

Sumter County Regional HOME Consortium

Revolving Loan Fund Program Manual

and Underwriting Guidelines



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Introduction

Sumter County Regional HOME Consortium Community Development Department administers federal funds received from the US Department of Housing and Urban Development (HUD). The Consortium receives funding under the HOME Investment Partnerships Program (HOME). The Consortium uses the funds to preserve neighborhoods, create and preserve Affordable Housing, and stimulate economic revitalization. As HOME funding is received from HUD, the Consortium will announce the opening of applications for a Revolving Loan Fund which will be made available on an ongoing basis until all funds are committed. Funds will be made available in the form of repayable loans. Applications for funding will be available online.

Purpose

The purpose of the *HOME Revolving Loan Fund Program Manual and Underwriting Guidelines* is to identify the Consortium's Affordable Housing policy objectives, describe the activities available to advance the objectives, and describe the manner in which the activities will be evaluated, underwritten, and selected for funding. The guidelines are intended to achieve compliance with federal, state and local regulations and set the standards for all Affordable Housing projects funded by Sumter County Regional HOME Consortium, regardless of funding source.

Policy Objectives

To receive federal funding under the above-mentioned programs, HUD requires that the Consortium submit a five-year Consolidated Plan, which describes the Consortium's priorities and objectives for each funding source. Additionally, the Consortium must submit an Annual Action Plan for each year of the Consolidated Plan. The Annual Action Plan identifies the activities that will be funded during each fiscal year and the amount of funding allocated to each activity. The Consortium's 2020-2024 Consolidated Plan establishes the policy objectives for the HOME Revolving Loan Fund Program. The plan is available for review on the Consortium's website: <https://www.santeelynychescog.org/housing>

Disclaimers

Sumter County Regional HOME Consortium reserves the right to fund projects at a lower amount than requested, and the right to deny Applications that are not consistent with the Consolidated Plan goals and policy direction. The Consortium is under no obligation to consider or fund any proposed project that does not demonstrate compliance with national objectives and eligible activities or local program requirements and does not assist in meeting the Consortium's Affordable Housing policy goals and/or objectives.

The Consortium reserves the right to determine project eligibility and select the funding source to be used for any proposed project. Funding decisions will be based on a variety of factors, not just Application scores. Other factors considered are:

1. How the project aligns with the Consortium's priorities;
2. Operational and management capacity of the Applicant;
3. Financial capacity of the Applicant;
4. Ability to meet loan payment obligations; and
5. Leveraging of additional public and private investments.

The *HOME Revolving Loan Fund Program Manual and Underwriting Guidelines* is not intended to address every circumstance that may be encountered in the development process, nor is it a verbatim restatement of all regulatory requirements. Omission of any federal or local regulatory requirements does not relieve the Consortium or the Applicant from their respective obligations that may be required by the funding source.

Once a Revolving Loan Fund Contract has been executed between the Consortium and Applicant for the purpose of developing Affordable Housing according to these guidelines, in case of any conflict between the program guidelines and the Revolving Loan Fund Contract, the terms of the Revolving Loan Fund Contract shall prevail.

HOME program guideline changes as a result of federal, state or local regulatory or legal requirements may be implemented immediately by the Director of the Consortium. Revision of the program guidelines usually occurs annually; however, additional revisions can be initiated by the Director of the Consortium at any time. While stakeholder outreach is the goal of the Consortium, such revisions may occur without notice and are applicable to all pending and future Applications. Applicants are responsible for complying with any changes.

Definitions

The following terms are defined for the purpose of this document:

Accessible: As defined by Section 504 of the Rehabilitation Act of 1973, accessible dwelling units or facilities are located on an accessible route and can be approached, entered and used by individuals with physical disabilities. For a housing unit to be classified as accessible, the improvements must meet the Uniform Federal Accessibility Standards (UFAS).

Acquisition of vacant land: HOME funds may be used for Acquisition of vacant land only if construction will begin on a HOME project within 12 months of the date of purchase. Construction financing must be secured at the time of Application. A current appraisal is required. Land banking is prohibited.

Adaptable Units: Certain elements of a dwelling unit or facility can be added to, raised, lowered or altered to accommodate the needs of individuals with disabilities, or to accommodate the needs of persons with different types or degrees of disability.

Adjusted Income: Gross household Income limit that has been modified according to the number of persons residing within a dwelling unit.

Affordable Housing: In general, housing for which the household is paying no more than 30 percent of its Income for gross housing costs, including utilities.

AMI: Area Median Income as defined by HUD and updated annually. Please consult with the Community Development Department for updated Income tables.

Annual Income: The gross amount of Income of all adult household members that is anticipated to be received in the upcoming twelve (12) month period.

Applicant: Any eligible entity proposing to acquire and rehabilitate, convert, or construct Affordable Housing utilizing HOME program funds. Eligible Applicants include:

- Non-profit Affordable Housing Developers
- For-profit Affordable Housing Developers
- Certified CHDOs
- Public Housing Authorities (though public housing is not eligible)
- Joint Ventures

Application: The completed forms, exhibits, attachments, and any additional documentation requested in the HOME Revolving Loan Fund (RLF) Application package. The RLF Application is a two-step application process. The initial application is submitted with preliminary plans and loan commitments. The second application is submitted with final plans and executed financial commitments for underwriting.

Audit: Complete and current financial statements that have been Audited by a Certified Public Accountant (CPA) licensed by the State of South Carolina. A current Audit is considered to be one that is no more than twelve (12) months from the date the Audit was performed. Non-Federal entities that expend \$750,000 or more of Federal Funds in a year are required to have an Audit conducted to include the Audit specifications and requirements described in 2 CFR Part 200, Subpart F.

Capital Needs Assessment: Property inspection reports that estimate the future costs of property maintenance, as well as determining the cost to repair any parts of a property that must be fixed urgently. For multifamily rental rehab housing projects of 12 or more total units, the participating jurisdiction must determine all work that will be performed in the rehabilitation of the housing and the long-term physical needs of the project through a capital needs assessment of the project.

Community Housing Development Organization (CHDO): A type of Non-profit, community based service organization that has, as part of its mission, the development of Affordable Housing for low- and moderate-income households. HUD requires the organization to meet certain requirements to be classified as a CHDO.

CHDO Roles: CHDO set-aside funds may be used by CHDOs for those HOME activities where the CHDO acts as the Developer, sponsor and/or owner of the housing.

Owner: The CHDO is an owner when it holds valid legal title to or has a long-term (99-year minimum) leasehold interest in a rental property. The CHDO may be an owner with one or more individuals, corporations, partnerships or other legal entities.

Developer: A CHDO is a Developer when it either owns a property and develops a project, or has a contractual obligation to a property owner to develop a project. At Project Completion, the CHDO may maintain ownership and manage the project over the long-term, or it may transfer the project to another entity for long-term ownership and management.

Sponsor: A CHDO is a sponsor for HOME-assisted rental development project when the CHDO develops a project that it solely or partially owns and agrees to convey ownership to a second Non-profit organization at a predetermined time. The conveyance may take place prior to, during or upon completion of the development phase. The second Non-profit must be identified at the time of Application for HOME funding.

A CHDO is a sponsor for HOME-assisted homeownership units when the CHDO owns a property, then shifts responsibility for the project to another Non-profit at some specified time in the development process. The second Non-profit in turn transfers title, along with the HOME loan/grant obligations and resale requirements, to a HOME-qualified homebuyer within a specified timeframe.

CHDO Low-Income Input Process: Input from the Low-Income community is not met solely by having Low-Income representation on the board. The CHDO must also provide a formal process for low- Income program beneficiaries to advise the CHDO on design, location of sites, development and management of Affordable Housing. The process must be described in writing, and must be included in the organization's by-laws or a board resolution.

Consortium: Sumter County Regional HOME Consortium, SC

Debt Coverage Ratio (DCR): The ratio of Net Operating Income (NOI) to total Debt Service (DS) during a given time period ($DCR = NOI \div DS$).

Debt Service: Required minimum monthly loan payment of principal and interest.

Davis-Bacon and Related Acts: Ensures that mechanics and laborers employed in construction work under Federally assisted contracts are paid wages and fringe benefits equal to those that prevail in the locality where the work is performed. This act also provides for the withholding of funds to ensure compliance, and excludes from the wage requirements apprentices enrolled in bona fide apprenticeship programs. Davis-Bacon Act labor standards provisions apply to any contract for the construction of 12 or more HOME-assisted units. (Section 286, National Affordable Housing Act of 1990, as amended.) For additional details regarding the Davis Bacon Act and how it applies to HOME funds, please visit the following link on the HUD Exchange website: <https://www.hudexchange.info/programs/home/>

Development Costs: The total costs incurred in the development of a project that are considered reasonable and necessary.

Developer: Any individual, association, corporation, joint venture, or partnership, which possesses the capacity to successfully produce affordable multifamily and/or single-family housing.

Elderly Person: A person sixty-two (62) years of age or older.

Eligible Costs: Project costs that can be paid with HOME funds. Costs include, but are not limited to, costs or partial costs of Acquisition, verifiable hard construction costs, reasonable soft costs, architectural and engineering fees, surveys, market studies, legal fees and materials testing.

Fair Market Rents: Rental rates as established and updated periodically by HUD that are determined to be fair, affordable and appropriate rents for a geographical area.

HOME-Assisted Unit: The specific unit(s) in a project that is funded with HOME funds. For properties with both assisted and non-assisted units, the program administrator must select “fixed” or “floating” units at the time of project commitment. Sumter County Regional HOME Consortium utilizes the “floating” HOME Units designation.

Fixed HOME Unit: When HOME-assisted units are “fixed,” the specific units that are HOME assisted (and, therefore, subject to HOME rent and occupancy requirements) are designated and never change.

Floating HOME Unit: When HOME-assisted units are “floating,” the units that are designated as HOME-assisted may change over time as long as the total number of HOME- assisted units in the project remains constant. The floating designation gives the owner some flexibility in assigning units and can help avoid stigmatizing the HOME-assisted units. If the floating designation is used, the owner must ensure that the HOME-assisted units remain comparable to the non-assisted units over the affordability period in terms of size, features and number of bedrooms.

HOME Rents: Rental rates established by HUD as fair, affordable and appropriate rents for low to Moderate Income households within a defined geographical area. HOME Rents apply to HOME-funded projects and are revised annually by HUD. The applicable HOME Rents are provided within this manual.

Initial HOME Rents: For rental projects with four (4) or less HOME assisted units, all HOME assisted units must be made available for households at or below 60% of the AMI and utilize the HOME High Rent standard. For rental projects with five (5) or more units, no less than 20% of the units must be made available for households at or below 50% AMI and utilize

the HOME Low Rent standard. Furthermore, all remaining HOME assisted units must initially target households at or below 60% of the AMI and utilize the HOME High Rent standard.

Long Term Rents: Upon subsequent leases(s) for rental projects with four (4) or less HOME assisted units, all HOME units may be made available for households at or below 80% AMI and may utilize the HOME High Rent standard. For rental projects with five (5) or more HOME assisted units, no less than 20% of the units must remain available for households at or below 50% AMI and utilize the HOME Low Rent Standard. All remaining HOME assisted units may be made available for households at or below 80% AMI and utilize the HOME High Rent standard.

Homeless and Chronically Homeless: As defined in The Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH Act) (24 CFR 578.3). An individual who lacks a fixed, regular, and adequate nighttime residence; as well as an individual who has a primary nighttime residence that is a supervised publicly or privately operated shelter designated to provide temporary living accommodations, an institution that provides a temporary residence for individuals intended to be institutionalized, or a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings.

Household: All persons who occupy a housing unit. The occupants may be a single family, one person living alone, two or more families living together, or any other group of related or unrelated persons who share living arrangements (24 CFR 570.3).

HUD: U.S. Department of Housing and Urban Development

Identity of Interest Transactions: Identity of interest refers to situations where the owner, Developer or project sponsor control or own the services to be provided in a project, including, but not limited to the general contractor, subcontractor, property manager or other service provider. A declaration of subcontractors or suppliers for which there is an identity of interest through joint ownership with the owner or Developer must be declared in the Application for funding. Failure to declare an identity of interest situation may deem a project ineligible.

Income: All reference to "Income" shall mean the Annual Income as defined in 24 CFR 5.609, referred to as "Part 5 Annual Income". Income cohorts are defined below. Income limits are updated annually by HUD and can be found at [HOME Income Limits - HUD Exchange](#)

Extremely Low Income: Households whose Income is less than 30% of the median Income for the Sumter County Regional HOME Metropolitan Statistical Area (MSA), as determined by HUD, with adjustments for smaller or larger families.

Low Income: Households whose Incomes are between 31% and 50% of the median Income for the Sumter County Regional HOME Metropolitan Statistical Area (MSA), as determined by HUD, with adjustments for smaller or larger families.

Moderate Income: Households whose Incomes are between 51% and 80% of the median Income for the Sumter County Regional HOME Metropolitan Statistical Area (MSA), as determined by HUD, with adjustments for smaller or larger families.

In-fill Development: Development or redevelopment of land that is/has been vacant, bypassed, and underutilized but is located within areas that already have infrastructure, utilities, and public facilities. The use of infill development, among others, promotes the best use of resources and also will tend to have a positive impact upon the tax and other fiscal policies.

Letter of Commitment: An original executed letter, contract, or agreement from each funding source verifying that the Applicant has a commitment of funds for the project. The commitment letter must include: (a) the amount of funds being provided; (b) any conditions for receiving the funds; (c) expiration of the funds or a timeframe in which the funds must be spent; (d) whether the funds are being provided as a loan or grant; and (e) the term and interest rate, if applicable, for the funds. Lines of credit and letters of credit are temporary funding and are not considered permanent commitments. All commitments must be submitted at time of Application.

Liquid Cash Resources: The Consortium defines Liquid Cash Resources as cash, cash equivalents, an unrestricted line of credit and investments held in the name of the entities and/or persons, including cash in bank accounts, money market funds, U.S. Treasury bills, and equities traded on the New York Stock Exchange or NASDAQ. Certain cash and investments will not be considered Liquid Cash Resources, including, but not limited to: 1) stock held in the Applicant's own company or any closely held entity, 2) investments in retirement accounts, 3) cash or investments pledged as collateral for any liability, and 4) cash in property accounts including reserves.

Marketing Plan: A document that provides information on how the Applicant will attract eligible persons from all racial, ethnic, age, and gender groups to the available housing being provided in the particular market area.

Market Study: An independent third party report prepared to review the market conditions in a specified area. It includes a study of the economic forces of supply and demand and their impact on real estate returns, risks, and values.

Net Operating Income (NOI): Income stream generated by the operation of the property, independent of external factors such as financing, depreciation, amortization, and Income taxes. A property's yearly gross Income less operating expenses. Gross Income includes both rental Income and other Income such as parking fees, laundry and vending receipts, etc. Operating expenses are costs incurred during the operation and maintenance of a property. They include repairs and maintenance, as well as insurance, management fees, utilities, supplies, property taxes, etc. The following are not operating expenses: principal and interest, capital expenditures, depreciation, Income taxes, and amortization of loan points.

Non-profit Organization: A not-for-profit, non-sectarian organization, which is designated by the Internal Revenue Service (IRS) under Section 501(c)(3), as a tax-exempt organization.

Permanent Housing: Housing in which the program participant must be the tenant on a lease for a term of at least one year, which is renewable for terms that are a minimum of one month long and is terminable only for cause.

Permanent Supportive Housing: Permanent Housing in which Supportive Services are provided to assist Special Needs Populations to live independently.

Person with a Disability: A person with a physical or mental impairment that substantially limits one or more major life activities; or a record of such impairment; or is regarded as having such impairment.

Program Income: Gross Income received by the subrecipient directly generated from the use of HOME funds with some exceptions. (24 CFR 570.500 and 24 CFR 92.2)

Project Completion: Occurs when all necessary title transfer requirements have been finalized; HOME loan closing documents have been recorded and returned to the Consortium; one hundred percent (100%) of the construction has been completed; a certificate of occupancy (CO) or a certificate of completion has been issued; the final draw down of HOME funds has been disbursed for the project; the Project Completion reports have been submitted to, and approved by, the Consortium; and the project activity has been closed-out in HUD's Integrated Disbursement and Information System (IDIS).

Rehabilitation: Essential repairs or improvements to existing structures intended to meet one or more of the following: Uniform Physical Conditions Standards, HUD's Lead-Safe Housing Rule, Section 504 of the Rehabilitation Act, Titles II & III of the Americans with Disabilities Act, the Fair

Housing Act, and local codes, ordinances, and zoning requirements.

Scattered Site Development: Noncontiguous parcels within the Consortium will be considered one project and cannot be separated into multiple HOME projects regardless of target population. The following requirements must also be met:

- a) All buildings must be under the ownership of one entity;
- b) All buildings must be developed under one plan of financing and considered a single development by all funding sources;
- c) All units must be managed by one management entity;
- d) All sites must be within a 5 mile radius. (i.e. 2 furthest properties cannot be more than 5 miles apart); and
- e) Positive site characteristics will be measured from the parcel with the longest distance; Detrimental site characteristics will be measured from the parcel with the closest distance.

Section 3: Section 3 of the Housing and Urban Development Act of 1968 requires that, to the greatest extent feasible, opportunities for training and employment arising from HOME will be provided to Low-Income persons residing in the program service area. Also, to the greatest extent feasible, contracts for work (all types) to be performed in connection with HOME will be awarded to business concerns that are located in or owned by persons residing in the program service area. For more information on the Section 3 requirements for HOME funded activities, please use the following link to the HUD Exchange website:

<https://www.hudexchange.info/resource/2368/building-home-a-home-program-primer/>

Single Family Housing: A one to four-family residence, condominium unit, cooperative unit, or manufactured housing. (24 CFR 92.2 & Building HOME 4-1)

Special Needs Housing: Supportive housing that is designed to meet the housing and service needs of a target Special Needs Population and provides Supportive Services for residents.

Special Needs Populations: Homeless persons, victims of domestic violence, persons recovering from substance abuse, seniors, veterans and persons with disabilities.

Supportive Services: Services provided to individuals with special needs which enable individuals to achieve a greater level of independence and/or self-sufficiency such as health services, housing counseling, employment counseling and referral and other services as defined at 24 CFR Section 882.802.

Transitional Housing: Housing where all program participants have signed a lease or occupancy agreement, the purpose of which is to facilitate the movement of Homeless individuals and

families into Permanent Housing within 24 months and includes Supportive Services. The program participant must have a lease or occupancy agreement for a term of at least one month that ends in a maximum of 24 months and cannot be extended. Transitional housing is not an eligible use of HOME RLF funding.

Uniform Physical Condition Standards (UPCS): The inspection protocol that is used to evaluate the condition of housing.

Uniform Relocation Assistance and Real Property Acquisition Act 1970 (URA): The Act provides important protections and assistance for people affected by the Acquisition, Rehabilitation, or demolition of real property for Federal or federally funded projects. This law was enacted by Congress to ensure that people whose real property is acquired, or who move as a direct result of projects receiving Federal funds, are treated fairly and equitably and receive assistance in moving from the property they occupy.

Displaced Person: The term "Displaced Person" includes any person (family, individual, business, Non-profit organization or farm), that moves from the real property, or moves his or her personal property from the real property, permanently, as a direct result of Acquisition, Rehabilitation or demolition for a federal or federally assisted project.

Eligibility

Eligible Activities

Funding will be available for the following project types:

- Acquisition with rehabilitation of existing units for homeownership or rental opportunities
- Rehabilitation of existing units for homeownership or rental opportunities
- New construction of housing for homeownership or rental opportunities

Eligible Applicants

The following organizations will be eligible for funding:

- Non-profit Affordable Housing Developers
- For-profit Affordable Housing Developers
- Certified CHDOs
- Public Housing Authorities (though public housing is not eligible)
- Joint Ventures formed by any of the above eligible Applicant types

Eligible Uses of Funds

Funds may be provided for the following uses:

- Construction Financing
- Permanent Financing
- Gap Financing (repayable)

Ineligible Activities & Uses of Funds

- Acquisition of vacant land (unless additional financing is committed for the construction of Affordable Housing)
- Demolition (unless new construction is also part of the project)
- Public housing
- Predevelopment Loans
- Payment of delinquent taxes or liens
- Developer Subsidies
- Transitional Housing

Eligible Properties

- Property must be located within the Sumter County Regional HOME Consortium.
- Property may be vacant land or a combination of multiple vacant parcels. All vacant land must be purchased with a specific plan for development. Development must begin within 12 months of land Acquisition.
- Property may be a single building or multiple buildings - on a single site or on scattered sites.
- Property may be privately or publicly owned (with the exception of public housing).

Ineligible Properties

- Public Housing
- Projects assisted under Title VI of NAHA (prepayment of mortgages issued by HUD)
- Commercial Properties (except when converted to residential)
- Homeless Shelters
- Transitional Housing
- Mobile Homes
- Properties previously assisted with HOME funds that are still under the HOME affordability period
- Student Housing

Eligible Costs

- Hard Costs: including Acquisition costs and construction costs.
- Soft Costs: architectural and engineering fees, financing costs, credit reports, title insurance, recording costs, transaction taxes, appraisals, environmental reviews and builder or Developer fees. Project-related soft costs may be awarded on a limited basis and will be at the recommendation of staff and based on need determined during the underwriting review.
- Operating deficit reserve for rental projects, during the initial rent-up period (up to 18-months). The reserve may be used to pay for project operating expenses, scheduled payments to a replacement reserve and debt service.
- Predevelopment Costs: It is outside current policy to deliver award proceeds prior to Acquisition or completion of construction/Rehabilitation of the subject property. However, costs incurred prior to settlement of the award may be reimbursed under specific circumstances. If HOME funds are used to pay off a construction loan, bridge financing or guaranteed loan, the payment of principal and interest for such loan is an eligible cost only if:
 - The loan was used for Eligible Costs specified in this section AND
 - The HOME assistance is part of the original financing for the project and the project meets the requirements of the program.

Ineligible Costs

Project components may be deemed non-essential elements by the Consortium and therefore removed from the total project cost. Such items may include, but are not limited to: carpeting for kitchens, bathrooms or patios; window treatments; dumbwaiters; greenhouses, hot tubs or whirlpool baths; outdoor fireplaces or hearths; swimming pools or swimming pool decks (except repair of existing); television antennae; tennis courts; or items deemed to be a luxury.

General Project Requirements

The following are general project requirements for all Applicants seeking funding from the Consortium for housing related projects.

Threshold Requirements

- Site(s) must be located within the Sumter County Regional HOME Consortium.
- Project must consist of one (1) or more residential units.
- Site(s) must have adequate access to utilities.
- Acquisition and Rehabilitation or Rehabilitation projects must:
 - Meet the UPCS
 - Have amenities that will allow it to compete effectively in the local market area as determined by the Consortium
 - Complete a third-party Capital Needs Assessment (CNA) for projects with twelve (12) or more units
- Project must meet HUD environmental review requirements.
- Assisted units must be made available to households with Housing Choice Vouchers from Sumter County Regional HOME Housing.

Site Control

Project Applicants must have control of any site that will receive HOME funding for Acquisition, Rehabilitation and new construction activities. Site control must be documented at the time of Application. To document site control one of the following must be submitted: a deed or other proof of ownership; an executed lease agreement; an executed contract of sale; or an executed option to purchase or lease. Please keep in mind URA regulations apply and must be followed or Applications cannot be considered for funding.

Appraisal

A property appraisal will be required for projects that will receive HOME funding for Acquisition or where the value of donated land is being considered as part of the project costs. Additionally, all projects proposing homeownership must include an as-built appraisal for each of the proposed homeownership units. The appraisal(s) must be provided at the time of Application submittal. An appraisal cannot be more than six (6) months old. The appraiser must have a current South Carolina Appraisers License. Sumter County Regional HOME Consortium reserves the right to require an appraisal on completed activities.

Reasonable Costs

The Consortium is responsible for ensuring that the costs are reasonable by examining the sources and uses for each project. Assessment may include comparison to similar projects within the local market, market trend analysis, survey of industry participants, Consortium experience and other third party sources.

Work Write-Ups

For Acquisition of existing buildings (not slated for demolition) and Rehabilitation, the Consortium must approve work write-ups (i.e., plans and specifications) to determine compliance with HUD's Uniform Physical Conditions Standards and the Sumter County Regional HOME Consortium Property Rehabilitation Standards. The project cannot be bid and work cannot begin until approval from the Consortium is received.

Cost Estimate

For Acquisition of existing buildings (not slated for demolition) and Rehabilitation, the Consortium must approve written cost estimates to ensure that the costs are reasonable. The project cannot be bid and work cannot begin until approval from the Consortium is received.

Procurement

Applicants must comply with all applicable federal, state and Consortium procurement requirements. Executed copies of all contracts shall be forwarded to the Consortium. Developers are **not** required to follow the procurement requirements of 2 CFR Part 200.

Debarment and Suspension

Developers, contractors or subcontractors working on a HOME funded project cannot be located on any federal, state or local debarment or suspended list. Prior to awarding a contract, the Developer must provide proof from the federal System for Award Management (SAM) website or

secure approval from the Consortium to ensure that the proposed contractor is eligible.

Davis Bacon Weekly Payrolls

If applicable, Davis Bacon payrolls must be submitted weekly on the most current Department of Labor form.

Marketing Plan

Developers must create an affirmative Marketing Plan to further the Consortium's commitment to non-discrimination and equal opportunity housing. Affirmative marketing consists of actions to provide information and otherwise attract eligible persons in the housing market area to the available housing without regard to race, color, national origin, gender, religion, familial status, disability, sexual orientation, gender identity, or marital status. Records should be maintained describing actions taken by the Developer to affirmatively market units. Documentation is required by the Fair Housing Act and the Consortium will review the documentation at each monitoring visit but may request to review the documentation annually. Applicants are required to use the most current version of HUD form 935.2a – *Affirmative Fair Housing Market Plan – Multifamily Housing*.

Waiver Requests

The Consortium acknowledges that each project may face unique site, design, financing, population or market constraints for which full compliance may be difficult or impossible. It is intended that such unique constraints are identified during the design process and that the Applicant may request a modification or waiver to specific standards and requirements, which will be reviewed on a case-by-case basis to determine whether specific standards should be modified or waived for reasons and purposes acceptable to the Consortium. Requests for modification or waiver to specific standards must be in writing and document the Applicant's need and unique situation. When such modifications or waivers are granted, additional requirements may be imposed by the Consortium.

Underwriting Guidelines

Applicants are advised to contact Consortium staff with any questions related to underwriting criteria. Funding will be provided as follows:

| Loan Type | Origination Fee | Interest Rate | Debt Coverage Ratio | Loan Term | Affordability Period |
|------------------------|-----------------|--|--------------------------------------|---|---|
| Construction Financing | 2% | 1% for For-profit 0% for Non-profit | N/A | 18 Months | 15 years for acq./rehab. 20 years for new construction |
| Permanent Financing | None | 1.5% for For-profit 0% for Non-profit | Minimum of 1.15 & Maximum of 1.30 | 15 years for acq./rehab. 20 years for new construction | 15 years for acq./rehab. 20 years for new construction |

HOME funds can be combined with other subsidy sources such as Low Income Housing Tax Credit (LIHTC), Federal Home Loan Bank, etc. However, the HOME Final Rule requires that all other sources of financing for a project be committed to the project prior to committing HOME funds. Therefore, the Consortium cannot accept any proposed, or anticipated to be applied for, funding sources as part of the project's financial structure.

Loan-to-Value Limits

For Acquisition requests, the loan amount awarded by the Consortium, plus the principal amount of all loans with a senior claim to the subject property shall not exceed 100% of the Acquisition cost or appraised value, whichever is lower.

For new construction and Rehabilitation requests, the loan amount awarded by the Consortium, plus the principal amount of all loans with a senior claim to the subject property shall not exceed 100% of the “as-built” value.

Subsidy Layering

HUD establishes limits on the amount of HOME funds that may be invested in Affordable Housing on a per-unit basis. Before committing funds to a project that combines any other sources of financing (local, state, federal, private, etc.), the Consortium must evaluate the project to ensure that the Consortium does not invest any more funds than necessary to provide Affordable Housing. Applicants must demonstrate that they have structured projects to maximize other available financing sources thereby limiting HOME funding to the lowest amount necessary to assure project feasibility.

Additional funding will not be loaned to a project once the project has been completed, as previously defined.

The maximum HOME funding to be awarded to a single project will be limited to \$500,000, not to exceed HOME maximum per-unit subsidy limits. The maximum amount of funding that can be applied to a HOME assisted unit is based upon the Section 234 - Condominium Housing basic mortgage limits, for elevator-type projects, as published each year by HUD. The limits can be found at <https://www.hudexchange.info/resource/2315/home-per-unit-subsidy/>

Inter-Creditor Agreement

Within thirty (30) days of the execution of an Agreement, the Developer shall secure the execution, by the senior lender on the project, of an Inter-Creditor Agreement or Declaration which at a minimum shall: (1) require the senior lender to notify the Consortium in the event the senior lender learns of a default under the senior loan for the project and (2) require the senior lender to give the Consortium written notice of and reasonable opportunity to cure any default by the Developer under the senior loan (provided, however, the Consortium shall have no obligation to cure any such default). Following execution, the Inter-Creditor Agreement shall be attached to the Revolving Loan Fund Contract.

Funding Conditions - Acquisition Phase

Loans for site Acquisition will not be funded unless all pre-conditions of the construction phase funding have also been achieved. Acquisition loans must be recorded in first lien position unless otherwise approved by the Consortium.

Funding Conditions - Construction Phase

Prior to or concurrently with construction phase funding, the borrower must provide evidence that all other necessary construction-funding sources have been committed and that binding commitments are in place for all sources of permanent financing.

Loan Repayment

HOME funds are secured through an Applicant's execution of a Promissory Note and the recordation of a Mortgage and Security Agreement and related Land Use Restriction Agreement. Repayment may not be required during the Acquisition, construction and lease- up phase. Generally, loan repayment will begin 45 days after the Acquisition of existing units. For construction or Rehabilitation projects, loan repayment will begin within 45 days of project stabilization. Stabilization is generally defined as of the last day of the month in which 90% of units have been occupied for a minimum of 90 days.

Assignment

Loans or loan commitments are not assignable without the prior written approval of the Consortium. If the assignment is approved, the assignee must assume all loan obligations including, but not limited to, the affordability requirements.

Material Changes

Any material changes to the project during underwriting or construction must be reported in writing to the Consortium. Failure to do so may constitute an event of default under the terms and conditions of the Revolving Loan Fund Contract.

Recourse

Acquisition, construction and permanent loans are provided on a non-recourse basis and are secured as noted above.

Loan Position: Subordination to Senior Debt

The Consortium's loan may be subordinated to another lender's mortgage lien if subordination is required as a condition of that lender's loan approval; however, all debt on the property must be subordinate to a LURA, as described above. Terms, conditions and covenants of *all* debt instruments recorded against the subject property must be reviewed and approved by the Consortium prior to disbursement of an award.

Debt Coverage Ratio (DCR)

Applicants must demonstrate that rent proceeds or other funding sources will allow for adequate reserves to meet capital needs for the length of the compliance period. The minimum initial debt coverage ratio shall not be less than 1.15:1, including all amortized project debt. The *maximum* allowable initial debt coverage ratio shall be 1.30:1. The debt coverage ratio must remain above 1.1:1 for the term of the HOME loan.

Developer Fee

A Developer fee is compensation to the Developer for the time and risk involved to develop the project. The fee is based on the size of the project, the total development cost and the risk associated with the project. Developer fees include all amounts received by the Applicant whether characterized as project management, overhead or Developer fee. Consultants are commonly utilized to assist the Developer/owner by providing specific expertise in completing the project. The maximum aggregate allowable Developer and consultant fees are calculated as a percentage of Total Project Costs, less land, project reserves, other cost category adjustments, and the Developer/Consultant Fee category.

Developer fees will be limited to 15% of total development cost, not including the developer fee.

Developer fees that are not deferred may be distributed as follows, subject to the approval of other project lenders, tax credit equity investor, etc.:

- 25% upon 50% construction/Rehabilitation completion benchmark
- 25% upon construction/Rehabilitation completion (50% aggregate)
- 50% upon stable occupancy (90% occupied) and receipt of all tenant certifications for restricted units. (100% aggregate)

Replacement & Operating Reserves (Rental Only)

The amount of required reserves must be specifically approved by the Consortium in the final Revolving Loan Fund Contract or through the annual budget review and approval process.

Annual replacement reserves must be maintained at a rate of \$500 per unit per year.

Initial Operating Reserves must equal to three months of debt service and operating costs.

Vacancy Rate and Collection Loss

Annual vacancy rate and collection loss for rental developments shall be no less than 7% for all Income. Developments with project-based vouchers may project a 5% vacancy rate for all residential Income.

Annual Income Growth

Annual Income (rent) growth will be projected at a 2% increase per year.

Annual Operating Expense Growth

Annual expense growth will be projected at a 3% increase per year

Market Analysis

A market analysis is an evaluation of the economic conditions of supply, demand and rental rates for the type of Low-Income housing development being proposed as well as the rent levels proposed for the project. The analysis must determine the feasibility of the proposed project and state conclusions as to the impact of the property with respect to the determined housing needs. All data presented should reflect the most current information available and the report must provide source data. All steps leading to the calculated figures must be presented in the report. The Consortium will commission a market demand needs analysis which will satisfy this requirement. A copy of the analysis will be made available to the applicant.

Developer Capacity

The Developer must have the organizational capacity to implement the project. Developer capacity will be evaluated on information demonstrating experience and skills as provided in the funding Application.

Threshold Criteria

- Applicants and Applicant's team members must have met all contract terms related to previous grants, loans or loan commitments.
- Applicants must affirm that there are no defaults or negative collection actions relating to any financial obligation, either to Sumter County Regional HOME Consortium or to any other public agency or private lender.
- Applicant cannot be on any local, state or federal debarment list.
- An Applicant, Developer or contractor who is the subject of an open HUD finding must submit an explanation of the circumstances related to the finding and a timeline for resolution.
- The Applicant cannot be:
 - in breach of any prior donation agreement or Consortium code provisions by which the Consortium donated property to the Applicant for the development of Affordable Housing;
 - in breach of any of the conditions or requirements of a Consortium grant award or program;
 - delinquent for Sumter County Regional HOME Consortium property taxes on any real properties owned by the Applicant.
 - be delinquent on payment of liens, including code enforcement, nuisance liens, demolition liens, or other county liens or fines, on real property owned by the

- Applicant and incurred after the Applicant took ownership of the real property;
- in litigation against the Consortium other than as an agent, attorney, guardian, or personal representative of an estate.

Experience

Considerations include, but may not be limited to, the following skills of the Developer and development team.

- Recent, similar, successful experience
- Similar project location, size and scope
- Years of experience developing Affordable Housing
- Managing affordable rental projects
- Using multiple funding sources
- Staffing

Development Skills

Considerations include, but may not be limited to, the following skills of a Developer and the development team:

- Project management
- Market analysis
- Site selection and control
- Property management
- Planning and construction
- Design, architecture, engineering
- Legal and accounting
- Federal funding rules
- Other funding source rules

Fiscal Soundness

The Applicant will be asked to provide evidence of financial ability to implement the project. Applicants will be required to provide proof of commitments from other funding sources, current financial statements and proof of sufficient reserves or a line of credit available, if necessary, to complete the project. The Consortium will assess the financial capacity of the Applicant or Applicant group based on their financial statements. Submitted financial statements must meet the following;

- a. Financial statements must have been compiled, reviewed or Audited by an independent CPA licensed by the State of South Carolina.
- b. Financial statements must include a balance sheet dated within 90 days of the date of application.

- c. An Applicant or Applicant group must have a minimum of unrestricted Liquid Cash Resources of 20% of the sum of all HOME funds requested in the current HOME RLF cycle.
- d. The Consortium defines Liquid Cash Resources as cash, cash equivalents, an unrestricted line of credit and investments held in the name of the entities and/or persons, including cash in bank accounts, money market funds, U.S. Treasury bills, and equities traded on the New York Stock Exchange or NASDAQ. Certain cash and investments will not be considered Liquid Cash Resources, including, but not limited to: 1) stock held in the Applicant's own company or any closely held entity, 2) investments in retirement accounts, 3) cash or investments pledged as collateral for any liability, and 4) cash in property accounts including reserves. All Liquid Cash Resources must be identified in the submitted financial statement.
- e. If no individual member of an Applicant group meets the minimum financial requirements, then members may combine assets to meet the requirements by including a combined schedule in addition to their individual statements.
- f. The Consortium reserves the right to verify information in the financial statements and all financial capacity statements made by Applicants, lenders, accountants, and others. If false statements are found to have been made at any point in time, all entities and/or persons associated with the Application will be debarred from all Consortium programs for three (3) year

Site Selection and Neighborhood Capacity

The determination of the site location is a very important part of the project preparation process and should not be overlooked. A well-chosen site location can significantly increase the success of the project. Issues to consider include orientation, access to water and sewer, gas and/or electric utilities, storm-water management, access to public transportation, proximity to employment and proximity to community amenities.

Proximity to Negative Site Features

Sites with the below mentioned negative characteristics may be ineligible if sufficient mitigation and/or abatement efforts are not included in the project design or such mitigation/abatement efforts are deemed not feasible. The distances are to be measured from all boundaries of the development site. Applicants must indicate on a map, the location of any negative site features. Negative site features include developments located:

- Adjacent to or within 300 feet of junkyards
- Adjacent to or within 3,000 feet of active railroad tracks
- Adjacent to or within 1,000 feet of an interstate highway including frontage and service roads
- Adjacent to or within 300 feet of heavy industrial uses such as manufacturing plants
- Adjacent to or within 300 feet of a solid waste or sanitary landfill
- Adjacent to or within 100 feet of high voltage transmission powerlines

Applicants with sites adjacent to one or more negative features are strongly encouraged to contact the Consortium early in the planning process for assistance with the potential environmental impacts of locating a site within these distances.

Development Requirements

Minimum Units

The minimum number of HOME units for any proposed project is one (1) unit.

Building Codes & Zoning Compliance

All projects must conform, at minimum, to prevailing building codes and standards as well as all zoning requirements of Sumter County Regional HOME Consortium. Proper zoning must be in place at the time of Application.

Capital Needs Assessment

For the Acquisition of existing multi-family structures with twelve (12) or more units, not slated for demolition, and Rehabilitation projects with twelve (12) or more units, a Capital Needs Assessment (CNA) per the Uniform Physical Condition Standards (UPCS) must be completed. The CNA must identify the useful life of major systems to include: structural support, roofing, cladding, weatherproofing (windows, doors, siding, gutters), plumbing, electrical, heating, ventilation and air conditioning. If the remaining useful life is less than the compliance period, a replacement reserve as well as a replacement schedule is required to ensure the items can be adequately maintained and addressed throughout the compliance period. The CNA must be conducted by a qualified third party that is independent of the Developer.

Sustainability and Energy Efficiency

Designing and locating Affordable Housing with sustainable design and green building in mind will ensure efficient land use, reduce energy costs and add to the appeal of the property. It is important to the Consortium that housing positively contributes to the environmental health of our residents and neighborhoods by decreasing energy and water usage, reducing operating and maintenance costs and improving the efficiency and longevity of the building system. Construction projects of new and existing buildings must be designed and constructed to be energy and water efficient, reducing tenant costs while improving the structure's sustainability.

- Appliances, mechanical systems, windows, doors, insulation must meet Energy Star standards.
- Toilets, faucets, shower heads must meet the Water Sense low volume standards.

Accessible and Adaptable Units

Assistance may not be provided for the Acquisition of multi-family units that will not allow a portion of the units to be made Accessible to persons with disabilities. Projects incorporating

five (5) or more units must contribute to increasing the number of Accessible and/or Adaptable Units through the following *minimum* requirements:

Acquisition of Existing Units (no demolition) and Rehabilitation Projects

- At least one (1) or 10%, whichever is greater, of all units rehabilitated must be made Accessible for persons with mobility disabilities.
- Additionally, at least (1) unit or 2%, whichever is greater, of all units rehabilitated must be made adaptable for persons with hearing and/or visual disabilities.

New Construction

- At least one (1) or 10%, whichever is greater, of all new units must be made Accessible for persons with mobility disabilities.
- Additionally, at least (1) unit or 2% of all new units must be made Accessible to accommodate the needs of persons with hearing and/or visual disabilities.

Distribution of Accessible Units

- To the greatest extent possible, Accessible dwelling units should be distributed throughout the project and should be available in a sufficient range of sizes and amenities.
- The choice of an individual with a disability should be comparable to that of other prospective tenants.
- Accessible dwelling units should not be concentrated in one area of the property
- An elevator does not have to be installed for the sole purpose of allowing Accessible units to be located above the ground floor.

Occupancy of Accessible Dwelling Units Policy

Owners/managers of projects that have Accessible units should ensure that information regarding the Accessible units reaches individuals with disabilities. Additionally, owners/managers should take non-discriminatory steps to maximize the utilization of Accessible units by qualified individuals with disabilities. This can be done by maintaining a waiting list for Accessible units and offering vacant Accessible units to Applicants in the following order:

1. To a current occupant of another unit in the same property or other comparable property within the owner/manager's control, who has a disability requiring the accessibility of the vacant unit and who currently occupies a unit that does not have the accessibility features.
2. To a qualified Applicant on the waiting list who has a disability requiring the accessibility features of the vacant unit.
3. To a qualified Applicant who does not have a disability requiring the accessibility features of the unit; however, the owner/manager may incorporate language in the lease that the Applicant will agree to move to a non-Accessible unit when one becomes available.

Development in the Floodplain

Affordable Housing development will not be allowed within any local or federally-designated 100-year floodplain. Development within the 500-year floodplain may be permitted. Applicants with a site located in the 500-year floodplain are strongly encouraged to contact the Consortium early in the planning process for assistance with the potential environmental impacts of the site location and required procedures for approval.

Federal Requirements

Applicants must comply with all state and federal regulations related to the construction, Rehabilitation or provision of housing. These regulations include, but are not limited to:

- Home Investment Partnerships Program – HOME
- Title III of the Americans with Disabilities Act (ADA) of 1990
- Section 504 of the Rehabilitation Act of 1973
- Architectural Barriers Act of 1968 – ABA
- Fair Housing Act
- Davis-Bacon and Related Acts
- Copeland Anti-Kickback Act of 1934
- Conflict of Interest Requirements
- Identity of Interest Transactions
- The National Environmental Policy Act (NEPA) *
- The Lead-Based Paint Poisoning Prevention Act and Lead Safe Housing Rule
- Uniform Administrative Requirements (UAR) 2 CFR 200
- Section 3 - Economic Opportunities for Low and Very Low Income Persons
- Uniform Relocation Assistance and Real Property Acquisition Policies Act – URA**

*Compliance with the National Environmental Policy Act requires the limitation of certain activities from the time of initial contact with the Consortium to the completion of the environmental review process. Specifically, no activity shall be undertaken prior to completion of the environmental review that would have an adverse environmental impact or limit the choice of reasonable alternatives. Choice limiting activities include real property Acquisition, repair, Rehabilitation, construction, demolition, and site clearance.

**Compliance with the URA begins at the time of initial contact with the Consortium. All projects involving Acquisition, Rehabilitation, or demolition are subject to the URA and Section 104(d). In order to avoid ineligibility for funding, Applicants are encouraged to schedule a pre- Application conference with Consortium staff to discuss the project and the compliance requirements that may apply.

Application Submission and Evaluation Process

The project underwriting procedure follows these steps:

- Application Submission (two-step process)
- Application Evaluation
- Meeting(s) with applicant and staff
- Environmental Review
- Additional documentation needed for underwriting requested
- Contract negotiation and final underwriting
- Written Agreement/Commitment
- Disbursement
- Reporting
- Monitoring and Inspections

Application Submission and Requirements

Applications must be submitted according to the instructions. Applications that do not follow the submission requirements will not be considered.

All Submitted documents (application & attachments) MUST BE:

- unbound
- no tabs
- no staples
- single sided all pages must be 8.5 x 11 sheets of paper

Submitting a TYPED application is strongly encouraged to avoid the misreading of handwriting.

Application Package:

Applicants must submit one (1) paper copy of the entire application and one (1) electronic copy of the entire application on a USB thumb drive. Applications can be mailed or hand delivered to:

Santee Lynches Council of Governments
Attn: Shekia Harvin
2525 Corporate Way, Suite 200
Sumter, South Carolina 29154

The application submission must meet the following requirements:

- **Paper Copy:**
 - Must be submitted in a three-ring binder/notebook.
 - Must use divider tabs, labeled as described on the Application Checklist to divide each section of the application response and each application attachment.
 - Original Signatures are not required on application documents. Copies are accepted.

- **Electronic Copy:**
 - Must be submitted on a USB thumb drive.
 - Each application attachment must be saved as a separate file on the USB thumb drive and labeled as described on the Application Checklist.

Attachments to be placed at end of application:

- Organization's Total Annual Budget
- IRS letter Articles of Incorporation
- SC Secretary of State Business/Incorporation information with up-to-date information as found at the following website including registered agent and address. <https://businessfilings.sc.gov/businessfiling> (Use Search Existing Entities)
- Bylaws
- List of Board Members
- Organizational Chart
- Name & Resumes for the following:
 - Organization CEO
 - Fiscal officers
 - Any personnel who will be carrying out the proposed project
- Affirmative Action Plan
- Policies and Procedures relating to Personnel Management including Table of Contents, if available, and pages covering hiring, termination, discrimination, harassment, and grievance procedures for the organization. DO NOT include the entire Employee Handbook
- Policies and Procedures relating to Financial Management for the organization's most current audit
- Form 990, if applicable

The lead Applicant's name and contact information must be visible on the front cover of the Application package.

Please refer to the Application checklist to ensure that a proposal is complete and please follow the submission requirements. Note that any commitments entered into by the Applicant prior to an award of funds do not constitute a rationale for an award. Applicants are therefore advised to ensure any and all agreements dependent on an award of Consortium funding contain adequate escape mechanisms to minimize adverse consequences in the event funding is not available or the proposal is not awarded funds.

Application Evaluation

- 1. Initial review.** Consortium staff ensures that the application is complete and the basic mandatory evaluation criteria are met. The mandatory criteria are designed to meet local, state and federal compliance requirements and Consortium objectives. Incomplete applications will be returned to applicants identifying the deficiencies. The application will not be eligible for further consideration until a complete application is submitted.
- 2. Staff analysis.** Consortium staff reviews the initial applications that meet mandatory evaluation criteria and prepares a staff analysis. Staff will meet with the applicant to ask clarifying questions and gather additional details concerning the project. Staff may conduct a tour of the subject site or property, obtain additional information from outside sources and/or consult with other departments within the Consortium.
- 3. Final Decision:** Applicants may then be considered for contract negotiations and final underwriting. **Applicants submit an updated application with final development plans and executed financial commitments for underwriting.** Applications are approved or denied by the Application Review Team, a panel of Consortium staff knowledgeable in the development process. Final approval is subject to environmental clearance.

Relocation

The federal requirements for relocation of households or businesses are extensive and extremely complex. The Consortium discourages permanent relocation of households or businesses.

Award Notification & Post Award Instructions

The Consortium will notify the Applicant of a decision to enter into contract negotiations and final underwriting. Unless provided in writing by the Consortium, no person or organization shall construe any discussions or written information provided by Consortium staff to constitute an acceptable Application or an obligation or commitment for funding.

Environmental Review

All projects must undergo environmental review. The National Environmental Policy Act requires the limitation of certain activities from the time of initial contact with the Consortium to the completion of the environmental review process. Specifically, no activity shall be undertaken prior to completion of the environmental review that would have an adverse environmental impact or limit the choice of reasonable alternatives. Choice limiting activities include real property Acquisition, repair, Rehabilitation, construction, demolition, and siteclearance.

Environmental review can begin with the submission of the development plan. It generally will not begin sooner. The review can take 90-120 days to complete. The Consortium reserves the right to require, at Applicant's expense, a Phase I Environmental Site Assessment for new developments on vacant land and rental projects involving five (5) or more units.

Written Agreement/Commitment

Once Applicants have been notified of funding approval, the Consortium will complete the environmental review and provide notice of any required mitigation measures as a condition of the funding commitment. Applicants will be provided a copy of the draft agreement documents for review and comment.

A Consortium funding agreement includes the following documents:

- Revolving Loan Fund Contract
- Promissory Note
- Mortgage and Security Agreement
- Land Use Restriction Agreement (LURA)
- Inter-creditor Agreement

Developers that are required to comply with the Davis Bacon prevailing wage regulations as a condition of the commitment, must schedule a pre-construction conference to ensure the development team and contractor understand the prevailing wage monitoring and include the appropriate provisions in the construction contracts.

Loan Closing

In preparation for loan closing, Consortium staff will perform the following:

1. Verification of closing conditions: review the Revolving Loan Fund Contract, Promissory Note, Mortgage and Security Agreement, and LURA to ensure that the borrower has complied with all pre-conditions of funding and provided necessary documentation.
2. Circulate for signatures: The Consortium will provide all documents required for the commitment of funds to the project, collect signatures from the borrower, and forward the documents to the appropriate Consortium Official for final signatures.
3. Funding: prior to execution of the Funding Agreement, the Applicant must provide the Consortium with the following:
 - Certified copies of executed loan documents from all funding sources
 - Proof of current property tax payments
 - Proof of insurance meeting Consortium insurance requirements
 - Title insurance meeting Consortium standards

Disbursement

Prior to the draw of any funds, Consortium-required legal documents must be executed and the Applicant must demonstrate that all funding conditions have been satisfied. RLF funds will be released on a reimbursement basis only as will be outlined in the Revolving Loan Fund Contract. The timing and method of disbursements will be determined through project underwriting and outlined in the Contract.

Reporting

HOME-assisted projects require long-term commitments by the owner/Developer. Reporting will be required during the contract period as well as through the affordability period for rental projects. These requirements will be outlined in detail in the Revolving Loan Fund Contract. Should the Applicant fail to produce the required reporting in a timely manner or as prescribed, the Consortium may consider this a default of the Contract and any associated loan documents.

Long Term Affordability Requirements

Income and rent restrictions are required for all HOME-assisted units for a period of time known as the “affordability period.” The affordability period is enforced using a legally binding deed restriction recorded with the Sumter County Regional HOME Consortium Register of Deeds, that assures that a specified number of units meet certain affordability restrictions for the specified period of affordability. The affordability period begins upon issuance of a Certificate of Occupancy for new construction or upon completion of rehabilitation. The affordability period will remain in effect per the agreement, term of the loan or compliance period, whichever is greater.

Affordability Requirements for HOME funded Rental Developments

The Consortium will record a mortgage for the amount of HOME assistance provided for rental properties that are acquired or rehabilitated with HOME funds. The affordability requirements will be enforced through a deed restriction that will be in force throughout the term of the affordability period. The deed restriction will be recorded in compliance with South Carolina recordation laws.

Please note that the repayment of the HOME loan does not terminate the affordability period.

Affordability Requirements for HOME funded Homeownership Activities

The consortium will utilize resale restrictions to enforce the affordability requirements for homeownership activities.

The resale requirements will ensure that, if the housing does not continue to be the principal residence of the family for the duration of the period of affordability that the housing will be made available for subsequent purchase only to a buyer whose family qualifies as a low-income family and will use the property as the family's principal residence.

The resale requirement will be enforced through a deed restriction that will be in force throughout the term of the affordability period. The deed restriction will be recorded in compliance with South Carolina recordation laws

Income Determination Method

An Applicant must determine Income eligibility of each household using 24 CFR Part 5, commonly referred to as the “Section 8” method or “Part 5” method. A Part 5 Income Worksheet, and HUD’s *Technical Guide to Determining Income for the HOME Program* may be found on the HUD Exchange website: <https://www.hudexchange.info>

The most current HUD Area Median Income Limits can be found here: <https://www.hudexchange.info/programs/home/home-income-limits/> . Please contact the Consortium for questions concerning Income calculations.

Income Recertification Schedule (Rental Only)

The Applicant must adopt a schedule for annual recertification of Income and a copy must be provided to the Consortium. Income can be recertified on the anniversary of the original Income evaluation, at lease renewal or on an annual schedule whereby all tenants are recertified during the same month. Recertification of Income eligibility must be conducted by collecting source documentation annually.

- Rent restrictions must be strictly enforced during the compliance period
- All new tenants must meet the Income limits established by the Consortium
- Serving lower percentages of AMI will be evaluated and required on a case-by-case basis but needs to ensure the project will cash flow. If a tenant pays utilities, the maximum allowable rents must be reduced by the amount of the applicable utility allowance.

Rent Restrictions: Maximum HOME Rent Limits

As per 24 CFR Part 92.252 (b) the maximum rent charged cannot exceed the High HOME Rent as published by HUD. The most current HOME Rent Limits can be found here: <https://www.hudexchange.info/programs/home/home-rent-limits/>

In rental projects with five or more HOME-assisted rental units, at least 20 percent of the HOME-assisted units must be occupied by very low-income families and meet one of the following rent requirements:

- (1) The rent does not exceed 30 percent of the annual income of a family whose income equals 50 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. HUD provides the HOME rent limits which include average occupancy per unit and adjusted income assumptions.
- (2) The rent does not exceed 30 percent of the family's adjusted income. If the unit receives Federal or State project-based rental subsidy and the very low-income family pays as a contribution toward rent not more than 30 percent of the family's adjusted income, then the maximum rent (i.e., tenant contribution plus project-based rental subsidy) is the rent allowable under the Federal or State project-based rental subsidy program

Temporary Exceptions to Rent Limitations

The following are exceptions to the rent restrictions stated above:

- If the project is occupied at the time HOME assistance is awarded to the project, existing tenants who earn more than the Income limits stated above must pay no more than 30% of their Adjusted Income in rent and utilities.
- If a tenant is residing in a designated HOME assisted unit and the tenant's Income increases to more than the unit's Income restriction during the term of the lease, the

tenant must pay no more than 30% of their adjusted gross Income in rent and utilities. The rent must be adjusted at the annual recertification.

- Only when the tenant chooses to leave or not renew the lease, the unit must then be rented to a new tenant who meets the Income limits. Vacancies should be filled with Income qualifying tenants to bring the project back into compliance with the affordability requirements. Consortium policy is that tenants should not be displaced if their Income increases to a level higher than the eligible household Income during the lease term.

Monitoring & Inspections

After a project has been completed and all funds have been drawn, the awardee will submit annual reports in compliance with the funding agreement or loan covenant. Delinquent reporting could result in disqualification from future funding opportunities.

During the review process an analysis of randomly selected client files will confirm compliance with resident eligibility and documentation standards. A written summary will be sent to the awardee within thirty days of the site review. A determination of noncompliance will be communicated to the awardee in writing with the required corrective actions and the cure period. Non-compliance may constitute a breach under the Revolving Loan Fund Contract and will result in disqualification from future funding opportunities.

Projects will be inspected regularly based on HOME program requirements and the Consortium's policies and procedures for HOME funded projects. At a minimum, projects will be inspected (onsite) as follows:

| Frequency of On Site Property Inspections During the Affordability Period | |
|--|----------------------------|
| Number of Units | Inspection Required |
| 1-4 units | Every 3 years |
| 5-25 units | Every 2 years |
| 26 or more units | Annually |
| | |

CHDO Certification Process

CHDO Definitions and Overview

A Participating Jurisdiction (PJ) is any state, local government or consortium that has been designated by HUD to administer a HOME Program. Sumter County is the PJ and the HOME Program is administered by the Santee Lynches COG.

At a minimum, each PJ must commit 15% of its HOME allocation to certain eligible activities to be undertaken by CHDOs. The CHDO set-aside provides equity for community-based organizations to undertake projects, build their capacity to serve a broad range of Affordable Housing needs, and provide guaranteed resources for Affordable Housing development.

Please note that qualification is only one step in the overall funding process. PJs separately determine an agency's eligibility for the various benefits of being a CHDO. Just because an agency is qualified does not entitle it to any CHDO funding.

An agency must maintain and be able to certify its CHDO status for the entire life of a project. PJs will continue to require agencies to update CHDO documentation and certification when there are open CHDO projects, including rental projects within the required compliance period.

In addition, keep in mind that "success" as a CHDO Developer is not determined by whether it has qualified as a CHDO, but whether it has the capability to undertake and manage housing development projects. Tool 4 in Part III of the CHDO Survivor Kit (link is located within "Certification" statement) combines the CHDO qualification standards (those items in the list where the "deficiency" column is grayed out) with some of the capacity measures used to determine a CHDO's success as a Developer. Qualification is just the first step toward becoming a CHDO.

The CHDO Certification process is governed by Housing and Urban Development regulations as stated in Title 24 of the Code of Federal Regulations part 92 Chapter 3; however, additional requirements for certification are at the discretion of the PJ.

CHDO Qualifying Criteria

A CHDO must meet certain requirements pertaining to its:

- Legal status
- Organizational Purpose & Structure
- Organizational Capacity
- Staff Experience

Legal Status

Organized under state/local law: CHDOs must be organized under state and local law.

Organizational Purpose & Structure

Purpose of organization: Provision of decent housing that is affordable to low and Moderate Income persons must be among the purposes of the organization. This commitment must be evidenced in the CHDO's:

- charter;
- articles of incorporation;
- bylaws; or
- a resolution of the CHDO's board of directors.

No individual benefit: No part of the CHDO's earnings (profits) may benefit any members, founders, contributors or individuals.

Clearly defined service area: A CHDO must have a clearly defined geographic service area.

Nonprofit status: CHDOs must have received a tax-exempt ruling from the IRS under Section 501(c)(3) of the Internal Revenue Code of 1986 in order to be designated by the PJ as a CHDO.

A CHDO is intended to respond to the community's needs. The structure of the board of directors of a CHDO is viewed as the main indicator of community control over the CHDO.

CHDO Board of Directors: The CHDO board must be composed as follows:

- At least one-third must be representatives of the Low-Income community.
- No more than one-third may be representatives of the public sector (including any Employees of the PJ). This limitation is intended to ensure that separation exists

between PJs and CHDOs, and that CHDOs are indeed community-based and community-controlled organizations.

- The balance of the board is unrestricted.

Low-Income input: Input from the Low-Income community is not met solely by having Low- Income representation on the board. A CHDO must also provide a formal process for Low- Income beneficiaries to advise the CHDO on project needs. The process must be in writing, and must be included in the organization's by-laws or adopted by board resolution.

Organizational Capacity

A CHDO must demonstrate that it has, at a minimum, one year of experience serving the community where it intends to develop HOME-assisted housing. In addition, the PJ requires proof of the production (Acquisition/rehab/resale or rental, Acquisition/new construction of rental housing or Single Family Housing for homeownership) of at least two units of housing between January 1, 2017 – July 31, 2018. Proof provided must be in the form of executed HUD's and/or Certificates of Completion/Occupancy.

Newly created organizations, one year or less than one year 501(c)(3) status, wishing to become CHDOs can meet this requirement if the parent (or sponsoring) organization is a Non- profit and has provided services to the community for at least one year.

Staff Experience

To qualify as a CHDO, a Non-profit must have paid staff whose experience qualifies them to undertake CHDO set-aside activities. Capacity cannot be demonstrated by use of a consultant, except in the first year that a CHDO becomes certified. CHDOs must demonstrate the capacity of its key staff to carry out the HOME assisted activities it is planning. This means that CHDOs must have experienced key staff members who have successfully completed projects similar to those proposed by the CHDO

CHDO Eligibility Questionnaire

Applicant Information

Organization: _____

Federal Tax I.D. Number: _____

Organization CEO or Executive Director: _____

Contact Person/Title: _____

Emails: _____

Address: _____

Phone No.: _____

Fax No.: _____

Website: _____

1. Is the organization chartered as a private, Non-profit corporation under state or any local laws?

Yes No

2. Does the organization have among its purposes, as described in its articles of incorporation, charter, resolutions, or by-laws, activities related to the provision of decent safe and sanitary housing affordable to low and Moderate Income persons or households?

Yes No

3. Does any part of the organization's net earnings (profits) personally benefit any member, founder, contributor, or individual?

Yes No

4. Is the organization tax-exempt under 501(c)(3) of the Internal Revenue code of 1986? (Organizations that have applied for but not yet received their 501(c)(3) ruling do not meet this requirement.) Please provide evidence that the organization has approval for an exemption.

Yes No

5. When did the organization receive its tax-exempt status?

Date: _____

6. Is at least two-thirds of the organization's governing board comprised of individuals who are acting in a private capacity (i.e. he/she is not legally bound to act on behalf of a public body and is not being paid by a public body while performing functions in connection with the Non-profit organization)?

Yes No

7. Does a public body have the authority to appoint more than one-third of the members of the organization's board?

Yes No

8. Is more than one-third of the organization's board comprised of public officials?

Yes No

9. Is the organization either controlled by, or under the direction of, individuals or entities, seeking to derive profit or gain from the organization?

Yes No

If the answer above is "Yes", then:

Is the entity's primary purpose the development or management of housing, real estate management, construction or development?

Yes No

Does this entity appoint more than one-third of the organization's board?

Yes No

Do those board members appointed by this entity appoint any of the remaining board members?

Yes No

Is the organization free to contract with any vendor for goods and services?

Yes No

10. Does the organization's financial management system conform to 24 CFR 84.21 "Standards for Financial Management Systems"?

Yes No

11. Are the organization's activities limited to a geographically defined target area?

Yes No

12. Is at least one-third of the organization's board comprised of Low-Income residents from the target/service area, or community or elected representatives of Low-Income neighborhood organizations?

Yes No

13. Does the organization provide a formal process for Low-Income program beneficiaries to advise the organization in its decisions regarding the design, site, development, and management of Affordable Housing?

Yes No

14. Does the organization have the demonstrated capacity (i.e. an experienced staff person(s) who has successfully completed similar projects, or a consultant with successful experience and a plan to train appropriate staff members of the organization) to carry out HOME assisted activities?

Yes No

15. Has the organization or its parent served the target area/community that would receive HOME assistance for at least two years?

Yes No

16. Is the organization primarily a religious organization, for example a church?

Yes No

17. Has your organization been certified as a CHDO by another Participating Jurisdiction?

Yes No

If yes, which PJ provided certification? What year was the organization certified?

PJ: _____

Date Certified: _____

If no, and the Applicant is located in a Participating Jurisdiction, explain in a separate attachment why the Applicant has not sought local certification. Also describe any situation when certification was denied

CHDO Application Supporting Documents Checklist

Provide the following information. Separate each item in the Application with a tab, and identify the tab in a table of contents.

- Completed CHDO Eligibility Questionnaire
- CHDO Copy of the organization's Charter (if applicable).
- Copy of the organization's Articles of Incorporation.
- Copy of the organization's by-laws.
- Copy of the organization's incorporation papers as filed with the South Carolina Secretary of State.
- Copy of the organization's 501(c)(3) ruling as provided by the IRS.
- Copy of the latest Federal 990 tax return.
- Organization's most recent financial statements that have been compiled, reviewed or Audited by an independent CPA licensed by the State of South Carolina.
- Describe, in detail, the formal process that allows Low-Income residents and program beneficiaries to advise the organization on decisions concerning the community revitalization occurring and management of Affordable Housing.
- Map and narrative description of the proposed service area inclusive of north, south, east, and west boundaries.
- Describe the need(s) the organization will serve in the targeted service area as a CHDO. Provide data, maps (area must coincide with the target area described within your corporate documents) and other information as necessary.
- Provide a list of all parcels in which your agency has site control. All parcels must be free of any County Liens and not cited by Municipal Code Compliance Division for blight. All ad valorem taxes must be current.
- Provide a list of current board members, showing each board member's name, address and occupation. Please identify which board members are low or moderate-income residents (based upon the Area Median Income for the Metropolitan Area) or representatives of Low-Income neighborhood organizations.
- Copy of the organization's written financial policy showing that the organization's financial management system conforms to the financial accountability standards of 24 CFR 84.21.
- Resumes and separate statements that describe the experience of key staff members who have successfully completed projects similar to those to be assisted with HOME funds. The statements of experience should highlight staff experience in the following areas:
 - Conducting or facilitating market analysis and assessments
 - Identifying and negotiating for appropriate sites

- Selecting and working with design professionals, consultants, government officials, and building professionals
- Community outreach, organization, and engagement
- Complying with local, State, and federal regulations governing zoning, planning, or building standards
- Creating project pro forma and operating budgets
- Setting rents or sales prices
- Working with lenders and other funding providers
- Managing a construction project
- Marketing a project
- Statement describing the nature of community engagement, regular and open dialogue regarding the needs of the community, and participation and/or creation of resident associations for sustainability.
- Statement describing the nature of the housing project(s) the organization plans to develop. This statement should include a description of the predevelopment activities undertaken, sources of financing, and any other information that will describe the organization's progress in pursuing the project.
- Proof of SAM Registration

HOME-ARP

Introduction

On March 11, 2021, President Biden signed ARP into law, which provides over \$1.9 trillion in relief to address the continued impact of the COVID-19 pandemic on the economy, public health, State and local governments, individuals, and businesses. To address the need for homelessness assistance and supportive services, Congress appropriated \$5 billion in ARP funds to be administered through HOME to perform four activities that must primarily benefit qualifying individuals and families who are homeless, at risk of homelessness, or in other vulnerable populations. These activities include: (1) development and support of affordable housing, (2) tenant-based rental assistance (TBRA), (3) provision of supportive services; and (4) acquisition and development of non-congregate shelter units.

Eligible Beneficiaries

ARP requires that funds be used to primarily benefit individuals and families in the following specified “**qualifying populations.**” Any individual or family who meets the criteria for these populations is eligible to receive assistance or services funded through HOME-ARP without meeting additional criteria (e.g., additional income criteria). One hundred percent of HOME-ARP funds used by a PJ for supportive services, and acquisition and development of non-congregate shelter units must benefit individuals and families in qualifying populations.

Homeless

Homeless, as defined in 24 CFR 91.5 *Homeless* (1), (2), or (3):

1. An individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:
 - a. An individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;
 - b. An individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state, or local government programs for low-income individuals); or
 - c. An individual who is exiting an institution where he or she resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution;
2. An individual or family who will imminently lose their primary nighttime residence, provided that:
 - a. The primary nighttime residence will be lost within 14 days of the date of application for homeless assistance;
 - b. No subsequent residence has been identified; and
 - c. The individual or family lacks the resources or support networks, e.g., family, friends, faith-based or other social networks needed to obtain other permanent housing;

3. Unaccompanied youth under 25 years of age, or families with children and youth, who do not otherwise qualify as homeless under this definition, but who:
 - a. Are defined as homeless under section 387 of the Runaway and Homeless Youth Act (42 U.S.C. 5732a), section 637 of the Head Start Act (42 U.S.C. 9832), section 41403 of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2), section 330(h) of the Public Health Service Act (42 U.S.C. 254b(h)), section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012), section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)), or section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a);
 - b. Have not had a lease, ownership interest, or occupancy agreement in permanent housing at any time during the 60 days immediately preceding the date of application for homeless assistance;
 - c. Have experienced persistent instability as measured by two moves or more during the 60-day period immediately preceding the date of applying for homeless assistance; and
 - d. Can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse (including neglect), the presence of a child or youth with a disability, or two or more barriers to employment, which include the lack of a high school degree or General Education Development (GED), illiteracy, low English proficiency, a history of incarceration or detention for criminal activity, and a history of unstable employment;

At Risk of Homelessness

At risk of Homelessness, as defined in 24 CFR 91.5 *At risk of homelessness*:

1. An individual or family who:
 - a. Has an annual income below 30 percent of median family income for the area, as determined by HUD;
 - b. Does not have sufficient resources or support networks, e.g., family, friends, faith based or other social networks, immediately available to prevent them from moving to an emergency shelter or another place described in paragraph (1) of the “Homeless” definition in this section; and
 - c. Meets one of the following conditions:
 - i. Has moved because of economic reasons two or more times during the 60 days immediately preceding the application for homelessness prevention assistance;
 - ii. Is living in the home of another because of economic hardship;
 - iii. Has been notified in writing that their right to occupy their current housing or living situation will be terminated within 21 days after the date of application for assistance;
 - iv. Lives in a hotel or motel and the cost of the hotel or motel stay is not paid by charitable organizations or by federal, State, or local government programs for low-income individuals;
 - v. Lives in a single-room occupancy or efficiency apartment unit in which there reside more than two persons or lives in a larger housing unit in which there reside more than 1.5 people per room, as defined by the U.S. Census Bureau;

- vi. Is exiting a publicly funded institution, or system of care (such as a health-care facility, a mental health facility, foster care or other youth facility, or correction program or institution); or
 - vii. Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness, as identified in the recipient's approved consolidated plan;
2. A child or youth who does not qualify as “homeless” under this section, but qualifies as “homeless” under section 387(3) of the Runaway and Homeless Youth Act (42 U.S.C. 5732a(3)), section 637(11) of the Head Start Act (42 U.S.C. 9832(11)), section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6)), section 330(h)(5)(A) of the Public Health Service Act (42 U.S.C. 254b(h)(5)(A)), section 3(l) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(l)), or section 17(b)(15) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)(15)); or
 3. A child or youth who does not qualify as “homeless” under this section but qualifies as “homeless” under section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)), and the parent(s) or guardian(s) of that child or youth if living with her or him.

Fleeing, or Attempting to Flee, Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Human Trafficking

For HOME-ARP, this population includes any individual or family who is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking. This population includes cases where an individual or family reasonably believes that there is a threat of imminent harm from further violence due to dangerous or life-threatening conditions that relate to violence against the individual or a family member, including a child, that has either taken place within the individual’s or family’s primary nighttime residence or has made the individual or family afraid to return or remain within the same dwelling unit. In the case of sexual assault, this also includes cases where an individual reasonably believes there is a threat of imminent harm from further violence if the individual remains within the same dwelling unit that the individual is currently occupying, or the sexual assault occurred on the premises during the 90-day period preceding the date of the request for transfer.

1. **Domestic violence**, which is defined in 24 CFR 5.2003 includes felony or misdemeanor crimes of violence committed by:
 - a. A current or former spouse or intimate partner of the victim (the term “spouse or intimate partner of the victim” includes a person who is or has been in a social relationship of a romantic or intimate nature with the victim, as determined by the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship);
 - b. A person with whom the victim shares a child in common;
 - c. A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
 - d. A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving HOME-ARP funds; or
 - e. Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
2. **Dating violence** which is defined in 24 CFR 5.2003 means violence committed by a person:

- a. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- b. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - i. The length of the relationship;
 - ii. The type of relationship; and
 - iii. The frequency of interaction between the persons involved in the relationship.
- 3. **Sexual assault** which is defined in 24 CFR 5.2003 means any nonconsensual sexual act proscribed by Federal, Tribal, or State law, including when the victim lacks capacity to consent.
- 4. **Stalking** which is defined in 24 CFR 5.2003 means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - a. Fear for the person’s individual safety or the safety of others; or
 - b. Suffer substantial emotional distress.
- 5. **Human Trafficking** includes both sex and labor trafficking, as outlined in the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7102). These are defined as:
 - a. *Sex trafficking* means the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act, in which the commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or
 - b. *Labor trafficking* means the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

Other Populations

Other Populations where providing supportive services or assistance under section 212(a) of NAHA (42 U.S.C. 12742(a)) would prevent the family’s homelessness or would serve those with the greatest risk of housing instability. HUD defines these populations as individuals and households who do not qualify under any of the populations above but meet one of the following criteria:

- 1. Other Families Requiring Services or Housing Assistance to Prevent Homelessness is defined as households (i.e., individuals and families) who have previously been qualified as “homeless” as defined in 24 CFR 91.5, are currently housed due to temporary or emergency assistance, including financial assistance, services, temporary rental assistance or some type of other assistance to allow the household to be housed, and who need additional housing assistance or supportive services to avoid a return to homelessness.
- 2. At Greatest Risk of Housing Instability is defined as household who meets either paragraph (i) or (ii) below:
 - a. has annual income that is less than or equal to 30% of the area median income, as determined by HUD and is experiencing severe cost burden (i.e., is paying more than 50% of monthly household income toward housing costs); 8
 - b. has annual income that is less than or equal to 50% of the area median income, as determined by HUD, AND meets one of the following conditions from paragraph (iii) of the “At risk of homelessness” definition established at 24 CFR 91.5:
 - i. Has moved because of economic reasons two or more times during the 60 days immediately preceding the application for homelessness prevention assistance;

- ii. Is living in the home of another because of economic hardship;
- iii. Has been notified in writing that their right to occupy their current housing or living situation will be terminated within 21 days after the date of application for assistance;
- iv. Lives in a hotel or motel and the cost of the hotel or motel stay is not paid by charitable organizations or by Federal, State, or local government programs for low-income individuals;
- v. Lives in a single-room occupancy or efficiency apartment unit in which there reside more than two persons or lives in a larger housing unit in which there reside more than 1.5 persons reside per room, as defined by the U.S. Census Bureau;
- vi. Is exiting a publicly funded institution, or system of care (such as a health-care facility, a mental health facility, foster care or other youth facility, or correction program or institution); or
- vii. Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness, as identified in the recipient's approved consolidated plan

Veterans and Families that include a Veteran Family Member that meet the criteria for one of the qualifying populations described above are eligible to receive HOME-ARP assistance.

Eligible Activities

HOME-ARP Rental Housing

HOME-ARP funds may be used to acquire, rehabilitate, or construct affordable rental housing primarily for occupancy by households of individuals and families that meet the definition of one or more of the qualifying populations.

Eligible HOME-ARP rental housing includes “housing” as defined at 24 CFR 92.2, including but not limited to manufactured housing, single room occupancy (SRO) units, and permanent supportive housing. Emergency shelters, hotels, and motels (including those currently operating as non-congregate shelter), facilities such as nursing homes, residential treatment facilities, correctional facilities, halfway houses, and housing for students or dormitories do not constitute housing in the HOME-ARP program. However, HOME-ARP funds may be used to acquire and rehabilitate such structures into HOME-ARP rental housing.

Eligible Costs

HOME-ARP funds may be used to pay for up to 100% of the following eligible costs associated with the acquisition, development, and operation of HOME-ARP rental units:

1. Development hard costs – defined in 24 CFR 92.206(a).
2. Refinancing – the cost to refinance existing debt secured by a rental project that is being rehabilitated with HOME-ARP funds in accordance with 24 CFR 92.206(b)(2) and the PJ’s HOME-ARP refinancing guidelines, as stated in their HOME-ARP Allocation Plan.
3. Acquisition – the costs of acquiring improved or unimproved real property.

4. Related soft costs – defined in 24 CFR 92.206(d).
5. Relocation costs – as defined in 24 CFR 92.206(f), 24 CFR 92.353
6. Operating Cost Assistance – HOME-ARP funds may be used to pay ongoing operating cost assistance or capitalize an operating cost assistance reserve for HOME-ARP-assisted units restricted for occupancy by qualifying populations in a project where it is determined in underwriting that the reserve is necessary to maintain the HOME-ARP units' long-term operational feasibility. Costs include costs for administrative expenses, property management fees, insurance, utilities, property taxes, and maintenance of a unit that is designated as a HOME-ARP-assisted unit and required to be occupied by a qualifying household. Operating costs must be reasonable and appropriate for the area, size, population(s) served, and type of project.
 - a. Project administrative expenses include payroll costs, which are gross salaries and wages paid to employees assigned to the property, including payroll taxes, employee compensation, and employee benefits; employee education, training, and travel; advertising; and general administrative costs which are costs for goods and services required for administration of the housing, including rental or purchase of equipment, supplies, legal charges, bank charges, utilities, telephone/internet services, insurance, and other administrative costs that are reasonable and customary for the general administration of a rental unit occupied by qualifying populations.
 - b. A property management fee includes the total fee paid to a management agent by the owner for the day-to-day management of a HOME-ARP rental unit restricted for occupancy by qualifying populations. A management agent must cover its costs of supervising and overseeing operations of a HOME-ARP unit out of the fee they receive.
 - c. A reserve for replacement must be based on the useful life of each major system and expected replacement cost in a HOME-ARP project. Scheduled payments to a reserve for replacement of major systems included in the operating costs allocated to a HOME-ARP unit restricted for a qualifying household may be made from the operating cost assistance reserve. A reserve for replacement allocated to the HOME-ARP units may also be capitalized in the initial year of the minimum compliance period of the HOME-ARP units. HOME-ARP funds cannot be used to both capitalize a reserve for replacement and provide payments to the reserve for replacement from a capitalized operating reserve during the minimum compliance period.

The operating cost assistance reserve for HOME-ARP units for qualifying households must be held by the project owner in a separate interest-bearing account and sized, based on an analysis of projected deficits remaining after the expected payments toward rent by qualifying households are applied to the units' share of operating costs. Funds in a capitalized operating cost assistance reserve can only be drawn to address operating deficits associated with HOME-ARP units restricted for occupancy by the qualifying populations.

Supportive services costs are not eligible operating costs of HOME-ARP units, however, qualifying households occupying HOME-ARP rental units may receive supportive services through the HOME-ARP supportive services eligible activity.

Underwriting and Subsidy Layering

SCRHC will evaluate each project to determine the amount of HOME-ARP capital subsidy and operating cost assistance necessary to provide quality affordable housing that meets the requirements of HOME-ARP regulations and is financially viable throughout the minimum 15-year HOME-ARP compliance period.

HOME-ARP funds will be awarded as forgivable loans.

To secure HOME-ARP rental units for qualifying households, HOME-ARP funds may be invested in different types of projects, including permanent supportive housing, mixed-finance affordable housing, and market-rate projects. The underwriting analysis will not be limited to the HOME-ARP units. The long-term viability of HOME-ARP units is contingent upon the financial health of the entire project. SCRHC will take a holistic approach to underwriting that examines the overall feasibility of the entire project.

The following assumptions will be used to review HOME-ARP Rental development proposals:

Vacancy Rate and Collection Loss

Annual vacancy rate and collection loss for rental developments shall be no less than 7% for all Income. Developments with project-based vouchers may project a 5% vacancy rate for all residential Income.

QP Rent

Rents for units occupied by Qualifying Populations will be estimated to be 30% of 30% of the Area Median Income.

Annual Income Growth

Annual Income (rent) growth will be projected at a 2% increase per year.

Annual Operating Expense Growth

Annual expense growth will be projected at a 3% increase per year.

Per-Unit Operating Cost

An applicant's proposed annual operating expenses will be reviewed for project and market feasibility and standards. The Consortium shall use a standard of \$3,500 per unit, per year. If HOME-ARP related supportive services are offered, the standard should be increased.

Replacement & Operating Reserves

Annual replacement reserves must be maintained at a rate of \$500 per unit per year.

Initial Operating Reserves must equal to three months of operating costs.

Net Operating Income

Net operating income must be a minimum of \$900 per unit, per year.

Developer Fee

A Developer fee is compensation to the Developer for the time and risk involved to develop the project. The fee is based on the size of the project, the total development cost and the risk associated with the project. Developer fees include all amounts received by the Applicant whether characterized as project management, overhead or Developer fee. Consultants are commonly utilized to assist the Developer/owner by providing specific expertise in completing the project. The maximum aggregate allowable Developer and consultant fees are calculated as a percentage of Total Project Costs, less land, project reserves, other cost category adjustments, and the Developer/Consultant Fee category.

Developer fees will be limited to 15% of total development cost, not including the developer fee.

Developer fees that are not deferred may be distributed as follows, subject to the approval of other project lenders, tax credit equity investor, etc.:

- 25% upon 50% construction/Rehabilitation completion benchmark
- 25% upon construction/Rehabilitation completion (50% aggregate)
- 50% upon stable occupancy (90% occupied) and receipt of all tenant certifications for restricted units. (100% aggregate)

Market Analysis

For HOME-ARP units for qualifying households, a market assessment is not required.

For projects containing units restricted for occupancy by low-income households or market-rate households, the PJ must conduct a market assessment in accordance with 24 CFR 92.250(b)(2).

Targeting and Occupancy Requirements

Targeting: HOME-ARP funds can only be invested in units restricted for qualifying households or low-income households as follows:

1. Not less than 70 percent of the total number of rental units assisted with HOME-ARP funds by SCRHC must be restricted for occupancy by households that are qualifying households at the time of the household's initial occupancy; and,

2. Not more than 30 percent of the total number of rental units assisted with HOME-ARP funds by SCRHC may be restricted to low-income households. These rental units do not have to be restricted for occupancy by qualifying households, however rental units restricted to low-income households are only permitted in projects that include HOME-ARP units for qualifying households.

Occupancy: ARP requires HOME-ARP activities to primarily benefit households in the qualifying populations. To improve the feasibility and maintain the long-term viability of projects with HOME-ARP rental units for qualifying households, SCRHC may invest HOME-ARP funds in units that are not restricted for occupancy solely for qualifying populations

1. **Qualifying Households:** Units restricted for occupancy by qualifying households must be occupied by households that meet the definition of a qualifying population at the time of admission to the HOME-ARP unit. A qualifying household after admission retains its eligibility to occupy a HOME-ARP rental unit restricted for qualifying populations, irrespective of the qualifying household's changes in income or whether the household continues to meet the definition of a qualifying population. As such, a unit restricted for a qualifying household remains in compliance with the HOME-ARP unit restriction as long as the unit is occupied by a qualifying household that met the definition of a qualifying population at the time of admission.
2. **Low-Income Households:** At initial occupancy, units restricted for low-income households must be occupied by households that meet the definition of low-income in 24 CFR 92.2. If a tenant's income increases above the applicable low-income limit during the compliance period, the unit will be considered temporarily out of compliance. Noncompliance requires the PJ to take action in accordance with the rent and unit mix requirements in Sections VI.B.15 and VI.B.17 of this Notice, respectively.

Rent Limitations

Units Restricted for Occupancy by Qualifying Households: In no case can the HOME-ARP rents exceed 30% of the adjusted income of a household whose annual income is equal to or less than 50% of the median income for the area, as determined by HUD, with adjustments for number of bedrooms in the unit. HUD will publish the HOME-ARP rent limits on an annual basis.

Units Restricted for Occupancy by Low-income Households: HOME-ARP rental units occupied by low-income households must comply with the rent limitations in 24 CFR 92.252(a) (i.e., the lesser of the Fair Market Rent for existing housing for comparable units in the area, as established by HUD, or a rent equal to 30 percent of the income of a family at 65 percent of median income for the area, as determined by HUD, with adjustments for number of bedrooms in the unit).

Minimum Compliance Period

HOME-ARP-assisted units must comply with the requirements of HOME-ARP for a minimum period of 15 years, irrespective of the amount of HOME-ARP funds invested in the project or the activity being undertaken.

HOME-ARP Non-Congregate Shelter

A non-congregate shelter (NCS) is one or more buildings that provide private units or rooms as temporary shelter to individuals and families and does not require occupants to sign a lease or occupancy agreement. HOME-ARP funds may be used to acquire and/or rehabilitate or construct HOME-ARP NCS units to serve qualifying populations. Acquisition of vacant land or demolition of existing structures may be undertaken only as part of a HOME-ARP NCS project.

Eligible Costs

HOME-ARP funds may be used for actual costs of acquiring NCS or developing HOME-ARP NCS as follows:

1. Acquisition – Costs to acquire improved or unimproved real property.
2. Demolition – Costs of demolishing existing structures for the purpose of developing HOME-ARP NCS.
3. Development Hard Costs - Costs identified in 24 CFR 92.206(a) to rehabilitate or construct HOME-ARP NCS units.
4. Site Improvements - Costs to make improvements to the project site, including installation of utilities or utility connections, and the construction or rehabilitation of laundry, community facilities, on-site management, or supportive service offices.
5. Related Soft Costs: Reasonable and necessary costs incurred by the PJ and owner associated with the financing, acquisition, and development of HOME-ARP NCS projects, including costs identified in 24 CFR 92.206(d) with the following exceptions:
 - a. Costs to provide information services such as affirmative marketing to prospective homeowners and tenants are not eligible.
 - b. Costs of funding an initial operating deficit reserve are not eligible.
 - c. Costs of project-specific assistance to community housing development organizations, including technical assistance and site control loans or seed money loans as specified in 24 CFR 92.301 are not eligible.
6. Replacement Reserve: Costs to capitalize a replacement reserve to pay the reasonable and necessary costs of replacing major systems and their components whose useful life will end during the restricted use period. Major systems include structural support, roofing, cladding, and weatherproofing, plumbing, electrical and HVAC. The costs of replacing major systems must be determined through a Capital Needs Assessment or documented in writing after an inspection by a certified inspector to assess the remaining useful life of major systems expected upon completion of the HOME-ARP NCS project. The costs of a replacement reserve must be included in the project budget in the written agreement along with a list of major systems to be replaced with the reserve and projected replacement schedule during the restricted use period.

Prohibited Costs

HOME-ARP funds may not be used to:

1. Pay any operating costs of a HOME-ARP NCS project.
2. Provide additional HOME-ARP investment in a HOME-ARP NCS project during the restricted use period, except that additional HOME-ARP funds can be invested in the project up to one year after project completion in IDIS for eligible costs.
3. Pay costs of a conversion of HOME-ARP NCS

4. Provide non-Federal matching contributions required under any other Federal program.
5. Provide assistance for uses authorized under section 9 of the U.S. Housing Act of 1937 (42 U.S.C. 1437g) (Public Housing Capital and Operating Funds).
6. Provide assistance to eligible low-income housing under 24 CFR part 248 (Prepayment of Low-Income Housing Mortgages).
7. Pay for the acquisition of property owned by the PJ, except for property acquired by the PJ with HOME-ARP NCS funds, or property acquired in anticipation of carrying out a HOME-ARP NCS project.
8. Pay delinquent taxes, fees, or charges on properties to be assisted with HOME-ARP NCS funds.

Underwriting

Before awarding HOME-ARP funds to a HOME-ARP NCS project, SCRHC will determine if acquisition and/or development of the project is financially feasible. SCRHC will consider whether the HOME-ARP NCS project has secured or has a high likelihood of securing operating funding because operating costs cannot be paid with HOME-ARP.

Restricted Use Period

The restricted use period begins at project completion and must be imposed for at least the following periods:

1. New Construction: Newly constructed HOME-ARP NCS units must be operated as HOME-ARP NCS units for qualifying populations for a restricted use period of 15 years, regardless of the amount of HOME-ARP funds invested in the project.
2. Rehabilitation: HOME-ARP NCS units which receive any amount of HOME-ARP funds for rehabilitation but are not designated as new construction by the local building code requirements must be operated as HOME-ARP NCS units for qualifying populations for a restricted use period of 10 years.
3. Acquisition Only: Units acquired for use as HOME-ARP NCS that do not require rehabilitation for occupancy must serve the qualifying populations for a restricted use period of 10 years.

SCRHC imposes the HOME-ARP NCS requirements through a deed restriction and a legally binding agreement restricting the use of the property and recorded on the property in accordance with State recordation laws.

Property and Habitability Standards

HOME-ARP NCS projects must meet the minimum HOME-ARP property standards prior to occupancy and the HOME-ARP NCS ongoing property standards throughout the restricted use period.

HOME-ARP Supportive Services

HOME-ARP funds may be used to provide a broad range of supportive services to qualifying individuals or families as a separate activity or in combination with other HOME-ARP activities.

Eligible Supportive Services Activities:

There are three categories specifically included as supportive services under HOME-ARP:

1. McKinney-Vento Supportive Services: McKinney-Vento Supportive Services under HOME-ARP are adapted from the services listed in section 401(29) of McKinney-Vento.
2. Homelessness Prevention Services: HOME-ARP Homelessness Prevention Services are adapted from eligible homelessness prevention services under the regulations at 24 CFR 576.102, 24 CFR 576.103, 24 CFR 576.105, and 24 CFR 576.106.
3. Housing Counseling Services: Housing counseling services under HOME-ARP are those consistent with the definition of housing counseling and housing counseling services defined at 24 CFR 5.100 and 5.111, respectively, except where otherwise noted. The requirements at 24 CFR 5.111 state that any housing counseling, as defined in 24 CFR 5.100, required under or provided in connection with any program administered by HUD shall be provided only by organizations and counselors certified by the Secretary under 24 CFR part 214 to provide housing counseling, consistent with 12 U.S.C. 1701x.
 - a. Housing Counseling surrounding the following topics are ineligible under HOME-ARP:
 - i. Resolving or preventing mortgage delinquency, including, but not limited to default and foreclosure, loss mitigation, budgeting, and credit;
 - ii. Home maintenance and financial management for homeowners, including, but not limited to: Escrow funds, budgeting, refinancing, home equity, home improvement, utility costs, energy efficiency, rights and responsibilities of homeowners, and reverse mortgages.

Eligible Costs of Supportive Services

Eligible Costs for McKinney Vento Supportive Services and Homelessness Prevention Services:

Eligible costs for supportive services under either of these two categories include costs associated with the following services:

1. Childcare
2. Education services
3. Employment assistance and job training
4. Food
5. Housing search and counseling services
6. Legal services
7. Life skills training
8. Mental health services
9. Outpatient health services
10. Outreach services

11. Substance abuse treatment
12. Transportation
13. Case management
14. Mediation
15. Credit repair
16. Landlord/Tenant liaison
17. Services for special populations
18. Financial assistance costs
 - a. Rental application fees
 - b. Security deposits
 - c. Utility deposits
 - d. Utility payments
 - e. Moving costs
 - f. First and Last month's rent
 - g. Payment of rental arrears
19. Short-term and medium-term financial assistance for rent

Ineligible costs - Financial assistance cannot be provided to a program participant who is receiving the same type of assistance through other public sources. Financial assistance also cannot be provided to a program participant who has been provided with replacement housing payments under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 USC 4601 et seq.) and its implementing regulations at 49 CFR part 24, or Section 104(d) of the Housing and Community Development Act of 1974 (42 USC 5304(d) and its implementing regulations at 24 CFR part 42, during the period of time covered by the replacement housing payments.

Eligible Costs Associated with Housing counseling under 24 CFR 5.100 and 5.111

Costs associated with housing counseling services as defined at 24 CFR 5.100 and 5.111 are eligible under HOME-ARP. As homeowner assistance and related services are not eligible HOME-ARP activities, costs for the provision of services related to mortgages and homeownership to existing homeowners are also not eligible under HOME-ARP. If a program participant is a candidate for homeownership, costs associated with pre-purchase homebuying counseling, education and outreach are eligible under HOME-ARP. Eligible costs are those costs associated with the services listed in 24 CFR part 214 and include, but are not limited to:

1. Staff salaries and overhead costs of HUD-certified housing counseling agencies related to directly providing eligible housing counseling services to HOME-ARP program participants;
2. Development of a housing counseling workplan;
3. Marketing and outreach;
4. Intake;
5. Financial and housing affordability analysis;
6. Action plans that outline what the housing counseling agency and the client will do to meet the client's housing goals and that address the client's housing problem(s);
7. Follow-up communication with program participants.

Nonprofit Operating Assistance

CHDOs and other nonprofit organizations that will carry out activities with HOME-ARP funds may receive assistance to pay operating expenses.

Eligible Costs

Operating expenses are defined as reasonable and necessary costs of operating the nonprofit organization. These costs include employee salaries, wages and other employee compensation and benefits; employee education, training, and travel; rent; utilities; communication costs; taxes; insurance; equipment, materials, and supplies.

HOME-ARP funds used for operating expenses must be used for the “general operating costs” of the nonprofit organization. These operating costs must not have a particular final cost objective, such as a project or activity, or must not be directly assignable to a HOME-ARP activity or project.

Because ARP does not permit any HOME-ARP funds to be used to operate a shelter, all costs related to operating a non-congregate shelter (e.g., allocable overhead and staffing costs, insurance, utilities) also cannot be paid with HOME-ARP funds.

Limitations on Assistance

In any fiscal year, operating assistance provided to a nonprofit organization may not exceed the greater of 50% of the general operating expenses of the organization for that fiscal year or \$50,000.