# Consolidated Plan

2010 Addendum: Neighborhood Stabilization Program Round 3





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# **Contents**

Part I.	NSP3 Action Plan 3
1.	NSP3 Grantee Information
2.	Areas of Greatest Need
3.	Definitions and Descriptions
4.	Low-Income Targeting6
5.	Acquisition and Relocation
6.	Public Comment
7.	NSP Information by Activity
8.	Certifications
Appen	dix: NSP3 Action Plan Contents Checklist
1.	NSP3 Grantee Information
2.	Areas of Greatest Need
3.	Definitions and Descriptions
4.	Low-Income Targetingi
5.	Acquisition & Relocationi
6.	Public Commenti
7.	NSP Information by Activityi
8.	Certificationsii
9.	Additional Documentationii





# The City of New York 2010 Consolidated Plan Substantial Amendment Addendum - Neighborhood Stabilization Program-Round 3 (NSP-3) February 10, 2011

This is the City of New York's 2010 Consolidated Plan: Addendum – Neighborhood Stabilization Program-Round 3 which serves as the City of New York's official 2010 application to the U.S. Department of Housing and Urban Development (HUD) Office of Community Planning and Development for the Community Development Block Grant (CDBG) formula entitlement program subgrant: Neighborhood Stabilization Program-Round 3 (NSP-3).

The Neighborhood Stabilization Program-Round 3 (NSP-3) was created by Congress under the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) regulation Sec. 1497(a) to provide grants to States and localities for the redevelopment of foreclosed and abandoned homes and residential properties. The grants are intended to prevent further declines in neighborhoods most severely impacted by foreclosures.

The City of New York is expected to receive \$9,787,800 in NSP-3 funds which must be used to undertake any or all of the following eligible activities:

- establish financing mechanisms for purchase and redevelopment of foreclosed upon homes and residential properties, including such mechanisms as soft-seconds, loan loss reserves, and shared-equity loans for low- and moderate-income homebuyers;
- purchase and rehabilitate homes and residential properties that have been abandoned or foreclosed upon, in order to sell, rent, or redevelop such homes and properties;
- establish land banks for homes that have been foreclosed upon;
- demolish blighted structures; and
- redevelop demolished or vacant properties.

The NYC Department of Housing Preservation and Development will administer the Program for the City.

According to the Dodd-Frank Act, NSP-3 is to be considered a subgrant of the United States Department of Housing and Urban Development's (HUD's) Community Development Block Grant (CDBG) entitlement program, and therefore bound to HUD's Consolidated Plan regulations. Under existing Consolidated Plan citizen participation regulations, substantial amendments to an approved Plan are required to undergo a 30-day comment period. However, in order to expedite the localities receiving the funds, Congress has waived this regulation and requires the Program to undergo only a 15-day public review period instead.

The Public Comment period began Thursday, February 10 and ends Thursday, February 24, 2011. All comments received at the end of the comment period (close of business) will be summarized and the

City's responses incorporated into the 2010 Consolidated Plan amendment addendum for submission to HUD.

The City of New York must submit the amendment by March 1, 2011 in order to be eligible to receive its allocation.

Written comments and any questions regarding the amended 2010 Consolidated Plan: Addendum - Neighborhood Stabilization Program-Round 3 (NSP-3) may be directed to:

## Arden Sokolow

Director of Distressed Asset Finance NYC Department of Housing Preservation and Development 100 Gold Street, Room 9S-7, New York, NY 10038 Phone: 212-863-6196

Email: sokolowa@hpd.nyc.gov

# 1. NSP3 Grantee Information

NSP3 Program Administrator Contact Information		
Name (Last, First)	Sokolow, Arden	
Email Address	sokolowa@hpd.nyc.gov	
Phone Number	212-863-6196	
Mailing Address	100 Gold Street, New York, NY 10038	

# 2. Areas of Greatest Need

# **Map Submission**

The map generated at the HUD NSP3 Mapping Tool for Preparing Action Plan website is included as an attachment.

# Data Sources Used to Determine Areas of Greatest Need

# Describe the data sources used to determine the areas of greatest need.

#### Response:

In determining the areas of greatest need the City relied on data provided through the HUD NSP3 mapping tool and from the Housing New York City, 2005 report. The report is summarized at <a href="http://www.nyc.gov/html/hpd/downloads/pdf/HVS-report-2005.pdf">http://www.nyc.gov/html/hpd/downloads/pdf/HVS-report-2005.pdf</a> and available for purchase at <a href="http://a856-citystore.nyc.gov/2/Municipal-Publications/12/Surveys-Reports/633/Housing-New-York-City-2005">http://a856-citystore.nyc.gov/2/Municipal-Publications/12/Surveys-Reports/633/Housing-New-York-City-2005</a>. The data used in determining the areas of greatest need focuses on income and rent as a proportion of income and includes:

- the percentage of persons earning less than 80% of AMI as provided via the HUD NSP3 mapping tool
- the percentage of persons earning less than 120% of AMI as provided via the HUD NSP3 mapping tool
- the percentage of households in the relevant sub-borough area with incomes below \$10,000, as provided by the Housing New York City, 2005 report.
- the percentage of households in the relevant sub-borough area with incomes between \$10,000 and \$24,999, as provided by the Housing New York City, 2005 report.
- the percentage of renter households in the relevant sub-borough area with gross rent to income ratios of more than 30% of income, as provided by the Housing New York City, 2005 report.
- the percentage of renter households in the relevant sub-borough area with gross rent to income ratios of more than 50% of income, as provided by the Housing New York City, 2005 report.
- the percentage of renter households in a sub-borough area as provided by the Housing New York City, 2005 report

# **Determination of Areas of Greatest Need**

# Describe how the areas of greatest need were established.

# Response:

The City recognizes that neighborhood stabilization can only be achieved through a focused targeting of investment. The City's process for determining areas of greatest need balanced recognition of this principle with relevant statistical indicators of area need and the availability of projects that would most positively lead to neighborhood stabilization and revitalization.

The City focused on identifying projects city-wide that would contribute significantly to neighborhood stabilization. To date many New York City residents have experienced significant negative effects due to high levels of foreclosure in multifamily properties that were previously purchased by speculative interests or predatory equity.

To address this particular manifestation of the foreclosure crisis, three multifamily projects in financial and in some cases physical distress have been selected. Both the Sedgwick and Kelly Street projects are multifamily projects in foreclosure. The three multifamily projects selected will create rental units to benefit low income individuals and families. The areas in which the projects are located consist primarily of households at lower income levels for which a homeownership strategy may not be feasible. These projects would create affordable, safe housing options for such households.

While foreclosure numbers may not be particularly high in these areas, any foreclosures that do occur tend to have significant impacts. Because these neighborhoods consist almost entirely of multifamily housing stock, one foreclosure may negatively affect dozens or even hundreds of households. Relevant data for each area of greatest need provided from the HUD Mapping Tool and the Housing New York City, 2005 report are summarized below.

- The Kelly Street project is located in the Mott Haven/Hunts Point sub-borough area and consists of census blocks 360050087004000 and 360050129022000 and has a Neighborhood NSP3 score of 17.42. In this target area over 94% of persons earn less than 80% of AMI and 99% of persons earn less than 120% of AMI.
  - In the Mott Haven/Hunts Point sub-borough area 35.2% of households have incomes below \$10,000 and 28.9% have incomes ranging from \$10,000 to \$24,999. Additionally 46.7% of the sub-borough area's households are below the poverty line. The poverty thresholds for 2004 for three-person families that include two children under the age of 18 and for four-person families that include two children under 18 were \$15,219 and \$19,157 respectively. In this area 51.4% of renter households have gross rent to income ratios of more than 30% of income and 27.9% of households have gross rent to income ratios of more than 50% of income. Almost 100% of households in the sub-borough area are renters. (Housing New York City, 2005 report)
- The Sedgwick project is located in the University Heights/Fordham sub-borough area and consists of census block 360050205005002 and has a Neighborhood NSP3 score of 16. In this target area almost 80% of persons earn less than 80% of AMI and 90% of persons earn less than 120% of AMI.
  - In the University Heights/Fordham sub-borough area 25.2% of households have incomes below \$10,000 and 29.0% have incomes ranging from \$10,000 to \$24,999. Additionally 37.2% of the sub-borough area's households are below the poverty line. In this area 59.6% of renter

households have gross rent to income ratios of more than 30% of income and 37.9% of households have gross rent to income ratios of more than 50% of income. Almost 100% of households in the sub-borough area are renters. (Housing New York City, 2005 report)

• The Ely Avenue project is located in the Williamsbridge/Baychester sub-borough area and consists of census blocks 360050356001002, 360050356001003, 360050356001004, 360050356001014, 360050462022013 and has a Neighborhood NSP3 score of 19. In this area almost 39% of persons earn 80% of AMI or less and 64% of persons earn less than 120% of AMI. In the Williamsbridge/Baychester sub-borough area 16.9% of households have incomes below \$10,000 and 22.0% have incomes ranging from \$10,000 to \$24,999. Additionally 21% of the sub-borough area's households are below the poverty line. In this area 52% of renter households have gross rent to income ratios of more than 30% of income and 34.5% of households in the sub-borough area are renters. (Housing New York City, 2005 report)

# 3. Definitions and Descriptions

# **Definitions**

Term	Definition	
Blighted Structure	"Blighted structure" or "blight" is not actually defined in the context of state or local law. However, "substandard or insanitary area" is defined in General Municipal Law Section 502.4 (GML Article 15, the Urban Renewal Law) as equivalent to a blighted area as follows:	
	The term "substandard or insanitary area" shall mean and be interchangeable with a slum, blighted, deteriorated or deteriorating area, or an area which has a blighting influence on the surrounding area.	
Affordable Rents	For rental units, "affordable rents" are defined for NSP funded projects as rents (not including utilities) paid by tenants, not exceeding 30% of the prescribed income maximum, which will range from 30% of AMI to 120% of AMI.	

# **Descriptions**

Term	Definition
Long-Term	Long-Term Affordability in a NSP-funded, multifamily rental, rehabilitation project
Affordability	is defined as rents affordable, as describe above, for a minimum term of thirty (30) years.
	Any homeownership projects would be affordable in accordance with 24 CFR 92.254.
	New York City, acting through its Department of Housing Preservation and
Housing	Development (HPD), has instituted a uniform green building policy to ensure the
Rehabilitation	City's investments in affordable housing are going towards buildings that have

#### Standards

deeper affordability through lowered utility bills and healthier living environments, while balancing maximum benefit to tenants and owners with low incremental upfront costs.

New construction projects and substantial rehabilitation projects receiving funding from HPD will be required to achieve certification with Enterprise Green Communities. The Green Communities criteria is the only comprehensive green building framework designed for affordable housing and provides proven, cost-effective standards for creating healthy and energy-efficient homes.

All rehabilitation projects, including moderate rehabs, will continue to follow the HPD's Standard Specifications Document which has been updated to integrate green elements.

It is important to note that where, if at all, the Enterprise Green Communities criteria or the HPD Standard Specifications Document contradict the HUD requirements for Housing Rehabilitation Standards, the HUD requirements shall be controlling.

HPD's Standard Specifications Document may be found at: http://www.nyc.gov/html/hpd/html/architects/specifications.shtml

Information regarding the Enterprise Green Communities certification can be found at:

http://www.greencommunitiesonline.org/tools/certification/nyc\_hpd\_certification.asp

# 4. Low-Income Targeting

# Low-Income Set-Aside Amount

Enter the low-income set-aside percentage in the first field. The field for total funds set aside will populate based on the percentage entered in the first field and the total NSP3 grant.

Identify the estimated amount of funds appropriated or otherwise made available under the NSP3 to be used to provide housing for individuals or families whose incomes do not exceed 50 percent of area median income.

Response:

Total low-income set-aside **percentage** (must be no less than 25 percent): 25.00% Total funds set aside for low-income individuals = \$2,446,951

# **Meeting Low-Income Target**

Provide a summary that describes the manner in which the low-income targeting goals will be met.

Response:

The City has a goal of producing a minimum of sixteen (16) low-income units with its allocation of NSP3

funds. This low-income target will be reached through the acquisition and rehabilitation of the Kelly Street project.

# 5. Acquisition and Relocation

# **Demolition or Conversion of LMI Units**

Does the grantee intend to demolish or convert any low- and moderate-income	
dwelling units (i.e., ≤ 80% of area median income)?	No

# If yes, fill in the table below.

Question	Number of Units
The number of low- and moderate-income dwelling units—i.e., ≤ 80% of area	
median income—reasonably expected to be demolished or converted as a direct	
result of NSP-assisted activities.	N/A
The number of NSP affordable housing units made available to low-, moderate-,	
and middle-income households—i.e., ≤ 120% of area median income—reasonably	
expected to be produced by activity and income level as provided for in DRGR, by	
each NSP activity providing such housing (including a proposed time schedule for	
commencement and completion).	N/A
The number of dwelling units reasonably expected to be made available for	
households whose income does not exceed 50 percent of area median income.	N/A

# 6. Public Comment

# Citizen Participation Plan

Briefly describe how the grantee followed its citizen participation plan regarding this proposed substantial amendment or abbreviated plan.

#### Response:

In accordance with federal regulations 24 CFR 91.105(C)(2), regarding Consolidate Plan citizen participation requirements, the City of New York conducted outreach to solicit comments on the amendment. The public was notified of the comment period in several ways. A letter announcing the public comment period was sent to approximately 2,200 New York City residents, organizations and public officials. Second, the notice was posted on the Department of City Planning's Consolidated Planrelated Internet webpage. Third, a notice of the public comment period was published in three newspapers with city-wide circulation, an English-language, a Spanish- language and a Chinese-language. Lastly, a brief notice regarding the comment period was posted as a public service message on the New York City-operated local cable television access channel.

In accordance with federal regulations 24 CFR 91.105(g), regarding Consolidate Plan citizen participation requirements, the City of New York made copies of the amendment available to the public, free of charge, at the New York City Department of City Planning's Bookstore, 22 Reade Street, Lobby, New York, New York, 10007. In addition, an Adobe PDF version of the amendment was made available for free downloading from the Internet via both the Department of Housing Preservation and Development's and the Department of City Planning's websites at <a href="www.nyc.gov/planning">www.nyc.gov/planning</a>, respectively.

# **Summary of Public Comments Received.**

The summary of public comments received is included as an attachment.

# 7. NSP Information by Activity

Enter each activity name and fill in the corresponding information. If you have fewer than seven activities, please delete any extra activity fields. (For example, if you have three activities, you should delete the tables labeled "Activity Number 4," "Activity Number 5," "Activity Number 6," and "Activity Number 7." If you are unsure how to delete a table, see the instructions above.

The field labeled "Total Budget for Activity" will populate based on the figures entered in the fields above it.

Consult the <u>NSP3 Program Design Guidebook</u> for guidance on completing the "Performance Measures" component of the activity tables below.

Activity Number 1		
Activity Name	2901-19 Ely Avenue	
	Select all that apply:	
	Eligible Use A: Financing Mechanisms	
Uses	Eligible Use B: Acquisition and Rehabilitation	
Uses	Eligible Use C: Land Banking	
	Eligible Use D: Demolition	
	Eligible Use E: Redevelopment	
CDBG Activity or	Sec. 570.201(a) Acquisition	
Activities		
National Objective	Low Moderate Middle Income Housing (LMMH)	
	The Ely Avenue project was initially conceptualized in 2006 to build ten two-family homes in the Baychester neighborhood of the Bronx. The construction began on schedule and continued until the project was 75% built. At this point, market conditions made it onerous to satisfy private lending requirements, causing the builder to stall all construction and reconsider the home-ownership model of the project.	
Activity Description	A new developer, using a combination of \$1,500,000 of NSP3 funds, a private mortgage and equity would acquire the project and complete the remaining construction. Upon completion, all 20 units would be rented to low, moderate and middle-income individuals and families at, or below 120% of the area median income (AMI). The completed project would not only create affordable housing, but would significantly contribute to neighborhood stabilization by finishing a project that might otherwise remain an abandoned construction site.	
	The Ely Avenue project will be carried out under NSP Eligible Use B: Acquisition and Rehabilitation and CDBG Activity Sec. 570.201(a) Acquisition. The project will serve the Low Moderate Middle Income Housing (LMMH)	

	National Objective in the Area of Greatest Need identified as Ely Avenue, which has a NSP3 Need Score of 19. Almost 70% of households in the subborough area are renters. (Housing New York City, 2005 report). As such, HPD has selected the Ely Avenue rental project rather than a homeownership project.  The project developer will follow community development assistance thresholds per 24 CFR 135.3(a)(3)(ii). HPD will oversee that, when faced with a choice between a qualified contractor/developer/job applicant located in the Ely Avenue Area and a qualified contractor/developer/job applicant from outside the vicinity area, ("vicinity" is defined for NSP 3 purposes as the target area or area of greatest need), developers and contractors will, to the maximum extent feasible, hire employees who resided in the vicinity of the NSP 3 projects. As HUD makes the vicinity hiring toolkit and other resources available, HPD will turn to such materials for guidance.	
<b>Location Description</b>	Baychester neighborhood, Bronx, NY (Ely Avenue Area of Greatest Need-NSP3 Need Score 19)	
	Source of Funding	Dollar Amount
	NSP3	\$1,500,000.00
Budget	New York Community Bank Mortgage	\$1,750,000.00
	Developer Equity	\$1,033,785.00
Total Budget for Activity		\$4,283,785.00
Performance Measures	20 units at or below 120% of AMI	
Projected Start Date	6/15/2011	
Projected End Date	1/15/2013	
	Name	Hirise Properties Ely Avenue, LLC
Responsible	Location	50 Charles Lindbergh Blvd, Suite 503
Organization	Administrator Contact Info	Jasleen Kaur Anand (516) 536-3350
		jasleenkanand@gmail.com

Activity Number 2			
Activity Name	Kelly Street Portfolio		
Use	Select all that apply:  Eligible Use A: Financing Mechanisms Eligible Use B: Acquisition and Rehabilitation Eligible Use C: Land Banking Eligible Use D: Demolition Eligible Use E: Redevelopment		
CDBG Activity or Activities	Sec. 570.201(a) Acquisition		
National Objective	Djective Low-Income Housing to Meet 25% Set-Aside (LH25)		
Activity Description	The Kelly Street project consists of a 79 unit, five building portfolio located on Kelly Street in Longwood/Hunts Point neighborhood of the Bronx. The portfolio was initially acquired by a speculative investor and has since fallen into a severe state of physical distress. The level of disrepair in the buildings is		

so severe, that currently four of the five properties are included in the City's Alternative Enforcement Program (AEP), which identifies and targets the 200 most physically distressed buildings in New York City. The City has made substantial expenditures to remedy emergency conditions in the buildings; however the building's tenants continue to face potentially unsafe and hazardous conditions.

The current owner has defaulted on the mortgage and foreclosure proceedings have commenced. An affordable housing owner, WFH Advisors would purchase the portfolio of buildings using a combination of funds that includes \$3,000,000 in NSP3 funds. The new owner would rehabilitate the buildings and remedy the hazardous conditions. The rehabilitation of the properties would follow the City's uniform green building policy where applicable.

Upon completion of rehabilitation, occupied units would be made available to the current residents. All units would be rented to families or individuals at or below 60% of AMI, with a minimum of 16 units made available to those under 50% of AMI. To ensure the long term affordability of the project, the new owner would enter into a regulatory agreement with HPD, which mandates that the building remain affordable to households at the income level specified above for a term consistent with HPD's definition of long term affordability.

The Kelly Street project will be carried out under NSP Eligible Use B: Acquisition and Rehabilitation and CDBG Activity Sec. 570.201(a) Acquisition. The project will serve the Low-Income Housing to Meet 25% Set-Aside (LH25) National Objective in the Area of Greatest Need identified as Kelly Street which has an NSP3 Need Score of 16. Almost 100% of households in the subborough area are renters. (Housing New York City, 2005 report). As such, HPD has selected the Kelly Street rental project rather than a homeownership project.

The project developer will follow community development assistance thresholds per 24 CFR 135.3(a)(3)(ii). HPD will oversee that, when faced with a choice between a qualified contractor/developer/job applicant located in the Kelly Street Area and a qualified contractor/developer/job applicant from outside the vicinity area, ("vicinity" is defined for NSP 3 purposes as the target area or area of greatest need), developers and contractors will, to the maximum extent feasible, hire employees who resided in the vicinity of the NSP 3 projects. As HUD makes the vicinity hiring toolkit and other resources available, HPD will turn to such materials for guidance.

#### **Location Description**

Longwood/Hunts Point neighborhood, Bronx, NY (Kelly Street Area of Greatest Need- NSP3 Need Score 17.42)

	Source of Funding	Dollar Amount
	NSP3	\$3,000,000.00
	First Mortgage	\$6,100,000.00
	HPD subsidy/LIHTC Draw/Deferred	\$3,390,088.00

	Developer Equity	
Total Budget for Activity		\$12,490,088.00
Performance Measures	16 units at or below 50% of AMI,	73 units at or below 60% of AMI
Projected Start Date	8/15/2012	
Projected End Date	8/15/2014	
	Name	WFH Advisors
Responsible	Location	122 E 42nd Street, Suite 606
Organization		New York, NY 10168
Organization	Administrator Contact Info	John A. Crotty (212) 682 2025,
		jac@wfhadvisors.com

Activity Number 3			
Activity Name	1520 Sedgwick Ave		
	Select all that apply:		
	Eligible Use A: Financing Mechanisms		
Use	Eligible Use B: Acquisition and Rehabilitation		
	Eligible Use C: Land Banking		
	Eligible Use D: Demolition		
	Eligible Use E: Redevelopment		
CDBG Activity or	Sec. 570.201(a) Acquisition		
Activities			
National Objective	Low Moderate Middle Income Housing (LMMH)		
	The project located at 1520 Sedgwick Avenue, Bronx NY is a 102 unit building in the Morris Heights neighborhood of the Bronx. This building was originally part of the Mitchell-Lama program, which provides affordable rental housing to moderate- and middle-income households. The building is also historically significant, in that it is widely recognized as a pivotal location in the birth of the global Hip Hop musical and cultural movement. Morris Heights is a neighborhood located in the western portion of the Bronx and is part of Bronx Community Board 5.  In the recent past, the property was acquired by a speculative real estate investor who quickly ran into financial trouble. As the owner's financial		
Activity Description	troubles mounted, building repairs and routine maintenance went undone. As a result of this neglect, the property began showing signs of rapid physical decline. Eventually, this owner defaulted on the mortgage and the lending institution began foreclosure proceedings. Physical conditions have continued to decline to the detriment of the building's tenants.		
special term of the second	WFH Advisors would acquire the property through the foreclosure process using a variety of funding sources including NSP3. Once acquired, WFH Advisors would make the repairs necessary to return the buildings to safe, sanitary conditions. To ensure the long term affordability of the project, the new owner would enter into a regulatory agreement with HPD, which mandates that the building remain affordable to households earning 120% of AMI or less for a term consistent with HPD's definition of long term affordability.		

	TI 4520.5	till be a seried and an alcondition to		
	The 1520 Sedgwick Avenue project will be carried out under NSP Eligible Use			
	B: Acquisition and Rehabilitation and CDBG Activity Sec. 570.201(a)			
	Acquisition. The project will serve the Low Moderate Middle Income Housing			
	(LMMH) National Objective in the Area of Greatest Need identified as			
	Sedgwick which has an NSP3 Need Score of 16. Almost 100% of households in			
	the sub-borough area are renters. (Housing New York City, 2005 report). As such, HPD has selected the 1520 Sedgwick Avenue rental project rather than a			
	homeownership project.			
	The project developer will follow community development assistance			
	thresholds per 24 CFR 135.3(a)(3)(ii). HPD will oversee that, when faced with			
	a choice between a qualified contractor/developer/job applicant located in			
	the Sedgwick Avenue Area and a qualified contractor/developer/job applicant			
	from outside the vicinity area, ("vicinity" is defined for NSP 3 purposes as the			
	target area or area of greatest need), developers and contractors will, to the maximum extent feasible, hire employees who resided in the vicinity of the			
	NSP 3 projects. As HUD makes the vicinity hiring toolkit and other resources			
	available, HPD will turn to such materials for guidance.			
Location Description	Morris Heights neighborhood, Bronx, NY (Sedgwick Area of Greatest Need-			
•	NSP3 Need Score 16)			
	Source of Funding	Dollar Amount		
Budget	NSP3	\$4,900,000.00		
Total Budget for Activity				
Performance Measures	102 units at or below 120% of AMI			
Projected Start Date	6/15/2012			
Projected End Date	6/15/2014			
	Name	WFH Advisors		
	Location	122 E 42nd Street, Suite 606		
Responsible Organization		New York, NY 10168		
Organization	Administrator Contact Info	John A. Crotty (212) 682 2025,		
		jac@wfhadvisors.com		

# 8. Certifications

**Certifications for Non-Entitlement Local Governments** 

- (1) Affirmatively furthering fair housing. The jurisdiction certifies that it will affirmatively further fair housing.
- (2) **Anti-displacement and relocation plan.** The applicant certifies that it has in effect and is following a residential anti-displacement and relocation assistance plan.
- (3) **Anti-lobbying.** The jurisdiction must submit a certification with regard to compliance with restrictions on lobbying required by 24 CFR part 87, together with disclosure forms, if required by that part.
- (4) **Authority of jurisdiction.** The jurisdiction certifies that the consolidated plan or abbreviated plan, as applicable, is authorized under state and local law (as applicable) and that the jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations and other program requirements.
- (5) **Consistency with plan.** The jurisdiction certifies that the housing activities to be undertaken with NSP funds are consistent with its consolidated plan or abbreviated plan, as applicable.
- (6) **Acquisition and relocation.** The jurisdiction certifies that it will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601), and implementing regulations at 49 CFR part 24, except as those provisions are modified by the notice for the NSP program published by HUD.
- (7) **Section 3.** The jurisdiction certifies that it will comply with section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u), and implementing regulations at 24 CFR part 135.
- (8) **Citizen participation.** The jurisdiction certifies that it is in full compliance and following a detailed citizen participation plan that satisfies the requirements of Sections 24 CFR 91.105 or 91.115, as modified by NSP requirements.
- (9) **Use of funds.** The jurisdiction certifies that it will comply with the Dodd-Frank Wall Street Reform and Consumer Protection Act and Title XII of Division A of the American Recovery and Reinvestment Act of 2009 by spending 50 percent of its grant funds within 2 years, and spending 100 percent within 3 years, of receipt of the grant.

## (10) The jurisdiction certifies:

- a. that all of the NSP funds made available to it will be used with respect to individuals and families whose incomes do not exceed 120 percent of area median income; and
- b. The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108 loan guaranteed funds, by assessing any amount against properties owned and occupied by persons of low- and moderate-income, including any fee charged or assessment made as a condition of obtaining access to such public improvements. However, if NSP funds are used to pay the proportion of a fee or assessment attributable to the

capital costs of public improvements (assisted in part with NSP funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds. In addition, with respect to properties owned and occupied by moderate-income (but not low-income) families, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than NSP funds if the jurisdiction certifies that it lacks NSP or CDBG funds to cover the assessment.

- (11) Excessive force. The jurisdiction certifies that it has adopted and is enforcing:
  - a. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations; and
  - b. A policy of enforcing applicable state and local laws against physically barring entrance to, or exit from, a facility or location that is the subject of such nonviolent civil rights demonstrations within its jurisdiction.
- (12) Compliance with anti-discrimination laws. The jurisdiction certifies that the NSP grant will be conducted and administered in conformity with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), the Fair Housing Act (42 U.S.C. 3601-3619), and implementing regulations.
- (13) **Compliance with lead-based paint procedures.** The jurisdiction certifies that its activities concerning lead-based paint will comply with the requirements of part 35, subparts A, B, J, K, and R of this title.
- (14) Compliance with laws. The jurisdiction certifies that it will comply with applicable laws.
- (15) **Vicinity hiring.** The jurisdiction certifies that it will, to the maximum extent feasible, provide for hiring of employees that reside in the vicinity of NSP3 funded projects or contract with small businesses that are owned and operated by persons residing in the vicinity of NSP3 projects.
- (16) **Development of affordable rental housing.** The jurisdiction certifies that it will be abide by the procedures described in its NSP3 Abbreviated Plan to create preferences for the development of affordable rental housing for properties assisted with NSP3 funds.

RuthAnne Visnauskas

Associate Commissioner for Development

NYC Department of Housing Preservation & Development

USVANSHAS

# **Appendix: NSP3 Action Plan Contents Checklist**

The checklist below is an optional tool for NSP3 grantees to help to ensure that all required elements of the NSP3 Substantial Amendment or the Abbreviated Plan are submitted to HUD. This checklist only includes the minimum required elements that must be included in the NSP3 Action Plan and grantees may want to add additional details. This document must be protected, as described above, in order to use the checkboxes in this checklist.

# 1. NSP3 Grantee Information

PAGE TO THE PROPERTY OF THE PAGE TO THE PA	Yes
Did you include the Program Administrator's name, address, phone,	
and email address?	

# 2. Areas of Greatest Need

<b>的一种,这个人的一种,这个人的一种,</b>	Yes
Does the narrative description describe how funds will give priority emphasis to areas of greatest need?	
Does the narrative description specifically address how the funds will give priority emphasis to those areas:	
With the highest percentage of home foreclosures?	
<ul> <li>With the highest percentage of homes financed by subprime mortgage related loan?; and</li> </ul>	
<ul> <li>Identified by the grantee as likely to face a significant rise in the rate of home foreclosures?</li> </ul>	
Did you create the area of greatest needs map at <a href="http://www.huduser.org/NSP/NSP3.html">http://www.huduser.org/NSP/NSP3.html</a> ?	
Did you include the map as an attachment to your Action Plan?	
ONLY Applicable for States: Did you include the needs of all entitlement communities in the State?	

# 3. Definitions and Descriptions

	Yes
Are the following definitions and topics included in your substantial amendment?:	
<ul> <li>Blighted structure in context of state or local law,</li> </ul>	

Affordable rents,	
<ul> <li>Ensuring long term affordability for all NSP funded housing projects,</li> </ul>	
<ul> <li>Applicable housing rehabilitation standards for NSP funded projects</li> </ul>	
	- <del></del>
4. Low-Income Targeting	
	Yes
Did you identify the estimated amount of funds appropriated to provide housing that meets the low-income set aside target?	
Did you provide a summary describing how your jurisdiction will meet its low-income set aside goals?	
5. Acquisition & Relocation	
	Yes
For all acquisitions that will result in displacement did you specify:	
The planned activity,	
<ul> <li>The number of units that will result in displacement,</li> </ul>	
<ul> <li>The manner in which the grantee will comply with URA for those residents?</li> </ul>	
6. Public Comment	
	Yes
Did you provide your draft of the NSP3 substantial amendment for a minimum of 15 days for public comment?	
Did you include the public comments you received on the NSP3 substantial amendment in your plan?	
7. NSP Information by Activity	
	Check all that apply
Did you include a description of all eligible NSP3 activities you plan to implement with your NSP3 award?	assume a restriction, but his deal in it his arm to
For each eligible NSP3 activity you plan to implement did you include:	

Eligible use or uses?	
Correlated eligible CDBG activity or activities?	
Associated national objective?	
How the activity will address local market conditions?	
Range of interest rates (if any)?	
Duration or term of assistance?	
Tenure of beneficiaries (e.g. rental or homeowner)?	
<ul> <li>If the activity produces housing, how the design of the activity will ensure continued affordability?</li> </ul>	
<ul> <li>How you will, to the maximum extent possible, provide for vicinity hiring?</li> </ul>	
<ul> <li>Procedures used to create affordable rental housing preferences?</li> </ul>	
Areas of greatest need addressed by the activity or activities?	
<ul> <li>Amount of funds budgeted for the activity?</li> </ul>	
<ul> <li>Appropriate performance measures for the activity (e.g. units of housing to be acquired, rehabilitated, or demolished for the income levels represented in DRGR)?</li> <li>Expected start and end dates of the activity?</li> </ul>	
Name and location of the entity that will carry out the activity?	
8. Certifications	Yes
Did you sign and submit the certification form applicable to your jurisdiction?	
	<u></u>
9. Additional Documentation	
	Yes
Did you include a signed SF-424?	

# Project Summary for NSP3

Project Name	Total Housing Units	NSP3Need Score
Ely Avenue (3)	472	19
Kelly Street	242	17.42
Sedgwick	1434	16

Total Housing Units for All Shapes: 2148
Total NSP3 Need Score: 16.82

Neighborhood ID: 4037445

# **NSP3 Planning Data**

Grantee ID: 3644360E Grantee State: NY

Grantee Name: NEW YORK

Grantee Address:

Grantee Email: ortap@hpd.nyc.gov

Neighborhood Name: Ely Avenue

Date:2011-01-19 00:00:00

#### **NSP3 Score**

The neighborhoods identified by the NSP3 grantee as being the areas of greatest need must have an individual or average combined index score for the grantee's identified target geography that is not less than the lesser of 17 or the twentieth percentile most needy score in an individual state. For example, if a state's twentieth percentile most needy census tract is 18, the requirement will be a minimum need of 17. If, however, a state's twentieth percentile most needy census tract is 15, the requirement will be a minimum need of 15. If more than one neighborhood is identified in the Action Plan, HUD will average the Neighborhood Scores, weighting the scores by the estimated number of housing units in each identified neighborhood.

Neighborhood NSP3 Score: 19

State Minimum Threshold NSP3 Score: 16 Total Housing Units in Neighborhood: 338

# Area Benefit Eligibility

Percent Persons Less than 120% AMI: 64.47 Percent Persons Less than 80% AMI: 37.47

# Neighborhood Attributes (Estimates)

#### Vacancy Estimate

USPS data on addresses not receiving mail in the last 90 days or "NoStat" can be a useful measure of whether or not a target area has a serious vacancy problem. For urban neighborhoods, HUD has found that neighborhoods with a very high number vacant addresses relative to the total addresses in an area to be a very good indicator of a current for potentially serious blight problem.

The USPS "NoStat" indicator can mean different things. In rural areas, it is an indicator of vacancy. However, it can also be an address that has been issued but not ever used, it can indicate units under development, and it can be a very distressed property (most of the still flood damaged properties in New Orleans are NoStat). When using this variable, users need to understand the target area identified.

In addition, the housing unit counts HUD gets from the US Census indicated above are usually close to the residential address counts from the USPS below. However, if the Census and USPS counts are substantially different for your identified target area, users are advised to use the information below with caution. For example if there are many NoStats in an area for units never built, the USPS residential address count may be larger than the Census number; if the area is a rural area largely served by PO boxes it may have fewer addresses than housing units.

USPS Residential Addresses in Neighborhood: 267

Residential Addresses Vacant 90 or more days (USPS, March 2010): 2

Residential Addresses NoStat (USPS, March 2010): 9

#### Foreclosure Estimates

HUD has developed a model for predicting where foreclosures are likely. That model estimates serious delinquency rates using data on the leading causes of foreclosures - subprime loans (HMDA Census Tract data on high cost and highly leveraged loans), increasing unemployment (BLS data on unemployment rate change), and fall in home values (FHFA data on house price change). The predicted serious delinquency rate is then used to apportion the state total counts of foreclosure starts (from the Mortgage Bankers Association) and REOs (from RealtyTrac) to individual block groups.

Total Housing Units to receive a mortgage between 2004 and 2007: 75

Percent of Housing Units with a high cost mortgage between 2004 and 2007: 39.49

Percent of Housing Units 90 or more days delinquent or in foreclosure: 17.32

Number of Foreclosure Starts in past year: 8

Number of Housing Units Real Estate Owned July 2009 to June 2010: 1

HUD is encouraging grantees to have small enough target areas for NSP 3 such that their dollars will have a visible impact on the neighborhood. Nationwide there have been over 1.9 million foreclosure completions in the past two years. NSP 1, 2, and 3 combined are estimated to only be able to address 100,000 to 120,000 foreclosures. To stabilize a neighborhood requires focused investment.

Estimated number of properties needed to make an impact in identified target area (20% of REO in past year): 2

# Supporting Data

Metropolitan Area (or non-metropolitan area balance) percent fall in home value since peak value (Federal Housing Finance Agency Home Price Index through June 2010): -12.7

Place (if place over 20,000) or county unemployment rate June 2005': 5.4

Place (if place over 20,000) or county unemployment rate June 2010: 9.4

Bureau of Labor Statistics Local Area Unemployment Statistics

# Market Analysis:

HUD is providing the data above as a tool for both neighborhood targeting and to help inform the strategy development. Some things to consider:

- 1. Persistent Unemployment. Is this an area with persistently high unemployment? Serious consideration should be given to a rental strategy rather than a homeownership strategy.
- 2. Home Value Change and Vacancy. Is this an area where foreclosures are largely due to a combination of falling home values, a recent spike in unemployment, and a relatively low vacancy rate? A down payment assistance program may be an effective strategy.
- 3. Persistently High Vacancy. Are there a high number of substandard vacant addresses in the target area of a community with persistently high unemployment? A demolition/land bank strategy with selected acquisition rehab for rental or lease-purchase might be considered.
- 4. Historically low vacancy that is now rising. A targeted strategy of acquisition for homeownership and rental to retain or regain neighborhood stability might be considered.
- 5. Historically high cost rental market. Does this market historically have very high rents with low vacancies? A strategy of acquiring properties and developing them as long-term affordable rental might be considered.

#### Latitude and Longitude of corner points

-73.837781 40.871014 -73.835979 40.867250 -73.833017 40.868321 -73.834991 40.871955

<u>Blocks Comprising Target Neighborhood</u> 360050356001002, 360050356001003, 360050462022013,



Neighborhood ID: 4640045

# **NSP3 Planning Data**

Grantee ID: 3644360E Grantee State: NY

Grantee Name: NEW YORK

Grantee Address:

Grantee Email: ortap@hpd.nyc.gov

Neighborhood Name: Kelly Street

Date:2011-01-18 00:00:00

#### **NSP3 Score**

The neighborhoods identified by the NSP3 grantee as being the areas of greatest need must have an individual or average combined index score for the grantee's identified target geography that is not less than the lesser of 17 or the twentieth percentile most needy score in an individual state. For example, if a state's twentieth percentile most needy census tract is 18, the requirement will be a minimum need of 17. If, however, a state's twentieth percentile most needy census tract is 15, the requirement will be a minimum need of 15. If more than one neighborhood is identified in the Action Plan, HUD will average the Neighborhood Scores, weighting the scores by the estimated number of housing units in each identified neighborhood.

Neighborhood NSP3 Score: 17.42

State Minimum Threshold NSP3 Score: 16 Total Housing Units in Neighborhood: 242

# **Area Benefit Eligibility**

Percent Persons Less than 120% AMI: 99.61 Percent Persons Less than 80% AMI: 94.17

# Neighborhood Attributes (Estimates)

#### Vacancy Estimate

USPS data on addresses not receiving mail in the last 90 days or "NoStat" can be a useful measure of whether or not a target area has a serious vacancy problem. For urban neighborhoods, HUD has found that neighborhoods with a very high number vacant addresses relative to the total addresses in an area to be a very good indicator of a current for potentially serious blight problem.

The USPS "NoStat" indicator can mean different things. In rural areas, it is an indicator of vacancy. However, it can also be an address that has been issued but not ever used, it can indicate units under development, and it can be a very distressed property (most of the still flood damaged properties in New Orleans are NoStat). When using this variable, users need to understand the target area identified.

In addition, the housing unit counts HUD gets from the US Census indicated above are usually close to the residential address counts from the USPS below. However, if the Census and USPS counts are substantially different for your identified target area, users are advised to use the information below with caution. For example if there are many NoStats in an area for units never built, the USPS residential address count may be larger than the Census number; if the area is a rural area largely served by PO boxes it may have fewer addresses than housing units.

USPS Residential Addresses in Neighborhood: 270

Residential Addresses Vacant 90 or more days (USPS, March 2010): 12

Residential Addresses NoStat (USPS, March 2010): 1

## Foreclosure Estimates

HUD has developed a model for predicting where foreclosures are likely. That model estimates serious delinquency rates using data on the leading causes of foreclosures - subprime loans (HMDA Census Tract data on high cost and highly leveraged loans), increasing unemployment (BLS data on unemployment rate change), and fall in home values (FHFA data on house price change). The predicted serious delinquency rate is then used to apportion the state total counts of foreclosure starts (from the Mortgage Bankers Association) and REOs (from RealtyTrac) to individual block groups.

Total Housing Units to receive a mortgage between 2004 and 2007: 4

Percent of Housing Units with a high cost mortgage between 2004 and 2007: 62.69

Percent of Housing Units 90 or more days delinquent or in foreclosure: 13.63

Number of Foreclosure Starts in past year: 0

Number of Housing Units Real Estate Owned July 2009 to June 2010: 0

HUD is encouraging grantees to have small enough target areas for NSP 3 such that their dollars will have a visible impact on the neighborhood. Nationwide there have been over 1.9 million foreclosure completions in the past two years. NSP 1, 2, and 3 combined are estimated to only be able to address 100,000 to 120,000 foreclosures. To stabilize a neighborhood requires focused investment.

Estimated number of properties needed to make an impact in identified target area (20% of REO in past year): 0

# Supporting Data

Metropolitan Area (or non-metropolitan area balance) percent fall in home value since peak value (Federal Housing Finance Agency Home Price Index through June 2010): -12.7

Place (if place over 20,000) or county unemployment rate June 2005: 5.4

Place (if place over 20,000) or county unemployment rate June 2010: 9.4

Bureau of Labor Statistics Local Area Unemployment Statistics

# Market Analysis:

HUD is providing the data above as a tool for both neighborhood targeting and to help inform the strategy development. Some things to consider:

- 1. Persistent Unemployment. Is this an area with persistently high unemployment? Serious consideration should be given to a rental strategy rather than a homeownership strategy.
- 2. Home Value Change and Vacancy. Is this an area where foreclosures are largely due to a combination of falling home values, a recent spike in unemployment, and a relatively low vacancy rate? A down payment assistance program may be an effective strategy.
- 3. Persistently High Vacancy. Are there a high number of substandard vacant addresses in the target area of a community with persistently high unemployment? A demolition/land bank strategy with selected acquisition rehab for rental or lease-purchase might be considered.
- 4. Historically low vacancy that is now rising. A targeted strategy of acquisition for homeownership and rental to retain or regain neighborhood stability might be considered.
- 5. Historically high cost rental market. Does this market historically have very high rents with low vacancies? A strategy of acquiring properties and developing them as long-term affordable rental might be considered.

# Latitude and Longitude of corner points

-73.896532 40.819834 -73.896081 40.818908 -73.894064 40.821052 -73.895845 40.822481

Blocks Comprising Target Neighborhood 360050087004000, 360050129022000,



Neighborhood ID: 8291625

# **NSP3 Planning Data**

Grantee ID: 3644360E Grantee State: NY

Grantee Name: NEW YORK

Grantee Address:

Grantee Email: ortap@hpd.nyc.gov

Neighborhood Name: Sedgwick Date:2011-01-24 00:00:00

NSP3 Score The neighborhoods identified by the NSP3 grantee as being the areas of greatest need must have an individual or average combined index score for the grantee's identified target geography that is not less than the lesser of 17 or the twentieth percentile most needy score in an individual state. For example, if a state's twentieth percentile most needy census tract is 18, the requirement will be a minimum need of 17. If, however, a state's twentieth percentile most needy census tract is 15, the requirement will be a minimum need of 15. If more than one neighborhood is identified in the Action Plan, HUD will average the Neighborhood Scores, weighting the scores by the estimated number of housing units in each identified neighborhood.

Neighborhood NSP3 Score: 16

State Minimum Threshold NSP3 Score: 16 Total Housing Units in Neighborhood: 1434

# Area Benefit Eligibility

Percent Persons Less than 120% AMI: 89.9 Percent Persons Less than 80% AMI: 79.8

# Neighborhood Attributes (Estimates)

USPS data on addresses not receiving mail in the last 90 days or "NoStat" can be a useful measure of whether or not a target area has a serious vacancy problem. For urban neighborhoods, HUD has found that neighborhoods with a very high number vacant addresses relative to the total addresses in an area to be a very good indicator of a current for potentially serious blight problem.

The USPS "NoStat" indicator can mean different things. In rural areas, it is an indicator of vacancy. However, it can also be an address that has been issued but not ever used, it can indicate units under development, and it can be a very distressed property (most of the still flood damaged properties in New Orleans are NoStat). When using this variable, users need to understand the target area identified.

In addition, the housing unit counts HUD gets from the US Census indicated above are usually close to the residential address counts from the USPS below. However, if the Census and USPS counts are substantially different for your identified target area, users are advised to use the information below with caution. For example if there are many NoStats in an area for units never built, the USPS residential address count may be larger than the Census number; if the area is a rural area largely served by PO boxes it may have fewer addresses than housing units.

USPS Residential Addresses in Neighborhood: 1382

Residential Addresses Vacant 90 or more days (USPS, March 2010): 18

Residential Addresses NoStat (USPS, March 2010): 37

## Foreclosure Estimates

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Total Housing Units to receive a mortgage between 2004 and 2007: 59

Percent of Housing Units with a high cost mortgage between 2004 and 2007: 33.8

Percent of Housing Units 90 or more days delinquent or in foreclosure: 12

Number of Foreclosure Starts in past year: 4

Number of Housing Units Real Estate Owned July 2009 to June 2010: 0

HUD is encouraging grantees to have small enough target areas for NSP 3 such that their dollars will have a visible impact on the neighborhood. Nationwide there have been over 1.9 million foreclosure completions in the past two years. NSP 1, 2, and 3 combined are estimated to only be able to address 100,000 to 120,000 foreclosures. To stabilize a neighborhood requires focused investment.

Estimated number of properties needed to make an impact in identified target area (20% of REO in past year): 1

# **Supporting Data**

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Place (if place over 20,000) or county unemployment rate June 2010': 9.4

Bureau of Labor Statistics Local Area Unemployment Statistics

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- 5. Historically high cost rental market. Does this market historically have very high rents with low vacancies? A strategy of acquiring properties and developing them as long-term affordable rental might be considered.

# Latitude and Longitude of corner points

-73.925114 40.846476 -73.922217 40.850339 -73.920801 40.849836 -73.923976 40.845583

Blocks Comprising Target Neighborhood 360050205005002,

