

**DEPARTMENT OF HOUSING AND  
URBAN DEVELOPMENT**

**Office of the Assistant Secretary for  
Public and Indian Housing**

[Docket No. FR-3849-N-04]

**Notice of Fund Availability (NOFA) for  
Fiscal Year 1995 For the Section 8  
Rental Voucher Program and Rental  
Certificate Program**

**AGENCY:** Office of the Assistant  
Secretary for Public and Indian  
Housing, HUD.

**ACTION:** Revision to the notice of fund  
availability (NOFA) for fiscal year (FY)  
1995 for the rental voucher program and  
rental certificate program.

**SUMMARY:** The Department published  
the FY 1995 Notice of Fund Availability  
(NOFA) in the Federal Register on  
March 3, 1995 (60 FR 12036) for the  
Section 8 rental voucher program and  
rental certificate program. Corrections to  
that NOFA were published on April 17,  
1995 (60 FR 19278) and on July 27, 1995  
(60 FR 38567). This Notice cancels parts  
of the FY 1995 NOFA to comply with  
the provisions of the Emergency  
Supplemental Appropriations Act of  
1995 (Pub. L. 104-19, 109 Stat. 194,  
dated July 27, 1995) (the Act), which  
rescinded most of the FY 1995  
appropriations for incremental funding  
under the Section 8 rental voucher and  
rental certificate programs.

**FOR FURTHER INFORMATION CONTACT:**  
Gerald J. Benoit, Director, Operations  
Division, Office of Rental Assistance,  
Office of Public and Indian Housing,  
Room 4220, Department of Housing and  
Urban Development, 451 Seventh Street,  
S.W., Washington, D.C. 20410-8000,  
telephone (202) 708-0477. Hearing-  
impaired or speech-impaired  
individuals may call HUD's TDD  
number (202) 708-4594. (These  
telephone numbers are not toll-free.)

**SUPPLEMENTARY INFORMATION:**

**I. Background**

The original 1995 NOFA provided for  
funding in the following categories: (1)  
Fair Share Allocations; (2) Mainstream  
Housing; (3) Homeless Families (non-  
competitive process); (4) Persons with  
AIDS (non-competitive process); (5)  
Section 8 Counseling; (6) Family Self-  
Sufficiency ("FSS") Service  
Coordinators; (7) Family Unification; (8)  
Relocation, Demolition and Disposition,  
and Replacement Housing; (9) Rental  
Voucher and Rental Certificate  
Renewals; (10) Section 23 Conversions;  
(11) Section 8 Amendments; (12)  
Housing Agency Portability Fees; (13)

Natural disasters, Other Housing  
Emergencies, Litigation, and  
Desegregation of Public Housing; (14)  
FY 1994 funding for Homeless Persons  
With Disabilities; (15) FY 1994 funding  
for Homeless Veterans; (16) FY 1994  
funding for Family Unification; and (17)  
FY 1994 funding for FSS Service  
Coordinators.

On July 25, 1995, the Act rescinded  
funding for incremental allocations that  
had not yet been obligated. The Act  
allows HUD to use any remaining  
appropriations, after rescission, for new  
incremental rental assistance to fund  
Section 8 applications only for the  
following specific purposes: (a) For  
residents to be relocated from existing  
federally subsidized or assisted housing,  
(b) for replacement housing for units  
demolished or disposed of (including  
units disposed of pursuant to  
homeownership programs under section  
5(h) or title III (HOPE 1 and HOPE 2) of  
the U.S. Housing Act of 1937), (c) for  
funds related to litigation settlements or  
court orders, (d) for amendments to  
contracts to permit continued assistance  
to participating families, and (e) to  
enable public housing authorities to  
implement "mixed population plans"  
for developments housing primarily  
elderly residents.

**II. Departmental Action**

HUD is canceling the previous FY  
1995 NOFA with respect to funding  
under several of the subprograms to  
which the Rescission Act applies. Under  
the FY 1995 NOFA, HUD intends to  
award incremental funding for  
applications submitted for only the  
following components of the program:  
the family unification subprogram  
(category 7); the mainstream housing  
opportunities for persons with  
disabilities subprogram in connection  
with designated housing allocation  
plans (part of category 2 related to  
designated housing). Funding for the  
first of these programs remained after  
the rescission, and funding for the  
second category fits within the  
Rescission Act's category (e).

In addition, the Department intends to  
renew the funding for the family self-  
sufficiency (FSS) service coordinators  
for housing agencies (HAs) awarded FY  
1994 funding (category 17), as well as to  
fund rental voucher and rental  
certificate renewals (category 9), section  
23 conversions (category 10), Section 8  
amendments (category 11), and special  
portability fees (category 12). This  
funding is not incremental funding, and  
so not prohibited by the Rescission Act.  
Some subprograms also will be funded  
from carryover funds, to the extent they  
are available.

Accordingly, the Department is  
revising the March 3, 1995, NOFA (60  
FR 12036) as follows:

1. Of the amounts appropriated for the  
family unification program, \$15 million  
was rescinded leaving approximately  
\$73 million in FY 1995 funding for  
applications submitted in response to  
the NOFA. Therefore, applications will  
be awarded in accordance with the  
lottery process described in the March  
3, 1995, NOFA (60 FR 12045), as limited  
by the amount of funding now available.

2. Applications were submitted for  
approximately \$17.3 million in response  
to the NOFA for the mainstream  
housing for persons with disabilities  
subprogram for use in connection with  
designated housing allocation plans.  
HUD will approve the Section 8  
applications for all HAs that submitted  
a designated housing allocation plan  
that is also approved by HUD.

3. The Department will not fund  
applications submitted in response to  
the NOFA for the following  
subprograms due to the rescission of  
appropriations:

- A. Fair Share;
- B. Mainstream Housing Opportunities  
(General Program only);
- C. Homeless Families; and
- D. Persons with HIV/AIDS.

4. Section IX(H), "FY 94 NOFA for  
Homeless Persons with Disabilities", of  
the March 3, 1995 NOFA (60 FR 12058)  
stated that HUD would issue funds to  
the HAs selected for funding in  
response to the February 1, 1994 NOFA  
(59 FR 4758). In September 1994, a  
portion of the funds available for the FY  
1994 NOFA were reserved and  
subsequently annual contribution  
contracts were executed. All other funds  
available under the FY 1994 NOFA that  
were not committed under Annual  
Contributions Contracts with specific  
HAs in September of FY 1994 are no  
longer available.

5. The funds remaining for the family  
self-sufficiency service coordinator  
subprogram were reduced to  
approximately \$8.7 million for FY 1995.  
These funds will be awarded to those  
housing agencies awarded funding in  
response to the NOFA published on  
August 29, 1994 (59 FR 44550). As  
indicated in the March 3, 1995 NOFA,  
HUD will provide FY 1995 funding to  
all the HAs that received funding in  
response to the August 29, 1994 NOFA  
at 103 percent of the amount of FY 1994  
funds awarded. New or revised  
applications from previously funded  
HAs or applications from new HAs will  
not be considered by HUD.

6. Of the funds available for the  
Section 8 counseling subprogram, \$70  
million was rescinded, leaving \$101

million. Some of these funds already were reserved for use in connection with litigation, and the remaining funds are not sufficient to fund the applications submitted in response to the NOFA. As a result, HUD will publish a new NOFA for Section 8 counseling inviting public housing agencies to apply under the terms of the new NOFA.

7. HUD will continue to make funds available to fulfill relocation and replacement housing, voucher and certificate renewals, voucher and certificate needs in connection with litigation, Section 23 conversions, Section 8 amendments, and Section 8 counseling needs in connection with

litigation and relocation of families from public housing. HUD will notify the housing agencies that are selected to receive funding under these subprogram categories. HUD also will continue to fund HA requests for special portability fees; HA requests should continue to be submitted directly to the HUD State or Area Office.

8. HUD plans to destroy all applications submitted in response to the FY 1995 NOFA for all subprograms for which no funds will be made available. Any HAs interested in having their unfunded applications returned should contact the following: for all subprograms other than Section 8 counseling—the Office of Public

Housing or the Office of Native American Programs, as applicable, in the local HUD office; for Section 8 counseling—Mr. Laurence Pearl, Office of Program Standards and Evaluation, Fair Housing and Equal Opportunity (FHEO), Room 5226, 451 Seventh Street, SW, Washington, DC 20410, telephone (202) 708-0288, ext. 265. Hearing-impaired or speech-impaired individuals may call FHEO's TDD number (202) 708-4112.

Dated: September 21, 1995.

Joseph Shuldiner,

*Assistant Secretary for Public and Indian Housing.*

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