

TO: State Directors
Rural Development

ATTN: Community Program Directors

FROM: Tony Hernandez /s/ ***Tony Hernandez***
Administrator
Housing and Community Facilities Programs

SUBJECT: Eliminating Incarcerated Prison Populations When Determining
Community Facilities (CF) Programs Eligibility or Level of Program Assistance

PURPOSE/INTENDED OUTCOME:

We are issuing this Administrative Notice (AN) to notify Rural Development personnel responsible for CF Programs of a change in determining the population of a community when determining whether a community is eligible for CF Programs and when determining the level of program assistance. This action is necessary for compliance with the Consolidated Appropriations Act, 2016.

COMPARISON WITH PREVIOUS AN:

There are no previous ANs on this topic.

IMPLEMENTATION RESPONSIBILITIES:

In accordance with the *Consolidated Appropriations Act, 2016* "...That for the purposes of determining eligibility or level of program assistance the Secretary shall not include incarcerated populations." Effective immediately, RD Offices that process CF Direct/Guaranteed Loans or Grant applications for all CF Programs must determine the incarcerated prison populations (both state and federal) for every community in which a proposed essential community facility project will be located.

Each state's Department of Corrections (DOC) collects prisoner population data and posts it online on the Department's website. Some states update this data every day, while some update monthly or quarterly. For the purpose of implementing this provision of the Consolidated Appropriations Act, 2016, Community Facilities will use the State's prisoner population data as of the end of the most recent calendar quarter (March, June, September, and December). When determining the eligibility of a community, RD officials processing a loan or grant application for all CF programs must visit the DOC website of the state where the proposed CF project will be located.

EXPIRATION DATE:
April 30, 2017

FILING INSTRUCTIONS:
Preceding RD Instructions 1942-A, and
3570-B

Upon verifying the number of prisoners housed in state prisons in a community where a proposed CF project will be located, state offices must then determine if a federal prison is located within that same community. This determination should be made by using the facilities list at the Federal Bureau of Prisons (BOP) website: <https://www.bop.gov/locations/map.jsp>. The population statistics provided by the BOP are uniform, unlike the data received from the states so processing officials should use the population provided for the federal prison facility located in the community where the proposed facility will be located.

Lastly, there are a number of private prisons that have contracts with both state and federal governments. Data for these facilities are more difficult to locate, but every attempt should be made to include this population in the total prison population that will be excluded for eligibility purposes. The responsibility for furnishing data for private prisons will be on the CF applicant. This data should be verifiable either through the private prison's website or from an official at the private prison facility.

Data from all three sources should be **compiled and subtracted** from a community's Census population where a proposed CF facility will be located. The final total will be used to determine a community's eligibility as well as the level of assistance that a community is eligible for.

Please direct all questions pertaining to this AN to Aaron Morris, Special Projects Coordinator, at (202) 720-1501 or at aaron.morris@wdc.usda.gov.