



# NEW YORK STATE 2020 ACTION PLAN

## Executive Summary

### AP-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

#### 1. Introduction

According to federal law and the regulations of the U.S. Department of Housing and Urban Development (HUD), states receiving federal funds for housing and community development must prepare a five-year Consolidated Plan which incorporates into a single document the planning and applications required for:

- CDBG-Community Development Block Grant Program;
- HOME-HOME Investment Partnership Program;
- ESG- Emergency Shelter Grants Program;
- HOPWA- Housing Opportunities for Persons with AIDS Program; and,
- HTF-Housing Trust Fund

The Consolidated Plan provides guidance for Annual Action Plans which are submitted annually during the five-year period. NYS Homes and Community Renewal (NYSHCR) is the lead entity for the compilation of the Consolidated Plan and Annual Action Plans. NYSHCR is the State's umbrella organization for consolidating and coordinating the activities of its component agencies including the NYS Division of Housing and Community Renewal (DHCR), the NYS Housing Trust Fund Corporation (SHTFC), the NYS Housing Finance Agency (HFA), the State of New York Mortgage Agency (SONYMA), and the NYS Affordable Housing Corporation (AHC).

The NYS Housing Trust Fund Corporation (SHTFC) administers the CDBG and HOME programs.

CDBG and HOME programs are allocated by formula to New York State to serve counties and localities which are not entitled to receive formula allocations of these funds directly from HUD. These non-entitlement counties and localities comprise the New York State Entitlement Jurisdiction (NYSEJ). The NYSEJ includes (i) 49 of the State's 62 counties, (ii) all the localities within the 49 counties except 22 localities which receive formula entitlements directly from HUD, and (iii) another 53 localities scattered throughout Suffolk, Nassau, Rockland, Dutchess and Orange counties.

The NYSEJ does not include New York City, Buffalo and Erie County, Rochester and Monroe County, Syracuse and Onondaga County, as well as 41 other local HUD-entitlement jurisdictions. All of these local HUD-entitlement jurisdictions are responsible for preparing their own Consolidated Plans and Annual Action Plans; and, with the exception of the needs of the extremely low-income households in the 13 counties where they are located, they are not discussed here.

The NYS Office of Temporary and Disability Assistance (OTDA) administers the HOPWA and ESG programs. ESG funding is combined with State funding to form the Solutions to End Homelessness Program (STEHP). The STEHP Program is administered in accordance with ESG federal regulations. ESG/STEHP and HOPWA funds are available statewide.

The New York State Housing Finance Agency (NYSHFA) has been designated to HUD as the agency responsible for the administration of HTF funding as well as for the inclusion of the HTF program in the Consolidated Plan and Annual Action Plans. NYSHFA is “responsible for distributing HTF funds throughout the State according to the State’s assessment of the priority housing needs within the State, as identified in the State’s approved Consolidated Plan.”

### **Introduction Continued**

The Consolidated Plan must be prepared every five years and it must be updated annually through Annual Action Plans. Their purposes include:

- Assessing the State’s affordable housing and community development needs;
- Analyzing the State’s housing markets;
- Articulating the State’s priorities, goals, and strategies to address identified needs; and
- Describing the actions the State will take to implement strategies for affordable housing and community development.

New York State’s Consolidated Plan Federal Fiscal Years 2016-2020 provides new information and trends related to the State’s and the NYSEJ’s current and future affordable housing and community development needs. This information has been used to establish priorities, strategies and actions the State will take to address these needs during the next five years.

These priorities, strategies and actions are evaluated annually in updates to the Consolidated Plan.

In calendar year 2020, New York State’s:

### **CDBG – Community Development Block Grant Program**

The CDBG Program will use NYS CDBG funds to develop decent housing, create suitable living environments, and enhance economic opportunities across the State. As a result of these activities to increase availability/accessibility, and sustainability, New York State will rehabilitate housing units; assist first-time homebuyers; complete public infrastructure projects; complete public facilities projects; create or retain permanent, full-time equivalent jobs; assist businesses, provide planning assistance, and respond to events of a particular urgency or need.

### **HOME – HOME Investment Partnerships Program**

The HOME Program will use funds for a variety of activities across the State to expand the supply of decent, safe, and affordable housing for low income families. The Program will offer homebuyers, homeowners, and renters the opportunity to rehabilitate, newly construct, purchase or rent single or multi-family housing.

### **ESG – Emergency Solutions Grants Program**

The ESG Program will use combined ESG and State funds to increase the availability/accessibility of suitable living environments and decent housing by providing a wide range of supportive services to serve unique individuals.

### **HOPWA – Housing Opportunities for Persons with AIDS Program**

The HOPWA Program will use funds to increase the availability/accessibility and affordability of suitable living environments and decent housing by assisting households with rental assistance or congregate housing.

### **HTF- Housing Trust Fund**

The HTF will use available funds to provide capital subsidies and/or operating assistance for rental apartments affordable to extremely low-income households.

An evaluation of actual performance in 2020 will be the subject of the Performance Report for 2020, which will be filed with HUD on March 31, 2021.

As with all other Consolidated Plan-related documents, this Annual Action Plan is being prepared in accordance with New York State’s Citizen Participation Plan.

## **2. Summarize the objectives and outcomes identified in the Plan**

This could be a restatement of items or a table listed elsewhere in the plan or a reference to another location. It may also contain any essential items from the housing and homeless needs assessment, the housing market analysis or the strategic plan.

New York State’s Consolidated Plan sections for CDBG and HOME highlight the public infrastructure, community development, and affordable housing needs in the smaller cities, towns, villages, suburbs and rural areas that make up the NYSEJ. The Plan’s sections for ESG, HOPWA and HTF address needs and activities statewide.

Based on the analysis of the State's housing needs, market and inventory conditions, and non- housing community development needs, as well as input from numerous stakeholders, New York State developed a Strategic Plan that delineates the State's priorities for assisting extremely low- and low-income households.

Statewide, cost burden is the state's most common housing problem by a wide margin. 79% of extremely low-income households with incomes between 0-30% of AMI and 74% of very low- income households with incomes between 31-50% of AMI are cost-burdened compared to 49% of those with incomes between 51-80% of AMI.

In short, 966,000 (79%) of the state's 1.22 million extremely low-income (ELI) households are simply or severely cost-burdened. And, they face an estimated statewide shortage of 595,900 affordable and available housing units.

It is the prevalence of financial cost burdens in conjunction with the shortage of affordable units which puts these extremely low-income households at continuous risk of homelessness.

The proposed objectives and goals of the Plan in general, which focus on the resources and opportunities created by the CDBG, HOME, ESG, HOPWA and HTF programs, follow.

**GOAL: AFFORDABLE RENTAL & OWNERSHIP HOUSING.** Create and preserve decent homes and a suitable living environment for extremely-low, low-, and moderate-income New Yorkers.

**Objective:** Improve availability and accessibility by preserving existing affordable housing and building new and affordable workforce, senior and homeownership housing.

**Objective:** Improve affordability by providing homeownership and rental assistance.

**GOAL: HOMELESS AND SPECIAL NEEDS.** Address the shelter, housing and service needs of the homeless, those at risk of homelessness, and others with special needs.

**Objective:** Improve affordability, accessibility and sustainability by maintaining and expanding the Continuum of Care, expanding services to prevent homelessness, maintaining and expanding resources for those with special needs, and building new affordable rental units for extremely low-income households.

**GOAL: NON-HOUSING COMMUNITY DEVELOPMENT.** Create economic opportunities and suitable living environments for low- and moderate-income New Yorkers.

**Objective:** Provide communities with assistance to undertake economic development initiatives.

Objective: Provide assistance to undertake community infrastructure, facility and service (public facilities) projects affecting public health, safety and welfare.

### **3. Evaluation of past performance**

This is an evaluation of past performance that helped lead the grantee to choose its goals or projects.

As compiled from the annual CAPERS, in the four programs years 2011 through 2014, the State awarded a total of \$309.3 million in formula funds statewide. CDBG awards accounted for \$178 million (58%) of the total; HOME awards, for \$80.7 million (26%); ESG/STEHP awards, for \$42.5 million (14%); and, HOPWA awards, for \$8.1 million (3%). Projects or programs receiving the awards were located in 61 of the State's 62 counties. On average, total receipts within a county averaged \$5 million during the four-year period. At the high end, there were 5 counties with projects receiving from \$10.3 to \$12.6 million in awards. At the low end, there were 6 counties with projects receiving less than \$1 million.

### **4. Summary of Citizen Participation Process and consultation process**

Summary from citizen participation section of plan.

In accordance with New York State's CPP, members of the State's National Affordable Housing Act (NAHA) Task Force and its Partnership Advisory Committee (PAC) provided input before and during the preparation of the draft 2020 Annual Action Plan and subsequently reviewed and commented on the draft. In addition, formal public input was solicited and received during a series of public hearings and a public comment period. The public hearings were held at the beginning of the Consolidated Plan development process on June 2 and June 3, 2019 to solicit public input before the preparation of the draft Consolidated Plan. On each of the two hearing days, hearings were held simultaneously at four locations across the state (New York City, Albany, Syracuse and Buffalo) which were linked via videoconference. A 30-day public comment period was held September 16 through October 19, 2019.

In accordance with 24 CFR 91.300(b), the State considered all public comments offered at the public hearings and received during the public comment period.

### **5. Summary of public comments**

This could be a brief narrative summary or reference an attached document from the Citizen Participation section of the Con Plan.

A summary of comments and responses will be added as an attachment to this plan.

## **6. Summary of comments or views not accepted and the reasons for not accepting them**

There were no comments that were excluded. All persons attending public hearings or meetings were entitled to make comments regarding the proposed consolidated plan, methods of distribution, State priorities, State programs covered by the plan, etc. There were no comments received that were inappropriate, unacceptable or that did not pertain to the proposed consolidated plan.

## **7. Summary**

To summarize the Plan's findings in the NYSEJ communities:

- 518,400 (32%) of the NYSEJ's 1.63 million households have one or more housing problems. 478,200 (29%) of NYSEJ households are cost-burdened or severely cost-burdened by their housing. Nine out of 10 households with a housing problem cite their cost-burden. Only 2% reported a problem with incomplete kitchen/plumbing facilities and/or overcrowding.
- As household income decreases, the likelihood of having a housing problem increases dramatically. Renters, households with incomes below 80% of area median, and Asian, Black/African American, Hispanic and Native Hawaiian/Pacific Islander householders have disproportionate rates of housing problems.
- 421,600 (26%) of NYSEJ households are single-person households. 60% of them are homeowners, and they own 22% of the 1.16 million owner-occupied units in the NYSEJ. 176,200 (42%) of the single-person householders are 65 years or older. 232,400 (55%) of the single-person households are dependent on non-wage related sources of income for their livelihood.
- Numerous communities in the NYSEJ struggle with deteriorating public infrastructure. An estimated 10% of all requests for CDBG assistance are likely to be for public facilities.

To summarize the Plan's findings regarding statewide housing needs:

- Statewide, cost burden is the most common housing problem by a wide margin. Among low-income households, the rate of cost burden exceeds the rate of incomplete facilities by a multiplier of 42.
- And, the incidence of cost burden decreases dramatically as incomes increase. 79% of extremely low-income (ELI) households with incomes between 0% to 30% of AMI and 74% of very low income households with incomes between 31% to 50% of AMI are cost-burdened. By comparison, 49% of low-income households with incomes between 51% to 80% of AMI are cost-burdened.
- 966,000 of the state's 1.22 million ELI households are cost-burdened. That's eight out of ten. 804,000 of them are severely cost-burdened. These 966,000 ELI households account for 34

percent of the state's 2.86 million cost-burdened households even though all 1.22 million ELI households comprise only 17 percent of the state's 7.23 million households.

- The 966,000 cost-burdened, ELI households – 745,350 renters and 221, 155 owners – face an estimated shortage of 595,900 affordable and available units (including 374,771 rentals and 221,155 owner units), putting them at continuous risk of homelessness.
- Cost-burdened, ELI households living in New York City and eight other counties that are not among the NYSEJ's 49 counties face an estimated shortage of 523,665 affordable and available units (including 374,771 for renters).
- Cost-burdened, ELI households living in the NYSEJ's 49 counties face an estimated shortage of 72,261 affordable and available units (including 65,435 for owners).

### **Summary Continued**

Summary of OTDA findings from data and experience in New York City and across the state:

- 10-15% of the households who are at-risk for homelessness identify themselves as being a special population and cite severe mental illness, victim of domestic violence or "other disability" as the primary reason.
- 40% of those assisted by the rapid rehousing program reported themselves as being in a special population. A majority reported severe mental illness, "other disability," chronic substance abuse, and domestic violence as the primary reason.
- Over 59,000 individuals are at-risk of being homeless each year.
- In rural and suburban communities, the social stigma attached to homelessness often dissuades "hidden" homeless persons from soliciting support services.
- In 2012, approximately 28,000 New York State residents with HIV/AIDS lived outside of New York City; and 47% of those living with HIV/AIDS were 40 years old or older.

To meet the needs of these New Yorkers, the State seeks to:

- Create new opportunities for affordable home ownership and rental housing.
- Use the HTF funding allocation to subsidize rental units targeted for ELI households.
- Improve the quality, accessibility and availability of existing homes and apartments.
- Address the shelter, housing and service needs of the homeless, those at risk of homelessness, and others with special needs.
- Maintain and expand the Continuum of Care.
- Assist communities with infrastructure and public facilities projects affecting public health and safety, environmental improvement and economic development.

Each year, New York State will employ a range of federal, state, local and private sector resources to address the housing and community development needs and objectives that have been identified in the

Consolidated Plan. The following is a list (not necessarily exhaustive) of programs and agencies that New York State will use.

- HOME
- CDBG
- HOPWA
- ESG
- Housing Trust Fund (HTF)
- Low-Income Housing Credit Programs [DHCR and Housing Finance Agency (HFA)]
- NYS Low-Income Housing Tax Credit Program
- NYS Housing Trust Fund Program
- Rural and Urban Community Investment Fund
- Medicaid Redesign Team (Capital Funds)
- Homeless Housing Assistance Program (HHAP)
- Empire State Supportive Housing Initiative (ESSHI)
- Housing Choice Vouchers
- Weatherization Assistance Program
- HUD Housing Counseling
- National Foreclosure Mitigation Counseling
- NYS Affordable Housing Corporation
- State of New York Mortgage Agency
- Program income retained by awardees
- Other HUD Community Planning and Development programs.

**PR-05 Lead & Responsible Agencies - 91.300(b)**

**1. Agency/entity responsible for preparing/administering the Consolidated Plan**

The following are the agencies/entities responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role		Name	Department/Agency
CDBG Administrator	NEW YORK	Housing Trust Fund Corporation	
HOPWA Administrator	NEW YORK	Office of Temporary and Disability Assistance	
HOME Administrator	NEW YORK	Housing Trust Fund Corporation	
ESG Administrator	NEW YORK	Office of Temporary and Disability Assistance	
HTF Administrator	NEW YORK	Housing Trust Fund Corporation	

**Table 1 – Responsible Agencies**

**Narrative**

In accordance with 24 CFR Section 91.300(b), New York State Division of Housing and Community Renewal (DHCR) has been designated as the lead agency in developing and submitting the State’s Consolidated Plan, Annual Action Plans and Consolidated Annual Performance and Evaluation Reports (CAPER) to HUD. The DHCR Commissioner serves as the Chairperson of New York State’s National Affordable Housing Act (NAHA) Task Force, tasked with leading State agencies, public authorities, public benefit corporations, community-based organizations, statewide advocacy groups, trade organizations, housing providers and interested citizens in the development of the State’s Consolidated Plan for 2016 – 2020.

## **Consolidated Plan Public Contact Information**

Rachel Yerdon

Housing and Community Renewal Specialist Office of Policy & Research

New York State Homes & Community Renewal 38-40 State St., Hampton Plaza, NY 12207

[HCRConPln@nyshcr.org](mailto:HCRConPln@nyshcr.org)

## **AP-10 Consultation - 91.110, 91.300(b); 91.315(l)**

### **1. Introduction**

New York State, in preparing its Annual Action Plan for 2020, has addressed the following general requirements specified in 24 CFR Sections 91.110, 91.300(b) and 91.315(l) of HUD's regulations for consolidated planning regarding consultation and coordination.

#### **Provide a concise summary of the state's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies**

In its 1999 *Olmstead v. L.C.* decision, the U.S. Supreme Court ruled that states, in accordance with the Americans with Disabilities Act (ADA), have an obligation to provide services to individuals with disabilities in the most integrated setting appropriate to their needs. Governor Andrew M. Cuomo has made serving individuals with disabilities in the most integrated setting a top priority. New York State has developed a comprehensive *Olmstead* Implementation Plan that will address integrated housing, employment, transportation, community services and other important issues. New York's *Olmstead* Implementation Plan affirms the state's position as a national leader on disability rights. This plan was created through an *Olmstead* Cabinet comprised of 12 State agencies including Homes and Community Renewal, the Office for People with Developmental Disabilities, the Office of Mental Health and other key State agencies. The *Olmstead* Cabinet, in collaboration with state agencies and stakeholders, sought to identify strategies to assist people with disabilities to transition from segregated settings to community-based settings. The *Olmstead* Cabinet examined the methods by which the state agencies providing services to people with disabilities understand the needs and choices of the people they serve and how those agencies measure whether those needs and choices are being met in the most integrated setting.

#### **Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness**

Through the ESG-funded Solutions to End Homelessness Program (STEHP) application process, not-for-profit applicants demonstrate the need in their communities for services for people who are experiencing homelessness or who are risk of homelessness. Using data from their Continuum of Care (CoC), not-for-profits present a picture of the current system of homelessness in their community and the gaps STEHP funding could fill to best assist those most in need in their communities. In addition, applicants are required to explain how they include people who are homeless in their agency and program planning.

The Office of Temporary and Disability Assistance (OTDA) works closely with CoCs as needed to support their efforts in the community and to ensure the needs of those most vulnerable in the community are being met. OTDA has and will continue to act as liaison between CoCs and the local social service district which is often the first stop for someone experiencing homelessness. OTDA periodically sponsors in-person meetings and networking between the different community members in an area to insure the local homeless system is working in a way to best serve those in need.

Additionally, as of 2019, NYS OTDA is the Collaborative Applicant (CA) for the NY-525, the NYS Balance of State CoC (NYS BoS CoC). As the CA OTDA will be submitting the NYS BoS CoC's first application in response to the 2019 HUD CoC NOFA. This will further allow NYS to address the needs of homeless persons and those at risk of homelessness, especially in the areas covered currently by the NYS BoS CoC, Herkimer, Fulton, Montgomery, Schoharie and Putnam Counties. To date these Counties had no access to CoC funding as there was no CoC that covered these counties.

**Describe consultation with the Continuum(s) of Care that serves the State in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS**

Through its competitive Request for Proposals process (RFP), OTDA requires that applicants for the ESG funded Solutions to End Homelessness Program (STEHP) demonstrate their participation in their local Continuum of Care. Once awarded funds, STEHP grantees must coordinate with their local CoC to ensure the program they are operating compliments the service system in their community. OTDA continues to be a resource for those areas of the state which do not have a functioning CoC.

OTDA has also embarked on a statewide data warehouse project over the last several years. With the help of HUD technical assistance providers, OTDA has created the New York State Homeless Assistance Data warehouse Environment (NYSHADE), utilizing the HUD universal data elements as the basis of its structure. Beginning with ESG (STEHP) data, OTDA is working with each CoC across NYS to receive an upload of data from its HMIS. While OTDA's initial goal with the project was to better understand the nature and scope of homelessness across NYS, the project will also serve to create more of a data driven approach to administering the ESG program, and other state programs aimed at addressing the needs of those experiencing or at risk of homelessness. In addition, the project will enable OTDA to provide input and feedback to CoCs about their systems and the data in their systems to ensure the data received is of the highest quality.

**2. Agencies, groups, organizations and others who participated in the process and consultations**

**Table 2 – Agencies, groups, organizations who participated**

5	<b>Agency/Group/Organization</b>	
	<b>Agency/Group/Organization Type</b>	
	<b>What section of the Plan was addressed by Consultation?</b>	
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	

**Identify any Agency Types not consulted and provide rationale for not consulting**

There has been no intentional or known exclusion of any type of public agency, private entity, stakeholder or interested party from consultation and comment on these programs. State agency actions described in this Consolidated Plan are publicized, primarily by email, to all interested parties who have requested this information, or whose participation is needed. Through the public review process, the State’s Consolidated Plan, Action Plan and CAPER are open for comment. During each plan year (PY), opportunities for feedback such as meetings, hearings, and posted announcements are offered to enlist, encourage and improve the essential participation of local agencies and other potential implementing entities. In these events, feedback from participants is encouraged, noted and analyzed for what the State programs can learn.

**Other local/regional/state/federal planning efforts considered when preparing the Plan**

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care		

**Table 3 - Other local / regional / federal planning efforts**

**Narrative**

## **AP-12 Participation - 91.115, 91.300(c)**

### **1. Summary of citizen participation process/Efforts made to broaden citizen participation Summarize citizen participation process and how it impacted goal-setting**

In accordance with 24 CFR Section 91.115, New York State has prepared and submitted, and HUD has approved, a Citizen Participation Plan. This extensive plan establishes a process which encourages participation by minorities, low- and moderate-income persons, persons with disabilities and other interested residents of New York State in the development of the State's Consolidated Plan.

In accordance with 24 CFR 91.300(c), New York State provides the following summary of the main elements of the process described in the State's HUD-approved Citizen Participation Plan. To encourage citizen participation in the development of its Consolidated Plan, New York State has, among other things:

- held a series of public hearings at the beginning of the development process to solicit public input prior to the preparation of a draft Consolidated Plan;
- consulted with a broad range of public agencies (both state and local) and private organizations and individuals to solicit public input prior to the preparation of a draft Consolidated Plan; published a summary of the draft Consolidated Plan in a newspaper with statewide circulation; provided Internet access of the draft via DHCR's Web site at [www.nyshcr.org](http://www.nyshcr.org); conducted a 30-day public comment period; conducted a 15-day public comment period; and utilized an e-mail address, [HCRConPln@nyshcr.org](mailto:HCRConPln@nyshcr.org), to encourage and accept public comments.

In accordance with New York State's HUD-approved Citizen Participation Plan, members of the State's National Affordable Housing Act (NAHA) Task Force and its Partnership Advisory Committee (PAC) provided input before and during the preparation of the draft Consolidated Plan and subsequently reviewed and commented on the draft. In addition, formal public input was solicited and received during a series of public hearings and a public comment period. The public hearings were held at the beginning of the Action Plan development process on May 30 and

May 31, 2018 to solicit public input before the preparation of the draft Consolidated Plan. On each of the two hearing days, hearings were held simultaneously at four locations across the state (New York City, Albany, Syracuse and Buffalo) which were linked via videoconference. In addition, a 30-day public comment period was held beginning on September 5 – October 5, 2017. A 15-day public comment period was held July 24 through August 7, 2018.

In accordance with 24 CFR 91.300(b), the State considered all public comments offered at the public hearings and received during the public comment period.

**Citizen Participation Outreach**

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
1	Public Hearing	Non-targeted/broad community	A series of two public hearings were held at four separate locations consecutively across the State on May 30 and May 31, 2018. Video conferencing was available in Syracuse, Albany, Buffalo and NYC. Representatives did not attend.	No comments received in regard to this specific outreach.	N/A	

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
2	Newspaper Ad	Non-targeted/broad community	A notice to alert the public of the two hearings for the 2018 Annual Action Plan was published in two newspapers with statewide distribution - the Amsterdam News and the NY Post.	No comments received in regard to this specific outreach.	N/A	
3	Internet Outreach	Non-targeted/broad community	A notice to alert the public of the two hearings for the 2018 Annual Action Plan was posted on the New York State Homes and Community Renewal website.	No comments received in regard to this specific outreach.	N/A	

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
4	Newspaper Ad	Non-targeted/broad community	A notice to alert the public of the 30-day public comment period for the 2018 Annual Action Plan was published in two newspapers with statewide distribution, the Amsterdam News and the NY Post.	No comments received in regard to this specific outreach.	N/A	

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
5	Public Meeting	Non-targeted/broad community	The National Affordable Housing Act (NAHA) Task Force and Partnership Advisory Committee (PAC) members were invited to a meeting where program staff discussed the 2016-2020 Consolidated Plan and 2016 Annual Action Plan. Each staff member provided a brief summary of their input into the plan. Attendees were then given the opportunity to ask questions and also submit comments on the draft Plan.	A few questions were asked but no formal comments were submitted.	N/A	

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
6	Internet Outreach	Non-targeted/broad community	A notice to alert the public of the 30-day public comment period for the 2018 Annual Action Plan was posted on the New York State Homes and Community Renewal website.	No comments received in regard to this specific outreach.	N/A	
7	Internet Outreach	Non-targeted/broad community	A notice to alert the public of the 15-day public comment period for the 2018 Annual Action Plan was posted on the New York State Homes and Community Renewal website	Comments were received from Independent Living Center, Inc., Suffolk Independent Living Organization and Westchester Independent Living Center.	N/A	

**Table 4 – Citizen Participation Outreach**

## Expected Resources

## **AP-15 Expected Resources – 91.320(c)(1,2)**

### **Introduction**

New York State will employ a range of federal, state, local and private sector resources to address the housing and community development needs and objectives that have been identified in this Strategic Plan (Consolidated Plan). The following is a list (not necessarily exhaustive) of programs and agencies that New York State will use.

- HOMECDBG Housing Trust Fund (HTF) HOPWAESGLow-Income Housing Credit Programs [DHCR and Housing Finance Agency (HFA)] NYS Low-Income Housing Tax Credit Program Homeless Housing Assistance Program (HHAP) Empire State Supportive Housing Initiative (ESSHI)
- Rural and Urban Community Investment Fund
- Medicaid Redesign Team (Capital Funds)
- Housing Choice Vouchers
- Weatherization Assistance Program
- HUD Housing Counseling
- National Foreclosure Mitigation Counseling
- NYS Affordable Housing Corporation
- State of New York Mortgage Agency
- Program income retained by awardees

**Anticipated Resources**

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	45,000,000	0	0	45,000,000	0	For CDBG funded projects, other leveraged federal, state, or local funds are key components to successful project completion and meeting proposed accomplishments. Homeownership projects, for example, require private financing from low/ mod households. Lager public infrastructure/ facilities projects that have all funds committed will be rated more favorably than those that are less prepared.

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
HOME	public - federal	Acquisition Homebuyer assistance Homeowner rehab Multifamily rental new construction Multifamily rental rehab New construction for ownership TBRA	30,000,000	1,000,000	0	31,000,000	0	HOME awards will leverage federal and non-federal funding sources so that the minimal amount necessary for project and program viability will be invested.

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
HOPWA	public - federal	Permanent housing in facilities Permanent housing placement Short term or transitional housing facilities STRMU Supportive services TBRA	3,019,754	0	0	3,019,754	3,019,754	Permanent housing in facilities, Permanent housing placement, Short term or transitional housing facilities STRMU, Supportive services, TBRA.

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
ESG	public - federal	Conversion and rehab for transitional housing Financial Assistance Overnight shelter Rapid re-housing (rental assistance) Rental Assistance Services Transitional housing	5,956,365	0	0	5,956,365	7,011,507	ESG/STEHP funds are used for shelter essential services and maintenance and operations, rapid rehousing, prevention activities.

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
HTF	public - federal	Acquisition Admin and Planning Multifamily rental new construction Multifamily rental rehab	22,171,681	0	21,824,164	43,995,845	43,995,845	The HTF program provides loans to not- for-profit corporations or charitable organizations, a wholly-owned subsidiary of such corporations or organizations, or private for-profit developers seeking to develop projects that contain a component of residential units affordable to households with incomes at 30% or less of AMI, as adjusted for family size. Eligible HTF costs may include development acquisition, hard and related soft costs, operating cost assistance, and operating cost assistance reserves.

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
Housing Trust Fund	public - federal	Acquisition Admin and Planning Multifamily rental new construction Other	22,171,681	0	0	22,171,681	43,995,845	The HTF program provides loans to not- for-profit corporations or charitable organizations, a wholly-owned subsidiary of such corporations or organizations, or private for-profit developers seeking to develop projects that contain a component of residential units affordable to households with incomes at 30% or less of AMI, as adjusted for family size. Eligible HTF costs may include development acquisition, hard and related soft costs, operating cost assistance, and operating cost assistance reserves.

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
Other	public - federal	Acquisition Admin and Planning Economic Development Homeowner rehab Permanent housing placement Public Improvements Public Services Rental Assistance	4,516,882,000	0	0	4,516,882,000	0	On March 5, 2013, HUD published FR Notice 5696-N-01, which established the requirements for the first allocation where NYS was allocated \$1,713,960,000 (Grant # B-12-DT-36-0001) for storm recovery from Hurricane Irene, Tropical Storm Lee, and Superstorm Sandy. On November 23, 2013, HUD published FR Notice 5696-N-06 (second allocation) where NYS was allocated an additional\$2,097,000,000 for Superstorm Sandy recovery. On October 16, 2014, HUD published FR Notice 5696-N-11 (third allocation) where NYS was allocated a final\$416,882,000 (Grant # B-13-DS-36-0001) for Superstorm Sandy recovery. All funds must be expended by September 30, 2022.

Table 5 - Expected Resources – Priority Table

**Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied**

HOME Program

Home programs and projects typically leverage state funded programs and other federal funded programs, private mortgages, public or private grants, municipal contributions and non-federal weatherization funds. Matching funds are derived from various sources, such as non-federal funds in a project and donated services, land, materials and labor.

Low-Income Housing Tax Credit Strategy

The State's strategy will continue to focus on combining the LIHC with available public capital financing sources and/or rental/operating subsidies on the federal, state, and local levels. It is through the combination that most of the low-income rental housing developed by New York attains financial feasibility and viability. A predictable flow of LIHC allocated to New York has enabled the State to accurately forecast the amounts and types of government subsidies that can be leveraged through use of the LHC. This predictability also allows the State to forecast by way of its goals and priorities, the types of subsidies that will be most effective in meeting the housing needs of the State over the next five years.

Pursuant to Executive Order 11 of 2011, the LIHC program in New York State functions under a multiple housing credit agency system. Tax credits allotted to New York State pursuant to a per capita allocation formula are administered by HTFC as lead housing credit agency for the State. The Executive Order authorizes HTFC to apportion the LIHC to designated State and local housing credit agencies who conduct their own housing programs. All housing credit agencies are required to administer their program, establish parameters and select projects according to a Qualified Allocation Plan (QAP), the rules and regulations which guide administration of the program.

Virtually all the projects receiving an allocation of LIHC from HTFC have at least one other public subsidy as part of the project financing package. In addition, HTFC uses the LIHC to leverage private equity investments in projects using HOME and or/ NYS Housing Trust Fund monies. Depending on the credit equity pay-ins available in the private investment equity market, LIHC may reduce the need for HOME and/or Trust Fund monies in projects, and thereby allow HTFC to more efficiently finance and produce additional affordable housing over and above what would be realized the sole use of HOME and NYS Housing Trust Fund dollars.

Housing Trust Fund: The New York State Housing Finance Agency (NYSHFA) is the designated State entity responsible for the allocation and administration of HTF funds in New York State. NYSHFA directs and coordinates the affordable housing financing activities of the State and its sister agencies at New York State Homes and Community Renewal (NYSHCR)

The HTF program scoring criteria will include the extent to which an application leverages non-federal funding sources. Projects seeking HTF funds are expected to leverage other sources such as bond financing, State and federal tax credits, State and federal programs, private mortgages, and/or other private grants and financing.

Points will be awarded to HTF applications based on the amount of the leveraged non-federal funds in the project's budget.

ESG Match - Approximately \$10 million in NYS General Funds; the ESG and NYS General funds are combined to create the Solutions to End Homelessness Program (STEHP).

**If appropriate, describe publically owned land or property located within the jurisdiction that may be used to address the needs identified in the plan**

At the time of this writing there are no plans to use State-owned property to address the needs and objectives identified in the Consolidated Plan. It is quite possible competitive applications seeking HOME may include the use of locally-owned land or property in their housing development scenarios.

**Discussion**

## Annual Goals and Objectives

### AP-20 Annual Goals and Objectives – 91.320(c)(3)&(e)

#### Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	PF/PI OT Housing	2016	2020	Non-Housing Community Development	New York State EJ	Non-Housing Community Development Needs	CDBG: \$11,590,000	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 100000 Persons Assisted
2	PF/PI For Housing	2016	2020	Affordable Housing	New York State EJ	Non-Housing Community Development Needs	CDBG: \$610,000	Public Facility or Infrastructure Activities for Low/Moderate Income Housing Benefit: 100 Households Assisted
3	Rental Unit Rehab	2016	2020	Affordable Housing	New York State EJ	Rehabilitation of Existing Housing	CDBG: \$1,200,000	Rental units rehabilitated: 75 Household Housing Unit
4	Homeowner Rehab	2016	2020	Affordable Housing	New York State EJ	Rehabilitation of Existing Housing	CDBG: \$9,600,000	Homeowner Housing Rehabilitated: 400 Household Housing Unit
5	Homebuyers	2016	2020	Affordable Housing	New York State EJ	Acquisition of Existing Units Homebuyer Assistance	CDBG: \$1,200,000	Direct Financial Assistance to Homebuyers: 75 Households Assisted

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
6	Jobs	2016	2020	Non-Housing Community Development	New York State EJ	Non-Housing Community Development Needs	CDBG: \$15,000,000	Jobs created/retained: 600 Jobs
7	Businesses Assisted	2016	2020	Non-Housing Community Development	New York State EJ	Non-Housing Community Development Needs	CDBG: \$3,000,000	Businesses assisted: 30 Businesses Assisted
8	Imminent Threat	2016	2020	Non-Housing Community Development		Non-Housing Community Development Needs	CDBG: \$900,000	Other: 1 Other
9	Rehabilitation of Single Family Housing	2016	2021	Affordable Housing Non-Homeless Special Needs	New York State EJ	Rehabilitation of Existing Housing	HOME: \$11,070,000	Homeowner Housing Rehabilitated: 300 Household Housing Unit
10	Homebuyer Assistance	2016	2021	Affordable Housing Non-Homeless Special Needs	New York State EJ	Acquisition of Existing Units Homebuyer Assistance	HOME: \$1,700,000	Direct Financial Assistance to Homebuyers: 50 Households Assisted
11	Homebuyer Assistance with Rehabilitation	2016	2021	Affordable Housing Non-Homeless Special Needs	New York State EJ	Acquisition of Existing Units Homebuyer Assistance Rehabilitation of Existing Housing	HOME: \$730,000	Direct Financial Assistance to Homebuyers: 20 Households Assisted

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
12	Households in Newly Constructed Buildings	2016	2021	Affordable Housing Non-Homeless Special Needs	New York State EJ	Affordable Rental Housing	HOME: \$4,050,000	Other: 35 Other
13	Households in Newly Created/rehabilitated Units	2016	2021	Affordable Housing	New York State EJ	Acquisition of Existing Units Homebuyer Assistance Affordable Rental Housing Rehabilitation of Existing Housing	HOME: \$9,450,000	Rental units rehabilitated: 112 Household Housing Unit

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
14	Tenant Based Rental Assistance/ Rapid Rehousing	2016	2020	Homeless Non-Homeless Special Needs	New York State EJ	Affordable Rental Housing Chronic Homelessness Family Homelessness Homeless Individuals Homeless Mentally Ill Individuals Homeless Persons with HIV/AIDS Homeless Veterans Homeless Victims of Domestic Violence Homeless Youth Persons with HIV/AIDS Rural homelessness	HOPWA: \$2,050,000 ESG: \$3,872,023	Tenant-based rental assistance / Rapid Rehousing: 2375 Households Assisted

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
15	Recover and rebuild after Disasters	2016	2016	Affordable Housing Public Housing Non-Homeless Special Needs Non-Housing Community Development Private Housing	New York State EJ	Acquisition of Existing Units Homebuyer Assistance Affordable Rental Housing Create New Homeownership Opportunitites Non-Housing Community Development Needs Rehabilitation of Existing Housing	CDBG-DR: \$4,616,882,000	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 12180949 Persons Assisted Public Facility or Infrastructure Activities for Low/Moderate Income Housing Benefit: 1747 Households Assisted Public service activities other than Low/Moderate Income Housing Benefit: 12180949 Persons Assisted Public service activities for Low/Moderate Income Housing Benefit: 1747 Households Assisted Facade treatment/business building rehabilitation: 215 Business Rental units constructed: 992 Household Housing Unit Rental units rehabilitated: 836 Household Housing Unit Homeowner Housing Rehabilitated: 1707 Household Housing Unit Jobs created/retained: 2100 Jobs Businesses assisted: 1058 Businesses Assisted Buildings Demolished: 1124
					Annual Action Plan 2020		37	

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
16	Persons Served in Overnight Shelter	2016	2020	Homeless		Chronic Homelessness Family Homelessness Homeless Individuals Homeless Mentally Ill Individuals Homeless Persons with HIV/AIDS Homeless Veterans Homeless Victims of Domestic Violence Homeless Youth Persons with HIV/AIDS Rural homelessness	ESG: \$3,497,712	Homeless Person Overnight Shelter: 13500 Persons Assisted
17	Homelessness Prevention	2016	2020	Persons at-risk of homelessness		Homelessness Prevention	HOPWA: \$220,000 ESG: \$6,320,000	Homelessness Prevention: 10040 Persons Assisted
18	Tenant-Based Rental Assistance	2016	2021	Affordable Housing	New York State EJ	Affordable Rental Housing		Other: 0 Other
19	Affordable Rental Housing for ELI households	2016	2020	Affordable Housing				Other: 0 Other

**Table 6 – Goals Summary**

## Goal Descriptions

1	<b>Goal Name</b>	PF/PI OT Housing
	<b>Goal Description</b>	The CDBG program will continue to support public facility and public infrastructure needs in non-entitlement communities by assisting with public water and sewer distribution and storage, and with other critical facilities, that benefit low and moderate income households.
2	<b>Goal Name</b>	PF/PI For Housing
	<b>Goal Description</b>	The CDBG program will provide support for public infrastructure needs where inadequate water and sewer facilities are a barrier to the creation or preservation of affordable housing units available to low and moderate income households.
3	<b>Goal Name</b>	Rental Unit Rehab
	<b>Goal Description</b>	The CDBG program will provide assistance to non-entitlement communities undertaking the preservation of affordable rental units that are made available to low and moderate income households.
4	<b>Goal Name</b>	Homeowner Rehab
	<b>Goal Description</b>	The CDBG program will continue to provide assistance to non-entitlement communities undertaking the rehabilitation of owner-occupied housing for low and moderate income households.
5	<b>Goal Name</b>	Homebuyers
	<b>Goal Description</b>	The CDBG program will continue to support non-entitlement communities undertaking activities to assist low and moderate income households to achieve homeownership.
6	<b>Goal Name</b>	Jobs
	<b>Goal Description</b>	The CDBG program will continue to support activities to create and make available, job opportunities for low and moderate income individuals.

7	<b>Goal Name</b>	Businesses Assisted
	<b>Goal Description</b>	The CDBG program will continue to provide assistance to for-profit business that create job opportunities for low and moderate income individuals.
8	<b>Goal Name</b>	Imminent Threat
	<b>Goal Description</b>	The CDBG program will continue to provide assistance to non-entitlement communities in cases of imminent threat or natural disaster, in order to protect lives and property.
9	<b>Goal Name</b>	Rehabilitation of Single Family Housing
	<b>Goal Description</b>	The HOME Program may provide funds for programs and projects under the umbrella of homeowner rehabilitation activities to provide long term affordability and stability and/ or assistance to low income homeowner to rehabilitate their homes to meet NYS and/or Local Code.
10	<b>Goal Name</b>	Homebuyer Assistance
	<b>Goal Description</b>	The HOME Program may provide down payment and closing cost assistance to help low income families purchase a home that is in compliance with NYS and or local code.
11	<b>Goal Name</b>	Homebuyer Assistance with Rehabilitation
	<b>Goal Description</b>	The HOME Program may provide down payment, closing cost and rehabilitation assistance to purchase a home that will be in compliance with NYS and/or Local Code upon completion of housing rehabilitation.
12	<b>Goal Name</b>	Households in Newly Constructed Buildings
	<b>Goal Description</b>	The HOME Program may provide funds to newly construct homebuyer or rental housing for low income families that is in compliance with NYS and/or Local Code upon completion of construction.
13	<b>Goal Name</b>	Households in Newly Created/rehabilitated Units
	<b>Goal Description</b>	The HOME Program may provide funds to newly create or rehabilitate homebuyer or rental housing for low income families that is in compliance with NYS and/or Local Code upon completion of construction or housing rehabilitation.

14	<b>Goal Name</b>	Tenant Based Rental Assistance/ Rapid Rehousing
	<b>Goal Description</b>	STEHP provides subsidies toward monthly rents for homeless individuals and families under the Rapid Rehousing activity. HOPWA provides TBRA subsidies for those living with HIV/AIDS.
15	<b>Goal Name</b>	Recover and rebuild after Disasters
	<b>Goal Description</b>	The HOME Program may provide funds, as eligible under federal HOME regulation, to assist low income families to recover and rebuild residential housing after disasters.
16	<b>Goal Name</b>	Persons Served in Overnight Shelter
	<b>Goal Description</b>	STEHP will provide funds to support operations in overnight shelter.
17	<b>Goal Name</b>	Homelessness Prevention
	<b>Goal Description</b>	STEHP and HOPWA will provide funds to assist persons at risk of homelessness with homelessness prevention services.
18	<b>Goal Name</b>	Tenant-Based Rental Assistance
	<b>Goal Description</b>	The HOME Program may provide funds to subsidize monthly rents for low income tenants to rent units that are in compliance with Section 8 Housing Quality Standards.

<b>19</b>	<b>Goal Name</b>	Affordable Rental Housing for ELI households
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**Goal  
Description**

Produce rental units affordable to households with incomes at or below 30% of the Area Median Income.

Applications for HTF funding will first be evaluated and scored on the criteria listed below, with a maximum score of 100:

- (1) Geographic Diversity (up to 5 points)
- (2) Readiness (up to 15 points)
- (3) Developer Team Experience and Capability (up to 15 points)
- (4) Project-Based Rental Assistance (up to 5 points)
- (5) Duration of Affordability Period (up to 15 points)
- (6) Leveraging (up to 10 points)
- (7) Financial Feasibility and Efficiency (up to 15 points)
- (8) Priority Housing Needs of the State (up to 20 points)

Regarding (8) Priority Housing Needs of the State, HCR will evaluate the merits of the application in meeting one or more of the following priority housing needs:

- a. Community Renewal and Vitalization Projects: Mixed use and/or mixed income projects in neighborhoods as part of a coordinated community development plan that involve the use or adaptive reuse of existing underutilized buildings; infill new construction; and/or the demolition and replacement of buildings having a blighting impact on a community, and for which rehabilitation is impractical.
- b. Intergrated Supportive Housing Projects: Projects that provide permanent supportive housing to a variety of special needs populations in intergrated housing settings.
- c. Public Housing Restructuring Projects: Projects that address the needs of public housng units outside the City of New York and assist Public Housing Authorities in completing their restructuring plans with a priority for projects participating in HUD's Rental Assistance Demonstration Program (RAD1).



## AP-25 Allocation Priorities – 91.320(d)

### Introduction:

Eligible CDBG activities are generally found in Section 105 of the HUD Act of 1974, as amended and 24 CFR Part 570.482, as amended. For the 2020 Program Year, New York State may provide opportunities for the primary categories of funding: housing; public infrastructure/facilities; public service; comprehensive community planning; and economic development.

15% of the State’s annual HOME allocation will be awarded to Community Housing Development Organization (CHDO) projects. The remaining funds can be awarded to programs and projects statewide, based on a demonstrated local market need for the HOME eligible activity proposed. HOME may award funds for programs or projects in areas of other HOME Participating Jurisdictions (PJs), if a local market need is demonstrated for the HOME eligible activity.

The highest funding priorities for HOPWA are tenant based rental assistance, and short term rental, mortgage and utility assistance. Support services and facility based housing assistance are also priorities for the NYS HOPWA program.

ESG funds are contained in the Solutions to End Homelessness Program (STEHP) administered by OTDA. Along with the \$5,956,365 ESG allocation, OTDA contributes approximately \$10 million in program year 2020. OTDA procured a new round of contracts under a Request for Proposals in 2019 which determined contractors. Contracts are in effect from October 2019 - September 2024. OTDA sets aside roughly 50% of STEHP funds to serve homeless populations and 50% to serve those at risk of homelessness.

### Funding Allocation Priorities

	PF/PI OT Housing (%)	PF/PI For Housing (%)	Rental Unit Rehab (%)	Homeowner Rehab (%)	Homebuyers (%)	Jobs (%)	Businesses Assisted (%)	Imminent Threat (%)	Rehabilitation of Single Family Housing (%)	Homebuyer Assistance (%)	Homebuyer Assistance with Rehabilitation (%)	Households in Newly Constructed Buildings (%)	Hous Creat
CDBG	26	1	3	21	3	33	7	2	0	0	0	0	

HOME	0	0	0	0	0	0	0	0	0	0	0	0	0
HOPWA	0	0	0	0	0	0	0	0	0	0	0	0	0
ESG	0	0	0	0	0	0	0	0	0	0	0	0	0
HTF	0	0	0	0	0	0	0	0	0	0	0	0	90
Housing Trust Fund	0	0	0	0	0	0	0	0	0	0	0	0	0
Other CDBG-DR	0	0	0	0	0	0	0	0	0	0	0	0	0

**Table 7 – Funding Allocation Priorities**

**Reason for Allocation Priorities**

Reason for Allocation Priorities

All funded activities must fulfill one of the CDBG National Objectives:

1. Provide a public benefit to low- and moderate-income persons;
2. Aid in the prevention or elimination of slums and blight, or
3. Meet other urgent community development needs such as imminent threats to the health and safety.

A minimum of seventy percent (70%) of the funds will be used to provide a benefit to low- and moderate-income persons. Allocation priorities as assigned in the above table represent first, the attempt by the NYS CDBG program to meet National Objective regulations by primarily serving low- and moderate- income communities, households, and individuals. Second, priorities are assigned largely based on demand and need as demonstrated throughout the year by annual competition and open round review of infrastructure, facility, housing, and economic development projects. The NYS CDBG program provides direct technical assistance and through an established application criteria, assist eligible non-entitlement communities with developing high-impact local initiatives that benefit high needs populations. In addition, Imminent Threat projects will be considered throughout the program year in communities affected by conditions resulting in immediate considerable threat to public

health and safety. The NYS CDBG program may also elect to provide assistance to carry out public service activities associated with previously awarded projects, as the need arises.

As stated above, HOME regulations require that 15% of the State’s annual HOME allocation be awarded to Community Housing Development Organization (CHDO) projects. The remaining funds must be awarded to programs and projects statewide, based on a demonstrated local market need for the HOME eligible activity proposed.

One of the main goals of HOPWA is to make decent housing more affordable for those low income households with HIV/AIDS. Providing rental assistance to those households provides the stabilization needed to remain healthy and therefore avoid homelessness or other unstable housing arrangements.

The goal of STEHP is to assist individuals and families to prevent the eviction process, remain in or obtain permanent housing, and/or assist them with supportive services during their experience of homelessness. OTDA supports comprehensive programs that are designed to assist individuals living on the street with outreach services; to help maintain and improve the quality of emergency and transitional shelters and drop-in centers for homeless individuals and families; to help meet the costs of operating such programs; to provide comprehensive supportive services aimed at housing stabilization; to provide rapid re-housing services by obtaining a permanent living situation; and to provide eviction prevention assistance to individuals and families. OTDA does not offer STEHP funds to acquire or rehabilitate property as NYS dedicates an entire program, the Homeless Housing Assistance Program (HHAP), to support those very activities. The state has committed resources to HHAP since the 1980s. In recent years, the HHAP budget has varied between 30 and 60 million dollars annually.

**How will the proposed distribution of funds will address the priority needs and specific objectives described in the Consolidated Plan?**

CDGB funds are allocated in response to local needs that are identified in Requests for Proposals (RFP), which are solicited throughout the year for all regularly funded program areas. With the award of CDBG funds, communities are able to address those conditions that led to the request of funds to the benefit of low- and moderate -income populations.

HOME awards funds based demonstrated local market need and the capacity of the awardee to carry out the State’s approved HOME eligible

activity. The residential housing needs of low income homeowners, homebuyers and renters statewide are documented in the Consolidated Plan. HOME has designed and approved eligible activities to be awarded HOME funds, based on these needs.

Thousands of housing units with supportive services are needed for persons living with HIV/AIDS. Most of this need can be met through the provision of rental assistance subsidies coupled with supportive services. For this reason, New York State allocates most of its Housing Opportunities for Persons with AIDS (HOPWA) funding to tenant-based rental assistance and supportive services.

The main ESG/STEHP goals in the Consolidated Plan are to serve those that are homeless in a safe shelter setting, provide tenant-based rental assistance through rapid re-housing programs in order to move homeless persons into permanent housing, and to prevent homelessness from occurring in the first place. 50% of available STEHP funds are being dedicated to preventing homelessness. STEHP estimates serving 10,000 persons in 2020 with homelessness prevention activities including payment of arrears, rental assistance and legal services. 50% of STEHP funds are being dedicated to engaging with homeless persons in order to secure permanent housing through street outreach programs which encourage those living on streets to enter shelters/housing projects and rapid rehousing programs, through shelters which can provide a short-term safe environment while searching for housing, through transitional housing which can provide supports for those in need of longer term engagement, and through rapid re-housing which can obtain permanent community-based housing for those in a homeless situation. STEHP estimates serving 14,000 persons in street outreach, shelter and transitional housing programs in 2020 and 5,000 persons with rapid re-housing.

HTF funds will be distributed throughout the State according to the State's assessment of the priority housing needs within the State, as identified in the State's approved Consolidated Plan. No set-asides of funds for specific geographic areas are anticipated. Except for up to 10 percent of the allocation for reasonable administrative expenses, HTF funds currently shall be used to provide capital subsidies, operating assistance, and/or operating assistance reserves for non-transitional rental housing units targeted to extremely low-income households.

## AP-30 Methods of Distribution – 91.320(d)&(k)

Introduction:

### Distribution Methods

Table 8 - Distribution Methods by State Program

1	State Program Name:	HOME Program
	Funding Sources:	HOME

<p><b>Describe the state program addressed by the Method of Distribution.</b></p>	<p>HOME funds are awarded to units of local government, non-profit corporations, public housing authorities and community housing development organizations (CHDOs), called Local Program Administrators (LPAs) or Private Developer Owners. The LPAs administer the awarded HOME funds in their local communities and are awarded funds based on local market need for the activity to be performed. The LPAs administer the awarded HOME funds in their local communities and are awarded funds based on local market need for the activity to be performed. The LPAs distribute the HOME assistance in their local communities by selecting eligible low-income homeowners, homebuyers and renters to receive funds to rehabilitate, newly construct, purchase or rent affordable housing. HOME may award funds for Homeowner Housing Rehabilitation, Manufactured Housing Replacement, Homebuyer Purchase Assistance, Homebuyer Development Projects, Rental Rehabilitation and Tenant Based Rental Assistance and multi and single-family rental development or other specialty HOME eligible programs and projects that emerge and demonstrate need and viability. Awards may be based on competitive score, demonstrated need and ability to manage the project or program and considerations for geographic distribution. The State may allow NYS HOME Program funded State recipients, Subrecipients and CHDOs to design eligible HOME program activities that may limit beneficiaries or give preferences to persons in certain occupations, such as police officers, firefighters, or teachers. Any limitation or preference must not violate nondiscrimination requirements in 24 CFR 92.350. Limiting programs or giving preferences to students or a group of all employees is not permitted. The preference or limitation must be approved by the State prior to program execution. The HOME Program also awards performance-based initiatives, multi-year contracts, directly funded activities and other specialty requests for proposals to commit and/or expend de-obligated and/or uncommitted HOME funds and program income.</p>
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<p><b>Describe all of the criteria that will be used to select applications and the relative importance of these criteria.</b></p>	<p>The criterion used to select awardees for HOME funds may include but is not limited to: demonstrated need for the activity proposed in the service area, average income level served, persons with special needs targeted, percent below poverty level in the service area, number of persons below poverty level in the service area, age of housing, leveraging, demonstrated staff capacity, homeownership rate in the service area, homeownership affordability index, tenant rent burden, tenant affordability index, experience and prior performance, subsidy layering, underwriting, delivering HOME eligible units and the ability to complete the activities within the contract term.</p>
<p><b>If only summary criteria were described, how can potential applicants access application manuals or other state publications describing the application criteria? (CDBG only)</b></p>	<p>An application kit will be made available that provides specific guidance for the submittal of applications, including detailed descriptions of the assessment criteria that must be addressed for each of the funding categories. Detailed information on the calculation of points will be outlined in the applicable application kits for housing, public infrastructure, microenterprise, community planning, economic development, and public facilities projects.</p>
<p><b>Describe the process for awarding funds to state recipients and how the state will make its allocation available to units of general local government, and non-profit organizations, including community and faith-based organizations. (ESG only)</b></p>	

<p><b>Identify the method of selecting project sponsors (including providing full access to grassroots faith-based and other community-based organizations). (HOPWA only)</b></p>	
<p><b>Describe how resources will be allocated among funding categories.</b></p>	<p>HCR does not prescribe an apportionment of available HOME funds among the eligible HOME activities/categories described above. HOME regulations require that 15% of the State's annual HOME allocation be awarded to Community Housing Development Organization (CHDO) projects. The remaining funds can be awarded to HOME eligible programs and projects statewide, based on a demonstrated local market need for the HOME eligible activity proposed. HOME may award funds for programs or projects in areas of other HOME Participating Jurisdictions (PJs), if a local market need is demonstrated for the HOME eligible activity.</p>
<p><b>Describe threshold factors and grant size limits.</b></p>	<p>Applicants for HOME funds must comply with threshold limits and maximum grant amounts as stated in the HOME federal and state regulations, which vary based on each HOME eligible activity. Threshold factors may include but are not limited to: a demonstrated local market need for the HOME eligible activity proposed, serving only the beneficiaries making less than 80% of Area Median Income, HOME assisted units must be permanent housing, HOME assisted units will be owner or renter occupied at project completion and the applicant cannot have outstanding past performance, compliance, monitoring and/or audit issues with OCR/HTFC.</p>

	<b>What are the outcome measures expected as a result of the method of distribution?</b>	The preservation of existing housing and the development of new construction housing that provides low income families a safe, decent, affordable and sustainable housing option.
2	<b>State Program Name:</b>	HOPWA
	<b>Funding Sources:</b>	HOPWA
	<b>Describe the state program addressed by the Method of Distribution.</b>	NYS HOPWA contracts with not-for-profit organizations or public housing agencies who provide housing and related support services to low-income persons with AIDS or HIV-related illnesses and their families.

<p><b>Describe all of the criteria that will be used to select applications and the relative importance of these criteria.</b></p>	<p>The following is a listing of the criteria established for proposal evaluation and selection established under New York State’s HOPWA Program: Demonstration of need within the proposed project area for the type of housing and/or services proposed; the appropriateness and quality of the site, the design and/or support services proposed for the population to be served; evidence of the applicant's ability to develop the proposed project and to operate it over the required contract period; the appropriateness of plans for participant selection to serve the target population and the consistency of these plans with the intent of HOPWA; the reasonableness of the total project cost and the HOPWA amount requested; evidence of the applicant's ability to provide, either directly or through referral, the appropriate support services; evidence that the applicant has approval for its proposed program from the local Department of Social Services; evidence of strong linkages with community-based service providers and health care providers (including home health care, primary care, and emergency medical care); evidence that the focus of the project is on enabling participants to achieve the highest level of self-sufficiency possible; evidence of the financial feasibility of the project over the required operating period; and the appropriateness of the qualifications and backgrounds of the personnel and staff to be assigned to the project.</p>
<p><b>If only summary criteria were described, how can potential applicants access application manuals or other state publications describing the application criteria? (CDBG only)</b></p>	<p>An application kit will be made available that provides specific guidance for the submittal of applications, including detailed descriptions of the assessment criteria that must be addressed for each of the funding categories. Detailed information on the calculation of points will be outlined in the applicable application kits for housing, public infrastructure, microenterprise, community planning, economic development, and public facilities projects.</p>

<p><b>Describe the process for awarding funds to state recipients and how the state will make its allocation available to units of general local government, and non-profit organizations, including community and faith-based organizations. (ESG only)</b></p>	<p>Units of local government and nonprofit organizations compete in and are awarded ESH funds based on the STEHP RFP process as described above. STEHP contracts operate on a five-year basis.</p>
<p><b>Identify the method of selecting project sponsors (including providing full access to grassroots faith-based and other community-based organizations). (HOPWA only)</b></p>	<p>OTDA subjects all proposals received in response to an RFP, including a HOPWA RFP, to a rigorous review and selection process.</p> <p>Awards are based on a demonstrated need and best value. Weight is given to the cost effectiveness of each proposal. OTDA staff reviews all proposals, assisted by such other State personnel as deemed appropriate. In addition to a staff review, OTDA reserves the right to conduct site visits and solicit the opinion of other sources of funding agents prior to making a funding decision.</p> <p>Proposals are rated based on the following criteria: completeness of the application; responsiveness of the application to the RFP; clarity of the expected results of the program and the potential for its achievement; applicant’s contractual performance history with OTDA if applicable; evidence that the applicant understands the support services needs of the individuals and/or families to be served, can identify the services needed to help individuals and/or families obtain their maximum degree of independence, and evidence that the applicant has the ability to provide such services successfully; demonstrated fiscal viability of the proposal and fiscal responsibility of the applicant; programmatic feasibility of the proposed program within the time outlined; and willingness of the applicant to adhere to all HUD guidelines and regulations regarding HOPWA.</p>

	<p><b>Describe how resources will be allocated among funding categories.</b></p>	<p>In general, resources are allocated among the funding categories as follows, 82% for housing assistance (TBRA, STRMU, PHP, FBHA), 14% for support services, 3% for sponsor administrative cost, and 2% for grantee administrative costs.</p>
	<p><b>Describe threshold factors and grant size limits.</b></p>	<p>So long as other viable proposals have been received, no one applicant is awarded more than 20% of the total available funds in response to the Request for Proposals (RFP).</p>
	<p><b>What are the outcome measures expected as a result of the method of distribution?</b></p>	<p>Long-term comprehensive strategies for meeting the housing and social service needs of persons with AIDS and HIV-related illnesses and their families.</p>
<p><b>3</b></p>	<p><b>State Program Name:</b></p>	<p>Housing Trust Fund</p>
	<p><b>Funding Sources:</b></p>	<p>Housing Trust Fund</p>

<b>Describe the state program addressed by the Method of Distribution.</b>	The HTF Program provides loans to not-for-profit corporations or charitable organizations, a wholly owned subsidiary of such corporations or organizations, or private for-profit developers seeking to develop projects that contain a component of residential units affordable to households with incomes at 30% or less of AMI, as adjusted for family size. Eligible HTF costs may include development acquisition, hard, and related soft costs, operating cost assistance, and operating cost assistance reserves.
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<p><b>Describe all of the criteria that will be used to select applications and the relative importance of these criteria.</b></p>	<p>Applications will be based on the following criteria, with a maximum score of 100:</p> <p>Geographic Diversity - 5 points</p> <p>Readiness (the applicant's ability to obligate HTF funds based upon whether all of the necessary components for the financing and development of the project are identified and/or committed) - 15 points</p> <p>Developer Team Experience and Capability (the applicant's ability to undertake eligible activities in a timely manner based upon proven team member experience, capability, and capacity) - 15 points</p> <p>Project-Based Rental Assistance (the extent to which the project has Federal, State, or local project-based rental assistance so rents are affordable to extremely low-income families) - 5 points</p> <p>Duration of Affordability Period - 15 points</p> <p>Priority Housing Needs of the State (merits of the application in meeting the State's priority housing needs as identified in the Consolidated Plan and on the following page <u>the HTF Allocation Plan</u>) - 20 points</p> <p>Leveraging (extent to which the application makes use of non-Federal funding sources) - 10 points</p> <p>Financial Feasibility and Efficiency (extent to which the project is financially feasible and cost effective) - 15 points</p> <p>The State will not limit beneficiaries and/or give preferences to any segments of the extremely low-income population. However, the State will permit rental housing owners that are eligible recipients of HTF funds to limit tenants or give a preference for housing for seniors age 55 and over, public housing residents, and supportive housing for persons who are homeless and non-homeless households that require supportive services, including but not limited to those with mental, physical, sensory, or developmental disabilities; persons with substance use disorders; and persons diagnosed with HIV/AIDS and related diseases.</p>
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<p><b>If only summary criteria were described, how can potential applicants access application manuals or other state publications describing the application criteria? (CDBG only)</b></p>	<p>An application kit will be made available that provides specific guidance for the submittal of applications, including detailed descriptions of the assessment criteria that must be addressed for each of the funding categories. Detailed information on the calculation of points will be outlined in the applicable application kits for housing, public infrastructure, microenterprise, community planning, economic development, and public facilities projects.</p>
<p><b>Describe the process for awarding funds to state recipients and how the state will make its allocation available to units of general local government, and non-profit organizations, including community and faith-based organizations. (ESG only)</b></p>	
<p><b>Identify the method of selecting project sponsors (including providing full access to grassroots faith-based and other community-based organizations). (HOPWA only)</b></p>	

	<p><b>Describe how resources will be allocated among funding categories.</b></p>	<p>Resources will be allocated based upon specific project underwriting subject to HUD’s one-third limit on operating cost assistance and operating cost assistance reserves.</p>
	<p><b>Describe threshold factors and grant size limits.</b></p>	<p>Award size limits vary by geography and bedroom size, and are detailed in the HTF Allocation Plan.</p>
	<p><b>What are the outcome measures expected as a result of the method of distribution?</b></p>	<p>The creation of safe, decent and affordable rental housing for extremely low-income households.</p>
<p><b>4</b></p>	<p><b>State Program Name:</b></p>	<p>NYS Community Development Block Grant (CDBG)</p>
	<p><b>Funding Sources:</b></p>	<p>CDBG</p>

<p><b>Describe the state program addressed by the Method of Distribution.</b></p>	<p>The CDBG Program will use approximately \$45 million (less administrative expenses and Section 108 Loan repayments) of NYS CDBG funds to develop decent housing, create suitable living environments, and enhance economic opportunities across the State. Beginning in 2019, the Housing Trust Fund Corporation (HTFC) will require all past and present local recipients of the State’s CDBG Program (since the year 2000) to return any uncommitted CDBG program income in their possession on March 31, 2019 or received after that date. Program Income returned to the HTFC in this manner will be incorporated into the annual CDBG allocation and distributed (less administrative expenses) according to CDBG regulations and the methods described above. Recipients may no longer retain NYS CDBG program income for local use.</p>
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<p><b>Describe all of the criteria that will be used to select applications and the relative importance of these criteria.</b></p>	<p>The NYS CDBG Program uses three primary criteria to assess funding applications:</p> <p>Assessment Points - Within each category, individual projects will be assessed based on the extent to which they meet the category-specific assessment criteria. In addition to reviewing an applicant's compliance with the assessment criteria, a review will be undertaken to determine if the applicant has the capacity to complete the project in a timely manner, completed and/or made appropriate progress with prior HTFC grants, as well as complied with all federal, State, and programmatic rules and regulations. Analysis of the application may include, but is not limited to, the following: a. Project/Program Need b. Feasibility c. Impact to the residents, specifically low- and moderate-income persons or households d. Ability to implement immediately upon award e. Extent to which the activity addresses the identified need f. Degree to which the project supports program and State initiatives g. Degree to which health, welfare, safety issues are addressed h. Extent to which the activity has long term affordability and viability i. Financial impact in reducing the debt burden of the residents j. Reasonableness of the project k. Administrative capacity l. Extent to which the project/ activity supports regional plans and strategies m. Extent to which the applicant has adequately demonstrated its commitment and steps that have been undertaken to affirmatively further fair housing.</p> <p>New York State/HTFC Initiatives and Priorities – NYS initiative and priority points may be awarded to applicants who develop proposals that will effectively meet one of the areas identified as a New York State Community Development Initiative. Examples of such initiatives may include compliance with regional economic development strategies and priorities, NYS Rising Community Plans, fair housing, equal employment opportunity, green building, broadband, smart growth, main street, economic/commercial revitalization, or shared municipal services. Strict adherence to requirements outlined in the grant application is essential in order for an applicant to receive the points.</p>
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<p><b>If only summary criteria were described, how can potential applicants access application manuals or other state publications describing the application criteria? (CDBG only)</b></p>	<p>An application kit will be made available that provides specific guidance for the submittal of applications, including detailed descriptions of the assessment criteria that must be addressed for each of the funding categories. Detailed information on the calculation of points will be outlined in the applicable application kits for housing, public infrastructure, microenterprise, community planning, economic development and public facilities projects.</p>
<p><b>Describe the process for awarding funds to state recipients and how the state will make its allocation available to units of general local government, and non-profit organizations, including community and faith-based organizations. (ESG only)</b></p>	
<p><b>Identify the method of selecting project sponsors (including providing full access to grassroots faith-based and other community-based organizations). (HOPWA only)</b></p>	

<b>Describe how resources will be allocated among funding categories.</b>	For the 2020 Program Year, New York State may provide opportunities for the primary categories of funding: housing; public infrastructure/ facilities; public service; microenterprise; community planning; comprehensive; and economic development. Applications will be rated against other projects of the same category according to the criteria established above, and final funding decisions approved by the Housing Trust Fund Corporation Board.
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**Describe threshold factors and grant size limits.**

Funding Limits may vary depending on local need or in cases where it is found that a project or projects may have a significant impact that may realize a potential for regional or statewide impact.

Community Development Assistance:

Towns, Cities or Villages:

Housing \$500,000

Public Facilities \$300,000

Public Infrastructure (water/sewer only) \$750,000

Public Infrastructure with NYS Co-Funding Initiative \$1,000,000

Comprehensive \$750,000

Community Planning \$50,000

Counties:

Housing \$1,000,000

Public Infrastructure \$750,000

Public Facilities \$300,000

Comprehensive \$750,000

Community Planning \$50,000

Joint Applicants:\*

Public Infrastructure (water/sewer only) \$1,250,000, \$1,500,000 with NYS co-funding initiative

\*Projects must meet specific requirements in order to qualify for funding under the Joint Applicants category.

Economic Development Assistance:

Strategic Economic Development program \$750,000 Minimum Request \$100,000

Small Business Assistance Program \$100,000 maximum, \$25,000 minimum

Microenterprise program \$200,000

Employment Training program \$50,000

	<b>What are the outcome measures expected as a result of the method of distribution?</b>	<p>The NYS CDBG Program will track program performance using the following outcome measures:</p> <ul style="list-style-type: none"> <li>• Number of people assisted</li> <li>• Number of jobs created/retained</li> <li>• Number of housing units assisted</li> <li>• Number of homebuyers receiving direct financial assistance</li> </ul>
5	<b>State Program Name:</b>	Solutions to End Homelessness Program
	<b>Funding Sources:</b>	ESG
	<b>Describe the state program addressed by the Method of Distribution.</b>	
	<b>Describe all of the criteria that will be used to select applications and the relative importance of these criteria.</b>	

<p><b>If only summary criteria were described, how can potential applicants access application manuals or other state publications describing the application criteria? (CDBG only)</b></p>	<p>An application kit will be made available that provides specific guidance for the submittal of applications, including detailed descriptions of the assessment criteria that must be addressed for each of the funding categories. Detailed information on the calculation of points will be outlined in the applicable application kits for housing, public infrastructure, microenterprise, community planning, economic development, and public facilities projects.</p>
<p><b>Describe the process for awarding funds to state recipients and how the state will make its allocation available to units of general local government, and non-profit organizations, including community and faith-based organizations. (ESG only)</b></p>	<p>Units of local government and nonprofit organizations compete in and are awarded ESG funds based on the STEHP RFP process as described above. STEHP contracts operate on a five-year basis.</p>
<p><b>Identify the method of selecting project sponsors (including providing full access to grassroots faith-based and other community-based organizations). (HOPWA only)</b></p>	

<p><b>Describe how resources will be allocated among funding categories.</b></p>	<p>Of the STEHP funds awarded in 2020, approximately 40% is dedicated to NYC, 60% is dedicated to contractors outside of NYC; 50% is dedicated to activities serving homeless persons, and 50% to activities serving those at risk of homelessness. Of the funds dedicated to serving homeless persons, approximately 5% funds Street Outreach, 35% funds Shelter, 15% funds Transitional Housing and 45% funds Rapid Re-housing programs.</p>
<p><b>Describe threshold factors and grant size limits.</b></p>	<p>Competitive STEHP grants are limited to \$300,000 per agency per CoC served.</p>
<p><b>What are the outcome measures expected as a result of the method of distribution?</b></p>	<p>In the 2020 Program year, OTDA expects the contractors will serve 14,000 persons in Street Outreach, Shelter and Transitional Housing programs, 5,000 persons with Rapid Rehousing and 10,000 persons with homelessness prevention.</p>

**Discussion:**

CDBG-DR funds are being utilized for eligible disaster related activities to support housing repair, rebuilding, mitigation, economic revitalization, community planning, and infrastructure repair and improvements (APA8 p. 45). New York State's CDBG-DR allocation priorities are to repair and harden storm-damaged residential units, creating additional affordable housing, reviving businesses, and rebuilding critical infrastructure throughout the State. (APA8 p. 47). The State's use of CDBG-DR funds also prioritize vulnerable populations, innovation in project design, alignment with other resiliency projects and state policy objectives, regional collaboration, and ecosystem restoration. (APA8 p. 64)

The New York State CDBG-DR Action Plan and amendments are available at the website of the New York Governor's Office of Storm Recovery: <https://stormrecovery.ny.gov/funding/action-plans-amendments>.

## AP-35 Projects – (Optional)

Introduction:

#	Project Name

Table 9 – Project Information

**Describe the reasons for allocation priorities and any obstacles to addressing underserved needs**

**AP-38 Project Summary**  
**Project Summary Information**

## **AP-40 Section 108 Loan Guarantee – 91.320(k)(1)(ii)**

### **Will the state help non-entitlement units of general local government to apply for Section 108 loan funds?**

Yes

### **Available Grant Amounts**

New York State may elect to assist non-entitlement units of local government by providing opportunities for funding under Section 108 of the Housing and Community Development Act of 1974, as amended. New York State may apply for funding on behalf of non-entitlement units of local government or they may apply directly for guaranteed loans under 24 CFR Part 570, Subpart M (Section 108 Loans). The total amount of loans available statewide to eligible communities is the maximum allowed under HUD regulation 24 CFR 570.705.

### **Acceptance process of applications**

- Any repayment of Section 108 Guaranteed Loan debt obligations made with CDBG grant funds by a community as a result of default may be applied to the community's annual funding limit.
- Repayment of a Section 108 Guaranteed Loan is the responsibility of the local government if the activity funded by the loan is determined to be ineligible or in violation of federal rules or regulations.
- HUD must approve all guaranteed loan applications.

### Section 108 Loan Guarantee Application Process:

The Housing Trust Fund Corporation (HTFC) reviews loan applications and performs required associated underwriting for the Section 108 Loan Guarantee program as required by 24 CFR 570.482(e).

### Section 108 Evaluation Criteria:

Section 108 loans will be evaluated in accordance with 24 CFR Part 570, the Section 108 Final Rule, along with consideration being given to:

- Section 108 guaranteed loan funds used per permanent job created (cost-effectiveness);
- Actual number of jobs created;
- Documentation/demonstration that the project will have a significant impact on defined community needs;
- Consistency with local planning and development strategies; and
- Certifications provided by the local government.

### Section 108 Loan Management

Following HUD approval, HTFC will be responsible for approving/monitoring project aspects such as, but not limited to, release of funds, associated financial records and loan documents, compliance with federal requirements, and loan repayments.

**AP-45 Community Revitalization Strategies – 91.320(k)(1)(ii)**

**Will the state allow units of general local government to carry out community revitalization strategies?**

Yes

**State’s Process and Criteria for approving local government revitalization strategies**

During the plan period, the NYS CDBG Program may elect to allow eligible units of local government to carry out a revitalization strategy. In such a case, the CDBG Program will follow the guidance provided in Notice CPD-97-1 to implement an approval process, pending approval by HUD.

## **AP-50 Geographic Distribution – 91.320(f)**

### **Description of the geographic areas of the state (including areas of low-income and minority concentration) where assistance will be directed**

CDBG funds are available to all eligible NYS communities that do not receive funds directly from HUD.

The State is “responsible for distributing HTF funds throughout the State according to the State’s assessment of the priority housing needs within the State, as identified in the State’s approved Consolidated Plan.”

For the current year’s allocation, HUD requires that, except for up to 10 percent of the allocation which may be used for administration, the HTF funds shall be used to provide capital subsidies, operating assistance and/or operating assistance reserves for non-transitional, rental housing units targeted to extremely low-income households with incomes at or below 30% of AMI.

HTF funding will be available statewide, including for projects in areas of low income and minority concentration that meet at least one of the State’s housing priorities. HCR does not anticipate establishing set-asides for HTF funds for specific geographic areas of the State.

While HOME can allow for geographic distribution, generally, HOME cannot predict the geographic distribution of assistance, as funds may be awarded in any part of the State, based on a demonstrated need, feasibility and the ability to commit and expend funds within HUD’s expenditure and commitment deadlines. HOME regulations require that 15% of the State’s annual HOME allocation be awarded to Community Housing Development Organization (CHDO) projects. The remaining funds can be awarded to programs and projects statewide. HOME may award funds for programs or projects in areas of other HOME Participating Jurisdictions (PJs), if a local market need is demonstrated for the HOME eligible activity.

ESG funds awarded through the STEHP program are distributed statewide through a competitive Request for Proposals process with approximately 40% being dedicated to New York City and 60% to the rest of the state.

### **Geographic Distribution**

<b>Target Area</b>	<b>Percentage of Funds</b>
New York State EJ	

**Table 10 - Geographic Distribution**

### **Rationale for the priorities for allocating investments geographically**

The New York State Office of Community Renewal (OCR) administers the State CDBG Program and publishes an annual Request for Proposals (RFP) for applications requesting funds to assist with eligible

housing, public infrastructure/facility, and economic development projects. Final allocations are made based on pre-identified selection and rating criteria. Although target area investments are encouraged, these selection criteria do not include a geographic component.

The HOME Program does not have geographic set-asides for specific areas of New York. Since the majority of HOME funds are primarily used in areas that are not HOME participating jurisdictions, this generally results in HOME funds being directed to the smaller, more rural and exurban communities of New York, but does allow for funding in all areas of the State.

While “Geographic Diversity” is a scoring criterion in evaluating applications for HTF funding, as required by the HTF program, the State does not intend to dedicate a specific percentage or amount of HTF funding to particular areas. Funding decisions will be based with an emphasis on other scoring criteria.

OTDA prioritizes Prevention programs in the STEHP program in New York City. This is because there is a known shortage of affordable housing units and those that are inhabited should be retained if possible. If a person becomes homeless, shelter stays are extensive due to lack of available units and long permanent housing wait lists.

## **Discussion**

## Affordable Housing

### AP-55 Affordable Housing – 24 CFR 91.320(g)

#### Introduction:

<b>One Year Goals for the Number of Households to be Supported</b>	
Homeless	0
Non-Homeless	517
Special-Needs	324
Total	841

**Table 11 - One Year Goals for Affordable Housing by Support Requirement**

<b>One Year Goals for the Number of Households Supported Through</b>	
Rental Assistance	7250
The Production of New Units	35
Rehab of Existing Units	412
Acquisition of Existing Units	70
Total	7767

**Table 12 - One Year Goals for Affordable Housing by Support Type**

**Discussion:**

The number of households supported with special needs represents the number of households supported with NYS HOPWA with short term rental, mortgage, or utility assistance, tenant based rental assistance and facility based housing assistance in permanent supported housing or leased units. The number of households supported through rental assistance includes 275 households supported with NYS HOPWA through tenant based rental assistance. STEHP funds will support 7,000 households with rental assistance for homeless and at-risk of homelessness households.

HTF program goals include units created through multifamily rental projects that have received HTF funds for development acquisition, hard, and related softs costs, and operating cost assistance and operating cost assistance reserves.

The HOME Program meets annual goals to provide low income families an affordable and sustainable housing option by funding LPAs to provide: single-family Homeowner Housing Rehabilitation, Manufactured Housing Replacement, Homebuyer Purchase Assistance, Homebuyer Development Projects, Rental Rehabilitation, Tenant Based Rental Assistance and Multi-family and Single-family Rental Development.

The State has previously committed \$10 million dollars to assist storm-damaged housing authorities.

In addition to assistance to PHAs, the Multi-Family/Affordable Housing Program supports both the preservation of governmentally-assisted, including HUD-assisted affordable housing and other rental housing developments that were damaged by Hurricane Irene, Tropical Storm Lee or Superstorm Sandy, as well as the development of new affordable housing to address the rental housing shortage created by the storms and to help revitalize hard hit communities. Assistance is limited to projects located in storm damaged counties outside of New York City. The State estimates there are still outstanding needs for affordable rental within the impacted communities, within the Multi-Family/Affordable Housing Fund, it is envisioned that the allocation of CDBG-DR funds dedicated to rental will be leveraged both by tax-exempt private activity bonds (PAB), 4% low income housing tax credits, 9% tax credits, and private financing.

The Multi-Family/Affordable Housing Program offers assistance for the development of new selected affordable housing projects to alleviate the shortage of affordable housing created or exacerbated by Irene, Lee, and/or Sandy. CDBG-DR assistance provided through the Program is generally limited to assisting affordable housing units. However, mixed income developments are eligible for assistance if developers can leverage other funding to support the non-low- and moderate- income units. This initiative works to create new rental housing units through a variety of means, including the substantial repair of uninhabitable rental properties, the conversion of non-residential structures, and new construction. The Program may also “produce” new rental units through the repair of partially occupied

properties that have a significant number of vacant, uninhabitable units.

For information about Hurricane Sandy, the State's response, and CDBG-DR programs, please visit <https://stormrecovery.ny.gov/> to read the current CDBG-DR Action Plan.

## **AP-60 Public Housing - 24 CFR 91.320(j)**

### **Introduction:**

New York State does not directly own or administer federal public housing. Therefore the requirements of this section do not apply to New York State's Consolidated Plan. However, New York State recognizes the additional statutory requirements of Section 105(b)(11) and Section 105(g) of the CHAS statute, as amended by the 1998 Appropriations Act. Although it must be recognized that these additional requirements place considerable and unique burdens on a State with 207 Public Housing Authorities (PHAs), the State of New York is complying with these additional requirements by conducting ongoing consultations with PHAs to determine the needs of the PHAs and to identify ways in which the State can assist in addressing these needs.

### **Actions planned during the next year to address the needs to public housing**

Not applicable.

### **Actions to encourage public housing residents to become more involved in management and participate in homeownership**

Not applicable.

### **If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance**

Not applicable.

### **Discussion:**

## **AP-65 Homeless and Other Special Needs Activities – 91.320(h)**

### **Introduction**

Through the STEHP Program, OTDA makes ESG funds available to local not-for-profits and local social services districts for street outreach, shelter, rapid rehousing and homelessness prevention services. The goal of STEHP is to assist individuals and families to prevent the eviction process, remain in or obtain permanent housing, and/or assist them with supportive services during their experience of homelessness while waiting to obtain permanent housing. Through the Housing Opportunities for Persons with AIDS (HOPWA) program, OTDA makes funds available to not-for-profit organizations and public housing agencies to provide housing and related support services to low-income persons with AIDS or HIV-related illnesses and their families.

### **Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including**

#### **Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs**

In 2020, STEHP providers estimate serving 14,000 persons in Street Outreach, Shelter and Transitional Housing programs, 5,000 persons with Rapid Rehousing and 10,000 persons with homelessness prevention services. STEHP currently contracts with Street Outreach providers that meet unsheltered persons “where they are” literally and figuratively. Providers address basic physical needs, transportation, emergent health and mental health needs, and most importantly they encourage potential participants to enter local shelters, housing programs and rapid rehousing programs.

#### **Addressing the emergency shelter and transitional housing needs of homeless persons**

STEHP currently contracts with shelter and/or transitional housing providers which offer a variety of services from day shelter to overnight accommodations linked with case management, the ultimate goal of which is to obtain a permanent place to live. Besides supplying basic needs, shelters may provide essential services, assistance obtaining benefits, education services, employment services, outpatient health services, legal assistance, life-skills training, mental health and substance abuse counseling, transportation and certain child care services in order to assist participants with the goal of obtaining permanent housing.

HOPWA also funds one transitional housing facility to meet the needs in one upstate community to assist individuals with HIV/AIDS who are experiencing homelessness. This facility provides temporary housing while the individual works toward establishing more permanent housing and supports.

The HOME Program also supports the substantial rehabilitation or new construction of housing for the homeless.

The HTF program may also be used for non-transitional, permanent rental housing units for extremely low-income households with incomes at or below 30% of AMI.

**Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again**

In its most recent STEHP RFP, OTDA, in recognition of the important role coordinated entry can have on homeless systems, prioritized projects that were fully endorsed by the CoC. Furthermore, OTDA, in recognition of the importance of participant income, awarded priority points to Rapid Rehousing and Transitional Housing projects that demonstrated an increase in income for the individuals they proposed to serve with STEHP funds, whether it be in the form of benefits or earned income. Priority was also given to projects that demonstrated a connected to SOAR case management. OTDA stresses case management which may include benefit/entitlement advocacy, overcoming past barriers to retaining housing, use of legal services and credit repair. STEHP currently contracts with Rapid Rehousing providers whose goal is to assist participants in obtaining affordable permanent housing. In order to promote housing stability, OTDA allows Rapid Rehousing contractors to provide services for the maximum amount of time under current ESG regulations and mandates contractors serve a new participant for at least six months with at least case management if the participant is still willing to engage.

**Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs**

STEHP contractors provide homelessness prevention services including financial and rental assistance, utility assistance, security deposits, legal services, credit repair and benefit/entitlement advocacy. OTDA stresses case management which includes housing stability plans and allows contractors to serve participants for the maximum amount of time under current ESG regulations.

The HOPWA Program also helps low income individuals and families to attain and maintain permanent housing with supports as needed. Tenant based rental assistance, short term rental, mortgage and utility assistance, as well as permanent housing placement services are deployed to assist these households in achieving housing stability.

## **Discussion**

**AP-70 HOPWA Goals – 91.320(k)(4)**

<b>One year goals for the number of households to be provided housing through the use of HOPWA for:</b>	
Short-term rent, mortgage, and utility assistance to prevent homelessness of the individual or family	40
Tenant-based rental assistance	275
Units provided in permanent housing facilities developed, leased, or operated with HOPWA funds	9
Units provided in transitional short-term housing facilities developed, leased, or operated with HOPWA funds	24
Total	348

## **AP-75 Barriers to affordable housing – 91.320(i)**

### **Introduction:**

In an effort to improve access to fair and affordable housing throughout New York State, HCR will continue its efforts implementing the recommended meaningful actions that were identified through the State's most recent Analysis of Impediments to Fair Housing Choice (AI), which was completed in January 2016.

### **Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment**

To overcome the barriers to fair housing that were identified through the AI, the State continues its work to achieve the following goals:

1. Preserve and expand statewide affordable housing inventory
2. Balance revitalizing racially and ethnically concentrated areas of poverty (R/ECAPs) and expanding affordable housing options in higher opportunity areas with low poverty rates and well-performing schools
3. Improve fair housing knowledge among all relevant stakeholders
4. Promote housing policies in communities to expand housing choice
5. Expand choice for members of classes protected under state and federal fair housing laws.

In furtherance of meeting the obligation to AFFH and the abovementioned housing goals, the State will implement and/or continue the following initiatives:

Goals (1) and (2): Preserve and expand statewide affordable housing inventory; and Balance revitalizing R/ECAPs and expanding affordable housing options in higher opportunity areas with low poverty rates and well-performing schools:

- Continue to incentivize mixed income family housing developments in communities across the State
- Continue to work to preserve and expand the inventory of affordable housing
- Continue to prioritize funding to create and preserve affordable housing in higher opportunity areas. As part of this effort, HCR created a set-aside for up to \$5 million in 9% tax credits for new family projects located in high opportunity census tracts that have less than 10% poverty and is served by a “high- or moderate proficiency school,” based upon New York State Department of Education data
- Work with owners and developers whose buildings are exiting affordability programs to keep units affordable on a long-term basis
- Revise the Qualified Allocation Plan for federal and state low-income housing tax credits to further incentivize concerted community revitalization in low-income areas and new family developments in high opportunity areas

**Discussion:**

Goal (3), Improve fair housing knowledge among all relevant stakeholders:

- Partner with New York State Division of Human Rights to help implement and increase compliance with recently-passed legislation banning source of income discrimination
- Strengthen existing relationships with community-based organizations and service providers so that they may assist in the State's education and outreach efforts
- Continue to expand educational initiatives, including trainings and printed and electronic publications, to increase fair housing knowledge among HCR awardees and the general public
- Continue to produce Know Your Rights initiatives to help ensure that tenants, applicants and developers of affordable housing are aware of their fair housing rights and obligations
- Conduct a series of trainings by experts to developers and architects and produce educational material regarding accessibility design and construction requirements and best practices

Continued on screen 85: Other Actions in the Introduction Section.



## **AP-85 Other Actions – 91.320(j)**

### **Introduction:**

FEHO continued:

Goal (4), Promote inclusive housing policies in communities to expand housing choice:

- Expand access to HCR-backed projects for people with negative or no credit
- Continue to require developers and sponsors of state-financed affordable housing to create affirmative fair housing marketing plans which include outreach and marketing to those populations least likely to apply. Such outreach and marketing is done in the language that corresponds to the least likely to apply (LLA) demographic. For example, publication in the Spanish-language newspaper El Diario is required where the LLA population is Latinx/Hispanic. Required outreach is tailored to the specific LLA population in the area and includes community contacts like faith-based and community organizations and assisted living centers.
- Continue internal collaboration to monitor and help awardees ensure that they are complying with federal, State, and local fair housing requirements, as well as HCR fair housing policies
- Continue to collaborate with the New York State Division of Human Rights and the New York State Office for New Americans to address issues of housing discrimination
- Collaborate with NYS Education Department to identify possible holistic policies to affirmatively further fair housing

Goal (5), Expand housing choice for members of classes protected under state and federal fair housing laws:

- Expand and build upon HCR's Section 8 Mobility Counseling Program and the Section 8 Family Self-Sufficiency Program to serve residents of NYS's most segregated towns, cities and counties
- Continue to require individualized screening assessments of applicants to State-financed housing that have criminal records in order to limit criminal background as an automatic and unnecessarily discriminatory bar to housing
- Continue to improve online website to search for affordable units throughout the State to increase access to affordable housing for all communities, including those least likely to apply.

### **Actions planned to address obstacles to meeting underserved needs**

New York State will continue to develop new programs and initiatives, improve existing programs and identify additional sources of funding to better serve those in need of affordable housing and related services.

For example, NYS has long recognized the need to assist agricultural producers and farmworkers in financing the construction, replacement or rehabilitation of farmworker housing which meets applicable building and health codes. In fact, HCR administers the Farmworker Housing Program which provides low cost loans to agricultural producers to construct or improve housing for both seasonal and year-round farm employees. Since the program's inception in 1997, HCR has provided 264 loans statewide to agricultural producers (including fruit, vegetable and dairy operations) totaling \$15.7 million without a single default. The program's success has been driven by the ongoing collaborative partnership between HCR, the NYS Department of Health (DOH) and the Farm Credit East lending institution, which originates and services these streamlined loans.

### **Actions planned to foster and maintain affordable housing**

The HOME Program meets annual goals to provide low income families an affordable and sustainable housing option by funding LPAs to provide: single-family Homeowner Housing Rehabilitation, Manufactured Housing Replacement, Homebuyer Purchase Assistance, Homebuyer Development Projects, Rental Rehabilitation, Tenant Based Rental Assistance and Multi-and single family Rental Development.

For large scale multi-family housing, New York State's strategy will focus on combining the LIHC with available public subsidies on the federal, State, and local level. It is through this combination that most of the affordable rental housing developed by New York will likely attain the financial feasibility and the viability necessary to assure project completion and operation while serving a broad variety of households.

A predictable flow of LIHC accruing to New York will allow the State to continue to accurately forecast the amounts and types of government subsidies that can be leveraged through use of the LIHC. This predictability will also allow the State to forecast, by way of its goals and priorities, the types of subsidies that will be most effective in meeting the housing needs of the State over the next five years.

Most of the projects receiving an allocation of LIHC from HCR will continue to have at least one other public subsidy as part of the project financing package. HCR will continue to use the LIHC to leverage private investment in projects using CDBG and/or Housing Trust Fund monies.

Additionally, New York State will fund the Mobile and Manufactured Home Replacement Program (MMHR). The program will assist homeowners to replace dilapidated mobile or manufactured homes that are sited on land owned by the homeowner, with a new manufactured, modular or site built home.

The program will provide an existing homeowner of a dilapidated mobile or manufactured home with

the replacement of that home with a new manufactured, modular or site built home.

### **Actions planned to reduce lead-based paint hazards**

NYS's Childhood Lead Poisoning Primary Prevention Program (CLPPPP) utilizes a housing-based primary prevention approach to identify environmental lead hazards within target areas that have been identified as having the highest risk of childhood lead poisoning. The CLPPPP initiative draws on evidence-based approaches to assess and improve housing conditions by performing inspections, issuing notifications, and facilitating compliance through various enforcement methods. At the same time, the NYS Department of Health continues to respond to children diagnosed with elevated blood lead levels statewide. This primary prevention policy enables a more proactive and effective approach to preventing lead poisoning. Currently, the DOH has contracts with 15 County Health Departments to provide lead poisoning primary prevention services.

NYSDOH promotes development of a skilled and certified workforce for lead remediation while increasing availability of lead safe work practices training for property owners, contractors, and residents. NYS grantees continue to use various techniques to facilitate training among a diverse population. Most of the trainings are free or offered at a reduced cost and are convenient for participants to attend. In addition, many grantees provide incentive packages containing lead hazard control supplies to participants who complete the training.

CLPPPP grantees work closely with community partners to secure referrals, increase lead hazard awareness, and deliver lead prevention services and education. Some grantees successfully partner with local code enforcement agencies, Section 8, and local social services. These special partnerships bring out the best in both programs to identify high-risk housing, assess for lead based paint hazards, and facilitate compliance. Local lead poisoning prevention coalitions have proven to be effective at stimulating healthy housing awareness in communities, promoting lead prevention programs, and enhancing funding accessibility for lead hazard control and remediation.

The NYS Healthy Neighborhoods Program (HNP) is a healthy homes initiative that seeks to reduce the burden of housing-related illness and injury. HNP provides in-home assessments and interventions to address home environmental health and safety hazards, including asthma triggers, tobacco use, indoor air quality, lead, fire safety, and other environmental conditions. Currently, 19 local health departments are funded to implement the program in selected high-risk target areas. A surveyor assesses conditions in each home and provides interventions and guidance to address identified hazards. A quarter of homes receive a follow-up visit (revisit). In 2017, the Healthy Neighborhoods Program transitioned to a new tablet-based data collection tool and database. NYSDOH will continue to enhance its reporting capabilities to provide accurate and consistent data for evaluation of the program's impact on specific housing conditions related to illness and injury.

## **Actions planned to reduce the number of poverty-level families**

The five programs covered by the Consolidated Plan – CDBG, HOME, HTF, ESG and HOPWA – directly support the overall State anti-poverty strategy by addressing the housing and/or non-housing community development needs of persons at or below the poverty level. This has the cumulative effect of reducing the number of poverty level families.

CDBG supports a variety of non-housing community development activities that are targeted to low and moderate income families. These investments include, but are not limited to:

- Neighborhood water, sewer, and stormwater infrastructure
- Rehabilitating or replacing public facilities such as daycare and senior centers
- Providing economic development assistance to business that will create or retain jobs available to low/moderate income individuals

## **Actions planned to develop institutional structure**

New York State will continue to analyze the delivery system of affordable housing to identify areas of problems and issues. Recommendations will be made on a continual basis to improve the administration of programs across the agency. Closer communication among divisions and offices in the agency will be pursued to improve program coordination.

## **Actions planned to enhance coordination between public and private housing and social service agencies**

New York State emphasizes coordination with public and assisted housing providers and private and governmental health, mental health, and service agencies.

To that end, the Most Integrated Setting Coordinating Council (MISCC) Housing Committee is comprised of consumers and leaders in not-for-profit organizations, local governments and State agencies to work together to positively impact the lives of people with physical or psychiatric disabilities.

The commissioner of DHCR chairs this Task Force.

It is a priority of HCR to strengthen and expand partnerships in housing and community development. These partnerships include all public and assisted housing providers as well as the private and governmental health, mental health, and service agencies that do business with the State's housing programs. New York State will continue to employ a number of vehicles for communication and coordination which include:

- The National Affordable Housing Act Task Force and Consolidated Plan Partnership Advisory Committee

- The Most Integrated Setting Coordinating Council- The Developmental Disabilities Planning Council
- The Money Follows the Person Housing Workgroup

New York State will continue to participate in conferences and training for housing and service providers and local governments and will continue to provide assistance to ensure coordination among private and governmental health, mental health, and service agencies for State-financed projects housing special needs populations. New York State will also continue to actively coordinate and cooperate with units of general local government in the preparation and implementation of its Consolidated Plan and Annual Action Plans.

Through a new requirement placed on local social service districts, NYS OTDA must receive Homeless Services Plans from each district. In 2019, each local district submitted such a plan that was subsequently accepted by OTDA. Moving forward there will also be a bi-annual reporting requirement for local districts to report on how they are addressing homeless in the County and the results of those efforts. This requirement will allow NYS to better understand homelessness across the state and then be better able to coordinate the development of solutions to addressing stated problems. Additionally, the new NYS BoS CoC requires participation by each local social service district within each of the five counties covered by the BoS CoC. Working with these districts and the local public and private housing agencies within the geography of the NYS BoS CoC will greatly enhance coordination.

**Discussion:**

## Program Specific Requirements

### AP-90 Program Specific Requirements – 91.320(k)(1,2,3)

#### Introduction:

#### Community Development Block Grant Program (CDBG) Reference 24 CFR 91.320(k)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	0
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	0
5. The amount of income from float-funded activities	0
<b>Total Program Income:</b>	<b>0</b>

#### Other CDBG Requirements

1. The amount of urgent need activities	900,000
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan.	78.00%

#### HOME Investment Partnership Program (HOME) Reference 24 CFR 91.320(k)(2)

1. A description of other forms of investment being used beyond those identified in Section 92.205 is as follows:

The NYS HOME Program does allow the refinancing of existing debt for multi-family housing. The use of HOME funds to refinance existing debt secured by multi-family housing is eligible only when

HOME funds are loaned to rehabilitate a project, and refinancing is necessary to permit or continue affordability.

2. A description of the guidelines that will be used for resale or recapture of HOME funds when used for homebuyer activities as required in 92.254, is as follows:

When HOME funds are used to assist a household in the purchase of a unit, restrictions will be placed on the unit to ensure compliance with the HOME resale and recapture requirements described in 24CFR 92.254(a)(5). All Recapture and Resale mechanisms used to secure the affordability of the HOME assisted unit must be recorded in accordance with the State recordation laws and in compliance with NYS HOME Local Program Resale-Recapture Guidelines. For more information, please see NYS HOME Local Program Resale-Recapture Guidelines in Appendix II.

3. A description of the guidelines for resale or recapture that ensures the affordability of units acquired with HOME funds? See 24 CFR 92.254(a)(4) are as follows:

Under most circumstances, homeownership projects undertaken by the NYS HOME Local Program will be subject to recapture. The homebuyer assistance will be secured by means of a note and mortgage given to HTFC by the low-income household being assisted. A template of the HTFC note and mortgage is provided to Local Program Administrators (LPAs) at contract execution. Under most circumstances, the recapture provisions will be used in HOME homebuyer activities. However, resale restrictions may or must be used under the following circumstances: 1) When HOME Program funds are used only as a development subsidy for the construction or renovation of homeownership housing, and no homebuyer assistance is provided, resale restrictions must be used to secure the HOME investment. 2). Resale restrictions may also be used at the request of the LPA when HOME Program funds are invested in: a larger homeownership development, a condominium or cooperative project; projects where a substantial per-unit investment of subsidy is provided; local markets with predominately high home sale prices, rapidly appreciating housing costs, or where affordability will not be preserved by unrestricted sales of assisted units. HTFC approval of the conditions warranting the use of a re-sale restriction is required. For more see NYS HOME Local Program Resale- Recapture Guidelines in Appendix II.

4. Plans for using HOME funds to refinance existing debt secured by multifamily housing that is rehabilitated with HOME funds along with a description of the refinancing guidelines required that will be used under 24 CFR 92.206(b), are as follows:

When HOME funds are utilized for this purpose, a minimum of \$6,000 per unit must be invested. The project sponsor must clearly demonstrate that disinvestment in the property has not occurred;

the long term needs of the project can be met; and that the targeted population can be served over the extended affordability period. HOME funds will have an affordability period of no less than 15 years or no more than the maximum term of the original contract. Investment of HOME funds will be jurisdiction-wide, and under no circumstances will they be used to refinance multifamily loans made or isured by any federal program, including CDBG.

**Emergency Solutions Grant (ESG)  
Reference 91.320(k)(3)**

1. Include written standards for providing ESG assistance (may include as attachment)

New York State allocates 100% of its ESG funds (minus its administrative portion) to subrecipients under the Solutions to End Homelessness Program (STEHP). Furthermore, NYS contributes some of its own resources to the STEHP program. All STEHP contractors are required to follow ESG regulations regardless of whether their individual contracts contain ESG funds. NYS requires all contractors to develop a STEHP program manual describing provision of services and how the program operates. Manuals should include standard policies and procedures for evaluating eligibility consistent with ESG regulations along with procedures for assessment and admission, referral, coordination with other providers, connection to mainstream benefits, length of assistance, levels of assistance, participant contributions (if any), discharge, premature termination and inclusion of homeless persons' participation in agency policy. Manuals are reviewed at monitoring visits.

2. If the Continuum of Care has established centralized or coordinated assessment system that meets HUD requirements, describe that centralized or coordinated assessment system.

3. Identify the process for making sub-awards and describe how the ESG allocation available to private nonprofit organizations (including community and faith-based organizations).

Current contracts are in effect in 2020 as a result of applications submitted under the competitive Solutions to End Homelessness Program (STEHP) Request for Proposals (RFP) in June 2019. Any not-for-profit corporation pre-qualified in the Grants Gateway System, and units of local government and local social services districts are eligible to apply for STEHP funds. Proposals received are reviewed by staff at OTDA and assigned an overall competitive score. Proposals are judged based on the responsiveness of the proposal to the RFP, evidence of the applicant's understanding of the needs of the homeless population and those at risk of homelessness, and programmatic and fiscal feasibility as outlined in the RFP.

4. If the jurisdiction is unable to meet the homeless participation requirement in 24 CFR

576.405(a), the jurisdiction must specify its plan for reaching out to and consulting with homeless or formerly homeless individuals in considering policies and funding decisions regarding facilities and services funded under ESG.

N/A

5. Describe performance standards for evaluating ESG.

The performance standards set for the STEHP Program intend to encourage sub-grantees to provide long-term stability for their program participants. In the STEHP RFP, priority was given to each applicant **that could demonstrate an 85% positive housing outcome rate. The State considers a positive housing** outcome to have occurred if a program participant is currently residing in or is on the path to securing permanent housing. Additionally, each sub-grantee needs to show annually that their project has achieved at least a 75% positive housing outcome. Should a project not achieve this positive housing outcome standard, OTDA may reallocate their STEHP funds to one or more STEHP sub-grantees.

Projects are monitored by OTDA throughout the term of the contract. Monitoring may include site visits, regular telephone contact, as well as provider meetings. The goal of monitoring is to ensure that the terms of the contract are being met and ESG regulations are being followed. In addition, monitoring enables OTDA to provide technical assistance, where necessary, in order to assist the contractor in meeting the terms of the contract. It is the responsibility of the contractor to monitor any and all sub-contracts.

In addition, copies of all applicable federal rules and regulations for the program have been disseminated to sub grantees, along with materials to assist them with the vouchering and reporting process. Periodic conference calls and/or in-person training sessions will be held with sub-grantees to address any questions they have with contract compliance and/or programmatic concerns with which they need assistance.

**Housing Trust Fund (HTF)**  
**Reference 24 CFR 91.320(k)(5)**

1. How will the grantee distribute its HTF funds? Select all that apply:

Applications submitted by eligible recipients

2. If distributing HTF funds through grants to subgrantees, describe the method for distributing HTF funds through grants to subgrantees and how those funds will be made available to state agencies and/or units of general local government. If not distributing funds through grants to subgrantees, enter "N/A".

N/A

3. If distributing HTF funds by selecting applications submitted by eligible recipients,

a. Describe the eligibility requirements for recipients of HTF funds (as defined in 24 CFR § 93.2). If not distributing funds by selecting applications submitted by eligible recipients, enter "N/A".

The State, acting through the New York State Housing Finance Agency ("HFA"), will only distribute HTF funds by selecting applications that are submitted by eligible recipients.

To be eligible to apply for HTF funding, an applicant must be a federal or state public housing authority, a not-for-profit corporation or charitable organization, a wholly owned subsidiary of such corporations or organizations, or a private for-profit developer that also submits an application for other HCR multifamily financing.

Furthermore, in order to be eligible a recipient must meet all of the following criteria:

(1) Make acceptable assurances to HCR that it will comply with the requirements of the HTF program during the entire period that begins upon selection of the recipient to receive HTF funds, and ending upon the conclusion of all HTF-funded activities;

(2) Demonstrate the ability and financial capacity to undertake, comply with, and manage the eligible activity;

(3) Demonstrate its familiarity with the requirements of other Federal, State, or local housing programs that may be used in conjunction with HTF funds to ensure compliance with all applicable requirements and regulations of such programs; and

(4) Have demonstrated experience and capacity to conduct an eligible HTF activity as evidenced by its ability to own, construct, manage and operate an affordable multifamily rental housing development.

Eligibility requirement #1 will initially be met through a written certification that an applicant must make at the time of application. HTF program requirements, including but not limited to designation of the number of HTF-assisted units, income limits, and rent limits, will further be memorialized through a grant or assistance agreement and/or a regulatory agreement which will be put in place prior to or at the time of the construction closing of a project which is awarded HTF funds.

Eligibility requirements #2-4 will be assessed through information that will be required to be submitted to HCR as a part of the project's financing application and accompanying application for HTF funding.

b. Describe the grantee's application requirements for eligible recipients to apply for HTF funds. If not distributing funds by selecting applications submitted by eligible recipients, enter "N/A".

HFA will only distribute HTF funds by selecting applications that are submitted by eligible recipients. HTF funding will be made available through its Multifamily Open Window Request for Proposals. HFA will restrict the use of HTF funds as a source of subsidy for eligible multifamily rental projects that are financed by HFA tax-exempt bonds. HTF funding will only be awarded if a project also receives tax-exempt bond financing from HFA; projects may not receive a "stand-alone" award of HTF funds.

Applicants for HTF funding will be required to submit an application for HFA tax-exempt bond financing in addition to an application for HTF funding. The HTF funding application, together with the tax-exempt bond application, must contain a project narrative and other qualitative, quantitative, and financial information which describes in detail the proposed eligible activities to be conducted with HTF funds.

HFA's Multifamily Open Window Request for Proposals, Tax-Exempt Bond Financing Application, and Affordable Rental Housing Term Sheet and Financing Guide describe the application requirements for tax-exempt bond and HTF financing in full.

c. Describe the selection criteria that the grantee will use to select applications submitted by eligible recipients. If not distributing funds by selecting applications submitted by eligible recipients, enter "N/A".

Applications for HTF funding will first be evaluated and scored by staff on the criteria listed below, with a maximum score of 100. Applicants will be required to address each of these criteria in their application:

- (1) Geographic Diversity (up to 5 points)
- (2) Readiness (up to 15 points)
- (3) Developer Team Experience and Capability (up to 15 points)
- (4) Project-Based Rental Assistance (up to 5 points)
- (5) Duration of Affordability Period (up to 15 points)
- (6) Leveraging (up to 10 points)
- (7) Financial Feasibility and Efficiency (up to 15 points)
- (8) Priority Housing Needs of the State (up to 20 points)

The financing application will be separately evaluated, and the project underwritten for market, borrower and project feasibility, in conjunction with the HTF funding application.

HCR staff will make an award recommendation after an application has been underwritten and scored. If a project is recommended for HTF funding, it must be reviewed and approved by the HFA Credit Committee and HFA Members (board of directors) or the Commissioner of HCR prior to the making of an award.

d. Describe the grantee's required priority for funding based on geographic diversity (as defined by the grantee in the consolidated plan). If not distributing funds by selecting applications submitted by eligible recipients, enter "N/A".

HCR will accept applications for HTF funding from across the state. In the interest of supporting a balanced and diverse distribution of HTF resources across the state, the extent to which a project serves an area of the state that has not previously been awarded HTF funding will be considered in the evaluation of an application.

e. Describe the grantee's required priority for funding based on the applicant's ability to obligate HTF funds and undertake eligible activities in a timely manner. If not distributing funds by selecting applications submitted by eligible recipients, enter "N/A".

In order to assess an applicant's ability to obligate HTF funds and undertake eligible activities in a timely manner, HFA HCR will evaluate both project readiness and developer team experience and capability, described as follows:

Readiness (Up to 15 points):

HCR will consider the applicant's ability to commit and expend HTF funds in a timely manner based upon whether all of the necessary components for the financing and development of the project are identified and/or committed (i.e. required resources that are not awarded through HCR, such as private or local governmental funds), and whether all necessary approvals (i.e. zoning, environmental) are in place.

At a minimum, an applicant must demonstrate that construction can reasonably be expected to start within 12 months of the execution date of the legally binding agreement under which HTF assistance will be provided.

An applicant must also demonstrate that funds can be committed within 24 months, and expended within 5 years, of the date of HUD's execution of the HTF grant agreement with HFA.

- and -

Developer Team Experience and Capability (Up to 15 points):

HCR will consider the applicant's ability to undertake eligible activities in a timely manner based upon proven team member experience, capability, and capacity as demonstrated by information provided in the application and demonstrated history with HCR and/or the State, if any. Information that will be evaluated may include but is not limited to the following: experience in successfully completing projects similar to the proposed eligible activity; financial, organizational, and staff capacity; status of other projects in the team's development pipeline; applicant's purpose and mission; and whether the applicant has the capacity to maintain the rental housing long term.

f. Describe the grantee's required priority for funding based on the extent to which the rental project has Federal, State, or local project-based rental assistance so that rents are affordable to extremely low-income families. If not distributing funds by selecting applications submitted by eligible recipients, enter "N/A".

Project Based Rental Assistance (Up to 5 points)

HCR will consider the extent to which the project has fully executed commitments for Federal, State, or local project-based rental assistance at the time of application.

g. Describe the grantee's required priority for funding based on the financial feasibility of the project beyond the required 30-year period. If not distributing funds by selecting applications submitted by eligible recipients, enter "N/A".

The assessment of a project's financial feasibility beyond the required 30-year period consists of two components. First, the project is evaluated and scored based on the financial feasibility of the project for the proposed affordability period, whether 30 years or longer, yielding up to 15 points. Projects that propose a longer affordability period may receive up to 15 additional points based on the duration of the affordability period beyond 30 years, as follows:

Financial Feasibility and Efficiency (Up to 15 points):

HCR will evaluate the extent to which the project is cost effective and financially feasible for the proposed affordability period based upon evaluation of the project budget and funding sources, demonstrated need for such funding and HCR underwriting standards, including evaluation of per unit development costs compared to similar projects in the applicable region previously financed by the State.

- and -

Duration of Affordability Period (Up to 15 points):

HCR will consider the extent to which a project's affordability period exceeds the required 30-year minimum.

h. Describe the grantee's required priority for funding based on the merits of the application in meeting the priority housing needs of the grantee (such as housing that is accessible to transit

or employment centers, housing that includes green building and sustainable development features, or housing that serves special needs populations). If not distributing funds by selecting applications submitted by eligible recipients, enter “N/A”.

Priority Housing Needs of the State (Up to 20 points): HCR will evaluate the merits of the application in meeting one or more of the following priority housing needs of the State:

(a) Community Renewal and Revitalization Projects: Mixed use and/or mixed-income projects in neighborhoods as part of a coordinated community redevelopment plan that involve the use or adaptive reuse of existing underutilized buildings; infill new construction; and/or the demolition and replacement of buildings having a blighting impact on a community, and for which rehabilitation is impracticable.

(b) Integrated Supportive Housing Projects: Projects that provide permanent supportive housing to a variety of special needs populations in integrated housing settings.

(c) Public Housing Restructuring Projects: Projects that address the needs of public housing units outside the City of New York and assist Public Housing Authorities in completing their restructuring plans with a priority for projects participating in HUD’s Rental Assistance Demonstration Program (RAD1).

i. Describe the grantee’s required priority for funding based on the extent to which the application makes use of non-federal funding sources. If not distributing funds by selecting applications submitted by eligible recipients, enter “N/A”.

Leveraging (Up to 10 points):

HCR will consider the extent to which the project makes use of non-Federal funding sources and leverages significant resources outside of HCR and/or the State, such as third party funds, local funds, and/or local support. HCR will also consider the extent to which the application supplements or advances a coordinated investment by State agencies, federal government and local partners as well as the applicable Regional Economic Development Council strategic plan.

4. Does the grantee’s application require the applicant to include a description of the eligible activities to be conducted with HTF funds? If not distributing funds by selecting applications submitted by eligible recipients, select “N/A”.

Yes

5. Does the grantee's application require that each eligible recipient certify that housing units assisted with HTF funds will comply with HTF requirements? If not distributing funds by selecting applications submitted by eligible recipients, select "N/A".

Yes

**6. Performance Goals and Benchmarks.** The grantee has met the requirement to provide for performance goals and benchmarks against which the grantee will measure its progress, consistent with the grantee's goals established under 24 CFR 91.315(b)(2), by including HTF in its housing goals in the housing table on the SP-45 Goals and AP-20 Annual Goals and Objectives screens.

Yes

**7. Maximum Per-unit Development Subsidy Amount for Housing Assisted with HTF Funds.**

Enter or attach the grantee's maximum per-unit development subsidy limits for housing assisted with HTF funds.

The limits must be adjusted for the number of bedrooms and the geographic location of the project. The limits must also be reasonable and based on actual costs of developing non-luxury housing in the area.

If the grantee will use existing limits developed for other federal programs such as the Low Income Housing Tax Credit (LIHTC) per unit cost limits, HOME's maximum per-unit subsidy amounts, and/or Public Housing Development Cost Limits (TDCs), it must include a description of how the HTF maximum per-unit development subsidy limits were established or a description of how existing limits developed for another program and being adopted for HTF meet the HTF requirements specified above.

The limits must be adjusted for the number of bedrooms and the geographic location of the project. The limits must also be reasonable and based on actual costs of developing non-luxury housing in the area.

If the grantee will use existing limits developed for other federal programs such as the Low Income Housing Tax Credit (LIHTC) per unit cost limits, HOME's maximum per-unit subsidy amounts, and/or Public Housing Development Cost Limits (TDCs), it must include a description of how the HTF maximum per-unit development subsidy limits were established or a description of how existing limits developed for another program and being adopted for HTF meet the HTF requirements specified above.

HCR has adopted the 2018 HOME per unit subsidy limits for the HTF program. These limits are attached.

## Appendix C- Housing Trust Fund

### **Maximum Per-unit Development Subsidy Amount Methodology**

In establishing the maximum per-unit development subsidy limits for HTF funding, HFA adopted the premise that the allowable amount of HTF funding should be equivalent to the difference in debt that can be supported by an HTF unit with rent at or below 30% AMI and an affordable unit with rent at 60% AMI, which is the rent level at which HFA affordable housing projects are typically underwritten.

The variance in supportable debt was established by first calculating the difference in annual per-unit revenue between a unit with the maximum 30% AMI rent and the maximum 60% AMI rent using the 2018 rent limits established by HUD, and then increasing this amount by a factor of one-third to accommodate the possibility of projects that may need to be underwritten with rents below 30% AMI. This figure was then used to calculate the reduced amount of debt that could be supported assuming a 1.15 debt service coverage ratio and a 4.75% mortgage interest rate. The resulting figure was then rounded up to the nearest increment of \$5,000 to establish the maximum per-unit HTF subsidy limit.

HFA has established per-unit maximum limits on HTF funding for studio, one-, two-, three-, and four bedroom units for three separate areas of the State: the City of New York, the New York City Metropolitan Area (Nassau, Suffolk, and Westchester Counties), and the Rest of the State. Limits for the New York City Metropolitan Area were calculated by averaging this data for the Nassau-Suffolk, NY HMFA and the Westchester County, NY Statutory Exception Area. Limits for the Rest of the State were calculated by averaging this data for the Albany-Schenectady-Troy, NY MSA, the Buffalo-Cheektowaga-Niagara Falls, NY MSA, the Rochester, NY HMFA, and the Syracuse, NY MSA.

These figures represent per-unit maximum limits of HTF funding only. The amount of resources awarded to a project by HFA may include other sources of non-HTF subsidy that may be available, which in total may exceed the maximum per-unit HTF funding limit. Projects will only be awarded the total amount of resources necessary for the financial feasibility of the project as determined by HFA underwriting.

**Maximum Per-unit Development Subsidy Amount**

	Studio	One Bedroom	Two Bedroom	Three Bedroom	Four Bedroom
City of New York	\$125,000	\$130,000	\$155,000	\$180,000	\$200,000
New York City Metropolitan (Nassau, Suffolk & Westchester Counties)	\$140,000	\$150,000	\$175,000	\$205,000	\$225,000
Rest of State	\$90,000	\$100,000	\$115,000	\$125,000	\$140,000

## **New York State Federal Housing Trust Fund Program Rehabilitation Standards**

All rehabilitation that is performed using federal Housing Trust Fund (HTF) funds must meet the following requirements:

1. Applicants must perform a capital needs assessment according to the Integrated Physical Needs Assessment (IPNA) Standard (attached) and forms or other format approved by HCR to determine all work that will be performed in the rehabilitation of the housing and the long-term physical needs of the project. Items identified in the capital needs assessment at a minimum must:
  - Identify life-threatening deficiencies that must be addressed immediately.
  - Address, at a minimum, the following major systems:
    - Structural support,
    - Roofing,
    - Cladding and weatherproofing (e.g. windows, doors, siding, gutters),
    - Plumbing,
    - Electrical, and
    - Heating, ventilation, and air conditioning.
  - Estimate the remaining useful life of each of these major systems upon project completion based on current age and condition.
2. Upon completion, the rehabilitation work and HTF-assisted project and units must:
  - Meet all applicable State and local codes, ordinances, and requirements. In the absence of an applicable State or local building code, the project must meet the International Existing Building Code of the International Code Council. Such codes, ordinances, and requirements may include, but are not limited to, the following as applicable:
    1. NYS Uniform Fire Prevention and Building Code.
    2. New York City Building Code.
    3. Energy Conservation Construction Code of New York State.
    4. Energy Conservation Code of New York City.
    5. Multiple Dwelling Law.
    6. "Covered multifamily dwellings," as defined at 24 CFR 100.201, must meet the design and construction requirements at 24 CFR 100.205, which implements the Fair Housing Act (42 U.S.C. 3601-3619).

7. 24 CFR Part 8, which implements Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794, and Titles II and III of the Americans with Disabilities Act (42 U.S.C. 12131-12189) implemented at 28 CFR parts 35 and 36.
  8. Federal Labor Standards regulatory requirements (Davis-Bacon Related Acts).
  9. New York State Labor Law, Industrial Code Rule 56.
  10. Evaluation and Control of Lead-Based-Paint Hazards in Housing (HUD-1539-LBP, Current Edition and 24 CFR Part 35).
  11. EPA Renovation, Repair and Painting Rule (40 CFR Part 745).
  12. New York State Department of Labor Mold Program.
  13. New York City "Guidelines on Assessment and Remediation of Fungi in Indoor Environments".
  14. US Environmental Protection Agency Mold Prevention in Schools and Commercial Buildings.
  15. Model Standards and Techniques for Control of Radon in New Residential Buildings, EPA 402-R-94-009, March 1994.
  16. ASTM E1465-08a Standard Practice for Radon Control Options for the Design and Construction of New Low-Rise Residential Buildings (or most current edition).
  17. ASTM E2121-09 Standard Practice for Installing Radon Mitigation Systems in Existing Low-Rise Residential Buildings (or most current edition).
  18. Phase I Environmental Site Assessment ASTM E1527-13, or most current edition.
  19. NYS Smart Growth Public Policy Act.
  20. NYSDEC Prohibited and Regulated Invasive Species, 6 NYCRR Part 575.
- Be decent, safe, sanitary, and in good repair as described in 24 CFR 5.703.
  - Where relevant, be improved to mitigate the impact of potential disasters (e.g. earthquake, hurricanes, flooding, and wildfires) in accordance with State and local codes, ordinances, and requirements, or such other requirements as HUD may establish.
3. If the remaining useful life of one or more major system is less than the project's period of affordability (at least 30 years), a replacement reserve with monthly payments of adequate size must be established to repair and replace systems as needed.

**Integrated Physical Needs Assessment (IPNA) Standard**  
*for New York City and State Low/Moderate Income Multifamily Buildings*

**Adopted by:**

- NYS Housing and Community Renewal (HCR)
- NYC Department of Housing Preservation and Development (HPD)
- NYC Housing Development (HDC)

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## INTRODUCTION

The emergence of concerns about climate change and the associated need to reduce carbon emissions has given a new and significant urgency to energy efficiency work in buildings. A trend has developed to merge Physical Needs Assessments (PNAs) with energy audits, sometimes referred to as a Green PNA, or GPNA.

PNAs have long been used to assess deficiencies in buildings to recommend improvements to remediate these deficiencies, estimate the cost of such work, and recommend timing for various elements of the work depending on their urgency.

In parallel, energy audits have been developed in recent decades to identify deficiencies in energy systems as well as opportunities to remediate these deficiencies and reduce energy use and costs. In many ways, energy audits are similar to PNAs, although they add the metrics of energy use, projected energy cost and use savings, and are limited to energy systems (and frequently water, as well).

The potential benefits of a merged report include reducing duplication of effort; reaching economies of scale in planning capital improvements and energy efficiency work simultaneously; and leveraging and coordinating various financing sources. Traditional PNAs offer many benefits that are not typical of energy audits, including the ability to prioritize tasks, undertake long-term planning, and reduce construction costs by timing energy improvements with the end of the useful life of energy systems. Likewise, energy audits offer benefits to traditional PNAs, including the ability to leverage cost savings to help pay for the work and the potential to increase the amount of financing available through underwriting to efficiency savings.

However, while GPNAs are useful in identifying the physical and energy deficiencies in buildings, they are typically not comprehensive enough to identify housing-based health issues that have immediate impacts to residents' health and comfort. This new **Integrated Physical Needs Assessment (IPNA)** takes the GPNA a step further to not only merge a traditional PNA with an energy audit, but to also more intentionally identify housing-based health issues that can be addressed during rehabilitation or through operations and maintenance. Incorporating a health lens into the IPNA will make it easier for building owners to make health-promoting improvements in broader rehabilitation projects, such as measures to improve ventilation; the use of low- or no-VOC materials; and the adoption of Integrated Pest Management practices and "green cleaning" regimes.

While there are many benefits to merging energy audits and health assessments with PNA's, there are also complications and questions. What qualifications are required for the work? Can one consultant do both? How can an energy audit report, health assessment and PNA report be effectively integrated? What standards should be used?

This document seeks to address the complications and questions of integrating energy with traditional capital needs assessments, and includes resources and tools to assess opportunities to create healthier living environments.

## GOALS AND OBJECTIVES

### Long-Term Goal

Ensure every owner of an affordable multifamily building in New York City and State who accesses federal, state, or municipal financing for rehabilitation work incorporates cost-effective energy efficiency, water conservation, and health-related improvements into their capital planning process to enhance the health, safety, and comfort of residents, reduce maintenance and operating expenses, and reduce energy use and greenhouse gas emissions.

### Short-Term Goals

Ensure every owner of an affordable multifamily building in New York City and State who accesses federal, state, or municipal financing for rehabilitation work uses a standardized process for evaluating potential energy efficiency, water conservation, and health-related improvements as part of their capital planning process; ensure that the IPNA evaluation is accepted by all efficiency program administrators and lenders as a valid means of identifying measures and estimating savings; and ensure that the IPNA can be used to comply with New York City and State energy audit regulations.

## DEFINITIONS

**Physical Needs Assessment (PNA)** – An evaluation of a building’s physical conditions, including identification of deficiencies, recommended improvements (scope of work), and associated construction costs for those improvements. Also called a property condition assessment (PCA), capital needs assessment (CNA), condition survey, or project capital needs assessment (PCNA).

**Integrated Physical Needs Assessment (IPNA)** – A physical needs assessment that includes energy, water, and health assessments, including identification of deficiencies, recommended improvements (scope of work), and associated construction costs for those improvements.

**Energy Assessment** – An evaluation of a building’s energy and water consumption patterns, including identification of deficiencies, recommended improvements (scope of work), and associated construction costs for those improvements. An energy assessment also includes projected annual energy use and cost savings for each improvement and billing analysis. Also called an energy audit.

**Efficiency Assessor** – A firm or individual qualified to perform the energy/water assessment portion of an IPNA; also called an energy auditor.

**Needs Assessor** – A firm or individual qualified to perform the physical needs assessment portion of an IPNA.

**Scope of Work** – A written description of recommended capital, energy and health improvements needed in a building(s) in the critical and short term.

**Construction cost** – the cost to implement a building improvement, including both material and labor costs and related soft costs such as design and permitting. Also called capital cost, first cost, or installed cost.

## QUALIFICATIONS

### Needs Assessor

At least one member of the Needs Assessor team shall be a registered architect (RA) or professional engineer (PE) and have a minimum of three years of relevant work experience. At a minimum, this professional shall review and approve the Needs Assessment portion of the report. Additionally, for assessments that take place in New York City, at least one member of the Needs Assessor team shall have taken, or plan to take within 6 months of becoming a pre-qualified provider, the DoHMH Healthy Buildings Trainings for HPD-financed projects. The DoHMH Healthy Buildings Training Certificate is valid for three (3) years and at least one of the on-site team members must have the Certificate.

Background: This is consistent with the requirements of the HPD/HDC GPNA, which requires the professional designation. The HUD C.N.A. refers to the ASTM standard, which recommends a professional designation in architecture or engineering, although it is not mandatory. The 3 years is a requirement we added to be consistent with the Efficiency Assessor. The "review and approve" is from the ASTM standard.

### Efficiency Assessor

At least one member of the Efficiency Assessor team shall have one of the following certifications, as well as a minimum of three years of relevant work experience. At a minimum, this professional shall review and approve the Energy Assessment portion of the report.

- AEE Certified Energy Manager (CEM)
- AEE Certified Energy Auditor (CEA)
- AEE Certified Measurement and Verification Professional (CMVP)
- BPI Multifamily Building Analyst (MFBA)
- ASHRAE High-Performance Building Design Professional (HPBDP)
- ASHRAE Building Energy Assessment Professional (BEAP)
- RESNET HERS

Background: HPD/HDC's GPNA, NYSEDA, ASHRAE Level II, and the HUD C.N.A. all have a mix of these certifications. The HUD C.N.A. allows almost all of them (with the exception of CMVP and BEAP, both of which are references in ASHRAE Level II). The 3 years is from the HUD C.N.A. and seems like a good requirement. The "review and approve" was added to be consistent with the Needs Assessment, and it also seems consistent with NYSEDA which requires that the certified professional "conducted or supervised" the applicable work. The only standard included here that is not among those listed as an option for NYC LL87 is AEE's CMVP.

## INTEGRATION

We recognize that an IPNA will typically be performed by two different professionals, a Needs Assessor and an Efficiency Assessor. The IPNA is intended to support these separate efforts by clearly defining the responsibilities of each. However, it is important that the final IPNA present an integrated whole, and avoid duplication of effort. To do this, the following steps should be taken:

- a. The Needs Assessor and Efficiency Assessor are encouraged to conduct the site visit together, on the same date, to share observations.
- b. Final review and release by one firm, which holds ultimate responsibility for the report.
- c. An executive summary that presents the results of both the energy audit and the needs assessment in one table.
- d. The building description is integrated in one section, although different pieces are assigned to the Needs Assessor and to the Efficiency Assessor.

## IPNA REQUIREMENTS

The IPNA is to be performed with adherence to generally-accepted industry standards for property condition assessments and energy audits, as well as the following standards:

- Needs Assessments should broadly follow ASTM E2018-15 Standard Guide for Property Condition Assessments: Baseline Property Condition Assessment Process
- Energy Assessments should broadly follow the American Society of Heating Refrigeration and Air Conditioning Engineers (ASHRAE) Procedures for Commercial Building Energy Audits (2011 or most recent version, if published) Level 2 and the IPNA Guidelines. If ASTM E2018-15 or ASHRAE Level 2 conflicts with the IPNA Guidelines, the IPNA Guidelines should be followed. If ASTM E2018-15 and ASHRAE Level2 requirements conflict, ASHRAE Level 2 should be followed.

**Note:** We are not exempting buildings smaller than 50,000 SF from this requirement. This is because we are not proposing to require a comprehensive model (which we interpret as an hourly model, like eQuest or TREAT), so do not need to exempt small buildings from this requirement. We are proposing to require interactive calculations, since this is required for NYSERDA, ASHRAE Level II, etc., and is also required in order to see if a building meets the minimum 30% overall energy-savings goal. We believe interactive calculations are not hard, do not add significantly to energy audit effort or cost, can be done with spreadsheets, and that it will simplify the overall approach if we do not exclude buildings.

- Healthy Home Assessments should broadly follow the health inspection guidance in the IPNA.

The following capital needs shall be considered when preparing the IPNA:

1. **Critical Needs:** Health and safety deficiencies; open Building Code or Environmental Control Board (ECB) violations; Housing Maintenance Code (HMC) violations in Hazard Categories 'B' and 'C'; and any Lead-Based Paint conditions that require immediate remediation, in order to meet City, State, or Federal requirements.
2. **Short Term Needs:** An estimate of entire or component system replacement items, and significant deferred and other maintenance items that will need to be addressed within 12 months, including cost effective measures that will reduce energy and water consumption and create healthier living environments.
3. **Long-Term Needs:** An estimate of entire or component system replacement items beyond the first year that are required to maintain the development's physical integrity and reduce energy and water consumption over the next 15 years.

The report shall identify physical deficiencies, repair/replacement needs, and energy/water inefficiencies, pest activity, moisture and ventilation issues, and any other applicable health hazards determined on the basis of:

1. Visual Survey from basement to roof, including, but not limited to, the following:
  - Site and public elements
  - Structural frame and building envelope
  - Insulation and roof/wall cavities
  - Mechanical, electrical, and plumbing systems and utilities
  - Life safety/fire protection equipment

- Interior elements
2. Review of Pertinent Documentation, including, but not limited to:
    - Violations issued by City and State agencies
    - Certificate of Occupancy
    - Architectural drawings
    - Maintenance logs
    - Maintenance logs and O&M plans
    - Pest control contracts or policies
    - Certificates of training for building maintenance staff
  3. Review of Energy and Water Consumption Data as provided in 24 months of consecutive energy and water billing statements, and work with building owner and/or staff to set up automated benchmarking using the approved HDC/HPD benchmarking provider list. If a building is already benchmarked, relevant data should be included in the IPNA.
  4. Diagnostic Testing and Systems Inspection, including, but not limited to:
    - Carbon monoxide (in all areas with combustion equipment, including appliances and heating equipment; for heating equipment, testing shall include in flues and in the mechanical room; for forced air equipment, testing shall include in the supply air)
    - • Natural gas leaks
    - • Moisture testing (relative humidity), in areas of concern, such as where there is visible mold
    - • Boiler efficiency testing.
    - • Indoor air temperature. Measure a representative set of indoor temperatures, for example including upper floors and lower floors. Also record thermostat setpoints and schedules (if programmable).
    - • For buildings with ventilation systems that operate 24/7 AND in buildings that are high energy users (site EUI over 150 kBtu/SF/year), ventilation airflow, ventilation fan power, and duct leakage shall be measured. In other buildings, results can be estimated.

#### Single Building Projects

This survey must include the inspection of at least 3 units or 10% of the total project's dwelling units, whichever is greater. The 10% calculation should be rounded up, so for example, 10% of a building with 34 units is 3.4, which is rounded up to 4 units required for inspection. The consultant should identify units to include in this sample that contain varying characteristics and conditions that will affect the report, including location (ground floor, top floor, basement, exposed edge and corner units) as well as type, size (number of bedrooms), and history of rehabilitation. For example, in a 22-unit building with all one-bedroom units, some of which are in the basement, the number of units to be inspected is 3 (top floor, bottom floor, and basement). But if the same building was previously renovated in two distinct phases, and also has a 2-bedroom unit, a total of 5 units should be inspected: top floor, bottom floor, basement, 2-bedroom unit, and an additional fifth unit representing the new phase of renovation (presuming the other four units belong to the original phase of construction).

#### Multiple Building Projects

For HDC projects: For developments with multiple buildings, all buildings must be surveyed and reported; survey must include the inspection of 10% of total project's dwelling units.

For HPD projects only, clusters of buildings that are similar in design, construction, age and history of rehabilitation may use an alternate survey method, but must be approved by agency program staff prior to the date of the inspection to confirm whether it is suitable for the project. If approved, this survey must

include the inspection of a minimum of 20% of the representative buildings, with representative units surveyed in each building.

For HPD to consider whether this alternate survey method is suitable, provide the following information in a table:

1. Building address
2. Block /Lot
3. Year Built
4. Number of stories
5. Date of Last Renovation
6. Items replaced in last renovation
7. Indicate whether:
  - a. Buildings are adjoined
  - b. Buildings share a system (i.e. boiler or roof)

Examples of multiple building projects are provided in Appendix B.

## THE IPNA TEMPLATE

**\*\*Firms must use the IPNA template\*\***

### Identification

Identify the project, including the name, description of the property, and the property location. List for whom the report was prepared; the consultant, principal of the consultant, and consultant personnel that performed the site visit and produced the IPNA; other entities and individuals that were present during the site visit; and the date of the site visit.

### Objective

Describe the objective of the IPNA. Boilerplate objectives are provided. The consultant can edit as appropriate.

### Procedures and Limitations

Outline the procedures used in producing the IPNA, as well as any limitations. Boilerplate procedures and limitations are provided. The consultant can edit as appropriate.

### Executive Summary

Provide a table of improvements, their estimated construction costs, annual energy cost savings if applicable, and level of urgency (critical, short term < 12 months, long term 12 months to 15 years), and denote those with potential health benefits. This executive summary table is an important part of presenting the IPNA in an integrated form.

**Background:** This simple integrated table is the bottom-line information sought by lenders and grant-making agencies.

Describe the scope of the project; summarize the existing conditions of the property; provide an overview of the maintenance of the property, including existing staff, maintenance and/or janitorial contracts, any maintenance issues, and an analysis of the maintenance processes, procedures, and strategies; outline the existing accessibility and identify any outstanding accessibility issues; provide a summary of any open violations.

### Physical Needs Assessment/ Inspection

Describe the property's exterior and interior physical condition and needs (Critical, Short Term, and Long Term). The report should identify, in detail, any deficient or deteriorated items that represent an immediate

threat to health and safety. Additionally, the report should describe all other significant defects, deficiencies, items of deferred maintenance, and material building code violations (individual and collectively, physical deficiencies) that limit the physical health and integrity of the buildings, restrict the expected useful life of major components or systems, and that directly or indirectly affect the energy efficiency and water use of the building and building systems.

The inspection report shall contain the following sections:

1. **Site Improvements:** Sidewalk, curbs, yard/courtyard concrete, area/yard drains, ramps, stoop and stairs, areaway/sidewalk grates, landscaping, wrought iron fences/gates, fences, debris, exterior stairs, trash enclosures, and open space/playgrounds.
2. **Building Envelope:** Foundations, superstructures, fire escapes, roof structures and roofing, bulkheads, exterior walls: masonry, parapets, cornices, windows, weather sealing, insulation, exterior structures, skylights, exterior doors and door sweeps.
3. **Interior Common Area and Public Halls:** Floors, walls, ceilings, lighting, windows, stairs, doors, dumbwaiters, compactor chute and hopper doors, mailboxes, electrical, and janitorial closets.
4. **Apartments:** Including but not limited to finishes, walls, ceilings, floors, appliances, entry and interior doors, presence of door sweeps, installation of cabinets in such a manner as to prevent pests, windows, shelves, cabinets and countertops, vanities, plumbing and electrical, circuit breaker and fuse box panels, outlets, GFIs, light fixtures, apartment intercom stations, carbon monoxide and smoke detectors, radiators, convectors, baseboards, air diffusers, foyers, bedrooms, living/dining room, bathrooms, kitchens, and entry ways.
5. **Building Systems:** Including but not limited to heating generation, heating distribution, central cooling system, domestic hot water, electrical, elevator, trash compactor, intercom, security system, plumbing, gas piping and meters, domestic water piping, waste piping, stand pipe sprinklers, and other systems.
6. **Special Considerations:**
  - a. **Environmental Issues:** Toxic materials, such as petroleum storage, PCBs, Asbestos Containing Materials (including but not limited to plaster and gypsum board, floor tile, pipe and duct insulation, etc.), lead-based paint, and mold
  - b. **Hazardous Operations:** Explosive or flammable operations and/or storage
  - c. **Accessibility Issues:** Whether the project meets all the requirements for persons with disabilities, as where maximum possible, based on the laws in effect at the time the building was constructed and subsequent renovations
  - d. **Historic Preservation Issues:** Any special requirement related to Historic Preservation if a Federal, State, and/or City listed site
  - e. **Special Flood Hazard Areas:** Identification of Flood Zone as shown on Flood Insurance Rate Map (FIRM) for New York City dated September 5, 2007, and the Post Hurricane Sandy Preliminary Data Map dated December 5, 2013
  - f. **Pests:** Pest resistant materials in vulnerable areas such as kitchens, bathrooms, subareas, and trash storage areas
  - g. **Mold resistant materials**

To encourage integration and to avoid a duplication of effort, the Needs Assessor should conduct all aspects of this inspection other than the energy-related components, which should be conducted by the

Efficiency Assessor: Heating, cooling, ventilation, insulation, infiltration, windows, lighting, appliances, hot and cold water systems and fixtures.

### Energy and Water Audit

The energy audit should broadly follow the American Society of Heating Refrigeration and Air Conditioning Engineers (ASHRAE) Procedures for Commercial Building Energy Audits (2011 or most recent version, if published) Level 2, as well as these IPNA Guidelines.

An analysis of the building's pre-retrofit performance shall be completed using 24 months of utility data, initial inspection data and diagnostic data collected during the on-site visits. The analysis should estimate annual energy and water consumption and the cost savings of potential improvements. Current operating schedules verified on site are to be used for energy and water cost savings estimates.

The energy and water audit shall consist of the following components:

1. **Building description** (inspection of energy and water systems). The focus of this component is the building's current condition.
2. **Energy and water use**. The focus of this component is both the preliminary analysis (current energy and water use) and the projected energy and water use after improvements are made. The purpose of the projected use estimates is to show potential overall energy savings and to provide post-retrofit operating costs that can be used in financial pro-formas. Document billing data for twenty-four (24) months of consecutive energy and water utility bills, provide an energy utility use breakdown, and calculate the Energy Use Intensity (EUI) kBtu/sf/year.

### Other Energy Assessment Requirements

Billing analysis shall include current energy costs, so that projected energy costs can be calculated from projected energy cost savings.

Efficiency Assessors are urged to include both low-cost/no-cost improvements and larger energy improvements. Energy assessments shall have a goal to identify 30% energy savings. Efficiency Assessors are urged to go beyond 30% savings to identify deeper energy savings in order to meet long-term city and state carbon emissions goals. Buildings with an existing site energy utilization index (EUI) below 50 kBtu/SF/year are exempt from the 30% energy savings goal.

Hourly energy models are not required, but interactive energy calculations are required.

In addition to energy, water conservation options shall also be evaluated. At a minimum, evaluate shower heads, bathroom and shower faucets, and toilets to meet the EPA WaterSense standard. Inspect for evidence of leaks, such as in boiler rooms, below kitchen and bath sinks, and in toilets. Inspect bathtub faucets to see if water flows out of the bath faucet when the shower is on.

### Building Operation and Maintenance Practices

1. **Pest Management Inspection**: Document existing strategies, practices, and outcomes, and onsite inspection results. Detail observed pest activity and identify current structural, sanitation/housekeeping or operations deficiencies conducive to pest activity and make recommendations to remediate. Detail pest management practices that do not conform to IPM best practices as outlined in the NYC DOHMH IPM Toolkit (e.g. un-containerized rodent bait, regularly scheduled pesticide applications, use of pesticides considered hazardous)

2. **Maintenance and Janitorial Process Inspection:** Document existing practices, products, and outcomes, including efficient systems management and use of green cleaning products and other aspects of practices impacting health.
3. **Other relevant operation and maintenance practices.**

#### Scope and Preliminary Cost Estimates

Identify scope items that will address the capital needs to correct the detailed physical deficiencies and/or lower energy or water consumption of the building. The section should include the estimated costs and quantities of property's physical needs including entire or component system replacement items, repair and maintenance measures, health items, energy efficiency and water conservation (EEWC) only items, and EEWC incremental items. Include all labor costs in the price estimates of scope items, and separately include costs for permitting, demolition, lead and asbestos abatement, and other relevant costs associated with the scope of work. Below are definitions of Capital Items, EEWC Incremental Items, EEWC-Only Items and Health Items:

**Capital Items** are scope items that address the physical needs of the property such as entire or component system replacements, and significant deferred and other maintenance items that are not included solely for EEWC reasons. Examples of entire or component system replacement items are roofs, boilers, windows and masonry.

**EEWC Incremental Items** are measures that in addition to providing entire or component system replacement also provide energy efficiency benefits. Examples of EEWC incremental items are caulking around windows (when the window is not being replaced) and roof insulation when the roof is recommended to be replaced.

**EEWC-Only Items** are the energy and water efficiency scope items that are not associated with items requiring entire or component system replacement. These measures are recommended solely for their contribution towards reducing a property's energy and water usage. Recommendations for all types of EEWC items along with relevant payback periods and projected energy cost savings should be provided, including measures that have the potential to yield deeper savings not limited to on-site renewables. However, Efficiency Assessors should not rely solely on renewables, such as solar PV or thermal, to reach energy savings goals, and priority should be given to durable cost-effective energy and water conservation strategies. Some examples of EEWC-Only items include solar panels, boiler controls, low-flow fixtures, pipe insulation and efficient lightbulbs.

EEWC scope items should include information on projected savings from implementing the recommended EEWC measure (both in dollars and in units of energy or water), describe how the savings estimates were derived (i.e. utility rates used, etc.) including any risks that might prevent measure from achieving the estimated savings, compare the total projected savings to existing energy use/cost, and provide the simple payback and Savings-to-Investment Ratio (SIR) for each measure.

**Health Items** are the scope items to improve the indoor air quality and other health-related characteristics of a building. In addition to identifying health items to include in the scope of work for a project, each capital and EEWC item should include an assessment (Y/N) of whether it is associated with a potential health benefit. The Healthy Rehab Interventions tab provides guidance on the intersection between health outcomes and targeted interventions. Examples of health items include sealing gaps in and around cabinets, under sink basins, and utility and plumbing openings.

#### Replacement Cost Schedule

Analyze and project the anticipated capital needs of the property, estimated useful life of building components, the cost per unit, quantities and an estimate of annual replacement expenditures for a fifteen

(15) year period. The costs outlined in the replacement schedule should be total costs for each scope item, accounting for inflation and inclusive of all incremental costs of EEWC measures.

#### Operation and Maintenance Measures

Include recommendations for measures that can be addressed through improved maintenance and operations, including janitorial methodologies and products, maintenance best practices, and integrated pest management. Recommendations should address building maintenance, trash management, pest exclusion strategies, resident and staff training, selected applications and use of pesticides, ongoing monitoring for pest activity, and measures to address mold. Recommendations should also identify opportunities to integrate pest proofing improvements into future building rehab projects. The [Two Shades of Green: Green and Healthy Property Management Guide](#) shall be used as guidance, as should the O&M tab in the IPNA.

#### Quality Assurance and Verification

Include a written Quality Assurance and Verification plan specific to the subject property. The plan shall include requirements for inspections, documentation, and performance test-outs.

#### Assessment of Potential Health-Focused Improvements

The IPNA encourages assessors to consider how physical and capital upgrades could improve occupant health. It contains several tools to help assessors make this determination as they complete the IPNA and develop a Scope and Preliminary estimates, noting the potential of each upgrade to improve occupant health. The relevant health tabs in the spreadsheet are described below.

- **Inspection and Structural Tab** contains two boxes that call out potential health-related concerns, in categories that align with the headings in the “Healthy Rehab Interventions” tab. Inspectors are expected to summarize potential health issues that could be addressed in an upgrade.
- **Scope and Preliminary Cost Estimates Tab** includes a column to allow the assessor to indicate if each item could potentially benefit tenant health outcomes. Inspectors can use the “Healthy Rehab Interventions” tab as guidance to understand the potential health outcomes of various capital interventions when making this determination.
- **Operations and Maintenance Tab** identifies property management practices that can improve occupant health; this information may be useful to share with owners.
- **Healthy Rehab Interventions Tab** identifies building renovation work that can improve occupant health. This information is intended to help assessors in determining if a proposed capital upgrade has the potential to improve occupant health, as requested in the “Scope and Preliminary Estimates” summary tab.
- **Health Questionnaire Tab** identifies building areas to investigate during the building walk through to better understand potential health opportunities. It is presented as guidance to help inform assessor activities and inspections.

**NOTE:** Other than the “Scope and Preliminary Estimates” Tab, none of the other health-related tabs are required to be filled out by the inspector. They are included to help assessors in considering the potential health concerns and providing useful information to owners and HPD.

#### **OTHER**

Shelf life: An IPNA can be used up to two (2) years from its release date.

## REFERENCES

Green Physical Needs Assessment and Technical Assistance Service Provider. 2015 Request for Qualifications for Professional Consultant. NY City Housing Development Corporation. February 26, 2015.

Multifamily Accelerated Processing (MAP) Guide. R 1.1. U.S. HUD. January 29, 2016. (Reference guide for the HUD C.N.A. e-tool.)

Procedures for Commercial Building Energy Audits, Second Edition. ASHRAE. 2011.

Standard Guide for Property Condition Assessments: Baseline Property Condition Assessment Process. Standard E 2018-15. ASTM International. 2015.

**APPENDIX A  
CERTIFICATION REQUIREMENTS  
(FOR REFERENCE ONLY)**

	AEE CEM	AEE CEA	AEE CMVP	BPI MFBA	RES- NET HERS	ASHRAE HPBDP	ASHRAE BEAP	RA	PE	NYSE RDA Flex Tech	ASTM E 2018- 08 Appendix	Work Experience (years)	Notes
<b>Energy Assessor</b>													
HPD/HDC GPNA	x			x									
NYSERDA	x	x		x									"Conducted or supervised"
HUD CNA etool	x	x		x	x	x		x	x			3	
ASHRAE Level II	x	x	x			x	x						Non-mandatory Must either be supervised by licensed design professional, or registered with DOB and hold one of the certifications; FlexTech only allowed under design professional.
NYC LL87	x	x		x		x	x	See note.		x			
Freddie Mac Multifamily Green Advantage	x			x									
<b>Needs Assessor</b>													
HPD/HDC GPNA								x	x				RA/PE - "At least one member of the team"
HUD CNA etool											x		
ASTM Field Observer													No specific requirement. Earlier in the standard (not in the Appendix) it says "general, well rounded knowledge of pertinent building systems and components"
ASTM Report Reviewer								x	x				Non-mandatory

## APPENDIX B EXAMPLE MULTIPLE-BUILDING PROJECTS (FOR REFERENCE ONLY)

### Example 1: Identical Buildings

A complex has four 10-story buildings, all identical in design, and built at the same time in the 1960's.

For HDC Projects: All four buildings to be inspected.

For HPD Projects: A minimum of 20% of the buildings to be inspected. So, in this case, one building needs to be inspected.

### Example 2: Similar Buildings, but One Different in Age

A complex has eight 5-story buildings, all somewhat similar in design, built in the 1960's, and one more similar building but that was built 15 years later in the late 1970's.

For HDC Projects: All eight buildings to be inspected.

For HPD Projects: A minimum of 20% (two buildings) of the original eight buildings, as well as the building that was built 15 years later, due to its difference in age. So, a total of three buildings must be inspected.

### Example 3: Many Buildings, Rehabbed at the Same Time Age

A complex has 20 buildings, all two-story, with a variety of units: Ten buildings have 4 units, four buildings have 6 units, four buildings have 8 units, and two buildings have 10 units. Designs are similar, but layouts are different. The basic heating system design is the same: Hot water boilers with baseboard distribution. All were built in the 1950's, but over a period of about six years. All units were gut-rehabbed in 2003: New interior finishes, new appliances, new heating, new roofs, new windows, and more.

For HDC Projects: All buildings to be inspected.

For HPD Projects: Because the gut rehab was so extensive, and happened at one time, HPD will require inspecting 20% of the buildings, or five buildings. The consultant can choose the five buildings, but it makes sense to have a mix of 4-unit, 6-unit, 8-unit, and 10-unit buildings.

### Example 4: "Scattered Sites"

A developer has 45 buildings, all different, scattered around town.

For HDC, HPD and HCR Projects: Because all buildings are different, all buildings need to be inspected (45 total).

**8. Rehabilitation Standards.** The grantee must establish rehabilitation standards for all HTF-assisted housing rehabilitation activities that set forth the requirements that the housing must meet upon project completion. The grantee's description of its standards must be in sufficient detail to determine the required rehabilitation work including methods and materials. The standards may refer to applicable codes or they may establish requirements that exceed the minimum requirements of the codes. The grantee must attach its rehabilitation standards below.

In addition, the rehabilitation standards must address each of the following: health and safety; major systems; lead-based paint; accessibility; disaster mitigation (where relevant); state and local codes, ordinances, and zoning requirements; Uniform Physical Condition Standards; and Capital Needs Assessments (if applicable).

New York State's Housing Trust Fund Rehabilitation Standards are attached.

## **New York State Federal Housing Trust Fund Program Rehabilitation Standards**

All rehabilitation that is performed using federal Housing Trust Fund (HTF) funds must meet the following requirements:

1. Applicants must perform a capital needs assessment according to the Integrated Physical Needs Assessment (IPNA) Standard (attached) and forms or other format approved by HCR to determine all work that will be performed in the rehabilitation of the housing and the long-term physical needs of the project. Items identified in the capital needs assessment at a minimum must:
  - Identify life-threatening deficiencies that must be addressed immediately.
  - Address, at a minimum, the following major systems:
    - Structural support,
    - Roofing,
    - Cladding and weatherproofing (e.g. windows, doors, siding, gutters),
    - Plumbing,
    - Electrical, and
    - Heating, ventilation, and air conditioning.
  - Estimate the remaining useful life of each of these major systems upon project completion based on current age and condition.
2. Upon completion, the rehabilitation work and HTF-assisted project and units must:
  - Meet all applicable State and local codes, ordinances, and requirements. In the absence of an applicable State or local building code, the project must meet the International Existing Building Code of the International Code Council. Such codes, ordinances, and requirements may include, but are not limited to, the following as applicable:
    1. NYS Uniform Fire Prevention and Building Code.
    2. New York City Building Code.
    3. Energy Conservation Construction Code of New York State.
    4. Energy Conservation Code of New York City.
    5. Multiple Dwelling Law.
    6. "Covered multifamily dwellings," as defined at 24 CFR 100.201, must meet the design and construction requirements at 24 CFR 100.205, which implements the Fair Housing Act (42 U.S.C. 3601-3619).

7. 24 CFR Part 8, which implements Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794, and Titles II and III of the Americans with Disabilities Act (42 U.S.C. 12131-12189) implemented at 28 CFR parts 35 and 36.
  8. Federal Labor Standards regulatory requirements (Davis-Bacon Related Acts).
  9. New York State Labor Law, Industrial Code Rule 56.
  10. Evaluation and Control of Lead-Based-Paint Hazards in Housing (HUD-1539-LBP, Current Edition and 24 CFR Part 35).
  11. EPA Renovation, Repair and Painting Rule (40 CFR Part 745).
  12. New York State Department of Labor Mold Program.
  13. New York City "Guidelines on Assessment and Remediation of Fungi in Indoor Environments".
  14. US Environmental Protection Agency Mold Prevention in Schools and Commercial Buildings.
  15. Model Standards and Techniques for Control of Radon in New Residential Buildings, EPA 402-R-94-009, March 1994.
  16. ASTM E1465-08a Standard Practice for Radon Control Options for the Design and Construction of New Low-Rise Residential Buildings (or most current edition).
  17. ASTM E2121-09 Standard Practice for Installing Radon Mitigation Systems in Existing Low-Rise Residential Buildings (or most current edition).
  18. Phase I Environmental Site Assessment ASTM E1527-13, or most current edition.
  19. NYS Smart Growth Public Policy Act.
  20. NYSDEC Prohibited and Regulated Invasive Species, 6 NYCRR Part 575.
- Be decent, safe, sanitary, and in good repair as described in 24 CFR 5.703.
  - Where relevant, be improved to mitigate the impact of potential disasters (e.g. earthquake, hurricanes, flooding, and wildfires) in accordance with State and local codes, ordinances, and requirements, or such other requirements as HUD may establish.
3. If the remaining useful life of one or more major system is less than the project's period of affordability (at least 30 years), a replacement reserve with monthly payments of adequate size must be established to repair and replace systems as needed.

**Integrated Physical Needs Assessment (IPNA) Standard**  
*for New York City and State Low/Moderate Income Multifamily Buildings*

**Adopted by:**

- NYS Housing and Community Renewal (HCR)
- NYC Department of Housing Preservation and Development (HPD)
- NYC Housing Development (HDC)

**Released:** 8-04-2017

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## INTRODUCTION

The emergence of concerns about climate change and the associated need to reduce carbon emissions has given a new and significant urgency to energy efficiency work in buildings. A trend has developed to merge Physical Needs Assessments (PNAs) with energy audits, sometimes referred to as a Green PNA, or GPNA.

PNAs have long been used to assess deficiencies in buildings to recommend improvements to remediate these deficiencies, estimate the cost of such work, and recommend timing for various elements of the work depending on their urgency.

In parallel, energy audits have been developed in recent decades to identify deficiencies in energy systems as well as opportunities to remediate these deficiencies and reduce energy use and costs. In many ways, energy audits are similar to PNAs, although they add the metrics of energy use, projected energy cost and use savings, and are limited to energy systems (and frequently water, as well).

The potential benefits of a merged report include reducing duplication of effort; reaching economies of scale in planning capital improvements and energy efficiency work simultaneously; and leveraging and coordinating various financing sources. Traditional PNAs offer many benefits that are not typical of energy audits, including the ability to prioritize tasks, undertake long-term planning, and reduce construction costs by timing energy improvements with the end of the useful life of energy systems. Likewise, energy audits offer benefits to traditional PNAs, including the ability to leverage cost savings to help pay for the work and the potential to increase the amount of financing available through underwriting to efficiency savings.

However, while GPNAs are useful in identifying the physical and energy deficiencies in buildings, they are typically not comprehensive enough to identify housing-based health issues that have immediate impacts to residents' health and comfort. This new **Integrated Physical Needs Assessment (IPNA)** takes the GPNA a step further to not only merge a traditional PNA with an energy audit, but to also more intentionally identify housing-based health issues that can be addressed during rehabilitation or through operations and maintenance. Incorporating a health lens into the IPNA will make it easier for building owners to make health-promoting improvements in broader rehabilitation projects, such as measures to improve ventilation; the use of low- or no-VOC materials; and the adoption of Integrated Pest Management practices and "green cleaning" regimes.

While there are many benefits to merging energy audits and health assessments with PNA's, there are also complications and questions. What qualifications are required for the work? Can one consultant do both? How can an energy audit report, health assessment and PNA report be effectively integrated? What standards should be used?

This document seeks to address the complications and questions of integrating energy with traditional capital needs assessments, and includes resources and tools to assess opportunities to create healthier living environments.

## GOALS AND OBJECTIVES

### Long-Term Goal

Ensure every owner of an affordable multifamily building in New York City and State who accesses federal, state, or municipal financing for rehabilitation work incorporates cost-effective energy efficiency, water conservation, and health-related improvements into their capital planning process to enhance the health, safety, and comfort of residents, reduce maintenance and operating expenses, and reduce energy use and greenhouse gas emissions.

### Short-Term Goals

Ensure every owner of an affordable multifamily building in New York City and State who accesses federal, state, or municipal financing for rehabilitation work uses a standardized process for evaluating potential energy efficiency, water conservation, and health-related improvements as part of their capital planning process; ensure that the IPNA evaluation is accepted by all efficiency program administrators and lenders as a valid means of identifying measures and estimating savings; and ensure that the IPNA can be used to comply with New York City and State energy audit regulations.

## DEFINITIONS

**Physical Needs Assessment (PNA)** – An evaluation of a building’s physical conditions, including identification of deficiencies, recommended improvements (scope of work), and associated construction costs for those improvements. Also called a property condition assessment (PCA), capital needs assessment (CNA), condition survey, or project capital needs assessment (PCNA).

**Integrated Physical Needs Assessment (IPNA)** – A physical needs assessment that includes energy, water, and health assessments, including identification of deficiencies, recommended improvements (scope of work), and associated construction costs for those improvements.

**Energy Assessment** – An evaluation of a building’s energy and water consumption patterns, including identification of deficiencies, recommended improvements (scope of work), and associated construction costs for those improvements. An energy assessment also includes projected annual energy use and cost savings for each improvement and billing analysis. Also called an energy audit.

**Efficiency Assessor** – A firm or individual qualified to perform the energy/water assessment portion of an IPNA; also called an energy auditor.

**Needs Assessor** – A firm or individual qualified to perform the physical needs assessment portion of an IPNA.

**Scope of Work** – A written description of recommended capital, energy and health improvements needed in a building(s) in the critical and short term.

**Construction cost** – the cost to implement a building improvement, including both material and labor costs and related soft costs such as design and permitting. Also called capital cost, first cost, or installed cost.

## QUALIFICATIONS

### Needs Assessor

At least one member of the Needs Assessor team shall be a registered architect (RA) or professional engineer (PE) and have a minimum of three years of relevant work experience. At a minimum, this professional shall review and approve the Needs Assessment portion of the report. Additionally, for assessments that take place in New York City, at least one member of the Needs Assessor team shall have taken, or plan to take within 6 months of becoming a pre-qualified provider, the DoHMH Healthy Buildings Trainings for HPD-financed projects. The DoHMH Healthy Buildings Training Certificate is valid for three (3) years and at least one of the on-site team members must have the Certificate.

Background: This is consistent with the requirements of the HPD/HDC GPNA, which requires the professional designation. The HUD C.N.A. refers to the ASTM standard, which recommends a professional designation in architecture or engineering, although it is not mandatory. The 3 years is a requirement we added to be consistent with the Efficiency Assessor. The "review and approve" is from the ASTM standard.

### Efficiency Assessor

At least one member of the Efficiency Assessor team shall have one of the following certifications, as well as a minimum of three years of relevant work experience. At a minimum, this professional shall review and approve the Energy Assessment portion of the report.

- AEE Certified Energy Manager (CEM)
- AEE Certified Energy Auditor (CEA)
- AEE Certified Measurement and Verification Professional (CMVP)
- BPI Multifamily Building Analyst (MFBA)
- ASHRAE High-Performance Building Design Professional (HPBDP)
- ASHRAE Building Energy Assessment Professional (BEAP)
- RESNET HERS

Background: HPD/HDC's GPNA, NYSEDA, ASHRAE Level II, and the HUD C.N.A. all have a mix of these certifications. The HUD C.N.A. allows almost all of them (with the exception of CMVP and BEAP, both of which are references in ASHRAE Level II). The 3 years is from the HUD C.N.A. and seems like a good requirement. The "review and approve" was added to be consistent with the Needs Assessment, and it also seems consistent with NYSEDA which requires that the certified professional "conducted or supervised" the applicable work. The only standard included here that is not among those listed as an option for NYC LL87 is AEE's CMVP.

## INTEGRATION

We recognize that an IPNA will typically be performed by two different professionals, a Needs Assessor and an Efficiency Assessor. The IPNA is intended to support these separate efforts by clearly defining the responsibilities of each. However, it is important that the final IPNA present an integrated whole, and avoid duplication of effort. To do this, the following steps should be taken:

- a. The Needs Assessor and Efficiency Assessor are encouraged to conduct the site visit together, on the same date, to share observations.
- b. Final review and release by one firm, which holds ultimate responsibility for the report.
- c. An executive summary that presents the results of both the energy audit and the needs assessment in one table.
- d. The building description is integrated in one section, although different pieces are assigned to the Needs Assessor and to the Efficiency Assessor.

## IPNA REQUIREMENTS

The IPNA is to be performed with adherence to generally-accepted industry standards for property condition assessments and energy audits, as well as the following standards:

- Needs Assessments should broadly follow ASTM E2018-15 Standard Guide for Property Condition Assessments: Baseline Property Condition Assessment Process
- Energy Assessments should broadly follow the American Society of Heating Refrigeration and Air Conditioning Engineers (ASHRAE) Procedures for Commercial Building Energy Audits (2011 or most recent version, if published) Level 2 and the IPNA Guidelines. If ASTM E2018-15 or ASHRAE Level 2 conflicts with the IPNA Guidelines, the IPNA Guidelines should be followed. If ASTM E2018-15 and ASHRAE Level2 requirements conflict, ASHRAE Level 2 should be followed.

**Note:** We are not exempting buildings smaller than 50,000 SF from this requirement. This is because we are not proposing to require a comprehensive model (which we interpret as an hourly model, like eQuest or TREAT), so do not need to exempt small buildings from this requirement. We are proposing to require interactive calculations, since this is required for NYSERDA, ASHRAE Level II, etc., and is also required in order to see if a building meets the minimum 30% overall energy-savings goal. We believe interactive calculations are not hard, do not add significantly to energy audit effort or cost, can be done with spreadsheets, and that it will simplify the overall approach if we do not exclude buildings.

- Healthy Home Assessments should broadly follow the health inspection guidance in the IPNA.

The following capital needs shall be considered when preparing the IPNA:

1. **Critical Needs:** Health and safety deficiencies; open Building Code or Environmental Control Board (ECB) violations; Housing Maintenance Code (HMC) violations in Hazard Categories 'B' and 'C'; and any Lead-Based Paint conditions that require immediate remediation, in order to meet City, State, or Federal requirements.
2. **Short Term Needs:** An estimate of entire or component system replacement items, and significant deferred and other maintenance items that will need to be addressed within 12 months, including cost effective measures that will reduce energy and water consumption and create healthier living environments.
3. **Long-Term Needs:** An estimate of entire or component system replacement items beyond the first year that are required to maintain the development's physical integrity and reduce energy and water consumption over the next 15 years.

The report shall identify physical deficiencies, repair/replacement needs, and energy/water inefficiencies, pest activity, moisture and ventilation issues, and any other applicable health hazards determined on the basis of:

1. Visual Survey from basement to roof, including, but not limited to, the following:
  - Site and public elements
  - Structural frame and building envelope
  - Insulation and roof/wall cavities
  - Mechanical, electrical, and plumbing systems and utilities
  - Life safety/fire protection equipment

- Interior elements
2. Review of Pertinent Documentation, including, but not limited to:
    - Violations issued by City and State agencies
    - Certificate of Occupancy
    - Architectural drawings
    - Maintenance logs
    - Maintenance logs and O&M plans
    - Pest control contracts or policies
    - Certificates of training for building maintenance staff
  3. Review of Energy and Water Consumption Data as provided in 24 months of consecutive energy and water billing statements, and work with building owner and/or staff to set up automated benchmarking using the approved HDC/HPD benchmarking provider list. If a building is already benchmarked, relevant data should be included in the IPNA.
  4. Diagnostic Testing and Systems Inspection, including, but not limited to:
    - Carbon monoxide (in all areas with combustion equipment, including appliances and heating equipment; for heating equipment, testing shall include in flues and in the mechanical room; for forced air equipment, testing shall include in the supply air)
    - • Natural gas leaks
    - • Moisture testing (relative humidity), in areas of concern, such as where there is visible mold
    - • Boiler efficiency testing.
    - • Indoor air temperature. Measure a representative set of indoor temperatures, for example including upper floors and lower floors. Also record thermostat setpoints and schedules (if programmable).
    - • For buildings with ventilation systems that operate 24/7 AND in buildings that are high energy users (site EUI over 150 kBtu/SF/year), ventilation airflow, ventilation fan power, and duct leakage shall be measured. In other buildings, results can be estimated.

#### Single Building Projects

This survey must include the inspection of at least 3 units or 10% of the total project's dwelling units, whichever is greater. The 10% calculation should be rounded up, so for example, 10% of a building with 34 units is 3.4, which is rounded up to 4 units required for inspection. The consultant should identify units to include in this sample that contain varying characteristics and conditions that will affect the report, including location (ground floor, top floor, basement, exposed edge and corner units) as well as type, size (number of bedrooms), and history of rehabilitation. For example, in a 22-unit building with all one-bedroom units, some of which are in the basement, the number of units to be inspected is 3 (top floor, bottom floor, and basement). But if the same building was previously renovated in two distinct phases, and also has a 2-bedroom unit, a total of 5 units should be inspected: top floor, bottom floor, basement, 2-bedroom unit, and an additional fifth unit representing the new phase of renovation (presuming the other four units belong to the original phase of construction).

#### Multiple Building Projects

For HDC projects: For developments with multiple buildings, all buildings must be surveyed and reported; survey must include the inspection of 10% of total project's dwelling units.

For HPD projects only, clusters of buildings that are similar in design, construction, age and history of rehabilitation may use an alternate survey method, but must be approved by agency program staff prior to the date of the inspection to confirm whether it is suitable for the project. If approved, this survey must

include the inspection of a minimum of 20% of the representative buildings, with representative units surveyed in each building.

For HPD to consider whether this alternate survey method is suitable, provide the following information in a table:

1. Building address
2. Block /Lot
3. Year Built
4. Number of stories
5. Date of Last Renovation
6. Items replaced in last renovation
7. Indicate whether:
  - a. Buildings are adjoined
  - b. Buildings share a system (i.e. boiler or roof)

Examples of multiple building projects are provided in Appendix B.

## THE IPNA TEMPLATE

**\*\*Firms must use the IPNA template\*\***

### Identification

Identify the project, including the name, description of the property, and the property location. List for whom the report was prepared; the consultant, principal of the consultant, and consultant personnel that performed the site visit and produced the IPNA; other entities and individuals that were present during the site visit; and the date of the site visit.

### Objective

Describe the objective of the IPNA. Boilerplate objectives are provided. The consultant can edit as appropriate.

### Procedures and Limitations

Outline the procedures used in producing the IPNA, as well as any limitations. Boilerplate procedures and limitations are provided. The consultant can edit as appropriate.

### Executive Summary

Provide a table of improvements, their estimated construction costs, annual energy cost savings if applicable, and level of urgency (critical, short term < 12 months, long term 12 months to 15 years), and denote those with potential health benefits. This executive summary table is an important part of presenting the IPNA in an integrated form.

**Background:** This simple integrated table is the bottom-line information sought by lenders and grant-making agencies.

Describe the scope of the project; summarize the existing conditions of the property; provide an overview of the maintenance of the property, including existing staff, maintenance and/or janitorial contracts, any maintenance issues, and an analysis of the maintenance processes, procedures, and strategies; outline the existing accessibility and identify any outstanding accessibility issues; provide a summary of any open violations.

### Physical Needs Assessment/ Inspection

Describe the property's exterior and interior physical condition and needs (Critical, Short Term, and Long Term). The report should identify, in detail, any deficient or deteriorated items that represent an immediate

threat to health and safety. Additionally, the report should describe all other significant defects, deficiencies, items of deferred maintenance, and material building code violations (individual and collectively, physical deficiencies) that limit the physical health and integrity of the buildings, restrict the expected useful life of major components or systems, and that directly or indirectly affect the energy efficiency and water use of the building and building systems.

The inspection report shall contain the following sections:

1. **Site Improvements:** Sidewalk, curbs, yard/courtyard concrete, area/yard drains, ramps, stoop and stairs, areaway/sidewalk grates, landscaping, wrought iron fences/gates, fences, debris, exterior stairs, trash enclosures, and open space/playgrounds.
2. **Building Envelope:** Foundations, superstructures, fire escapes, roof structures and roofing, bulkheads, exterior walls: masonry, parapets, cornices, windows, weather sealing, insulation, exterior structures, skylights, exterior doors and door sweeps.
3. **Interior Common Area and Public Halls:** Floors, walls, ceilings, lighting, windows, stairs, doors, dumbwaiters, compactor chute and hopper doors, mailboxes, electrical, and janitorial closets.
4. **Apartments:** Including but not limited to finishes, walls, ceilings, floors, appliances, entry and interior doors, presence of door sweeps, installation of cabinets in such a manner as to prevent pests, windows, shelves, cabinets and countertops, vanities, plumbing and electrical, circuit breaker and fuse box panels, outlets, GFIs, light fixtures, apartment intercom stations, carbon monoxide and smoke detectors, radiators, convectors, baseboards, air diffusers, foyers, bedrooms, living/dining room, bathrooms, kitchens, and entry ways.
5. **Building Systems:** Including but not limited to heating generation, heating distribution, central cooling system, domestic hot water, electrical, elevator, trash compactor, intercom, security system, plumbing, gas piping and meters, domestic water piping, waste piping, stand pipe sprinklers, and other systems.
6. **Special Considerations:**
  - a. **Environmental Issues:** Toxic materials, such as petroleum storage, PCBs, Asbestos Containing Materials (including but not limited to plaster and gypsum board, floor tile, pipe and duct insulation, etc.), lead-based paint, and mold
  - b. **Hazardous Operations:** Explosive or flammable operations and/or storage
  - c. **Accessibility Issues:** Whether the project meets all the requirements for persons with disabilities, as where maximum possible, based on the laws in effect at the time the building was constructed and subsequent renovations
  - d. **Historic Preservation Issues:** Any special requirement related to Historic Preservation if a Federal, State, and/or City listed site
  - e. **Special Flood Hazard Areas:** Identification of Flood Zone as shown on Flood Insurance Rate Map (FIRM) for New York City dated September 5, 2007, and the Post Hurricane Sandy Preliminary Data Map dated December 5, 2013
  - f. **Pests:** Pest resistant materials in vulnerable areas such as kitchens, bathrooms, subareas, and trash storage areas
  - g. **Mold resistant materials**

To encourage integration and to avoid a duplication of effort, the Needs Assessor should conduct all aspects of this inspection other than the energy-related components, which should be conducted by the

Efficiency Assessor: Heating, cooling, ventilation, insulation, infiltration, windows, lighting, appliances, hot and cold water systems and fixtures.

### Energy and Water Audit

The energy audit should broadly follow the American Society of Heating Refrigeration and Air Conditioning Engineers (ASHRAE) Procedures for Commercial Building Energy Audits (2011 or most recent version, if published) Level 2, as well as these IPNA Guidelines.

An analysis of the building's pre-retrofit performance shall be completed using 24 months of utility data, initial inspection data and diagnostic data collected during the on-site visits. The analysis should estimate annual energy and water consumption and the cost savings of potential improvements. Current operating schedules verified on site are to be used for energy and water cost savings estimates.

The energy and water audit shall consist of the following components:

1. **Building description** (inspection of energy and water systems). The focus of this component is the building's current condition.
2. **Energy and water use**. The focus of this component is both the preliminary analysis (current energy and water use) and the projected energy and water use after improvements are made. The purpose of the projected use estimates is to show potential overall energy savings and to provide post-retrofit operating costs that can be used in financial pro-formas. Document billing data for twenty-four (24) months of consecutive energy and water utility bills, provide an energy utility use breakdown, and calculate the Energy Use Intensity (EUI) kBtu/sf/year.

### Other Energy Assessment Requirements

Billing analysis shall include current energy costs, so that projected energy costs can be calculated from projected energy cost savings.

Efficiency Assessors are urged to include both low-cost/no-cost improvements and larger energy improvements. Energy assessments shall have a goal to identify 30% energy savings. Efficiency Assessors are urged to go beyond 30% savings to identify deeper energy savings in order to meet long-term city and state carbon emissions goals. Buildings with an existing site energy utilization index (EUI) below 50 kBtu/SF/year are exempt from the 30% energy savings goal.

Hourly energy models are not required, but interactive energy calculations are required.

In addition to energy, water conservation options shall also be evaluated. At a minimum, evaluate shower heads, bathroom and shower faucets, and toilets to meet the EPA WaterSense standard. Inspect for evidence of leaks, such as in boiler rooms, below kitchen and bath sinks, and in toilets. Inspect bathtub faucets to see if water flows out of the bath faucet when the shower is on.

### Building Operation and Maintenance Practices

1. **Pest Management Inspection**: Document existing strategies, practices, and outcomes, and onsite inspection results. Detail observed pest activity and identify current structural, sanitation/housekeeping or operations deficiencies conducive to pest activity and make recommendations to remediate. Detail pest management practices that do not conform to IPM best practices as outlined in the NYC DOHMH IPM Toolkit (e.g. un-containerized rodent bait, regularly scheduled pesticide applications, use of pesticides considered hazardous)

2. **Maintenance and Janitorial Process Inspection:** Document existing practices, products, and outcomes, including efficient systems management and use of green cleaning products and other aspects of practices impacting health.
3. **Other relevant operation and maintenance practices.**

#### Scope and Preliminary Cost Estimates

Identify scope items that will address the capital needs to correct the detailed physical deficiencies and/or lower energy or water consumption of the building. The section should include the estimated costs and quantities of property's physical needs including entire or component system replacement items, repair and maintenance measures, health items, energy efficiency and water conservation (EEWC) only items, and EEWC incremental items. Include all labor costs in the price estimates of scope items, and separately include costs for permitting, demolition, lead and asbestos abatement, and other relevant costs associated with the scope of work. Below are definitions of Capital Items, EEWC Incremental Items, EEWC-Only Items and Health Items:

**Capital Items** are scope items that address the physical needs of the property such as entire or component system replacements, and significant deferred and other maintenance items that are not included solely for EEWC reasons. Examples of entire or component system replacement items are roofs, boilers, windows and masonry.

**EEWC Incremental Items** are measures that in addition to providing entire or component system replacement also provide energy efficiency benefits. Examples of EEWC incremental items are caulking around windows (when the window is not being replaced) and roof insulation when the roof is recommended to be replaced.

**EEWC-Only Items** are the energy and water efficiency scope items that are not associated with items requiring entire or component system replacement. These measures are recommended solely for their contribution towards reducing a property's energy and water usage. Recommendations for all types of EEWC items along with relevant payback periods and projected energy cost savings should be provided, including measures that have the potential to yield deeper savings not limited to on-site renewables. However, Efficiency Assessors should not rely solely on renewables, such as solar PV or thermal, to reach energy savings goals, and priority should be given to durable cost-effective energy and water conservation strategies. Some examples of EEWC-Only items include solar panels, boiler controls, low-flow fixtures, pipe insulation and efficient lightbulbs.

EEWC scope items should include information on projected savings from implementing the recommended EEWC measure (both in dollars and in units of energy or water), describe how the savings estimates were derived (i.e. utility rates used, etc.) including any risks that might prevent measure from achieving the estimated savings, compare the total projected savings to existing energy use/cost, and provide the simple payback and Savings-to-Investment Ratio (SIR) for each measure.

**Health Items** are the scope items to improve the indoor air quality and other health-related characteristics of a building. In addition to identifying health items to include in the scope of work for a project, each capital and EEWC item should include an assessment (Y/N) of whether it is associated with a potential health benefit. The Healthy Rehab Interventions tab provides guidance on the intersection between health outcomes and targeted interventions. Examples of health items include sealing gaps in and around cabinets, under sink basins, and utility and plumbing openings.

#### Replacement Cost Schedule

Analyze and project the anticipated capital needs of the property, estimated useful life of building components, the cost per unit, quantities and an estimate of annual replacement expenditures for a fifteen

(15) year period. The costs outlined in the replacement schedule should be total costs for each scope item, accounting for inflation and inclusive of all incremental costs of EEWC measures.

#### Operation and Maintenance Measures

Include recommendations for measures that can be addressed through improved maintenance and operations, including janitorial methodologies and products, maintenance best practices, and integrated pest management. Recommendations should address building maintenance, trash management, pest exclusion strategies, resident and staff training, selected applications and use of pesticides, ongoing monitoring for pest activity, and measures to address mold. Recommendations should also identify opportunities to integrate pest proofing improvements into future building rehab projects. The [Two Shades of Green: Green and Healthy Property Management Guide](#) shall be used as guidance, as should the O&M tab in the IPNA.

#### Quality Assurance and Verification

Include a written Quality Assurance and Verification plan specific to the subject property. The plan shall include requirements for inspections, documentation, and performance test-outs.

#### Assessment of Potential Health-Focused Improvements

The IPNA encourages assessors to consider how physical and capital upgrades could improve occupant health. It contains several tools to help assessors make this determination as they complete the IPNA and develop a Scope and Preliminary estimates, noting the potential of each upgrade to improve occupant health. The relevant health tabs in the spreadsheet are described below.

- **Inspection and Structural Tab** contains two boxes that call out potential health-related concerns, in categories that align with the headings in the “Healthy Rehab Interventions” tab. Inspectors are expected to summarize potential health issues that could be addressed in an upgrade.
- **Scope and Preliminary Cost Estimates Tab** includes a column to allow the assessor to indicate if each item could potentially benefit tenant health outcomes. Inspectors can use the “Healthy Rehab Interventions” tab as guidance to understand the potential health outcomes of various capital interventions when making this determination.
- **Operations and Maintenance Tab** identifies property management practices that can improve occupant health; this information may be useful to share with owners.
- **Healthy Rehab Interventions Tab** identifies building renovation work that can improve occupant health. This information is intended to help assessors in determining if a proposed capital upgrade has the potential to improve occupant health, as requested in the “Scope and Preliminary Estimates” summary tab.
- **Health Questionnaire Tab** identifies building areas to investigate during the building walk through to better understand potential health opportunities. It is presented as guidance to help inform assessor activities and inspections.

**NOTE:** Other than the “Scope and Preliminary Estimates” Tab, none of the other health-related tabs are required to be filled out by the inspector. They are included to help assessors in considering the potential health concerns and providing useful information to owners and HPD.

#### **OTHER**

Shelf life: An IPNA can be used up to two (2) years from its release date.

## REFERENCES

Green Physical Needs Assessment and Technical Assistance Service Provider. 2015 Request for Qualifications for Professional Consultant. NY City Housing Development Corporation. February 26, 2015.

Multifamily Accelerated Processing (MAP) Guide. R 1.1. U.S. HUD. January 29, 2016. (Reference guide for the HUD C.N.A. e-tool.)

Procedures for Commercial Building Energy Audits, Second Edition. ASHRAE. 2011.

Standard Guide for Property Condition Assessments: Baseline Property Condition Assessment Process. Standard E 2018-15. ASTM International. 2015.

## APPENDIX A CERTIFICATION REQUIREMENTS (FOR REFERENCE ONLY)

	AEE CEM	AEE CEA	AEE CMVP	BPI MFBA	RES- NET HERS	ASHRAE HPBDP	ASHRAE BEAP	RA	PE	NYSE RDA Flex Tech	ASTM E 2018- 08 Appendix	Work Experience (years)	Notes
<b>Energy Assessor</b>													
HPD/HDC GPNA	x			x									
NYSERDA	x	x		x									"Conducted or supervised"
HUD CNA etool	x	x		x	x	x		x	x			3	
ASHRAE Level II	x	x	x			x	x						Non-mandatory Must either be supervised by licensed design professional, or registered with DOB and hold one of the certifications; FlexTech only allowed under design professional.
NYC LL87	x	x		x		x	x	See note.		x			
Freddie Mac Multifamily Green Advantage	x			x									
<b>Needs Assessor</b>													
HPD/HDC GPNA								x	x				RA/PE - "At least one member of the team"
HUD CNA etool											x		
ASTM Field Observer													No specific requirement. Earlier in the standard (not in the Appendix) it says "general, well rounded knowledge of pertinent building systems and components"
ASTM Report Reviewer								x	x				Non-mandatory

**APPENDIX B**  
**EXAMPLE MULTIPLE-BUILDING PROJECTS**  
**(FOR REFERENCE ONLY)**

**Example 1: Identical Buildings**

A complex has four 10-story buildings, all identical in design, and built at the same time in the 1960's.

For HDC Projects: All four buildings to be inspected.

For HPD Projects: A minimum of 20% of the buildings to be inspected. So, in this case, one building needs to be inspected.

**Example 2: Similar Buildings, but One Different in Age**

A complex has eight 5-story buildings, all somewhat similar in design, built in the 1960's, and one more similar building but that was built 15 years later in the late 1970's.

For HDC Projects: All eight buildings to be inspected.

For HPD Projects: A minimum of 20% (two buildings) of the original eight buildings, as well as the building that was built 15 years later, due to its difference in age. So, a total of three buildings must be inspected.

**Example 3: Many Buildings, Rehabbed at the Same Time Age**

A complex has 20 buildings, all two-story, with a variety of units: Ten buildings have 4 units, four buildings have 6 units, four buildings have 8 units, and two buildings have 10 units. Designs are similar, but layouts are different. The basic heating system design is the same: Hot water boilers with baseboard distribution. All were built in the 1950's, but over a period of about six years. All units were gut-rehabbed in 2003: New interior finishes, new appliances, new heating, new roofs, new windows, and more.

For HDC Projects: All buildings to be inspected.

For HPD Projects: Because the gut rehab was so extensive, and happened at one time, HPD will require inspecting 20% of the buildings, or five buildings. The consultant can choose the five buildings, but it makes sense to have a mix of 4-unit, 6-unit, 8-unit, and 10-unit buildings.

**Example 4: "Scattered Sites"**

A developer has 45 buildings, all different, scattered around town.

For HDC, HPD and HCR Projects: Because all buildings are different, all buildings need to be inspected (45 total).

**9. Resale or Recapture Guidelines.** Below, the grantee must enter (or attach) a description of the guidelines that will be used for resale or recapture of HTF funds when used to assist first-time homebuyers. If the grantee will not use HTF funds to assist first-time homebuyers, enter "N/A".

N/A

**10. HTF Affordable Homeownership Limits.** If the grantee intends to use HTF funds for homebuyer assistance and does not use the HTF affordable homeownership limits for the area provided by HUD, it must determine 95 percent of the median area purchase price and set forth the information in accordance with §93.305. If the grantee will not use HTF funds to assist first-time homebuyers, enter "N/A".

Any limitation or preference must not violate nondiscrimination requirements in § 93.350, and the grantee must not limit or give preferences to students. The grantee may permit rental housing owners to limit tenants or give a preference in accordance with § 93.303(d)(3) only if such limitation or preference is described in the action plan.

The State will not limit beneficiaries and/or give preferences to any segments of the extremely low-income population. However, the State will permit rental housing owners that are eligible recipients of HTF funds to limit tenants or give a preference for housing for seniors age 55 and over, public housing residents, and supportive housing for persons who are homeless and non-homeless households that require supportive services, including but not limited to those with mental, physical, sensory, or developmental disabilities; persons with substance use disorders; and persons diagnosed with HIV/AIDS and related diseases.

**12. Refinancing of Existing Debt.** Enter or attach the grantee's refinancing guidelines below. The guidelines describe the conditions under which the grantee will refinance existing debt. The grantee's refinancing guidelines must, at minimum, demonstrate that rehabilitation is the primary eligible activity and ensure that this requirement is met by establishing a minimum level of rehabilitation per unit or a required ratio between rehabilitation and refinancing. If the grantee will not refinance existing debt, enter "N/A."

N/A

**Discussion:**

HTF Priority Needs (AP 90 3h) Continued:

(d) Housing Opportunity Projects: Projects that propose workforce housing in areas experiencing economic growth that are served by high performing school districts.

(e) Workforce Opportunity Projects: Projects that propose workforce housing projects in close proximity to Metropolitan Transit Authority (MTA) rail stations outside the City of New York, or within a quarter-mile walk of an MTA subway station within the City of New York; or, which are in communities that have completed and are implementing Transit Oriented Development plans that clearly link the proposed project to expanded transportation choices for tenants; or, which are in close proximity to multi-modal transportation centers that will contribute to the development of vibrant, mixed-use, high-density neighborhoods.

(f) Mitchell-Lama Portfolio Projects: Projects that continue the redevelopment or preservation of Mitchell-Lama Housing units.

(g) Rural Preservation Projects: Rehabilitation of projects in rural communities, including projects participating in USDA Rural Development programs or the Rural Rental Assistance Program (RARP).

(h) Downtown Revitalization Initiative Projects: Projects in communities that have been awarded Downtown Revitalization Initiative (DRI) funding to develop downtown strategic investment plans and implement key catalytic projects that advance the community's vision for revitalization and which clearly advance the DRI-approved investment plan.

(i) Economic Development Projects: Projects specifically endorsed in the Regional Economic Council Strategic Plans that will support the construction and/or rehabilitation of affordable housing and for which significant financial assistance has been made available as part of such plans.

(j) Mixed Income Revitalization Projects: Projects in economically challenged neighborhoods providing rent advantage to moderate and middle-income households to encourage diversification of tenant incomes. Projects should be part of a neighborhood specific revitalization plan.

## Attachments

## New York State Appendix

### NYS HOME Local Program Recapture/Resale Provisions Approved HUD 2/1/2016

#### **NYS HOME Local Program Homebuyer Recapture/Resale Provisions**

When HOME funds are used to assist a household in the purchase of a unit, restrictions will be placed on the unit to ensure compliance with the HOME resale and recapture requirements described in 24CFR 92.254(a)(5). All Recapture and Resale mechanisms used to secure the affordability of the HOME assisted unit must be recorded in accordance with State recordation laws. In all cases, the homebuyer will be required to own and occupy the HOME-assisted unit as his or her principal residence for the duration of the period of affordability. If the HOME-assisted homebuyer fails to occupy the unit as his or her principal residence (i.e., the unit is rented or vacant), or the home was sold or otherwise transferred during the period of affordability and the applicable resale or recapture provision was not enforced, then the project will be considered noncompliant and full repayment of the HOME assistance is required.

Accordingly, the State monitors compliance of the principal residency requirement by requiring Local Program Administrators (State Recipients, sub-recipients and CHDOs collectively known as LPA's) to annually verify principal residence occupancy by mail, records search or direct contact with the homeowner. The State monitors compliance during annual monitoring of the LPA. If the HOME assisted buyer fails to remedy noncompliance issues, full repayment of the HOME assistance provided to the buyer is required.

#### **Recapture**

Under most circumstances (except as noted below under Resale), homeownership projects undertaken by a State recipient or sub-recipient will be subject to recapture. The homebuyer assistance will be secured by means of a note and mortgage given to HTFC by the low-income household being assisted. A standard form of the note and mortgage is provided to LPA's by HTFC.

The amount of the note and mortgage is the "direct HOME subsidy".

**Direct HOME subsidy is defined as:** the amount of HOME assistance, including any program income that enabled the homebuyer to buy the unit. The direct subsidy includes down payment, closing costs, interest subsidies, or other HOME assistance provided directly to the homebuyer. In addition, direct subsidy includes any assistance that reduced the purchase price from fair market value to an affordable price. If HOME funds are used for the cost of developing a property and the unit is sold below fair market value, the difference between the fair market value and the purchase price is considered to be directly attributable to the HOME subsidy.

If there is no direct homebuyer assistance and a development subsidy is provided, then the resale method outlined below must be used.

**Affordability Period** – The period of affordability specified in the note and mortgage will be the minimum period for the project as specified in 24 CFR 92.254(a), sections (4) and (5).

The following table outlines the required minimum affordability periods:

<b>If the homebuyer assistance in the unit is:</b>	<b>The period of affordability is:</b>
Under \$15,000	5 years
\$15,000 to \$40,000	10 years
Over \$40,000	15 years

The affordability period will be based on the amount of direct home subsidy.

**Amount subject to recapture** – If a home buyer is in noncompliance with the principal residency requirement (e.g., the unit is rented or vacant) during the period of affordability, will require repayment of the HOME subsidy at the time the event occurred. The amount of recapture permitted in the event of a voluntary or involuntary sale is based on a combination of Owner Investment Returned First (as described in 92.254(a)(5)(ii)(A)(4)) and Pro rata reduction (as described in 92.254(a)(5)(ii)(A)(2)).

Recapture is limited to the net proceeds of the sale, which is defined as the sales price minus superior debt and seller paid closing costs and include only the following items to the extent actually incurred: broker's commission, reasonable attorney's fees, and any transfer tax or recording fee payable by the seller pursuant to state statute or local ordinance in connection with the conveyance.

Upon transfer, whether voluntary or involuntary, the net proceeds of the sale will be determined and distributed as follows, to the extent proceeds are available:

1. Owner shall first be reimbursed from the net proceeds of the sale, if any, for the following:
  - The down payment made at the time of the initial purchase of the Property, if any;
  - The principal amortized on superior debt during the affordability period, if any.
2. The HUD Program Administrator shall then be repaid the Recapture Obligation to the extent there are sufficient sale proceeds remaining. The Recapture Obligation is the amount of homebuyer assistance, as defined above. It will be reduced on a pro rata basis (by 1/ [number of years of affordability period]) during the affordability period at the end of each complete year of the affordability period. For example, if a 10 year affordability period applies, and the homebuyer sells at the end of Year 4, then the amount of the note is reduced by 40%.
3. The remainder of the net proceeds, if any, shall be retained by Owner.

HOME funds that are used as a development subsidy, and are not part of the homebuyer assistance, will not be subject to recapture from the homebuyer.

Recapture will only be made from net proceeds of sale. If there are no net proceeds of sale, then no recapture shall be made.

HTFC requires that all recaptured funds and program income earned by an LPA to be returned to the HTFC within 30 days of receipt for reallocation in accordance with the method of distribution of funds described elsewhere in this Plan.

HTFC will allow, in compliance with 92.254(a)(5)(ii), the assumption of a recapture obligation by a subsequent eligible, low-income homebuyer, when no additional HOME assistance is provided to the subsequent homebuyer. The subsequent homebuyer will assume and complete the original terms and conditions of the recapture obligation of the original homebuyer.

#### **Resale**

Under most circumstances, the recapture provisions outlined above will be used in HOME homebuyer activities. However, resale restrictions may or must be used under the following circumstances:

- When HOME Program funds are used only as a development subsidy for the construction or renovation of homeownership housing, and no direct HOME subsidy is provided, resale restrictions must be used instead of recapture restrictions as described above.
- Resale restrictions may also be used at the request of the LPA when HOME funds are invested in: a larger homeownership development, a condominium or cooperative project; projects where a substantial per-unit investment of subsidy is provided; local markets with predominantly high home sales prices, rapidly appreciating housing costs, or where affordability will not be preserved by unrestricted sales of assisted units. HTFC approval of the conditions warranting the use of a resale restrictions is required.
- Resale restrictions are also used when land trusts own the property.

Resale restrictions will ensure that housing assisted with HOME funds is made available for resale only to HOME program eligible low-income households that will use the property as their principal residence.

Resale will be enforced by means of a HTFC provided Restrictive Covenant and Resale Restriction and/or deed restriction that runs with the title to the land, unless the project is located in an area of "presumed affordability" that meets the conditions described in 92.254(a)(5)(i)(B). Such areas of presumed affordability must be reviewed and approved by the HTFC and HUD.

HTFC will permit the use of notes and mortgages in addition to, but not in lieu of the restrictive covenant and resale restriction and/or deed restriction, to secure the rights of HTFC and to recover HOME funds in the event of non-compliance or adverse transfers.

The statute and rule (92.254(a)(5)(i)(A)) provides that the restriction may be extinguished by a third-party lender in the event of foreclosure, transfer in lieu of foreclosure or assignment of an FHA mortgage in order to clear title. HTFC may use purchase options, rights of first refusal or other means to intervene and preserve the affordability of the unit.

Affordability Period -- The following table outlines the required minimum affordability periods for homebuyer projects that are subject to resale restrictions:

<b>If the total HOME investment in the unit is:</b>	<b>The period of affordability is:</b>
Under \$15,000	5 years
\$15,000 to \$40,000	10 years
Over \$40,000	15 years

The period of affordability is determined by the total investment of HOME funds in the unit, regardless of whether or not the funds are reflected in buyer financing.

Low-income households eligible to purchase properties restricted by resale provisions must be households whose annual incomes do not exceed 80% of the median income for the area as determined by HUD with adjustments for family size and the housing must be occupied by the low-income household as its principal residence throughout the affordability period.

If the assisted property is sold while under the resale restrictions, the home must be sold to a HOME eligible buyer approved by HTFC or its Local Program Administrator.

- The price at sale must provide the original HOME-assisted homebuyer a fair return on the investment and be affordable to a reasonable range of low-income buyers. Therefore, sales price during the affordability can occur at market value, with the following limitations:
- Fair return to seller – The price shall not exceed a price that results in net proceeds (after senior debt and sales costs) to the seller that exceeds the sum of:
  1. The reimbursement of the original owner’s down payment and/or closing costs made at the time of initial purchase, if any;
  2. The principal amortized on the senior debt during the period of ownership;
  3. The investment in eligible capital improvements defined as: any individual improvement made specifically to the structure or major system of the HOME assisted housing unit in which the cost was more than \$3,000.00 and where applicable, the work was properly permitted, inspected locally and the actual cost has been documented with third party receipts.
- The value of the owner’s investment (the sum of 1-3 above) will be adjusted by using the Housing Price Index. The change in the HPI from the original purchase to the time of sale will be applied to the value of the owner’s investment, so that the value of the improvements is increased or decreased by the amount of increase or decrease in the housing market overall.
- Affordable to range of low-income buyers – The sales price may not exceed a price that is not affordable to households at 70% to 80% of area median income (AMI). The HTFC defines “affordable price” as a price that is at or below an amount that will allow a low income family to pay no more than 35 percent of their monthly income to pay for mortgage principal and interest, property taxes and insurance.

The seller must have the sales price approved by HTFC or its Local Program Administrator, in addition to approval of the HOME eligible buyer. If the fair market value of a HOME assisted property subject to

resale provisions is more than what is affordable to the subsequent low-income purchaser, then additional HOME assistance may be given by HTFC or its local program administrators.