



**U.S. Department of Housing and Urban Development**

Multifamily Housing

FY 2023 Section 202 Supportive Housing for the Elderly Program

FR-6700-N-52

06/20/2024

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**Program Office:**

Multifamily Housing

**Funding Opportunity Title:**

FY 2023 Section 202 Supportive Housing for the Elderly Program

**Funding Opportunity Number:**

FR-6700-N-52

**Assistance Listing Number (formerly CFDA Number):**

14.157

**Due Date for Applications:**

06/20/2024

## 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):**

2502-0267

## I. FUNDING OPPORTUNITY DESCRIPTION

### A. Program Description

#### 1. Purpose

The Section 202 Supportive Housing for the Elderly program provides Capital Advance funding for the development of supportive rental housing for Very-Low-Income persons aged 62 years or

older and project rental subsidies in the form of a Project Rental Assistance Contract (PRAC) to maintain ongoing affordability. This program provides elderly persons with the opportunity to live independently but with important voluntary support services such as nutrition, transportation, continuing education, education and outreach regarding telemarketing fraud, and/or health-related services. In addition, this NOFO includes funding to support the development of intergenerational housing for elderly caregivers raising children. Intergenerational dwelling units are also referred to as "intergenerational housing" or "intergenerational units" in this NOFO.

Through this NOFO, HUD seeks to fund innovative Section 202 supportive housing models that will be at the forefront of design, service delivery, and efficient use of federal resources. These properties will advance housing for the elderly as a platform for living independently and aging in the community even as residents may require more assistance with activities of daily living over time. Through this NOFO, HUD seeks sponsors that:

- Will produce housing that is physically designed to promote the long-term wellness of Elderly Persons and allow them to age in place;
- Can provide a robust package of services that support the health and social well-being of Elderly Persons; and
- Leverage Capital Advance funds with other financing sources to maximize the number of units created per dollar of HUD funding.

**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 Elderly Persons for at least 40 years. The amount of the Capital Advance funds requested may not exceed the Total Development Cost as published by HUD (see [2023 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.

**Project Rental Assistance Contracts (PRACs)** funds are used to cover the difference between the tenants' contributions toward rent and the HUD approved cost to operate the project, including the cost of employing a service coordinator and HUD approved service expenses (see 24 CFR 891.205). HUD encourages applicants to use Capital Advance funds in combination with other non-Section 202 funding, but they may only be used in connection with units that will be assisted under the PRAC.

**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.

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 conditions that 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 Act (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. Strategic Goal 1: Support Underserved Communities**

Fortify support for underserved communities and support equitable community development for all people.

#### **2. 1A: Advance Housing Justice**

Fortify support for vulnerable populations, underserved communities, and Fair Housing enforcement.

#### **3. 1B: Reduce Homelessness**

Strengthen Federal, State, Tribal, and community implementation of the Housing First approach to reducing the prevalence of homelessness, with the ultimate goal of ending homelessness.

#### **4. 1C: Invest in the Success of Communities**

Promote equitable community development that generates wealth-building for underserved communities, particularly for communities of color.

#### **5. Strategic Goal 2: Ensure Access to and Increase the Production of Affordable Housing**

Ensure housing demand is matched by adequate production of new homes and equitable access to housing opportunities for all people.

#### **6. 2A: Increase the Supply of Housing**

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

#### **7. 2B: Improve Rental Assistance**

Improve rental assistance to address the need for affordable housing.

#### **8. 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.

#### **9. 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.

**10. 4A: Guide Investment in Climate Resilience**

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

**11. 4B: Strengthen Environmental Justice**

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

**12. 4C: Integrate Health and Housing**

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

Applicants are expected to demonstrate in their application materials that the proposed project is:

**a. Well-Managed and Financially Viable.** Well-managed and financially viable projects promote successful communities and increase the supply of affordable, accessible, and healthy housing.

**b. Creating Opportunities for Elderly Individuals to Age in Place.** This is demonstrated through robust and varied support services to meet the needs of Elderly individuals. For projects that propose Intergenerational units, supportive services must address the needs of children being raised by an older adult.

**c. Well Designed and Energy Efficient.** Well-designed and energy-efficient housing advances sustainable communities by aiding in creating healthier outcomes for residents while reducing exposure to health risks and decreasing utility bills that can be found in substandard housing.

**d. Energy Efficient. Energy efficiency** aids in the integration of health and housing by reducing the overall effects certain energy sources may have on the environment. Energy-efficient housing also aids low-income families by reducing financial burdens through lower energy usage and billing.

**e. Will Integrate Health and Housing:** Residents in Section 202 Supportive Housing for the Elderly communities will benefit from the supportive services proposed in the application. The application shall demonstrate how supportive services are beneficial to the target population.

Funding Opportunity Goals- Expand the supply of affordable housing for elderly households resulting in residents achieving independent living.- Allow elderly households to age in place while having access to supportive services- Fund innovative permanent supportive housing models for elderly households that will be at the forefront of design, enhanced accessibility features, visitability, and universal design ensuring program sustainability and continuity for no less than 40 years.

**3. Changes from Previous NOFO**

a. This NOFO was edited to clarify that all HEROS submissions must be completed no later than the application submission deadline. The FY22 NOFO did not specify a submission deadline for HEROS.

b. The FY22 NOFO did not require the HEROS generated confirmation as evidence of submission. This NOFO requires applicants to provide the confirmation generated by HEROS as evidence of submission.

c. This NOFO describes the Build America Buy America Act, enacted as part of the Infrastructure Investment and Jobs Act on November 15, 2021, which established a domestic content procurement preference for all Federal financial assistance obligated for infrastructure projects after May 14, 2022.

d. This NOFO adds a requirement that applicants provide an Advancing Racial Equity narrative (see Section III.F).

e. This NOFO eliminates the Section 202 NOFO Toolkit.

f. This NOFO adds Preference Points for Environmental Justice and Climate Change.

f. The Rating Factors have been renamed and reorganized in this NOFO as follows:

<b>Rating Factors</b>	<b>FY23 NOFO Name</b>	<b>FY22 NOFO</b>
Rating Factor 1	Capacity (became its own rating factor. See FY22 Rating Factor 3)	Physical Design and Supportive Services. Each became its own Rating Factor. See FY23 NOFO Rating Factor 4 and Rating Factor 5
Rating Factor 2	Soundness of Approach (includes Neighborhood Context and Zoning)	Market (Renamed and reorganized. See FY 23 Rating Factor 2 – Soundness of Approach)
Rating Factor 3	Project Leverage and Committed Funds	Capacity, Project Leverage, and Committed Funding (Capacity became its own Rating Factor. See FY23 Rating Factor 1 – Capacity)
Rating Factor 4	Supportive Services (became it’s own Rating Factor. See FY22 Rating Factor 1 Physical Design and Supportive Services)	Land Use/Zoning (became a part of FY23 NOFO Rating Factor 2 – Soundness of Approach)
Rating Factor 5	Physical Design (became its own Rating Factor. See FY22 Rating Factor 1 Physical Design and Supportive Services)	There was no Rating Factor 5

#### 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](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. 1061](#));
- (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 202 Supportive Housing for the Elderly Program, the following definitions apply. In the event of any conflict between such definitions and the provisions of 24 CFR part 891, the definitions in 24 CFR part 891 shall govern. For more definitions, applicants should reference the governing statute (12 U.S.C. 1701q) and regulations at 24 CFR part 891.

**Activities of daily living (ADL)** means eating, dressing, bathing, grooming, and household management activities, as further described below:

- (1) **Eating** —May need assistance with cooking, preparing, or serving food, but must be able to feed self;
- (2) **Bathing** —May need assistance in getting in and out of the shower or tub, but must be able to wash self;
- (3) **Grooming** —May need assistance in washing hair, but must be able to take care of personal appearance;
- (4) **Dressing** —Must be able to dress self, but may need occasional assistance; and
- (5) **Home management activities** —May need assistance in doing housework, grocery shopping, laundry, or getting to and from activities such as going to the doctor and shopping, but must be mobile. The mobility requirement does not exclude persons in wheelchairs or those requiring mobility devices.

**Child.** For intergenerational dwelling units, the term “child” means an individual who— (A) is not attending school and is not more than 18 years of age; or (B) is attending school and is not more than 19 years of age

**Elderly Person** is a household composed of one or more persons at least one of whom is 62 years of age or older at the time of occupancy.

**Grandparent.** With respect to a child, an individual who is a grandparent or step-grandparent of the child by blood or marriage, regardless of the age of such individual. In the case of a child who was adopted, the term includes an individual who, by blood or marriage, is a grandparent or step-grandparent of the child as adopted.

**Instrumental Activities of Daily Living (IADLs)** means activities related to living independently in the community, including but not limited to, meal planning and preparation; managing finances; shopping for food, clothing, and other essential items; performing essential household chores; communicating by phone or other media; and traveling around and participating in the community.

**Intergenerational Dwelling Unit.** Per definitions in the LEGACY Act of 2003 (Pub. L. 108-186, sec. 202; 12 U.S.C. 1701q note), an intergenerational dwelling unit is a qualified dwelling unit that is reserved for occupancy only by an intergenerational family. An intergenerational family is a family that (a) includes a child and (b) has a head of household who is either a grandparent of the child who is raising the child or other relative of the child who is raising the child. The head of household must be an elderly person.

**Intergenerational Family** is a family that (a) includes a child and (b) has a head of household who is either a grandparent of the child who is raising the child or a relative of the child who is raising the child. The head of household must be an elderly person.

**Operating Costs** are HUD-approved costs relating to the provision of housing and include administrative expenses (including the coordination of services), maintenance expenses, security expenses, utilities expenses, taxes and insurance, allowances for reserves, and allowances for services for the elderly. Operating costs do not include payments toward debt service. PRAC rents are established based on the Operating Cost Standards (OCS) listed in Appendix A.

**Owner.** An Owner, pursuant to 12 USC 1701q, is defined as a "private nonprofit organization that receives assistance under this section to develop and operate supportive housing for the elderly."

**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.

**Raising a child.** With respect to an individual, that the individual--(A) resides with the child; and (B) is the primary caregiver for the child--(i) because the biological or adoptive parent of the child do not reside with the child or are unable or unwilling to serve as the primary caregiver for the child; and (ii) regardless of whether the individual has a legal relationship to the child (such as guardianship or legal custody) or is caring for the child informally and has no such legal relationship with the child.

**Relative.** (A) In general.--The term "relative" means, with respect to a child, an individual who--(i) is not a parent of the child by blood or marriage; and (ii) is a relative of the child by blood or marriage, regardless of the age of the individual.(B) Case of adoption.--In the case of a child who was adopted, the term "relative" includes an individual who, by blood or marriage, is a relative of the family who adopted the child.

**Sponsor** means any private nonprofit entity, including a consumer cooperative meeting the requirements of 24 CFR 891.205 . Sponsor refers to either a Sponsor or a Co-Sponsor. The Sponsor must be approved by the Secretary of HUD as to the administrative and financial capacity and responsibility to receive an award under this NOFO. A Sponsor that has one or more Section 202 projects under reservation, construction, or management in two or more different HUD geographical regions is a National Sponsor. (See a map of HUD regions here: <https://www.hud.gov/localoffices/regions>).

**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 (<https://www.huduser.gov/portal/datasets/il.html>). 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.

## **B. Authority**

The Section 202 Supportive Housing for the Elderly Program is authorized by section 202 of the Housing Act of 1959 (12 U.S.C. 1701q), as amended by section 801 of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), and any subsequent amendments. This authority provides for Capital Advances, project rental assistance contracts, amendments to contracts for project rental assistance, and the renewal of expiring contracts for such assistance, for supportive housing for the elderly. The funding for this NOFO is provided by the Consolidated Appropriations Act, 2023 (Public Law 117-328, approved December 29, 2022) and the Consolidated Appropriations Act, 2022 (Public Law 117-103, approved March 15, 2022).

## **II. AWARD INFORMATION**

### **A. Available Funds**

Funding of approximately **\$115,000,000** is available through this NOFO. Subject to appropriations, HUD reserves the right to award fiscal year 2024 funds based on this NOFO competition.

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.

Of this funding, up to \$25 million of FY 2023 funds and up to \$10 million of FY 2022 funds is available to support the development of inter-generational dwelling units for elderly grandparents or relatives as defined in the LEGACY Act of 2023 (Title II of Public Law 108-186; 12 U.S.C. 1701q note).

### **B. Number of Awards**

HUD expects to make approximately 20 awards from the funds available under this NOFO.

The precise number of awards will depend on the nature of the applications reviewed and the total available funds.

## C. Minimum/Maximum Award Information

**Maximum Capital Advance Award Amount:** The amount of the Capital Advance funds for each award may not exceed the Total Development Cost (TDC) of the project (as determined by HUD), less the incremental development cost(s) associated with excess amenities and design features to be paid for by other source(s).

**Minimum Capital Advance Award Amount:** \$1

In order to receive a PRAC, you must request at least the minimum Capital Advance Award amount of \$1.

**Maximum Capital Advance Fund Award Amount.** Applicants will include the requested Capital Advance funds in the SF424 and in the Development Budget (**Section III.F.4.**). The amount of the Capital Advance funds requested may not exceed the Total Development Cost as published by HUD (see [https://www.hud.gov/sites/dfiles/PIH/documents/2023\\_Units\\_TDC\\_Limits.pdf](https://www.hud.gov/sites/dfiles/PIH/documents/2023_Units_TDC_Limits.pdf)). The Total Development Cost limit is determined by identifying the appropriate building type (e.g., elevator) and unit size(s) in the development proposal.

**Project Rental Assistance Contract (PRAC) Funds.** Project rental assistance funds is the difference between the total tenant payment and HUD-approved operating expenses. The total tenant payment can vary from tenant to tenant, as stated in 12 USC 1701q(c)(3) and 24 CFR 5.628.

**Development Cost Limitations.** The amount of the Capital Advance funds requested may not exceed the Total Development Cost as published by HUD at [2023 UNIT TOTAL DEVELOPMENT COST \(TDC\) LIMITS](#). The development cost limit is determined by identifying the appropriate building type (elevator, non-elevator) and unit size(s) in the development proposal.

**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 202 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.”

**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 12-month 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 who are elderly.

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 Total Funding:

\$115,000,000

Minimum Award Amount:

\$1

Per Project Period

Maximum Award Amount:

\$20,000,000

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 202 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 6-8 months after acceptance of the Agreement Letter.

### Step Timing

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 and/or start of construction	No longer than 24 months after acceptance of Agreement Letter or up to 36 months, as approved by HUD on a case-by-case basis.

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 in the event that 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 202 Fund Reservation award constitutes preliminary approval of an application; that a Section 202 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 202 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.

The Project Start Date is the estimated date of the Capital Advance Award 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:  
02/20/2025

Estimated Project End Date:  
02/19/2027

Length of Project Periods:  
24-month project period and budget period

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

## **E. Type of Funding Instrument**

Funding Instrument Type:  
G (Grant)  
Capital Advance Funding Note and Project Rental Assistance Contract (PRAC).

## **III. ELIGIBILITY INFORMATION**

### **A. Eligible Applicants**

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

13 (Nonprofits without 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**

##### **A. Eligible Applicants-Non-profit Status.**

Under **Tab A**, you must document your status as a private nonprofit organization (see 24 CFR 891.205) or as a mixed-finance limited partnership with one or more private non-profit

organizations serving as the general partner (see [24 CFR 891.805](#)). Applicants and any other organization(s) that is co-sponsoring the application must submit the following:

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

HUD will review the applicant's 501(c)(3) or 501(c)(4) determination letter from the IRS, Articles of Incorporation, Constitution, By-Laws, organizational chart, or other organizational documents to determine, among other things, that:

- The applicant is an eligible private nonprofit entity and not a public body;
- The applicant's corporate purposes are sufficiently broad to provide the legal authority to sponsor the proposed project 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, and
- The applicant is not controlled by, or under the direction of, persons seeking to derive profit or gain therefrom.

#### 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.

## C. Cost Sharing or Matching

This Program requires cost sharing or matching as described below.

**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. If an Owner has a National Sponsor or a National Co-Sponsor, the Minimum Capital Investment shall be one-half of one percent (0.5%) of the HUD-approved Capital Advance Award, not to exceed \$25,000.

## 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.

In addition, if you submit paper copies of the application and have not received approval from HUD for a waiver of the electronic submission requirements, your application will not be accepted.

## **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 CFR 170.110](#).

**Federal Assistance Assurances.** To assure compliance with statutory requirements for non-construction grant programs, you must complete the Federal Assistance Representations and Certifications section of your sam.gov registration. HUD and OMB use information reported within sam.gov for general management of Federal assistance awards programs. For more information on how to update your sam.gov registration, visit SAM.gov or the Federal Service Desk, FSD.gov. You can search for help at FSD any time or request help from an FSD agent Monday-Friday 8 a.m. to 8 p.m. ET.

## F. Program-Specific Requirements

### 1. 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, curable deficiencies excepted as shown in the Appendix of this NOFO. HUD reserves the right to determine whether an application is substantially deficient and non-responsive to the NOFO application requirements. Applications that are determined non-responsive will not be reviewed. 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. Applicant must submit the cover sheet generated by HEROS as evidence of HEROS submission.

#### A. Need.

HUD will assess the unmet housing needs in the proposed development area relative to the number of proposed assisted units. Supporting evidence as described below must be submitted under **Tab B**. HUD will verify the Absorption ratio calculation.

### Calculating the number of income-eligible households aged 62 years or older with severe housing needs.

Step 1: Start by calculating the 2023 Income Limit for your property's location. Visit <https://www.huduser.gov/portal/datasets/il.html#2023> and select the following inputs:

- Select "Click Here for FY2023 IL Documentation";
- Select a state, then select a county, and then select "View County Calculations" or select a FY 2023 HUD Metropolitan Fair Market Rent/Income Limit Area (HMFA) and "View HMFA Calculations";
- Identify the "Very Low (50%) Income Limit" for "Persons in Family" of 1
- Keep that number readily available as you complete the next steps.

Step 2: Visit <https://www.huduser.gov/ast/index.html> and access the 2020 American Community Survey (ACS) 5-Year Census data for your jurisdiction and select the following inputs:

- Select the Core Based Statistical Area (CBSA) in which the project is located. For rural sites located outside of a CBSA, select the appropriate County; Press the “go” button.
- Select "Tenure Renters";
- Select "Age of Householder": 62 plus; Press the “go” button.
- Reference the second table entitled "With Conditions" which includes the number of renters paying more than 30 percent of income for gross rent or occupying a unit lacking some or all kitchen or plumbing facilities or occupying an overcrowded unit (1.01 persons per room or more). If the "With Conditions" table is not available, reference the table entitled "Total."

Step 3: Take the total number of 1-person households in the income range in which 50 percent of 2023 Income Limit falls (calculated above), and then add the number of 1-person households from all lower income ranges.

Step 4: Divide the total number of PRAC units in the project by this number to derive the Absorption Ratio.

Step 5: In **Tab B**, Applicants must provide a PDF of the second table (With Conditions).

Applicants with an Absorption Ratio over 30% for the elderly population aged 62 years old or older will not meet the threshold requirement for need.

**B. Demonstration of compliance.** 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. Asbestos Statement or Survey
6. Evidence of compliance with URA site notification requirements & relocation
7. Evidence of Permissive Zoning
8. Support Letters from Governmental Agencies / Partners

9. Advancing Racial Equity narrative (Section III.F).
10. Affirmative Marketing narrative (Section III.F)
11. Certifications and Forms: (a) SF-424 (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 92015 Section 202 Application for Capital Advance
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.

The HUD Office will notify you in writing if your application is missing any of the exhibits listed above and you will be given no less than 2 business 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.

## **2. Funding for Intergenerational Housing.**

Under this NOFO, up to \$35 million of Capital Advance funds will be set aside as funding for projects with intergenerational dwelling units. Intergenerational dwelling units can constitute the entirety of a project (i.e., 100% of units) or can be integrated as a portion of a larger project, including a project with both intergenerational dwelling units and other 202 Capital Advance / PRAC units requested under this NOFO. Projects proposing intergenerational dwelling units will be considered under a separate set-aside from applications not proposing Intergenerational Dwelling Units.

All threshold requirements, program requirements, and rating factors described in this NOFO will also be used to review and rank intergenerational applications, but projects proposing intergenerational dwelling units will be subject to the additional threshold criteria described below to be eligible under the set-aside. Section III.F.2 Threshold criteria are non-curable.

To be eligible for the intergenerational set-aside, the greater of five units or 20% of PRAC-assisted units at the proposed project must be designated for intergenerational housing. Projects with fewer than this threshold will not be eligible for the Intergenerational set-aside.

Intergenerational units must:

- Have at least two separate bedrooms. Notwithstanding 24 CFR 891.210, applications for intergenerational dwelling units under this NOFO are not limited to efficiency or one-bedroom units and Capital Advance funds can be used to finance the cost of units with two or more bedrooms.

- Be equipped with design features appropriate to meet the physical needs of elderly persons; and
- Be equipped with design features appropriate to meet the physical needs of children, as needed.

The PRAC rents listed in Appendix 1 will be adjusted for intergenerational units larger than 1-BR for each extra bedroom. 2-BR units will receive 1.15 times the baseline PRAC rents; 3-BR units will receive 1.15 times that 2-BR amount, and 4-BR units will receive 1.15 times that 3-BR amount, etc.

Applicants proposing intergenerational dwelling units will be evaluated separately from the applicants not proposing intergenerational dwelling units. Intergenerational applicants will only compete against other intergenerational proposals. HUD will award up to \$35 million to qualified applications with an intergenerational component that meet the minimum score. Applications will be reviewed for threshold eligibility and ranked based on overall score. Applications with the highest scores proposing the greater of five units or 20% of PRAC units as intergenerational units will have the Capital Advance for their intergenerational units funded from the available \$35 million set-aside. HUD reserves the right to award less than \$35 million if there are insufficiently qualified applications that meet the minimum score requirements. Any funds not awarded to intergenerational units can be used for other eligible non-intergenerational projects that apply under this NOFO. Once all intergenerational funds are exhausted, any remaining intergenerational applicants in the intergenerational funding pool will not be awarded any funds under this NOFO. Applicants **may not** submit two NOFO applications for the same project, i.e., one design with intergenerational units and one without, for the purpose of competing against both the other intergenerational proposals and non-intergenerational proposals.

To be eligible for funds set aside for intergenerational housing, applicants must submit a narrative (no more than 7 pages in length) under **Tab Q** that describes the following items:

- The need for intergenerational housing in the proposed area as well as the plan for leasing up the building and finding qualified households to live in the project's proposed intergenerational units. For example, an acceptable submission may include a written assessment of the intergenerational families' housing needs in the relevant community, completed in consultation with local child welfare agencies, caregiver support groups, Area Agencies on Aging, or other supportive service providers working with the families; information in the community's or State's Consolidated Plan, Analysis of Impediments to Fair Housing Choice, or other planning document that analyzes fair housing issues and need for intergenerational housing; a survey of the target population; waiting lists of other intergenerational housing in the community; or other documentation of the need and demand for intergenerational housing;
- How the proposed project's design will meet the physical needs of children as well as older adults. An acceptable submission may describe the features of the project that make the property appropriate for children (e.g., electrical outlet protections, handrails in the bathrooms and hallways, shower thermostats that keep the water from getting too hot, secure outside play areas visible from the dwelling units, and adequate, flexible community space that can accommodate various uses, multiple age groups, and the changing needs of the residents)

- Services, programming, or other supports in place at the property that support children raised by older adults. For example, an acceptable submission may describe items such as individualized case management, support groups, mental health services, before- and after-school activities, tutoring, safe and accessible transportation, recreational activities, or other programs designed for children; and
- Prior experience of the project sponsor or its partners in owning, operating, developing, or managing intergenerational housing. An acceptable submission must identify rental housing projects and/or supportive services facilities that the sponsor or its partners own and/or operate that serve intergenerational families. The description should provide available information on successful performance of the project (e.g., occupancy rates, testimonials from residents or community leaders on the quality of the activities, etc).

**HUD will disapprove an intergenerational application if an applicant does not show need, design adaptations, services, and prior experience in their responses to these questions.**

**Note: Accessibility standards applicable under Section 504 of the Rehabilitation Act and Title II of the ADA include standards that apply for children with disabilities. The narrative should describe how the requirements will be met.**

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 CFR 170.110](#).

### **3. Project Development Plan.**

The application must include the Project Development Plan in **Tab C**:

#### **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), total units by bedroom size, total units by bedroom size that will be assisted with PRAC (which may not be less than five units), a description of common areas or office space(s), and a description of any commercial space at the site. The PRAC-assisted units, which will be developed with Capital Advance funds, must be one-bedroom or efficiency units, except for proposed intergenerational dwelling units or another exception listed at 24 CFR 891.210.

#### **b. Project Development Timeline.**

A project development timeline identifying the 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. Please note that the time between initial closing and start of construction/rehabilitation must be within 24 months of the fund reservation, although faster schedules are preferred. 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 the 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 the selection of fully funded applications.

## **4. Development Budget.**

The applicants must submit all Sources and Uses documentation under **Tab D**.

Documentation includes:

- Proposed uses, including acquisition, construction costs, soft costs, reserves, and developer fees.
- For mixed-finance projects, the operating reserve functions as an operating deficit escrow for the development in accordance with 24 CFR 891.860 and 891.835(c).
- All sources must equal the projected uses. HUD reviewers will be looking to ensure that the amount of Capital Advance requested does not exceed the per unit Total Development Cost described at [https://www.hud.gov/sites/dfiles/PIH/documents/2023\\_Units\\_TDC\\_Limits.pdf](https://www.hud.gov/sites/dfiles/PIH/documents/2023_Units_TDC_Limits.pdf) multiplied by the number of PRAC units.

Committed sources must be specifically identified so that they can be evaluated as part of Rating Factor 2, Soundness of Approach. Evidence of all commitments should be uploaded under **Tab D**. Please also include an index showing which letters correspond to each funding source. Any commitment must describe the allowed uses of the funds, the term for which the commitment is valid, and any repayment terms. The term during which the commitment is valid cannot expire earlier than 12 months from the Section 202 application deadline date. The applicant must commit to closing 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. The applicant may change sources before final closing if this causes no material delay to the development schedule described in the Project Development Plan. Please also include evidence of the Owner Deposit for Minimum Capital Investment described in Section III.C.

Construction costs must be based on an estimate performed by a professional estimator. Except for new construction or substantial rehabilitation, applications must include a [Capital Needs Assessment \(CNA\)](#) identifying the rehabilitation needs of the property. New construction or substantial rehabilitation should include a professional cost estimate. A professional cost estimate or CNA must be provided in **Tab E**.

## **5. 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 must submit any supporting documents related to their pro forma under **Tab D**.

**Note:**

Year 1 rents for PRAC units must be based on the Operating Cost Standards (OCS) in Appendix A. OCS establish the PRAC rents and assume all utilities are tenant-paid. Applicants must identify any utilities that will be project paid (i.e., not tenant paid and not included in the utility allowance), if applicable, and provide the reasonable per unit costs associated with those utilities. The per unit utility cost can be added to the OCS to form the PRAC rent used in Year 1 of the Operating Pro Forma.

The Operating Pro Forma provided in response to this NOFO application may include debt service only if the project includes other revenue-producing residential units or commercial space. In the pro forma, the non-PRAC revenue must be sufficient to support the debt service payments consistent with lender and HUD underwriting criteria, including a debt service coverage ratio. Sponsors may not represent revenue from PRAC units supporting debt service in the NOFO application.

A sponsor may anticipate converting the PRAC to a project-based Section 8 Housing Assistance Payments (HAP) contract via the Rental Assistance Demonstration (RAD) (see Section IV of [H-2019-09/PIH 2019-23](#)). The HAP contract would be subject to the terms of a RAD conversion, including initial contract rent setting (based on the initial PRAC rents in Appendix A) and the 20-year limitation of rent adjustments by HUD's published Operating Cost Adjustment Factor (OCAF).

**6. Site Control**

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. A deed or long-term leasehold which evidences current title to, or a leasehold interest in, the site. If a leasehold, the term of the lease must be at least 50 years with renewable provisions for 25 years, except for sites on Indian trust land, in which case, the term of the lease must be at least 50 years with no requirement for extensions. The title or leasehold interest must commence prior to the application deadline date. A sublease is not considered an acceptable form of site control.
- b. 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 the financing for the project. The Contract of Sale cannot require closing earlier than 12 months following the date of the Section 202 application deadline date unless the applicant has non-202 committed funds which are sufficient for closing on the land.
- c. Option to purchase or option for a 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 202 Capital Advance or that the applicants have non-202 funds sufficient for purposes of closing on the land. During the initial six-month term plus the additional six-month renewal, the only condition 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 the applicant fails to make contractually required option payments.

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 receipt and acceptance of development funds. 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 due to time constraints of the funding round the applicant will not be able to obtain all of the required official actions (e.g., approval of Community Planning Boards) that are necessary to convey publicly-owned sites, the applicant may include in the application a letter from the mayor or director of the appropriate local agency indicating that conveyance or leasing of the site is acceptable without imposition of additional covenants or restrictions, and only contingent on the necessary approval action. Such a letter of commitment will be considered sufficient evidence of potential for site control but only if the commitment does not contain restrictions or qualifications that would be unacceptable in the case of other entities. In this case, HUD will require that the applicant provide within thirty (30) business days of an award notification, a legally binding agreement (conditional on an environmental review satisfactory to HUD) from the public body to lease or convey the site.

A proposed project site may not be acquired or optioned from the general contractor (or its affiliate) that will construct the Section 202 project or from any development team member other than the Sponsor.

## **7. 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 <https://www.hudexchange.info/programs/environmental-review/housing/#202811-nofa-environmental-information> for more information, training, and gaining access). All documents submitted into HEROS must be prepared by an environmental consultant with prior HEROS experience and HEROS access. 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 of those times/days. 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. Applicants must submit the documentation generated by HEROS as evidence of HEROS submission under **Tab M**. After the HEROS submission is complete, assign it in the system to Shalonda M. Kelly (Shalonda.M.Kelly@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 Section 202 firm commitment.

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.

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 E1527-13 or E1527-21), 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
  - 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 1527-21. (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 and 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 as to 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 to confirm that such determinations are reasonably warranted based on the information presented. Should HUD not concur with the Phase I ESA conclusions and the Phase II was not conducted nor the Phase III 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 budget **(Section III.F.4)**;

(2) A description of the plan either to:

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

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

(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: The submission of a Phase I ESA is a requirement and a non-curable deficiency. Projects that require the submission of a Phase II and/or a Phase III must submit the required documentation no later than the application due date. Applications that are submitted without the required environmental documentation will be rejected. 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 a Section 202 award constitutes preliminary approval of an application; 2) that a Section 202 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 Section 202 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 local 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 following the guidance set forth in the MAP Guide. 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 programmatic implementing regulations at 24 CFR part 50 and 24 CFR 891.155(b), especially, but not limited to the provision of information to HUD at 24 CFR 50.31(b). Applicants must also comply with any environmental “conditions and safeguards” at 24 CFR 50.3(c).

## **8. Statement of Encumbrance.**

Following an award of Capital Advance, a Sponsor will need to produce a title report identifying any liens, encroachments, easements or other encumbrances on the property. HUD will revoke an award 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 period.

## **9. Site and Neighborhood Standards**

A) General. A proposed site must comply with all applicable site selection requirements in 24 CFR 891.125 and must also comply with all applicable civil rights authorities, including Title VI of the Civil Rights Act, Section 504 of the Rehabilitation Act, and the Fair Housing Act. Applicants that propose new construction must provide supporting evidence under **Tab G**. Documentation must show that the site is:

- (1) not located in an area of minority elderly concentration, or
- (2) if the site is in an area of minority elderly concentration, that the site qualifies for an exception permitting new construction in an area of minority elderly concentration under 24 CFR 891.125(c)(2)(i) or (ii).

HUD may request additional information from the applicant before making its determination. HUD may rely on additional available information beyond the materials provided by the applicant to make its determination. To the extent additional available information is relied upon that results in a determination of ineligibility, HUD will notify the applicant and provide opportunity to submit a written response.

Additional information on the analysis of site and neighborhood standards, including frequently asked questions and responses to them, can be found on the Section 202 Funding Opportunities site at <https://www.hud.gov/grants/>. The FAQ materials are non-binding guidance to assist applicants in understanding what factors may be considered and should not be considered an exhaustive description of HUD's site and neighborhood standards analysis.

B) "Area of Minority Elderly Concentration." The term "area of minority elderly concentration" is defined as one where either of the following statistical conditions exists:

- (a) The percentage of elderly persons of a particular racial or ethnic minority in the neighborhood is at least 20 points higher than the percentage of elderly persons of that racial or ethnic minority in the housing market area as a whole; or
- (b) The total percentage of elderly persons of all racial or ethnic minorities in the neighborhood is at least 20 points higher than the total percentage of elderly persons of all racial or ethnic minorities for the housing market area as a whole. 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.

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

C) Determination of Area of Minority Elderly Concentration.

Applicants must use the *Section 202 Elderly Minority Concentration Tool* to identify whether a site is in an area of minority elderly concentration (initially analyzed at the Census tract level). The Minority Concentration Tool is available publicly at [www.huduser.gov/portal/maps/section202/home.html](http://www.huduser.gov/portal/maps/section202/home.html)). The applicant must provide the report generated by the Minority Concentration Tool in **Tab H** of its Section 202 funding application. The Minority Concentration Tool analyzes demographics by census tract. An applicant may choose to use the "draw" feature in the Minority Concentration Tool to propose an alternative geography for the neighborhood when there is strong evidence that an alternative geography is more appropriate (except where the Minority Concentration Tool cannot generate a result for a specific location as described above) for calculating racial or ethnic minority concentration. Typical neighborhood boundaries are delineated by major streets, land uses and zoning, topographic features like rivers; do not encompass more than one municipal jurisdiction; and are less than two miles wide in any direction. Applicants intending to convert under RAD to PRAC may refer to the RAD Fair Housing, Civil Rights, and Relocation Notice (see [Notice H 2016-17/PIH 2016-17\(HA\)](#)) for additional information

on what constitutes strong evidence that an alternative geography is more appropriate. HUD will review the case for the alternative geography during review of the application. If an applicant claims an alternative geography, it may also choose to claim an exception that would allow new construction in an area of minority concentration (described below) to address the possibility that HUD does not approve the use of the alternative geography. An application will be rejected if HUD rejects the proposed alternative geography, and the application does not include acceptable documentation supporting that the site meets an exception that would allow the construction of new housing in an area of minority concentration (described below). In cases where a site is located in a census tract that does not meet the definition of an area of minority concentration, but is near the edge of minority-concentrated census tract or is separated from a significant portion of the occupied land in its census tract by a major geographical barrier (such as rivers and interstate highways), the applicant must provide evidence that the site meets one of the exceptions that permits new construction in an area of minority concentration.

D) Site and Neighborhood Standards Eligibility. Applicants must provide the following information with respect to the location of a proposed Section 202 project and the results of the Minority Concentration Tool:

1. Where the Minority Concentration Tool identifies the site to be outside of an area of minority elderly concentration and not near the edge of a minority elderly-concentrated Census tract or separated from a significant portion of the occupied land in its census tract by a major geographic barrier, the applicant must submit the report from the Minority Concentration Tool showing the site is in a census tract that is not minority elderly concentrated.
2. Where the Minority Concentration Tool identifies the site to be in an area of minority elderly concentration or the applicant self-identifies the site to be in an area of minority elderly concentration, the proposed site and, by extension, the application, are ineligible for assistance under this NOFO unless an exception can be established. Specifically, for such an application to be eligible with respect to Site and Neighborhood Standards, the applicant must provide sufficient supporting documentation that the proposed site qualifies for an exception to the prohibition against HUD approving a Section 202 project in an area of minority elderly concentration as permitted under 24 CFR 891.125(c)(2) and described below.
3. Where the Minority Concentration Tool identifies the site to be outside of an area of minority elderly concentration but the site is near the edge of a minority elderly-concentrated Census tract or is separated from a significant portion of the occupied land in its census tract by a major geographic barrier (such as a river or interstate highway), the applicant must submit the report from the Minority Concentration Tool showing the site is in a census tract that is not minority elderly concentrated and provide sufficient supporting evidence that the census tract is an appropriate representation of the neighborhood, as described below, or claim an exception under 24 CFR 891.125(c)(2).
4. Where an applicant proposes an alternative geography for the neighborhood (other than the census tract) and the alternative geography in the Minority Concentration Tool identifies the site to be outside of an area of minority elderly concentration, the applicant must provide a written explanation for claiming an alternative geography and HUD will

review the explanation, map, and any evidence during the application review period. If an applicant claims an alternative geography that is not minority concentrated and the Minority Concentration Tool reports that the proposed site is in an area of minority elderly concentration based on the census tract, the applicant may still seek an exception that would allow new construction in an area of minority elderly concentration (under 24 CFR 891.125(c)(2) and described below) to address the possibility that HUD does not approve the use of the alternative geography.

5. For some geographic areas, the Minority Concentration Tool does not have sufficient data to determine minority elderly concentration. Currently, this applies to Guam, the Northern Mariana Islands, American Samoa, and the U.S. Virgin Islands. In any situation where the Minority Concentration Tool cannot generate a result for a specific location, the applicant, based on local knowledge and any available local data, must determine whether the site is in an area of minority elderly concentration. The applicant must include a certification stating that it has determined that the site is in or outside of an area of minority elderly concentration as well as a description as to how it came to that determination. Furthermore, the applicant must include a description of the analyses it undertook, provide references to the sources of information, and maintain records of its analysis and the data relied upon in making its determination. If the site is in an area of minority elderly concentration, the applicant must claim an exception under 24 CFR 891.125(c)(2).

E) Exceptions for New Construction in Areas of Elderly Minority Concentration. A project may be located in an area of minority elderly concentration only if: (1) sufficient, comparable opportunities exist for housing minority elderly 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 CFR Section 891.125(c)(2).

1. Units may be considered “sufficient, comparable opportunities if they meet the standards at 24 CFR 891.125(c)(3). To meet this exception, the Applicant must provide a list of comparable properties and include in **Tab G** an explanation of the applicability of the factors specified in 24 CFR 891.125(c)(3)(iii)(A)-(G) and this NOFO. Include the list of comparable properties in **Tab G**.

If the site is in an area of minority elderly concentration and the applicant claims the sufficient comparable housing opportunities exception, the applicant must provide descriptive information on the location and characteristics of housing opportunities it claims are comparable to the proposed Section 202 project. To the extent that such information is available, the applicant must provide:

- Property name and address;
- Total number of comparable units and number of comparable units in standard condition in the property;
- Racial demographics of the tenants living in comparable units;
- Household type (e.g., elderly, mixed elderly and disabled);
- Tenure (i.e., rental);
- Subsidy program;

- Income range served (as a percentage of area median income); and
  - Tenant payment the same as Section 202
2. The “overriding housing need” exception (see 24 CFR 891.125(c)(4)) permits approval of sites:
- a. That are an integral part of an overall local strategy for the preservation or restoration of the immediate neighborhood where the proposed site is located. The applicant must provide evidence of an official, current, and reasonably achievable revitalization strategy that has started and will continue. Revitalization planning, marketing of investment opportunities through a neighborhood prospectus, or substantial new investments by the jurisdiction with a significant likelihood of occurring to address the needs of the neighborhood in areas such as economic opportunity, environmental quality, transportation, infrastructure, health care, and education would constitute such evidence of a revitalization strategy that has started and will continue; or
  - b. Where there is significant private investment in the neighborhood that is demonstrably changing the economic character of the area (“**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 whether the site is in a revitalizing area, the applicant should also provide this information in addition to the Minority Concentration Tool’s report. If there are no revitalization data available using the Minority Concentration Tool (which currently applies to certain of the U.S. Territories), the applicant, based on local knowledge and any available local data, must include in its NOFO application a narrative describing its determination that the site is in a revitalizing area based on evidence of financial investment or other activity prior to or during the period of improvement and the indicators of revitalization listed above, along with sufficient supporting documentation, such as maps, data, studies, articles, or statements.

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.

If the site is in an area of minority elderly concentration and the applicant claims the overriding housing needs exception of “revitalization strategy,” the applicant must provide evidence demonstrating the following: (i) the proposed project is located in a defined geographic area that is the subject of an official, currently operational and realistically achievable plan for the improvement or revitalization of the immediate neighborhood (which plan may include areas beyond the immediate neighborhood); and (ii) the proposed project conforms to, and the site is integral to, the goals, strategies, and objectives of the improvement or revitalization plan. In determining whether there is an official, operational, and realistically achievable revitalization plan or strategy, applicants must show:

- The plan or strategy has been enacted, adopted, or ratified by a municipal, county, or state legislative body;
- There have been actions to implement the plan or strategy— e.g., public funding approval or expenditures, private funding or financing commitment or expenditures, construction permits, land use changes, site improvements, public infrastructure development, new construction, rehabilitation; and
- The plan or strategy includes objectives and initiatives related to the preservation or restoration of a geography larger than the proposed project site.

In addition, HUD may also consider evidence of:

- Approaches or activities under the plan or strategy are incorporated in current public, quasi-public agency or major institutional work plans;
- A jurisdiction has published solicitations or incentives for development projects in the improvement or revitalization area;
- The specific plan or strategy is incorporated in the applicable jurisdiction’s Consolidated Plan or other comprehensive community development plan;
- A jurisdiction has explicitly designated the geographic area for improvement or revitalization (e.g., Business Improvement District; Enterprise Zone designation; Promise Zone designation; Choice Neighborhoods designation);
- An implementing agency or private investor has retained a construction firm to break ground on the improvement or revitalization; or
- An implementing agency or private investor has secured financing, such as the issuance of bonds, final approval for tax increment financing.

If the site is in an area of minority elderly concentration and the applicant claims the overriding housing needs exception of “revitalizing area,” the applicant must provide the Revitalization Report from the Minority Concentration Tool, which includes data on indicators of revitalization, such as poverty rates, unemployment rates, and median household income, compared between the 2000 Census and 2012-2016 American Community Survey (ACS). Applicants may use this report to inform their analysis of whether their proposed project is in a revitalizing area. Applicants may also use other sources of data, including local data and local knowledge, when conducting this analysis.

In determining whether the site is located in a “revitalizing area,” applicants must show evidence that:

- (i) The neighborhood has demonstrated signs of revitalization, through indicators such as low or declining poverty rates, low or declining violent crime rates or evidence of high or increased educational opportunity, high or increasing median household income, and/or high or increased employment; and
- (ii) There is high private and public investment in retail, commercial, or housing development that has occurred or will imminently occur in the area which is relevant to improvements in the revitalization indicators above;

In addition, HUD may also consider evidence of:

- New or improved retail centers, grocery stores, pharmacies, healthcare facilities, community centers, educational and recreational facilities, municipal services, and transportation serving the neighborhood;
- Private and public investment or housing development that has occurred or will imminently occur in the area;
- Economic conditions that are impacting the preservation of affordable housing in the neighborhood, including indicators of gentrification such as housing costs rising more sharply in the neighborhood than in the jurisdiction overall, and disproportionate depletion of larger dwellings for families with children.

## **10. Real Property Acquisition and Relocation.**

The applicant must comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA), as amended (see [42 USC 4601 et seq.](#)), as implemented by [49 CFR part 24](#). For the purposes of application, 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. Where the development proposal will require the relocation of businesses or residents from an existing site, the application must include under **Tab H** a relocation plan and budget that is consistent with the Multifamily Accelerated Processing Guide and also complies with the URA. 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. The acquisition of real property for a project is also subject to the URA. More information and resources on the URA and section 104(d) are available at [REAL ESTATE ACQUISITION AND RELOCATION](#). Additional guidance is set forth in the Multifamily Accelerated Processing (MAP) Guide revised March 19, 2021 at [MULTIFAMILY ACCELERATED PROCESSING \(MAP\) GUIDE \(4430.G\)](#).

## **11. Accessibility Requirements.**

The following authorities apply to physical accessibility in Section 202 properties:

1. Applicable required accessibility features under Section 504 of the Rehabilitation Act of 1973;
2. HUD's regulation at 24 CFR part 8, including the requirement to have a minimum of 5% mobility accessible units and 2% vision/hearing accessible units;

3. Either the Uniform Federal Accessibility Standards (UFAS) or the requirements of HUD's Deeming Notice, 79 Fed Reg 29671 (May 23, 2014);
4. The design and construction requirements of the Fair Housing Act. If the 202 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. 24 CFR part 100; and
5. Titles II or III of the Americans with Disabilities Act (ADA). 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 28 CFR part 35 (Title II) and part 36 (Title III).

In addition, reasonable accommodations and reasonable modifications are required under each of the foregoing authorities and laws, which include changes to policies, programs, services, facilities, and structural changes. Under Section 504, entities must provide and pay for structural changes that may be necessary as a reasonable accommodation. 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. All projects must comply with physical accessibility requirements. See Rating Factor 5.

## **12. 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 ASHRAE 90.1-2019 standard for mid to high-rise multifamily projects. In lieu of meeting this baseline requirement, applicants can receive rating factor points (see Rating Factor 5: 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.

### **Provide documentation in Tab M.**

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 award.

### 13. Build America, Buy America Act (BABA).

The Recipient 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](https://www.hud.gov/program_offices/general_counsel/BABA).

### 14. 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 the 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 K** of the census tract's risks using the "Create Report" button. Applicants may also consider climate projection tools as applicable: [Climate Mapping for Resilience and Adaptation](#), [Climate Explorer](#), [Flood Factor](#), [NOAA Sea Level Rise Viewer](#), [ClimateCheck](#), and Climate Central Coastal Risk Screening Tool (by [year](#) and/or [water level](#)).
- b. Submit in the initial application a narrative in **Tab K** 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 K** 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 Lite](#) 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 must 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.

Additionally, Rating Factor 5: Physical Design includes points for properties designed with resilience features.

### **15. Labor Standards.**

a. All laborers and mechanics (other than volunteers under the conditions set out in 24 CFR 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 the 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.

**16. 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. Awardees will be required to report to HUD on Section 3 outcomes.

**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.

The Certification of Consistency must be provided by completing form HUD-2991 ([https://www.hud.gov/sites/dfiles/CPD/documents/HUD-2991\\_Certification-of-Consistency-with-the-Consolidated-Plan\\_fillable.pdf](https://www.hud.gov/sites/dfiles/CPD/documents/HUD-2991_Certification-of-Consistency-with-the-Consolidated-Plan_fillable.pdf)). 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 for such activities specified in the Consolidated Plan. 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.

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 is mandatory. Applicants must submit a narrative which addresses the four bullets described above in their response. Applicants will submit this narrative under Tab N and will be evaluated for sufficiency. 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. Submit your narrative response under **Tab L**, with the label Attachment A.

### **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 address the issues outlined in the paragraph above. Applicants will submit this narrative as part of the application under **Tab L**. This narrative will be evaluated for sufficiency and 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. Applicants can pull this information from AFHMP, HUD Form A. Submit your response under **Tab L**, with the label, Attachment B.

## **G. Criteria for Beneficiaries.**

# **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:

202 Capital Advance

Email:

202CapitalAdvanceNOFO@hud.gov

HUD Organization:

MF HSG

Street:

451 7th Street

City:

Washington

State:

DC DISTRICT OF COLUMBIA

Zip:

20410

## 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
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.
Assurances for Non-Construction Programs (SF-424B)	This form is required.	This form is contained within the Application Package.
Assurances for Construction Programs (SF-424D)	This form is required.	This form is contained within the Application Package.

Forms/Assurances/Certifications	Submission Requirement	Notes/Description
Previous Participation Certification - HUD Form 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.	<a href="https://www.hud.gov/sites/documents/2530.pdf">https://www.hud.gov/sites/documents/2530.pdf</a>
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.	<a href="https://www.hud.gov/sites/dfiles/OCHCO/documents/92041.pdf">https://www.hud.gov/sites/dfiles/OCHCO/documents/92041.pdf</a> Make sure the middle of page 1 is completed. Attach the required listing of names, titles, and beginning and ending dates of the term of all officers and directors.

<b>Forms/Assurances/Certifications</b>	<b>Submission Requirement</b>	<b>Notes/Description</b>
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.	<a href="https://www.hud.gov/sites/dfiles/OCHCO/documents/92042.pdf">https://www.hud.gov/sites/dfiles/OCHCO/documents/92042.pdf</a>
Section 202 Application for Capital Advance – Summary Information HUD Form 92015	This is a mandatory form and should be uploaded as an attachment under either the “mandatory” or “optional” upload tabs in Grants.gov.	<a href="https://www.hud.gov/sites/dfiles/OCHCO/documents/92015-CA.pdf">https://www.hud.gov/sites/dfiles/OCHCO/documents/92015-CA.pdf</a>
HUD 2991 Certificate of Consistency with Consolidated Plan	This is a mandatory form and should be signed and uploaded as an attachment	<a href="https://www.hud.gov/sites/documents/2991.PDF">https://www.hud.gov/sites/documents/2991.PDF</a>

Forms/Assurances/Certifications	Submission Requirement	Notes/Description
	under either the “mandatory” or “optional” upload tabs in Grants.gov.	

Applicants must also complete to complete the Federal Assistance Assurance certification in [sam.gov](http://sam.gov). The Federal Assistance Assurance certification must be completed in addition to the SF 424B.

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
<b>Tab A: Eligibility</b>	Organizational documents, bylaws, IRS tax exemption and evidence of structure	Upload as attachments. Include “Tab A” in the file name.	N/A	Threshold Section III.A.) and III.F.A.4. and III.F.C.)
<b>Tab B: Demonstration of Need</b>	PDF of table used to calculate absorption ratio (with conditions)	Upload table as attachments with “Tab B” in the file name.	N/A	Section III.F.B and Rating Factor 2
<b>Tab C: Development Plan</b>	Narrative of Project Development Plan and Timeline. Provide neighborhood context; site map; a description of the project location; and how the project location is suited to meet needs of aging population.	Upload attachments with “Tab C” in the file name  Upload attachment with	N/A  1 Page	Section III.F.3 and Rating Factor 2

	Affirmatively Furthering Fair Housing Narrative	“Tab C” in the file name		
<b>Tab D: Development Budget, Operating Pro Forma, and Committed Funds</b>	Provide corresponding sources and uses; Operating Pro Forma; and Evidence of Committed Funds	Upload evidence as attachment with “Tab D” in the file name.	N/A	Section III.F.4, III.F.5, and Rating Factor 3.
<b>Tab E: Capital Needs Assessment OR Professional Cost Estimate</b>	If the project is not new construction or substantial rehabilitation, a Capital Needs Assessment is required.  Otherwise, provide a professional cost estimate	Upload evidence as attachment with “Tab E” in the file name.	N/A	Section III.F.5
<b>Tab F: Site Control and Zoning</b>	Documents demonstrating evidence of site control and zoning.	Upload evidence as attachments with “Tab F” in the file name.	N/A	Section III.F.6 and Rating Factor 4
<b>Tab G: Site and Neighborhood Standards</b>	PDF Output from the Minority Concentration tool; if applicable, evidence to justify exceptions	Upload as attachments with “Tab G” in the file name.	N/A	Section III.F.9 and Rating Factor 2
<b>Tab H: Real Property Acquisition and Relocation</b>	Narrative description of response to requirements	Upload as attachment with “Tab H” in the file name.	3 pages max	Section III.F.10
<b>Tab I: Capacity of the Applicant and Relevant Organizational</b>	Response to NOFO requirements	Upload documentation with “Tab I” in the file name.	12 pages max, excluding resumes, which shall not	Rating Factor I

<b>Experience, Capital Advance Delivery, and Experience Promoting Racial Equity</b>			exceed 4 pages per organization, and property appraisal  Maximum 1 Page for the Experience Promoting Racial Equity Narrative	
<b>Tab J: Supportive Services</b>	Narrative in Response to NOFO Requirements.	Upload as attachment with “Tab J” in the file name.	5 pages max	Rating Factor 4
<b>Tab K: Physical Design and Climate Resilience</b>	See 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; narrative describing and documenting climate hazard risks and mitigation; narrative assessing renewable energy; and narrative on innovative design elements.	Upload the services plan and letters as attachments with "Tab K" in the file name.	10 pages max; schematics, NRI output, and architect’s sign-off on green standard excluded from page limit	Section III.F.14; Rating Factor 5; and Appendix B
<b>Tab L: Advancing Racial Equity and Affirmative Marketing</b>	Submit required narrative for Advancing Racial Equity	Upload Advancing Racial Equity Narrative with TAB “L” in the file name. Submit as Attachment A	1 Page Maximum Advancing Racial Equity Narrative	Section III.F

	Submit required narrative for Affirmative Marketing	Upload Affirmative Marketing Narrative with TAB “L” in the file name. Submit as Attachment B.	1 Page Maximum Affirmative Marketing Narrative	
<b>Tab M: Environmental</b>	Phase I Environmental Assessment and related reports; Phase II (if required) and Phase III (description of remedial actions, if required); and Related Laws and Authorities screens submitted in HEROS – Upload confirmation page generated by HEROS indicating completed submission	HEROS submissions must be submitted no later than the submission deadline. Upload submit the cover sheet generated by HEROS under “Tab M.”	N/A	Section III.F.7 and III.F.14
<b>Tab Q: Intergenerational Housing</b>	Narrative on intergenerational housing (if proposing intergenerational dwelling units)	Upload narrative as attachment with "Tab Q" in the file name.	7 pages max	Section III.F.2
<b>Tab R: Climate Change</b>	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 events, extreme heat, and sea level rise.	Upload as attachments. Include “Tab R” in the file name.	N/A	Preference Points

<p style="text-align: center;"><b>Tab S: Environmental Justice</b></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 S” in the file name.</p>	<p>N/A</p>	<p>Preference Points</p>
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**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.

55 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

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

(See table above) Pages maximum length of narratives

**a. Content of Application and Identification of Documents:** A complete application must include all the information, materials, forms and documents listed above, as applicable. Curable Deficiencies excepted. Each tab must be submitted as a separate document and must be clearly labeled with the tab number and item name.

**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 below for each of the required narratives and supporting documents.

## 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](http://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

06/20/2024

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](mailto: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](mailto: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](mailto:applicationsupport@hud.gov) must state: Technical Cure and include the Grants.gov application tracking number or the GrantSolutions application number

(e.g., Subject: Technical Cure - GRANT123456 or Technical Cure - XXXXXXXXXXXX). If this information is not included, HUD cannot match the response with the application under review and the application may be rejected due to the deficiency.

Corrections to a paper application must be sent in accordance with and to the address indicated in the notification of deficiency. HUD will treat a paper application submitted in accordance with a waiver of electronic application containing the wrong 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

Per 24 CFR 891.809, Capital Advance Funds can NOT be used:

- For 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;
- For the financing or refinancing of currently Federally assisted or Federally-insured units (this includes projects currently encumbered by FHA-insured debt and Flexible Subsidy Loans, as well as existing 202 Capital Advance and Direct Loan projects);
- For facilities currently owned and operated by the sponsor as housing for persons with disabilities, except with rehabilitation as defined in [24 CFR 891.105](#); or
- For units in Section 202 direct loan projects previously refinanced under the provisions of Section 811 of the American Homeownership and Economic Opportunity Act of 2000, 12 U.S.C. 1701q note; and

To construct or operate nursing homes, infirmaries, assisted living facilities, medical facilities, mobile homes, community centers, headquarters for organizations for the elderly, or residential units without individual kitchens and/or bathrooms (also known as "single room occupancy units" or SROs) that are not shared.

Per 24 CFR 891.834, PRAC funds can NOT be used:

- For debt service on construction or permanent financing, or any financing thereof, for any units in the development, including 202 or 811 supportive housing units;
- Cash flow distributions to owners; or
- Creation of reserves for non-202 or -811 units.

### **Indirect Cost Rate**

Normal indirect cost rules under 2 CFR part 200, subpart E apply. If you intend to charge indirect costs to your award, your application must clearly state the rate and distribution base you intend to use. If you have a Federally negotiated indirect cost rate, your application must also include a letter or other documentation from the cognizant agency showing the approved rate. Successful applicants whose rate changes after the application deadline must submit the new rate and documentation to assure the award agreement incorporates the applicable rate.

- **Nongovernmental organizations and Indian tribal governments.** If you have a Federally negotiated indirect cost rate, your application must clearly state the approved rate and distribution base and must include a letter or other documentation from the cognizant agency showing the approved rate. If you have never received a Federally negotiated indirect cost rate and elect to use the de minimis rate, your application must clearly state you intend to use the de minimis rate of 10% of Modified Total Direct Costs (MTDC). As described in 2 CFR 200.403, costs must be consistently charged as either indirect or direct costs, but may not be double charged or inconsistently charged as both. Once an organization elects to use the de minimis rate, the organization must apply this methodology consistently for all Federal awards until the organization chooses to negotiate for a rate, which the organization may apply to do at any time. Documentation of the decision to use the de minimis rate must be retained on file for audit.
- **State and local governments.** If your department or agency unit has a Federally negotiated indirect cost rate, your application must include that rate, the applicable distribution base, and a letter or other documentation from the cognizant agency showing the negotiated rate. If your 38 of 52 department or agency unit receives more than \$35 million in federal funding, you may not claim indirect costs until you receive a negotiated rate from your cognizant agency for indirect costs as provided in Appendix VII to 2 CFR part 200. If your department or agency unit receives no more than \$35 million in federal funding and your department or agency unit has prepared and maintains documentation supporting an indirect rate proposal in accordance with 2 CFR part 200, appendix VII, you may use the rate and distribution base specified in your indirect cost rate proposal. Alternatively, if your department or agency unit receives no more than \$35 million in federal funding and has never received a Federally negotiated indirect cost rate, you may elect to use the de minimis rate of 10% of MTDC. As described in 2 CFR 200.403, costs must be consistently charged as either indirect or direct costs, but may not be double charged or inconsistently charged as both. Once elected, the de minimis rate must be applied consistently for all Federal awards until you choose to negotiate for a rate, which you may apply to do at any time. Documentation of the decision to use the de minimis rate must be retained on file for audit.

## **G. Other Submission Requirements**

### **1. 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.

An applicant will submit their response to this requirement under Rating Factor 2. Subfactor 2.2 Affirmatively Furthering Fair Housing.

### **2. Other Program-Specific Requirements**

**Federal Assistance Assurances.** To assure compliance with statutory requirements for non-construction grant programs, you must complete the Federal Assistance Representations and Certifications section of your sam.gov registration. HUD and OMB use information reported within sam.gov for general management of Federal assistance awards programs. For more information on how to update your sam.gov registration, visit SAM.gov or the Federal Service Desk, FSD.gov. You can search for help at FSD any time or request help from an FSD agent Monday-Friday 8 a.m. to 8 p.m. ET.

## V. APPLICATION REVIEW INFORMATION

### A. Review Criteria

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.

#### 1. Rating Factors

Rating Factor 1: Capacity	Maximum Points: 18
<p><b>Applicants must provide the required Capacity documents/information in Tab I as part of the application submission. Applicants must score a minimum of 14 points on this rating factor to be considered for funding.</b></p>	
<p><b>1.1. Development and Management Experience (Total max- 13 points).</b> This factor addresses the extent to which the applicant, or a member of the applicant’s team (e.g., Sponsor, Management Agent, Consultants, Developer, etc.), has the relevant experience and organizational resources to successfully implement the proposed activities in a timely manner. A resume must be provided for the applicant and all Sponsors/Co-Sponsors, along with a listing of properties that the Sponsor is using to claim experience. Applicants should provide a written description demonstrating how the scope, extent, and quality of the Sponsor's and/or their team's recent experience in developing and operating housing is consistent with the details of the proposed project.</p>	
<p><b>a. Development Experience (up to 7 points)</b> At a minimum, the sponsor (or a co-developer) must have recent experience developing affordable housing designed for the elderly. Further, if the sponsor proposes to use LIHTC, the sponsor (or a development partner) must have recent successful experience developing a property using LIHTC.</p>	
<p>Number of Elderly Affordable Housing Properties Placed in Service Within the last five years by sponsor or development partner</p>	<p>Points</p>
<p>1 project</p>	<p>1</p>
<p>2 projects</p>	<p>3</p>
<p>3 or more projects</p>	<p>5</p>
<p>An application will earn up to two additional points if the sponsor (or a co-developer) has successfully developed a property with a Section 202 or Section 811 Capital Advance Award</p>	

Capital Advance Delivery	Points
Sponsor (or a co-developer) has placed in service a Capital Advance Project within 3 Years of Award	1
Sponsor (or a co-developer) has placed in service a Capital Advance Project within 2 Years of Award	2

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.

**b. Management and Operating Experience (up to 5 points)**

Applicants will be evaluated for management and operating experience based on the following matrix:

Years owning and operating elderly affordable housing	Points
0	0
1-5	1
6-9	3
10+	5

Provide a list of properties managed/operated by the management company that fit into the categories listed above, including property name, location, and the number of years managed/operated.

**c. Management of property assisted through a PRAC (1 point)**

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.

**Applicants must provide the resumes as attachments under Tab I.**

**1.2. Experience Promoting Racial Equity (5 points)**

Describe your experience promoting Racial Equity. This may include, but is not limited to, describing your experience or resources to effectively meet the needs of underserved communities, particularly Black and Brown communities. Examples of experience promoting racial equity may include, but is not limited to:

- Experience soliciting, obtaining, and applying input from underserved groups when designing, planning, or implementing programs and activities;

- History of hiring, training, contracting, and providing other economic opportunities to low-income individuals, especially to individuals who receive housing assistance in furtherance of Section 3.

Applicants must provide the response as an attachment in **Tab I**

**Rating Factor 2: Soundness of Approach**

**Maximum Points: 28**

**Applicants must provide the required documents/information under Tab C. Documentation should include, as necessary, specific references to other relevant sections of the application that will support HUD's determination.**

**2.1. Neighborhood and Context.**

Applicants must demonstrate that the location of the site supports independence and/or alleviates isolation. The applicant must identify the location, the proximity, and the ease of access of the project site to amenities important to the elderly that supplement the services provided on-site.

**To score the maximum number of points on this factor, applicants must make a compelling argument that the location of the proposed project is well suited with respect to proximate amenities to meet the needs of an aging population.**

*Amenities (up to 10 points)*

A total of 10 points can be earned through providing access to amenities: grocery stores (2 points), parks or green space (2 points), recreational facilities (2 points), healthcare and social services (2 points), and other neighborhood amenities (2 points). For each of these amenity categories, two points will be awarded if the amenity is readily available, and one point will be awarded if the amenity is moderately available..

Amenities include:

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

Applicants must describe how residents could reasonably access critical amenities, particularly without the use of a personal motor vehicle. Amenities will generally be considered readily available if they are within one-quarter mile walking distance or if they can be accessed within

15 minutes by public transportation or shuttle.

Amenities will generally be considered moderately available if they are within one-half mile walking distance or if they can be accessed within 30 minutes by public transportation or shuttle. This includes accessible public transportation options and/or affordable private door-to-door shuttle/van service that is reliable and accessible. Applicants may commit to providing such transportation services if the nature of the commitment is adequately described and the costs of operation are reflected in the project's budgets.

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 elderly residents.

***Poverty Rate (Up to 4 points)***

The remaining four points are scored based on the 2016-2020 5-year ACS poverty rate in the census tract of the proposed project:

- Open the [Census poverty map](#).
- From the U.S. map displayed, locate and click on the census tract of the project site.
- Click 'Select,' which will highlight the selected census tract with shading.
- Under the search bar at the top of the screen, click 'Tables' (between 'All' and 'Maps').
- The "Percent Below Poverty Level (Estimate)" statistic for the selected census tract will be displayed in the row labeled "Population for whom poverty status is determined," second column from the right-hand side.
- Click the "Excel" button to generate a spreadsheet of the results. Include this spreadsheet in **Tab B**.

Poverty rate of 10 percent or less	4 points
Poverty rate greater than 10 percent, less than 20 percent	2 points
Poverty Rate greater than 20 percent, less than 30 percent	1 points
Poverty rate of 30 percent or greater	0 points

**HUD will verify the calculation. Miscalculations shall be curable.**

**2.2 Affirmatively Furthering Fair Housing. (5 points).** Explain how your proposed NOFO activities are aligned with requirements to Affirmatively Furthering Fair Housing (AFFH). Submit your response under **Tab C**. Specifically, you should describe how your proposed NOFO activities will meaningfully:

- Contribute to overcoming patterns of segregation; and/or
- Address the disproportionate need for safe and healthy housing for protected class groups, including but not limited to, persons with disabilities, families with children and underserved communities of color.

**2.3 Evidence of Compliance with Local Land-Use and Zoning Regulations (9 points):**

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 (9 points), Partially Permitted plans (4 points), and Not Land Use Compliant plans (0 points).

Applicants must provide evidence under **Tab F**.

- **Fully Approved (9 points).** 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.
- **Partially Approved (4 points).** 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 reasonable 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., 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).
- **Not Land Use Compliant (0 points).** 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 reasonable 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).

**Rating Factor 3: Project Leverage and Committed Funding**

**Maximum Points: 20**

**Please submit documentation for 3.1 under Tab C**

**3.1. Project Leverage (10 points).** Applicants will be rated on the amount of financing brought to the project by the applicant in relation to the amount of Capital Advance funding requested in the application. A leverage score will be assigned to your application based on the scale provided.

Answers to the following questions will help you determine your project leverage score:

- How much have you requested in Capital Advance funding per unit that will be assisted under the PRAC?
- How much additional leveraging capital are you bringing to the project in the Development Budget per total units at the project? Leveraging Capital could include, but is not limited to, any of the following:
  - (a) Tax credit equity from a 9% Low-Income Housing Tax Credit ("LIHTC"); 4% LIHTC; historic rehabilitation tax credit; Opportunity Fund investment, or a similar federal or state tax credit;
  - (b) First mortgage financing (supported by non-PRAC funds, such as market-rate units or units under a Section 8 contract);
  - (c) Subordinate loan funds;
  - (d) Grant awards;
  - (e) Sponsor capital (including deferred developer fee); and/or
  - (f) Appraised value of donated or seller-financed land (Land donations or seller financing must include an appraisal or tax assessment to document value.)

Leverage Ratio of Capital Advance to All Other Sources							Points
			Less than	\$1	:	\$0.50	0
\$1	:	\$0.50	to less than	\$1	:	\$1	1
\$1	:	\$1	to less than	\$1	:	\$2	2
\$1	:	\$2	to less than	\$1	:	\$3	4
\$1	:	\$3	to less than	\$1	:	\$4	6
\$1	:	\$4	to less than	\$1	:	\$6	8
\$1	:	\$6	or greater	10			

**Examples:**

- Your budget indicates that your project will cost \$11.2 million for an 80-unit project that would be fully assisted under a PRAC. You have requested Capital Advance funds in the amount of \$1.2 million (\$15,000 per PRAC unit) and you are bringing a total of \$10 million (\$125,000 per unit for the total project) to the project primarily through a combination of a 9% tax credit allocation and soft secondary financing. Your ratio of funds from all other sources than the Capital Advance (\$125,000 per unit) to the Capital

Advance requested (\$15,000 per PRAC unit) is  $(\$125,000/\$15,000) = 8.33$ . For each \$1 in Capital Advance funds, \$8.33 is leveraged (\$1: \$8.33). Therefore, your score is 10 points.

- Your budget indicates that your project will cost \$12.2 million for an 80-unit project that will have 40 units assisted under a PRAC. You have requested Capital Advance funds in the amount of \$2 million (\$50,000 per PRAC unit) and the balance of \$10.2 million (\$127,500 per unit for the total project) will be provided by 4% tax credit equity, mortgage financing, and other sources. Your ratio of funds from all other sources than the capital advance (\$127,500 per unit) to the Capital Advance requested (\$50,000 per PRAC unit) is  $(\$127,500/\$50,000) = 2.55$ . For each \$1 in Capital Advance funds, \$2.55 is leveraged (\$1: \$2.55). Therefore, your score is 4 points.

### **Appraisal of Donated or Seller-Financed Land**

Applicants claiming leverage from donated or seller-financed land must attach a third-party appraisal of the land prepared in accordance with the MAP Guide sections 7.3.1, Appraiser Qualifications, and 7.6, Appraisal Requirements.

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

### **3.2. Commitment of Sources (10 points)**

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

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 202 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% 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% tax credits and an executed letter of intent with an investor for purchase of the 4% 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% LIHTC approval. The applicant must show that they are eligible to submit, or have submitted, an application to the housing finance agency for 4% 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 to the project
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

<b>Rating Factor 4: Supportive Services</b>	<b>Maximum Points: 10</b>
<b>Supportive Services (max 10 points).</b> Applicants must submit documentation including the supportive services plan that describes the following under <b>Tab J</b> :	

1. **The proposed supportive services, including how the services will be delivered.** The supportive services plan should describe health-related services, services that assist with Activities of Daily Living (ADL) and Instrumental Activities of Daily Living (IADL), services that mitigate social isolation and depression, services that improve physical health, and social services that enhance quality of life. Supportive services must be designed to prolong the period that elderly residents with varying levels of health needs can live independently.
  
1. **The public and/or private funds that are expected to fund the proposed services over the life of the project.** This may include:
  1. Hiring, contracting with or otherwise retaining a full- or part-time Service Coordinator, who will assist residents in identifying, locating and acquiring those supportive services necessary for independent living and aging-in place. Per 24 CFR 891.225, costs associated with the employment of a service coordination are eligible to be covered under the PRAC and have been incorporated into the calculation of the initial PRAC rents (Operating Cost Standards) listed in Appendix A;
  2. Up to \$15 per unit per month of PRAC funds for service expenses. This allowance has been incorporated into the calculation of the initial PRAC rents (Operating Cost Standards) listed in Appendix A;
  3. Medicaid reimbursement for health-related expenses; and
  4. Other sources, including state and local programs, grants, donations, tenant fees, etc.
  
2. **The capacity of sponsor and partner organizations to coordinate, deliver, and finance supportive services.** HUD will consider applicants' demonstrated ability, awareness of resources in this area, and capacity to partner with state and local health care agencies and/or service providers to provide these services. The applicant must identify each partner's role in the implementation of the supportive services plan. These partners may include, for example, the State Medicaid Agency and associated agencies, Area Agencies on Aging, Aging and Disability Resource Centers, Local Health Departments, managed care entities, state and local government entities, and/or community-based organizations. Partnerships with agencies to provide supportive services cannot result in limiting eligibility of the project to persons with specific disabilities or individuals who qualify only for certain disability-specific services. **If the Sponsor will be working with a partner(s) to implement the supportive services at the project, a letter(s) of support from the partner organization(s) must be included with details of the expected agreement.** If you have entered into a Memorandum of Understanding or Interagency Agreement with the organization or agency providing the services, you may attach this document in lieu of a letter of commitment.

Applicants will be rated on the capacity of the Sponsor and its partners to deliver, coordinate, and finance robust supportive services. A total of **up to 10 points** will be awarded based on the extent to which the applicant's supportive services plan substantively addresses resident support for the following criteria:

Criteria	Points
ADLs	1
IADLs	1
Social Isolation	1
Physical Health	1
Reliable , sustainable source of funding for proposed services	1
The years of experience applicants have implementing a comparable plan	Up to 6
Ability of the applicant to demonstrate evidence of improved resident outcomes from the provision of services (such as reducing hospitalization visits, reducing moves to assisted living or hospice-care facilities, increased tenant satisfaction, etc.)	1
Inclusion of other partners in service delivery	0.5 point for non-state or local government partner 1 point for state or local government partner

Rating Factor 5: Physical Design	Maximum Points: 24
<p>Applicants must submit Physical Design documentation under <b>Tab K</b>.</p> <p>HUD seeks to fund the development of properties where elderly residents can live independently and age in place, even as they may require over time a higher level of assistance with activities of daily living. These are properties designed to facilitate residents' access to services and which help residents avoid the need to move to assisted living facilities and nursing homes.</p> <p><b>Physical Design (24 points)</b></p> <p>Applicants must provide schematics of the building and unit design and a narrative description of innovative aspects of the design that enable elderly residents with varying levels of health needs to live independently. Applicants will be evaluated on the extent to which the proposed design prevents falls, incorporates universal design and visitability principles, leverages electronic communications, promotes health and wellness, and enhances both resource efficiency and climate resilience.</p> <ol style="list-style-type: none"> <li><b>Fall Prevention.</b> Falls remain the leading cause of injury, long-term disability, premature institutionalization, and injury-related mortality among the elderly. The majority of falls experienced by the elderly occur in the home. For more information on</li> </ol>	

fall prevention, please see Centers for Disease Control and Prevention, Home and Recreational Safety, [www.cdc.gov/homeandrecreationalafety/falls/adultfalls.html](http://www.cdc.gov/homeandrecreationalafety/falls/adultfalls.html).

2. **Visitability/Universal Design.** Visitability is a set of features that makes a home (or building) easier for persons with mobility and sensory 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.
3. **Electronic Communication Availability/Accessibility.** Affordable access to electronic communication networks can improve health outcomes for the elderly 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.
4. **Health and Wellness.** Building design that promotes physical activity and social interaction improves the health of and mitigates the effects of loneliness in an aging population. Further, building design features can effectively mitigate the spread of infectious diseases.
5. **Resource Efficiency and Climate Resilience.** Efficient and resilient buildings are better equipped to support safe environments for residents now and into a changing future. Applications will be evaluated on the extent to which they exceed baseline requirements by building to more stringent efficiency standards and/or incorporating climate resilience strategies.

As stated above, applicants can achieve a maximum of 24 points for Physical Design. 20 of the 24 points can be achieved by incorporating optional design features indicated in the “**Physical Design and Livability Template**” in **Appendix B** of this NOFO. The remaining 4 points in Physical Design are based on the narrative describing additional impactful building features designed to extend the period residents can live independently and age in place.

## **Maximum Points**

**Maximum Points: 100**

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 R** 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 S** to receive up to 2 preference points.

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 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:

OMB-designated repositories of governmentwide data, as noted in 2 CFR 200.206(a)

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 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.

HUD may impose special conditions on Awards made if, in the review of the application, HUD identifies factors that may impede or place at risk the successful completion of the project.

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

HUD's review of an applicant's submission under this NOFO is not an exhaustive assessment of all requirements applicable to projects developed under the Section 202 Housing for the Elderly program. HUD's review merely provides a sufficient means of allowing an application to be rated and considered for funding. HUD's review does not alter any responsibility the project owner or any other party has to comply with all applicable civil rights requirements.

### **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.

Applicants will describe their experience promoting Racial Equity, in response to Rating Factor 3.1 Development and Management Experience. Applicants should describe their experience or resources to effectively meet the needs of undeserved communities, particularly Black and Brown communities. Examples of an applicant's experience promoting racial equity may include, but is not limited to:

- a. Experience soliciting, obtaining, and applying input from underserved groups when designing, planning, or implementing programs and activities OR
- b. History of hiring, training, contracting, and providing other economic opportunities to persons of color, especially to individuals who receive housing assistance in furtherance of Section 3.

#### **4. Application Review Process**

A. HUD will screen each application to determine if the application (1) meets threshold; (2) meets the program eligibility requirements under this NOFO; (3) has curable deficiencies.

B. Applications that meet threshold and eligibility requirements will be evaluated and scored based on the rating factors described in Section V.A of this NOFO. HUD will also evaluate previous participation (HUD Form 2530) submissions to assess applicant risk.

C. Applications and scores will be evaluated by a second reviewer to ensure consistency.

D. Once a final score has been determined, applications will be ranked in score order.

In the event there are more eligible awards than funding will allow, applications will be ranked and awarded in the following order:

1. Non-metropolitan areas until the minimum requirement for such areas is reached;
2. Office of Multifamily Housing Programs administrative region, until the minimum requirement is reached.
3. All other applications.

E. In the event of tied scoring, HUD will select the application with the highest score under Rating Factor I. If a tie still exists, HUD will select the application(s) with the highest score for Rating Factor II, and will continue to each Rating Factor until a clear highest score has been reached.

**NOTE:** To qualify for a Capital Advance Award, applicants must earn a total minimum score of 75 points, including a minimum score of 14 points for Rating Factor I. Any application scoring below the minimums will not be awarded.

#### **5. Other Application Considerations**

A. Up to \$35 million of the funds made available for assistance under this NOFO shall be allocated for projects that include Intergenerational Dwelling Units unless HUD does not receive sufficient eligible applications.

B. 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.

C. 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 [www.hud.gov/program\\_offices/housing/mfh/hsgmfbus/abouthubspc](http://www.hud.gov/program_offices/housing/mfh/hsgmfbus/abouthubspc)

## **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.

An 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.7 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 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

31. 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 Protections | Office of Inspector General, Department of Housing and Urban Development \(hudoig.gov\)](#))

### **Environmental Review**

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

See Section III.F.7 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 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](#).

In addition to 1 CFR 200.340 regarding causes of termination, 2 CFR 200.339, Remedies for Noncompliance, conveys the full range of remedies HUD can take if a non-Federal entity fails to comply with federal statutes, regulations, or terms of an award.

In accordance with **§ 891.165 Duration of capital advance.** (a) The duration of the fund reservation for a capital advance with construction advances is 24 months from the date of issuance of the award letter to the date of initial closing. This duration can be up to 36 months, as approved by HUD on a case-by-case basis. (b) The duration of the fund reservation for projects that elect not to receive any capital advance before construction completion is 24 months from the date of issuance of the award letter to the start of construction. This duration can be up to 36 months, as approved by HUD on a case-by-case basis.

Further, **§ 891.170 Repayment of capital advance.** (a) Interest prohibition and repayment. A capital advance provided under this part shall bear no interest and its repayment shall not be required so long as the housing project remains available for very low-income elderly families or persons with disabilities, as applicable, in accordance with this part. The capital advance may not be repaid to extinguish the requirements of this part. To ensure its interest in the capital advance, HUD shall require a note and mortgage, use agreement, capital advance agreement and regulatory agreement from the Owner in a form to be prescribed by HUD. (b) Transfer of assets. The transfer of physical and financial assets of any project under this part is prohibited, unless HUD gives prior written approval. Approval for transfer will not be granted unless HUD determines that the transfer to a private nonprofit corporation, consumer cooperative (under the Section 202 Program), a private nonprofit organization (under the Section 811 Program), or an organization meeting the definition of “mixed-finance owner” in § 891.805, is part of a transaction that will ensure the continued operation of the capital advance units for not less than 40 years (from the date of original closing) in a manner that will provide rental housing for very low-income elderly persons or persons with disabilities, as applicable, on terms at least as advantageous to existing and future tenants as the terms required by the original capital advance.

### **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)).

When providing education or counseling on buying or renting housing that may include pre-1978 housing under your grant you must inform clients of their rights under the Lead Disclosure Rule (24 CFR part 35, subpart A), and, if the focus of the education or counseling is on rental or purchase of HUD-assisted pre-1978 housing, the Lead Safe Housing Rule (subparts B, R, and, as applicable, F - M).

## **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.

### **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](http://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.

Under 24 CFR 135.90, each recipient which receives directly from HUD financial assistance that is subject to the requirements of this part shall submit to the Assistant Secretary an annual report in such form and with such information as the Assistant Secretary may request, for the purpose of determining the effectiveness of section 3. Where the program providing the section 3 covered assistance requires submission of an annual performance report, the section 3 report will be submitted with that annual performance report. If the program providing the section 3 covered assistance does not require an annual performance report, the section 3 report is to be submitted by January 10 of each year or within 10 days of project completion, whichever is earlier. All reports submitted to HUD in accordance with the requirements of this part will be made available to the public. (Approved by the Office of Management and Budget under control number 2529-0043),

## **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:

202 Capital Advance NOFO Team

Phone:

N/A

Email:

202CapitalAdvanceNOFO@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 part 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

## APPENDIX

### Appendix A: Operating Cost Standards

#### PRAC Rents (Operating Cost Standards) for FY 2023 Section 202 Supportive Housing for the Elderly Program (202 Capital Advance)

##### Introduction

The tables below establish the 2023 Operating Cost Standards (OCS) upon which HUD will establish initial contract rents in the 202 Project Rental Assistance Contract (PRAC) upon execution. The 2023 OCS levels below will be combined with a projection of project-paid utilities to establish contract rent levels.

**Project-paid utility expenses.** Since the configuration of utilities of proposed properties will vary, the amounts below are net of any project-paid or tenant-paid utilities. Owners must identify the proposed configuration for utilities:

- a. Within their application - identify the project-paid utilities and provide a reasonable estimate of the cost of such utilities, which would be added to the amounts listed in the tables below to create the contract rent;
- b. Prior to operation - calculate an initial utility allowance for residents based on [Housing Notice 2015-04](#).

At award, HUD will provide initial subsidy funding to cover the difference between the operating cost standards plus project paid utilities and an estimate of tenants' contribution

towards rent. After one year of operation, owners may subsequently request an adjustment to the contract rents on the basis of an operating budget history.

## 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 over 2,800 active properties supported by 202 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, net of utility expenses, 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 202 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, net of utility expenses, for each state is listed in Table 2.

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

- 6500T Total Operating and Maintenance Expenses:
- 6263T Total Administrative 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 annual Service Coordinator expenses of \$110 per unit per month and a monthly deposit to the capital replacement reserve of \$50 per unit per month (\$600 per year per year).

The table below also includes \$15 per unit per month (\$180 per unit per year) of PRAC funds for service expenses. The property's Operating Cost Standard will be reduced if the owner does not provide supportive services and/or a Service Coordinator.

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

*Please Note: PRAC rents are calculated using 75% of the OCS plus utility allowance.  
Example: (OCS+Utility allowance)\*75%\*Number of PRAC units\* 12 months*

<b>Metropolitan Statistical Area</b>	<b>PRAC Contract Rents (per unit per year)</b>
Akron, OH PMSA	\$7,932
Albany-Schenectady-Troy, NY MSA	\$7,606
Albuquerque, NM MSA	\$7,377
Alexandria, LA MSA	\$8,166
Allentown-Bethlehem-Easton, PA MSA	\$8,190
Altoona, PA MSA	\$8,278
Anchorage, AK MSA	\$9,652
Appleton-Oshkosh-Neenah, WI MSA	\$7,279
Asheville, NC MSA	\$7,395
Atlanta, GA MSA	\$7,329
Atlantic-Cape May, NJ PMSA	\$9,280
Augusta-Aiken, GA-SC MSA	\$7,520
Austin-San Marcos, TX MSA	\$8,414
Bakersfield, CA MSA	\$8,730
Baltimore, MD PMSA	\$8,846
Bangor, ME MSA	\$7,676
Barnstable-Yarmouth, MA MSA	\$9,994
Baton Rouge, LA MSA	\$7,649
Beaumont-Port Arthur, TX MSA	\$7,371
Bergen-Passaic, NJ PMSA	\$10,264
Biloxi-Gulfport-Pascagoula, MS MSA	\$8,016
Birmingham, AL MSA	\$7,239
Boise City, ID MSA	\$7,154

Boston, MA-NH PMSA	\$10,689
Bridgeport, CT PMSA	\$10,342
Buffalo-Niagara Falls, NY MSA	\$7,739
Burlington, VT MSA	\$10,037
Canton-Massillon, OH MSA	\$7,296
Cedar Rapids, IA MSA	\$6,811
Charleston-North Charleston, SC MSA	\$8,200
Charleston, WV MSA	\$7,029
Charlotte-Gastonia-Rock Hill, NC-SC MSA	\$6,422
Chattanooga, TN-GA MSA	\$6,361
Chicago, IL PMSA	\$11,025
Cincinnati, OH-KY-IN PMSA	\$7,525
Cleveland-Lorain-Elyria, OH PMSA	\$8,650
Columbia, SC MSA	\$7,074
Columbus, OH MSA	\$7,910
Dallas, TX PMSA	\$7,778
Davenport-Moline-Rock Island, IA-IL MSA	\$6,627
Dayton-Springfield, OH MSA	\$7,414
Daytona Beach, FL MSA	\$7,730
Decatur, IL MSA	\$8,412
Denver, CO PMSA	\$8,450
Des Moines, IA MSA	\$7,039
Detroit, MI PMSA	\$7,884
Dothan, AL MSA	\$6,842

Duluth-Superior, MN-WI MSA	\$7,440
Dutchess County, NY PMSA	\$8,507
El Paso, TX MSA	\$6,898
Erie, PA MSA	\$7,839
Eugene-Springfield, OR MSA	\$6,568
Evansville-Henderson, IN-KY MSA	\$7,403
Fayetteville, NC MSA	\$6,001
Fayetteville-Springdale-Rogers, AR MSA	\$6,082
Flint, MI PMSA	\$6,697
Fort Lauderdale, FL PMSA	\$8,464
Fort Myers-Cape Coral, FL MSA	\$7,617
Fort Wayne, IN MSA	\$6,837
Fort Worth-Arlington, TX PMSA	\$7,592
Fresno, CA MSA	\$8,208
Gainesville, FL MSA	\$7,522
Gary, IN PMSA	\$7,096
Grand Forks, ND-MN MSA	\$6,583
Grand Rapids-Muskegon-Holland, MI MSA	\$7,501
Greeley, CO PMSA	\$7,174
Greensboro--Winston-Salem--High Point, NC MSA	\$6,245
Greenville-Spartanburg-Anderson, SC MSA	\$6,830
Hamilton-Middletown, OH PMSA	\$7,324
Harrisburg-Lebanon-Carlisle, PA MSA	\$7,706
Hartford, CT MSA	\$10,079

Hickory-Morganton-Lenoir, NC MSA	\$6,399
Honolulu, HI MSA	\$8,081
Houston, TX PMSA	\$7,631
Huntington-Ashland, WV-KY-OH MSA	\$6,519
Huntsville, AL MSA	\$7,248
Indianapolis, IN MSA	\$7,189
Jackson, MS MSA	\$7,345
Jacksonville, FL MSA	\$8,859
Jamestown, NY MSA	\$6,814
Jersey City, NJ PMSA	\$10,695
Johnson City-Kingsport-Bristol, TN-VA MSA	\$5,688
Johnstown, PA MSA	\$7,774
Jonesboro, AR MSA	\$6,650
Joplin, MO MSA	\$6,512
Kalamazoo-Battle Creek, MI MSA	\$7,403
Kansas City, MO-KS MSA	\$6,853
Knoxville, TN MSA	\$6,225
Lafayette, LA MSA	\$7,330
Lake Charles, LA MSA	\$7,895
Lancaster, PA MSA	\$6,777
Lansing-East Lansing, MI MSA	\$6,264
Las Vegas, NV-AZ MSA	\$7,521
Lawrence, MA-NH PMSA	\$9,339
Lewiston-Auburn, ME MSA	\$7,496

Lexington, KY MSA	\$7,141
Lima, OH MSA	\$7,174
Little Rock-North Little Rock, AR MSA	\$6,908
Los Angeles-Long Beach, CA PMSA	\$8,607
Louisville, KY-IN MSA	\$7,366
Lowell, MA-NH PMSA	\$10,317
Lynchburg, VA MSA	\$6,192
Macon, GA MSA	\$7,207
Madison, WI MSA	\$7,628
Manchester, NH PMSA	\$9,515
Mansfield, OH MSA	\$7,037
Medford-Ashland, OR MSA	\$6,939
Melbourne-Titusville-Palm Bay, FL MSA	\$8,956
Memphis, TN-AR-MS MSA	\$7,163
Miami, FL PMSA	\$7,928
Middlesex-Somerset-Hunterdon, NJ PMSA	\$9,890
Milwaukee-Waukesha, WI PMSA	\$7,450
Minneapolis-St. Paul, MN-WI MSA	\$7,886
Mobile, AL MSA	\$7,065
Monmouth-Ocean, NJ PMSA	\$9,352
Monroe, LA MSA	\$6,517
Montgomery, AL MSA	\$7,397
Nashville, TN MSA	\$7,130
Nassau-Suffolk, NY PMSA	\$8,683

New Bedford, MA PMSA	\$8,800
New Haven-Meriden, CT PMSA	\$11,108
New London-Norwich, CT-RI MSA	\$9,149
New Orleans, LA MSA	\$7,645
New York, NY PMSA	\$11,290
Newark, NJ PMSA	\$9,632
Newburgh, NY-PA PMSA	\$8,902
Norfolk-Virginia Beach-Newport News, VA-NC MSA	\$7,186
Oakland, CA PMSA	\$10,279
Oklahoma City, OK MSA	\$6,806
Omaha, NE-IA MSA	\$7,674
Orange County, CA PMSA	\$8,571
Orlando, FL MSA	\$8,193
Parkersburg-Marietta, WV-OH MSA	\$7,106
Pensacola, FL MSA	\$6,800
Peoria-Pekin, IL MSA	\$8,449
Philadelphia, PA-NJ PMSA	\$8,681
Phoenix-Mesa, AZ MSA	\$7,555
Pittsburgh, PA MSA	\$8,122
Pittsfield, MA MSA	\$9,255
Ponce, PR MSA	\$8,097
Portland, ME MSA	\$8,424
Portland-Vancouver, OR-WA PMSA	\$7,514
Providence-Fall River-Warwick, RI-MA MSA	\$9,810

Racine, WI PMSA	\$7,762
Raleigh-Durham-Chapel Hill, NC MSA	\$6,349
Redding, CA MSA	\$8,055
Richmond-Petersburg, VA MSA	\$7,149
Riverside-San Bernardino, CA PMSA	\$8,528
Roanoke, VA MSA	\$7,316
Rochester, MN MSA	\$8,111
Rochester, NY MSA	\$7,813
Rockford, IL MSA	\$9,131
Rocky Mount, NC MSA	\$6,200
Sacramento, CA PMSA	\$8,323
Saginaw-Bay City-Midland, MI MSA	\$7,438
St. Cloud, MN MSA	\$7,048
St. Joseph, MO MSA	\$5,815
St. Louis, MO-IL MSA	\$7,477
Salem, OR PMSA	\$6,912
Salt Lake City-Ogden, UT MSA	\$7,713
San Antonio, TX MSA	\$7,314
San Diego, CA MSA	\$9,005
San Francisco, CA PMSA	\$11,035
San Jose, CA PMSA	\$10,495
San Juan-Bayamon, PR PMSA	\$7,528
Santa Cruz-Watsonville, CA PMSA	\$10,869
Santa Rosa, CA PMSA	\$9,762

Sarasota-Bradenton, FL MSA	\$8,342
Savannah, GA MSA	\$10,130
Scranton--Wilkes-Barre--Hazleton, PA MSA	\$7,365
Seattle-Bellevue-Everett, WA PMSA	\$7,576
Sharon, PA MSA	\$7,313
Shreveport-Bossier City, LA MSA	\$7,082
Sioux City, IA-NE MSA	\$5,896
Sioux Falls, SD MSA	\$6,628
South Bend, IN MSA	\$7,573
Spokane, WA MSA	\$6,847
Springfield, MA MSA	\$9,887
Stamford-Norwalk, CT PMSA	\$11,253
Steubenville-Weirton, OH-WV MSA	\$6,326
Stockton-Lodi, CA MSA	\$7,440
Sumter, SC MSA	\$7,253
Syracuse, NY MSA	\$8,334
Tacoma, WA PMSA	\$7,091
Tampa-St. Petersburg-Clearwater, FL MSA	\$7,569
Toledo, OH MSA	\$7,705
Topeka, KS MSA	\$6,439
Trenton, NJ PMSA	\$10,665
Tucson, AZ MSA	\$7,231
Tulsa, OK MSA	\$6,242
Utica-Rome, NY MSA	\$7,524

Washington, DC-MD-VA-WV PMSA	\$8,985
Waterbury, CT PMSA	\$9,931
Waterloo-Cedar Falls, IA MSA	\$7,025
West Palm Beach-Boca Raton, FL MSA	\$8,674
Wheeling, WV-OH MSA	\$7,082
Wichita, KS MSA	\$6,629
Wilmington-Newark, DE-MD PMSA	\$8,176
Worcester, MA-CT PMSA	\$9,537
Yakima, WA MSA	\$6,263
Youngstown-Warren, OH MSA	\$7,291

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

<b>State</b>	<b>PRAC Contract Rents (per unit per year)</b>
Alabama	\$6,686
Alaska	\$11,536
Arizona	\$7,556
Arkansas	\$6,308
California	\$8,259
Colorado	\$7,400
Connecticut	\$10,309
Delaware	\$7,905
Florida	\$8,044
Georgia	\$6,848

Hawaii/Guam	\$9,317
Idaho	\$6,934
Illinois	\$8,023
Indiana	\$6,681
Iowa	\$6,282
Kansas	\$6,335
Kentucky	\$6,527
Louisiana	\$7,538
Maine	\$7,940
Maryland	\$7,014
Massachusetts	\$11,054
Michigan	\$7,065
Minnesota	\$6,636
Mississippi	\$7,209
Missouri	\$6,132
Montana	\$6,833
Nebraska	\$6,418
Nevada	\$7,483
New Hampshire	\$8,810
New Jersey	\$9,666
New Mexico	\$6,666
New York	\$7,560
North Carolina	\$6,192
North Dakota	\$6,274

Ohio	\$7,358
Oklahoma	\$6,223
Oregon	\$7,052
Pennsylvania	\$7,629
Puerto Rico	\$7,779
Rhode Island	\$9,827
South Carolina	\$7,415
South Dakota	\$5,998
Tennessee	\$6,305
Texas	\$7,179
Utah	\$7,319
Vermont	\$8,341
Virgin Islands	\$12,650
Virginia	\$6,414
Washington	\$7,428
West Virginia	\$7,041
Wisconsin	\$6,412
Wyoming	\$7,578

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

**Cross-References with Program Requirements Section III.E.11. 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 the elderly, enhancing the livability of the physical environment promotes housing stability and may prevent premature institutionalization in nursing homes. A well-situated, well-designed physical space at the unit and building level can help the elderly maintain independence and age in place longer.

**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.

Building design complies with requirement	Feature
<input type="checkbox"/>	<p>Resident units are limited to efficiencies or one-bedroom units, except as specified below.</p> <ul style="list-style-type: none"> <li>• If a resident manager is proposed for a project, up to two bedrooms could be provided for the resident manager unit.</li> <li>• Resident units in Section 202 projects may be two-bedroom units if a portion of the units are financed by other sources, and not included in the PRAC.</li> <li>• 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.</li> <li>• Intergenerational dwelling units shall have at least two separate bedrooms.</li> </ul>
<input type="checkbox"/>	<p>FHA's Minimum Property Standards as set forth in 24 CFR Part 200, subpart S</p>
<input type="checkbox"/>	<p>Entities must comply with all Federal accessibility requirements and applicable architectural standards. Applicable Federal accessibility requirements include:</p> <ol style="list-style-type: none"> <li>a. Uniform Federal Accessibility Standards (UFAS) at 24 CFR part 40.7 or HUD Alternative Accessibility Standards at 79 Fed. Reg. 29671</li> <li>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;</li> <li>c. Titles II or III as applicable of the Americans with Disabilities Act and implementing regulations at 28 CFR parts 35 and 36</li> <li>d. FOR NEW CONSTRUCTION – (Covered multifamily dwellings built for first occupancy after March 13, 1991) the</li> </ol>

	design and construction requirements of the Fair Housing Act and implementing regulations at 24 CFR part 100.
<input type="checkbox"/>	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 202 Capital Advance funds. They must also pay for the continuing operating costs associated with any such amenities from sources other than the Section 202 PRAC. See 24 CFR 891.120(c).
<input type="checkbox"/>	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).
<input type="checkbox"/>	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: <ul style="list-style-type: none"> <li>• 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.</li> <li>• All buildings involving rehabilitation must utilize <a href="#">Energy Star®</a>, <a href="#">WaterSense®</a> or <a href="#">Federal Energy Management Program (FEMP)</a>-designated products and appliances replacements, if any such designation is available for the applicable system or appliance.</li> </ul>
<input type="checkbox"/>	Carbon monoxide detectors (1) in units that have fuel-fired/burning appliance(s) and/or an attached garage, and (2) in bedrooms that contain a fireplace or a fuel-fired or burning appliance
<input type="checkbox"/>	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 202 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

<input type="checkbox"/>	<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"> <li>• The location of the new construction or substantial rehabilitation makes installation of broadband infrastructure infeasible;</li> <li>• 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;</li> <li>• The structure of the housing to be substantially rehabilitated makes installation of broadband infrastructure infeasible.</li> </ul>
<input type="checkbox"/>	<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 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).</p>
<input type="checkbox"/>	<p>Waiting area with seating that has a clear line of sight to the exterior passenger pick-up/drop-off location</p>
<input type="checkbox"/>	<p>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.</p>
<input type="checkbox"/>	<p>Spaces designed to facilitate social interaction, such as a lobby or common living room with seating.</p>
<input type="checkbox"/>	<p>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.</p>
<input type="checkbox"/>	<p>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</p>

<input type="checkbox"/>	Central heating and cooling systems throughout the building (including apartments). Projects in markets where market-rate senior housing commonly excludes air conditioning may install central heating only.
<input type="checkbox"/>	In-building or in-unit laundry facilities (not just hookups) with front loading equipment
<input type="checkbox"/>	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
<input type="checkbox"/>	Lever door handles or other accessible hardware where hand-gripping is not required (not knobs)
<input type="checkbox"/>	Door handles mounted no higher than 48 inches from floor
<input type="checkbox"/>	D or U-shaped handles (not knobs) on all cabinetry
<input type="checkbox"/>	Faucets with lever handles in bathroom and kitchen
<input type="checkbox"/>	Anti-scald valves on fixtures
<input type="checkbox"/>	Slip-resistant flooring in bathrooms and kitchens
<input type="checkbox"/>	Pre-installed Section 504 or ADA compliant grab bars in the showers and next to all toilets
<input type="checkbox"/>	Lighting in shower areas
<input type="checkbox"/>	Emergency call system in each unit
<input type="checkbox"/>	Area inside the entrance door to <b>all</b> units with a 60-inch diameter circular turning radius to permit maneuvering with a wheelchair or storage for walkers, scooters or other mobility devices.
<input type="checkbox"/>	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.
<input type="checkbox"/>	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.

**B. Rating Factor Points**

Applicants will be scored based on the extent to which the proposed building design incorporates universal design and visitability principles, incorporates fall-prevention features, leverages electronic communications, promotes health and wellness, and enhances the building’s resource efficiency and climate resilience. See, for example, items referenced at <https://www.nia.nih.gov/health/aging-place-growing-older-home>.

Up to 20 of the 24 physical design points will be provided based on the optional features selected below. Applicants must achieve a minimum number of points identified in each section. The remaining 4 points in the physical design scoring element will be based on HUD’s assessment of proposed additional impactful building features designed to extend the period residents can live independently and age-in-place as described in the written narrative.

**Fall Prevention (Minimum 2 points)**

Points	Design Feature
0.5	Hand railings on both sides of building hallways. Handrails should be installed 34” to 38” above stair treads or floor; low handrails should be placed at 27” maximum. Handrails should be 1 ¼” to 2” in diameter with a slip-resistant surface for a secure grip.
0.5	Smooth, hard, durable, slip-resistant flooring material or easy to clean short- pile carpets to reduce tripping and support residents who shuffle feet. If installing carpet, use a tight-looped version with a low profile (up to 1/2” high) and a thin pad (10-pound density) or no pad, and attach securely to the floor beneath with a direct glue-down application.
0.5	Shelving to place bags and packages at all locked entrances (including building entrances and unit entrances), with lighting to see the door lock.
0.5	Hallway light fixtures with output of at least 2700 lumens and fixtures that cast a diffuse light (reflected illumination on the wall or ceiling via a shade, not direct light).
0.5	Open, inviting stairs near the elevator with low-rise steps (a rise between 6 and 7 inches and a tread depth between 11 and 13 inches). The stairs are made of non-slip materials, have strong lighting, contrasting riser and tread colors, hand railings that extend 12 inches beyond the top and bottom of each run of steps, and no more than 4 feet in rise between landings that turn direction at each landing to lessen the distance of a fall.
0.5	Color contrast counters with the floor or grab bar colors relative to wall or tile to enhance the ability to see where the counter edge and/or grab bar begins and ends.

**Universal Design (Minimum 2 points)**

Points	Design Feature
1	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.
1	Hallways with a clear width in excess of 42 inches.
0.5	Awning windows with easy-use crank hardware.
0.5	Rocker-pad light switches with internal locator lights.
0.5	Peephole at sitting level: Peepholes in the doors of individual units installed at about 43" to accommodate seated residents.
1	Power operated doors, driven by either an easy-push button or by a motion proximity sensor.
0.5	Materials for ceilings and other hard surfaces that dampen background noise (like synthetic tiles, melamine foams, fiberglass, wood, and plastic).
1	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.
0.5	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.
0.5 for at least 50% of PRAC units; 1 for 100% of PRAC units.	Section 504 specified turning and access-to-fixtures requirements in baths and kitchens.
0.5 for at least 50% of PRAC units; 1 for 100% of PRAC units.	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.
0.5 for 100% of PRAC units.	Hand-held shower wand (with controls) with hook that can be reached from seated position.

0.5 for 100% of PRAC units.	Comfort height toilet (approximately 18 inches high) in baths.
0.5 for at least 50% of PRAC units; 1 for 100% of PRAC units.	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.
0.5 for 100% of PRAC units.	Electric stoves in kitchens for easy and flexible decommissioning for residents with dementia.
0.5 for 100% of PRAC units.	Side by side refrigerator/freezer or freezer on the bottom in kitchens.
0.5 for at least 50% of PRAC units; 1 for 100% of PRAC units.	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”
0.5 for at least 50% of PRAC units; 1 for 100% of PRAC units.	In kitchens, removable base cabinets under the kitchen sink, cook top and a portion of the workspaces in order to accommodate seated residents.

**Technology (Minimum 1 point)**

Points	Design Feature
0.5	Wireless door locks with fob.
1	Provide residents free open access to building Wi-Fi and internet in their apartments. Note: Monthly service charges are not an eligible PRAC expense.
0.5	Wireless door chime with flashing strobe light in all units.
0.5	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.
0.5	Video intercom system at main entry which connects to in-unit features so that seniors 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 seniors, particularly seniors with arthritis or other challenges that make it hard to use a touchscreen.
0.5	In-unit control of unit temperature, through simple to understand HVAC controls with large screens for easy reading.
0.5	Upgraded emergency call system to allow 2-way communication

### Health and Wellness (Minimum 2 points)

Points	Design Feature
1	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.
0.5	Fitness room and/or wellness room.
1	Building provides 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. 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)
0.5	Dedicated gardening areas for resident use with elevated garden plots.
0.5	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)
1	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.
0.5	Periodic seating alcoves or built-in seating nodes along (but not blocking) circulation routes for resting and socializing.

0.5	Strobe light smoke and carbon monoxide detectors in <b>all</b> units.
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**Resource Efficiency and Climate Resilience**

Points	Design Feature				
2-4	In lieu of meeting baseline energy and water conservation requirements, a project will receive 2 or 4 points if it will meet the following standards for new construction or rehabilitation:				
	<table border="1"> <tr> <td>Points</td> <td> <p><b>New Construction and Substantial Rehab</b></p> <p>(Gut rehab involves total removal and replacement of a building's "guts," leaving just the exterior shell of the building)</p> </td> <td> <p><b>Retrofit/Rehab</b></p> <p>(Includes any rehab less than gut rehab)</p> </td> </tr> </table>	Points	<p><b>New Construction and Substantial Rehab</b></p> <p>(Gut rehab involves total removal and replacement of a building's "guts," leaving just the exterior shell of the building)</p>	<p><b>Retrofit/Rehab</b></p> <p>(Includes any rehab less than gut rehab)</p>	
	Points	<p><b>New Construction and Substantial Rehab</b></p> <p>(Gut rehab involves total removal and replacement of a building's "guts," leaving just the exterior shell of the building)</p>	<p><b>Retrofit/Rehab</b></p> <p>(Includes any rehab less than gut rehab)</p>		
2	<p><b>Net Zero Ready</b></p> <ul style="list-style-type: none"> <li>• DOE Zero Energy Ready Home (includes EPA Indoor airPLUS)</li> <li>• Enterprise Green Communities Plus</li> <li>• Passive House (PHIUS+) CORE</li> <li>• International Living Future Institute CORE</li> </ul>	<p><b>Green Standard</b></p> <ul style="list-style-type: none"> <li>• National Green Building Standard 2020 Existing: Silver</li> <li>• LEED v4.1 Building Design + Construction Multifamily</li> <li>• Enterprise Green Communities</li> <li>• Green Globes Existing Buildings Multifamily Performance Plus</li> <li>• EarthCraft Multifamily Renovation</li> </ul>			
4	<p><b>Net Zero</b></p> <ul style="list-style-type: none"> <li>• National Green Building Standard 2020: Silver + net zero energy badge</li> <li>• Passive House (PHIUS+) ZERO</li> <li>• LEED v4.1: Zero Energy or Zero Carbon</li> </ul>	<p><b>High Level Green Standard</b></p> <ul style="list-style-type: none"> <li>• National Green Building Standard 2020: Silver + net zero energy or resilience badge, Gold, or Emerald</li> <li>• LEED v4.1 Building Design + Construction</li> </ul>			

	<ul style="list-style-type: none"> <li>• International Living Future Institute Zero Energy or Zero Carbon</li> </ul>	<p>Multifamily: Silver, Gold, or Platinum</p> <ul style="list-style-type: none"> <li>• Enterprise Green Communities Plus</li> <li>• EarthCraft Multifamily Renovation Gold or Platinum</li> <li>• Passive House (PHIUS+): any certification</li> <li>• International Living Future Institute: any certification</li> </ul>
1	<p>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.</p>	
1	<p>Design building to rely only on electricity (no gas).</p>	
0.5 to 1	<p>Incorporate building design features to enhance the building’s climate resilience. Strategies will be assessed based on:</p> <ol style="list-style-type: none"> <li>Whether they address the highest Hazard Type Risk Ratings in the property’s NRI report</li> </ol> <p>AND either:</p> <ol style="list-style-type: none"> <li>Whether the design feature maintains life-critical systems (food, water, electricity, etc.); or</li> <li>Whether the design feature supports safe shelter-in-place and/or full-building functional recovery</li> </ol> <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 <b>Tab K</b>.</p> <p>Potential strategies include (but are not limited to):</p> <ul style="list-style-type: none"> <li>• community rooms designed for safe and healthy shelter-in-place</li> <li>• floodproofing</li> <li>• fire resistant building designs</li> <li>• landscaped berms for hurricanes</li> <li>• <a href="#">FORTIFIED</a> certification</li> </ul>	

	<ul style="list-style-type: none"> <li>• tornado shelters</li> </ul>
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**Appendix C – Curable Deficiencies.**

The following list identifies Curable Deficiencies. The list may be non-exhaustive at HUD's discretion.

<p>A curable deficiency is missing or incomplete application information that may be corrected by the applicant with timely action. To be curable a deficiency must:</p> <ul style="list-style-type: none"> <li>- Not be a threshold requirement, except for documentation of applicant eligibility</li> <li>- Not influence how an applicant is ranked or scored versus other applicants; and</li> <li>- Be remedied within the time frame specified in the notice of deficiency.</li> </ul>
<p>Documents submitted evidencing status as a private nonprofit organization or as a mixed finance limited partnership with one or more private non-profit organizations serving as the general partner (see 24 CFR 891.805), such as articles of incorporation, by-laws,</p> <ul style="list-style-type: none"> <li>- A graphic organizational chart indicating the relationship among parties and a list of the applicants' officers; and</li> <li>- Current, valid IRS tax exemption determination letter (including churches)</li> </ul>
PDF of Absorption Ratio
Inconsistencies in funding request
Description of mixed-financing plans for additional units, if applicable
Evidence site is free of limitations, encumbrances, restrictions or reverters
Evidence of compliance with URA notification & relocation requirements
Evidence of Permissive Zoning
Support Letters from Governmental Agencies/Partners
<p>Certifications and Forms:</p> <ul style="list-style-type: none"> <li>-SF-424</li> <li>-HUD 424-B</li> <li>-424-D</li> <li>- SF-LLL, Disclosure of Lobbying Activities</li> <li>- HUD 2530, Previous Participation Certification</li> <li>- HUD 2880 Applicant/Recipient Disclosure/Update Report</li> </ul>

- HUD 2991, Certification of Consistency with the Consolidated Plan for the Jurisdiction for which the Proposed Site will be located.
- HUD 92015 Section 202 Application for Capital Advance
- HUD 92041, Sponsor's Conflict of Interest Resolution
- HUD 92042, Sponsor's Resolution for Commitment to Project
- HUD 92043, Certification for Provisions of Supportive Services
- 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
  - Certification of Consistency with the Consolidated Plan

\*If six or more items are missing from the application, the application shall be determined to be non-responsive and ineligible for funding.

Advancing Racial Equity Narrative
Affirmative Marketing Narrative
Inconsistencies in the funding request