

NEW HAMPSHIRE HOUSING FINANCE AUTHORITY

**Financial Assistance and Religious Nondiscrimination
HFA 601**

Table of Contents

HFA 601 PART ONE: Overview, Purpose, Applicability, Rulemaking

- 601.01 Overview and Purpose
- 601.02 Applicability
- 601.03 Rulemaking

HFA 601 PART TWO: Definitions

- 601.04 Definitions

HFA 601 PART THREE: Financial Assistance and Religious Nondiscrimination

- 601.05 Equal Participation and Independence of Faith-Based Organizations
- 601.06 Religious Nondiscrimination Requirements
- 601.07 No Financing of Religious Activities
- 601.08 Optional Attendance and Participation

HFA 601 PART FOUR: Miscellaneous

- 601.11 Delegation
- 601.12 Board Waiver
- 601.13 Amendments

HFA 601 PART ONE: Overview, Purpose, Applicability, Rulemaking

HFA 601.01 Overview and Purpose

These rules identify the conditions under which the Authority will make grants or loans to faith-based organizations. These rules may also apply to other Authority funding programs and activities, such as contracts for services, as circumstances may dictate.

HFA 601.02 Applicability

These rules apply to all Authority programs, unless a program has a specific policy that supersedes these rules.

HFA 601.03 Rulemaking

These rules are adopted pursuant to RSA Chapter 204-C:9.

HFA 601 PART TWO: Definitions

HFA 601.04 Definitions

The following words or terms shall have the following meanings:

“Authority” means New Hampshire Housing Finance Authority.

“Faith-Based organizations” means (1) religious congregations; (2) national networks of religious denominations and their social service arms (e.g., Catholic Charities), and networks of related organizations (e.g., YMCA/YWCA); and (3) freestanding organizations formed separately from congregations and national networks, but which have a religious basis.

“Religious activities” include activities that involve overt religious content; for example, worship, prayer, religious instruction, or proselytization.

“State” means the State of New Hampshire.

HFA 601 PART THREE: Financial Assistance and Religious Nondiscrimination

HFA 601.05 Equal Participation of Faith-Based Organizations

Faith-based organizations are eligible, on the same basis as any other organization, to participate in Authority financing programs. The Authority does not discriminate against an organization on the basis of the organization's religious character or affiliation, or lack thereof. In addition, decisions about awards of Authority financial assistance are not based on the religious character or affiliation, or lack thereof, of an organization.

HFA 601.06 Religious Nondiscrimination Requirements

Any organization that receives Authority financial assistance shall not, in providing services or carrying out activities with such assistance, discriminate against a beneficiary or prospective beneficiary on the basis of religion, religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious activity.

HFA 601.07 No Financing of Religious Activities

Authority-administered funds may not be used for acquisition, construction, rehabilitation, maintenance, repair, or operation of facilities that are regularly and to a significant degree used for religious activities. Incidental use of facilities for religious activities is permissible, provided that the facilities in which religious activities are conducted are also made available to members of the public or building tenants on equal terms for use for both secular and religious activities pursuant to a written religion-neutral policy.

HFA 601.08 Optional Attendance and Participation

Participation by project or program beneficiaries in any religious activities must be voluntary. Beneficiaries must be provided with advance written notice that participation in any religious activities is voluntary and that they are not required to engage in or attend religious activities in order to benefit from the program.

HFA 601 PART FOUR: Miscellaneous

HFA 601.09 Delegation

- (a) Unless otherwise specified, the Authority's Board of Directors delegates to the Executive Director the administration of these rules.
- (b) In the administration of programs and the approval of projects, the Executive Director has the authority to vary from these rules to accomplish program and participation goals, provided such variances are consistent with any applicable statute and other program rules, and will help to ensure fair treatment of applicants and program beneficiaries.
- (c) Pursuant to the Authority's operating policies, the Executive Director may delegate the administration and approval authority to appropriate staff.

HFA 601.10 Board Waiver

The Authority's Board of Directors may waive any rule when such waiver is warranted by good cause and when such waiver is consistent with applicable law and regulation. The Board may delegate authority to waive these rules to its Finance and Administration Committee.

HFA 601.11 Amendments

Program requirements, including these rules and all program documents, may be amended from time to time based on the Authority's sole discretion.