

M-40 Site and Neighborhood Standards Certification

Development Name: _____ Applicant Name: _____

Housing provided through the HOME program must promote greater choice of housing opportunities. Specific rules are as follows:

- A. HOME-provided housing must be suitable from the standpoint of facilitating and furthering full compliance with Title VI of the Civil Rights Act - 1964, the Fair Housing Act, and Executive Order 11063.
1. **Title VI of the Civil Rights Act of 1964**, as amended (42 U.S.C. 2000d) - States that no person may be excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance on the basis of race, color, or national origin.
 2. Title VIII of the Civil Rights Act of 1968, as amended "**The Fair Housing Act**" (42 U.S.C. 3601) - Prohibits discrimination in the sale or rental of units in the private housing market against any person on the basis of race, color, religion, sex, national origin, familial status or handicap.
 3. Equal Opportunity in Housing (**Executive Order 11063**) - Prohibits discrimination in housing or residential property financing related to any federally assisted activity against individuals on the basis of race, color, religion, sex or national origin.
- B. Sites proposed for new construction projects or rehabilitation that includes increasing the number of units in an existing project, must meet site and neighborhood standards from 24 CFR 983.57(e), which places limiting conditions on building in areas of "minority concentration" and that are "racially mixed."

Section 983.57(e) Site and neighborhood standards

- (e) New construction site and neighborhood standards. A site for newly constructed housing must meet the following site and neighborhood standards:
- (1) The site must be adequate in size, exposure, and contour to accommodate the number and type of units proposed, and adequate utilities (water, sewer, gas, and electricity) and streets must be available to service the site.
 - (2) The site must not be located in an area of minority concentration, except as permitted under paragraph (e)(3) of this section, and must not be located in a racially mixed area if the project will cause a significant increase in the proportion of minority to non-minority residents in the area.
 - (3) A project may be located in an area of minority concentration only if:
 - (i) Sufficient, comparable opportunities exist for housing for minority families, in the income range to be served by the proposed project, outside areas of minority concentration (see paragraph (e)(3)(iii), (iv), and (v) of this section for further guidance on this criterion); or
 - (ii) The project is necessary to meet overriding housing needs that cannot be met in that housing market area (see paragraph (e)(3)(vi) of this section for further guidance on this criterion).
 - (iii) As used in paragraph (e)(3)(i) of this section, "sufficient" does not require that in every locality there be an equal number of assisted units within and outside of areas of minority concentration. Rather, application of this standard should produce a reasonable distribution of assisted units each year, that, over a period of several years, will approach an appropriate balance of housing choices within and outside areas of minority concentration. An appropriate balance in any jurisdiction must be determined in light of local conditions affecting the range of housing choices available for low-income minority families and in relation to the racial mix of the locality's population
 - (iv) Units may be considered "comparable opportunities," as used in paragraph (e)(3)(i) of this section, if they have the same household type (elderly, disabled, family, large family) and tenure type (owner/renter); require approximately the same tenant contribution towards rent; serve the same income group; are located in the same housing market; and are in standard condition.
 - (v) Application of this sufficient, comparable opportunities standard involves assessing the overall impact of HUD-assisted housing on the availability of housing choices for low-income minority families in and outside areas of minority concentration, and must take into account the extent to which the following factors are present, along with other factors relevant to housing choice:
 - (A) A significant number of assisted housing units are available outside areas of minority concentration.

- (B) There is significant integration of assisted housing projects constructed or rehabilitated in the past 10 years, relative to the racial mix of the eligible population.
 - (C) There are racially integrated neighborhoods in the locality.
 - (D) Programs are operated by the locality to assist minority families that wish to find housing outside areas of minority concentration.
 - (E) Minority families have benefited from local activities (e.g., acquisition and write-down of sites, tax relief programs for homeowners, acquisitions of units for use as assisted housing units) undertaken to expand choice for minority families outside of areas of minority concentration.
 - (F) A significant proportion of minority households has been successful in finding units in non-minority areas under the tenant-based assistance programs.
 - (G) Comparable housing opportunities have been made available outside areas of minority concentration through other programs.
- (vi) Application of the "overriding housing needs" criterion, for example, permits approval of sites that are an integral part of an overall local strategy for the preservation or restoration of the immediate neighborhood and of sites in a neighborhood experiencing significant private investment that is demonstrably improving the economic character of the area (a "revitalizing area"). An "overriding housing need," however, may not serve as the basis for determining that a site is acceptable, if the only reason the need cannot otherwise be feasibly met is that discrimination on the basis of race, color, religion, sex, national origin, age, familial status, or disability renders sites outside areas of minority concentration unavailable or if the use of this standard in recent years has had the effect of circumventing the obligation to provide housing choice.
- (4) The site must promote greater choice of housing opportunities and avoid undue concentration of assisted persons in areas containing a high proportion of low-income persons.
 - (5) The neighborhood must not be one that is seriously detrimental to family life or in which substandard dwellings or other undesirable conditions predominate, unless there is actively in progress a concerted program to remedy the undesirable conditions.
 - (6) The housing must be accessible to social, recreational, educational, commercial, and health facilities and services and other municipal facilities and services that are at least equivalent to those typically found in neighborhoods consisting largely of unassisted, standard housing of similar market rents.
 - (7) Except for new construction, housing designed for elderly persons, travel time, and cost via public transportation or private automobile from the neighborhood to places of employment providing a range of jobs for lower-income workers, must not be excessive.

I have read the above and understand that it is my responsibility to ensure the site(s) and neighborhood(s) in which my HOME-assisted activities take place meet all Site and Neighborhood Standards. I hereby certify that my site(s) comply with Title VI of the Civil Rights Act of 1964, as amended, the Fair Housing Act, and Executive Order 11063. In addition, if my activity includes new construction of rental units or addition of rental units to existing properties, I certify that my site(s) meet all site and neighborhood standards of Section 983.57(e).

Authorized Representative (Printed Name) _____

Signature: _____

Date: _____