



U.S. Department of Housing and Urban Development
New York State Office
Jacob K. Javits Federal Building
26 Federal Plaza
New York, New York 10278-0068
<http://www.hud.gov/local/nyn/>

#2

Section 202 and 811 Procedures

Architecture, Engineering and Cost

GENERAL:

Notice H96-102 assumes that the non-profit development team is as dedicated and knowledgeable about housing as the typical for-profit HUD sponsor. The responsibility for program compliance and financial feasibility will be entirely assumed by the Sponsor and the development team. The project architect must submit and execute the design Architect's Certification with the Firm Commitment Application. In the Certification (Attachment C of Notice H96-102 – attached hereto) the project architect certifies that the working drawings and specifications comply with all applicable building codes, HUD regulations, Handbook requirements, as well as local, State and federal authorities.

Architectural Reference Materials (attached):

1. See Attachment C of Notice H96-102, page 2, paragraphs 5 and 6.
2. March 22, 1996 Federal Register: Part 891.120 – Project Design and Cost Standards for 202 and 811; Parts 891.120 and 891.220 for Section 202; Parts 891.310 and 891.315 for Section 811.
3. December 28, 1999 Memorandum from Robert Bassolino, Senior Project Manager regarding Subsurface Conditions for New Construction.
4. All Section 202 developments must design 5% of the total number of units for the mobility impaired elderly and an additional 2% of the total number of units for the hearing and visually impaired.
5. See HUD Project Exhibit Review – Architectural Review Checklist (dated 11/29/2006).

ARCHITECTURAL

Design Considerations. Functional project design within a limited budget is critical during project development. It is important that the owner's architect and the HUD designated architect talk with each other throughout the design development phase. Critical points:

- (a) The owner has wide latitude in designing the project as long as the project is being designed within the design and cost standards, legal requirements, the applicable codes and the available fund reservation amount.
- (b) Costs may be covered by the capital advance as long as the project is designed following the design and cost standards and other requirements as stated in Sections 891.120, 891.210, 891.220, 891.310 and 891.315 of the Section 202/811 regulations published on March 22, 1996. (attachment A) Projects may not include facilities for infirmaries, nursing stations, and spaces for overnight care (Section 202 projects) or spaces dedicated to the delivery of medical treatment, physical therapy, etc, (Section 811 projects) regardless of the source of funding.

The above references significantly alter the traditional Cost Containment policies enforced by this Office.

In order to assure that no project goes "off track", at least 2 architectural technical assistance meetings will be held.

- (1) Prior to proceeding with construction documents, the project Architect will schedule a meeting with the HUD design representative. Design development documents enumerated in attachment B must be submitted to the HUD design representative at least one week before meeting.
- (2) Prior to the submission of the Firm Commitment application, the project Architect will schedule a presubmission meeting with the HUD design representative, possibly in the Architect's office.
- (3) Further meetings, telephone calls, etc, are encouraged as required.

Processing handbooks

See the "DESIGN ARCHITECT'S CERTIFICATION" (attachment C)

Relevant considerations:

Appropriate structure type for site and occupancy
Utility type
Accessibility requirements
Need for contractor participation before final drawings
Construction contract solicitation
New requirements for Architect's Liability Insurance

A/E Cost Section 202/811

**New York Office
Design Development Submission**

- 1) Owner / Architect Agreement
- 2) Joint Work Write Up – for rehabilitation projects only
- 3) Sub-surface inspection (borings) – for new construction only. Refer to Dec. 28, 1999 Memorandum from Robert Bassolino
- 4) Site Plan, 1" = 20' minimum
- 5) Floor Plans, ¼" = 1' - 0", minimum
- 6) Front Elevation, ¼" = 1' - 0", minimum



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2AHFAM

December 28, 1999

MEMORANDUM FROM : Robert Bassolino ,RA
Senior Project Manager

SUBJECT: Subsurface Conditions for New Construction

A thorough investigation of the subsurface condition is required at exhibit review.

Borings or test pits shall be utilized to determine if foundations from demolished buildings exist in the area of proposed construction.

A survey or Sandborn map indicating any prior construction is to be submitted as part of the exhibit review.

Plans are to indicate all known subsurface construction and the specifications are to state that the removal , underpinning etc. of previous construction is the responsibility of the contractor.

COST

The sponsor/owner shall hire a professional with experience in cost estimation to prepare the construction cost analysis. The owner's hired professional shall follow the instructions in the Multifamily Underwriting Forms Catalog, and, at a minimum, provide all applicable information required on Form HUD-92264, Rental Housing Project Income Analysis and Appraisal. The construction cost analysis will conform to the 37 trade item format used in the Contractor's 2328. HUD will not provide an independent cost estimate, B/A calculation, Offsite calculation, or calculation of the costs of development or operation of excess amenities.

All projects in the New York Office will be required to submit a detailed review on individual trade items prepared in accordance with HUD's line item format as shown on Form HUD-92328, "Contractor's and/or Mortgagor's Cost Breakdown (see attachment D) In order to assure that no project cost estimate goes "off track", an estimating technical assistance meeting will be held.

- (1) Upon selection of a cost estimator, the Sponsor shall require that he schedule a meeting with the HUD cost representative, to explain the following:
 - (a) Proper use of the HUD 37 line format
 - (b) Calculation of Cost not Attributable items
 - (c) Calculation of Offsite items
 - (d) Calculation of construction cost of items in violation of Cost Containment
 - (e) Calculation of operation cost of items in violation of Cost Containment
- (2) Prior to submission of the Firm Commitment, the estimator should fax the estimate to the Design Representative for informal feedback.
- (3) Further meetings, telephone calls, etc, are encouraged as required.

It is the Sponsor's responsibility to reconcile the differences between the General Contractor and the Estimator, within a sliding scale:

7% below	\$500,000
5% below	\$1,000,000
3% below	\$5,000,000
2% below	\$10,000,000
1% above	\$10,000,000

CONSTRUCTION

Lump sum contracts may be utilized, however combined with the lack of HUD estimate, the use of a lump sum contract may significantly reduce the protections offered to a Sponsor by the program.

The HUD inspector and the HUD Design Representative will review all change orders.

Project Inspections and requisition process will continue on the present basis.

If Project costs exceed the Fund Reservation and CNA & SNA Limit cost certification will be required.

Rehabilitation means the improvement of the condition of a property from deteriorated or substandard to good condition. Rehabilitation may vary in degree from the gutting and extensive reconstruction to the cure of substantial accumulation of deferred maintenance. Cosmetic improvements alone do not qualify as rehabilitation under this definition. Rehabilitation may also include renovation, alteration, or remodeling for the conversion or adaptation of structurally sound property to the design and condition required for use under this part, or the repair or replacement of major building systems or components in danger of failure. Improvement of an existing structure must require 15 percent or more of the estimated development cost to rehabilitate the project to a useful life of 55 years.

Replacement Reserve Account means a project account into which specified funds are deposited. Such funds may be used only with the approval of the Secretary for repairs, replacement, and capital improvements to the project.

Section 202 means section 202 of the Housing Act of 1959 (12 U.S.C. 1701q), as amended, or the Supportive Housing for the Elderly Program authorized by that section.

Section 811 means section 811 of the National Affordable Housing Act (42 U.S.C. 8013), as amended, or the Supportive Housing for Persons with Disabilities Program authorized by that section.

Start-up expenses mean necessary costs (to plan a Section 202 or Section 811 project, as applicable) incurred by the Sponsor or Owner prior to initial closing.

Tenant payment to Owner equals total tenant payment less utility allowance, if any.

Total tenant payment means the monthly amount defined in, and determined in accordance with part 813 of this chapter.

Utility allowance is defined in part 813 of this chapter and is determined or approved by HUD.

Very low-income families shall have the same meaning provided in section 3(b)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437a).

§ 891.110 Allocation of authority.

In accordance with 24 CFR part 791, the Assistant Secretary will separately allocate the amounts available for capital advances for the development of housing for elderly households and for disabled households, less amounts set aside by Congress for specific types of projects, and for amendments of fund

reservations made in prior years, for technical assistance, and for other contracted services.

§ 891.115 Notice of funding availability.

Following an allocation of authority under § 891.110, HUD shall publish a separate Notice of Funding Availability (NOFA) for the Section 202 Program of Supportive Housing for the Elderly and for the Section 811 Program of Supportive Housing for Persons with Disabilities in the Federal Register. The NOFAs will contain specific information on how and when to apply for the available capital advance authority, the contents of the application, and the selection process.

§ 891.120 Project design and cost standards.

In addition to the special project standards described in §§ 891.210 and 891.310, as applicable, the following standards apply:

(a) *Property standards.* Projects under this part must comply with HUD Minimum Property Standards, unless otherwise indicated in this part.

(b) *Accessibility requirements.* Projects under this part must comply with the Uniform Federal Accessibility Standards (See 24 CFR 40.7 for availability), section 504 of the Rehabilitation Act of 1973 and HUD's implementing regulations (24 CFR part 8), and for new construction multifamily housing projects, the design and construction requirements of the Fair Housing Act and HUD's implementing regulations at 24 CFR part 100. For the Section 811 Program of Supportive Housing for Persons with Disabilities, see additional accessibility requirements in § 891.310(b).

(c) *Restrictions on amenities.* Projects must be modest in design. Amenities not eligible for HUD funding include individual unit balconies and decks, atriums, bowling alleys, swimming pools, saunas, jacuzzis, and dishwashers, trash compactors, and washers and dryers in individual units in supportive housing for the elderly or in independent living facilities for persons with disabilities. Sponsors may include certain excess amenities but they must pay for them from sources other than the section 202 or 811 capital advance. They must also pay for the continuing operating costs associated with any excess amenities from sources other than the Section 202 or 811 project rental assistance contract.

(d) *Smoke detectors.* After October 30, 1992, each dwelling unit must include at least one battery-operated or hard-wired smoke detector, in proper

working condition, on each level of the unit.

§ 891.125 Site and neighborhood standards.

All sites must meet the following site and neighborhood requirements:

(a) The site must be adequate in size, exposure, and contour to accommodate the number and type of units proposed, and adequate utilities (water, sewer, gas, and electricity) and streets must be available to service the site.

(b) The site and neighborhood must be suitable from the standpoint of facilitating and furthering full compliance with the applicable provisions of Title VI of the Civil Rights Act of 1964, the Fair Housing Act, Executive Order 11063 (27 FR 11527, 3 CFR, 1958-1963 Comp., p. 652); as amended by Executive Order 12259, (46 FR 1253, 3 CFR, 1980 Comp., p. 307)); section 504 of the Rehabilitation Act of 1973, and implementing HUD regulations.

(c) New construction sites must meet the following site and neighborhood requirements:

(1) The site must not be located in an area of minority concentration (or minority elderly concentration under the Section 202 Program) except as permitted under paragraph (c)(2) of this section, and must not be located in a racially mixed area if the project will cause a significant increase in the proportion of minority to nonminority residents (or minority elderly to nonminority elderly residents, under the Section 202 Program) in the area.

(2) A project may be located in an area of minority concentration (or minority elderly concentration, under the Section 202 Program) only if:

(i) Sufficient, comparable opportunities exist for housing for minority elderly households or minority disabled households, as applicable (or minority families, for projects funded under §§ 891.655 through 891.790), in the income range to be served by the proposed project, outside areas of minority concentration (see paragraph (c)(3) of this section for further guidance on this criterion); or

(ii) The project is necessary to meet overriding housing needs that cannot be met in that housing market area (see paragraph (c)(4) of this section for further guidance on this criterion).

(3) (i) *Sufficient* does not require that in every locality there be an equal number of assisted units within and outside of areas of minority concentration. Rather, application of this standard should produce a reasonable distribution of assisted units each year which over a period of sever

§ 891.175 Technical assistance.

For purposes of the Section 202 Program and the Section 811 Program, the Secretary shall make available appropriate technical assistance to assure that applicants having limited resources, particularly minority applicants, are able to participate more fully in the programs.

Subpart B—Section 202 Supportive Housing for the Elderly**§ 891.200 Applicability.**

The requirements set forth in this subpart B apply to the Section 202 Program of Supportive Housing for the Elderly only, and to applicants, Sponsors, and Owners under that program.

§ 891.205 Definitions.

As used in this part in reference to the Section 202 Program, and in addition to the applicable definitions in § 891.105:

Acquisition means the purchase of (or otherwise obtaining title to) existing housing and related facilities from the Resolution Trust Corporation.

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

(1) *Eating*—May need assistance with cooking, preparing, or serving food, but must be able to feed self;

(2) *Bathing*—May need assistance in getting in and out of the shower or tub, but must be able to wash self;

(3) *Grooming*—May need assistance in washing hair, but must be able to take care of personal appearance;

(4) *Dressing*—Must be able to dress self, but may need occasional assistance; and

(5) *Home management activities*—May need assistance in doing housework, grocery shopping, laundry, or getting to and from activities such as going to the doctor and shopping, but must be mobile. The mobility requirement does not exclude persons in wheelchairs or those requiring mobility devices.

Congregate space (hereinafter referred to as community space) shall have the meaning provided in section 202 (12 U.S.C. 1701q(h)(1)). The term "community spaces" excludes offices, halls, mechanical rooms, laundry rooms, parking areas, dwelling units, and lobbies. Community space does not include commercial areas.

Elderly person means a household composed of one or more persons at least one of whom is 62 years of age or more at the time of initial occupancy.

Frail elderly means an elderly person who is unable to perform at least three

activities of daily living as defined in this section. Owners may establish additional eligibility requirements acceptable to HUD based on the standards in local supportive services programs.

Owner means a single-purpose private nonprofit organization that may be established by the Sponsor that will receive a capital advance and project rental assistance payments to develop and operate supportive housing for the elderly as its legal owner. Owner does not mean a public body or the instrumentality of any public body. The purposes of the Owner must include the promotion of the welfare of the elderly. The Owner may not be controlled by or under the direction of persons or firms seeking to derive profit or gain therefrom.

Private nonprofit organization means any incorporated private institution or foundation:

(1) That has tax-exempt status under section 501(c)(3) or (c)(4) of the Internal Revenue Code of 1986 (26 U.S.C. 1 *et seq.*);

(2) No part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual;

(3) That has a governing board: (i) The membership of which is selected in a manner to assure that there is significant representation of the views of the community in which such housing is located; and (ii) That is responsible for the operation of the housing assisted under this part; and

(4) That is approved by HUD as to administrative and financial responsibility.

Services expenses means those costs needed to provide the necessary services for the elderly tenants, which may include, but are not limited to: health related activities, continuing education, welfare, informational, recreational, homemaking, meal and nutritional services, counseling, and referral services as well as transportation as necessary to facilitate access to these services.

Sponsor means any private nonprofit entity, including a consumer cooperative:

(1) No part of the net earnings of which inures to the benefit of any private shareholder, member, founder, contributor, or individual;

(2) That is not controlled by, or under the direction of, persons or firms seeking to derive profit or gain therefrom; and

(3) That is approved by the Secretary as to administrative and financial capacity and responsibility. The term

"Sponsor" does not mean a public body or the instrumentality of a public body.

§ 891.210 Special project standards.

In addition to the applicable project standards in § 891.120, resident units in Section 202 projects are limited to efficiencies or one-bedroom units. If a resident manager is proposed for a project, up to two bedrooms could be provided for the resident manager unit.

§ 891.215 Limits on number of units.

(a) HUD may establish, through publication of a notice in the Federal Register, limits on the number of units that can be applied for by a Sponsor or Co-sponsor in a single geographical region and/or nationwide.

(b) Affiliated entities that submit separate applications shall be deemed to be a single entity for purposes of these limits.

(c) HUD may also establish, through publication of a notice in the Federal Register, the minimum size of a single project.

§ 891.220 Prohibited facilities.

Projects may not include facilities for infirmaries, nursing stations, or spaces for overnight care.

§ 891.225 Provision of services.

(a) In carrying out the provisions of this part, HUD shall ensure that housing assisted under this part provides services as described in section 202 (12 U.S.C. 1701q(g)(1)).

(b) (1) HUD shall ensure that Owners have the managerial capacity to perform the coordination of services described in 12 U.S.C. 1701q(g)(2).

(2) Any cost associated with this paragraph shall be an eligible cost under the contract for project rental assistance. Any cost associated with the employment of a service coordinator shall also be an eligible cost, except if the project is receiving congregate housing services assistance under section 802 of the National Affordable Housing Act. The HUD-approved service costs will be an eligible expense to be paid from project rental assistance, not to exceed \$15 per unit per month. The balance of service costs shall be provided from other sources, which may include co-payment by the tenant receiving the service. Such co-payment shall not be included in the Total Tenant Payment.

§ 891.230 Selection preferences.

For purposes of the Section 202 Program, the selection preferences in 24 CFR part 5, subpart D apply.

Subpart C—Section 811 Supportive Housing for Persons With Disabilities

§ 891.300 Applicability.

The requirements set forth in this subpart C apply to the Section 811 Program of Supportive Housing for Persons with Disabilities only, and to applicants, Sponsors, and Owners under that program.

§ 891.305 Definitions.

As used in this part in reference to the Section 811 Program, and in addition to the applicable definitions in § 891.105:

Acquisition means the purchase of (or otherwise obtaining title to) existing structures to be used as housing for persons with disabilities, including housing and related facilities from the Resolution Trust Corporation. Capital advances are not available in connection with facilities owned and operated by the Sponsor as housing for persons with disabilities.

Congregate space (hereinafter referred to as *community space*) means space for multipurpose rooms, common areas, and other space necessary for the provision of supportive services. Community space does not include commercial areas.

Disabled household means a household composed of:

(1) One or more persons at least one of whom is an adult (18 years or older) who has a disability;

(2) Two or more persons with disabilities living together, or one or more such persons living with another person who is determined by HUD, based upon a certification from an appropriate professional (e.g., a rehabilitation counselor, social worker, or licensed physician) to be important to their care or well being; or

(3) The surviving member or members of any household described in paragraph (1) of this definition who were living in a unit assisted under this part, with the deceased member of the household at the time of his or her death.

Nonprofit organization means any institution or foundation:

(1) That has tax-exempt status under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 1 *et seq.*);

(2) No part of the net earnings of which inures to the benefit of any Board member, founder, contributor, or individual;

(3) That has a governing board;

(i) The membership of which is selected in a manner to assure that there is significant representation of the views of the community in which such housing is located (including persons with disabilities); and

(ii) That is responsible for the operation of the housing assisted under this part; and

(4) That is approved by HUD as to financial responsibility.

Owner means a single-purpose nonprofit organization established by the Sponsor that will receive a capital advance and project rental assistance payments to develop and operate, as its legal owner, supportive housing for persons with disabilities under this part. The purposes of the Owner must include the promotion of the welfare of persons with disabilities. The Owner may not be controlled by or under the direction of persons or firms seeking to derive profit or gain therefrom.

Person with disabilities shall have the meaning provided in Section 811 (42 U.S.C. 8013(k)(2)). The term "*person with disabilities*" shall also include the following:

(1) A person who has a developmental disability, as defined in section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(5)), i.e., if he or she has a severe chronic disability which:

(i) Is attributable to a mental or physical impairment or combination of mental and physical impairments;

(ii) Is manifested before the person attains age twenty-two;

(iii) Is likely to continue indefinitely;

(iv) Results in substantial functional limitation in three or more of the following areas of major life activity:

(A) Self-care;

(B) Receptive and expressive language;

(C) Learning;

(D) Mobility;

(E) Self-direction;

(F) Capacity for independent living;

(G) Economic self-sufficiency; and

(v) Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of lifelong or extended duration and are individually planned and coordinated.

(2) A person with a chronic mental illness, i.e., a severe and persistent mental or emotional impairment that seriously limits his or her ability to live independently, and which impairment could be improved by more suitable housing conditions.

(3) A person infected with the human acquired immunodeficiency virus (HIV) and a person who suffers from alcoholism or drug addiction, provided they meet the definition of "*person with disabilities*" in Section 811 (42 U.S.C. 8013(k)(2)). A person whose sole impairment is a diagnosis of HIV positive or alcoholism or drug addiction (i.e., does not meet the qualifying

criteria in section 811 (42 U.S.C. 8013(k)(2)) will not be eligible for occupancy in a section 811 project.

Sponsor means any nonprofit entity:

(1) That has tax-exempt status under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 1 *et seq.*);

(2) No part of the net earnings of which inures to the benefit of any private shareholder, member, founder, contributor or individual;

(3) That is not controlled by or under the direction of persons or firms seeking to derive profit or gain therefrom;

(4) That has a governing board the membership of which is selected in a manner to assure that there is significant representation of the views of persons with disabilities; and

(5) That is approved by HUD as to administrative and financial capacity and responsibility.

§ 891.310 Special project standards.

In addition to the applicable project standards in § 891.120, the following special standards apply to the Section 811 Program and to projects funded under §§ 891.655 through 891.790:

(a) **Minimum group home standards.**

Each group home must provide a minimum of 290 square feet of prorated space for each resident, including a minimum area of 80 square feet for each resident in a shared bedroom (with no more than two residents occupying a shared bedroom) and a minimum area of 100 square feet for a single occupant bedroom; at least one full bathroom for every four residents; space for recreation at indoor and outdoor locations on the project site; and sufficient storage for each resident in the bedroom and other storage space necessary for the operation of the home. If the project involves acquisition (with or without rehabilitation), the structure must at least be in compliance with applicable State requirements. In the absence of such requirements, the above standards shall apply.

(b) **Additional accessibility requirements.** In addition to the accessibility requirements in § 891.120(b), the following requirements apply to the Section 811 Program and to projects funded under §§ 891.655 through 891.790:

(1) All entrances, common areas, units to be occupied by resident staff, and amenities must be readily accessible to and usable by persons with disabilities.

(2) In projects for chronically mentally ill individuals, a minimum of 10 percent of all dwelling units in an independent living facility (or 10 percent of all bedrooms and bathrooms in a group home, but at least one of each such space), must be designed to be

accessible or adaptable for persons with disabilities.

(3) In projects for developmentally disabled or physically disabled persons, all dwelling units in an independent living facility (or all bedrooms and bathrooms in a group home) must be designed to be accessible or adaptable for persons with physical disabilities. A project involving acquisition and/or rehabilitation may provide a lesser number if:

(i) The cost of providing full accessibility makes the project financially infeasible;

(ii) Fewer than one-half of the intended occupants have mobility impairments; and

(iii) The project complies with the requirements of 24 CFR 8.23.

(4) For the purposes of paragraph (b) of this section, the following definitions apply:

(i) *Accessible* describes a site, building, facility, or portion thereof that complies with the Uniform Federal Accessibility Standards and that can be approached, entered, and used by physically disabled people;

(ii) *Adaptability* means the ability of certain building spaces and elements, such as kitchen counters, sinks, and grab bars, to be added or altered so as to accommodate the needs of either disabled or nondisabled persons, or to accommodate the needs of either disabled or nondisabled persons, or to accommodate the needs of persons with different types or degrees of disability.

§ 891.315 Prohibited facilities.

This section shall apply to capital advances under the Section 811 Program, as well as loans financed under subpart E of this part. Project facilities may not include infirmaries, nursing stations, spaces dedicated to the delivery of medical treatment or physical therapy, padded rooms, or space for respite care or sheltered workshops, even if paid for from sources other than the HUD capital advance or loan. Except for office space used by the Owner (or Borrower, if applicable) exclusively for the administration of the project, project facilities may not include office space.

§ 891.320 Site and neighborhood standards.

In addition to the requirements in § 891.125 and § 891.680, if applicable, the following site and neighborhood requirements apply to the Section 811 Program:

(a) Travel time and cost via public transportation or private automobile, from the neighborhood to places of employment providing a range of jobs

for very low-income workers (or low-income workers, as applicable), must not be excessive.

(b) Projects should be located in neighborhoods where other family housing is located. Projects should not be located adjacent to the following facilities, or in areas where such facilities are concentrated: schools or day-care centers for persons with disabilities, workshops, medical facilities, or other housing primarily serving persons with disabilities. Not more than one group home may be located on any one site and no such home may be located on a site contiguous to another site containing such a home.

§ 891.325 Lead-based paint requirements.

In addition to the other Federal requirements described in § 891.155, the following lead-based paint requirements apply to the Section 811 Program and to projects funded under §§ 891.655 through 891.790:

(a) The requirements of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821-4846) and implementing regulations at 24 CFR part 35 (except as superseded in paragraph (b) of this section) apply to the dwellings (except zero-bedroom dwelling units or units that are certified by a qualified inspector to be free of lead-based paint or the lead-based paint hazards have been eliminated) in housing assisted under this subpart and to projects funded under §§ 891.655 through 891.790 that:

(1) Were constructed before 1978; and

(2) In which any child under 6 years of age resides or is expected to reside.

(b) (1) This paragraph (b) implements the provisions of the Lead-Based Paint Poisoning Prevention Act, 42 U.S.C. 4821 et seq., by establishing procedures to eliminate, as far as practicable, the hazards of lead-based paint poisoning with respect to covered structures for which assistance is provided under the Section 811 Program and under §§ 891.655 through 891.790. This paragraph (b) is promulgated under 24 CFR 35.24(b)(4) and supersedes, with respect to these programs, the requirements prescribed in subpart C of 24 CFR part 35.

(2) The following definitions apply to this section:

Applicable surface means all intact and nonintact painted interior and exterior surfaces of a residential structure.

Chewable surface means all protruding painted surfaces up to five feet from the floor or ground, that are readily accessible to children under 6 years of age, e.g., protruding corners,

windowsills and frames, doors and frames, and other protruding woodwork.

Defective paint surfaces means a surface on which the paint is cracking, scaling, chipping, peeling, or loose.

Elevated blood lead level or EBL means excessive absorption of lead; that is, a confirmed concentration of lead in whole blood of 20 ug/dl (micrograms of lead per deciliter) for a single test or of 15-19 ug/dl in two consecutive tests 3-4 months apart.

Lead-based paint means a paint surface, whether or not defective, identified as having a lead content greater than or equal to 1 mg/cm² (milligram per square centimeter) or .5 percent by weight or 5000 parts per million (PPM).

(3) In the case of a structure constructed before 1978, the Sponsor must inspect the structure for defective paint surfaces before it submits site information. If defective paint surfaces are found, treatment in accordance with paragraph (a)(5) of this section is required. Correction of defective surfaces found during the initial inspection must be completed before initial occupancy of the project. Correction of defective paint conditions discovered at periodic inspection must be completed within 30 calendar days of their discovery. When weather conditions prevent completion of repainting of exterior surfaces within the 30-day period, repainting may be delayed, but covering or removal of the defective paint must be completed within the prescribed period.

(4) In the case of a structure constructed before 1978, if the Owner (or Borrower, if applicable) is presented with test results that indicate that a child under the age of 6 years occupies the structure and has an elevated blood lead level (EBL), the Owner (or Borrower, if applicable) must cause the unit to be tested for lead-based paint on chewable surfaces. Testing must be conducted by a State or local health or housing agency, by an inspector certified or regulated by a State or local health or housing agency, or an organization recognized by HUD. Lead content shall be tested by using an X-ray fluorescence analysis (XRF) or by laboratory analysis of paint samples. Where lead-based paint on chewable surfaces is identified, covering or removal of the paint surface in accordance with paragraph (a)(5) of this section is required and treatment shall be completed within the time limits in paragraph (b)(3) of this section.

(5) Treatment of defective paint surfaces and chewable surfaces must consist of covering or removal of the

DESIGN ARCHITECT'S CERTIFICATION

For use in HUD's Section 202 Supportive Housing for the Elderly and Section 811 Supportive Housing for Persons with Disabilities Programs

The following certification shall be submitted at the Firm Commitment Application stage of processing and shall be completed by the licensed professional executing the Owner-Architect Agreement (AIA Document B-181) with HUD Amendment (Form HUD 90169-CA).

Owner: _____
HUD Project No.: _____
Project Name: _____
Project Address: _____

I, _____, Registered Architect, do hereby certify that I have personally prepared, reviewed and/or supervised the preparation of the Working Drawings and Specifications for this project. I further certify that, to the best of my knowledge, the Working Drawings and Specifications comply with the applicable building codes specified below and have been prepared in accordance with HUD regulations, Handbook requirements and guidelines as identified below.

- A. The attached Working Drawings and Specifications are:
1. For the project identified above, which is described as follows: (Describe project by indicating number and types of units, etc.)

2. Identified as _____
(Identify Working Drawings and Specifications by inserting information normally found in the Title Block of drawings.)

3. In compliance with Local, State or Model Building Code: (Specify name and year.)

4. In compliance with other Laws, Ordinances, Exceptions, Deletions, Waivers, Additions, etc., required or granted by the appropriate Local, State, and/or Federal authority (attached herewith).

5. In compliance with the (1) Uniform Federal Accessibility Standards and HUD's implementing regulations at 24 CFR Part 40; (2) Section 504 of the Rehabilitation Act of 1973 and HUD's implementing regulations at 24 CFR Part 8; (3) Fair Housing Act of 1988 and HUD's implementing regulations at 24 CFR Part 100 for covered multifamily dwellings designed and constructed for first occupancy after March 13, 1991; and (4) the Americans Disabilities Act of 1990.

6. In compliance with HUD's (1) current Minimum Property Standards (Handbook 4910.1); (2) design and cost standards as contained in 24 CFR, Sections 891.120 (applicable to both Section 202 and Section 811 projects), 891.210 and 891.220 (Section 202 projects only), 891.310 and 891.315 (Section 811 projects only); and (3) current Handbooks 4571.5 Section 202 Supportive Housing for the Elderly, 4571.4 Section 811 Supportive Housing for Persons with Disabilities and 4460.1 REV-1, Architectural Analysis and Inspections for Project Mortgage Insurance.

B. Professional liability insurance in a minimum amount of \$50,000 (Section 811) or \$250,000 (Section 202) for the signatory/firm below covering errors and omissions is in force and will remain in force through the construction of the project and for a period of 3 years after project completion.

C. Three sets of the Working Drawings and Specifications which are properly and legally dated, sealed and signed by the Design Architect and professional Engineer responsible for each design component, i.e., consultant's seal and signature for engineering divisions such as civil, structural, electrical, mechanical, plumbing, etc., are attached.

Signature: _____ Date: _____

(Print or Type Name)

Name of Firm: _____

Business Address: _____

Telephone No.: () _____

License Number: _____

(SEAL)

WARNING: Title 18 U.S.C., Sections 1001 and 1010, provides in part that whoever knowingly and willfully makes or uses a document containing any false, fictitious, or fraudulent statement or entry, in any matter in the jurisdiction of any Department or agency of the United States, shall be fined not more than \$10,000 or imprisoned for not more than five years or both. A false statement shall constitute a violation of Sections 1010 and 1010 of Title 18 U.S.C.

HUD Project Exhibit Review

Project Name:	Arch. Rep:
Project Number:	Telephone:
Exhibit Review:	Date Reviewed:
Drawing dates:	Specification dates:

Architectural Review Comments

- 1. Provide names, addresses and signature line of "Owner", "Architect", "Contractor", and "Bonding Company" on the title page of the drawings and the specifications.
- 2. Provide HUD project number on every drawing
- 3. All pages of the final drawings and the cover sheet of the specifications set shall be sealed and signed by an architect or engineer. HUD HB 4460.1 Rev-2 Sec 2-2, 12e; page 2-5
- 4. Drawings and Specifications shall all be numbered consecutively and have the latest revision date.
- 5. Include a topographic survey; HUD Handbook 4460.1- Rev2, into the project drawings.
- 6. Provide H/C accessible areas outside of congregation areas.
- 7. Provide drawing which delineates expansion and cold joints in concrete sidewalks and patios. Provide starting points, dimensions and locations of joints
- 8. Windows to comply with International Building Code for non NYC locations
- 9. Sprinklers; (NFPA) National Fire Protection Assoc. #101 Life Safety Code 94'; Sec 18-3.5 Extinguisher Requirements
- 10. Provide automatic limit valve control (110 degree max); HUD HB 4910.1 100-2.17
- 11. Include soil test borings locations, results and report in drawings or specifications.
- 12. Provide Survey Report/Certificate Form 92457
- 13. Provide an executed AIA B181 1994 ed., - "Owner & Architect Agreement" in the application HUD HB 4460.1 Rev.2, paragraph 1-5, C.5.a-b & Charles Williams letter dated August 8, 2006

<input type="checkbox"/>	Delete & sign/initial	1994 Ed. Article 7
<input type="checkbox"/>	Delete & sign/initial- Termination Expenses.	1994 Ed. Article 8; paragraph 8.7
<input type="checkbox"/>	Delete & sign/initial- Reimbursables.	1994 Ed. Article 10; paragraph 10.2.1 & 10.3.1
<input type="checkbox"/>	Delete & sign/initial- Additional Services.	1994 Ed. Article 11; paragraph 11.3.2
<input type="checkbox"/>	Delete & sign/initial- Additional Services.	1994 Ed. Article 11; paragraph 11.3.3
<input type="checkbox"/>	Delete & sign/initial- Reimbursables.	1994 Ed. Article 11; paragraph 11.4.1
- 14. Provide the "Amendment to AIA B181" HUD Form 90169-CA
- 15. Eliminate the rider to the B181 standard form of agreement
- 16. Provide evidence of permissible zoning
- 17. Provide the "Design Architectural Certification"; HUD Notice 96-102 - Attachment "C"
- 18. Provide "Certificate of Professional Liability Insurance"; per HUD Notice 96-102.

19. Include an AIA A201 1997 ed. (not the 1987 ed.), "General Conditions...", in the project specification. Per Charles Williams letter dated August 8, 2006
- Delete & sign/initial- Mediation 1997 Ed. Article 4.5
- Delete & sign/initial- Arbitration. 1997 Ed. Article 4.6
20. Include an HUD 2554, "Supplementary to the General Conditions of the Contract for Construction," in the project specifications.
21. Excavation is to be included into the specifications.
22. Specifications to include current Davis Bacon wage rates synonymous with the date of the initial closing.
23. Other:

H/C Accessibility Comments

The Uniform Federal Accessibility Standards (UFAS) document sets the standards for facility accessibility by physically handicapped persons for Federal and federally funded facilities. These standards are to be applied during the design, construction, and alteration of buildings and facilities the extent required by the architectural barriers Act of 1968, as amended. A copy of UFAS can be ordered online through www.hud.gov

General:

24. Label the location of all Handicapped and hearing/visual impaired units on drawings
25. 202 Program Standard-
- A. Requires min. of 5% of the total units must be H/C accessible.
- B. 2% or minimum of one to be installed for the Hearing or Visual Impaired per HUD HB 4571.5; Page 1-21; Para 1-16; Memorandum July 3, 89'; Sec. 504 of the Rehab. Act.
26. 811 Program Standard-
- A. Requires min. of 10% H/C accessible units for new CMI; HUD HB 4571.4 (page 1-30)
- B. Requires min. of 100% H/C accessible units for new DD/PD; HUD HB 4571.4 (page 1-31)
- C. 2% or min. of one to be installed for the Hearing or Visual Impaired (**if planned tenant has these needs**) HUD HB 4571.4; Page 1-21; Para 1-16; Memorandum July 3, 89'; Sec. 504 of the Rehab. Act.
- D. Waiver required to have only one building H/C accessible
27. Heating for 10 or more living units requires 2 parallel connected boilers; HUD HB 4910.1 100.2.15
28. Emergency lighting; HUD HB. 4910.1 100-2.10
29. Emergency call system if 20 or more units; HUD HB 4910.1 100-2.20
30. Smoke and carbon monoxide detectors to be hard wired; Code of Federal Register #41, part 101-6
31. Electric to be individually metered per unit; NYS Energy Conservation Code
32. Space allowance and reach ranges; UFAS 4.2
33. Stairs; UFAS 4.9; HUD HB 4910.1 100-2.8
34. Elevators; UFAS 4.10; HD HB 4910.1 100-2.9
35. Other

Exterior:

- 36. Show locations for H/C parking spaces and verify an accessible route to at least One (1) - Bldg. entry - per UFAS 4.7., & Fair Hsg. Act, CFR, Part 100, Subpart D, Sec. 100.205.
- 37. Parking and Passenger Loading Zones; UFAS 4.6, Fig. 9 & 10
- 38. Curb Ramps; UFAS 4.7 - Figs. 11, 12, & 13
- 39. Ramps; UFAS 4.8 - Figs. 16; HUD HB 4910.1 100-2.2
- 40. Walks to have max gradient 5%; HUD HB 4910.1 100-2.2
- 41. Exterior steps if more than 24" rise; HUD HB 4910.1 100-2.1
- 42. Other

Interior Public Spaces:

- 43. Corridors; HUD HB 4910.1 100-2.7 a,b
- 44. Doors; UFAS 4.13
- 45. Drinking Fountain and Water Coolers; UFAS 4.15
- 46. Toilets Stalls; UFAS 4.17
- 47. Other

Dwelling Units:

- 48. Provide 1/2" dimensioned elevations & plans for bathrooms & kitchens for handicapped verification.
- 49. Water Closets; UFAS 4.16
- 50. Lavatories & Mirrors; UFAS 4.19
- 51. Bathtubs; UFAS 4.20; HUD HB 100-2.6
- 52. Shower Stalls; UFAS 4.21; HUD HB 4910.1, Para. 100-2.6
- 53. Storage; UFAS 4.25
- 54. Handrails, Grab Bars, and Tub and Shower Seats; UFAS 4.26
- 55. Halls & Corridors; HUD HB 100-2.7
- 56. Controls and Operating Mechanisms; UFAS 4.27
- 57. Alarms; UFAS 4.28
- 58. Dwelling Units; UFAS 4.34
- 59. Other: