



Commonwealth of Massachusetts
**DEPARTMENT OF HOUSING &
COMMUNITY DEVELOPMENT**

Charles D. Baker, Governor ◆ Karyn E. Polito, Lieutenant Governor ◆ Janelle L. Chan, Undersecretary

Public Housing Notice 2019-09

To: All Local Housing Authority Executive Directors

From: Amy Stitely, Associate Director, Division of Public Housing

Subject: Notice of Funding Availability – Accessible Unit Initiative

Date: April 17, 2019

1. Overview

DHCD is committed to the goal of improving availability of accessible units across entire state-aided portfolio and making yearly progress toward the ultimate goal of reaching the 5% accessible unit standard. We are therefore pleased to announce that \$3M in funding is available in FY21 and \$3 M in FY22 for bringing family and elderly public housing units up to the standards of current Massachusetts Architectural Access Board (MAAB) and American with Disabilities Act (ADA) codes (and Fair Housing Act and Uniform Federal Accessibility Standards where applicable). The funding for this initiative is separate and above the existing 1% Formula Funding set-aside for reasonable accommodations and the DHCD compliance reserve.

In FY14 & FY16, DHCD granted a combined \$6.2M under this initiative, which resulted in 39 new accessible units (conversions of existing units) at LHAs that previously had none at their family and/or elderly state-aided developments.

DHCD is now making a longer term commitment to addressing the lack of accessible units at many housing authorities. This NOFA will commit \$3 M annually in FY21 and FY22, and subject to funding availability DHCD plans to continue this level of commitment for at least 5 years. This initial round of awards will prioritize awards at LHAs that have no accessible units in their **federal or state** public housing portfolio, followed by those with no accessible units in their **state-funded** public housing portfolio.

2. Eligibility Criteria:

Due to limited funding availability, DHCD will only be granting awards to LHAs that meet the following threshold criteria:

- **LHA has zero fully accessible units** in their state-funded public housing portfolio. Within this group, LHAs that have no accessible units within their combined state & Federal public housing portfolio will be prioritized.

And

- **No pending capital projects to create accessible units** for the proposed population;

And/Or

- **LHA has prior, pending, and/or potential litigation or administrative complaints** concerning lack of accessible units at developments.

OR

- **LHA has at least one** accessible unit its portfolio, but has zero accessible units in a program, either Ch. 667 or Family (combined Ch. 705 & 200), that has at least 100 units.

NOTE – a unit is only considered accessible for the purposes of this application if it has been evaluated by the Contractor for the 2014-2015 Facility Condition Assessment (FCA) and rated “Accessible” or “Adaptable” OR Has been newly constructed/renovated as accessible since 2015.

For Unit Counts, please see Attachment B – Accessible Unit Counts by LHA. LHAs may also contact DHCD to reconcile accessible unit definitions.

3. Funding Availability and Award Limits: There is \$3M available for this initiative in FY21 and \$3 M in FY22, and DHCD anticipates repeating this initiative annually or biannually thereafter. In order to fund as many units as possible, awards will be limited to:

- A maximum of \$150,000 total development cost (TDC) per elderly unit
- A maximum of \$300,000 TDC per family unit

LHAs may pursue an accessible unit project that exceeds this per unit cost limit only if they can apply formula funding or other funds to make up the difference. Please note that the per unit award limit applies to both new construction and conversion projects.

DHCD will only fund accessible unit projects that bring the LHA up to the 5% baseline. For example, if an LHA has 100 elderly units, then an award will cover *a maximum* of five accessible elderly unit projects. At this time, however, the primary goal is to ensure all LHAs have at least one accessible unit, with exceptions made for cost-effectiveness of creating multiple accessible units with one project.

4. Preconditions for funding: In order to receive an award under this initiative, an LHA must incorporate the accessibility project into an updated ADA/Section 504 self-evaluation/transition plan. LHAs must submit a copy of the existing plan with their application. For more information on self-evaluation/transition plans, please see guidance on DHCD’s Fair Housing and Civil Rights information webpage:

<http://www.mass.gov/hed/community/planning/fair-housing-and-civil-rights-information.html>.

5. Criteria for Prioritizing Awards: DHCD anticipates that there will be more requests for funding than there will be funds available. Applications will, therefore, be evaluated according to the following considerations:

- LHA’s supply of accessible units (% available for each population served);

- Prior, pending, and/or potential litigation or administrative complaints concerning lack of accessible units at developments;
- Need/demand for accessible units, as demonstrated by waitlist and/or local/regional data;
- Ability to convert unit for a reasonable cost, per estimated scope;
- The ability to create a unit without reducing the number of units at the development;
- Total number of units that would be taken offline in renovation and would require tenant relocation;
- Consistency with LHA's ADA self-evaluation and transition plan;
- LHA's capacity to successfully manage and execute capital improvement projects; and
- LHA's ability to leverage other non-DHCD funding sources for the project.

6. Application Process: Applications are due by 5 pm, Wednesday, July 17th, 2019. Please email completed application and attachments to dhcddesignsubmissions@mass.gov . Please write "Accessible Unit Application – LHA Name" in the subject line. Late submissions will only be reviewed as funding permits.

Applications should include the following:

- A) Completed Application (Attachment A);
- B) Detailed scope of work that backs up project cost data;
- C) Copy of LHA's ADA self-evaluation and transition plan;
- D) 1-page (maximum) letter indicating need and priority for accessible unit award;
- E) A board vote of application approval, as evidenced by a certified extract from the minutes of the board meeting;
- F) A letter from the head of the tenant organization(s) or representative of tenants that demonstrates evidence of compliance with tenant participation regulations (760 CMR 11.10). If no letter can be obtained, then the LHA director may instead submit a letter certifying that tenants were offered the opportunity to be involved in setting the needs and priorities of the application.

Please submit any questions about the FY19 Accessible Unit Initiative and application to Bureau Director Ben Stone ben.stone@mass.gov by May 1, 2019. Answers will be posted as addendum to this PHN by May 16, 2019.

Attachment A: 2019 Accessible Unit Initiative Application

Attachment B: Accessible Unit Counts by LHA