

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. 5300-C-19]

**HUD's Fiscal Year (FY) 2009 Notice of Funding Availability (NOFA) for
Section 811 Housing for Persons with Disabilities (Section 811 Program); Technical
Correction**

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

ACTION: Notice of Funding Availability for HUD's Fiscal Year (FY) 2009 Housing for
Persons with Disabilities (Section 811 Program); technical correction.

SUMMARY: On September 1, 2009, HUD posted on its website the Notice of Funding
Availability (NOFA) for Section 811 Housing for Persons with Disabilities (Section 811) for
Fiscal Year 2009. This notice makes certain technical corrections to the NOFA in order to foster
greater ease in understanding for potential grant applicants regarding the requirements set forth
in this NOFA, to clarify certain Energy/Green points, and to extend the submission application
deadline.

DATES: The application submission date for the Section 811 Housing for Persons with
Disabilities grant applications under this NOFA, as previously posted on the HUD website, **has
been extended to December 17, 2009.** The original deadline Of November 16, 2009, has been
superseded.

FOR MORE INFORMATION CONTACT: For questions concerning these technical
corrections, please contact Marvis Hayward, Program Manager, Office of Housing Assistance
and Grants Administration, Office of Housing, Department of Housing and Urban Development,
451 Seventh Street, SW., Washington DC, 20410; telephone 202-402-2255 (this is not a toll-free
number); email marvis.s.hayward@hud.gov. Persons with hearing or speech impairments may

access these numbers via TTY by calling the Federal Information Relay Service at 800-877-8339.

SUPPLEMENTARY INFORMATION:

On September 1, 2009, HUD posted FY2009 Section 811 Housing for Persons with Disabilities NOFA. Today's publication corrects certain sections of that NOFA. The technical corrections described will be provided on Grants.gov as well. Applicants who have submitted their applications prior to this publication can choose to resubmit an updated application that reflects the corrections and clarifications. The last application received by Grants.gov by the **December 17, 2009 deadline and in accordance with HUD's FY2009 Grace Period policy** will be the application that is reviewed and rated. Accordingly, the Phase II Environmental Assessment is due January 19, 2010.

Subsequent to publication, it was determined that several sections of the NOFA required revision to correct particulars such as email addresses, tables and exhibits. Also, additional clarification in reference to Energy Star and Green Development was found to be necessary. Because of the integral nature of these corrections, the deadline for application submission has been extended. This notice is intended to disseminate this information to the entire applicant pool as rapidly as possible, to facilitate applicants' recognition and utilization of these changes to the NOFA.

I. Technical Corrections

1. Award Information

(1) On page 6, Section II.A, titled "Available Funds" revise the last sentence of the first paragraph to read as follows:

Approximately \$87.1 million will be provided for tenant-based rental assistance for persons with disabilities administered through public housing agencies (PHAs) and nonprofit organizations under the Mainstream Housing Opportunities for Persons with Disabilities Program.

2. Eligibility Information

(1) On page 12, Section III.C.1 titled “Eligible Activities” revise the second sentence of the first paragraph to delete the word “single-purpose” to read as follows:

In accordance with 24 CFR 891.800, capital advance funds may be used in combination with other non-Section 811 funding sources by a for-profit limited partnership (of which a nonprofit organization is the sole general partner) to develop a mixed-finance project, which may or may not include additional unassisted housing units for the disabled over and above the Section 811 units.

(2) On page 25, Section III.C.3.k, titled “Energy Star and Green Development” has been revised. To clarify how the applicant can receive up to two points under this policy priority, this section has been revised as follows:

HUD is encouraging grantees to take specific energy-saving actions in furtherance of HUD’s Energy Action Plan described in the August 2006 Report to Congress entitled: “Promoting Energy Efficiency at HUD in a Time of Change,” submitted under section 154 of the Energy Policy Act of 2005 (Pub. L.109-58). (A copy of the report can be obtained at <http://www.huduser.org/publications/destech/energyefficiency.html>.)

Although this is not a requirement, up to 2 points will be provided if the design, construction, rehabilitation, and operation of your project incorporate green development and energy efficient measures. Depending on the applicable project development method and

whether the project is a high rise, low rise or group home, to receive up to two points you are to meet one of the identified standards described in the section V of the NOFA General Section published December 29, 2008.

Compliance with the certification requirements for each of the selected standard must be achieved. Please note that any approach to Energy Efficiency and Green Development and Energy Efficiency requires a commitment to continued communication with all applicable parties through all phases of the development and operation of the project. Please refer to the General Section for additional information regarding this policy priority.

The chart in Appendix 1 serves to clarify the application of the Energy Efficiency and Green Development standards detailed in the General Section and the Program NOFA. The check marks are used to indicate the project development method (new construction, gut or moderate rehabilitation) and project type (single family, group home, low-rise multifamily, or high-rise multifamily) that are applicable to each of the identified Energy Efficiency and Green Development standards.

Standards for Multifamily Projects: Generally, standards that are applicable to single family homes, such as Energy Star for Homes, are also applicable to low-rise multifamily projects, up to 3 stories. The ASHRAE standard for the Energy Efficiency point applies to “high rise” multifamily properties with four or more stories.

Green Standard for Mod Rehab Projects: Note that the green standards described in the General Section and the Program NOFA are applicable only to new construction or gut rehabilitation, not to moderate rehabilitation projects. Therefore in order to achieve one (1) point for green development, moderate rehabilitation projects will be required to adopt and implement a Green Maintenance and Operating Plan.

Definition of Gut Rehabilitation – Gut rehabilitation is defined as a project that involves extensive (substantial) rehabilitation in terms of total removal and replacement of all interior (non-structural) systems, equipment, components or features of the existing structure. Gut rehabilitation may also include structural and nonstructural modifications to the exterior of the structure.

3. Application and Receipt Instructions

(1) On page 33, Section IV.A.1.d (2) titled “Requirements/Certifications/Resolutions,” the Exhibit 6 (1)(b) is revised to read:

Information on FY08 and prior years’ Section 202/811 applications.

(2) On page 33, Section IV.A.1.d (2) titled “Requirements/Certifications/Resolutions,” the Exhibit 7 list is revised to read as follows:

- (a) No relocation statement;
- (b) Identify all persons occupying the property;
- (c) Relocation costs and other services;
- (d) Sources of funds to cover relocation costs;
- (e) Staff to carry out relocation;
- (f) Occupant move-outs within past 12 months; and
- (g) Issuance of general information notice and advisory services information

(2) On page 35, Section IV.A. 2b(1) Exhibit 2. Item 3 within the NOTE is revised to include additional information to read as follows:

no part of the Sponsor’s net earning inures to the benefit of any private party (Also, there should be nothing in the by-laws or other organizational documents that contradicts this requirement.),

(3) On page 41, Section VI.A.2.c(1)(d)(i)(A), language regarding subleasing has been added to the second sentence of paragraph (A) to read as follows:

If leasehold, the term of the lease must be 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. A sublease is not considered an acceptable form of site control;

(4) On page 56, Section IV. A.2.d(3)(j), regarding the HUD-Form 96010, Program Outcome Logic Model, the first sentence has been revised to read as follows:

The information provided in the Logic model will be used in rating your application for Rating Factor 5, Achieving Results and Program evaluation.

4. Application Review Information

(1) On page 73, Section V.A.1.b.(2)) titled “Rating Factor 1: Capacity of the Applicant and Relevant Organizational Staff (30 points),” in the first full paragraph, second sentence, add the word “eligible” after the phrase “percentage of” and before the word “minorities.”

(2) On page 81, Section V. A.3.1.(2) titled “Rating Factor 3: Soundness of Approach (40 points), delete the phrase “persons residing” and insert the phrase “eligible businesses located.”

(3) On page 89, Section V.B.4.titled “Ranking and Selection Procedures” in the last paragraph, the second sentence is revised and additional phrases are added to read as follows:

HUD Headquarters will first use these residual funds to fund two FY2008 applications that were not funded due to administrative errors: Right in the Community, Atlanta, GA and Ken-Crest Centers, Philadelphia PA. Second, HUD Headquarters will use the residual funds 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. Next, HUD Headquarters will then use funds for selecting additional...

5. *Award Administration Information*

(1) On page 93, Section VI. C. 1 titled “Reporting” the first paragraph, fifth sentence is revised to read as follows:

At the time of the Project Planning Conference, HUD and the applicant will finalize the services and activities in association with this Logic Model.

Dated: _____

David H. Stevens
Assistant Secretary for Housing—
Federal Housing Commissioner

[FR-5300-C-19]

Energy Efficiency and Green Standards for Section 202/811 Competitive Grant Programs

One (1) Point for Energy Efficiency							
Standards (Select One)	New Construction or Gut Rehabilitation ¹	Mod Rehab	Single Family (Group Homes)	Low Rise Multifamily (up to 3 stories)	High Rise Multifamily (4 or more stories)	Certification Requirements	Contact/Further Information
Energy Star for New Homes <u>and</u> all Energy Star qualified appliances	✓		✓	✓		Completed Project must be certified by Home Energy Rater	www.energystar.gov Contact: Ng.Brian@epa.gov
ASHRAE 90.1 Appendix G Plus 20% <u>and</u> all Energy Star qualified appliances	✓				✓	Project must be modeled utilizing Appendix G, and EPA simulation guidelines	www.energystar.gov Contact: Leopkey.Ted@epa.gov
Energy Star appliances <u>and</u> Energy Star products		✓	✓	✓	✓	None	www.energystar.gov Contact: Kaplan.Katharine@epa.gov
One (1) Point for Green Development (Applicable only to applicants that receive the first point for energy efficiency measures)							
Standards (Select One)							
Energy Star Plus Indoor Air Package	✓		✓	✓		Certification by HERS Rater upon completion	www.energystar.gov Contact: Werling.Eric@epa.gov
EPA Advanced Construction	✓		✓	✓		Certification by HERS Rater upon completion	www.energystar.gov Contact:Rashkin.Sam@epa.gov
LEED for Homes	✓		✓	✓		Provide certification from USGBC upon completion	www.usgbc.org
LEED for New Construction (LEED NC)	✓				✓	Provide certification from USGBC upon	www.usgbc.org

¹ **Definition of Gut Rehabilitation** – Gut rehabilitation is defined as a project that involves extensive (substantial) rehabilitation in terms of total removal and replacement of all interior (non-structural) systems, equipment, components or features of the existing structure. Gut rehabilitation may also include structural and nonstructural modifications to the exterior of the structure.

Appendix 1

						completion	
National Green Building Standard	✓		✓	✓	✓	Provide certification by NAHB Research Center upon completion	www.nahbgreen.org Call: 1-877-624-2476
EarthCraft	✓		✓	✓		Meet EarthCraft requirements	www.earthcrafthouse.com
Enterprise Green Communities	✓		✓	✓	✓	Provide certification by Enterprise Green Communities on completion	www.greencommunitiesonline.com
Green Operating and Maintenance (O&M) Plan		✓	✓	✓	✓	None	