



U.S. Department of Housing and Urban Development

Housing

Section 811 Supportive Housing for Persons with Disabilities (Capital Advance)
MODIFICATION

FR-6300-N-49

Application Due Date: 03/10/2020

Signature

Date

Section 811 Supportive Housing for Persons with Disabilities (Capital Advance)
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U.S. Department of Housing and Urban Development

Program Office:	Housing
Funding Opportunity Title:	Section 811 Supportive Housing for Persons with Disabilities (Capital Advance) MODIFICATION
Announcement Type:	Modification
Funding Opportunity Number:	FR-6300-N-49
Primary CFDA Number:	14.181
Due Date for Applications:	03/10/2020

Overview

Prospective applicants should carefully read all instructions in all sections to avoid sending an incomplete or ineligible application. HUD funding is highly competitive. Failure to respond accurately to any submission requirement could result in an incomplete or noncompetitive proposal.

HUD is prohibited from disclosing 1) information regarding any applicant's relative standing, 2) the amount of assistance requested by an applicant, and 3) any information contained in the application. Prior to the application deadline, HUD may not disclose the identity of any applicant or the number of applicants that have applied for assistance.

For Further Information Regarding this NOFA: Please direct questions regarding the specific program requirements of this Program Notice of Funding Availability (NOFA) to the office contact identified in Section VII.

OMB Approval Number(s): 2502-0462

Paperwork Reduction Act.

I. Funding Opportunity Description.

A. Program Description.

1. Purpose.

The Section 811 Supportive Housing for Persons with Disabilities Program aims to expand the supply of integrated affordable housing by providing Capital Advance funding for the development of permanent supportive rental housing for very-low-income persons with disabilities age 18 years or older. The program also provides project rental subsidies in the form of a Project Rental Assistance Contract ("PRAC") to maintain ongoing affordability over the next forty years. These units provide persons with disabilities the opportunity to live with dignity and independence within the community in an integrated environment that provides access to appropriate and voluntary supportive services.

Individuals with disabilities have historically faced discrimination that limited opportunities to live independently in the community and often required persons to live in institutions and other

segregated settings. In 1999, the United States Supreme Court issued the landmark decision in *Olmstead v. L.C.*, 527 U.S. 581 (1999), affirming that the unjustified segregation of individuals with disabilities is a form of discrimination prohibited by Title II of the Americans with Disabilities Act (ADA). Persons with disabilities must have choice in the housing, health care, and related support services they receive. As individual states facilitate the transition and integration of individuals with disabilities from institutional and other segregated settings into the community, Sponsors/Owners of supportive rental housing for persons with disabilities have an opportunity to design innovative approaches to meet the associated challenges and opportunities.

HUD is committed to helping Sponsors/Owners offer very low-income persons with disabilities housing options that provide meaningful choices about housing, health care, and long-term services and support so they can participate fully in community life. The Frank Melville Supportive Housing Investment Act of 2010 (Pub. L. No. 111-374) amended Section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), including the PRAC program, to better achieve this goal.

The Department of Housing and Urban Development ("HUD") seeks to fund innovative Section 811 permanent supportive housing models that will be at the forefront of design, service delivery and efficient use of federal resources. To meet this goal, HUD expects successful applications to demonstrate best practices or innovation in both physical design and supportive services. Proposals must promote the long-term housing security and facilitate community integration of persons with disabilities. HUD aims to provide Capital Advance funding to those applicants who use Capital Advance funds to leverage other financing sources to meet the goal of the development of permanent supportive housing and increasing the number of units produced per dollar of Federal resources. For more information about specific Review Criteria see Section V.A.

Partnerships.

Sponsors/Owners are encouraged to establish formal partnerships with health and human service agencies or other organizations with a demonstrated capacity to coordinate voluntary services and supports to enable individuals to live independently in the community. These partner organizations should assist the Owners by providing referrals of potential tenants, assisting with a timely transition to a unit, and providing the opportunity to access supportive services and supports. Demonstrated capacity may refer to previous experience as well as a well-developed plan to provide referrals, services, and supports. At a minimum, a well-developed supportive services plan:

- Aligns with the applicant's Local/State's approach to expanding community living opportunities for persons with disabilities.
- Documents an implementation and sustainment strategy for providing outreach and referrals, transition services, tenancy support, and other services and supports as needed.
- Discusses the applicant's approach for development and capacity building within the partnership.

In addition to receiving referrals from partner organizations, the Owners must allow non-elderly persons with disabilities to apply for housing directly without going through a partner agency.

There is no limit to the number of agencies an Owner may partner with for referrals and supportive services.

In addition to local service providers, HUD encourages applicants to partner with one or more of the following State service agencies that offer supports:

- State Medicaid Agency
- State Developmental Disability Services Agency
- State Mental Health Authority
- Centers for Independent Living

Such partnerships cannot result in eligibility requirements which may violate non discrimination requirements under any applicable Federal civil rights statutes and requirements, including Section 504 of the Rehabilitation Act (Section 504), titles II or III of the Americans with Disabilities (ADA), and the Fair Housing Act and their implementing regulations at 24 CFR part 8; 28 CFR parts 35 and 36; 24 CFR part 100.

2. Changes from Previous NOFA.

Additional Modifications have been made to Rating Factor 3 Soundness of Approach

(5 points) Affirmatively Furthering Fair Housing (AFFH)

Modification: To remove ambiguity the modification will add language to clarify what components will be evaluated during the rating of this factor and their associated points. These components will be consistent with the AFFH Rating Factor in previous Section 811 Capital Advance NOFAs. Remove the point value error in the subfactor.

(3 points) Site and Neighborhood Standards.

Modification: Adds further language to clarify that only projects that do not involve new construction will need to respond to this rating factor and that applications that involve new construction will automatically receive the full three points for this rating factor, since they will have already passed the site and neighborhood standards eligibility review. Includes the link to the Minority Concentration Tool to assist Applicants in responding to the Rating Factor.

Please review Section V. Application Review Information for further details on the Modifications.

Funding for this program was last provided in Fiscal Year 2010. Since that time, the Frank Melville Supportive Housing Act of 2010 made numerous changes to the program structure. As a result, in this NOFA there have been major changes to the program delivery systems in several areas including emphasis on the following:

Leveraging. Applicants are highly encouraged to leverage other sources of funds to support the development of the Section 811 units.

Partnership. Heightened focus on sustained partnerships between the applicant and key stakeholders that provide a foundation for implementing housing-related services and supports.

Site Control. All proposals must provide evidence of site control. Site-identified proposals are ineligible. Acceptable documentation of site control may be a deed, or lease, or a purchase agreement, or an option to purchase the site and is contingent only upon receipt of the grant from this NOFA, or an agreement to enter into a lease, or a letter stating the terms of the sale or lease.

Types of housing. Eligible housing types are limited to integrated housing (units within a multifamily property), group homes and condominiums. The number of units set aside for persons with disabilities within a condominium or multifamily property including supportive housing for persons with disabilities or to which any occupancy preference for persons with disabilities applies, may not exceed 25 percent of the total number of dwelling units. A more detailed definition of housing types can be found in the section below at 4. Program Definitions.

Low-Income Housing Tax Credit Projects. Projects assisted with low-income housing tax credits or with tax-exempt housing bonds, shall have an initial rental assistance contract term of not less than 30 years and shall provide funding for a term of 5 years.

Delegated processing. Delegated processing will be made available for multifamily projects that consist of a combination of capital advance and other sources. This option is not available for any project that is a group home.

Affirmatively Furthering Fair Housing (AFFH). Rating Factor 3, Soundness of Approach, Affirmatively Furthering Fair Housing (AFFH) has been modified to remove the ambiguity and add language to clarify what components will be evaluated during the rating of this factor.

Site and Neighborhood Standards. Rating Factor 3, Soundness of Approach, Site and Neighborhood Standards has been modified to clarify that projects that do not involve new construction will need to respond to this sub rating factor.

Please be sure to carefully review updated program requirements and regulations referred to in this NOFA.

3. Definitions.

a. Standard Definitions

Affirmatively Furthering Fair Housing (AFFH) Regulations. Statutory obligation to affirmatively further the purposes and policies of the Fair Housing Act and guidance promulgated thereunder.

Assurances. By submitting your application, you provide assurances that, if selected to receive an award, you will comply with U.S. statutory and public policy requirements, including, but not limited to civil rights requirements.

Authorized Organization Representative (AOR) is the person authorized to submit applications on behalf of the organization via Grants.gov. The AOR is authorized by the E-Biz point of contact in the System for Award Management. The AOR is listed in item 21 on the SF-424.

Award, as used in this NOFA means a federal grant OR cooperative agreement as specified in Section II.E (Type of Funding Instrument).

Catalog of Federal Domestic Assistance (CFDA) is a directory of the various Federal listings, projects, services and activities offering financial and non-financial assistance and benefits to the American public. CFDA Number is the unique number assigned to each program, project, service or activity listed in the Catalog of Federal Domestic Assistance (CFDA).

Consolidated Plan is a document developed by states and local jurisdictions. This plan is completed by engaging in a participatory process to assess their affordable housing and community development needs and market conditions, and to make data-driven, place-based investment decisions with funding from formula grant programs. (See 24 CFR part 91 for more information about the Consolidated Plan and related Annual Action Plan).

Contract means a legal instrument by which a non-Federal entity purchases property or services needed to carry out the project or program under a Federal award. The term as used in this NOFA does not include a legal instrument, even if the non-Federal entity considers it a contract, when the substance of the transaction meets the definition of a Federal award or subaward (See 2 CFR 200.22.)

Contractor means an entity receiving a contract.

Deficiency is information missing or omitted within a submitted application. Deficiencies typically involve missing documents, information on a form, or some other type of unsatisfied information requirement (e.g., an unsigned form, unchecked box.). Depending on specific criteria, deficiencies may be either curable or non-curable.

- Curable Deficiency – Applicants may correct a curable deficiency with timely action.

To be curable the deficiency must:

- Not be a threshold requirement, except for documentation of applicant eligibility;
 - not influence how an applicant is ranked or scored versus other applicants; and
 - be remedied within the time frame specified in the notice of deficiency.
- Non-Curable Deficiency – An applicant cannot correct a non-curable deficiency after the submission deadline.

Non-curable deficiencies are deficiencies that, if corrected, would change an applicant's score or rank versus other applicants. Non-curable deficiencies may result in an application being marked ineligible, or otherwise adversely affect an application's score and final determination.

DUNS Number is the nine-digit identification number assigned to a business or organization by Dun & Bradstreet and provides a means of identifying business entities on a location-specific basis. Requests for a DUNS number can be made by visiting the Online DUNS Request Portal.

Eligibility requirements are mandatory requirements for an application to be eligible for funding.

Federal Awardee Performance and Integrity Information System (FAPIIS) is a database that has been established to track contractor misconduct and performance.

Grants.gov is the website serving as the Federal government's central portal for searching and applying for federal financial assistance throughout the Federal government. Registration in Grants.gov is required for submission of applications to prospective agencies.

Historically Black Colleges and Universities (HBCUs). -The Higher Education Act of 1965 defines historically Black colleges and universities (HBCUs) as "any historically Black college or university that was established prior to 1964, whose principal mission was, and is, the education of Black Americans, and that is accredited by a nationally recognized accrediting agency or association determined by the Secretary to be a reliable authority as to the quality of training offered or is, according to such an agency or association, making reasonable progress toward accreditation..."

Institution of Higher Education (IHE), has the meaning given at 20 U.S.C. 1001.

Non-Federal Entity means a state, local government, Indian tribe, institution of higher education (IHE), or non-profit organization carrying out a Federal award as a recipient or sub recipient.

Nongovernmental organizations include Non-Federal entities and for-profit entities for the purpose of calculating indirect cost proposals accompanying applications submitted under this NOFA.

Personally identifiable information (PII) means information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual. The definition of PII is not anchored to any single category of information or technology. Rather, it requires a case-by-case assessment of the specific risk that an individual can be identified. For more detail, refer to 2 CFR 200.79.

Point of Contact (POC) is the person who may be contacted with questions about the application submitted by the AOR. The point of contact is listed in item 8F on the SF-424.

Opportunity Zone according to the IRS, is an “economically-distressed community where new investments, under certain conditions, may be eligible for preferential tax treatment.” Opportunity Zones are further defined in 26 U.S.C. 1400Z.

Promotores/Promotoras are Spanish-speaking Community Health Workers who work in their communities to reduce barriers to health services and make health care systems more responsive.

Recipient means a non-Federal entity receiving an award directly from HUD to carry out an activity under a HUD program.

Section 3 Business Concern means a business concern: (1) 51 percent or more owned by Section 3 residents; (2) of which at least 30 percent of permanent, full-time employees are currently Section 3 residents, or were Section 3 residents within three years of the date of first employment with the business concern; or (3) provides evidence of a commitment to subcontract over 25 percent of the dollar award of all subcontracts to be awarded to business concerns meeting the qualifications in this definition.

Section 3 Residents means: 1) Public housing residents; or 2) Low and very-low income persons, as defined in 24 CFR 135.5, who live in the metropolitan area or non-metropolitan county where Section 3 covered assistance is expended.

Standard Form 424 (SF-424) means the government-wide forms required to apply for Application for Federal Assistance Programs, required by discretionary Federal grants and other forms of financial assistance programs. Applicants for this Federal assistance program must submit all required forms in the SF-424 Family of forms, including SF-424B. For an application under this notice to be complete, the applicant must sign and submit all required forms in the SF-424 Family.

Subaward means an award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a Federal award received by the recipient. It does not include payments to a contractor or payments to an individual beneficiary of a Federal program. A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract. The legal agreement must contain the subrecipient’s assurance of compliance with program requirements, including but not limited to nondiscrimination and equal opportunity requirements.

Subrecipient means a non-Federal entity receiving a subaward from a pass-through entity to carry out part of a HUD program; but does not include an individual beneficiary of such program. A subrecipient may also receive other Federal awards directly from a Federal awarding agency (including HUD).

System for Award Management (SAM), is an official website of the U.S. government. SAM is a U.S. Government system that consolidated the capabilities of Central Contractor Registry (CCR), Excluded Parties List System (EPLS) and the Online Representations and Certifications Application (ORCA). Registration with [Sam.gov](https://sam.gov) is required for submission of applications via

Grants.gov. You can access the website at Sam.gov There is no cost to use SAM.

Threshold Requirement – Threshold requirements are a type of eligibility requirement. Threshold requirements must be met for an application to be reviewed; are not curable, except for documentation of applicant eligibility and are listed in Section *III.D Threshold Eligibility Requirements*. Similarly, there are eligibility requirements under Section III.E, *Statutory and Regulatory Requirements Affecting Eligibility*.

4. Program Definitions.

For purposes of the Section 811 Supportive Housing for Persons with Disabilities Program, the following definitions apply provided that, in the event of any conflict between such definition and the provisions of 24 C.F.R. Part 891, the definitions in 24 C.F.R Part 891 shall govern. For additional applicable definitions, applicants should reference the governing statute, Section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), as amended, and the implementing regulations at 24 C.F.R. Part 891.

a. Group Home means a single-family residential structure designed or adapted for occupancy by not more than 8 persons with disabilities, which provides a separate bedroom for each tenant of the residence. One hundred percent of the units may be made available for person with disabilities. Not more than one home may be located on any one site and no such home may be located on a site contiguous to another site containing such a home. The minimum group home standards are codified at 24 C.F.R 891.310. **NOTE: Applicants should ensure that any proposed Group Home meets the Home and Community Based Settings (HCBS) and size requirements allowed within the state Transition Plan where the housing is to be developed. Additional information can be found at <https://www.medicaid.gov/medicaid/hcbs/transition-plan/index.html> and <https://www.medicaid.gov/medicaid/hcbs/downloads/final-rule-slides-01292014.pdf>**

b. Institutional or other segregated settings include, but are not limited to: Settings that are located in a building that is also a publicly or privately operated facility that provides inpatient institutional treatment; settings that are in a building located on the grounds of, or immediately adjacent to, a public institutional setting; and any other settings that have the effect of isolating individuals receiving Medicaid home and community-based services (HCBS) from the broader community of individuals not receiving Medicaid HCBS. Additional information regarding Medicaid HCBS can be found at <https://www.medicaid.gov/medicaid/hcbs/index.html>.

c. At serious risk of institutionalization, includes an individual with a disability for whom a public entity's failure to provide community services, or a cut to such services will likely cause a decline in health, safety, or welfare that could lead to the individual's eventual placement in an institution. This includes individuals experiencing a lack of access to supportive services for independent living, individuals facing long waiting lists for (or lack of access to) housing combined with community-based services, individuals currently living under poor housing conditions with barriers to geographic mobility, individuals experiencing homelessness, and/or individuals currently living alone but requiring supportive services for independent living. A person cannot be considered at serious risk of institutionalization unless the person has a disability. An individual may be designated as at serious risk of institutionalization either by a health and human services agency, by a community-based

organization, or by self-identification.

d. Capital Advance means funds provided under this NOFA that must be used to finance new construction, rehabilitation, or acquisition with or without rehabilitation. (See Section II.C. for additional information). Capital Advance funds bear no interest and repayment is not required when the housing remains available for occupancy by very-low-income persons with disabilities for at least 40 years.

e. Condominium means a system of ownership of individual units in a multifamily structure, combined with joint ownership of commonly used property. No more than 25 percent of the total number of dwelling units may be set aside for persons with disabilities. Units must have a private kitchen and bath. Units must be scattered throughout the development.

f. Eligible Occupancy is a project that serves persons with disabilities as defined in 42 U.S.C. 8013(k). Consistent with 8013(i), an owner may request the Secretary's approval to limit occupancy within the housing to persons with disabilities who can benefit from the supportive services offered in connection with the housing.

g. Home and Community-Based Services (HCBS) are those that provide opportunities for beneficiaries to receive services in their own homes or communities rather than institutions or other isolated settings. These programs serve a variety of targeted population groups, such as individuals with intellectual or developmental disabilities, physical disabilities, and/or mental illnesses.

In 2014, the Centers for Medicare & Medicaid Services (CMS) issued a rule that established requirements for the qualities of settings that are eligible for reimbursement of Medicaid home and community-based services (HCBS). To implement the CMS rule, state Medicaid agencies have been developing statewide transition plans to, among other things, define the level of integration required in settings that serve people with disabilities who live in the community and whose services are funded through a Medicaid HCBS waiver (see <https://www.medicaid.gov/medicaid/hcbs/transition-plan/index.html> and <https://www.medicaid.gov/medicaid/hcbs/downloads/final-rule-slides-01292014.pdf>). As individual states facilitate the transition and integration of individuals with disabilities from institutional and other segregated settings into the community and better define the expected level of integration of properties, Sponsors/Owners of supportive rental housing for persons with disabilities have an opportunity to design innovative approaches to meet the challenges and opportunities of this new policy approach.

h. Integrated Housing means a multifamily residential property where no more than 25 percent of the units are set aside for persons with disabilities, including supportive housing for persons with disabilities and units to which any occupancy preference for persons with disabilities applies. Units for residential managers are ineligible for funding. Each property must have a minimum of 5 units. Units must have a private kitchen and bath. Units must be scattered throughout the development and cannot be segregated to a specific floor or wing.

i. Integrated Settings. Within the context of housing, integrated settings are those that enable individuals with disabilities to live as similarly as possible to individuals without disabilities.

Integrated settings also enable individuals with disabilities to live independently among individuals without disabilities and without restrictive rules that limit their activities or impede their ability to interact with individuals without disabilities. Examples of integrated settings include scattered-site apartments providing permanent supportive housing, and apartments for individuals with various disabilities scattered throughout multifamily housing developments. See page 6, of the guidance in <https://archives.hud.gov/news/2013/OlmsteadGuidnc060413.pdf>.

j. Multifamily Housing Property is housing consisting of 5 or more separate residential units contained within one building or several buildings within one complex.

k. Operating Costs are HUD-approved expenses relating to the provision of housing and includes certain administrative expenses, maintenance expenses, security expenses, utilities expenses, taxes and insurance, and allowances for reserves. Operating costs do not include payments toward debt service. See 24 C.F.R 891.105 for a detailed description.

l. Owner means a single-purpose nonprofit organization established by the Sponsor that will receive a capital advance and project rental assistance payments to develop and operate, as its legal owner, supportive housing for persons with disabilities under this part. The purposes of the Owner must include the promotion of the welfare of persons with disabilities. The Owner may not be controlled by or under the direction of persons or firms seeking to derive profit or gain therefrom.

m. Persons with Disabilities shall have the meaning provided in Section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(k)(2)) and 24 C.F.R 891.305.

n. Project Rental Assistance Contract ("PRAC") is the contract entered into by the Owner and HUD setting forth the rights and duties of the parties under the contract with respect to project rental assistance payments. PRACs are used to cover the difference between the tenants' contributions toward rent and the HUD-approved operating cost. PRAC funds may **not** be used for supportive services. The initial term of a contract shall be 20 years, except that, in the case of the sponsor of a project assisted with any low-income housing tax credit pursuant to section 42 of the Internal Revenue Code of 1986 (26 USCS § 42) or with any tax-exempt housing bonds, the contract shall have an initial term of not less than 30 years. PRACs under this NOFA shall provide funding for an initial term of 5 years. The Secretary shall, to the extent approved in appropriation Acts, upon expiration of a contract (or any renewed contract), renew such contract. In order to facilitate the orderly extension of expiring contracts, the Secretary is authorized to make commitments to extend expiring contracts during the year prior to the date of expiration.

o. Sponsor/(co-Sponsor) means any eligible applicant that has been made an award of funds under this NOFA. A Sponsor must be a nonprofit entity. The Sponsor must be approved by the Secretary as to the administrative and financial capacity to receive an award under this NOFA. A National Sponsor is an organization that has one or more Section 811 projects under reservation, construction or management in two or more different HUD geographical regions. The terms "Sponsor" and "Applicant" are used interchangeably in this NOFA. The regulatory definition of Sponsor can be found at 24 C.F.R. 891.305.

p. State Transition Plans. Statewide Transition Plans are documents describing how states will assess and remedy their compliance with the new HCBS regulation requirements, and then provide this written description to CMS. States will also assess individual settings/types of settings to further document their compliance. States must make a list of settings that are and are not in compliance. Some settings may be labeled as “isolating” or “institutional.” Public feedback in response to the list is welcomed, and it must be available for 30 days of public comment. States are at different stages of developing their Transition Plans, and therefore have been sharing and asking for public comment on their Transition Plan draft at different times. Applicants should visit the HCBS Advocacy website for information on specific comment periods and the status of their state’s transition plan.

q. Supportive Housing means permanent affordable, community-based, lease-based housing that provides tenants with the rights and responsibilities of tenancy and links them to voluntary and flexible person-centered supports and services. Successful supportive housing provides access to needed community-based services that are designed to foster and sustain housing stability.

r. Very-Low Income shall have the same meaning provided in section 3(b)(2) of the [United States Housing Act of 1937 \(42 U.S.C. 1437a\)](#)

5. Web Resources.

- [Affirmatively Furthering Fair Housing Regulations](#)
- [Code of Conduct list](#)
- [Do Not Pay](#)
- [Dun & Bradstreet](#)
- [Equal Participation of Faith-Based Organizations](#)
- [Federal Awardee Performance and Integrity Information System](#)
- [FFATA Subaward Reporting System](#)
- [Grants.gov](#)
- [Healthy Homes Strategic Plan](#)
- [Healthy Housing Reference Manual](#)
- [HUD Funding Opportunities](#)
- [HUD’s Strategic Plan](#)
- [HUD Grants](#)
- [Limited English Proficiency](#)
- [NOFA webcasts](#)
- [Opportunity Zone](#)
- [Procurement of recovered materials](#)
- [Section 3 Business Registry](#)

- [State Point of Contact List](#)
- [System for Award Management \(SAM\)](#)
- [Uniform Relocation Act – Real Property Acquisition and Relocation Requirements](#)
- [USA Spending](#)

B. Authority.

The Section 811 Supportive Housing for Persons with Disabilities program is authorized by Section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), as amended, and Consolidated Appropriations Act of 2018 (Pub. L. No. 115-141), and the Consolidated Appropriations Act of 2019 (Pub. L. No. 116-6).

II. Award Information.

A. Available Funds.

Funding of up to **\$75,000,000** is available through this NOFA.

Additional funds may become available for award under this NOFA, because of HUD's efforts to recapture unused funds, use carryover funds, or because of the availability of additional appropriated funds. Use of these funds is subject to statutory constraints. All awards are subject to the applicable funding restrictions contained in this NOFA.

B. Number of Awards.

HUD expects to make approximately 30 awards from the funds available under this NOFA. HUD expects to make approximately 25 -30 awards from the funds available under this NOFA. The precise number of awards will depend on the eligible proposals.

C. Minimum/Maximum Award Information.

1. Maximum Capital Advance Award Amount: Total Development Cost Limit for Project Type (Condominium, Group Home, or Integrated Housing) and Size. The award must not exceed the development cost limits.

2. Project Rental Assistance Contract (PRAC): In addition to the above capital advance amounts, HUD will award PRACs under this NOFA according to the current Operating Cost Standards. 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). HUD anticipates that at the end of the contract terms, renewals will be approved subject to the availability of annual appropriated funds. Except for projects assisted with low-income tax credits or tax-exempt bonds, the initial contract term will be 20 years. For projects that are assisted with low-income housing tax credits or tax-exempt bonds, the contract term will be 30 years. For PRACs awarded under this NOFA, HUD will initially reserve 5 years of funding for the PRAC and fund subsequent PRAC renewals from the Housing for Persons with Disabilities renewal account, subject to the availability of annual appropriations for such

purpose.

Applicants must indicate the number of units for which they are requesting PRAC assistance in the Project Development Plan. HUD will reserve funding for the first 5-year term of the PRAC, equivalent to 75% of the Operating Cost Standard for units covered by the PRAC. No more than 25% of the total units in an Integrated Housing setting may be set aside for persons with disabilities or may have any occupancy preference for persons with disabilities apply.

3. Development Cost Limitations. The amount of the Capital Advance funds requested may not exceed the Total Development Cost as published by HUD at this [location](#). The development cost limit is determined by identifying the appropriate building type (elevator, non-elevator) and unit size(s) in the development proposal. Funds must not exceed the total development cost limits for no more than 25% of units in Integrated Housing.

NOTE: HUD will permit the subordination of Capital Advance recorded documents, except for the Capital Advance Use Agreement, to other financing liens on a case-by-case basis for good cause to facilitate a mixed-finance transaction. More details about mixed-finance development in the Section 811 program can be found at 24 C.F.R. Part 891, sub-part F, entitled “For-Profit Limited Partnerships and Mixed-Finance Development for Supportive Housing for the Elderly or Persons with Disabilities.”

4. Project Awards. The information below refers to the estimated sum of funds awarded for each selected application for the Capital Advance and the initial year of the PRAC.

Estimated Total Funding:	\$75,000,000
Minimum Award Amount:	\$ 1
Maximum Award Amount:	\$2,500,000

5. Limitation on Use of Funds. No assistance received under this NOFA may be used to replace other State or local funds previously used, or designated for use, to assist persons with disabilities.

Estimated Total Funding:	\$75,000,000
Minimum Award Amount:	\$1 Per Budget Period
Maximum Award Amount:	\$2,500,000 Per Budget Period

D. Period of Performance.

Immediately upon an applicant’s acceptance of the Agreement Letter, the applicant is expected to begin working towards the submission of a Firm Commitment Application, which is the next application submission stage and is due 180 days after acceptance of the Agreement Letter.

1. Preliminary Approval. All Agreement Letters will incorporate the recipient's responsibilities and will stipulate that a Section 811 Fund Reservation award constitutes preliminary approval of an application; that a Section 811 Fund Reservation award does not constitute an approval of the site, which may occur only upon completion of HUD's environmental review and notification of approval. If HUD finds the site acceptable but only with mitigation, and the Applicant cannot meet the mitigation requirements, or if HUD determines that even with mitigation the site is unacceptable, the Section 811 Fund Reservation award may be terminated.

2. Award Termination: HUD reserves the right to rescind and award funds to other eligible applicants if HUD reasonably believes that awarded funds are at risk of not being expended within the applicable deadlines.

3. Post Award Amendment Needs: 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 are subject to availability and all appropriations requirements and may only be provided in exceptional circumstances (e.g., but not limited to, increased costs due to litigation, new government regulations or controls, additional requirements imposed by local authorities, or a disaster as declared by the President of the United States) that are clearly beyond the Sponsor's control. If amendment funds are not approved, the Sponsor is responsible for any costs over and above the capital advance amount provided by the Department.

4. Initial closing of the capital advance and start of project construction are expected to be accomplished within 24 months after the date of the Agreement Letter. HUD expects Sponsors to have commitments for all funds and required permits no later than 12 months following the acceptance of the Agreement Letter.

5. The Project Start Date is the estimated date of the Agreement Letter and the Project End Date is the expiration of the first year of operations pursuant to a PRAC. These dates are estimates only and will be adjusted depending on the actual date of the award commitment letter and the Length of the Project Period.

Estimated Project Start Date: 04/01/2020

Estimated Project End Date: 7/01/2022

Length of Project Periods: Other

Length of Project Periods Explanation of Other: The project period consists of the time from award to construction completion, with no less than 12 months of operations under a PRAC.

Estimated Project Start Date: 06/01/2020

Estimated Project End Date: 05/31/2024

Length of Project Periods: 60-month project period with five 12-

month budget periods

Length of Project Periods Explanation of Other:

E. Type of Funding Instrument.

Funding Instrument Type:

Grant

F. Supplementation.

If selected, an awardee will receive a fund reservation for the approved Capital Advance funds. HUD will also use funds under this NOFA to reserve funds to support the PRAC subsidy. HUD will initially reserve 5 years of funding for the PRAC and fund subsequent PRAC renewals from the Housing for Persons with Disabilities renewal account, subject to the availability of annual appropriations for such purpose.

The Agreement Letter obligates the funds and stipulates the terms and conditions for the Section 811 fund reservation award as well as the programmatic requirements following the fund reservation award.

III. Eligibility.

A. Eligible Applicants.

Nonprofits having a 501(c)(3) status with the IRS, other than institutions of higher education
Others (see text field entitled "Additional Information on Eligibility" for clarification)

Additional Information on Eligibility:

Eligible applicants are Sponsors or Co-Sponsors that are nonprofit organizations with a section 501(c)(3) tax exemption from the Internal Revenue Service, other than institutions of higher education, and who meet the threshold requirements contained in Section III below.

Nonprofits having a 501(c)(3) status with the IRS, other than institutions of higher education

Eligible Activities

Section 811 capital advance funds must be used to finance the development of housing through new construction, rehabilitation, or acquisition with or without rehabilitation. The types of housing that can be developed with Section 811 capital advance funds include dwelling units in integrated housing setting, condominium housing, and small group homes. In accordance with 24 CFR 891.800, capital advance funds may be used in combination with other non-Section 811 funding sources leveraged by a single-purpose and single-asset for-profit limited partnership to develop a mixed-finance project, which may or may not include additional unassisted housing

units for persons with disabilities over and above the Section 811 units.

PRAC funds are provided to cover the difference between the HUD-approved operating costs and the amount the residents pay. HUD will not provide PRAC funds for non-Section 811 units.

Units must be integrated within a larger multifamily housing property where no more than 25 percent of the total units being developed, rehabilitated, or acquired are used for persons with disabilities, including supportive housing for persons with disabilities or units to which any occupancy preference for persons with disabilities applies.

B. Ineligible Applicants.

Section 811 capital advance funds may not be used to construct or operate Assisted Living Facilities.

C. Cost Sharing or Matching.

This Program does not require cost sharing, matching or leveraging.

No cost sharing or match is required; however, applicants 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, 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.

Leverage: Applicants will be rated on the amount of additional financing brought to the project in relation to the amount of capital advance funding requested in the application. See Section V.

D. Threshold Eligibility Requirements.

Applicants who fail to meet any of the following threshold eligibility requirements will be deemed ineligible. Applications from ineligible applicants will not be evaluated.

Outstanding civil rights matters must be resolved to HUD's satisfaction prior to grant award, provided that all applicable legal processes have been satisfied.

1. Timely Submission of Applications. – Applications submitted after the deadline stated within this NOFA that do not meet the requirements of the grace period policy will be marked late. Late applications are ineligible and will not be considered for funding. See also Section IV Application and Submission Information, part D. Application Submission Dates and Times.

2. Complete Application. HUD reserves the right to determine whether an application is substantially deficient and non-responsive to the NOFA application requirements. Refer to Section IV.B., Content and Form of Application Submission, for information on the required documentation for submission with the application to ensure that your application is complete at time of submission. HUD will not accept paper copies of the application.

3. Eligible Applicant. Sponsor must document their status as a non-profit organization. Applicants and any other organization(s) that is co-sponsoring the application must submit the following:

- a. Articles of Incorporation, Constitution, or other organizational documents;
- b. By-laws; and
- c. IRS tax exemption ruling (including churches).

HUD will review the applicant's 501(c)(3) Articles of Incorporation, Constitution, By-Laws, or other organizational documents to determine, among other things, that (i) the applicant is an eligible non-profit entity (ii) the applicant's corporate purposes are sufficiently broad to provide the legal authority to sponsor the proposed project for persons with disabilities and to apply for Capital Advance funds and PRAC funds, (iii) language is included in the documents stating that no part of the net earnings inures to the benefit of any private party, (iv) that the applicant is not controlled by, or under the direction of, persons seeking to derive profit or gain therefrom, and (v) that the membership of the governing board is selected in a manner to assure that there is significant representation of the views of persons with disabilities.

Applicants that are mixed-finance owners, for the purpose of a mixed-finance development of housing under this program, must provide evidence of their structure as a single-asset, for-profit limited partnership of which one or more private non-profit organizations hold all general partner interests. See 24 C.F.R. 891.805 for more information on HUD's definition of a mixed-finance owner and for-profit limited partnership.

Applicants must provide the above required documents/information in the application under Tab A

4. Market Need.

Applicants are required to provide a Statement of Need. The statement must evidence the applicant's understanding of the market need for housing for low-income disabled noninstitutionalized persons. Low-income disabled noninstitutionalized persons are defined as persons who are at least 18 years of age and no older than 64 years of age, have a disability, and who are below the poverty line. HUD will assess the unmet housing needs of noninstitutionalized persons with disabilities relative to the number of proposed assisted units in the local area.

Applicants must provide the above required documents/information in the application under Tab B

5. Project Type. Funding will be provided for housing types described below. Applicants must provide a written narrative describing their proposed project.

a. Integrated Housing. a multifamily residential property where no more than 25 percent of the units are used for persons with disabilities, including supportive housing for persons with disabilities or units to which any occupancy preference for persons with disabilities applies.

Units for residential managers are ineligible for funding. Each property must have a minimum of 5 units. Units must have a private kitchen and bath. Units must be scattered throughout the development.

NOTE: Units located within a multifamily housing property are subject to Universal Physical Inspections to ensure the health and safety of tenants. In addition to the individual unit inspections, areas including common buildings used by residents such as laundry buildings, offices, or a community center, and buildings with common areas that have HUD subsidized units must be inspected in accordance with the UPCS protocol.

b. Group Home. The minimum and maximum number of persons with disabilities that can reside in a group home must be in accordance with your State Transition Plan and the requirements under the Section 811 program. One hundred percent of the units may be made available for persons with disabilities. A statement from your local health agency must be submitted. An additional one-bedroom unit can be provided for a resident manager. Only one person per bedroom is allowed, unless two residents choose to share one bedroom, or a resident determines he/she needs another person to share his/her bedroom. If you are applying for more than one group home, they cannot be located on the same or adjacent sites.

c. Condominium Units. There is no programmatic distinction between condominium units and integrated housing. Units for residential managers are ineligible for funding. No more than 25% of the total unit count in a development may be set aside for persons with disabilities. **NOTE:** Units located within a multifamily development are subject to Universal Physical Inspections to ensure the health and safety of tenants. In addition to the individual unit inspections, areas including common buildings used by residents such as laundry buildings, offices, or a community center, and buildings with common areas that have HUD subsidized units must be inspected in accordance with the UPCS protocol.

Applicants must provide the above required documents/information in the application under Tab C.

E. Statutory and Regulatory Requirements Affecting Eligibility.

Eligibility Requirements for Applicants of HUD's Grants Programs.

The following requirements affect applicant eligibility. Detailed information on each requirement is posted on HUD's Funding Opportunities Page ([click here](#)).

[Outstanding Delinquent Federal Debts](#)

[Debarments and/or Suspensions](#)

[Pre-selection Review of Performance](#)

[Sufficiency of Financial Management System](#)

[False Statements](#)

[Mandatory Disclosure Requirement](#)

[Prohibition Against Lobbying Activities](#)

F. Program-Specific Requirements Affecting Eligibility.

1. Project Development Plan. HUD will assess the quality of the project development plan. The Application must include:

a. Proposal. A description of the proposed property, including address, type of building (row/townhouse, walk-up, elevator, detached or semi-detached); type of project (new construction, rehabilitation, or acquisition), including any special design features, as well as any accessible design features; a description of how the design of the proposed project will facilitate the integration of the residents into the surrounding community and promote the ability of the residents to live as independently as possible; and total units by bedroom size, total PRAC-assisted units by bedroom size, a description of common area or office space(s), and a description of any commercial space at the site.

b. Project Development Timeline. A timeline identifying the expected start and completion dates for major development stages from post award to final closing. The timeline must comply with the requirements found in 24 C.F.R 891.165, requiring the duration of the fund reservation for capital advance be 24 months from the date of issuance of the award letter to the date of initial closing. HUD may provide extensions on a project-by-project basis.

c. Modification of Award. A statement on whether the project plans could be modified, if HUD is unable to fully fund the proposal. In the event of limited remaining funds after selection of awards, HUD may make additional selections if the applicant's requested number of PRAC units or Capital Advance is able to be modestly reduced. HUD will provide the applicant an opportunity to reduce the Capital Advance and/or PRAC to fit within the remaining total funding after selection of fully funded applications.

Applicants must provide the above required documents/information in the application under Tab D

2. Development Budget.

The applicant must provide a detailed budget identifying sources and uses and which indicates the committed or proposed resources that are necessary to cover the entire cost of the project. The Development Budget will be reviewed to evaluate the feasibility of the project as a whole. The budget must include the following:

a. Total Unit Count. A breakdown of the number of Section 811 units and the number of non-Section 811 units in the proposed development.

b. Sources and Uses. Sources and uses of funds for the project as a whole and a clear explanation of the sources and uses of funds associated with the Section 811 units.

NOTE: Any required off-site infrastructure costs, environmental clean-up or remediation costs consistent with the environmental review documents, and any commercial space proposed must

also be included in the sources and uses.

c. Debt. A list of any existing debt and description of how the debt will be supported through NOI.

d. Commitments for each source of funding. A commitment must describe the allowed uses of the funds and must provide the term for which the commitment is valid. Such term cannot expire earlier than 12 months from the Section 811 application deadline date. The applicant must commit to closing of the transaction prior to the expiration of the term, and HUD may decide as to whether the applicant's proposed timeline to meet such commitment is reasonable. Examples of committed funds include but not limited to:

- 9% LIHTC allocation with a pricing letter from an investor
- pricing letter from an investor for an anticipated 4% LIHTC allocation
- loan offer with reasonable terms
- governmental resolutions or other documentation of final award of grant or subordinate loan funds
- grant award letters
- binding commitment to donate land
- binding commitment to defer developer fee
- reasonable income from operations (in the context of an occupied rehabilitation project) and
- other evidence of commitment acceptable to HUD.

This submission must correspond to the answers to Rating Factor 4 in Section V

Applicants must provide the above required documents/information in the application under Tab E

3. Site Control and Zoning.

Applicants must demonstrate control of the site for which they are applying for Capital Advance funds. Accordingly, they must include in their application the required information specified below for evidence of site control.

a. Acceptable evidence of site control is limited to any one of the following:

i. Deed or long-term lease which evidences that the applicant currently has title to or a leasehold interest in the site. If the applicant possesses a leasehold interest, 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 requirements for extensions. Title or leasehold interest must be obtained prior to the application deadline date. A sublease is not considered an acceptable form of site control;

ii. Contract of sale for the site that is free of any limitations affecting the ability of the seller to deliver ownership to the applicant after the applicant receives and accepts a notice of Section 811 capital advance fund reservation. The contract of sale cannot require closing earlier than 12 months following the date of the FY 2019 Section 811 application deadline date unless the applicant has non-811 committed funds which are sufficient for purposes of closing on the land.

NOTE: HUD strongly encourages applicants to have contract terms with renewal provisions to allow for delays in closing the Section 811 capital advance that may be beyond their control.

iii. Option to purchase or option for long-term leasehold, which must state a firm price, remain in effect for a minimum of six months from the date on which the applications are due, and must be renewable for a minimum of an additional six-month term. The buyer must have sole discretion to exercise such renewal and any consideration for such Option renewal must be stated in the option agreement. HUD strongly encourages applicants to have Option terms with renewal provisions beyond six months to allow for delays in closing the Section 811 Capital Advance that may be beyond their control. During the initial six-month term plus the additional six-month renewal, the only conditions on which the seller may terminate the Option is if the applicant is not awarded a fund reservation, HUD finds the site environmentally unacceptable, of the applicant fails to make contractually required option payments. We note that the seller is free to extend the option beyond the original term and any renewals even if the sponsor is not awarded a fund reservation.

iv. The contract of sale or option agreement may contain 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. Such provisions are not objectionable to HUD and a Sponsor is allowed to terminate the contract of sale or the option agreement.

v. 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), applicants must submit evidence of site control as described above AND 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 Multifamily HUD office) and from the mortgagee, if other than HUD. Approval to release the site from the mortgage must be obtained before HUD makes its selection recommendations. Refer to Chapter 16 of HUD Handbook 4350.1 Rev-1, Multifamily Asset Management and Project Servicing, for instructions on submitting requests to the local Multifamily HUD Office for partial release of security from a mortgage under a HUD program; or

vi. 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 the applicant after the applicant receives and accepts a notice of Section 811 capital advance fund reservation award. The same requirements for site control are applicable to sites to be acquired from public bodies as are applicable to sites to be acquired from other entities. Where HUD determines that time constraints of the funding round will not permit the applicant to obtain all of the required official actions (e.g., approval of Community of Planning Boards) that are necessary to convey publicly-owned sites, the applicant may include in its 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 is enough evidence of site control, but only if the commitment does not contain restrictions or qualifications that would be unacceptable in the case of other entities. Where a public housing site is to be acquired from a public housing agency (PHA), the PHA must have applied to HUD for permission to dispose of the site or received approval of the disposition from HUD. If the

PHA has applied for HUD permission, approval must be received prior to the local Multifamily HUD Office's recommendation of approval to Headquarters.

b. Whether the applicant has title to the site, a contract of sale, an option to purchase, or is acquiring a site from a public body, the applicant must provide a current title report or title policy from a title company, updated within 6 months of the application deadline date, that evidences that the site is free of any encumbrances 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). A copy of the title report or title policy is required. If the applicant is unable to obtain a title report or title policy, legal opinions will be accepted. Such opinions must identify all matters of record and include copies of all underlying instruments. Any legal opinions not supported by documentation will be considered insufficient evidence.

NOTE: If the title evidence contains encumbrances, copies of the encumbrances must be submitted with the application. If the site is subject to any such encumbrances, which could adversely affect the use of the site for the proposed project for the 40-year capital advance period, the site will be rejected. Mortgage liens that will be satisfied by the date of initial closing are not considered to be limitations or restrictions that would adversely affect the use of the site. Applicants must provide supporting evidence that such a mortgage will be satisfied by the time of initial closing. Title policies showing an existing mortgage that cannot be satisfied by initial closing date will result in the rejection of the site. **NOTE:** A proposed project site may not be acquired or optioned from a general contractor (or its affiliate) that will construct the Section 811 project or from any other development team member.

c. Provide evidence of the project's status regarding compliance with local zoning and land use regulations and its access to public utilities. If no discretionary action is required to receive a building permit, submit a letter or other evidence from the local governing body stating that rezoning variances, special or conditional use permits, design review, or any other land use and public utility approval are not required. If action(s) is required, include a statement of the proposed action required to make the proposed project permissible to receive a building permit 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.). Discuss utilities available to the site. If all utilities are available to the site, provide "will serve" letters from all providers for water, sewer, gas, and electricity indicating that enough capacity exists to serve the proposed project.

d. As applicable, provide evidence of compliance with the acquisition requirements of the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (URA), as amended and its implementing regulations at 49 C.F.R part 24, subpart B. For program specific relocation requirements, please refer to 24 C.F.R 891.155.

Applicants must provide the above required documents/information in the application under Tab F

4. Statement of Encumbrances. Applicants must provide a statement of encumbrances and a

narrative description of how any encumbrances will not impede the use of the proposed project. HUD will reject an application if it determines that any encumbrance will adversely affect the use of the site for the 40-year Capital Advance period.

Applicants must provide the above required documents/information in the application under Tab G

5. Design and Cost Standards. Applicants must comply with HUD's Section 811 project design and cost standards (24 CFR 891.120 and 891.310), Site and Neighborhood Standards of the regulations governing the Section 811 Supportive Housing for Persons with Disabilities program (24 CFR 891.125, Section 504 of the Rehabilitation Act of 1973 and HUD's implementing regulations at 24 CFR part 8, the Fair Housing Act and its implementing regulations at 24 CFR part 100, and where applicable, the Americans with Disabilities Act. Applicants may receive helpful information with respect to the Fair Housing Act design and construction requirements on Fair Housing Accessibility FIRST's website at <http://www.fairhousingfirst.org>. In addition to the special project standards described in 24 C.F.R. 891.310, as applicable, the following standards apply:

a. Property standards. Projects under this Part must comply with HUD Minimum Property Standards as set forth in 24 C.F.R. Part 200, subpart S.

b. Accessibility requirements. Projects must meet accessibility requirements at 24 CFR 891.120 and 24 CFR 891.310. Applicants must comply with Section 504 of the Rehabilitation Act of 1973 and its implementing regulations at 24 CFR part 8, which include physical accessibility requirements for new construction, substantial alterations, and other alterations. Projects must also comply with the Fair Housing Act and its implementing regulations at 24 CFR part 100. New construction of covered multifamily dwellings must meet Fair Housing Act design and construction requirements at 24 CFR 100.205. Further, if rehabilitation results in a covered multifamily dwelling (*e.g.*, if the rehab includes an addition) as defined at 24 CFR 100.201, then it must also meet the Fair Housing Act design and construction requirements. In addition, when acquiring housing that was designed and constructed for first occupancy after March 13, 1991, HUD recommends determining whether the building complies with the design and construction requirements of the Fair Housing Act 42 USC § 3604(f)(3)(c). Applicants may receive helpful information with respect to the Fair Housing Act design and construction requirements on Fair Housing Accessibility FIRST's website at <https://www.fairhousingfirst.org/>. Projects must also comply with the Americans with Disabilities Act and its implementing regulations, and 28 CFR parts 35 (Title II) and 36 (Title III) as applicable. 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, denying them the benefits of, or otherwise subjecting them to discrimination under the Federally assisted program or activity

c. Restrictions on amenities. Projects must be modest in design. Capital Advance funds cannot cover the costs associated with atriums, bowling alleys, swimming pools, saunas, hot tubs, and similar luxury amenities. Sponsors may include such amenities in the project design, but they must pay for them from sources other than the Section 811 Capital Advance funds. They must also pay for the continuing operating costs associated with any such amenities from sources other than the Section 811 PRAC. See 24 C.F.R. 891.120(c).

d. Smoke detectors. Smoke detectors and alarm devices must be installed in accordance with standards and criteria acceptable to HUD for the protection of occupants in any dwelling or facility bedroom or other primary sleeping area. See 24 C.F.R. 891.120(d).

e. Carbon Monoxide detectors. Current HUD policy encourages the installation of carbon monoxide detectors even when not required by local law. <https://www.hud.gov/sites/dfiles/OCHCO/documents/19-06pihn.pdf>

f. Commercial facilities. Projects under this part may have commercial facilities on their site for the benefit of residents of the project and of the community in which the project is located, so long as the commercial facilities are not subsidized with Section 811 Capital Advance or PRAC funds. Such 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. See 24 C.F.R. 891.120(e) and the Title III ADA regulation at 28 C.F.R. Part 36 for more information on accessibility requirements.

g. Broadband infrastructure. Any new construction or substantial rehabilitation, as substantial rehabilitation is defined by 24 C.F.R. 5.100, of a building with more than 4 rental units and funded by a grant awarded after January 19, 2017, must include installation of broadband infrastructure, as this term is also defined in 24 C.F.R. 5.100, except where the owner determines and documents the determination that:

i. The location of the new construction or substantial rehabilitation makes installation of broadband infrastructure infeasible;

ii. The cost of installing broadband infrastructure would result in a fundamental altering of its program or activity or in an undue financial burden; or

iii. The structure of the housing to be substantially rehabilitated makes installation of broadband infrastructure infeasible.

6. Energy and Water Conservation. At a minimum, energy efficiency strategies and water conservation appliances and fixtures must be incorporated in the design, construction, and operation of all new construction and substantial (gut) rehabilitation projects.

a. Owners of new construction and substantial rehabilitation low-rise (up to 3 stories) multifamily developments must meet the requirements of EPA's ENERGY STAR Qualified Homes. Mid-Rise & High-Rise developments (4 or more stories) must meet the ASHRAE 90.1 Appendix G Plus 15 percent standard for Energy Efficiency. Any state energy code requirements will take precedence over ENERGY STAR or ASHRAE specifications when the state code approximates or exceeds that standard. More information concerning this requirement can be found [here](#). For information on the ENERGY STAR Multifamily High-Rise Program, please visit [ENERGY STAR](#) For information concerning ASHRAE, please visit [this site](#).

b. Installation of water-conserving fixtures is required in all new and substantially rehabilitated developments (i.e. resource efficient plumbing and appliances such as low flow shower heads and faucet and high efficiency toilets). The materials used must be WaterSense labeled products or must offer greater water efficiency. More information is available [here](#).

c. Owners of Existing Developments that do not qualify as new construction or substantial (gut) rehabilitation must perform pre- and post-construction energy audits and incorporate conservation techniques in their projects. Owners of existing developments must also commit to

future installation of WaterSense fixtures and ENERGY STAR appliances in the project's required Operations and Maintenance plan.

7. Site and Neighborhood Standards

a. A proposed site must comply with all applicable site selection requirements in 24 C.F.R. 891.125 and 891.320. Applicants that propose new construction must provide evidence (1) that the site is not located in an area of minority concentration or (2) if the site is in an area of minority concentration, , that the site meets the requirements applicable to new construction in an area of minority concentration at 24 C.F.R. 891.125(b) and (c).

b. For the purpose of this competition, a project is located in an area of minority concentration if: (a) the neighborhood's percentage of persons of a particular racial or ethnic minority is at least 20 points higher than the minority's percentage in the housing market area as a whole or (b) the neighborhood's total percentage of minority persons is at least 20 points higher than the total percentage of minority persons in the housing market area as a whole. For the purpose of this competition, the "neighborhood" generally corresponds to the census tract and the "housing market area" generally corresponds to, as applicable: (i) the Metropolitan Statistical Area (MetroSA); (ii) Micropolitan Statistical Area (MicroSA); or (iii) if the site is neither in a MetroSA or MicroSA, the county or statistically equivalent area.

c. An applicant may propose an alternative geography for the neighborhood or the housing market area, when there is strong evidence that an alternative geography is more appropriate. Typical neighborhood boundaries are delineated by major streets or physical topography, do not encompass more than one municipal jurisdiction, and is an area less than two miles wide. Applicants may refer to the RAD Fair Housing, Civil Rights, and Relocation Notice (Notice H 2016-17/PIH 2016-17(HA)) for additional information on what constitutes strong evidence that an alternative geography will provide greater access to services. HUD will review the case for the alternative geography during review of the application. If an applicant claims an alternative geography, it may also choose to claim an exception that would allow new construction in an area of minority concentration (described below) to address the possibility that HUD does not approve the use of the alternative geography. An application will be rejected if HUD rejects the proposed alternative geography and the application does not include acceptable documentation supporting that the site meets an exception that would allow the construction of new housing in an area of minority concentration (described below). In cases where a site is located in a census tract that does not meet the definition of an area of minority concentration, but is near the edge of minority-concentrated census tract or is separated from a significant portion of the occupied land in its census tract by a major geographical barrier (such as rivers and interstate highways), the applicant must provide evidence that the site meets one of the exceptions that permits new construction in an area of minority concentration.

d. Applicants must use the Minority Concentration Analysis tool ([click here](#)) to identify whether a site is in an area of minority concentration. If an applicant is requesting an alternative geography for the neighborhood, it must use the "draw" feature in the tool to calculate the minority concentration of the neighborhood.

e. The output from the Minority Concentration Analysis tool must be included within the Site and Neighborhood Standards submission in Tab H. If an applicant is requesting an alternative

geography, it must include supporting documentation that the boundaries of the proposed alternative geography are generally accepted as the neighborhood or housing market area, as applicable, within the Site and Neighborhood Standards submission in Tab H. Where the tool identifies that the site is in an area of minority concentration, the applicant must include within Tab H evidence that either an alternative geography as described above is not an area of minority concentration or that the proposed site meets one of the exceptions permitted under 24 C.F.R. Section 891.125(c)(2).

f. A project may be in an area of minority concentration only if: (1) Sufficient, comparable opportunities exist for housing minority households, in the income range to be served by the proposed project, outside areas of minority concentration; or (2) The project is necessary to meet overriding housing needs that cannot be met in that housing market area. Units may be considered to be comparable opportunities if they have the same household type (persons with disabilities) and tenure type (owner/renter); require approximately the same total tenant payment; serve the same income group; are located in the same housing market; and are in standard condition. To meet this exception, explain the applicability of the factors discussed in 24 C.F.R. Section 891.125(c)(3)(iii)(A)-(G). A site will meet the overriding housing needs test if the site is an integral part of an overall local strategy to preserve or restore the immediate neighborhood; or if the site is in a neighborhood experiencing significant private investment in the neighborhood that is demonstrably changing the economic character of the area (a "revitalizing area"), see 24 C.F.R. Section 891.125(c)(4).

g. HUD may rely on additional available information to make its determination. Applications are approvable by HUD only if the site is located outside an area of minority concentration or, if in an area of minority concentration, the site meets one of the allowable exceptions in 24 CFR 891.125(c). HUD may request additional information from the applicant before making its determination.

Applicants must provide the above required documents/information in the application under Tab H.

8. Enhanced Livability Design Standards.

Housing is a platform for health. Health can be promoted through both supportive services (as described below) and through the physical living environment. In the context of housing for the persons with disabilities, enhancing the livability of the physical environment promotes housing stability and may prevent premature institutionalization. A well-situated, well-designed physical space at the unit and building level can help persons with disabilities maintain independence. In addition to applicable required accessibility features under Section 504 of the Rehabilitation Act of 1973, the design and construction requirements of the Fair Housing Act, and Titles II or III of the Americans with Disabilities Act, HUD strongly encourages applicants to incorporate design standards that address fall prevention, enhanced accessibility features, visitability, universal design, and electronic communication mechanisms when developing housing and community facilities and to consider access to transportation and walkability to the surrounding community and neighborhood services when selecting sites.

NOTE: Fixed elements in units and common and public use areas that address fall prevention, offer enhanced accessibility, visitability, universal design, and electronic communication

mechanisms may provide for greater accessibility for persons with disabilities, but must still comply with applicable physical accessibility regulations and standards, including scoping and technical requirements

a. Visitability/Universal Design/Enhanced Accessibility Features. Visitability is a set of features that makes a home (or building) easier for persons with mobility and sensory disabilities, and the general public, to live in and visit. Universal design is the design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. These concepts may overlap with incorporating enhanced accessibility features at a property. These features may serve to enhance the accessibility of a property beyond the features that are required under federal accessibility laws and architectural standards, and in response to reasonable accommodation requests.

i. There is a significant benefit to incorporating at a project's initial development or during rehabilitation, enhanced accessibility features both to individual units and to public and common use areas. These types of features increase the overall accessibility of a development and further the ability of individuals with various disabilities to live independently.

ii. The Department has a publication entitled "Strategies for Providing Accessibility and Visitability for HOPE VI and Mixed Finance Homeownership" that contains several ideas about how the principles of visitability can benefit persons with disabilities, which is available here: <https://www.huduser.gov/Publications/pdf/strategies.pdf>. HUD's regulation (24 C.F.R, Part 8) and either the Uniform Federal Accessibility Standards (UFAS) or the requirements of HUD's Deeming Notice, 79 Fed Reg 29.4671 (May 23, 2014) will always apply to physical accessibility in 811 properties, and if the ADA is applicable, the ADA, its regulations and applicable architectural standards will apply (UFAS, 1991 ADA Standards and/or 2010 ADA Standards for Accessible Design). See U.S. Dept. of Justice, ADA Requirements, Effective Date, Compliance Date (Feb 2011). If the 811 property is a "covered multifamily dwelling" built for first occupancy after March 13, 1991, the Fair Housing Act applies to the design and construction of the development. In addition, reasonable accommodations and reasonable modifications are required under each of these laws. Architectural, reasonable accommodations and effective communication requirements including the provision of appropriate auxiliary aids and services also apply to electronic communication mechanisms and features.

b. Electronic Communication and Digital Availability and Accessibility. Affordable access to electronic communication networks enables the delivery of services and may reduce social isolation. While Broadband infrastructure requirements of 24 C.F.R. 5.100 may not apply to all applications, all applications will be evaluated based on the extent to which the property is designed to ensure access to electronic communications via broadband and cellular networks.

c. Transportation Access. In addition to improving mobility for households with limited access to vehicles, creating connected communities with multiple transportation options, including ensuring the availability of accessible transportation options, can benefit all residents by promoting health and safety, contributing to a more resilient local economy, and improving the efficiency of public spending. For more information, see the Center for Transit Oriented Development's, "Creating Connected Communities: A Guidebook for Improving Transportation Connections for Low- and Moderate-Income Households in Small and Mid-Sized Cities",

https://www.huduser.gov/portal/publications/commdevl/connecting_communities.html#click

9. Supportive Services Plan. The applicant's supportive services plan and the Certification for Provision of Supportive Services must be designed to ensure program sustainability and continuity for the forty-year term of the Capital Advance. The Plan must be sent to the appropriate state or local agency far enough in advance of the application deadline date so that the agency can review the plan, complete the certification and return both to the applicant for inclusion in the application to HUD. The Agency may also provide a letters of intent, memorandum of understanding, or other agreements. The Plan should include the following:

a. Summary. A detailed description of the populations that the housing is expected to serve and a commitment to expand the designated population served when market need shifts.

b. Program Alignment. The Plan must describe how the project aligns with the state's efforts to support housing stability and ensure consistency with policies governing the development and operation of housing for persons with disabilities. The Plan must also discuss how the Owner will foster ongoing communication with the state or local Medicaid or health and human service agency to ensure ongoing provision of services to residents..

c. Outreach and Referral Process. Describe the approach for managing the outreach, referrals, and waiting lists to successfully identify and house prospective tenants in a timely and efficient manner. The approach must document the roles and responsibilities of each partner. The Plan must document the applicant's method of outreach and referral. The Plan should include how and from whom/where persons will be referred and admitted for occupancy in the project. Applicants must also document their waitlist policy. All methods of outreach and referral and management of the waiting list must be consistent with fair housing and civil rights laws and regulations, and affirmative marketing requirements.

d. Communication Plan. The description should also outline the activities taken to ensure effective communication with persons with disabilities and to ensure meaningful program access to persons with limited English Proficiency. The Plan must specify how dispute resolution between residents and owners/management agents will be managed.

e. Occupancy Restriction (if applicable). Applicants may, with the approval of the Secretary, restrict occupancy within housing developed under this NOFA to persons with disabilities who can benefit from the supported services offered. If requesting approval to restrict occupancy, also submit the following:

i. A description of the population of persons with disabilities to which occupancy will be limited.

ii. An explanation of why it is necessary to restrict occupancy of the proposed project(s) to the population described in (i) above, including the following:

(a) An explanation of how restricting occupancy to persons with disabilities who can benefit from the supportive services offered promotes the goals of the Section 811 program.

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

iii. A description of your experience in providing housing and/or supportive services to proposed occupants.

iv. A description of how you will ensure that occupants of the proposed project will be integrated into the neighborhood and community.

f. Person-Centered Approach. A detailed description of the supportive service needs of the persons with disabilities that the housing is expected to serve. If applicable, please include a description of how the residents will be connected to opportunities for employment. **Additional information can be found at** <https://www.medicaid.gov/medicaid/hcbs/transition-plan/index.html>

g. Owner Affiliation with Service Provider (if applicable). If the applicant will be making any supportive services available to the residents or will be coordinating the availability of any supportive services, a letter providing:

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

ii. An assurance that any supportive services that the Sponsor will make available to the residents will be based on their individual needs; and

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

iv. A commitment to expand the designated population served when market need shifts.

h. On-site management. An indication as to whether the project will include a unit for a resident manager. Applicable to group homes only.

i. Choice. A statement certifying that you will **not** condition admission or occupancy on the resident's acceptance of any supportive services. Plan must document your approach for ensuring individual choice for persons served throughout their tenancy. A supportive services plan for housing assisted under this NOFA must permit each resident to take responsibility for choosing and acquiring their own services, to receive any supportive services made available directly or indirectly by the owner of such housing, or to not receive any supportive services.

j. Formal Partnerships. Letters of intent, memoranda of understanding, or other agreements from State Medicaid Agencies and/or other community-based organizations serving persons with disabilities, including but not limited to Centers for Independent Living (as defined in section 702 of the Rehabilitation Act of 1973 (29 U.S.C. 796a)), fair housing organizations, state Aging and Disability Resource Centers (ADRCs), Area Agencies on Aging (AAAs) or State Agencies (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002)), State Protection and Advocacy Agencies (P&A's), Community Mental Health Centers, Long Term Care Ombudsmen, Accountable Care Organizations, health and human services agencies, and/or other State agencies with experience helping identify and assist individuals seeking to transition into community settings or to remain in community settings. The letter, memo, or agreement must be on the organization's letterhead and must include:

i. Names, titles, and e-mail addresses of the core operational staff within partner agencies. Core members should include, at a minimum, at least one lead team member from each partner

agency(ies)

ii. Description of the state/local agency's policy concerning housing for the population to be served and a confirmation that the application is consistent with state and/or local agency plans and policies governing the development and operation of housing for persons with disabilities

iii. Services the organization will provide i.e., funding for the provision of supportive services, outreach, referral of residents, tenancy support, and/or licensing the project

iv. Population the organization serves, including whether population is limited by type of disability, age, or geographic area

v. Description of provider's experience in providing such supportive services, coordinating outreach and referrals for the disability type, and/or assisting persons with disabilities moving into units

vi. Communication strategy i.e., type and frequency of meeting, use of technology, protocols for information sharing, dispute resolutions procedures

vii. Responsibilities of each partner

viii. Record Keeping and Documentation protocol and

ix. Renewal provision

k. Funding Sources. Document the anticipated sources of funding to cover community-based supportive services. Document the use of any Medicaid, state, local, federal or private funds.

l. Monitoring. Document your approach for measuring and monitoring the quality and effectiveness of each partnership. Owners must commit to updating the supportive services plan not less than once every three years. Please visit the following useful tool.

Applicants must provide the above required documents/information in the application under Tab I

This program requires a certification of Consistency with the Consolidated Plan under 24 CFR 91.2. This certification means the proposed activities in the application are consistent with the jurisdiction's strategic plan, and the location of the proposed activities is consistent with the geographic areas specified in the Consolidated Plan. The Consolidated Plan also includes the jurisdiction's certification to affirmatively further fair housing, which means: (1) that it will take meaningful actions to further the goals identified in the Assessment of Fair Housing (AFH) conducted in accordance with 24 CFR 5.150 through 5.180, and that it will take no action that is materially inconsistent with its obligation to affirmatively further fair housing; or (2) for jurisdictions that are not yet required to submit an AFH, they must continue complying with the regulations that existed prior to August 17, 2015, with respect to conducting Analyses of Impediments to Fair Housing Choice, as applicable. Under 24 CFR 91.510, for competitive programs, a certification of consistency of the application with the approved consolidated plan for the jurisdiction may be required, whether the applicant is the jurisdiction or another applicant. If you fail to provide the certification, and you do not cure the omission as a curable deficiency, HUD will not fund the application.

10. Flood Insurance. The applicant 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. 3501).

11. Real Property Acquisition and Relocation Requirements. The applicant must comply with the Uniform Relocation Assistance and Real Property Act of 1970 (URA), as amended, 42 U.S.C. 4201 *et seq*, as implemented by 49 CFR part 24. The URA establishes the minimum Federal requirements for the acquisition of real property for Federally funded programs and projects, and for the relocation of persons who must move from their homes, businesses, or farms as a direct result of acquisition, rehabilitation, or demolition for a Federally-funded program or project. Sponsors and owners must ensure that they have taken all reasonable steps to minimize the displacement of persons as a result of a project assisted under this program. See 24 CFR 891.155 for program-specific relocation requirements. Additionally, relocation and one-for-one replacement requirements under section 104(d) of the Housing and Community Development Act of 1974 may apply when CDBG or HOME funds are used in connection with a project assisted under this NOFA. Section 104(d) requirements are found at 24 CFR part 42, subpart C, and program-specific relocation requirements for CDBG and HOME projects are found at 24 CFR 570.606 and 24 CFR 92.353, respectively. More information and resources on the URA and Section 104(d) are available at www.hud.gov/relocation

Applicants must provide the above required documents/information in the application under Tab J.

12. Labor Standards.

a. All laborers and mechanics (other than volunteers under the conditions set out in 24 C.F.R. Part 70) employed by contractors and subcontractors in the construction (including rehabilitation) of housing with 12 or more units assisted under this part shall be paid wages at rates not less than those prevailing in the locality, as determined by the Secretary of Labor in accordance with the Davis-Bacon Act (40 U.S.C. 3141).

b. Contracts involving employment of laborers and mechanics shall be subject to the provisions of the Contract Work Hours and Safety Standards Act (40 U.S.C. 3701).

c. Sponsors, Owners, contractors, and subcontractors must comply with all related rules, regulations, and requirements.

This program requires a certification of Consistency with the Consolidated Plan under 24 CFR 91.2. This certification means the proposed activities in the application are consistent with the jurisdiction's strategic plan, and the location of the proposed activities is consistent with the geographic areas specified in the Consolidated Plan.

G. Environmental Review

HUD must complete an Environmental Review for every application selected for funding prior to Firm Commitment. At the application processing review stage, HUD will perform a preliminary environmental screen to assess major adverse environmental conditions. In order to complete this preliminary environmental screen, HUD requires all applicants to submit environmental documentation as discussed in this section. Additional information about the environmental requirements for Section 811 NOFA applications can be found on the Office of Housing Environmental Review Resources located [here](#).

1. Submission of Environmental Reports

- a.** Each applicant is highly encouraged to submit their Environmental Reports to the HUD electronic system known as HUD Environmental Review Online System ("HEROS"). See the HEROS tab on the Office of Housing's Environmental Training page for training resources on the use of HEROS. access the HEROS tab on HUD's Environmental Review Training page for training resources on the use of HEROS. You can access the HUD Section 811 Environmental website [herein](#) and access the HEROS tab on HUD's Environmental Review Training page for training resources on the use of HEROS. Applicants may register for the HEROS system using the HEROS Access form. Please allow up to 4 weeks for your access to be processed. Applicants that do not utilize HEROS must submit the applicable reports with the Application as described in Section B. below. HEROS and the worksheets linked below designed for lay people, but applicants may choose to hire professional third parties to gather the environmental information.
- b.** At the application review stage, HUD will perform only a preliminary environmental screen in order to assess whether there are major adverse environmental conditions. Subsequent to the award, HUD will complete its environmental review only for those applicants receiving such awards. HUD will require the applicant to input the information into HEROS in order to complete its environmental review.
- c.** The purpose of the preliminary environmental review will be to determine if there are major adverse environmental conditions that cannot reasonably be mitigated. HUD will reject applications with major adverse environmental conditions that cannot reasonably be mitigated. Examples of such occurrences would be a project that proposes a Risk Based Corrective Action Plan or Complete Remediation Plan, but lacks likely approval of such by the relevant regulatory authority; a project that would result in destruction of a valuable wetland; or a project for which a

noise barrier to reduce noise to acceptable levels appears to be necessary but is not proposed in the application and/or does not appear to be achievable. HUD's preliminary environmental review at the application processing stage does not constitute HUD's environmental approval of the project site.

d. HUD will complete its environmental review for Applications Selected for Funding prior to issuance of the Firm Commitment. As part of this process, HUD will determine the correct level of environmental review (for example, categorically excluded or environmental assessment) and may request additional information in order to complete its review. When HUD continues its environmental review, it may find the site environmentally unacceptable, in which case the fund reservation may be cancelled. Therefore, it is extremely important that applicants evaluate the site prior to Application submission to ensure that it meets HUD's environmental requirements.

e. Compliance with Environmental Assurance. As HUD only performs a preliminary environmental screen at the application processing stage, site approval will not occur until HUD completes its environmental review and finds the site environmentally acceptable. Therefore, the applicant's submission of an Application constitutes an assurance that the applicant agrees to assist HUD with HUD's compliance with environmental review regulations in 24 CFR part 50 and that the applicant shall:

i. Supply HUD with all available and relevant information necessary for HUD to perform for each property any environmental review required by 24 CFR, Part 50;

ii. Carry out mitigating measures required by HUD or select alternate eligible property, and

iii. Not acquire, rehabilitate, convert, demolish, lease, repair or construct property, nor commit to expend HUD or local funds for these program activities with respect to any eligible property, until HUD approval of the property is received. Applicants may continue to perform obligations to sustain an existing leasehold or option to lease agreement.

f. Environmentally Unacceptable Sites. All agreement letters will incorporate the recipient's responsibilities and will stipulate that a Section 811 Fund Reservation award constitutes preliminary approval of an application; that a Section 811 Fund Reservation award does not constitute an approval of the site, which may occur only upon completion of HUD's environmental review; and notification of approval; and that if HUD finds the site acceptable but only with mitigation and the Applicant cannot meet the mitigation requirements, or if HUD determines that even with mitigation that the site is unacceptable, the Section 811 Fund Reservation award will be terminated.

2. Environmental Review Partner Worksheets.

As described above, applicants are encouraged to use HEROS to submit their environmental documents using the instructions found at this [location](#). Applicants that choose not to use HEROS at the time of application must submit the following partner worksheets, including associated maps and documentation, at the time the application is submitted. If the application is selected for funding, HUD will require the applicant to input the information into HEROS.

- Airport Hazards - Partner Worksheet
- Coastal Barrier Resources Act - Partner Worksheet
- Endangered Species Act - Partner Worksheet
- Explosives - Partner Worksheet

- Flood Insurance - Partner Worksheet
- Floodplain Management - Partner Worksheet
- Historic Preservation - Partner Worksheet
- Noise (CEST) - Partner Worksheet (For existing projects)
- Noise (EA) - Partner Worksheet (For new construction)
- Sole Source Aquifers - Partner Worksheet (DOCX)
- Contamination and Toxic Substances (Multifamily) - Partner Worksheet (DOCX)
- Wetlands - Partner Worksheet (DOCX)
- Housing Requirements - Partner Worksheet (DOCX)

Each partner worksheet includes a link for information about where to find requested maps and documentation and the HUD exchange has information to assist as well. Please refer to this [site](#).

NOTE: If an application is selected for funding, HUD will require information about additional laws and authorities.

3. Phase 1 Environmental Site Assessments

a. Applicants must submit a Phase I ESA report, and a Phase II and/or Phase III report (see below), as applicable at the time the application is submitted.

NOTE: A previous Phase I ESA report will be allowed provided that the Phase I ESA was conducted within 180 days of the application deadline date and the report meets MAP Guide requirements.

- i. All inspections and reports must have been conducted and prepared by an Environmental Professional ("EP") in accordance with ASTM Standard E 1527-13.
 - ii. The EP preparing the Phase I and any subsequent Phase II and/or Phase III report must meet all of the qualification requirements as stated in the appropriate ASTM standards (ASTM E 1527-13 or ASTM E 1903-11) and must provide supporting documentation to this effect in the PHASE I report, Phase II report and/or Phase I report, as applicable.
 - iii. The Phase I ESA report shall also include the findings of a "Tier 1 Vapor Encroachment" screen pursuant to ASTM E 2600-15.
 - iv. The applicant must inform the EP of the HUD requirements that must be included in the Phase I ESA and any required subsequent report such as a Phase II. These are spelled out in Section 9.3 of the MAP Guide.
- b.** If the Phase I ESA indicates the need for further study or identifies any type of contamination or other issues, then a Phase II ESA is required.
- i. The Findings, Opinions and Conclusions sections of the Phase I ESA must be based upon ASTM 1527-13.
 - ii. The Findings section shall list and discuss all Recognized Environmental Conditions ("REC"), suspect REC, historical REC and/or de minimis conditions (with all such terms as described in ASTM E 1527-13), as well as Vapor Encroachment Conditions (VEC), suspected VEC, or instances where VEC cannot be ruled out (pursuant to ASTM E 2600-15). The opinions section shall discuss each of these conditions as to whether each one is deemed to be or deemed not to be a REC and/or a VEC. The Conclusions section shall list all RECs and VECs. You are

cautioned that even if the EP who prepares the Phase I ESA determines that there are no RECs and no VECs and you therefore decide not to prepare a Phase I ESA (see below), HUD will review the Phase I ESA report to confirm that such determinations are reasonably warranted based on the information presented. Should HUD not concur with the Phase I ESA conclusions and the Phase II was not conducted nor the Phase III remediation plan was submitted, your application will be technically rejected.

iii. If there are RECs or VECs identified and you choose to continue with that site for the project being proposed, you must undertake a detailed Phase II ESA by an EP. The Phase II ESA must address all the RECs and VECs identified in the Phase I ESA report. The testing and sampling design shall be based on scientific methodology and shall proceed to the point that a reasonable determination can be made regarding each of the RECs and VECs.

c. If the Phase II ESA determines that a Phase III Remediation Plan is needed then a report is required to be submitted following the requirements of Section 9.3 of the MAP Guide. If a Phase III is prepared, the final remediation plan must include a remediation contract that specifies all clean-up costs and timelines for clean-up to ensure that it can be completed prior to final closing or initial occupancy, whichever comes first. These clean-up costs must be reflected in the budget (Section III.E.3). Any remedial/clean-up actions required under the Phase III report will not have to be undertaken unless the application receives a Grant Award.

i. A remediation plan is required if the Phase II determines that hazardous waste, petroleum products, and/or VECs exist on the site and/or hazardous waste, petroleum products and/or VECs have migrated onto the site or are likely to do so in the foreseeable future.

ii. The remediation plan must be prepared by an EP and all remedial actions must be completed by an EP either to:

(a) Completely clean up the site, other than for contamination that would remain solely in the ground water that is at least 25 feet below the surface to comply with statewide, non-site-specific federal or state standards with no active or passive remediation still taking place after either final closing or initial occupancy, whichever comes first, no capping over of any contamination and no monitoring wells; or

(b) Clean up the site to federal or state risk-based corrective action ("RBCA") levels. The RBCA must allow for no active remediation (such as flushing wells or digging up and/or hauling away of contamination) to take place after either final closing or initial occupancy, whichever comes first.

iii. The remediation plan must be detailed in nature and must include:

(a) An estimate of clean-up costs;

(b) Either an approval letter of the remediation plan from the relevant federal or state authority or a discussion of the feasibility of securing necessary approvals prior to HUD's completion of the environmental review and issuance of a Firm Commitment.

(c) A discussion of the feasibility of completing necessary work prior to final closing or initial occupancy, whichever comes first. In order for your application to be considered for review under this competition, the remediation plan must be submitted with the application. If the above information is not submitted, the application will be rejected.

NOTE: Before issuance of the Firm Commitment, HUD will require a final remediation plan.

The final clean-up plan must include a remediation contract that specifies all clean-up costs and timelines for clean-up to ensure that it is completed prior to final closing or initial occupancy, whichever comes first and approved documentation from the relevant regulatory authority. Furthermore, the final remediation plan will be required to meet specific HUD criteria as outlined in the MAP Guide, Chapter 9.

Clean-up costs are an allowable expenditure out of capital advance funds; however, HUD will not cover any cost that exceeds the maximum development cost limits. To the extent that the actual cost of the proposed clean-up activities exceeds the capital advance amount provided, the Awardee must use funding sources other than the capital advance funds to cover any excess clean-up costs.

3. National Environmental Policy Act and Related Laws. You must be in compliance with the National Environmental Policy Act of 1969 ("NEPA") (42 U.S.C. 4321) and applicable related environmental authorities at 24 CFR 50.3(i) and 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 for compliance with 24 CFR 50.3(b), and you must comply with any environmental "conditions and safeguards" at 24 CFR 50.3(c).

Applicants must provide the above required documents/information in the application under Tab K.

G. Criteria for Beneficiaries.

This subsection, "Criteria for Beneficiaries" is not applicable.

IV. Application and Submission Information.

A. Obtaining an Application Package.

Instructions for Applicants.

You must download both the Application Instruction and the Application Package from Grants.gov. You must verify that the CFDA Number and CFDA Description on the first page of the Application Package, and the Funding Opportunity Title and the Funding Opportunity Number match the Program and NOFA to which you are applying.

The Application Package contains the portable document forms (PDFs) available on Grants.gov, such as the SF-424 Family. The Instruction Download contains official copies of the NOFA and forms necessary for a complete application. The Instruction Download may include Microsoft Word, Microsoft Excel and additional documents.

An applicant demonstrating good cause may request a waiver from the requirement for electronic submission. For example, a lack of available Internet access in the geographic area in which your business offices are located. Lack of SAM registration or valid DUNS is not deemed good cause. If you cannot submit your application electronically, you must ask in writing for a waiver of the electronic grant submission requirements. HUD will not grant a waiver if HUD does not receive your written request at least 15 days before the application deadline and if you do not demonstrate good cause. An email request for a waiver sent 15 days before the application is due will also be considered. If HUD waives the requirement, HUD must receive your paper application before the deadline of this NOFA. To request a waiver you must contact:

Email: FY18811NOFA@hud.gov

B. Content and Form of Application Submission.

You must verify that boxes 11, 12, and 13 on the SF424 match the NOFA for which you are applying. If they do not match, you have downloaded the wrong Application Instruction and Application Package.

Submission of an application that is otherwise sufficient, under the wrong CFDA and Funding Opportunity Number is not a curable deficiency and will result in your application being declared ineligible for funding.

1. Content.

Forms for your package include the forms outlined below:

Forms / Assurances / Certifications	Submission Requirement	Notes / Description
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Application for Federal Assistance, SF-424	Required	Provides a funding matrix listing each program for which HUD funding is being requested. Pursuant to Executive Order (EO) 12372, the applicant submits this form to the State where it is used by the State to initiate the intergovernmental review process and the applicant certifies to the same on the form. The applicant also uses the form to certify that it is not delinquent on any Federal debt and that it is in compliance with the requirements regarding payments to influence Federal transactions, which are OMB requirements
Survey on Ensuring Equal Opportunity for Applicants, HUD Form SF-424-Supplement	Required	Nonprofit private organizations. Its purpose is to assist the Federal government in ensuring that all qualified applicants, small or large, non-religious, or faith-based, have an equal opportunity to compete for Federal funding.
Disclosure of Lobbying Activities, HUD Form SF-LLL	Required	Discloses lobbying activities pursuant to 31 U.S.C. 1352.
HUD Applicant Recipient Disclosure Report (HUD) 2880 Applicant/Recipient Disclosure/Update Report	HUD will provide instructions to grantees on how the form is to be submitted.	HUD instructions to grantees are provided by webcast, To view the webcast, click here .
Certification Regarding Lobbying	Required	Certification that accompanies SF-LLLa
Sponsor's Conflict of Interest Resolutions, HUD 92041	Required	Certified Board Resolutions 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; a current listing of all duly qualified and sitting

		<p>officers and directors by title and the beginning and ending dates of each person's term.</p> <p>NOTE: The information collection requirements contained in this document are pending approval 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.</p>
Sponsor's Resolution for Commitment to Project, HUD 92042	Required	<p>Certified Board resolution acknowledging responsibilities of sponsorship and long-term support of the project,; willingness to assist the Owner to develop, own manage; and provide appropriate services in connection with the proposed project. Indicates willingness to fund the minimum capital investment, estimated start-up expenses, and the cost of any amenities or feature that cannot be covered by the capital advance.</p> <p>NOTE: The information collection requirements contained in this document are pending approval 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.</p>

Section 811 Application for Capital Advance Summary Information HUD 92016-CA	Required	Identifies the applicant and its known development team members and collects basic information with regard to the proposed projects characteristics. NOTE: The information collection requirements contained in this document are pending approval 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.
Previous Participation Certification, HUD 2530	Required (either a certificate of submission through the electronic portal or paper submission)	Submitted for the Sponsor and all of the Officers and Directors of the Board of the Sponsor, including any Co-Sponsor, if applicable. Provides a certified report or all previous participation in HUD multifamily housing projects. Used to determine acceptability and to ensure that all principal participants will honor legal, financial, and contractual obligations and are acceptable risks from the underwriting standpoint of an insurer, lender or governmental agency.
Acknowledgment of Application Receipt (HUD2993), if applicable	This form is applicable only to applications submitted on paper, following receipt of a waiver of electronic submission.	This form is not required but is available for applicants who want confirmation that their hard-copy application was received by HUD. The form must be submitted with the application, in accordance with the application submission instructions included in the waiver of electronic submission.

Additionally, your complete application must include the following narratives and non-form attachments.

TAB NUMBER	ITEM	SUBMISSION REQUIREMENTS	NOFA SECTION REFERENCE
A.	Eligibility and non-profit documents	Organizational Documents, By- Laws, IRS Tax Exemption and Evidence of Structure	Threshold Requirements, Section III.D.3
B.	Need		Threshold Requirements Section III.D.4. and Rating Factor 2
C.	Project Type	Narrative description of project to be developed	Eligibility Information, Section III.D.5III.D.5
D.	Development Plan	Narrative description of property; Development Timeline	Program Specific Requirement, Section III.F.1
E.	Development Budget	Sources and Uses, evidence of committed funds (non-Capital Advance)	Program Specific Requirements, Section III.F.2 and Rating Factor 5
F.	Site Control	Evidence of Control Document(s)	Program Specific Requirements Section III.F.3
G.	Encumbrances	Statement of Encumbrances and narrative description	Program Specific Requirements Section III.F.4
H.	Site and Neighborhood Standards		Program Specific Requirements Section III.F.7
I.	Supportive Services	Written description of proposed services; partner letters of commitment letters of intent, memoranda of understanding, or other agreements from State Medicaid Agencies and/or other community-based organizations serving persons with disabilities	Program Specific Requirements Section III.F.9 and Rating Factor 4
J.	Real Property Acquisition and	Narrative description of	Program Specific Requirements Section

	Relocation	response to requirements	III.F.11
K.	Environmental	Phase I Environmental Assessment and related reports; Phase II (if required) and Phase III (description of remedial actions, if required) Environmental Partner Worksheets or HEROS submission	Environmental Review Section III. G and Rating Factor 3.f
L.	Capacity of the Applicant and Relevant Organizational Experience	Response to NOFA requirements	Rating Factor 1
M.	Need/Extent of the Problem	Response to NOFA requirements	Rating Factor 2
N.	Soundness of Approach	Response to NOFA requirements	Rating Factor 3
O.	Supportive Services Plan	Response to NOFA requirements	Rating Factor 4
P.	Leveraging Resources	Response to NOFA requirements, if applicable, appraisal of donated or seller-financed land	Rating Factor 5
Q.	Intergovernmental Review	If the State Point of Contact ("SPOC") requires a review of your application, you must include a copy of the cover letter you sent to the SPOC.	
R.	Opportunity Zone	Response to NOFA	Bonus Points
S.	Innovative Approaches for Affordable Housing Preservation	Response to NOFA	Bonus Points
T	Leveraging of Non Federal Funds	Response to NOFA	Bonus Points

2. Format and Form.

Narratives and other attachments to your application must follow the following format guidelines.

Format: Narratives and other attachments to your application must utilize the following formatting guidelines. Page limits (other than for supporting documentation) refer to double space pages with no smaller than 1-inch margins and, for all narrative pages, Times New Roman font in at least 12-point size. Page limits do not include documentation in other tabs which are cross-referenced in the narrative. All narrative pages must be numbered. Applicants must use 8 1/2 x 11-inch paper. No more than one page of text may be placed on one sheet of paper; i.e., you may not shrink pages to get two or more on a page. Except in the case of schematic drawings, shrunken pages, or pages where a minimized/reduced font are used, will be counted as multiple pages. Please do not use end notes or footnotes and do not format your narrative in columns. Pages with text in columns will be counted as two pages. The maximum page limits, where applicable, are indicated below for each of the required narratives and supporting documents.

Content of Application and Identification of Documents: A complete application must include all the information, materials, forms and documents listed above, as applicable.

C. System for Award Management (SAM) and Dun and Bradstreet Universal Numbering System (DUNS) Number.

1. SAM Registration Requirement.

Applicants must be registered with SAM before submitting their application. In addition, applicants must maintain an active SAM registration with current information while they have an active Federal award or an application or plan under consideration by HUD.

2. DUNS Number Requirement.

Applicants must provide a valid DUNS number, registered and active at SAM, in the application. DUNS numbers may be obtained for free from [Dun & Bradstreet](#).

3. Requirement to Register with Grants.gov.

Anyone planning to submit applications on behalf of an organization must register at Grants.gov and be approved by the EBiz Point of Contact in SAM to submit applications for the organization.

Registration for SAM and Grants.gov is a multi-step process and can take four (4) weeks or longer to complete if data issues arise. Applicants without a valid registration cannot submit an application through Grants.gov. Complete registration instructions and guidance are provided at Grants.gov. See also Section IV.B for necessary form and content information.

D. Application Submission Dates and Times.

The application deadline is 11:59:59 p.m. Eastern time on **03/10/2020**. Applications must be received no later than the deadline.

Submit your application to Grants.gov unless a waiver has been issued allowing you to submit your application in paper form. Instructions for submitting your paper application will be contained in the waiver of electronic submission.

"Received by Grants.gov" means the applicant received a confirmation of receipt and an application tracking number from Grants.gov. Grants.gov then assigns an application tracking number and date-and time-stamps each application upon successful receipt by the Grants.gov system. A submission attempt not resulting in confirmation of receipt and an application tracking number is not considered received by Grants.gov.

Applications received by Grants.gov must be validated by Grants.gov to be received by HUD.

"Validated by Grants.gov" means the application has been accepted and was not rejected with errors. You can track the status of your application by logging into Grants.gov, selecting "Applicants" from the top navigation, and selecting "Track my application" from the dropdown list. If the application status is "rejected with errors," you must correct the error(s) and resubmit the application before the 24-hour grace period ends. Applications in "rejected with errors" status after the 24-hour grace period expires will not be received by HUD. Visit Grants.gov for a complete description of processing steps after submitting an application.

HUD strongly recommends applications be submitted at least **48 hours before the deadline** and during regular business hours to allow enough time to correct errors or overcome other problems.

You can verify the contents of your submitted application to confirm Grants.gov received everything you intended to submit. To verify the contents of your submitted application:

- Log in to Grants.gov.
- Click the Check Application Status link, which appears under the Grant Applications heading in the Applicant Center page. This will take you to the Check Application Status page.
- Enter search criteria and a date range to narrow your search results.
- Click the Search button. To review your search results in Microsoft Excel, click the Export Data button.
- Review the Status column.
- To view more detailed submission information, click the Details link in the Actions column.
- To download the submitted application, click the Download link in the Actions column.

Please make note of the Grants.gov tracking number as it will be needed by the Grants.gov Help Desk if you seek their assistance.

HUD may extend the application deadline for any program if Grants.gov is offline or not

available to applicants for at least 24 hours immediately prior to the deadline date, or the system is down for 24 hours or longer and impacts the ability of applicants to cure a submission deficiency within the grace period.

HUD may also extend the application deadline upon request if there is a presidentially-declared disaster in the applicant's area.

If these events occur, HUD will post a notice on its website establishing the new, extended deadline for the affected applicants. HUD will also include the fact of the extension in the program's Notice of Funding Awards required to be published in the Federal Register.

In determining whether to grant a request for an extension based on a presidentially-declared disaster, HUD will consider the totality of the circumstances including the date of an applicant's extension request (how closely it followed the basis for the extension), whether other applicants in the geographic area are similarly affected by the disaster, and how quickly power or services are restored to enable the applicant to submit its application.

PLEASE NOTE: Busy servers, slow processing, large file sizes, improper registration or password issues are not valid circumstances to extend the deadline dates or the grace period.

1. Amending or Resubmitting an Application.

Before the submission deadline, you may amend a validated application through Grants.gov by resubmitting a revised application containing the new or changed material. The resubmitted application must be received and validated by Grants.gov by the applicable deadline.

If HUD receives an original and a revised application for a single proposal, HUD will evaluate only the last submission received by Grants.gov before the deadline.

2. Grace Period for Grants.gov Submissions.

If your application is received by Grants.gov before the deadline, but is rejected with errors, you have a grace period of 24 hours after the application deadline to submit a corrected, received, and validated application through Grants.gov. The date and time stamp on the

Grants.gov system determines the application receipt time. Any application submitted during the grace period not received and validated by Grants.gov will not be considered for funding. There is no grace period for paper applications.

3. Late Applications.

An application received after the NOFA deadline date that does not meet the Grace Period requirements will be marked late and will not be received by HUD for funding consideration. Improper or expired registration and password issues are not causes that allow HUD to accept applications after the deadline.

4. Corrections to Deficient Applications.

HUD will not consider information from applicants after the application deadline. HUD may contact the applicant to clarify information submitted prior to the deadline. HUD will uniformly

notify applicants of each curable deficiency. A curable deficiency is an error or oversight that, if corrected, it would not alter, in a positive or negative fashion, the review and rating of the application. See curable deficiency in the definitions section (Section I.A.3.). Examples of curable (correctable) deficiencies include inconsistencies in the funding request and failure to submit required certifications. These examples are non-exhaustive.

When HUD identifies a curable deficiency, HUD will notify the authorized representative by email. This email is the official notification of a curable deficiency. Each applicant must provide accurate email addresses for receipt of these notifications and must monitor their email accounts to determine whether a deficiency notification has been received. The applicant must carefully review the request to cure a deficiency and must provide the response in accordance with the instructions contained in the deficiency notification.

Applicants must email corrections of curable deficiencies to applicationsupport@hud.gov within the time limits specified in the notification. The time allowed to correct deficiencies will be no less than 48 hours and no more than 14 calendar days from the date of the email notification. The start of the cure period will be the date stamp on the email sent from HUD. If the deficiency cure deadline date falls on a Saturday, Sunday, Federal holiday, or on a day when HUD's Headquarters are closed, then the applicant's correction must be received on the next business day HUD Headquarters offices in Washington, DC are open.

The subject line of the email sent to applicationsupport@hud.gov must state: Technical Cure and include the Grants.gov application tracking number or the GrantSolutions application number (e.g., Subject: Technical Cure - GRANT123456 or Technical Cure - XXXXXXXXXXXX). If this information is not included, HUD cannot match the response with the application under review and the application may be rejected due to the deficiency.

Corrections to a paper application must be sent in accordance with and to the address indicated in the notification of deficiency. HUD will treat a paper application submitted in accordance with a waiver of electronic application containing the wrong DUNS number as having a curable deficiency. Failure to correct the deficiency and meet the requirement to have a DUNS number and active registration in SAM will render the application ineligible for funding.

5. Authoritative Versions of HUD NOFAs. The version of these NOFAs as posted on Grants.gov are the official documents HUD uses to solicit applications.

6. Exemptions. Parties that believe the requirements of the NOFA would impose a substantial burden on the exercise of their religion should seek an exemption under the Religious Freedom Restoration Act (RFRA).

E. Intergovernmental Review.

This program is subject to Executive Order 12372, Intergovernmental Review of Federal Programs. Executive Order 12372 allows each state to designate an entity to perform a state review function. To determine if your state has designated a State Point of Contact (SPOC), please see the [SPOC List at OMB](#). States not listed on the website have chosen not to participate

in the intergovernmental review process and, therefore, do not have a SPOC. If your state has a SPOC, you should contact the SPOC to see if that person/office is interested in reviewing your application before you submit it to HUD.

F. Funding Restrictions.

1. Capital Advance awards are not available in connection with:
 - a. Supportive Services
 - b. Housing that you currently own or lease that has been occupied by people with disabilities for longer than one year prior to the application deadline date
 - c. Prohibited facilities as found at 24 CFR 891.315: Infirmaries, nursing stations, spaces dedicated to the delivery of medical treatment or physical therapy, padded rooms, or space or respite care or sheltered workshops
 - d. Housing that would not meet the definition of Housing and related facilities found at 24 CFR 891.105. This includes intermediate care facilities, community centers with or without special components for use by persons with disabilities, and headquarters for organizations for people with disabilities.
 - e. Mobile homes
 - f. Assisted living facilities

Indirect Cost Rate.

Normal indirect cost rules apply. If you intend to charge indirect costs to your award, your application must clearly state the rate and distribution base you intend to use. If you have a Federally negotiated indirect cost rate, your application must also include a letter or other documentation from the cognizant agency showing the approved rate. Successful applicants whose rate changes after the application deadline must submit new rate and documentation.

Nongovernmental organizations and Indian tribal governments. If you have a Federally negotiated indirect cost rate, your application must clearly state the approved rate and distribution base and must include a letter or other documentation from the cognizant agency showing the approved rate. If you have never received a Federally negotiated indirect cost rate and elect to use the de minimis rate, your application must clearly state you intend to use the de minimis rate of 10% of Modified Total Direct Costs (MTDC). As described in 2 CFR 200.403, costs must be consistently charged as either indirect or direct costs but may not be double charged or inconsistently charged as both. Once elected, the de minimis rate must be applied consistently for all Federal awards until you choose to negotiate for a rate, which you may apply to do at any time. Documentation of the decision to use the de minimis rate must be retained on file for audit.

State and local governments. If your department or agency unit has a Federally negotiated indirect cost rate, your application must include that rate, the applicable distribution base, and a letter or other documentation from the cognizant agency showing the negotiated rate. If your department or agency unit receives more than \$35 million in direct federal funding per year, you

may not claim indirect costs until you receive a negotiated rate from your cognizant agency for indirect costs as provided in Appendix VII to 2 CFR part 200.

If your department or agency unit receives no more than \$35 million in direct federal funding per year and your department or agency unit has developed and maintains an indirect cost rate proposal and supporting documentation for audit in accordance with 2 CFR part 200, Appendix VII, you may use the rate and distribution base specified in that indirect cost rate proposal. Alternatively, if your department or agency unit receives no more than \$35 million in direct federal funding per year and has never received a Federally negotiated indirect cost rate, you may elect to use the de minimis rate of 10% of MTDC. As described in 2 CFR 200.403, costs must be consistently charged as either indirect or direct costs but may not be double charged or inconsistently charged as both. Once elected, the de minimis rate must be applied consistently for all Federal awards until you choose to negotiate for a rate, which you may apply to do at any time. Documentation of the decision to use the de minimis rate must be retained on file for audit.

G. Other Submission Requirements.

1. Application Certifications and Assurances.

By signing the forms in the SF-424 either through electronic submission or in paper copy submission (for those granted a waiver), the applicant and the signing authorized representative affirm that they have reviewed the certifications and assurances associated with the application for federal assistance and (1) are aware the submission of the SF424 is an assertion that the relevant certifications and assurances are established and (2) acknowledge that the truthfulness of the certifications and assurances are material representations upon which HUD will rely when making an award to the applicant. If it is later determined the signing authorized representative to the application made a false certification or assurance, caused the submission of a false certification or assurance, or did not have the authority to make a legally binding commitment for the applicant, the applicant and the individual who signed the application may be subject to administrative, civil, or criminal action. Additionally, HUD may terminate the award to the applicant organization or pursue other available remedies. Each applicant is responsible for including the correct certifications and assurances with its application submission, including those applicable to all applicants, those applicable only to federally-recognized Indian tribes, and those applicable to applicants other than federally-recognized Indian tribes. All program-specific certifications and assurances are included in the program Instructions Download on Grants.gov.

2. Lead Based Paint Requirements.

When providing housing assistance funding for purchase, lease, support services operation, or work that may disturb painted surfaces, of pre-1978 housing, you must comply with the lead-based paint evaluation and hazard reduction requirements of HUD's lead-based paint rules (Lead Disclosure; and Lead Safe Housing (24 CFR part 35)), and EPA's lead-based paint rules (e.g., Repair, Renovation and Painting; Pre-Renovation Education; and Lead Training and Certification (40 CFR part 745)).

V. Application Review Information.

A. Review Criteria.

1. Rating Factors.

Applications must respond to the rating factor criteria of the NOFA as the basis to be rated and ranked. Applicants must review and follow any documentation requirements provided in this Rating Factor Section and the instructions on application organization, content and submission provided in IV.B.

NOTE: HUD reserves the right to award fewer points for each demonstrated example if application or available performance data demonstrate low quality or partial implementation.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience

Maximum Points: 40

This factor addresses the extent to which the applicant has the experience and organizational resources to successfully implement the proposed activities in a timely manner. HUD will consider the extent to which the application demonstrates an ability to develop and operate the proposed housing on a long-term, basis. In the case of co-sponsored applications, the rating will be based upon the most experienced of the co-sponsors in the area under review.

HUD reserves the right to award fewer than the points listed if application or available performance data demonstrate low quality or partial implementation.

In rating this factor, HUD will consider the following:

a. (12 points) Development Experiences). Applicants should show how the scope, extent, and quality of the Sponsor's and/or their consultant team's experience in developing and operating housing is consistent with the details of the proposed project. The evaluation will consider experience with LIHTC, Section 811 mixed-finance deals, and/or other complex financing development deals to the extent such expertise is relevant to the proposal as well as experience that shows familiarity with accessible housing and federal accessibility requirements. The description or firm resumes must include any rental housing projects and supportive services facilities that the applicant has sponsored, owns or operates.

b. (8 points) Supportive Housing for Persons with Disabilities Experience. The scope, extent and quality of the applicant's experience in providing supportive services similar to those proposed to be provided by the project (i.e., number of units, services and operation) in relationship to the applicant's demonstrated management capacity to provide a range of services in accordance with the needs of the population served.

c. (7 points) Partnership Experience. The extent of the applicant's experience in fostering and implementing innovative approaches to support an integrated affordable housing environment. HUD will consider the following:

- Evidence of well-established and currently active Medicaid and housing agency partnerships that provide a foundation for implementing housing-related

services and supports. Partnership experience such as but not limited to, state Medicaid agencies, homelessness assistance providers, or health and human services agencies in the implementation of the Money Follows the Person demonstration, the Section 811 Project Rental Assistance Program, or similar programs that coordinate community-based housing assistance and supportive services for persons with disabilities will be taken into consideration.

- Experience developing or adopting a referral and/or monitoring system to track referrals, applicants and participants of supportive housing programs for persons with disabilities.
- Experience providing or leveraging resources from a partner organization to cover the cost of (i) modifications to make units more accessible, including any assistive technology, or (ii) assistance securing units to further the implementation of Olmstead settlements or similar initiatives to expand community-based setting options for individuals with disabilities, e.g. rent deposit, move-in costs, furniture.
- Partnerships with local government to provide tax credits or zoning incentives for the development of accessible housing units.
- Alignment of technical support goals with other housing and service activities in the state; and
- Commitment from appropriate housing agency leadership, demonstrated by the Letter of Commitment described above in III. E.9 Supportive Service Plan;

d. (5 points) Partner Agency Capacity

The extent that the sponsor has partnered with one or more health and human and/or disability service agencies with a demonstrated capacity to coordinate outreach and recruitment of potential applicants, and to assist residents with disabilities in the referral and application processes and in the housing search by:

- Securing any accommodations
- Transitioning persons with disabilities from institutional and other segregated settings to rental market units
- Coordinating voluntary services and supports after the transition
- Providing other similar assistance described in application

e. (8 points) Housing and Service Experience. The scope, extent, and quality of the applicant's experience in providing housing and related services to minority persons or minority families and its ties to the community at large and to the minority and disability communities.

(i) **(2 points)** The scope, extent, and quality of experience in providing housing to minority persons or minority families.

(ii) **(1 point)** The scope, extent, and quality of experience in providing services to minority persons or minority families.

(iii) **(5 points)** The scope, extent, and quality of ties to the community at large and to the minority and disability communities.

To earn the maximum number of points under sub criteria (e)(i) and (e)(ii) above, applicants must describe significant previous experience in providing housing and supportive services to minorities generally and to minority persons with disabilities. 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 the applicant’s current developments, was equal to or greater than the percentage of minorities in the housing market area where the previous housing and services occurred. To earn the maximum number of points under sub criterion (b)(3) above, the applicant should submit materials that demonstrate its efforts to make housing available to the community at large and the minority and disability communities in particular and the applicant’s relationships over time with the minority and disability communities. Examples of documents that may be submitted to earn the maximum number of points under sub criterion (b)(3), include letters of support from community leaders (including minority and disability community leaders) that give information about the applicant’s relationship over time with the community (including the minority and disability community). The applicant may also submit copies of its affirmative marketing plan and the advertising/outreach materials used to attract minority communities (including limited English proficient communities), the disability community and the community at large. Regarding advertising/outreach materials, the applicant should identify when advertising/outreach materials are circulated, whom they are circulated to, where they are circulated, and how they are circulated. Also, descriptions of other advertising/outreach efforts to the minority (including limited English proficient communities) and disability communities, and the dates and places of such advertising/outreach efforts should be included. While broad media advertising to an entire region is helpful, HUD is also looking for additional specific methods of outreaching to these populations.

To score the highest number of points for this factor, the proposal must document significant previous experience for both the applicant and the partnering agencies.

Applicants must provide the above required documents/information in the application under Tab L.

Rating Factor 2: Need/Extent of the Problem

Maximum Points: 8

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 and 4(b) of Section IV.B. above. HUD will consider the extent of need for the project in the area based on a determination by the Multifamily 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 Multifamily HUD Office. The data should include, but are not limited to:

- 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,
- information on the numbers and types of existing comparable Federally assisted housing units for persons with disabilities (HUD and Rural Housing Service) and current occupancy in such housing and recent market experience,
- comparable assisted housing for persons with disabilities under construction or for which fund reservations have been issued and,
- in accordance with an agreement between HUD and RHS, comments from RHS on the demand for additional comparable subsidized housing and the possible harm to existing projects in the same housing market areas.

The Department also will review applications to ensure the proposed site does not create a barrier to and/or the project does not exacerbate conditions identified in the Analysis of Impediments to Fair Housing for the proposed area in which the project is to be located. The proposed project should further the removal of barriers to fair housing and work to affirmatively further fair housing in the community in which the project will be located. Therefore, HUD is looking for a connection between the proposed project and the community's Analysis of Impediments to Fair Housing Choice (AI) or other planning document that analyzes and addresses fair housing issues such as racial and ethnic diversity, access to transportation, educational and community facilities, and employment opportunities. The document providing the analysis can be prepared by a HUD Community Development Block Grant grantee, a local or regional planning body, or similar organization. The Department will review applications more favorably depending on how well this connection is made and how issues of fair housing are addressed. Applicants must show how the proposed project will address an impediment to fair housing choice described in the AI or meet a need identified in another type of planning document

For all Section 811 projects that are determined to have enough demand, HUD will rate applications based on the unmet local need for housing assistance among noninstitutionalized persons with disabilities within the proposed area. The data used to calculate a rating score will be from the ACS 5-year data, Table C18130: Age By Disability Status By Poverty Status. HUD will take into consideration county level data. The rating score will be calculated as the ratio of the total noninstitutional population aged 18-64 with a disability whose income in the past 12 months is below the poverty level in the county to the total noninstitutional population aged 18-64 in the county.

a. (5 points). Unmet needs ratio (expressed as a percent)

Rating Score = (Total Noninstitutional Population 18-64 with a disability below the poverty level)/(Total Noninstitutional Population 18-64)

NOTE: Percentage calculations will round the decimal number to the nearest tenth (e.g. 5.56 percent will be rounded to 5.6 percent and 5.44 percent will be rounded to 5.4 percent).

- (i) (0 points)** The project has an unmet needs ratio less than or equal to 2percent

- (ii) (1 point) The project has an unmet needs ratio of 2.1% to 2.6%
- (iii) (2 points) The project has an unmet needs ratio of 2.7% to 3.4%
- (iv) (3 points) The project has an unmet needs ratio of 3.5% to 4.2%
- (v) (4 points) The project has an unmet needs ratio of 4.3% to 5.6%; or
- (vi) (5 points) The project has an unmet needs ratio equal to or greater than 5.7%.

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 another planning document that analyzes fair housing issues and is prepared by a local planning or similar organization.

Applicants must provide the above required documents/information in the application under Tab M.

Rating Factor 3: Soundness of Approach

Maximum Points: 32

This factor addresses the quality and effectiveness of the applicant's proposal, including access to transit and amenities; provision of supportive services; whether the site provides opportunities for residents to have access to supportive services; improved living environments through the use of universal design in the design, construction, rehabilitation of the proposed housing; and evidence of permissive zoning for the housing that is being proposed. There must be a clear relationship between the proposed design, the proposed activities, the community's needs, and purposes of the program funding for the application to receive points for this factor.

a. (10 points) Site approvability -- The extent to which the proposed project's proximity or accessibility of the site to services and amenities as described below is likely to facilitate integration into the surrounding community and promote a resident's ability to live as independently as possible.

Neighborhood and Context. Applicants must demonstrate that the location of the site supports independence and/or alleviates isolation while providing integration within the community. The applicant must identify the location, the proximity, and ease of access of the project site to amenities important to persons with disabilities including:

- health care and social service facilities (e.g., licensed adult or senior care, hospital, medical clinic or social service organization that offers services relevant to persons with disabilities)
- grocery stores (e.g. supermarket or other store that sells produce and meat),
- recreational facilities (e.g., parks and green space, community or senior center, gym, health club, or family entertainment venue, library),
- civic facilities (e.g., place of worship, police or fire station, post office),
- adult educational facilities, and
- other neighborhood-serving amenities (e.g., apparel store, convenience store, pharmacy, bank, hair care, dry cleaners, and restaurants).

Applicants must describe how residents could reasonably access critical amenities. Amenities will generally be considered readily available if they are within one-half mile walking distance or if they can be accessed by public transportation (within one-quarter walking mile) including accessible public transportation options, and/or affordable private door-to-door shuttle/van service that is reliable and accessible. Applicants must submit a map of the project relative to the described amenities as supporting evidence that the site is well-suited for and likely to attract residents.

b. (5 points). Affirmatively Furthering Fair Housing (AFFH). This sub-rating factor addresses the quality and effectiveness of your proposal to provide housing and supportive services in such a way as to remedy barriers to fair housing for low-income residents with disabilities in the community. Consistent with the obligation to AFFH, the application should demonstrate how the proposed project will increase fair housing choice regardless of race, color, national origin, religion, sex, familial status, and disability and what activities applicant will take to AFFH. Fair Housing encompasses a variety of issues that should be addressed in this factor. In evaluating all aspects of this factor, actions that are comprehensive, innovative, and likely to become models for “best practices” will be awarded the most points. The following affirmatively furthering fair housing activities must be addressed:

NOTE: The allocation of points for affirmatively furthering fair housing in no way changes the statutory and regulatory requirement of every successful applicant to affirmatively further fair housing.

(i) **(2 points). Limited English Proficiency (LEP).** You will receive two points for LEP if you demonstrate that you have conducted a four factor analysis of language needs for the jurisdiction(s) you serve, have implemented a language implementation plan for written and oral language interpretation, have trained your staff members on LEP, and translated vital documents in target language(s).

(ii) **(3 points). Affirmative Fair Housing Marketing (AFHM).** You must describe past strategies to reach persons in the housing market area that are least likely to apply for the housing, and address planned strategy in the manner of marketing and outreach.

c. (3 points). Site and Neighborhood Standards. This rating factor only applies to projects that do not involve new construction (see “NOTE” below). For projects that do not involve new construction, you must choose a site location that provides desirable housing to residents in the manner specified below.

The suitability of the site from the standpoint of promoting a greater choice of housing opportunities for minorities and persons with disabilities. In reviewing this criterion, HUD will assess whether the site meets the site and neighborhood standards at 24 CFR 891.125(b) by examining relevant data contained in the application or compiled by the Multifamily HUD Office. If appropriate, HUD may visit the site.

The application should include the report from the Minority Concentration Analysis for Section 811 Applications Tool, which includes the name, address, census tract, and racial and ethnic data for the census tract and the housing market area. The Minority Concentration Analysis for Section 811 Applications Tool is available at <https://www.huduser.gov/portal/maps/sec811>

[/home.html](#).

(i) The site will be awarded 3 points if it increases housing choice and opportunity by expanding housing opportunities that are not in minority neighborhoods (as defined below). If the site will be in a minority neighborhood, the site will be awarded 3 points. In addition, if the proposed project is consistent with the jurisdiction's Analysis of Impediments to Fair Housing Choice (AI) or HUD-accepted Assessment of Fair Housing, as applicable; and the proposed project either (1) will not be located in an area where public housing or other publicly-subsidized housing for low-income persons is concentrated or (2) the proposed project is in a neighborhood that is experiencing revitalization and the proposed project would help prevent the displacement of the minority population that is likely to occur or is already occurring. The Minority Concentration Analysis for Section 811 Applications Tool includes a Revitalization tab where the applicant can generate a report that includes Census data on several indicators related to revitalization. If the applicant is claiming that the project is in a neighborhood experiencing revitalization, it must submit this report, along with any other data or information from generally-accepted sources that demonstrates revitalization.

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

(a) The neighborhood's percentage of persons of a racial or ethnic minority is at least 20 percentage points higher than the percentage of that racial or ethnic minority in the housing market area, or

(b) The neighborhood's total percentage of minority persons is at least 20 percentage points higher than the total percentage of minorities for the housing market area.

NOTE: Only projects that do not involve new construction will need to respond to this rating factor. Applications that involve new construction will automatically receive the full three points for this rating factor, since new construction projects will have already passed the site and neighborhood standards eligibility review.

d. (4 points) Accessible Design. The extent to which the proposed design will meet the needs of the anticipated residents, and the extent to which the proposed design incorporates accessible design features in the construction or rehabilitation of the project beyond required federal accessibility requirements. The most common barriers include narrow doorways, lack of adequate lighting, fixtures and controls placed too low or too high, lack of handrails, and steps at entrances. Accessible design features increase accessibility for persons with physical limitations and provide flexibility necessary to add features such as lifts, ramps, and handrails if desired later.

e. (10 points) Land-Use/Zoning

Evidence of Compliance with Local Land-Use and Zoning Regulations. Applicants shall include such documents as would evidence the permitting status described.

Each applicant must provide evidence of the project's status regarding compliance with local zoning and land use regulations and its access to public utilities. Applications will be scored on the extent to which they meet such requirements with Fully Permitted plans (10 points), Partially Permitted plans (4 points), and Not Land Use Compliant plans (0 points).

(i) (10 points) Fully Permitted. Evidence that the project, as proposed, is permissible under applicable zoning ordinances or regulations (either by right or under approved variances) and does not require additional discretionary action from a governing body such as rezoning, variances, special or conditional use permits, design review, or any other land use approval. If no discretionary action is required to receive a building permit, submit a letter or other evidence from the local governing body stating that additional rezoning, variances, special or conditional use permits, design review or any other land use and public utility approval are not required.

(ii) (4 points) Partially Permitted. Evidence that the project, as proposed, is permissible under applicable zoning ordinances or regulations but requires other discretionary approvals. If discretionary action(s) is required, include a statement of the action required to make the proposed project permissible to receive a building permit AND the basis for the belief that the action will be completed successfully before the submission of the firm commitment application, which is due 180 days after the Agreement Letter is signed, (e.g., 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).

(iii) (0 points) Not Land Use Compliant. If action(s) is required, include a statement of the action required to make the proposed project permissible to receive a building permit AND the basis for the belief that the proposed action will be completed successfully before the submission of the firm commitment application, which is due 180 days after the Agreement Letter is signed, (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).

Applicants must provide the above required documents/information in the application under Tab N.

f. (-2 points). Adverse Environmental Conditions. HUD will deduct 2 points if HUD's preliminary environmental review determines that there are obvious adverse environmental conditions and appropriate mitigation of such does not appear to be achievable within 6 months of the fund reservation date.

Rating Factor 4: Supportive Services Plan	Maximum Points: 10
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Rating Factor 4: Supportive Services Plan	Maximum Points: 10
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To score the highest number of points for this factor, applicants and/or committed partners must describe and provide evidence of significant previous experience coordinating supportive services to the proposed population.

a. (4 points) The extent to which the applicant has coordinated services with organizations not directly involved with this application with which the applicant shares common goals and objectives and are working toward meeting these goals and objectives in a holistic and comprehensive manner to serve the needs of the residents.

b. (2 points) The applicant consulted with the relevant Public Housing Authority and the Continuum of Care organizations in the community in which the proposed project will be located and has developed ways in which the proposed project will assist persons and families with disabilities who have been experiencing chronic homelessness.

c. (4 points) The extent to which the proposed supportive services meet the identified needs of the anticipated residents, and the extent to which the proposed project will remain viable as housing with the availability of supportive services for the target population for the 40-year affordability 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.

Applicants must provide the above required documents/information in the application under Tab O.

Rating Factor 5: Leveraging Resources

Maximum Points: 10

Applicants will be rated on the amount of financing brought to the project to fund the development of the Section 811 units. **Applicant must provide evidence that sources of funds have been identified to cover the total development and that a substantial portion of these funds have been committed to the project. The commitments will be reviewed along with the required documentation in the Development Budget, see Section III.E.3.**

Commitments may include, but are not limited to:

- Tax credit equity from a 9% Low-Income Housing Tax Credit (LIHTC), 4% LIHTC, historic rehabilitation tax credit, Opportunity Fund investment, or a similar federal or state tax credit
- First mortgage financing (supported by non-PRAC funds, such as market-rate units or units under a Section 8 contract)
- Subordinate loan funds
- Donation of land
- Grant awards
- Sponsor capital (including deferred developer fee).

NOTE: Percentage calculations will be rounded to the nearest whole number (e.g. 5.5 percent will be rounded to 6 percent and 5.4 percent will rounded to 5 percent).

10 Points	70% or more of the total development cost of the Section 811 units (including the minimum required commitment specified in Section
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	III.B) is funded with non-Capital Advance Sources
8 Points	60% to 69% of the total development cost of the Section 811 units
6 Points	50% to 59% of the total development cost of the Section 811 units
4 Points	40 % to 49% of the total development cost of the Section 811 units
2 Points	30 % to 39 % of the total development cost of the Section 811 units
0 Points	Less than 30% of the total development cost of the Section 811 units

Applicants must provide the above required documents/information in the application under Tab P.

2. Other Factors.

Preference Points.

HUD encourages activities in Opportunity Zones (OZ) and activities in collaboration with HBCUs. HUD may award two (2) points for qualified activities supporting either or both initiative(s). In no case will HUD award more than two preference points for these activities.

Opportunity Zones.

HUD encourages activities in Opportunity Zones (OZ) communities. HUD will award two (2) points for qualified activities within a designated zone or area.

Applicants must certify to HUD that the investment is in a qualified OZ.

To view the list of designated OZs, please see the following link on the U.S. Department of the Treasury website: <https://www.cdfifund.gov/Pages/Opportunity-Zones.aspx>.

(2 points) Opportunity Zones. An Opportunity Zone is a designation created by the [Tax Cuts and Jobs Act of 2017](#) allowing for certain investments in lower income areas to have tax advantages. By offering of these points to applicants who are making investments in Opportunity Zones, HUD aims to expand the affordable housing mission to assist persons with disabilities. To obtain points, the narrative must demonstrate that units made available for this population meet the site and neighborhood standards for this program and have immediate access to necessary supportive services available to residents at time of occupancy. HUD will award two (2) points for qualified activities within a designated zone or area. Applicants must certify to HUD that the investment is in a qualified OZ. To view the list of designated OZs,

please see the following link on the U.S. Department of the Treasury website: <https://www.cdfifund.gov/Pages/Opportunity-Zones.aspx>.

Applicants must provide the above required documents/information in the application under Tab R.

HBCU.

This program does not offer HBCU preference points.

(2 Bonus points) Innovative Approaches for Affordable Housing Preservation.

HUD is encouraging the use of the Section 210 transfer authority as part of the proposed project. The purpose is to incentivize the preservation of project based rental assistance that is not being utilized or that is associated with a project that is physically obsolete or economically non-viable. HUD is creating an opportunity to redirect unused or underutilized subsidy to projects funded by this NOFA.

Section 210 of the Department of Housing and Urban Development Appropriations Act for 2018 of 2019 provides a framework for HUD to approve requests for the transfer of project-based rental assistance, debt, and/or income-based use restrictions to another HUD-multifamily project(s). It is a preservation tool for certain multifamily properties that, at a minimum, have been determined to be physically obsolete or economically non-viable. This authority is renewed annually in the Appropriations Acts. To learn more about Section 210 and the submission requirements [click here](#).

To be considered for these points, a completed transfer application must be submitted to your HUD field office no later than the deadline date of this NOFA. In the submission letter, include a statement that the transfer application is being submitted as a component of the 811 NOFA application.

To receive these points, the transfer application must be approved by or before the date of selection under this NOFA. Applicants are encouraged to review governing guidance (see links to guidance above), contact their local field office to discuss the potential eligibility of proposed transferring property(ies), and work to submit the transfer application as soon as possible but no later than the application deadline date of this NOFA. Transfer applications received after the application deadline date will not be considered for points under this NOFA.

In response to this rating factor, applicants must submit the following:

1. A copy of the completed and submitted transfer application.
2. A summary of the transfer proposal. The summary must indicate the total number of units anticipated to be subsidized at the proposed receiving property and the population served. Please note, the units subsidized as a result of the transfer are not required to be set aside for persons with disabilities.
3. A development budget that (a) demonstrates that the proposed receiving project is absorbing subsidy and/or any debt from the transferring project; and (b) describes anticipated uses for any proceeds from the future sale of the transferring project.
4. Certification that assistance from the transferring property will not be layered onto units

that are funded under this NOFA. Subsidy layering will result in zero points.

If HUD determines that the transfer is not feasible, zero points will be awarded. The application must clearly document that the project is feasible without the sources from the transfer.

HUD reserves the right to:

- consider the proposal for funding with or without the transfer component, even if the proposal with the transfer component is feasible;
- consider proposals with an alternative transferring authority; and
- cancel this award if unforeseen circumstances prevent the execution of the transfer and the applicant chooses not to move forward without the sources from the transfer.

Restrictions:

(i) **Combining Capital Advance/PRAC.** Any transferring properties tied to previously awarded Capital Advance/Project Rental Assistance Contract (PRAC) funds must not be combined with funding under this NOFA. Statutorily, a property is prohibited from having multiple Capital Advance instruments.

(ii) **Unit Restrictions.** No more than 25% of the total unit count in a development may be set

Applicants must provide the above required documents/information in the application under Tab S.

(2 Bonus Points) Leveraging with Non Federal Resources.

Applicants that evidence the commitment of non-federal resources toward the total development cost of the Section 811 units are eligible to receive additional points as follows:

- 1 point - 5% of the total development costs are from non-federal funds
- 2 points- 6% or more of the total development costs are from non-federal funds.

Applicants must provide the above required documents/information in the application under Tab T.

B. Review and Selection Process.

1. Past Performance

In evaluating applications for funding, HUD will consider an applicant's past performance in

managing funds. Items HUD may consider include, but are not limited to:

The ability to account for funds appropriately;
Timely use of funds received from HUD;
Timely submission and quality of reports submitted to HUD;
Meeting program requirements;
Meeting performance targets as established in the grant agreement;
The applicant's organizational capacity, including staffing structures and capabilities;
Time-lines for completion of activities and receipt of promised matching or leveraged funds;
and
The number of persons to be served or targeted for assistance;

HUD may reduce scores as specified under V. A. Review Criteria. Whenever possible, HUD will obtain past performance information. If this review results in an adverse finding related to integrity or performance, HUD reserves the right to take any of the remedies provided in Section III.E Pre-selection Review of Performance, above.

2. Assessing Applicant Risk.

In evaluating risks posed by applicants, the Federal awarding agency may use a risk-based approach and may consider any items such as the following:

- Financial stability;
- Quality of management systems and ability to meet the management standards prescribed in this part;
- History of performance. The applicant's record in managing Federal awards, if it is a prior recipient of Federal awards, including timeliness of compliance with applicable reporting requirements, conformance to the terms and conditions of previous Federal awards, and if applicable, the extent to which any previously awarded amounts will be expended prior to future awards;
- Reports and findings from audits performed under Subpart F—Audit Requirements of this part or the reports and findings of any other available audits; and
- The applicant's ability to effectively implement statutory, regulatory, or other requirements imposed on non-Federal entities.

HUD's selection process is designed to ensure awards go to eligible applicants submitting the most meritorious applications. HUD will consider the information applicants submit by the application deadline date. After the application deadline date, HUD cannot, consistent with its regulations in 24 C.F.R. Part 4, sub-part B, consider any unsolicited information that an applicant or any third party may want to provide. HUD may verify information provided in your application as needed by sending a written request for clarification. Responses to such inquiries will be required within 2 business days

3. Application Screening

a. HUD will screen each application to determine if:

- (1) The eligibility and application requirements outlined in Section III and IV are satisfied
- (2) It is deficient
- (3) It meets the Threshold Requirements in this Program Section of the NOFA.

b. Threshold Requirements. All applications must meet all threshold requirements of this NOFA in order to be rated and ranked. Eligible Applicants must demonstrate compliance with the threshold requirements through the information provided in their application, unless instructed otherwise in this NOFA. If an application does not meet all threshold requirements, HUD will not consider the application as eligible for funding and will not rate and rank the application.

c. Technical Deficiencies. HUD will screen for technical (not substantive) deficiencies and administer a cure period. Examples of curable (correctable) technical deficiencies include, but are not limited to, inconsistencies in the funding request, failure to submit the proper certifications (e.g., form HUD-2880), and failure to submit a signature and/or date of signature on a certification. Clarifications or corrections of technical deficiencies in accordance with the information provided by HUD must be submitted within fourteen (14) business days (i.e. excluding Saturdays, Sundays and federal holidays) of the date of the HUD notification. If an Eligible Applicant does not cure all its technical deficiencies that relate to threshold requirements within the cure period, HUD will consider the threshold(s) in question to be failed, will not consider the application as eligible for funding, and will not rate and rank the application.

d. Applicants must review and follow documentation requirements provided in this Thresholds Requirements Section. Required forms, certifications and assurances must be included in the Section 811 PRA application.

e. DUNS Number Requirement. All Eligible Applicants are advised to check and maintain their DUNS numbers and CCR registrations at www.sam.gov so any updates or changes are completed well in advance of application deadline dates. All applicants must have an active registration in the Central Contractor Registration (CCR) system. In July 2012, the CCR was converted to the System for Award Management (SAM) found at www.SAM.gov. The new SAM website incorporates requirements for Central Contractor Registration (CCR).

4. Preliminary Rating and Ranking.

a. Rating.

- (1) Reviewers will preliminarily rate each eligible application, SOLELY based on the rating factors described in V.A of this NOFA.
- (2) HUD will assign a preliminary score for each rating factor and a preliminary total score for each eligible application.

(3) The maximum number of points for each application is 100.

b. Ranking. After preliminary review, applications will be ranked in score order.

5. Final Review Panel. A Final Review Panel will:

a. Review the Preliminary Rating and Ranking documentation to:

(1) Ensure that any inconsistencies between preliminary reviewers have been identified and rectified.

(2) Ensure that the Preliminary Rating and Ranking documentation accurately reflects the contents of the application.

b. Assign a final score to each application and rank them in score order.

c. Recommendations. The most highly rated applications will be recommended for selection, subject to the amount of available funding, in accordance with the allocation of funds described in Section II of this NOFA.

6. Funding Decisions. Awards will be made based on HUD's assessment of the Eligible Applicant's ability to manage a sustainable permanent affordable housing program for persons with disabilities that successfully integrates residents into the community. Furthermore, Eligible Applicant's will be assessed on their ability to use Section 811 PRA funds in accordance with the rating and ranking points system set forth in this document. After all eligible applications have been reviewed and scored; HUD will make award determinations by selecting the highest rated applications. Applications that receive a minimum score of 75 points or more and meet the applicable threshold requirements of this NOFA are eligible for selection.

7. Tie Scores. If two or more applications have the same score and there are insufficient funds to select each application, HUD will select for funding the application(s) with the highest score for Rating Factor 3 (Implementation Plan). If a tie remains, HUD will select for funding the application(s) with the highest combine score for Rating Factor 1, (Experience/Capacity/Readiness) and Rating Factor 3 (Soundness of Approach/Implementation Plan).

VI. Award Administration Information.

A. Award Notices.

Following the evaluation process, HUD will notify successful applicants of their selection for funding. HUD will also notify other applicants, whose applications were received by the deadline, but have not been chosen for award. Notifications will be sent by email to the person listed as the AOR in item 21 of the SF424.

Negotiation. After HUD has made selections, some HUD programs may negotiate specific terms of the funding agreement and budget with selected applicants. If HUD and a selected applicant do not successfully conclude negotiations in a timely manner, or a selected applicant fails to provide requested information, an award will not be made to that applicant. In this case, HUD may select another eligible applicant. Consult the program NOFA for specific details.

HUD may impose special conditions on an award as provided under 2 CFR 200.207:

- Based on HUD's review of the applicant's risk under 2 CFR 200.205;
- When the applicant or recipient has a history of failure to comply with the general or specific terms and conditions of a Federal award;
- When the applicant or recipient fails to meet expected performance goals; or
- When the applicant or recipient is not otherwise responsible.

Adjustments to Funding. To ensure the fair distribution of funds and enable the purposes or requirements of a specific program to be met, HUD reserves the right to fund less than the amount requested in an application.

a. HUD will fund no portion of an application that:

- (1) Is not eligible for funding under applicable statutory or regulatory requirements;
- (2) Does not meet the requirements of this notice; or
- (3) Duplicates other funded programs or activities from prior year awards or other selected applicants.

b. If funds are available after funding the highest-ranking application, HUD may fund all or part of another eligible fundable application. If an applicant turns down an award offer, or if HUD and an applicant do not successfully complete grant negotiations, HUD may make an offer of funding to another eligible application.

c. If funds remain after all selections have been made, remaining funds may be made available within the current FY for other competitions within the program area, or be held for future competitions, or be used as otherwise provided by authorizing statute or appropriation.

d. If, after announcement of awards made under the current NOFA, additional funds become available either through the current appropriations, a supplemental appropriation, other appropriations or recapture of funds, HUD may use the additional funds to provide additional funding to an applicant awarded less than the requested amount of funds to make the full award, and/or to fund additional applicants that were eligible to receive an award but for which there were no funds available.

Funding Errors. If HUD commits an error that when corrected would cause selection of an applicant during the funding round of a Program NOFA, HUD may select that applicant for funding, subject to the availability of funds.

Fund Reservations. A fund reservation award constitutes preliminary approval of an application, and does not constitute an approval of the site, which may occur only upon completion of HUD's environmental review. See Sections III.G and VI.B.15 of this NOFA for environmental requirements.

HUD will endeavor to fund all requested PRAC units for any applications selected from this NOFA. However, if HUD would be able to make an additional award if the application's requested number of PRAC units or Capital Advance were modestly reduced HUD will provide the applicant an opportunity to reduce the Capital Advance or reduce the PRAC to fit within the remaining estimated total funding.

HUD also reserves the right to adjust funding amounts to correct errors and to adjust the amount of funds required to cover the PRAC costs based on the year the project is completed and placed in service.

Delegated Processing. The Frank Melville Supportive Housing Investment Act of 2010 directs the Department to delegate review and processing of any projects to selected State or local housing agencies that will serve as a Delegated Processing Agency (DPA). If a State or local housing agency has been selected as a DPA, processing *is required* where the Sponsor's application indicates that development funds for a proposed Section 811 project are coming from a combination of capital advance and other sources of funding, including low-income housing tax credits. These sponsors will be notified by the Department if their applications will be processed by a Delegated Processor and the location of the Delegated Processor within 45 days after the announcement of the Section 811 awards. However, HUD shall retain authority to process capital advances in cases in which no State or local housing agency has applied to provide delegated processing or no such agency has entered into an agreement with HUD to serve as a delegated processing agency for the selected application.

For a more information on Delegated Processing, please [click here](#).

B. Administrative, National and Department Policy Requirements for HUD recipients.

For this NOFA, the following Administrative, National and Department Policy Requirements and Terms for HUD Financial Assistance Awards apply. Please [Click here](#) to read the detailed description of each applicable requirement.

1. Compliance with Non-discrimination and Other Requirements

Unless otherwise specified, these non-discrimination and equal opportunity authorities and other requirements apply to all NOFAs. Please read the following requirements carefully as the requirements are different among HUD's programs.

- Compliance with Fair Housing and Civil Rights Laws, Which Encompass the Fair Housing Act and Related Authorities (cf. 24 CFR 5.105(a)).
 - Affirmatively Furthering Fair Housing.
 - Economic Opportunities for Low-and Very Low-income Persons (Section 3).
 - Improving Access to Services for Persons with Limited English Proficiency (LEP).
 - Accessible Technology.

2. Equal Access Requirements.

3. Ensuring the Participation of Small Disadvantaged Business, and Women-Owned Businesses.

4. Equal Participation of Faith-Based Organizations in HUD Programs and Activities.

5. Real Property Acquisition and Relocation.

6. Participation in HUD-Sponsored Program Evaluation.

7. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.

8. Drug-Free Workplace.

9. Safeguarding Resident/Client Files.

10. Compliance with the Federal Funding Accountability and Transparency Act of 2006 (Pub. L.109-282) (Transparency Act), as amended.

11. Eminent Domain.
12. Accessibility for Persons with Disabilities.
13. Violence Against Women Act.
14. Conducting Business in Accordance with Ethical Standards/Code of Conduct.
15. Environmental Requirements.

Compliance with 24 CFR part 50 or 58 procedures is explained below:

This program is subject to the National Environmental Policy Act of 1969 ("NEPA") and related Federal environmental authorities and regulations at 24 CFR, Part 50. At the time of application, HUD requires a Phase I, Phase II and site remediation plan, if applicable and selected Partner Worksheets as described in order to perform a preliminary environmental screening.

All agreement letters will incorporate the recipient's responsibilities and will stipulate 1) that a Section 811 Fund Reservation award constitutes preliminary approval of an Application; 2) that a Section 811 Fund Reservation award does not constitute an approval of the site, which may occur only upon completion of HUD's environmental review; and 3) that if HUD finds the site acceptable but only with mitigation and the applicant cannot meet the mitigation requirements, or if HUD determines that even with mitigation the site is unacceptable, then the Section 811 Fund Reservation award will be terminated.

In accordance with 24 CFR 50.3(h), the applicant's submission of an Application constitutes an assurance that the applicant agrees to assist HUD with HUD's compliance with environmental review regulations in 24 CFR, Part 50 and that the applicant shall: (1) supply HUD with all available, relevant information necessary for HUD to perform for each property any environmental review required by 24 CFR, Part 50; (2) carry out mitigating measures required by HUD or select alternate eligible property; and (3) not acquire, rehabilitate, convert, demolish, lease, repair or construct property, nor commit or expend HUD or non-HUD funds before HUD has completed the environmental review and notified the recipient of its approval of the property that is received. Applicants may continue to perform obligations to sustain existing leasehold or option to lease agreement.

C. Reporting.

HUD requires recipients to submit performance and financial reports under OMB guidance and program instructions.

1. Reporting Requirements and Frequency of Reporting. Applicants should be aware that if the total Federal share of your Federal award includes more than \$ 500,000 over the period of performance, you may be subject to post award reporting requirements reflected in Appendix XII to Part 200-Award Term and Condition for Recipient Integrity and Performance Matters.

2. Performance Reporting. All HUD-funded programs, including this program, require recipients to submit, not less than annually, a report documenting achievement of outcomes under the purpose of the program and the work plan in the award agreement.

3. Race, Ethnicity and Other Data Reporting. HUD requires recipients that provide HUD-funded program benefits to individuals or families to report data on the race, color, religion, sex, national origin, age, disability, and family characteristics of persons and households who are applicants for, participants in, or beneficiaries or potential beneficiaries of HUD programs in order to carry out the Department's responsibilities under the Fair Housing Act, Executive Order 11063, Title VI of the Civil Rights Act of 1964, and Section 562 of the Housing and Community Development Act of 1987. NOFAs may specify the data collection and reporting requirements. Many programs use the Race and Ethnic Data Reporting Form HUD-27061, U.S. Department of Housing OMB Approval No. 2535-0113.

D. Debriefing.

For a period of at least 120 days, beginning 30 days after the public announcement of awards under this NOFA, HUD will provide a debriefing related to their application to requesting applicants. A request for debriefing must be made in writing or by email by the authorized official whose signature appears on the SF424 or by his or her successor in office and be submitted to the point of contact in Section VII Agency Contact(s), below. Information provided during a debriefing may include the final score the applicant received for each rating factor, final evaluator comments for each rating factor, and the final assessment indicating the basis upon which funding was approved or denied.

VII. Agency Contacts.

HUD staff will be available to provide clarification on the content of this NOFA.

Questions regarding specific program requirements for this NOFA should be directed to the point of contact listed below.

FY18811NOFA@hud.gov

Persons with hearing or speech impairments may access this number via TTY by calling the toll-free Federal Relay Service at 800-877-8339. Please note that HUD staff cannot assist applicants in preparing their applications.

VIII. Other Information.

1. National Environmental Policy Act.

This NOFA provides funding under regulations established at 24 CFR 891 and the NOFA refers to environmental review provisions outlined in 24 CFR 891. 155(b). Accordingly, under 24 CFR 24 CFR 50.19(c)(5), this NOFA is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321).

