

**2008 RFP
Affordable Housing/Permanent Supportive Housing
Request for Proposals (RFP)**

Appendix N

*This Appendix addresses issues that have not been previously covered. Its intention is to inform the applicant of eligible activities as well as requirements when applying for federal funding. These topics will be gone over in detail in the technical assistance period. **Please note that the information highlighted in red requires special attention and is time sensitive.***

FEDERAL COMPLIANCES NOT PREVIOUSLY ADDRESSED

• **AVAILABLE FUNDS**

The types of federal funds made available through this NOFA are **CDBG** (Community Development Block Grant), **HOME** (HOME Investment Partnerships) and **HOPWA** (Housing Opportunities for People with Aids) funds. Each funding source has allowable activities as described below.

CDBG: Some of the activities that can be carried out with CDBG funds include the acquisition of real property; rehabilitation of residential and nonresidential properties; relocation; provision of public facilities and improvements such as water and sewer, streets and neighborhood centers and public services.

HOME: The following is a general list of eligible uses of HOME funds depending on the nature of the program activity; new construction, rehabilitation, reconstruction, conversions, site improvements, acquisition of property and/or vacant land, demolition, relocation, refinancing, capitalization of project reserves and project related soft costs.

HOPWA: This grant may be used to provide a variety of forms of rental housing assistance, including emergency and transitional housing, shared housing arrangement, community residences and single room occupancy dwellings (SROs). Relocation is also considered an allowable use of these funds.

• **UNIFORM RELOCATION ASSISTANCE AND REAL
PROPERTY ACQUISITION POLICIES ACT of 1970 (URA)**

Acquisition: The Uniform Act or URA protections and assistance apply to acquisitions of real property and displacements resulting from the acquisition, rehabilitation or demolition of real property for federal or federally assisted programs or projects and must comply with 49 CFR part 24, subpart B. Real property acquisitions which are “voluntary” (conducted without the threat of eminent domain) must satisfy the applicable requirements in 49 CFR 24.101(b) (1) – (5). **For those “projects” which have site-**

control, the developer must provide proof with the voluntary acquisition requirements (see above cited regulations-sample form provided at the end of this document).

Relocation: If the project involves an occupied building you must, at the time of the submission of an application for this 2008 NOFA, provide the occupants with a General Information Notice (GIN) which has been hand delivered or sent certified mail. This notice must also meet HUD standards (see attachment N-1 for sample template). You will be required to provide PDC with copies of the GIN notice you provided to each resident as well as a tenant survey which includes incomes, potential “special needs” and pets (see attached sample below). If the building was recently vacated (within one (1) year of application) please be prepared to explain and provide proof of the circumstances surrounding the vacancies.

- **ENVIRONMENTAL ISSUES**

Environmental Review: Prior to a commitment of federal funds an environmental review must be completed by PDC. Generally the project/applicant is prohibited from acquiring, rehabilitating, converting, demolishing, leasing, repairing or constructing the property until all environmental requirements and/or tests are met. During this process PDC review endangered species, native plants and potential water run-off issues will be addressed.

- **UNIFORM ACCESIBILITY STANDARDS – SECTION 504**

Accessibility Requirements: In accordance with PDC funding criteria and as required by HUD, each housing project funded with HUD, CDBG or HOME funds, must be in compliance with Section 504 UFAS (Uniform Federal Accessibility Standards) requirements. All housing projects with 5 or more units must meet criteria established in 24 CFR Part 8. If the units proposed are Townhomes, then the requirements apply when there are 15 or more units. Five Percent (5%) of all units, but not less than 1 shall be made to meet these criteria. If the project is in an existing building (rehabilitation) Section 504 requirements may not apply depending on the scope of work to be performed.

PLEASE NOTE: THIS IS NOT AN ALL INCLUSIVE LIST, BUT RATHER A REFERENCE TOOL TO MAKE THE CUSTOMER AWARE OF COMPLIANCE ISSUES WHICH MAY AFFECT THE PROJECT.

**GUIDEFORM GENERAL INFORMATION NOTICE
RESIDENTIAL TENANT POTENTIAL DISPLACEMENT**

Grantee/Agency/Developer Letterhead

(Date)

Dear _____:

(City, County, State, Public Housing Authority (PHA), other) is interested in (acquiring, rehabilitating, demolishing) the property you currently occupy at (address) for a proposed project which may receive federal funding assistance from the U.S. Department of Housing and Urban Development (HUD).

The purpose of this notice is to inform you that you may be displaced as a result of the proposed project. This notice also serves to inform you of your potential rights as a displaced person under a federal law known as the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA). You may be eligible for relocation assistance and payments under the URA, if the proposed project receives HUD funding and if you are displaced as a result of acquisition, rehabilitation or demolition for the project.

- **This is not a notice to vacate the premises.**
- **This is not a notice of relocation eligibility.**

If you are determined to be eligible for relocation assistance in the future, you may be eligible for:

- 1) Relocation advisory services including help to you find another place to live;
- 2) At least 90 days advance written notice of the date you will be required to move;
- 3) Payment for your moving expenses; and
- 4) Replacement housing payments to enable you to rent, or if you prefer to purchase, a comparable replacement home.

You will also have the right to appeal the agency's determination, if you feel that your application for assistance was not properly considered. The enclosed HUD brochure,

"Relocation Assistance To Tenants Displaced From Their Homes"

http://www.hcd.ca.gov/fa/cdbg/gmm/Chapter_6_Handout_for_Tenants_URA.doc

provides an explanation of this assistance and other helpful information.

(NOTE: Pursuant to Public Law 105-117, aliens not lawfully present in the United States are not eligible for relocation assistance, unless such ineligibility would result in exceptional hardship to a qualifying spouse, parent, or child. All persons seeking relocation assistance will be required to certify that they are a United States citizen or national, or an alien lawfully present in the United States.)

Please be advised that you should continue to pay your rent and meet any other obligations as specified in your lease agreement. Failure to do so may be cause for eviction. If you choose to move or if you are evicted prior to receiving a formal notice of relocation eligibility you will not be eligible to receive relocation assistance. It is important for you to contact us before making any moving plans.

Again, this is not a notice to vacate the premises and does not establish your eligibility for relocation payments or assistance at this time. If you are determined to be displaced and are required to vacate the premises in the future, you will be informed in writing. In the event the proposed project does not proceed or if you are determined not to be displaced, you will also be notified in writing.

If you have any questions about this notice or the proposed project, please contact

(Name) _____, **(Title)** _____,

(Address) _____,

(Phone) _____.

Sincerely,

(Name and Title) _____

NOTES TO DEVELOPER/AGENCY/GRANTEE

1. The case file must indicate the manner in which this notice was delivered (e.g., personally served or certified mail, return receipt requested) and the date of delivery. (See Paragraph 2-3 I of Handbook 1378.)
2. This is a guideform. It should be revised to reflect the circumstances.

GUIDELINE NOTICE (HUD Handbook 1378 Chapter 5.3)
Disclosure to Seller with Voluntary
Arm's Length Purchase Offer

Date:

Dear

This letter is to confirm certain terms and conditions related to the contemplated purchase of the (Subject Property Address). The parties to the contemplated sale are ("Seller Name") ("Buyer Name"). We are prepared to pay \$_____ for clear title to the property. Because Federal Funds are anticipated to be used for the purchase, we are required to disclose to the "Seller" the following information and request that you sign below and return the executed acknowledgement to my attention:

1. Seller acknowledges that the sale of the ("subject property") building and lands ("location of property") is voluntary.
2. Seller acknowledges that ("Buyer") does not have the power to acquire the site by condemnation (i.e., eminent domain).
3. Seller acknowledges the fair market value of the property to be \$XXXXXX, as determined by [insert description of how sales price was determined, e.g., appraisal, market comp study, etc. and attach a copy to this agreement].
4. Because the purchase of the Subject Property is a voluntary, arm's length transaction and Seller does not occupy the Subject Property, Seller is not eligible for relocation payments or other relocation assistance under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 ("URA"), or any other law or regulation.

If this letter accurately reflects your understanding of the terms relating to the sale of the ("Subject Property"), please so acknowledge the fact by signing and dating a copy of this letter in the place provided below.

Executed on this ____ of XXXXXX, XXXXX

SELLER: XXXXXXXXXXXXX

By: _____

Its: _____