

(b) There is no adjudication of a civil rights violation in a civil action brought against it by a private individual, unless the applicant demonstrates that it is operating in compliance with a court order designed to correct the area(s) of noncompliance;

(c) There is no deferral of Federal funding based upon civil rights violations;

(d) There is no pending civil rights suit brought against the PHA by the Department of Justice; or

(e) There is no unresolved charge of discrimination against the PHA issued by the Secretary under section 810(g) of the Fair Housing Act, as implemented by 24 CFR 103.400.

8. For "other" applications only:

(a) The Field Office must determine that the PHA has or will have the capability to develop and manage the

proposed housing. The Field Office shall determine capability based upon the PHA's overall score under the Public Housing Management Assessment Program (PHMAP) (see 24 CFR part 901), the PHA's most recent fiscal audit, and outstanding HUD monitoring findings. A PHA shall not be determined to lack administrative or development capability simply because it has no recent experience in developing or managing public/assisted housing.

(b) The Field Office must determine that there is a need and a market for the proposed household type and bedroom sizes, taking into consideration the documentation submitted by the PHA on housing supply and demonstration of need, any local plans, and other assisted housing (e.g., HUD or RHCS) existing

and proposed (including housing funded but not completed).

9. With respect to all applications the Department reserves the right to require the PHA to utilize an alternative administrator to carry out the applicable public housing development program.

D. Threshold Approvable Applications

Applications in categories 1, 2, and 3 will be determined approvable if they successfully pass the threshold review. Threshold-approvable applications in category 4 ("other") will be reviewed and analyzed by the Field Office.

E. "Other" Development Applications

Threshold approvable "Other" applications will have points assigned by a Rating Panel(s) on the basis of Field Office analysis and PHA documentation relating to the following criteria:

Criteria	Points
1. <i>Relative Need</i> . The application proposes a development for a locality which has been previously under-funded for the household type (family or elderly) requested, relative to the need for housing for the same household type in the respective metropolitan or non-metropolitan portion of the Field Office's jurisdiction. [Select (a), (b) or (c)]:	
(a) Housing need in the locality specified in the application has been severely under-funded. (A locality with a percentage of need served that is equal to or less than one-half the Field Office percentage will be determined to be severely under-funded.);	20
or	
(b) Housing need in the locality specified in the application has received a proportionate share of funding or has been moderately under-funded. (A locality with a percentage of need served that is equal to or less than the Field Office percentage, but greater than one-half that percentage will be determined to be moderately under-funded.);	10
or	
(c) Housing need in the locality specified in the application has been over-funded. (A locality with a percentage that is greater than the Field Office percentage will be determined to have been over-funded.);	0
2. <i>Vacancy Rate</i> . Select (a) or (b):	
(a) The adjusted vacancy rate in public housing developments under management (as such term is defined in the Public Housing Management Assessment Program, 24 CFR 901 <i>et. seq.</i>) is not greater than 3 percent, indicating that the PHA will and can fully utilize the units for which it applied;	10
or	
(b) The adjusted vacancy rate in public housing developments under management is greater than 3 percent but less than 6 percent (or two units if that is greater);	5
3. <i>Large-Family Housing</i> . The application is for a public housing development comprising 51 percent or more three bedroom or larger units;	15
4. <i>Relocation</i> . The proposed public housing development would primarily assist households displaced or to be displaced by Federal action or a natural disaster in a Federally declared disaster area;	15
5. <i>Low Density Family Housing</i> . The application proposes scattered site development to expand housing opportunities;	20
6. <i>PHA Development Experience</i> . [Select (a), (b), or (c)]	
(a) The PHA scored at least 90 percent ("A") in Indicator 12 (Development) of PHMAP;	15
or	
(b) The PHA's latest PHMAP score for Indicator 12 (Development) is between 80 and 89 percent; or the Field Office has no information on the PHA's previous development experience to rate the PHA under paragraph (a) above; however, the application demonstrates the capability for, and the expectation of, expeditious quality or other development experience, or submitted a development management contract with an experienced development project manager;	10
or	
(c) The PHA's latest PHMAP score for Indicator 12 (Development) is between 60 and 79 percent; or the PHA has no development experience under either paragraph (1) or (2) above, but the PHA has evidenced staff capability and organization that demonstrates the PHA has the capability for, and the expectation of, expeditious quality development or has submitted a proposed development management contract;	5
7. <i>PHA Management Experience</i> . [Select (a), (b), or (c)]	
(a) The PHA's latest PHMAP score (excluding development) is 90 percent or better; and there were no Inspector General audit findings during the PHA's last fiscal audit; and there are no outstanding HUD monitoring findings;	20
or	
(b) The PHA's latest PHMAP score (excluding development) is between 80 and 89; and Inspector General audit findings (if any) have been addressed; and outstanding HUD monitoring findings have been resolved;	10
or	
(c) Choose (1) or (2):	
(1) The PHA's latest PHMAP score (excluding development) is between 60 and 79; and Inspector General audit findings (if any) have been addressed; and outstanding HUD monitoring findings have been resolved;	5
or	
(2) The PHA has no public housing in management, but has management experience in the section 8 program and management reviews or Inspector General audit findings (if any) are being addressed satisfactorily;	5