

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-5600-N-28-C1]

**HUD's Fiscal Year (FY) 2012 Notice of Funding Availability (NOFA) for
Section 811 Project Rental Assistance Demonstration Program**

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

ACTION: Notice of Technical Correction.

SUMMARY: On May 15, 2012, HUD posted a NOFA for the Fiscal Year 2012 Section 811 PRA Demo program. This Notice amends language in the use agreement, corrects a numbering error in the environmental provisions, clarifies one of the energy efficiency provisions and clarifies a summary requirement for the Abstract in Part I of the application.

APPLICATION DEADLINE DATE: The application deadline date is unchanged and remains 11:59:59 p.m. on July 31, 2012. Applications must be received by Grants.gov no later than 11:59:59 p.m. eastern time on the application deadline date.

FOR FURTHER INFORMATION CONTACT: For questions regarding these technical correction, please contact Lessie Powell Evans, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street SW, Room 6234, Washington, DC 20410 or to PRADemoapplications@hud.gov. Questions regarding the FY 2012 General Section should be directed to the Grants Management Office at 202-708-0667 (this is not a toll-free number). Persons with hearing or speech impairments may access this number via TTY by calling the Federal Relay Service at 800-877-8339.

BACKGROUND: On May 15, 2012, HUD posted the FY 2012 Section 811 PRA NOFA to the federal website www.Grants.gov.

TECHNICAL CORRECTIONS:

1. On page 14, Section III.C.3.f. Use Restriction is amended to include the following at the end of the existing provision:

“If Congress fails to appropriate funds adequate to meet future renewal needs pursuant to the Cooperative Agreement, HUD will not enforce any use agreements on properties that have been funded under such agreement. However, under such a circumstance, and in accordance with policies, requirements and terms of the Cooperative Agreement, as will be established by HUD, HUD will allow grantees to continue to enforce or terminate such use agreements at the grantees’ discretion.”

2. On page 17, Section III.C.3.q. Energy and Water Conservation, the last sentence under (1) Energy Efficiency -

“All projects must purchase and install Energy STAR-labeled appliances.” is deleted.

3. On page 17, Section III.C.3.s. Environmental Requirements and Environmental Assurance. The existing provision is deleted and replaced with the following:

“s. Environmental Requirements and Environmental Assurance. As HUD does not approve program funding for specific activities or projects of the selected housing agencies, it will not perform environmental reviews on such activities or projects. However, to ensure that the tenets of HUD environmental policy and the requirements of applicable statutes and authorities are met, Eligible Applicants selected for funding will be required to implement the following analyses and determinations for specific program activities and projects. The Eligible Applicant’s signature on the application shall constitute an assurance that the applicant, if selected, will perform such implementation. Citations to authorities in the following paragraphs are for reference only; to the extent that property standards or restrictions on the use of properties stated in the following paragraphs are more stringent than provisions of the authorities cited, the requirements stated in the following paragraphs shall control:

(1) Site Contamination (24 CFR 50.3(i)). It is HUD policy that all properties for use in HUD assisted housing be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended utilization of the property (24 CFR 50.3(i)(1)). Therefore, all proposed activities or projects shall have a Phase I Environmental Site Assessment (ESA) performed in accordance with ASTM - E 1527-05. To help determine if there are any vapor related Recognized Environmental Conditions (RECs), the Phase I ESA shall incorporate ASTM E2600-10. If the Phase I ESA identifies RECs, a Phase II ESA shall be performed in accordance with ASTM - E 1903-11. Any hazardous substances and/or petroleum products that are identified at levels that would require clean-up under State policy shall be so cleaned up in accordance with the State’s clean-up policy. Risk-Based Corrective Actions are permitted if allowed for under a State’s clean-up policy.

(2) Historic Preservation.

(a) As the various States, Territories, Tribes and municipalities have established historic preservation programs to protect historic properties within their jurisdiction, all work on properties identified as historic by the State, Territory, Tribe, or Municipality, as applicable, must comply with all applicable State, territorial, tribal historic preservation law and requirements and (for projects affecting locally designated historic landmarks or districts) local historic preservation ordinance and permit conditions.

(b) In addition, all work on properties listed on the National Register of Historic Places, or which the Housing Agency knows are eligible for such listing, must comply with “The Secretary of the Interior’s Standards for Rehabilitation.” Complete demolition of such properties would not meet the Standards and is prohibited.

(c) On site discoveries: If archaeological resources and/or human remains are discovered on the activity or project sites during construction, the recipient must comply with applicable State (or territory) law and/or local ordinance (e.g., State unmarked burial law).

(3) Noise (24 CFR part 51, subpart B - Noise Abatement and Control). All activities and projects involving new construction shall be developed to ensure an interior noise level of 45 decibels (dB) or less. In this regard and using the day-night average sound level (L_{dn}), sites not exceeding 65 dB of environmental noise are deemed to be acceptable; sites above 65 dB require sound attenuation in the building shell to 45 dB; and sites above 75 dB shall not have noise sensitive outdoor uses (e.g. picnic areas, tot lots, balconies or patios) situated in areas exposed to such noise levels.

(4) Airport Clear Zones (24 CFR part 51, subpart D - Siting of HUD Assisted Projects in Runway Clear Zones at Civil Airports and Clear Zones and Accident Potential Zones at Military Airfields). No activities or projects shall be permitted within the “clear zones” or the “accident potential zones” of military airfields or the “runway protection zones” of civilian airports.

(5) Coastal Barrier Resources Act (16 U.S.C. 3501 *et seq.*). No activities or projects shall be permitted in Coastal Barrier Resource System (CBRS) units. CBRS units are mapped and available from the Fish and Wildlife Service at <http://www.fws.gov/CBRA/>.

(6) Coastal Zone Management Act (16 USC 1451 *et seq.*) Activities and projects shall be consistent with the appropriate state coastal zone management plan. Plans are available from the local coastal zone management agency.

(7) Floodplains (Executive Order 11988; Flood Disaster Protection Act). No new construction activities or projects shall be located in the mapped 500 year floodplain, or if not available, the “Special Flood Hazard Area” (100 year floodplain), as identified on the current Federal Emergency Management Agency (FEMA) “Flood Insurance Rate Maps” if available, or if not available, the “Flood Hazard Boundary Maps,” if available. Existing structures may be assisted in these areas, except for sites located in coastal high hazard areas (V Zones) or regulatory floodways, but must meet the following requirements:

(a) The existing structures must be flood-proofed or must have the lowest habitable floor and utilities elevated above the 500-year floodplain when such elevations have been determined by FEMA, or if not available, the 100-year floodplain.

(b) The project must have an early warning system and evacuation plan that includes evacuation routing to areas outside of the applicable floodplain.

(c) Project structures in the 100-year floodplain must obtain flood insurance up to the maximum amount available under the National Flood Insurance Program or the value of the structures, whichever is less, for the life of the structures. No activities or projects located within the 100-year floodplain may be assisted in a community that is not participating in or has been suspended from the National Flood Insurance Program.

(8) Wetlands (Executive Order 11990). No new construction shall be performed in wetlands. No rehabilitation of existing properties shall be allowed that expands the footprint such that additional wetlands are destroyed. New construction includes draining, dredging, channelizing, filling, diking, impounding, and related grading activities. The term wetlands is intended to be consistent with the definition used by the U.S. Fish and Wildlife Service in Classification of Wetlands and Deep Water Habitats of the United States (Cowardin, et al., 1977). This definition includes those wetland areas separated from their natural supply of water as a result of activities such as the construction of structural flood protection methods or solid-fill road beds and activities such as mineral extraction and navigation improvements.

(9) Siting of Projects Activities Near Hazardous Operations Handling Conventional Fuels or Chemicals of an Explosive or Flammable Nature (24 CFR part 51, Subpart C). Unshielded or unprotected new construction sites shall be allowed only if they meet the standards of blast overpressure (0.5psi-buildings and outdoor unprotected facilities) and thermal radiation (450 BTU/ft² -hr – people, 10,000 BTU/ft² - hr – buildings) from facilities that store, handle, or process substances of explosive or fire prone nature in stationary, above ground tanks/containers.

(10) Endangered Species Act of 1973. New construction shall not be permitted that would result in a taking of endangered plant or animal species as listed under the Endangered Species Act of 1973. Taking includes not only direct harm and killing but also modification of habitat. Maps for listed species and geographic habitat by state can be found at: http://ecos.fws.gov/tess_public/StateListing.do?state=all.

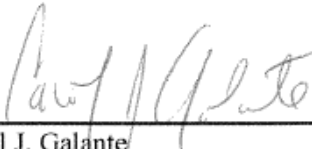
(11) Farmland Protection (7 USC 4201 et seq. and 7 CFR part 658). New construction shall not result in the conversion of unique, prime, or otherwise productive agricultural properties to urban uses.

(12) Sole Source Aquifers (Section 1424(e) of the Safe Drinking Water Act of 1974 (42 U.S.C. 201, 300 et. seq., and 21 U.S.C. 349)). Any new construction activities and projects located in Federally designated sole source aquifer areas (SSAs) shall require consultation and review with the U.S. Environmental Protection Agency (USEPA). Information regarding location and geographic coverage of the 73 federally designated SSAs can be found at: <http://water.epa.gov/infrastructure/drinkingwater/sourcewater/protection/solesourceaquifer.cfm>".

4. On page 23, Section IV.C.4.a.(10) should be deleted and replaced with the following:

“Description of the State program(s) that will be used to award PRA Demo funds.”

Dated: July 2, 2012



Carol J. Galante
Acting Assistant Secretary for Housing-
Federal Housing Commissioner

[FR-5600-N-28]