# NCDA WASHINGTON REPORT


**FROM:** CHANDRA WESTERN
VICKI WATSON
KAREN MEANS
JEFF FALCUSAN
TAMARA JACKSON


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**NCDA 2002 Executive Symposium: September 25-28, 2002**
**Phoenix, AZ, at the Point Hilton Squaw Peak Resort**

***FEATURED ARTICLES***

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## STATUS OF FY 2003 APPROPRIATIONS BILLS

To say "Congress has been slow in introducing and moving legislation this year" is the understatement of the millennium. With the creation of a new Department of Homeland Security and the ongoing hearings into corporate corruption, little time has been spent on moving legislation. Normally, by this time, many appropriations bills would have cleared both chambers in preparation for the month-long August recess. Not so this year. To date, the House has passed three appropriations bills: Defense, Interior, and Military Construction.

The Senate has not passed any appro-priations bills. However, Senator Robert Byrd (D-WV), Chair of the Senate Appro-priations Committee, plans to move all 13 FY 2003 spending bills out of his committee by next Friday, July 26. The VA-HUD-IA appropriations bill is scheduled to be marked-up by the Senate Subcommittee on VA-HUD-IA on Tuesday, July 23, and by the full Senate Appropriations Committee on Thursday, July 25. We have heard rumors that Rep. Mikulski (D-MD), Chair of the Senate Subcommittee on VA-HUD-IA, will fight hard for increases to the HOME program this year. This is likely due to the push by many interest groups, including NCDA, to increase funding for affordable housing production, and the Millennial Housing Commission's recommendation to substantially increase funding for the HOME program. Still, such a request faces huge obstacles in full committee mark-up, and in conference sessions with the House appropriators, if they choose not to increase the program.

The House will mark-up the VA-HUD-IA appropriations bill after the August recess. House Appropriations staff have indicated that the bill will likely be one of the very last bills to move. If so, the measure could get caught up in the end-of-year election scramble. All seats in the House and 33 in the Senate are up for re-election, so Congress will likely adjourn on its targeted date of October 4 to allow members to return home to campaign. However, if all of the appropriations bills are not completed by this date, Congress will enact a continuing resolution to keep those federal agencies without appropriations bills operating at their FY 2002 spending level. Congress will then return after the elections to complete the remaining appropriations measures.

House Appropriations Committee Chairman C.W. Bill Young (R-FL) released the FY 2003 House subcommittee allocations (also known as the 302(b) allocations) on June 25. The $91.841 billion allocation for the VA-HUD-Independent Agencies subcommittee was $677 million below the President's request of $92.518 billion. The Senate, on the other hand, allocated $92.930 billion for its VA-HUD-Independent Agencies subcommittee, an increase of $412 million above the President's request.

In meetings with appropriations staff in both the House and Senate, NCDA has been told that the funding for CDBG and HOME should remain level from last year, with hopefully an increase in the HOME program. This is a very tight budget year and we ask all of you to contact your congressional members to let them know how effective these two programs are in their home districts, to ensure the programs remain on their radar screens.

## FY 2002 SUPPLEMENTAL SPENDING BILL

After weeks of stalled conference sessions, appropriators expect to finally complete work on a FY 2002 supplemental spending bill (H.R. 4775) this week. The bill primarily provides funds for defense, homeland security, and assistance to New York City. The White House is adamant about keeping the funding level for the bill at or below $28.8 billion. The House version is at this level; however, Senate appropriators reached compromise on a $30.4 billion measure. They were soundly chastised by the White House and Mitch Daniels, the Director of the Office of Management and Budget, who Bush has nicknamed "the Blade" for his budget-cutting prowess. Senate appropriators were told to trim their measure down to $28.8 billion.

Both versions contain rescissions to some of HUD's programs. The House version contains a $300 million rescission in Section 8 recaptures and a $300 million rescission in Section 8 IRP grants. The Senate version contains a $300 million rescission in Section 8 recaptures and a $50 million in the HOME program. NCDA, along with several other national interest groups, including the U.S. Conference of Mayors and the National Association for County Community and Economic Development, submitted a letter to House and Senate appropriators requesting no rescissions to either the HOME program or Section 8 recaptures.

*[This bill was conferenced last night, however, at this writing, we are unsure if all the proposed rescissions remained in the bill. Please check the NCDA list serve to find out what occurred during conference.]*

## NCDA PRESIDENT, AARON LONGORIA MEETS WITH HIS CONGRESSIONAL DELEGATION

On Tuesday and Wednesday, NCDA President Aaron Longoria participated in a series of meetings with all the Congressional members and/or their staffs that represent the City of Edinburg. In an effort to provide greater name recognition on the goals and objectives of NCDA and to continue a dialogue with his Congressional delegation, Aaron, and NCDA staff Chandra Western and Vicki Watson spent two full days on the hill visiting the offices of Senators Graamm and Hutchison as well as the offices of Representatives Hinojosa, Reyes, and Ortiz. Much of the discussion outlined the Association's work on the FY 2003 HUD budget, the need for a new affordable housing production program, the importance of TA funding for CDBG and HOME, increasing the admin level within HOME, and the concerns we have about the 2000 census and its impact on HUD's formula programs–especially CDBG. And, as always, we reminded our friends in Congress of the importance of additional funding for housing and community development programs. We asked for increases in HOME TA as well, and a return to allocating CDBG TA. The discussion on TA made the point that the successes of the HOME program can be directly tied to that program's statutory requirement to provide technical assistance, as a percentage of the HOME allocation. We pointed out that NCDA receives some of these funds to provide training and peer-to-peer assistance to HOME program administrators. We reiterated that this same type of assistance should apply to the CDBG program as well. And, since there is no CDBG TA available, NCDA has undertaken its own CDBG Basics Course, of which Aaron discussed how successful the training was in McAllen.

The last major issue of discussion focused on the President's Gateway Initiative, which– should it receive funding– would provide $16 million to assess the best methods of assisting the colonias along the U.S. and Mexican border. NCDA let the each member of the Congressional delegation know that we have many members along the U.S./Mexican border and will be available to assist in any initiative. Representative Hinojosa explained that he had met with HUD staff on this issue. We indicated that we were scheduled to meet with HUD staff later in the day on this issue.

At the direction of the President, Secretary Martinez has appointed an Assistant Deputy Secretary, Anna Maria Farias of CPD to put together an initiative that will include federal assistance from HUD and USDA, as well as local and private sector funding, to determine the most workable models of assisting persons living in these areas, preventing the creation of new colonias, and ensuring that unscrupulous persons find it more difficult to prey on person living in colonias. It is not clear, at this time, what will come out of this initiative. The final product may look like the empowerment zone model or something similar, but the most important issue that Ms. Farias is concerned with is that for any initiative to work in these areas, there must be persons from the colonias working closely with the federal government, to provide ideas and suggestions that will gain the trust and support of the people they want to help. Without trust from the residents, the project is doomed to fail. Aaron has offered yet another invitation to Ms. Farias and Secretary Martinez to tour the colonias in Hidalgo County, which contain more than half of all the colonias in the country. This tour will most likely happen in September or October.

**HOUSE COMMITTEE APPROVES ROUKEMA BILL**

The House Financial Services Committee completed its mark-up of HR 3995, The Housing Affordability for America Act, on July 10. The measure, originally introduced by Housing Subcommittee Chairwoman Marge Roukema (R-NJ), underwent several changes over the course of the mark-up process. Perhaps most significantly, the HOME-*Plus* production program, which NCDA had a hand in creating, was stripped from the bill and eventually replaced with a federal matching fund that would make grants to state and local affordable housing trust funds.

The July 10 mark-up was the committee's third attempt at approving the bill, which is widely seen as Roukema's final opportunity to create a legacy before her impending retirement. As reported in the last edition of *The Washington Report*, an earlier mark-up session on June 20 was cut short after Republicans lost a roll call vote on an amendment, offered by Rep. Bernie Sanders (I-VT), that replaced the HOME-*Plus* production program with a national affordable housing trust fund to be funded by FHA surpluses. Chairman Oxley (R-OH) adjourned the session without completing the mark-up, apparently in an effort to round up enough votes to overturn the Sanders amendment at a later date. Rep. Richard Baker (R-CA) was the only Republican member to vote in favor of the amendment, and he almost certainly did so in order to be in a position to move to reconsider when the committee reconvened. Chairman Oxley adjourned a second mark-up session before it began on July 26 when Roukema was unable to attend.

When the committee reconvened on July 10, it quickly became clear that the Republican members would not attempt to restore the HOME-*Plus* program to the bill. We have learned that some matters of parliamentary procedure may have prevented the Republican side from overturning Sanders' amendment. Faced with this apparent obstacle, Rep. Sue Kelly (R-NY) offered an amendment to replace Sanders' national affordable housing trust fund with a federal fund that would provide matching grants to local and state affordable housing trust funds. Sanders countered with an amendment to Kelly's amendment, which would have kept the national trust fund in place, but replaced its FHA surplus funding mechanism with direct federal appropriations. The committee rejected Sanders' amendment and passed Kelly's amendment.

Kelly's amendment authorizes the HUD Secretary to make grants to affordable housing trust funds "that are distinct funds, established by States and units of general local government, that use public revenue to support the production, preservation, and rehabilitation of affordable housing, as determined by the Secretary." The amount of the grant in any fiscal year may not exceed the total amount "contributed from non-Federal sources during such fiscal year to the trust fund for use only for production, preservation, and rehabilitation of affordable housing." Seventy five percent of the grant amount must be used for eligible activities related to affordable rental housing for extremely low-income families in the jurisdiction served by the trust fund. Twenty five percent of the grant amount must be used for activities related to affordable rental housing and/or homeownership for low-income families. No more than five percent of the grant amount can go toward operating costs for non-profit organizations. Trust funds would have to prepare and submit an allocation plan to HUD in order to become eligible for grants under this program. As amended, HR 3995 authorizes such funds as may be necessary for FY 2003 and each fiscal year thereafter. Amounts made available for HOME would not be available for assistance. An amendment offered to Kelly's amendment by Rep. Doug Bereuter (R-NE) and approved by the committee would require the Secretary to allocate 60 percent of the total dollar amount of grants to local jurisdictions and 40 percent to States.

NCDA and many of our partner public interest groups are dissatisfied with the matching grant piece of HR 3995. Local governments without trust funds already in place would have to create trust funds or miss out on a possible funding source. A glut of newly created trust funds would dilute the program's impact, and the lack of a funding formula would only exacerbate this problem. Additionally, the legislation does not explicitly guarantee a dollar-for-dollar match; the legislation says only that the grants cannot *exceed* a one-to-one match. The sheer size of several state trust funds combined with the 60/40 allocation requirement make it unlikely that Congress would authorize enough funding to provide a true one-to-one match. This matching grant program would also create new bureaucratic headaches because of the allocation plan requirement.

Although we would support a national affordable housing trust fund that guarantees substantial funding for local governments, the chances of such a trust fund program becoming law in this Congress are minuscule. Since Roukema's bill originally contained the HOME-*Plu*s program, and since the original Sanders amendment would have been defeated on June 20 had all Republican committee members been present for the roll call vote, it does not require much imagination to envision a scenario in which HOME-*Plus* could have emerged from the mark-up unscathed. NCDA and the other public interest groups will be meeting with Congressional staff the week of July 22 to gauge their members' thoughts on restoring HOME-*Plus* to HR 3995 on the House floor.

The committee adopted several other amendments to HR 3995 during the July 10 markup. An amendment offered by Chairman Oxley (R-OH) establishes a pilot counseling program for HUD-insured loans in high-foreclosure neighborhoods. An amendment offered by Rep. Leach (R-IA) allows HUD to issue public housing grants to smaller communities that are generally unserved by public housing funds. An amendment by Rep. Mel Watt (D-NC) creates a demonstration program to provide for a HUD affordable housing database to inform potential tenants of housing opportunities. An amendment by Rep. Michael Capuano (D-MA) changes the name of the Interagency Council on the Homeless to the United States Interagency Council on Homelessness. An amendment by Rep. Barbara Lee (D-CA) protects tenants from eviction from public housing when they are the victims of domestic violence. Another amendment offered by Rep. Lee would have diverted unused Section 8 rental assistance amounts for use under HOME and public housing capital fund programs. This amendment was defeated by voice vote. However, this amendment will be offered on the House floor. NCDA and other national interest groups support this amendment because it could mean more funding for the HOME program. An amendment that would have re-authorized the Drug Elimination Program through 2005 was also defeated, but is also expected to be revived on the House floor. *Please see the June 25, 2002, edition of NCDA's Washington Report for a complete overview of the bill, including changes made to the original bill.*

## SENATOR SARBANES INTRODUCES VOUCHER BILL

On July 11, Senator Paul Sarbanes (D-MD), Chair of the Senate Committee on Banking, introduced S. 2721 – Housing Voucher Improvement Act of 2002. The bill authorizes a range of tools to help PHAs utilize their unused Section 8 vouchers, such as:

- Permit PHAs to increase their payment standards up to 120% of Fair Market Rents without HUD approval;

- Allow PHAs to set a higher payment standard for vouchers used in Low Income Housing Tax Credit developments. In some areas, the tax credit units have higher rents than are normally covered by a voucher. This provision would allow the voucher to cover the full rent of a LIHTC project, so long as it is not located in a high poverty area.

- Allow PHAs to pay up to their full payment standard for units in HOME developments located outside of high poverty areas. Currently, HOME units may only be rented up to the Fair Market Rent (FMR) to voucher holders. This provision will allow a PHA to pay a rent above the FMR, based on the PHA's payment standard.

- Allow untroubled PHAs with voucher success rates of 80% or below, or with geographic concentrations of voucher holders, to use their unutilized funds for activities that would help families locate suitable housing;

- Create a Voucher Success Fund, funded at $50 million, to support search activities for untroubled PHAs with voucher success rates of 80% or below but with high rates of utilization of their budget authority;

- Require HUD to provide PHAs with updated lists of HOME and Tax Credit properties to provide these lists to voucher holders;

- Reallocate vouchers from PHAs with low utilization rates to other agencies that already operate in the same area as the PHA losing its voucher.

The measure would make some changes to the consolidated plan. First, it includes a requirement that the jurisdiction identify barriers to voucher utilization and potential solutions. Second, it includes a requirement that the jurisdiction consider employment opportunities in determining the location of housing development. Third, the bill would require jurisdictions to consult with social service agencies in certain aspects of planning for housing opportunities, such as working with welfare administrators in planning for people moving from welfare to work, and to help link people receiving housing assistance with welfare agencies and resources (and vice versa).
The bill also authorizes thrifty production vouchers, to cover operating costs on units developed for extremely low-income households (30% of area median income and below), and welfare-to-work vouchers, which would provide housing assistance to people receiving welfare or moving from welfare to work. Thrifty vouchers are intended to encourage the production or preservation of housing affordable to extremely low-income households. The bill would allow PHAs to issue thrifty vouchers out of their existing voucher allocation and would also encourage congressional appropriators to approve additional incremental vouchers for use as thrifty vouchers. Such a voucher would work well with the HOME program and any new production program that may be authorized by Congress. The bill has been referred to the Senate Banking Committee.

## HOMEOWNERSHIP TAX CREDIT BILL INTRODUCED

In his FY 2003 budget, President Bush included a homeownership tax credit aimed at assisting families in becoming first-time homebuyers. Now, several members in the House have jointly introduced legislation to make this tax credit a reality. Representatives Portman (R-OH), Watts (R-OK), and Cardin (D-MD), introduced H.R. 5052 – Renewing the Dream Tax Credit Act – on June 27. The Local Initiatives Support Corporation (LISC) has been the lead organization of the Community Homeownership Credit Coalition, of which NCDA is also a member, in crafting the bill. The tax credit would serve as a companion to the existing Low-Income Housing Tax Credit that provides funding for the development of low income rental housing. A session on this proposed homeownership tax credit was held for members at NCDA's winter meeting this past January.

The bill would amend the Internal Revenue Code of 1986 to create this new homeownership tax credit. The measure would provide tax credits to developers for the construction or substantial rehabilitation of single family homes for sale to low-income buyers with incomes at or below 80% of median income. The program would be administered by state housing agencies with an annual cap on credit authority of $1.75 per capita or $2 million per state, whichever is greater.

Senators Kerry (D-MA) and Santorum (R-PA) are expected to introduce a companion bill in the Senate by the end of July. The bill will likely not be enacted this year; however, momentum is building for its passage next year.

## SENIORS HOUSING COMMISSION RELEASES REPORT

Just a few weeks after the Millennial Housing Commission's report met with a lukewarm reception, the Commission on Affordable Housing and Health Facility Needs for Seniors in the 21st Century presented its final report to Congress.

Congress created the bipartisan commission to study and report back on housing and health facility needs for "this and the next generation of seniors in America." The commission was empowered to offer specific policy and legislative recommendations "to increase affordable housing and improve health-related service options for seniors now and as the Baby Boomer generation reaches retirement age." According to their report, members of the Seniors Commission "could not reach consensus on the interpretation of [their] mandate," and thus only seven of the commission's thirteen members signed the report. Five of the remaining members signed and submitted a minority report with additional recommendations. The Reverend Emanuel Cleaver II did not sign either report. The fourteenth member of the commission, The Reverend Monsignor Henry Gugino, passed away in April.

The commission recommended preserving the existing affordable senior housing stock, as well as modernizing and retrofitting senior housing to facilitate aging in place. The commission also recommended that Congress provide modest assistance for repairs and modifications that will allow seniors to stay in their homes longer. This strategy would reduce the need to build additional rental housing. The commission also warned that there could be a danger in proceeding too rapidly with the production of new affordable rental units, since subsidized housing units remain vacant in many communities, and researchers are predicting dramatic increases in senior homeownership. The commission did strongly recommend increasing coordination among federal, state, and local housing agencies to encourage service-enriched senior housing developments. The commission encouraged agencies to redesign programs, as needed, to reflect the real needs of seniors and to give local governments the flexibility required to meet those needs.

The minority report called for the production of 60,000 units of affordable housing each year for the foreseeable future, and argued that this would still not be enough to meet an approaching senior housing crisis. Commission Co-chair Ellen Feingold, president of Jewish Community Housing for the Elderly in Boston, testified before the Senate Banking Committee that in 2020 there will be 3.2 million very-low- and extremely low-income seniors who will be renters with priority housing problems. Section 202 production for the current fiscal year is set at only 5,800 units. In addition to increase Section 202 production, the minority suggested that Section 515 and the low-income housing tax credit could be used to help address the need for more affordable senior housing. The minority report also recommended at least $200 million in funding to help preserve approximately 340,000 affordable senior housing units that are at risk of being lost from the housing stock. Both reports can be downloaded at http://www.seniorscommission.gov.

## JOINT CENTER ON HOUSING STUDIES RELEASES ANNUAL REPORT

The housing market remains strong, but affordability remains a problem for low-income families. These were the major themes of the Joint Center on Housing Studies of Harvard University's annual State of the Nation's Housing Report, released on June 25.
The report asserts that the strength of the housing sector helped moderate the effects of the recent economic recession. Home prices, adjusted for inflation, rose 5.7 percent from 2000 to 2001. Overall home values rose enough to offset increased mortgage debts rung up by families that traded up to better homes or cashed out equity, meaning that homeowners in general "continued to build home equity at astonishing rates." The report is careful to point out that this growth has

been fueled in part by "the emergence of a dual mortgage delivery system in which new types of lending organizations provide distinctly different mortgage products" to lower-income buyers than those usually offered to purchasers with higher incomes. These "innovative financing alternatives" have allowed many low-income families to become homeowners who would otherwise have not qualified for loans. Nevertheless, the report points out the importance of ensuring that lower-income families have access "to financing on the best terms for which they qualify," assisting borrowers trapped in high-cost mortgages, and aggressively pursuing predatory lenders.

The report also examines the impact of the growth of the immigrant population on the housing sector. According to the report, minorities accounted for over 40 percent of net new owners during the past few years. Immigrant population growth is expected to contribute to the number of minority households rising by 15.3 million over the next few decades, which will account for 64 percent of household growth in the United States. Although many of these households will buy homes, minority homeownership will continue to lag that of whites by a significant margin. This means that minorities will come to dominate the rental market. The report projects that minorities will make up more than half of all renters by 2020. The report emphasizes the serious challenge that rising home prices and rents represents to America's lowest-income families. According to the report, 8.6 million renters and 6.4 million homeowners in the bottom fifth of U.S. households pay more than 30 percent of their limited incomes for housing and/or live in structurally inadequate or overcrowded homes. The report makes the point that programs designed to expand the supply of affordable rental and owner housing serve a dual purpose. These programs not only contribute to an effective national housing policy, but also help close persistent wealth and income gaps. This report can be downloaded in its entirety from http://www.jchs.harvard.edu/.

## HUD NEWS

### CDBG AND THE CENSUS: UPDATE

All the data elements required to calculate the CDBG formula have been released by the Census Bureau. HUD has this information and has already calculated the CDBG allocations using FY 2002 appropriations amounts. At this writing, NCDA has not seen the calculations, however we know that the new data will have measurable positive and negative impacts on funding for many communities. Without the opportunity to review the actual figures, one can safely assume that the shifts in populations, the impact of immigration, the "spreading out" of poverty, combined with the overcrowded housing counts will cause some cities to lose funding and more cities to gain funding. The CDBG formula and subsequent funding distribution is, and should be, a graphic determination of where the neediest persons are, and therefore where the funds should be directed.

There are other factors that will be considered before it can be determined which cities will lose or gain funding. One, and probably the most important is the overall FY 2003 allocation. If the FY 03 formula allocation is the same as FY 02, and the number of additional entitlement communities will have an even more negative impact on those communities whose funding will be less because of the census data.

According to Dick Kennedy, the time-frame for grantees to receive this information is approximately 2-3 weeks. HUD is attempting to analyze the data, provide as much information as possible to the President, OMB and members of the HUD/VA Appropriations Subcommittees, before releasing it to the general public. It is also important to note that on the House side of Congress, the HUD/VA bill will be the last bill to be conferenced. It is very likely that Congress will not finish FY 03 budget negotiations until after the November elections. The best guess is that we will not see the real effect of the last of the CDBG formula factors until late November or early December when the FY 03 allocations are made.

It is also important to note that Congress will probably not address the issue of the CDBG formula in this Congressional session. Any discussion on the CDBG formula will most likely require hearings before the Financial Services Committee (the Authorizing Committee) before any consideration of the CDBG formula is taken up. There is simply not enough time in this Congressional Year to address this issue.

NCDA will continue to put pressure on HUD to release the information we have requested. At the direction the Community Development Committee, and the CDBG Formula Subcommittee, we would review the data, consider the funding shifts and make recommendations to keep the formula the same, propose changes to the present formula factors, propose to change the percentage values of existing factors, and/or put greater or less emphasis on particular formula factors so that increases are realized where the greatest need is and decreases where there is less need. It is hoped that HUD will release the data so that rational, logical deliberation can take place before NCDA or other interested parties make any recommendations on possible formula changes.

## NCDA NOTES

### NCDA'S 2002 EXECUTIVE SYMPOSIUM

NCDA's 2002 Executive Symposium will be held at the fun and relaxing Pointe Hilton Squaw Peak Resort in Phoenix, Arizona. The Symposium is scheduled for September 25 - 28, 2002. (See attached brochure)

The resort makes a good location for a meeting and family get-away. Located at the base of Camelback Mountain, the resort offers an 18-hole championship golf course, a spa and fitness center, opportunities for hiking and horseback riding, combined with beautiful desert sunsets and a myriad of additional activities. Bringing your kids? Make sure to sign them up for Coyote Camp. Coyote Camp provides action-packed days of activities for children ages 4 to 12 and is designed to give your children "a howlin' good time!"

Enclosed is a brochure and registration information for the Symposium. Please make your reservations early! Space is limited.
Come and enjoy ***The Peak Experience!***

### *CDBG TRAINING*

- NCDA will hold a *CDBG Basics: Training for Practitioners* at the Region IV Conference in Charleston, South Carolina on August 8-10 at the Westin Francis Marion Hotel. Registration is required. Please contact Chandra Western for more information at 202-887-5521.

- NCDA will hold a *CDBG Basics: Training for Practitioners* in Phoenix, Arizona on September 23-25 at the Pointe Hilton Squaw Peak Resort. Registration is required. Please contact Chandra Western for more information at 202-887-5521.

### *HOME TRAINING*

NCDA will hold a one day *HOME Refresher Course* training at the Region IV Conference in Charleston, South Carolina at the Westin Francis Marion Hotel on August 12, from 9:00 a.m. - 4:00 p.m. No registration is required. The training is free. Please contact Vicki Watson at 202-887-5532 for more information.

### ATTACHMENTS

*Please go to NCDAonline (http://ncdaonline.org) to access the files below.*

- NCDA 2002 Executive Symposium Brochure
- Board Of Directors Meeting Minutes