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 | ADMINISTRATIVE DIRECTIVE |
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TRANSMITTAL: 92 ADM-46

TO: Commissioners of
 Social Services

DIVISION: Services and
 Community
 Development

DATE: November 13, 1992

SUBJECT: Shelters for Families:
 Pre-Approval Process

SUGGESTED
 DISTRIBUTION:

Directors of Social Services
 Directors of Income Maintenance
 Staff Development Coordinators

CONTACT
 PERSON:

Any questions concerning this release should be
 directed to John Barry, Division of Services and
 Community Development, Office of Housing and Adult
 Services, 1-800-342-3715, extension 432-2997

ATTACHMENTS:

1. Section 900.3 Amendment (available on-line)
2. Pre-Approval Application for Part 900 Family
 Shelters (available on-line)
3. Minimum Occupancy Standards - Tier II Family
 Shelters (available on-line)
4. Capital Cost Standards - Tier II Family Shelters
 (available on-line)
5. Soft Cost Standards - Tier II Family Shelters
 (available on-line)

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
86 ADM-37		Part 900	SSL 20(3)(d) 34(3)(f) 153 Chapter 562 of the Laws of 1953 Chapter 53 of the Laws of 1992		

I. Purpose

The purpose of this administrative directive is to inform each social services district that, in accordance with Chapter 53 of the Laws of 1992, the Department has amended its regulations (18 NYCRR Part 900) governing shelters for families to mandate that the district obtain approval from the Department prior to the submission of an operational plan to establish a Tier II family shelter. These amendments have been filed as emergency regulations.

The directive also describes additional requirements regarding submission to the Department by the social services district of information related to the need and costs for establishing Tier II family shelters, the length of stay of families in Tier II family shelters, the district's overall plan for developing permanent housing for homeless families, and how the district will meet minimum occupancy rates established by the Department.

Additionally, the directive describes the penalties to be assessed against the social services district for failing to meet certain Tier II family shelter based performance standards, and prohibits cost of living adjustments in Tier II shelters for State fiscal year 1992/93.

II. Background

The Part 900 regulations, which govern shelters for families, were promulgated on July 14, 1986. These regulations set forth the requirements and standards for the establishment, supervision and monitoring of shelter and social services to homeless families residing in Tier II family shelters. Tier II family shelters are defined as facilities which provide shelter and services to 10 or more homeless families including, at a minimum, private rooms, access to three nutritional meals a day, supervision, assessment services, permanent housing preparation services, recreational services, information and referral services, health services and child care services. Part 900 regulations also set forth the criteria by which the social services district may seek reimbursement from the Department for the establishment and operation of shelters for homeless families.

The early development of Tier II family shelters included a number of established facilities where an existing program already was in operation. In many cases, the buildings and programs were easily converted to Tier II family shelters, requiring very little in terms of financing in order to bring the program into compliance with Part 900 regulations. As a result, per diem rates were kept at a minimum. However, in the recent past, construction of new buildings or the rehabilitation of old structures, coupled with the enrichment of service programs has resulted in a rise in the cost of Tier II shelter development and operation. These costs, in addition to the increasing fiscal difficulties experienced by the State,

necessitated certain measures to limit costs associated with the establishment and operation of Tier II family shelters.

III. Program Implications

- A. The amendments to Part 900 regulations require the social services district to obtain preliminary approval from the Department for the acquisition, construction or operation of a new Tier II family shelter. The social services district must receive preliminary approval from the Department prior to making any binding commitments regarding the acquisition of the property or entering into any such commitments for financing or operation of a new Tier II family shelter. The request for preliminary approval to establish a Tier II facility must include an overall plan for developing transitional and permanent housing for homeless families and must:
1. demonstrate that sufficient need exists for the establishment of the proposed facility, including, at a minimum, a description of the number of homeless families in the social services district, the vacancy rate for low-income housing in the social services district, the geographic location of the shelter and the type of population to be served by the shelter;
 2. demonstrate that the costs of development, including, but not limited to, acquisition, construction/rehabilitation, professional fees, including legal and architectural fees, and financing costs, are reasonable and consistent with the standards developed by the Department for such costs;
 3. show how the proposed facility will be converted at reasonable cost to permanent housing or other uses approved by the Department for a reasonable time period as determined by the Department;
 4. show how the proposed facility will be included in the social services district's overall plan for developing permanent housing for homeless families including a description of the permanent housing sources available for families residing in the proposed facility, and a demonstration that sufficient permanent housing resources will be made available or are in development to accommodate anticipated placements from the proposed facility, that linkages have been established to ensure the availability of such permanent housing resources, and that the number of transitional units is coordinated with the availability of permanent housing to ensure lengths of stay that do not exceed those specified;

5. show how the district will meet occupancy rates as established by the Department during the course of the facility's fiscal year. The minimum occupancy rate assigned to a facility by the Department may not be less than 85 percent and will depend on the number of homeless families living in the social services district and the capacity of the facility.

Social services districts must submit a timely and complete application for the preliminary approval of the establishment of a Tier II facility. Failure to obtain such approval from the Department will result in the denial of all or part of any available federal and/or State reimbursement for the operation of the facility. The Department also will deny reimbursement for that portion of development costs in excess of the standards as referenced in the attachments.

- B. Prior to the adoption of the emergency regulations, the social services district could request in its operational plan an alternative to a particular requirement or standard where compliance was impossible or impracticable. Under the revised regulations, the social services district may request an alternative in the pre-approval application. Any proposed alternative submitted to the Department must include the following information:

1. the specific requirement or standard for which the alternative is proposed;
2. specific reasons why compliance by the facility is impossible or impracticable; and
3. a description of how the alternative will achieve the intended purpose of the requirement or standard.

- C. The regulatory amendments provide that the social services district may submit in writing to the Department for its approval a waiver request for any provision of these regulations. Prior to these regulatory amendments, a waiver could be requested only for a proposed or existing facility in specific circumstances. A waiver request may be approved at the discretion of the Department for good cause shown including where the Department determines that:

1. there is an emergency need for the establishment of a particular facility and compliance with the particular regulation for which a waiver is sought would delay the opening of the facility unreasonably; or
2. there is an unforeseen emergency or catastrophe which results in a large number of families needing emergency housing and particular regulations must be waived in order for existing shelters to accommodate them.

- D. A new section has been added which requires the Department to approve any waiver request that would increase the cost of facility development or operation.
- E. The social services district also must report to the Department on the length of stay of each family in a Tier II family shelter. The Department has the authority to withhold or deny reimbursement for each family which resides in a Tier II family shelter in excess of the specified time periods.
- F. The regulations provide for penalties to the social services districts for failing to comply with Part 900 regulations. They provide that reimbursement may be withheld or denied as follows:
 - 1. up to 100 percent of the federal and State reimbursement for allowable expenses for each nonconforming facility;
 - 2. in districts having three or more shelters for families, where more than 40 percent of the district's shelters for families are concurrently subject to penalty, up to 100 percent of the federal reimbursement and up to 50 percent of the State reimbursement for total allowable expenses;
- G. The regulatory amendments now also require the social services district to meet certain performance standards established by the Department for the operation of Tier II family shelters. Reimbursement may be withheld or denied as follows:
 - 1. up to 100 percent of the federal and State reimbursement per family per month for those families continuously residing in approved Tier II facilities in excess of 9 months, on or after October 15, 1993, and in excess of 6 months on or after October 15, 1994. The Commissioner may determine not to apply the time limitations and time periods on a case by case basis for Tier II facilities which provide intensive, specialized services to address special needs;
 - 2. up to \$1,000 per family for every family which fails to meet the threshold performance standards as follows:
 - a. 95 percent of the families residing in a Tier II facility for at least 10 days will have their service needs assessed within that time period as provided by Section 900.10(1)(c)(1)(i) of this Part;
 - b. 95 percent of the families residing in a Tier II facility for at least 10 days will have a mutually agreed upon service plan developed within that time period as provided by Section 900.10(1)(c)(1)(i) of this Part;

- c. 95 percent of the families residing in a Tier II facility over 10 days will meet with facility staff every two weeks to have their service plans reviewed and revised as necessary as provided by Section 900.10(1)(c)(ii) of this Part;
 - d. 95 percent of the school age children residing in a Tier II facility will be enrolled in school within 10 days of admission as provided by Section 900.3(b)(1)(x) of this Part; and
 - e. 95 percent of the families which have a service need which has been identified in the families' service plans will be given a referral to an appropriate service provider within 30 days of the assessment of the need as provided in Sections 900.10(c)(4) and 900.10(c)(2)(ii) of this Part. The service needs which if addressed will facilitate families' return to permanent housing include but are not limited to: education/employment, domestic violence; substance/alcohol abuse; mental health; and child abuse and neglect.
- H. The social services district may not claim and will not receive reimbursement for adjustments to Tier II family shelter budgets relating to salary enhancements, additional or enhanced fringe benefits, or cost of living, or other adjustments for operational or non-personal service cost increases for the State fiscal year beginning April 1, 1992, and ending March 31, 1993. The Department will monitor the staffing of facilities to ensure comparability of staffing patterns and staff salaries in relation to the service needs of the residents.
- In addition, requests for increased reimbursement will not be allowed if the actual occupancy rate of a facility falls below the minimum occupancy rate assigned to the facility.
- I. The Department may waive any provision of these regulations with respect to a facility which will provide shelter and services to homeless families for which a local social services district seeks reimbursement under this Part upon a finding of good cause.

IV. Required Action

In cases of acquisition or construction of a new Tier II facility, the social services district must submit a request for preliminary approval on the PRE-APPROVAL APPLICATION FOR PART 900 FAMILY SHELTERS and meet all of the standards contained in the attachments prior to entering into any commitments for the acquisition of the property or entering into any commitments for financing or operation of the facility. Failure to submit a timely and complete application for the preliminary approval of the establishment of a Tier II facility and failure to obtain approval from the Department, including but not limited to approval of costs for the development of the facility, will result in the denial of all or part of any available federal or State reimbursement for the operation of the facility.

Documented reports to the Department regarding families which have resided in a Tier II facility beyond the time limitation specified in 18 NYCRR Department regulation 900.15(c)(3) must be submitted within 90 days of the specified periods.

Where the social services district has not met the performance standards as outlined in 18 NYCRR Department regulation 900.15(c)(3) the Department will notify the social services district via the normal inspection report process.

A social services district request for preliminary approval or a request for an alternative in the pre-approval process or a waiver request for any provision of the regulations must be submitted to the Department on forms (if applicable) and in a manner approved by the Department. All such requests should be sent to:

Mr. Peter R. Brest
Associate Commissioner
Office of Housing and Adult Services
Division of Services and Community Development
39 North Street, 5th Floor
Albany, New York 12243

V. Systems Implications

None.

VI. Additional Information

Attached to this administrative directive are the following documents to be used in the Tier II family shelter pre-approval process:

1. Section 900.3 Amendment
2. Pre-Approval Application for Part 900 Family Shelters
3. Minimum Occupancy Standards - Tier II Family Shelters
4. Capital Cost Standards - Tier II Family Shelters
5. Soft Cost Standards - Tier II Family Shelters

VII. Effective Date

The provisions of this ADM are effective October 15, 1992.

Peter Brest
Associate Commissioner
Office of Housing and Adult Services
Division of Services and
Community Development

Subdivision (a) of section 900.3 is amended to read as follows:

900.3 Operational plan. (a)(1) A [local] social services district may be reimbursed for costs incurred for shelter and services provided to homeless families in tier I and tier II facilities where such facilities are operated in accordance with the requirements of this Part and where such facilities are operated pursuant to [an] operational [plan] plans which [has] have been approved by the department. A separate operational plan must be submitted by the [local] social services district for each tier I and tier II facility for which the district seeks reimbursement.

(2) Prior to the submission of an operational plan for a tier II facility, a social services district must obtain the preliminary approval of the department for the establishment of such facility. For acquisition, construction or operation of a new facility, a social services district must submit a request for preliminary approval prior to entering into any binding commitments for the acquisition of the property, for construction, for financing or for operation of the facility. Preliminary approval to establish a tier II facility will be granted only to a social services district which has submitted an overall plan for developing transitional and permanent housing for homeless families and satisfactorily demonstrates and documents, on forms and in a manner prescribed by the department:

(i) that there exists sufficient need for the establishment of the facility, including but not limited to a description of the number of homeless families in the district, the vacancy rate for low income housing in the district, the geographic location of the shelter and the type of population to be served by the shelter;

(ii) that the costs of development, including, but not limited to, acquisition, construction/rehabilitation, professional fees, including legal and architectural fees, and financing costs, are reasonable and consistent with the standards developed by the department for such costs;

(iii) that the proposed facility will be converted at reasonable cost to permanent housing or another use approved by the commissioner for a reasonable time period to be determined by the commissioner;

(iv) how the proposed facility will be included in the district's overall plan for developing permanent housing for homeless families including a description of the permanent housing sources available for families residing in the proposed facility, and a demonstration that sufficient permanent housing resources will be made available or are in development to accommodate anticipated placements from the proposed facility, that linkages have been established to ensure the availability of such permanent housing resources, and that the number of transitional units is coordinated with the availability of permanent housing to ensure lengths of stay do not exceed those specified in section 900.15(c)(3) of this Part; and

(v) how the district will meet occupancy rates as established by the department during the course of the facility's fiscal year. The minimum occupancy rate assigned to a facility by the department may not be less than 85 percent, and will be assigned depending on the number of homeless families living in the social services district and the capacity of the facility.

(3) A social services district's failure to submit a timely and complete application for the preliminary approval of the establishment of a tier II facility and to obtain such approval from the department, including but not limited to approval of the costs of the development of the facility, consistent with the standards developed by the department, will result in the denial of all or part of any available federal or State reimbursement for the operation of the facility under this Part.

Paragraph (1) of subdivision (c) of section 900.3 is amended to read as follows:

(c)(1) Where compliance with a particular requirement or standard is impossible or impracticable, the request for preliminary approval or the operational plan may include a proposed alternative which sets forth:

(i) the specific requirement or standard for which the alternative is proposed;

(ii) specific reasons why compliance by the facility is impossible or impracticable; and

(iii) a description of how the alternative will achieve the intended purpose of the requirement or standard.

Section 900.4 is amended to read as follows:

900.4 Waivers. (a) All regulations contained in this Part apply to all facilities providing shelter and services to homeless families for which a [local] social services district seeks reimbursement under this Part, unless a waiver request by the [local] social services district is submitted to and approved in writing by the department. A waiver request

may be approved at the discretion of the department [and only] for good cause shown including where there is a determination by the department that:

(1) there is emergency need for the establishment of a particular facility and compliance with the particular regulation for which a waiver is sought would unreasonably delay the opening of the facility; or

(2) there is an unforeseen emergency or catastrophe which results in a large number of families needing emergency housing and particular regulations must be waived in order for existing shelters to accommodate them.

(b) In approving a waiver request the department may require that additional procedures be implemented to protect residents' health and safety.

[(c) Any waiver request approved by the department pursuant to this section will remain in effect no longer than 45 days unless the department approves an operational plan submitted by the local social services district which demonstrates how the facility will be brought into compliance with this Part within six months of the granting of such waiver. In no event will such waiver extend beyond the six-month period.]

(c) Any waiver request that would increase the cost of facility development or operation must be approved by the department.

Subdivision (b) of section 900.11 is amended to read as follows:

(b) A sufficient number of competent staff must be onsite at all times to supervise, operate and maintain the premises in a safe and sanitary condition and to render the services the facility is required to provide pursuant to the provisions of this Part. The department will

monitor the staffing of facilities to ensure comparability of staffing patterns and staff salaries in relation to the service needs of the residents.

Subdivision (e) of section 900.14 is amended to read as follows:

(e) In order to receive reimbursement for families placed in a facility, the social services district must certify annually to the department that each facility for which it seeks reimbursement for shelter and services provided to homeless families is in compliance with all applicable State and local laws and regulations as required by section 900.5 of this Part. In addition, within 90 days of the end of the fiscal year for such [local] social services district, the [local] social services district [shall] must submit an accounting statement for each facility for which it has an approved operational plan. Such statement [shall] must detail costs incurred and reimbursement received during the fiscal year pursuant to this Part for such facility. If, based on the accounting statement for the fiscal year, the [local] social services district anticipates that income and expenditures during the remaining period covered by the facility's operational plan will not conform to the proposed budget contained in the operational plan, the district must also submit to the department for approval a revised proposed budget for such remaining period. Within 90 days of the end of the periods specified in section 900.15(c)(3) of this Part, the social services district must provide to the department written information, on forms and in the manner prescribed by the department, on those families which have resided in a tier II facility beyond the time limitation specified in that section.

Subdivision (c) of section 900.15 is amended to read as follows:

(c) Funds to be denied. If violations have not been corrected within 30 days from the date the district received notice of the violations, or within any lesser period ordered by the department pursuant to section 900.14(g) of this Part, or an acceptable plan for correction is not submitted pursuant to section 900.14(f) of this Part, or notice that the district has not certified a facility in accordance with section 900.14(e) of this Part, or that the district has not complied with the requirements of section 900.3(e) of this Part, or that the district has not met the performance standards as outlined in this section, the department may withhold or deny reimbursement beginning the 31st day after such notice, or the day following the expiration of any lesser period ordered by the department pursuant to section 900.14(g) of this Part, and continuing until the department notifies the district in writing that the facility is in compliance with this Part. Reimbursement may be withheld or denied as follows:

(1) up to 100 percent of the federal and State reimbursement for allowable expenses for each nonconforming facility; [or]

(2) in districts having three or more shelters for families, where more than 40 percent of the district's shelters for families are concurrently subject to penalty pursuant to this section, up to 100 percent of the federal reimbursement and up to 50 percent of the State reimbursement for total allowable expenses for all shelters in the district[.];

(3) up to 100 percent of the federal and State reimbursement per family per month for those families continuously residing in approved tier II facilities in excess of 9 months, on or after October 15, 1993, and in excess of 6 months on or after October 15, 1994.

(4) up to \$1,000 per family for each family which fails to meet any of the threshold performance standards as follows:

(i) 95 percent of the families residing in a tier II facility for at least 10 days will have their service needs assessed within that time period as provided by section 900.10(1)(c)(1)(i) of this Part; or

(ii) 95 percent of the families residing in a tier II facility for at least 10 days will have a mutually agreed upon service plan developed within that time period as provided by section 900.10(1)(c)(1)(i) of this Part; or

(iii) 95 percent of the families residing in a tier II facility over 10 days will meet with facility staff every two weeks to have their service plans reviewed and revised as necessary as provided by section 900.10(1)(c)(ii) of this Part; or

(iv) 95 percent of the school age children residing in a tier II facility will be enrolled in school within 10 days of admission as provided by 900.3(b)(1)(x) of this Part; or

(v) 95 percent of the families which have a service need which has been identified in the families' service plans will be given a referral to an appropriate service provider within 30 days of the assessment of the need as provided in 900.10(c)(4) and 900.10(c)(2)(ii) of this Part.

The service needs which if addressed will facilitate families' return to permanent housing include but are not limited to: education/employment; domestic violence; substance/alcohol abuse; mental health; and child abuse and neglect.

Subdivision (c) of section 900.16 is amended to read as follows:

(c)(1) Revised budgets must be submitted (1) prior to finalizing any purchase or rate agreement, and (2) annually with respect to any publicly operated facility subject to this Part.

(2) For the State fiscal year beginning April 1, 1992, and ending March 31, 1993, no rate adjustments will be approved relating to any salary enhancements, additional or enhanced fringe benefits, or cost of living, or other adjustments for operational or non-personal service cost increases, except for increases mandated by statute or regulation or debt service schedules previously approved by the Department.

Subdivision (f) of section 900.16 is amended to read as follows:

(f) A district may claim and receive reimbursement from the department for costs approved under subdivisions (d) and (e) of this section. Such reimbursement [shall] must be adjusted to reflect actual allowable costs in any fiscal period covered by an operational plan. Requests for adjustment for a fiscal period may be submitted during, but in no event later than 90 days after the end of, such fiscal period. No

requests for adjustments will be approved if the actual occupancy rate of the facility falls below the minimum occupancy rate assigned to the facility under Section 900.3(2)(v) of this Part. Reimbursement for the costs of shelter for families eligible for or receiving benefits under the Aid to Dependent Children, EAF, EAA or Home Relief programs must be charged to the applicable program. For the State fiscal year beginning April 1, 1992, and ending March 31, 1993, no adjustments will be approved relating to any salary enhancements, additional or enhanced fringe benefits, or cost of living, or other adjustments for operational or non-personal service cost increases, except for increases mandated by statute or regulation or debt service schedules previously approved by the Department. In addition, districts are subject to the recordkeeping requirements contained in Part 600 of this Title with respect to all shelter care for which reimbursement is claimed.

(Deleted material bracketed; new material underlined)

PRE-APPROVAL APPLICATION FOR PART 900 FAMILY SHELTERS

I. LOCAL DISTRICT AND SPONSOR INFORMATION

Local District Information

LDSS submitting application _____
Date of this application _____
Address _____
Contact person _____ Title _____
Phone _____

Shelter operator information

Agency that will operate proposed shelter _____
Corporate status of operator (not-for-profit, municipality, etc.) _____
Address _____
Contact person _____ Title _____
Phone _____

Describe the proposed operator's past experience in providing transitional housing services or other direct services to homeless families or individuals. (Use additional pages if necessary and label "Sponsor Information")

II. FACILITY IDENTIFYING INFORMATION

Proposed Capacity _____ Family Units _____ Individuals _____
Name of proposed facility (if any) _____
Site address _____
Current owner _____

Will the facility be owned by the shelter operator once it is in operation? Yes (___) No (___)

If the operator will not own the facility, explain the ownership structure _____

If the facility is to be leased to the operator, provide terms of lease including: duration, annual lease payment, responsibilities of operator (i.e. triple net, etc.) _____

III. PROGRAM/SERVICES PLAN

Describe in general terms the program and services to be provided at the proposed shelter. If the shelter will house a special population, provide special services, or represent a departure from the standard programmatic design in another way, describe the target population, services or unusual features of the shelter. If any proposed services are not covered under the Part 900 reimbursement rate, explain how they will be financed.

IV. DOCUMENTATION OF NEED

The local district must set forth the need for this particular shelter for families. On an attached sheet labeled Documentation of Need, demonstrate the need for such a project by providing information that relates to the proposed facility. This justification should tie the proposed facility with the overall county plan for homeless families e.g., prevention, transitional and permanent housing. Please limit this information to no more than two pages. This information shall include, but need not be limited to, the following information:

- A. The justification for the establishment of this particular type of facility, e.g., special population, geographic location. If the shelter is being developed for a specific population, i.e., single mothers with infants, etc., provide statistical data that demonstrates the need for this type of facility.
- B. Description of the area/region the facility will serve. Will the facility take families from a particular catchment area or from the entire county?
- C. Data regarding the current homeless family caseload for the local district and future (5 year) trends that will support a consistently high level of occupancy in the proposed shelter. Supporting information should describe the vacancy rate for low income housing and the source of homeless families including estimates of the numbers of doubled up families, and how these and any other pertinent factors relate to the necessity for this facility.
- D. Description of the permanent housing sources where families from this facility will be referred. Documentation that these resources are adequate to meet the projected number of referrals from this facility.

V. LOCAL DISTRICT HOMELESS FAMILY HOUSING PLAN

Describe below and on additional pages marked "Local District Homeless Family Plan," your district's overall plan for meeting the short-term and permanent housing needs of homeless families in the context of the data and level of need cited in Section III above. Include information on:

- A. The total (maximum) number of additional shelter units (including this proposed facility) planned by the district to address the short-term housing and services needs of homeless families during the next five years.
- B. Current and planned levels of housing production and use of housing vouchers to meet the permanent housing needs of homeless families.

VI. PHYSICAL PLANT/FEASIBILITY REVIEW

1. Type of project (check one)

New Construction (___) Minor Rehab. (___)
Substantial/Gut Rehab. (___) Acquisition only (___)
Moderate Rehab. (___)

2. Former use of building or site which is intended to be the site of proposed project (check one)

(___) Hotel/Motel (___) SRO/Lodging House
(___) Multiple Family Dwelling (___) Single Family Dwelling
(___) Institution or Other - specify _____
(___) Vacant Land - current use _____

3. Proposed building construction classification. Check applicable code.

(___) New York State (___) New York City

Check one below

(___) 1a	(___) IA	(___) IC	Fire Resistant
(___) 1b	(___) IB	(___) ID	
(___) 2a	(___) IE		Non-Combustible
(___) 2b			
(___) 3	(___) IIA		Heavy Timber
(___) 4a	(___) IIB		Ordinary
(___) 4b	(___) IIC		
(___) 5a	(___) IID		Wood Frame
(___) 5b	(___) IIE		

4. Certificate of Occupancy

Existing Certificate of Occupancy for use/# Units/Size/Occupancy Class _____

Proposed Occupancy for Occupancy Class/# Units/Size _____

Do you expect a new Certificate of Occupancy to be issued at the completion of construction?

(___) Yes (___) No

If no, please explain below. _____

VI. PHYSICAL PLANT/FEASIBILITY REVIEW (continued)

5. Accessibility for persons with disabilities. Which State and/or local building code provisions govern handicapped accessibility for this site?

Describe how these provisions will be met.

6. Proposed development schedule

A. For projects involving construction

- Estimated construction start date _____
- Estimated completion date _____

B. For projects involving acquisition

- Date property was purchased or estimated date for purchase _____

7. Scope of Work and Architectural Consultant Information

Immediately following this page, attach pages labeled "Scope of Work" describing the construction work to be performed. Describe extent of repairs, replacement, and new work.

Name of Architectural or Engineering firm preparing scope _____

Address _____

Phone _____

Name of Architect/Engineer who prepared scope _____

8. Describe any code, design, structural or environmental problems that may have an impact on the project scope and cost (zoning, sub-soil conditions, asbestos, etc.)

9. Conversion to Permanent Housing. After completion of the construction/renovation plan, please describe the feasibility of converting the facility to permanent housing. Include estimate of cost to convert to permanent housing and projected population that would be housed (e.g., families, elderly, single individuals, etc.)

VI. PHYSICAL PLANT/FEASIBILITY REVIEW (continued)

10. Building area information when project is completed

- A. Number of floors in building excluding cellar _____
- B. Gross square footage of building excluding cellar _____
- C. Square footage of cellar _____
- D. Total gross square footage _____
- E. Dwelling Units, by size

TYPE OF UNIT	NUMBER	AVERAGE SQ. FOOTAGE	TOTAL (Number Times Average SF)
(1) Studio/Efficiency	_____	_____	_____
(2) One Bedroom	_____	_____	_____
(3) Two Bedrooms	_____	_____	_____
(4) Three Bedrooms	_____	_____	_____
(5) Other Family Units	_____	_____	_____
(6) Total Family Residential Space (total of 1 - 5)			_____
F. Other Space			Total Square Footage
(1) Staff Residential Units			_____
(2) Congregate Dining Areas/Kitchens Common Living Rooms, Lounges and other public rooms			_____
(3) Child Care space			_____
(4) Social Service and Ancillary Service Space			_____
(5) Office/Administrative space			_____
(6) Commercial space			_____
(7) Circulation (Hallways, etc.), Mechanical space			_____
(8) Other (specify) _____			_____
(9) Total other space (Total Lines 1-8)			_____
G. Total Gross Square Footage (Total Lines E6. and F9.)			_____

(NOTE: The total of Line G. should equal the Total of Line D.)

H. If any items need further explanation, provide below.

VII. PROJECT COST DATA

Has a formal cost estimate or bid been secured? Yes (___) No (___)

<u>Cost Item</u>	<u>Financing Source 1</u>	<u>Financing Source 2</u>	<u>Total Cost</u>
Acquisition-Land	\$ _____	\$ _____	\$ _____
Acquisition-Improvements	\$ _____	\$ _____	\$ _____
Total Acquisition	\$ _____	\$ _____	\$ _____
Construction/Renovation	\$ _____	\$ _____	\$ _____
Furniture/Fixtures	\$ _____	\$ _____	\$ _____
Soft costs (other than bond financing costs)	\$ _____	\$ _____	\$ _____
Bond financing costs	\$ _____	\$ _____	\$ _____
Other costs (specify)	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____
+-----+-----+-----+			
TOTAL EST. COST	\$ _____	\$ _____	\$ _____
+-----+-----+-----+			
+-----+-----+-----+			
TOTAL COST PER UNIT	\$ _____		
TOTAL COST PER SQ. FOOT	\$ _____		
+-----+-----+-----+			

VIII. FINANCING PLAN

1. Provide the following on each source of development financing:

Source 1 _____

Type of financing (e.g. tax exempt bonds, govt. loan or grant, conventional mortgage, etc.)

If financing involves any debt obligation, provide the following:

Financing Terms _____ Years _____ Interest Rate _____

If not straight-line and/or self-amortizing (i.e. balloon payment), provide details on terms.

VIII. FINANCING PLAN (continued)

Source 2 (if applicable) _____

Type of financing (e.g., tax exempt bonds, govt. loan or grant, conventional mortgage, etc.)

If financing involves any debt obligation, provide the following:

Financing Terms: Years _____ Interest Rate _____

If not straight-line or self-amortizing (i.e. balloon payment), provide details on terms

IX. Other development information and documentation. The following should be attached to this application.

- A. Sketch Plans (schematics) of the proposed project. Site plan, each floor plan (minimum scale 1/8" = 1'-0"), typical unit (Scale 1/4" = 1'-0").
- B. "As Is" (existing floor plans).
- C. Three photographs of project site including front elevation and two other exterior views.

Minimum Occupancy Standards
Tier II Family Shelters

Reimbursement for Tier II family shelters will be determined by using the actual days of care provided* by the facility or the minimum utilization factor of the certified number of family units, which ever is greater. The minimum utilization factor will be assigned using the following parameters:

1. In local districts which averaged 51 or more homeless families over the preceding fiscal year in the local district:

UNITS	MINIMUM UTILIZATION
10 to 15	90 percent
16 to 30	92.5 percent
31 to 50	95 percent
50 & over	97 percent

2. In local districts which averaged 50 or less homeless families over the preceding fiscal year in the local district:

UNITS	MINIMUM UTILIZATION
10 to 15	85 percent
16 to 30	90 percent
31 & over	92.5 percent

- * Actual days of care are calculated by multiplying the number of families by the number of days they were in the facility counting the day of admission but not the day of discharge.

Capital Cost Standards
Tier II Family Shelters

The following parameters will be used to determine appropriateness of the capital cost portion of the family shelter rate:

Construction/Rehabilitation

- New Construction¹ (Apartment Style)

	<u>Sq Ft</u>	<u>\$ Cost</u> <u>Unit</u>	<u>Extra Bedroom</u>
New Construction ¹ , (Apartment Style)	\$130	\$58,500 ²	\$23,400 ²

Allowable common space³ square footage may not exceed forty percent of the total building square footage (approximately 20% for circulation space and 20% for program/administrative space).

-Rehabilitation¹ (Apartment Style)

<u>Building Layout</u>	<u>Sq Ft</u>	<u>\$ Cost Range</u> <u>Unit</u>	<u>Extra Bedroom</u>
Gut Rehab ⁴ -one bedroom unit	\$75-\$105	\$45,000-\$63,000 ⁵	\$15,000-\$21,000 ⁵
Moderate Rehab ⁶ -one bedroom unit	\$60	\$36,000 ⁵	\$12,000 ⁵
Hotel conversion ⁷	\$50-\$60	\$30,000-\$36,000	\$10,000-\$12,000

Allowable common Space³ square footage may not exceed fifty percent of the total building square footage. The cost factor used will be the same as the square footage cost of the applicable building layout.

Acquisition Costs:

Acquisition costs (not including land costs) plus rehabilitation should not exceed replacement costs without adequate justification. Replacement cost is calculated by taking the gross square footage in the building and multiplying the appropriate cost per square foot approved for new construction projects including the appropriate depreciation factor. Additionally, the acquisition costs may not exceed the appraised value of the building at the time of acquisition using an appraisal methodology approved by the Commissioner. At least two appraisals must be submitted. Applicants that deviate from the above standards must submit justification for deviations.

¹ - All construction must be code compliant (including complying with Federal ADA requirements).

- 2 - Estimated square footage per one
 bedroom unit (includes bathroom and kitchen): 450 square feet
 additional bedroom (including closet, hallway): 180 square feet
- 3 - Common space: any space outside of the individual living unit. This will include lobby, boiler room, recreation and child care areas, corridor space outside of the living unit, staff offices, etc.
- 4 - Gut rehabilitation: may involve complete replacement of plumbing, heating, electrical systems, as well as interior bearing and non-bearing walls, corridors, roof replacement, etc.
- 5 - Estimated square foot per one
 bedroom unit: 600 square feet
 additional bedroom (including closet, hallway): 200 square feet
- 6 - Moderate rehabilitation: has kitchen but kitchen, bathroom may need refurbishing, some pipe replacement, upgrade of HVAC and electrical service, etc.
- 7 - Will vary depending upon building condition.

Please note that the above per unit sizes and costs do not include any common facilities, building lobbies or corridors, etc.

The above information and related cost figures are for actual construction costs and do not include costs related to financing or operation.

Soft Cost Guidelines
Tier II Family Shelters

When analyzing proposed projects to be funded as family shelters the Department will use the following guidelines to evaluate the estimates for soft costs. The specific percentages are subject to modification based on market conditions and the type of financing expected to fund the proposed project. The operating principle to be employed will be that the incurrence of soft costs for private financing arrangements can not be greater than what would be allowed through public financial arrangements.

Architectural/Design Fees - the department will use the architectural fee schedule, issued by the Facilities Development Corporation, for new construction and rehabilitation. A copy of the current schedule is attached.

Bond Fees - the department will use the fee schedules authorized to be charged by the governmental body/unit which will be issuing the bonds.

Closing Costs - closing costs will be allowed up to 10% of the cost of acquisition, construction and rehabilitation of the project. For purpose of this section closing costs include; points, credit reports, appraisals, legal fees, title insurance, survey map, pest inspections, mortgage recording fee, private mortgage insurance, NYS Mortgage Tax, and Taxes. At the discretion of the department it may include the first year's premium for fire insurance.

Capitalized Interest - the amount to be submitted should be based on Generally Accepted Accounting Principles (GAAP) which includes interest up to the issuance of the Certificate of Occupancy.

Legal Fees - are allowable up to the amounts authorized by agencies financing the projects through the sale of bonds. For private commercial transactions the fees will be allowed at a rate of 1% for mortgages up to \$30,000 and .5% of the mortgage over \$30,000.

Other - costs include accounting/audit fees, legal fees not associated with project financing and other construction related costs. All requests must be justified for necessity and cost effectiveness.

Accounting/Audit Fees - up to \$5,000

Legal Fees - up to \$5,000 for lease negotiations, permit reviews, title and zoning changes

Miscellaneous costs - up to \$7,500 for building permits, etc.

FACILITIES DEVELOPMENT CORPORATION

CONSULTANT FEE SCHEDULE

REHABILITATION

Approved Cost Estimate/
Total Construction Cost

Fee:

Approved Cost Estimate/ Total Construction Cost	Fee:
0- 15,000	Lump Sum - Minimum Fee \$ 2,691
15,001- 50,000	2,691 + 15.70% of costs over 15,000
50,001- 100,000	8,186 + 13.90% of costs over 50,000
100,001- 150,000	15,136 + 11.21% of costs over 100,000
150,001- 200,000	20,741 + 8.97% of costs over 150,000
200,001- 250,000	25,226 + 7.18% of costs over 200,000
250,001- 300,000	28,816 + 4.26% of costs over 250,000
300,001- 350,000	30,946 + 9.69% of costs over 300,000
350,001- 400,000	35,791 + 9.51% of costs over 350,000
400,001- 450,000	40,546 + 9.33% of costs over 400,000
450,001- 500,000	45,211 + 9.15% of costs over 450,000
500,001- 550,000	49,786 + 8.97% of costs over 500,000
550,001- 600,000	54,271 + 8.79% of costs over 550,000
600,001- 650,000	58,666 + 8.61% of costs over 600,000
650,001- 700,000	62,971 + 8.43% of costs over 650,000
700,001- 750,000	67,186 + 8.25% of costs over 700,000
750,001- 1,000,000	71,311 + 9.15% of costs over 750,000
1,000,001- 1,500,000	94,186 + 8.88% of costs over 1,000,000
1,500,001- 2,000,000	138,586 + 8.88% of costs over 1,500,000
2,000,001- 2,500,000	182,986 + 8.25% of costs over 2,000,000
2,500,001- 3,000,000	224,236 + 6.82% of costs over 2,500,000
3,000,001- 3,500,000	258,336 + 6.73% of costs over 3,000,000
3,500,001- 4,000,000	291,986 + 6.19% of costs over 3,500,000
4,000,001- 4,500,000	322,936 + 5.65% of costs over 4,000,000
4,500,001- 5,000,000	351,186 + 5.11% of costs over 4,500,000
5,000,001- 5,500,000	376,736 + 4.57% of costs over 5,000,000
5,500,001- 6,000,000	399,586 + 4.04% of costs over 5,500,000
6,000,001- 7,000,000	419,786 + 5.11% of costs over 6,000,000
7,000,001- 8,000,000	470,886 + 3.14% of costs over 7,000,000
8,000,001- 9,000,000	502,286 + 2.24% of costs over 8,000,000
9,000,001-10,000,000	524,686 + 1.35% of costs over 9,000,000
10,000,001-15,000,000	538,186 + 4.71% of costs over 10,000,000
15,000,001-20,000,000	773,686 + 4.26% of costs over 15,000,000
20,000,001-25,000,000	986,686 + 3.81% of costs over 20,000,000
25,000,001-30,000,000	1,177,186 + 3.36% of costs over 25,000,000
30,000,001-35,000,000	1,345,186 + 2.92% of costs over 30,000,000
35,000,001-40,000,000	1,491,186 + 2.47% of costs over 35,000,000
40,000,001-45,000,000	1,614,686 + 2.02% of costs over 40,000,000
45,000,001-50,000,000	1,715,686 + 1.57% of costs over 45,000,000
50,000,001-	To Be Negotiated

Effective April 1, 1992

FACILITIES DEVELOPMENT CORPORATION

CONSULTANT FEE SCHEDULE

NEW CONSTRUCTION

<u>Approved Cost Estimate/ Total Construction Cost</u>	<u>Fee</u>
Under \$ 70,000	8.75% of cost
\$ 70,001 to 100,000	\$ 6,125 + 8.00% of cost over \$ 70,000
100,001 to 150,000	8,525 + 7.50% of cost over 100,000
150,001 to 250,000	12,275 + 7.00% of cost over 150,000
250,001 to 500,000	19,275 + 6.50% of cost over 250,000
500,001 to 1,000,000	35,525 + 6.10% of cost over 500,000
1,000,001 to 2,000,000	66,025 + 5.80% of cost over 1,000,000
2,000,001 to 3,500,000	124,025 + 5.40% of cost over 2,000,000
3,500,001 to 5,000,000	205,025 + 5.00% of cost over 3,500,000
5,000,001 to 7,500,000	280,025 + 4.50% of cost over 5,000,000
7,500,001 to 10,000,000	392,525 + 4.30% of cost over 7,500,000
10,000,001 and over	495,025 + 3.75% of cost over 10,000,000