

Office of Community Development
Capital Programs Manual

Section: 1.0 INTRODUCTION

Sub Section: 1.01 About This Manual

This manual is designed to provide program participants and Office of Community Development (OCD) staff with a comprehensive handbook which explains the processes, procedures and requirements of OCD's capital programs. It supersedes the Low-Income Housing Trust Fund and Low-Income Turnkey/Enhanced Housing Trust Fund Program manuals issued previously by the Office of Community Development and the Capital Programs Manual issued November 2007. The provisions of this document take effect for all OCD capital programs as of [December 17, 2009](#).

The manual is organized under the following headings:

Section 1.00: Introduction

Section 2.00: Program Descriptions

Section 3.00: Unified Funding Process

Section 4.00: General Program Requirements and Policies

Section 5.00: Development Requirements

Section 6.00: Construction Processing Requirements

Section 7.00: Project Operating and Management Requirements

A Glossary is included for the reader's convenience. Also, please note that OCD's Design Handbook is published separately. Design requirements must be addressed in the design of projects by most program participants. Copies of the OCD Design Handbook may be obtained from the DHCR website. Applicants who are new to development projects or who have never received OCD funds are strongly urged to consult the Design Handbook before completing an application.

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This Manual describes the requirements and procedures for the following capital programs:

Division of Housing and Community Renewal-Administered Programs

- Housing Development Fund (HDF)
- Rural Rental Assistance Program (RRAP)
- Low Income Housing Credit (LIHC)
- New York State Low Income Housing Tax Credit Program (SLIHC)

Housing Trust Fund Corporation-Administered Programs

- Low Income Housing Trust Fund (HTF)
- New York State HOME Program (HOME)
- Homes for Working Families (HWF)
- Residential Emergency Services to Offer (Home) Repairs to the Elderly (RESTORE)
- Urban Initiatives (UI)
- Rural Area Revitalization Projects Program (RARP)
- Small Projects Program (SPP)

Information on these programs is also available on the DHCR website:

www.nysdhcr.gov

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Sub Section: 1.02 The Office of Community Development

The Office of Community Development (OCD) is an administrative office located within the Division of Housing and Community Renewal (DHCR) and serves as staff for the Housing Trust Fund Corporation (HTFC), a public benefit corporation. OCD is responsible for both DHCR and HTFC administered programs.

References to OCD administrative policy shall refer to all programs covered in this manual while references to HTFC administrative policy pertains exclusively to programs funded through HTFC (see Sub-Section 1.01 for a list of all capital programs)

1.02.A. Division of Housing and Community Renewal (DHCR)

DHCR provides staff and administrative support for all of the capital programs described in this manual. Within the OCD, the following units are involved in the processes described herein:

Executive Staff is responsible for the formulation of administrative policies and procedures, working with DHCR executive staff and the Legislature to frame and modify program initiatives, and all other executive responsibilities for the programs included in this manual.

The Regional Offices (Capital District, Buffalo, New York City, Syracuse) are responsible for implementing the policies and programs of OCD. This includes application review and underwriting, project planning, project monitoring (from concept to completion of the construction/rehabilitation phase), working with community groups, outreach to needy communities, and all other aspects of the State's housing delivery system.

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The Program Management staff is responsible for oversight of the individual OCD programs. This includes ensuring that rules, regulations and program guidelines are consistent with the statutory intent of the Legislature as well as monitoring to ensure that all applicants and program participants are treated consistently according to standardized, clearly communicated program policies including policies on project underwriting. This Manual is one example of Program Management's mandate to provide consistent, easy-to-understand program information to all interested parties. In addition, program management staff also organizes application workshops for potential program participants, in-house staff training and informational public seminars on new programs and policy using agency staff and consultants retained based on competitive requests for proposals. Individual managers are assigned to all OCD programs.

The Design Services Unit (DSU) reviews and approves all plans and specifications plus provides on-site construction monitoring during the building phase of projects. Since Design reviews are a critical component of the application review process, DSU staff participates in Project Development Meetings with the applicant's development team and provide technical assistance on design issues to both DHCR staff and program participants. The DSU has one additional component:

- The Environmental Analysis Unit (EAU) conducts environmental review for housing construction and rehabilitation projects funded by the Housing Trust Fund Corporation (HTFC). Environmental review is conducted according to regulations under the State Environmental Quality Review Act (SEQR) at 6 NYCRR Part 617. Additionally, for HOME projects, environmental review must be conducted according to the National Environmental Policy Act (NEPA), as interpreted by HUD regulations at 24 CFR Part 58.

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The Management Systems and Research Unit provides research and analytical support to OCD's staff. The unit has responsibility for maintaining the OCD component of the Statewide Housing Activity Reporting System (SHARS) and other databases, preparing and updating all Legislative reports, and compiling program data into reports, manuals and other information pieces.

In addition to this support from the Office of Community Development, other units in the Division of Housing and Community Renewal are involved in the processes described in this Manual.

These include:

The Office of Fair Housing and Equal Opportunity (FHEO) oversees compliance with all affirmative action, equal employment opportunity and fair housing guidelines. FHEO works hand-in-hand with OCD to ensure that the issues spelled out in Section 4 ("General Program Requirements and Policies") of this Manual are addressed by every participant in the capital programs.

The Office of Legal Affairs (OLA) provides comprehensive legal oversight for all of OCD's programs. OLA staff review all legal documentation submitted by applicants and project sponsors, supervises all closings and prepares all contracts and formal documents utilized by OCD in its administration of these programs.

The Asset Management Unit (AMU) reviews and supervises projects when the project is complete and the property is occupied. AMU also reviews and approves the Project Management Plans and management agent contracts prior to the closing on DHCR/HTFC financing. In addition, compliance with the requirements described in Section 7 ("Project Operating and Management Requirements") is overseen by the AMU.

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1.02.B Housing Trust Fund Corporation

The Housing Trust Fund Corporation (HTFC), a public benefit corporation established by Article 18 of the Private Housing Finance Law, was created to facilitate the development of low-income housing by providing funding and technical assistance to eligible projects. Although technically a subsidiary of the New York State Housing Finance Agency, the staff who administer the programs discussed in this manual are employed by the Division of Housing and Community Renewal. As a public benefit corporation, HTFC is governed by a Board of Directors, chaired by the Commissioner of DHCR.

All programs administered by HTFC are implemented by OCD staff in accordance with the directives of the HTFC Board. This includes project selection (subject to Board approval), construction/rehabilitation monitoring, technical assistance and daily administration. The fiscal aspects of the HTFC programs are managed by DHCR's Office of Administration in accordance with the directives of the HTFC Board. This includes disbursement of funds and tracking statutory provisions on allocation of funds by region and type of applicant. The legal aspects of the programs are addressed by DHCR's Office of Legal Affairs including a document review and project closings. DHCR's Asset Management Unit oversees post-construction project management.

1.02.C Administration of Federal Programs by OCD

OCD administers several housing programs funded by the federal government. Currently, the Low-Income Housing Credit (LIHC) is part of OCD's Unified Funding Process (described in Section 3 of this Manual), although a separate Notice of Credit Availability and application review are conducted for this program.

The precise nature of OCD's involvement with these programs is defined by federal regulations but to the extent there is discretion, these programs are administered in a manner similar to DHCR processes described above (Sub-Section 1.02.A.).

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The regional offices are responsible for implementing the policies and programs of OCD. This includes marketing and outreach to communities, providing technical assistance to project sponsors, conducting application clinics, application review, and other aspects of the State's housing delivery system. The appropriate regional office is the first point of contact for anyone interested in the capital programs of OCD and should be contacted for information on:

- application packages; (including OCD Design Handbook)
- submission deadlines;
- program eligibility; or,
- availability of funds.

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Sub Section: 1.03 Regional Offices

Following are the Regional Offices and the counties they serve:

Capital District

Regional Office - Hampton Plaza, 38-40 State Street, Albany, New York 12207 (518) 486-5012

Counties Served: Albany, Clinton, Columbia, Delaware, Dutchess, Essex, Fulton, Greene, Hamilton, Montgomery, Orange, Otsego, Putnam, Rensselaer, Saratoga, Schenectady, Schoharie, Sullivan, Ulster, Warren, Washington

Buffalo

Regional Office – Electric Building, Suite 105, 535 Washington Avenue, Buffalo, New York 14203
(716) 847-7955

Counties Served: Allegany, Cattaraugus, Chautauqua, Chemung, Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Schuyler, Seneca, Steuben, Wayne, Wyoming, and Yates

New York City

Regional Office - 25 Beaver St., 7th Flr, New York, NY 10004, (212) 480-7644

Counties Served: Bronx, Kings, New York, Queens, Richmond, Nassau, Suffolk, Rockland and Westchester

Syracuse

Regional Office - 620 Erie Blvd. West, Suite 312, Syracuse, NY 13204, (315) 478-7179

Counties Served: Broome, Cayuga, Chenango, Cortland, Franklin, Herkimer, Jefferson, Lewis, Madison, Oneida, Onondaga, Oswego, St. Lawrence, Tioga, Tompkins

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Sub Section: 1.04 Waivers

In certain circumstances, applicants may wish to request a waiver of one or more of the requirements described in Section 3 ("Unified Funding Process"), Section 5 ("Development Requirements") or Section 6 ("Construction Processing Requirements") of this Manual. This can be done by placing a request in writing to the Deputy Commissioner for Community Development prior to submitting an application. Waiver requests will be considered on an individual basis, based on the rationale provided in the request. Applicants must receive written approval of a requested waiver prior to incorporating the terms of the waiver into an application. Documentation of any approved waiver(s) must be included in the application to which the waiver applies.

Please note: No requirement mandated by statute may be waived under any circumstance.