

York County HOME Program Application Funding Guide



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HOME PROGRAM FUNDING GUIDE

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HOME Program Funding Guide

A. Introduction

1. Program Description

The York County Planning Commission administers the HOME Investment Partnership (HOME) Program funded by the U. S. Department of Housing and Urban Development. The intent of this program is to assure an adequate supply of standard housing which is affordable to low and very low-income households. York County has established objectives in its Consolidated Plan to accomplish this by providing loan funding to property owners to rehabilitate existing or create new housing units.

Because the HOME Program is intended to serve only low and very low-income households, all units subsidized through the Program must be occupied by households meeting the income criteria. Also, strict rent controls are imposed on these same units. Tenant selection requirements and rent controls will be enforced by deed restrictions for the term of the loan. Upon completion, annual inspections will be made to assure that subsidized units remain in standard condition, that the controlled rent is not exceeded, and that very low and low-income households occupy the units.

Owners/developers of projects who are interested in participating in this Program are required to submit proposals to the York County Planning Commission. The proposals will be reviewed and commitments made according to the following procedures and provisions of this HOME Program Funding Guide (Guide).

2. General Conditions

All projects to be funded through the HOME Program shall comply with the following general conditions:

- a. **ALL** units in a proposed development must be HOME units and may not be converted to condominium ownership, owner-occupancy or commercial usage during the term of the loan.
- b. Owners of units rehabilitated through this Program may not discriminate against any tenant or prospective tenant on the basis of their receipt of or eligibility for housing assistance under any federal, state or local housing assistance program; or, except for a housing project specifically designated for the elderly, on the basis that the tenants have a minor child or children living with them.
- c. Owners must comply with the Affirmative Marketing Procedures outlined in this Guide.
- d. **ALL** proposed rental developments must provide supportive services for residents; (i.e. case management, counseling, health care, childcare, after school programs, etc.)
- e. Owners must comply with all requirements of the Federally Funded Program(s) for which they are applying and for which they may receive funding.

- f. The incidental omission of any federal program requirement from this document does not excuse the owner from complying with the requirement.
- g. Owners shall comply with the regulations and issuances promulgated pursuant to the HOME Investment Partnership Act of 1990 or the Housing and Community Development Act of 1974, as amended, or revised.
- h. Owners must comply with the U.S. Department of Housing and Urban Development regulation within title 24 of the Code of Federal Regulations as Part 35 (24 CFR 35), "Requirements for Notification, Evaluation and Reduction of Lead-Based Paint Hazards in Federally Owned Residential Property and Housing Receiving Federal Assistance".
- i. Property owners must be provided with a Notice of Voluntary Sale as required at 49 CFR Section 24.101, for the acquisition of the land being developed or redeveloped by the program applicant of this proposal.

B. Available Funding

1. Minimum Funding

The minimum funding permitted through the Program is \$1,000.00 per assisted unit.

2. Maximum Funding

The maximum per assisted unit limit in York County is \$40,000. However, on a case by case basis, the County may exceed this limit when provided with satisfactory documentation that but for additional funds being provided, the project cannot proceed; or that HOME Program funds may be recaptured. In no event, however, will the current per unit subsidy limit established for York County by HUD in Appendix 2 be exceeded.

It is important to note that the actual amount of subsidy provided will be based upon the minimum amount deemed necessary to create a viable project. This information will be determined from the project application.

3. Sources of Funding

The County, at its sole discretion, may use HOME, CDBG, or Affordable Housing Trust Fund monies to fund activities.

4. Measure of Liability

In consideration of full and satisfactory performance of services provided by the Owner/Developer, the County shall make payments for the project based on the Budget subject to the limitation and provisions set forth in the HOME Agreement.

- a. It is expressly understood and agreed by the parties hereto that the County's obligations for the disbursement of the HOME and CDBG funds are contingent upon the actual receipt of adequate Federal HOME and CDBG funds to meet the County's liabilities. If adequate funds are not available to make payments, the County shall notify the

Contractor in writing within a reasonable period of time after such fact has been determined. The County may, at its option, either reduce the amount of its liability, or terminate the Contract. If federal funds are not granted to the County or are reduced, the County shall not be liable for further payments due to the Owner.

- b. It is expressly understood that a funding commitment in no way obligates the General Fund of the County or any other monies or credits of the County, other than the Affordable Housing Trust Fund.

C. Matching Requirements

The Program requires that an effort be made to leverage the HOME Program funds with private funds. The required minimum match is \$ 1.00 HOME Program funds for each \$3.00 in private funds. The property owner's share of the financing may come from personal savings, business cash flow or assets, financing obtained from commercial lending institutions, equity contributions of partners, et al.

On a case by case basis, the County may provide a greater proportion of project funding when provided with satisfactory documentation that but for additional funds being provided, the project cannot proceed; or that HOME Program funds may be recaptured.

D. Loan Terms

1. Repayment

Funding through this program will be provided in the form of a deferred payment loan, which means that all payments to principal and interest will be deferred until the expiration of the loan term.

2. Loan Period

The minimum length of the individual loan term and the resultant requirement to comply with HOME restrictions on tenant selection and rent control will vary based upon the amount of loan subsidy provided, as follows:

Activity	Average HOME Investment Per Unit	Minimum Affordability Period
Rental Housing Rehabilitation or Acquisition	Less than \$15,000	5 Years
	\$15,000 - \$40,000	10 Years
	Greater than \$40,000	15 Years
Rental Housing Rehabilitation – Refinance	Any \$ Amount	15 Years
Rental Housing – New Construction or Acquisition of New Housing	Any \$ Amount	20 Years
Homeownership Housing Assistance – All Forms	Less than \$15,000	5 Years
	\$15,000 - \$40,000	10 Years
	Greater than \$40,000	15 Years

3. Loan Rates

Loans will be provided at a minimum of 1% interest.

E. Eligible Costs

1. Development Hard Costs: Actual costs of constructing or rehabilitating housing.

- Costs to meet applicable new construction standards and energy efficiency standards.
- Costs to meet applicable rehabilitation standards or correct substandard conditions, including energy related repairs, handicapped improvements, lead based paint abatement and major systems.
- Costs to demolish existing structures and make site improvements and utility connections.

2. Development Soft Costs:

- Environmental review.
- Architectural, engineering or related professional services required to prepare plans, designs, specifications, or work write-ups.
- Processing and settlement costs, such as loan acquisition fees, credit reports, title insurance, recording and billing fees, building permits, attorney fees, appraisal fees, and cost estimate fees.
- Project CHDO costs.
- Information service costs such as affirmative marketing and fair housing information to prospective homeowners and tenants.
- Project audit costs.
- Cost of funding an 18-month initial operating reserve for new construction or total rehabilitation costs in excess of \$25,000 per unit.
- Payment of impact fees for new construction and total rehabilitation costs in excess of \$25,000 per unit.

3. Acquisition of real property.

4. Relocation costs.

F. Eligible Projects

1. General.

Projects must be located in the Primary or Secondary Growth areas, as defined in the County's Comprehensive Plan, or Incorporated Boroughs in York County. The City of York has its own program and funding, therefore, no projects will be funded that are located in the City of York. There is no restriction on the size or type of unit to be constructed or rehabilitated. Projects may be owned by public, private or non-profit developers.

HOME funds may also be used to fund residential living space in a mixed-use project.

2. Community Housing Development Organization (CHDO).

The County is required to set aside a minimum of 15% of each HOME Program annual appropriation for CHDOs. The qualifying criteria to be designated as a CHDO are included in Appendix 3.

3. Conflicts of Interest.

Any owner of an eligible property may participate in the Program, with the exception of the following who are excluded during their tenure and for one year thereafter from participation because their relationship with the York County Planning Commission would constitute a conflict of interest:

- a. Members and employees of the York County Planning Commission who formulate policy or influence decisions with respect to the HOME Program.
- b. York County public officials or members of the Board of Commissioners who exercise functions or responsibilities with respect to the HOME Program.
- c. Current members of or delegates to the Congress of the United States of America or Resident Commissioners.

G. Tenancy Requirements

1. General.

Tenants in all units assisted with HOME Program funds must qualify as low or very low-income households, verified annually. Additionally, projects using both HOME funds and LIHTCs must meet both sets of program rules.

At initial lease up (1st year of operations), no less than 90% of households assisted through HOME Program funds must be households whose annual incomes do not exceed 60% of the median family income for York County as determined by HUD with adjustments for smaller and larger families at the time of occupancy or at the time funds are invested, whichever is later; or the dwelling units assisted with such funds are occupied by households having such incomes. The remainder of the households must be households that qualify as low-income families (incomes that do not exceed 80% of area median income) at the time of occupancy or at the time funds are invested, whichever is later.

2. Very Low Income:

After initial lease up, a minimum of 20% of tenants in HOME Program assisted units must have incomes at or below very low-income. The current very low-income limits established by HUD for York County are attached in Appendix 4.

3. Low Income

After initial lease up, a maximum of 80% of tenants in HOME Program assisted units must have incomes at or below low-income. The current low-income limits established by HUD for York County are attached in Appendix 4.

H. Maximum Allowable Rents

1. General

All maximum allowable rents include utilities. To determine the amount allowed to be received by the property owner, it is necessary to subtract from this amount any utility costs paid by the tenant. The current HUD Utility Schedule Model (Form 52667) must be used to determine utility costs for all first year developments. See Appendix 5. Rents and utility allowances will be verified on an annual basis. Developers may continue to use the HUD Utility Schedule Model each year, or may conduct utility surveys of the development's tenants who have resided in the development for a full year and average that cost by unit size to determine the amount of utility allowance used. Additionally, projects using both HOME funds and LIHTCs must meet both sets of program rules.

2. 80% of the subsidized units in each project must rent at or below the lesser of:

- a. "Fair Market Rent"; or
- b. "High Home Rents"

The current Fair Market Rent and High HOME Rent (defined as 65% rent limit) established by HUD for York County are included in Appendix 6.

3. 20% of the subsidized units in each project must rent at or below the "Low Home Rents". The current Low HOME Rent (defined as 50% rent limit) established by HUD for York County is included in Appendix 6.

4. Existing Tenants

In order to minimize the displacement of tenants residing in the property at the time of application, for one year following the completion of rehabilitation, gross rents for existing tenants shall not exceed the greater of:

- a. The tenant's gross monthly rent prior to the application; or
- b. 30% of gross household income for non-low income tenants; or
- c. for low-income tenants, the greater of:
 - 1) 10% of the gross monthly income; or
 - 2) 30% of adjusted monthly income.

Adjusted income is computed by deducting from Annual Gross Income the following:

- For all households:
 - \$480 for each dependent (persons under age 18 and handicapped or disabled family members or full-time students who are not the head of household or the spouse).
 - Reasonable childcare expenses (for children 12 and under) that enable a family member to work or go to school.
 - Expenses in excess of 3% of annual gross income for the care of a disabled family member that enable that person or another person to work (includes care attendant and necessary equipment and apparatus).
- For elderly households only:
 - \$400 per elderly household (head of household or spouse is 62 years of age or older, handicapped or disabled).
 - Medical expenses not reimbursed by insurance in excess of 3% of annual income.

I. Affirmative Marketing

1. General

The owner of the rental property shall be responsible for renting all assisted units without regard to race, color, religion, sex, age, national origin, familial status, and disability. HUD also prohibits housing discrimination based on sexual orientation, gender identity, marital status, or being the victim of domestic or dating violence, sexual assault or stalking. (Refer to the Fair Housing Act, Title VI of the Civil Rights Act of 1964, Age Discrimination Act of 1975, Section 504 of the Rehabilitation Act of 1973), Equal Opportunity in Housing: Executive Order 11063, Equal Access to Housing in HUD Programs and the Violence Against Women Act (VAWA), as amended.)

2. Written Affirmative Marketing Plan or HUD-Approved Affirmative Fair Housing Marketing Plan (HUD 935.2a)

It is the policy of the County of York to require affirmative marketing of all units assisted under the HOME Program. Unless the Owner provides a HUD-approved Affirmative Fair Housing Marketing Plan (HUD 935.2a), the owner shall develop a written Affirmative Marketing Plan that at a minimum includes the following:

- a. Notification of Bell Socialization Services and the Housing Authority of York of the availability of all vacant units. Vacant units are defined as those units not rented to or capable of being rented to households on the wait list.
- b. Renting the vacant units without regard to race, color, religion, sex, age, national origin, familial status and disability, or any other basis prohibited by federal, state, or local law.
- c. Include the Equal Housing Opportunity logo or slogan on all marketing materials and solicitations for the units.

- d. Maintain records of affirmative marketing actions, such as copies of notifications to Bell Socialization Services, the Housing Authority, and any other solicitations.
- b. Prominently display the Fair Housing Poster in all offices in which sale or rental activities take place.
- c. Maintain a non-discriminatory policy in recruiting from all groups for staff.
- d. Instruct staff in the policy of non-discrimination and fair housing.

3. Annual Monitoring

a. General

Each project will be monitored annually for compliance with all HOME Program regulations including the Affirmative Marketing Plan, which shall be reviewed and approved by the County. If the Owner has not complied with program requirements, a monitoring report will be issued identifying the areas of non-compliance and a written mitigation plan will be required. Each project shall submit an annual Certificate of Compliance, a HOME Benefit Data Report, an annual Rent Approval form and quarterly operating and compliance reports.

b. Vacant Units

If the non-compliance involves vacant units, a warning will be given and the owner will be required to notify the County of York each time there is a vacancy. If, by the next annual review, the owner still fails to comply, the owner will be advised that the project is in default and that available legal action will be commenced to recover HOME Program funds.

J. Property Standards

1. New Construction Projects

The following standards and requirements apply for new construction projects:

- a. *Local, State, or national codes, ordinances, and zoning requirements.* Projects must meet all applicable State and local codes, ordinances, and zoning requirements. In the absence of state and local codes, they must meet the International Residential Code or International Building Code, as applicable to the type of housing.
- b. *Accessibility.* The project must meet the accessibility requirements of Section 504 of the Rehabilitation Act of 1973, Titles II and III of the Americans with Disabilities Act, and the Fair Housing Act, as amended.
- c. *Disaster mitigation.* Where relevant, the housing must be constructed to mitigate the impact of potential disasters (e.g., earthquakes, hurricanes, flooding, and wildfires), in accordance with State and local codes, ordinances, or other State and local requirements, or such other requirements as HUD may establish.
- d. *Site & Neighborhood Standards.* The project must meet the site and neighborhood standards found at 24 CFR 983.57(e)(2) and (3), which prohibit a project from being located in an area of minority concentration or a racially mixed area if the project will

cause a significant increase in the proportion of minority to non-minority residents in the area, unless certain conditions are met as described in 24 CFR(e)(3)(i-v).

- e. *Broadband Infrastructure.* Effective January 19, 2017, HUD requires installation of broadband infrastructure in new construction or major rehabilitation of multifamily rental housing. While developers are required to install only one (1) type of broadband infrastructure, HUD recommends installing more than one form of broadband infrastructure to encourage competition among service providers on quality and price.
- f. *Written cost estimates, construction contracts and construction documents.* The construction contract(s) and construction documents must describe the work in adequate detail so that inspections can be conducted. The County will review and approve contracts, cost estimates and construction documents to determine that specifications and costs are acceptable.
- g. *Construction progress inspections.* The County will conduct progress and final inspections of construction to ensure that work is done in accordance with the applicable codes, the construction contract, and construction documents.

2. Rehabilitation Projects

General

All rehabilitation work under the HOME Program must be completed in a cost efficient and skillful manner. The rehabilitation project must address the following:

- a. *Health and Safety.* Life threatening deficiencies must be addressed immediately if the unit is occupied.
- b. *Major Systems for Rental Housing.* An estimate of the remaining useful life of major systems is required including structural support, roofing, cladding, and weatherproofing (windows, doors, siding, gutters, plumbing, electrical and heating, ventilations, and air conditioning). This must be done with a capital needs assessment for projects with 26 or more units. If the remaining useful life is less than the affordability period, either immediate replacement or replacement reserve deposits will be required to ensure that the projects' major systems and physical needs can be maintained throughout the affordability period.
- c. *Major Systems for Homeownership Housing.* It will be required that all major systems have a useful life of at least five (5) years.
- d. *Lead-Based Paint Requirements.* All HOME-funded rehabilitation must meet the requirements of the Lead Safe Housing Rule at 24 CFR Part 35.
- e. *Accessibility Requirements.* Assisted housing must meet the accessibility requirements of Section 504 of the Rehabilitation Act of 1973, Titles II and III of the Americans with Disabilities Act, and the Fair Housing Act, as amended and/or as applicable.
- f. *Disaster Mitigation Standards:* Where needed to mitigate the risk of potential disasters, State and local requirements for disaster mitigation apply. In their absence, HUD will establish disaster mitigation standards.
- g. *State and Local Codes, Ordinances, and Zoning Requirements.* In the absence of State or local building codes that apply to rehabilitation, the County will use the International Existing Building Code of the ICC.

After rehabilitation, properties must meet the County of York Housing Quality Standards for all units in which total rehabilitation costs do not exceed \$25,000 per HOME assisted unit.

In addition to the County of York Housing Quality Standards, all applicable local codes and ordinances, and energy standards must be complied with in those units in which total costs exceed \$25,000.

K. Other Federal Requirements

1. Labor Standards

Federal prevailing wages under the Davis-Bacon Act apply to projects in which 12 or more units are assisted with HOME Program funds.

2. Residential Lead-Based Paint Hazard Reduction Act of 1992

The owner must comply with current regulations of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4821 et seq.) including new requirements under sections 1012 and 1013 of the regulation. The new regulation appears within title 24 of the Code of Federal Regulations as part 35 (24 CFR 35). This includes hazard reduction requirements that give much greater emphasis than existing regulations to reducing lead in house dust.

3. Environmental Review

All projects are subject to the environmental review and clearance requirements of Section 104 of the Housing and Community Development Act of 1974 and 24 CFR Part 58. York County Planning Commission staff will complete these reviews prior to the expenditure of any HOME Program funds. The developer may be required to supply information to the York County Planning Commission to complete the Environmental Review Record.

The County will not go to settlement until the Environmental Review Record (ERR) is complete. It is the responsibility of the developer to incorporate the ERR process into the project implementation schedule. The developer is advised to contact the Planning Commission to initiate the ERR process upon notice of award of funds. The Environmental Review Officer will be notified of the award of funds. The County is required to conduct the Environmental Review (ER) process for each project/program it funds. The County undertakes up to 60 Public Works projects annually that all require completion of the ER requirements. Housing Development projects will not be given any preference in the ER process. In addition, The ER process has several statutory comment periods and objection periods. These time periods cannot be shortened and may impact the project implementation schedule. The County will not be responsible for the failure of a developer to plan for the completion of the ER.

4. Ineligible Contractors

Owners are prohibited from contracting with disbarred, suspended, or ineligible contractors according to the provisions of 24 CFR Part 24.

5. Equal Opportunity

When applicable, property owners and contractors will be required to abide by the following regulations:

- a. Executive Order 11246 concerning nondiscrimination in the hiring and firing of employees.
- b. Section 3 of the Housing and Urban Development Act of 1968 concerning the employment of local project area residents.
- c. Executive Orders 11625, 12432 and 12138 concerning the use of minority and women's business enterprises, as follows:
 - 1) Include qualified minority and women owned businesses on bid solicitation list. At a minimum, owner shall contact qualified Minority and Women's Business Enterprise firms identified in Appendix 7.
 - 2) Encourage contractors to solicit minority and women owned businesses whenever they are potential sources of materials and to take affirmative steps whenever subcontractors are used.
 - 3) Use the services and assistance of the Minority Business Development Agency of the Department of Commerce and the Interagency Committee on Women's Business Enterprise.

L. Financial Assistance to Tenants

Assistance may be available for project tenants through Bell Socialization Services' Next Door Program and the Housing Authority of the City of York (York Housing Authority).

M. Notice of Voluntary Sale

In compliance with Federal relocation and acquisition disclosure requirements pursuant to 49 CFR Section 24.101, Applicant must provide the County with evidence that a Notice of Voluntary Sale was signed by the seller and purchaser for property to be used in conjunction with the proposed development in this application. Sample of said Notice is included at Appendix 8.

N. Tenant Displacement/Relocation Payments

It is the policy of the County of York to avoid tenant displacement as a result of HUD funded activities. In the event that tenants will be displaced by these activities, owners shall be responsible for the payment of any and all displacement and/or relocation claims under the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970 for the

HOME Program in 24 C.F.R. Section 92.353. To demonstrate compliance, the project proposal shall include:

1. Evidence of notification of existing tenants of the proposed project by certified letter, return receipt, substantially in the form of the letter in Appendix 9.
2. A Tenant Displacement/Relocation Plan in compliance with 24 C.F.R. Section 92.353, as included in Appendix 10.
3. A displacement/relocation line item in the project development budget.

O. Proposal Requirements

Each project proposal shall be submitted on the forms included in Appendix 1, along with a check in the amount of \$750.00. **Faxed applications will not be accepted.**

P. Proposal Review

Each project proposal will be reviewed by the Planning Commission, using the following underwriting criteria.

1. Evidence of site control and Notice of Voluntary Sale.
3. Unit sizes of two bedrooms or more for families.
4. Units currently vacant. If there are existing tenants, a project displacement/relocation plan must be submitted.
5. Units accessible/usable by people with disabilities.
6. \$40,000 maximum HOME Program financing per assisted unit.
7. Maximum of 25% of total development cost for County financing.
8. Maximum of 6% of construction/rehabilitation cost for general requirements.
9. Maximum of 2% of construction/rehabilitation cost for builder's overhead.
10. Maximum of 6% of construction/rehabilitation cost for builder's profit.
11. Maximum of 5% of construction/rehabilitation cost for architect's fees.
12. Maximum of 2.5% of permanent financing for origination fee.
13. Maximum of .5% of permanent financing for credit enhancement fee.
14. Maximum of 1% of permanent financing for cost of issuance.
15. Maximum of 4% of total project cost for development contingency.
16. Maximum of 15% of total project cost for developer's fee and overhead for new construction and maximum of 10% for rehabilitation.
16. Minimum of 5% vacancy rate per year.
17. Maximum of 3% increase in rent, income, and expenses per year.
18. Maximum of 18-month operating deficit reserve for operating expenses, reserve for replacement payments, and debt service.

19. Maximum of 115% annual debt service.
20. Maximum of 50% of units at 50% rent level.
21. Maximum 10% property management fee.

Q. Processing of Proposals

1. Owner prepares and submits a project proposal application to the York County Planning Commission.
 - a. The Planning Commission shall review the proposal for eligibility. If the project is ineligible, the owner will be notified.
 - b. The Planning Commission shall review eligible project applications for completeness. If the application is not complete, the application will not be processed.
2. The Planning Commission will require verification of existing tenant data to certify incomes and current rental charges.
3. The Planning Commission will conduct an initial inspection after receiving a complete proposal to review the project site; and in the case of rehabilitation, to determine the work required, verify the cost estimate and determine project physical feasibility.
4. The Planning Commission will review construction plans and specifications for compliance with Program requirements, including PA Department of Labor and Industry approval and Davis-Bacon prevailing wages.
5. The Planning Commission will analyze the pro forma to determine the least amount of assistance required, analyze the rate of return on equity investment, and prepare a loan summary for the Loan Committee.
 - a. Owner is required to make a presentation to the Loan Committee.
 - b. Upon review and approval of the County's Loan Committee, the Planning Commission will issue a commitment letter. The commitment letter will indicate the amount of assistance that may be provided and the terms and conditions of the loan. The funding commitment will be for 120 days.
 - c. In the event that the application is rejected, the Chief of Housing shall be responsible for issuing an Adverse Action letter to the applicant as soon as possible. The letter will be sent certified, return receipt requested and ten (10) day appeal period will commence on the date received.

If the applicant elects to appeal the decision of the Loan Committee, he/she shall be asked to present his/her case to an Appeal Board. The decision of the Appeal Board shall be binding and final.

6. Owner shall secure bid(s) within twenty-one days of receiving the Planning Commission funding commitment, and shall notify the Planning Commission of the successful bidder.

7. Loan settlement and contract documents - The following is a list of documents that must be submitted prior to settlement. Additional documents may be requested by the County, at its sole discretion. Some documents may not be applicable to your project.
 - a. Notice of Rescission
 - b. Funds Statement
 - c. Affidavit of Title
 - d. Mortgage Loan Disclosure Statement
 - e. Primary Mortgage & Security Agreement
 - f. Promissory Note
 - g. Disbursal of Funds Statement
 - h. Acknowledgment of Receipt
 - i. Contract Agreement
 - j. Proceed Order
 - k. Stipulation Against Liens
 - l. Restrictive Covenants
 - m. UCC Financing Statements (Primary Mortgage and Support Mortgage)
 - n. Support Mortgage and Security Agreement
 - o. Support Note
 - p. Management Agreement
 1. Affirmative Fair Housing Marketing Plan (HUD-approved 935.2a) or
 2. Written Affirmative Marketing Plan
 3. Evidence of Compliance with the Uniform Relocation Assistance Real Property Acquisition Policies Act of 1970 (if applicable)
 4. Management Plan
 5. Tenant Selection Plan
 - q. Assignment of Leases and Rents
 - r. Assignments of Agreements Affecting Real Estate
 - s. Agreement to Pay Cost Overruns
 1. Development Contingency Fund Agreement
 2. Development Contingency Fund Letter of Credit or Cash
 3. Operating Deficit Fund Agreement
 4. Operating Deficit Letter of Credit or Cash
 - t. Mortgagor's Certification of Environmental Inspection
 - u. Acknowledgment of Obligation of Pro Rata Cost of Issuance
 - v. Mortgagor's Certification of Compliance with State and Federal Requirements
 - w. Mortgagor's Certification of Project Financing
 - x. Mortgagor's Pledge Agreement
 - y. Commitment Letter(s)
 - z. Construction Cost Estimate - Approved General Contractor, Mortgagor, Architect and County.
 - aa. AIA Document A-101 (2017) Construction Contract with Addendum List of Subcontractors, plus AIA Document A201 (2017) General Conditions of A101
 - bb. Wage Determination
 - cc. Documentation Evidencing the Bid Process
 - dd. Payment Bond and Performance Bond or Letter of Credit
 - ee. Waiver of Liens:
 - Contractors
 - Subcontractors

Architect and Design Architect

- ff. Architect's Certification (compliance with building and HOME Program standards)
 - gg. AIA Document B-105 (2017) Architect Contract
 - hh. Plans & Specifications, with Department of Labor and/or Governmental approvals, with General Contractor and Mortgagor approvals (reviewed for compliance with local codes, housing quality standards)
 - ii. Evidence of Section 3 and MBE/WBE Compliance
 - jj. Preventative Maintenance Plan
 - kk. Partnership Organizational Documents
 - 1. Limited Partnership Agreement
 - 2. Certificate of Limited Partnership (Recorded with Secretary of State)
 - 3. Partnership Resolution
 - 4. Certificate of Good Standing
 - ll. Corporate Organizational Documents
 - 1. Bylaws
 - 2. Articles of Incorporation
 - 3. Corporate Resolution
 - 4. Certificate of Good Standing
 - 5. Incumbency Certificates
 - 6. 501(c) (3) Determination
 - 7. CHDO Designation
 - mm. Financial Statements of Mortgagor
 - nn. Tax Identification Number (IRS W-9 Form)
 - oo. Opinion of Mortgagor's Counsel as to organizational validity, local code, and program compliance issues. (Subject to the approval of lender's counsel)
 - pp. Insurance Policies (with County named Mortgagee, Additional Insured and Loss Payee)
 - 1. Hazard & Fire & Builder's Risk Casualty
 - 2. Flood Insurance
 - 3. Liability Insurance with Workman's Compensation, Contingent & Public Liability
 - 4. Architect's Insurance
 - 5. Fidelity Bonds
 - qq. Environmental Audit
 - rr. Current Survey with metes & bound reports, Surveyors Report
 - ss. Commitment for Title Insurance or Title Binder
 - tt. Exhibit A with Property Identification Number (for recording purposes)
 - uu. Evidence of utility services (within 30 days of Loan Closing Date) and evidence of dedication of all public roads, sewers, etc. (letter from municipality)
 - vv. Permits and Governmental Approvals:
 - 1. Zoning
 - 2. Building Permits
 - 3. Flood Plain Certification
 - 4. Compliance with Fire Safety Act
 - ww. Market Study/ Property Appraisal
 - xx. Initial Payout Application
 - yy. Ancillary Loan/Funding Documents
8. Contractor secures all necessary building permits and work begins.

9. Rehabilitation Specialist conducts progress inspections and certifies payments to the contractor.
10. Rehabilitation Specialist does inspection sixty days from work completion.
11. Property inspections are made annually and rent and tenant information is certified.
12. All invoices, regardless of the funding source from which payment is requested, **MUST** be submitted to the York County Planning Commission. No payment will be made unless all federal, state and local requirements are satisfied.

APPENDIX 1

HOME Program Application Form

[\(Click Here for the Fillable PDF Form\)](#)

APPENDIX 2

Maximum Per Unit Subsidy

HOME Program Maximum Per Unit Subsidy Limits

Based on HUD Section 234 Condominium Housing Basic Mortgage Limits
Per HUD Notice CPD-15-003 Interim Policy Dated March 17, 2015, and
Federal Register / Vol. 88, No. 67 / Friday, April 7, 2023

HOME Participating Jurisdictions in Eastern Pennsylvania and Delaware

<u>0BR</u>	<u>1BR</u>	<u>2BR</u>	<u>3BR</u>	<u>4BR</u>
\$173,011	\$198,331	\$241,176	\$312,005	\$342,482

APPENDIX 3
CHDO Requirements

COMMUNITY HOUSING DEVELOPMENT ORGANIZATIONS (CHDOs)

Among its purposes, the National Affordable Housing Act was created to: (1) promote partnerships between States, units of general local government and nonprofit organizations and (2) to expand nonprofit organizations' capacity to develop and manage decent and affordable housing. While there are many types of nonprofit organizations, and any nonprofit may receive HOME funds, only funds going to Community Housing Development Organizations (CHDOs) may count against the minimum 15% of each participating jurisdiction's (PJ's) HOME allocation.

A Community Housing Development Organization (CHDO) is a private nonprofit, community-based service organization that has obtained or intends to obtain staff with the capacity to develop affordable housing for the community it serves.

A CHDO must be:

- A Developer, sponsor or owner of HOME assisted housing and is able to demonstrate capacity in relation to their "role", and is
- Organized and structured according to the standards provided in the 2013 HOME Final Rule.

15% Set-aside

Participating Jurisdictions must set aside a minimum of 15% of their HOME allocation for housing development activities in which qualified CHDOs are the owners, developers and /or sponsors of the housing. Nonprofit organizations not meeting the criteria for CHDOs can receive HOME monies; however they are not eligible for the 15% set-aside for CHDOs.

- PJs may set aside more than 15% of their funds for housing owned, developed or sponsored by CHDOs.
- A PJ's CHDO set-aside funds must be committed to a specific project within 24 months of receiving its HOME allocation, and must be expended within five (5) years.
- PJs must commit funds to a CHDO for a specific project within twenty-four (24) months. Non-project specific reservations no longer count toward a commitment or CHDO reservation requirements.
- Each time funds are committed to a specific CHDO project, documentation/certification of CHDO staff capacity and the capacity to fulfill the specific CHDO role is required.
- Set-aside funds not reserved for CHDOs within 24 months will be recaptured by HUD.
- Recaptured funds will be reallocated by a national competition to other participating jurisdictions for CHDO projects;

Eligible Activities

CHDOs may use the 15 percent set-aside to carry out any eligible HOME development activity for housing which they develop, own, or sponsor. A CHDO may also own and manage HOME-assisted housing that it does not develop. CHDO set-aside funds may **not** be used for administering tenant-based rental assistance or down payment assistance programs.

PJs may allow CHDOs to use HOME funds for all eligible HOME activities, however, only certain types of activities count toward the minimum 15% set-aside

Eligible set-aside activities include the following when carried out by a CHDO acting as an owner, sponsor, or developer:

- Acquisition and/or rehabilitation of rental housing
- New construction of rental housing
- Direct financial assistance to purchase HOME-assisted housing requiring no rehabilitation, and the CHDO is acting in an owner/manager role
- Acquisition and/or rehabilitation of homebuyer properties
- New construction of homebuyer properties

Special Assistance to CHDOs

A PJ may use HOME funds to provide special assistance to CHDOs. This assistance includes:

- Project pre-development loans – A portion of the CHDO set-aside funds may be provided to CHDOs for **project-specific** pre-development assistance. The total of HOME funds used for CHDO project pre-development assistance may not exceed 10% of the total CHDO set-aside for eligible activity.
- Operating assistance – Up to 5% of a PJ's HOME allocation may be used to provide general operating assistance to CHDOs that are receiving set-aside funds for an activity. Operating expenses are not an eligible cost for CHDO set-aside funds.
- Use of HOME project proceeds – At the discretion of the PJ a CHDO may be authorized to retain some or all of the proceeds generated from a CHDO development activity. The PJ determines how project proceeds may be used.
- Capacity-building assistance – Funding available for Capacity-building is limited to PJs that are still within the first 24 months of participating in the HOME Program.

***** PLEASE REFER TO THE 2013 HOME FINAL RULE FOR FURTHER GUIDANCE ON CHDO REGULATION AND REQUIREMENTS.**

Technical Assistance

HUD is authorized to provide educational and organizational support to CHDOs receiving HOME funds from participating jurisdictions' set-aside allocations. HUD will provide this assistance through contracts with nonprofit intermediary organizations. Technical assistance funds may be awarded competitively by HUD to provide direct technical assistance in the following substantive areas:

- Organizational Support;
- Housing education;
- Program-wide support for nonprofit development and management;
- Benevolent loan funds;
- Community development banks and credit unions.

NOTE: A Notice of Funding Availability (NOFA) for technical assistance to CHDOs was published in the Federal Register in 1992. A CHDO cannot receive assistance for organizational support and housing education for any fiscal year in an amount that, together with other federal assistance (including CDBG), provides more than 50 percent of the organization's operating budget in the fiscal year.

APPENDIX 4

Income Limits

**NOTICE TO OWNER/PROPERTY MANAGER
YORK COUNTY HOME PROGRAM
TENANT INCOME LIMITS**

Effective Date: June 15, 2023

HOME PROGRAM INCOME LIMITS			
Household Size	50% of Median 20% of tenants must meet this income standard and occupy the Very-Low HOME units. Very Low Income	60% of Median All tenants must meet this standard. Low Income	80% of Median *Exceptions Only Limit to Low Income
1 person	\$33,950	\$40,740	\$54,250
2 persons	\$38,800	\$46,560	\$62,000
3 persons	\$43,650	\$52,380	\$69,750
4 persons	\$48,450	\$58,140	\$77,500
5 persons	\$52,350	\$62,820	\$83,700
6 persons	\$56,250	\$67,500	\$89,900
7 persons	\$60,100	\$72,120	\$96,100
8 persons	\$64,000	\$76,800	\$102,300

OCCUPANCY RULES

- “Program Rule”: At the time of project’s initial occupancy, 90% of households must be at or below 60% of area median income. The balance of the units may be occupied by households at or below 80% of area median income. (*LIHTC limits may apply.)
- “Project Rule”: In projects of five or more units, at least 20% of households must be at or below 50% of area median income and occupy the Very Low HOME units.
- No households may move into a HOME assisted unit if their income is greater than 80% of area median income. (*LIHTC limits may apply.)
- Household income may rise during occupancy with no effect in rent unless income exceeds 80% of area median income. (See Compliance in HOME Rental Projects - Guide for Owners, published 2009) (*LIHTC limits may apply.)

****LIHTC Rules apply for units assisted with both LIHTC and HOME. The most restrictive program limits must be used. Admission of 80% households are permitted only in projects without LIHTC.***

APPENDIX 5
Utility Allowances

YORK COUNTY
HOME INVESTMENT PARTNERSHIP (HOME) PROGRAM
AFFORDABLE RENTAL HOUSING DEVELOPMENT
UTILITY ALLOWANCE
POLICY

The York County Planning Commission (YCPC) administers the HOME Investment Partnership (HOME) Program for the County of York.

The HOME Program Final Rule at 24 CFR Part 92, Subpart F, Section 92.252 (d) states:

“Initial rent schedule and utility allowances. (1) The Participating Jurisdiction (York County) must establish maximum monthly allowances for utilities and services (excluding telephone) and update the allowances annually. The Participating Jurisdiction must use the HUD Utility Schedule Model or otherwise determine the utility allowance for the project based on the type of utilities used at the project.

(2) The Participating Jurisdiction must review and approve rents proposed by the owner for units subject to the maximum rent limitations in paragraphs (a) or (b) of this section. For all units subject to the maximum rent limitations in paragraphs (a) or (b) of this section for which the tenant is paying utilities and services, the Participating Jurisdiction must ensure that the rents do not exceed the maximum rent minus the monthly allowances for utilities and services.”

Maximum allowable HOME rents must be reduced if the tenant pays for utilities. The calculation of Section 8 FMRs includes all utilities and housing-related services, except telephone. HUD’s calculation of high and low rents also includes utilities.

In some of the affordable housing developments in York County monitored by YCPC, many utilities - water, heat, air conditioning, fuel, etc. - are not included in rents and are paid by the tenant.

Utility allowances provide a mechanism for reducing the maximum allowable HOME rents when some or all utilities are paid by the tenant.

Beginning January 1, 2015, all owners, during the first year of occupancy of those developments where tenants pay their own utilities, must use the HUD Utility Schedule Model (Form 52667), which will be provided to the owner by YCPC to determine applicable utility allowances.

For the second and subsequent years, owners will be required to use either the HUD Utility Schedule Model provided **or** the Multifamily Housing Utility Analysis, which involves conducting actual utility cost surveys of the units in their developments to determine the average utility allowance to be used for each unit type. Any and all documentation of these calculations **must** be reviewed and approved by the County annually.

APPENDIX 6

Allowable Rents

**NOTICE TO OWNER/PROPERTY MANAGER
YORK COUNTY HOME PROGRAM
MAXIMUM RENT LIMITS**

Effective Date: June 15, 2023

NOTE: Every HOME assisted unit is subject to rent controls. Please post this notice.

MAXIMUM RENT-PLUS-UTILITY STANDARDS							
Subtract Utility Allowance to Determine Maximum Actual Rents							
Unit Size:	0 Bedroom (Efficiency)	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	5 Bedroom	6 Bedroom
Very-Low-Income Rent-plus-Utility Standard LOW HOME RENT LIMIT (50% limits)	\$789	\$883	\$1,091	\$1,260	\$1,406	\$1,551	\$1,695
Low-Income Rent-plus-Utility Standard (all units must be at or below this level) HIGH HOME RENT LIMIT (60/80% limits)	\$789	\$883	\$1,128	\$1,468	\$1,569	\$1,804	\$2,040
The following is for information purposes only - not to be used as HOME rent limits:							
Fair Market Rent	\$789	\$883	\$1,128	\$1,468	\$1,569	\$1,804	\$2,040
50% rent limit	\$848	\$909	\$1,091	\$1,260	\$1,406	\$1,551	\$1,695
65% rent limit	\$1,083	\$1,161	\$1,396	\$1,603	\$1,769	\$1,933	\$2,097

- The rent standards above must be reduced if the tenant pays for utilities. This is because the calculation of these rent standards includes all utilities, except telephone and cable/satellite. Yet in practice, many utilities – water, heat, air conditioning, fuel, etc. are not included in rents.
- Utility allowances provide a mechanism for adjusting the maximum allowable HOME rents when some or all utilities are paid by the tenant.
- Examples:

\$1,230	High HOME rent limit	\$1,068	Low HOME rent limit
- 100	Allowance for heat and water	- 100	Allowance for heat and water
\$1,130	Max allowable High HOME rent	\$ 968	Max allowable Low HOME rent
- Utility allowance adjustments proposed by owners/managers for specific projects must be approved by York County.

APPENDIX 7

Minority/Women Owned Businesses

[\(Click Here for the PDF\)](#)

APPENDIX 8

Notice of Voluntary Sale

GUIDEFORM
VOLUNTARY ACQUISITION
Informational Notice
(Agencies Without Eminent Domain Authority)

Company Letterhead

(Date)

Dear _____:

(Name of Agency/Person) _____ is interested in acquiring property you own at (address) _____ for a proposed project which may receive funding assistance from the U.S. Department of Housing and Urban Development (HUD).

Please be advised that (Name of Agency/Person) _____ does not have authority to acquire your property by eminent domain. In the event we cannot reach an amicable agreement for the purchase of your property, we will not pursue this proposed acquisition.

We are prepared to offer you (\$) _____ to purchase your property. We believe this amount represents the current market value of your property. Please contact us at your convenience if you are interested in selling your property.

In accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA), owner-occupants who move as a result of a voluntary acquisition are **not** eligible for relocation assistance.

If you have any questions about this notice or the proposed project, please contact (name) _____, (title) _____, (address) _____, (phone) _____.

Sincerely,

(Name and title) _____

1. There must be an indication of the manner in which this notice was delivered (e.g., certified mail, return receipt requested) and the date of delivery.
2. Tenant-occupants displaced as a result of a voluntary acquisition may be entitled to URA relocation assistance and must be so informed per 49 CFR 24.2(a)(15)(iv) – Initiations of negotiations, and 49 CFR 24 Appendix A – 24.2(a)(15)(iv).
3. This is a guide form. It should be revised to reflect the circumstances.

APPENDIX 9

Tenant Notification Letter

Dear:

On or about _____, we will submit an application for financial assistance to the County of York, Pennsylvania to rehabilitate the existing apartments and/or construct new apartments at _____, York, Pennsylvania.

This is a **notice of nondisplacement**. You will not be required to permanently move as a result of the rehabilitation. This notice guarantees you the following:

1. You will be able to lease and occupy your present apartment (or another suitable, decent, safe, and sanitary apartment in the same building/complex) when the rehabilitation is completed. Your monthly rent will remain the same; or if increased, your new rent and estimated average utility costs will not exceed 30% of the gross income of all adult members of your household. Of course, you must comply with the reasonable terms and conditions of your lease.
2. You may be required to move so that the repairs can be completed. If you are required to move, you will be reimbursed for all of your out-of-pocket extra expenses, including the cost of moving to and from the unit you temporarily occupy and any additional housing costs. The temporary unit will be decent, safe and sanitary, and all other conditions of the temporary move will be reasonable. If you are required to move, you will be given a separate notice and enough time to move before the renovations begin.

Since you will have the opportunity to occupy a newly rehabilitated apartment, we urge you **not to move**. If you move after receipt of this notice on your own, you will not receive any relocation assistance that you may be entitled to under the Uniform Relocation assistance and Real Property Acquisition Policies Act of 1970, as amended.

We will make every effort to accommodate your needs. We will be contacting you to set up an appointment to meet and talk with you about the project and your eligibility for assistance. If you have any questions, please contact us at _____. Please retain this letter because it is important to you.

Sincerely,

APPENDIX 10

Displacement/Relocation Requirements

§92.353 Displacement, Relocation, and Acquisition.

(a) *Minimizing displacement.* Consistent with the other goals and objectives of this part, the participating jurisdiction must ensure that it has taken all reasonable steps to minimize the displacement of persons (families, individuals, businesses, nonprofit organizations, and farms) as a result of a project assisted with HOME funds. To the extent feasible, residential tenants must be provided a reasonable opportunity to lease and occupy a suitable, decent, safe, sanitary, and affordable dwelling unit in the building/complex upon completion of the project.

(b) *Temporary relocation.* The following policies cover residential tenants who will not be required to move permanently but who must relocate temporarily for the project. Such tenants must be provided:

(1) Reimbursement for all reasonable out-of-pocket expenses incurred in connection with the temporary relocation, including the cost of moving to and from the temporarily occupied housing and any increase in monthly rent/utility costs.

(2) Appropriate advisory services, including reasonable advance written notice of:

(i) The date and approximate duration of the temporary relocation;

(ii) The location of the suitable, decent, safe, and sanitary dwelling to be made available for the temporary period;

(iii) The terms and conditions under which the tenant may lease and occupy a suitable, decent, safe, and sanitary dwelling in the building/complex upon completion of the project; and

(iv) The provisions of paragraph (b) (1) of this section.

(c) *Relocation assistance for displaced persons*—(1) *General.* A displaced person (defined in paragraph (c)(2) of this section) must be provided relocation assistance at the levels described in, and in accordance with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA) (42 U.S.C. 4201-4655) and 49 CFR part 24. A “displaced person” must be advised of his or her rights under the Fair Housing Act and, if the comparable replacement dwelling used to establish the amount of the replacement housing payment to be provided to a minority person is located in an area of minority concentration, the minority person also must be given, if possible, referrals to comparable and suitable, decent, safe, and sanitary replacement dwellings not located in such areas.

(2) *Displaced Person.* (i) For purposes of paragraph (c) of this section, the term *displaced person* means a person (family individual, business, nonprofit organization, or farm, including any corporation, partnership or association) that moves from real property or moves personal property from real property, permanently, as a direct result of acquisition, rehabilitation, or demolition for a project assisted with HOME funds. This includes any permanent, involuntary move for an assisted project, including any permanent move from the real property that is made:

(A) After notice by the owner to move permanently from the property, if the move occurs on or after:

(1) The date of the submission of an application to the participating jurisdiction or HUD, if the applicant has site control and the application is later approved; or

(2) The date the jurisdiction approves the applicable site, if the applicant does not have site control at

the time of the application; or

(B) Before the date described in paragraph (c) (2) (i) (A) of this section, if the jurisdiction or HUD determines that the displacement resulted directly from acquisition, rehabilitation, or demolition for the project; or

(C) By a tenant-occupant of a dwelling unit, if any one of the following three situations occurs:

(1) The tenant moves after execution of the agreement covering the acquisition, rehabilitation, or demolition and the move occurs before the tenant is provided written notice offering the tenant the opportunity to lease and occupy a suitable, decent, safe, and sanitary dwelling in the same building/complex upon completion of the project under reasonable terms and conditions. Such reasonable terms and conditions must include a term of at least one year at a monthly rent and estimated average monthly utility costs that do not exceed the greater of:

(i) The tenant's monthly rent before such agreement and estimated average monthly utility costs; or

(ii) The total tenant payment, as determined under 24 CFR 5.628, if the tenant is low-income, or 30 percent of gross household income, if the tenant is not low-income;

(2) The tenant is required to relocate temporarily, does not return to the building/complex, and either

(i) The tenant is not offered payment for all reasonable out-of-pocket expenses incurred in connection with the temporary relocation; or

(ii) Other conditions of the temporary relocation are not reasonable; or

(3) The tenant is required to move to another dwelling unit in the same building/complex but is not offered reimbursement for all reasonable out-of-pocket expenses incurred in connection with the move, or other conditions of the move are not reasonable.

(ii) Notwithstanding paragraph (c) (2) (i) of this section, a person does not qualify as a *displaced person* if:

(A) The person has been evicted for cause based upon a serious or repeated violation of the terms and conditions of the lease or occupancy agreement, violation of applicable federal, State or local law, or other good cause, and the participating jurisdiction determines that the eviction was not undertaken for the purpose of evading the obligation to provide relocation assistance. The effective date of any termination or refusal to renew must be preceded by at least 30 days' advance written notice to the tenant specifying the grounds for the action.

(B) The person moved into the property after the submission of the application but, before signing a lease and commencing occupancy, was provided written notice of the project, its possible impact on the person (e.g., the person may be displaced, temporarily relocated, incur a rent increase), and the fact that the person would not qualify as a "displaced person" (or for any assistance under this section) as a result of the project;

(C) The person is ineligible under 49 CFR 24.2(g) (2); or

(D) HUD determines that the person was not displaced as a direct result of acquisition, rehabilitation, or

demolition for the project.

(iii) The jurisdiction may, at any time, ask HUD to determine whether a displacement is or would be covered by this rule.

(3) *Initiation of negotiations.* For purposes of determining the formula for computing replacement housing assistance to be provided under paragraph (c) of this section to a tenant displaced from a dwelling as a direct result of private-owner rehabilitation, demolition or acquisition of the real property, the term *initiation of negotiations* means the execution of the agreement covering the acquisition, rehabilitation, or demolition.

(d) *Optional relocation assistance.* The participating jurisdiction may provide relocation payments and other relocation assistance to families, individuals, businesses, nonprofit organizations, and farms displaced by a project assisted with HOME funds where the displacement is not subject to paragraph (c) of this section. The jurisdiction may also provide relocation assistance to persons covered under paragraph (c) of this section beyond that required. For any such assistance that is not required by State or local law, the jurisdiction must adopt a written policy available to the public that describes the optional relocation assistance that it has elected to furnish and provides for equal relocation assistance within each class of displaced persons.

(e) *Residential anti-displacement and relocation assistance plan.* The participating jurisdiction shall comply with the requirements of 24 CFR part 42, subpart C.

(f) *Real property acquisition requirements.* The acquisition of real property for a project is subject to the URA and the requirements of 49 CFR part 24, subpart B.

(g) *Appeals.* A person who disagrees with the participating jurisdiction's determination concerning whether the person qualifies as a displaced person, or the amount of relocation assistance for which the person may be eligible, may file a written appeal of that determination with the jurisdiction. A low-income person who is dissatisfied with the jurisdiction's determination on his or her appeal may submit a written request for review of that determination to the HUD Field Office.

[61 FR 48750, Sept. 16, 1996, as amended at 61 FR 51760, Oct. 3, 1996; 62 FR 28930, May 28, 1997; 67 FR 61756, Oct. 1, 2002; 78 FR 44678, July 24, 2013]

APPENDIX 11

Application Review and Approval Process

PROJECT PROPOSAL REVIEW/COUNTY POLICIES

The County will first review the project's construction costs, fees, operating income, and expenses to determine the project's financial feasibility and long-term viability. The budget/proforma shall be scrutinized for completeness, reasonableness and appropriateness of financial need to complete the project.

The County will not fund development in the identified 100-year flood plain.

The County shall encourage the location of new residential development in areas provided public water and sewer, adjacent to existing villages or settlement areas.

The County shall support efforts to rehabilitate and preserve existing affordable housing.

The County shall support efforts to provide for the specialized housing needs of elderly and handicapped residents.

The County shall support efforts to address the needs of homeless persons.

A minimum application request of at least \$100,000 is required.

An application fee of \$750.00 is required with all HOME Program applications. Check should be made payable to "Affordable Housing Trust Fund".

SELECTION CRITERIA

Project Considerations

1. Evidence of site control.
2. Project has received a letter of support from the chief elected official of the local government where the project is located.
3. Financial feasibility.
4. Maximum of 18-month operating deficit reserve for operating expenses, reserve for replacement payments, and debt service.
5. Project's readiness to proceed. Items to be taken into consideration: zoning in place, site control, financing sources committed, development team is experienced, subsidy-layering review completed, and appropriate contracts in place.

Development Team Capacity/Experience

1. Experience of Development team in developing the type and size of proposed project.
2. The Development team for a project could include the following: Contractor, Architect/Engineer, Leasing Agent, Property Manager, Syndicator, Construction Manager, Mortgage Banker, Provider of Feasibility Study, Developer, and Supportive Services Provider.
3. The Development team should have experience in all phases of project development and demonstrate a commitment to the project.

Marketability of Units

1. A determination as to the marketability of the project shall be made based upon the market rental assessment submitted with the application.

APPENDIX 12

Project Sign

PROJECT SIGN

The contractor is required to furnish and erect a project sign as specified below prior to beginning any work under this contract. The cost and erection of the sign is the contractor's responsibility and no compensation will be made for this work. Local zoning ordinances shall be considered prior to the construction and placement of the site sign.

- A. Sign shall be 3/4" standard exterior grade plywood, smooth one side, primed on site. Background of panel shall be painted white, lettering shall be dark green. All paint shall be marine paint approved by U.S. Plywood as being compatible with field applied primer. Edges of the plywood panel should be caulked and 1" x 2" wood strips applied before priming.
- B. Sign will be attached to two wood posts, preservative treated, 4 inches by 4 inches nominal dimensions, set and tamped firmly in ground a minimum of 30 inches. Fasten sign to post with rust-proof lag screws, 3/8 inch by 3 inches long, two per post, spaced 8 inches from top and bottom of plywood face.
- C. Lettering shall be of the size indicated on the sketch provided. Sign layout and wording shall be approved by owner prior to painting.
- D. Sign shall be six feet wide and four feet high and shall be erected at the location designated by the owner.
- E. Site conditions may prevent the above installation specifications from being adhered to. Variations will be allowed with permission of owner.

A York County⁴
HOME Investment Partnership Project
(PROJECT NAME)³

ARCHITECT^{1 1/4}

CONTRACTOR:^{1 1/4}

_____ ^{1 1/2}

_____ ^{1 1/2}

This Project is Funded in Part By³
The York County HOME Program

YORK COUNTY COMMISSIONERS²

JULIE WHEELER, PRES.

DOUGLAS HOKE, V.P.

RON SMITH

4' 0"

6' 0"

APPENDIX 13
Application Checklist

APPLICATION CHECKLIST

Have you:

- a. Completed all Loan Application forms (must use County format)
- b. Signed Certification Form
- c. Submitted the \$750.00 Application Fee with the Application, made payable to the York County Affordable Housing Trust Fund.
- d. Submitted the following documents with your application, the County will not process an incomplete application:
 - 1. Ownership Interest/Role
 - 2. Evidence of Site Control
 - 3. Notice of Voluntary Sale
 - 4. Tenant Notification Letter
 - 5. Method to Determine Utility Costs
 - 6. Letters of Support
 - 7. Zoning Documents
 - 8. Partnership Agreement
 - 9. Funding Commitment Letters
 - 10. Syndication Documents
 - 11. Phase I Environmental
 - 12. Plans and Specifications
 - 13. Letter from State Historic Preservation Officer concerning historic or archeological resources
 - 14. Rent Roll for Occupied Buildings
 - 15. Support Documentation for income/expenses sited in proforma
 - 16. Development Team Experience
 - 17. Supportive Service Agreements and Plans
 - 18. Narrative to describe how the project addresses the needs of homeless persons
 - 19. Evidence of Marketability
 - 20. Projected Operating Budget for years 1 – 15
 - 21. Additional Information (if applicable)

The County will review the applications for completeness. If an application is determined to be incomplete the owner will be notified and given five (5) business days to correct the deficiencies. If the deficiencies are not corrected the application will be considered withdrawn at the owner's request.

**YORK COUNTY PLANNING COMMISSION
28 EAST MARKET STREET, YORK, PA 17401-1580**