



# Rural Delivery

New York State Rural Housing Coalition, Inc.

November, 2015

## Advocates Meeting Explores MWBE Solutions

The annual meeting of the New York Rural Advocates was held on October 28th and 29th at the Otsego Hotel in Cooperstown. Prominent on the agenda was discussion of compliance with MWBE requirements for anyone contracting with the State of New York for community development and housing projects or programs. Compliance requirements have been an ongoing source of frustration and, in some cases, delay for program operators. The utilization goals are based on several analyses known as Disparity Studies. The most recent Disparity Study dates from 2010. As the MWBE legislation covers all state agencies, not just HCR, it was noted that the language of the compliance document is easily misunderstood in different industry categories. As an example, the attendees in Cooperstown found it difficult to understand exactly who the State was referring to when the term ‘Contractor’ was used within the legislation, and then in the reporting documents. The compliance challenges become very apparent in the administration of housing rehabilitation programs for owner occupants.

Rural Advocates’ Nancy Berkowitz summed up the challenges in 3 major areas of concern:

The demographics of Rural New York pose a particular challenge

in meeting the state-mandated goals. The Disparity Reports suggest levels of MWBE availability that are not reflected in experience in rural communities.

A second point concerns the MWBE database at the Empire State Development website. The database has been found to be complicated to use, and the data elements can be insufficient to effectively identify the firms needed to achieve compliance with the State requirements. Data in the system has challenges with accuracy, trade information, location and geographies served, making it difficult and time consuming to document outreach to contractors. The certification process for MWBE business owners is unwieldy for single proprietors and small firms.

The final area of concern relates to reporting and utilization plan requirements, which result in significant delays in getting to, and implementing contracts, while the beneficiaries of housing programs, for instance, continue to live in unsafe conditions. There appears to be a need for greater coordination and communication within and between State agencies, as well better communication and training for program operators. Advocates hope to have a consistent, recognized, step by step process for program admin-

istrators to achieve compliance, demonstrate best or good faith efforts, and avoid the necessity of requesting formal waivers as much as possible.

Representing the State at the Cooperstown meeting were Terry Owens of NYSHCR and Brian Ansari of Empire State Development. Mr. Ansari noted that his office is interested in working with minority and women owned firms to get them certified by the State. He also expressed concern about inordinately high bidding prices from MWBE contractors, and noted that this wasn’t about supporting greed.

It was noted that many local program administrators are actively working with small MWBE firms that are not certified, or firms that have many minorities or women working for them. There is additional need for effort in bringing minorities and women into the building trades, but that doesn’t necessarily mean that they will instantly start their own businesses.

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**RD**

**Rural Delivery**

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The Coalition is a non-profit statewide membership organization dedicated to strengthening and revitalizing rural New York by assisting housing and community development providers.

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## Bits and Pieces...

### A Belated Happy Birthday To HUD

On September 9, 1965, President Lyndon Johnson signed the bill establishing the Department of Housing and Urban Development. We would be remiss if we didn't wish our friends at HUD a happy birthday, however belated, particularly on this momentous 50th anniversary milestone!

### Funding Availability For Direct Section 502 and 504 Programs

Fiscal Year 2016 Single Family Housing Direct Section 502 and 504 Loan funds from USDA are now available. The funding is authorized by the Continuing Appropriations Act, 2016 (PL 114-53, HR 719) through December 11, 2015. Approximately \$176.7 million is available for 502 Direct Loans and \$5.15 million is available for 504 Loans. Section 504 and 523 grant funds will be available at a later date.

### HUD/USDA Suggestions Wanted

Representative Jeb Hensarling seeks suggestions for improvements to HUD and USDA programs. He is requesting specific information related to how USDA and HUD programs can be improved. Submit comments to [transformhousing@mail.house.gov](mailto:transformhousing@mail.house.gov).

### CASH Opens Main Street Anchor

CASH, Inc. of Lyons, NY (Wayne County) recently opened an anchor business in the downtown Lyons neighborhood. A former Newberry's store, the space now houses art gallery space, an antiques center on the lower level, a commercial kitchen that is used as a training facility for cooks and restaurant workers, and a coffee house. The store specializes in selling locally-produced goods.

Federal and U.S. military employees can support the Rural Housing Coalition through the annual Combined Federal Campaign (CFC). If you are a federal government or military employee and would like to donate through the CFC, please enter CFC code #9614 on your pledge card during the next fund drive.

## Round 2 Small Project Applications Due December 31st

The Small Project Affordable Rental Construction Program is a program to make project financing available to qualified housing developers for the construction of affordable multifamily rental properties of eight to twenty units located in areas where housing stock was damaged or lost due to the impact of Superstorm Sandy, Hurricane Irene and/or Tropical Storm Lee. The program is funded by the US Department of Housing and Urban Development through a grant to New York State with Community Development Block Grant Disaster Recovery ("CDBG-DR") funds. The Grant is administered on behalf of New York State by the Housing

Trust Fund Corporation and the Governor's Office of Storm Recovery as program administrator of the grant. The Community Preservation Corporation ("CPC") is assisting HTFC and GOSR with the administration of the grant. The maximum amount of program assistance to a project will be the lesser of \$3,750,000 per project or \$200,000 per affordable unit.

Two application rounds are planned. The deadline for Round 1 is November 2nd (sorry about that. Ed.), and the deadline for Round 2 is December 31st. For more information, visit: [www.nyshcr.org/Funding/RFP-RevFinalDeveloper.pdf](http://www.nyshcr.org/Funding/RFP-RevFinalDeveloper.pdf).

## Agricultural Enhancement Program Webinar

A webinar will be held on November 17th for potential applicants for the Hudson Valley Agricultural Enhancement Program. This grant opportunity is being offered to enable eligible applicants to specifically implement Conservation Easement Projects in the Hudson Valley with owners of viable agricultural lands that are at risk of conversion to non-farm uses. \$18,750,000.00 will be available in this funding round.

Eligible applicants are non-profit and government agencies. Sup-

ported activities include;  
--Perpetual conservation easement resulting from the sale of development rights associated with a Purchase of Development Rights transaction or a Transfer of Development Rights transaction; AND  
--Perpetual conservation easement resulting from the donation of the full value of development rights.

To register for the webinar, visit <https://meetny.webex.com/meetny/j.php?MTID=m7d684a1b9752c4104c11c8bd0f44d65>.

## Governor Appoints HCR Deputy Commissioner

Mark Colón has been appointed President and Deputy Commissioner of the Office of Housing Preservation at New York State Homes and Community Renewal, after having served as HCR's Deputy Counsel since 2008. Previously, Mr. Colón practiced law as an Associate at Dechert LLP and at Simpson Thacher & Bartlett LLP. Mr. Colón has also clerked for the Honorable Julio M. Fuentes, Third Circuit, US Court of Appeals. He holds a BA from Hunter College and a JD from Yale Law School, where he was the Managing Editor of the Yale Law & Policy Review.

## Upcoming HUD Trainings

REMINDER ... Upcoming Training and Technical Assistance conference calls from the Buffalo HUD office:

November 19th: TA Thursday – Program Income – accounting for it, reporting it and staying accurate & accountable.

December 10th: TA Thursday – Public Safety & CDBG. How CDBG funds can and cannot be used for public safety & policing activities.

December 16th: REHAB RAP! – Insulation & Air Sealing

All training calls begin at 9:30 AM. Mark your calendars!

## NDC Real Estate Training Slated

The National Development Council will hold a real estate development class in Philadelphia on November 16-20th. Take an in-depth look at real estate development financing from the perspective of lenders, developers, investors, non-profits and government officials. Learn to analyze economic development real estate projects—retail, office, mixed-use—using the rates of return required by lenders, developers and investors. Better determine the appropriate amount of public sector financing needed to make projects feasible.

Public sector financing tools and techniques, including tax credits, designed to attract, leverage and complement private financing, are utilized to maximize equity while minimizing the amount of public investment. No prerequisites are required. For more information, visit: <https://register.asapconnected.com/ClassDetail.aspx?pk=307102>.

## Program Profile:

# Delaware Opportunities Celebrates 50 Years Of Service

*In our regular feature, Rural Delivery invites members of the Rural Housing Coalition to highlight their community development projects and programs in the pages of this newsletter. This month, we are pleased to present Delaware Opportunities, as they celebrate a half century of service to the residents of Delaware County. In their own words, here is their story:*

In 1965, five local civic leaders came together in rural Delaware County, New York to create a not-for-profit corporation dedicated to finding and ameliorating the causes and conditions of poverty and Delaware Opportunities Inc. was established as a Community Action Agency.

The agency began with an annual budget of \$3,000 and a part time Executive Director who, working with a volunteer Board of Directors began the process pursuing its purpose. In the early years, the agency established a Head Start program, started a food pantry, provided advocacy, and information and referral. By the mid 1970's, the agency identified the availability of affordable, decent, safe, and sanitary housing as a central part of its responsibilities.

A HUD Section 8 rental assistance program was established for a single village as the first approach toward housing affordability. The Weatherization Assistance Program began as both an energy conservation effort and a way of reducing the cost of energy and utilities and thus make shelter costs more affordable. At the beginning of the 1980's, the

agency was at the forefront of home energy assistance and remains a HEAP certifying agency today. The agency began housing rehabilitation in one community and expanded the rental assistance program to two additional villages and by the end of that decade the rental assistance program expanded to serve essentially the entire county.

Housing rehabilitation programs had been successfully carried out in ten different communities. A shelter for domestic violence victims was established. Housing counseling activities began and the agency was designated a Housing Counseling Agency by HUD. And the agency was officially recognized as a Rural Preservation Company.

During the 1990's and into 21st Century, the agency continued and expanded housing rehabilitation, and rental assistance. The agency responded to damage caused by flooding in 1996, and played a major role rehabilitating housing and commercial facilities resulting from flooding in 2006 and continues to address community and housing renewal activities responding to flooding in 2011. RESTORE, HOME, Access to Home and the Affordable Housing Corporation, the Community Development Block Grant, and HUD Section 8 and Housing

Counseling were some of the funding sources accessed to continue the housing efforts.

In 2014, the agency added housing development to its housing services,



*Delaware Opportunities, Inc.  
Hamden, NY*

partnering with Lakewood Development for the construction of 32 rental units for families and

provided housing assistance for the homeless and near homeless.

During this 50 year period, Delaware Opportunities grew to a total staff of 239 people and an annual budget of \$13,500,000. Approximately 10,000 people are served each year. In addition to the programs or services discussed above, many others have been developed. Respite care is provided for the developmentally disabled, families are assisted with medicaid service coordination, employment and training services are available, the agency is the Child Care Resource and Referral agency for Delaware County and provides registration and inspection services as well as day care subsidies for families, youth mentoring is available with assistance from volunteers. Families with children at risk of abuse or neglect are helped and supported. And still more services have been developed and are available.

## Green Begets Green

According to an article in the *National Real Estate Investor*, apartment properties are more valuable if they are sustainably designed—*Green*—and lenders and property buyers are finally beginning to offer financing terms that reflect that increased value.

Fannie Mae, for instance, has a program that reduces the loan rate by 10 basis points if the project meets standards such as LEED at the time of loan closing. In the sample project profiled in the article, a project in New Jersey that received \$10.2 million in Fannie Mae financing will save over \$100,000 over the life of the loan by receiving this rate reduction. During the loan underwriting process, Fannie Mae considers the operating savings from green features in the design of the project when projecting the proforma feasibility. Those projected operating savings strengthen the bottom line, and allow the project to support more debt financing.

Through the end of 2014, Fannie Mae's bond investors have purchased \$140 million in bonds backed by loans for projects developed under Fannie Mae's Green Preservation Plus program. Projects with First Trust or Supplemental Loans with Fannie Mae can qualify for additional Supplemental Loan financing through the Green Rewards program, which can also trigger an additional 5% in maximum Loan to Value on the loan.

For more information on Fannie Mae's Green initiative, visit [www.fanniemae.com/content/fact\\_sheet/competitive-advantage-green-financing.pdf](http://www.fanniemae.com/content/fact_sheet/competitive-advantage-green-financing.pdf).

## NonProfit Grants Deadline Announced

Governor Cuomo announced on October 28th that \$50 million is available through the Governor's Nonprofit Infrastructure Capital Investment Program to support projects that improve the quality, efficiency, and accessibility of programs that provide crucial human services to millions of New Yorkers.

"Nonprofit organizations play an invaluable role in providing critical services for countless New Yorkers and we must do all we can to make sure that aging infrastructure does not stand in the way of their admirable work," Governor Cuomo said. "This funding does just that by helping these organizations complete capital projects that further their ability to deliver essential services."

As part of Governor Cuomo's 2015-16 Opportunity Agenda, the Nonprofit Infrastructure Capital Investment Program provides funding critical for the financing of construction projects that include renovation or expansion of program space, accessibility renovations, energy efficiency modifications, and

other technology projects. The program will make targeted investments throughout the State in capital projects that will improve or maintain the quality, efficiency, accessibility, and reach of nonprofit human services organizations that provide direct services to New Yorkers through State contracts, State-authorized payments, and/or State payment rates. The program is being administered by the Dormitory Authority and the funding application will be available on the Grants Gateway website. Applications are due on Wednesday, December 23, 2015.

Grant amounts under this initiative will range from \$50,000 to \$1,000,000. Questions about this program are due by November 10th, and questions and answers will be posted on the DASNY website by December 2nd. Awards are expected to be announced on February 26, 2016. The program information can be found at [www.grantsgateway.ny.gov/IntelliGrants\\_NYSGG/module/nysgg/gportal.aspx?NavItem1=3](http://www.grantsgateway.ny.gov/IntelliGrants_NYSGG/module/nysgg/gportal.aspx?NavItem1=3).

## Career Opportunities

### Asset Managers, Junior Underwriter, REO

NYS Homes and Community Renewal has openings for Asset Managers in Buffalo and New York City. Openings also exist for REO/Foreclosure Specialist, Junior Underwriter, and Administrative Analyst.

To review job notices, please visit [www.nyshcr.org/AboutUs/JobOpportunities/](http://www.nyshcr.org/AboutUs/JobOpportunities/). To apply, please send resume and cover letter to: [jobopportunities@nyshcr.org](mailto:jobopportunities@nyshcr.org). EOE

The New York State Rural Housing Coalition is happy to be able to provide help wanted advertising opportunities for our members and non-profit community development agencies. Ad copy must be provided in Microsoft Word format, and may be transmitted by email to [rhc@ruralhousing.org](mailto:rhc@ruralhousing.org). Ad copy must comply with federal and state equal opportunity requirements to be published, and must be received by the 25th of the month to ensure placement in the succeeding issue of *Rural Delivery*. Ads provided in this fashion will also be posted in the Career Opportunities page of the Coalition's website, unless a request is specifically made not to place the advertisement on-line.

## Innovations in Rural Housing

On Thursday, November 5th, a webinar “Exploring Innovation in Community Development” will be hosted by the Federal Reserve Bank of St. Louis. It will highlight several innovative partnerships and programs working to improve rural housing opportunities in some of the country’s poorest and most difficult-to-serve regions.

Currently, 85 percent of our country’s persistent poverty counties are located in rural America. More than one-third of rural Americans (including one in four rural children) live in poverty. These areas suffer from an aging, substandard housing stock, low incomes, high cost burdens and lack of affordable credit. Investing in rural communities and increasing opportunities for families are key to our nation’s future. The US Department of Agriculture’s Rural Housing Service implements USDA Rural Development’s

vision of expanding economic opportunity for rural America through improving the quality of life for residents through access to affordable credit. RHS’s housing programs offer the dream of affordable homeownership to low- and very low-income families; provide affordable rental opportunities for those families who want or need to rent; and community facility loans and grants to buy or build essential community facilities — from schools to fire trucks to hospitals.

During the webinar, speakers will discuss an energy-efficient manufactured housing initiative; a unique program combining capital preservation of multifamily housing with health services for seniors to promote aging in place; a home repair program that dramatically reduces utility costs for residents in Appalachia; and a Promise Zone that is combining housing and in-

frastructure funding in new ways to support much needed housing development on tribal lands.

Speakers include:

- David Lipsetz, Chief of Staff, Rural Housing Service, USDA
- Ted Brady, State Director, Vermont and New Hampshire, Rural Development, USDA
- Cynthia Reid, Director of Development, Cathedral Square Corp.
- Chris Doll, Assistant Executive Director, Housing Development Alliance Inc.
- Nick Tilsen, Executive Director, Thunder Valley Community Development Corp.

There is no charge for this event, but registration is required.

For questions or more information, please contact Kathy Moore Cowan at (901)531-5110 or email [kathy.m.cowan@stls.frb.org](mailto:kathy.m.cowan@stls.frb.org).

## Housing Preservation/Revitalization Demonstration Loans & Grants

On August 3rd, USDA released an announcement for the Multi-family Housing Preservation and Revitalization Program. This program provides a variety of tools to restructure the financing on Rural Rental Housing and off-farm Labor Housing, financed under Section 514, 515, and 516, to reduce operating costs. This helps improve and preserve the availability of safe affordable rental housing for low income residents. The application deadline is December 1, 2015 for MPR pre-applications. December 31, 2015 is the deadline for Debt Deferral pre-applications only.

Eligible applicants are current multi-family housing project owners with Rural Rental Housing and Off-Farm Labor Housing loans. Borrowers must continue to provide affordable rental housing for 20 years or the remaining term of any USDA loan, whichever is later. How may funds be used? To preserve and improve existing Rural Rental Housing and Off-Farm Labor Housing projects in order to extend their affordable use without displacing tenants through increased rents. A third party Capital Needs Assessment (CNA) will help identify project needs. What kinds of funding are available? A variety of restructuring tools are available including: grants, limited to nonprofit applicants; no interest loans; soft-second loans; and debt deferral.

A two-phase application process starts with pre-applications accepted on an annual basis through a Notice of Funding Availability (NOFA) in the Federal Register, Selected pre-applications are invited to submit final applications. As of September 15th, no pre-applications have been logged from New York, according to the USDA website.

For more information, visit: [www.rd.usda.gov/programs-services/housing-preservation-revitalization-demonstration-loans-grants](http://www.rd.usda.gov/programs-services/housing-preservation-revitalization-demonstration-loans-grants). Questions should be directed to the USDA RD State Office Director in Syracuse at (315) 477-6400.

## New York City Landlords Charged With Discriminating Against Resident With Disabilities

The US Department of Housing and Urban Development recently announced that it is charging the owners and landlords of a high-rise complex in New York City with violating the Fair Housing Act by refusing to allow a resident with disabilities to have an emotional support animal. HUD's charge alleges that Friedman Residence, LLC (formerly called the Aurora), Common Ground Management Corporation, and The Actors' Fund of America refused to accept that the resident required a dog to cope with the symptoms of his disability.

The Fair Housing Act requires housing providers to make reasonable accommodations in policies or practices when a person with a disability requires such accommodations, including granting waivers to "no-pet" policies for persons who require assistance or support animals. Additionally, the law makes it unlawful to make housing unavailable to any person because of a disability.

"It's not a landlord's role to determine what a resident with disabilities needs in order to perform life's daily functions," said Gustavo Velasquez, HUD Assistant Secretary for Fair Housing and Equal Opportunity. "Landlords have an obligation to grant reasonable accommodations when they are needed and HUD will continue to work to ensure that they meet that obligation."

The case came to HUD's attention after the resident, who has a psychiatric disability, filed a complaint with HUD alleging that his right to have an emotional support animal was denied. The man lives in a two-bedroom apartment at The Dorothy Ross Friedman Residence,

a 30-story supportive housing residence for senior citizens, working professionals and persons living with HIV/AIDS that is sponsored by the Actors' Fund, a New York nonprofit for performing arts and entertainment professionals.

When the tenant moved into Friedman Residence in 2004 he did not have a support animal. However, in 2010 the resident began being treated by a licensed clinical psychologist and a year later bought a small dog. After recognizing an improvement in the man's condition, his doctor recommended that he register the animal as an official emotional support animal.

In February 2013, the landlords initiated eviction procedures against the man due to the presence of the dog. The man subsequently provided the property management director with documents from his doctor and the National Service Animal Registry showing that the dog was an emotional support animal, but instead of accepting the documentation, the landlords sent the man a final "Notice of Termination," stating that he had not sufficiently demonstrated his need for the animal. Legal proceedings between the resident and the landlords in New York County Civil Court were stayed while this charge was investigated.

HUD's charge will be heard by a United States Administrative Law Judge unless any party to the charge elects to have the case heard in federal district court. If an administrative law judge finds after a hearing that discrimination has occurred, he may award damages to the man for the harm caused him by the discrimination. The judge may also order injunctive relief and other equitable

relief, as well as payment of attorney fees. In addition, the judge may impose fines to vindicate the public interest. If the matter is decided in federal court, the judge may also award punitive damages.

In FY 2014, disability was the most common basis of complaints filed with HUD and its partner agencies, being cited as a basis for 4,606 complaints, or 54 percent of the overall total. Read HUD's notice regarding service or companion animals at: [http://portal.hud.gov/hudportal/documents/huddoc?id=servanimals\\_ntcf-heo2013-01.pdf](http://portal.hud.gov/hudportal/documents/huddoc?id=servanimals_ntcf-heo2013-01.pdf).

Persons who believe they have experienced discrimination may file a complaint by contacting HUD's Office of Fair Housing and Equal Opportunity at (800) 669-9777 (voice) or (800) 927-9275 (TTY). Housing discrimination complaints may also be filed by going to [www.hud.gov/fairhousing](http://www.hud.gov/fairhousing), or by downloading HUD's free housing discrimination mobile application, which can be accessed through Apple devices, such as the iPhone, iPad, and iPod Touch.

### USDA Grant Deadline Announced

December 14th is the deadline for Rural Utility Service applications for funding to acquire, construct, or improve energy generation, transmission, or distribution facilities serving communities where average annual residential expenditure for home energy exceeding 275 percent of the national average.

For information, visit [www.grants.gov/web/grants/view-opportunity.html?oppId=279877](http://www.grants.gov/web/grants/view-opportunity.html?oppId=279877).

## CDFI Fund Opens 2015 Round of New Markets Tax Credit Program

The US Department of the Treasury's Community Development Financial Institutions Fund released the Notice of Allocation Availability (NOAA) on October 26th for the calendar year 2015 round of the New Markets Tax Credit Program. The NOAA makes up to \$5 billion in tax credit allocation authority available for the CY 2015 round, pending Congressional authorization. The CDFI Fund provided the NOAA on its website in anticipation of its publication in the Federal Register later this week.

The New Markets Tax Credit spurs investment of private sector capital into distressed communities by providing a tax credit to corpo-

rate or individual taxpayers who make qualified equity investments in designated Community Development Entities (CDEs). The CDEs, in turn, invest the capital raised into projects and businesses in low-income communities. The credit provided to the investor totals 39 percent of the investment in a CDE and is claimed over a seven-year credit allowance period.

The CDFI Fund has made 912 awards—totaling \$43.5 billion in tax credit allocation authority—to CDEs through the NMTC Program since the program's inception. More information about the NMTC Program can be found on the pro-

gram's website or in the program's fact sheet.

### Important Deadlines

- CDE Certification Application: November 6, 2015
- NMTC Electronic Application submission: December 16, 2015
- Prior Allocatees' Issuance of Qualified Equity Investments: January 29, 2016

Please refer to the NOAA for more details about these and other deadlines. The program website is found at [www.cdfifund.gov/programs-training/Programs/new-markets-tax-credit/Pages/default.aspx](http://www.cdfifund.gov/programs-training/Programs/new-markets-tax-credit/Pages/default.aspx).

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*Illegitimi Non Carborundum*