



U.S. Department of Housing and Urban Development

Multifamily Housing

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

FR-6700-N-49

02/20/2024

Table of Contents

OVERVIEW	3
I. FUNDING OPPORTUNITY DESCRIPTION.....	4
A. Program Description	4
B. Authority	16
II. AWARD INFORMATION	16
A. Available Funds	16
B. Number of Awards	16
C. Minimum/Maximum Award Information	17
D. Period of Performance.....	17
E. Type of Funding Instrument	19
III. ELIGIBILITY INFORMATION	19
A. Eligible Applicants.....	19
B. Ineligible Applicants	20
C. Cost Sharing or Matching.....	20
D. Threshold Eligibility Requirements	20
E. Statutory and Regulatory Requirements Affecting Eligibility	24
F. Program-Specific Requirements	25
G. Criteria for Beneficiaries.....	48
IV. APPLICATION AND SUBMISSION INFORMATION	48
A. Obtain an Application Package.....	48
B. Content and Form of Application Submission.....	49
C. System for Award Management (SAM) and Unique Entity Identifier (UEI).....	57
D. Application Submission Dates and Times	57
E. Intergovernmental Review	60
F. Funding Restrictions	60
G. Other Submission Requirements.....	61
V. APPLICATION REVIEW INFORMATION	64
A. Review Criteria	64
B. Review and Selection Process.....	77
VI. AWARD ADMINISTRATION INFORMATION.....	79
A. Award Notices.....	79
B. Administrative, National and Departmental Policy Requirements and Terms for HUD Applicants and Recipients of Financial Assistance Awards	81

C. Reporting83

D. Debriefing84

VII. AGENCY CONTACT(S).....84

VIII. OTHER INFORMATION85

APPENDIX.....86

Appendix A: Operating Cost Standards.....87

Table 1: PRAC Rents (Operating Cost Standards) by Metropolitan Statistical Area (MSA), net of Project-paid Utility Expenses88

Table 2: Non-MSA PRAC Rents (Operating Cost Standards), including Project-paid Utility Expenses.....94

Appendix B: Physical Design and Livability Template.....95

Program Office:

Multifamily Housing

Funding Opportunity Title:

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

Funding Opportunity Number:

FR-6700-N-49

Assistance Listing Number (formerly CFDA Number):

14.181

Due Date for Applications:

02/20/2024

OVERVIEW

The U.S. Department of Housing and Urban Development (HUD) issues this Notice of Funding Opportunity (NOFO) to invite applications from eligible applicants for the program and purpose described within this NOFO. You, as a prospective applicant, 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.

In accordance with [Title 24 part 4, subpart B](#) of the Code of Federal Regulations (CFR), during the selection process (which includes HUD's NOFO development and publication and concludes with the award of assistance), HUD is prohibited from disclosing covered selection information. Examples of impermissible disclosures include: 1) information regarding any applicant's relative standing; 2) the amount of assistance requested by any 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 NOFO, direct questions regarding the specific requirements of this NOFO to the agency contact identified in section VII.

Paperwork Reduction Act Statement. In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501- 3520) (PRA), the Office of Management and Budget (OMB) approved the information collection requirements in this NOFO. HUD may not conduct or sponsor, and a person is not required to respond to a collection of information unless the collection displays a valid OMB control number. This NOFO identifies its applicable OMB control number, unless its collection of information is excluded from these requirements under [5 CFR part 1320](#).

OMB Approval Number(s):

2502-0462

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 who are 18 years of age or older and less than 62 years of age at entry. The program also provides project rental subsidies in the form of a Project Rental Assistance Contract (“PRAC”) to maintain ongoing affordability over at least 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). *Olmstead* held that 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 persons with disabilities at serious risk of institutionalization 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.

HUD through this NOFO 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 meet the goal of developing permanent supportive housing. For more information about specific Review Criteria see Section V.A.

Capital Advance funds must be used to finance construction, reconstruction, moderate or substantial rehabilitation, or acquisition of a structure with or without rehabilitation. Capital Advance funds bear no interest and repayment is not required if housing remains available for occupancy by Very-Low-Income Disabled Persons for at least 40 years. Applicants will include

the requested Capital Advance funds in the SF424 and in the Development Budget (Section III.F.2.). The amount of the Capital Advance funds requested may not exceed the Total Development Cost as published by HUD (see [2022 UNIT TOTAL DEVELOPMENT COST \(TDC\) LIMITS](#)). The Total Development Cost limit is determined by identifying the appropriate building type (e.g., elevator) and unit size(s) in the development proposal. The total development cost limits may not exceed 25 percent of the units in Integrated Housing.

Project Rental Assistance Contracts (PRACs) are used to cover the difference between the tenants' contributions toward rent and the HUD approved cost to operate the project. HUD encourages applicants to use Capital Advance funds in combination with other non-Section 811 funding but, Capital Advance funds may only be used in connection with units that will be assisted under the PRAC. PRAC units may be developed or placed within a property that also includes non-PRAC residential units (whether restricted as affordable or rented at market rates) and non-residential units (such as first floor commercial space).

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 support 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 support. Demonstrated capacity may refer to previous experience as well as a well-developed plan to provide referrals, services, and support. At a minimum, a well-developed supportive services plan:

- Aligns with the applicant's local/State government'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 support 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 tenant support:

- 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. In addition, compliance with HUD's Equal Access

Rule requires that eligibility determinations are made regardless of actual or perceived sexual orientation, gender identity, or marital status.

2. HUD and Program-Specific Goals and Objectives

This NOFO supports [HUD's Strategic Plan for Fiscal Years \(FY\) 2022-2026](#) to accomplish HUD's mission and vision. Each of the five goals in the [Strategic Plan](#) include what HUD hopes to accomplish, the strategies to accomplish those objectives, and the indicators of success. However, of the five goals only those applicable to this NOFO are identified below.

You are expected to align your application to the applicable strategic goals and objectives below. Use the information in this section to describe in your application the specific goals, objectives, and measures that your project is expected to help accomplish. If your project is selected for funding, you are also expected to establish a plan to track progress related to those goals, objectives, and measures. HUD will monitor compliance with the goals, objectives, and measures in your project.

Applicable Goals and Objectives from HUD's Strategic Plan

1. 2A: Increase the Supply of Housing

Enhance HUD's programs that increase the production and supply of housing across the country.

2. 3B: Create a More Accessible and Inclusive Housing Finance System

Advance new policy, programs, and modernization initiatives that support a more equitable housing finance system. Promote the preservation and creation of affordable housing stock.

3. Strategic Goal 4: Advance Sustainable Communities

Advance sustainable communities by strengthening climate resilience and energy efficiency, promoting environmental justice, and recognizing housing's role as essential to health.

4. 4A: Guide Investment in Climate Resilience

Invest in climate resilience, energy efficiency, and renewable energy across HUD programs.

5. 4B: Strengthen Environmental Justice

Reduce exposure to health risks, environmental hazards, and substandard housing, especially for low-income households and communities of color.

6. 4C: Integrate Health and Housing

Advance policies that recognize housing's role as essential to health.

2A: Increase the Supply of Housing

HUD strongly encourages applicants to incorporate design standards that address enhanced accessibility features, visitability, universal design, and electronic communication mechanisms when developing housing and community facilities. Consider access to transportation and walkability to the surrounding community and neighborhood services when selecting sites. 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.

4A: Guide Investment in Climate Resilience

Applicants can receive rating factor points (see Rating Factor 6: Physical Design) for building to a "Net Zero Ready" or "Net Zero" certification. HUD will award up to two (2) points for applications that identify measures that will be incorporated in the project and will advance carbon reduction and reduce vulnerability of the project to climate impacts and threats identified

in the U.S. Global Change Research Program National Climate Assessment (NCA) and related analyses.

4B: Strengthen Environmental Justice

As part of a review of an application under this NOFO, HUD will perform a preliminary environmental screen to assess major adverse environmental conditions. For all buildings that will be newly constructed (including substantial rehabilitation, where feasible) that are located in the FEMA 500-year floodplain (or 100-year floodplain where FEMA has not mapped the 500-year floodplain), all building mechanicals (HVAC, cogeneration, hot water heating, and other systems) and all residential units be designed to be at a height no less than the greater of the 500-year floodplain or two feet above the 100-year floodplain based on FEMA Flood Insurance Rate Maps (FIRMs).

4C: Integrate Health and Housing

HUD will award up to two (2) points for applications proposing activities that advance Environmental Justice (as defined in Section I.A.4 of this NOFO). For the purposes of this grant program, activities that advance Environmental Justice include doing the following for people or communities that have been environmentally underserved or overburdened (e.g. persons with disabilities, very low-income adults and minority communities). Reducing or mitigating exposure to environmental and health hazards (e.g. industrial facilities, EPA superfund sites, legacy pollution, heat islands). Improving protection from and resilience to environmental harms (e.g. fire-resistant materials, floodproofing). Expanding environmental benefits (e.g. clean air and water, public transportation, bike and walking paths, clean energy, green technology, biodiversity). Overcoming prior disinvestment in environmental infrastructure (e.g. drainage systems, green spaces, pollution controls).

Funding Opportunity Goals Expands the supply of integrated affordable housing for persons with disabilities that results in residents achieving independent living in the community.

Fund innovative permanent supportive housing models for persons with disabilities that will be at the forefront of design, enhanced accessibility features, visitability, and universal design to ensure program sustainability and continuity for the forty-years. Provide supportive housing to persons with disabilities with links to voluntary and flexible person-centered supports and community-based services that are designed to foster and sustain housing stability.

3. Changes from Previous NOFO

- Provides greater specificity around the building design and supportive services components.
- Updated ASTM language in Phase I environmental requirements. Sec. III.14.b.
- Requires use of HUD Environmental Review Online System (HEROS) for environmental submittals.
- Maximum Capital Advance Funds per Award increased from \$2.5 million to \$5 million
- Updated requirements regarding the Statement of Need.

Adjusts point levels throughout:

- Replaces Leveraging of Resources with Commitment of Sources as rating factor
- Removes Opportunity Zones & Promise Zones as a category for preference points
- Adds Physical Design to rating factors

- Adds Environmental Justice and Climate Change as preference points
- Updates application review procedures
- Change from DUNS Number to the use of UEI through SAM.gov

4. Definitions

a. Standard Definitions

Affirmatively Furthering Fair Housing (AFFH) means taking meaningful actions, in addition to combating discrimination to overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunities, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws. The duty to affirmatively further fair housing extends to all program participant’s activities and programs relating to housing and urban development.

Assistance Listing number refers to the unique number assigned to each Federal assistance program publicly available in the Assistance Listing, which is managed and administered by the General Services Administration. The Assistance Listing number was formerly known as the Catalog of Federal Domestic Assistance (CFDA) number.

Authorized Organization Representative (AOR) is a person authorized to legally bind your organization and submit applications via Grants.gov. The AOR is authorized by the E-Business Point of Contact (E-Biz POC) in the System for Award Management (see E-Biz POC definition). An AOR may include an Expanded AOR and/or a Standard AOR.

Expanded Authorized Organization Representative is a user in Grants.gov who is authorized by the E-Biz POC to perform the functions of a Standard AOR, initiate and submit applications on behalf of your organization, and is allowed to modify organization-level settings and certifications in Grants.gov.

Standard Authorized Organization Representative is a user in Grants.gov who is authorized by the E-Biz POC to initiate and submit applications in Grants.gov. A Grants.gov user with the Standard AOR role can only submit applications when they are a Participant for that workspace.

Consolidated Plan is the document submitted to HUD that serves as the comprehensive housing affordability strategy, community development plan, and submission for funding under any of the Community Planning and Development formula grant programs (e.g., CDBG, ESG, HOME, and HOPWA). This Plan is prepared in accordance with the process described in [24 CFR part 91](#). 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 HUD’s requirements regarding the Consolidated Plan and related Action Plan).

Contract means, for the purpose of Federal financial assistance, a legal instrument by which a recipient or subrecipient purchases property or services needed to carry out the project or

program under a federal award. For additional information on contractor and subrecipient determinations, see [2 CFR 200.331](#).

Contractor means an entity that receives a contract as defined above and in [2 CFR 200.1](#).

Cooperative agreement has the same meaning defined at [2 CFR 200.1](#).

Deficiency, with respect to the making of an application for funding, is information missing or omitted within a submitted application. Examples of deficiencies include missing documents, missing or incomplete information on a form, or some other type of unsatisfied information requirement. Depending on specific criteria, a deficiency may be either Curable or Non-Curable.

A Curable Deficiency is missing or incomplete application information that may be corrected by the applicant 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.

A Non-Curable Deficiency is missing or incomplete application information that cannot be corrected by an applicant after the submission deadline. A non-curable deficiency is a deficiency that is a threshold requirement, or a deficiency that, if corrected, would change an applicant's score or rank versus other applicants. If an application includes a non-curable deficiency, the application may receive an ineligible determination, or the non-curable deficiency may otherwise adversely affect the application's score and final funding determination.

E-Business Point of Contact (E-Biz POC) is an organization applicant who is responsible for the administration and management of grant activities for his or her organization. The E-Biz POC is likely to be an organization's chief financial officer or authorizing official. The E-Biz POC authorizes representatives of their organization to apply on behalf of the organization (see Authorized Organization Representative definition). There can only be one E-Biz POC per unique entity identifier (see definition of Unique Entity Identifier below).

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

Environmental Justice means investing in environmental improvements, remedying past environmental inequities, and otherwise developing, implementing, and enforcing laws and policies in a manner that advances environmental equity and provides meaningful involvement for people and communities that have been environmentally underserved or overburdened, such as Black and Brown communities, indigenous groups, and individuals with disabilities. This definition does not alter the requirements under HUD's regulations at [24 CFR 58.5\(j\)](#) and [24 CFR 50.4\(l\)](#) implementing [Executive Order 12898](#). E.O. 12898 requires a consideration of how federally assisted projects may have disproportionately high and adverse human health or environmental effects on minority and/or low-income populations. For additional information on environmental review compliance, refer to:

https://www.hud.gov/program_offices/comm_planning/environment_energy/regulations.

Equity has the meaning given to that term in Section 2(a) of Executive Order [13985](#) and means the consistent and systematic fair, just, and impartial treatment of all individuals, including

individuals who belong to underserved communities that have been denied such treatment, such as Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality.

Federal Award, has the meaning, depending on the context, in either paragraphs (1) or (2) of this definition:

(1)

(a) The Federal financial assistance that a recipient receives directly from a Federal awarding agency or a subrecipient receives indirectly from a pass-through entity, as described in [2 CFR 200.101](#); or

(b) The cost-reimbursement contract under the Federal Acquisition Regulations that a non-Federal entity receives directly from a federal awarding agency or indirectly from a pass-through entity, as described in [2 CFR 200.101](#).

(2) The instrument setting forth the terms and conditions. The instrument is the grant agreement, cooperative agreement, other agreement for assistance covered in paragraph (2) of the definitions of Federal financial assistance in [2 CFR 200.1](#), and this NOFO, or the cost-reimbursement contract awarded under the Federal Acquisition Regulations.

(3) Federal award does not include other contracts that a Federal agency uses to buy goods or services from a contractor or a contract to operate Federal Government owned, contractor operated facilities (GOCOs).

(4) See also definitions of Federal financial assistance, grant agreement, and cooperative agreement in [2 CFR 200.1](#).

Federal Financial Assistance has the same meaning defined at [2 CFR 200.1](#).

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 on Grants.gov is required for submission of applications to prospective agencies unless otherwise specified in this NOFO.

Green and Resilient Building Standard means an industry-recognized standard incorporating both:

(1) Certification under (i) Enterprise Green Communities, (ii) Leadership in Energy and Environmental Design (LEED) (New Construction, Homes, Midrise, Existing Buildings Operations and Maintenance, or Neighborhood Development), (iii) International Code Council (ICC)-700 National Green Building Standard Green+ Resilience; or the (iv) Living Building Challenge, or (v) a regional standard such as Earth Advantage New Homes; or any other equivalent comprehensive green building program acceptable to HUD; and

(2) Minimum energy efficiency requirements, such as those defined in (i) ENERGY STAR (Certified Homes or Multifamily High-Rise), (ii) DOE Zero Energy Ready Home; (iii) regional or local certifications such as EarthCraft House, EarthCraft Multifamily; Greenpoint Rated New Home, Greenpoint Rated Existing Home (Whole House or Whole Building

label); (iv) Passive House Institute Passive Building or EnerPHit certification from the Passive House Institute US (PHIUS), International Passive House Association.

Historically Black Colleges and Universities (HBCUs) are 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 of Education 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. [A list of accredited HBCUs can be found at the U.S. Department of Education's website.](#)

Minority-Serving Institutions (MSIs) are

- (1) a part B institution (as defined in [20 U.S.C. 1601](#));
- (2) a Hispanic-serving institution (as defined in [20 U.S.C. 1101a\(5\)](#));
- (3) a Tribal College or University (as defined in [20 U.S.C. 1059c](#));
- (4) an Alaska Native-serving institution or a Native Hawaiian-serving institution (as defined in [20 U.S.C. 1059d\(b\)](#));
- (5) a Predominantly Black Institution (as defined in [20 U.S.C. 1059e](#));
- (6) an Asian American and Native American Pacific Islander-serving institution (as defined in [20 U.S.C. 1059g](#)); or
- (7) a Native American-serving nontribal institution (as defined in [20 U.S.C. 1059f](#)).

Non-Federal Entity (NFE) means a state, local government, Indian tribe, Institution of Higher Education (IHE), or non-profit organization that carries out a federal award as a recipient or subrecipient.

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

Racial Equity is the elimination of racial disparities, and is achieved when race can no longer predict opportunities, distribution of resources, or outcomes – particularly for Black and Brown persons, which includes Black, Latino, indigenous, Native American, Asian, Pacific Islander, and other persons of color.

Recipient means an entity, usually but not limited to non-Federal entities, that receives a federal award directly from HUD. The term recipient does not include subrecipients or individuals that are beneficiaries of the award.

Resilience is a community's ability to minimize damage and recover quickly from extreme events and changing conditions.

Small business is defined as a privately-owned corporation, partnership, or sole proprietorship that has fewer employees and less annual revenue than regular-sized business. The definition of "small"—in terms of being able to apply for government support and qualify for preferential tax policy—varies by country and industry. The U.S. Small Business Administration defines a small business according to a set of standards based on specific industries. See [13 CFR Part 121](#).

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 pass-through entity. It does not include payments to a contractor or payments to an individual that is a 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.

Subrecipient means an entity, usually but not limited to non-Federal entities, that receives a subaward from a pass-through entity to carry out part of a federal award but does not include an individual that is a beneficiary of such award. A subrecipient may also be a recipient of other federal awards directly from a federal awarding agency.

System for Award Management (SAM) is the Federal Repository into which an entity must provide information required for the conduct of business as a recipient. Registration with SAM is required for submission of applications via Grants.gov. You can access the website at <https://www.sam.gov/SAM/>. There is no cost to use SAM.

Threshold Requirements are eligibility requirements that must be met for an application to be reviewed, rated, and ranked. Threshold requirements are not curable, except for documentation of applicant eligibility, which are listed in Section III.D., Threshold Eligibility Requirements. Similarly, there are eligibility requirements under Section III.E., Statutory and Regulatory Requirements Affecting Eligibility.

Underserved Communities has the meaning given to that term in Section 2(b) of Executive Order [13985](#) and refers to populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life, as exemplified by the list in the definition of “equity” above.

Unique Entity Identifier (UEI) means the identifier assigned by SAM to uniquely identify business entities. As of April 4, 2022, the Federal government has transitioned from the use of the DUNS Number to the use of UEI, as the primary means of entity identification for Federal awards government-wide.

b. 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 definitions below 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.

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.

Capital Advance funds must be used to finance construction, reconstruction, moderate or substantial rehabilitation, or acquisition of a structure with or without rehabilitation. Capital Advance funds bear no interest and repayment is not required provided the housing remains available for occupancy by Very-Low-Income Disabled Persons for at least 40 years. Applicants will include the requested Capital Advance funds in the SF424 and in the Development Budget (Section III. F. 2.). The amount of the Capital Advance funds requested may not exceed the Total Development Cost as published by HUD (see [2022 UNIT TOTAL DEVELOPMENT COST \(TDC\) LIMITS](#)). The Total Development Cost limit is determined by identifying the appropriate building type (e.g., elevator) and unit size(s) in the development proposal.

Condominium means a system of ownership of individual units in a residential development combined with joint ownership of commonly used property.

Occupant is a person with disabilities as defined in such Section 811(k) (42 U.S.C. 8013(k)). Consistent with such Section 811(i) (42 U.S.C. 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.

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 persons 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 [Medicaid Statewide Transition Plans](#).

Home and Community-Based Services (HCBS) are those that provide opportunities for beneficiaries to receive services in their own homes or communities rather than in 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 [Medicaid Statewide Transition Plans](#). 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.

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 persons with disabilities from the broader community.

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.

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 [HUD – Role of Housing in Accomplishing the Goals of Olmstead](#).

Mixed-Finance Owner for the purpose of the mixed-finance development of housing under this part, means a single-asset, for-profit limited partnership of which a private nonprofit organization is the sole general partner. The purpose of the mixed-finance owner must include the promotion of the welfare of persons with disabilities. See 24 CFR Part 891.805.

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

Operating Costs are HUD-approved costs relating to the provision of housing and include administrative expenses, maintenance expenses, security expenses, utilities expenses, taxes and insurance, and allowances for reserves. Operating cost funds shall not be used for debt service payments. See 24 C.F.R. 891.105 for a detailed definition. PRAC rents are established based on the Operating Cost Standards (OCS) listed in Appendix A.

Owner means a single-asset private nonprofit organization established by the Sponsor that will receive capital advance funding 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.

Persons with Disabilities shall have the meaning provided in Section 811(k)(2) of the Cranston-Gonzalez National Affordable Housing Act, ([42 U.S.C. 8013\(k\)\(2\)](#)) and [24 C.F.R 891.305](#). The term “person with disabilities” means a household composed of one or more persons who is 18 years of age or older and less than 62 years of age, and who has a disability. A person shall be considered to have a disability if such person is determined, pursuant to regulations issued by the Secretary to have a physical, mental, or emotional impairment which (A) is expected to be of long-continued and indefinite duration, (B) substantially impedes his or her ability to live

independently, and (C) is of such a nature that such ability could be improved by more suitable housing conditions. A person shall also be considered to have a developmental disability if the person has a severe, chronic disability of an individual that (i) is attributable to a mental or physical impairment or combination of mental and physical impairments; (ii) is manifested before the individual attains age 22; (iii) is likely to continue indefinitely; (iv) results in substantial functional limitations in 3 or more of the following areas of major life activity: (I) Self-care. (II) Receptive and expressive language. (III) Learning. (IV) Mobility. (V) Self-direction. (VI) Capacity for independent living. (VII) Economic self-sufficiency; and (v) reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated (as defined in section 15002 of this title). (See Section 811(k)(2) of the [Cranston-Gonzalez National Affordable Housing Act](#)).

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 shall not be used for supportive services costs.

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.

Sponsor means any eligible applicant that has been made an award of funds under this NOFO. Sponsor refers to either a Sponsor or a Co-Sponsor. A Sponsor must be a nonprofit entity. The Sponsor must be approved by the Secretary of HUD as to the administrative and financial capacity to receive an award under this NOFO. 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 NOFO. The regulatory definition of Sponsor can be found at 24 C.F.R. 891.305.

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.

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.

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.

Very-Low-Income means household income that does not exceed 50 percent of the median family income for the area. See HUD’s Income Limits website [HUD Income Limits](#). Click on the button for the most recent year (at the time of work in a unit being done) and, for that year, click the Data tab, and then click the link for MS EXCEL in “Data for Section 8 Income Limits in MS EXCEL”. The spreadsheet has a national list by state, metro area, and county or town name, and shows, in columns labeled I50_1 through I50_8, incomes that are 50 percent of the median family income for the area for families of sizes 1 through 8. 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).

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. This authority provides for Capital Advance funds, project rental assistance contracts, amendments to contracts for project rental assistance, and the renewal of expiring contracts for such assistance, for supportive housing for persons with disabilities. The funding for this NOFO is provided by the Consolidated Appropriations Act, 2022 (Public Law 117-103, enacted March 15, 2022) and the Consolidated Appropriations Act, 2021 (Public Law 116-260, enacted December 27, 2020).

II. AWARD INFORMATION

A. Available Funds

Funding of approximately **\$106,000,000** is available through this NOFO.

Additional funds may become available for award under this NOFO consistent with Section VI.A.2.e., Adjustments to Funding. Use of these funds is subject to statutory constraints. All awards are subject to the funding restrictions contained in this NOFO.

B. Number of Awards

HUD expects to make approximately 21 awards from the funds available under this NOFO.

The precise number of awards will depend on the eligible proposals.

C. Minimum/Maximum Award Information

Maximum Capital Advance Fund 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.

Project Rental Assistance Contract (PRAC). In addition to capital advance funding amounts, HUD will award a renewable PRAC under this NOFO according to the current Operating Cost Standards (found in Appendix A). 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.

Applicants must clearly indicate the number of units for which they are requesting PRAC assistance in the Project Development Plan. HUD will reserve funding for the 5-year term of the PRAC, equivalent to 75 percent of the Operating Cost Standard for units covered by the PRAC. Subsequent PRAC renewal are subject to the availability of annual appropriations for such purpose.

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

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

Estimated Total Funding:
\$106,000,000

Minimum Award Amount:
\$1

Per Project Period

Maximum Award Amount:
\$5,000,000
Per Project Period

D. Period of Performance

HUD considers the funds obligated when HUD issues the Agreement Letter which stipulates the terms and conditions of the Section 811 fund reservation. No later than 180 days after accepting the Agreement Letter, awardees are required to submit a Firm Commitment Application. Awardees should begin working on the Firm Commitment application as soon as they accept 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. Initial closing of the Capital Advance funding and start of construction are expected to be accomplished within 6-18 months after acceptance of the Agreement Letter.

Step	Timing
Agreement Letter is accepted	5 - 30 days after Awards are made
Applicant submits Firm Commitment application	180 days after acceptance of Agreement Letter
Sponsor has commitments for all funds and has required permits	12 months after acceptance of Agreement Letter
Initial closing of the Capital Advance funding and start of construction	No longer than 18 months after acceptance of Agreement Letter

HUD reserves the right to revoke all award funds when it believes they are at risk of not being expended within the established deadlines. HUD reserves the right to make, but does not anticipate making, amendments to address gaps in financing. In planning your development, you should assume the Capital Advance funding amount awarded is the total of Capital Advance funds available for a specific project, and if costs increase, you must secure other financing sources.

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.

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.

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.

Initial closing of the capital advance funding and start of project construction are expected to be accomplished within 24 months after the date of the Agreement Letter. If a Capital Advance Upon Completion (“[CAUC](#)”) execution is planned, then HUD will expect to issue the firm commitment 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.

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:
09/01/2024

Estimated Project End Date:

09/30/2029

Length of Project Periods:

60-month project period and budget period

Length of Periods Explanation of Other:

The project period consists of the time from award to construction completion, with no less than 60 months of operations under a PRAC.

E. Type of Funding Instrument

Funding Instrument Type:

G (Grant)

III. ELIGIBILITY INFORMATION

A. Eligible Applicants

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

25 (Others (see text field entitled "Additional Information on Eligibility" for clarification))

Additional Information on Eligibility

1. Eligible applicants are Sponsors or Co-Sponsors that are private non-profit organizations that have tax-exempt status under Section 501(c)(3) of the Internal Revenue Service Code of 1986, other than institutions of higher education, and who meet the threshold requirements contained in Section III, D below. The Owner corporation, when later formed by the Sponsor, must be: A single-purpose and single-asset private non-profit organization that has tax-exempt status under Section 501(c)(3) of the Internal Revenue Service Code of 1986; or
2. A for-profit limited partnership, the sole general partner of which owns at least one-hundredth of one percent of the partnership assets, whereby the sole general partner is either: an organization meeting the requirements of § 891.805 or a corporation owned and controlled by an organization meeting the requirements of §891.805. If the project will include units financed with the use of Federal Low-Income Housing Tax Credits and the organization is a limited partnership, the requirements of section 42 of the IRS code, including the requirements of section 42(h)(5), apply. The general partner may also be the sponsor, so long as it meets the requirements of this part for sponsors and general partners.

Faith-based organizations

(1) Faith-based organizations may apply for this award on the same basis as any other organization, as set forth at [24 CFR 5.109](#), and subject to the protections and requirements of 42 U.S.C. 2000bb et seq., HUD will not, in the selection of recipients, discriminate against an organization based on the organization's religious character, affiliation, or exercise.

(2) A faith-based organization that participates in this program will retain its independence and may continue to carry out its mission consistent with religious freedom and conscience protections in Federal law, including the Free Speech and Free Exercise Clauses of the

Constitution, 42 U.S.C. 2000bb et seq., 42 U.S.C. 238n, 42 U.S.C. 18113, 42 U.S.C. 2000e-1(a) and 2000e-2(e), 42 U.S.C. 12113(d), and the Weldon Amendment, among others. Religious accommodations may also be sought under many of these religious freedom and conscience protection laws, particularly under the Religious Freedom Restoration Act.

(3) A faith-based organization may not use direct financial assistance from HUD to support or engage in any explicitly religious activities except where consistent with the Establishment Clause and any other applicable requirements. Such an organization also may not, in providing services funded by HUD, discriminate against a beneficiary or prospective program beneficiary on the basis of religion, religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice.

B. Ineligible Applicants

Individuals or any entity not listed above as an Eligible Applicant are ineligible to apply under this NOFO.

Section 811 capital advance funds may not be used to construct or operate Assisted Living Facilities. (See Section IV.F for more information)

C. Cost Sharing or Matching

This Program does not require cost sharing or matching.

Owner Deposit for Minimum Capital Investment. In accordance with 24 CFR 891.145, the owner must deposit in a special escrow account one half of one percent (0.5%) of the HUD-approved Capital Advance Award, not to exceed \$10,000, to ensure the Owner's commitment to the housing project.

D. Threshold Eligibility Requirements

Applicants who fail to meet any of the following threshold eligibility requirements are deemed ineligible. Applications from ineligible applicants are not rated or ranked and will not receive HUD funding.

1. Resolution of Civil Rights Matters

Outstanding civil rights matters must be resolved before the application submission deadline. Applicants with unresolved civil rights matters at the application deadline are deemed ineligible. Applications from ineligible applicants are not rated or ranked and will not receive HUD funding.

a. An applicant is ineligible for funding if the applicant has any of the charges, cause determinations, lawsuits, or letters of findings referenced in subparagraphs (1) – (5) that are not resolved to HUD's satisfaction before or on the application deadline date for this NOFO.

(1) Charges from HUD concerning a systemic violation of the Fair Housing Act or receipt of a cause determination from a substantially equivalent state or local fair housing agency concerning a systemic violation of a substantially equivalent state or local fair housing law proscribing discrimination because of race, color, religion, sex (including sexual orientation and gender identity), national origin, disability or familial status;

- (2) Status as a defendant in a Fair Housing Act lawsuit filed by the United States alleging a pattern or practice of discrimination or denial of rights to a group of persons raising an issue of general public importance under 42 U.S.C. 3614(a);
- (3) Status as a defendant in any other lawsuit filed or joined by the Department of Justice, or in which the Department of Justice has intervened, or filed an amicus brief or statement of interest, alleging a pattern or practice or systemic violation of Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Section 109 of the Housing and Community Development Act of 1974, the Americans with Disabilities Act, Violence Against Women Act, or a claim under the False Claims Act related to fair housing, non-discrimination, or civil rights generally including an alleged failure to affirmatively further fair housing;
- (4) Receipt of a letter of findings identifying systemic non-compliance with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Section 109 of the Housing and Community Development Act of 1974; Violence Against Women Act; or the Americans with Disabilities Act; or
- (5) Receipt of a cause determination from a substantially equivalent state or local fair housing agency concerning a systemic violation of provisions of a state or local law prohibiting discrimination in housing based on sexual orientation, gender identity, or lawful source of income.

b. HUD will determine if actions to resolve the charge, cause determination, lawsuit, or letter of findings taken before the application deadline date will resolve the matter. Examples of actions that may be sufficient to resolve the matter include, but are not limited to:

- (1) Current compliance with a voluntary compliance agreement signed by all the parties;
- (2) Current compliance with a HUD-approved conciliation agreement signed by all the parties;
- (3) Current compliance with a conciliation agreement signed by all the parties and approved by the state governmental or local administrative agency with jurisdiction over the matter;
- (4) Current compliance with a consent order or consent decree;
- (5) Current compliance with a final judicial ruling or administrative ruling or decision; or
- (6) Dismissal of charges.

2. Timely Submission of Applications

Applications submitted after the deadline stated within this NOFO that do not meet the requirements of the grace period policy are marked late. Late applications are ineligible and are not considered for funding. See Section IV. D. Application Submission Dates and Times.

3. Submit a Complete Application.

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

the application. The information required for a preliminary environmental screen must be submitted in HEROS by the application deadline and is required as part of a complete application.

4. Eligible Applicant.

Sponsors must be a private non-profit organization:

- the applicant is an eligible non-profit entity under section 501(c)(3) of the Internal Revenue Service Code of 1986;
- 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;
- language is included in the documents stating that no part of the net earnings inures to the benefit of any private party;
- that the applicant is not controlled by, or under the direction of, persons seeking to derive profit or gain therefrom; and
- 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 and any other organization(s) that are co-sponsoring the application must submit the following:

- a. Articles of Incorporation, Constitution, Resolutions or other organizational documents
- b. By-laws;
- c. Current valid IRS tax exemption determination letter (including churches); and
- d. Evidence of structure, including graphic organizational chart indicating the relationship among parties and a list of the applicants' officers and terms.

Applicants that intend to form a mixed-finance owner 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 a private nonprofit organization is the sole general partner. See 24 C.F.R. 891.805 for more information on HUD's definition of a mixed-finance owner and for-profit limited partnership. Please note that a limited liability corporate structure is not currently allowed under the Section 811 Capital Advance funds program.

NOTE: HUD will permit the subordination of Capital Advance fund recorded documents, except for the Capital Advance Fund 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."

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

5. 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 very low-income disabled noninstitutionalized persons and institutionalized persons seeking to transition to integrated housing. Very low-income disabled persons are defined as persons who are at least 18 years of age and no older than 62 years of age, have a disability and whose incomes are 50 percent or below the area median income. There must be sufficient sustainable demand for the number and type of units being proposed, which will not have a long-term adverse impact on very-low income persons with disabilities in the area of the project location. It is important that the Applicant determines that there is need/demand for the Section 811 project being proposed in a particular housing market area prior to submitting your application. If HUD determines that there is not sufficient sustainable demand for the proposed project without long-term adverse impact on very-low income persons with disabilities, the proposed project will be rejected. (See [42 USC 1437a\(b\)\(2\)\(B\)](#) and [42 U.S.C. 8013\(k\)\(2\)](#)).

This statement of need addresses the extent to which there is a need for funding the proposed activities to address a documented problem in the target area. Applicants have the option to submit information responding to this threshold requirement in accordance with Application Submission Requirements in 4(2) of Section IV.B. 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 may review other factors in assessing the need while considering the following evidence of need in the area, as well as other economic, demographic, and housing market data available to the Multifamily HUD Office. The data may include, but is 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.

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

6. 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 National Standards for the Physical Inspection of Real Estate (NSPIRE) protocol. See the following website for more information [Physical Inspection - HUD](#).

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 percent of the total unit count in a development may be set aside for persons with disabilities. 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 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 [NSPIRE](#) 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 Financial Assistance Programs

The following requirements affect applicant eligibility. Detailed information on each requirement is found in the [“Eligibility Requirements for Applicants of HUD's Financial Assistance Programs” document on HUD's Funding Opportunities page.](#)

- Universal Identifier and System for Award Management (SAM.gov) Requirements
- Outstanding Delinquent Federal Debts
- Debarments or Suspensions, or both
- Mandatory Disclosure Requirement

- Pre-selection Review of Performance
- Sufficiency of Financial Management System
- False Statements
- Prohibition Against Lobbying Activities

In addition, each applicant under this NOFO must have the necessary processes and systems in place to comply with the Award Term in Appendix A of [24 CFR part 170](#) if the applicant receives an award, unless an exception applies as provided in [2 CFR170.110](#).

F. Program-Specific Requirements

As noted below, certain program-specific requirements call for submission of documents to demonstrate compliance. Program requirements will apply to all awardees, unless provided an explicit good cause waiver from HUD; however, civil rights requirements are never waivable. In evaluating each application, HUD will determine if there are program specific curable deficiencies that can be remedied through email correspondence with the applicant. The applicant may receive more than one curable deficiency notification. If the applicant does receive more than one deficiency notification, the applicant's responses must be in accordance with the instructions contained in each deficiency notification (e.g., the applicant may not consolidate its responses). Examples of curable (correctable) deficiencies include inconsistencies in the funding request and failure to submit required certifications or other minor omissions. The following items are a non-exhaustive list of the deficiencies that will be considered curable if omitted in error:

1. Documented status as a private non-profit organization: (a) Certification of Articles of Incorporation, (b) By-laws, (c) IRS tax exemption ruling, (d) Organizational Chart
2. Description of mixed-financing plans for additional units, if applicable
3. Evidence of site control
4. Evidence site is free of limitations, encumbrances, restrictions or reverts
5. Phase I ESA, Phase II ESA, Phase III Clean-Up Plan
6. Asbestos Statement or Survey
7. Letter to the State/Tribal Historic Preservation Officer (SHPO/ THPO) and a statement that the SHPO/THPO failed to respond OR the Letter from the SHPO/ THPO Original project plans
8. Evidence of compliance with URA site notification requirement & relocation
9. Evidence of Permissive Zoning
10. Support Letters from Governmental Agencies / Partners
11. Certifications and Forms: (a) SF-424 Supplement, Survey on Ensuring Equal Opportunity for Applicants (b) HUD 424-B (c) SF 424-D
12. Executive Order 12372 Certification, a certification that you have submitted a copy of your application, if required, to the State agency (single point of contact) for State review in accordance with Executive Order 12372
13. SF-LLL, Disclosure of Lobbying Activities
14. HUD 2530, Previous Participation Certification
15. HUD 2880, Applicant/ Recipient Disclosure/Update Report

16. HUD 2991, Certification of Consistency with the Consolidated Plan (Plan), for the Jurisdiction in Which the Proposed Site will be located.
17. HUD 92016-CA, Section 811 Application for Capital Advance Summary Information
18. HUD 92041, Sponsor's Conflict of Interest Resolution
19. HUD 92042, Sponsor's Resolution for Commitment to Project
20. HUD 92043, Certification for Provision of Supportive Services
21. Tab T, Advancing Racial Equity Narrative.

HUD will notify you in writing if your application is missing any of the exhibits listed above and you will be given 5-14 days from the date of receipt of the HUD notification to submit the information required to cure the noted deficiencies. The items above must be dated on or before the application deadline date. If not so dated the application will be rejected. After the completeness review, HUD will review your application to determine whether the application meets the threshold requirements listed below. Only if your application meets all the threshold requirements is it eligible to be rated and ranked. See IV.B.1 for page counts per Application Tab.

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 (e.g., 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, including applicable requirements in Section III.F(5)(b); 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 project development timeline identifying projected dates for the major development stages for the project including, as applicable, site acquisition; application for uncommitted financing; closing of financing; initial closing and start of construction/rehabilitation; and the full completion of the project, including final closing. The timeline must comply with the requirements found in 24 C.F.R 891.165, requiring the duration of the reservation for capital advance funds be no more than 24 months from the date of issuance of the award letter to the date of initial closing. However, if a Capital Advance Upon Completion process is used, HUD may elect to extend the time frame on a project-by-project basis, as justified, after award of funds.

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 funding is able to be modestly reduced. HUD will provide the applicant an opportunity to reduce the Capital Advance funding 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. 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.

- i. All committed or proposed sources, including debt, equity, and grants.
- ii. Proposed uses, including acquisition, construction costs, soft costs, reserves, and developer fees.

All sources must equal the projected uses. HUD reviewers will be looking to ensure that the amount of Capital Advance funding requested does not exceed the per-unit Total Development Cost available at [\(TDC\) LIMITS](#) multiplied by the number of PRAC 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 Net operating income (NOI). Please note that PRAC payments shall not be used to pay “hard” debt financing.

Operating Pro Forma. The applicant must present a cash flow pro forma, demonstrating the ability of the property to cover all expenses for the next 20 years. Applicants may submit any supporting documents related to their pro forma under **Tab E**.

d. Commitments

Provide documentations 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 whether the applicant's proposed timeline to meet such commitment is reasonable. Examples of committed funds include but not limited to:

- 9 percent LIHTC allocation with a pricing letter from an investor
- pricing letter from an investor for an anticipated 4 percent 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 should be consistent with responses provided in Rating Factor 4, Section V (Supportive Services Plan). You do not need to submit a separate, more detailed development budget as any supplementary development budget will not be used as the basis for any rating and ranking. However, any additional materials can be submitted under **Tab E**.

3. Site Control and Zoning.

Applicants must demonstrate the Sponsor's (or its affiliate or instrumentality) control of the site for which they are applying for Capital Advance funds in **Tab F**. Applicants can provide evidence of site control in one of the following ways:

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 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 funding 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 funding 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, or if 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 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 funding 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 funding 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 (if applicable), 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 Policies Act of 1970, as amended (URA) (42 USC 4601 et seq.), and its implementing regulations at 49 CFR part 24, subpart B. For program specific displacement, relocation, and real property acquisition requirements, please refer to 24 CFR 891.155(e).

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

4. Statement of Encumbrances.

A Sponsor will need to produce a title report identifying any liens, encroachments, easements or other encumbrances on the property. HUD will not fund an application if an encumbrance will impede the development of the project or will adversely affect the use of the site for the 40-year Capital Advance funds period.

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

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(b)), Section 504 of the Rehabilitation Act of 1973 and HUD's implementing regulations at 24 CFR part 8, the Fair Housing Act, Title VI of the Civil Rights Act of 1964 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 [FAIR HOUSING ACCESSIBILITY FIRST](#).

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. A minimum of 5% of the units must be accessible for persons with mobility disabilities and 2% of units must be accessible for individuals with hearing or vision impairments (see 24 CFR 8.22(b)), and these units must be tenanted in accordance with 24 CFR 8.27.

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 HUD's Fair Housing Accessibility FIRST's website at [FAIR HOUSING ACCESSIBILITY FIRST](#). 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 cover the costs for them from sources other than the Section 811 Capital Advance funds. They must also cover 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 strongly encourages the installation of carbon monoxide detectors even when not required by local law. [SEE NOTICE: Carbon Monoxide Detectors in HUD-Assisted Housing](#)

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.

Energy efficiency strategies and water conservation appliances and fixtures must be incorporated in the design, construction, and operation of all projects. For new construction or gut rehabilitation projects, the project must meet the most current standards established under the 2021 International Energy Conservation Code (IECC) for single family or low-rise multifamily properties (three stories or fewer) or the American Society of Heating, Refrigerating and Air-Conditioning Engineers, (ASHRAE) 90.1-2019 standard for mid to high-rise multifamily projects. In addition to meeting this baseline requirement, applicants can receive rating factor points (see Rating Factor 6: Physical Design) for building to a “Net Zero Ready” or “Net Zero” certification. For rehabilitation projects, HUD requires that the project utilize [Energy Star®](#), [WaterSense®](#) or [Federal Energy Management Program](#) (FEMP)-designated products and appliances if any such designation is available for the applicable system or appliance that is being replaced. Applicants will receive rating factor points for projects that will build to a certification demonstrating high energy efficiency or significant reductions in energy use intensity. See Appendix B for the specific certifications that qualify for rating factor points.

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

Note: It is optional to receive official certification for either the baseline standards or the higher standards for points, but you must build to the standard. Subsequent to an award under this NOFO, in the application for Firm Commitment, the architect must sign off that the design meets the chosen green standard. When construction is complete, the sponsor must either receive the official certification or provide a cover letter from the architect of record stating that the building meets the standard. In the event the green scope of work is materially diminished or changed between application and completion, HUD reserves the right to reduce the amount of the Capital Advance funds award.

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, including the requirements to comply with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act, and the Fair Housing Act. 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 qualifies for an exception permitting new construction in an area of minority concentration under 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.

Readers should be aware that the Department is evaluating the definition of "area of minority concentration" to determine an updated definition which best effectuates the intent and purpose of the site and neighborhood standards regulations. Applicants and grantees should follow the guidance applicable to this specific funding opportunity.

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 for calculating racial or ethnic minority concentration. 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. Strong evidence that an alternative geography is more appropriate includes: (i) that the site is close to the edge of the census tract, (ii) that the population of the census tract is heavily influenced by the size of the project, or (iii) that the local community understanding of the immediate neighborhood dictates a different boundary. Local community understanding of the immediate neighborhood is often informed by factors such as patterns of housing stock (such as different residential densities in different areas or differential housing prices for similar properties), community facilities and amenities (such as schools and commercial areas) or major geographic barriers (such as rivers or interstate highways), among other factors. HUD will determine the site's "area" using the best available evidence and following the legal standards set forth in applicable case law. 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 a 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](#) 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. 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. Where the tool identifies that the site is in an area of minority concentration, the applicant must include 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 located in an area of minority concentration only if: (1) Sufficient, comparable opportunities exist for housing minority elderly or disabled 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, see 24 C.F.R. Section 891.125(c)(4). For the “sufficient, comparable opportunities” exception, 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, the Applicant must provide a list of comparable properties and explain the applicability of the factors discussed in 24 C.F.R. 891.125(c)(3)(iii)(A)-(G) including supporting documents.

The overriding housing needs exception permits approval of sites that are an integral part of an overall local strategy to preserve or restore the immediate neighborhood. If the site is in a neighborhood experiencing significant private investment that is demonstrably changing the economic character of the area (a “revitalizing area”), applicants must show:

- i. Indicators of revitalization such as: low or declining poverty rates or violent crime rates; high or increased educational opportunities, median household income or wealth, homeownership or employment rates; or indicators of gentrification such as housing costs or property values rising more sharply in the neighborhood relative to the jurisdiction overall; and disproportionate depletion of larger dwellings for families with children; and
- ii. Examples of public or private investment such as: new or improved retail or commercial centers, grocery stores, pharmacies, healthcare facilities, housing development, community centers, educational and recreational facilities, municipal services, and transportation serving the neighborhood.

The Minority Concentration Tool contains a revitalization report based on a few of these indicators that the applicant may use to inform this analysis. If the applicant has additional local knowledge or data as to whether the site is in a revitalizing area, the applicant should also provide this information in addition to the Minority Concentration Tool’s report.

In all cases, the site must be appropriate for residential use. An overriding housing need, however, may not serve as the basis for determining that a site is acceptable if the only reason the need cannot otherwise be feasibly met in another location is that discrimination on the basis of race, color, creed (religion), sex (including sexual orientation and gender identity), or national origin renders sites outside areas of minority concentration unavailable. Further, overriding housing need may not serve as the basis for approval if the use of this exception in recent years has had the effect of circumventing the obligation to provide housing choice.

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 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 laws, 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 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: [Strategies for Providing Accessibility & Visitability for HOPE VI and Mixed Finance Homeownership](#). 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](#).

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 funds. 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 letters of intent, memoranda of understanding, or other agreements. HUD also encourages applicants to demonstrate connections with state Medicaid or human services agencies that provide ongoing supportive services for residents with disabilities. 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. See [FHEO’s Guidance on Compliance](#) with Title VI in Marketing and Application Processing for additional information about marketing, application procedures, applicant screening, and waitlist management.

d. Communication Plan.

The description should also outline the activities taken to ensure effective communication with persons with disabilities. Section 504 and the ADA require recipients to ensure effective communication with applicants, participants and members of the public and to provide appropriate auxiliary aids and services, including for electronic communication mechanisms and features where necessary to afford individuals with hearing, vision, and other communication-related disabilities an equal opportunity to access information. The communication plan must describe how applicants will ensure meaningful program access to persons with limited English Proficiency, including by conducting a four-factor analysis of language needs for the jurisdiction(s) you serve. 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 NOFO 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.

An integrated supportive services delivery in a setting and manner that is responsive to the individual and their goals, values and preferences, in a system that empowers people with disabilities and providers to make effective care plans together. Provide a detailed description of the supportive service needs of the persons with disabilities that the housing is expected to serve. Additional information can be found at [Statewide Transition Plans](#)

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 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 NOFO 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.

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

10. Climate Resilience.

Properties must incorporate climate resilience into design and operations planning. Resilience refers to "the capacity... to prevent, withstand, respond to and recover from a disruption" (US Climate Resilience Toolkit). For multifamily housing, this means both reducing property and resident exposure to climate hazards and supporting adaptability in the face of disaster. Ultimately, the goal of building climate resilience in the multifamily sector is to keep residents safe and healthy before, during, and after a hazard strikes.

Applications under this NOFO must:

a. Identify their proposed site’s climate risk using FEMA’s [National Risk Index](#) (NRI) At a minimum, the applicant must search for their site using the census tract view and provide a PDF in **Tab P** of the census tract’s risks using the “Create Report” button. Applicants may also consider climate projection tools as applicable: [Climate Explorer](#), [Flood Factor](#), [NOAA Sea Level Rise Viewer](#), [ClimateCheck](#), [Climate Mapping for Resilience and Adaption](#) and Climate Central Coastal Risk Screening Tool (by [year](#) and/or [water level](#)).

b. Submit in their initial application a narrative in **Tab P** detailing how their design addresses or mitigates against the climate hazard risks faced by the proposed site. At a minimum, the narrative must address any risks identified by the NRI tool as “relatively high” or “very high” at the census tract level, or, if no risks are “relatively high” or “very high,” then address the two greatest risks.

c. Submit a narrative in **Tab P** detailing how they have assessed the viability and potential cost savings of renewable energy sources for the site. For example, the National Renewable Energy Laboratory (NREL) [PVWatts](#) tool evaluates solar, and the NREL [REopt](#) tool evaluates the economic viability and cost savings of multiple renewable energy options. Other resources specific to your state or locality may also be helpful.

d. Commit to creating a property-wide disaster plan including an evacuation plan that includes safe egress route(s); plans for evacuating residents with disabilities, medical needs, or other needs; and clear communication of the evacuation plan and safety resources for residents, including effective communication for individuals with disabilities and meaningful access for individuals with Limited English Proficiency. For residents with special needs, plans must include a plan for emergency evacuation and relocation to a facility of like capacity that is equipped to provide critical needs-related care and services at a level similar to the originating facility.

e. Incorporate water storage into building design. Building should actively store one gallon of bottled water per resident plus have storage tank capacity for six additional gallons of water per resident, to be filled ahead of approaching hazard.

f. Incorporate flood resilience measures as applicable for location and project type:

Properties in the FEMA 500-year floodplain (or 100-year floodplain where FEMA has not mapped the 500-year floodplain): For all buildings that will be newly constructed (including substantial rehabilitation, where feasible) that are located in the FEMA 500-year floodplain (or 100-year floodplain where FEMA has not mapped the 500-year floodplain), all building mechanicals (HVAC, cogeneration, hot water heating, and other systems) and all residential units be designed to be at a height no less than the greater of the 500-year floodplain or two feet above the 100-year floodplain based on FEMA Flood Insurance Rate Maps (FIRMs). Any interior non-residential spaces - such as common areas, community centers, and lobbies – that cannot be elevated to this level, must at a minimum be floodproofed to at least two feet above the 100-year floodplain. For projects less than substantial rehabilitation, applicants should incorporate all practicable measures to minimize flood risk, such as improvements to stormwater management systems, incorporation of green infrastructure, and/or floodproofing as applicable.

Properties outside of FEMA floodplains: Owners/developers are encouraged to consult other sources (e.g., historical flooding of neighboring sites, [NOAA Sea Level Rise Viewer](#), [Flood Factor](#)) to consider future flood risk and design accordingly.

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).

Additionally, Rating Factor 6: Physical Design includes points for properties designed with resilience features.

11. Real Property Acquisition and Relocation Requirements.

The applicant must comply with the displacement, relocation, and real property acquisition requirements of the Section 811 Supportive Housing for Persons with Disabilities program at 24 CFR 891.155(e), which additionally requires compliance with the Uniform Relocation Assistance and Real Property Acquisition Act of 1970, as amended (URA) (42 USC 4601 et seq.), as implemented by 49 CFR part 24. The URA is applicable to the acquisition of real property and relocation of persons from real property that occurs as a direct result of the acquisition, rehabilitation, or demolition of real property for a Federal or federally funded program or project. Generally, real property acquisition that receives federal financial assistance for a program or project, as defined in 49 CFR 24.2, must comply with the acquisition requirements contained in 49 CFR part 24, subpart B. More information and resources on the URA are available on HUD's [Real Estate Acquisition and Relocation](#) website.

In addition to the program requirements at § 891.155(e), the application must include, under **Tab I**, a written relocation plan and budget, when a development proposal will require the temporary relocation or permanent displacement of businesses or residents from an existing site. Such costs must be reflected in the project uses of funds or, if paid or anticipated to be paid outside the project budget, the applicant must provide binding documentation evidencing how relocation costs will be paid. Applicants must state whether the property was vacant or occupied at any time since the earlier of publication of this NOFO and securing of site control by the applicant. If the property was occupied, the applicant must state whether relocation did or would occur and must certify that the appropriate required General Information Notice (“GIN”) was issued, in addition to all other relocation-related notices required of the URA at 49 CFR 24.203, the implementing program requirements at § 891.155(e).

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

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.

13. Section 3 Employment Opportunities for Low- and Very-Low-Income Persons.

This housing assistance is covered by the Section 3 statute (12 U.S.C. 1701u) and HUD's implementing regulations at 24 CFR 75, Economic Opportunities for Low- and Very Low-Income Persons. To the greatest extent feasible, applicants must provide opportunities for training and employment arising in connection with the rehabilitation or construction of this supportive housing project to low-income (as defined in part 75) and Very-Low-Income Persons residing within the metropolitan area (or non-metropolitan county) in which the project is located.

14. Environmental Review.

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. As part of a review of an application under this NOFO, 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 the environmental documentation listed below.

All documentation must be submitted into the HUD Environmental Review Online System (HEROS) (see [Environmental Review Resources for Office of Housing Projects](#) for more information, training, and gaining access). All reports or worksheets submitted into HEROS, regarding contamination, must be prepared by an Environmental Professional (EP) in accordance with ASTM Standard E 1527-13 or ASTM E 1527-21. Most EPs will already have a HEROS user account. For new users, please allow up to 2 weeks for your access to be processed. New users should create a HEROS account as soon as possible to avoid delays. Please note that HEROS is operational between the hours of 7:00 AM to Midnight Eastern Time, Monday through Saturday. Users will not be able to log in outside those times/days.

Question: TO WHOM DO I SEND MY HEROS SUBMISSION?

Answer: The updated contact person for your HEROS submission is Andrea.C.Hendricks@hud.gov

The purpose of HUD's preliminary environmental screen at the application processing stage is to identify any adverse environmental conditions that cannot reasonably be mitigated. It does not constitute HUD's environmental approval of the project site. Any adverse environmental conditions that cannot reasonably be mitigated will result in the rejection of the application. Examples of such occurrences would be a project that proposes a Risk Based Corrective Action Plan or Complete Clean Up Plan, but lacks likely approval of such by the relevant regulatory authority; a project that would result in destruction of a valuable wetland; a project located in a Superfund area without an EPA comfort letter; a project located in a flood channel/floodway; 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. All applicants given a conditional award will be subject to a full Part 50 review before final award and closing.

Before an application is awarded and HUD approves the project site, the only actions that can

take place on the site are those that qualify as routine maintenance (discussed in detail in Section 9.1.3.C.2.a of the Multifamily Accelerated Processing (MAP) Guide). The MAP Guide, or successor, as amended, is incorporated into this NOFO by reference. Any other activities, including ALL development or demolition activities, are strictly prohibited until a complete environmental review is completed in HEROS and approved by HUD. Failure to observe this requirement can render your site permanently ineligible for HUD funding. Existing multifamily properties may continue normal operations during the application process including leasing to new tenants, completing maintenance and repairs related to unit turnover, and regularly scheduled or emergency repairs.

Applicants must provide a reference to the Project Name in HEROS, HEROS submitter name, and HEROS submitter email address. The following environmental documentation is required to be submitted via HEROS:

- Preliminary HEROS submission, including the Related Laws and Authorities listed below.
- Phase I ESA Report (ASTM Standard E 1527-13 or ASTM E 1527-21), including a vapor encroachment screen performed in accordance with ASTM E2600-15 and indication that HUD is an authorized user of the report.
- Phase II ESA, if required by the Phase I (ASTM Standard E1903-19).
- Phase III Clean-up Plan or equivalent (if required by the Phase II).

a. Preliminary HEROS submission, including Related Laws and Authorities as identified below. Applicants must complete the following screens in HEROS:

- Initial Screen
- Project Summary
- Level of Review
- Related Laws and Authorities (the following topics):
 - Air Quality
 - Airport Hazards
 - Coastal Barrier Resources Act
 - Contamination and Toxic Substances (Multifamily)
 - Endangered Species Act
 - Environmental Justice
 - Explosives
 - Flood Insurance
 - Floodplain Management
 - Historic Preservation
 - Housing Requirements
 - Noise
 - Sole Source Aquifers
 - Wetlands Protection
 - Wild and Scenic Rivers

b. Phase I Environmental Site Assessment (ESA) Report:

The Findings, Opinions and Conclusions sections of the Phase I ESA must be completed by an Environmental Professional in accordance with ASTM E 1527-13 or ASTM E 1527-21. Please note that ASTM E 1527-13 will be phased out, and HUD will no longer accept a Phase I report with that standard after February 13, 2024. (ASTM standards cited in this NOFO are available for a fee through <https://www.astm.org/>.) The Findings section shall list and discuss all:

(1) Recognized Environmental Conditions (REC), suspect REC, historical REC and/or de minimis conditions (with all such terms as described in ASTM E 1527-13 or ASTM E 1527-21), and

(2) 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 whether each one is deemed to be or deemed not to be a REC and/or a VEC.

Applicants 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 II ESA (see below), HUD will review the Phase I ESA report confirming 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 clean-up plan or equivalent submitted, your application will be rejected.

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 requirements are described in greater detail in Section 9.4 of the MAP Guide. 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 the above referenced MAP Guide requirements.

c. Phase II ESA.

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. The Phase II ESA must address all 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.

d. Phase III Clean-Up Plan.

A clean-up plan is required if the Phase II ESA determines that hazardous waste, petroleum products, or VECs exist on the site or hazardous waste, petroleum products or VECs have migrated onto the site or are likely to do so in the foreseeable future. If the Phase II ESA determines that a Phase III Clean-Up Plan or equivalent is required, then a report is required to be submitted following the requirements of Section 9.4 of the MAP Guide. The clean-up plan must be detailed in nature and must include:

(1) An estimate of clean-up costs. These clean-up costs must be reflected in the Development Budget (Section III. F.2).

(2) A description of the plan either to:

(a) Completely clean up the site, other than for contamination that would remain solely in the groundwater 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.

(3) Either an approval letter of the clean-up 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.

(4) A discussion of the feasibility of completing necessary work prior to final closing or initial occupancy, whichever comes first.

NOTE: Before issuance of the Firm Commitment, HUD will require a final clean-up 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 clean-up plan will be required to meet specific HUD criteria as outlined in the MAP Guide, Chapter 9, which is incorporated into this NOFO by reference.

e. Post-Award.

As HUD only performs a preliminary environmental screen at the application processing stage, site approval will not occur until an award under this NOFO is made, HUD completes its environmental review, and HUD finds the site environmentally acceptable, all of which must be completed prior to issuance of the Firm Commitment.

All agreement letters will incorporate the recipient's responsibilities under this section, and will stipulate 1) that an award constitutes preliminary approval of an application; 2) that an 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, the Fund Reservation award will be terminated. Therefore, it is extremely important that applicants evaluate the site prior to application submission to ensure that it meets HUD's environmental requirements.

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 and relevant information necessary for HUD to perform any environmental review required by 24 CFR part 50. HUD will require all award recipients to input any additional requested information into HEROS. Please note that if an application is selected for funding, HUD will require information about additional laws and authorities for all projects and information about Environmental Assessment factors for new construction and substantial rehabilitation projects.

(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 for these program activities with respect to any eligible

property until HUD approval of the site is received. Applicants may continue to perform obligations to sustain an existing leasehold or option to lease agreement.

HUD will complete an environmental review under part 50. As part of this process, HUD will determine the correct level of environmental review (for example, categorically excluded or environmental assessment). When HUD continues its environmental review, it may find the site environmentally unacceptable, in which case the fund reservation may be canceled.

Applicants 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 environmental regulations at 24 CFR part 50, and programmatic implementing regulations at 24 CFR 891.155(b), especially, but not limited to the provisions of information to HUD at 24 CFR 50.31(b). Applicants must also comply with any environmental “conditions or safeguards” at 24 CFR 50.3(c).

All documentation must be submitted into the HUD Environmental Review Online System (HEROS). The preliminary HEROS submission MUST be submitted by the application deadline.

15. Build America, Buy America Act (BABA).

The Grantee must comply with the requirements of the Build America, Buy America (BABA) Act, 41 USC 8301 note, and all applicable rules and notices, as may be amended, if applicable to the Grantee’s infrastructure project. Pursuant to HUD’s Notice, “Public Interest Phased Implementation Waiver for FY 2022 and 2023 of Build America, Buy America Provisions as Applied to Recipients of HUD Federal Financial Assistance” (88 FR 17001), any funds obligated by HUD on or after the applicable listed effective dates, are subject to BABA requirements, unless excepted by a waiver. For more information and a list of waivers issued by HUD, please see https://www.hud.gov/program_offices/general_counsel/BABA

Certification of Consistency with the Consolidated Plan. 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.

Applicants must complete form [HUD-2991](#). The HUD-2991 should be signed by an official of the proposed jurisdiction and uploaded as an attachment under either the “mandatory” or “optional” upload tabs in Grants.gov. 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.

Advancing Racial Equity

In accordance with Executive Order [13985](#), *Executive Order On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, and federal fair housing and civil rights laws, you must submit a narrative demonstrating the following:

- You analyzed the racial composition of the persons or households who are expected to benefit from your proposed grant activities;
- You identified any potential barriers to persons or communities of color equitably benefiting from your proposed grant activities;
- You detailed the steps you will take to prevent, reduce or eliminate these barriers; and
- You have measures in place to track your progress and evaluate the effectiveness of your efforts to advance racial equity in your grant activities.

Note that any actions taken in furtherance of this section must be consistent with federal nondiscrimination requirements.

This narrative will not change the applicant’s score or rank as compared to other applicants. If the narrative is deemed insufficient, it will be a “Curable Deficiency” that will be communicated to the applicant for correction with a notice of deficiency. For example, market pressures are a barrier to locating affordable housing in well-resourced areas of opportunity and applicants can plan to counteract such a barrier with site selection or incentivized developments.

Applicants must provide the above required narrative in the application under Tab T

Affirmative Marketing

You must submit a narrative demonstrating that the housing, services, or other benefits provided under this grant will be affirmatively marketed broadly throughout the local area and nearby areas to any demographic groups that would be unlikely or least likely to apply absent such efforts. Such demographic groups may include, for example, Black and Brown persons or communities, individuals with limited English proficiency, individuals with disabilities, or families with children. Such activities may include outreach through community contacts or service providers or at community centers serving the target population; and marketing on websites, social media channels, television, radio, and print media serving local members of the targeted group. Documentation for this factor consists of a narrative describing the activities that will fulfill the factor requirements.

This narrative is mandatory for all applicants. Applicants must describe their efforts to support affirmative marketing under Rating Factor 5b. Applicants must provide the above required documents/information in the application under Tab O.

G. Criteria for Beneficiaries.

This subsection, "Criteria for Beneficiaries" is not applicable

IV. APPLICATION AND SUBMISSION INFORMATION

A. Obtain an Application Package

Instructions for Applicants

All application materials, including the Application Instructions and Application Package, are available through Grants.gov. You must access and review all available application materials. You must submit your application electronically via Grants.gov under the Funding Opportunity Number cited within this NOFO. Your application must list the applicable Funding Opportunity Number.

You can request a waiver from the requirement for electronic submission, if you demonstrate good cause. An example of good cause may include: a lack of available Internet access in the geographic area in which your business offices are located. However, lack of SAM registration or valid UEI is not a 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 you fail to submit to HUD in writing or via email a request for a waiver at least 15 calendar days before the application deadline. If HUD grants a waiver, a paper application must be received before the deadline for this NOFO. To request a waiver, you must contact:

Name:

811 CapAdvance Team

Email:

811CAPAdvance@hud.gov

HUD Organization:

MFH

Street:

451 7th Street SW

City:

Washington

State:

DC DISTRICT OF COLUMBIA

Zip:

20410

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.

B. Content and Form of Application Submission

You must verify that boxes 11, 12, and 13 on the SF-424 match the NOFO 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 Assistance Listing and Funding Opportunity Number is a Non-Curable Deficiency, unless otherwise stated under the Threshold requirements section.

1. Content

Forms/Assurances/Certifications	Submission Requirement	Notes/Description
Application for Federal Assistance (SF-424)	This form is required.	Review section IV.B.2. of this NOFO for detailed submission requirements

Forms/Assurances/Certifications	Submission Requirement	Notes/Description
Applicant and Recipient Assurances and Certifications (HUD 424-B)	This form is required.	Review section IV.B.2. of this NOFO for detailed submission requirements
Applicant/Recipient Disclosure/Update Report (HUD 2880)	This form is required.	Review section IV.B.2. of this NOFO for detailed submission requirements
Disclosure of Lobbying Activities (SF-LLL)	Review section IV.G. of this NOFO for detailed submission requirements.	Federally recognized Indian tribes and tribally designated housing entities (TDHEs) established by federally recognized Indian tribes as a result of the exercise of the tribe’s sovereign power are excluded from coverage of the Byrd Amendment, but state-recognized Indian tribes and TDHEs established only under state law shall comply with this requirement.
Previous Participation Certification (HUD 2530)	Required (either a certification of submission through the electronic portal or the paper submission). If submitting electronically, upload a copy as an attachment under either the “mandatory” or “optional” upload tabs in Grants.gov.	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.

Forms/Assurances/Certifications	Submission Requirement	Notes/Description
Sponsor's Conflict of Interest Resolution (HUD 92041)	This is a mandatory form and should be uploaded as an attachment under either the "mandatory" or "optional" upload tabs in Grants.gov.	Ensure you fill out the middle of page 1 and attach the required listing of names, titles, and beginning and ending dates of the term of all officers and directors.
Sponsor's Resolution for Commitment to the Project (HUD 92042)	This is a mandatory form and should be uploaded as an attachment under either the "mandatory" or "optional" upload tabs in Grants.gov.	
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.
Certification for Provision of Supportive Services (HUD 92043)	This is a statutory requirement.	Certification for Provision of Supportive Services is a certification by a State or local agency that the provision of supportive services is well designed to serve the special needs of the persons with disabilities for which the project is being developed, that the proposed project is consistent with State plans and policies, that necessary supportive services will be provided on a consistent, long-term basis, and the

Forms/Assurances/Certifications	Submission Requirement	Notes/Description
		provision of supportive services will enhance independent living success and promote the dignity of those who will access the proposed project. This is a statutory requirement.
Certificate of Consistency with Consolidated Plan (HUD 2991)	This is a mandatory form and should be signed and uploaded as an attachment under either the “mandatory” or optional” upload tabs in Grants.gov	The bottom half of the form must be completed by a certifying official of the jurisdiction where the project is located.
Assurances for Construction Programs (SF 424-D)	Review section IV.G. of this NOFO for detailed submission requirements.	

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

Item	What to Submit	How to Submit	Page Limit	NOFO Section Reference
Tab A: Eligibility	Organizational Documents, By- Laws, IRS Tax Exemption and Evidence of Structure	Upload as attachments. Include “ Tab A ” in the file name.	N/A	Threshold Requirements, Section III.D.4

Tab B: Need	Statement of Need	Upload as attachments. Include “ Tab B ” in the file name.	2 page max	Threshold Requirements, Section III.D.5 and Rating Factor 2
Tab C: Project Type	Narrative description of project to be developed	Upload as attachments. Include “ Tab C ” in the file name.	3 pages max	Threshold Requirements, Section III.D.6
Tab D: Development Plan	Narrative description of property; Development Timeline	Upload as attachments. Include “ Tab D ” in the file name.	3 pages max	Program Specific Requirements, Section III.F.1
Tab E: Development Budget	Complete Sources and Uses, Operating Pro Forma, Evidence of Committed Funds (non- Capital Advance) (Optional)	Upload evidence as attachments with “ Tab E ” in the file name.	N/A	Program Specific Requirements, Section III.F.2
Tab F: Site Control and Zoning	Documents demonstrating evidence of site control and zoning.	Upload as attachments. Include “ Tab F ” in the file name.	N/A	Program Specific Requirements, Section III.F.3
Tab G: Statement of Encumbrances	Statement of Encumbrances and Narrative Description.	Upload as attachments. Include “ Tab G ” in the file name.	2 pages max	Program Specific Requirements, Section III.F.4
Tab H: Site and Neighborhood Standards	Output from Minority Concentration Tool; if applicable, evidence to justify exceptions.	Upload as attachments. Include “ Tab H ” in the file name.	N/A	Program Specific Requirements, Section III.F.7
Tab I: Real Property Acquisition and Relocation	Narrative description of response to requirements.	Upload as attachments. Include “ Tab I ” in the file name.	5 pages max	Program Specific Requirements Section III.F.11

Tab J: Section 3 Employment Opportunities for Low- and Very-Low-Income Persons	Written description of planned activities to train and employ or train individuals under Section 3.	Upload as attachments. Include " Tab J " in the file name.	3 pages max	Program Specific Requirements Section III.F.13
Tab K: Capacity of the Applicant and Relevant Organizational Experience, Capital Advance Delivery	Response to NOFO requirements	The above required documents/information must be uploaded as attachments in the application under Tab K . Include " Tab K " in the file name.	12 pages max, excluding resumes, which shall not exceed 4 pages per organization, and property appraisal	Rating Factor 1
Tab L: Need/Extent of the Problem	Response to NOFO requirements	Upload as attachments. Include " Tab L " in the file name.	3 pages max	Rating Factor 2
Tab M: Commitment of Sources	Response to NOFO requirements	Applicants claiming points for commitment of sources of funding must attach evidence of such commitments in the application under Tab M . Upload as attachments. Include " Tab M " in the file name.	N/A	Rating Factor 3
Tab N: Supportive Services	Response to NOFO requirements	Upload plan and letters as attachments in application under Tab N . Include " Tab N " in the file name.	5 pages max for services plan; 2 pages max each for letters of support	Rating Factor 4 and Program Specific Requirements Section III.F.9
Tab O: Soundness of Approach	Response to NOFO requirements	This factor will pull information from documents and narratives provided in other Tabs - See Rating Factor 5 description in Section IV		Rating Factor 5

<p>Tab P: Physical Design</p>	<p>Include checklist of required and optional design features; schematic drawings; documentation of green standard or certification the applicant is building to; National Risk Index (NRI) output;</p>	<p>Upload drawings and narratives as attachments in application under Tab P. Include “Tab P” in the file name.</p>	<p>10 pages max; schematics, NRI output, and architect’s sign-off on green standard excluded from page limit</p>	<p>Rating Factor 6</p>
<p>Tab Q: Intergovernmental Review</p>	<p>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.</p>	<p>To determine if your state has designated a State Point of Contact (SPOC), please see the SPOC List at OMB. Upload as attachments. Include “Tab Q” in the file name.</p>	<p>N/A</p>	
<p>Tab R: Environmental Justice</p>	<p>HUD will award up to two (2) points for applications proposing activities that advance Environmental Justice including: Reducing or mitigating exposure, Improving protection from and resilience to environmental harms, Expanding benefits and Overcoming prior disinvestment.</p>	<p>Upload as attachments. Include “Tab R” in the file name.</p>	<p>N/A</p>	<p>Preference Points</p>
<p>Tab S: Climate Change</p>	<p>HUD will award up to two (2) points for applications that will advance carbon reduction and reduce vulnerability of the project to climate impacts and threats. For example: precipitation changes, extreme weather</p>	<p>Upload as attachments. Include “Tab S” in the file name.</p>	<p>N/A</p>	<p>Preference Points</p>

	events, extreme heat, and sea level rise.			
Tab T: Advancing Racial Equity	Narrative demonstrating you have reviewed demographics of beneficiaries, examined barriers to equities and proposed how to address those barriers and to track your efforts.	Upload as attachments. Include “ Tab T ” in the file name.	1 page max	Program Specific Requirements Section III.F.
Preliminary HEROS - Environmental Review	Environmental Screens in HEROS required by Section III.F.14.a; Phase I Environmental Assessment and related reports; Phase II (if required); and Phase III (description of remedial actions, if required)	Submit via HEROS system. When submitting your environmental review in HEROS, you MUST use the EXACT name as used when submitting your application.	N/A	Threshold Requirements, Section III.D.3, Program Specific Requirements Section III.F.14 and Rating Factor 5.e

2. Format and Form

Narratives and other attachments to your application must follow the following format guidelines. Do not submit password protected or encrypted files.

(See table in Section IV.B.1) Pages maximum length of narratives

Double spaced 12-point (minimum) Times Roman font on letter sized paper (8 1/2 x 11 inches) with at least 1-inch margins on all sides

a. Content of Application and Identification of Documents. A complete application must include all the information, materials, forms and documents listed above, as applicable. Each tab must be submitted as a separate document and must be clearly labeled with the tab letter and item name. Failure to submit all forms and narratives will result in an incomplete application.

b. 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 above for each of the required narratives and supporting documents. Total application, including narratives, is not to exceed **52** pages.

C. System for Award Management (SAM) and Unique Entity Identifier (UEI)

1. SAM Registration Requirement

You must register with <https://www.sam.gov/> before submitting their application. You must maintain current information in SAM on immediate and highest-level owner and subsidiaries, as well as on all predecessors that have been awarded a federal contract or grant within the last three years, if applicable. Information in SAM must be current for all times during which you have an active Federal award or an application or plan under consideration by HUD.

2. UEI Requirement

As of April 4, 2022, entities doing business with the federal government must use the UEI created in SAM.gov. Also, you must provide a valid UEI, registered and active at www.sam.gov/ in the application. For more information, see: <https://www.gsa.gov/about-us/organization/federal-acquisition-service/office-of-systems-management/integrated-award-environment-iae/iae-systems-information-kit/unique-entity-identifier-update>.

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 E-Biz POC 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 apply through Grants.gov. Complete registration instructions and guidance are provided on Grants.gov.

D. Application Submission Dates and Times

1. Application Due Date Explanation

The application deadline is 11:59:59 PM Eastern time on

02/20/2024

Submit your application to Grants.gov unless a waiver has been issued allowing you to submit a paper application. 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 timestamp 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 applying.

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

2. Grants.gov Customer Support

Grants.gov provides customer support information on its website at <https://www.grants.gov/web/grants/support.html>. If you have difficulty accessing the application and instructions or have technical problems, contact Grants.gov customer support center by calling (800) 518-GRANTS (this is a toll-free number) or by sending an email to support@grants.gov. The customer support center is open 24 hours a day, seven days per week, except Federal holidays. Individuals who are deaf or hard of hearing, or who have speech and other communication disabilities may use a relay service to reach Grants.gov Customer Support. To learn more about how to make an accessible telephone call, visit the [webpage for Federal Communications Commission](#).

3. Grants.gov Application Submission

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.

Take note of the Grants.gov tracking number, as it is needed by the Grants.gov customer support center should 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 publish the extension on Grants.gov.

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.

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.

4. 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.

5. 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 but not received and validated by Grants.gov will not be considered for funding. There is no grace period for paper applications.

6. Late Applications

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

7. Corrections to Deficient Applications

HUD will not consider information from applicants after the application deadline except for curable deficiencies.

HUD will uniformly notify applicants of each curable deficiency. See curable deficiency definition in section I.A of this NOFO. 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 organization representative identified on the SF-424 Application for Federal Assistance via email. This email is the official notification of a curable deficiency.

You 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 - XXXXXXXXXXXXX). 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 UEI as having a curable deficiency. Failure to correct the deficiency and meet the requirement to have a UEI and active registration in SAM will render the application ineligible for funding.

8. Authoritative Versions of HUD NOFOs

The version of this NOFO posted on Grants.gov includes the official documents HUD uses to solicit applications.

9. Exemptions

Parties that believe the requirements of the NOFO 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 funds awards are not available in connection with:

- a. Supportive Services;
- b. Facilities currently owned and operated as housing for persons with disabilities, except with rehabilitation as defined in 24 CFR 891.105. Also, 24 CFR 891.809(c) prohibits the use of Capital Advance funds connected with facilities currently owned and operated by the sponsor for persons with disabilities except for rehab;

- c. Acquisition of facilities currently owned and operated by the sponsor as housing for the elderly, except with rehabilitation as defined in 24 CFR 891.105;
- d. 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;
- e. Housing that would not meet the definition of Housing and related facilities found at 24 CFR 891.105. This includes nursing homes, hospitals, intermediate care facilities, or transitional care facilities (except for facilities for the care of individuals with developmental disabilities), community centers with or without special components for use by persons with disabilities, and headquarters for organizations for people with disabilities;
- f. Manufactured housing;
- g. Assisted living facilities.

Indirect Cost Rate

Indirect Cost Rate does not apply to 811 Capital Advance funds since all costs are direct costs of construction.

G. Other Submission Requirements

1. Standard Application, Assurances, Certifications and Disclosures

Standard Form 424 (SF-424) Application for Federal Assistance

The SF-424 is the government-wide form required to apply for Federal assistance programs, discretionary Federal grants, and other forms of financial assistance programs. You must complete and submit the form with the other required forms and information as directed in this NOFO.

By signing the forms in the SF-424 either through electronic submission or in paper copy submission (for those granted a waiver), you and the signing authorized organization representative affirm that you both have reviewed the certifications and assurances associated with the application for Federal assistance and (1) are aware the submission of the SF-424 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 organization 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, or Alaskan native villages and those applicable to applicants other than Federally recognized Indian tribes, or Alaskan native villages.

Assurances (HUD 424-B)

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

requirements. All recipients and subrecipients of the award are required to submit assurances of compliance with federal civil rights requirements. *See, e.g.*, Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments Act of 1972, Section 504 of the Rehabilitation Act of 1973, Violence Against Women Act, and the Age Discrimination Act of 1975; *see also* [24 C.F.R. §§ 1.5; 3.115; 8.50; and 146.25](#). HUD accepts these assurances in the form of the HUD 424-B, which also require compliance with HUD Reform Act requirements and all general federal nondiscrimination requirements in the administration of the federal assistance award.

Applicant Disclosure Report Form 2880 (HUD 2880)

The form HUD 2880 is required if you are applying for assistance within the jurisdiction of HUD to any project subject to Section 102(d) of the [HUD Reform Act](#). Assistance is provided directly by HUD to any person or entity, but not to subrecipients. It includes assistance for the acquisition, rehabilitation, operation, conversion, modernization, renovation, or demolition of any property containing five or more dwelling units that is to be used primarily for residential purposes. It includes assistance to independent group residences, board and care facilities, group homes and transitional housing but does not include primarily nonresidential facilities such as intermediate care facilities, nursing homes and hospitals. It also includes any change requested by a recipient in the amount of assistance previously provided, except changes resulting from annual adjustments in Section 8 rents under Section 8(c)(2)(A) of the United States Housing Act of 1937 ([42 U.S.C. 1437f](#)). *See* [HUD Reform Act regulation for additional information](#).

Code of Conduct

Both you, as the award recipient, and all subrecipients must have a code of conduct (or written standards of conduct). The code of conduct must comply with the requirements included in the “Conducting Business in Accordance with Ethical Standards” section of the [Administrative, National and Department Policy Requirements and Terms for HUD Financial Assistance Awards](#), as well as any program-specific requirements. These requirements include ethical standards related to conflicts of interest for procurements in [2 CFR 200.318\(c\)](#) and [2 CFR 200.317](#), as well as HUD-specific conflict of interest standards. HUD maintains a list of organizations that have previously submitted written standards of conduct on its [Code of Conduct for HUD Grant Programs webpage](#). But it is your responsibility to ensure that the standards are compliant with the noted requirements and that HUD has the latest version of the written standards. Updated written standards should be submitted with the application. Any updates to your written standards, after the application period, should be submitted as directed by the HUD program contact for this NOFO.

Affirmatively Furthering Fair Housing

With some exceptions for Federally recognized Indian tribes and their instrumentalities, the application must discuss how the applicant will carry out the proposed activities in a manner that affirmatively furthers fair housing in compliance with the Fair Housing Act and its implementing regulations, and how applicants will meet the requirements of the definition of AFFH at 24 CFR 5.151. Applicants may propose activities that are consistent with their jurisdiction’s Analysis of Impediments (AI), an Assessment of Fair Housing (AFH), or other means of fair housing planning that meaningfully supports their AFFH certification.

If the applicant will carry out proposed activities in a jurisdiction with an AFH, the proposed activities should be consistent with the AFH's fair housing goals and with fair housing strategies specified in the jurisdiction's Consolidated Plan or Public Housing Agency Plan.

Applicants must describe their efforts to affirmatively further fair housing under Rating Factor 5b. Your response should include how you plan to address one or more of the following:

- (1) address significant disparities in housing needs for protected groups
- (2) address disparities in access to opportunity for protected groups
- (3) address segregation and promote integration
- (4) transform racially or ethnically concentrated areas of poverty into areas of opportunity
- (5) foster and maintain compliance with civil rights and fair housing laws.

Please describe how the proposed activities will contribute to overcoming patterns of segregation, addressing disparities in access to opportunity for protected class groups, addressing disproportionate housing needs for protected class groups, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and/or fostering and maintaining compliance with fair housing and civil rights.

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

2. Other Program-Specific Requirements

Standard Form 424A (SF-424A): Budget Information for Non-Construction Programs

Applicants must provide a complete and detailed budget for the total performance period of the expected award through the submission of the SF-424A. For the budget recorded on form SF-424A, provide a breakdown of the aggregate numbers detailing their allocation to each activity. The budget must also include a yearly breakdown of costs for each activity. In addition to the SF-424A form instructions available on Grants.gov, applicants should use Appendix I. HUD's Guidance for Preparing a Budget Request in this NOFO, to complete the SF-424A. The data submitted on the SF-424A form will inform the expected financial assistance award for this NOFO. All costs charged to awards made as a result of this funding announcement must be allowable, allocable, and supported by adequate documentation, consistent with applicable cost principles.

- Previous Participation Certification (HUD 2530)
- Certificate of Consistency with Consolidated Plan (HUD 2991)
- Section 811 Application for Capital Advance Summary Information (HUD 92016-CA)
- Sponsor's Conflict of Interest Resolution (HUD 92041)
- Sponsor's Resolution for Commitment to the Project (HUD 92042)
- Certification for Provision of Supportive Services (HUD 92043)

V. APPLICATION REVIEW INFORMATION

A. Review Criteria

1. Rating Factors

Applications must respond to the rating factor criteria of the NOFO 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 **Section 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: 25

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.

In rating this factor, HUD will consider the following:

a. (3 points) Development Experience. 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, including relevant dates and roles taken.

Number of Supportive Housing Projects for persons with disabilities - Placed in service within last 5 years by sponsor or development partner	Points
1 Project	1
2 Projects	2
3 or more projects	3

Provide a list of properties developed by the development team that fit into the categories listed above.

b. (4 points) Timely Capital Advance Funds Delivery.

An application will earn up to **four additional points** if the sponsor (or a co-developer) has successfully developed a property with a Section 202 or Section 811 Capital Advance Funding Award.

Timely Capital Advance Funds Delivery	Points
Sponsor (or a co-developer) has reached permission to occupy (PTO) for a Capital Advance Funds Project within 3 Years of Award	2
Sponsor (or a co-developer) has reached permission to occupy (PTO) for a Capital Advance Funds Project within 2 Years of Award	4

Provide a list of properties developed by the Sponsor that fit into the categories listed above, including property name, property location, date units placed into service, number of units, type of development (i.e., new construction/acquisition of existing property), and, if HUD-affiliated, the FHA and/or iREMS number as applicable.

c. (4 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.

Please submit one specific example describing successful outcomes while providing supportive services to the population served.

d. (3 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. HUD will take into consideration partnership experience including but not limited to, state Medicaid agencies, homelessness assistance providers, 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.
- 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 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 Section III. F.9 Supportive Service Plan;

e. (1 point) Management of property assisted through a PRAC. Identify whether the Sponsor and/or its partners has experience managing a property under PRAC requirements. Identify at least one property, including its iREMS number, where the most recent REAC score exceeds 80.

f. (4 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 at serious risk of institutionalization and other segregated settings to rental market units
- Coordinating voluntary services and supports after the transition
- Providing other similar assistance described in application

g. (6 points) Housing and Service Experience. The scope, extent, and quality of the applicant's experience in providing housing and related services to racial and ethnic 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. (3 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 (g)(i) and (g)(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 (g)(iii) 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 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 (g)(iii), 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 K.

Rating Factor 2: Need/Extent of the Problem

Maximum Points: 8

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 persons with disabilities within the proposed area. The data used to calculate a rating score will be from the US Census Bureau's [2021 American Community Survey \(ACS\) C18130: 5-year](#) estimated detailed tables compiled by Age by Disability Status by Poverty Status. HUD expects that applicants will filter data by county. The rating score will be calculated as the ratio of the Total Population 18-64 with no disability and income in the past 12-months at or above poverty level divided by Total Population 18-64 with a disability and income in the past 12-months below poverty level.

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

Rating Score = (Total Population 18-64 with a disability and income in the past 12-months below poverty level) / (Total Population 18-64 with no disability and income in the past 12-months at or above poverty level /

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). Please be advised that for this needs analysis, the US Census Bureau definitions differ slightly from HUD's definitions. HUD will consider the ACS data for Ages 18-64 but that **does not** extend programmatic eligibility to ages 63 & 64. HUD will consider at or above the poverty level for people with no disability calculated against the data for people with a disability that are below the poverty level.

- i (0 points)** The project has an unmet needs ratio less than or equal to 2.0%
- 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%.

Applicants must provide the above required unmet needs analysis in the application under Tab B.

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 Assessment of Fair Housing (AFH), or another planning document that analyzes fair housing issues and is prepared by a local planning or similar organization.

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 or Assessment of Fair Housing (AFH) 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), Assessment of Fair Housing (AFH), 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. These existing planning documents provide the analysis that were prepared by a HUD Community Development Block Grant grantee, a local or regional planning body, or similar organization. The Department will award up to 3 points based 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.

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

Rating Factor 3: Commitment of Sources

Maximum Points: 10

Applicants will be rated on the extent to which the non-Capital Advance funding sources proposed for the development have a high likelihood of being secured. Committed sources must be specifically identified so that they can be evaluated. Further, committed sources must be tied to the specific Section 811 application and have the ability to be extended reasonably to accommodate the development process. The following evidence must be submitted to HUD in order for a secured or anticipated source to be considered “committed” for the purposes of this rating factor:

Secured

- A 9 percent LIHTC allocation with a pricing letter from an investor;
- A preliminary 42(m) letter or other allocation documentation from the housing finance agency for 4 percent tax credits and an executed letter of intent with an investor for purchase of the 4 percent tax credits;
- A loan commitment letter
- Governmental resolutions, commitments, or other documentation of final award of grant or subordinate loan funds;
- Grant award letters;
- Owner equity, including the minimum required commitment specified in Section III.C;
- 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.

Anticipated

- A pricing letter from an investor for an anticipated 4 percent LIHTC approval. The applicant must show that they are eligible to submit, or have submitted, an application to

the housing finance agency for 4 percent tax credits. The anticipated bond approval date must be within the project timeline; and

- A loan offer with reasonable terms.

Each Anticipated dollar is worth half of a Secured dollar when calculating Committed Funding, i.e., the formula for calculating committed funding is as follows:

$$\text{Committed Funding} = \text{Secured Funding} + (0.5 * \text{Anticipated Funding})$$

Applicants will be scored on the scale below:

10 Points	90% or more of the total dollar amount of external sources are committed
8 Points	80% or more, but less than 90% of the total dollar amount of external sources are committed to the project
6 Points	70% or more, but less than 80% of the total dollar amount of external sources are committed to the project
4 Points	60% or more, but less than 70% of the total dollar amount of external sources are committed to the project
2 Points	50% or more, but less than 60% of the total dollar amount of external sources are committed to the project
0 Points	Less than 50% of the total dollar amount of external sources are committed to the project

Applicants claiming points for commitment of sources of funding must attach evidence of such commitments in the application under Tab M.

Rating Factor 4: Supportive Services Plan

Maximum Points: 10

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 anticipated residents.

b. (2 points) The applicant consulted with the relevant Public Housing Authority and/or 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 additional information above in the application under Tab N which references how these areas exceed program requirements in Section III.F.9.

Rating Factor 5: Soundness of Approach

Maximum Points: 30

This factor addresses the quality and effectiveness of the applicant’s proposal, including access to transit and amenities; 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. (5 points) Site approvability -- The extent to which the proposed project’s proximity or accessibility 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:

- i. 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)
- ii. grocery stores (e.g., supermarket or other store that sells produce and meat),
- iii. recreational facilities (e.g., parks and green space, community or senior center, gym, health club, or family entertainment venue, library),
- iv. civic facilities (e.g., place of worship, police or fire station, post office),
- v. adult educational facilities, and
- vi. other neighborhood-serving amenities (e.g., public transportation, 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. (12 total points).

- 1. **(5 Points) Affirmative Marketing (AM).** You must submit a narrative demonstrating that the housing, services, or other benefits provided under this grant will be affirmatively marketed broadly throughout the local area and nearby areas to any demographic groups

that would be unlikely or least likely to apply absent such efforts. Such demographic groups may include, for example, Black and Brown persons or communities, individuals with limited English proficiency, individuals with disabilities, or families with children. Such activities may include outreach through community contacts or service providers or at community centers serving the target population; and marketing on websites, social media channels, television, radio, and print media serving local members of the targeted group. Documentation for this factor consists of a narrative describing the activities that will fulfill the factor requirements.

2. **(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).
3. **(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 very low-income residents with disabilities in the community (e.g. overcoming patterns of segregation, providing access to areas of opportunity.) Consistent with the obligation to AFFH, Section IV.G. of this NOFO requires applicants to describe how their proposed NOFO activities will satisfy AFFH requirements. As described in Section IV.G., the application should demonstrate how the proposed project will meaningfully increase fair housing choice regardless of race, color, national origin, religion, sex (including sexual orientation and gender identity), 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. (See Section IV.G)

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.

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.

HUD will assess the suitability of the site from the standpoint of promoting a greater choice of housing opportunities for racial minorities and persons with disabilities. In reviewing this criterion, HUD will assess whether all sites meet 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 [Minority Concentration Analysis of Section 811 Applications](#).

(i) The site will be awarded 3 points if it increases housing choice and opportunity by expanding housing opportunities that are not in racial minority neighborhoods (as defined below) by not being sited in a minority neighborhood. If the site will not be in a minority neighborhood, the site will be awarded 3 points. 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 (AFH), 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 (including tenant-based assistance)) 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, then the site will be awarded 3 points. 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. The purpose of the Section 811 Minority Concentration Analysis Tool is to allow applicants to quickly assess whether a proposed site for acquisition or rehabilitation under Section 811 is or may be in an area of minority concentration.

(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.

Readers should be aware that the Department is evaluating the definition of "area of minority concentration" to determine an updated definition which best effectuates the intent and purpose of the site and neighborhood standards regulations. Applicants and grantees should follow the guidance applicable to the specific funding opportunity.

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. (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) (5 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 O.

e. (-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. HUD will reject all proposals within Superfund sites and/or involving significant on-site contamination issues requiring extensive and costly mitigation as well as sites within flood-ways, high coastal hazard zones.

Rating Factor 6: Physical Design

Maximum Points: 17

a. (4 points) Above the Minimum Design. The extent to which the proposed design will exceed federal accessibility requirements. The narrative must accommodate the needs of the anticipated residents. It must also reference the extent to which the proposed design meets and exceeds visitability standards and universal design in the construction or rehabilitation of the project. Universal design features must include at the minimum: features such as lifts, ramps, and handrails if desired later. The goal is to increase accessibility for persons with physical limitations and provide flexibility later, if necessary, to add to it. (For examples, reference Appendix B Universal Design.)

b. (13 points) Design Features.

Applicants should complete the relevant section in the 811 NOFO Toolkit as well as provide schematics of the building and unit design, and a narrative description of innovative aspects of the design that enable persons with disabilities with varying levels of health needs to live independently. Applicants will be evaluated on the extent to which the proposed design

incorporates universal design and visitability principles, leverages electronic communications, promotes health and wellness, and enhances resource efficiency, climate resilience and access to fixtures.

1. **Visitability/Universal Design.** Visitability is a set of features that makes a home (or building) easier for persons with disabilities, as well as Elderly Persons 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 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.

2. **Electronic Communication Availability/Accessibility.** Affordable access to electronic communication networks can improve health outcomes for persons with disabilities because it enables the delivery of telehealth services and may reduce social isolation, which leads to higher rates of morbidity and mortality, infection, depression, and cognitive decline. While broadband infrastructure requirements of 24 CFR 891.550 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.

3. **Health and Wellness.** Building design that promotes physical activity and social interaction improves the health of and mitigates the effects of loneliness in persons with disabilities. Further, building design features can effectively mitigate the spread of infectious diseases.

As stated above, applicants can achieve a maximum of 13 points by incorporating optional design features indicated in the 811 NOFO Toolkit selected from the “Physical Design and Livability Template” in Appendix B. All physical design items not scored in the 811 NOFO Toolkit must be submitted in Tab P.

NOTE: Appendix B is a non-exhaustive suggestive list for innovative design features.

This program does not offer points for Section 3.

2. Other Factors

Preference Points

This NOFO supports the following policy initiatives. If your application demonstrates the appropriate information for the policy initiative, your application will receive up to two (2) points for each initiative, and will receive no more than a total of four (4) points. These points are added to your application's overall score.

Climate Change (2 points)

Environmental Justice (2 points)

You may choose to voluntarily commit to address policy initiatives in your application. Addressing these policy initiatives is not a requirement to apply for or receive an award. If you choose to address a voluntary policy initiative in your application, however, you will be required to adhere to the information submitted with your application should you receive an award. The

proposed information will be included as a binding requirement of any federal award you receive as a term and condition of that award.

Climate Change

In accordance with Executive Order 14008, Tackling the Climate Crisis at Home and Abroad, HUD prioritizes activities that achieve the goal of bolstering adaptation and increasing resilience to the effects of climate change. HUD will award up to two (2) points for applications that identify measures that will be incorporated in the project and will advance carbon reduction and reduce vulnerability of the project to climate impacts and threats identified in the U.S. Global Change Research Program National Climate Assessment (NCA) and related analyses. Climate impacts include, but are not limited to: threats from hydrological and precipitation changes, extreme weather events, extreme heat, and sea level rise.

Applicants may receive one point for demonstrating via application materials one of the following, with a maximum of two points awarded for this priority overall:

a. Carbon Reduction (1 point): To receive 1 point under this objective, applicants must show how their proposed grant activities will increase energy or water efficiency or reduce carbon emissions, or protect against future extreme weather events in the target community through one or a combination of the following: (1) Achievement of certification through Energy Star or other green rating system; (2) incorporation of water saving measures and low-carbon, renewable energy sources such as solar power; (3) participation in voluntary Federal, State, Local or tribal energy and water efficiency initiatives that reduce carbon emissions or; (4) use of materials and construction techniques that reduce carbon emissions. Applications must clearly describe how identified actions measurably reduce the carbon emissions or energy or water consumption of the project below the established baseline for the target community based on facility size and type.

b. Climate Adaptation and Resilience (1 point): To receive one point under this objective, applicants must show how their proposed grant activities will reduce vulnerabilities to one or more of the impacts of the climate change identified in the NCA and related analyses in the target community. Applicants must show how their proposed activities would improve climate adaptation and resilience through use of materials and construction techniques including natural and green techniques and those that harden infrastructure, buildings, and surrounding open space from extreme weather as defined below:

(1) **Hydrological and Precipitation Change including Flood Risk:** The application demonstrates one of the following: a) The project site (including developed or undeveloped areas) is located at least two feet above the Federal Emergency Management Agency 100-year base flood elevation (BFE), or, for critical actions, at least three feet above BFE or above the 500-year floodplain where mapped; or, b) the project purpose includes restoration of the beneficial function of the floodplain in accordance with the criteria at 24 CFR 55.12(c)(3).

(2) **Extreme Weather Events:** The application demonstrates that project design is informed

by consideration of the potential for extreme weather events at the project location based on the NCA and related analyses (including regional and local assessments) and based on extreme weather threats endemic to the geographic location and incorporates measures to reduce the risk to residents and property through construction techniques, site selection, emergency planning, resilient systems that reduce the potential for service interruption, or other measures.

(3) **Temperature Shifts:** The application demonstrates that the project design includes specific measures to reduce vulnerability to extreme heat events, heat-related illness affecting children, elderly, persons with disabilities, and functional needs populations, to reduce risk to asthmatic individuals in locations with higher ground-level ozone concentrations, or to assist communities impacted by thawing permafrost.

(4) **Sea-Level Rise:** The application demonstrates that the project design includes measures to protect buildings and infrastructure in coastal areas from inundation and wave action or permit relocation of residents from locations impacted by these effects.

(5) **Wildfires:** In a location with elevated wildfire risk, the application demonstrates that the project design includes protective measures such as defensible space and separation from tree lines, fire-resistant construction techniques and participation in emergency planning efforts.

Applicants must provide the above narrative in the application under Tab S to receive up to 2 preference points.

Environmental Justice: In accordance with Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, and EO 14008, HUD will award up to two (2) points for applications proposing activities that advance Environmental Justice (as defined in Section I.A.4 of this NOFO). For the purposes of this grant program, activities that advance Environmental Justice include doing the following for people or communities that have been environmentally underserved or overburdened (e.g. low-income and Black and Brown communities):

- Reducing or mitigating exposure to environmental and health hazards (e.g. industrial facilities, EPA superfund sites, legacy pollution, heat islands).
- Improving protection from and resilience to environmental harms (e.g. fire-resistant materials, floodproofing).
- Expanding environmental benefits (e.g. clean air and water, public transportation, bike and walking paths, clean energy, green technology, biodiversity).
- Overcoming prior disinvestment in environmental infrastructure (e.g. drainage systems, green spaces, pollution controls).

To receive points under this Section, your application must describe in detail how your proposed activities will advance Environmental Justice in one or more of these ways.

In addition, to receive points under this Section, your application must also clearly describe how your activities will be informed by input from affected communities. To provide those affected a meaningful opportunity to participate in the design and implementation of your activities, you should make key information available online and through other media, engage with community

leaders, solicit public feedback, hold public meetings at a variety of times and locations or virtually, and respond appropriately to community concerns.

Applicants must provide the above narrative in the application under Tab R to receive up to 2 preference points.

This program does not offer preference points related to HBCUs.

Pursuant to Executive Orders [13985](#), [14041](#), [14045](#), and [14031](#), you may receive up to two (2) preference points if you are an applicant designated as a minority-serving institution (MSI) or if your application proposes one or more partnerships with minority-serving educational institutions that have been historically underserved.

This program does not offer preference points related to minority-serving institutions.

This program does not offer Promise Zone preference points.

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 will consider include, but are not limited to:

The ability to account for funds in compliance with applicable reporting and recordkeeping requirements

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

Timely completion of activities and receipt and expenditure of promised matching or leveraged funds

The number of persons served or targeted for assistance

HUD may reduce scores based on the past performance review, as specified under V.A. Review Criteria. Whenever possible, HUD will obtain and review past performance information. If this review results in an adverse finding related to integrity of performance, HUD reserves the right to take any of the remedies provided in the [Pre-Selection Review of Performance section of the Eligibility Requirements for Applicants of HUD Financial Assistance Programs](#).

2. Assessing Applicant Risk

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

(1) Financial stability;

(2) Quality of management systems and ability to meet the management standards prescribed in this part;

- (3) 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, failing to make significant progress in a timely manner, failing to meet planned activities in a timely manner, 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;
- (4) 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
- (5) 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 consider any unsolicited information that an applicant or any third party may want to provide unless it is a required disclosure under 24 CFR Part 4, sub part A. HUD may verify information provided in your application as needed by sending a written request for clarification. Responses to such inquiries will be given a deadline by HUD.

3. Experience Promoting Racial Equity

In evaluating applications for funding, HUD will consider the extent to which the application demonstrates that the applicant has the experience and the resources to effectively address the needs of underserved communities, particularly Black and Brown communities. This may include experience successfully working directly with such groups, experience designing or operating programs that equitably benefit such groups, or experience successfully advancing racial equity in other ways. This may also include experience soliciting, obtaining, and applying input from such groups when designing, planning, or implementing programs and activities.

4. Review and Selection Process

1. Initial Review.

Reviewers will evaluate threshold and minimum program compliance and, if the project meets the threshold and minimum program requirements, will preliminarily rate each eligible application, solely based on the rating factors described in Section V.A of this NOFO. Reviewers will assign a preliminary score for each rating factor and a total score. HUD will then rank applications in descending score order. HUD will also evaluate Previous Participation (HUD Form 2530) submissions to assess applicant risk.

2. Secondary Review.

A Review Coordinator will:

- a. Review the Initial Review documentation to ensure any inconsistencies between preliminary reviewers are identified and rectified and to ensure the Initial Review documentation accurately reflects the contents of the application;
- b. Assign a final score to each application and rank them in descending score order;

- c. Recommend for selection the most highly rated applications located in non-metropolitan areas until the minimum requirement for such areas, specified in paragraph 3 below, is reached;
- d. Recommend for selection the most highly rated of the remaining applications until the minimum requirement for each Office of Multifamily Housing Programs administrative region, specified in item 3.d below, is reached; and;
- e. Recommend for selection the most highly rated of the remaining applications, subject to the amount of available funding.

3. Selection Considerations:

- a. Minimum scoring. To qualify for a Capital Advance Funds Award, applicants must earn a minimum score of 75 points. Any application not earning the minimum scoring will not be awarded a grant under this NOFO.
- b. 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 5 (Soundness of Approach). If a tie remains, HUD will select for funding the application(s) with the highest combined scores for Rating Factor 1, (Capacity) and Rating Factor 3 (Commitment of Sources).
- c. Not less than 15 percent of the funds made available for assistance under this NOFO shall be allocated to non-metropolitan areas, unless there are insufficient eligible applications that meet the minimum score.
- d. Not less than 10 percent of the funds made available for assistance under this NOFO shall be allocated to each of the five Office of Multifamily Housing Programs administrative regions, unless there are insufficient eligible applications that meet the minimum score. To identify the administrative regions, see https://www.hud.gov/program_offices/housing/mfh/hsgmfbus/aboutsubpcs

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 were not chosen for award. Notifications will be sent by email to the person listed as the AOR in item 21 of the SF-424.

1. Final Grant

After HUD has made selections, HUD will finalize specific terms of the award and budget in consultation with the selected applicant. If HUD and the selected applicant do not finalize the terms and conditions of the award in a timely manner, or the 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. HUD may also impose specific conditions on an award as provided under [2 CFR 200.208](#).

2. 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 may fund no portion of an application that:

- (1) Is ineligible for funding under applicable statutory or regulatory requirements;
- (2) Fails, in whole or in part, to meet the requirements of this notice;
- (3) Duplicates activities funded by other federal awards; or
- (4) Duplicates activities funded in a prior year.

b. HUD may adjust the funding for an application to ensure funding diversity, geographic diversity, and alignment with HUD administrative priorities.

c. If an applicant turns down an award offer, or if HUD and an applicant do not finalize the terms and conditions of the award in a timely manner, HUD may withdraw the award offer and make an offer of funding to another eligible application.

d. If funds remain after all selections have been made, remaining funds may be made available within the current fiscal year for other competitions within the program area, or be held for future competitions (if allowable in accordance with the applicable appropriation or authorizing statute), or be used as otherwise provided by authorizing statute or appropriation.

e. If, after announcement of awards made under the current NOFO, additional funds become available either through the current appropriations, a supplemental appropriation, other appropriations or recapture of funds, HUD may, in accordance with the appropriation, 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.

3. Funding Errors

If HUD commits an error that when corrected would cause selection of an applicant during the funding round of a Program NOFO, HUD may select that applicant for funding, subject to the availability of funds. If funding is not available to award in the current fiscal year, HUD may make an award to this applicant during the next fiscal year, if funding is available.

HUD may impose special conditions on an Award as provided under 2 CFR 200.208 based on:

1. HUD's review of the applicant's risk under 2 CFR 200.206;
2. The applicant or recipient's history of compliance with the general or specific terms and conditions of a Federal award.
3. The applicant or recipient's ability to meet expected performance goals as described in § 200.211; and
4. A responsibility determination of an applicant or recipient.

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.F and VI.B. of this NOFO for environmental requirements.

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

B. Administrative, National and Departmental Policy Requirements and Terms for HUD Applicants and Recipients of Financial Assistance Awards

Unless otherwise specified, the following [Administrative, National and Department Policy Requirements and Terms for HUD Financial Assistance Awards](#) apply. Failure to comply with these requirements may impact your ability to receive or retain a financial assistance award from HUD. Read the requirements carefully as the requirements are different among HUD's programs.

1. Compliance with The Fair Housing Act (42 U.S.C. 3601-3619) and implementing regulations at 24 CFR part 100 et seq
2. Compliance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d-2000d-4 (Nondiscrimination in Federally Assisted Programs) and implementing regulations at 24 CFR part 1
3. Compliance with the Age Discrimination Act of 1975 (42 U.S.C. 6101-6107) and implementing regulations at 24 CFR part 146
4. Compliance with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and implementing regulations at 24 CFR part 8
5. Compliance with the Americans with Disabilities Act, 42 U.S.C. 12101 et seq
6. Compliance with Affirmatively Furthering Fair Housing (AFFH) requirements, including those listed on HUD's Affirmatively Furthering Fair Housing webpage
7. Compliance with Economic Opportunities for Low-and Very Low-income Persons (Section 3) requirements, including those listed at 24 CFR part 75
8. Compliance with Improving Access to Services for Persons with Limited English Proficiency (LEP) requirements, including those listed within Federal Register Notice, FR-4878-N-02 (also see HUD's webpage)
9. Compliance with Accessible Technology requirements, including those listed on in HUD's Policy on Section 508 of the Rehabilitation Act and Accessible Technology
10. Compliance with Equal Access Requirements (see 24 CFR 5.105(a)(2) and 5.106)
11. Compliance with Ensuring the Participation of Small Disadvantaged Business, and Women-Owned Business requirements at 2 CFR 200.321
12. Compliance with Energy Efficient, Sustainable, Accessible, and Free from Discrimination by Design
13. Compliance with Real Estate Acquisition and Relocation requirements (see 49 CFR part 24

and applicable program regulations)

14. Compliance with Participation in HUD-Sponsored Program Evaluation (see Federal Register Notice, FR-6278-N-01)
15. Compliance with OMB Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (see 2 CFR part 200)
16. Compliance with Drug-Free Workplace requirements (see 2 CFR part 2429, which is HUD's implementation of 41 U.S.C. 701, et seq.)
17. Compliance with the requirements related to safeguarding resident/client files
18. Compliance with the Federal Funding Accountability and Transparency Act of 2006 (2 CFR part 170) (FFATA), as amended
19. Compliance with Eminent Domain
20. Compliance with Accessibility for Persons with Disabilities requirements on HUD's Disability Overview webpage
21. Compliance with Violence Against Women Act at 24 CFR part 5, subpart L and applicable program regulations
22. Compliance with Conducting Business in Accordance with Ethical Standards/Code of Conduct, including 2 CFR 200.317, 2 CFR 200.318(c) and other applicable conflicts of interest requirements
23. Compliance with the Build America, Buy America (BABA) Act procurement requirements and implementing guidance available on HUD's dedicated webpage
24. Compliance with System for Award Management and Universal Identifier Requirements at 2 CFR part 25
25. Compliance with section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 USC 7104(g)) and implementing regulations at 2 CFR part 175 (Award Term for Trafficking in Persons)
26. Compliance with Award Term and Condition for Recipient Integrity and Performance Matters (see Appendix XII to 2 CFR part 200)
27. Compliance with Suspension and Debarment (see 2 CFR part 2424 and 2 CFR part 180)
28. Compliance with environmental justice requirements under Executive Orders 12898 and 14008, and OMB Memorandum M-21-28, which implements the Justice40 Initiative, section 223 of Executive Order 14008.
29. Compliance with Eliminating Barriers That May Unnecessarily Prevent Individuals with Criminal Histories from Participation in HUD Programs (see HUD Secretary Fudge's April 12, 2022 memorandum)
30. Compliance with equity requirements, which include compliance with racial equity and underserved communities and LGBTQ+ requirements under Executive Orders 13985 and 13988

Compliance with 41 U.S.C. § 4712, which includes informing your employees in writing of their rights and remedies, in the predominant native language of the workforce. Under 41 U.S.C. § 4712, employees of a contractor, subcontractor, grantee, subgrantee, and personal services contractor may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing information that the employee reasonably believes is evidence of gross mismanagement of a Federal contract or grant, a gross waste of Federal funds, an abuse of authority relating to a Federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a Federal contract (including the competition for or negotiation of a contract) or grant. (See [Federal Contractor or Grantee](#))

Environmental Review

Compliance with environmental requirements, including regulations at 24 CFR part 50 or 58:

See Section III.F.14 for detail on environmental review requirements. This program is subject to the National Environmental Policy Act of 1969 (NEPA) and related Federal environmental authorities and regulations at 24 CFR 50.4; HUD's environmental and related regulations at 24 CFR parts 50, 51, and 55; HUD's programmatic environmental requirements at 24 CFR 891.155(b); and the MAP Guide, Chapter 9.

Prohibition on Surveillance

Compliance with [2 CFR 200.216, Prohibition on Certain Telecommunication and Video Surveillance Services or Equipment](#) is required.

Remedies for Noncompliance

HUD may terminate a Federal award, in whole or in part, for any of the reasons specified in [2 CFR 200.340, Termination](#).

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)).

C. Reporting

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

1. Recipient Integrity and Performance Matters

You should be aware that if the total Federal share of your federal award includes more than \$500,000 over the period of performance, the award will be subject to post award reporting requirements reflected in [Appendix XII to 2 CFR part 200, Award Terms and Conditions for Recipient Integrity and Performance Matters](#).

2. 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. These authorities prohibit discrimination in housing and in programs receiving financial assistance from the Department and direct the Secretary to administer the Department's programs and activities in a manner affirmatively to further these policies and to collect certain data to assess the extent of compliance with these policies. Each recipient shall keep such records and submit

to the Department timely, complete, and accurate compliance reports at such times, and in such form and containing such information, as the Department may determine to be necessary to enable it to ascertain whether the recipient has complied or is complying with 24 CFR parts 1 and 121. In general, recipients should have available for the Department data showing the demographics of beneficiaries of federally-assisted programs.

Awardees must submit the Race and Ethnic Data Reporting Form (HUD- 27061) as part of Performance Reporting.

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

FFATA requires information on federal awards be made available to the public via a single, searchable website, which is www.USASpending.gov. Accordingly, each award HUD makes under this NOFO will be subject to the requirements provided by the Award Term in Appendix A to [2 CFR part 170](#), “REPORTING SUBAWARD AND EXECUTIVE COMPENSATION INFORMATION,” unless the Federal funding for the award (including funding that may be added through amendments) is not expected to equal or exceed \$30,000. Requirements under this Award Term include filing subaward information in the Federal Funding Accountability and Transparency Act (FFATA) Sub-award Reporting System (FSRS.gov) by the end of the month following the month in which the recipient awards any sub-grant equal to or greater than \$30,000.

4. Program-Specific Reporting Requirements

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.

D. Debriefing

For a period of at least 120 calendar days, beginning 30 calendar days after the public announcement of awards under this NOFO, 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 AOR whose signature appears on the SF-424 or by his or her successor in office and be submitted to the POC in Section VII Agency Contact(s) of this NOFO. 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 CONTACT(S)

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

Questions regarding specific program requirements for this NOFO should be directed to the POC listed below.

Name:

811 Capital Advance NOFO Team

Phone:

Email:

811CAPAdvance@hud.gov

Individuals who are deaf or hard of hearing, or who have speech and other communication disabilities may use a relay service to reach the agency contact. To learn more about how to make an accessible telephone call, visit the webpage for the [Federal Communications Commission](#). Note that HUD staff cannot assist applicants in preparing their applications.

VIII. OTHER INFORMATION

1. Compliance of this NOFO with the National Environmental Policy Act (NEPA)

This NOFO provides funding under, and does not alter the environmental requirements of 24 CFR 891. Accordingly, under 24 CFR 50.19(c)(5)(i), this NOFO is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C.4321). Activities under the NOFO are subject to environmental review provisions set out at 24 CFR 891. 155(b)..

2. Web Resources.

- [Affirmatively Furthering Fair Housing](#)
- [Assistance Listing \(formerly CFDA\)](#)
- [Climate Action Plan](#)
- [Climate and Economic Justice Screening Tool \(CEJST\)](#)
- [Code of Conduct Requirements and E-Library](#)
- [Environmental Review](#)
- [Equal Participation of Faith-Based Organizations](#)
- [Fair Housing Rights and Obligations](#)
- [Federal Awardee Performance and Integrity Information System](#)
- [Federal Funding Accountability and Transparency Act \(FFATA\) Subaward Reporting System](#)
- [Grants.gov](#)
- [Healthy Homes Strategic Plan](#)
- [Healthy Housing Reference Manual](#)
- [Historically Black Colleges and Universities \(HBCUs\)](#)
- [HUD's Strategic Plan](#)
- [HUD Grants](#)
- [HUD Reform Act](#)
- [HUD Reform Act: HUD Implementing Regulations](#)
- [Limited English Proficiency \(LEP\)](#)
- [NOFO Webcasts](#)
- [Procurement of Recovered Materials](#)
- [Promise Zones](#)
- [Section 3 Business Registry](#)
- [State Point of Contact List](#)

- [System for Award Management \(SAM\)](#)
- [Real Estate Acquisition and Relocation](#)
- [Unique Entity Identifier](#)
- [USA Spending](#)

3. Program Relevant Web Resources

- [Climate Mapping for Resilience and Adaptation](#)

APPENDIX

Appendix I. HUD's Guidance for Preparing a Budget Request and Narrative

To fill out the budget information requested on the SF-424A, review the general instructions provided for the SF-424A and follow the instructions outlined below. The budget reported on SF-424A must include a yearly breakdown of costs for the entire project period. Specifically, the budget reported on SF-424A should provide a detailed cost breakdown for each line item outlined in the SF-424A by year, including a breakdown of costs for each activity/cost within the line item. The budget must separate out funding that is administered direct the applicant from any funding that will be subcontracted.

SF-424A Instructions

Section A – Budget Summary

- Grant Program Function or Activity (column a) = grant activity means the type of financial assistance expected under this NOFO: 1) grant/cooperative agreement; 2) non-cash contribution or donation of property; 2) direct appropriation; 4) food commodity; 5) other assistance, including: loan, loan guarantee, interest subsidy, and insurance.
- New or Revised Budget, Federal (column e) = Enter the Total Federal Budget Requested by grant activity for the project period, in rows 1 through 4. In row 5, reflect the sum of the amount for the Federal Total.
- New or Revised Budget, Non-Federal (column f) = Enter Total Amount of any Non-Federal Funds Contributed (if applicable), by grant activity for the project period, in rows 1 through 4. In row 5, reflect the sum of the amount for the Non-Federal Total.
- New or Revised Budget, Total (column g) = Enter Total Budget Proposed by grant activity for the project period in rows 1 through 4. In row 5, reflect the sum of the amount for the Federal and Non-Federal Totals.

Section B – Budget Categories

- Enter the total costs requested for each Object Class Category (Section B, number 6) for all years of the total project period.
- If the class categories are not known at the time of application, include the expected budget under row h.
- Unless the program section of the NOFO indicates otherwise, if indirect charges are expected and included on the form, the charges must be calculated based on

either the federal-approved negotiated indirect cost rate, or the 10 percent de minimis rate, as allowed by [2 CFR 200.414](#).

Section D – Forecasted Cash Needed

- Enter each quarter in the first year of the project period, enter the cash needs anticipated.

Section E – Budget Estimates of Federal Funds Needed for Balance of the Project

- Column (b)First = Enter the total federal funds needed for the second year of the project period, for each grant activity. Reflect the sum of funds from all activities for the second year in row 20.
- Column (c)Second = Enter the total federal funds needed for the third year of the project period, for each grant activity. Reflect the sum of funds from all activities for the third year in row 20.
- Column (d)Third = Enter the total federal funds needed for the fourth year of the project period, for each grant activity. Reflect the sum of funds from all activities for the fourth year in row 20.
- Column (e)Fourth = Enter the total federal funds needed for the second year of the project period, for each grant activity. Reflect the sum of funds from all activities for the second in row 20.
- If the NOFO is for a period longer than five years, complete a second SF-424A form and upload it as an attachment to the application (this specific attachment will not be counted towards the page limit). Year 6 information should be included in column (b)First of Section E. Then enter the total for years 1-5 (per the first SF-424A form) in column (c)Second of Section E. The second SF-424A form will compute columns (b) and (c), reflecting total costs for the entire project period. This total should be consistent with the total Federal costs requested on the SF-424, Application for Federal Assistance. A blank SF-424A form can be found at Grants.gov: <https://www.grants.gov/web/grants/forms/sf-424-individualfamily.html#sortby=1>

Appendix A: Operating Cost Standards

PRAC Rents (Operating Cost Standards) for FY 2022 Section 811 Supportive Housing for Persons with Disabilities Program (811 Capital Advance Funds - PRAC)

Introduction

The tables below establish the initial Operating Cost Standards (i.e., the Contract rents), including project-paid utility expenses, that will be included in the 811 Project Rental Assistance Contract (PRAC) upon execution. At project completion, HUD will provide initial subsidy funding to cover the difference between the operating cost standards and the tenants' contribution towards rent (i.e. 30 percent of each tenant's adjusted monthly income). Once in operation, owners may subsequently request an adjustment to the contract rents on the basis of an operating budget history.

Project-paid utility expenses

Owners must identify the proposed configuration for utilities: Prior to operation - calculate an

initial utility allowance for residents based on [Housing Notice 2015-04](#)

Methodology

HUD calculated the operating cost standards for the geographies listed based on Annual Financial Statements (AFS) submitted into HUD’s Financial Assessment Subsystem – Multifamily Housing (FASS-MF) for active properties supported by 811 PRACs. After excluding properties with incomplete AFS submissions, HUD developed baseline operating cost standards for each Metropolitan Statistical Area (MSA) with at least eight valid observations (MSA Operating Cost Standards). The operating cost standards for these MSAs are listed in Table 1. HUD then used the remaining sample of properties in each state to develop baseline operating cost standards applicable to all parts of the state not covered in the MSA Operating Cost Standards (Non-MSA Operating Cost Standards). Accordingly, some MSAs with insufficient observations (i.e., active 811 PRACs) will utilize the Non-MSA Operating Cost Standards. The Non-MSA Operating Cost Standards, which are listed by state, generally exclude any observations that were used to develop the MSA Operating Cost Standards, unless by excluding the MSA data the state would have 10 or fewer observations. The operating cost standards for each state is listed in Table 2.

For each active property, HUD computed a 3-year average of the following AFS Account Numbers:

- 6263T Total Administrative Expenses:
- 6400T Total Utilities (property-paid):
- 6500T Total Operating and Maintenance Expenses:
- 6700T Total Taxes and Insurance:

HUD then took the averages of each property by MSA or non-MSA as described above. As noted above, utility expenses were excluded from this analysis given that they vary significantly based on the specific configuration each property (i.e., property-paid vs. tenant-paid utilities). Additionally, service coordinator funding and annual replacement reserve deposits were excluded from the baseline derived from AFS data due to the inconsistency in reporting. Instead, HUD built into the Operating Cost Standards listed below a monthly deposit to the capital replacement reserve of \$50 per unit per month (**\$600 per unit per year**).

HUD then took the averages of each property by MSA or non-MSA as described above.

Table 1: PRAC Rents (Operating Cost Standards) by Metropolitan Statistical Area (MSA), net of Project-paid Utility Expenses

Akron, OH PMSA	7,577.93
Albany, GA MSA	5,221.05
Albany-Schenectady-Troy, NY MSA	6,464.26
Albuquerque, NM MSA	6,812.29
Alexandria, LA MSA	7,526.56
Allentown-Bethlehem-Easton, PA MSA	8,488.75
Altoona, PA MSA	7,095.75

Anchorage, AK MSA	10,237.53
Ann Arbor, MI PMSA	6,964.31
Appleton-Oshkosh-Neenah, WI MSA	6,924.35
Asheville, NC MSA	6,143.72
Atlanta, GA MSA	7,349.98
Atlantic-Cape May, NJ PMSA	8,836.03
Augusta-Aiken, GA-SC MSA	7,184.74
Austin-San Marcos, TX MSA	8,607.72
Baltimore, MD PMSA	7,858.63
Barnstable-Yarmouth, MA MSA	11,494.80
Baton Rouge, LA MSA	6,067.25
Bergen-Passaic, NJ PMSA	9,476.46
Birmingham, AL MSA	7,431.46
Boise City, ID MSA	6,366.04
Boston, MA-NH PMSA	11,426.48
Bridgeport, CT PMSA	10,371.16
Buffalo-Niagara Falls, NY MSA	7,177.37
Burlington, VT MSA	10,134.50
Canton-Massillon, OH MSA	7,176.05
Cedar Rapids, IA MSA	5,940.41
Charleston-North Charleston, SC MSA	8,195.19
Charleston, WV MSA	7,668.64
Charlotte-Gastonia-Rock Hill, NC-SC MSA	5,410.29
Chattanooga, TN-GA MSA	7,292.67
Chicago, IL PMSA	10,419.02
Cincinnati, OH-KY-IN PMSA	7,212.06
Cleveland-Lorain-Elyria, OH PMSA	8,577.66
Columbia, SC MSA	6,787.92
Columbus, OH MSA	7,756.32
Dallas, TX PMSA	7,656.37
Davenport-Moline-Rock Island, IA-IL MSA	6,340.38
Dayton-Springfield, OH MSA	7,113.46
Denver, CO PMSA	8,000.08
Des Moines, IA MSA	6,282.52
Detroit, MI PMSA	7,540.60
Dothan, AL MSA	6,424.61

Duluth-Superior, MN-WI MSA	6,715.81
Dutchess County, NY PMSA	7,416.96
El Paso, TX MSA	5,252.30
Erie, PA MSA	7,466.64
Eugene-Springfield, OR MSA	5,903.14
Evansville-Henderson, IN-KY MSA	6,821.54
Fayetteville, NC MSA	5,100.85
Fayetteville-Springdale-Rogers, AR MSA	5,491.40
Fort Lauderdale, FL PMSA	8,665.00
Fort Myers-Cape Coral, FL MSA	7,034.32
Fort Wayne, IN MSA	6,494.41
Fort Worth-Arlington, TX PMSA	7,100.06
Gainesville, FL MSA	8,214.12
Gary, IN PMSA	7,440.59
Grand Forks, ND-MN MSA	6,910.27
Grand Rapids-Muskegon-Holland, MI MSA	6,291.64
Greeley, CO PMSA	7,454.34
Greensboro--Winston-Salem--High Point, NC MSA	5,220.47
Greenville-Spartanburg-Anderson, SC MSA	6,335.48
Hamilton-Middletown, OH PMSA	7,422.74
Harrisburg-Lebanon-Carlisle, PA MSA	7,081.54
Hartford, CT MSA	10,263.67
Hickory-Morganton-Lenoir, NC MSA	4,989.30
Honolulu, HI MSA	7,873.59
Houston, TX PMSA	7,092.64
Huntington-Ashland, WV-KY-OH MSA	6,583.38
Huntsville, AL MSA	6,939.55
Indianapolis, IN MSA	6,670.21
Jackson, MS MSA	7,210.72
Jacksonville, FL MSA	7,826.68
Jamestown, NY MSA	6,375.15
Janesville-Beloit, WI MSA	6,298.70
Johnson City-Kingsport-Bristol, TN-VA MSA	5,178.71
Johnstown, PA MSA	7,491.98
Jonesboro, AR MSA	5,909.72
Joplin, MO MSA	6,230.95

Kalamazoo-Battle Creek, MI MSA	6,633.34
Kansas City, MO-KS MSA	6,931.81
Knoxville, TN MSA	6,305.47
Lafayette, LA MSA	6,491.86
Lake Charles, LA MSA	10,378.55
Lansing-East Lansing, MI MSA	6,339.66
Las Vegas, NV-AZ MSA	7,662.93
Lawrence, MA-NH PMSA	9,235.43
Lewiston-Auburn, ME MSA	8,153.38
Lexington, KY MSA	6,570.88
Lincoln, NE MSA	6,624.97
Little Rock-North Little Rock, AR MSA	6,416.32
Los Angeles-Long Beach, CA PMSA	9,107.61
Louisville, KY-IN MSA	7,019.96
Lowell, MA-NH PMSA	10,360.76
Lynchburg, VA MSA	5,646.01
Macon, GA MSA	5,969.28
Madison, WI MSA	8,490.21
Manchester, NH PMSA	9,578.22
Mansfield, OH MSA	6,613.65
Mayaguez, PR MSA	7,365.96
Medford-Ashland, OR MSA	6,259.96
Melbourne-Titusville-Palm Bay, FL MSA	8,687.00
Memphis, TN-AR-MS MSA	6,896.29
Miami, FL PMSA	7,207.50
Middlesex-Somerset-Hunterdon, NJ PMSA	9,740.30
Milwaukee-Waukesha, WI PMSA	7,013.22
Minneapolis-St. Paul, MN-WI MSA	7,862.57
Mobile, AL MSA	6,567.09
Monmouth-Ocean, NJ PMSA	8,767.61
Monroe, LA MSA	5,405.17
Montgomery, AL MSA	7,102.97
Nashua, NH PMSA	9,179.24
Nashville, TN MSA	7,302.67
Nassau-Suffolk, NY PMSA	9,051.15
New Haven-Meriden, CT PMSA	12,471.83

New London-Norwich, CT-RI MSA	9,653.46
New Orleans, LA MSA	7,896.53
New York, NY PMSA	12,469.07
Newark, NJ PMSA	9,327.23
Norfolk-Virginia Beach-Newport News, VA-NC MSA	6,124.04
Oakland, CA PMSA	10,431.80
Oklahoma City, OK MSA	5,546.31
Omaha, NE-IA MSA	7,007.55
Orange County, CA PMSA	9,124.41
Orlando, FL MSA	7,572.78
Peoria-Pekin, IL MSA	7,643.79
Philadelphia, PA-NJ PMSA	9,014.90
Phoenix-Mesa, AZ MSA	7,298.62
Pittsburgh, PA MSA	7,844.64
Pittsfield, MA MSA	10,227.20
Ponce, PR MSA	7,709.85
Portland, ME MSA	8,235.18
Portland-Vancouver, OR-WA PMSA	7,287.00
Portsmouth-Rochester, NH-ME PMSA	7,865.02
Providence-Fall River-Warwick, RI-MA MSA	10,672.87
Racine, WI PMSA	7,316.95
Raleigh-Durham-Chapel Hill, NC MSA	5,199.91
Redding, CA MSA	7,817.71
Richland-Kennewick-Pasco, WA MSA	5,830.00
Richmond-Petersburg, VA MSA	6,569.22
Riverside-San Bernardino, CA PMSA	8,223.37
Rochester, MN MSA	7,403.53
Rochester, NY MSA	6,880.35
Rockford, IL MSA	8,882.94
Rocky Mount, NC MSA	5,148.45
Sacramento, CA PMSA	8,163.09
Saginaw-Bay City-Midland, MI MSA	6,044.60
St. Cloud, MN MSA	6,510.03
St. Joseph, MO MSA	6,359.80
St. Louis, MO-IL MSA	7,327.36
Salinas, CA MSA	9,981.57

Salt Lake City-Ogden, UT MSA	7,031.00
San Antonio, TX MSA	7,095.37
San Diego, CA MSA	9,779.35
San Francisco, CA PMSA	12,169.21
San Jose, CA PMSA	9,894.43
San Juan-Bayamon, PR PMSA	6,895.02
Santa Rosa, CA PMSA	8,353.32
Sarasota-Bradenton, FL MSA	8,785.18
Savannah, GA MSA	9,034.18
Scranton--Wilkes-Barre--Hazleton, PA MSA	7,505.74
Seattle-Bellevue-Everett, WA PMSA	8,049.16
Sharon, PA MSA	6,830.27
Shreveport-Bossier City, LA MSA	6,751.04
Sioux City, IA-NE MSA	5,835.21
Sioux Falls, SD MSA	6,324.16
South Bend, IN MSA	6,546.63
Spokane, WA MSA	7,042.89
Springfield, MO MSA	5,640.46
Springfield, MA MSA	9,961.03
Stamford-Norwalk, CT PMSA	11,738.70
Steubenville-Weirton, OH-WV MSA	6,061.08
Sumter, SC MSA	6,404.90
Syracuse, NY MSA	7,091.65
Tacoma, WA PMSA	7,251.34
Tampa-St. Petersburg-Clearwater, FL MSA	7,590.57
Toledo, OH MSA	7,567.72
Topeka, KS MSA	5,975.90
Trenton, NJ PMSA	9,260.97
Tucson, AZ MSA	7,540.77
Tulsa, OK MSA	6,071.67
Tuscaloosa, AL MSA	6,232.86
Utica-Rome, NY MSA	5,991.79
Washington, DC-MD-VA-WV PMSA	8,187.44
Waterbury, CT PMSA	10,304.64
Waterloo-Cedar Falls, IA MSA	5,601.22
Wheeling, WV-OH MSA	6,600.72

Wichita, KS MSA	5,621.43
Wilmington-Newark, DE-MD PMSA	7,475.92
Wilmington, NC MSA	5,498.84
Worcester, MA-CT PMSA	10,302.04
Yakima, WA MSA	5,587.40
Youngstown-Warren, OH MSA	6,960.04

Table 2: Non-MSA PRAC Rents (Operating Cost Standards), including Project-paid Utility Expenses

Alabama	6,210.41
Alaska	12,917.01
Arizona	6,281.80
Arkansas	5,401.00
California	7,932.50
Colorado	7,200.34
Connecticut	12,168.28
Delaware	6,896.44
Florida	6,888.62
Georgia	6,320.30
Hawaii	8,907.03
Idaho	6,329.52
Illinois	7,267.22
Indiana	6,106.22
Iowa	5,961.39
Kansas	5,876.89
Kentucky	6,248.55
Louisiana	6,916.52
Maine	8,180.59
Maryland	7,144.63
Massachusetts	11,541.36
Michigan	6,531.26
Minnesota	6,289.41
Mississippi	6,381.80
Missouri	5,636.44
Montana	6,328.60
Nebraska	5,943.29
Nevada	7,145.78
New Hampshire	9,614.99

New Jersey	10,533.41
New Mexico	6,033.78
New York	6,800.21
North Carolina	5,093.07
North Dakota	5,979.56
Ohio	7,247.48
Oklahoma	5,540.38
Oregon	6,476.10
Pennsylvania	7,366.36
Puerto Rico	7,264.13
Rhode Island	12,659.55
South Carolina	6,874.27
South Dakota	5,989.42
Tennessee	6,038.40
Texas	6,592.85
Utah	6,938.40
Vermont	9,252.27
Virgin Islands	13,039.27
Virginia	6,105.56
Washington	7,102.42
West Virginia	6,539.16
Wisconsin	6,259.39
Wyoming	7,772.94

Appendix B: Physical Design and Livability Template.

Cross-References with Program Requirements Section III.F.5. Design and Cost Standards. Housing is a platform for health. Health can be promoted through both supportive services and through the physical living environment. In the context of housing for 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 and obtain a higher quality of life.

A. Statutory, Regulatory and NOFO Requirements.

The following checklist includes the building design components that must be incorporated into every proposed project under this NOFO. On the building design template, affirmatively identify whether the proposed project will comply with each required component within the application's physical design submission. The checklist shall not be included within the page count. This checklist does not identify all specific elements/features and specifications that are required under Federal accessibility requirements and applicable architectural standards under Section 504, the Fair Housing Act, and the ADA.

NOTE: Appendix B is a non-exhaustive suggestive list for innovative design features.

Points	Feature
N/A	<p>Resident units are limited to efficiencies or one-bedroom units, except as specified below.</p> <ul style="list-style-type: none"> a. If a resident manager is proposed for a project, up to two bedrooms could be provided for the resident manager unit. b. Resident units in Section 811 projects may be two-bedroom units if a portion of the units are financed by other sources, and not included in the PRAC. c. Resident units may be two-bedroom units provided that the square footage in excess of the one-bedroom size limits is treated as excess amenities as specified in 24 CFR 891.120.
N/A	FHA's Minimum Property Standards as set forth in 24 CFR Part 200, subpart S.
N/A	<p>Entities must comply with all Federal accessibility requirements and applicable architectural standards. Applicable Federal accessibility requirements include:</p> <ul style="list-style-type: none"> a. Uniform Federal Accessibility Standards (UFAS) at 24 CFR part 40.7 or HUD Alternative Accessibility Standards at 79 Fed. Reg. 29671 b. Section 504 of the Rehabilitation Act of 1973 and implementing regulations at 24 CFR part 8, including the requirement to have a minimum of 5% mobility accessible units and 2% vision/hearing accessible units; c. Titles II or III as applicable of the Americans with Disabilities Act and implementing regulations at 28 CFR parts 35 and 36 d. FOR NEW CONSTRUCTION – (Covered multifamily dwellings built for first occupancy after March 13, 1991) the design and construction requirements of the Fair Housing Act and implementing regulations at 24 CFR part 100. This includes any additions that would create a “covered multifamily dwelling” as defined at 24 CFR 100.201.
N/A	<p>Restrictions on amenities - 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 CFR 891.120(c).</p>
N/A	<p>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 CFR, 891.120(d).</p>

N/A	<p>Energy and Water Conservation. Unless the project will achieve one of the green standards that would justify rating points (see next section), the project must meet the following requirements:</p> <ul style="list-style-type: none"> a. All buildings proposed for new construction or gut rehabilitation (total removal and replacement of a building's "guts," leaving just the exterior shell of the building) must meet or exceed the 2021 International Energy Conservation Code (IECC) for single family or low-rise multifamily properties (three stories or less) or the ASHRAE 90.1-2019 standard for mid to high-rise multifamily projects. b. All buildings involving rehabilitation must utilize Energy Star®, WaterSense® or Federal Energy Management Program (FEMP)-designated products and appliances replacements, if any such designation is available for the applicable system or appliance.
N/A	<p>Carbon monoxide detectors (a) in units that have fuel-fired/burning appliance(s) and/or an attached garage, and (b) in bedrooms that contain a fireplace or a fuel-fired or burning appliance.</p>
N/A	<p>Commercial facilities - Projects under this part may have on their site(s) commercial facilities 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. If included, the commercial facilities must comply with 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 CFR 891.120(e) and the Title III ADA regulation at 28 CFR, part 36.</p>
N/A	<p>Broadband infrastructure. Any new construction or substantial rehabilitation, as substantial rehabilitation is defined by 24 CFR 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 CFR 5.100. Exceptions are granted for:</p> <ul style="list-style-type: none"> a. The location of the new construction or substantial rehabilitation makes installation of broadband infrastructure infeasible; b. The cost of installing broadband infrastructure would result in a fundamental alteration in the nature of its program or activity or in an undue financial burden; c. The structure of the housing to be substantially rehabilitated makes installation of broadband infrastructure infeasible.
N/A	<p>Primary entrances to the building from parking areas, drop-off zones, or principal pedestrian routes include accessible ramps and doorways with flush thresholds or minimal beveled door transition. There must</p>

	be a passenger drop-off zone and the exterior route from the building entrance to the drop-off zone must have a handrail. Secondary doors and thresholds for exterior decks, patios, etc., shall have beveled door transitions appropriate for access in a wheelchair (e.g., beveled door transitions of no greater than ½ inch).
N/A	Waiting area with seating that has a clear line of sight to the exterior passenger pick-up/drop-off location.
N/A	Public space doorways with a minimum width of 36 inches and common area hallways with a minimum width of 60 inches to accommodate use of mobility aides and easy navigation.
N/A	Spaces designed to facilitate social interaction, such as a lobby or common living room with seating.
N/A	A resident services office to support staffing of resident service coordination, visiting health care professionals, or community services, which offices must ensure resident privacy and be of adequate size to accommodate the resident, a family member/support person, and the professional.
N/A	Well-lit signage with large lettering with building information for easy navigation (for visitors and residents) and unique features (e.g., colors) for each floor or wing of the building to aid in wayfinding.
N/A	Central heating and cooling systems throughout the building (including apartments). Projects in markets where market-rate housing commonly excludes air conditioning may install central heating only.
N/A	42 USC 3604(f)(3)(C)(iii)(II) requires design and construction of the following items to be in an accessible location: (a) Light Switches (b) Electrical Outlets (c) Thermostats (d) Other environmental controls
N/A	In-building or in-unit laundry facilities (not just hookups) with front loading equipment.
N/A	Within-unit doors between rooms (but not necessarily doors to utility closets or non-walk-in storage space) with a minimum width of 32 inches.
N/A	Lever door handles or other accessible hardware where hand-gripping is not required (not knobs).
N/A	Door handles mounted no higher than 48 inches from floor.
N/A	D or U-shaped handles (not knobs) on all cabinetry.
N/A	Faucets with lever handles in bathroom and kitchen.
N/A	Anti-scald valves on fixtures.
N/A	Slip-resistant flooring in bathrooms and kitchens.
N/A	Pre-installed Section 504 and ADA compliant grab bars in the showers and next to all toilets.

N/A	Lighting in shower areas.
N/A	Emergency call system in each unit.
N/A	Area inside the entrance door to all units with a 60-inch diameter circular turning radius to permit maneuvering with a wheelchair or storage for walkers, scooters or other mobility devices.
N/A	All bathroom sinks accommodate seated residents, with counter heights between 30 and 34 inches off the floor and either wall-hung sinks and cabinetry which is not under the sink or removable base cabinets under the sink.
N/A	Continuous flooring under sink areas to avoid need for new flooring if cabinets need to be removed at a later date to accommodate resident mobility.

Universal Design

Points	Design Feature
.50	Open floor plans and bedroom and living room sizes not less than 10 feet by 10 feet to permit flexibility in placement of furniture and to allow wheelchair or walker circulation.
.50	Hallways with a clear width in excess of 42 inches.
.50	Awning windows with easy-use crank hardware.
.50	Rocker-pad light switches with internal locator lights.
.50	Peephole at sitting level: Peepholes in the doors of individual units installed at about 43" to accommodate seated residents.
.50	Power operated doors, driven by either an easy-push button or by a motion proximity sensor.
.50	Materials for ceilings and other hard surfaces that dampen background noise (like synthetic tiles, melamine foams, fiberglass, wood, and plastic).
.50	If there are floors without at-grade entrances, more than one elevator of at least 24" x 84" (to accommodate a stretcher) to ensure back up during repairs.
.50	Task lighting (providing for increased light for specific tasks in a room that may already have some ambient light) on counter areas in the kitchen and bathrooms.
.50	Section 504 specified turning and access-to-fixtures requirements in baths and kitchens.
.50	Showers in apartments (no tubs) with curbless entry, sloped to minimize splash outside the shower, and no smaller than 36" x 60" to accommodate resident plus caregiver or mobility device.
.50	Hand-held shower wand (with controls) with hook that can be reached from seated position.
.50	Comfort height toilet (approximately 18 inches high) in baths.

.50	Separate cook top and wall oven with front-facing controls, in kitchens, with wall ovens located at counter height adjacent to 18 linear inches of counter space with side-mounted hinges on the wall oven opening on the side which does not obstruct easy transfer from oven to counter.
.50	Side by side refrigerator/freezer or freezer on the bottom in kitchens.
.50	Cabinets in kitchens designed for easy reach, which can include any of the following: cabinets next to (rather than over) counters, over-counter cabinet mounts beginning approximately 13 inches above the countertop, under-counter cabinets having sliding shelves, and corner cabinets having a “lazy Susan”
.50	In kitchens, removable base cabinets under the kitchen sink, cook top and a portion of the workspaces in order to accommodate seated residents.

Technology

Points	Design Feature
.50	Wireless door locks with fob.
.50	Provide residents free open access to building Wi-Fi and internet in their apartments. Note: Monthly service charges are not an eligible PRAC expense.
.50	Wireless door chime with flashing strobe light in all units.
.50	Building is constructed to provide adequate space for wiring of MDF/IDF cable racks on each floor to accommodate current and future router needs for staff, service providers, and residents. Building also has sufficient routers to provide seamless connection from common spaces to apartments for assistive technology and for staff use of remote technology to manage tenant records, work orders, etc. when in an apartment.
.50	Video intercom system at main entry which connects to in-unit features so that residents can easily visually identify visitors when allowing them access to the building. The system should have large push button controls for ease of use by persons with disabilities who have difficulty using a touchscreen.
.50	In-unit control of unit temperature, through simple to understand HVAC controls with large screens for easy reading.
.50	Upgraded emergency call system to allow 2-way communication

Health and Wellness

Points	Design Feature
.50	Resident services office(s) to support staffing of resident service coordination, visiting health care professionals, or community services beyond the minimum required, with the ability for each provider to lock supplies, personally identifiable information about residents, and other materials necessary for the provider to offer robust and confidential resident services on-site, and with a hand-wash sink.
.50	Fitness room and/or wellness room.
.50	Building provides an accessible route into and through the building(s) with easy access from building entries to prominent off-site features (e.g., bus stops). Easy

	access routes do not require shortcuts through landscaping, or walking through alleys, and parking lots, and include e.g., curb cuts, ramps, handrails, and accessible parking spaces. Passenger loading zone does not qualify as parking lots. (Applicants must provide sufficient detail through narrative or reference to schematics to justify a rating factor point) See FHA design and construction requirement at 42 USC 3604(f)(3)(C)(iii)(I). Additionally, accessible routes are required for compliance with Section 504 (see UFAS 4.3).
.50	Dedicated gardening areas for resident use with elevated garden plots.
.50	Well-lit, landscaped grounds with accessible, paved walking trails that encourage walking and other outdoor physical activity and with shaded exterior social spaces. (Applicants must provide sufficient detail through narrative or reference to schematics to justify points)
.50	Multi-purpose community room (in addition to the required lobby or common room) of no less than 250 square feet and no less than 5 square feet per unit (which, in larger buildings, could be multiple rooms) with stackable furniture, storage, good lighting and acoustics, and fully or partially transparent walls so activities are visible to encourage participation.
.50	Periodic seating alcoves or built-in seating nodes along (but not blocking) circulation routes for resting and socializing.
.50	Strobe light smoke and carbon monoxide detectors in all units.

Resource Efficiency and Climate Resilience

Points	Design Feature				
1	In addition to meeting baseline energy and water conservation requirements, a project will receive .50 points if it will meet the following standards for new construction or rehabilitation:				
	Points	<table border="1"> <tr> <td>New Construction and Substantial Rehab (Gut rehab involves total removal and replacement of a building's "guts," leaving just the exterior shell of the building)</td> <td>Retrofit/Rehab (Includes any rehab less than gut rehab)</td> </tr> <tr> <td>Net Zero Ready <ul style="list-style-type: none"> • DOE ZeroEnergy Ready Home (includes EPA Indoorair PLUS) • Enterprise Green Communities Plus • Passive House (PHIUS+) CORE • International Living Future Institute CORE </td> <td>Green Standard <ul style="list-style-type: none"> • National Green Building Standard 2020 Existing: Silver • LEEDv4.1 Building Design + Construction Multifamily • Enterprise Green Communities </td> </tr> </table>	New Construction and Substantial Rehab (Gut rehab involves total removal and replacement of a building's "guts," leaving just the exterior shell of the building)	Retrofit/Rehab (Includes any rehab less than gut rehab)	Net Zero Ready <ul style="list-style-type: none"> • DOE ZeroEnergy Ready Home (includes EPA Indoorair PLUS) • Enterprise Green Communities Plus • Passive House (PHIUS+) CORE • International Living Future Institute CORE
New Construction and Substantial Rehab (Gut rehab involves total removal and replacement of a building's "guts," leaving just the exterior shell of the building)	Retrofit/Rehab (Includes any rehab less than gut rehab)				
Net Zero Ready <ul style="list-style-type: none"> • DOE ZeroEnergy Ready Home (includes EPA Indoorair PLUS) • Enterprise Green Communities Plus • Passive House (PHIUS+) CORE • International Living Future Institute CORE 	Green Standard <ul style="list-style-type: none"> • National Green Building Standard 2020 Existing: Silver • LEEDv4.1 Building Design + Construction Multifamily • Enterprise Green Communities 				
.50					

			<ul style="list-style-type: none"> • Green Globes Existing Buildings Multifamily Performance Plus • EarthCraft Multifamily
	.50	<p>Net Zero</p> <ul style="list-style-type: none"> • National Green Building Standard 2020: Silver + netzero energy badge • PassiveHouse (PHIUS+) ZERO • LEEDv4.1: ZeroEnergy or ZeroCarbon • International Living Future Institute ZeroEnergy or ZeroCarbon 	<p>High Level Green Standard</p> <ul style="list-style-type: none"> • National Green Building Standard 2020: Silver + netzero energy or resilience badge, Gold, or Emerald • LEED v4.1 BuildingDesign + Construction Multifamily: Silver, Gold, or Platinum • Enterprise Green Communities Plus • EarthCraft Multifamily Renovation Gold or Platinum • PassiveHouse (PHIUS+): any certification • International Living Future Institute: any certification
1	Back-up generator to cover critical loads during power outage: elevator access, air temperature control, and refrigeration (for medications) and wiring to ensure critical features (such as refrigerators) can be connected to the generator without extension cords. Back-up power source should be sized to provide power to critical loads for at least five days.		
1	Design building to rely only on electricity (no gas).		

.50 to 1	<p>Incorporate building design features to enhance the building’s climate resilience. Strategies will be assessed based on:</p> <ul style="list-style-type: none"> a. Whether they address the highest Hazard Type Risk Ratings in the property’s NRI report <p>AND either:</p> <ul style="list-style-type: none"> b. Whether the design feature maintains life-critical systems (food, water, electricity, etc.); or c. Whether the design feature supports safe shelter-in-place and/or full-building functional recovery <p>Each feature that meets criteria a) and either b) or c) above will be worth 0.5 point, for up to 1 total point across climate resilient design features. Explain how your strategies meet these criteria in Tab K.</p> <p>Potential strategies include (but are not limited to): (1) community rooms designed for safe and healthy shelter-in-place (2) flood proofing (3) fire-resistant building designs (4) landscaped berms for hurricanes (5) FORTIFIED certification (6) tornado shelters</p>
----------	--