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OFFICE OF COMMUNITY DEVELOPMENT

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March 13, 2024

Dear HOME Consortium Members and Prospective Applicants:

We are pleased to announce the start of the FY-2025 HOME Investment Partnerships Program Application process. The application will only be transmitted via email and is also available on the Community Development website at <https://www.orangecountygov.com/192/Community-Development>. Please feel free to share the information with any other interested party.

At least one representative for the Applicant must attend a **MANDATORY Virtual HOME Application Workshop** on Wednesday, April 24, 2024, from 10:00 am to 12:00 pm via Microsoft Teams. To register and be sent the Microsoft Teams invite for the workshop, e-mail a list of attendees with their contact information to ecousins@orangecountygov.com

Enclosed with this letter as Appendix V is the FY-2025 Community Development Program Year Calendar. Please take a few moments to review all important deadline dates as several key dates have been changed. **All applications are to be submitted to the Office of Community Development (OCD) via email to ecousins@orangecountygov.com no later than 4:00 PM, Friday, June 21, 2024.**

NOTE: We no longer are requiring hard copies of the application – please submit electronically only.

Thank you for your continued interest in this important program and we look forward to assisting you with your FY-2025 HOME application. If you have any questions, please do not hesitate to contact Erin Cousins, Community Development, Deputy Director at (845) 615-3816 or ecousins@orangecountygov.com

Sincerely,

Nicole Andersen

Nicole Andersen
Director of Community Development



HOME Investment Partnerships Program

FY-2025

Request For Applications

FOR THE DEVELOPMENT OF

AFFORDABLE RENTAL HOUSING AND HOMEOWNERSHIP PROJECTS

**Orange County Office of Community Development
40 Matthews Street, Suite 307A
Goshen, New York 10924**

Open: March 13, 2024

Due: June 21, 2024



**EQUAL HOUSING
OPPORTUNITY**

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SECTION 1 - INTRODUCTION

The Office of Community Development (OCD) of the County of Orange, NY (the County) hereby requests applications for the development of affordable rental housing and homeownership projects pursuant to County's funding under the HOME Investment Partnerships Program (the Program), established pursuant to the National Affordable Housing Act and administered by the United States Department of Housing and Urban Development (HUD). The purpose of Program funding under this Request for Applications (RFA) is to assist developers in the production of affordable rental housing and first-time homebuyer projects in Orange County, including for-profit developers, non-profit developers, and County-designated Community Housing Development Organizations (CHDOs) acting as owners, developers, and/or sponsors.

This RFA makes available an estimated \$725,000 for eligible rental and first-time homebuyer projects from the County's anticipated Program Year 2025 HOME entitlement (EN) funding from HUD, and in addition an estimated \$165,000 for eligible CHDO projects, whether rental or homebuyer, from the County's "CHDO Reserve" set-aside (CR) funding. **Developers that are not CHDOs may request only EN funding** through this RFA (i.e., a maximum of \$725,000), while CHDOs are eligible for CR funding either alone or in combination with EN funding (up to \$890,000). Organizations interested in applying for CHDO eligibility are directed to the Application for CHDO Certification included as Appendix III, which must be filled out completely and submitted along with all required attachments specified therein.

All awards of PY 2025 funding under this RFA (up to \$725,000 of EN funds for rental projects and \$165,000 of CR funds) are subject to the amount awarded by HUD, after approval of the County's PY 2025 Action Plan and final HUD appropriations. Actual disbursement of HOME funds awarded under this RFA from PY 2025 funding are not expected to occur until December 2025, at the earliest. Applicants must consider this timeframe in their project planning and when responding to this RFA. Notification of prospective awards will happen in December 2024. Projects submitted in response to this RFA on or before the due date may be awarded funds from the HOME program or other federal programs, pending availability of funds from the County.

HOME funds will be awarded for use as construction or permanent gap financing in the form of zero interest deferred loans. HOME assistance loans for rental projects may be designated as forgivable after successful compliance for the duration of a required affordability period, discussed below. **The required affordability period for rental projects prevails regardless of repayment, sale of property and/or change of control.** HOME loans for homeownership projects will be repayable in full upon a County-approved sale to a low-income buyer, except that repayment will be limited to the net proceeds. Net sales proceeds will exclude any portion of the sale proceeds used to repay senior construction debt, return of County-recognized developer equity, approved sales costs, and any HOME assistance transferred to the buyer at closing as direct homebuyer assistance.

Rental projects are to be occupied by individuals and families earning no more than 60% of the Area Median Family Income (AMI), currently \$71,400 annually for a family of four. Homeownership projects are to be occupied by individuals and families earning no more than 80% AMI, currently \$94,650 annually for a family of four. The AMI is subject to annual update by HUD. Projects will be subject to an affordability period the duration of which is dependent upon the per-unit amount of HOME funds invested and, for rental projects, the type of construction involved (new vs. rehab). The current statutory minimum periods of affordability are set forth below:

Rental housing activity	Minimum period of affordability in years
Rehabilitation or acquisition of existing housing per unit amount of HOME funds: Under \$15,000	5
\$15,000 to \$40,000	10
Over \$40,000 or rehabilitation involving refinancing	15
New construction or acquisition of newly constructed housing	20

Homeownership assistance HOME amount per-unit	Minimum period of affordability in years
Under \$15,000	5
\$15,000 to \$40,000	10
Over \$40,000	15

Projects will be selected by OCD for Program funding after a review of all information submitted by Applicants and a rating and ranking of all applications pursuant to the Project Selection Criteria discussed in Section 3. Additional information and details concerning the Program including the implementing regulations at 24 CFR Part 92 (the Regulations) can be found at <http://hud.gov>.

Questions regarding this RFA can be directed to:

Erin Cousins, Community Development Deputy Director
 Orange County Office of Community Development
 40 Matthews Street, 3rd Floor
 Goshen, NY 10924
 (845) 615-3816
ecousins@orangecountygov.com

To ensure a prompt response, all questions must be received on or before June 07, 2024. To be eligible for consideration, applications must be submitted in accordance with this RFA on the forms provided in Appendix I and must be received by OCD **no later than 4:00 p.m. on June 21, 2024 by email to ecousins@orangecountygov.com**. If necessary additional application materials can be sent to:

**Orange County Office of Community Development
 40 Matthews Street, Suite 307A
 Goshen, NY 10924
 ATTN: HOME FY-2024 RFA**

OCD reserves the right, in its sole discretion, to reject at any time any or all applications, to withdraw this RFA without notice, and to negotiate with one or more Applicants submitting applications and/or parties other than those responding to this RFA, on terms other than those set forth herein. OCD reserves the right to waive compliance with and/or change any of the terms and conditions of this RFA. Under no circumstances will OCD pay costs incurred by an Applicant in responding to this RFA.

SECTION 2 – APPLICATIONS

Applications must be submitted on the HOME application forms included in Appendix I, and rental projects must also complete an Excel Workbook Proforma in the form made available by OCD. If you are also submitting a funding application to New York State Homes and Community Renewal (HCR) for your project, you may substitute HCR exhibits that correspond to the OCD exhibits in your submission to OCD.

Public access to materials submitted by applicants in response to this RFA will be governed by the relevant provisions of the Freedom of Information Law, Article 6 of the New York State Public Officers Law ("FOIL"), and the regulations adopted pursuant thereto. If an applicant submits information which it believes to be a trade secret or otherwise exempt from disclosure under FOIL, it must specifically identify such information (e.g., by page and paragraph number) and state in writing the reasons why the information should be exempt from disclosure. If OCD becomes aware of any material inaccuracy in the information supplied by an applicant, OCD shall have the right to reject at any time the proposal of the

applicant, to refuse to negotiate or continue negotiations with the applicant and to take any other action as shall be deemed appropriate by OCD, in its sole discretion.

SECTION 3 - SELECTION PROCESS

Only developments that meet all Federal and OCD program requirements and meet minimum threshold requirements will be reviewed for HOME funds. OCD will conduct project selection review as follows:

- A. OCD will review all applications for completeness and compliance with the terms and conditions of this RFA.
- B. OCD will exclude those applications that, in the sole judgment of OCD, fail to: meet HUD/OCD Program Threshold requirements; fail to demonstrate the necessary financial commitments and feasibility; propose a development team that lacks sufficient development experience; or fails to comply with the terms and conditions of this RFA.
- C. From the remaining applications, OCD will rate, rank, and select the applications that, in the sole judgment of OCD, most successfully fulfill the Project Selection Criteria below and best meet the other needs and goals of OCD. Applicants can review OCD's Project Ranking Form and Score Sheet located in Appendix II of this RFA. Regardless of strict numerical ranking, the scoring does not operate to vest in an applicant or project any right to a commitment of HOME funds. OCD will, in all instances, commit HOME funds consistent with sound and reasonable judgment, prudent business practices, and the exercise of its inherent discretion.
- D. OCD will consider the following criteria in selecting projects as specified below. All criteria used by the OCD is being collectively referred to herein as the "Project Selection Criteria".
 - a) The extent to which the Applicant's market study addresses the housing needs set forth in Orange County's Five-Year Consolidated Plan which can be accessed on OCD's website.
 - b) The extent to which the developer has all necessary approvals and permits for the construction of the project.
 - c) The extent to which the developer has firm commitments for all project financing necessary to complete the project.
 - d) The financial feasibility of the project.
 - e) The extent of site control by the developer.
 - f) The experience of the developer and the other members of the development team with projects of a similar size, scale, and complexity.
 - g) Owner/Developer providing minimum 10% equity
 - h) The proposed development schedule and evidence that such schedule can be met.
 - i) The extent of community support for the project.
 - j) The number of units to be assisted in the project.
 - k) The per unit HOME program funding requested.
 - l) The per unit project costs proposed.
 - m) Whether, and the extent to which, real property tax exemptions or abatements have been extended to the project.
 - n) The developer's performance record with OCD, federal and state housing agencies, and local municipalities.
 - o) The extent to which the project proposes to maintain affordability beyond the minimum HOME affordability period.
 - p) The range of affordability options provided by the proposed project. For example, mixed-income projects that range in affordability from thirty percent (30%) AMI (very low income) to one hundred twenty percent (120%) of AMI.

Applicants cannot change their applications or submit additional documentation after the application deadline. This RFA is not a request for bids or part of a competitive bid process, and OCD reserves the right to use the proposal as a basis for

negotiation and to negotiate with applicants. OCD also reserves the right to withdraw this RFA at any time without notice, reject any or all applications, or to accept applications on terms other than those set forth herein.

Upon selection of a project and a determination that the project is ready to proceed, OCD will issue a Conditional Award setting forth the Program funds conditionally allocated to the project, the agreed upon project timeline, and other conditions and requirements that must be met. Failure to adhere to the timeline, conditions and requirements may, at OCD's option, result in withdrawal of the Conditional Award. Conditional Awards are contingent upon 1) approval of the applicable Annual Action Plan, and any necessary amendments thereto, by Orange County and HUD; 2) OCD's receipt of HOME funds from HUD; 3) OCD's receipt of the HUD Authority to Use Grant Funds following completion of the Environmental Review process; and, for projects seeking HOME funds prior to the receipt of all other funding sources (such as state or federal tax credit reservations), 4) the receipt of firm commitments for all other such funding sources (e.g., a Low Income Housing Tax Credit allocation from HCR).

SECTION 4 – PROJECT FUNDING REQUIREMENTS

OCD will fund developers of affordable rental housing and/or affordable homebuyer single-family (defined as a one-to-four-unit property) units, including for-profit developers, non-profit developers, and County-designated CHDOs. Prior to committing funds, OCD will review the status of any organization seeking funds from the CHDO set-aside to ensure that it meets all HOME requirements and that it has sufficient staff capacity to carry out the project. OCD will consider proposals for both new construction or acquisition and rehabilitation of existing units. In accordance with the Orange County Acquisition and Relocation Policies and Procedures, applications for currently occupied projects may not be considered.

Parameters of HOME Investment Funding

Applications must include an investment of not less than \$1,000 in HOME funds per HOME-assisted unit. In no case will OCD's investment exceed the maximum HOME investment allowed under 24 CFR 92.250. Effective April 7, 2023, the maximum HOME per-unit subsidy amounts are as follows:

0-Bedroom	1-Bedroom	2-Bedroom	3-Bedroom	4+ Bedroom
\$173,011	\$198,331	\$241,176	\$312,005	\$342,482

HOME Per-unit subsidy amounts are updated annually by HUD. OCD will utilize the maximum HOME per -unit subsidy amount allowed at the time of HOME regulatory agreement execution. OCD expects the next update to be available from HUD in June 2024. Typically, OCD will also establish a maximum cap on its investment in a single development or single-family home. Such a limit will be based on the availability of funding and other OCD priorities.

Eligible Costs

Costs funded with the County's HOME funds must be eligible according to the HOME Final Rule 24 CFR 92.206. The following additional limitations also apply:

- i. HOME funds shall not be used for luxury improvements according to 24 CFR 92.205.
- ii. For rental developments, except for a rent-up reserve to cover initial operating deficits allowed under 24 CFR 92.206(d)(5), HOME funds shall not be used to capitalize reserves.
- iii. Acquisition costs shall be supported by an independent appraisal of the property. Acquisition costs exceeding the appraised value of the property will be ineligible for HOME funding reimbursement.
- iv. HOME funds shall not be used for non-residential accessory structures such as free-standing community/leasing buildings, garages, carports, or maintenance structures. HOME funds may be used for community space or common laundry facilities included in residential buildings.
- v. Except for the costs of architectural, engineering, and other related professional services required to prepare project plans as allowed by 24 CFR 92.206(d)(1) incurred not more than 24 months prior to the commitment of HOME funds (within the meaning of the definition of "Commitment" under 24 CFR 92.2), OCD will only disburse HOME for eligible costs incurred on or after the commitment of HOME funds.

- vi. HOME funds shall not be used for organizational costs such as partnership formation or syndication costs, especially those associated with Low Income Housing Tax Credits.

County Project-Related Soft Costs for Rental Projects

HOME allows the County to include, as project costs, its internal soft costs specifically attributable to a HOME project, include consulting, legal, inspection, and staff costs associated with monitoring the project's compliance with the Program during the duration of the project's affordability period. Applicants must provide a budget allowance for an annual "Orange County Compliance Monitoring Fee" in the amount of \$170 per HOME-assisted unit in the project's operating budget submitted with the application.

Cost Reasonableness

Per the requirements of 92.250(b) and 2 CFR 225, all project costs must be reasonable, whether paid directly with HOME funds or not. OCD will review project costs, including hard and soft costs, to evaluate their reasonableness and may, at its option, require applicants to obtain additional quotes, bids, or estimates of costs. OCD staff must be allowed the opportunity to conduct a cost analysis to determine cost reasonableness. Applications may be determined ineligible if access is not granted or costs are determined to be unreasonable. Applicants are encouraged to request only the amount of HOME funds needed as **gap financing** to make the project feasible. Requesting funds for administration is not allowed; however, applicants may request reasonable dollars for developer fees (not to exceed 15%) and soft costs in an amount corresponding to affordable housing activities. All HOME costs, including soft costs must be tied to specific housing addresses.

Conflict of Interest

Owners must disclose any perceived or real conflict of interest situations that may occur when contracting with related companies during either the development or ongoing operation of the project.

Property Standards

To meet both HOME regulations and County goals, all HOME-funded projects must meet certain physical standards intended to provide quality affordable housing that is durable and energy efficient.

- i. Construction must meet the New York State Uniform Fire Prevention and Building Code and federal Housing Quality Standards, as well as all local codes and ordinances.
- ii. All HOME projects must meet applicable Section 504/UFAS requirements.
 - a. *Rental Projects*: In the case of (a) new construction projects with 5 or more HOME-assisted units and (b) rehabilitation projects with 15 or more total units (HOME-assisted and non-HOME-assisted) where rehabilitation costs will be 75% or more of the replacement cost of the completed facility, the project must provide 5% of the development's units for physically disabled occupants and another 2% of units designed to be accessible to those with visual or hearing impairments. Additionally, covered multifamily dwellings, as defined at 24 CFR 100.201, must also meet the design and construction requirements required by the Fair Housing Act as outlined in 24 CFR 100.205.
 - b. *Homebuyer Projects*: Pursuant to 24 CFR 8.29, single-family housing developed with Federal funds must be made accessible upon the request of the prospective buyer if the nature of the prospective occupant's disability so requires. Developers must ensure that projects are designed in a way that can accommodate such a request. Should a prospective buyer request a modification to make a unit accessible, the developer must work with the homebuyer to provide the specific features that meet the need(s) of the prospective homebuyer or occupant. If the design features that are needed for the buyer are design features that are covered in UFAS, those features must comply with the UFAS standard. Developers may be permitted to depart from the standard to have the homebuyer/occupant's needs met.
- iii. Site shall be served by public sewer, public water, and public road.
- iv. Site shall be in a designated Fire District or served by a Fire Department.
- v. Units must be equipped with the following appliances: refrigerator, range/oven, dishwasher, and garbage disposal. Developers may also propose to include in-unit clothes washers and dryers, microwave/vent fan combination units, as appropriate. If the Energy Star program rates the type of appliances being installed, the

developer must furnish the units with Energy Star rated appliances. Note however that not all appliances are rated by the Energy Star program.

- vi. *Lead-Based Paint:* All rehabilitation projects must comply with HUD's Lead-Based Paint (LBP) Regulations found at 24 CFR Part 35. Any home constructed prior to 1978 must be tested for the presence of LBP and all LBP hazards identified addressed in conformity with 24 CFR Part 35.
- vii. *Visitability:* Although not a requirement, it is recommended that for rental projects, all design, construction, and alterations incorporate, wherever practical, the concept of visitability. Visitability is a design concept, which for very little or no additional cost enables persons with disabilities to visit relatives, friends, and neighbors in their homes within a community. Visitability design incorporates the following in all construction or alterations, in addition to the applicable requirements of Section 504 and the Fair Housing Act, wherever practical and possible for as many units as possible within a development:
 - Provide a 32" clear opening in all bathroom and interior doorways; and
 - Provide at least one accessible means of egress/ingress for each unit.

Underwriting and Subsidy Layering Review Requirements

All projects must be financially feasible. Income and expense proforma and detailed subsidy layer review for each project which demonstrate financial feasibility must be submitted to and approved by OCD. Documentation supporting housing need, including market studies, must be submitted.

All sources of financing necessary to complete the project must be identified in the application, and copies of all financial commitments must be submitted. Developers must disclose all other public source or applications for funding to OCD at the time of submission of the application and upon receiving any additional commitments of public source funding. OCD will conduct a subsidy layering review as part of the underwriting process for any project that includes other public subsidies. Using its underwriting criteria, OCD will assess the project and may require changes to the transaction to ensure that the financial return to the owner/developer is not excessive. Changes may include a reduction in HOME funds awarded or a declination of a previously approved award. OCD will consider adjusting its underwriting in consultation with other public funders, if applicable to the project. OCD retains, at its sole discretion, the power to decide whether to accept alternative standards.

Match Requirements

The federal guidelines require that HOME funds be matched with local non-federal funding. The matching requirement is \$0.25 for every \$1 in HOME funds. The premise of the "match" is that the provision of affordable housing is a community responsibility and, as a result, the local community should make a financial contribution to "match" the federal HOME funds. This is a program-wide requirement not an individual development requirement (i.e., one development could provide a 100% match while another could provide none). Developments providing matching funds will receive a higher priority.

Match obligations can be met with:

- Permanent cash contributions from non-federal funding programs such as NYS HCR programs and Federal Home Loan Bank Affordable Housing programs.
- Grant equivalent of below-market interest rate loans.
- Value of waived taxes, fees, or other charges normally imposed by local jurisdictions.
- Value of land or real property provided at less than appraised value.
- Cost of infrastructure improvements not made with federal resources.
- Reasonable value of donated site-preparation, construction materials and voluntary labor.
- Value of sweat equity (at the rate for unskilled labor established by HUD) provided to a homeownership project.

Ineligible forms of match include:

- Contributions made with or derived from federal funds.
- Owner equity in a project.
- Interest rate subsidy attributable to federal tax-exempt financing or the value of federal tax credits.
- Private bank mortgages.

Environmental Review Requirements

Federally assisted projects are subject to a variety of environmental requirements. **Developers should be familiar with these requirements and are strongly encouraged to discuss any questions they have with County staff prior to entering into a purchase agreement or submitting an application.**

- i. All HOME-assisted housing projects shall be implemented in accordance with environmental review regulations at 24 CFR Part 58.
- ii. The County shall be responsible for conducting the environmental review and completing all necessary public notifications and documenting HUD clearance to use federal funds. The applicant is responsible for cooperating with the County in the environmental review process and providing information necessary for the County to fulfill its responsibilities under Part 58 and other applicable regulations.
- iii. Submitting an application for HOME funds triggers environmental review requirements under 24 CFR 58, including the National Environmental Policy Act (NEPA). ***Once an application for federal funds is submitted, a development proposal is IMMEDIATELY subject to the environmental review requirements and requires documentation of clearance to use federal funds as established by the US Department of Housing and Urban Development.***
- iv. **Developers are prohibited from undertaking any physical or choice-limiting actions or committing or expending any funds (including non-federal funds) to or for activities on or adjacent to the proposed project site prior to obtaining written environmental clearance as required under 24 CFR Part 58.** Physical and choice limiting actions include, but are not limited to, entering into any legally binding contracts, property acquisition, demolition, movement, rehabilitation, conversion, repair, or construction. This prohibition applies regardless of whether federal or non-federal funds are used. **Taking any choice limiting action prior to completion of the required environmental clearance process will result in the denial of any HOME funds from the County.**

Other Federal Requirements

Nondiscrimination and Equal Opportunity

The following federal nondiscrimination and equal opportunity guidelines apply to all County affordable housing projects and affect both development and operation or sales of assisted housing:

- i. The Fair Housing Act (42 U.S.C. 3601-19) and implementing regulations at 24 CFR part 100 et seq.
- ii. Executive Order 11063, as amended by Executive Order 12259 (3 CFR, 1959-1963 Comp., p. 652 and 3 CFR, 1980 Comp., p. 307) (Equal Opportunity in Housing Programs) and implementing regulations at 24 CFR part 107.
- iii. Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d- 2000d-4) (Nondiscrimination in Federally Assisted Programs) and implementing regulations at 24 CFR part 1.
- iv. The Age Discrimination Act of 1975 (42 U.S.C. 6101-6107) and implementing regulations at 24 CFR part 146.
- v. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and implementing regulations at part 8 of this title.
- vi. Title II of the Americans with Disabilities Act, 42 U.S.C. 12101 et seq.; 24 CFR part 8; Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and implementing regulations at 24 CFR part 135.
- vii. Executive Order 11246, as amended by Executive Orders 11375, [[Page 41]] 11478, 12086, and 12107 (3 CFR, 1964-1965 Comp., p. 339; 3 CFR, 1966-70 Comp., p. 684; 3 CFR 1966-70 Comp., p. 803; 3 CFR, 1978 Comp., p. 230; and 3 CFR, 1978 Comp., p. 264, respectively) (Equal Employment Opportunity Programs) and implementing regulations at 41 CFR chapter 60.
- viii. Executive Order 11625, as amended by Executive Order 12007 (3 CFR, 1971-1975 Comp., p. 616 and 3 CFR, 1977 Comp., p. 139) (Minority Business Enterprises); Executive Order 12432 (3 CFR, 1983 Comp., p. 198) (Minority Business Enterprise Development).

- ix. Executive Order 12138, as amended by Executive Order 12608 (3 CFR, 1977 Comp., p. 393 and 3 CFR, 1987 Comp., p. 245) (Women's Business Enterprise). The nondiscrimination provisions of Section 282 of the National Affordable Housing Act of 1982.

The following additional guidelines apply to all rental housing projects:

- x. The requirements of 24 CFR 5.105(a)(2) requiring that HUD-assisted housing be made available without regard to actual or perceived sexual orientation, gender identity, or marital status and prohibiting owners (or their agents) from inquiring about the sexual orientation or gender identity of an applicant for, or occupant of, HUD-assisted housing for the purpose of determining eligibility for the housing or otherwise making such housing available. This prohibition on inquiries regarding sexual orientation or gender identity does not prohibit any individual from voluntarily self-identifying sexual orientation or gender identity.
- xi. The requirements of 24 CFR 92.359 and 24 CFR Part 5, Subpart L which implement provisions of the Violence Against Women Act (VAWA), as amended, which provides various protections to applicants and tenants who are victims of domestic violence, dating violence, sexual assault, and stalking. Notwithstanding the title of the statute, VAWA's requirements and tenant protections apply regardless of any individual's sex, gender identity, or sexual orientation.

Uniform Relocation Act

All projects fall under requirements of the URA. Any project resulting in permanent relocation/displacement of households will not be funded by the County. Applicants must further document that any purchase of property meets the requirements of URA, including provision of notices to the seller identifying the transaction as a voluntary sale not under the threat of eminent domain. **To ensure compliance with the URA, applicants should consult with OCD to understand the requirements of URA and reference the URA forms included in the RFP prior to submitting an application. Applications are not accepted from occupied properties. All buildings must be vacant.**

Davis Bacon

Davis Bacon federal prevailing wage requirements shall apply to all projects with 12 or more HOME-assisted units.

Minority Business Enterprise and Women Business Enterprise (MBE/WBE) Plan

Developers must maintain an MBE/WBE plan that demonstrates marketing and solicitation of MBE/WBE businesses and contractors for the construction of the project.

Excluded Parties

All entities applying for HOME funding must also be registered with SAM.gov and be able to provide OCD staff with unique I.D. # in order to certify that the entity is not debarred from receiving Federal Funding. The County will not fund projects owned, developed, or otherwise sponsored by any individual, corporation, or other entity that is suspended, debarred, or otherwise precluded from receiving federal awards. Nor may the developer contract with any other entity (including but not limited to builders/general contractors, property management companies, or other members of the development team) that are suspended, debarred, or otherwise so precluded. Similarly, the general contractor will be required to determine that subcontractors are not so precluded.

HOME Program Agreements

At the closing of all project construction financing, successful Applicants will execute a Regulatory Agreement, including a Restrictive Covenant, and Note and Mortgage, which shall contain mortgage and deed restrictions as required ensuring compliance with all Program requirements. The Regulatory Agreement will authorize Program funds to be drawn down for construction, with a preference for a prorated basis with other project construction financing, or pursuant to such other arrangements to which OCD agrees. Disbursements of Program funds will be coordinated with other project lenders to facilitate the requisition and payment process.

The Program's Regulatory Agreement will set forth the owner's obligation to comply with the income, affordability, regulatory period, tenant selection and other requirements applicable to the project. The Applicant will also be required to execute a Note & Mortgage on the property in favor of OCD to secure program funds during construction. The Regulatory Agreement and Mortgage will run with the land and be recorded against the property. OCD will actively monitor and ensure compliance with all HOME requirements pursuant to the HOME regulations.

Developers and/or Developer's attorney shall be required to coordinate review of documents on behalf of Developer and any other entity that Developer must submit documents for review (i.e., other lenders, etc.). When drafts are returned to OCD it shall be presumed that comments from all such parties that must review documents have been incorporated by Developer or Developer's attorney. Separate submissions of comments from multiple entities shall not be accepted and OCD shall not be liable or responsible in any manner to any individual or entity for any delay in negotiations.

For homeownership projects, the homebuyers will be required to sign an agreement documenting their understanding of the HOME affordability restriction on their property and requirement that the property remain their legal residence for the period of affordability. Where HOME funds are provided for construction of homeowner units, the units will be subject to a resale restriction unless funds are applied to the buyers down payment, closing cost or write-down of the sale price of the units, in which case affordability will be enforceable against the homebuyer through a recapture of the HOME assistance upon subsequent voluntary or involuntary sale.

Projects requiring NYS DEC, NYS DOT, or OC DOH approval must demonstrate through documentation that all approvals and permits are in progress at the time of application and will have all approvals and permits by March 1 of the project year.

Construction Process

OCD Construction Inspections

OCD must be provided with copies of all contractor invoices and be provided with reasonable notice of monthly draw inspections during the construction period. OCD staff will participate in all draw reviews whether or not the specific draw is being funded with HOME or other project funds and conduct inspections to ensure that the project is progressing, and that work completed is consistent with all applicable HOME requirements.

Davis Bacon

When Davis Bacon applies to a project, OCD must be provided with compliance documentation throughout the construction period. Prior to commencing construction, OCD must approve current wage determinations applicable to the project. The contractor will be required to provide weekly payroll forms to OCD and allow access to the site and workers for the purpose of completing worker interviews.

Drawing County HOME Funds

Proceeds of the HOME loan will only be released as reimbursement for eligible project costs following:

- i. Review and acceptance of appropriate source documentation by OCD including evidence of appropriate lien waivers and/or title endorsements.
- ii. A determination by OCD that all HOME requirements pertaining to the development of the project have been met, including but not limited to monitoring of Davis Bacon compliance.

Project Closeout

Developers are required to submit demographic data for all homebuyers of HOME-funded units and, for rental projects, for tenants of HOME-funded units at lease-up. Data shall include elderly status, race, gender, female head of household, number of household members, and percent of area median income. **Owners of rental projects must be aware that the affordability period does not begin for HOME-funded units until all project costs are processed, all demographic data is verified by OCD staff, and the project is entered as completed in the HUD Integrated Disbursement and Information System (IDIS).**

OCD requires a copy of the final project sources and uses statement and submission of the project cost certification prepared by an independent Certified Public Accountant following completion of construction and payment of all development costs.

Conflict of Interest

To comply with HOME requirements and to maintain a high standard of accountability to the public, conflicts of interest and perceived conflicts of interest must be avoided. Developers shall maintain compliance with all HUD conflict of interest provisions as stated in 24 CFR 92.356(f).

Developers with officers, employees, family members, consultants, or agents that are otherwise eligible to occupy HOME-funded rental units or purchase HOME-funded homebuyer units must receive waiver/approval from OCD staff before entering into a lease or sales agreement with such HOME-eligible officers, employees, etc. 92.356(f) provisions apply to all HOME projects.

Rental-Specific and Homebuyer-Specific Project Requirements

Rental projects are subject to additional HOME requirements as outlined in Section 5 of this RFA, and homebuyer projects are subject to additional HOME requirements as outlined in Section 6 of this RFA. Applicants should refer to the appropriate Section and familiarize themselves with all requirements stated therein before submitting an application.

SECTION 5 – RENTAL-SPECIFIC PROJECT REQUIREMENTS

HOME Unit Allocation

If the development’s units are comparable, the HOME units will be “floating” units and evenly distributed among the unit types in the development or as otherwise determined by OCD. If the development’s units are not comparable, the HOME units will be designated as “fixed” units as determined by OCD.

HOME-assisted units shall be designated as either “High HOME” units or “Low HOME” units. In projects with five or more HOME-assisted units, at least 20% of the HOME units, rounded up to a whole number, must be designated as Low HOME units. Generally, the County will only designate the minimum number of Low HOME units required unless the Applicant requests that additional Low HOME units be designated to coordinate income and rent restrictions with other project requirements.

Income and Rent Limits

To qualify as affordable housing, HOME units must be rented only to households with certain incomes at rents regulated by the program to be affordable to low-income households. ***OCD must approve the development’s rent schedule annually throughout the HOME affordability period.***

All High HOME units must be rented to tenants with household incomes at initial occupancy that are at or below 60% AMI, at rents that are at or below the High HOME rent as published by HUD. In general, HUD will calculate the High HOME rent to be the lesser of the applicable Fair Market Rent or a rent equal to 30% of 65% of the area median income, adjusted for unit size.

Low HOME units must be rented to tenants with household incomes at or below 50% AMI, at rents that are at or below the Low HOME rent as published by HUD. In general, HUD will calculate the Low HOME rent to be the lesser of the applicable Fair Market Rent or a rent equal to 30% of 50% of the area median income, adjusted for unit size.

For reference, the HOME income and rent limits effective as of 07/01/2023 for Orange County, as published by HUD, are as shown below:

HOME Income Limits (effective 07/01/23)		
Household Size	50% AMI	60% AMI
1 Person	\$41,650	\$49,980
2 Person	\$47,600	\$57,120
3 Person	\$53,550	\$64,260

4 Person	\$59,500	\$71,400
5 Person	\$64,300	\$77,160
6 Person	\$69,050	\$82,860
7 Person	\$73,800	\$88,560
8 Person	\$78,550	\$94,260

HOME Rent Limits (effective 7/01/23)							
	Unit Size and Rent						
	0 BR/eff.	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
High HOME Rent (all units must be at or below this level)	\$1,126	\$1,233	\$1,583	\$1,977	\$2,186	\$2,394	\$2,601
Low HOME Rent (For projects with 5 or more HOME units, 20% of the units must be at or below this level)	\$1,041	\$1,115	\$1,338	\$1,547	\$1,726	\$1,904	\$2,082

Adjustment for Tenant Paid Utilities

The High HOME and Low HOME rent limits are gross rent limits. The actual rent collected from a tenant must be adjusted taking into account an allowance for any tenant-paid utilities. ***OCD must approve the development’s utility allowance annually throughout the HOME affordability period.***

Income Verification

All projects shall use the HUD Part 5 definition of income for determining income eligibility. ***Prior to signing a lease, income must be verified for all new tenants using at least two months of source documentation*** in accordance with 24 CFR 92.203(a)(1)(i).

During the period of affordability, the income of in-place tenants must be recertified using source documentation at least every sixth year of the project’s affordability period (e.g., in the sixth year, all in-place tenants must be recertified using source documentation even if a given tenant is only in his/her second year of occupancy). ***In other years, owners must re-certify the income of existing tenants annually*** but may use one of the options in 92.203, unless the County requires that a project use one of the methods exclusively:

- i. Re-verifying income annually through source documentation.
- ii. Obtaining a written statement from the household regarding annual household income; or
- iii. Obtaining a written statement from the administrator of a government program under which the household receives benefits, and which examines each year the annual income of the household.

Rent Adjustments

HUD provides HOME income and rent limits on an annual basis, usually in the spring. Each year, OCD will provide this information on its webpage following publication by HUD. Utility allowances will also be reviewed and adjusted, as needed, annually. ***Owners must obtain OCD approval before implementing HOME unit rent increases.*** Owners shall also provide not less than 30 days’ written notice to tenants upon receiving OCD approval for HOME unit rent increases.

HOME-assisted units are compliant despite a temporary increase in income exceeding HOME requirements for existing tenants. However, in such cases there are detailed requirements about how to adjust the rent of such tenants and how to restore overall project compliance. These are outlined in the HOME Model Guide “Compliance in HOME Rental Projects: A Guide for Property Owners”, which is available online at: https://www.hud.gov/sites/documents/19760_2009HOMERENTALPO.PDF.

For projects with floating units, when an existing tenant’s income increases beyond 80% AMI adjusted for household size, the tenant’s gross rent will be increased to the lesser of the unassisted market rent for the unit or 30% of the tenant’s adjusted household income. When the income of an existing tenant of a Low HOME unit increases above 50% AMI but is below 80% AMI, the rent for that tenant will be increased to the High HOME rent following the replacement of the Low HOME unit. In both cases, the next available unit in the project should be rented, based on the project’s compliance needs, as a Low HOME or High HOME unit.

Notwithstanding, over-income tenants of HOME assisted units that have been allocated low-income housing tax credits must pay rent according to Section 42 of the Internal Revenue Code of 1986 (26 U.S.C. 42).

Project Completion Deadline and Period of Affordability

The period of affordability will be based on the official date of project completion as defined by 24 CFR 92.2 which, among other things, requires that all construction activity is complete and all units of the development (whether or not HOME-assisted) are certified by building authorities for substantial occupancy; all HOME funds due the County for the project have been drawn from the US Treasury; and that all required project completion information has been entered into HUD’s IDIS system by OCD staff. OCD staff will determine and notify the developer of the official date of project completion, which must occur within 4 years of the date of commitment of funds to the project by OCD in the IDIS system. If the developer fails to meet this 4-year deadline, the developer must repay to the County any HOME funds disbursed for the project. The project owner must maintain affordability requirements for at least the minimum period specified in 24 CFR 92.252(e), as set forth below, or such longer affordability period as required by OCD in its discretion in the executed Regulatory Agreement.

Rental housing activity	Minimum period of affordability in years
Rehabilitation or acquisition of existing housing per unit amount of HOME funds: Under \$15,000	5
\$15,000 to \$40,000	10
Over \$40,000 or rehabilitation involving refinancing	15
New construction or acquisition of newly constructed housing	20

Initial Occupancy Deadlines

In accordance with 24 CFR 92.252, HOME-funded rental projects must comply with the following deadlines and requirements as evidenced by occupancy by tenants with a written lease that complies with the requirements of 24 CFR 92.253:

- i. Within 6 months from the date of project completion, if a HOME-assisted rental unit remains unoccupied, the owner will provide OCD information about current marketing efforts and, if appropriate, an enhanced plan for marketing the unit so that it is leased as quickly as possible.
- ii. Within 18 months from the date of project completion, if efforts to market the units are unsuccessful and units remain unoccupied by an eligible tenant, OCD will require repayment by the owner/developer of all HOME funds invested in each vacant unit. A unit that has not served a low- or very low-income household has not met the purposes of the HOME program; therefore, the costs associated with the unit are ineligible.

Marketing and Leasing Materials

The owner/developer must establish a written tenant selection plan consistent with the requirements of 24 CFR 92.253(d). Among other requirements,

All HOME-funded projects with five (5) or more HOME-assisted units must establish an affirmative marketing plan with detailed marketing procedures to attract eligible occupants without regard to race, color, national origin, sex, religion, familial status, disability, or sexual orientation. Affirmative marketing plans shall include all required aspects as stated in 24 CFR 92.351(a)(2) and conform to the requirements of OCD's Affirmative Marketing Policy and Procedures for HOME-funded Projects. OCD will accept affirmative marketing plans using the most recent version of form HUD-935.2A (available on the web) or in another format as may be specified by OCD from time to time.

Leases between the tenant and owner shall be for one year, unless by mutual agreement between the tenant and the owner. Owners are required to provide 30 days' written notice prior to terminating or refusing to renew the lease. Owners are prohibited from including unfair provisions in HOME project leases. In accordance with the provisions of 24 CFR 92.253, the following terms are prohibited from HOME project leases:

- i. Agreement to be sued
- ii. Treatment of personal property
- iii. Excusing owner from responsibility
- iv. Waiver of notice
- v. Waiver of legal proceedings
- vi. Waiver of a jury trial
- vii. Waiver of right to appeal court decision
- viii. Tenant chargeable with cost of legal actions regardless of outcome
- ix. Mandatory supportive services

To enforce the above prohibition, OCD requires owners to use a HOME Lease Compliance/VAWA Addendum, a sample copy of which is included in Appendix IV attached hereto.

Prohibition on Certain Fees to Tenants

Pursuant to 24 CFR 92.214, HOME program participants may not charge fees to program beneficiaries to cover administrative costs related to the cost of administering the HOME program. Specifically, rental project owners may not charge tenants fees that are not customarily charged to tenants of rental housing (e.g., laundry room access fees). However, owners may charge fees for the following:

- i. Reasonable application fees to prospective tenants.
- ii. Parking fees to tenants only if such fees are customary for rental housing projects in the neighborhood; and
- iii. Fees for services such as bus transportation or meals, if the services are voluntary, and fees are charged only for services provided.

OCD will review and approve fee schedules annually to ensure that any fees charged in addition to rent are permissible under the applicable HOME requirements and whether proposed fees are reasonable, and customary based on market comparisons.

Reporting and Recordkeeping

To allow effective oversight of funded projects and document compliance with applicable HOME requirements, all projects must submit periodic HOME funding performance reports to OCD. While this section outlines standard reporting requirements, OCD reserves the right to require additional reporting or to alter the reporting format or frequency based on future changes to HOME requirements or OCD policy. Additionally, OCD reserves the right to require additional or more frequent reporting for projects as it should deem necessary, especially for projects with compliance deficiencies.

- i. *Construction Phase:* Owners will generally be required to provide monthly reports detailing construction progress and any barriers to progress, copies of invoices being paid, and evidence of appropriate lien waivers.
- ii. *Lease-Up Phase:* Owners are generally required to provide quarterly reports detailing leasing and marketing activity, and monthly income and expenses. In most cases, once the owner has leased 90% of project units, project performance reporting may only be required annually.

iii. *Annual Reporting:* Annual reports shall be required for all HOME projects, and owners shall submit such reports on the forms required by OCD, including the Project Owner's Certificate of Continuing Program Compliance and the Rent & Occupancy Compliance Report, copies of which are included in Appendix IV attached hereto. Annual reporting requirements will, at a minimum, consist of the following information:

- Owner.
- Project name.
- Rent roll indicating occupancy, tenant income, rents, and utility allowances for all Low- and High-HOME units.
- Outstanding loans on the property.
- Development yearly financial performance including:
 - Operating surplus or deficit.
 - Vacancy rate.
 - Rent collection rate.
 - Tenant turnover.
- Copy of the lease agreement; and
- Capital expenditures (previous year and any planned for next 3-5 years).

Owners must also submit annually any update to their Tenant Selection Policy and affirmative marketing plan and must maintain records of annual efforts to affirmatively further fair housing in accordance with 24 CFR 92.351. All projects of 10 or more units shall also be required to submit an annual audit prepared by an independent Certified Public Accountant.

Owners and developers shall allow OCD, the County, HUD, HUD's Office of Inspector General, State of New York, the Comptroller General of the United States (aka the GAO), and all other pertinent Federal or State agencies or their designated representative the right to inspect records and property.

Long-Term Monitoring

Following project closeout, OCD will monitor the project for ongoing compliance with HOME requirements, including but not limited to income and rent restrictions, property standards, tenant protections, and marketing and fair housing requirements. **In addition to requiring periodic reporting as outlined in "Reporting and Recordkeeping" above, OCD will conduct on-site monitoring visits. The purpose of those visits will include reviews of project records and inspection of the premises including common areas and residential units. Generally, site visits will take place at construction completion, within 12 months after completion, and at least every 3 years thereafter during the period of affordability, based on existing HOME requirements at 24 CFR 92.504(d)(1).** OCD reserves the right to conduct site visits more or less frequently based on any changes in HOME regulations and/or OCD policies and procedures, or on evidence of compliance concerns that may arise from annual reporting data or from prior monitoring visits, or on evidence of health/safety issues. **In addition, HOME requirements now require OCD to conduct annual review and analysis of financial status for every development with 10 or more HOME-assisted units, throughout the affordability period.**

SECTION 6 – HOMEBUYER-SPECIFIC PROJECT REQUIREMENTS

Eligible Homebuyers

All of the HOME funds used for homebuyer projects must benefit individuals or families whose incomes are at or below 80% AMI. All projects shall use the HUD Part 5 definition of income for determining income eligibility of prospective buyers. Prior to signing a contract of sale with a homebuyer, the developer must provide OCD with at least two months of source documentation verifying the income eligibility in accordance with 24 CFR 92.203(a)(2). Homebuyers must occupy the property as their principal residence and must undergo approved housing counseling by a HUD-certified Housing Counselor prior to purchase.

Sales Price

Housing developed with HOME funds must be single family (defined as 1- to 4-unit) and must be modest, meaning the sales/purchase price for homes developed under this program cannot exceed 95 percent of the median purchase price for the area, as provided by HUD and in effect at the time of project commitment. Newly constructed housing has a different

maximum HOME purchase price than existing housing that is rehabilitated. For reference, the maximum HOME purchase prices effective as of 7/1/23 for Orange County, as published by HUD, are as follows:

HOME Purchase Price Limit (effective 6/1/23)				
	Unit Size			
	1-Unit	2-Unit	3-Unit	4-Unit
Existing Homes	\$366,000	\$468,000	\$567,000	\$702,000
Newly Constructed Homes	\$366,000	\$468,000	\$567,000	\$702,000

Homebuyer Underwriting; Period of Affordability

The sales transaction of each individual homebuyer who purchases a home assisted with HOME funds will also be underwritten to ensure buyers are not overburdened or have predatory loans. All buyers must be income qualified (approved by the County) and have participated in a HUD-Certified Homebuyer Education program.

HOME funds provided for construction of homeowner units will be subject to a resale restriction unless funds are applied to the buyer’s down payment, closing cost or write-down of the sale price of the units, in which case affordability will be enforceable against the homebuyer through a recapture of the HOME assistance upon subsequent voluntary or involuntary sale. Homebuyers will sign an agreement documenting their understanding of the HOME affordability restriction on their property and requirement that the property remain their legal residence for the period of affordability.

Nine-Month Sales Deadline

Sale of developed homebuyer units must occur within nine (9) months of completion. If there is no ratified sales contract on a home within nine months of the date of completion, the unit must be rented to an eligible tenant in accordance with the HOME rental requirements at 24 CFR 92.252, or the HOME funds must be repaid to the County.

Project Deadlines

Construction Start: If construction is not started within 12 months of the date the County commits funds to a project, the commitment will be subject to cancellation. If the project is canceled because of failure to meet this deadline, the Developer must repay to the County any HOME funds disbursed for the project.

Completion: Project completion occurs when construction is complete, all HOME funds have been disbursed by the County and drawn from the US Treasury, title to the property has transferred to an eligible buyer and required completion data has been entered in HUD’s IDIS system. **Project completion must occur within four (4) years of the date of commitment of funds to the project. If the Developer fails to meet this 4-year deadline, it must repay to the County and HOME funds disbursed for the project.**

Nine-Month Sales Deadline: Pursuant to 24 CFR 92.254(a)(3), Developers must have a ratified sales contract with an eligible buyer for each HOME-funded unit within nine (9) months of completion of construction or the unsold units must be converted to rental housing or the project will be deemed ineligible and all HOME funds drawn must be repaid to HUD. If a unit is unsold after six (6) months, the Developer must present an updated sales and marketing plan to OCD outlining steps being taken to identify buyers.

Units converted to rental housing must be rented to eligible tenants in accordance with 24 CFR 92.252, which include tenant income eligibility and rent limit requirements. Further, any units converted to rental properties shall be operated in accordance with OCD’s rental housing program guidelines (see Section 5 herein).

Reporting and Recordkeeping

To allow effective oversight of funded projects and document compliance with applicable HOME requirements, all projects must submit periodic HOME funding performance reports to OCD. While this section outlines standard reporting requirements, OCD reserves the right to require additional reporting or to alter the reporting format or frequency based on future changes to HOME requirements or OCD policy. Additionally, OCD reserves the right to require additional or more frequent reporting for projects as it should deem necessary, especially for projects with compliance deficiencies.

- i. *Construction Phase:* Developers must provide monthly reports detailing construction progress and barriers to progress, copies of invoices being paid, and evidence of appropriate lien waivers.
- ii. *Sales Phase:* Developers are required to provide monthly reports detailing the number of new sales, total sales, and marketing activity. These reports are required until all units are sold.
- iii. *Additional Reporting:* OCD may require more frequent reporting due to findings or issues identified during the development and sales phases. At OCD's option, developers may be required to submit an audit of project costs (i.e., cost certification) prepared by an independent Certified Public Accountant.

Developers shall allow OCD, the County, HUD, HUD's Office of Inspector General, State of New York, the Comptroller General of the United States (aka the GAO), and all other pertinent Federal or State agencies or their designated representative the right to inspect records and property.

SECTION 7 - INDEMNIFICATION/BROKERS

No brokerage fees, finders' fees, commissions, or other compensation will be payable by OCD in connection with the selection of a developer or project. Submission of a proposal in response to this RFA will constitute an undertaking by the Applicant Entity to hold harmless and indemnify OCD from and against any and all expenses, damages, or liability, including without limitation, attorneys, fees, and disbursements arising out of any claim for such fees, Applicant's response to this RFA, selection or non-selection hereunder or negotiation and execution (or non-execution) of any documents.

SECTION 8 - INSURANCE COVERAGE REQUIREMENTS

Prior to execution of funding agreements with Orange County in connection with new construction or rehabilitation of housing, Owners shall obtain at their own cost and expense the required insurance from insurance companies licensed in the State of New York as may be required and approved by the Risk Management Officer of the County. Owners of affordable housing projects shall provide the following policies:

- Evidence of Property and General Liability Insurance Coverage. Insurance Policies shall name the County of Orange, ATTN.: Office of Community Development, 40 Matthews Street, Suite 307A, Goshen, NY 10924 as a mortgagee/loss payee insured party under comprehensive general liability insurance policies with coverage of no less than \$1 million for one occurrence and \$2 million aggregate.
- Evidence of policies of builder's risk/completed value or all-risk insurance, as applicable, on a replacement cost basis and in an amount not less than the residential construction cost of the Project; and,
- Evidence of Worker's Compensation and Disability Insurance or exemption therefrom pursuant to New York State law.

All policies and certificates of insurance of Owner shall contain the following clauses:

- (a) Insurers shall have no right to recovery and subrogation against the County of Orange, its employees, agents, and agencies, it being the intention of the parties that the insurance policies so affected shall protect both parties and be primary coverage for any and all losses covered by the above-described insurance.
- (b) The clause "other insurance provisions" in a policy in which the County of Orange is named as an insured shall not apply to the County of Orange.
- (c) The insurance companies issuing the policy or policies shall have no recourse against the County of Orange, including its agents and agencies as aforesaid, for payment of any premiums or for assessments under any form of policy.
- (d) Any and all deductible in the above-described insurance policies shall be assumed by and be for the account of, and at the sole risk of the Owner.

In addition, the selected developer(s) may be requested to provide either Builder's Risk Insurance or Performance/Fidelity Bond in the amount of the total construction cost, with County of Orange named as loss payee.

APPENDIX I

HOME

**Rental & Homeownership
Housing Production Program
Application And Instructions**

PLEASE SUBMIT ONE APPLICATION TO:

ecousins@orangecountygov.com

**Applications due: June 21, 2024
by 4 p.m.**

**Orange County Office of Community Development
40 Matthews Street, 3rd Floor
Goshen, NY 10924
ATTN: HOME FY-2024 RFA**

INSTRUCTIONS FOR COMPLETING APPLICATION

The HOME Rental and Homeownership Housing Production Program Application should be completed in response to the Request for Applications (RFA). The Applicant must complete the required Exhibits, including all attachments and addenda. Please note that not all Exhibits, attachments and addenda are required for each project. Additionally, facts regarding the project may change from stage to stage and these changes must be reflected in the Application documentation submitted at each stage.

These instructions should be followed carefully. Also be sure to read the entire RFA, including the requirements specific to rental and homebuyer projects as set forth in Sections 5 and 6 therein, prior to completing your Application so that you will understand the basic parameters of the Program.

EXHIBIT I. APPLICATION SUMMARY

This Exhibit requires general information regarding the Applicant and the Project.

A. Application Information

Enter the Applicant's legal name, address, contact person and telephone number, fax number and e-mail. Not-For-Profit corporations that apply for HOME funds should indicate whether or not they are applying as a Community Housing Development Organization (CHDO) defined by Section 92.2 of the HOME Regulations. (If applying as a CHDO, complete the separate Application for CHDO Certification attached to the RFA as Appendix III and submit with the required CHDO documentation along with your submission of the Application.) Include an organization chart of the corporate or partnership structure for the development entity(ies) and drafts of the applicable partnership, management, or similar agreements. Identify the partners and officers in each entity. OCD reserves the right to ask for further information on these business entities prior to issuing a Conditional Commitment.

B. Project Information

Enter the Project name and site address(es) where the Project is located. Provide the number of sites and buildings, other than those classified as accessory buildings, in the Project.

For Item 5: Residential Units. Indicate the number of units for which rental income will be received and/or the number for which rental income will not be received. Any employee living unit(s) must be included in the total units for the Project because of the effect on Project operating expense estimates. Rental income will be deducted from housing cost in the homeownership portion of this RFA.

For Item 6: Enter the total gross footage of floor area of the residential units as measured from the exterior walls, corridor walls, and partitions separating the residential area from non-residential areas.

For Item 7: Enter the amount of HOME funds requested for the entire project.

For Item 8: Enter the number of residential units to be assisted with HOME funds.

C. Cost Information

This section provides summary information regarding the Project's Development Budget. These figures should coincide with those provided in the Project's Development Costs tab in the Excel Workbook proforma for rental projects or, for homebuyer projects, the hardcopy Development Budget schedule included as Exhibit VII in this Application.

D. Applicant Certification

Self-explanatory. Must be notarized.

EXHIBIT II. SCOPE OF WORK

In narrative form, provide general information about the project, current status, site control, how the HOME funds will be utilized, and details concerning the work including specifications on appliances and building practices related to the use of

Energy Star or Green Building features. If the project includes more than a single site or building, briefly describe each and the scope of work requirements for each (i.e.: moderate rehabilitation, substantial rehabilitation, new construction). If the project is new construction, indicate the specific infrastructure requirements of the site. **Attach a detailed cost estimate/trade breakdown from an architect, engineer, or general contractor; and include copies of permits, plans, Phase I Environmental Studies, lead based paint hazard reduction inspection reports, and information regarding construction methods or existing infrastructure.**

EXHIBIT III. SITE SPECIFIC DESCRIPTION

In narrative form, indicate whether the project contains single or multiple sites, and detail the site location(s). A project means a site or sites together with any building (including a manufactured housing unit) or buildings located on the site(s) that are under common ownership, management and financing and are to be assisted with HOME funds as a single undertaking. Include information regarding current zoning, any zoning changes required and the status of those changes. Also indicate the water and sewer requirements of site and the status of any SEQRA or NYS Historic Preservation Review (SHPO) (if applicable).

EXHIBIT IV. BUILDING AND SITE INFORMATION

Complete the Exhibit IV for the project as a whole.

A. Site Control

Complete Items 1 through 3 concerning site control. Enter the street address for the building(s) and/or the site(s). If more than one building or site is proposed, then indicate the number of units in each. Describe site characteristics.

Indicate the form of site control (deed, contract of sale, option to purchase, etc.) and the date of execution. Attach a copy of those documents including copies of any existing mortgages on the property. In addition, provide any details; include expiration dates, closing dates and a timetable regarding the proposed acquisition or site control. Also attach a tax map of the site location.

B. Site Characteristics

Provide information on site area and zoning, special site location/designation features, utilities and infrastructure and other site details. Also include the Section, Block, and Lot numbers for each tax parcel comprising the site.

C. Building Characteristics

Fill in all requested information regarding each residential building that will exist upon completion of the project. In Item 4, provide the number of units and square footage information for both proposed HOME-assisted units and all residential units in the project upon completion. In Item 7, provide number of units and square footage information by proposed unit type, and include square footage for all common areas and non-residential space. In Item 8, identify all utilities and amenities which will be included in the rent or carrying charge and those which will be paid separately by the tenant.

EXHIBIT V. TENANT SUPPORT SERVICES

A. If tenant services are proposed, then detail these supporting services, (e.g., counseling, job training, life skills, 1st Time homebuyer training etc.). Information regarding the sources of funds and the program budget for support services must also accompany the support services narrative. For materials/supplies, insurance, and utilities, list only those expenses associated with the provision of support services. For Personal Services and/or Service Contract Agreements, give title of provider and/or name of contractor. If available, include a copy of the service agreement with your Application.

B. Complete the Tenant Support Services Budget form in Exhibit V.

EXHIBIT VI. MARKET DATA

Provide evidence of sufficient demand in the identified market (e.g., municipality or neighborhood) for the project's proposed units, such as a third-party market study for rental projects or, for homeownership projects, information from the multiple listing service pertaining to recent sales, average time on the market, availability of other product and average "months of supply" currently available.

EXHIBIT VII. DEVELOPMENT BUDGET

Rental projects MUST USE the Excel workbook proforma available from OCD to submit a development budget. Homeownership projects may use the hard copy form found in Exhibit VII or submit an Excel proforma in substantially similar format.

EXHIBIT VIII. STATUS OF FUNDING SOURCES

For each of the sources of financing indicated in the development budget, please indicate the status on the chart. List all sources of financing and dollar amounts for the project, and indicate if these funds have been applied for, reserved, or committed. Attach copies of documentation evidencing status and/or commitments from other funding sources.

EXHIBIT IX. RENT PLAN

Items 1 - 5: Provide information on rents. This is a revenue projection; so, include only the basic rents not including utility allowances. Include the HOME Assisted rents set at 50% of median and 60% of median or lower (High HOME rents and Low HOME rents) as well as non-HOME assisted rents. Please note Low Income Tax Credit projects have different rent and income limits than the HOME program. HOME units must meet the 60% and 50% of the AMI set by HUD.

Item 6: Provide the Vacancy Rate in the space provided and calculate the amount of anticipated revenue loss due to the vacancies and non-payment of rent and carrying charges.

Item 7: Self-explanatory.

Item 8: Provide information on any ancillary income. Under C, Other, enter amounts of dedicated project operating subsidy from public agencies and fully capitalized operating reserves.

Item 9 - 13: Self-explanatory.

EXHIBIT X. OPERATING BUDGET & EXHIBIT XI. BASIS FOR PROJECTION OF OPERATING BUDGET

Rental projects MUST USE the Excel workbook proforma available from OCD to submit an operating budget, including notes providing the basis for the projections used therein.

EXHIBIT XII. DEVELOPMENT AND CONSTRUCTION ADMINISTRATION

- A. Describe in detail the responsibilities of the individuals in charge of various aspects of the development of the Project, both during pre-construction and construction phases.
- B. Project Development Team Complete Project Development Team Chart.
- C. Organization's Relevant Experience Complete Organization's Relevant Experience Chart.

EXHIBIT XIII. FINANCIAL AND CREDIT STATEMENT

A Financial and Credit Statement is to be filed by the Applicant as the legal entity financially responsible for implementing the Project. If the Applicant is a partnership, each general partner must also file. Include most recent account statements, tax forms and other audit instruments.

EXHIBIT XIV. SECTION 3, MBE/WBE, and BABA

Section 3- To comply with Section 3, if your application requests greater than \$200,000 in HOME Program assistance, provide in detail how the Project will recruit the necessary number of lower income residents (individuals earning less than 80% area median income) through job site notice, advertisement, formal contact with community organizations and public or private institutions within Orange County. (See Appendix VI for more detail about Section 3 requirements).

MWBE- Applicant shall, and shall cause its subcontractors, subrecipients and their subcontractors, if any, to use its best efforts to afford small businesses, minority, and women-owned business enterprises the maximum practicable opportunity to participate in the performance of the project funded by the HOME award. The term "small business" means a business that meets the criteria set forth in section 3(a) of the Small Business Act, (15 U.S.C. §632) and "minority and women's business enterprise" means a business at least fifty-one (51) percent owned and controlled by minority group members or women. Municipality, its subrecipients and subcontractors, if any, may rely on New York State and/or federal MWBE certifications as to the status of a MWBE in lieu of an independent investigation. Pursuant to Article 15A of the Executive

Law, Minority and Women-owned Business Enterprises/Equal Employment Opportunity, award recipients will be required document their solicitation of MWBEs before commencing work and to document efforts involving MWBEs during the project term. **Contractors must show that efforts were made to solicit MWBE firms.** Contractors who respond to bids and have MWBE subconsultants or are an MWBE firm themselves will be given preference during the award process. A list of current MWBE firms can be found on the Empire State Development (NYS ESD) Website: <https://ny.newnycontracts.com/FrontEnd/SearchCertifiedDirectory.asp?XID=6812&TN=ny>

BABA- The subrecipient, contractor, developer and subgrantee must comply with the requirements of the Build America, Buy America (BABA) Act, 41 USC 8301 note, and all applicable rules and notices, as may be amended, if applicable to the Grantee’s infrastructure project. Pursuant to HUD’s Notice, “Public Interest Phased Implementation Waiver for FY 2022 and 2023 of Build America, Buy America Provisions as Applied to Recipients of HUD Federal Financial Assistance” (88 FR 17001), any funds obligated by HUD on or after the applicable listed effective dates, are subject to BABA requirements, unless excepted by a waiver.

EXHIBIT XV. POST-CONSTRUCTION MANAGEMENT PLAN, TENANT SELECTION, MARKETING

Provide in detail how the Project will be operated after construction, including management and marketing plan, tenant selection plan and waitlist procedures, and measures taken to insure long-term affordability.

NOTICE—AFFIRMATIVE MARKETING REQUIREMENTS: Owners and project sponsors with projects including **5 or more HOME-assisted units** must submit a project-specific affirmative marketing plan meeting the requirements set forth below. The project-specific affirmative marketing plan is required to ensure that the housing serves a diverse cross-section of the population of the market area, must consist of actions to provide information and otherwise attract eligible persons in the market area that are least likely to apply or might not otherwise apply without special outreach, and ensure that the HOME-assisted housing is available to qualified applicants without regard to race, color, national origin, religion, sex, disability, or familial status. An approved project-specific affirmative marketing plan will form part of the project owner’s regulatory agreement with OCD and will be binding on the project owner during the regulatory period of the project. OCD will accept affirmative marketing plans using the most recent version of form HUD-935.2A (available online).

Basic Marketing Steps:

The affirmative marketing plan must set forth the basic marketing steps the subrecipient or project owner will undertake to affirmatively further fair housing, which must include:

- Use of the Equal Housing Opportunity (“EHO”) slogan, logo, or statement in all advertisements, public service announcements, press releases, and information mailings.
- Issuance of a press release soon after the project acquires its certificate of occupancy along with an invitation to tour the project.
- Display of the HUD Fair Housing poster in offices where rental activity takes place for the project.
- Providing a copy of “apartment for rent/for sale” notice to OCD prior to the beginning of the marketing period. The notice must be available in the languages identified in the County’s Language Access Plan (“LAP”) to ensure meaningful access to the program/activity by Limited English Proficient (“LEP”) persons.
- Placing the “apartment for rent” notice in a daily newspaper published in Orange County.
- Placing the “apartment for rent” notice on New York State’s NYHousingSearch.gov website.
- Sending a copy of the “apartment for rent/for sale” notice to all Housing Choice Voucher (“HCV”) programs in Orange County, including to PathStone as HCV administrator for Orange County.

Special Outreach:

In addition, the project-specific affirmative marketing plan must identify the persons in the project’s housing market area who are least likely to apply without special outreach by:

- Stating the primary market area (e.g., neighborhood, town, or city) from which the subrecipient or project owner intends to draw applicants.
- Stating the secondary market area (e.g., surrounding communities or Orange County) from which the subrecipient or project owner intends to draw applicants to increase the diversity of individuals to be reached by its marketing efforts.

- Using the most recent American Community Survey 5-Year Estimates, describe those racial and ethnic demographic groups who are least likely to apply (“LLA”) because those populations are currently underrepresented in the project’s primary market area or underrepresented on applicable waiting lists. Populations under 1% do not need to be listed as an LLA population. Other factors that may be considered are language barriers and practices or policies of discrimination such as exclusionary zoning practices.

Having identified the project’s LLA populations, the affirmative marketing plan must state the special outreach procedures the subrecipient or project owner will use to inform and solicit applications from the LLA populations, which must include the following:

- Placing the “apartment for rent/for sale” notice in multi-media publications identified by the subrecipient or project owner as most likely to reach the LLA populations.
- Contacting and supplying information on available units to specific community and/or public service organizations identified by the subrecipient or project owner as having a membership or contact with the LLA populations, such as places of worship, fair housing groups, or housing counseling agencies. These may include without limitation:
 - The Housing Resource Center (Orange County Department of Social Services and Catholic Charities of Orange, Sullivan, and Ulster)
 - Orange County Office of Aging
 - Independent Living
 - HONOR
 - PathStone
 - Orange County Rural Development Advisory Corporation
- Any additional outreach appropriate for the development to reach the LLA populations.

EXHIBIT XVI. TIMETABLE FOR APPROVALS AND COMPLETION OF PROJECT

Detail the steps and the timeframe to obtain the necessary approvals for construction, the phases of pre-construction and construction, and the completion of the project from the date of submission of the RFA. If the activity has already been accomplished mark a “C”, in the zero box. Complete this exhibit for each site in a multi-site project. HOME Program regulations require completion of rental housing projects within four (4) years of funding commitment. Completed rental projects that cannot rent to eligible households within eighteen (18) months of project completion will be required to return HOME Program funds to the County. Homeownership projects must be completed within four (4) years of commitment and be able to convert to rental housing if not transferred to an eligible household within six (9) months of certificate of occupancy.

EXHIBIT XVII. ZONING COMPLIANCE & PUBLIC APPROVALS

Provide details concerning any requirements for use or area variances necessary to obtain building permits for your project.

EXHIBIT XVIII. LOW INCOME HOUSING TAX CREDIT SUMMARY PROJECT INFORMATION

Complete this section only if you intend to receive an allocation of Low-Income Housing Tax Credits (LIHTC) for the project.

EXHIBIT XIX. CONSTRUCTION COST ESTIMATE SUMMARY

Self-explanatory.

EXHIBIT XX. TENANT RELOCATION PLAN (IF APPLICABLE)

Developers receiving HOME funds in any part of a project’s cost must follow Federal Uniform Relocation Act regulations; 49 CFR Part 24.101(b); and OCD’s Acquisition and Relocation Policies and Procedures for Affordable Housing Construction, Acquisition and Rehabilitation available on the OCD Website www.orangecountygov.com. Detail a plan to relocate tenants only if the Project is occupied at the time of application. Applicants must provide a tenant list and apartment location with the Application. In addition, duplicate copies of letters providing a “Notice of Intent” to apply for HOME Program funds (See Appendix I) must accompany the Application.

APPLICATION CHECKLIST IS PROVIDED AT THE END OF THIS APPENDIX I

ORANGE COUNTY OFFICE OF COMMUNITY DEVELOPMENT

40 Matthews Street, Suite 307A
Goshen, NY 10924
TEL: (845) 615-3820

**2025 PROGRAM YEAR
HOME RENTAL & HOMEOWNERSHIP HOUSING PRODUCTION PROGRAM
APPLICATION**

EXHIBIT I. APPLICATION SUMMARY

A. APPLICANT INFORMATION

1. Applicant Name: _____
2. Contact Person: _____ Phone: _____
3. Applicant Address: _____
4. E-Mail Address: _____ Fax #: _____
5. Is Applicant a HOME Program Community Housing Development Organization (CHDO)?
Yes No If yes, attach completed Application for CHDO Certification and required documents.
6. Have you ever committed any fraud in a federally assisted housing program or been requested to repay money for misrepresenting data for such housing program? Yes: No: . If yes, please explain on a separate attachment
7. UEI# _____; Attach www.SAM.gov proof of registration

B. PROJECT INFORMATION

1. Project Name: _____
2. Site Address(es): _____
3. Sec: _____ Block: _____ Lot: _____
4. Number of Sites in Project: _____ Number of Buildings: _____
5. Number of Residential Units: **RENTAL**
a. Revenue: _____
b. Non-Revenue: _____
c. Total: _____
6. Gross Residential Floor Area: _____
7. HOME funds requested: _____
8. Number of HOME assisted units: _____

C. COST INFORMATION SUMMARY

- 1. Total Acquisition (Land & Structures) Cost: _____
- 2. Total Soft Cost: _____
- 3. Total Construction/Rehabilitation Cost: _____
- 4. Total Development Cost (sum of items 1+2+3); _____
- 5. Working Capital: _____
- 6. Reserves: _____
- 7. Administrative Cost: _____
- 8. Total Project Cost (sum of items 4+5+6+7): _____

D. APPLICANT CERTIFICATION

I hereby certify that to the best of my knowledge the information contained in this submission is true and accurate; that I am duly authorized to file this submission with the Orange County Office of Community Development on behalf of the Applicant entity and to execute all necessary documents; that the Applicant entity is duly authorized to carry out the activities proposed herein; and that the Applicant entity will comply with all applicable statutes, any rules and regulations promulgated pursuant thereto, including the conflict of interest provisions and the HOME program guidelines.

Applicant entity: _____ Date: _____

Authorized Representative _____ Print Name: _____
(Signature)

Title: _____

Acknowledgment for use within New York State Only:

STATE OF NEW YORK }
COUNTY OF } ss.:

On the _____ day of _____ in the year 2024 , before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person on behalf of which the individual(s) acted, executed the instrument.

Notary Public

EXHIBIT II. SCOPE OF WORK

In narrative form, provide specific information about the Project, detailing the current status and ownership of the site/project, the scope of work to be completed, how the HOME funds will be utilized, proposed tenants and any supportive services, and ownership/management upon completion. **Attach a detailed cost estimate/trade breakdown from an architect, engineer, or general contractor; and include copies of permits, plans, Phase I Environmental Studies, lead based paint hazard reduction inspection reports, and information regarding construction methods or existing infrastructure.**

EXHIBIT III. SITE SPECIFIC DESCRIPTION

See Application Instructions for information to be provided in this Section. If more space is required, attach additional sheets.

Exhibit IV Building & Site Information

Applicant Name: _____

Project Name: _____

Site Control

Site No. ____ of ____

(Complete this Section for each site in the project)

1. Site Address Street #, Name Suffix: _____

Municipality: _____

2. Type of Site Control: Place an X next to the applicable type of site control and enter the corresponding data requested.

a. Municipal site commitment letter - Date: _____

b. Local government approval or executed land dispositions agreement - Date: _____

c. Deed - Date _____ Deed Book/Page # _____ Deed Name: _____

d. Lease - Expiration Date: _____ Annual Ground Rent: _____

e. Option to Purchase - Expiration Date: _____

f. Contract of Sale - Closing Date: _____

g. Other site control - Describe: _____

h. If your site control is an Option to Purchase or a Contract Sale, describe the relationship between the Applicant and the Seller.

3. Site Ownership: Indicate current owner by placing an X in the appropriate box below.

a. Applicant b. Private Owner c. Municipality d. Other-Specify _____

Site Characteristics

1. Site Area and Zoning: Provide the information requested below.

a. Total Site Area: _____ acres or _____ sq, ft, b. Current zoning classifications:

c. Minimum site area for proposed project to meet zoning regulations: _____ acres or

2. Special Site Location/Designations: Place an X in the space provided for each correct statement below.

a. the site is located in a flood plain area

b. the site is located in a waterfront revitalization area

c. the site is in or adjacent to a coastal area

d. the site is eligible for or listed in the National Register of Historic Places

e. the site is located in an Economic Development Zone (EDZ)

f. the site is located in a locally designated CDBG Target AREA

g. the site is located in a Local Economic Development Area

h. the site is located in another local community revitalization area

Building Characteristics

Building _____ of _____ On Site No. _____ of _____

(Complete this Section for each residential building that will exist upon completion of the project. Use additional records as necessary.)

1. Type of Activity to be Performed on Building: Place an X in the appropriate box below.

- a. new construction on vacant land b. substantial rehabilitation c. moderate rehabilitation
- d. existing building to be acquired only e. demolition of existing buildings prior to new construction

2. Existing Building Characteristics: Complete this ONLY if the building is an existing building which will either be rehabilitated or acquired.

- a. Street Address _____ b. Date Built: _____
- c. Tax Parcel ID(s)(S/B/L): _____
- d. How is the building currently being used? Place an X in the appropriate box.
- Residential Mixed Use Civic Civic/Commercial
- e. No. of current residential units f. No. of occupied residential units: g. No. of current non-residential units:
- h. No. of occupied non-residential _____

Refer to the instruction for this Exhibit regarding special documentation requirements for occupied buildings.

3. Building Use Upon Completion Place an X in the boxes which describe the building use and tenure type upon completion.

a. Building Use:

1. Residential only 2. Residential/Commercial 3. Residential/Community Service
4. Community Services Facility Only 5. Other (describe) _____

b. Tenure Type:

1. Rental-Multi-Family 2. Rental – Single Family 3. Homeowner-Single Family
4. Homeowner - Condominium 5. Homeowner – Cooperative 6. Other (Specify) _____

4. Residential Units Assisted by HOME/OCD: For the entire building, indicate the number of units and the square footage that will exist upon completion (4a) and the number of units and the square footage to be funded by HOME/OCD sources (4b).

	# of Units	Avg. Sq. Ft./Unit	Gross Residential Sq. Ft.
a. All Residential Units in Building	_____	_____	_____
b. Residential Units Assisted by HOME/OCD	_____	_____	_____

Building Characteristics (continued)

5. **Building Details:** a. No. of floors in building upon completion: _____

b. Type of Structure: Place an X in the box that indicates the type of structure the building will be upon completion.

1. Detached 2. Semi-Detached 3. Row Houses 4. Walk-Up 5. Multi-Story

6. Type of Site Control: Place an X in the box to indicate the applicable type of site control and enter the corresponding data requested.

1. Deed 2. Contract of Sale 3. None 4. Other (specify) _____

7. Residential/Non-Residential Space Breakdown

<u>A. Unit Size</u>	<u>Sq. Footage</u>	<u>No. of Units</u>	<u>Total Sq. Feet</u>
1. SRO	_____	_____	_____
2. 0-Bedroom/Studio	_____	_____	_____
3. 1-Bedroom	_____	_____	_____
4. 2-Bedroom	_____	_____	_____
5. 3-Bedroom	_____	_____	_____
6. 4-Bedroom	_____	_____	_____
7. Total	_____	_____	_____

B. Common Area Space Breakdown

- Community Room _____
- Lobby _____
- Hall and Stairs _____
- Basement _____
- Laundry _____
- Other (Specify) _____
- Common Area Total _____
- Residential Area Total _____

C. Non-Residential Space Breakdown

- Commercial Floor Area _____
- Civic Floor Area _____
- Community Service Facility Floor Area _____
- Non-Residential Area Total _____
- Total Gross Floor Area _____

8. Items in Rent/Carrying Charge: Check each item which is included in the rent or carrying charge.

- a. **Equipment:** range & oven microwave oven refrigerator cable TV hookup
- laundry facility in common area laundry facility in living unit laundry hook-up only
- central air conditioning air conditioning sleeve only Other (specify)
- b. **Services** 1. Heat type: gas electric oil 2. Hot water type: gas electric oil
3. central air conditioning 4. Lights, etc. in units
- c. **Parking:** surface covered not available other (specify)

Tenant Paid Utilities: Check each item that is not included in the rent/carrying charge.

- electricity repairs gas water other (specify)

EXHIBIT V. TENANT SUPPORT SERVICES

If tenant support services are proposed for the project, provide the following:

A. Narrative Description of Supportive Services:

B. Provide a Tenant Support Services Budget in the form below.

Support Services Income			
Rent:	\$		
Other (e.g., grants supporting the program):	\$		
Total Income:	\$		
Support Services Expenses			
Personal Services:	\$		
Title 1.	\$		
2.	\$		
3.	\$		
4.	\$		
Administrative Costs:	\$		
Materials and Supplies:	\$		
Insurance:	\$		
Utilities: Gas:	\$		
Electric:	\$		
Phone:	\$		
Other:	\$		
	\$		
Total Expenses:	\$		
Net Income (Total Income minus Total Expenses)	\$		

EXHIBIT VI. MARKET DATA

Provide evidence of sufficient demand in the identified market (e.g., municipality or neighborhood) for the project's proposed units, such as a third-party market study for rental projects or, for homeownership projects, information from the multiple listing service pertaining to recent sales, average time on the market, availability of other product and average "months of supply" currently available.

VII. DEVELOPMENT BUDGET (Continued)

SOURCES OF FUNDS (Specify)								
Purpose	(A) HOME FUNDS	(B) AHC FUNDS	(C) OTHER NYS FUNDS	(D) SONYMA FUNDS	(E) OWNER EQUITY	(F) PRIVATE FINANCE	(G) OTHER FUNDS	(H) TOTAL
CONSTRUCTION								
23. Site Work	\$	\$	\$	\$	\$	\$	\$	\$
24. Off-Site Work	\$	\$	\$	\$	\$	\$	\$	\$
25. Demolition	\$	\$	\$	\$	\$	\$	\$	\$
26. Asbestos Removal	\$	\$	\$	\$	\$	\$	\$	\$
27. Lead Based Paint Hazard Reduction	\$	\$	\$	\$	\$	\$	\$	\$
28. Other	\$	\$	\$	\$	\$	\$	\$	\$
29. Subtotal-Site Preparation (23-28)	\$	\$	\$	\$	\$	\$	\$	\$
30. Residential Construction	\$	\$	\$	\$	\$	\$	\$	\$
31. Community/Civic Spaces	\$	\$	\$	\$	\$	\$	\$	\$
32. Commercial Spaces	\$	\$	\$	\$	\$	\$	\$	\$
33. General Requirements	\$	\$	\$	\$	\$	\$	\$	\$
34. Builder's Overhead	\$	\$	\$	\$	\$	\$	\$	\$
35. Builder's Profit	\$	\$	\$	\$	\$	\$	\$	\$
36. Bond Premiums/Letters of Credit	\$	\$	\$	\$	\$	\$	\$	\$
37. Other Fees	\$	\$	\$	\$	\$	\$	\$	\$
38. Subtotal-Contractor Costs (30-37)	\$	\$	\$	\$	\$	\$	\$	\$
39. Construction Contingency	\$	\$	\$	\$	\$	\$	\$	\$
40. Total Construction Costs (29, 38, 39)	\$	\$	\$	\$	\$	\$	\$	\$
SELLER'S CLOSING COSTS								
41. Realtor Commission	\$	\$	\$	\$	\$	\$	\$	\$
42. Closing Costs	\$	\$	\$	\$	\$	\$	\$	\$
43. Other (specify): _____	\$	\$	\$	\$	\$	\$	\$	\$
44. Total Seller's Closing Costs (41-43)	\$	\$	\$	\$	\$	\$	\$	\$
TOTAL DEVELOPMENT COSTS								
45. Total Development Costs (3, 22, 40, 44)	\$	\$	\$	\$	\$	\$	\$	\$

VII. DEVELOPMENT BUDGET
(Continued)

SOURCES OF FUNDS (Specify)

PERMANENT SOURCES

46. Sources of Permanent Financing	TOTAL	PER UNIT	% of TOTAL
a. Home Sales Proceeds (Mortgage, Down payment)	\$	\$	%
b. Proposed HOME Development Gap Subsidy	\$	\$	%
c. Other (specify):	\$	\$	%
d. Other (specify):	\$	\$	%
TOTAL PERMANENT SOURCES:	\$	\$	100 %

EXHIBIT VIII. STATUS OF FUNDING SOURCES

Construction Financing Sources

Status

A.	_____	_____
B.	_____	_____
C.	_____	_____
D.	_____	_____
E.	_____	_____

Permanent Financing Sources

Status

A.	_____	_____
B.	_____	_____
C.	_____	_____
D.	_____	_____
E.	_____	_____

NOTE: Status - "Applied For", "Funds Reserved", "Funds Committed", etc. Comments (explain status indicated above). Attach copies of documentation evidencing status.

_____ Building _____ Site/Site Number _____

Applicant _____

_____ Project Summary _____

Project Name: _____

1. Persons at Public Assistance or Very Low Income Level (<50% of Area Median Income)	Number of Revenue Units		Basic Rent Per Month		Monthly Revenue
SRO		X		=	\$ -
0 Bedroom/Studio		X		=	\$ -
Bedroom(s)		X		=	\$ -
Bedroom(s)		X		=	\$ -
Bedroom(s)		X		=	\$ -
Bedroom(s)		X		=	\$ -
Bedroom(s)		X		=	\$ -
Bedroom(s)		X		=	\$ -
Bedroom(s)		X		=	\$ -
			1. Total Monthly Income		\$ -
2. Persons at Low-Income Level (>50% but ≤ 80% : of Area Median Income)	Number of Revenue Units		Basic Rent Per Month		Monthly Revenue
SRO		X		=	\$ -
0 Bedroom/Studio		X		=	\$ -
Bedroom(s)		X		=	\$ -
Bedroom(s)		X		=	\$ -
Bedroom(s)		X		=	\$ -
Bedroom(s)		X		=	\$ -
Bedroom(s)		X		=	\$ -
Bedroom(s)		X		=	\$ -
Bedroom(s)		X		=	\$ -
			2. Total Monthly Income		\$ -
3. Persons above Low-Income Level (> 80% >90% :of Area Median Income)	Number of Revenue Units		Basic Rent Per Month		Monthly Revenue
SRO		X		=	\$ -
0 Bedroom/Studio		X		=	\$ -
Bedroom(s)		X		=	\$ -
Bedroom(s)		X		=	\$ -
Bedroom(s)		X		=	\$ -
Bedroom(s)		X		=	\$ -
Bedroom(s)		X		=	\$ -
Bedroom(s)		X		=	\$ -
Bedroom(s)		X		=	\$ -
			3. Total Monthly Income		\$ -

Exhibit IX - Rent Plan (continued)

Date Submitted _____ / _____ / _____

_____ **Building** _____

Site/Site Number

Applicant _____

_____ **Project Summary**

Project Name: _____

Exhibit Xa. - Rent Plan (Continued)

Date Submitted ____/____/____

_____ **Building** _____ **Site/Site Number**

Applicant Name: _____

_____ **Project Summary**

Project Name: _____

4. Total Monthly Income (Sum of 1 + 2 + 3)	\$	-
5. Annual Gross Rent (line 4 x 12 Months) =	\$	-
6. Vacancy and Arrears (line 5 X ____%) (type % in next column)	\$	-
7. Net Residential Income (Line 5 minus Line 6)	<u>\$</u>	<u>-</u>
8. Ancillary Income		
a. Laundry		
b. Parking		

EXHIBIT XII. DEVELOPMENT & CONSTRUCTION ADMINISTRATION

A. Describe in detail the responsibilities of the individuals in charge of various aspects of the development of the Project, both during preconstruction and construction phases. Also provide information on the Organization's (applicant's) relevant experience. Complete the charts on the following pages.

B. PROJECT DEVELOPMENT TEAM

Provide a job description and relevant background for each project related professional or technical team member of your organization who will work on this project, such as the Rehabilitation Specialist, General Contractor, Architect, Consultant, Attorney

(A) Title and Name	(B) Number of Hours Worked Per Week	(C) Status as hired, to be hired, or other	(D) Individual's Relevant Background and Job Duties
Title: _____ (i.e., Project Director) Name: _____ (If known)			
Title: _____ Name: _____			
Title: _____ Name: _____			
Title: _____ Name: _____			
Title: _____ Name: _____			

C. ORGANIZATION'S RELEVANT EXPERIENCE

Complete the information below for each development project you have carried out within the past five (5) or more years to which the applicant organization has served as developer or in a major participating role. If necessary, attach additional sheets.

Project Name	Project Use 1	Project Use 2	Number of Units	Date Construction Started	Status of Project a. percentage of project completed b. completion date or projected completion c. application role in project (Use 3) d. population served	Funding Sources	
						Amount of Funds Total Development Budget	Funding Source(s), Agency Name & Telephone Number
Title: _____ Name _____ Project Name Project Director					a. b. c. d.		
Title: _____ Name _____ Project Name Project Director					a. b. c. d.		
Title: _____ Name _____ Project Name Project Director					a. b. c. d.		
Title: _____ Name _____ Project Name Project Director					a. b. c. d.		

Project Use:

Use the following codes
1 = Residential
2 = Civil/Commercial
3 = Commercial

Project Type:

Use the following codes
1 = Acquisition
2 = Pre-Development
3 = Construction/Rehabilitation

Applicant Role:

Use the following codes and list all that apply:
D = Developer
S = Sponsor
O = Owner

MA = Managing Agent
CO = Co-Sponsor

EXHIBIT XIII. FINANCIAL AND CREDIT STATEMENT

The Applicant as the legal entity financially responsible for implementing the Project must submit a Financial and Credit Statement. If the Applicant is a partnership, each general partner must also submit a Statement

EXHIBIT XIV. SECTION 3 MBE/WBE UTILIZATION PLAN

Provide below your plan to utilize Section 3, Minority and Women Owned Business Enterprises (MBEs and WBEs) for construction of the project. Provide an estimated percentage of contracts that will be awarded to such firms based on your past performance. Your plan must address the following affirmative steps:

- Searching the NYS MWBE Directory of Certified Firms for qualified small and minority businesses and women's business enterprises and placing such businesses and enterprises on solicitation lists.
- Assuring that small and minority businesses and women's business enterprises are solicited whenever they are potential sources.
- Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses and women's business enterprises.
- Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises.
- Using the services and assistance, as appropriate, of such organizations at the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
- Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed as outlined in this section.

EXHIBIT XV. POST-CONSTRUCTION MARKETING, TENANT SELECTION, AND MANAGEMENT PLAN

Provide in detail how the Project will be operated after construction, including a marketing and management plan, tenant selection plan and waiting list procedures, and measures taken to insure long term affordability. Explain efforts that will be taken to Affirmatively Market units for Fair Housing. **Applicants with projects including 5 or more HOME-assisted units must submit a project-specific affirmative marketing plan meeting the requirements set forth in the Application Instructions.** See the section relating to Exhibit XV in the Application Instructions for the applicable requirements.

Exhibit XVII. Zoning Compliance and Public Approvals

Action	Date of Approval	Status	Name and Phone Number for Verification
-			

- Site/Zoning Approvals**
Zoning Change
Variance Approval(s)
Site Plan Approval
Subdivision Approval
Planning Board Approvals
Village/Town/City Council Review/Approvals
PILOT/Tax Abatement
- Other**
Utility Hook-Ups

- Environmental Approvals**
Archaeological Survey
SHPO Building-Structures Inventory Form
SHPO Determination
Phase I Environmental Site Assessment
SEQR Short Form
Full EAF under SEQR/CEQR
Lead Agency Designation for Coordinated Review
SPDES Discharge Permit
SPDES General Stormwater Permit
Flood Plain/Waterfront/Coastal Zone Approval

Exhibit XVIII. LOW INCOME HOUSING TAX CREDIT SUMMARY PROJECT INFORMATION

(NOTE: Only complete this section if you are applying for New York State for federal Low Income Housing Tax Credits (LIHTC), or state Tax Credits for the project.)

1. Total number of residential units in project? _____

2. Total number of Qualified Tax Credit Rent Restricted Units in Project? _____

3. Total Eligible Basis for acquisition? _____

4. Total Eligible Basis for construction or rehabilitation? _____

NOTE: The Eligible Basis for construction or rehabilitation is increased to 130% if the project is located in a HUD Designated Qualified Census Tract.

5. Total Qualified Basis for the project? _____

NOTE: Qualified Basis = The total Eligible Basis (x) the percentage of Qualified Tax Credit Rent Restricted Units.

6. Qualified basis of the project subject to the low credit rate (4% Tax-Credit) _____

7. Qualified basis of the project subject to the higher credit rate (9% Tax-Credit) _____

8. Annual amount of Tax Credits? _____

Status: (check one) Requested Reservation Binding Award

(Note: Please provide evidence of status and a copy of the application to NYS DHCR.)

9. Ten-year Tax Credit Allocation _____

10. Rate of payment for credit to the project (investor payments less syndication costs).
(cents per dollar) _____

11. Tax Credit proceeds expected to be made available to project?
(Line 9 X Line 10) _____

12. If syndication is planned and syndicator is identified, please provide the following:
Name of Syndicator: _____
Address: _____
Telephone Number: _____

EXHIBIT XIX – CONSTRUCTION COST ESTIMATE SUMMARY

	COST	COST/S.F.
1. General Requirements (3% - 6% of TDC)	_____	_____
2. Site Work	_____	_____
3. Concrete	_____	_____
4. Masonry	_____	_____
5. Metals	_____	_____
6. Wood and Plastics	_____	_____
7. Thermal	_____	_____
8. Doors and Windows	_____	_____
9. Finishes	_____	_____
10. Specialties	_____	_____
11. Equipment	_____	_____
12. Furnishings	_____	_____
13. Special Construction	_____	_____
14. Conveying Systems	_____	_____
15. Mechanical/Plumbing	_____	_____
16. Electrical	_____	_____
TOTAL:	_____	_____

TENANT RELOCATION PLAN (IF APPLICABLE)

Exhibit XX (cont.)

GUIDEFORM GENERAL INFORMATION NOTICE
RESIDENTIAL TENANT NOT DISPLACED

Grantee or Agency Letterhead

OWNER information:

_____ 2023

Dear _____

(City, County, State, Public Housing Authority (PHA), other) _____, is interested in rehabilitating the property you currently occupy at _____ (address) for a proposed project which may receive funding assistance from the U.S. Department of Housing and Urban Development (HUD) under the _____ program.

The purpose of this notice is to inform you that you will not be displaced in connection with the proposed project.

If the project application is approved and federal financial assistance provided, you may be required to move temporarily so that the rehabilitation can be completed. If you must move temporarily, suitable housing will be made available to you and you will be reimbursed for all reasonable out of pocket expenses, including moving costs and any increase in housing costs. You will need to continue to pay your rent and comply with all other lease terms and conditions.

Upon completion of the rehabilitation, you will be able to lease and occupy your present apartment or another suitable, decent, safe, and sanitary apartment in the same building/complex under reasonable terms and conditions. Your new lease will be for a term of not less than one year at a monthly rent that will remain the same or, if increased, your new monthly rent and estimated average utility costs will not exceed: 1) If you are low income, the total tenant payment as defined by HUD (*under 24 CFR 5.628*), or (2) 30% of the monthly gross household income if you are not low income.

If federal financial assistance is provided for the proposed project, you will be protected by a federal law known as the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA). One of the URA protections for persons temporarily relocated is that such relocations shall not extend beyond one year. If the temporary relocation lasts more than one year, you will be contacted and offered all permanent relocation assistance as a displaced person under the URA. This assistance would be in addition to any assistance you may receive in connection with temporary relocation and will not be reduced by the amount of any temporary

relocation assistance previously provided. You will also have the right to appeal the agency's determination, if you feel that your application for assistance was not properly considered.

(NOTE: Pursuant to Public Law 105-117, aliens not lawfully present in the United States are not eligible for relocation assistance, unless such ineligibility would result in exceptional hardship to a qualifying spouse, parent, or child. All persons seeking relocation assistance will be required to certify that they are a United States citizen or national, or an alien lawfully present in the United States.)

We urge you not to move at this time. If you choose to move, you will not be provided relocation assistance.

Please remember:

- **This is not a notice to vacate the premises.**
- **This is not a notice of relocation eligibility.**

You will be contacted soon so that we can provide you with more information about the proposed project. If the project is approved, we will make every effort to accommodate your needs. In the meantime, if you have any questions about our plans, please contact:

(name) _____ (title) _____ (address) _____
(phone) _____

Sincerely, _____
(name and title) _____

NOTES.

1. The case file must indicate the manner in which this notice was delivered (e.g., personally served or certified mail, return receipt requested) and the date of delivery. (See Paragraph 2-3 I of Handbook 1378.)
 2. This is a guide form. It should be revised to reflect the circumstances.
- * *Based on the applicable HUD program regulations, if "reasonable terms and conditions," are defined, one of the following statements or other language may also be required in this Notice:*
- a. *Under HOME at 24 CFR 92.353(c)(2)(C)(1): "Your new lease will be for a term of not less than one year at a monthly rent will remain the same or, if increased, your new monthly rent and estimated average utility costs will not exceed: 1) If you are low income, the total tenant payment as defined by HUD (under 24 CFR 5.628), or (2) 30% of the monthly gross household income, if you are not low income."*
 - b. *Under CDBG at 24 CFR 570.606(b)(2)(D)(1): "Your monthly rent will remain the same or, if increased, your new rent and estimated average utility costs will not exceed 30% of the household's average monthly gross income."*
 - c. *Under Section 221 Mortgage Insurance Programs under 24 CFR 221.795(i): "Your monthly rent and estimated average utility costs will not exceed the amount approved by HUD."*

APPLICATION CHECKLIST

Applicant: _____

Submission Date: _____

Project Name: _____

Applicant Submissions		Proposal Page Number
EXHIBITS ATTACHMENT LIST		
I	Application Summary	
II.	Scope of Work	
III.	Site Specific Description	
IV.	Building and Site Information	
V	Tenant Support Services	
VI.	Renter's Affordability Plan	
VII.	Development Budget – for rental projects, use excel format	
VIII.	Status of Funding Sources	
IX..	Rent Plan	
X.	Operating Budget – Use Excel Format	
XI..	Basis for Projection of Operating Budget	
XII..	Development and Construction Administration	
XIII..	Financial and Credit Statement	
XIV.	MBE/WBE/Section 3 Plan	
XV..	Post-Construction Marketing, Tenant Selection, and Management Plan	
XVI.	Timetable for Approvals and Completion of Project	
XVII.	Zoning Compliance & Public Approvals	
XVIII.	Low Income Housing Tax Credit Summary Project Information	
XIX.	Construction Cost Estimate Summary	
XX.	Tenant Relocation Plan	

APPLICATION CHECKLIST ADDITIONAL REQUIRED SUBMISSIONS

ADDITIONAL REQUIRED SUBMISSIONS:	Proposal Page Number
A. Evidence of Site Control (Deed, Contract of Sale, Option)	
B. Map of Site Location (Tax Map, Street Map, and Photographs)	
C. Detailed Cost Estimate (Trade Payment Breakdown)	
D. Construction Cost Estimate Summary (Trade Breakdown)	
E. Preliminary Architectural Plans/Designs/Documents	
F. Zoning Compliance and Public Approvals	
G. Evidence of Compliance with Zoning	
H. Evidence of Other Sources of Financing	
I. Partnership Agreement	
J. Corporation Certificates and By-Laws	
K. CHDO Submission Requirements (See Handout) (If Necessary)	
L. SEQR Short Form	
M. SHPO Building Structure Inventory	
N. Appraisal (For Acquisition)	
O. Proposed Contractor Contract	
P. Architects Contract	
Q. Proposed Management Contract	
R. Proposed Management Plan	
S. Evidence of Tax Abatement	

APPENDIX II

HOME Project Ranking Form & Score Sheet

HOME HOUSING PROJECT RANKING FORM

PROJECT APPLICANT:

EXPERIENCE OF DEVELOPMENT TEAM

- 1) EXPERIENCE OF ARCHITECT (Max. 10 points)
 - A. Less than 3 years' experience or no architect identified. 0 points _____
 - B. Limited Experience: 3 to 5 years with projects of similar size and scope. 3 points _____
 - C. Good Experience: 5-10 years with projects of similar size and scope. 5 points _____
 - D. Extensive Experience: More than 10 years' experience\ with projects of similar size and scope. 10 points _____
- 2) EXPERIENCE OF DEVELOPER (Max. 20 points)
 - A. Less than 3 years' experience or no developer identified. 0 points _____
 - B. Limited Experience: 3-5 years with projects of similar size and scope. 5 points _____
 - C. Good Experience: 5-10 years with projects of similar size and scope. 10 points _____
 - D. Extensive Experience: More than 10 years' experience with projects of similar size and scope. 20 points _____
- 3) EXPERIENCE OF CONTRACTOR (Max. 15 points)
 - A. Less than 3 years experience or no contractor identified. 0 points _____
 - B. Limited Experience: 3 to 5 years with projects of similar size and scope. 5 points _____
 - C. Good Experience: 5-10 years with projects of similar size and scope. 10 points _____
 - D. Extensive Experience: More than 10 years experience\ with projects of similar size and scope. 15 points _____
- 4) Past Performance on HOME projects (Max 10 points)

Applicant is still processing an award from a prior year

 - A. YES 0 points _____
 - B. NO 10 points _____

Applicant had performance issues during last HOME funded project (Max 10 points)

 - A. YES 0 points _____
 - B. NO 10 points _____
- 5) EXTENT OF SITE CONTROL (Max. 10 points)
 - A. No site control 0 points _____
 - B. Option to purchase 2 points _____
 - C. Contract of Sale 5 points _____
 - D. Ownership/Deed or Long-term Lease 10 points _____

- 6) EXTENT OF PROJECT FINANCING COMMITMENTS (Max. 15 points)
- A. No applications or some applications submitted to other funding sources 0 points _____
 - B. All applications submitted to other funding sources 1 point _____
 - C. Letters of interest or commitments received by other funding sources for at least 50% of TDC. 10 points _____
 - D. All necessary commitments received from 100% of other funding sources. 15 points _____
- 7) DEVELOPMENT SCHEDULE AND EVIDENCE (Max. 15 points)
- A. No detailed development budget, architectural plan, analysis of need, financing plan, cash flow projection, compliance with HOME rules. 0 points _____
 - B. All of A above accomplished. Some local and state approvals in place. Project can commence within 4-6 months of HOME award. 5 points _____
 - C. All of A above accomplished. State and local approvals in place. Project can commence within 60-90 days of HOME award. 15 points _____
- 8) NUMBER OF HOME-ASSISTED UNITS (Max. 15 points)
- A. 2 units 0 points _____
 - B. 3-7 units 5 points _____
 - C. 8-10 units 10 points _____
 - D. 11 units 15 points _____
- 9) TAX EXEMPTIONS OR ABATEMENTS GRANTED TO PROJECT/LETTER OF SUPPORT (Max 5 points) Must be documented
- A. NO 0 points _____
 - B. YES 5 points _____
- 10) PROJECT FEASIBILITY (Max. 15 points)
- A. Poor Program/Design: Development and/or operating costs are excessive or not within HOME Program standards. No commitments to be funded by other sources. 0 points _____
 - B. Acceptable Program/Design: Development and/or operating costs are feasible and within HOME Program standards. Firm, documented funding commitments have been received from 50% of other sources. 5 points _____
 - C. Excellent Program/Design: Development and operating costs are feasible and within HOME Program standards. Firm documented funding commitments have been received from 100% of other sources 15 points _____

AFFORDABILITY (Max. 5 points)

- 11) Affordable Rents: (GROSS RENTS COMPARED TO FMR) (Max 5 points)
- A. 0% to 14% below FMR 0 points _____
 - B. 15% to 24% below FMR 1 point _____
 - C. 25% below FMR 5 points _____
- 12) Site Plan Approval/Building Permits
- A. No Site Plan Approval or Building Permit 0 points _____
 - B. Site Plan Approval 5 points _____
 - C. Site Plan Approval and Building Permit 10 points _____
- 13) BONUS (Max. 25 points)

- A. Additional newly constructed or rehabilitated low income permanent/
transitional housing for people "at risk of homelessness" or "homeless" 25 points _____
- B. Additional newly constructed or rehabilitated low income permanent/
transitional housing for people with a developmental disability,
severe mental illness or Substance Abuse Disorder. 25 points _____
- C. Rehabilitation involving abatement of lead-based paint hazards
in rental dwelling units occupied by very low-income households
in which a child occupant has been confirmed to have an elevated
lead blood level or in which a "Notice of Demand" for deteriorated lead
based paint has been issued to the building owner by the authority
having jurisdiction. 25 points _____

TOTAL POINTS: _____
Out of 230 points

APPENDIX III

**HOME Program
Application for CHDO Certification**

ORANGE COUNTY, NY



HOME Investment Partnerships Program

Application for Community Housing Development Organization (CHDO) Certification



County of Orange
Office of Community Development
40 Matthews St., 3rd Floor
Goshen, NY 10924
(845) 615-3820
CommDev@orangecountygov.com

Overview

Under the regulations implementing the HOME Investment Partnerships Program (HOME), found at 24 CFR Part 92, Participating Jurisdictions such as the Orange County HOME Consortium must set-aside at least 15% of its annual HOME allocation for homebuyer or rental housing that is owned, developed, or sponsored by certified “community housing development organizations”, or CHDOs. A CHDO is a specific type of private nonprofit entity meeting certain requirements set out in 24 CFR Part 92.2. Broadly speaking, these requirements pertain to the organization’s:

- Legal status;
- Independence;
- Accountability to the low-income community; and
- Capacity and experience.

The evaluation by the County’s Office of Community Development (OCD) of whether an organization can be designated as a CHDO always takes place in the context of the County’s consideration of awarding HOME funds to a specific housing project from the CHDO set-aside. The following application is therefore intended to accompany an application for HOME funding for a specific project, and does not, alone, provide all information the County will need to evaluate and underwrite the project itself. Rather, the CHDO application assists the County and the submitting organization in evaluating whether the organization is likely to qualify for certification as a CHDO based on the requirements of 24 CFR Part 92.2. Outside of the context of committing funds to the organization for a specific project, there can be no general certification that an organization is a CHDO.

The evaluation of an organization’s capacity, in particular, is closely connected to the organization’s role as an “owner,” “developer,” or “sponsor” of affordable housing. Those terms are carefully defined in the HOME regulation at §92.300(a)(2)-(6) and require that the CHDO be solely in charge of the project.

Instructions

Prospective CHDOs should complete Sections 1 and 2 of this application, sign the certification in Section 3, and provide all applicable required attachments in Section 4. For any required attachment not being submitted, provide an explanation as to why the attachment is not applicable to your organization.

In order to aid the County’s review, attachments should be highlighted to mark key sections of core organizational documents that demonstrate how the CHDO Definitional Elements in Section 2 are met (for example, highlighting where the Bylaws address limitations on the number of board members who are governmental officials or employees).

Section 1 - Organization Information; Proposed CHDO Activity & Role	
Organization Legal Name:	Tax ID #:
	DUNS #:
Mailing Address (include physical address if different from mailing address):	
Name & Title of Contact Person for Application:	Phone & Email Address:
Name & Title of Organization's Executive Director/President/CEO:	Phone & Email Address:
Name of Board President:	Personal Phone & Email Address:
<p>This application is being submitted in conjunction with an application for:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Project funding from the CHDO set-aside <input type="checkbox"/> CHDO operating expenses funding <input type="checkbox"/> CHDO predevelopment loan <p>In the contemplated housing project for which your organization is planning and expects to receive funds within 24 months, the prospective CHDO will act as the (<i>choose <u>only one</u></i>):</p> <ul style="list-style-type: none"> <input type="checkbox"/> Developer of homebuyer housing <input type="checkbox"/> Owner of rental housing <input type="checkbox"/> Developer of rental housing <input type="checkbox"/> Sponsor of rental housing—CHDO Affiliate will act as Developer <input type="checkbox"/> Sponsor of rental housing—CHDO Affiliate will act as Owner <input type="checkbox"/> Sponsor of rental housing—Turnkey Sponsor <p><i>Based on your answer above, complete the corresponding portion of the CHDO Role Checklist in Exhibit A and provide it as an attachment to this application.</i></p>	
Project Name:	
Project Location:	
Project Description— <i>Include the overall size, number of structures/building type, income restrictions, and population(s) to be served:</i>	

Section 2 – CHDO Definitional Elements under 24 CFR Part 92.2	
<i>In this section, the applicant must demonstrate that it meets the definitional elements of a “community housing development organization” set out in 24 CFR Part 92.2. For each numbered item 1 through 17, indicate what attachments being submitted with the application show that the stated element is met.</i>	
Part A – Legal Status	OCD Use Only
<p>The nonprofit organization is organized under State or local laws - §92.2 CHDO definition paragraph (1).</p> <p><i>Submit both of the following documents with this application to demonstrate this item:</i></p> <p><input type="checkbox"/> Certificate of Good Standing (if the organization is newly formed and has been in existence for less than one year, a Certificate of Existence will suffice)</p> <p><input type="checkbox"/> Articles of Incorporation/Charter</p>	<p>Requirement met?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>2. The organization has among its purposes the provision of decent housing that is affordable to low- and moderate-income people - §92.2 CHDO definition paragraph (7).</p> <p><i>Identify below which document submitted with this application demonstrates this item, including which Section of the document satisfies the requirement:</i></p> <p><input type="checkbox"/> Articles of Incorporation/Charter</p> <p><input type="checkbox"/> Bylaws</p> <p><input type="checkbox"/> Adopted Board Resolution</p> <p>Section # _____</p>	<p>Requirement met?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>3. No part of the organization’s net earnings may inure to the benefit of any member, founder, contributor, or individual - §92.2 CHDO definition paragraph (2).</p> <p><i>Identify which Section of the following document demonstrates this item:</i></p> <p><input type="checkbox"/> Articles of Incorporation/Charter, Section # _____</p>	<p>Requirement met?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>4. The organization is not controlled by, nor under the direction of, individuals or entities seeking to derive profit or gain from the organization - §92.2 CHDO definition paragraph (3).</p> <p><i>Identify below the appropriate document and Section that demonstrates this item:</i></p> <p><input type="checkbox"/> Articles of Incorporation/Charter</p> <p><input type="checkbox"/> Bylaws</p> <p><input type="checkbox"/> A Memorandum of Understanding with a parent entity</p> <p>Section # _____</p>	<p>Requirement met?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>

Part A – Legal Status (continued)	OCD Use Only
<p>5. The organization is a recognized nonprofit by virtue of: Having a tax exemption ruling from the Internal Revenue Service (IRS) under Section 501(c)(3) or (4) of the Internal Revenue Code of 1986; Is classified as a subordinate of a central organization non-profit under Section 905 of the Internal Revenue Code; or Is a wholly-owned entity that is disregarded as an entity separate from its owner for tax purposes, and its owner entity has a tax exemption ruling from the IRS under Section 501(c)(3) or (4) and meets the definition of a CHDO - §92.2 CHDO definition paragraph (4).</p> <p><i>Documents submitted with this application to demonstrate this item:</i></p> <p><input type="checkbox"/> 501(c)(3) or (4) ruling or current conditional designation from the IRS; or <input type="checkbox"/> A group exemption letter from the IRS under Section 905 that includes the organization</p>	<p>Requirement met?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>6. The organization is not a governmental entity, such as a participating jurisdiction, other jurisdiction, Indian tribe, public housing agency, Indian housing authority, housing finance agency, redevelopment authority, zoning board or commission - §92.2 CHDO definition paragraph (5).</p> <p><i>Document submitted with this application to demonstrate this item:</i></p> <p><input type="checkbox"/> Articles of Incorporation/Charter</p>	<p>Requirement met?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>

Part B – Independence	OCD Use Only
<p>7. No more than one-third of the organization’s governing board members may be public officials or employees of a governmental entity - §92.2 CHDO definition paragraph (5).</p> <p><i>Documents submitted with this application to demonstrate this item:</i></p> <p><input type="checkbox"/> Bylaws OR <input type="checkbox"/> Articles of Incorporation/Charter Section # _____</p> <p>AND</p> <p><input type="checkbox"/> CHDO Board Roster indicating which members, if any, are public officials or employees of governmental entities, along with certifications from all board members as to government official/employee status</p>	<p>Requirement met?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>8. No employee of the organization may be an officer (including an elected or appointed official) or employee of a governmental entity - §92.2 CHDO definition paragraph (5).</p> <p><i>Documents submitted with this application to demonstrate this item:</i></p> <p><input type="checkbox"/> Bylaws OR <input type="checkbox"/> Articles of Incorporation/Charter</p> <p>AND</p> <p><input type="checkbox"/> CHDO Staff Roster</p>	<p>Requirement met?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>

Part B – Independence (continued)	OCD Use Only
<p>9. If the organization was created by a <u>governmental entity</u>, the governmental entity may not appoint more than one-third of the membership of the organization’s governing board, and the board members appointed by the governmental entity may not, in turn, appoint the remaining two-thirds of the board members - §92.2 CHDO definition paragraph (5).</p> <p><i>Was the organization created by a governmental entity?</i> <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>Documents submitted with this application to demonstrate this item:</i> <input type="checkbox"/> Bylaws OR <input type="checkbox"/> Articles of Incorporation/Charter Section # _____</p> <p>AND</p> <p><input type="checkbox"/> CHDO Board Roster and certifications as to government official/employee status</p>	<p>Requirement met?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>10. If the organization was sponsored or created by a <u>for-profit entity</u>, the for-profit entity may not appoint more than one-third of the membership of the organization’s governing body, and the board members appointed by the for-profit entity may not, in turn, appoint the remaining two-thirds of the board members. The officers or employees of the sponsoring or creating for-profit entity may not be employees of the organization applying for CHDO status - §92.2 CHDO definition paragraph (3)(ii) and (iv).</p> <p><i>Was the organization created by a for-profit entity?</i> <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>Documents submitted with this application to demonstrate this item:</i> <input type="checkbox"/> Bylaws OR <input type="checkbox"/> Articles of Incorporation/Charter Section # _____</p> <p>AND</p> <p><input type="checkbox"/> CHDO Staff Roster AND CHDO Board Roster indicating which members, if any, are appointed by a for-profit parent entity</p>	<p>Requirement met?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>11. If the organization was sponsored or created by a <u>for-profit entity</u>, the for-profit entity’s primary purpose does not include the development or management of housing, and the organization applying for CHDO status is free to contract for goods and services from vendor(s) of its own choosing - §92.2 CHDO definition paragraph (3)(i) and (iii).</p> <p><i>Documents submitted with this application to demonstrate this item:</i> <input type="checkbox"/> For-profit entity profile and Articles/Bylaws, Section # _____ AND <input type="checkbox"/> CHDO’s Articles of Incorporation/Charter and Bylaws, Section # _____</p>	<p>Requirement met?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>

Part C – Accountability to Low-Income Community	OCD Use Only
<p>12. The organization has a designated geographic service area (i.e., the “community” in which it produces housing). A community can be a neighborhood or neighborhoods, municipality or municipalities, county, metropolitan area or multi-county area (but not the entire State) - §92.2 CHDO definition paragraph (8)(i).</p> <p><i>Identify the appropriate document and Section below that indicates designated service area:</i></p> <p><input type="checkbox"/> Articles of Incorporation/Charter <input type="checkbox"/> Bylaws <input type="checkbox"/> Adopted Board Resolution</p> <p>Section # _____</p> <p><i>Also submit with this application a map and narrative description of the designated service area.</i></p>	<p>Requirement met?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>13. The organization maintains <u>at least</u> one-third of its governing board’s membership for residents of low-income neighborhoods, other low-income community residents, or elected representatives of low-income neighborhood organizations - §92.2 CHDO definition paragraph (8)(i).</p> <p><i>Documents submitted with this application to demonstrate this item:</i></p> <p><input type="checkbox"/> Bylaws OR <input type="checkbox"/> Articles of Incorporation/Charter Section # _____</p> <p>AND</p> <p><input type="checkbox"/> CHDO Board Roster indicating which members meet this criterion along with documentation of each such board member’s qualification (e.g., certification of low-income status, documentation of home address in low-income community, appointment by low-income neighborhood organization)</p>	<p>Requirement met?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>14. The organization has a formal process for low-income program beneficiaries to advise the organization in its decisions regarding the design, siting, development, and management of affordable housing projects - §92.2 CHDO definition paragraph (8)(ii).</p> <p><i>Documents submitted with this application to demonstrate this item:</i></p> <p><input type="checkbox"/> Bylaws OR <input type="checkbox"/> Adopted Board Resolution(s) OR <input type="checkbox"/> A written statement of operating procedures approved by the governing board</p> <p>AND</p> <p><input type="checkbox"/> A statement signed by the president or chief executive officer describing input sought and received on the current project proposal</p>	<p>Requirement met?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>

Part C – Accountability to Low-Income Community (continued)	OCD Use Only
<p>15. The organization has a history of serving the community within which housing to be assisted with HOME funds is to be located. The organization is able to show one year of serving the community prior to the date Orange County reserves HOME funds for the organization - §92.2 CHDO definition paragraph (10).</p> <p><i>Documents submitted with this application to demonstrate this item:</i></p> <p><input type="checkbox"/> A statement that documents at least one year of experience in serving the community by the organization (or if newly formed, by the organization’s parent entity), describing the history of serving the community and the activities provided to the community, which statement must be signed by the president or chief executive officer of the organization.</p> <p><input type="checkbox"/> Other: _____</p>	<p>Requirement met?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>

Part D – Capacity and Experience	OCD Use Only
<p>16. The organization has standards of financial accountability that conform to 2 CFR 200.302, ‘Financial Management’, and 200.303, ‘Internal Controls’ - §92.2 CHDO definition paragraph (6).</p> <p><i>Documents submitted with this application to demonstrate this item:</i></p> <p><input type="checkbox"/> A notarized statement by the president or chief financial officer of the Organization; or</p> <p><input type="checkbox"/> A certification from a Certified Public Accountant; or</p> <p><input type="checkbox"/> A HUD approved audit summary</p>	<p>Requirement met?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>17. The organization has a demonstrated capacity appropriate to the organization’s role under §92.300 and to the nature of the proposed or anticipated project. This capacity must be satisfied by having paid employees with housing experience appropriate to the project or, for the first year of funding as a CHDO, by having a qualified consultant who will train the organization’s paid employees - §92.2 CHDO definition paragraph (9).</p> <p><i>Documents submitted with this application to demonstrate this item:</i></p> <p><input type="checkbox"/> Project description from proposal/application AND</p> <p><input type="checkbox"/> CHDO Staff Roster</p> <p>AND</p> <p><input type="checkbox"/> Resumes/description of experience for staff assigned to development project, along with W-2s for identified staff (or in the absence of W-2s, copies of the employment contract) OR</p> <p><input type="checkbox"/> If applicable, contract(s) with consulting firms or individuals who have housing experience similar to projects to be assisted with HOME funds to train appropriate key staff of the organization</p>	<p>Requirement met?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>

Section 3 – Certification

As the Board President of the organization named in Section 1 of this Application for CHDO Certification, I hereby certify that all the information contained in this application is true and correct and that accurate versions of required attachments have been provided as part of this application. I acknowledge that submission of materially false or misleading information is grounds for rejection of this application and any related project funding application.

Signature:**Date:****Printed Name:****Section 4 – Required Attachments**

Required attachments should be labeled with cover sheets. Please highlight key sections of Articles, Bylaws, or other documents that demonstrate how the CHDO Definitional Elements in Section 2 are met.

	Included	N/A
1. CHDO Role Checklist (see Section 1 and Exhibit A)	<input type="checkbox"/>	
2. Certificate of Good Standing (or Certificate of Existence if existing for < 1 yr)	<input type="checkbox"/>	
2. Articles of Incorporation/Charter	<input type="checkbox"/>	
3. Current Bylaws	<input type="checkbox"/>	
4. Board resolution demonstrating Section 2, Part A #2 (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>
5. Memorandum of Understanding demonstrating Section 2, Part A #4 (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>
6. IRS nonprofit designation letter	<input type="checkbox"/>	
7. CHDO Board Roster (see Exhibit B)	<input type="checkbox"/>	
8. Board Member Certifications of Public Official/Governmental Employee Status (see Exhibit C)	<input type="checkbox"/>	
9. CHDO Staff Roster (see Exhibit D)	<input type="checkbox"/>	
10. Corporate profile, Articles of Incorporation/Charter, and Bylaws of for-profit entity that created organization (if applicable—see Section 2, Part B #11)	<input type="checkbox"/>	<input type="checkbox"/>
11. Board resolution demonstrating Section 2, Part C #12 (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>
12. Map and description of service area (Section 2, Part C #12)	<input type="checkbox"/>	
13. Board Member Certifications of Low-Income Representation Status (see Section 2, Part C #13 and Exhibit E)	<input type="checkbox"/>	
12. Adopted policy (e.g. board resolution) defining operating procedures for Low Income Beneficiary input (Section 2, Part C #14)	<input type="checkbox"/>	
13. Statement outlining results of input process for current project proposal (Section 2, Part C #14)	<input type="checkbox"/>	
14. Statement documenting one year of experience serving the community (Section 2, Part C #15)	<input type="checkbox"/>	
15. 2 CFR 200.302 and 200.303 Financial Standards Certification/Documentation (see Section 2, Part D, #16 and Exhibit F)	<input type="checkbox"/>	
16. Project description from proposal/application	<input type="checkbox"/>	
17. Resumes/biographies and W-2s for staff assigned to proposed project	<input type="checkbox"/>	
18. Current fiscal year operating budget	<input type="checkbox"/>	
19. Most recent IRS form 990	<input type="checkbox"/>	
20. Strategic plan, including description of ongoing and planned projects	<input type="checkbox"/>	

Exhibit A CHDO Role Checklist

Complete the section below that describes the role the organization will play in the proposed project.

HOMEBUYER—CHDO DEVELOPED		<i>OCD Use Only</i>
Required elements §92.300(a)(6)	<input type="checkbox"/> The project involves the development of new or rehabilitated housing that will be sold to low-income buyers, AND <input type="checkbox"/> The organization will solely own the property in fee simple during the development period, AND <input type="checkbox"/> The organization will be in control of the development project, including at a minimum <ul style="list-style-type: none"> <input type="checkbox"/> Arranging financing for the project; AND <input type="checkbox"/> Being in sole charge of construction 	Requirement met? <input type="checkbox"/> Yes <input type="checkbox"/> No
Additional considerations	<ul style="list-style-type: none"> • Project can involve provision of direct homebuyer assistance (e.g., down payment assistance) but rule limits assistance from the CHDO set-aside to 10% of HOME funds expended on development costs. If buyer needs additional assistance, it must come from the entitlement (“EN”) portion of the County’s HOME program. • The written agreement must specify sales price or method for establishing sales price and must address whether sales proceeds are returned as Program Income or retained as CHDO proceeds. If CHDO proceeds are retained, agreement must specify their future use. 	
RENTAL—CHDO OWNED		<i>OCD Use Only</i>
Required elements §92.300(a)(2)	<p>EITHER (<i>indicate which applies</i>):</p> <input type="checkbox"/> The project involves the acquisition of standard housing (i.e., housing that meets the property standards in §92.251) that will be leased to low-income families in accordance with §92.252, and the organization will solely own the property in fee simple (or via long term ground lease) during the required affordability period. <p style="text-align: center;">OR</p> <input type="checkbox"/> The project involves the development of new or rehabilitated housing that will be leased to low-income families in accordance with §92.252; the organization will solely own the property in fee simple (or via long term ground lease) both during the development period and for the required affordability period; and the organization will hire and oversee the developer that rehabilitates or constructs the housing, and will hire a project manager to oversee all aspects of the development, including: <ul style="list-style-type: none"> ▪ obtaining zoning and other local approvals, ▪ securing non-HOME financing, ▪ managing the selection of a general contractor/builder, and ▪ overseeing progress of work and determining cost reasonableness. 	Requirement met? <input type="checkbox"/> Yes <input type="checkbox"/> No
Additional considerations	<ul style="list-style-type: none"> • While the CHDO may not be responsible for the development activity itself, CHDO staff must have relevant experience in the ownership and management of similar rental housing projects. • CHDO staff should have experience in managing the work of contracted professionals to provide effective oversight to the contracted project manager/developer. 	Requirement met? <input type="checkbox"/> Yes <input type="checkbox"/> No

RENTAL—CHDO DEVELOPED		<i>OCD Use Only</i>
Required elements §92.300(a)(3)	<input type="checkbox"/> The project involves the development of new or rehabilitated rental housing that will be leased to low-income families in accordance with §92.252, AND <input type="checkbox"/> The organization will solely own the property in fee simple (or via long term ground lease) both during the development period and for the required affordability period, AND <input type="checkbox"/> The organization will be in sole charge of the development process, including: <ul style="list-style-type: none"> ▪ obtaining zoning and other local approvals, ▪ securing non-HOME financing, ▪ selecting architects, engineers, and general contractors, ▪ and overseeing progress of work and determining cost reasonableness. 	Requirement met? <input type="checkbox"/> Yes <input type="checkbox"/> No
Additional considerations	If CHDO itself will not own the property during development and affordability period but will own the property through a subsidiary, partnership, or limited liability company, the project is not CHDO “developed.” See description of CHDO Sponsored to determine if project may still qualify for set-aside funding.	
RENTAL—CHDO SPONSORED/AFFILIATE DEVELOPED		<i>OCD Use Only</i>
Required elements §92.300(a)(4) and §92.300(a)(3)	<input type="checkbox"/> The project involves the development of new or rehabilitated rental housing that will be leased to low-income families in accordance with §92.252, AND <input type="checkbox"/> One of the following types of CHDO affiliate will carry out the project: <ul style="list-style-type: none"> <input type="checkbox"/> the organization’s wholly owned subsidiary; <input type="checkbox"/> a limited partnership of which the organization or its wholly owned subsidiary will be the sole general partner; or <input type="checkbox"/> a limited liability company of which the organization or its wholly owned subsidiary will be the sole managing member. AND <input type="checkbox"/> The affiliate will solely own the property in fee simple (or via long term ground lease) both during the development period and for the required affordability period, AND <input type="checkbox"/> The affiliate will be in sole charge of the development process, including: <ul style="list-style-type: none"> ▪ obtaining zoning and other local approvals, ▪ securing non-HOME financing, ▪ selecting architects, engineers, and general contractors, ▪ and overseeing progress of work and determining cost reasonableness. 	Requirement met? <input type="checkbox"/> Yes <input type="checkbox"/> No
Additional considerations	<ul style="list-style-type: none"> • The limited partnership agreement or limited liability company agreement may permit the removal of the CHDO as general partner or sole managing member only for cause, and then must provide for replacement by another CHDO. • The County must enter into written agreement with the entity that actually owns the property [§92.300(a)(4)(ii)] and determine the form of assistance [§92.300(a)(7)]. • For complex ownership/financing structures, CHDO staff should have relevant experience with projects that had similar ownership/financing. 	Requirement met? <input type="checkbox"/> Yes <input type="checkbox"/> No

RENTAL—CHDO SPONSORED/AFFILIATE OWNED		OCD Use Only
<p>Required elements §92.300(a)(4) and §92.300(a)(2)</p>	<p>EITHER (<i>indicate which applies</i>):</p> <p><input type="checkbox"/> The project involves the acquisition of standard housing (i.e., housing that meets the property standards in §92.251) that will be leased to low-income families in accordance with §92.252, and the property will be solely owned in fee simple (or via long term ground lease) during the required affordability period by one of the following types of CHDO affiliate:</p> <ul style="list-style-type: none"> <input type="checkbox"/> the organization’s wholly owned subsidiary; <input type="checkbox"/> a limited partnership of which the organization or its wholly owned subsidiary will be the sole general partner; or <input type="checkbox"/> a limited liability company of which the organization or its wholly owned subsidiary will be the sole managing member. <p style="text-align: center;">OR</p> <p><input type="checkbox"/> The project involves the development of new or rehabilitated housing that will be leased to low-income families in accordance with §92.252; the property will be solely owned in fee simple (or via long term ground lease) both during the development period and for the required affordability period by one of the following types of CHDO affiliate:</p> <ul style="list-style-type: none"> <input type="checkbox"/> the organization’s wholly owned subsidiary; <input type="checkbox"/> a limited partnership of which the organization or its wholly owned subsidiary will be the sole general partner; or <input type="checkbox"/> a limited liability company of which the organization or its wholly owned subsidiary will be the sole managing member; AND <p>the affiliate will hire and oversee the developer that rehabilitates or constructs the housing, and will hire a project manager to oversee all aspects of the development, including:</p> <ul style="list-style-type: none"> ▪ obtaining zoning and other local approvals, ▪ securing non-HOME financing, ▪ managing the selection of a general contractor/builder, and ▪ overseeing progress of work and determining cost reasonableness. 	<p>Requirement met?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Additional considerations</p>	<ul style="list-style-type: none"> • The limited partnership agreement or limited liability company agreement may permit the removal of the CHDO as general partner or sole managing member only for cause, and then must provide for replacement by another CHDO. • The County must enter into written agreement with the entity that actually owns the property [§92.300(a)(4)(ii)] and determine the form of assistance [§92.300(a)(7)]. 	

RENTAL—CHDO SPONSORED/TURNKEY		<i>OCD Use Only</i>
Required elements §92.300(a)(5) and §92.300(a)(3)	<input type="checkbox"/> The project involves the development of new or rehabilitated rental housing that will be leased to low-income families in accordance with §92.252, AND <input type="checkbox"/> The organization will solely own the property in fee simple (or via long term ground lease) during the development period, but will transfer the property to another nonprofit upon completion, AND <input type="checkbox"/> The organization will be in sole charge of the development process, including: <ul style="list-style-type: none"> ▪ obtaining zoning and other local approvals, ▪ securing non-HOME financing, ▪ selecting architects, engineers, and general contractors, ▪ and overseeing progress of work and determining cost reasonableness, AND <input type="checkbox"/> The nonprofit receiving the property must: <ul style="list-style-type: none"> ▪ be identified to the County prior to the commitment of HOME funds, ▪ not be created by a governmental entity, ▪ assume ownership and all HOME obligations, including any loan repayment requirements, at a specified time following completion of the development. AND <input type="checkbox"/> The organization acknowledges that if the nonprofit does not assume ownership as planned, the organization must maintain ownership for the affordability period.	Requirement met? <input type="checkbox"/> Yes <input type="checkbox"/> No
Additional considerations	<ul style="list-style-type: none"> • While the subsequent nonprofit owner will ultimately assume HOME agreements and financing, the County must enter into written agreement with the CHDO, and HOME funds must be invested while the CHDO holds title to the project. 	

Exhibit B
CHDO Board Roster

See attached.

CHDO Board Roster
Organization Name

				Low Income Representative**					
Board Member Name*	Address	Occupation	Gov't. Official, Employee, or Appointee	Appointed by For-Profit Parent Entity	Member of LI Household	Resident of LI Neighborhood	Elected Representative of LI Neighborhood Org.	Term Expires	
0	George Q. Public	1234 Magnolia Street, Anytown, ST 12345	Program Office, Community Foundation	No	N/A	X		12/31/2018	
1									
2									
3									
4									
5									
6									
7									
8									
9									
10									
11									
12									

* If there are any vacant seats on the board which are otherwise required by the organizational documents, indicate those positions by entering "Vacant" in the Board Member Name Column.

** If a Board member is an official, employee, or appointee of a governmental entity, he/she cannot be counted as a low income representative.

	No. of Board Members (including any vacant seats called for in organizational documents)
	No. of Members who are Gov't Officials/Employees/Appointees
	No. of Members who are LI Representatives.

I hereby certify that the above is an accurate roster of the Board of Directors as of ___/___/20__

Signature of Board Chair	Date:
Printed Name	

Exhibit C

CHDO Board Member Certification of Low-Income Representation Status

Board members meeting Low Income Representation requirement must complete this certification.

Name:	Address:
Name of Organization (prospective CHDO):	Board Term:
<p>I represent the interests of low-income families in this organization's targeted service area. I have checked below the manner in which I meet the qualification as a low-income representative:</p> <p><input type="checkbox"/> I qualify as a low-income resident under the HOME Program definition. The gross annual income of my household of _____ people is at or below 80% of the Orange County area median income in the amount of \$_____ (80% AMI limit); OR</p> <p><input type="checkbox"/> I live in a low-income area (where 51% or more of the households in my US Census tract have incomes at or below 80% of the median household income, as defined by HUD), which is part of the CHDO's targeted service area. My census tract is _____ (census tract number). The Census tract data must accompany this certification. OR</p> <p><input type="checkbox"/> I am an elected representative of _____ (name of low-income neighborhood organization), located within _____ (name of neighborhood and city) which is part of the CHDO's targeted service area. A signed resolution or signed minutes and election roster from the neighborhood organization naming the individual as its representative on the CHDO's board of directors must be provided.</p> <p>AND</p> <p><input type="checkbox"/> Further, I have completed an accompanying CHDO Board Member Certification as to my status as a Public Official/Governmental Employee and re-affirm here that I am not a public official, employee, or appointee of a governmental entity. Board members who are public officials/governmental employees may not be counted as Low Income Representatives for purposes of CHDO qualification.</p>	
<p>Certification: I hereby certify that the above is true and correct as of the date of my signature below. If my status as a Low Income Representative changes at any time during my tenure on the board, I will immediately notify the board chair and executive director in writing and update my certification.</p>	
Signature:	Date:
Printed Name:	

Exhibit D
CHDO Staff Roster

See attached.

CHDO Staff Roster	
Organization Name	

	Employee Name*	Employee Title	Full Time/	Hours/week	W-2 Employee Yes/No**	Also Employed by For- profit Parent	Also a Public Official or Employed	Resume & Job Description	Project Role
ex.	Jonathan Q. Highly-Qualified	Senior Development Coordinator	Full Time	40	Yes	No	No	Yes	Project management/Dev Team Coordinator
1									
2									
3									
4									
5									
6									
7									
8									
9									
10									
11									
12									

^ Unhide additional rows as needed to show all organizational staff

- * Roster should list all organization staff with responsibility for the proposed CHDO project. Resumes need be provided for staff assigned to the proposed project evidencing their qualifications relative to their project role.
- ** If employee does not receive a W-2, provide a copy of employment contract for PJ review

I hereby certify that the above is an accurate roster of the agency staff as of ___/___/20___		
[] I further certify that there are no agency staff not otherwise listed herein that are also public officials or governmental employees.		
Signature of Executive Director	Date:	
Printed Name		

PJ Considerations

- [] Do key employees have sufficient time to manage/oversee this project in addition to existing responsibilities
- [] Are staff encouraged to build new skills, maintain technical skills, etc. through training opportunities
- [] Do key employees have have the potential to learn/build new skills

PJ Determination

- [] Assigned employees collectively have sufficient capacity to effectively oversee proposed project.
- [] Questions exist about the capacity of the organization's employees to successfully complete the proposed project

Review Notes

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Exhibit E

CHDO Board Member Certification of Public Official/Governmental Employee Status

All board members of the prospective CHDO must complete this certification.

Name:	Address:
Name of Organization (prospective CHDO):	Board Term:
<p>For purposes of this certification, governmental entities are any of the following: any HOME participating jurisdiction, other jurisdiction (e.g., state or local government), Indian tribe, public housing agency, Indian housing authority, housing finance agency, or redevelopment authority.</p> <p>Public officials include any individual who is an elected or appointed member of any governmental entity (e.g., a city council member, a member of the local zoning board, a member of a local public housing authority board, etc.).</p> <p>A governmental employee is anyone who is employed by a governmental entity on a full or part time basis even if that individual's job function is not related to housing, HUD programs, or other federal funding (e.g., a county sheriff deputy, a sanitation department worker, a secretary in the city parks department, etc.). A governmental employee also includes anyone appointed by a governmental entity to a position for which they are compensated for services.</p> <p>A governmental appointee is anyone who has been appointed to the board of directors by a governmental entity even if that person is not otherwise a public official or governmental employee (e.g., a member appointed to the board by the local mayor).</p>	
<p><input type="checkbox"/> I am <u>not</u> a public official, employee, or appointee of a governmental entity.</p> <p>OR</p> <p><input type="checkbox"/> I am a public official, employee, or appointee of a governmental entity. <i>If checked, describe your role and identify the governmental entity:</i></p>	
<p>Certification: I hereby certify that the above is true and correct as of the date of my signature below. If my status as public official and/or governmental employee changes at any time during my tenure on the board, I will immediately notify the board chair and executive director in writing and update my certification.</p>	
Signature:	Date:
Printed Name:	

Exhibit F
Certification of Financial Management Systems

I, _____
(insert name and title of officer)

of _____
(insert name and title of officer)

do hereby certify that said organization maintains and has in place a functioning financial management system that conforms to the requirements of 2 CFR 200.32 and 200.303, as stated below:

1. Accurate, current and complete disclosure of the financial results of each federally sponsored project or program in accordance with the reporting requirements set forth in 2 CFR 200. If a recipient maintains its records on other than an accrual basis, the recipient shall not be required to establish an accrual accounting system. These recipients may develop such accrual data for their reports on the basis of an analysis of the documentation on hand.
2. Records that identify adequately the source and application of funds for federally sponsored activities shall contain information pertaining to federal awards, authorizations, obligations, unobligated balances, assets, outlays, income and interest.
3. Effective control over and accountability for all funds, property and other assets; recipients shall adequately safeguard all such assets and assure they are used solely for authorized purposes.
4. Comparison of outlays with budget amounts for each award; whenever appropriate, financial information should be related to performance and unit cost data.
5. Written procedures for determining the reasonableness, allocability and allowability of costs in accordance with the provisions of the applicable federal cost principles and the terms and conditions of the award.
6. Accounting records including cost accounting records that are supported by source documentation.

Dated this _____ day of _____, 20__.

(insert legal name of organization)

By: _____

Name:

Title:

STATE OF NEW YORK :
COUNTY OF : SS:

On _____, before me, the undersigned, a Notary Public in and for said State, personally appeared _____ personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or person upon behalf of which the individual acted, executed the instrument.

NOTARY PUBLIC-STATE OF NEW YORK

APPENDIX IV

Sample HOME Rental Compliance Documents



**OFFICE OF COMMUNITY DEVELOPMENT
HOME Investment Partnerships Program**

LEASE COMPLIANCE/VAWA ADDENDUM

Property Name: _____

Property Address: _____

Tenant: _____ Unit #: _____ Date: _____

Initial Lease Renewal Lease Units are: Fixed or Floating

I. The tenant was offered an initial one year lease term and by mutual consent elected a:

one year lease six month lease month to month

II. Tenant agrees to a month to month lease after the expiration of the initial lease term

Yes No Not Applicable

III. *Prohibited terms:* The above-referenced lease ("Lease") MAY NOT contain any of the following provisions:

- A. *Agreement to be sued:* Agreement by the tenant to be sued, to admit guilt, or to a judgment in favor of the owner in a lawsuit brought in connection with the lease;
- B. *Treatment of property:* Agreement by the tenant that the owner may take, hold, or sell personal property of household members without notice to the tenant and a court decision on the rights of the parties. This prohibition, however, does not apply to an agreement by the tenant concerning disposition of personal property remaining in the housing unit after the tenant has moved out of the unit. The owner may dispose of this personal property in accordance with state law;
- C. *Excusing owner from responsibility:* Agreement by the tenant not to hold the owner or the owner's agents legally responsible for any action or failure to act, whether intentional or negligent;
- D. *Waiver of notice:* Agreement of the tenant that the owner may institute a lawsuit without notice to the tenant;
- E. *Waiver of legal proceeding:* Agreement by the tenant that the owner may evict the tenant or household members without instituting a civil court proceeding in which tenant has the opportunity to present a defense, or before a court decision on the rights of the parties;
- F. *Waiver of a jury trial:* Agreement by the tenant to waive any right to a trial by jury;
- G. *Waiver of right to appeal court decision:* Agreement by the tenant to waive the tenant's right to appeal, or to otherwise challenge in court, a court decision in connection with the lease;
- H. *Tenant chargeable with cost of legal actions regardless of outcome:* Agreement by the tenant to pay attorney's fees or other legal costs even if the tenant wins in a court proceeding by the owner against the tenant. The tenant, however, may be obligated to pay costs if the tenant loses;
- I. *Mandatory supportive services:* Agreement by the tenant (other than a tenant in transitional housing) to accept supportive services that are offered.

IV. *Termination of tenancy*

The owner may not terminate or refuse to renew the lease of a tenant of rental housing assisted with HOME funds, except for the following reasons:

- serious or repeated violations of the lease;
- violation of applicable Federal, State, or local law;
- for completion of the tenancy period for transitional housing; or
- for other good cause.

To terminate or refuse to renew tenancy, the owner must serve written notice upon the tenant specifying the grounds for the action at least 30 days before the termination of tenancy.

[Form continued on other side]

V. VAWA Protections

The following provisions are hereby added to the Lease for purposes of complying with 24 CFR § 92.253 and the Violence Against Women Reauthorization Act of 2013 (VAWA):

- A. The owner may not consider incidents of domestic violence, dating violence, sexual assault or stalking as serious or repeated violations of the lease or other “good” for termination of assistance, tenancy or occupancy rights of the victim of abuse.
- B. The tenant may terminate the Lease without penalty if the County of Orange, New York determines that the tenant has met the conditions for an emergency transfer under 24 CFR Part 5.2005(e). This will be evidenced, in part, through the Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation (HUD Form 5382) and Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking (HUD Form 5383) forms.
- C. The owner may bifurcate the Lease, or remove a house member from the Lease in order to evict, remove, terminate occupancy rights, or terminate assistance to such member who engages in criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking against an affiliated individual or other individual without regard to whether the household member is a signatory to the Lease and without evicting, removing, or terminating assistance to a victim of such criminal activity who is also a tenant or lawful occupant. The owner may choose to bifurcate the Lease at their discretion. The owner’s refusal to bifurcate the Lease does not restrict the tenant’s ability to terminate the Lease if the tenant has met the conditions for an emergency transfer.
- D. The owner may not consider criminal activity directly relating to abuse, engaged in by a member of tenant’s household or any guest or other person under the tenant’s control, cause for termination of assistance, tenancy, or occupancy rights if the tenant or an affiliated individual of the tenant is the victim or threatened victim of that abuse.
- E. The owner may request in writing that the victim or an affiliated individual of the tenant certify that the individual is a victim of abuse and that the tenant complete and submit documentation of abuse, using the Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking (HUD Form 5382), or other documentation as noted on the certification form, to receive protection under VAWA. Failure to provide the documentation within 14 business days of request, or an agreed upon extension date, may result in eviction.
- F. Any information submitted to the owner will be kept confidential and will not be disclosed to any other individual or entity except if disclosure is consented to by the victim, is required for an eviction or is otherwise required by law.

VI. Tenant reporting

Tenant is required to provide timely and accurate information to the owner to determine tenant’s eligibility at move-in and recertification. A failure to provide such certifications, verifications and information in a timely manner, as reasonably requested by owner, or any falsification or willful misrepresentation thereof, shall be deemed a material non-compliance with the lease.

VII. Conflict with other provisions of the lease

In case of any conflict between the provisions of this Addendum and other sections of the Lease, the provisions of this Addendum shall prevail. The provisions of this Addendum are incorporated into the Lease as of the same date and set forth at length therein.

_____ Resident Signature	_____ Date	_____ Resident Signature	_____ Date
_____ Resident Signature	_____ Date	_____ Resident Signature	_____ Date
_____ Owner Representative	_____ Date		



**OFFICE OF COMMUNITY DEVELOPMENT
HOME Investment Partnerships Program**

**PROJECT OWNER'S
CERTIFICATE OF CONTINUING PROGRAM COMPLIANCE**

Property Name: _____

Property Address: _____

12-Month Reporting Period: _____ to _____

The undersigned owner ("Owner") of the residential rental development located at the above-listed address (the "Project"), having been allocated certain HOME funds pursuant to part 24 CFR Part 92, as amended, by the County of Orange, NY for the purpose of purchasing, constructing or improving the Project, does hereby certify under penalty of perjury that the Project for the above-listed 12-month period is in continuing compliance with the Regulatory Agreement executed by Owner and the requirements of 24 CFR part 92, as amended, including but not limited to the following:

1. Each HOME Unit in the Project has been rent restricted or had rents adjusted per the provisions of 24 CFR Part 92. YES NO
2. Each HOME Unit in the Project has been inspected and is suitable for occupancy, taking into account local health, safety and building codes, and the state or local government unit responsible for making building code inspections did not issue a report of violation for any building or HOME Unit in the Project.
 YES NO
If "No" state nature of violation on a separate page and attach a copy of the violation report and any documentation of correction.
3. All HOME Units in the Project are and have been for use by the general public and used on a non-transient basis. YES NO
4. If a HOME Unit became vacant during the reporting period, I used Affirmative Marketing Standards per the Regulatory Agreement to fill the vacant units. YES NO N/A – Project contains 4 or fewer Home Units

Owner further attests that enclosed with this Certificate are the following documents:

- A current and complete **Rent & Occupancy Compliance Report** for the HOME Units in the Project.
- Completed, signed **Tenant Income Certification** forms for all HOME Unit households.
- Two Months' Income Source Documentation** for each new tenant household taking residence in a HOME Unit during the reporting period. If the Project reached the 6th, 12th or 18th anniversary of Project completion during the reporting period, such source documentation is enclosed for ALL HOME Unit households.
- Completed, signed **Lease Compliance Addendum** or **Lease Compliance/VAWA Addendum**, as applicable, for all HOME Unit households.

Signature: _____

Date: _____

Printed Name/Title: _____

Phone: _____

Organization: _____

Email: _____

Please note that failure to complete this form in its entirety or to provide the above-referenced enclosures will result in noncompliance with program requirements. In addition, any individual other than an owner or general partner of the property is not permitted to sign this form unless documentation to support signature authority is attached.

Section 1001 of Title 18 of the U.S. Code makes it a criminal offense to make willful false statements or misrepresentations to any Department or Agency of the United States as to any matter within its jurisdiction.



**OFFICE OF COMMUNITY DEVELOPMENT
HOME Investment Partnerships Program**

RENT & OCCUPANCY COMPLIANCE REPORT

Property: _____

Address: _____

Total Units: _____

of HOME-Assisted Units: _____

Fixed or Floating? _____

of Low HOME Rent Units: _____

of High HOME Rent Units: _____

Date: _____

12-Month Reporting Period: _____ to _____

Project Utilities:	Type (Natural Gas, Bottled Gas, Fuel Oil, or Electric)	Paid by Tenant?
Space Heating		<input type="checkbox"/> YES <input type="checkbox"/> NO
Cooking		<input type="checkbox"/> YES <input type="checkbox"/> NO
Other Electric		<input type="checkbox"/> YES <input type="checkbox"/> NO
Water Heating		<input type="checkbox"/> YES <input type="checkbox"/> NO

A	B	C	D	E	F	G	H	I	J	K	L
Unit #	# of Bdrm	Low or High HOME Unit	Tenant Name	Move-in Date	Current HH Size	Current HH Annual (Gross) Income	Date of Last Income Re-Examination	Current Lease Period (MM/YY to MM/YY)	Current Contract Rent	Utility Allowance (Enter total for unit and show calculations on reverse)	Low or High HOME Rent Limit (Enter from Chart 1)
1A	2	L	J. Doe	2/1/10	3	\$40,000	2/1/16	2/19 to 2/20	\$1000	\$54	\$1087

(Continued on reverse)

A	B	C	D	E	F	G	H	I	J	K	L
Unit #	# of Bdrm	Low or High HOME Unit	Tenant Name	Move-in Date	Current HH Size	Current HH Annual (Gross) Income	Date of Last Income Re-Examination	Current Lease Period (MM/YY to MM/YY)	Current Contract Rent	Utility Allowance <small>(Enter total for unit and show calculations on below)</small>	Low or High HOME Rent Limit <small>(Enter from Chart 1)</small>

Explanation of Utility Allowance calculations for each unit size:

(Example: The Project uses the Housing Choice Voucher (HCV) Allowances for Orange County available from PathStone, a copy of which is enclosed with this response. Tenants pay for Cooking—Natural Gas, Other Electric, and Water Heating—Natural Gas. Based on the 2019 HCV Allowances, the total Utility Allowance for the 2-bedroom unit is \$19 + \$24 + \$11 = \$54.)

APPENDIX V

FY 2025 Community Development Calendar

Orange County Office of Community Development FY-2025 Program Year Calendar

March 13, 2024	FY-2025 HOME Application E-Mailed to Housing Developers and other Stakeholders and posted on OCD website
April 24, 2024 10-12 noon	HOME Application and 2025-2029 Consolidated Plan Stakeholder Workshop via Microsoft Teams **MANDATORY for Applicants** (Email ecousins@orangecountygov.com for sign-in information)
April 4, 2024 at 2 pm	Public Hearing #1 for the FY-2025 Action Plan and the 2025-2029 Consolidated Plan via Microsoft Teams (Email nandersen@orangecountygov.com for sign-in information) and at the Orange County Office of Community Development, 40 Matthews Street, Suite 307A, Goshen, NY at 2 pm
April 2024	County receives Notice from HUD of 2024 CDBG and HOME Grant Award funding
June 21, 2024 (Friday)	CDBG and HOME Applications Due to OCD Office by 4:00 p.m.
July 18, 2024 July 23, 2024	CDBG Advisory Committee Site Visits (Tentative) HOME Advisory Committee Site Visits or Microsoft Teams Presentations (Tentative)
July 25, 2024 at 9:30am July 30, 2024 at 9:30am	CDBG Advisory Committee Ranking Meeting HOME Advisory Committee Ranking Meeting
August 2024	County Executive Review of CDBG and HOME Advisory Committee Recommendations
October 1-31, 2024	30-Day Public Display and Comment Period for 2025 DRAFT Action Plan
October 16, 2024 at 2pm	2025 DRAFT Action Plan Public Hearing #2 via Microsoft Teams (Email nandersen@orangecountygov.com for sign-in information) and at the Orange County Office of Community Development, 40 Matthews Street, Suite 307A, Goshen, NY at 2 pm
October 25, 2024	OCD presents 2025 Budget and Action Plan to Education & Economic Development Statutory Committee for Legislature Approval
November 7, 2024	Legislative Votes to Approve to Submit FY-2025 Action Plan to HUD
November 15, 2024	Deadline to submit FY-2025 Action Plan to HUD
December 2024	FY-2025 CDBG Anticipated Award letters mailed to Municipalities FY-2025 HOME Anticipated Award letters mailed to Awardees
January 1, 2025	Begin FY-2025 Program Year – HUD Approves FY-2025 Action Plan
April 2025	Receive Notice from HUD of final 2025 CDBG and HOME Entitlement

These dates are tentative and subject to change. Notice of actual hearing dates, proposed and final plan adoption, and related public comment periods will be published in the Times Herald Record and on the OCD website:

<https://www.orangecountygov.com/192/Community-Development>

APPENDIX VI

Orange County Office of Community Development Section 3 Requirement Summary

And

Section 3 Clause: Section 3 language for procurement documents (bid documents, RFPs, RFBs, etc.) and contracts for construction projects that have been awarded more than \$200,000 of HUD funding

Contact the Office of Community Development for the Section 3 Policies and Procedures including all required forms.

Orange County Office of Community Development Section 3 Requirement Summary

Section 3 contributes to the establishment of stronger, more sustainable communities by ensuring that employment and other economic opportunities generated by Federal financial assistance for housing and community development programs are, to the greatest extent feasible and consistent with existing Federal, state, and local laws and regulations, directed toward low- and very low-income persons. Section 3 applies to training or employment arising in connection with housing rehabilitation, housing construction, or other public construction projects that are awarded more than \$200,000 of CDBG or HOME funding.

Per 24 CFR 75.3(a)(iii), Section 3 requirements apply to the entire project, not just the HUD-funded portion. All recipients of HUD funding, their contractors, and subcontractors need to comply with Section 3 requirements. If the recipient's reporting indicates that the recipient has not met the Section 3 benchmarks, the recipient must report on their qualitative efforts to outreach and assist Section 3 workers and business concerns and those its contractors and subcontractors pursued.

In accordance with 24 CFR 75.25(a), recipients of HUD funding must report the following labor hours for Section 3 projects:

1. The total number of labor hours worked by all workers (including total hours worked by all contractors and subcontractors on entire project not just the HUD funded portion)
2. The total number of labor hours worked by Section 3 workers (including total hours worked by all Section 3 workers on entire project not just the HUD funded portion) and
3. The total number of labor hours worked by Targeted Section 3 workers (including total hours worked by all Targeted Section 3 workers on entire project not just the HUD funded portion).

The following two benchmarks apply to each Section 3 project:

Benchmark 1: Twenty-five percent (25%) or more of the total number of labor hours worked by all workers on a Section 3 project must be done by Section 3 workers (this includes all non-HUD funded labor hours)

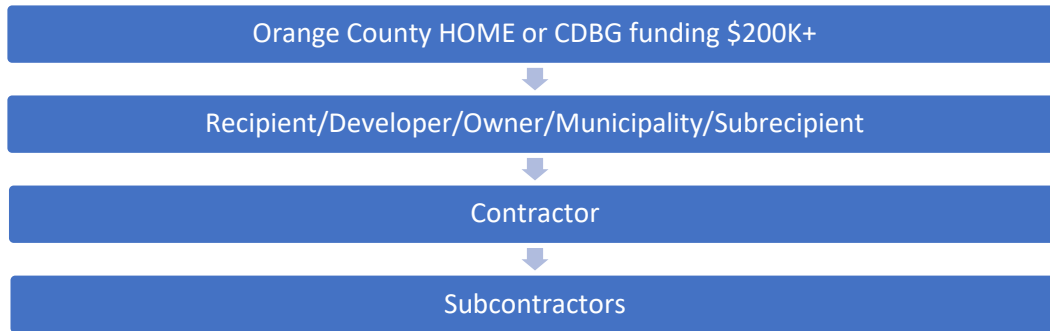
Section 3 Labor Hours/Total Labor Hours = 25% and

Benchmark 2: Five percent (5%) or more of the total number of labor hours worked by all workers on a Section 3 project must be done by Targeted Section 3 workers

Targeted Section 3 Labor Hours/Total Labor Hours = 5%

Section 3 Reporting Form & Greatest Extent Feasible Efforts Checklist applies to all Section 3 projects and must be filled out by all entities including the Municipality, Contractor, Subcontractors, Developers, Owners and Subrecipients.

Municipalities, Subrecipients, Developers/Owners, Contractors, and Subcontractors are all obligated Section 3 Participants. Each participant must designate a Section 3 Coordinator for the project. Section 3 Duties and Reporting Flowchart:



Section 3 language for procurement documents (bid documents, RFPs, RFBs, etc.) and contracts for construction projects that have been awarded more than \$200,000 of HUD funding

(This language is to be included in all procurement documents/solicitations and all contracts for work that is being performed on Section 3 projects)

If the HUD assistance provided under this agreement, contract, subcontract, memorandum of understanding, cooperative agreement or similar legally binding agreement (Agreement) exceeds \$200,000.00, then this Agreement and the work to be performed under it is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701u (Section 3 regulations set forth in 24 C.F.R. §75), as amended.

Section 3 and all applicable rules and orders issued thereunder prior to the execution of this agreement, shall be a condition of the HUD assistance provided under this agreement and binding upon Municipality/Subrecipient/Contractor/Subcontractor/Developer as applicable which shall require such a binding commitment from its Subrecipients, Contractors, subcontractors and Subrecipient subcontractors, if any. Failure to fulfill these requirements shall subject Municipality/Subrecipient/Contractor/Subcontractor/Developer and its Subrecipients and subcontractors, if any, to all New York State or federal remedies available at law or in equity to County or HUD, including but not limited to termination of this agreement. Municipality/Subrecipient/Contractor/Subcontractor/Developer certifies and agrees that no contractual or other disability exists which would prevent compliance with these requirements.

The purpose of Section 3 is to ensure, to the greatest extent feasible, that training, employment, contracting, and other economic opportunities generated by Section 3 covered financial assistance from HUD or HUD-funded projects covered by Section 3, shall be directed to low- and very low-income residents of the neighborhood where the financial assistance is spent, particularly to persons who are recipients of HUD assistance for housing, and to businesses that are either low- or very low-income residents of the neighborhoods where the financial assistance is spent, or substantially employ these persons.

The parties to this agreement agree to comply with HUD's regulations in 24 CFR part 75, which implement Section 3. As evidenced by their execution of this agreement, the parties certify that they are under no contractual or other impediment that would prevent them from complying with the part 75 regulations.

The [Municipality/Subrecipient/Contractor/Subcontractor/Developer (choose applicable)] agrees to notify potential contractors and subcontractors that are associated with Section 3 covered projects and activities about the requirements of Section 3, to include this Section 3 clause in every contract and subcontract subject to compliance with regulations in 24 CFR part 75, and to ensure that any subcontractors also include this Section 3 clause in their subcontracts for work performed on the project.

The [Municipality/Subrecipient/Contractor/Subcontractor/Developer (choose applicable)] agrees to include compliance with Section 3 requirements in every subcontract for Section 3 projects as defined in 24 CFR part 75, and agrees to take

appropriate action, as provided in an applicable provision of the subcontract upon a finding that the subcontractor is in violation of the regulations in 24 CFR part 75. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of the regulations in 24 CFR part 75.

The [Municipality/Subrecipient/Contractor/Subcontractor/Developer (choose applicable)] agrees to maintain hiring and contracting practices to the greatest extent feasible so that 25 percent of the total labor hours expended on the project are by Section 3 Workers, of which 5 percent are by Targeted Section 3 Workers as defined in 24 CFR part 75. As part of these practices, [Municipality/Subrecipient/Contractor/Subcontractor/Developer (choose applicable)] agrees to provide priority consideration to eligible residents and businesses in accordance with 24 CFR Part 75, as applicable. If the [Municipality/Subrecipient/Contractor/Subcontractor/Developer (choose applicable)] is not able to meet this benchmark goal, it must provide a narrative of efforts taken and supporting documentation explaining why it was unable to meet that goal, despite greatest extent feasible efforts taken.

The [Municipality/Subrecipient/Contractor/Subcontractor/Developer (choose applicable)] agrees to post copies of a notice advising workers of the Contractor's commitments under Section 3 in conspicuous places at the work site where both employees and applicants for training and employment positions can see the notice. Said notice shall describe the Section 3 preference, shall set forth minimum number and job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each; and the name and location of the person(s) taking applications for each of the positions; and the anticipated date the work shall begin.

If applicable, the [Municipality/Subrecipient/Contractor/Subcontractor/Developer (choose applicable)] agrees to notify each labor organization or representative of workers with which the [Municipality/Subrecipient/Contractor/Subcontractor/Developer (choose applicable)] has a collective bargaining or similar labor agreement or other understanding, if any, about its obligation to comply with the requirements of Section 3 and ensure that new collective bargaining or similar labor agreements provide employment, registered apprenticeship, training, subcontracting, or other economic opportunities to Section 3 Workers and businesses, and to post notices in conspicuous places at the work site advising the labor union, organization, or workers' representative of the contractor's commitments under this part.

The [Municipality/Subrecipient/Contractor/Subcontractor/Developer (choose applicable)] agrees to provide written notice of employment and contracting opportunities to all known Section 3 Workers and Section 3 Businesses.

The [Municipality/Subrecipient/Contractor/Subcontractor/Developer (choose applicable)] agrees to hire, to the greatest extent feasible, Section 3 workers as new hires, or provide written justification to the recipient that is consistent with 24 CFR Part 75, describing why it was unable to meet minimum numerical hiring goals, despite its efforts to comply with the provisions of this clause.

The [Municipality/Subrecipient/Contractor/Subcontractor/Developer(choose applicable)] agrees to attempt to recruit from within the service area of the project to fill employment opportunities generated by Section 3 covered assistance through local advertising media, signs placed at the proposed site for the project, and community organizations and public or private institutions operating within or serving the project area and providing preference for these opportunities in the following order: Section 3 Residents residing within one mile of the Section 3 covered project location (Targeted Section 3 Workers); Participants in YouthBuild Programs, and Other Section 3 Residents

The [Municipality/Subrecipient/Contractor/Subcontractor/Developer (choose applicable)] agrees to maintain records documenting Section 3 residents whom were hired to work on previous Section 3 covered projects or activities that were retained by the contractor for subsequent Section 3 covered projects or activities.

The [Municipality/Subrecipient/Contractor/Subcontractor/Developer (choose applicable)] agrees to post contract and job opportunities to the Opportunity Portal (<https://hudapps.hud.gov/OpportunityPortal/>) and will check the Portal for businesses located in the project area.

The [Municipality/Subrecipient/Contractor/Subcontractor/Developer (choose applicable)] will certify that any vacant employment positions, including training positions, that are filled (1) after the contractor is selected but before the contract is executed, and (2) with persons other than those to whom the regulations of 24 CFR part 75 require employment opportunities to be directed, were not filled to circumvent the contractor's obligations under 24 CFR part 75.

The [Municipality/Subrecipient/Contractor/Subcontractor/Developer (choose applicable)] will certify that they have followed prioritization of effort in 24 CFR part 75.19 for all employment and training opportunities. The contractor will further certify that it meets or exceeds the applicable Section 3 benchmarks, defined in 24 CFR Part 75.23, and if not, shall describe in detail the qualitative efforts it has taken to pursue low- and very low-income persons for economic opportunities.

The [Municipality/Subrecipient/Contractor/Subcontractor/Developer (choose applicable)] agrees to comply with all monitoring, reporting, recordkeeping, and other procedures specified by United States Department of Housing and Urban Development (HUD).

The [Municipality/Subrecipient/Contractor/Subcontractor/Developer (choose applicable)] is responsible for providing Section 3 performance metrics and supporting documentation for all its subrecipients, contractors, and subcontractors, as applicable.

Noncompliance with HUD's regulations in 24 CFR part 75 may result in sanctions, penalties, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.