

completed a HOPE VI Revitalization Relocation Plan and that the Relocation Plan is in compliance with the Uniform Relocation Act, as described in Section IX(D) of this NOFA. Deficiencies for this item are curable, in accordance with Section XIV(B)(3) of this NOFA.

(21) An applicant must be in compliance with Fair Housing and Civil Rights Laws, in accordance with Section V(A) of the General Section of this NOFA.

(22) An applicant must be in compliance with any desegregation or other court order related to Fair Housing, in accordance with Section V(B) of the General Section of this NOFA.

(23) If an application includes a proposal to develop off-site replacement housing, the application must include evidence of site control of the proposed off-site locations, in accordance with Section XI(B)(4) of this NOFA.

(24) If an application includes a proposal to develop market rate housing, it must include a preliminary market assessment letter, in accordance with Section XI(C) of this NOFA. Deficiencies for this item are curable, in accordance with Section XIV(B)(3) of this NOFA.

(25) If you are proposing to use off-site parcels of land for housing development or other uses that are currently zoned for a purpose different than the one proposed in your revitalization plan, your application must include a certification from the appropriate local official documenting that all required zoning approvals have been secured for such parcels, and/or the actual zoning approval document for the parcel(s), in accordance with Section XI(E) of this NOFA.

(26) An application must include a demonstration of the appropriateness of the proposal, in accordance with Section XII(A) of this NOFA.

(27) An application must include a certification that, if awarded funds under this NOFA, the Grantee will submit a copy of their Code of Conduct which will also describe the methods they will use to ensure that all officers, employees, and agents of their organization are aware of the Code of Conduct, in accordance with Section VI(B) of the General Section of this NOFA. This certification may be provided in the form of a letter.

(28) Consistent with the purpose and intent of 31 U.S.C. 3720B and 28 U.S.C. 3201(e), no award of Federal funds shall be made to an applicant who has an outstanding Federal debt in accordance with Section VIII(I) of the General Section of this NOFA. HUD will

determine compliance with this threshold.

(29) An applicant must have a financial management system that meets Federal standards, in accordance with Section VIII(J) of the General Section of this NOFA. HUD will determine compliance with this threshold.

(30) Applicants are subject to a name check review process, in accordance with Section VIII(L) of the General Section of this NOFA. HUD will determine compliance with this threshold.

### III. Revitalization Grant Limitations

#### (A) Grant Amount Limitations

(1) The total amount you may request in your Revitalization application is limited to \$20 million or the sum of the amounts in Section III(A)(2), whichever is lower.

(2) Total Development Cost (TDC). The "TDC Limit" refers to the maximum amount of HUD funding that HUD will approve for development of specific public housing units in a given location. The TDC limit applies only to the costs of development of public housing that are paid directly with HUD public housing funds; a PHA may exceed the TDC limit using non-public housing funds such as CDBG, HOME, low-income housing tax credit equity, etc. The HUD TDC Cost Tables are issued for each calendar year for the building type and bedroom distribution for the public housing replacement units. Use the TDC limits in effect at the time this HOPE VI NOFA is published when making your TDC calculations (24 CFR 941, final rule published in the **Federal Register** on December 10, 2002. The TDC final rule may be found in the **Federal Register**, Vol. 67, No. 237, 76096 and on the HOPE VI Web site).

(a) The total cost of development, including relocation costs, is limited to the sum of:

(i) HUD's TDC limits up to 100 percent of HUD's published TDC limits for the costs of demolition and new construction, multiplied by the number of HOPE VI public housing replacement units; and/or

(ii) 90 percent of the TDC limits, multiplied by the number of public housing units after substantial rehabilitation and reconfiguration.

(b) The TDC limit for a project is made up of the following components:

(i) Housing Cost Cap (HCC): HUD's published limit on the use of public housing funds for the cost of constructing the public housing units, which includes unit hard costs, builder's overhead and profit, utilities from the street, finish landscaping, and

a hard cost contingency. Estimates should take into consideration the Davis-Bacon wage rate requirements as described in Section VI(D) of the General Section of this NOFA.

(ii) Community Renewal (CR): The balance of funds remaining within the project's TDC limit after the housing construction costs described in (i) above are subtracted from the TDC limit. This is the amount of public housing funds available to pay for PHA administration, planning, infrastructure and other site improvements, community and economic development facilities, acquisition, relocation, demolition, and remediation of units to be replaced on site, and all other development costs.

(3) CSS. You may request an amount up to 15 percent of the total HOPE VI grant to pay the costs of CSS activities, as described in Section VIII(B) of this NOFA. These costs are in addition to (*i.e.*, excluded from) the TDC calculation in Section (2) above.

(4) Demolition and Site Remediation Costs of Unreplaced On-site Units. You may request an amount necessary for demolition and site remediation costs of units that will not be replaced on-site. This cost is in addition to (*i.e.*, excluded from) the TDC calculation in Section (2) above.

#### (5) Extraordinary Site Costs.

(a) You may request a reasonable amount to pay extraordinary site costs, which are construction costs related to unusual pre-existing site conditions that are incurred, or anticipated to be incurred. If such costs are significantly greater than those typically required for similar construction, are verified by an independent, certified engineer or architect, and are approved by HUD, they may be excluded from the TDC calculation Section (2) above.

Extraordinary site costs may be incurred in the remediation and demolition of existing property, as well as in the development of new and rehabilitated units. Examples of such costs include, but are not limited to: abatement of extraordinary environmental site hazards; removal or replacement of extensive underground utility systems; extensive rock and/or soil removal and replacement; removal of hazardous underground tanks; work to address unusual site conditions such as slopes, terraces, water catchments, lakes, *etc.*; and work to address flood plain and other environmental remediation issues. Costs to abate asbestos and lead-based paint from structures are normal demolition costs. Extraordinary measures to remove lead-based paint that has leached into the soil would constitute an extraordinary site cost.