

REGISTER PART FEDERAL PROJECTS

Tuesday
May 5, 1992

Part III

Department of Housing and Urban Development

Office of the Assistant Secretary for
Housing

Service Coordinators in Section 202
Projects; Notice of Fund Availability

Department of Housing and Urban Development

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. N-92-3422; FR-3220-N-01]

Notice of Fund Availability: Service Coordinators in Section 202 Projects

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice of funding availability for Fiscal Year 1992.

SUMMARY: This Notice of Funding Availability (NOFA) announces the funding of regional lotteries for the hiring of a service coordinator in section 202 projects for the elderly and people with disabilities. Eligible projects will be selected in HUD Headquarters through the conduct of a series of lotteries involving competing applicants within each HUD Region. Residual amounts from within the regional lotteries will be combined into a national lottery involving all remaining eligible applicants. Projects also may apply to utilize residual receipts, without requesting section 8 funds. A HUD Program Notice entitled "Processing of Applications for Service Coordinators in Section 202 Housing and Monitoring of Approved Applications" (the Program Notice) is available from the HUD field offices. This program Notice describes in full HUD policy on the coordination of services in section 202 projects, provides all application forms, and fully covers the HUD field and regional offices' role in the review, selection and monitoring process.

The service coordinator will assist frail and "at risk" elderly individuals, and he/she will also serve persons with disabilities, and temporarily disabled individuals also living in section 202 housing for the elderly and people with disabilities. Eligible applicants are the borrowers/owners of projects funded under the section 202 program that are at sustaining occupancy at the time of application to HUD. If selected for funding, the applicant will enter into a HAP Contract amendment with HUD to fund a coordinator for a period of no more than five years, which may be renewed based upon need and availability of funding. Applicants may also be approved to utilize residual receipts for the purpose of funding a service coordinator.

This document contains information concerning: (a) The purpose of the NOFA; (b) eligibility, available amounts, and technical criteria, (c) application

processing, including how to apply and how selections will be made; and (d) a checklist of steps and exhibits involved in the application procedure.

DATE: The deadline date and time for submission of the service coordinator application using section 8 funds made available through the NOFA is on or before 3:30 p.m. local time at the appropriate HUD field office on June 19, 1992.

Applications utilizing ONLY residual receipts may be filed with the appropriate HUD field office at any time up to 3:30 p.m. local time at the appropriate HUD field office on September 30, 1992.

The above-stated deadlines are firm as to date and hour. In the interest of fairness to all competing applicants, the Department will treat as ineligible for inclusion in the lottery any application that is received after the deadline. Applicants should take this practice into account and make early submission of their materials to avoid any risk of loss of eligibility brought about by unanticipated delays or other delivery-related problems.

RECEIPT OF APPLICATIONS: HUD will accept applications from section 202 projects at the field office of the U.S. Department of Housing and Urban Development which is currently servicing the applicant project. A listing of HUD field offices, their addresses and telephone numbers (including TDD numbers, where available) is attached as an appendix to this NOFA. Upon receipt of the application, the field office will date-stamp it to evidence (timely or late) receipt, and upon request, provide the applicant with an acknowledgement of receipt. FAXed applications are NOT acceptable.

FOR FURTHER INFORMATION CONTACT: The HUD field office for your jurisdiction (see appendix).

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act Statement

The information collection requirements contained in this notice have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1980. OMB has approved the supportive services information collection requirements under the assigned control number 2502-0447.

The public reporting burden for the collections of information contained in this NOFA is estimated to include the time for reviewing the instruction, searching existing data sources, gathering and maintaining the data needed both to apply for the grants and to report on a regular basis to HUD (if

funded), and for completing and reviewing the collection of information.

The estimated reporting burden for the service coordinator effort is:

- 800 initial applications @ 2 hours each, 1,600 hours;
- 450 annual program reports @ 1 hour each, 450 hours;
- 22,500 individual client files @ 17 hours each, 3825 hours;
- Total burden of 5,875 hours.

I. Purpose and Substantive Description

A. Authority and Background

(1) Authority

Section 808 of the National Affordable Housing Act (NAHA) (42 U.S.C. 8012) amended section 202 of the Housing Act of 1959 (12 U.S.C. 1701q(g)). The Departments of Veterans Affairs, Housing and Urban Development and Independent Agencies Appropriations Act, 1992 (Pub. L. 102-139), amended Section 808 of NAHA.

(2) Background

Service coordinators were authorized under section 808 of NAHA in November 1990. HUD was authorized to allow service coordinators in section 202 projects in which a majority of the residents were frail, under a frailty definition established by HUD. This section also allowed HUD to allow section 202 projects to pay for 15 percent of a supportive services package out of Section 8 funds for frail elderly persons to allow them to remain in their own homes. HUD implemented the service coordinator policy through Notice H-91-42 "Service Coordinators in Section 202/8 Housing," dated May 21, 1991. Any project for the elderly and disabled which had a majority of frail residents was eligible to apply to its HUD field office and receive permission to either (1) use residual receipts to fund a service coordinator; (2) use existing section 8 amendment monies; or, use both. Due to the frailty limitation, few projects actually applied for approval. HUD has not implemented the portion of section 808 which allowed the use of section 8 funds to pay for supportive services.

The Departments of Veterans Affairs, Housing and Urban Development and Independent Agencies Appropriations Act, 1992, amended section 808 of NAHA to remove the provision that there be a majority of frail residents in a project, and appropriated specific funds for service coordinators. The conference report established the service coordinator funds as a designated line item in the HUD budget. HUD, then, established procedures which would

guarantee that the funds could be distributed in a fair and equitable manner, because there were insufficient funds to meet the expected demand. HUD Notice H-91-42 was canceled on January 22, 1992, by HUD Notice H-92-6; however, approvals for service coordinators given under Notice H-91-42 were not revoked.

The Office of Housing recognizes that there may be 5-to-6 projects or more for each one which is fundable under a lottery with the available amount of dollars. In order to target the limited service coordinator funds in the most judicious manner, therefore, it made a number of policy determinations regarding applicant eligibility. The Office of Housing also determined that, with funds in short supply, once projects were deemed eligible, all should be treated equally, without the imposition of artificial selection criteria. A lottery system was established as the fairest and simplest method under which to spread the available funds within the regions. HUD made the following policy determinations regarding applicant eligibility:

- a. The use of service coordinator funds is primarily for those projects which have forty units or more and do not have a service coordinator or service coordination/case management in place, in order to target the funds to those projects which lack current arrangements for such resources to assist their residents, and have a pool of residents sufficient to utilize a coordinator efficiently.
- b. It was necessary to limit eligibility this first year to those projects which are 75 units or larger and have reached sustaining occupancy as of the date of application. This is simply to assure that the few coordinators which can be funded go to the largest projects which can document sufficient need, as those most easily can provide a sufficient pool of frail and other residents who can be served. And, with sustaining

occupancy required, there is a sufficient flow of rent into the project to cover operating expenses and the residents are generally known. Housing recognizes, however, that two near-by projects could join forces in order to reach the minimum threshold size. Additional criteria dealing with management capability (default, final endorsement) are also used to further limit the number of potential applicants.

- c. The Office of Housing determined to limit eligibility to those projects which can document that at least 25 percent of the residents are frail or "at risk". This limitation ensures that there should be a sufficient pool of tenants who can truly benefit from a coordinator in that project, as opposed to funding any eligible project, whether or not there was a clear need.
- d. Finally, Housing also determined that the use of residual receipts to fund a service coordinator is of benefit to the residents of the project. Therefore, residual receipts must be utilized, if available, before a project may request section 8 funds for a coordinator. An applicant must document that residual receipts are insufficient to fund the coordinator completely, or in part, before any section 8 funds may be awarded.

The requirements and restrictions noted above, however, also apply to projects that apply for residual receipts without funds under the Act. First, there are a number of other possible uses of residual receipts, including some repairs and major replacements. The Office of Housing does not intend that any project with residual receipts can automatically get a coordinator, as there may not be a true need for the function, without some targeting thresholds to be met. Also, while such approvals do not have budgetary impact when initially made, at such time as the residual receipts are exhausted or are no longer available to fund a service coordinator (and such need continues), the projects would be

requesting section 8 funds to continue the coordinator, should such funds be available. As a project already approved for a coordinator, it would have priority claim to the use of funds which might be available in that year. At that point, the use of a service coordinator in the project does have budgetary impact. Thus, HUD must ensure that future budgetary impact is not being incurred now on an automatic, and unnecessary basis.

B. Allocation Amounts

The U.S. Department of Veterans Affairs, Housing and Urban Development and Independent Agencies Appropriations Act, 1992, appropriated \$16,250,000 for service coordinators. \$15,504,746 was allotted to HUD by the Office of Management and Budget. HUD will allocate the funds among the regions, as follows:

1. There are 1,201 projects of 75 units or larger, containing 149,770 units.
2. Each field office has an identified number of section 202 projects consisting of at least 75 units for the elderly and disabled. These projects and units are aggregated for all field offices in each Region to derive Regional totals.
3. The number of units in each region in projects of 75 units or more were converted to a percentage of the total national number of projects/units in the 75 unit or more category. While this method does not additionally consider the number of multi-project applications which may be submitted this year, HUD has assumed that there will not be many of them and that such applications will be submitted consistently among the regions.
4. The percentage of the total projects/units for each region was applied to the \$15,504,746 available to come up with the total dollars available for each region.

Based on the described formula, the funds were allocated to the HUD Regions as follows:

ALLOCATION OF FY 1992 SERVICE COORDINATOR FUNDS TO REGIONS

Region	Projects	Units	Dollars	Percentage
I.....	66	7,776	\$775,237	5
II.....	150	19,341	2,015,617	13
III.....	156	19,459	2,015,617	13
IV.....	240	30,533	3,100,949	20
V.....	230	29,156	3,023,426	19.5
VI.....	104	12,807	1,317,903	8.5
VII.....	64	7,377	775,237	5
VIII.....	27	3,199	310,095	2
IX.....	139	17,206	1,860,570	11
X.....	25	3,114	310,095	2
Totals.....	1,201	149,770	15,504,746	100

HUD field offices will review applications. They will be screened for completeness, followed by a threshold examination. Those applications passing the threshold examination will be reviewed by the field offices for technical acceptability. A list of applications which are technically acceptable will be sent in a report to Headquarters for possible selection.

HUD Headquarters staff will enter all eligible applications for service coordinator funds into regional lotteries. Lottery winners will be selected randomly, within regions, from among eligible applicants selected by HUD Headquarters staff from outside the Office of Housing. Eligible applicants will continue to be selected until all dollars allocated to each region have been used up. Residual amounts from the regional lotteries will be combined into a national lottery for all remaining eligible applicants.

Eligible applicants that are able to fund a service coordinator entirely from existing residual receipts may do so upon approval of the application by the field office, and will not participate in either the regional or the national lotteries.

C. Eligibility

1. Eligible Applicants

Eligible applicants are owners/borrowers of projects for the elderly and handicapped as defined in 24 CFR parts 277 or 885.

2. Eligible Housing Projects

Eligible projects under this NOFA must be section 202 or 202/8 projects which are in occupancy as of the date of application to HUD under this NOFA, and must have reached sustaining occupancy (97 percent).

The project must also contain 75 or more units (unless two owners of smaller projects in the same, immediate, geographic area submit a joint application which contains an aggregate of at least 75 units).

3. Funding Limit

The maximum fundable amount is \$25.00/unit/month.

D. Technical Acceptability

1. General

To provide each applicant a fair and equitable opportunity to use residual receipts or to receive FY 1992 funds (or both) for service coordinators, all projects which pass the threshold examination and are acceptable are eligible for inclusion in a regional lottery. Eligible applicants needing

residual receipts ONLY will not be included in the lottery.

All applications must be submitted to the appropriate HUD field office.

—Applications will be screened by HUD field office staff for completeness in accordance with sections III and IV of this NOFA, below.

—HUD field office staff will do a threshold examination of applications for eligibility, project size, percentage of frail and "at risk" residents, length of time in occupancy, sustaining occupancy, lack of current service coordination, substitution of costs, default status, final endorsement status, management capability and civil rights compliance, subject to paragraph II.D. of this notice.

—All applications that pass the threshold examination will be reviewed by HUD field office staff to determine that the application is acceptable.

2. Criteria for Application Acceptability

The following are the factors upon which the applications will be reviewed.

a. The application should state that the project is applying for section 8 funds, using residual receipts only, or proposing to use both;

b. If section 8 funds are requested, documentation should be provided that residual receipts are not sufficient to cover the costs that are proposed for section 8;

c. The application has documented that there is adequate space for confidential meetings and location to secure files, OR community space is utilized so that such usage will not affect the normal activities of the residents of the project.

d. The owner documents the need for a service coordinator;

e. The time period for the service coordinator (number of hours to be worked) corresponds with the need for the service coordinator, as described;

f. The total time requested (salary, fringe, operating expenses) is within the per unit maximum of \$25.00/unit/month;

g. The salary and other costs proposed for the first year are consistent with the local market and the rest of the management team and fringe benefits and other costs are consistent with other similar costs allowed for that organization. Costs for years 2-5 are consistent with year one less any one-time start-up costs in year one.

h. The funds requested for a service coordinator are for new time allocations and staffing, NOT to augment the salary of an existing staff person whose time on the job will not be increased;

i. The position description(s) of the service coordinator, and aides, if used, correspond to the qualifications and duties as stated in the HUD Program notice, sections VI.D and IX; and,

j. If the service coordinator is contracted out, a copy of the contract is provided and it addressed all items in section II.B(6), following; and,

k. If a multi-project application, the proposed agreement between the two sponsors/owners/borrowers addresses all items in sections II.B(1) and (7), following.

II. Application Process

A. Obtaining Application Materials

All applicants must contact the Director of Housing Management in the HUD field office which services their project(s) to obtain a copy of the HUD Program Notice, which describes the requirements for, and conditions under, which a service coordinator may be hired, and all required forms which must be submitted together with the narrative material, as stated in Section II.B, following.

The application materials will be available from through September 30, 1992.

A. Application Requirements

All applications must contain at least the following information (necessary forms are available from the HUD field office in the Program Notice):

1. A transmittal letter signed by the chairperson of the Board of Directors of the borrower(s)/owner(s).

The letter must include a statement that the request is to use: (1) Residual receipts; (2) section 8 funds available under the Act; or (3) both, if the amount of residual receipts available is non-existent or insufficient to cover the proposed of the service coordinator over its up-to-five-year term.

The letter must also state the amount requested, specifying for each year of the funding request how much is from residual receipts and how much is from funds under the Act, or both. The letter must also state the period of the term applied for of the HAP contract amendment or residual receipts approval (or both) that is being requested. The term for the application shall be a maximum of five years or the remaining length of the existing section 8 contract, whichever is less; renewal, if appropriate, may be requested at the completion of the term of the HAP contract amendment or residual receipts approval.

Finally, the letter should state that is sufficient office space available for the

coordinator (and aides, if appropriate), including space for confidential meetings and a location to secure files; OR, in cases where management proposes to utilize current community or non-commercial space for the service coordinator, the request must clearly state that the space is sufficient and will not adversely affect the normal activities of the residents of the project(s).

Attached to the letter should be documentation to show that available residual receipts are insufficient to cover the amount of any section 8 funds requested. Also attach evidence (e.g., floor plan/schematic) that the space identified in the project is sufficient and appropriate for the function.

2. An SF-424, Request for Federal Assistance (this is ONLY submitted by applicants which are requesting funds available under the Act).

3. A brief explanation of the need. At a minimum, the request must:

- a. State the estimated number of residents of the project(s) who are frail or "at-risk", as defined in the program Notice, Section VII.
- b. Document the need for the service coordinator in the projects. Examples of possible documentation are:
 - Lists of individuals (without names), citing their apparent frailties, as viewed by project management.
 - Lists of anecdotes describing incidents of frailty among different individuals.
 - Citing from assessment of individuals, if the project has them on file (assessments should NOT be conducted for the purpose of providing evidence for this application).

4. The annual salary proposed for the service coordinator, plus fringe benefits and administrative costs (which may include additional office equipment, supplies, car allowance, copying, etc.) for the first year, the amounts needed for years two through five and the total amount requested for the complete term. This amount must be within the \$25/unit/month maximum. The estimates for years two through five (or less, if the remaining term of the section 8 contract is less), may be based on an annual inflation factor of up to five percent. Any one-time, first-year start-up costs should be subtracted from year one before calculating the year two-through-five estimate.

Evidence must be submitted to demonstrate comparability of the salary with other similar positions in the local jurisdiction.

5. Position description(s) for the service coordinator (and aides, if

utilized). These must relate to the responsibilities and qualifications stated in sections VI.D and VIII of the Program Notice, and also state the relationship between the service coordinator (and aides, if any), and the project manager/administrator and other members of the management team.

6. Projects proposing to contract out for a service coordinator, must submit a copy of the ratified contract, which is subject to the funding of this application, between the borrowers/owners and the community agency, containing: The dates of the contract, the number of hours to be worked weekly, the name of the single individual assigned to the responsibility, the rate of payment, and related expenses for the work to be performed, a description of the work to be performed, consistent with section VI.D of the HUD Program Notice, location of office and meeting space and the location/security of records.

7. For two projects proposing to share a service coordinator (which may include one or more aides), submit a copy of the ratified agreement between the borrowers/owners, which is subject to the funding of this application, containing the period covered by the agreement, an explanation of how the arrangement would work, where ultimate responsibility lies for the hiring (and firing) of the coordinator (and aides), space sharing, location and security of records, payment of salary and expenses, and the allocation of days and hours between/among the housing projects.

8. Certifications for:

- a. The borrower/owner agrees to collect routinely and make available to HUD the information requested under paragraphs XIII.A and B of HUD Program Notice. The material in paragraph XIII.B must be submitted annually by mail to the field office, as a condition for continued approval of a service coordinator position.

- b. The borrower/owner must certify that the costs of services coordination, consistent with sections V and VI of the HUD Program Notice, if in place and being paid for by an entity other than HUD, are not being transferred to HUD.

- c. A Drug-free Workplace will be maintained, in accordance with the Drug-free Workplace Act of 1988 and HUD's implementing regulations at 24 CFR part 24, subpart F.

- d. Lobbying Certification Form (to be submitted if application is for \$100,000,000 or more).

- e. Prohibition Against Lobbying, Form SF-LLL, if appropriate, for applicants requesting \$100,000 or more, pursuant to section 319 of Public Law 101-121, which

prohibits recipients of Federal contracts, grants and loans from using appropriated funds for lobbying the Executive or Legislative branches of the Federal government. (The law provides substantial penalties for failure to file the required certification or disclosure.)

f. Applicant/Recipient Disclosure/Update Report, HUD-2880.

g. Compliance with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and the implementing regulations at 24 CFR part 1; the Fair Housing Act (42 U.S.C. 3600-3619) and the implementing regulations at 24 CFR parts 100, 109 and 110; section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and the implementing regulations at 24 CFR part 8; the Age Discrimination Act of 1975 (42 U.S.C. 6101-6107) and the implementing regulations at 24 CFR part 146; section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and the implementing regulations at 24 CFR part 135; Executive Order 11246 (as amended) and the implementing regulations at 41 CFR Chapter 60; the regulations implementing Executive Order 11063 (Equal Opportunity in Housing) at 24 CFR part 107; and affirmative fair housing marketing requirements of 24 CFR part 108, subpart M.

h. The borrower/owner is operating under an annual HUD-approved budget or rent increases rather than an annual adjustment factor (AAF). Should the section 8 contract provide for an AAF, the owner/borrower has agreed in writing to amend the contract to substitute the budget process for the AAF for all future rent increases.

i. The borrower/owner has an established residual receipts account. If it does not, the owner/borrower has agreed in writing to amend the project's regulatory agreement(s) to provide for a residual receipts account(s) separate from the reserve for replacement account into which future residual receipts will be deposited.

C. Submission of Applications

1. Submission to the Appropriate HUD Field Office

a. *Applicants requesting Residual Receipts Only.* Applicants shall submit an original and one copy (a FAX copy of the application is NOT acceptable) of the application to the Field Office which services the project by 3:30 p.m. local time in the accepting Field Office on September 30, 1992. Applications received in the HUD field office after the date and time stated will not be accepted, and will be returned to the sender.

Each application package must be identified on the envelope or wrapper as follows:

Director of Housing Management
Application for Service Coordinator
(Residual Receipts Only)

Due Between the dates of June 19, 1992,
and September 30, 1992.

Determination whether an application is received on time is solely the responsibility of the HUD field office of the jurisdiction in which lies the project(s) covered by the application.

b. Applicants requesting Section 8
Funds With or Without Residual
Receipts

Applicants shall submit an original and one copy (a FAX copy of the application is NOT acceptable) of the application to the Field Office which services the project by 3:30 p.m. local time in the accepting Field Office on June 19, 1992. Applications received in the HUD field office after the date and time stated will not be accepted, and will be returned to the sender.

Each application package must be identified on the envelope or wrapper as follows:

Director of Housing Management
Application for Service Coordinator
(section 8 funds)

Due on or before June 19, 1992.

Determination whether an application is received on time is solely the responsibility of the HUD field office of the jurisdiction in which lies the project(s) covered by the application.

C. Screening for Completeness (Technical Deficiencies)

Each field office will screen all applications received. This screening will determine the extent to which all necessary items have been submitted, are incomplete or missing and what items may be submitted in accordance with sections III and IV of this NOFA.

D. Threshold Examination

1. General

After the application is screened for completeness, HUD Field Offices will review them to see if they meet threshold requirements according to the process stated below.

2. Threshold Examination by HUD Field Office

After the application is screened for completeness, HUD field office staff will do a threshold examination of all applications. During this examination, an application will be rejected if:

a. It is ineligible (that is, it is not a section 202 or 202/8 project as defined in paragraph I.C (1) and (2), above.

b. It (or a group application in which

two projects in the same immediate geographic area combine) has less than 75 units;

c. It is not sustaining occupancy;
d. Less than 25 percent of the residents are documented as frail or "at risk".

e. The proposal will shift costs for a currently provided service coordinator/service coordination/case management system from the owner/borrower, third party agent or agency to HUD. (If service coordination (particularly in projects with large amounts of State or local government funds, including SSI or Medicaid payments directly to the project owner or management for the resident) is currently in-place and paid for by resources other than HUD, the costs shall NOT be shifted to HUD. This prohibition also holds for an old section 202 project approved prior to 1972 which does not utilize section 8 and in which a coordinator may be paid for out of current operating funds.);

f. The project loan is not current or not current under a HUD-approved workout arrangement. It is in default (i.e., owes either interest or amortization to HUD) AND does NOT have an approved workout agreement with HUD in which payments are current.

g. It has not been finally closed;
h. The borrower/owner, if under an annual adjustment factor (AAF), has not agreed to amend the section 8 contract to substitute the annual HUD-approved budget for rent increases.

i. The borrower/owner does not have a separate residual receipts account and has not agreed to amend the project's(s') regulatory agreement(s) to provide for same; or,

j. One or more of the following items are outstanding:

- A pending civil rights suit against the applicant (or project) brought by the Department of Justice;
- An outstanding finding of noncompliance with civil rights statutes, executive orders or regulations as a result of formal administrative proceedings;
- A charge issued by the Secretary concerned against the applicant under the Fair Housing Act, unless the applicant (or owner) is operating under a conciliation or compliance agreement designed to correct the area of non-compliance;
- A pending denial of application processing by HUD under Title VI of the Civil Rights Act of 1964, under the Attorney General's guidelines (28 CFR 50.3), and the HUD Title VI regulations (24 CFR 1.8) and procedures (HUD Handbook 8040.1).
- There exist serious, unaddressed or outstanding Inspector General audit

findings or HUD Headquarters/Field Office Management monitoring review findings or Hud Headquarters/FH&EO fair housing monitoring review findings for any of the applicant's ongoing management operations or in connection with its administration of existing grants.

- There exist serious, unaddressed or outstanding Inspector General audit findings or Hud Headquarters/FH&EO fair housing monitoring review finding for any of the applicant's ongoing management operations or in connection with its administration of existing grants; or,
- The applicant is involved in litigation which could seriously jeopardize its ability to administer the service coordinator function.

An applicant shall be rejected if one or more of the criteria (a) through (h) listed above, are met.

The field offices will notify all applicants in writing that have been rejected at the time announcement of lottery participant selections is made.

E. Review Procedures

1. General

All applications that pass the threshold examination will be reviewed for acceptability. The review will be carried out by HUD field Office staff.

2. Application Review

The review will consist of determining that the following criteria are met:

- a. The application states that the project is applying for section 8 funds designated for service coordinators, using residual receipts only, or proposing to use both.
- b. If section 8 is requested, documentation is provided that residual receipts are insufficient to cover the costs that are proposed for section 8.
- c. The application has documented that there is adequate space for confidential meetings and a location to secure files, OR community space is utilized and such use will not adversely affect the normal activities of the residents of the project(s).
- d. The borrower/owner documented the need for the service coordinator;
- e. The time period for the service coordinator (number of hours to be worked) corresponds with the need for the service coordinator, as described.
- f. The total amount requested (salary, fringe, operating expenses) is within the per \$25/unit/month maximum;
- g. The salary and other costs proposed for the first year are consistent with the local market, the rest of the management team and fringe benefits are consistent

with other similar costs allowed for that organization. Costs for years two-to five are consistent with year one, less any one-time start-up costs.

h. The funds requested for a service coordinator are for new time allocations and staffing, NOT to augment the salary of an existing staff person whose time on the job will not be increased.

i. The position description for the service coordinator relates to the responsibilities and qualifications per sections VI.D and VIII of the HUD Program Notice.

j. If the applicant proposes to contract the service coordination function, the proposed agreement between the borrower/owner and the third party agent(s) addresses all items noted in section II.B(6), above.

k. If a multi-project application, the proposed agreement between the borrowers/owners addresses all items noted in section II.B(7), above.

3. Reductions in Funding Within Applications

HUD reserves the right to reduce the amount of funding requested in any application in instances where the applicant's documentation does not justify the amounts requested. Examples of reasons to reduce initial funding requests include, but are not limited to: (1) Activities proposed are not eligible or approvable by HUD; or, (2) the field office determines that the cost of the service coordinator is not consistent with similar salaries in the local jurisdiction, is more than necessary to make the activity feasible in that jurisdiction, or, is over the per unit cap established by HUD; or, (3) there are less funds available than the amount requested. Field offices may reduce funding with appropriate documentation during technical review of the applications; Headquarters may reduce funding in the final, national lottery.

F. Submission of HUD Field Office Reports to the HUD Regional Office

After the completion of the review for technical adequacy, each HUD Field Office must submit lists to the Regional Office regarding the acceptability of applications received before the application deadline. In cases of projects using only excess residual receipts, the field office is authorized to make an agreement with these applicants regarding use of these funds. The field office shall inform the Regional office of projects recommended for agreements to use residual receipts, and proposed rejections, in a report listing those projects approved in such form as Headquarters may require. The list for projects using only residual receipts

must be submitted to the Regional office by November 15, 1992 in such form that HUD may require.

The list of those projects being considered for the lottery must be submitted to the Regional Office no later than 45 calendar days after the application deadline, also in such form as HUD Headquarters may require.

G. Regional Office Report to Headquarters

1. Projects Utilizing Only Excess Residual Receipts

The Regional office will review the field office list of all approvals and all proposed rejections and transmit the report to Headquarters. Regional staff may overturn a field office rejection if it is not documented or justified through the use of appropriate review sheet and comments for the applicable threshold examination criteria, or the criteria for technical adequacy. In such cases, the Regional office must discuss the proposed action with the appropriate field office staff and so document. The report shall be submitted to HUD Headquarters by November 30, 1992 in such form that Headquarters may require.

2. Projects Needing Funds Under the Act

The Regional Administrator shall submit a report to HUD Headquarters regarding the acceptability of applications reviewed by the field offices in the Region.

The Regional report must be submitted no later than 75 calendar days after the application deadline, in such form as HUD Headquarters may require. The report must include information regarding each application eligible for the lottery and any cases in which the Region determines to overturn a field office proposed rejection of a project. Regional staff may overturn a field office rejection if it is not documented or justified through the use of appropriate review sheet and comments for the applicable threshold examination criteria, or the criteria for technical adequacy. In such cases, the Regional office must discuss the proposed action with the appropriate field office staff and so document.

3. HUD Headquarters Review

Headquarters staff will review the Regional office reports and the lists of eligible applications. Headquarters may overturn Regional actions on rejections if not documented or justified by analysis of incorrect use of the appropriate review sheet on threshold examination criteria, or the criteria for technical adequacy. In such cases,

Headquarters must discuss the proposed action with the appropriate Regional office staff and so document after appropriate discussion with staff of the involved office(s) and with satisfactory justification and documentation.

H. Final Selection

All eligible applicants submitting technically adequate proposals and needing funds from the Act (other than those noted as preliminary screening, threshold or technical rejects) will be included in the lottery. Eligible applicants will be selected by lottery within their respective Regions by a HUD official from outside of the Office of Housing. As applicants are selected, they will be listed in order of selection within the applicant's Region, and the costs of the application will be counted against that Region's allocation.

Projects will continue to be selected in a Region until all that Region's allocation is utilized or only a small residual amount remains.

At the conclusion of the regional lottery selection process, if there are residual amounts remaining in one or more regions, these will be combined. All applicants not selected in the regional lotteries will be combined into one lottery. One or more applications will be selected by this secondary lottery until the remaining residual funds are gone.

It is possible that the last selection in the national lottery using the residual funds from the regional lotteries will need to be reduced in order to be consistent with the funds available. For example, if there is \$80,000 remaining available for a service coordinator and the next selected application is for a five-year total of 95,000, HUD may request the applicant to reduce its proposed funding level to \$80,000 or less and pick up the remaining amount as a condition for approval.

III. Checklist of Application Submission Requirements

The checklist specifies the required materials and attachments that must be submitted as part of an application, and identifies those required materials necessary to pass threshold requirements. The items noted specifically as being forms and certifications may be corrected during the technical deficiency correction period, if they meet the specifications set out in section IV of this Notice.

The Checklist is Appendix 1 of the HUD Program Notice.

IV. Correction of Deficient Applications

During the preliminary screening process, if HUD determines that an application has deficiencies involving items which are not essential for HUD's review of the proposal, the applicant will be given 14 calendar days from the date of written notification in which to correct the noted deficiencies.

The purpose of this process is to assist an applicant in completing a fundable proposal, and not to provide an opportunity for an application to be substantively improved, once it has been submitted, in the process of correcting deficiencies. Curable deficiencies relate to items that are not necessary for HUD review under threshold review or technical adequacy factors (e.g., a missing certification or missing signature or statement of which type of funds are requested). A deficiency does NOT include any substantive component of the application. Correction of deficiencies does not allow additional time to complete, amend or correct the application to overcome any substantive defects in the original submission.

Items that may be addressed during the deficiency process include but are not limited to the following:

1. Portions of the transmittal letter and attachments
2. The SF-424, Request for Federal Assistance
3. The following certifications:
 - a. Data collection;
 - b. Drug-free Workplace;
 - c. Lobbying Certification Form, if appropriate;
 - d. Applicant/Recipient Disclosure/Update Report,
 - e. Prohibition Against lobbying, Form SF-LLL, if appropriate;
 - f. Transfer of coordinator/case management costs to HUD;
 - g. Willingness to comply with appropriate civil rights acts and regulations;
 - h. Operating under the annual HUD-approved budget process or willingness to convert thereto for rent increases; and,
 - i. Having a residual receipts account separate from a reserve for replacements account, or willingness to institute one.

HUD field offices will request documents as necessary to correct deficiencies in any service coordinator application. (A FAX copy of an original document may NOT be submitted to meet any technical deficiency-correction request.) Receipt by the HUD field office of a response to a letter request to an applicant for correction of technical deficiencies must be submitted to that

field office by the close of business time in that field office by the 14th calendar day following the date on that field office's request letter to the applicant. This means (for example) that if the deficiency letter is dated June 15, 1992, the response must be received by close of business in the appropriate HUD field office on June 29, 1992. Information provided after the close of business in that field office on the fourteenth day of the correction period will not be accepted. In any such situation, the application will be rejected.

All applicants are encouraged to review the applicant's checklist provided in the HUD program Notice. The checklist identifies all technical requirements needed for application processing.

V. Other Matters

A. Environmental Impact

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332). The Finding is available for public inspection between 7:30 a.m. and 5:30 p.m. weekdays in the Office of the Rules Docket Clerk, Office of the General Counsel, Department of Housing and Urban Development, Room 10276, 451 Seventh Street SW., Washington, DC 20410.

B. Family Executive Order

The General Counsel, as the Designated Official under executive order 12606, The Family, has determined that the policies contained in this NOFA will have some significant impact on the maintenance and general well-being of families. The service coordinator can be expected to assist in the provision of supportive services which can prevent or postpone unnecessary or premature institutionalization, and reduce unnecessary stress and financial burdens, on a participant's families by allowing them to remain in their apartments. Because the impact on family concerns is wholly beneficial, no further review under the executive order is considered necessary.

C. Federalism Executive Order

The General Counsel, as the Designated Official under section 6(a) of the executive order 12612, Federalism, has determined that the policies contained in this NOFA do not have Federalism implications, and, thus, are not subject to review under the order. This NOFA is limited to providing the procedures under which HUD would

make additional staff assistance available to applicants under a program designed to provide housing assistance and insure the availability of supportive services to frail elderly individuals. The program involves intergovernmental cooperation, but in no manner will involve federal incursion upon local or state decision making, or the administration of local or state law.

D. Section 102 of the HUD Reform Act Documentation and Public Access

HUD will ensure that documentation and other information regarding each application submitted pursuant to this NOFA are sufficient to indicate the basis upon which assistance was provided or denied. This material, including any letters of support, will be made available for public inspection for a five-year period beginning not less than thirty days after the award for assistance. Material will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR part 15. In addition, HUD will include the recipients of assistance pursuant to this NOFA in its quarterly Federal Register notice of all recipients of HUD assistance awarded on a competitive basis. (See 24 CFR 12.14(a) and 12.16(b), and the notice published in the Federal Register on January 16, 1992 (57 FR 1942), for further information on these requirements.)

Disclosures

HUD will make available to the public for five years all applicant disclosure reports (HUD Form 2880) submitted in connection with this NOFA. Update reports (also Form 2880) will be made available along with the applicants disclosure reports, but in no case for a period of generally less than three years. All reports—both applicant disclosures and updates—will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR part 15. (See 24 CFR subpart C, and the notice published in the Federal Register on January 16, 1992 (57 FR 1942), for further information on these disclosure requirements.)

Subsidy-Layering Determinations

24 CFR 12.52 requires HUD to certify that the amount of HUD assistance is not more than necessary to make the assisted activity feasible after taking into account of other government assistance. HUD will make the decision with respect to each certification available to the public free of charge, for

a three-year period. (See the notice published in the *Federal Register* on January 16, 1992 (57 CFR 1942) for further information on requesting these decisions.) Additional information about applications, HUD certifications, and assistance adjustments, both before assistance is provided or subsequently, are to be made under the Freedom of Information Act 24 CFR part 15).

E. Section 103 of the HUD Reform Act

HUD's regulation implementing section 103 of the Reform Act was published on May 13, 1991 (56 FR 22088) and became effective on June 12, 1991. That regulation, codified as 24 CFR part 4, applies to the funding competition announced today. The requirements of the rule continue to apply until the announcement of the selection of successful applicants.

HUD employees involved in the review of applications and in the making of funding decisions are restrained by part 4 from providing advance information to any person (other than an authorized employee of HUD) concerning funding decisions, or from otherwise giving any applicant an unfair competitive advantage. Persons who apply for assistance in this competition should confine their inquiries to the subject areas permitted under 24 CFR part 4.

Applicants who have questions should contact the HUD Office of Ethics (202) 708-3815; TDD: 202-708-1112 (these are not toll-free numbers.) The Office of Ethics can provide information of a general nature to HUD employees, as well. However, a HUD employee who has specific program questions, such as whether particular subject matter can be discussed with persons outside the Department, should contact his or her Regional or Field Office Counsel, or Headquarters counsel for the program to which the question pertains.

F. Section 112 of the HUD Reform Act

Section 13 of the Department of Housing and Urban Development Act (section 112 of the Reform Act) contains two provisions dealing with efforts to influence HUD's decisions with respect to financial assistance. The first imposes disclosure requirements on those who are typically involved in these efforts—those who pay others to influence the award of assistance or the taking of a management action by the Department and those who are paid to provide the influence. The second restricts the payment of fees to those who are paid to influence the award of HUD assistance, if the fees are tied to the number of housing units received or are based on the amount of assistance received, or if

they are contingent upon the receipt of assistance.

Section 13 was implemented by final rule published in the *Federal Register* on May 17, 1991 (56 FR 22912), as 24 CFR part 86. If readers are involved in any efforts to influence the Department in these ways, they are urged to read the final rule, particularly the examples contained in appendix A of the rule.

Any questions regarding the rule should be directed to Arnold J. Haiman, Director, Office of Ethics, room 2158, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410. Telephone: (202) 708-3815; TDD: (202) 708-1112. (These are not toll-free numbers.) Forms necessary for compliance with the rule may be obtained from the local HUD office.

G. Prohibition Against Lobbying Activities

The use of funds awarded under this NOFA is subject to the disclosure requirements and prohibitions of section 319 of the Department of Interior and Related Agencies Appropriations Act for Fiscal Year 1990 (31 U.S.C. 1352) and the implementing regulations at 24 CFR part 87. These authorities prohibit recipients of Federal contracts, grants, or loans from using appropriated funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with a specific contract, grant, or loan. The prohibition also covers the awarding of contracts, grants, cooperative agreements, or loans unless the recipient has made an acceptable certification regarding lobbying. Under 24 CFR part 87, applicants, recipients, and sub-recipients of assistance exceeding \$100,000 must certify that no Federal funds have been or will be spent on lobbying activities in connection with the assistance.

Authority

Section 808, Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8011).

Dated: April 23, 1992.

Arthur J. Hill,

Assistant Secretary for Housing-Federal Housing Commissioner.

HUD Field Offices

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Hartford, Connecticut Office (Jurisdiction: Connecticut)

William Hernandez, Jr., Manager, HUD—Hartford Office, 330 Main Street, Hartford, Connecticut 06106-1860, (203) 240-4523, TDD (203) 240-4522

Manchester, New Hampshire Office (Jurisdiction: New Hampshire)

James Barry, Manager, HUD—Manchester Office, Norris Cotton Federal Building, 275 Chestnut Street, Manchester, New Hampshire 03101-2487, (603) 666-7681, TDD (603) 666-7518

Providence, Rhode Island Office (Jurisdiction: Rhode Island)

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Buffalo, New York Office (Jurisdiction: New York)

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Theodore Britton, Jr., Manager, HUD—Newark Office, Military Park Building, 60 Park Place, Newark, New Jersey 07102-5504, (201) 877-1662, TDD (201) 877-6649

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[FR Doc. 92-10464 Filed 5-4-92; 8:45 am]

BILLING CODE 4210-27-M