



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

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Special Attention of:  
Secretary's Representatives;  
State and Area Coordinators;  
Public Housing Directors;  
Public Housing Agencies;

**NOTICE: PIH-2010 - 20 (HA)**

Issued: May 24, 2010

Expired: May 31, 2011

Cross References: PIH 2008- 47(HA)

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**Subject:** Public Housing Development Cost Limits

1. **Purpose:** The Purpose of this Notice is to:
  - a. Explain procedures for establishing public housing development cost limits.
  - b. Transmit the Total Development Cost (TDC) limits for FY 2010.
2. **Applicability.** This Notice is applicable to the development and/or modernization of public housing and other eligible home ownership under a HOPE VI Grant Agreement between HUD and a public housing agency (PHA) and/or under the Capital Fund Program through an Annual Contributions Contract (ACC). This Notice does not apply to Native American housing.
3. **Background.**
  - a. **Statutory and Regulatory Requirement:** Section 6(b) of the United States Housing Act of 1937 (Act) and the regulations found at 24 CFR 941.306 require the Department to establish TDC limits. The per unit construction cost guideline for a project is determined by averaging the current construction costs, as listed in not less than two nationally recognized residential construction cost indices, for publicly bid construction of a good and sound quality.
  - b. **Maximum Project Cost:** The maximum project cost represents the total amount of public housing capital assistance used in connection with the development of a public housing project, and includes: (1) project costs that are subject to the TDC limit (i.e., Housing Construction Costs and Community Renewal Costs); and (2) project costs that are not subject to the TDC limit (i.e., Additional Project Costs). The total project cost to be funded with public housing capital assistance, as set forth in the proposal and as approved by HUD, becomes the maximum project cost stated in the Annual Contributions Contract (ACC). Upon completion of the project, the actual project cost is determined based upon

the amount of public housing capital assistance expended for the project, and this amount becomes the maximum project cost for purposes of the ACC.

c. **TDC Limit:** Public housing capital assistance may not be used to pay for Housing Construction Costs and Community Renewal Costs in excess of the TDC limit and no exceptions to HCC limits will be granted within the TDC limit, except as follows:

1. HOPE VI grantees will be eligible to request a TDC exception for public housing and HOPE VI funds awarded in Fiscal Year 1996 and prior years;
2. For any project in which a PHA is combining HOPE VI funds awarded in 1996 and public housing funds awarded from later (or earlier) years, the PHA will be able to request a TDC exception;
3. For American Recovery and Reinvestment Act (ARRA) Capital Fund Formula and Competition Grants, PHAs are authorized to request a TDC waiver on funds received for integrated utility management, capital planning and other capital and management activities that maximize energy conservation and efficiency including green construction and retrofits, such as windows, heating system replacements, wall insulation, site-based generation, advanced energy savings technologies, renewable energy generation and other such retrofits; and
4. For Capital Fund Formula (including Replacement Housing Factor Fund Grants), PHAs may request a waiver of the TDC limit in 24 CFR 941.306(b) for good cause for integrated utility management, capital planning and other capital and management activities that maximize energy conservation and efficiency including green construction and retrofits, such as windows, heating system replacements, wall insulation, site-based generation, advanced energy savings technologies, renewable energy generation and other such retrofits.

Examples of green construction costs include but are not limited to innovative storm water management practices that incorporate a combination of infiltration features such as vegetative landscape swales; water-permeable paving and green roofs; water conservation techniques that incorporate rainwater harvesting and/or grey water reuse; utilization of renewable energy such as photovoltaic panels or wind turbines; use of low volatile organic compounds (VOC) products and dwelling unit ventilation systems; and development of projects with Energy Star Qualified Homes.

#### 4. Total Development Cost Limit

- a. TDC Calculation: HUD will determine the TDC for a public housing project as follows:

Step 1: Unit construction cost guideline. The applicable unit construction cost index is determined by averaging the current construction costs as listed in two nationally recognized residential construction cost indices for publicly bid construction of a good and sound quality for specific bedroom sizes and structure types. The two indices HUD used for this purpose are the R.S. Means cost index for construction of “average” quality and the Marshal & Swift cost index for construction of “good” quality.

Step 2: Bedroom size and structure types. The construction cost guideline is then multiplied by the number of units for each bedroom size and structure type.

Step 3: Elevator and non-elevator type structures. HUD will then multiply the resulting amounts from step 2 by 1.6 for elevator type structures and by 1.75 for non-elevator type structures.

Step 4: TDC limit. The TDC limit for a project is calculated by adding the resulting amounts from Step 3 for all the public housing units in the project.

- a. Costs not subject to the TDC limit. Additional Project Costs (Section 4(e) of this Notice) are not subject to the TDC limit. A PHA may use funding sources not subject to the TDC limit (e.g., CDBG funds, low-income tax credits, private donations, private financing, etc.) to cover project costs that exceed the TDC limit or the Housing Construction Cost limit described in section 5(b). Such funds, however, may not be used for items that would result in substantially increased operating, maintenance or replacement costs, and must meet the requirements of section 102 of the HUD Reform Act (42 U.S.C. 3545). These funds must be included in the project development cost budget and legally acceptable written commitments for such funds must be provided by the PHA for HUD approval.
- b. TDC Limits on Public Housing Funds Only: The TDC limit, described in section 4(a), applies to the costs of developing public housing that may be paid from public housing funds. The term “public housing funds” is defined to include funds from: the Capital Fund Program, the public housing development program, the Major Reconstruction of Obsolete Projects program, the HOPE VI program, the Capital Fund Financing Program, Public Housing Mortgage Program and the Operating Fund Financing program and Capital Fund Recovery Grants in FY 2009. Costs subject to the TDC limit include, but are not limited to, the following:
  - planning, administration, site acquisition, relocation, demolition, site remediation;
  - site development (except as noted in section 4(e));
  - dwelling unit hard costs, including construction and equipment (except as noted in section 5(b));
  - interest and carrying charges, builder’s overhead and profit;
  - streets and utilities;

- facilities including community buildings;
  - finish landscaping;
  - contingency allowance;
  - insurance premiums and any initial operating deficit; and
  - cost attributable to Davis-Bacon wage rates, as applicable.
- c. Demolition, Remediation of Environmental Hazards, Extraordinary Site Costs, Additional Project Costs as defined in 24 CFR, 941.103 of the regulations: The TDC will include the costs of demolition and remediation of environmental hazards, as approved by HUD, prorated with respect to the number of public housing units being developed on the site. For example, if a PHA is demolishing a 300-unit public housing project and putting 100 new public housing units back on site, only one-third of the costs of demolition and site remediation will be included as part of the public housing development costs to be compared with the TDC limit.

Typical site costs will be included within the TDC. The Department will exclude extraordinary site costs from the TDC calculation. Examples of such extraordinary site costs include, but are not limited to: removal or replacement of extensive underground utility systems, extensive rock and/or soil removal and replacement, construction of extensive street and other public improvements, dealing with unusual site conditions such as slopes, terraces, water catchments, lakes etc., and dealing with flood plain as well as other environmentally corrective issues. The PHA must have an independent certified engineer verify in writing any site remediation and extraordinary site costs and have these costs approved by HUD.

- d. Modernization of Existing Units: The TDC limit for the modernization of existing public housing units will be ninety (90) percent of the TDC for the development of new units. The HCC (described in paragraph 5(b)) is not applicable to the modernization of existing units.
- e. Acquisition of Existing Units or Newly Built Units: In the case of acquisition of existing units, the HCC limit does not apply; however, the TDC includes the cost of acquisition and the cost of any renovations to the acquired units.

## **5. Project Fund Allocation Categories**

- a. Requirements: HUD must review and approve all funds going into the development of the public housing project with respect to three distinct categories: Housing Construction, Community Renewal, and Community and Supportive Services (CSS). All costs, except for those excluded in Section 4(e), paid from public housing funds must be within the TDC limit. A PHA can determine the public housing funds allocated for Housing Construction Costs, and to Community Renewal Costs; provided that the amount of funds allocated for Housing Construction does not exceed the HCC limit described

in 5(b). The allocation of funds for CSS is not a part of the TDC calculation. However, the amount of the HOPE VI funds that may be dedicated to CSS is limited to either 15 or 20 percent of the HOPE VI grant (the percentage specified in the HOPE VI agreement). Such funds may not be used for items that would result in substantially increase operating, maintenance or replacement costs and must meet the requirements of section 102 of the HUD Reform Act.

- b. Housing Construction Cost Limit: Housing Construction Cost is the sum of the following HUD approved costs related to the development of a public housing project: dwelling unit hard costs (including construction and equipment); builder's overhead and profit; the cost of extending utilities from the street to the public housing units; finish landscaping; and the payment of Davis Bacon wage rates. The HCC is derived from the average of the two construction indices named above. A PHA may exceed the HCC limit, as described above, using non-public housing funds, such as CDBG funds, low-income housing tax credits, private donations, and private funding.
- c. Community Renewal Costs: Community Renewal Costs consist of the sum of the following HUD approved costs related to the development of a public housing project: planning (including proposal preparation), administration, site acquisition, relocation, demolition, site remediation of environmental hazards associated with public housing units that will be replaced on the project site, interest and carrying charges, community buildings and non dwelling facilities, contingency allowance, insurance premiums, any initial operating deficit, streets, site utilities, and other costs necessary to develop the project that are not covered under the HCC. The funds allocated for Community Renewal are limited to the TDC minus the HCC.
- d. Community and Supportive Services Funds Allocation Limit: While not related to the TDC calculation, the Department will limit the amount of any public housing funds that a PHA may use for community and supportive services programs to the amount specified in its HOPE VI grant agreement.

## **6. Limitations on New Construction**

In submitting a development proposal for construction of new public housing units pursuant to 24 CFR Part 941, a PHA must comply with Section 9(g)(3) of the Act. Section 9(g)(3) provides that a PHA may not construct any new units if the construction would result in a net increase from the number of public housing units owned, assisted or operated by the PHA on October 1, 1999, including any public housing units demolished as a part of any revitalization effort.

A PHA may construct new units in excess of the number of units in its inventory on October 1, 1999, but will not be eligible for additional funding

under the Capital or Operating Fund formulas for such units. However, the PHA may construct new units in excess of the number of units in its inventory on October 1, 1999 and receive additional funding for such units under the Capital and Operating Fund formulas if:

- (1) the units are part of a mixed-finance project, or otherwise leverage significant additional private or public investments; and
- (2) the estimated cost of the useful life of the project is less than the estimated cost of providing tenant-based assistance under Section 8(o) of the Act for the same period; and
- (3) the units are subject to reasonable limits set by the Secretary.

Public housing units that are developed using only Capital Fund Recovery Act funds and non-public housing funds can exceed the limit and receive Capital Fund and Operating Fund for the units. If other public housing funds are used in the development of the units in conjunction with Recovery Act funds, then a PHA must comply with Section 9(g)(3) of the Act.

Development proposals submitted to HUD pursuant to 24 CFR 941.304 or 24 CFR 941.606 must address compliance with this requirement. If the proposed project exceeds the 1999 threshold, a PHA must indicate in its proposal that it understands that the units in excess of the threshold will be excluded from Capital and Operating Fund formulas, or that it meets the exceptions stated above.

7. Effective Date of the TDC. The new TDC limits are effective on the date of issuance of this Notice.

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/s/  
Sandra B. Henriquez, Assistant Secretary for  
Public and Indian Housing

Attachment: TDC Housing Cap Limits for FY 2010