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U. S. Department of Housing and Urban Development

Greensboro Field Office
1500 Pinecroft Road, Suite 401
Greensboro, NC 27407-3838
www.hud.gov/local/gre

ATTACHMENT 1

Issue Date: SEP 20 2004
Notice No.: GP-04-04

MEMORANDUM TO: All Low Income Public Housing Executive Directors

FROM: 
Michael A. Williams, Director, Office of Public Housing, 4FPH

SUBJECT: FY 2004 Capital Fund and/or Replacement Housing Factor Approval

We are pleased to inform you that your FY 2004 Capital Fund (CFP) and/or Replacement Housing Factor (RHF) has been approved. Attached is the approved Annual Statement and Annual Contributions Contract Amendment(s).

In reviewing the activities set forth in the Annual Statement, HUD has complied with the environmental requirements of 24 CFR Part 50. The activities set forth in the Annual Statement shall be undertaken in accordance with the requirements of HUD Notice PIH 2004-15. All PHAs receiving RHF funding should review, in detail, paragraph 19.

It should be noted that the Office of Capital Improvements has established the following website: <http://www.hud.gov/offices/pih/programs/ph/capfund/index.cfm>. PHAs must regularly check this site to ensure they have the most recent communication concerning the Capital Fund Program.

To enable HUD to send messages via e-mail and direct mail, PHAs must maintain up-to-date e-mail and mailing addresses in the PIC system. Also, in anticipation of calculating the FY 2005 Capital Fund, PHAs must update their PIC data no later than September 30, 2004.

If you have any trouble accessing your FY 2004 CFP and/or RHF funds, please contact your Greensboro Office Financial Analyst.

Attachments

**Capital Fund Program
(CFP) Amendment**
To The Consolidated Annual Contributions
Contract (form HUD-53012)

U.S. Department of Housing **(6)**
and Urban Development
Office of Public and Indian Housing

Whereas, (Public Housing Authority) Town Of Chapel Hill Department Of Housing (NC046) (herein called the "PHA")
and the United States of America, Secretary of Housing and Urban Development (herein called "HUD") entered into Consolidated Annual Contributions

Contract(s) ACC(s) Number(s) A-3963

dated: 11/14/1995

Whereas, HUD has agreed to provide CFP assistance, upon execution of this Amendment, to the PHA in the amount to be specified below for the purpose of assisting the PHA in carrying out capital and management activities at existing public housing developments in order to ensure that such developments continue to be available to serve low-income families:

§ 530.628 for Fiscal Year 2004 to be referred to under Capital Fund Grant Number NC19P04650104

PHA Tax Identification Number (TIN) On File

Whereas, HUD and the PHA are entering into the CFP Amendment Number 11

Now Therefore, the ACC(s) is (are) amended as follows:

1. The ACC(s) is (are) amended to provide CFP assistance in the amount specified above for capital and management activities of PHA developments. This amendment is a part of the ACC(s).

2. The capital and management activities shall be carried out in accordance with all HUD regulations and other requirements applicable to the Capital Fund Program.

3. (Check one)

a. In accordance with the HUD regulations, the Annual PHA Plan has been adopted by the PHA and approved by HUD, and may be amended from time to time. The capital and management activities shall be carried out as described in the Annual PHA Plan Capital Fund Annual Statement.

OR

b. The Annual PHA Plan has not been adopted by the PHA and approved by HUD. The PHA may use its CFP assistance under this contract for work items contained in its 5-Year Plan, before the Annual PHA Plan is approved.

For cases where HUD has approved a Capital Fund Financing Amendment to the ACC (CFP Amendment attached), HUD will deduct the payment for amortization scheduled payments from the grant immediately on the effective date of this CFP Amendment. The payment of CFP funds as per the amortization scheduled will be made directly to a designated trustee (Trustee Agreement attached) within 3 days of the due date.

Whether 3.a or 3.b is selected above, the 24 month time period in which the PHA must obligate this CFP assistance pursuant to section 9(j)(1) of the United States Housing Act of 1937, as amended, (the "Act") and 48 month time period in which the PHA must expend this CFP assistance pursuant to section 9(j)(5) of the Act starts with the effective date of this CFP amendment (the date on which CFP assistance becomes available to the PHA for obligation).

4. Subject to the provisions of the ACC(s) and paragraph 3. and to assist in the capital and management activities, HUD agrees to disburse to the PHA or the designated trustee from time to time as needed up to the amount of the funding assistance specified herein.

5. The PHA shall continue to operate each development as low-income housing in compliance with the ACC(s), as amended, the Act and all HUD regulations for a period of twenty years after the last disbursement of CFP assistance for modernization activities and for a period of forty years after the last distribution of CFP assistance for development activities. However, the provisions of Section 7 of the ACC shall remain in effect for so long as HUD determines there is any outstanding indebtedness of the PHA to HUD which arose in connection with any development(s) under the ACC(s) and which is not eligible for forgiveness, and provided further that, for a period of ten years following the last payment of assistance from the Operating Fund to the PHA, no disposition of any development covered by this amendment shall occur unless approved by HUD.

6. The PHA will apply for the entire CFP assistance amount for this FY. If the PHA does not comply with any of its obligations under this Amendment and does not have its Annual PHA Plan approved within the period specified by HUD, HUD shall impose such penalties or take such remedial action as provided by law. HUD may direct the PHA to terminate all work described in the Capital Fund Annual Statement of the Annual PHA Plan. In such case, the PHA shall only incur additional costs with HUD approval.

7. Implementation or use of funding assistance provided under this Amendment is subject to attached corrective action order(s).

(mark one) : Yes No

8. The PHA acknowledges its responsibility for adherence to this Amendment by subgrantees to which it makes funding assistance herein available.

SEP 14 2004

The parties have executed this Agreement, and it will be effective on SEP 14 2004. This is the date on which CFP assistance becomes available to the PHA for obligation.

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| U.S. Department of Housing and Urban Development <i>[Signature]</i> Date: <u>9-14-04</u> Director Office of Public Housing | PHA Executive Director By: <i>[Signature]</i> Date: <u>8/24/2004</u> Title Director of Housing |
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