TAB II: SITE SELECTION & NEIGHBORHOOD COMPATIBILITY

In general, sites available for development must be within the context of existing communities. Each of these neighborhoods has over time developed a unique character. Harris County Community Services Department (HCCSD) encourages development which builds upon the uniqueness of these neighborhoods. All housing developments should fit into and enhance existing neighborhoods and meet all requirements.

2.1 Environmental Requirements

HUD requires an environmental review for every project funded in whole or part by federal funds. Projects must pass environmental review and receive release of funds from HUD to use HUD funding. If funds are expended before HUD approval and Release of Funds, those funds may not be reimbursed by Harris County entitlement funding. The review considers the impact of the project on the environment and the environment's impact on the project in such areas as:

- Wetlands/Floodplain
- Hazardous, Toxic, and Explosive/Flammable Materials
- Proximity to Railroads, Highways, and Airports
- Endangered Species
- Historic Preservation
- Clean Air
- Environment Justice

Applicants applying for acquisition of land and or new construction of housing units must provide, at their expense, a Phase I Environmental Site Assessment (see current standard created by ASTM E1527-05) conducted by an experienced professional in environmental site assessment dated no later than 6 months prior to the submission of their application for HCCSD funding. HCCSD reserves the right to require a Phase I site assessment on rehabilitation or conversion housing project when one or more applicable statutes (24 CFR 58) are impacted. If an impact is discovered further research and assessment (for example a Phase II or III assessment) may be required at the expense of the applicant.

Design and construction documents shall incorporate work necessary to mitigate environmental concerns identified in the environmental review and assessments unless these concerns are addressed prior to construction start and are outside the limits of the construction documents. These should be documented in writing to HCCSD prior to construction. Mitigation methods shall be in accordance with a plan prepared in conformance with applicable Federal, State, and local laws and regulations and accepted by HCCSD.

Airport Clear Zones
Proposal property/project site location should not be in Runway Clear Zone / Clear Zone - Areas immediately beyond the ends of a runway of a civil or military airport or in an Accident Potential zone.

Sound/Noise Abatement
Projects where the site is located within 1,000 feet of a highway, freeway or a major arterial must provide a plan of steps taken to mitigate for highway, freeway or major arterial noise.

Projects where the site is located within 3,000 feet of a railroad must provide a plan of steps taken to mitigate for railroad noise.

Floodplain
Proposed development of new affordable housing construction may not be located within the 100-year floodplain as identified by the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps. HCCSD Director may review individual requests on a case-by-case basis and apply a waiver to the policy when the project serves to improve existing housing conditions in a defined area, particularly in response to natural disasters and areas of slum and blight. In this case, the development must design the site so that all finished ground floor elevations are at least one foot above the base flood elevation and parking and drive areas are no lower than six inches below the base flood elevation, subject to more stringent local requirements. If no FEMA Flood Insurance Rate Maps are available for the proposed development, flood zone documentation must be provided from the local government with jurisdiction identifying the 100-year floodplain.

2.2 Affordable Multi-unit Family and Senior Housing Concentration Policy

Affordable housing opportunities should be available to residents throughout Harris County. These opportunities should be viable and self-supporting projects that effectively supplies the local communities demand for affordable multi-family/senior units. To that end, HCCSD shall utilize criteria designed to evaluate the dispersal of subsidized multi-unit housing throughout the county's service area.

The primary objective of the County's Concentration Policy is to ensure the viability of proposed affordable housing projects and the sustainability of existing Federally Subsidized and Rent Regulated ("FSRR") [1], Section 42 [2], and other governmentally financed properties constructed or renovated within the past 10 years. A secondary objective is to encourage competition that will motivate older subsidized properties and existing non-subsidized properties to renovate and modernize.

[1] Properties that have been funded with federal funds and have defined affordable rent structures according to U.S. Department of Housing and Urban Development's income levels.
[2] Tax Credit funded properties

Review Procedures

HCCSD shall be responsible for the review of subsidized multi-family housing projects applying for Harris County U.S. Department of Housing & Urban Development Entitlement funds and for organizations requesting Letters of Consistency with the Consolidated Plan for projects that acquire or construct multi-unit housing. HCCSD has established this threshold policy for the concentration of tax credit and HUD-funded multi-unit projects for seniors and low-income rental units locating in the Harris County service area.

Organizations that are applying for multi-family/senior acquisition and/or construction funding from Harris County CSD must be consistent with this policy **PRIOR** to award of funds. A consistency review will be initiated during the application threshold review. Criteria for review is available in the appendix of these Standards.

2.3 Minority Concentration

New multi-family project sites must not be located in areas of 65 percent or greater minority concentration, except as permitted under paragraph (i) 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.

(i) A project may be located in an area of minority concentration only if:

(A) 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 (ii) of this section for further guidance on this criterion);

OR

(B) The project is necessary to meet overriding housing needs that cannot be met in that housing market area.

(ii) (A) "Sufficient" does not require that in every locality there be an equal number of assisted units within and outside the 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.

(B) Units may be considered "comparable opportunities" 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.

(C) 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:

(1) A significant number of assisted housing units are available outside areas of minority concentration.

(2) 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.
(3) There are racially integrated neighborhoods in the locality.
(4) Programs are operated by the locality to assist minority families that wish to find housing outside areas of minority concentration.
(5) 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 the minority concentration.
(6) A significant proportion of minority households have been successful in finding units in non-minority areas under the Section 8 certificate and voucher programs.
(7) Comparable housing opportunities have been made available outside areas of minority concentration through other programs.

2.4 Property Boundary

A boundary survey of the proposed development site and of the property purchased is required. In cases where more property is purchased than the proposed site of the development, the survey or plat must show the survey calls for both the larger site and the subject site. The survey does not have to be recent; but it must show the property purchased and the property proposed for development. In cases where the site of the development is only a part of the site is being purchased, the depiction or drawing of the development portion may be professionally compiled and drawn by an architect, engineer or surveyor.

2.5 Neighborhood Standards Criteria

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. Sites will be evaluated based on proximity to amenities, the presence of positive site features and the absence of negative site features. Sites will be evaluated based on the criteria below:

Proximity of Site to Amenities

Developments must be located on sites within a two- mile radius of social, recreational, educational, commercial, and health facilities and services, and other municipal facilities and services. Qualified Elderly Developments[3] must meet the Proximity of Site to Amenities requirements above in addition to being located near a Senior Center.

A map identifying the development site and the location of the services, as well as, written directions from the site to each service is required. The services must be identified by name on the map and in the written directions. All services must exist, or if under construction, must be at least 50 percent complete by the date the application is submitted.

Connectivity Requirements and Proximity to Transportation

Travel time and cost via public transportation or private automobile, from neighborhood to places of employment must not be excessive. A site should be located 1) within one-quarter mile of public transportation, or 2) within a community that has Demand Response Service[4] transportation. Qualified Elderly Developments are required to provide specialized elderly transportation. Evidence of transportation services must be stated in the HCCSD application to satisfy this requirement.

Proximity to Negative Site Features

Sites with the below mentioned negative characteristics will be ineligible. For the purposes of this policy, the term "adjacent" is interpreted as sharing a boundary with the development site.

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[3] Qualified Elderly Development--A Development which meets the requirements of the federal Fair Housing Act and: (A) is intended for, and solely occupied by, individuals 62 years of age or older; or (B) is intended and operated for occupancy by at least one individual 55 years of age or older per Unit, where at least 80% of the total housing Units are occupied by at least one individual who is 55 years of age or older; and where the Development Owner publishes and adheres to policies and procedures which demonstrate an intent by the owner and manager to provide housing for individuals 55 years of age or older. (See 42 U.S.C. Section 3607(b)).

[4] Shared use transit service operating in response to calls from passengers or their agents to the transit operator, who scheduled a vehicle to pick up passengers to transport them to their destinations. The service is provided for those living outside the Metro service area. Service is shared ride curb-to-curb service open to the general public by call in reservation on a first come first serve basis. Reservations can be made 30 days to 24 hours in advance. Callers must give name, pick-up address, drop-off address as well as appointment and return times. Demand response service may be used for medical, education, shopping or recreation. Passengers using Demand Response service are usually picked up 1 hour prior to their requested appointment time and return trip is usually within 30 minutes of requested return. Hours of service are usually Monday through Friday with the first pick up at 6:00 am and the last return by 6:30 pm. Demand Response service is fully ADA accessible mode of transportation as required by the FTA.

The distances are to be measured for all boundaries of the development site. Applicants must indicate on a map, the location of any negative site features, with the exception of slope, must be documented with an engineer's certificate. If an Applicant negligently fails to note a negative feature, the Application may be terminated for projects identified as one or all of the following:

- Developments located adjacent to or within 300 feet of junkyards;
- Developments located adjacent to or within 3,000 feet of active railroad tracks;
- Developments located adjacent to or within 1,000 feet of an interstate highway including frontage and service roads;
- Developments located adjacent to or within 300 feet of heavy industrial uses such as manufacturing plants;
- Developments located adjacent to or within 300 feet of a solid waste or sanitary landfills; or
- Developments located adjacent to or within 100 feet of high voltage transmission power lines.

2.6 Neighborhood Notification and Public Hearing

Neighborhood Notification

HCCSD highly values public input addressing the merits of a development. If input from neighborhood organizations provides evidence of unlawful discrimination against classes of persons protected by Fair Housing law, then the project will not be considered. To protect the integrity of the Department's processes and decisions, evidence of false statements or misrepresentations from applicant representatives, neighborhood representatives, or other persons will be considered for appropriate action, including possible referral to County Attorney's Office.

Applicants must provide written notification to all neighborhood organizations within a 2 mile radius of the development. Applicants must submit evidence of such notifications which shall include a copy of the exact letter and other materials that were sent to the individual or entity and a list of individuals, organizations, and agencies to which notification has been sent. Applicant should receive at least two (2) letters of support from the community in favor of the development. If evidence of these notifications and letters of community support are submitted with the RFP application, and satisfies the Department's initial review of the RFP application, then no additional notification is required from the applicant.

Public notification must include, at a minimum, all of the following:

- The Applicant's name, address, individual contact name and phone number
- The development name, address, city and county
- A statement informing the entity or individual being notified that the Applicant is submitting a request for Harris County HOME or CDBG
- Statement that the developer proposes new construction

- The type of development being proposed (multi-family, senior housing, duplexes, apartments, town homes, high-rise etc.) and the total number of units
- The expected completion date if application is awarded grant entitlement funds.

If the number of neighborhood organizations is limited within the two mile radius of the Development's proposed location, the Applicant must attest to that fact.

Public Hearing
In order to qualify for federal funding through Harris County, an applicant must:

1. Hold a public hearing for the subject project; regardless of whether such a hearing was required by any state agency or program. Notice must be provided to HCCSD at least two weeks prior to public hearing. If public hearing occurs prior to application, provide copy of notice and meeting minutes to HCCSD at time of application submission.
2. Notices must have been sent at least two weeks in advance of the public hearing to all community groups within a two mile radius of the proposed project site..
3. The project must be properly characterized in all public notices. For example, if a project is described as a "senior affordable housing project," it must state so in the notices.
4. Applicant should receive at least two letters of support from the community in favor of development. If unable to do so, a detailed explanation must be provided with specific reasons for why this was not possible.

To be recommended to Commissioners Court for project approval, an applicant must submit appropriate documentation evidencing that it has performed the required steps enumerated above.