

PUBLIC HEARING
**FY 2023 CD & Housing Needs
& Consultation Meeting for
Substantial Action Plan Amendment**
Nassau County Office of Community Development

Wednesday, January 25, 2023



BRUCE A. BLAKEMAN
NASSAU COUNTY EXECUTIVE

KEVIN J. CREAN
DIRECTOR OF COMMUNITY DEVELOPMENT

Nassau County Urban Consortium



Entitlement community under the U.S.
Department of Housing and Urban
Development's Consolidated Programs

The Consortium receives annual allocations of
funding under the following programs:

- ❖ Community Development Block Grant Program (CDBG)
- ❖ HOME Investment Partnerships Program (HOME)
- ❖ Emergency Solutions Grants Program (ESG)

Five-Year Consolidated Plan



The FY2023 Funding Round is the fourth year under the current Five-Year Consolidated Plan submitted by Nassau County in 2020

1st – FFY 1999 – 2004

2nd – FFY 2005 – 2009

3rd – FFY 2010 – 2014

4th – FFY 2015 – 2019

5th – FFY 2020 – 2024



NASSAU COUNTY CONSORTIUM MEMBER MUNICIPALITIES



TOWNS (3)

Hempstead
North Hempstead
Oyster Bay

CITIES (2)

Glen Cove
Long Beach

VILLAGES (24)

Bayville
Bellerose
Cedarhurst
East Rockaway
Farmingdale
Floral Park
Freeport
Great Neck Plaza
Hempstead
Island Park
Lynbrook
Malverne

Manorhaven
Massapequa Park
Mineola
New Hyde Park
Rockville Centre
Roslyn
Sea Cliff
South Floral Park
Stewart Manor
Valley Stream
Westbury
Williston Park



PUBLIC HEARING
FY 2023 CD & Housing Needs
&
Substantial Action Plan Amendment

Today will begin the public participation process
in the development of the:

Annual Action Plan for FFY2023
& the Consultation Process
for the use of
HOME-American Recovery Plan funding

2023 Formula Funding Outlook

NACCED 

National Association for County
Community and Economic Development

Building the Future of Communities

Congress Passes Omnibus Package



In December, Congress finalized legislation on a fiscal year (FY) 2023 spending package. The omnibus bill includes \$58.2 billion for the Department of Housing and Urban Development, a \$4.5 billion increase over FY 2022 levels. The release follows a series of continuing resolutions (CRs) that repeatedly extended FY 2022 funding past the original September 30 deadline. The bill was signed by President Biden into law shortly after being passed.

In a win for NACCED, the legislation contains several NACCED-backed provisions for housing programs. The bill includes \$12.3 billion for Community Planning and Development, an increase of \$2.3 billion above FY 2022, including \$3.3 billion for Community Development Block Grants. This also includes \$1.5 billion for the HOME Investment Partnerships Program which has helped preserve approximately 1.35 million affordable homes. NACCED looks forward to continuing member engagement in 2023 to advocate for increased housing and community development federal support.

2023 Formula Funding Outlook

NACCED



National Association for County
Community and Economic Development

Building the Future of Communities

Congress Passes Omnibus Package

The Omnibus Bill includes:

\$58.2 billion for the Department of Housing and Urban Development
\$4.5 billion increase over FY 2022 levels.

\$12.3 billion for Community Planning and Development
\$2.3 billion increase above FY 2022

Community Development Block Grants \$3.3 billion

HOME Investment Partnerships Program \$1.5 billion

2023 *Anticipated* * Available Funding

◆ **CDBG Program - \$13,493,564**

❖ *Assumes level funding from PY 2022*

◆ **HOME Program - \$2,663,933**

❖ *Assumes level funding from PY 2022*

◆ **ESG Program - \$1,940,403**

❖ *Assumes level funding from PY 2022*

CDBG Eligible Activities



CDBG

- ◆ Eligible activities under the CDBG Program can be found in the regulations at 24 CFR 570.201-206. These activities include:

570.201

- Acquisition of Real Property for an eligible purpose
SUBJECT TO HUD REVIEW RE: EMINENT DOMAIN
- Disposition of Real Property for an eligible purpose
- Public facilities and improvements
- Clearance activities
- Public Services
- Payment of non-Federal share

CDBG Eligible Activities

◆ 570.201 contd.

- Urban renewal completion
- Relocation
- Housing services
- Construction of housing
- Homeownership assistance
- Micro enterprise assistance
- Technical assistance
- Assistance to institutions of higher learning

CDBG Eligible Rehabilitation and Preservation Activities

◆ 570.202 Eligible Rehabilitation and Preservation Activities include:

- Residential Rehabilitation
- Commercial Rehabilitation
- Code enforcement
- Historic Preservation
- Renovation of closed buildings
- Lead-based paint activities

Special Economic Development

- ◆ 570.203 Special Economic Development
 - ✓ Direct Assistance to Businesses
 - ✓ Job Creation and/or Retention
 - Primarily Benefit Low/Mod Persons
 - ✓ Leveraging of CDBG funds

National Objective Compliance

Every activity under the CDBG Program must meet one of the three broad national objectives of the program

- Benefit to low and moderate income persons
- Prevention or elimination of slums and blight
- Meet a community need having a particular urgency

National Objective Compliance



Current income limits became effective
in June 2022.


New income limits will be posted to our website and
distributed to consortium member municipalities
when received.

All CDBG grantees must use the new income limits
when qualifying an individual or household for CDBG
assistance.

Activity Timeliness & Targeted Completions





In an effort to reduce the number of open activities, HUD is requiring more detailed project descriptions, project timelines, & completion date targets.



Funding applications request this information.



Any activity type that is currently flagged by HUD will not be awarded 49th program year funds unless a detailed remediation plan acceptable to HUD has been submitted.






Timeliness Workout Plans



CDBG Funding Applications request status reports on prior funded activities.



Any consortium member municipality that fails to meet the timeliness of expenditure targets by June 30th will be required to submit a detailed workout plan designed to bring its program into compliance by June 2024.



2020 Census Updates



The Census Bureau announced that it is delaying the release of 2016-2020 American Community Survey (ACS) data until mid to late March 2022

Consortium Members are advised to use existing ACS data to plan area-benefit activities for FY2023.

HOME Investment Partnerships Program

Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990

Nassau County is a participating
jurisdiction under the HOME Program.

HOME Eligible Activities

Eligible activities under the HOME Program can be found in the regulations at 24 CFR 92.205. These activities include:

- Incentives to develop and support affordable rental and homeownership through:
 - ❖ Acquisition
 - ❖ New construction
 - ❖ Reconstruction
 - ❖ Rehabilitation of non-luxury housing

HOME Investment Partnerships Program

Final Rule Published July 24, 2013

Emphasis on

- ◆ Assessing risk of activities and projects;
- ◆ Monitoring performance and compliance;
- ◆ Stricter Subsidy Layering and Underwriting Guidelines;
- ◆ Assessment, at minimum, of:
 - ❖ market conditions of the neighborhood where project will be located;
 - ❖ housing development experience and financial capacity of developer;
 - ❖ firm financial commitments for the project.

HOME Investment Partnerships Program

Final Rule Published July 24, 2013

Project Completion Deadline

- ◆ Any project that has not been completed within 4 years of date of commitment will be considered terminated before completion and HOME funds invested must be repaid
- ◆ New Requirements to Ensure Timeframes for Initial Occupancy of Rental Units Are Met

HOME Investment Partnerships Program

Final Rule Published July 24, 2013

Project Completion Deadline

◆ Units that are acquired, rehabilitated or newly constructed with HOME funds for homeownership purposes must be sold to an eligible buyer within 9 months of completion

◆ § 92.254 Amended to require that:

- “If there is no ratified sales contract with an eligible homebuyer for the housing within 9 months of the date of completion of construction or rehabilitation, the housing must be rented to an eligible tenant in accordance with § 92.252.

HOME Investment Partnerships Program

Final Rule Published July 24, 2013

CHDO Capacity Requirements

- ❖ To qualify as a CHDO, organization must have **paid** staff with housing development experience
- ❖ “Demonstrated Capacity” requirement **cannot** be met through the use of consultants and a plan for staff to be trained, by volunteers, or by person whose services are donated by another organization.
- ❖ NC OCD must certify that the organization meets the definition of a CHDO & has capacity to own, develop or sponsor housing each time it commits funds

HOME Eligible Housing Must Be Permanent or Transitional

◆ Need for Workforce, Senior, & Disabled Housing

Priority will be given to projects that:

- ✓ Result in increased ownership and rental housing units
- ✓ Are located in high opportunity areas according to HUD indices and in existing downtowns
- ✓ Result in increased number of units accessible to disabled populations
- ✓ Must demonstrate firm financial commitment of other funding sources

Criteria for HOME selection process

Program Benefit

- Leveraging of other public and private funding and the level of commitment of the other funding.
- Project will create or preserve affordability and result in increased housing opportunities for Nassau County residents.
- Number of housing units that will be handicapped-accessible at the completion of the proposed project.
- Compliance with Nassau County's homebuyer income eligibility guidelines;
- Degree of low-income benefit that will be derived from the proposed project.

Criteria for HOME selection process

Project Design

- Proximity of project to Long Island Rail Road stations and/or Long Island Bus stops.
- Proximity of project to defined “downtown” and/or local Central Business District.
- Inclusion of green rehabilitation or green development standards including meeting national standards such as LEED or Energy Star.
- Project design that incorporates
 - national standards for “Healthy Homes”.
 - “visitability” standards for the physically challenged.
 - Compliance with Digital Divide Legislation – “Broadband Access”

Criteria for HOME selection process



Community Outreach and Support

- Consistency with local visioning and other neighborhood development plans
- Proposals that include a well designed and implemented affirmative fair housing marketing plan for initial and ongoing occupancy.

Criteria for HOME selection process

Organizational Capacity







- Proven experience in developing housing and organizational capacity to undertake proposed development.
- Financial capacity to complete the proposed project including existing funding commitments.
- Readiness to proceed, including evidence of site control.
- Experience with the HOME Program and/or other public housing grant programs.
- Applications that are thorough and demonstrate the ability to complete the project within 24-months of award.

Emergency Solutions Grants Program



Interim Rule Published December 5, 2011

“The key changes that reflect this new emphasis are the expansion of the homeless prevention component of the program and the addition of a new rapid re-housing assistance component.” – Interim Rule



ESG Eligible Activities

- **Street Outreach:** funds may cover costs related to essential services for unsheltered persons (including emergency health or mental health care, engagement, case management, and services for special populations).
- **Emergency Shelter:** funds may be used for renovation of emergency shelter facilities and the operation of those facilities, as well as services for the residents (including case management, child care, education, employment assistance and job training, legal, mental health, substance abuse treatment, transportation, and services for special populations)
- **Homelessness Prevention and Rapid Re-Housing:** both components fund housing relocation and stabilization services (including rental application fees, security deposits, utility deposits or payments, last month's rent and housing search and placement activities). Funds may also be used for short- or medium-term rental assistance for those who are at-risk of becoming homeless or transitioning to stable housing.
- **HMIS:** funds may be used to pay the costs for contributing data to the HMIS designated by the Continuum of Care for the area. Eligible activities include (computer hardware, software, or equipment, technical support, office space, salaries of operators, staff training costs, and participation fees).

HOME-American Rescue Plan (HOME-ARP) Program Funding

- Funds were appropriated under Title II of Cranston-Gonzalez National Affordable Housing Act of 1990 (NAHA) – HOME Program statute
- Allocated via HOME Program formula to jurisdictions that qualified
 - Nassau County OCD has been allocated \$8,835,994

HOME – ARP Funding

Funding to be used for **homelessness** assistance and assistance to other **vulnerable populations** to:

- Provide capital investment for permanent rental housing
- Upgrade available stock of shelter to include non-congregate shelter
- Provide tenant-based rental assistance and supportive services

HOME – ARP Funding

HOME-ARP funds can be used for four eligible activities:

- Production or Preservation of Affordable Housing
- Tenant-Based Rental Assistance (TBRA)
- Supportive Services, Homeless Prevention Services, and Housing Counseling
- Purchase and Development of Non-Congregate Shelter

HOME-ARP Qualifying Populations

- 1) Homeless (McKinney Act definition at 24 CFR 91.5)
- 2) At-risk of homelessness
(McKinney Act definition at 24 CFR 91.5)
- 3) Fleeing/Attempting to Flee Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Human Trafficking
- 4) Other Populations where assistance would:
 - Prevent the family's homelessness; or
 - Serve those with the Greatest Risk of Housing Instability

Veterans & families including veteran member
that meet one of preceding criteria

HOME-ARP Consultation Process

OCD held several stakeholder meetings with local agencies, housing providers, non-profit organizations and advocates to develop a plan to utilize the HOME-ARP funding for activities that will be the most impactful based on the County's specific needs and resources

OCD continues to coordinate with other Long Island participating jurisdictions and the HUD-Designated Continuum of Care to assess the overall need and gaps in the available housing for the qualifying populations

Plan will be published as part of a Substantial Amendment to the County's FY2021 HUD Action Plan which will be made available for public review in the next few weeks

Five-Year Consolidated Plan

Collaborative Process aimed at identifying a unified vision for community development actions to be undertaken during the Five Year Period

Includes:

1. Strategic Plan
 - Analysis of data and needs
 - Establishes priorities and goals for Five-Year Period
2. Fair Housing Plan/Analysis of Impediments
3. Annual Action Plan
 - Activity/Project Information for Year 1

Five-Year Consolidated Plan

The FY2023 Funding Round is the third year under the current Five-Year Consolidated Plan submitted by Nassau County in 2020

Five-Year Consolidated Plan

Identified HIGH Priority Needs

Housing Needs

- Renter
 - ◆ Small Households – Very Low; Low; & Moderate Income
 - ◆ Elderly Households – Very Low & Low Income
- Owner
 - ◆ Small & Large Households – Moderate Income
- Special Needs Housing
 - ◆ Elderly & Victims of Domestic Violence

Five-Year Consolidated Plan

Funding Priority

Housing

Applications for funding that will Result in:

- New rental housing for Very Low; Low; & Moderate Income Households in High Opportunity Areas
- Transit Oriented Development

Five-Year Consolidated Plan

Funding Priority

Housing

High Opportunity Areas Are CT's With:

1. Very low Poverty;
2. Very low unemployment;
3. High level of completed college;
4. Low % of AA & Hispanics;
5. High performing public schools;
6. Low Crime rates;
7. Access to Transit

Five-Year Consolidated Plan

Identified HIGH Priority Needs

Community Development Needs

- Property Disposition
- Clearance of Contaminated Sites
- Code Enforcement
- Senior Center Improvements
- Parks & Recreational Facilities
- Street & Sidewalk Improvements

Five-Year Consolidated Plan

Identified HIGH Priority Needs

Community Development Needs CONTINUED

- Public Services
- Senior Services
- Employment Training Services
- Fair Housing Activities
- Tenant Landlord Counseling
- Micro-Enterprise Assistance

Fair Housing



- ❖ Subrecipients and Contractors are responsible for implementing their projects in compliance with all local, state and federal laws and regulations regarding civil rights, fair housing and equal opportunity.
- ❖ Subrecipients or Contractors are required to actively enforce the provisions of such statutes and regulations and develop strategies for addressing the requirements.
- ❖ Subrecipients and Contractors must take affirmative steps to promote fair and equal access to housing without regard to race, color, religion, gender, age, national origin, disability, or familial status

Final Affirmatively Furthering Fair Housing Rule

Published July 16, 2015

The AFFH rule sets out a framework for local governments, States, and public housing agencies (PHAs) to take meaningful actions to overcome historic patterns of segregation, promote fair housing choice, and foster inclusive communities that are free from discrimination.



Affirmatively Furthering Fair Housing



June 2021 - Published an interim final rule to restore the implementation of the Fair Housing Act's Affirmatively Furthering Fair Housing (AFFH) requirement.

Affirmatively Furthering Fair Housing



U.S. Department of
Housing and Urban Development

FOR RELEASE

Thursday

January 19, 2023

HUD ANNOUNCES NEW PROPOSED "AFFIRMATIVELY FURTHERING FAIR HOUSING" RULE, TAKING A MAJOR STEP TOWARDS ROOTING OUT LONGSTANDING INEQUITIES IN HOUSING AND FOSTERING INCLUSIVE COMMUNITIES

Rule expands upon HUD's previous policy, implementing opportunities for transparency and accountability while bolstering economic equity for American families

WASHINGTON - The U.S. Department of Housing and Urban Development (HUD) will imminently publish a [Notice of Proposed Rulemaking](#) in the Federal Register to fulfill the promise of the 1968 Fair Housing Act. The proposed rule aims to remedy the effects of the long history of discrimination in housing, will help to foster opportunity in communities across the country where every resident can thrive. In addition, this proposed rule meets President Biden's commitment to in office to fully enforce the Fair Housing Act. The rule is part of HUD's [Redressing Our Nation's and the Federal Government's Role in Housing Discrimination](#).

Opinion: HUD Secretary on how to make fair housing a reality

Opinion by Marcia L. Fudge
Published 6:07 AM EST, Thu January 19, 2023

Affirmatively Furthering Fair Housing



January 2023 – HUD announces that it will soon publish a “Notice of Proposed Rulemaking on Affirmatively Furthering Fair Housing” that will refine the 2015 Affirmatively Furthering Fair Housing Rule.

Equity Plan would be due prior to next Five-Year Consolidated Plan.

Analysis of Impediments to Fair Housing Choice (AI)

Nassau County submitted a new Analysis of Impediments in FFY 2020 along with its Five-Year Consolidated Plan.

The AI Identified Nine Impediments to Fair Housing Choice in the County, described actions being taken to address the obstacles.

Full AI is available on OCD's website

Fair Housing



CDBG, HOME & ESG Funding Applications
Are Designed to Collect Information Related To
Affirmatively Furthering Fair Housing




Fair Housing



Application Questions

Does the proposed activity?

- 1. Support and promote integrated communities and improve integrated living patterns?**
 - 2. Reduce racially and ethnically concentrated areas of poverty?**
 - 3. Respond to identified disproportionate housing needs of persons protected under the Fair Housing Act?**
 - 4. Foster and maintain compliance with civil rights and fair housing laws?**
 - 5. Address disparities in access to key community assets which may provide greater mobility and access to vital assets including economic opportunities, employment, health, transportation and quality education?**
- 

Section 3

Section 3 of the Housing and Urban Development Act of 1968, requires that to the greatest extent feasible opportunities for training and employment be given to low- and very low-income residents of the project area, and that contracts for work in connection with the project be awarded to business concerns that provide economic opportunities for low- and very low-income persons residing in the project area.

Section 3 applies to:

- ❖ Projects for which HUD's share of the project costs exceeds \$200,000; and
- ❖ Contracts and subcontracts awarded on projects for which HUD's share or project costs exceeds \$200,000
- ❖ Recipients whose projects do not fall under Section 3 are nonetheless encouraged to comply with the Section 3 preference requirements

Other Federal Requirements

- ◆ National Environmental Policy Act (NEPA)
- ◆ Davis-Bacon Wage Rates
- ◆ Uniform Relocation Assistance and Real Property Acquisition Policies Act
- ◆ HUD Lead-Based Paint Regulations

PY 2023 Application Process

NC OCD utilizes an on-line Funding Application platform hosted by



Link to Neighborly Grants Applications

IS EXPECTED TO BE AVAILABLE ON THURSDAY January 26th

AT OCD WEBSITE:

<https://www.nassaucountyny.gov/1524/Community-Development>

Under “Spotlight” Heading

Activity Timelines & Targeted Completions

Project Schedule for Projects Involving Construction :

<u>Phase</u>	<u>Anticipated Completion Date</u>
Architectural/Engineering	<u>MM/YYYY</u>
Bid Phase	<u>MM/YYYY</u>
Construction Phase	<u>MM/YYYY</u>
Completion Date	<u>MM/YYYY</u>

- ❖ Applications submitted without this information will be returned!

Activity Timelines & Targeted Completions

Public Service Activities

Project Schedule for Public Service Activities will be for two years from September 1st PY Start Date.

Any public service fund balances remaining after two years may be transferred to other activities.*

(*This may require a contract amendment.)

PY 2023 Application Process

- Municipalities are to schedule public hearings prior to finalizing funding decisions
- Pre-Submission Meetings With Selected Consortium Members
- CD Reps will contact you to schedule
- Timely Submission of Funding Applications is Imperative!

Application Process

Public Service Applications:

Countywide vs. Local Service Area

Minimum Allocation for Public Service Activities Is \$4,000.00 for Local Programs

Countywide Service Areas Will Be Assessed on an Individual Basis

NASSAU COUNTY CONSORTIUM MEMBER MUNICIPALITIES



TOWNS

Hempstead
North Hempstead
Oyster Bay

CITIES

Glen Cove
Long Beach

VILLAGES

Bayville
Bellerose
Cedarhurst
East Rockaway
Farmingdale
Floral Park
Freeport
Great Neck Plaza
Hempstead
Island Park
Lynbrook
Malverne

Manorhaven
Massapequa Park
Mineola
New Hyde Park
Rockville Centre
Roslyn
Sea Cliff
South Floral Park
Stewart Manor
Valley Stream
Westbury
Williston Park



Application Process

Important Dates:

March 17th — Final applications should be submitted to OCD

May 6st — Final decisions made and Action Plan expected to be available for comment

July 14th — Planned Submission to HUD

September 1st — 2023 Program Year Start Date

Annual Reporting Requirements

Important Dates:

March 15th & September 15 th (Semi-Annually)	—	HUD 4710 Semi-Annual Labor Standards
September 15 th	—	HUD 2516 Contract & Sub-Contract Activity
At Project Completion	—	Section 3 Compliance Report
On-Going	—	Consolidated Annual Performance Evaluation Report (CAPER)

Public Comment

Public comment is requested for:

1. Housing Needs in Nassau County
2. Community Development Needs in Nassau County
3. HOME-ARP Priorities and Specific Needs of the Homeless

Public Comment



Written comments can be sent to:

Terry Dukes, Deputy Director

TDukes@NassauCountyNY.gov

NC Office of Community Development

1 West Street – Suite 365

Mineola, NY 11501