2013. 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.

#### F. Other Submission Requirements:

##### 1. Address for Submitting

**Applications.** Applications must be submitted electronically through the <http://www.grants.gov> Web site, unless the applicant receives a waiver from the electronic application submission requirement. See the General Section, Application Submission and Receipt Procedures, for information on applying online and requesting a waiver from the electronic application requirement. If you apply for and receive a waiver from the electronic application requirement, you must submit an original and four copies of your completed application to the Director of the appropriate local HUD office listed in Appendix A below.

**Note:** Do not use the listing in Attachment B to the General Section of the SuperNOFA.

## V. Application Review Information

### A. Criteria

**Policy Priorities.** HUD encourages applicants to undertake specific activities that will assist the Department in implementing its policy priorities and which help the Department achieve its strategic goals for FY 2005. Refer to the General Section of the SuperNOFA for information regarding HUD's Strategic Goals and Policy Priorities. For the Section 202 program, applicants who include work activities that specifically address the policy priorities of encouraging accessible design features by incorporating visitability standards and universal design, removing barriers to affordable housing, and promoting energy efficiency in design and operations will receive additional points. A Notice pertaining to

the removal of barriers to affordable housing was published in the **Federal Register** and may be downloaded from the HUD Web site at <http://www.hud.gov/offices/adm/grants/fundsavail.cfm>.

**Rating Factors.** 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 this program Section of the SuperNOFA. The maximum number of points an application may receive under this program is 102. This includes two (2) RC/EZ/EC-II bonus points, as described in the General Section of the SuperNOFA and Section V.A.6. below.

#### 1. 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 Exhibits 3(a), 3(b), 3(e), 5 and 6 of Section IV.B. 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. (15 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.

b. (10 points). The scope, extent and quality of your experience in providing housing or related services to minority persons or families and your ties to the community at large and to the minority and elderly communities in particular.

(1) (5 points). The scope, extent, and quality of your experience in providing housing or related services to minority persons or families.

(2) (5 points). The scope, extent, and quality of your ties to the community at large and to the minority and elderly communities in particular.

To earn the maximum number of points under sub-criteria (b)(1) above, you must describe both your relationships over time with the minority community and significant previous experience in providing housing and/or supportive services to

minorities generally and to minority elderly in particular. For the purpose of this competition, "significant previous experience" means that the previous housing assistance or related services to minorities, *i.e.*, the percentage of minorities being provided housing or related services in your current developments, was equal to or greater than the percentage of minorities in the jurisdiction where the previous housing or services occurred. To earn the maximum number of points under sub-criteria (b)(2) above, you should submit materials that demonstrate your efforts to make housing available to the community at large and the minority and elderly communities in particular. Examples of documents that may be submitted to earn the maximum number of points under sub-criteria (b)(2) include copies of your affirmative marketing plan and the advertising/outreach materials you utilize to attract minority communities (including limited English proficient communities), elderly community and the community at large. Regarding your advertising/outreach materials, you should identify when advertising/outreach materials are circulated, whom they are circulated to, where they are circulated and how they are circulated. Descriptions of other advertising/outreach efforts to the minority (including limited English proficient communities) and elderly communities and the dates and places of such advertising/outreach efforts should also be included.

c. (– 3 to – 5 points). HUD will deduct (except if the delay was beyond your control) 3 points if a fund reservation you received under either the Section 202 Program of Supportive Housing for the Elderly or the Section 811 Program of Supportive Housing for Persons with Disabilities in FY 2000 or later has been extended beyond 24 months, 4 points if beyond 36 months, and 5 points if beyond 48 months. Examples of such delays beyond your control 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.

d. (– 1 point). HUD will deduct 1 point if amendment money was required as a result of the delay (except if the delay was beyond your control).

#### 2. Rating Factor 2: Need/Extent of the Problem (13 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 Exhibits 4(a) and 4(b) of Section IV.B. of this program section of the SuperNOFA. HUD will take into consideration the following in evaluating this factor:

The extent of the need for the project in the area based on a determination by the local 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 local HUD office. The data should include a general assessment of the current conditions in the market for the type of housing proposed, an estimate of the demand for additional housing of the type proposed in the applicable housing market area; as well as, information on the numbers and types of existing comparable Federally assisted housing units for the elderly (HUD and RHS), current occupancy in such housing and recent market experience, comparable assisted housing for the elderly 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 areas. The Department will also review more favorably those applications that 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 your 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.

For all Section 202 projects that are determined to have sufficient demand, HUD will rate your application based on the ratio of the number of units in the proposed project to the estimate of unmet need for housing assistance by the income eligible elderly households with selected housing conditions. Unmet need is defined as the number of very low-income elderly one-person renter households age 75 and older with housing conditions problems, as of the 2000 Census minus the number of project-based subsidized rental housing units (HUD, RHS, or LIHTC) that are affordable to very low-income elderly provided in the area since 1999. Units to be occupied by resident managers are not counted. After HUD determines the estimate of unmet need and whether a

connection has been made between the project and community's Consolidated Plan, Analysis of Impediments to Fair Housing Choice, or other planning document, HUD will rate your application as follows:

a. (10 points). The area of the project has an unmet needs ratio of 15 percent or less; OR (5 points). The area of the project has an unmet needs ratio of greater than 15 percent; OR (0 points). The area of the proposed project has no unmet needs for housing assistance.

b. (3 points). The extent that a connection has been established between the project and the community's Consolidated Plan, 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.

### 3. Rating Factor 3: Soundness of Approach (45 Points).

This factor addresses the quality and effectiveness of your proposal and the extent to which you involved elderly persons, including elderly minority persons, in the development of the application and will involve them in the development and operation of the project, whether the jurisdiction in which your project will be located has undertaken successful efforts to remove regulatory barriers to affordable housing, and whether you will promote energy efficiency in the design and operation of the proposed housing. There must be a clear relationship between your proposed design, 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 Exhibits 3(f), 3(j), 4(c)(i), 4(c)(ii), 4(c)(iii), 4(d)(iii), 4(d)(v), 4(d)(vi), 5, and 8(k) of Section IV.B. of this program section of the SuperNOFA. In evaluating this factor, HUD will consider the following:

a. (20 points). 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 occupants; adequacy of utilities and streets; freedom of the site from adverse environmental conditions; compliance with site and neighborhood standards (24 CFR 891.125(a), (d) and (e)).

b. (-1 point). The site(s) is not permissively zoned for the intended use.

c. (10 points). The suitability of the site from the standpoints of promoting a greater choice of housing

opportunities for minority elderly persons/families, 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 local HUD Office. Where appropriate, HUD may visit the site.

(1) 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). The term "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 elderly. You should refer to the Site and Neighborhood Standards provisions of the regulations governing the Section 202 Supportive Housing for the Elderly program (24 CFR 891.125(b) and (c)) when considering sites for your project.

(2) 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:

(a) 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 area as a whole;

(b) The neighborhood's total percentage of minority persons is at least 20 points higher than the total percentage of minorities for the housing market as a whole; or,

(c) In the case of a metropolitan area, the neighborhood's total percentage of minority persons exceeds 50 percent of its population.

d. (2 points). The extent to which your proposed design will meet the special physical needs of elderly persons.

e. (2 points). The extent to which the proposed size and unit mix of the housing will enable you to manage and operate the housing efficiently and ensure that the provision of supportive services will be accomplished in an economical fashion.

f. (2 points). The extent to which the proposed design of the housing will accommodate the provision of supportive services that are expected to be needed, initially and over the useful life of the housing, by the category or

categories of elderly persons the housing is intended to serve.

g. (3 points). The extent to which the proposed supportive services meet the identified needs of the anticipated residents and that the identified supportive services will be provided on a consistent, long-term basis.

h. (1 point). The extent to which the proposed design incorporates visitability standards and/or universal design in the construction or rehabilitation of the project. Refer to the General Section of the SuperNOFA for further information.

i. (2 points). Your involvement of elderly persons, particularly minority elderly persons, in the development of the application and your intent to involve elderly persons, particularly minority elderly persons, in the development and operation of the project.

j. (2 points). The extent to which the jurisdiction in which your project will be located has undertaken successful efforts to remove regulatory barriers to affordable housing. (NOTE: To receive up to 2 points, the applicant must have submitted the optional Form HUD-27300, Questionnaire for HUD's Initiative on Removal of Regulatory Barriers, AND provided URL references or submitted the required documentary evidence.) Refer to the General Section of the SuperNOFA for further information.

k. (1 point) The extent to which you will promote energy efficiency in the design and operation of the proposed housing. Refer to Section III.C.3.j. of this NOFA.

#### 4. Rating Factor 4: Leveraging Resources (5 Points).

This factor addresses your ability to secure other funding sources, including funding sources to develop a mixed-finance project for additional units for the elderly over and above the Section 202 units, if proposed, and community resources that 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 Exhibits 3(a), 3(b), 3(c), 3(d), 3(e), 4(c)(iii) and 5(b) of Section IV.B. of this NOFA.

a. (1 point). The extent of local government support (including financial assistance, donation of land, provision of services, etc.) for the project.

b. (2 points). The extent of your activities in the community, including previous experience in serving the area where the project is to be located, and

your demonstrated ability to enlist volunteers and raise local funds.

c. (2 points). The extent of your plans to develop a mixed-finance project for additional units for the elderly over and above the Section 202 units.

(1) (1 point). The proposed project involves mixed-financing for additional units in which the non-Section 202 units represent 30 percent or less of the Section 202 units in the project; OR (2) (2 points). The proposed project involves mixed-financing for additional units in which the non-Section 202 units represent over 30 percent of the Section 202 units in the project.

**Note:** If you are proposing a mixed-financed project for additional units over and above the Section 202 units, your application may receive a maximum of 2 points under Rating Factor 4(c). Your application will receive either 1 or 2 points under this Rating Factor, depending upon the number of non-Section 202 units to be developed in the project. If your project will not involve mixed-financing for additional units, no points will be assigned for Rating Factor 4(c).

#### 5. Rating Factor 5: Achieving Results and Program Evaluation (12 Points)

This factor reflects HUD's goal to embrace high standards of ethics, management and accountability and, as such, emphasizes HUD's commitment to ensuring that you keep the promises made in your application. This factor requires that you clearly identify the benefits or outcomes of your project and develop an evaluation plan to measure performance, which includes what you are going to measure, how you are going to measure it, and the steps you will have in place to make adjustments to your project development timeline should you not be able to achieve any of the major milestones. Completion of Exhibit 8(j), Logic Model, will assist you in completing your response to this rating factor. This rating factor also addresses the extent to which your project will implement practical solutions that result in residents achieving independent living, 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 Exhibits 3(e), 3(g), 3(h), 3(i), 6(b) and 8(j) of Section IV.B. NOFA.

a. (5 points). The extent to which your project development timeline is indicative of your full understanding of

the development process and will, therefore, result in the timely development of your project.

b. (2 points). The extent to which your past performance evidences that the proposed project will result in the timely development of the project. Evidence of your past performance could include the development of previous construction projects, including but not limited to Section 202 and Section 811 projects.

c. (2 points). The extent to which your project will implement practical solutions that will result in assisting residents in achieving independent living, educational opportunities, outreach regarding telemarketing fraud, and improved living environments.

d. (3 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 elderly persons for the 40-year capital advance period.

6. Bonus Points (2 bonus points). Location of proposed site in an RC/EZ/EC-II area, as described in the General Section. Submit the information responding to the bonus points in accordance with the Application Submission Requirements in Exhibit 8(h) of Section IV.B. of this NOFA.

#### B. Reviews and Selection Process

1. *Review for Curable Deficiencies.* You should ensure that your application is complete before transmitting it to the following Web site: <http://www.grants.gov> and, in case of a waiver of the electronic submission requirement, that you have an original and four copies before submitting it to the appropriate HUD office. Upon receipt of the application by HUD staff, HUD will screen all applications to determine if there are any curable deficiencies.

For applicants receiving a waiver to submit a paper application, submitting fewer than the required original and four copies of the application is not a curable deficiency and will cause your application to be considered non-responsive to the NOFA and returned to you. A curable deficiency is a missing Exhibit or portion of an Exhibit that will not affect the rating of the application. Refer to the General Section of the SuperNOFA for additional information regarding procedures for corrections to deficient applications. The following is a list of the only deficiencies that will be considered curable in a Section 202 application:

EXHIBIT	DESCRIPTION
1	Form 92015-CA (Application Form)*
2(a) (b) (c)	Articles of Incorporation* By-laws* IRS tax exemption ruling*
4(d)(i) (d)(ii) (d)(iv) (d)(vii) (d)(viii) (d)(ix)  (d)(x)	Evidence of site control Evidence site is free of limitations, restrictions or reverts Evidence of compliance with URA site notification requirement Phase I ESA Asbestos Statement or Report Letter to the State/Tribal Historic Preservation Officer (SHPO/THPO) Letter from the SHPO/THPO, or statement that the SHPO/THPO failed to respond
7	Relocation
8(a) (b)  (c) (d) (e) (f) (g) (i)	Standard Form 424, Application for Federal Assistance Standard Form 424 Supplement, Survey on Ensuring Equal Opportunity for Applicants Standard Form LLL, Disclosure of Lobbying Activities, if applicable Form HUD-2880, Applicant/Recipient Disclosure/Update Report Form HUD-2991, Certification of Consistency with Consolidated Plan Form HUD-92041, Sponsor's Conflict of Interest Resolution Form HUD-92042, Sponsor's Resolution for Commitment to Project* Form HUD-2530, Previous Participation Certification

The local HUD office will notify you in writing if your application is missing any of the above exhibits or portions of exhibits and will provide you with a specified deadline to submit the information required to cure the noted deficiencies. The items identified by an asterisk (\*) must be dated on or before the application submission date. 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 a deadline to cure the deficiency.

2. *Rating.* HUD will review and rate your application in accordance with the Reviews and Selection Process in the General Section of this SuperNOFA except as described in 3. Appeal Process below. Your application 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, including HUD

approval of you, the Section 202 applicant, based on HUD's evaluation of the applicant's previous participation activities as reported on Form HUD-2530, Previous Participation Certification, it will be rated according to the rating factors in Section V.A. above.

3. *Appeal Process.* 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 local HUD office. In HUD's review of any appeal, it should be noted that in conformance with its regulations at 24 CFR part 4, subpart B, HUD will not consider any unsolicited information that you, the applicant, may want to provide. The local HUD office will make a determination on any

appeals before making its selection recommendations.

4. *Ranking and Selection Procedures.* Applications submitted in response to the advertised metropolitan allocations or nonmetropolitan allocations that have a total base score of 75 points or more (without the addition of RC/EC/EZ-II bonus points) and meet all of the applicable threshold requirements of the General Section of the SuperNOFA and this program NOFA will be eligible for selection, and HUD will place them in rank order per metropolitan or nonmetropolitan allocation. These applications, after adding any bonus points for RC/EC/EZ-II, will be selected based on rank order, up to and including the last application that can be funded out of each HUD Multifamily Program Center's metropolitan or nonmetropolitan allocation. HUD Multifamily Program Centers will not skip over any applications in order to select one based on the funds

remaining. After making the initial selections in each allocation area, however, HUD Multifamily Program Centers 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.

Once this process has been completed, HUD Multifamily Program Centers may combine their unused metropolitan and nonmetropolitan funds in order to select the next highest ranked application in either category, using the unit reduction policy described above, if necessary.

After the HUD Multifamily Program Centers have funded all possible projects based on the process above, combined metropolitan and nonmetropolitan residual funds from all HUD Multifamily Program Centers within each Multifamily Hub will be combined. First, these funds will be used to restore units to projects reduced by HUD Multifamily Program Centers 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 Multifamily Program Center. More than one application may be selected per HUD Multifamily Program Center if there are no approvable applications in other HUD Multifamily Program Centers 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, the Multifamily Hub may use any remaining residual funds to select the next highest rated 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 five units.

Funds remaining after the Multifamily Hub selection process is completed will be returned to Headquarters. HUD Headquarters will use these residual funds first to restore units to projects reduced by HUD Multifamily Program Centers or Multifamily Hubs as a result of the instructions for using their residual funds. Second, HUD Headquarters will use these funds for selecting applications based on HUD Multifamily Program Centers' rankings, beginning with the highest rated application nationwide. However, after

restoring units to projects where necessary, priority will be given to those applications for projects in non-metropolitan areas, if necessary to meet the statutory requirement of Section 202 of the Housing Act of 1959 pertaining to Section 202 funding in nonmetropolitan areas. Only one application will be selected per HUD Multifamily Program Center from the national residual amount. If there are no approvable applications in other HUD Multifamily Program Centers, 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. HUD Headquarters may skip over a higher-rated application in order to use as much of the available remaining funds as possible.

5. *HUD Error.* In the event HUD commits an error that, when corrected, would have resulted in the selection of an otherwise eligible applicant during the funding round of the SuperNOFA, HUD may select that applicant when sufficient funds become available.

## VI. Award Administration Information

### A. Award Notices

1. *Agreement Letter.* If you are selected to receive a Section 202 fund reservation, you will receive an Agreement Letter that stipulates the terms and conditions for the Section 202 fund reservation award as well as the submission requirements following the fund reservation award. The duration of the fund reservation award for the capital advance is 18 months from the date of issuance of the fund reservation.

Immediately upon your acceptance of the Agreement Letter, you are expected to begin work towards the submission of a Firm Commitment Application, which is the next application submission stage. You are required to submit a Firm Commitment Application to the local HUD office within 180 days from the date of the Agreement Letter. Initial closing of the capital advance and start of construction of the project are expected to be accomplished within the duration of the fund reservation award. Final closing of the capital advance is expected to occur no later than six months after completion of project construction.

2. *Non-Selection Letter.* If your application is approvable but unfunded due to insufficient funds or receives a rating that is below the minimum threshold score established for funding eligibility, you will receive a letter to this effect.

3. *Debriefing.* Refer to the General Section of the SuperNOFA for further information regarding debriefings, except that the request for a debriefing must be made to the Director of Multifamily Housing in the appropriate local HUD office.

### B. Administrative and National Policy Requirements

1. *Ensuring the Participation of Small Businesses, Small Disadvantaged Businesses, and Women-Owned Businesses.* Although the Section 202 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.

2. *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 891.155(e)) (URA), which covers the acquisition of sites, with or without existing structures, and with 24 CFR 8.4(b)(5) of the Section 504 regulations which prohibits discrimination based on disability in determining the site or location of a federally-assisted facility. 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 *in writing*: (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. Evidence of compliance with this advance notice requirement must be included in Exhibit 4(d)(iv) of your application.

3. *Flood Disaster Protection Act of 1973 and Coastal Barrier Resources Act.* 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).

### C. Reporting

1. The Program Outcome Logic Model (Form HUD-96010) must be completed indicating the results achieved against the proposed output goal(s) and proposed outcomes(s) which you stated in your approved application and agreed upon by HUD.

2. The Regulatory Agreement (Form HUD-92466-CA) requires the Owner of the Section 202 project to submit an annual financial statement for the project. This financial statement must be audited by an Independent Public Accountant who is a Certified Public Accountant or other person accepted by HUD and filed electronically with HUD's Real Estate Assessment Center (REAC) through the Financial Assessment Subsystem for Multifamily Housing (MF-FASS). The submission of annual financial statements is required throughout the 40-year term of the mortgage.

3. HUD requires that funded recipients collect racial and ethnic beneficiary data. It has adopted the Office of Management and Budget's Standards for the Collection of Racial and Ethnic Data. In view of these requirements, you should use Form HUD-27061, Racial and Ethnic Data Reporting Form (and instructions for its use), found at <http://www.hudclips.org>, a comparable program form, or a comparable electronic data system for this purpose.

### VII. Agency Contact(s)

*For Technical Assistance.* For technical assistance in downloading an application package from <http://www.grants.gov>, contact the Grants.gov help desk at 800-518-Grants or by sending an email to [support@grants.gov](mailto:support@grants.gov). For programmatic information, you may contact the appropriate local HUD office, or Evelyn Berry at HUD Headquarters at (202) 708-3000 (this is not a toll-free number), or access the Internet at <http://www.hud.gov/offices/adm/grants/fundsavail.cfm>. Persons with hearing and speech impairments

may access the above number via TTY by calling the Federal Relay Service at 1-800-877-8339 (this is a toll-free number).

### VIII. Other Information

#### A. Field Office Workshop

HUD encourages minority organizations and grassroots organizations (e.g., civic organizations, faith-communities and grassroots faith-based and other community-based organizations) to participate in this program and strongly recommends that prospective applicants attend the local HUD office workshop. At the workshops, HUD will explain application procedures and requirements, as well as address concerns such as local market conditions, building codes and accessibility requirements, contamination identification and remediation, historic preservation, floodplain management, other environmental requirements, displacement and relocation, zoning, and housing costs. If you are interested in attending the workshop, make sure that your name, address and telephone number are on the appropriate local HUD office's mailing list so that you will be informed of the date, time and place of the workshop. Persons with disabilities should call the appropriate local HUD Office to assure that any necessary arrangements can be made to enable their attendance and participation in the workshop.

If you cannot attend the workshop, call the appropriate local HUD office if you have any questions concerning the submission of applications to that particular office and to request any materials distributed at the workshop.

#### B. Satellite Broadcast

HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of the application. It is strongly recommended that potential applicants, especially

those who may be applying for Section 202 funding for the first time, tune in to this broadcast, if at all possible. Copies of the broadcast tapes are also available from the NOFA Information Center. For more information about the date and time of the broadcast, you should consult the HUD web site at <http://www.hud.gov/offices/adm/grants/fundsavail.cfm>.

#### C. Related Programs

Funding for a related program, Section 202 Demonstration Planning Grant Program, is available to provide predevelopment grants to private nonprofit organizations and consumer cooperatives in connection with the development of housing under the Section 202 program. The announcement of the availability of funding under this program will be addressed in a separate NOFA.

#### D. Paperwork Reduction Act

The information collection requirements contained in this document 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. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. Public reporting burden for the collection of information is estimated to average 37.42 hours per annum per respondent for the application and grant administration. This includes the time for collecting, reviewing, and reporting the data for the application, semi-annual reports and final report. The information will be used for grantee selection and monitoring the administration of funds. Response to this request for information is required in order to receive the benefits derived.

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**APPENDIX A****LOCAL HUD OFFICES****NOTES:**

1. Your application must be transmitted electronically using [www.grants.gov](http://www.grants.gov) unless you request and receive a waiver of the requirement for electronic application submittal. See the **General Section** for further information and instructions pertaining to electronic application submission and waiver request requirements. **The following information applies only to those applicants that have received a waiver to the electronic application submission requirement.**

2. If you received a waiver to the electronic application submission requirement, you must send an **original and four (4) copies** of your application to the appropriate local HUD office having jurisdiction over the locality in which your project will be located. If you send your application to the wrong local HUD office, it will be rejected. Therefore, if you are uncertain as to which local HUD office to submit your application, you are encouraged to contact the local HUD office below that is closest to your proposed project location(s) to ascertain the office's jurisdiction and ensure that you submit your application to the correct local HUD office.

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

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

c. Applications for projects proposed to be located in Maryland that are within the jurisdiction of the Washington, DC Office must be submitted to the Baltimore, Maryland Office.

d. Applications for projects proposed to be located in Northern Virginia that are within the jurisdiction of the Washington, DC Office must be submitted to the Richmond, Virginia Office.

e. Applications for projects proposed to be located within the jurisdiction of the Grand Rapids, Michigan Office must be submitted to the Detroit, Michigan Office.

f. Applications for projects proposed to be located within the jurisdiction of the Anchorage, Alaska Office must be submitted to the Seattle, Washington Office.

<b><u>HUD - BOSTON HUB</u></b>  <b>HARTFORD OFFICE</b> One Corporate Center 19th Floor Hartford, CT 06103-3220 (860) 240-4800 TTY Number: (860) 240-4665	<b><u>HUD - BUFFALO HUB</u></b>  <b>BUFFALO OFFICE</b> Lafayette Court Building 465 Main Street, 2 <sup>nd</sup> Floor Buffalo, NY 14203-1780 (716) 551-5755, ext. 5000 TTY Number: (716) 551-5787
<b>BOSTON OFFICE</b> Room 301 Thomas P. O'Neill, Jr. Federal Building 10 Causeway Street Boston, MA 02222-1092 (617) 994-8500 TTY Number: (617) 565-5453	<b><u>HUD - PHILADELPHIA HUB</u></b>  <b>PHILADELPHIA OFFICE</b> The Wanamaker Building 100 Penn Square East Philadelphia, PA 19107-3380 (215) 656-0609 TTY Number: (215) 656-3452
<b>MANCHESTER OFFICE</b> 1000 Elm Street 8 <sup>th</sup> Floor Manchester, NH 03101 (603) 666-7510 TTY Number: (603) 666-7518	<b>CHARLESTON OFFICE</b> Suite 708 405 Capitol Street Charleston, WV 25301-1795 (304) 347-7000 TTY Number: (304) 347-5332
<b>PROVIDENCE OFFICE</b> Sixth Floor 10 Weybosset Street Providence, RI 02903-2818 (401) 528-5230 TTY Number: (401) 528-5403	<b>NEWARK OFFICE</b> Thirteenth Floor One Newark Center Newark, NJ 07102-5260 (973) 622-7900 TTY Number: (973) 645-3298
	<b>PITTSBURGH OFFICE</b> 339 Sixth Avenue Sixth Floor Pittsburgh, PA 15222-2507 (412) 644-6428 TTY Number: (412) 644-5747

<p><b><u>HUD - NEW YORK HUB</u></b></p> <p><b>NEW YORK OFFICE</b>  26 Federal Plaza, Room 3200  New York, NY 10278-0068  (212) 264-8000  TTY Number: (212) 264-0927</p>	<p><b><u>HUD - ATLANTA HUB</u></b></p> <p><b>ATLANTA OFFICE</b>  ATTN: Multifamily Housing, 12<sup>th</sup> Floor  40 Marietta Street - Five Points Plaza  Atlanta, GA 30303- 2806  (404) 331- 4976  TTY Number: (404) 730-2654</p>
<p><b><u>HUD - BALTIMORE HUB</u></b></p> <p><b>BALTIMORE OFFICE</b>  Fifth Floor  City Crescent Building  10 South Howard Street  Baltimore, MD 21201-2505  (410) 962-2520  TTY Number: (410) 962-0106</p>	<p><b>SAN JUAN OFFICE</b>  Edificio Administracion de Terrenos  171 Carlos Chardon Avenue  Suite 301  San Juan, PR 00918-0903  (787) 766-5401  TTY Number: (787) 766-5104</p>
<p><b>RICHMOND OFFICE</b>  600 East Broad Street  Richmond, VA 23219  (804) 771-2100, ext. 3839  TTY Number: (804) 771-2038</p>	<p><b>LOUISVILLE OFFICE</b>  601 West Broadway, Room 110  Louisville, KY 40202  (502) 582-5251  TTY Number: (866) 800-0289</p>
<p><b><u>HUD - GREENSBORO HUB</u></b></p> <p><b>GREENSBORO OFFICE</b>  Asheville Building  1500 Pinecroft Road, Suite 401  Greensboro, NC 27407-3838  (336) 547-4000  TTY Number: (336) 547-4020</p>	<p><b>KNOXVILLE OFFICE</b>  Third Floor, Room #315  John J. Duncan Federal Building  710 Locust Street  Knoxville, TN 37902-2526  (423) 545-4384  TTY Number: (423) 545-4559</p>
<p><b>COLUMBIA OFFICE</b>  Strom Thurmond Federal Building  13<sup>th</sup> Floor  1835-45 Assembly Street  Columbia, SC 29201-2480  (803) 765-5592  TTY Number: (803) 253-3209</p>	<p><b>NASHVILLE OFFICE</b>  Suite 200  235 Cumberland Bend  Nashville, TN 37228-1803  (615) 736-5213  TTY Number: (866) 503-0264</p>

<b><u>HUD - JACKSONVILLE HUB</u></b>  <b>JACKSONVILLE OFFICE</b> Suite 1015 Charles Bennett Federal Building 400 West Bay Street Jacksonville, FL 32202 (904) 232-2626 TTY Number: (904) 232-2631	<b><u>HUD - DETROIT HUB</u></b>  <b>DETROIT OFFICE</b> Patrick V. McNamara Federal Building 477 Michigan Avenue, Suite 1635 Detroit, MI 48226-2592 (313) 226-7900 TTY Number: (313) 226-6899
<b>BIRMINGHAM OFFICE</b> Medical Forum Building 950 22nd St., North Suite 900 Birmingham, AL 35203-5301 (205) 731-2630 TTY Number: (205) 731-2624	<b><u>HUD - COLUMBUS HUB</u></b>  <b>COLUMBUS OFFICE</b> 200 North High Street 7th Floor Columbus, OH 43215-2499 (614) 469-5737 TTY Number: (614) 469-6694
<b>JACKSON OFFICE</b> Suite 910 Doctor A.H. McCoy Federal Building 100 West Capitol Street Jackson, MS 39269-1096 (601) 965-4700 TTY Number: (601) 965-4171	<b>CLEVELAND OFFICE</b> US Bank Centre 1350 Euclid Avenue Suite 500 Cleveland, OH 44115-1815 (216) 522-4058 TTY Number: (216) 522-2261
<b><u>HUD - CHICAGO HUB</u></b>  <b>CHICAGO OFFICE</b> Ralph H. Metcalfe Federal Building 77 West Jackson Boulevard, 23 <sup>rd</sup> Floor Chicago, IL 60604-3507 (312) 353-5680 TTY Number: (312) 353-5944	<b><u>HUD - MINNEAPOLIS HUB</u></b>  <b>MINNEAPOLIS OFFICE</b> 920 Second Avenue South, Suite 1300 Minneapolis, MN 55402-4012 (612) 370-3051 TTY Number: (612) 370-3186
<b>INDIANAPOLIS OFFICE</b> 151 North Delaware Street Indianapolis, IN 46204-2526 (317) 226-6303 x 6482 or 6831	<b>MILWAUKEE OFFICE</b> Suite 1380 Henry S. Reuss Federal Plaza 310 West Wisconsin Avenue, Suite 1380 Milwaukee, WI 53203-2289 (414) 297-3214, ext. 8673 TTY Number: (414) 297-1423

<b><u>HUD - FT. WORTH HUB</u></b>  <b>LITTLE ROCK OFFICE</b> Suite 900 TCBY Tower 425 West Capitol Avenue Little Rock, AR 72201-3488 (501) 324-5931 TTY Number: (501) 324-5931	<b><u>HUD – KANSAS CITY HUB</u></b>  <b>DES MOINES OFFICE</b> Room 239 Federal Building 210 Walnut Street Des Moines, IA 50309-2155 (515) 284-4583 TTY Number: (515) 284-4728
<b>NEW ORLEANS OFFICE</b> Ninth Floor Hale Boggs Federal Building 500 Poydras Street New Orleans, LA 70130-3099 (504) 589-7200 TTY Number: (504) 589-7279	<b>KANSAS CITY OFFICE</b> Room 200 Gateway Tower II 400 State Avenue Kansas City, KS 66101-2406 (913) 551-5462 TTY Number: (913) 551-6972
<b>FT. WORTH OFFICE</b> 801 Cherry Street P.O. Box 2905 Fort Worth, TX 76113-2905 (817) 978-5965 TTY Number: (817) 978-5595	<b>OMAHA OFFICE</b> Executive Tower Centre 10909 Mill Valley Road, Suite 100 Omaha, NE 68154-3955 (402) 492-3122 TTY Number: (402) 492-3183
<b>HOUSTON OFFICE</b> 1301 Fannin, Suite 2200 Houston, TX 77002 (713) 718-3199 TTY Number: (713) 718-3289	<b>ST. LOUIS OFFICE</b> Third Floor Robert A. Young Federal Building 1222 Spruce Street, Room 3.203 St. Louis, MO 63103-2836 (314) 539-6583 TTY Number: (314) 539-6331
<b>SAN ANTONIO OFFICE</b> 106 South St. Mary's, Suite 405 San Antonio, TX 78205 (210) 475-6800 TTY Number: (210) 475-6885	<b>OKLAHOMA CITY OFFICE</b> 301 N.W. 6 <sup>th</sup> , Suite 200 Oklahoma City, OK 73102 (405) 609-8410 TTY Number: (405) 609-8480

<b><u>HUD - DENVER HUB</u></b>  <b>DENVER OFFICE</b> UMB Bank Building 23 <sup>rd</sup> Floor 1670 Broadway Denver, CO 80202 (303) 672-5343 TTY Number: (303) 672-5113	<b><u>HUD - LOS ANGELES HUB</u></b>  <b>LOS ANGELES OFFICE</b> 611 West 6th Street Suite 800 Los Angeles, CA 90017-3106 (213) 894-8000 TTY Number: (213) 894-8133
<b><u>HUD - SAN FRANCISCO HUB</u></b>  <b>PHOENIX OFFICE</b> One North Central #600 Phoenix, AZ 85004 (602) 379-7149 TTY Number: (602) 379-4557	<b><u>HUD - SEATTLE HUB</u></b>  <b>PORTLAND OFFICE</b> 400 Southwest Sixth Avenue Suite 700 Portland, OR 97204-1632 (206) 220-5241 TTY Number: (206) 220-5254
<b>SAN FRANCISCO OFFICE</b> 600 Harrison Street, 3 <sup>rd</sup> Floor San Francisco, CA 94107-1300 (415) 436-8356 TTY Number: (415) 436-6594	<b>SEATTLE OFFICE</b> 909 First Avenue, Suite 200 Seattle, WA 98104-5254 (206) 220-5241 TTY Number: (206) 220-5254
<b>HONOLULU OFFICE</b> 500 Ala Moana Boulevard, Suite 3A Honolulu, HI 96813 (808) 522-8185 TTY Number: (808) 522-8193	

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**APPENDIX B****Sample Letter Requesting SHPO/THPO Review**

Applicant return address

Date

[SHPO/THPO mailing address]

(see: [www.ncshpo.org](http://www.ncshpo.org) or [www.nathpo.org](http://www.nathpo.org))

Dear [SHPO/THPO]:

In accordance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470f), and its implementing regulation, 36 CFR 800, "Protection of Historic Properties," and as authorized by the U.S. Department of Housing and Urban Development (HUD) as an applicant for a Section [202/811] Supportive Housing Capital Advance, we are initiating consultation with your office regarding the proposed [xxx project] (ex. rehabilitation of 123 Elm Street, Anytown, AB). Please find enclosed the necessary documentation per §800.11.

Based on our initial research, we have made the required determinations and findings, which we now ask you to review. Please respond in writing to us and HUD within the thirty-day time period as noted at §800.3(c)4. HUD's mailing address is:

[xxx]

If you concur with the findings in this submission, please sign and date on the line below and return as noted above. If you do not concur, we request that you express your concerns and objections clearly in writing so that HUD may continue the consultation process as needed. Please also indicate in your non-concurrence letter if there are other sources of information that should be checked, and if there are other parties, tribes, or members of the public you believe should be included in the consultation process. Thank you for your prompt attention to this matter.

Sincerely,

Applicant signatory

CONCURRENCE: \_\_\_\_\_

State/Tribal Historic Preservation Officer

Date

**Description of the Undertaking**

[xxx] (Specify federal involvement; include photographs, drawings, location map, etc).

**Area of Potential Effect**

We define the Area of Potential Effect for this proposed project as [xxx] (written boundary description). Please see the attached map marked with the APE boundary. We made this determination for the following reason(s): [xxx].

**Basis for Determining No Historic Properties Affected (Option #1)**

To obtain background information on the APE and to identify any potential historic properties, we researched and contacted the following sources:

[xxx] (list surveys, National Register data, research at SHPO office or local govt, etc.)

Based on our initial information search, it is our determination that no historic properties will be affected by this project. We base this finding on: [xxx].

**OR**

**Basis for Determining Historic Properties Affected (Option #2)**

To obtain background information on the APE and to identify any potential historic properties, we researched and contacted the following sources:

[xxx] (list surveys, National Register data, research at SHPO office or local govt, etc.)

Based on our initial information search, it is our determination that historic properties will be affected by this project and that additional consultation will be required to assess/resolve effects. We base this finding on: [xxx].

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## APPENDIX C

### Choosing an Environmentally “Safe” Site Supplemental Guidance Environmental Information For 202/811 Programs

Under 24 CFR Part 50, the U.S. Department of Housing and Urban Development (HUD) has the responsibility for conducting the environmental review for 202 and 811 Programs. **In the conduct of its review, applicants may be asked to provide information necessary for completing the environmental review in an expeditious and comprehensive manner.** What follows is the type of information collected and analyzed in the conduct of the environmental review.

#### NATURAL RESOURCES

The natural environment is important, and there are many federal regulations and executive orders promulgated to “protect” and conserve natural resources, historic properties, endangered and threatened species and their habitats. Wetlands, coastal barrier resources, and wild and scenic rivers are natural resources, which may also be under threat from development activities. Each of these natural resources has their own regulatory requirements with regard to determining potential environmental impacts.

#### Natural Resources

- + Rivers
- + Streams
- + Lakes
- + Ponds
- + Designated Wetlands
- + Drainage ways
- + Swamps
- + Creeks
- + Waterways
- + Coastlines
- + Unique natural features
- + Endangered Species\*

#### ENDANGERED AND THREATENED SPECIES

\*In some areas, like Seattle, Washington or Portland, Oregon for example, there is an aggressive effort to protect certain types of salmon and their habitat (living environment). As a result, all projects may be considered a “threat” to their survival, as they may impact either the species or their habitat. In other areas, especially with regard to endangered species, it may be a butterfly, insect, or certain types of birds that are under threat. Articles in newspapers or on the news may alert you to controversies surrounding natural resource issues, especially those involving endangered species and wetlands.

**\*\*Applicants 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 (19 U.S.C. 3601).**

#### MANMADE HAZARDS

Completion of the Phase I Assessment is required and must be included among the Exhibits for submission. **However, other potential hazardous or site contaminations problems may be discovered during the conduct of they environmental review. Specific environmental risks and hazards that may result in site contamination are discussed in Choosing and Environmentally "Safe " Site. Additional environmental information on manmade hazards that HUD may collect in the conduct of the environmental review may include the following categories.**

#### Manmade Hazards

- + Industrial Operations  
(e.g. lead smelter, facilities handling explosive material, heavy industry, etc.
- + Airports
- + Landfills, dumps,
- + Odors
- + Noise
- + Traffic (major transportation  
or truck routes, railroad lines, highways, etc)
- + Agricultural operations
- + Incinerators, oil refineries
- + Large parking facilities/lots
- + Nuisances and Hazards (natural and built)