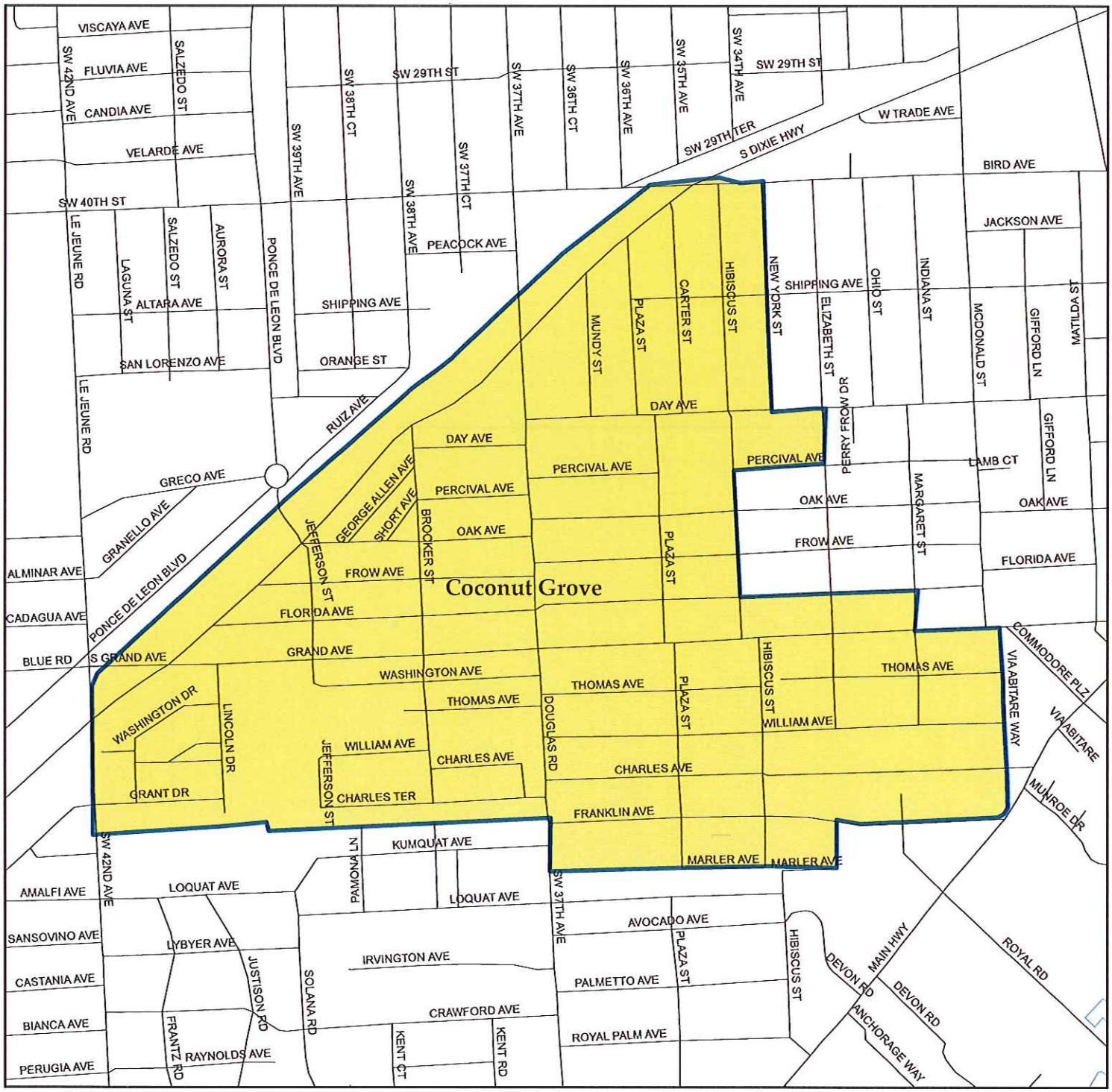
ATTACHMENT 1

COCONUT GROVE
TARGETED URBAN AREA
MIAMI- DADE COUNTY, FLORIDA



TARGETED URBAN AREA

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Miles

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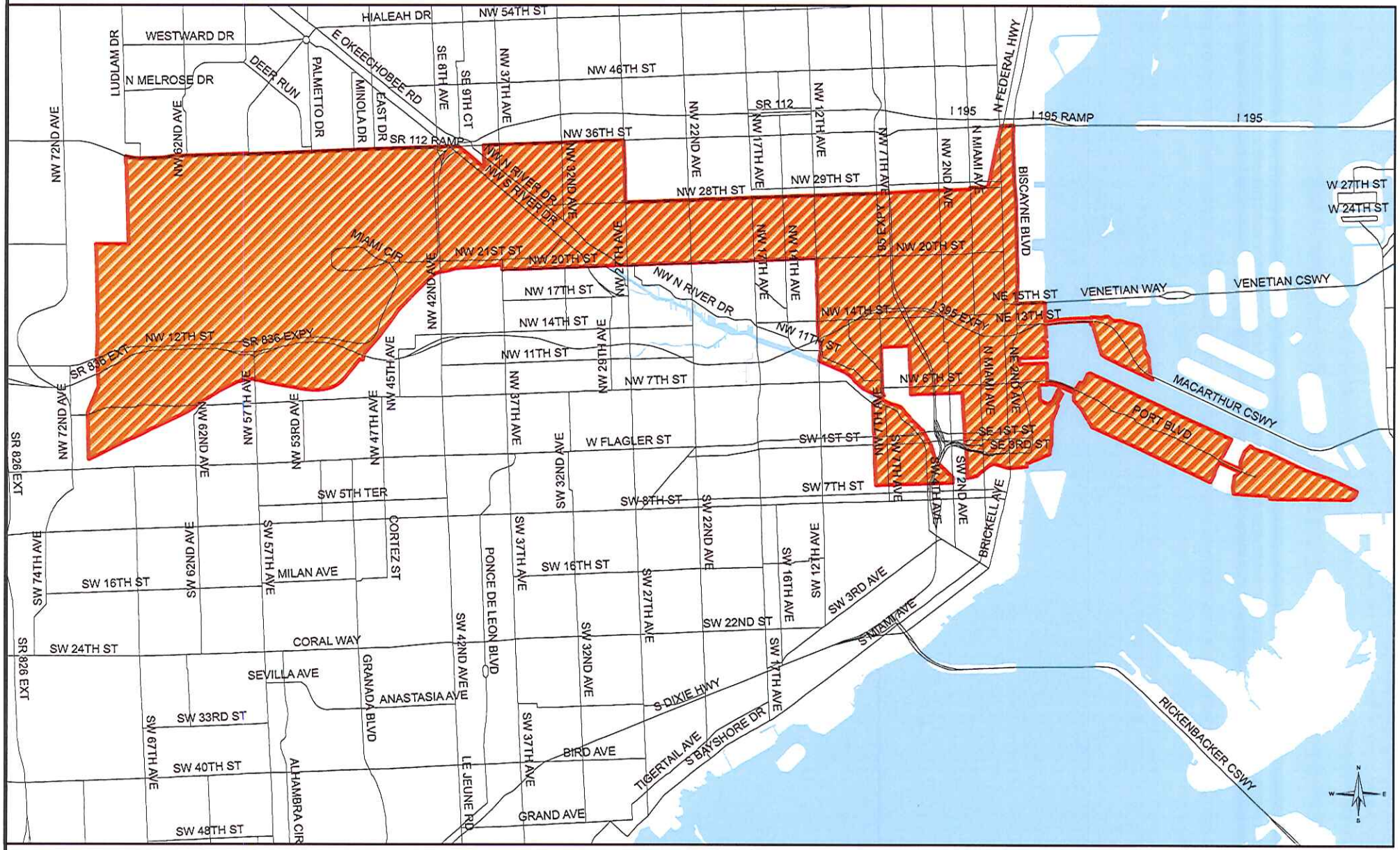
DEPARTMENT OF PLANNING & ZONING
PLANNING RESEARCH SECTION

CENTRAL EMPOWERMENT ZONE
TARGETED URBAN AREA



Empowerment Zone
Major Streets and Highways
Coastal Water

MIAMI-DADE COUNTY, FLORIDA
DEPARTMENT OF PLANNING & ZONING
PLANNING RESEARCH SECTION

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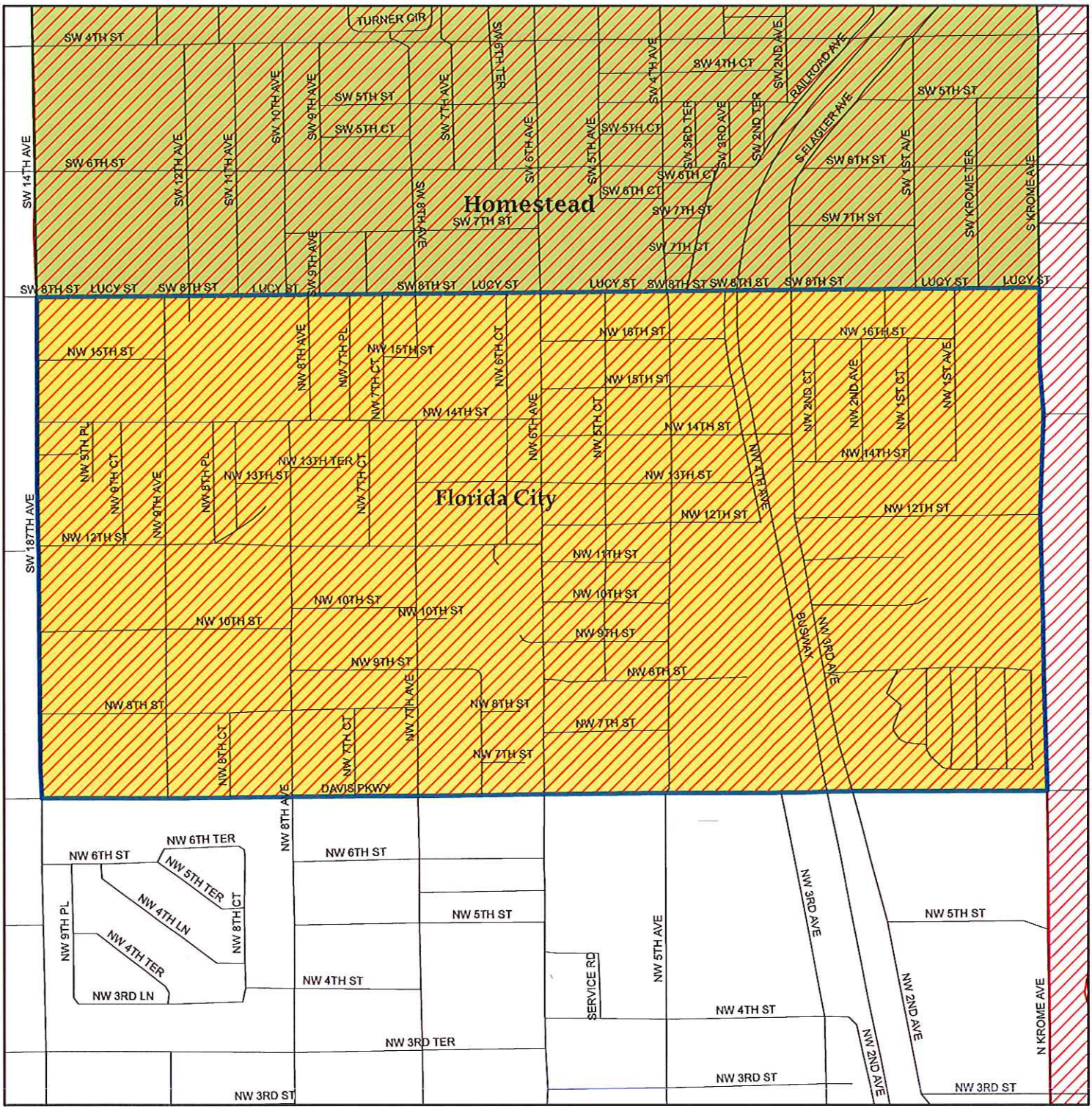
FLORIDA CITY
TARGETED URBAN AREA & EMPOWERMENT ZONE

MIAMI- DADE COUNTY, FLORIDA



TARGETED URBAN AREA

EMPOWERMENT ZONE

0 0.25 0.5

Miles

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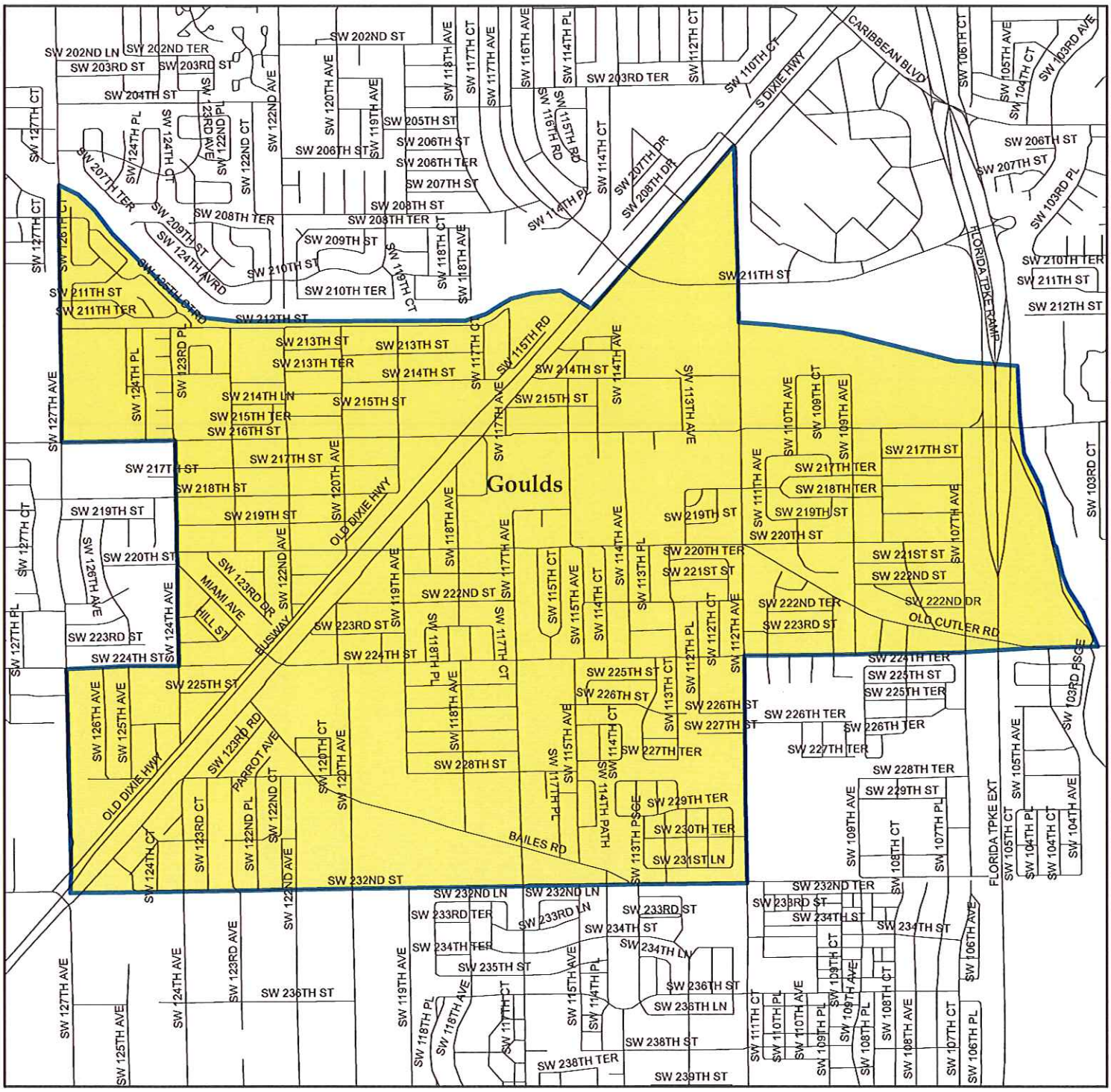
DEPARTMENT OF PLANNING & ZONING
PLANNING RESEARCH SECTION

GOULDS
TARGETED URBAN AREA
MIAMI- DADE COUNTY, FLORIDA



TARGETED URBAN AREA

0 0.25 0.5
Miles

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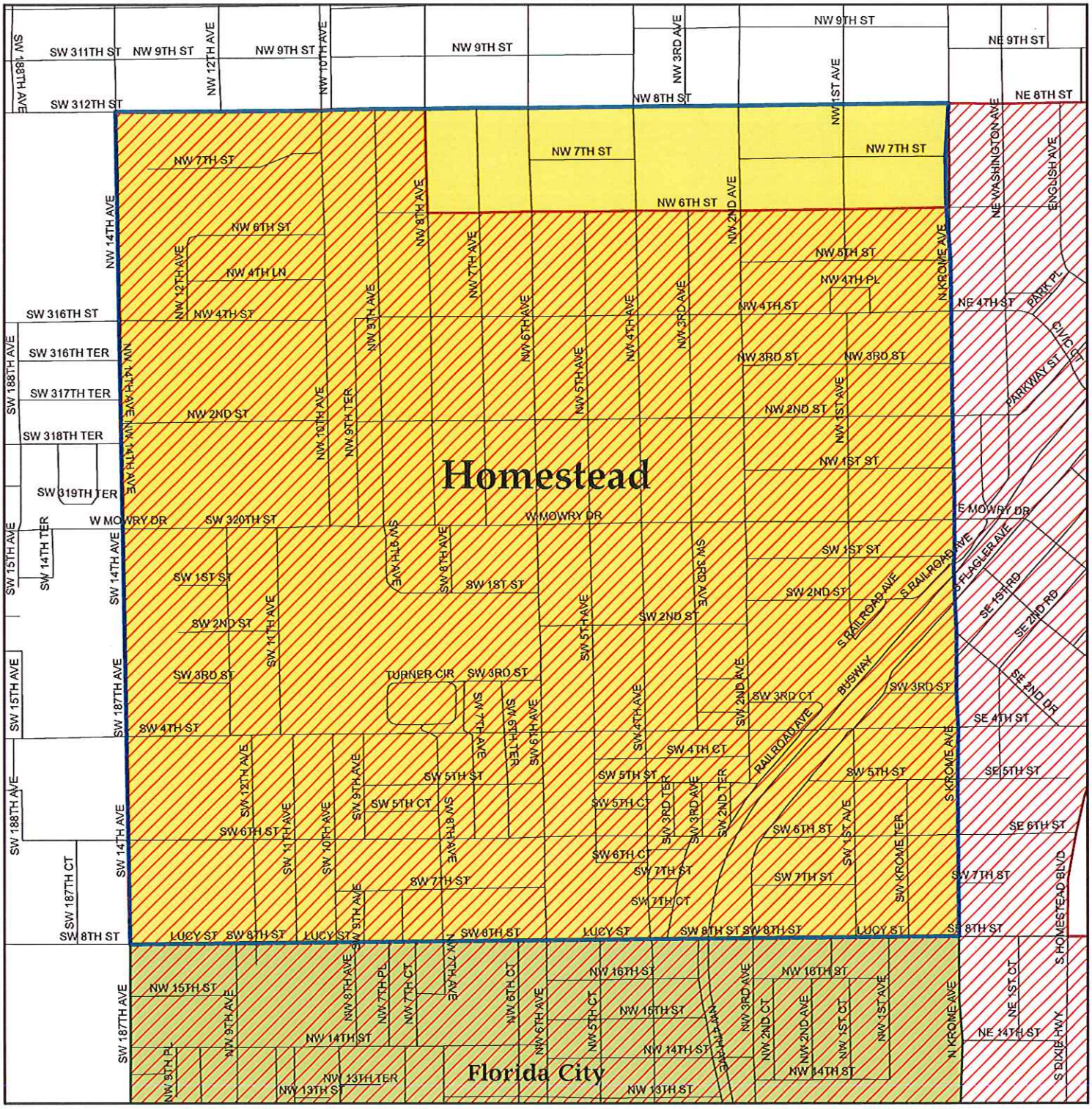
MIAMI DADE COUNTY
DEPARTMENT OF PLANNING & ZONING
PLANNING RESEARCH SECTION

HOMESTEAD
TARGETED URBAN AREA & EMPOWERMENT ZONE
MIAMI- DADE COUNTY, FLORIDA



TARGETED URBAN AREA

EMPOWERMENT ZONE

0 0.25 0.5

Miles

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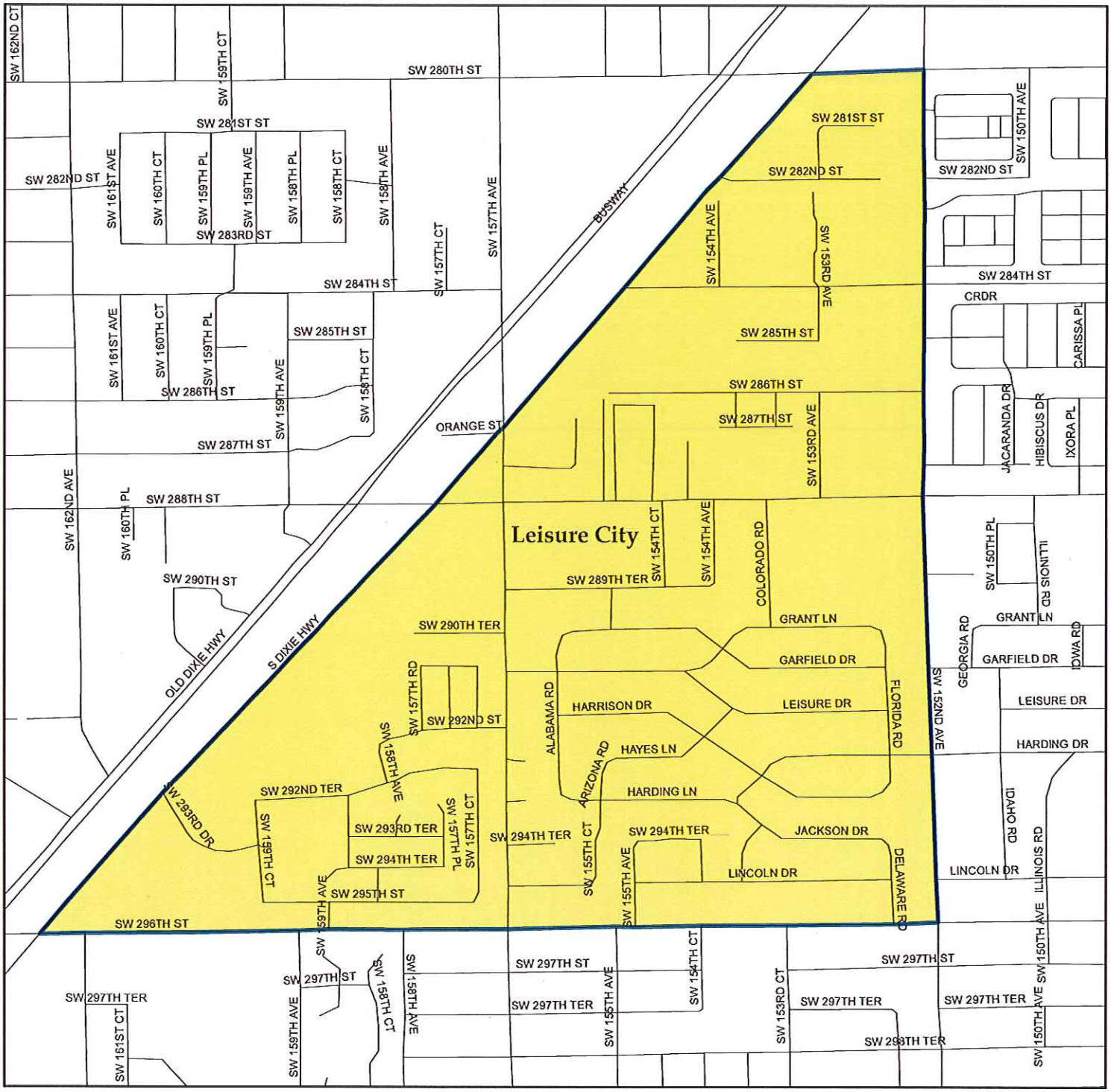
DEPARTMENT OF PLANNING & ZONING
PLANNING RESEARCH SECTION

LEISURE CITY
TARGETED URBAN AREA
MIAMI- DADE COUNTY, FLORIDA



TARGETED URBAN AREA

0 0.25 0.5
Miles

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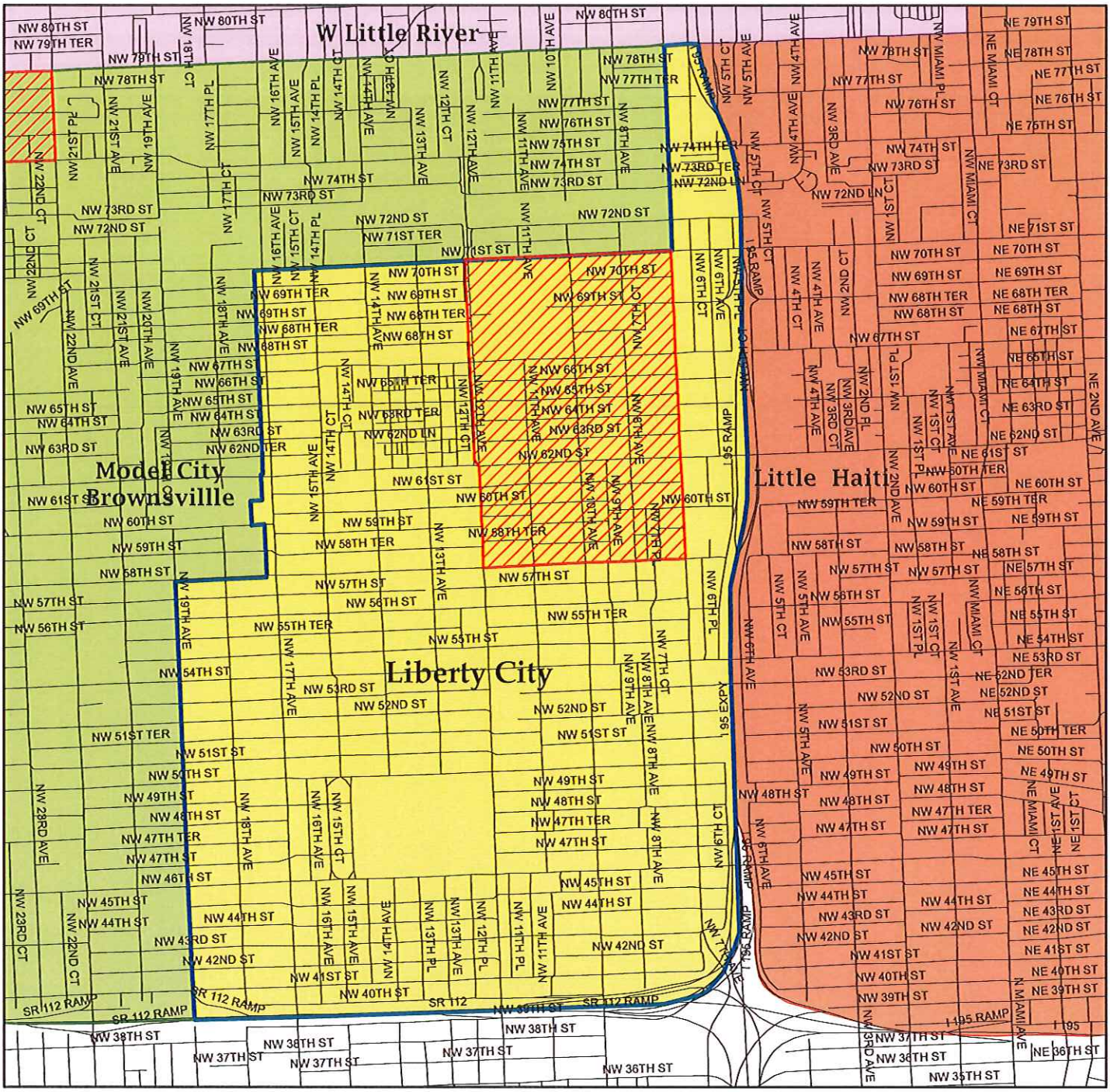
DEPARTMENT OF PLANNING & ZONING
PLANNING RESEARCH SECTION

LIBERTY CITY
TARGETED URBAN AREA & EMPOWERMENT ZONE

MIAMI- DADE COUNTY, FLORIDA



TARGETED URBAN AREA

EMPOWERMENT ZONE

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Miles

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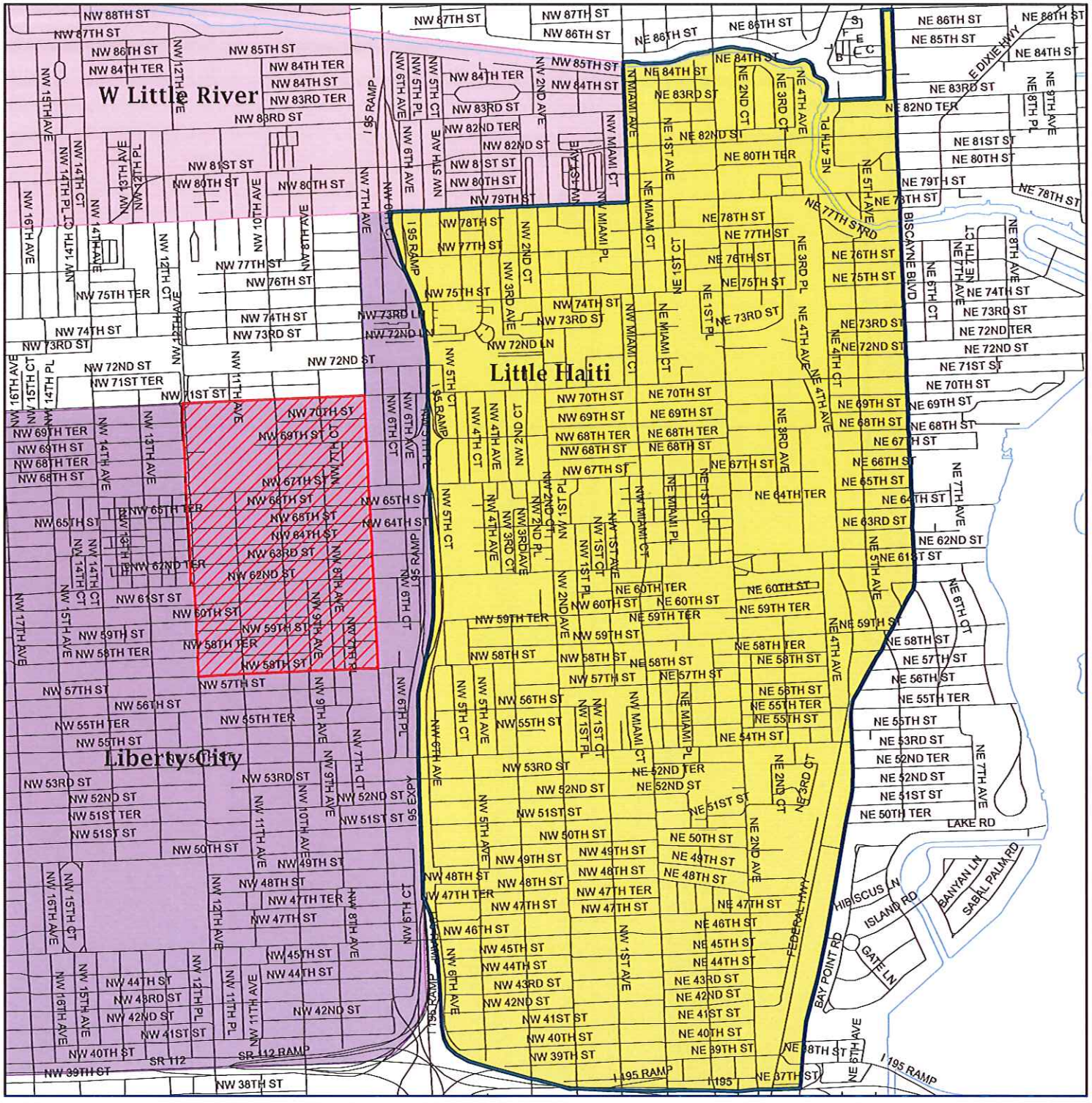
DEPARTMENT OF PLANNING & ZONING
PLANNING RESEARCH SECTION

LITTLE HAITI
TARGETED URBAN AREA & EMPOWERMENT ZONE
MIAMI- DADE COUNTY, FLORIDA



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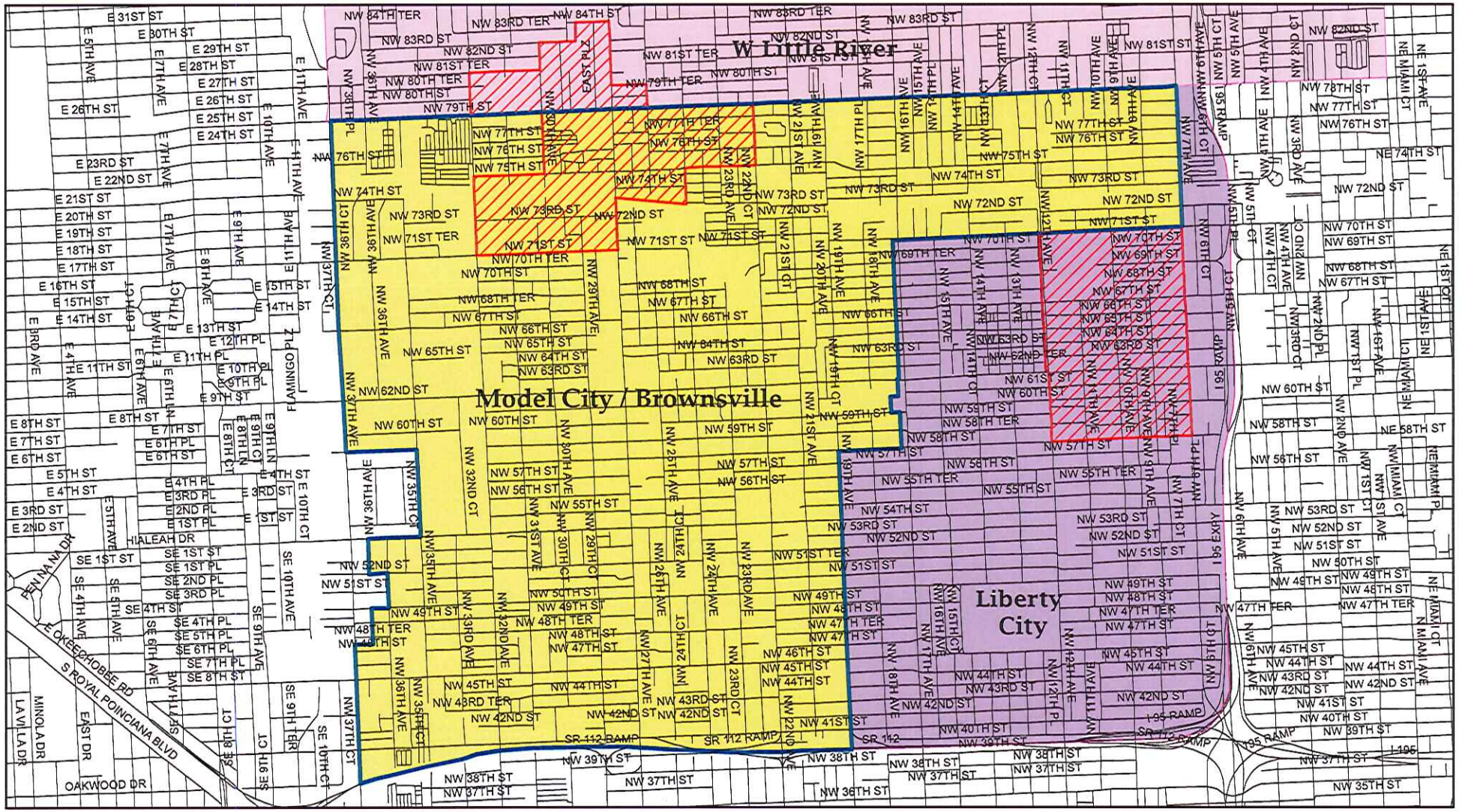
DEPARTMENT OF PLANNING & ZONING
PLANNING RESEARCH SECTION

MODEL CITY / BROWNSVILLE
TARGETED URBAN AREA & EMPOWERMENT ZONE

MIAMI- DADE COUNTY, FLORIDA



TARGETED URBAN AREA

EMPOWERMENT ZONE

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Miles

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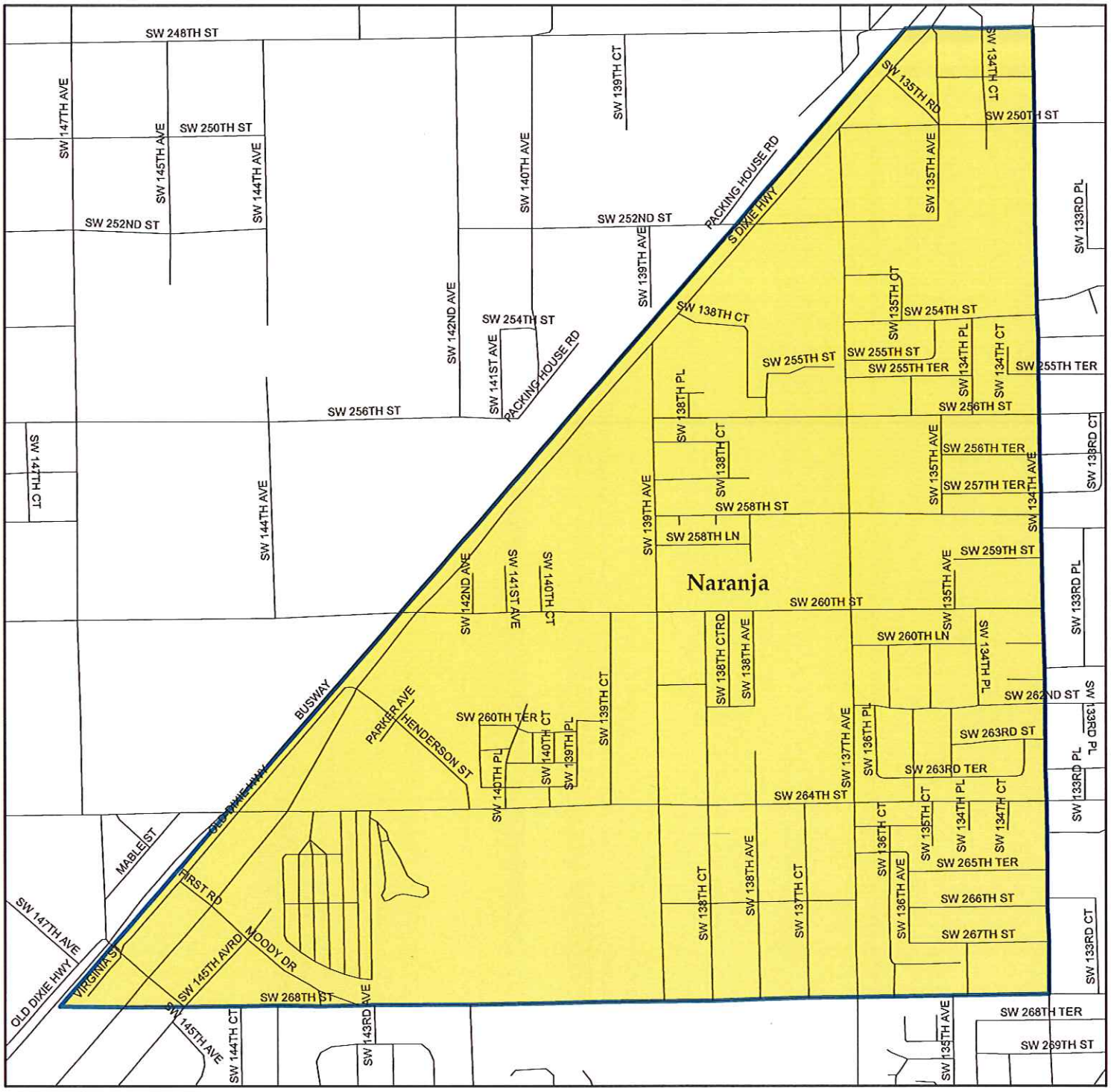
MIAMI-DADE COUNTY

DEPARTMENT OF PLANNING & ZONING
PLANNING RESEARCH SECTION

NARANJA
TARGETED URBAN AREA
MIAMI- DADE COUNTY, FLORIDA



TARGETED URBAN AREA

0 0.25 0.5
Miles

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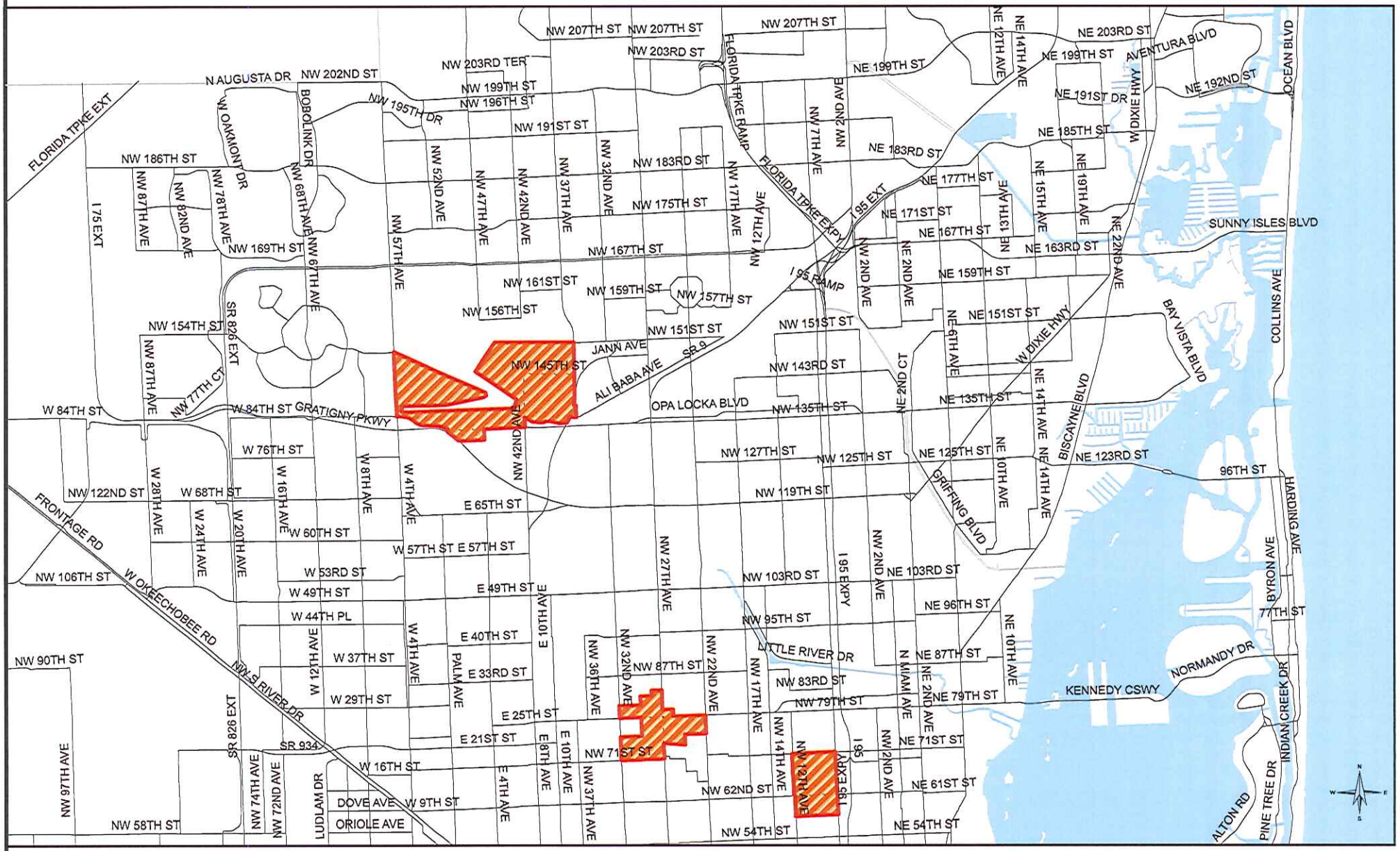
DEPARTMENT OF PLANNING & ZONING
PLANNING RESEARCH SECTION

NORTH EMPOWERMENT ZONE
TARGETED URBAN AREAS



Empowerment Zone
Major Streets and Highways
Coastal Water

MIAMI-DADE COUNTY, FLORIDA
DEPARTMENT OF PLANNING & ZONING
PLANNING RESEARCH SECTION

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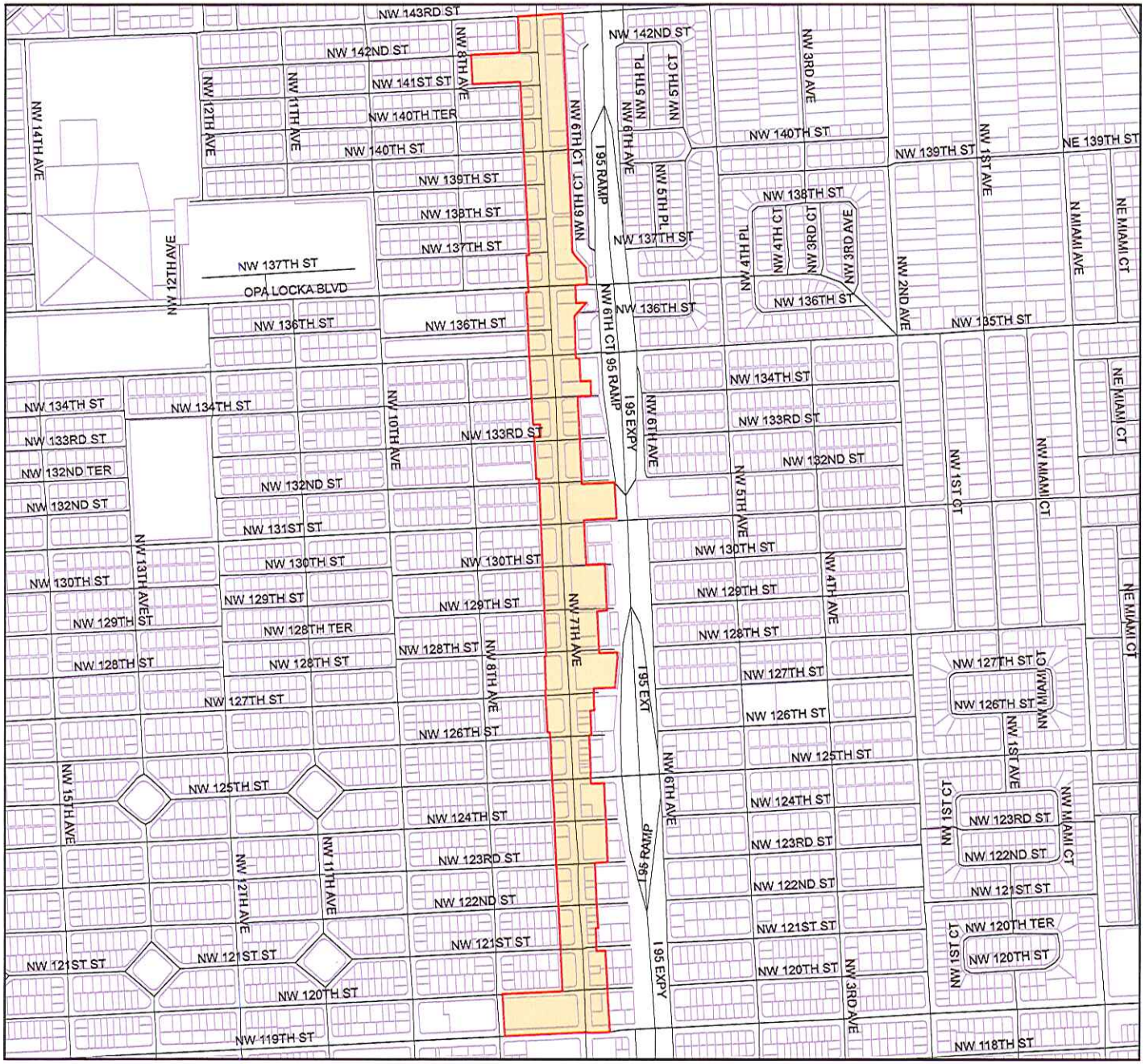
NORTH MIAMI 7th AVENUE DISTRICT
TARGETED URBAN AREA



* Includes all Parces Fronting NW 7th Avenue from NW 119 Street to NW 143 Street

Major Streets and Highways

0 1,320 2,640

Feet

MIAMI-DADE COUNTY

MIAMI-DADE COUNTY, FLORIDA
DEPARTMENT OF PLANNING & ZONING
RESEARCH SECTION

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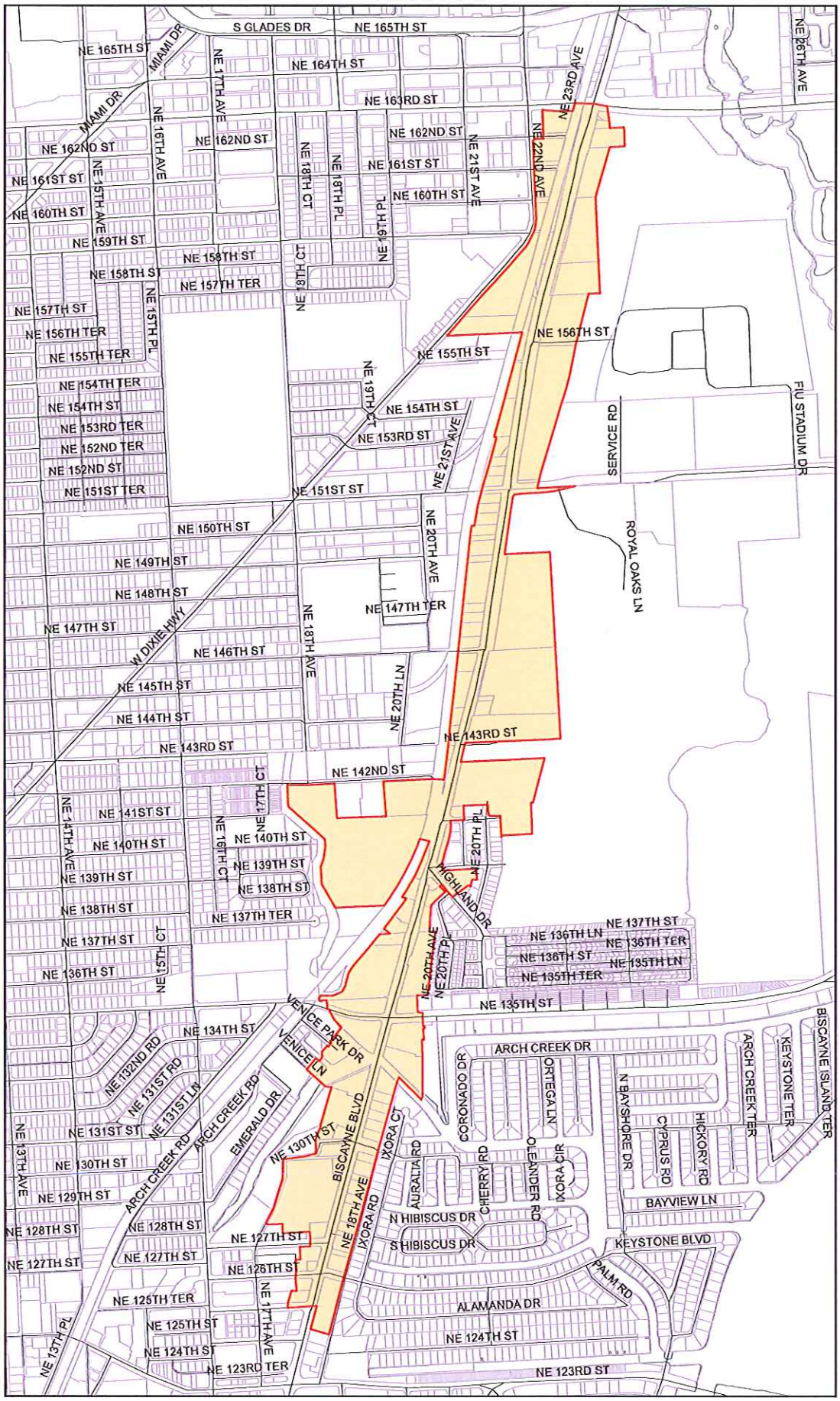
NORTH MIAMI BISCAYNE BOULEVARD DISTRICT
TARGETED URBAN AREA



*Includes all Parces Fronting Biscayne Boulevard from NE 125 Street to NE 163 Street

Major Streets and Highways

0 680 1,360 2,720

Feet

MIAMI-DADE COUNTY, FLORIDA
DEPARTMENT OF PLANNING & ZONING
RESEARCH SECTION

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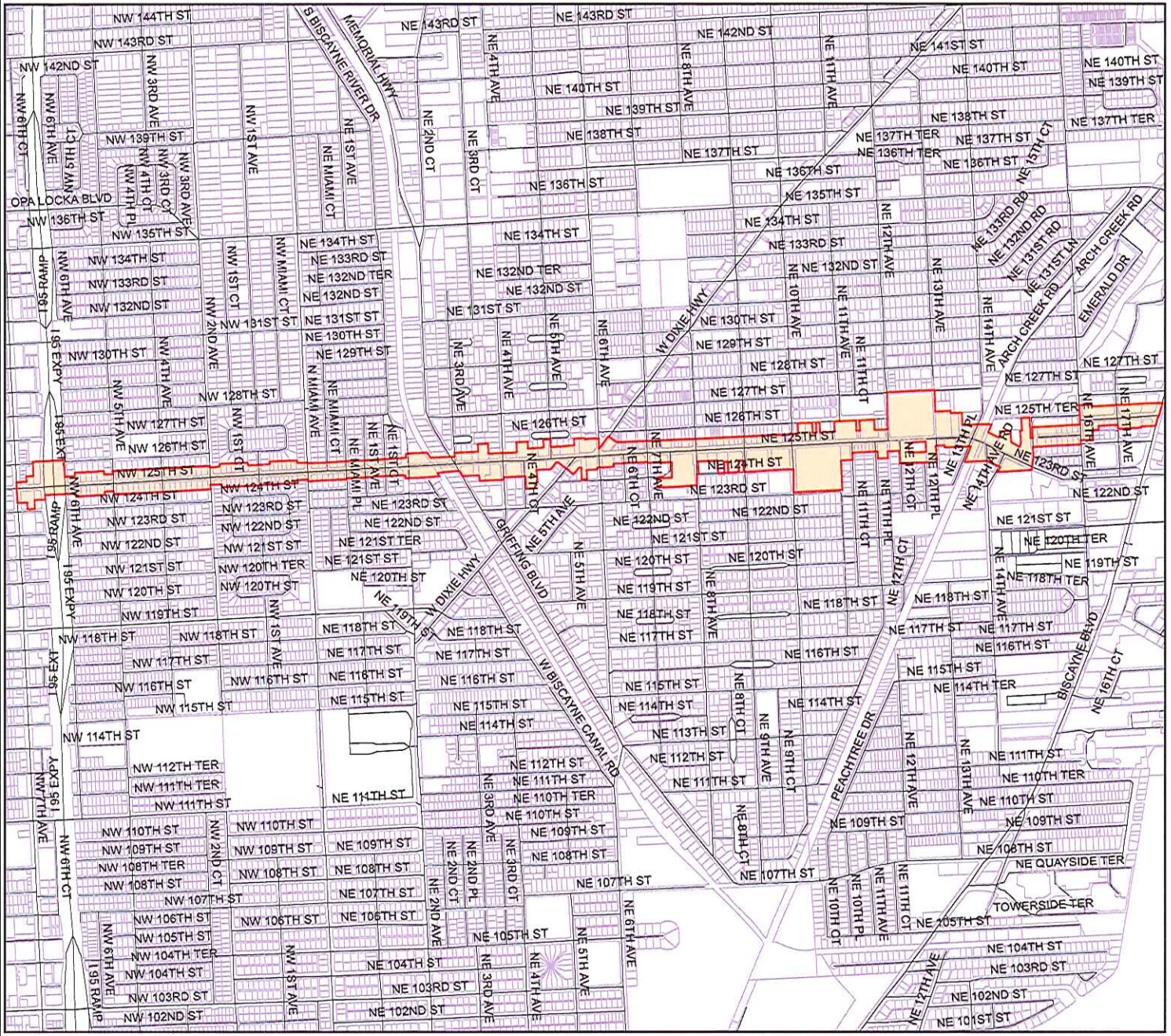
NORTH MIAMI DOWNTOWN DISTRICT
TARGETED URBAN AREA



* Includes all Parces Fronting NE 125 Street from NW 7 Avenue to Biscayne Boulevard

Major Streets and Highways

0 1,320 2,640

Feet

MIAMI-DADE COUNTY

MIAMI-DADE COUNTY, FLORIDA
DEPARTMENT OF PLANNING & ZONING
RESEARCH SECTION

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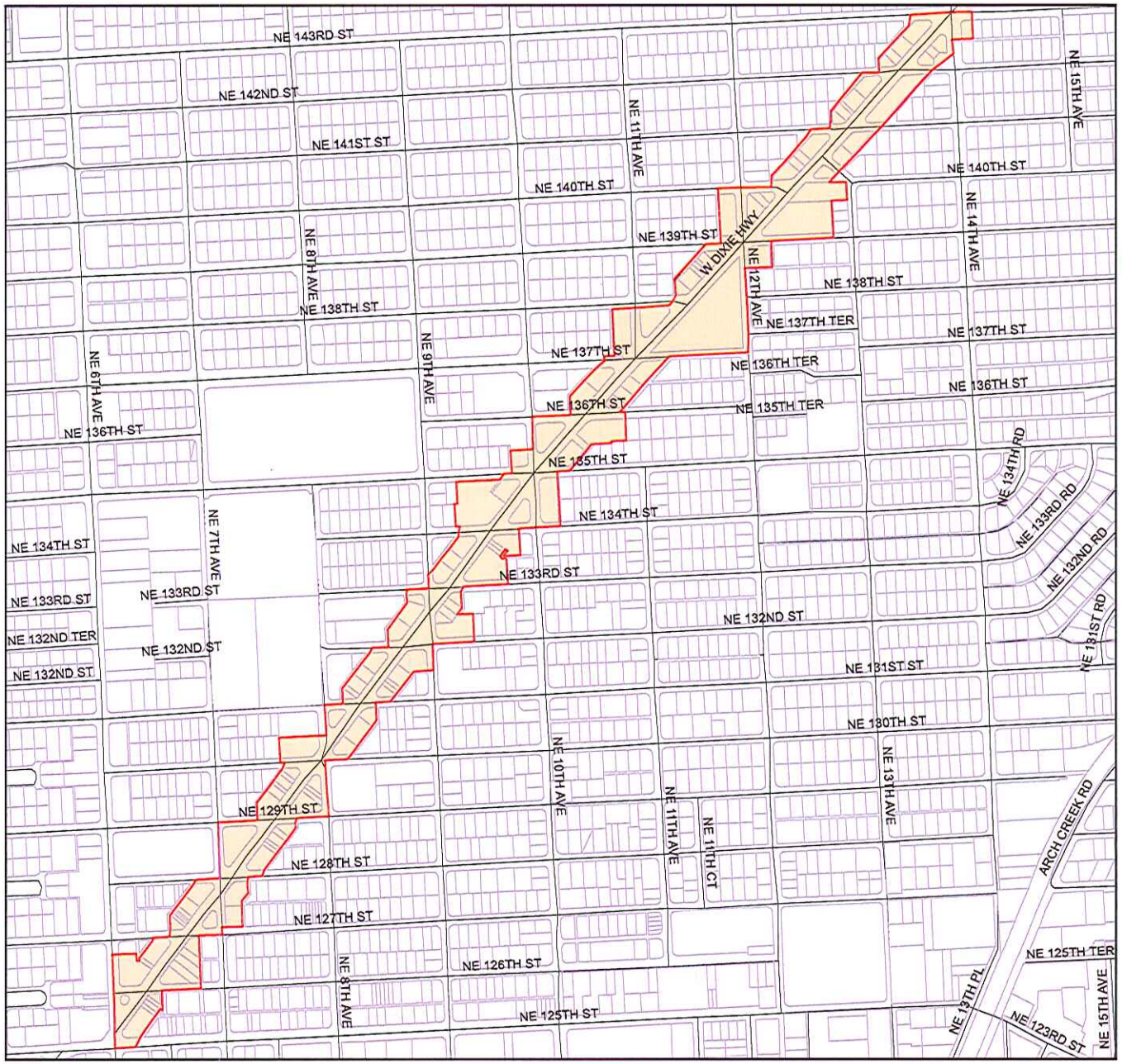
NORTH MIAMI WEST DIXIE HIGHWAY DISTRICT
TARGETED URBAN AREA



*Includes all Parces Fronting West Dixie HWY from NE 6 Avenue 125 Street to NE 14 Avenue 143 street

Major Streets and Highways

0 680 1,360

Feet

MIAMI-DADE COUNTY

MIAMI-DADE COUNTY, FLORIDA
DEPARTMENT OF PLANNING & ZONING
RESEARCH SECTION

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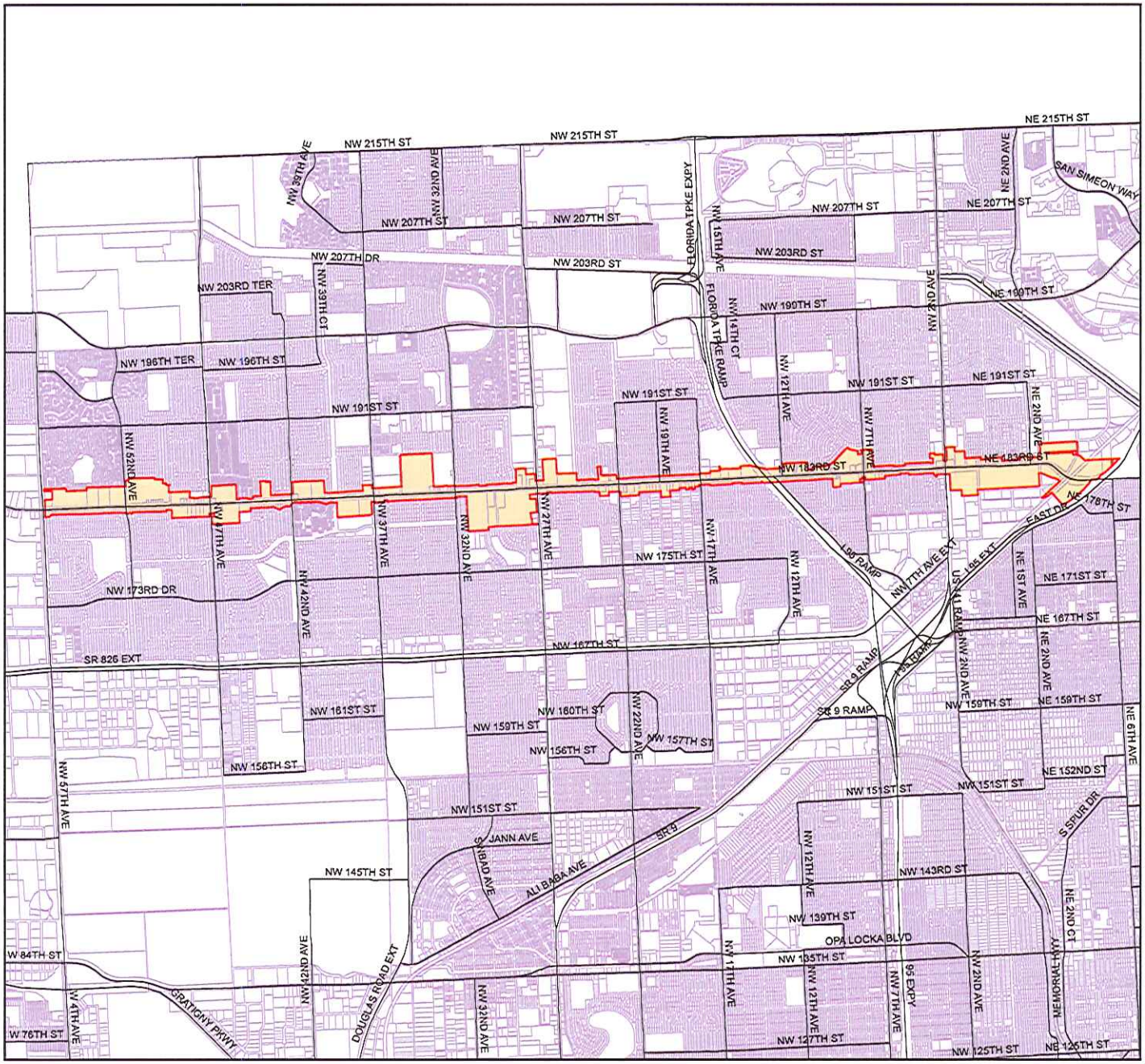
NORTHWEST 183rd STREET CORRIDOR
TARGETED URBAN AREA



* Includes all Parces Fronting NW 183 Street. from NW 57 Avenue to NE 6th Avenue

Major Streets and Highways

0 2,640 5,280 10,560

Feet

MIAMI-DADE COUNTY, FLORIDA
DEPARTMENT OF PLANNING & ZONING
RESEARCH SECTION

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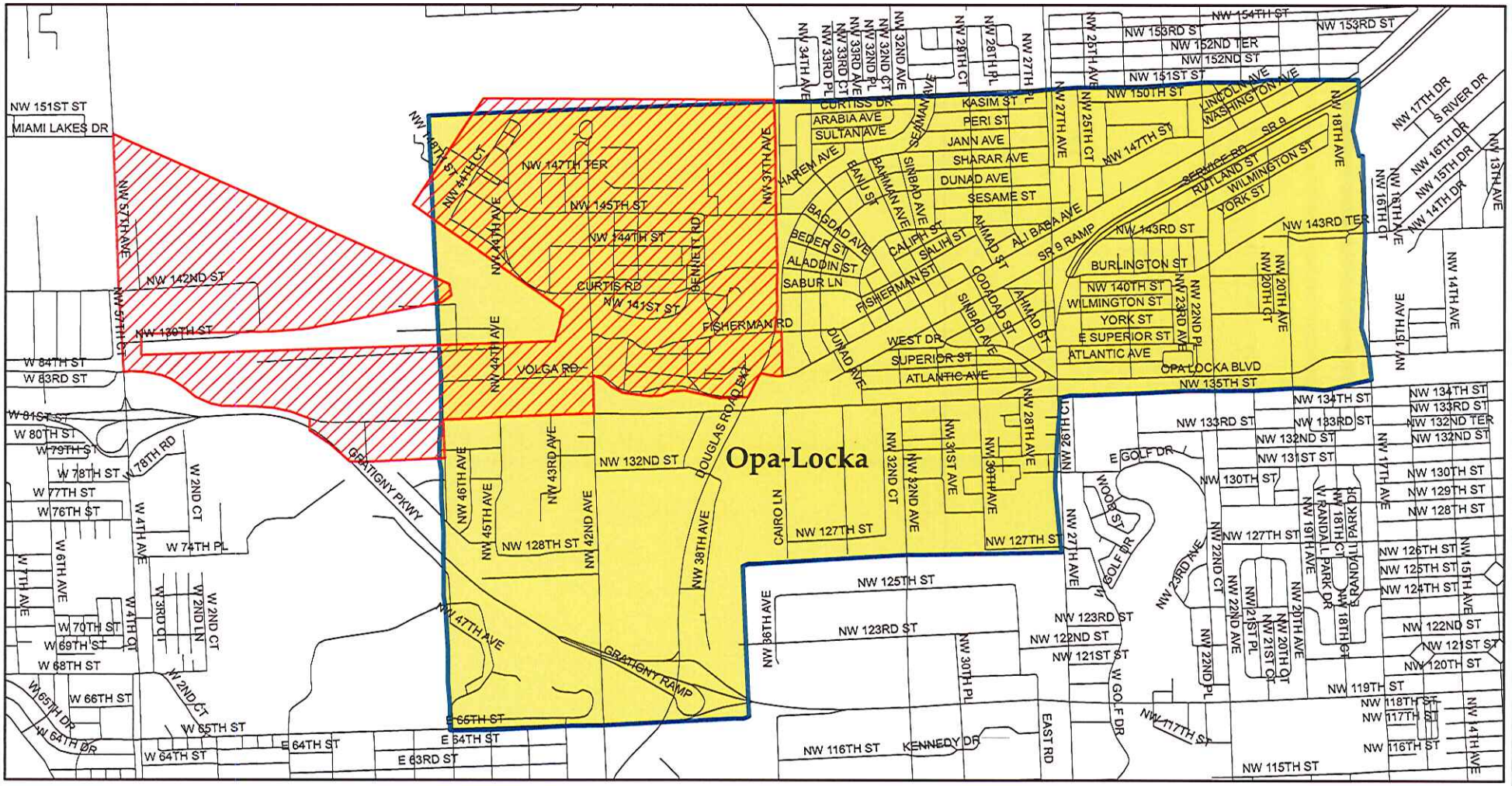
OPA-LOCKA
TARGETED URBAN AREA & EMPOWERMENT ZONE
MIAMI- DADE COUNTY, FLORIDA



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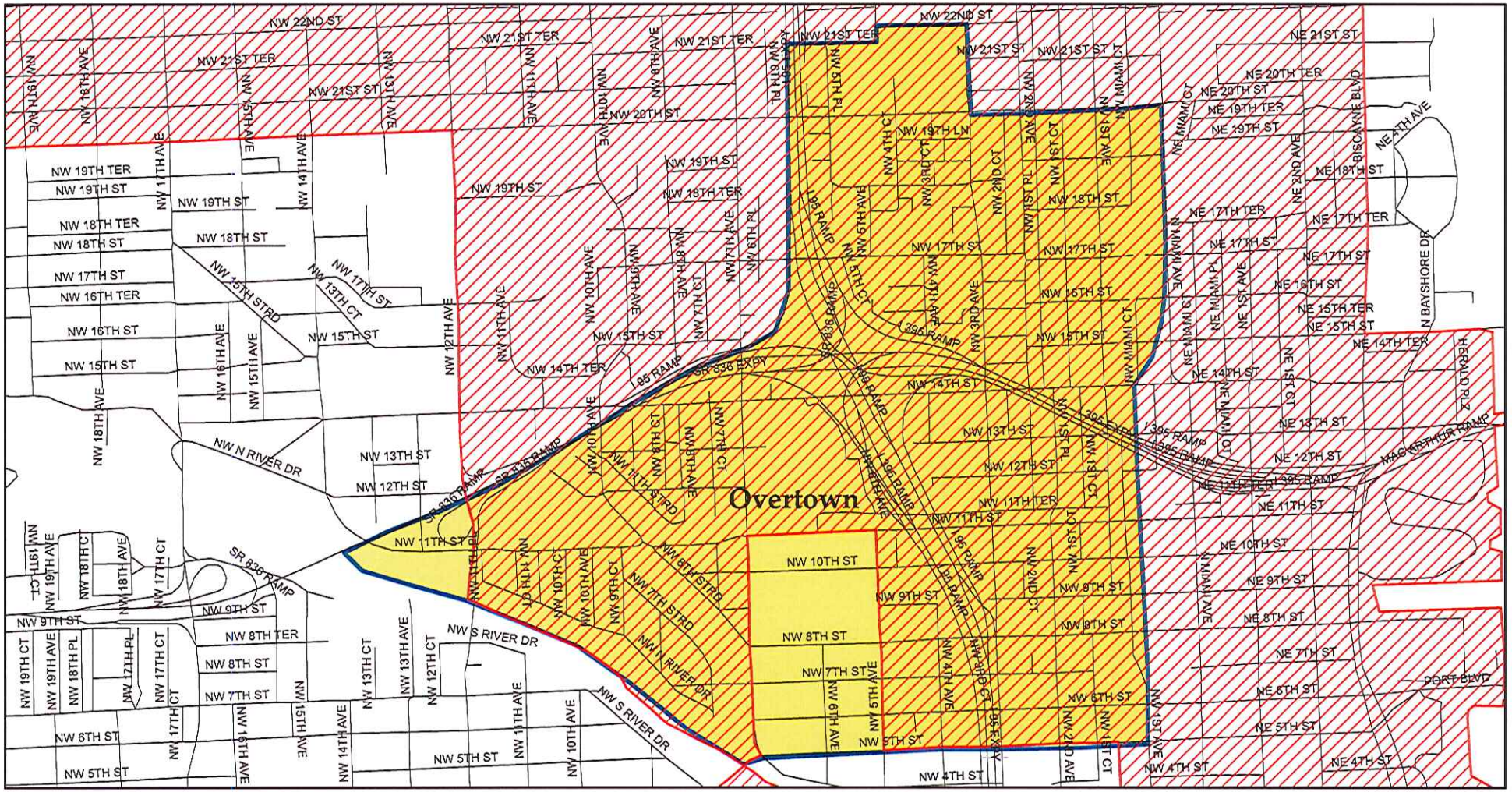
MIAMI-DADE COUNTY

DEPARTMENT OF PLANNING & ZONING
PLANNING RESEARCH SECTION

OVERTOWN
TARGETED URBAN AREA & EMPOWERMENT ZONE
MIAMI- DADE COUNTY, FLORIDA



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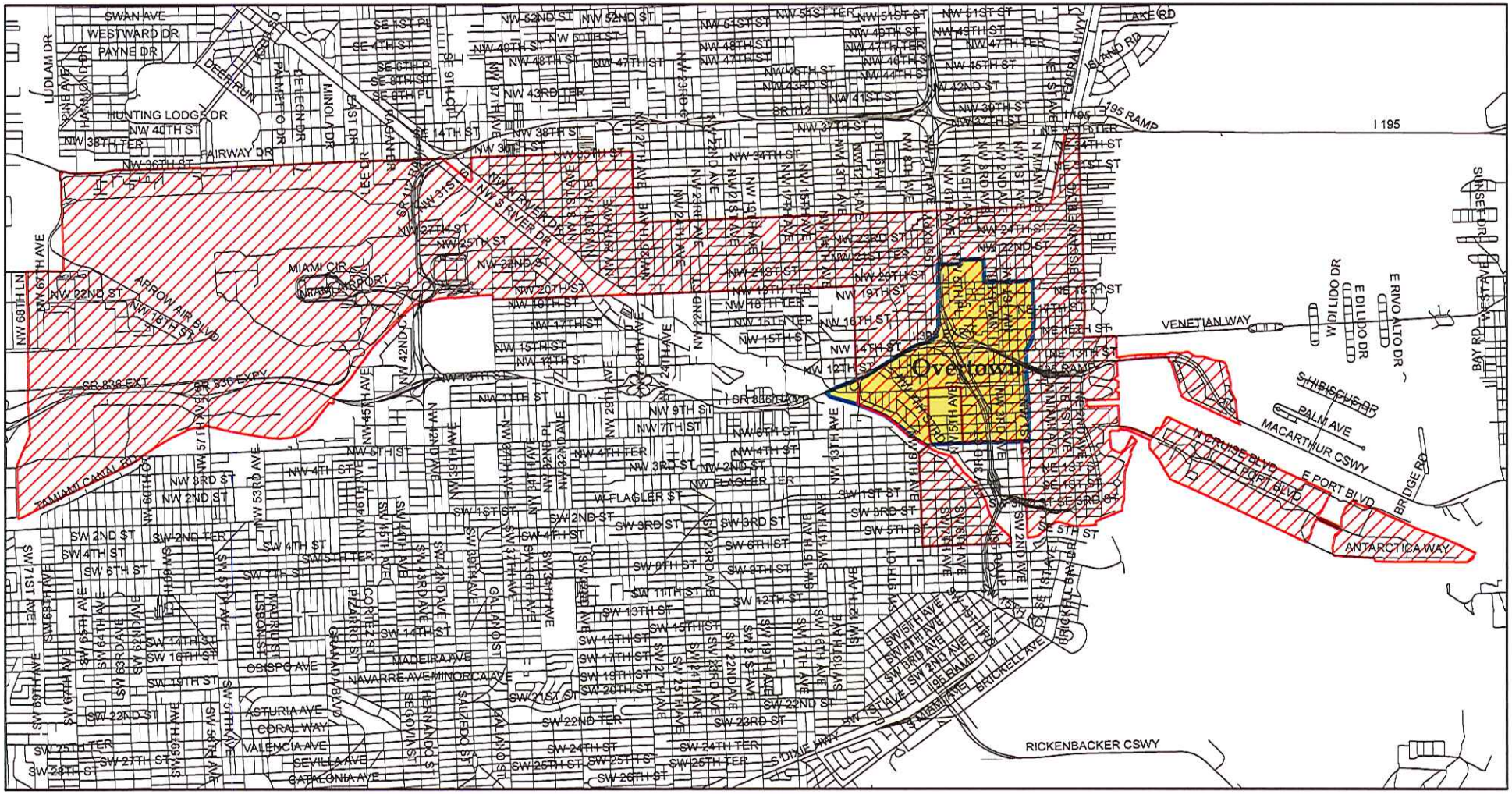
MIAMI-DADE COUNTY

DEPARTMENT OF PLANNING & ZONING
PLANNING RESEARCH SECTION

OVERTOWN
TARGETED URBAN AREA & EMPOWERMENT ZONE
MIAMI- DADE COUNTY, FLORIDA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SR 836/I-DOLPHIN
SR 836 EXT
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ARROW AIR BLVD
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MIAMI AIRPORT
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PERRINE
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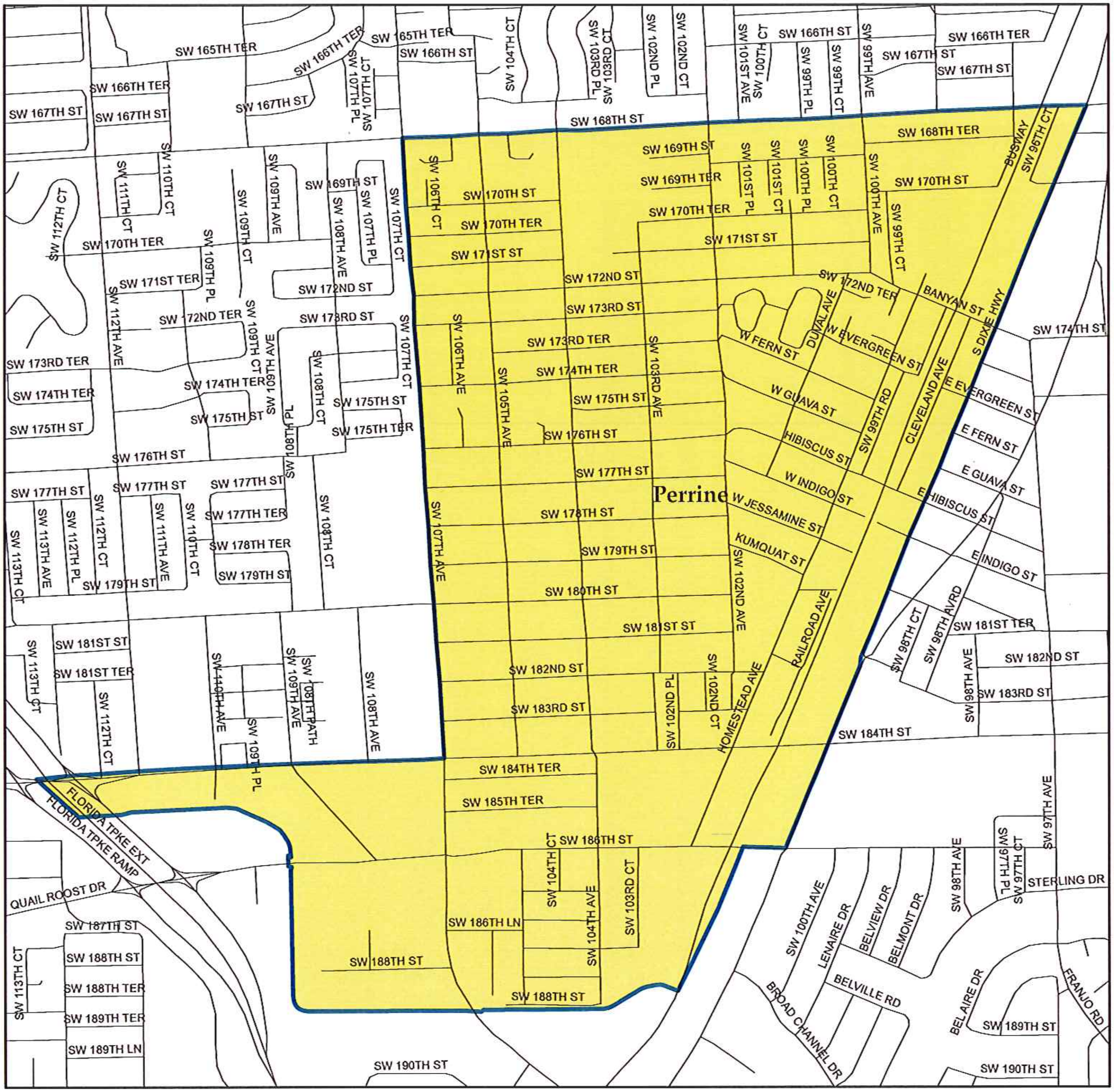
MIAMI- DADE COUNTY, FLORIDA



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PLANNING RESEARCH SECTION

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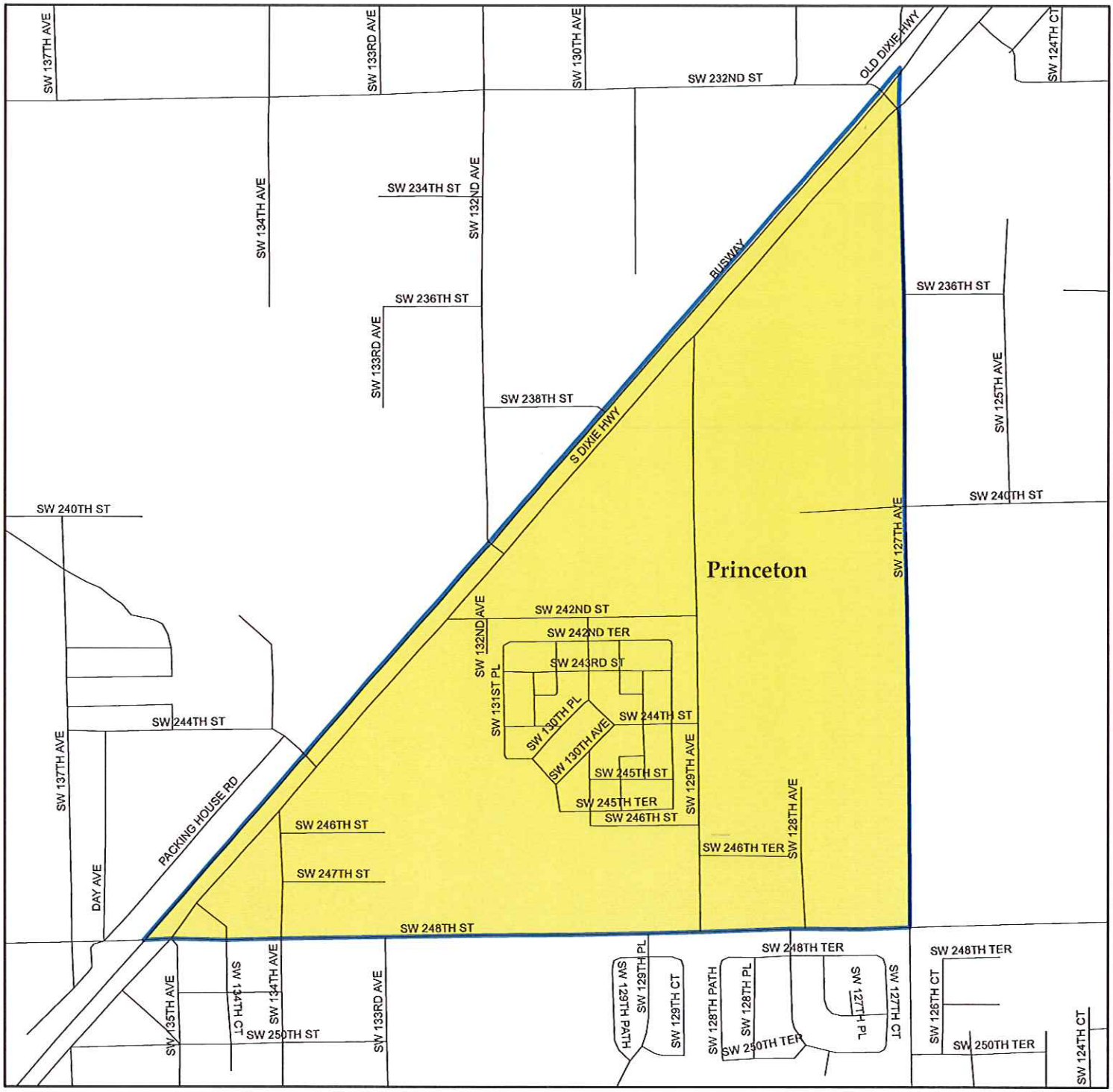
TARGETED URBAN AREA
MIAMI- DADE COUNTY, FLORIDA



TARGETED URBAN AREA

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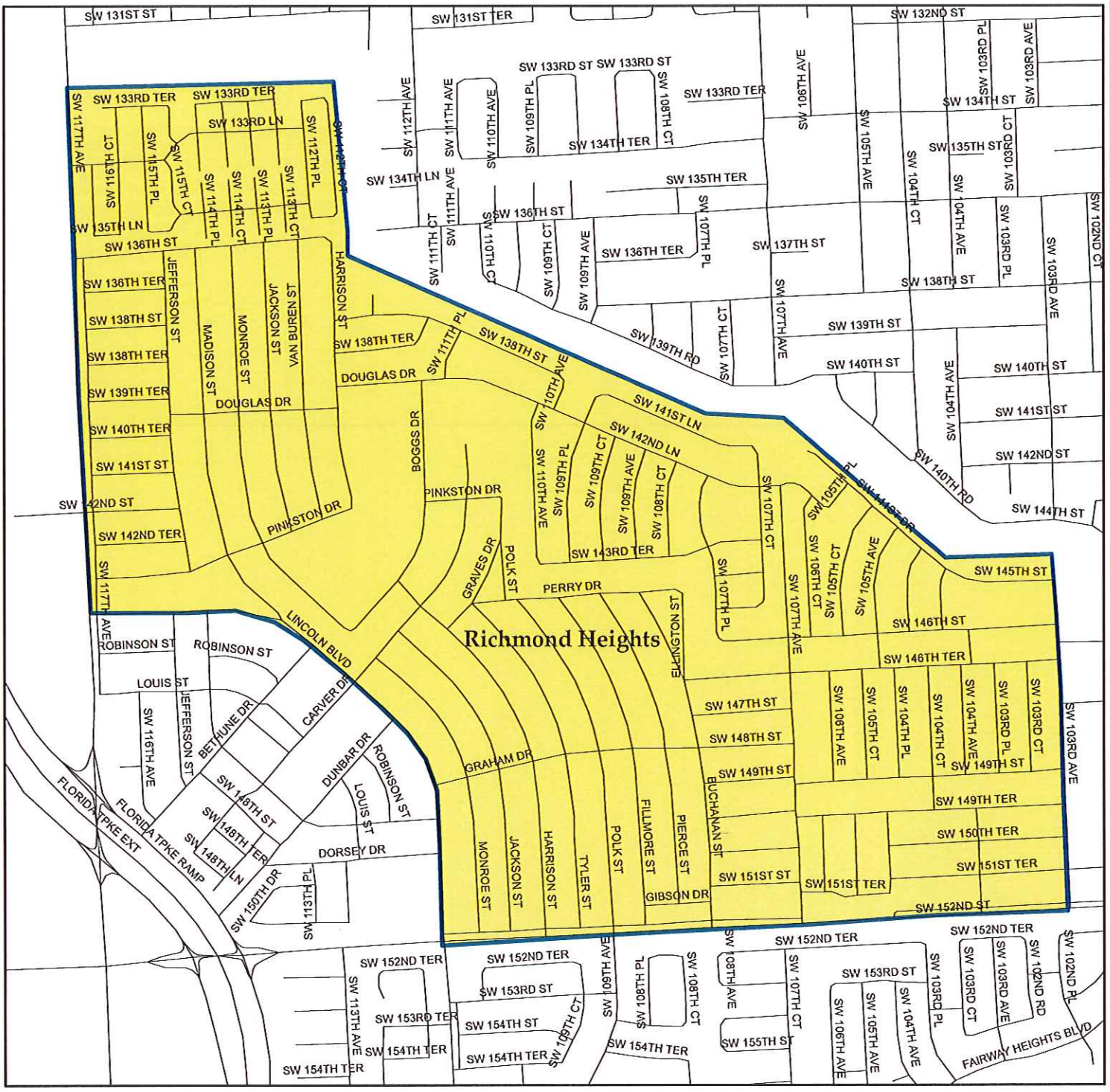
Miles

Delivering Excellence Every Day

DEPARTMENT OF PLANNING & ZONING
PLANNING RESEARCH SECTION

RICHMOND HEIGHTS
TARGETED URBAN AREA
MIAMI- DADE COUNTY, FLORIDA



TARGETED URBAN AREA

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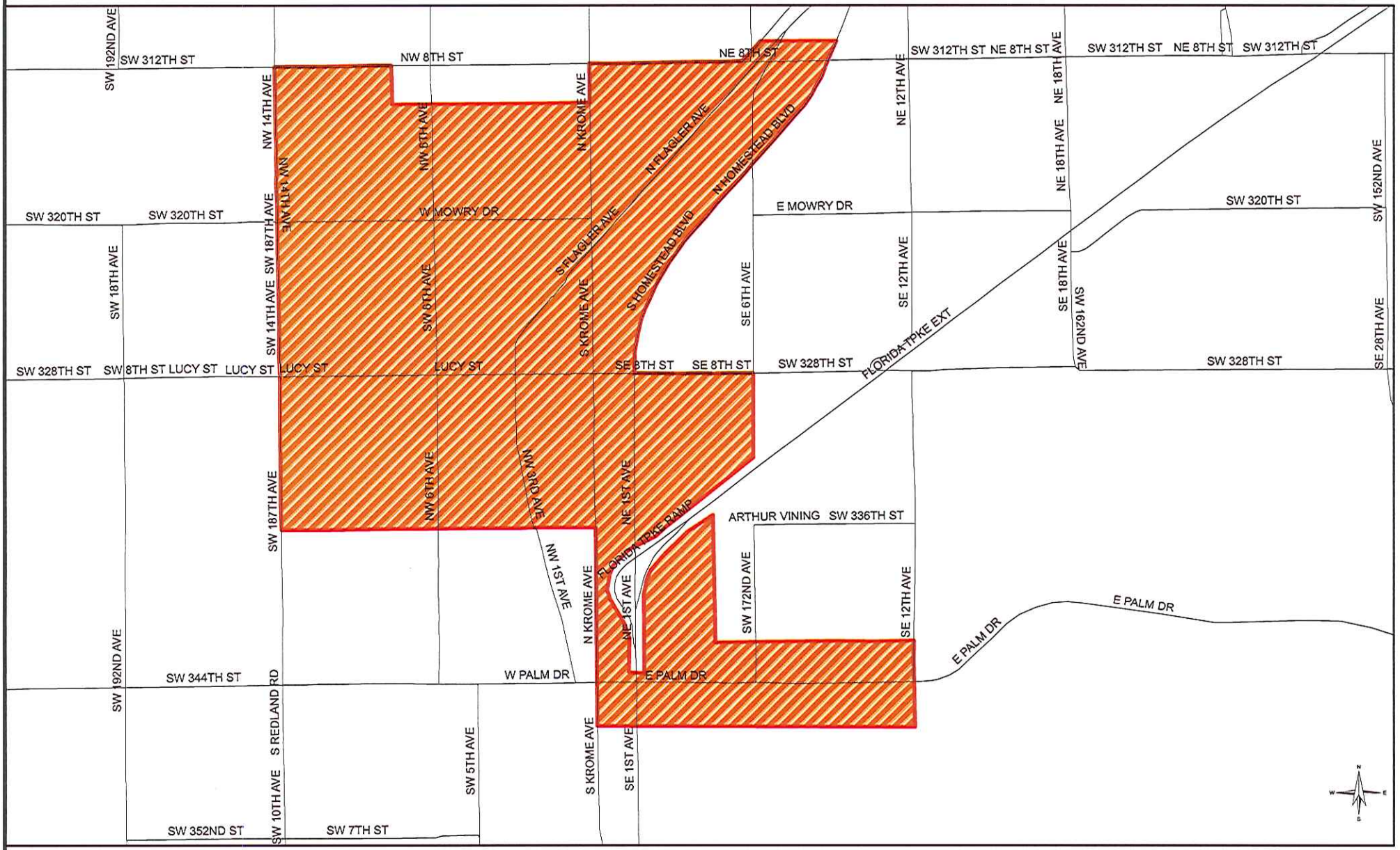
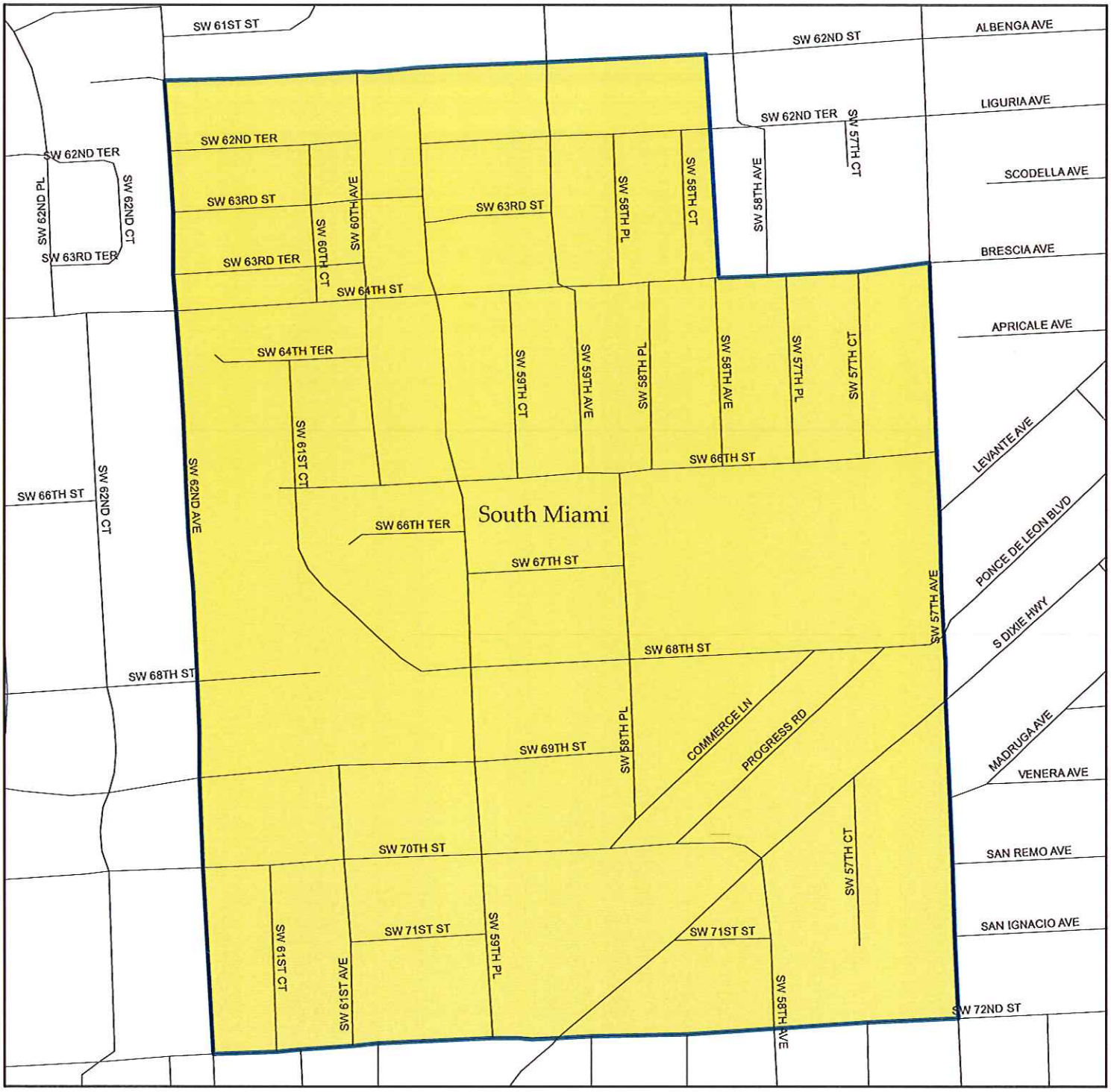
MIAMI DADE COUNTY
DEPARTMENT OF PLANNING & ZONING
PLANNING RESEARCH SECTION

SOUTH EMPOWERMENT ZONE
TARGETED URBAN AREAS



SOUTH MIAMI
TARGETED URBAN AREA
MIAMI- DADE COUNTY, FLORIDA



TARGETED URBAN AREA

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Miles

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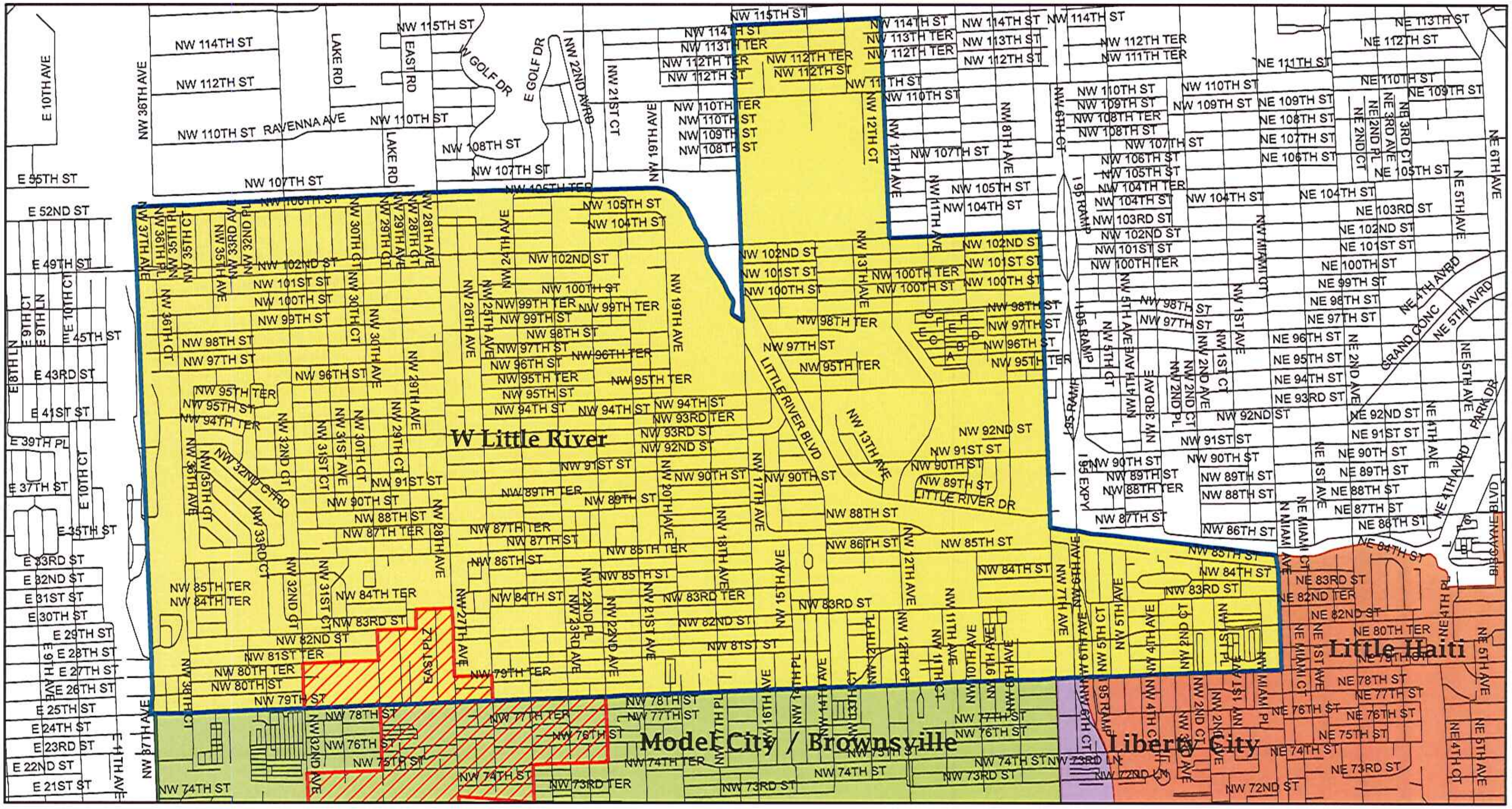
DEPARTMENT OF PLANNING & ZONING
PLANNING RESEARCH SECTION

W LITTLE RIVER

TARGETED URBAN AREA & EMPOWERMENT ZONE

MIAMI- DADE COUNTY, FLORIDA



TARGETED URBAN AREA

EMPOWERMENT ZONE

0 1 2

Miles

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MIAMI-DADE COUNTY

DEPARTMENT OF PLANNING & ZONING
PLANNING RESEARCH SECTION

ATTACHMENT 2

MIAMI-DADE COUNTY

PUBLIC HOUSING AND COMMUNITY DEVELOPMENT

Attachment C-1

AGREEMENT FOR FINANCIAL ASSISTANCE/TECHNICAL ASSISTANCE SERVICES FOR THE CREATION OF JOBS

In order to receive the various forms of Financial/Technical Assistance available through _____, businesses must enter into an Agreement to make "available" and to "document" the job creation for the benefit of low and moderate-income residents resulting from the technical assistance and/or financial assistance provided to your business.

Through this Agreement, you are committing your business operating under the name of _____ to:

1) Make available 51% of the resulting jobs to low- and moderate-income individuals.

2) Provide a list of the job titles of the permanent jobs expected to be created, which will be available to low/moderate-income individuals and which jobs require special skills or education and which are part-time, if any;

3) Provide a description of steps to be taken by your business to ensure that low- and moderate-income individuals receive first consideration for the jobs created;

4) Maintain a list of permanent jobs filled, available to low- and moderate-income individuals, and a brief description of the hiring process; and

5) Complete an annual report of all jobs created with names, income status, position titles, healthcare benefits, if any, and whether persons hired were unemployed at the time of hiring.

The applicant signing below understands the information in this Agreement, understands that _____ will not provide all the assistance requested by your business until action is executed.

_____ _____

(Agreed By) Signature of Applicant Date

_____ _____

Duns Number – Required/Mandatory
(To obtain a DUNS #, PLEASE CALL 1-866-705-5711)

_____ _____

Intake Office (Name of Agency) Date

Warning: Title 18, US Code Section 1001, states that a person who knowingly and willingly makes false or fraudulent statements to any Department or Agency of the United States is guilty of a felony. State law may also provide penalties for false or fraudulent statements.

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Amended
Agenda Item No. 14(A)(10)

TO: Honorable Chairwoman Audrey M. Edmonson and Members, Board of County Commissioners

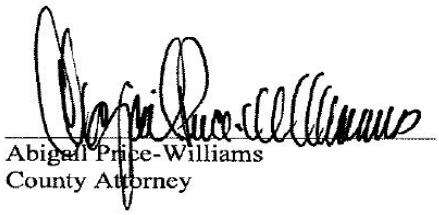
DATE: October 22, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution approving, after a public hearing, the Fiscal Years (FY) 2020-2024 Consolidated Plan and FY 2020 Action Plan with funding recommendations for Community Development Block Grant (CDBG), CDBG program income, HOME Investment Partnerships (HOME) Program, Home Program Income and Emergency Solutions Grant (ESG) Program Funds for submittal to the United States Department of Housing and Urban Development (U.S. Hud); approving the bifurcation of the Public Housing and Community Development Citizen Participation Plan within the Consolidated Plan and the Community Action and Human Services Department's Citizen Participation Plan; approving a Substantial Amendment to the FY 2013-2017 Consolidated Plan, as extended through 2019, and the FY 2017 - 2019 Action Plans for CDBG, ESG and CDBG-CV funds made available by the 2020 Coronavirus Aid, Relief, and Economic Security Act (CARES Act); approving payment of the 2020 financial obligation to U.S. HUD for Section 108 loan debt; rescinding Resolution Number R-596-12 and approving a prospective policy for Consolidated Plan years 2020 to 2024 to require that all allocations be based on Consolidated Plan priority needs and goals throughout the County; approving a policy to restrict any new CDBG public facility or capital improvement project in the 2020-2024 Action Plans to no more than 20 percent of the Action Plan year's annual CDBG allocation in years when the overall unspent balances on open public facility and capital improvement projects are more than 40 percent of the overall unspent CDBG balance; approving a third contract extension for the Sundari Foundation, Inc., d/b/a Lotus House Women's Shelter 2017 Emergency Solutions Grant tenant based rental assistance activity; and authorizing the County Mayor to execute all standard shell contracts, amendments, standard shell loan documents, conditional loan commitment letter and other agreements necessary to accomplish the purposes of this resolution, to subordinate and/or modify agreements approved herein in accordance with conditions set forth herein; and to exercise the termination and other provisions contained therein

Resolution No. R-1118-20

The accompanying resolution was prepared by the Public Housing and Community Development Department and placed on the agenda at the request of Prime Sponsor Housing, Social Services and Economic Development Committee.



Abigail Price-Williams
County Attorney

APW/uw

ATTACHMENT 3

Memorandum

Date: October 22, 2020

To: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Resolution Approving the FY 2020-2024 Consolidated Plan and FY 2020 Action Plan with Funding Recommendations for Community Development Block Grant (CDBG) and CDBG Program Income, Home Investment Partnerships (HOME) Program and HOME Program Income, and Emergency Solutions Grant (ESG) Program Funds; and Approving a Substantial Amendment to the FY 2013-2017 Consolidated Plan, as extended through 2019, and the 2017-2019 Action Plans for CDBG, ESG, and CDBG-CV Coronavirus Aid, Relief and Economic Security (CARES) Act funds

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RECOMMENDATIONS

It is recommended that the Board of County Commissioners (Board):

1. Approve the Miami-Dade County FY 2020-2024 Consolidated Plan (Consolidated Plan or Plan), which includes the Citizen Participation Plan, attached as Exhibit 1, and authorize the County Mayor or County Mayor's designee to submit the approved FY 2020-2024 Consolidated Plan to the United States Department of Housing and Urban Development (U.S. HUD).

2. Approve the bifurcation of the Public Housing and Community Development (PHCD) Citizen Participation Plan (CPP) within the Consolidated Plan and the Community Action and Human Services Department's Citizen Participation Plan for Community Services Block Grant (CSBG) funding. The Community Action and Human Services Department will bring subsequent legislation to the Board to request approval of their citizen participation plan.

3. Approve the FY 2020 Action Plan for annual submission to U.S. HUD, including the FY 2020 funding recommendations, as identified in Exhibit 2, consisting of $11,261,380.00 of Community Development Block Grant (CDBG) Program funds plus CDBG Program Income of $5,492,434.00, $4,962,281.00 of HOME Investment Partnerships (HOME) Program funds plus HOME Program Income of $1,644,775.56, and $1,127,686.00 of Emergency Solutions Grant (ESG) Program funds. The FY 2020 Action Plan includes Commission District Fund (CDF) funding recommendations for public service and housing rehabilitation activities.

4. Approve a Substantial Amendment to the FY 2013-2017 Consolidated Plan, as extended through 2019, and the 2017-2019 Action Plans for the recapture and reallocation of $152,743.98 of CDBG, $686,754.00 of ESG funds and $2,186,466.40 of CDBG-CV, Coronavirus Aid, Relief and Economic Security (CARES) Act funds with the recommendations as identified in Exhibits 3-6.

5. Approve the payment of the 2020 financial obligation to U.S. HUD of $2,129,053.07 for Section 108 loan debt.

6. Rescind Resolution No. R-596-12, requiring that CDBG funds be directed to Neighborhood Revitalization Strategy Areas, which are eliminated in the proposed Consolidated Plan, and approve a prospective policy for Consolidated Plan years 2020 to 2024 to require all allocations be based on meeting Consolidated Plan priority needs and goals throughout the County; and require all the funding recommendations in Action Plan years 2020 to 2024 be based on funding projects that are timely and meet U.S. HUD spending ratio requirements and national objectives.

7. Approve a policy to restrict any new CDBG public facility and/or capital improvement project in the 2020-2024 Action Plans to no more than 20 percent of the Action Plan year's annual CDBG allocation in years when the overall unspent balances on open public facility and capital improvement projects are more than 40 percent of the overall unspent CDBG balance. An exception to this policy may only be used when deemed in the best interest of the County, such as projects related to the County's housing crisis, and County/municipal partnership projects including but not limited to County sustainability programs.

8. Approve a third contract extension until December 31, 2020 for the Sundari Foundation, Inc., doing business as Lotus House Women's Shelter, 2017 Emergency Solutions Grant activity for the provision of tenant-based rental assistance services.

9. Authorize the County Mayor or County Mayor's designee to execute all conditional loan commitments, standard shell contracts, standard shell loan documents, amendments, and other agreements necessary to accomplish the purposes of this resolution; to subordinate and/or modify the terms of contracts, agreements, amendments, and loan documents for projects and activities approved herein, so long as such modifications are: (1) approved by the County Attorney's Office for legal form and sufficiency, (2) not substantially inconsistent with this resolution, and (3) found by the County Mayor or County Mayor's designee to be in the best interest of the County; to execute other documents necessary to accomplish the purposes set forth in this resolution; and to exercise the termination, waiver, acceleration, and other provisions set forth in agreements executed in performance of this resolution.

SCOPE

Exhibit 2 summarizes the proposed CDBG, HOME, and ESG funding recommendations for FY 2020 and the Commission districts to be served. The projects are countywide in nature which includes all Commission districts.

Exhibits 3 through 6 summarize proposed Substantial Amendments to the FY 2017-2019 Action Plans and the corresponding FY 2013-2017 (as extended through 2019) Consolidated Plan to recapture and reallocate CDBG, ESG and CARES Act funds.

FISCAL IMPACT/FUNDING SOURCE

The FY 2020 allocations are comprised of $11,261,380.00 of CDBG funds, $5,492,434.00 in CDBG program income, $4,962,281.00 of HOME funds, $1,644,775.56 of HOME program income, and

$1,127,686.00 of ESG funds, described as follows in Tables 1 through 4. The allocations of these federal funds have no negative fiscal impact on the County's General Revenue fund.

TABLE 1: FY 2020 Federal Fund Sources	
Community Development Block Grant (CDBG)	$11,261,380.00
CDBG Program Income	$5,492,434.00
Home Investment Partnerships (HOME) Program	$4,962,281.00
Home Investment Partnerships (HOME) Program Income	$1,644,775.56
Emergency Solutions Grant (ESG)	$1,127,686.00
Total	$24,488,556.56

Section 108 Loan Program

The Board adopted Ordinance No. 99-94 which authorized the submission of an application to U.S. HUD for the Section 108 Loan Program. The $40 million Section 108 Loan Program was used for the sole purpose of creating a revolving loan fund for small businesses located in the targeted urban areas (TUAs). Pursuant to U.S. HUD requirements, the County pledged its future CDBG entitlement grant awards as collateral for the repayment of Section 108 debt as noted in the County's contract with U.S. HUD in Section 5, as required by 24 Code of Federal Regulations (CFR) §570.705.

Currently, the County has an outstanding financial obligation, in the amount of $11,385,000.00, to U.S. HUD caused by projects that failed to make loan payments needed to meet the County's Section 108 loan payments. In particular, the current repayment amounts are not sufficient to cover the bi-annual interest and annual principal payments due to U.S. HUD for the Section 108 loan. Therefore, the County must utilize FY 2020 CDBG funds to meet its financial obligation to U.S. HUD. For FY 2020, the financial obligation of $2,129,053.07, as shown in Exhibit 2, is due to U.S. HUD for the Section 108 Program loan.

TRACK RECORD/MONITORING

The CDBG, HOME, and ESG activities will be monitored by Michael Liu, Director, PHCD. Through the review of quarterly progress reports and monitoring site visits, PHCD will administer these projects to ensure compliance with federal guidelines and County policies.

BACKGROUND

Miami-Dade County is required to submit a consolidated plan to U.S. HUD in accordance with the Consolidated Submissions for Community Planning and Development programs, found in Title 24 of the Code of Federal Regulations Part 91. PHCD, which is Miami-Dade County's lead agency for coordination of the consolidated plan, follows the required rule of a single consolidated submission for the planning and application aspects of the federal CDBG, HOME, and ESG programs. The Housing Opportunities for People with Aids (HOPWA) program is administered by the City of Miami and, therefore, is not addressed in this document.

The Consolidated Plan will cover the five-year period of January 1, 2020 through December 31, 2024. The last approved consolidated plan was for the period from FY 2013-2017, as extended by U.S. HUD to December 31, 2019.

SIGNIFICANT ASPECTS OF THE PROCESS BY WHICH THE PLAN WAS DEVELOPED

The process of developing the Consolidated Plan included consultation with local government agencies, service providers and public health agencies located in Miami-Dade County that offered services to the target populations. An initial countywide public meeting with housing and community development stakeholders was held in the Commission Chambers on March 27, 2019. Other involvement included community-based input from the stakeholders, and an online virtual meeting held on August 13, 2020. Previous planning efforts such as charrettes completed for the communities were also considered during the ranking of the priorities. PHCD also set-up a Consolidated Plan dedicated e-mail on the County website so that any comments or concerns could be delivered to staff in an electronic manner. Cohesive, stable communities depend on decent housing. The Consolidated Plan addresses maintaining the existing affordable housing stock and increasing the availability of housing in standard condition and at an affordable cost to low- and moderate-income families, particularly members of disadvantaged minorities, without discrimination on the basis of race, color, religion, ancestry, national origin, sex, pregnancy, age, disability, marital status, familial status, gender identity, gender expression, sexual orientation, actual or perceived status as a victim of domestic violence, dating violence or stalking, or source of income. The Plan guides the coordination of the public housing Comprehensive Grant process with the Consolidated Planning and Application process.

Housing

Decent housing also includes an adequate supply of supportive housing, which combines structural features and services needed to enable persons with special needs, and their families, to live with dignity and independence. The provision of affordable housing to low-income persons which is accessible to job opportunities is critical as well. Through its previous planning efforts, the County has assisted homeless persons in obtaining appropriate housing and aided persons-at-risk of becoming homeless. These efforts are further supported in this Plan. The Plan serves as a working document to ensure that the needs and resources of public housing residents are taken into consideration in the Comprehensive Planning effort to revitalize distressed neighborhoods and help low-income residents.

Community Development

The County has established priority non-housing community development needs based on data collected and citizen input. Those priorities are listed below:

Economic Development Priorities

- Business grant/loan programs
- Training for businesses
- Mixed use projects that integrate business and residential activities
- Special economic development activities
- Business incubators
- Job creation and retention program

Public Service Priorities

- Job training
- Youth services and job opportunities
- Improved mass transit to serve the population
- Mental health programs for area residents
- Park improvements/rehabilitation
- Community centers facilities and programs
- Programs for seniors
- Programs for the handicapped and disabled
- Legal services to non-profit groups/community development corporations and low- to moderate-income households, regarding home loan modification
- Programs that will feed the poor (Meals on Wheels)
- Create housing/training/education

Capital Improvement/Infrastructure Priorities

- Upgrade parks in priority areas
- Improve or install infrastructure. This will include:
  - Re-pavement or upgrade of pavements and streets
  - Install/upgrade water and sewer and drainage
  - Replace "at risk" septic systems
  - Upgrade lighting
- Expand open spaces in target areas that will meet with the County guidelines set by existing planning documents.
- Improve pedestrian and vehicular circulation

OVERALL GOALS OF THE CONSOLIDATED PLAN

There are four (4) overall goals of the County's community planning and development programs covered by the Consolidated Plan:

- Provide low- to moderate-income households increased access to decent and affordable housing in a sustainable and less vulnerable environment;
- Expand economic opportunities to create and retain jobs through business support, development and/or expansion;
- Provide adequate public facilities and public improvements (primarily drainage, water and sewer and facility improvements) to benefit low- to moderate-income areas and residents with emphasis on County and municipal assets and;
- Provide access to public services (primarily senior services, services for the disabled, youth, substance abuse services, employment training and childcare).

CONTENTS OF THE CONSOLIDATED PLAN

The major components of the Consolidated Plan include:

- Needs Assessment
- Market Analysis
- Strategic Plan

- Action Plan
- Citizen Participation Plan

Needs Assessment

The needs assessment includes estimated housing needs for the five-year study period. In the preparation of this section, reliance is placed on 2010 U.S. Census and the 2017 American Community Survey data. Census data has been modified with demographic, housing and labor statistics maintained by the Miami-Dade County Planning and Research Section of the Regulatory and Economic Resources Department; Shimberg Center, and Florida Bureau of Economic Research (University of Florida). In addition, the Miami-Dade County Homeless Trust and PHCD provided supplemental information on homeless and public housing-related needs.

The needs assessment includes categories of affected persons, including: extremely low-income, low-income, moderate-income and middle-income families, both renters and owners; the elderly; the homeless; and, others with special needs. Housing with potential lead-based paint hazards occupied by low- and moderate-income families, has been evaluated. The needs assessment includes the extent of over-crowding and standard and substandard housing conditions, as well as substandard housing suitable for rehabilitation. The needs assessment also includes an analysis of the rent burden, defined as the percentage of household income spent for monthly rent or mortgage expenses. Non-housing community development needs were assessed as well, including the need for public facilities and public infrastructure improvements. Finally, sustainability and the impact of sea-level rise was considered.

Market Analysis

The housing market analysis presents significant characteristics of the County's housing market. It includes the evaluation of the supply, demand, condition, and cost of housing, with a focus on low- to moderate-income households, as well as persons with disabilities or special needs. Areas with low-income or minority concentrations are identified. Public and assisted housing is described, including physical condition, restoration and revitalization needs, and accessibility under Section 504 of the Rehabilitation Act of 1973. The County, as the local public housing authority, presents its strategy for improving the management and operation of public housing as well as the living environment of its residents. Public and assisted housing projects, homeless facilities, special needs facilities and services, and barriers to affordable housing are briefly inventoried to support the market analysis.

Data describing the characteristics of the labor force and occupations by sector is provided, along with a description of the workforce and infrastructure needs of the business community. The broadband internet connectivity needs of housing units and residential neighborhoods within the County is assessed. Also included in the plan is the risk analysis completed for County assets as it relates to their vulnerability to natural hazards and sea level rise.

Strategic Plan

The Strategic Plan component of the Consolidated Plan describes the basis for allocating CDBG and other matching funds throughout the County. Guiding the County are four (4) strategic objectives for neighborhood revitalization:

1. To help communities establish a full continuum of housing services designed to assist homeless individuals and families to achieve permanent housing and self-sufficiency. To increase access by families and individuals to affordable housing in standard condition. To promote equal housing opportunities for those protected by law.
2. To reduce the isolation of low-income groups within a community or geographical area.
3. To provide empowerment and self-sufficiency opportunities to support low-income individuals and families as they make the transition from dependency to self-sufficiency. To provide economic opportunities for low- and moderate-income persons through the creation and retention of jobs.
4. To address the vulnerability of the community due to climate change.

The Strategic Plan sets forth a countywide strategy to provide for affordable housing, and address homelessness and special needs. The plan presents the County's activities that seek to reduce or ameliorate barriers to affordable housing, climate change/sea level rise, and the number of poverty level families through anti-poverty strategies.

Miami-Dade County, like many communities across the nation, is facing a significant problem addressing community needs due to the poor economy and the reduction in federal funding for housing and neighborhood issues. Community needs continue to rise at an increasing rate, yet federal funding has been significantly cut. This is further exacerbated by the recent impact of COVID-19 causing high levels of unemployment, business hardships and failures, and a public health crisis.

Action Plan

The Action Plan is an annual report which summarizes federal resources available to fund priority activities that must achieve the U.S. HUD's national objective which is a federal regulatory measure utilized to assess whether a funded activity has achieved compliance with federally mandated objectives. The Action Plan summarizes the activities to be undertaken and identifies the geographic distribution of activities, homeless and special needs activities, and other actions taken to address the goals and objectives of the Plan. The Action Plan is updated on an ongoing basis as funds are reprogrammed through recapture and reallocation processes throughout the program year.

The FY 2020 Action Plan marks the County's continual effort to utilize federal awards in a manner that will result in significant and sustainable redevelopment efforts of low- to moderate-income communities. Under this Action Plan, strong consideration was given to projects and activities that met the FY 2019 requirements for CDBG, HOME and ESG activities; some projects are recommended due to critical needs of County and municipal projects. In all cases, the recommended projects meet an underserved need, demonstrate a readiness to proceed, and demonstrate implementation by experienced agencies and/or developers with the capacity to successfully achieve U.S. HUD national objectives, adhere to federal reporting requirements, and successfully manage the completion of the project(s).

Citizen Participation Plan

The Citizen Participation Plan (CPP) is included as part of the Consolidated Plan as required by 24 CFR Part 91. The CPP describes the process required for engaging the community and soliciting comments on various aspects of the community planning and development processes, including plans and reports required by U.S. HUD. The County has recently amended its CPP to allow for virtual engagement as well as reduced notice and comment periods, when permitted. The CPP has further been amended to eliminate the use of Neighborhood Revitalization Strategy Areas (NRSA) and instead use a regional geographical approach to planning and outreach. The Community Development division of PHCD will continue to engage the community through the minimum required meetings as prescribed by U.S. HUD and outlined in the CPP.

The new CPP also represents the bifurcation of the PHCD CPP within the Consolidated Plan for CDBG, HOME and ESG funding and the Community Action and Human Services Department's (CAHSD) Tripartite Board Citizen Participation Plan for Community Services Block Grant (CSBG) funding. In previous consolidated plans, the two departments combined their citizen participation plans in order to jointly obtain public input using community advisory committees, some of which were located within NRSAs. The use of community advisory committees is not required for CDBG, HOME or ESG funds, and a new regional approach to obtaining community input is set forth in the CPP. This item recommends that the two citizen participation plans be approved separately, due to the separate and distinct federal requirements. CAHSD will subsequently bring legislation to the Board to request approval of its citizen participation plan, which will continue to engage the community through various neighborhoods with representatives (community advisory committees) that are also members of the Community Action Agency Board.

CITIZEN PARTICIPATION REQUIREMENTS

U.S. HUD regulations require the County to hold a minimum of two public hearings at different stages of the planning process. The first public hearing requires input from citizens on housing and community development needs. On November 15, 2019, the first required public hearing was held in the Board's chambers to obtain public input on the FY 2020 Consolidated Planning Policies that formed the basis for the FY 2020 Action Plan recommendations. The second public hearing, which is intended to obtain further public comments on the Consolidated Plan and the FY 2020 Action Plan funding recommendations, is scheduled for October 14, 2020, before the Housing Social Services and Economic Development (HSSED) Committee.

U.S. HUD requires that the Consolidated Plan and Action Plan be made available for public comments for a period of 30 days prior to the final adoption of the funding recommendations by the BCC. On March 31, 2020, the U.S. HUD issued a notice of waiver availability, including notice waivers. The County has adopted U.S. HUD waiver for notice and comment, which specifies a minimum five-day notice. Therefore, the County advertised on or before October 7, 2020, informing the public of the availability of the Consolidated Plan and FY 2020 Action Plan funding recommendations on the County's website. The Consolidated Plan will be considered by the BCC on October 20, 2020.

Following the Board's approval of the FY 2020 HOME funding recommendations, the County Mayor or County Mayor's designee will issue a conditional loan commitment of HOME funds for construction and rehabilitation projects in substantially the form attached as Exhibit 7 but customized for the type of

funding and project. The conditional loan commitment requires numerous milestones be met by the developer prior to the County executing a funding contract. For projects recommended for funding, final funding approval shall be conditioned upon a full feasibility and underwriting analysis which will be completed prior to financial closing and the release of funds along with other conditions set forth in the conditional loan commitment.

Due Diligence Review and Minimum Threshold

As a requirement of the FY 2019 RFA, proposals must meet federal threshold criteria for eligible activities that meet a U.S. HUD national objective to be considered for funding. Furthermore, staff conducted a due diligence search in accordance with the provisions of Resolution No. R-630-13. There are no due diligence issues to report. Of the activities submitted for funding consideration, none were found to have any unresolved issues or concerns.

FY 2020 FUNDING SOURCES

Consistent with the past several years, the FY 2020 Action Plan process continues to include the federally funded CDBG, HOME, and ESG programs. The close coordination of these programs and resources continues to be essential to preventing the duplication of funding or the funding of activities in excess of actual needs.

Community Development Block Grant (CDBG) Program

The FY 2020 CDBG allocation is $6,880,050.93 after the deduction of the administrative costs and the Section 108 loan repayment summarized below.

FY 2020 CDBG Allocation	
CDBG	$11,261,380.00
Administration (20%)	($2,252,276.00)
Subtotal	$9,009,104.00
Section 108 Loan Payment	($2,129,053.07)
Grand Total	**$6,880,050.93**

For Commission District Funds (CDF) allocations, 13 percent of the total CDBG allocation is divided among the 13 commission districts and allocated to CDBG eligible projects recommended by the commissioners in the amount of $95,324.00 for each commission district, all of which is allocated for public service activities unless otherwise stated in Exhibit 2 for public facilities/capital improvements, housing, or economic development activities. Due to the need to respond to COVID-19, many of the 2020 CDF allocations are focused on providing public services to support the community. Any CDF allocations not included in this item may be addressed in a subsequent agenda item.

Table 2 reflects the recommendation of FY 2020 CDBG funding, including program income, for administration, economic development, public facility/capital improvements, housing, and public service activities.

Table 2: FY 2020 CDBG Funding Recommendations		
Category	**Amount**	**Percentage of Total**
Administration	$2,252,276.00	13.44%
Economic Development	$1,203,018.34	7.18%
Public Facilities	$1,671,115.25	9.97%
Public Service	3,905,640.18	23.32%
Housing	$5,592,711.16	33.38%
Section 108 Loan Payment	$2,129,053.07	12.71%
Total of CDBG Activities	**$16,753,814**	**100.00%**

For the Public Facility and Capital Improvements category, PCHD recommended awards to projects that are County/Municipal related. In particular, PHCD is recommending to allocate CDBG funding for two projects within the City of Opa-Locka: the rehabilitation to pump station number 4 that is impacting a County housing development project, and a roadway and drainage improvement project that includes the dedication of the affected street that is in front of a County-owned multi-family building. Other projects include County roadway improvements and improvements to buildings.

Home Investment Partnerships Program (HOME)

The FY 2020 HOME annual allocation from U.S. HUD is $4,962,281.00, with an additional $1,644,775.56 of FY 2019 HOME Program Income. The HOME program is designed to strengthen public-private partnerships for the expansion of decent, safe, sanitary, and affordable housing with primary attention on rental housing assisting families with incomes of 80 percent of Area Median Income (AMI) or lower. HOME funding recommendations are designated for acquisition, new construction or rehabilitation of affordable rental housing, pre-development, single-family homeownership, tenant-based rental assistance (TBRA), HOME community housing development organization (CHDO) housing set-aside, and HOME CHDO operating support.

Table 3: FY 2019 HOME Recommendations		
Category	**Amount**	**Percent of Total**
Administration	$496,228.10	10%
Acquisition, New Construction or Rehabilitation of Affordable Rental Housing	$5,510,828.46	83%
Tenant-Based Rental Assistance (TBRA)	$600,000.00	7%
Total HOME Funding including Program Income:	**$6,607,056.56**	**100%**

Emergency Solutions Grant (ESG)

The County's FY 2020 ESG award is $1,127,686.00. ESG funds for homeless activities were made available for emergency shelter and outreach, homeless prevention, and rapid rehousing services.

Table 4: FY 2019 ESG Recommendations		
Category	**Amount**	**Percent of Total**
Administration	$84,576.45	7.5%
Emergency Shelter and Outreach Activities	$617,048.94	55.0%
Homeless Prevention and Rapid Re-Housing	$426,060.61	37.5%
Total ESG Funding:	**$1,127,686.00**	**100%**

CDBG AND ESG RECAPTURES AND REALLOCATIONS

Recapture Recommendations

A substantial amendment is requested to the FY 2017-2019 Action plans and the corresponding FY 2013-2017 Consolidated Plan, as extended through December 31, 2019. PHCD recommends the recapture of $152,743.98 in CDBG funding in Exhibit 3 from agencies that may have completed the activity with minimal remaining balances and activities unable to meet a national objective. All entities with projects listed as the subject of recapture have been informed with written communication.

Of the CDBG recaptured funds, $52,743.98 are Commission District Fund (CDF) allocations from three commission districts. The Commissioners in these districts have been notified of the recaptures (if the value is greater than $1,000.00) and will have the opportunity to recommend district-specific allocations through a future recapture and reallocation item. However, these CDFs may not be used for any public service activity because public service funds are an annual allocation only, unless they represent 2019 funds. The funds may be used in the following categories: economic development, housing, and public facilities and capital improvements. PHCD recommends the recapture of $100,000.00 from a 2017 special economic development activity, We Are the Road, due to delays in site permitting that did not allow the project to proceed timely.

PHCD recommends the recapture of $686,754.00 from two ESG activities in Exhibit 3. The Community Action and Human Services Permanent Housing Initiative activity was unable to expend all funds and a balance remains. The City of Miami Beach, Miami Beach Safety Net was delayed in contracting, and the agency elected not to proceed due to an upcoming expenditure deadline.

Reallocation Recommendations

PHCD recommends the reallocation of $52,743.98 for three projects representing CDF allocations in Exhibit 4. Rebuilding Together Miami-Dade, Inc., is recommended to provide housing rehabilitation services for low- and moderate-income homeowners in District 7. Greater North Miami Chamber of Commerce is recommended to provide public service technical assistance to businesses in District 2. Greater Miami Service Corps. is recommended to provide housing rehabilitation to homeowners in District 3. The reallocation of $100,000.00 is recommended to provide funding to make upgrades to the air conditioning system in a County-owned building operated by the Easter Seals as its Civic Center location.

PHCD recommends the reallocation of $686,754.00 to fund one ESG activity in Exhibit 4. The reallocated funds would allow Chapman Partnership to rehabilitate two buildings, one in the northern

part of the County, and one in the southern part of the County to continue to serve as emergency shelters to serve homeless households.

CARES ACT CDBG-CV RECAPTURES AND REALLOCATIONS

Recapture Recommendations

A substantial amendment is requested to the FY 2019 Action Plan and corresponding FY 2013-2017 Consolidated Plan, as extended through December 31, 2019. PHCD recommends the recapture of $2,186,466.40 in CDBG-CV, CARES Act funds for the public housing nutritional pandemic food disbursement activity, as indicated in Exhibit 5. The public housing nutritional assistance activity remains funded with CDBG 2020 program funds in Exhibit 2 to address administrative revisions requested by U.S. HUD.

Reallocation Recommendations

PHCD recommends the reallocation of $2,186,466.40 in CDBG funds, as indicated in Exhibit 6, to fund multiple activities. Partners for Self-Employment, Inc. and Black Economic Development Coalition, Inc. are recommended for CDBG funding to provide micro-lending support to small businesses for job creation activities. PHCD is recommending a reallocation of CDBG funds to support CARES Act program administration.

Re-deployment of Prepaid CDBG Funds

PHCD recommends the allocation of $5,492,434.00 of CDBG program income funds. In 2013, three public housing rehabilitation projects were funded with a combined total of $5,492,434.00 in CDBG funds: Dante Fascell, South Miami Plaza and Stirrup Plaza. The developer prepaid the loans in full prior to the maturity date(s) and has requested that CDBG funds in the amount of up to $5,492,434.00 be redeployed in accordance with section 17-02 of the Code of Miami-Dade County to the substantial rehabilitation of Robert King High, Moretti Phase 2B, and Three Round Towers B and C.

The developer has already received redeployed Surtax funds for these substantial rehabilitation projects. On October 3, 2019, the Board approved Resolution No. R-1059-19, authorizing the re-loan of prepaid Surtax proceeds for the substantial rehabilitation of the Robert King High, Joe Moretti Phase 2B, and Three Round Towers B and C public housing project. This legislation recommends that the Board approve the allocation of up to $5,492,434.00 of pre-paid CDBG funds to Related Urban Development Group, or related entity, for CDBG-eligible expenses related to these three public housing substantial rehabilitation projects. Once approved, the County Mayor or the County Mayor's designee will execute a conditional loan commitment in substantially the form attached hereto as Exhibit 7.

RECOMMENDED POLICIES

PHCD is recommending prospective policy changes for annual Action Plan years 2020 to 2024 in order to improve the efficiency of expending program funds to comply with timeliness requirements:

1. Rescind Resolution No. R-596-12, requiring that CDBG funds be directed to NRSAs, which are eliminated in the proposed Consolidated Plan, and approve a prospective policy for Consolidated Plan years 2020 to 2024 to require all allocations be based on meeting Consolidated Plan priority

needs and goals throughout the County; and require all the funding recommendations in Action Plan years 2020 to 2024 be based on funding projects that are timely and meet U.S. HUD spending ratio requirements and national objectives.

2. Approve a policy to restrict any new CDBG public facility and/or capital improvement project in the 2020-2024 Action Plans to no more than 20 percent of the Action Plan year's annual CDBG allocation in years when the overall unspent balances on open public facility and capital improvement projects are more than 40 percent of the overall unspent CDBG balance. The purpose of this policy is to avoid situations where there is a disproportionate amount of public facility and capital improvement projects with unspent balances, which negatively impact the spending timeliness ratio requirements, and ultimately restrict the County's CDBG operational flexibility. Exception to this policy may only be used when deemed in the best interest of the County, such as projects related to the County's housing crisis, and County/municipal partnership projects, including, but not limited to, County sustainability programs. The County Mayor or County Mayor's designee will abide by this policy in the funding recommendations, including recapture and reallocations recommendations, brought to the Board.

Contract Extension

A third contract extension is requested for one Emergency Solutions Grant activity. Sundari Foundation, Inc., doing business as Lotus House Women's Shelter, was awarded a total of $1,616,514.20 in three resolutions, Resolution No. R-762-17, Resolution No. R-1046-17, and Resolution No. R-1255-17, for the provision of tenant-based rental assistance. The agency has encountered delays due to turnover of key personnel and has expressed difficulty in securing housing placements for program participants with special needs with extremely low or no income that face barriers in securing affordable housing. Additional time is needed in order to complete the activity by continuing to provide services to current program participants and additional eligible participants.

SUMMARY

The County is committed to continuing to serve low- and moderate-income residents and neighborhoods throughout the County and to achieving U.S. HUD national objectives. The County continues to work with its community development partners to enhance its programs and to better meet the public service, economic development, housing, and capital improvement needs of low- and moderate-income residents and neighborhoods.

Maurice L. Kemp, Deputy Mayor

Attachments

MEMORANDUM

(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson and Members, Board of County Commissioners

DATE: October 22, 2020

FROM: Abigail Price-Williams County Attorney

SUBJECT: Amended Agenda Item No. 14(A)(10)

Please note any items checked.

_____	**"3-Day Rule" for committees applicable if raised**
_____	**6 weeks required between first reading and public hearing**
_____	**4 weeks notification to municipal officials required prior to public hearing**
_____	**Decreases revenues or increases expenditures without balancing budget**
_____	**Budget required**
_____	**Statement of fiscal impact required**
_____	**Statement of social equity required**
_____	**Ordinance creating a new board requires detailed County Mayor's report for public hearing**
_____	**No committee review**
_____	**Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) to approve**
_____	**Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved Mayor

Veto _____

Override _____

Amended
Agenda Item No. 14(A)(10)
10-22-20

RESOLUTION NO. **R-1118-20**

RESOLUTION APPROVING, AFTER A PUBLIC HEARING, THE FISCAL YEARS (FY) 2020-2024 CONSOLIDATED PLAN AND FY 2020 ACTION PLAN WITH FUNDING RECOMMENDATIONS FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), CDBG PROGRAM INCOME, HOME INVESTMENT PARTNERSHIPS (HOME) PROGRAM, HOME PROGRAM INCOME AND EMERGENCY SOLUTIONS GRANT (ESG) PROGRAM FUNDS FOR SUBMITTAL TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (U.S. HUD); APPROVING THE BIFURCATION OF THE PUBLIC HOUSING AND COMMUNITY DEVELOPMENT CITIZEN PARTICIPATION PLAN WITHIN THE CONSOLIDATED PLAN AND THE COMMUNITY ACTION AND HUMAN SERVICES DEPARTMENT'S CITIZEN PARTICIPATION PLAN; APPROVING A SUBSTANTIAL AMENDMENT TO THE FY 2013-2017 CONSOLIDATED PLAN, AS EXTENDED THROUGH 2019, AND THE FY 2017 - 2019 ACTION PLANS FOR CDBG, ESG AND CDBG-CV FUNDS MADE AVAILABLE BY THE 2020 CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT (CARES ACT); APPROVING PAYMENT OF THE 2020 FINANCIAL OBLIGATION TO U.S. HUD FOR SECTION 108 LOAN DEBT; RESCINDING RESOLUTION NUMBER R-596-12 AND APPROVING A PROSPECTIVE POLICY FOR CONSOLIDATED PLAN YEARS 2020 TO 2024 TO REQUIRE THAT ALL ALLOCATIONS BE BASED ON CONSOLIDATED PLAN PRIORITY NEEDS AND GOALS THROUGHOUT THE COUNTY; APPROVING A POLICY TO RESTRICT ANY NEW CDBG PUBLIC FACILITY OR CAPITAL IMPROVEMENT PROJECT IN THE 2020-2024 ACTION PLANS TO NO MORE THAN 20 PERCENT OF THE ACTION PLAN YEAR'S ANNUAL CDBG ALLOCATION IN YEARS WHEN THE OVERALL UNSPENT BALANCES ON OPEN PUBLIC FACILITY AND CAPITAL IMPROVEMENT PROJECTS ARE MORE THAN 40 PERCENT OF THE OVERALL UNSPENT CDBG BALANCE; APPROVING A THIRD CONTRACT EXTENSION FOR THE SUNDARI FOUNDATION, INC., D/B/A LOTUS HOUSE WOMEN'S SHELTER 2017 EMERGENCY SOLUTIONS GRANT TENANT BASED RENTAL ASSISTANCE ACTIVITY; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE ALL STANDARD SHELL CONTRACTS, AMENDMENTS, STANDARD SHELL LOAN DOCUMENTS, CONDITIONAL LOAN COMMITMENT LETTER AND OTHER AGREEMENTS NECESSARY TO ACCOMPLISH THE PURPOSES OF THIS RESOLUTION, TO SUBORDINATE AND/OR MODIFY AGREEMENTS APPROVED HEREIN IN ACCORDANCE WITH CONDITIONS SET FORTH HEREIN; AND TO EXERCISE THE TERMINATION AND OTHER PROVISIONS CONTAINED THEREIN

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. This Board ratifies and adopts the matters set forth in the accompanying justification memorandum as if fully set forth herein.

Section 2. This Board approves the Miami-Dade County Fiscal Years (FY) 2020-2024 Consolidated Plan ("Consolidated Plan"), which includes the Citizen Participation Plan, attached hereto as Exhibit 1, and authorizes the County Mayor or County Mayor's designee to submit the Consolidated Plan and Action Plan to the United States Department of Housing and Urban Development (U.S. HUD).

Section 3. This Board approves the bifurcation of the Public Housing and Community Development ("PHCD") Citizen Participation Plan ("CPP") within the Consolidated Plan and the Community Action and Human Services Department's ("CAHSD") Citizen Participation Plan for Community Services Block Grant ("CSBG") funding.

Section 4. This Board approves the FY 2020 Action Plan for annual submission to U.S. HUD, including the FY 2020 funding recommendations, as identified in Exhibit 2, consisting of $11,261,380.00 of Community Development Block Grant ("CDBG") Program funds plus CDBG Program Income of $5,492,434.00, $4,962,281.00 of HOME Investment Partnerships Program ("HOME") Program funds plus HOME Program Income of $1,644,775.56, and $1,127,686.00 of Emergency Solutions Grant ("ESG") Program funds. The FY 2020 Action Plan includes Commission District Fund ("CDF") funding recommendations for public service and housing rehabilitation activities. CDBG Program Income of $5,492,434.00 is approved to be redeployed pursuant to section 17-02 of the Code to fund substantial rehabilitation projects at the following sites: Joe Moretti Phase IIB, 96 units for persons at or below 60 percent of the area median income (AMI) located at 400 SW 5th Street, 600 SW 4th Street, 600 SW 8th Avenue and 801 SW 6th Street, Miami, Florida 33125; Robert King High Apartments, 315 total units, with 303 units for persons at or below 30 percent of the AMI and 12 units for persons at or below 60 percent of

the AMI, located at 1403 and 1405 NW 7th Street, Miami, Florida 33125; and Three Round Towers B and C, 263 total units, with 90 units for persons at or below 30 percent of the AMI, 38 units for persons at or below 60 percent of the AMI, and 135 units at or below 80 percent of the AMI, located at 2920 and 2940 NW 18th Avenue, Miami, Florida, 33142.

Section 5. This Board approves a Substantial Amendment to the FY 2013-2017 Consolidated Plan, as extended through 2019, and the FY 2017 - 2019 Action Plans in order to recapture and reallocate $152,743.98 of CDBG funds, $686,754.00 of ESG funds, and $2,186,466.40 of CDBG-CV funds, made available by the 2020 Coronavirus Aid, Relief, and Economic Security Act. These recaptures and reallocations are set forth in Exhibits 3-6, attached hereto.

Section 6. This Board approves the payment of the 2020 financial obligation to U.S. HUD of $2,129,053.07 for Section 108 loan debt.

Section 7. This Board rescinds Resolution No. R-596-12, requiring that CDBG funds be directed to Neighborhood Revitalization Strategy Areas, which are eliminated in the proposed Consolidated Plan; and approves a prospective policy for Consolidated Plan years 2020 to 2024 to require all allocations be based on meeting Consolidated Plan priority needs and goals throughout the County; and require all the funding recommendations in Action Plan years 2020 to 2024 be based on funding projects that are timely and meet U.S. HUD spending ratio requirements and national objectives.

Section 8. This Board approves a policy to restrict any new CDBG public facility and or capital improvement project in the 2020-2024 Action Plans to no more than 20 percent of the Action Plan year's annual CDBG allocation in years when the overall unspent balances on open public facility and capital improvement projects are more than 40 percent of the overall unspent CDBG balance. An exception to this policy may only be used when deemed in the best interest of the County, such as projects related to the County's housing crisis, County/municipal partnership projects including but not limited to County sustainability programs.

Section 9. This Board directs the County Mayor or County Mayor's designee to return to this Board with a report annually with the status of Community Development Block Grant Commission District

Funds (CDF) and place the completed report on an agenda of this Board pursuant to Ordinance No. 14-65. All CDF funding allocations, including recaptures and reallocations, will come before this Board for approval.

Section 10. This Board approves a third contract extension until December 31, 2020, of the contract with Sundari Foundation, Inc., doing business as Lotus House Women's Shelter. The purpose of the amendment is to give the agency additional time to complete the 2017 ESG activity for the provision of tenant-based rental assistance services.

Section 11. For all funding allocations authorized in this resolution, this Board authorizes the County Mayor or County Mayor's designee to execute conditional loan commitments, standard shell contracts, standard shell loan documents, amendments, and other agreements necessary to accomplish the purposes of this resolution; to subordinate and/or modify the terms of contracts, amendments, and loan documents for projects and activities approved herein, so long as such modifications are: (1) approved by the County Attorney's Office for legal form and sufficiency, (2) not substantially inconsistent with this resolution, and (3) found by the County Mayor or County Mayor's designee to be in the best interest of the County; to execute other documents necessary to accomplish the purposes set forth in this resolution; and to exercise the termination, waiver, acceleration, and other provisions set forth in agreements executed in performance of this resolution.

The foregoing resolution was offered by Commissioner **Rebeca Sosa**, who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** and upon being put to a vote, the vote was as follows:

Audrey M. Edmonson, Chairwoman	**aye**		
Rebeca Sosa, Vice Chairwoman	**aye**		
Esteban L. Bovo, Jr.	**absent**	Daniella Levine Cava	**aye**
Jose "Pepe" Diaz	**aye**	Sally A. Heyman	**aye**
Eileen Higgins	**aye**	Barbara J. Jordan	**aye**
Joe A. Martinez	**aye**	Jean Monestime	**aye**
Dennis C. Moss	**aye**	Sen. Javier D. Souto	**aye**
Xavier L. Suarez	**absent**		

The Chairperson thereupon declared this resolution duly passed and adopted this 22nd day of October, 2020. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

Melissa Adames
By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Brenda Kuhns Neuman

2020–2024 CONSOLIDATED PLAN

AND 2020 ACTION PLAN

MIAMI-DADE COUNTY

Prepared by:

Miami-Dade County

Public Housing and Community Development

September 2020

Executive Summary

ES-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

1. Introduction

Miami-Dade County is required to submit a Consolidated Plan (the Plan) to the United States Department of Housing and Urban Development (U.S. HUD) in accordance with the Consolidated Submissions for Community Planning and Development Programs (24 CFR 91). The rule requires a single submission for the planning and application aspects of the following programs:

- Community Development Block Grant (CDBG)

- HOME Investment Partnerships (HOME); and

- Emergency Solutions Grants (ESG)

The Housing Opportunities for People with Aids (HOPWA) program is administered by the City of Miami, and therefore is not addressed in this document.

The Miami-Dade County Public Housing and Community Development Department (PHCD) is the lead agency for Miami-Dade County in the coordination of the Consolidated Plan.

The most recent Consolidated Plan submitted to HUD was for the period from January 1, 2013 through December 31, 2017. However, PHCD was granted an extension until December 31, 2019 and the Consolidated Plan that is being submitted covers the period from January 1,2020 through December 31, 2024.

2. Summary of the objectives and outcomes identified in the Plan Needs Assessment Overview

The County has identified housing, economic development, health and human services as areas of concentration for the strategic plan. The needs assessment identifies the rate of cost-burden, the growth of cost-burden among low-income and elderly households, overcrowding and disproportionate needs as challenges facing many households in Miami-Dade County in the attempt to access quality housing.

The Plan addresses maintaining the existing affordable housing stock and increasing the availability of housing in standard condition and at an affordable cost to low-income and moderate-income families, particularly members of disadvantaged minorities, without discrimination on the basis of race, color, religion, sex, national origin, familial status, or disability. In an effort to serve as many low- and moderate areas as possible, Miami-Dade County is shifting away from a model of targeting a majority of Community Development Block Grant funds to the Neighborhood Revitalization Strategy Areas (NRSAs),

to a regional approach which divides the County in North, Central and South regions and within those regions identifies those areas that are the most vulnerable. This approach will allow the County to address the needs of impoverished communities throughout Miami-Dade County. The Consolidated Plan also further integrates the coordination of public housing rehabilitation with the County's community development and housing objectives.

The housing goals includes an adequate supply of supportive housing, which combines structural features and services needed to enable persons with special needs, and their families, to live with dignity and independence. Miami-Dade County, in its annual planning and future planning will continue to prioritize tenant-based rental assistance using HOME. The County will also have funds available for small projects that may benefit from the County's Documentary Surtax Program for the development of Housing. The Plan serves as a working document to ensure that the needs and resources of public housing residents are taken into consideration in the Comprehensive Planning effort to revitalize distressed neighborhoods and help low-income residents. The Consolidated Plan addresses the need to strengthen its economic development by continuing to support providers of economic development activities such as micro-loans, business incubators and technical assistance to businesses. These economic development activities are intended to increase the number of small businesses, retain or create jobs or strengthen fledgling small businesses. PHCD will continue to address health and human services through providing funds for public services such as feeding programs and after school education programs with an expected outcome of improving the quality of life for vulnerable populations, such as youth and senior citizens.

3. Evaluation of past performance

Miami-Dade County recently updated HUD on the status of its housing and community development programs through submission of the 2019 Consolidated Annual Performance and Evaluation Report (CAPER). The 2019 CAPER was provided to HUD on March 26, 2020, which detailed various housing rehabilitation programs and economic development activities that met national objectives. The next five years funding will prioritize the aforementioned activities.

4. Summary of citizen participation process and consultation process

The Citizen Participation Process began in early 2019. Meetings were held in multiple areas of the County with community groups. A countywide public outreach meeting was held in the Miami-Dade County Commission Chambers on March 27, 2019, which included various community stakeholders who responded to a survey provided at that meeting. Opportunities for written and verbal comments were provided at the meeting. A summary of the responses received during the citizen participation process is included as an attachment to the plan.

5. Summary of public comments

A summary of public comments is included as an attachment to the plan.

6. Summary of comments or views not accepted and the reasons for not accepting them

Views not accepted in this plan were those determined to be unrelated to the Consolidated Plan.

7. Summary

Miami-Dade County approached the consolidated planning process by evaluating the need for decent housing, economic development opportunities, sustainable living environment and the participation of citizens in the planning process. Given the County's geographic location, we naturally plan for the potential for natural hazards and storms, however, we were not prepared to deal with the COVID-19 global pandemic. The magnitude of the effect of the global pandemic on the Miami-Dade County community was unexpected and further impacted planning, as it relates to decent housing and economic development. Homeowners, renters and the homeless are all being impacted, and is causing the County to have to respond. The County's plan addresses housing for both renters and homeowners by including mixed finance housing opportunities, incorporating both local and federal resources made available through the consolidated planning process. As previously stated, the Coronavirus impacts to our economic development activities was realized by the number of small businesses having to shut down as a result of emergency orders issued by the County Mayor. The County is prepared to continue to participate in mixed finance housing opportunities that include both local resources and federal resources made available through the consolidated planning process. The County will also continue with housing rehabilitation activities. Furthermore, the COVID-19 impact to our economic development activities were realized by the number of small businesses having to shut down as a result of emergency orders issued by the County Mayor. Our plan will continue to prioritize both financial assistance and technical assistance to these small businesses that are critically important to our economy.

In making priority decisions, the current analysis demonstrated tremendous need in all areas of the County. Therefore, the County is moving away from a neighborhood approach, to a regionalized approach, serving eligible block groups within the North, Central, and South areas of the County. Future funding allocations will continue to be prioritized based on this regional approach.

Miami-Dade County continues to address a housing crisis. The pre-existing challenges in the County were significantly exacerbated at the beginning March 2020, with the onset of the COVID-19 global pandemic. Local impacts include dramatic increases in unemployment due to the service-based economy, along with the wholesale shutdown of businesses, large and small. As a result, low- and moderate-income residents are increasingly unable to afford basic daily necessities such as food, rent and monthly mortgage payments. Several stakeholders have been convened to address both policy and housing needs. During the next five years, as part of the plan, additional funding will be made available to assist with addressing the housing crisis. The County is prepared to continue to participate in mixed finance housing opportunities that include both local resources and federal resources made available through the consolidated planning process.

The Process

PR-05 Lead & Responsible Agencies 24 CFR 91.200(b)

1. Describe agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source

The following are the agencies/entities responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
Lead Agency	MIAMI DADE COUNTY	
CDBG Administrator	MIAMI DADE COUNTY	Public Housing and Community Development
HOPWA Administrator		
HOME Administrator	MIAMI DADE COUNTY	Public Housing and Community Development
ESG Administrator	MIAMI DADE COUNTY	Public Housing and Community Development
HOPWA-C Administrator		

Table 1 – Responsible Agencies

Narrative

The Miami-Dade County Department of Public Housing and Community Development is the agency that administers Emergency Solutions Grant, Home Investment Partnerships Program, and Community Development Block Grant federal funds for Miami-Dade County.

Consolidated Plan Public Contact Information

Mr. Michael Liu, Director, Public Housing and Community Development

mliu88@miamidade.gov

(786) 469-4106

Mr. Clarence Brown, Division Director, Housing and Community Development

Clarence.Brown@miamidade.gov

(786-469-2221

PR-10 Consultation – 91.100, 91.110, 91.200(b), 91.300(b), 91.215(l) and 91.315(l)

1. Introduction

As required by federal regulations Miami-Dade County consulted with service providers, private and public entities and other jurisdictions with knowledge of the housing needs of Miami-Dade County. In addition, the County also consulted with interested area social/health service/housing providers throughout the County who assist with housing, health, economic development, social services and child care services to low to moderate-income residents.

The Miami-Dade Homeless Trust, who administers the Continuum of Care, played a key role in the consultation process.

Miami-Dade County also consulted with local businesses.

Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(l)).

Miami-Dade County consulted with the following agencies/entities in the preparation of the Consolidated Plan:

Homeless Services: Miami-Dade County Homeless Trust (as lead agency for the Miami-Dade County homeless continuum of care system), Citrus Health Network, Camillus House, and Miami Homes For All

Social Services: Community Action and Human Services Department, City of Miami (HOPWA), United Way, Children's Trust, and Alliance for the Aging

Housing: Florida Housing Finance Corporation, Public Housing and Community Development, Miami-Dade Housing Finance Authority (HFA), various for-profit developers, Community Development Corporations, and Community Housing Development Organizations

Economic Development: Beacon Council, South Florida Workforce Investment Board (Career Source South Florida), Community Development Financial Institutions

Health Services: Public Health Trust

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness

The Miami-Dade County Continuum of Care (COC) was created to address the needs of the homeless families and individuals. The plan continues to provide for a comprehensive system of housing and services that includes: 1) a coordinated intake and assessment process with a 1-800 Homeless Helpline for persons who are homeless or about to become homeless to assess services; 2) emergency housing for short term assessment, stabilization and referral; transitional housing to provide intensive treatment to individuals not able/ready to sustain affordable housing; and 3) permanent supportive housing. The continuum includes wrap-around services to assist individuals in achieving and sustaining self-sufficiency, including employment programs, legal services, health care, move-in assistance, etc. Homeless Prevention services are also funded and coordinated through the Helpline. The majority of homeless agencies in the Miami-Dade County continuum of care participates in a Homeless Management Information System (HMIS), must comply with housing and services Standards of Care and Performance Measures, and participates in the coordinated intake and assessment process through referrals from contracted homeless outreach teams and agencies.

The Homeless Trust is the lead agency and continues to implement its original mission which is: 1) to administer the proceeds of a unique one-percent food and beverage tax dedicated to homeless and domestic violence services (85% of the funds toward homeless and 15% toward domestic violence services); 2) to implement the local continuum of care plan; and, 3) to serve in an advisory capacity to the Board of County Commissioners on issues involving homelessness. The Trust contracts with 28 private and public not-for-profit agencies for the provision of all direct services that address the needs of homeless individuals and families in the community.

In addition, it is responsible for the fiduciary functions of the food and beverage tax and the implementation of policy initiatives developed by the diverse 27-member Miami-Dade County Homeless Trust Board (and its various committees), and the monitoring of contract compliance by agencies contracted with the County, through the Trust, for the provision of housing and services for homeless persons (funded with local, state, federal and/or private funds). The Homeless Trust has developed multiple private/public partnerships, including with the Chapman Partnership, which operates, under contract with the Homeless Trust, two homeless assistance centers in the County, providing one-stop services at emergency housing facilities that offer a holistic approach to addressing the needs of clients. The Homeless Trust provides oversight and administrative support to the Domestic Violence Oversight Board (DVOB) and the programs funded through that Board from the Food and Beverage Tax.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards and evaluate outcomes, and develop funding, policies and procedures for the administration of HMIS

The Miami-Dade County Homeless Trust serves as the lead agency for the Miami-Dade County Continuum of Care. PHCD has an ongoing, day-to-day working relationship with the Homeless Trust, in particular as it currently serves as the grantee for the receipt of rental assistance continuum of care grants (legacy Shelter Plus Care programs) on behalf of the Homeless Trust and the continuum of care. For many years now, PHCD and the Homeless Trust have worked closely on developing priorities for the use of ESG grant funds allocated to the County.

The County awards ESG funds through a competitive Request for Application (RFA) process in consultation with the Homeless Trust. The RFA is the vehicle by which applicants are evaluated and recommended for funding. The Homeless Trust is part of the RFA selection process for the ESG funds and it reviews and approves all ESG recommendations. Performance standards and outcomes are developed and monitored by the County's Project Management staff. Pursuant to HEARTH and ESG Program Rules, the Homeless Trust and PHCD have collaborated in ensuring that Plan amendments relating to ESG priorities are presented to the Homeless Trust Board, and are developing protocols for the required monitoring and reporting requirements. All ESG recipients are contractually required to, among other things, participate in the Homeless Trust's Homeless Management Information System (HMIS); and participate in the coordinated intake and assessment process, including accepting referrals for homeless prevention assistance and/or rapid re-housing services.

2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdictions consultations with housing, social service agencies and other entities

Table 2 – Agencies, groups, organizations who participated

1	**Agency/Group/Organization**	Camillus House, Inc.
	Agency/Group/Organization Type	Other government – County
	What section of the Plan was addressed by Consultation?	Homelessness Strategy Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	This agency was consulted with through periodic e-mails and phone calls throughout 2019 and 2020. The anticipated outcomes of the consultation are improved coordination, between the Homeless Trust, PHCD and Camillus House for serving the chronically homeless, veterans, families and unaccompanied youth.
2	**Agency/Group/Organization**	Dynamic Community Development Corporation
	Agency/Group/Organization Type	Services-Employment
	What section of the Plan was addressed by Consultation?	Economic Development
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	This agency was consulted with through periodic e-mails and phone calls throughout 2019 and 2020. The anticipated outcomes of the consultation are improved coordination between PHCD and Dynamic CDC to improve economic development opportunities in Miami-Dade County.
3	**Agency/Group/Organization**	Black Economic Development Coalition, Inc.
	Agency/Group/Organization Type	Services-Employment Community Development Financial Institution Neighborhood Organization
	What section of the Plan was addressed by Consultation?	Economic Development

	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	This agency was consulted with through periodic e-mails and phone calls throughout 2019 and 2020. The anticipated outcomes of the consultation are improved coordination between PHCD and Black Economic Development Coalition, Inc. dba Tools for Change to improve economic development opportunities in Miami-Dade County.
4	**Agency/Group/Organization**	City of Sweetwater
	Agency/Group/Organization Type	Other government – Local
	What section of the Plan was addressed by Consultation?	Capital Improvement
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	The County consulted the City of Sweetwater by meeting with the representatives to address the city's infrastructure problems and works closely with them to fund those infrastructure issues that are identified by the City of Sweetwater.
5	**Agency/Group/Organization**	City of South Miami
	Agency/Group/Organization Type	Services-Elderly Persons Other government – Local
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Economic Development Anti-poverty Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Through the South Miami Community Advisory Committee the County is able to address those issues that are community concerns and strategize with the South Miami leadership on how to correct or alleviate their concerns.
6	**Agency/Group/Organization**	Partners for Self Employment
	Agency/Group/Organization Type	Services-Employment
	What section of the Plan was addressed by Consultation?	Economic Development
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	This agency was consulted with through periodic e-mails and phone calls throughout 2019 and 2020. It is expected that more businesses will be strengthened and there will be an increase in new small businesses in the County.

7	**Agency/Group/Organization**	Housing Opportunities Project For Excellence (H.O.P.E, Inc.)
	Agency/Group/Organization Type	Service-Fair Housing
	What section of the Plan was addressed by Consultation?	Housing Analysis
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	This organization assists the County in identifying fair housing issues. It is expected that through consultation with HOPE, Inc., the County will gain insight on where and what illegal housing practices are in the community and addressing those issues.
8	**Agency/Group/Organization**	Regulatory and Economic Resources
	Agency/Group/Organization Type	Other government – County
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Market Analysis
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	In many cases, the organizations, agencies and groups met with management and staff to discuss how the County plans either enhanced or were an impediment. Particularly, consulting with other jurisdictions was imperative because it was necessary to determine Metropolitan Significance. The consultation is expected to increase knowledge of existing housing stock, and to avoid duplication of efforts for non-housing issues and allow resources to be better allocated. This is expected to increase the quality of life for all residents of Miami-Dade County.
9	**Agency/Group/Organization**	Homeless Trust
	Agency/Group/Organization Type	Other government – County
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	The Homeless Trust is the lead agency for the Continuum of Care. PHCD is in continual consultation with the Homeless Trust related to all aspects of homeless housing and associated services.

10	**Agency/Group/Organization**	CITY OF MIAMI
	Agency/Group/Organization Type	Services - Housing Other government – Local
	What section of the Plan was addressed by Consultation?	Public Housing Needs Economic Development Anti-poverty Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	The City of Miami is the largest municipality and there is often cross referencing in almost all aspects including housing, economic development and the provision of health and human services throughout the County and in the City of Miami.
11	**Agency/Group/Organization**	URBAN LEAGUE OF GREATER MIAMI, INC
	Agency/Group/Organization Type	Services - Housing Neighborhood Organization
	What section of the Plan was addressed by Consultation?	Anti-poverty Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	The Urban League is a housing producer but also part of their mission is to reduce poverty. Many of their projects are located in impoverished areas and the County uses them to address both housing in impoverished neighborhoods but anti-poverty strategies.
12	**Agency/Group/Organization**	City of Miami Gardens
	Agency/Group/Organization Type	Housing Other government - Local Major Employer
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Economic Development
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Miami-Gardens is one of the major cities in Miami-Dade County. The County consulted with the City of Miami Gardens to identify housing and economic development issues that are county-wide.

Identify any Agency Types not consulted and provide rationale for not consulting

PHCD conducted an extensive outreach effort to engage local residents and agencies. There were no agency types or community groups that were intentionally omitted.

Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care	Homeless Trust	Our strategic plan complements the Continuum of Care for permanent housing solutions as well as transitional housing services. We work closely with the Homeless Trust.
Comprehensive Development Master Plan	Miami-Dade Regulatory and Economic Resources Department	The County consults so that our housing efforts are consistent with CDMP goals, objectives, policies. We have actively participated in the housing element of the CDMP.
Strategic Miami Area Rapid Transit (SMART) Plan	Miami-Dade Metropolitan Planning Organization and Department of Transportation and Public Works	The County's PHCD and DTPW departments coordinate land and funding resources for housing and transit oriented developments in conjunction with the SMART Plan.

Table 3 – Other local / regional / federal planning efforts

Describe cooperation and coordination with other public entities, including the State and any adjacent units of general local government, in the implementation of the Consolidated Plan (91.215(l))

PHCD, in collaboration with the Miami-Dade Community Action Human Services Department (CAHSD), conducted neighborhood meetings during the planning process to identify and update priorities, create a strategic plan and monitor progress. This process has continued with the FY 2020-2024 Consolidated Plan. PHCD has also held interdepartmental meetings with the Miami-Dade Department of Transportation and Public Works (DTPW) and with the Miami-Dade Department of Regulatory and Economic Resources (RER) to identify public facilities and capital improvement projects and priorities in the County's low-income target areas. Participating municipalities, including the City of Opa-Locka, North Miami Beach, El Portal, Sweetwater, South Miami, Town of Medley, and Hialeah Gardens were invited to community meetings and met with County staff to identify priorities and concerns in their communities. The City of Miami, which administers the HOPWA program for the County, was part of the discussion for housing and non-housing projects of Metropolitan Significance.

Narrative (optional):

PR-15 Citizen Participation – 91.105, 91.115, 91.200(c) and 91.300(c)

1. Summary of citizen participation process/Efforts made to broaden citizen participation
Summarize citizen participation process and how it impacted goal-setting

The Citizen Participation Plan (CPP) has guided the development of the Consolidated Plan. The adopted CPP set minimum requirements for the development of the Consolidated Plan and criteria for amendments to the Consolidated Plan, public comments and performance reports, provision of public hearings, meetings, the publishing of the Consolidated Plan and its availability to the public, access to records, provision of technical assistance to groups representing low-to-moderate income persons, procedures to handle complaints and the CPP in the County. An online survey was conducted as well. A countywide public outreach meeting was held in the Miami-Dade County Commission Chambers in Wednesday, March 27, 2019. At this meeting, a number of verbal comments and written comments were received. The public comments are provided as an Attachment.

Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
1	Public Meeting	Minorities Persons with disabilities Non-targeted/broad community Residents of Public and Assisted Housing	A countywide public outreach meeting was held in the Miami-Dade County Commission Chambers in March 27, 2019. Approximately 30 members of the public attended, representing citizens, community advisory group members, social service agencies, and housing advocates.	More than 30 written comments cards were received, and evaluated. Verbal comments were accepted as well. The need for the County to increase its funding in the area of economic development was a recurring theme at many of the community meetings. Others issues that arose include: 1). the need to better	All comments that were provided verbally and in a written format from meeting attendees were received and accepted.	

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
				prioritize funding so that it reaches the most distressed neighborhoods; 2). less new construction and more rehabilitation initiatives; 3). the elected community groups (CACs) should be consulted in the initial funding and the recapturing of funding and recapture funds should remain in the originally targeted neighborhoods. County departments should be held		

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
				accountable for implementing revitalization plans that have been adopted by the community. Also cited was a need for the concentration of infrastructure improvements along commercial corridors.		
2	Newspaper Ad	Non-English Speaking - Specify other language: Spanish	Publishing of an Advertisement for the Public Meetings/Hearings in either El Nuevo Herald or Diario Las Americas. Both newspapers have an average circulation of	Not applicable - newspaper ad.	Not applicable - newspaper ad.	http://elnuevoherald.com

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
			42,000 - 48,000 Spanish-language readers.			
3	Newspaper Ad	Minorities Non-English Speaking - Specify other language: Creole	Publishing of an Advertisement for the Public Meetings/Hearings in either Le Floridien or Haitian American Business news, the two largest Creole language newspapers. These newspapers have an average circulation of greater than 5,000 readers.	Not applicable - newspaper ad.	Not applicable - newspaper ad.	https://www.lefloridien.com
4	Internet Outreach	Minorities Persons with disabilities Non-targeted/broad	The proposed 2020-2024 Consolidated Plan and 2020 Action Plan were posted on the PHCD website	No comments received, to date	No comments received, to date	www.miamidade.gov/global/home.page

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
		community Residents of Public and Assisted Housing	more than 5 days prior to the Public Hearing.			
5	Zoom Meetings/internet	Minorities Persons with disabilities Non-targeted/broad community Residents of Public and Assisted Housing	The proposed virtual public hearing date for the Consolidated Plan approval is scheduled for October Committee, with final approval expected at the October 20, 2020 Board of County Commissioners meeting.	No comments received, to date	No comments received, to date	
6	Newspaper Ad	Minorities Persons with disabilities Non-targeted/broad	Publishing of an Advertisement for the Public Meetings/Hearings in the Miami Herald, which is the largest	Not applicable - newspaper ad.	Not applicable - newspaper ad.	http://www.miamiherald.com

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Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
		community Residents of Public and Assisted Housing	English newspaper circulation in Miami-Dade County. The Miami Herald has an estimated circulation of 150,000 - 200,000 readers.			

Table 4 – Citizen Participation Outreach

Needs Assessment

NA-05 Overview

Needs Assessment Overview

Rate of Cost Burden: Following are some of the data points illustrating the challenges facing many households in Miami-Dade County in the attempt to access quality housing. The first, and most on-point data, covers housing-cost burden in 2016. Fifty percent of all households in the County entitlement area paid more than 30% of their income on housing costs and thus, were cost burdened. This amounted to 283,125 households, of which a majority 153,375 households, paid more than 50% of their income for housing costs, defined as severely cost burdened. Among owner households, 44% were cost burdened, while among renters households 61% were cost burdened in 2016.

Growth of Cost-Burden among low-income and elderly households: In the County entitlement area, the number of cost-burdened households earning less than 80% of the area median income (AMI) accounted for 79.6% of all such households and is projected to grow by 1.4% per year on average through 2040. Small families, those with fewer than 5 members and one elderly, had the highest incidence of cost-burden among low-income households, at 81%, and accounted for 49% of all cost-burdened low-income households. In 2016. 67% of elderly households were cost-burdened and and the number of both cost-burdened and severely cost-burdened elderly households are projected to double by 2040.

Overcrowding: In 2017, 5.5% of all housing units (28,336) were overcrowded, up from 4.8% in 2012. The total number of owner occupied housing units decreased 4.1% but overcrowded owner-occupied units increase 4.3%. Renter-occupied housing units decreased 29.9% between 2012 and 2017 to 17,566 units. Housing units with an elderly householder had a much lower rate of overcrowding for both renter and owner units. Among owner-occupied elderly units, 2.0% were overcrowded in 2017, up from 1.5% in 2012. Among elderly renter-units in 2017, 3.2% were overcrowded, up from 2.2% five years earlier.

Disproportionate Need: Among the 75,429 owner-households in the County entitlement area in 2015 earning less than 80% of AMI and with at least one of the four housing problems, 67% had a Hispanic householder, 18% had a White Non-Hispanic householder, and 12% had a Black Non-Hispanic householder. There were 87,667 renter-households in the County entitlement area in 2015 earning less than 80% of AMI and with at least one of the four housing problems, of which, 69% had a Hispanic householder, 20% had a Black Non-Hispanic householder, and 9% had a White Non-Hispanic householder.

NA-10 Housing Needs Assessment - 24 CFR 91.205 (a,b,c)

Summary of Housing Needs

Miami-Dade County is currently experiencing a housing affordability crisis. Miami-Dade County is consistently ranked among the top five most unaffordable counties in the nation for housing affordability. Miami-Dade County has a service economy, with a majority of County residents making relatively lower wages in relation to the cost of homes, condominium units and rental apartments. As a result, the need for public housing and affordable housing in Miami-Dade County is great.

Demographics	Base Year: 2012	Most Recent Year: 2017	% Change
Population	1,617,027	1,687,036	4%
Households	501,789	510,016	2%
Median Income	$56,044.00	$54,412.00	-3%

Table 5 - Housing Needs Assessment Demographics

Alternate Data Source Name:
Regulatory and Economic Resources Department

Data Source Comments: Table 5- Housing Needs Assessment DemographicsData Source: 2008-2012 ACS (Base Year), 2013-2017 ACS (Most Recent Year)

Number of Households Table

	0-30% HAMFI	>30-50% HAMFI	>50-80% HAMFI	>80-100% HAMFI	>100% HAMFI
Total Households	83,600	72,522	91,156	49,526	207,062
Small Family Households	29,116	30,715	46,755	25,190	114,346
Large Family Households	4,831	6,476	9,803	5,302	25,309
Household contains at least one person 62-74 years of age	19,251	17,716	21,525	11,675	45,960
Household contains at least one person age 75 or older	17,366	13,055	11,590	5,311	19,371
Households with one or more children 6 years old or younger	13,670	12,231	14,927	8,845	32,755

Table 6 - Total Households Table

Alternate Data Source Name:
Regulatory and Economic Resources Department

Data Source Comments: Table 6 - Total Households TableData Source: 2011-2015 CHAS

Housing Needs Summary Tables

1. Housing Problems (Households with one of the listed needs)

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
NUMBER OF HOUSEHOLDS										
Substandard Housing - Lacking complete plumbing or kitchen facilities	680	320	230	100	1,330	310	420	306	235	1,271
Severely Overcrowded - With >1.51 people per room (and complete kitchen and plumbing)	1,185	1,065	725	225	3,200	281	310	441	300	1,332
Overcrowded - With 1.01-1.5 people per room (and none of the above problems)	2,970	3,405	2,540	920	9,835	850	1,115	1,900	990	4,855
Housing cost burden greater than 50% of income (and none of the above problems)	28,315	18,930	6,040	555	53,840	21,185	16,595	13,060	3,165	54,005

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
Housing cost burden greater than 30% of income (and none of the above problems)	3,185	9,100	19,115	6,285	37,685	4,260	8,255	17,755	10,405	40,675
Zero/negative Income (and none of the above problems)	6,285	0	0	0	6,285	4,705	0	0	0	4,705

Table 7 – Housing Problems Table

Alternate Data Source Name:
Regulatory and Economic Resources Department

Data Source Comments: Table 7 - Housing Problems TableData Source: 2011-2015 CHAS

2. Housing Problems 2 (Households with one or more Severe Housing Problems: Lacks kitchen or complete plumbing, severe overcrowding, severe cost burden)

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
NUMBER OF HOUSEHOLDS										
Having 1 or more of four housing problems	36,325	32,825	28,645	8,075	105,870	26,887	26,696	33,490	15,080	102,153
Having none of four housing problems	5,461	3,051	8,996	9,585	27,093	3,925	9,950	20,025	16,786	50,686

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
Household has negative income, but none of the other housing problems	6,286	0	0	0	6,286	4,716	0	0	0	4,716

Table 8 – Housing Problems 2

Alternate Data Source Name:
Regulatory and Economic Resources Department

Data Source Comments: Table 8 - Housing Problems 2Data Source: 2011-2015 CHAS

3. Cost Burden > 30%

	Renter				Owner			
	0-30% AMI	>30-50% AMI	>50-80% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	Total
NUMBER OF HOUSEHOLDS								
Small Related	15,670	17,300	15,625	48,595	7,840	9,655	16,880	34,375
Large Related	3,295	3,635	1,920	8,850	1,695	2,860	4,040	8,595
Elderly	9,605	4,765	3,050	17,420	13,670	10,735	7,355	31,760
Other	6,880	6,445	6,285	19,610	3,300	2,960	3,985	10,245
Total need by income	35,450	32,145	26,880	94,475	26,505	26,210	32,260	84,975

Table 9 – Cost Burden > 30%

Alternate Data Source Name:
Regulatory and Economic Resources Department

Data Source Comments: Table 9 - Cost Burden > 30%Data Source: 2011-2015 CHAS

4. Cost Burden > 50%

	Renter				Owner			
	0-30% AMI	>30-50% AMI	>50-80% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	Total
NUMBER OF HOUSEHOLDS								
Small Related	14,690	10,690	3,240	28,620	6,975	7,015	6,715	20,705
Large Related	2,925	1,950	470	5,345	1,475	1,815	1,295	4,585
Elderly	7,740	3,210	850	11,800	11,800	10,685	6,260	28,745
Other	6,460	4,820	1,670	12,950	12,950	2,950	2,215	18,115
Total need by income	31,815	20,670	6,230	58,715	33,200	22,465	16,485	72,150

Table 10 – Cost Burden > 50%

Alternate Data Source Name:
Regulatory and Economic Resources Department

Data Source Comments: Table 10 - Cost Burden < 50%Data Source: 2011-2015 CHAS

5. Crowding (More than one person per room)

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
NUMBER OF HOUSEHOLDS										
Single family households	3,330	3,525	2,420	810	10,085	816	925	1,582	811	4,134
Multiple, unrelated family households	735	905	661	310	2,611	290	500	790	490	2,070
Other, non-family households	170	80	181	26	457	10	30	0	0	40
Total need by income	4,235	4,510	3,262	1,146	13,153	1,116	1,455	2,372	1,301	6,244

Table 11 – Crowding Information – 1/2

Alternate Data Source Name:
Regulatory and Economic Resources Department

Data Source Comments: Table 11 - Crowding Information 1/2Data Source: 2011-2015 CHAS

	Renter				Owner			
	0-30% AMI	>30-50% AMI	>50-80% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	Total
Households with Children Present	6,698	5,993	7,314	20,005	6,972	6,242	7,613	20,827

Table 12 – Crowding Information – 2/2

Alternate Data Source Name:
Regulatory and Economic Resources Department

Data Source Comments: 2011-2015 CHAS number of children under the age of six; U.S. Census Bureau estimate of 51% owner occupied and 49% renters in Miami-Dade County.

Describe the number and type of single person households in need of housing assistance.

<h5>While this data is not directly available, due to the large numbers of elderly households that are cost burdened, it is very likely there is a significant number of single-person elderly households in need of some assistance.</h5>

Estimate the number and type of families in need of housing assistance who are disabled or victims of domestic violence, dating violence, sexual assault and stalking.

According to the Uniform Crimes Report of the Florida Department of Law Enforcement from 2008 through 2018 there were 27,560 domestic violence incidents reported in Miami-Dade County. These families were predominately women with children for domestic violence, sexual assault and stalking. As reported by the Miami-Dade Oversight Board, domestic violence is the leading cause of homelessness among women. A leading agency which assist domestic violence victims describe their domestic violence clients as 63% of their total population and all are women with children.

According to the U.S. Census Bureau, nearly one in five United States residents have a disability. Locally, in South Florida, the percentages are slightly higher than the national average. 25.7% of the Miami-Dade County population have a disability, this is above the National Average of 19.3%.

What are the most common housing problems?

In its collaboration with partners and working in the housing field, PHCD has been made aware of these general housing problems within Miami-Dade County

- A housing affordability problem, high rents and high costs for new homes.
- Aging housing stock
- More than 100,000 single-family homes in Miami-Dade County are still on septic tanks.

Are any populations/household types more affected than others by these problems?

The aging housing stock in some areas of Miami-Dade County has failing roofs, inadequate heating air-conditioning and ventilation system problems and compromised windows.

Many low-and moderate-income residential neighborhoods with single-family homeowners are affected more than others by cost burden.

Describe the characteristics and needs of Low-income individuals and families with children (especially extremely low-income) who are currently housed but are at imminent risk of either residing in shelters or becoming unsheltered 91.205(c)/91.305(c)). Also discuss the needs of formerly homeless families and individuals who are receiving rapid re-housing assistance and are nearing the termination of that assistance

Renter Households: The categories of households are deemed to be at greatest risk of either residing in shelters or becoming unsheltered. Renter households in this category are most likely to benefit from Tenant-based Rental Assistance (TBRA) programs to assist them in obtaining affordable housing or in subsidizing the cost of their existing rental housing to achieve enhanced affordability. Even with the increased production of LIHTC rental developments throughout the County, rarely are rents in these developments affordable to households in this category without the benefit of either Section 8 or TBRA assistance. The same applies to formerly homeless families and individuals who are receiving Rapid Re-housing assistance under the Emergency Solutions Grant (ESG) program and are nearing the end of their assistance. While some of these families may find rents at certain LIHTC developments to be affordable, others who are either unemployed or under-employed are among those households spending in excess of 50% of their incomes toward rent, making them among the most severely cost burdened, and among those households at imminent risk of becoming unsheltered.

Owner Households: On the other hand, owner households in this category may best benefit from programs that provide assistance with housing rehabilitation, weatherization, and utility payments. While many of these owners may have retired their mortgage debt many years ago, they may currently be living in older homes that now require moderate to substantial rehabilitation in order to remain in livable condition. These households are also more likely to experience difficulty paying for monthly housing utility costs or accessing rehabilitation financing from conventional financial markets to address larger code violations, long-term obsolescence, and necessary upgrades to their aging residences. Without such assistance, these households are also more at risk of displacement and homelessness.

If a jurisdiction provides estimates of the at-risk population(s), it should also include a description of the operational definition of the at-risk group and the methodology used to generate the estimates:

Miami-Dade County applies the criteria below to define “at risk of homelessness”, and includes cost-burden as an additional key component related to local housing affordability. The ability of an individuals to provide for basic needs inclusive of housing is key. The draft Miami-Dade Affordable Housing Framework states that 48% of all households in Miami-Dade County are cost burdened as of 2018. According to the Sadowski Coalition, when a household’s rent or mortgage payments compete with other basic needs, such as food and health care, they are at risk for homelessness.

At Risk of Homelessness, criteria are defined under Section 401(1) of the McKinney-Vento Act as:

1. The individual of family has income below 30% of median income for the geographic area; and
2. Does not have sufficient resources or support networks, immediately available to prevent them from moving to an emergency shelter or place not meant for habitation; and
3. Exhibit one of more risk factors for homelessness, including recent housing instability or exiting a publicly funded institution or systems of care such as foster care, or a mental health facility.

Miami-Dade County applies the statutory criteria to define "at risk of homelessness, and and includes an additional key component related to regional housing affordability, as referenced in the definition above, pertaining to the ability of an individual to provide the basic needs inclusive of housing.

Specify particular housing characteristics that have been linked with instability and an increased risk of homelessness

The following characteristics are linked with housing instability and an increased risk of homelessness

- high cost burden
- lack of employment opportunities/high unemployment rate
- a reduction in public subsidies such as Section 8
- the impact of the foreclosure rate on the demand for rental housing, as displaced former homeowners are forced into a competitive rental housing market
- the relatively high cost of housing construction in the South Florida market due to architectural and structural design standards related to hurricane code requirements
- untreated/undertreated mental health or other disabilities

Discussion

Miami-Dade County is prioritizing responding to housing needs by funding affordable housing projects with Documentary Stamp Surtax, SHIP and HOME funds. Updated data for this section is included as an attachment.

NA-15 Disproportionately Greater Need: Housing Problems – 91.205 (b)(2)

Assess the need of any racial or ethnic group that has disproportionately greater need in comparison to the needs of that category of need as a whole.

Introduction

Analysis of the data assessed that the White, Black/African American, and Hispanic racial or ethnic groups have disproportionately greater need in comparison to the needs of the category of need as a whole by more than 10%. The findings are synonymous across all area median income categories.

0%-30% of Area Median Income

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	63,212	9,386	11,002
White	7,945	1,210	2,400
Black / African American	13,431	1,846	2,390
Asian	1,181	160	266
American Indian, Alaska Native	145	60	25
Pacific Islander	0	0	0
Hispanic	39,955	6,050	5,895
0	0	0	0

Table 13 - Disproportionally Greater Need 0 - 30% AMI

Alternate Data Source Name:
Regulatory and Economic Resources Department

Data Source Comments: Table 13 - Disproportionately Greater Need 0-30% AMIData Source: 2011-2015 CHAS

*The four housing problems are:
1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4.Cost Burden greater than 30%

30%-50% of Area Median Income

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	59,521	13,001	0
White	7,505	2,080	0
Black / African American	9,225	2,290	0

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Asian	796	230	0
American Indian, Alaska Native	25	35	0
Pacific Islander	95	0	0
Hispanic	41,580	8,241	0
0	0	0	0

Table 14 - Disproportionally Greater Need 30 - 50% AMI

Alternate Data Source Name:
Regulatory and Economic Resources Department

Data Source Comments: Table 14 - Disproportionately Greater Need 30-50% AMIData Source: 2011-2015 CHAS

*The four housing problems are:
1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4.Cost Burden greater than 30%

50%-80% of Area Median Income

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	62,135	29,021	0
White	8,710	5,070	0
Black / African American	7,830	4,810	0
Asian	895	705	0
American Indian, Alaska Native	60	40	0
Pacific Islander	10	0	0
Hispanic	44,155	18,100	0
0	0	0	0

Table 15 - Disproportionally Greater Need 50 - 80% AMI

Alternate Data Source Name:
Regulatory and Economic Resources Department

Data Source Comments: Table 15 - Disproportionately Greater Need 50-80% AMIData Source: 2011-2015 CHAS

*The four housing problems are:
1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4.Cost Burden greater than 30%

80%-100% of Area Median Income

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	23,155	26,371	0
White	3,995	4,270	0
Black / African American	2,425	4,220	0
Asian	350	355	0
American Indian, Alaska Native	20	50	0
Pacific Islander	0	0	0
Hispanic	16,110	17,065	0
0	0	0	0

Table 16 - Disproportionally Greater Need 80 - 100% AMI

Alternate Data Source Name:
Regulatory and Economic Resources Department

Data Source Comments: Table 16 - Disproportionately Greater Need 80-100% AMIData Source: 2011-2015 CHAS

*The four housing problems are:
1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4.Cost Burden greater than 30%

Discussion

Updated data for this section is included as an attachment.

In the Miami-Dade entitlement area the number of owner households earning 80% or less of AMI grew 5% between 2010 and 2015. The number of low-income White non-Hispanic households grew 6.4%, of Black non-Hispanic households fell 6.1% and of Hispanic households increased 5.5% Hispanic-owner households in the entitlement area accounted for 65.3% of all households earning less than or equal to 80% of the AMI, up slightly from 65.1% in 2010. The number of renter households earning less than 80% of the AMI increased by 18.1% between 2010 and 2015. The largest population groups, Hispanic low-income households grew the fastest, up to 26.4% over the five years. Black non-Hispanic households grew 4.3% and White non-Hispanic households grew 2.6%. As a result of the high growth rates, Hispanic households grew to 67.4% of all low, very-low or extremely low renter households in 2015, up from 62.9% in 2010. Countywide, owner-households earning less than 80% of the AMI grew just 1.6% between 2010 and 2015. The shares by race and ethnicity changed very little with the shares that were White or Black and non-Hispanic declined 0.4% and 0.8% respectively and the Hispanic share grew 0.4% over the timeframe. Asian-non-Hispanic households and other non-Hispanic households grew dramatically County-wide, but only account for 2.5% of all Miami-Dade households. The five-year growth of renter-households earning less than 80% of the AMI was 11.5% with about 70% of the growth coming from low-income Hispanic households, up 26.4%. The share of low, very-low and extremely low-

income increased 4.4% from 62.9% to 67.4%. The share of Black non-Hispanics households fell 2.8% and White non-Hispanic households fell 1.4%. In 2015, 20.8% of all households earned less than 80% of AMI.

NA-20 Disproportionately Greater Need: Severe Housing Problems – 91.205 (b)(2)

Assess the need of any racial or ethnic group that has disproportionately greater need in comparison to the needs of that category of need as a whole.

Introduction

Analysis of the data assessed that the White, Black/African American, and Hispanic racial or ethnic groups have disproportionately greater need in comparison to the needs of the category of need as a whole by more than 10%. The findings are synonymous across all area median income categories.

0%-30% of Area Median Income

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	55,767	16,830	11,002
White	7,195	1,955	2,400
Black / African American	11,566	3,700	2,390
Asian	951	390	266
American Indian, Alaska Native	145	60	25
Pacific Islander	0	0	0
Hispanic	35,410	10,605	5,895
0	0	0	0

Table 17 – Severe Housing Problems 0 - 30% AMI

Alternate Data Source Name:
Regulatory and Economic Resources Department
Data Source Comments: 2011-2015 CHAS

*The four severe housing problems are:
1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4.Cost Burden over 50%

30%-50% of Area Median Income

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	42,166	30,360	0
White	5,145	4,440	0
Black / African American	5,970	5,540	0
Asian	531	500	0
American Indian, Alaska Native	25	35	0
Pacific Islander	90	10	0
Hispanic	30,265	19,565	0
Other	0	0	0

Table 18 – Severe Housing Problems 30 - 50% AMI

Alternate Data Source Name:
Regulatory and Economic Resources Department

Data Source Comments: 2011-2015 CHAS

*The four severe housing problems are:
1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4.Cost Burden over 50%

50%-80% of Area Median Income

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	25,275	65,881	0
White	4,125	9,665	0
Black / African American	2,920	9,710	0
Asian	475	1,120	0
American Indian, Alaska Native	35	65	0
Pacific Islander	10	0	0
Hispanic	17,440	44,815	0
Other	0	0	0

Table 19 – Severe Housing Problems 50 - 80% AMI

Alternate Data Source Name:
Regulatory and Economic Resources Department

Data Source Comments: 2011-2015 CHAS

*The four severe housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4.Cost Burden over 50%

80%-100% of Area Median Income

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	6,480	43,041	0
White	1,385	6,865	0
Black / African American	745	5,910	0
Asian	175	530	0
American Indian, Alaska Native	20	50	0
Pacific Islander	0	0	0
Hispanic	4,070	29,100	0
Other	0	0	0

Table 20 – Severe Housing Problems 80 - 100% AMI

Alternate Data Source Name:
Regulatory and Economic Resources Department
Data Source Comments: 2011-2015 CHAS

*The four severe housing problems are:
1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4.Cost Burden over 50%

Discussion

Updated data for this section is included as an Attachment.

There is no single racial or ethnic group disproportionately represented among those with severe housing problems for the low, very-low and extremely low-income groups. Hispanic households are slightly overrepresented with severe housing problems in the low, very-low and extremely-low income categories. White households are underrepresented in the very low and extremely-low income categories, and Black household are underrepresented in the low and very-low income groups. In the moderate-income range less than 100% of AMI, White households are well overrepresented and other-race households have severe housing problems double the rate of their share of all households in that group, however, they account for less than 2% of all households in that income grouping.

NA-25 Disproportionately Greater Need: Housing Cost Burdens – 91.205 (b)(2)

Assess the need of any racial or ethnic group that has disproportionately greater need in comparison to the needs of that category of need as a whole.

Introduction:

Analysis of the data assessed that the White, Black/African American, and Hispanic racial or ethnic groups have disproportionately greater need in comparison to the needs of the category of need as a whole by more than 10%. The findings are synonymous across all area median income categories.

Housing Cost Burden

Housing Cost Burden	<=30%	30-50%	>50%	No / negative income (not computed)
Jurisdiction as a whole	237,511	109,208	122,871	9,891
White	59,253	18,779	19,278	2,209
Black / African American	29,348	15,008	18,202	2,318
Asian	5,371	1,558	1,962	210
American Indian, Alaska Native	405	14	275	20
Pacific Islander	65	4	100	0
Hispanic	141,332	72,928	82,160	5,058

Table 21 – Greater Need: Housing Cost Burdens AMI

Alternate Data Source Name:
Regulatory and Economic Resources Department
Data Source Comments: 2011-2015 CHAS

Discussion:

Updated data is included as an Attachment.

NA-30 Disproportionately Greater Need: Discussion – 91.205(b)(2)

Are there any Income categories in which a racial or ethnic group has disproportionately greater need than the needs of that income category as a whole?

Miami-Dade County ("County") has previously established impoverished areas to focus on the issues within specific economically distressed neighborhoods. However, in order to be consistent with the County's new strategy, to serve as many low-moderate income areas as possible, the County is shifting away from a model of targeting a majority of Community Block Grant funds (CDBG) to the predominately impoverished areas to a model of which disperses CDBG funds to all low-moderate income eligible areas throughout the County. The County's Department of Regulatory and Economic Resources prepared a 2019 CDBG -Eligible Block group map that divided the County into southern, central and northern regions and color coded the areas of the most vulnerability and least vulnerability. The map showed that the northern and southern regions have the most vulnerable areas. These areas have traditionally been areas occupied by a predominantly Black Non-Hispanic population. When areas such as cost burden and problematic housing conditions are examined the non-Hispanic Blacks earning 0-30% and 30-50% of AMI bear a disproportionately increased need for that exceeds the County's average, as a whole. A chart is included as an attachment.

If they have needs not identified above, what are those needs?

The County has identified, as best as possible, the needs of the community. The new strategy will better assist the County insuring those needs will be addressed throughout the County and not solely on areas in targeted areas but throughout the County.

Are any of those racial or ethnic groups located in specific areas or neighborhoods in your community?

As discussed earlier the racial or ethnic groups have been identified as being located in specific neighborhoods. North and Central Miami-Dade County has the highest concentration of non-Hispanic Blacks along with certain neighborhood in the southern region.

NA-35 Public Housing – 91.205(b)

Introduction

Miami-Dade County has a great need in the community for public and assisted housing. In order to expand the availability of housing for households on the waiting list, the County will engage in the following strategies:

1. **Expand the supply of assisted housing.**

   - Reduce public housing vacancies. Achieve and maintain **90%** occupancy levels and strive for higher levels of occupancy in successive years.
   - Leverage private or other public funds or generate revenue to create additional affordable housing opportunities such as the utilization of Rental Assistance Demonstration Program (RAD)
   - Continue to apply for funding or grant opportunities that may become available to create additional housing opportunities.
   - Acquire or build units or developments.

2. **Improve the quality of assisted housing.**

   - Deliver timely and quality maintenance services to public housing residents.
   - Maintain preventive maintenance efforts.
   - Renovate or modernize public housing units through implementation of the FY **2016-2021** Capital Fund 5-Year Action Plan.
   - Maintain the current Section 8 Management Assessment Program (SEMAP) Score of 100

3. **Increase assisted housing choices.**

   - Applicants and current families will be advised of housing opportunities. PHCD will advertise on its website the availability of assisted units. Landlords are required to advertise assisted housing availability by County Resolution.

4. **Improve community quality of life and economic vitality.**

   - Continue implementing public housing security improvements.
   - PHCD has implemented quarterly meetings with resident councils to provide training on various aspects of resident organization, leadership, and empowerment.

5. **Promote self-sufficiency and asset development of families and individuals**

- Provide public housing residents with information about Section 3 business and training employment opportunities. Continue to offer opportunities for employment through job fairs and training programs.
- Provide or identify supportive services to improve the employability of public housing residents.
- Seek new partnerships with both public and private entities to enhance social and economic services to residents in assisted housing.
- Increase resident participation requirements for social service providers operating at public housing sites.
- Continue to identify supportive services to increase independence for the elderly or families with disabilities.

Totals in Use

Program Type									
	Certificate	Mod-Rehab	Public Housing	Vouchers					
				Total	Project-based	Tenant-based	Special Purpose Voucher		
							Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
# of units vouchers in use	97	2,075	8,077	13,386	51	13,054	0	41	52

Table 22 - Public Housing by Program Type

***includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition**

Data Source: PIC (PIH Information Center)

Characteristics of Residents

Program Type								
	Certificate	Mod-Rehab	Public Housing	Vouchers				
				Total	Project-based	Tenant-based	Special Purpose Voucher	
							Veterans Affairs Supportive Housing	Family Unification Program
Average Annual Income	7,461	9,053	10,337	12,575	9,769	12,438	0	14,777
Average length of stay	0	7	7	7	2	7	0	8

Program Type								
	Certificate	Mod-Rehab	Public Housing	Vouchers				
				Total	Project-based	Tenant-based	Special Purpose Voucher	
							Veterans Affairs Supportive Housing	Family Unification Program
Average Household size	1	1	2	2	1	2	0	3
# Homeless at admission	2	15	0	1	0	1	0	0
# of Elderly Program Participants (>62)	12	1,375	3,772	4,502	23	4,418	0	4
# of Disabled Families	84	368	1,127	2,534	8	2,453	0	7
# of Families requesting accessibility features	97	2,075	8,077	13,386	51	13,054	0	41
# of HIV/AIDS program participants	0	0	0	0	0	0	0	0
# of DV victims	0	0	0	0	0	0	0	0

Table 23 – Characteristics of Public Housing Residents by Program Type

Data Source: PIC (PIH Information Center)

Race of Residents

Program Type									
Race	Certificate	Mod-Rehab	Public Housing	Vouchers					
				Total	Project-based	Tenant-based	Special Purpose Voucher		
							Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
White	31	1,562	3,705	6,120	28	5,964	0	13	31
Black/African American	65	511	4,353	7,236	21	7,062	0	28	21

Program Type									
Race	Certificate	Mod-Rehab	Public Housing	Vouchers					
				Total	Project -based	Tenant -based	Special Purpose Voucher		
							Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
Asian	0	0	10	6	0	6	0	0	0
American Indian/Alaska Native	0	0	9	14	1	13	0	0	0
Pacific Islander	1	2	0	10	1	9	0	0	0
Other	0	0	0	0	0	0	0	0	0
*includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition									

Table 24 – Race of Public Housing Residents by Program Type

Data Source: PIC (PIH Information Center)

Ethnicity of Residents

Program Type									
Ethnicity	Certificate	Mod-Rehab	Public Housing	Vouchers					
				Total	Project -based	Tenant -based	Special Purpose Voucher		
							Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
Hispanic	23	1,652	3,867	6,354	30	6,198	0	12	30
Not Hispanic	74	423	4,210	7,032	21	6,856	0	29	22
*includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition									

Table 25 – Ethnicity of Public Housing Residents by Program Type Data Source PIC (Public Information Center)

Section 504 Needs Assessment: Describe the needs of public housing tenants and applicants on the waiting list for accessible units:

There are 38 residents on the transfer list for Uniform Federal Accessibility Standards (UFAS) units. There are 218 applicants remaining on the waiting list which have indicated they need mobility aide accessibility or wheelchair accessibility. The needs are equally divided between elderly and non-elderly.

Most immediate needs of residents of Public Housing and Housing Choice voucher holders

The availability of safe, affordable housing is at a crisis stage in Miami-Dade County. The Housing Choice voucher holders are encountering difficulty when searching for rental units due to the escalating rental costs. Public Housing units are on an average of 40 years old and many of the units in the portfolio need substantial rehabilitation or in some cases, need to be demolished and replaced. PHCD is using Rental Assistance Demonstration Program (RAD) as a method to address the deteriorating housing units. In addition, PHCD is developing housing on those public housing sites that are underutilized by developing workforce housing available to residents that are up to 140 percent of Area Median Income (AMI) and where feasible, market rate housing on these underutilized sites as well.

How do these needs compare to the housing needs of the population at large

The Miami-Dade rental market is also challenging to the general public. Housing that is classified as workforce includes housing for teachers and first responders. Along with them, other civil servants are finding the escalating rent costs to be unaffordable. As rent increases, gentrification is occurring in neighborhoods that historically have been occupied by lower income residents. Many units that, in the past, would be available to the general population are being converted to higher rent units.

Discussion

PHCD is utilizing several approaches to improving and addressing the needs of Public Housing residents. As has been previously stated, the RAD program is one of the major approaches to rehabilitating public housing units. The RAD program is expected to rehabilitate up to 6,426 units of public housing. In addition, PHCD is re-developing several formerly troubled and/or outdated public housing sites using public/private partnerships which including but not limited to utilizing Low Income Housing Tax Credits, bonds, private financing and the financial resources available through the Florida Housing Finance Corporation. The redevelopment of older housing sites includes providing amenities such as computer labs and state of the art community rooms as examples. The upgrading of public housing units is being done in an impactful manner which goes beyond just providing new or upgraded housing. These will change the surrounding neighborhoods. The use of underutilized public housing sites to build additional units (market and workforce) not only addresses the public housing need for upgrading the deteriorating units but will create an environment of mixed income communities.

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NA-40 Homeless Needs Assessment – 91.205(c)

Introduction:

On January 25, 2018, Miami-Dade County, through the Miami-Dade County Homeless Trust, conducted its annual Homeless Point in Time count (PIT). The PIT found a total of **3,516** homeless persons with **1,030** unsheltered (living in places not meant for habitation) and **2,486** sheltered in emergency, transitional or safe havens. The 2018 total homeless count is an 8% decrease from the previous year (a decrease of 321 persons). Approximately 29% of the entire homeless population was unsheltered.

There were 312 households with at least one adult and one child comprising a total of 1,091 persons (adults and children) and all of these families were sheltered. A total of 131 unaccompanied youth (aged 24 years old or younger) were reported in the 2018 PIT (4% of all homeless persons counted) with 83% sheltered.

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Reduction in Chronic Homelessness: The 2018 PIT found 384 chronic homeless (CH) persons with nearly 62% sheltered, a reduction of 44% over the past five years (2014 PIT found 688 CH with only 35% sheltered).

Ending of Homeless Veterans: On August 2, 2018, the Miami-Dade County Homeless Trust announced that it had ended veteran homelessness. The United States Interagency Council on Homelessness, U.S. Department of Housing and Urban Development and U.S. Department of Veterans Affairs verified and affirmed on July 18, 2018 that Miami-Dade has created a system and infrastructure to make veteran homelessness rare, brief and non-recurring. In 2014, Miami-Dade's Continuum of Care (CoC) became one of several select CoCs to join the U.S. Department of Veteran Affairs *25 Cities* Initiative which was designed to intensify and integrate local efforts. In 2014, when Miami-Dade County began its collaborative effort, the annual count of sheltered and unsheltered persons uncovered 317 homeless veterans with nearly 50% of them unsheltered (142). By January 2018, that number had been cut in half to 120 homeless veterans, with only 9 unsheltered. By meeting strict data-driven benchmarks and criteria outlined by the federal government, Miami-Dade has demonstrated homeless veterans have quick access to shelter, the capacity to move veterans swiftly into permanent housing, and the resources, plans, and system capacity in place should any veteran become homeless or be at risk of homelessness in the future.

Homeless Needs Assessment

Population	Estimate the # of persons experiencing homelessness on a given night		Estimate the # experiencing homelessness each year	Estimate the # becoming homeless each year	Estimate the # exiting homelessness each year	Estimate the # of days persons experience homelessness
	Sheltered	Unsheltered				
Persons in Households with Adult(s) and Child(ren)	0	1,091	2,382	2,021	2,096	135
Persons in Households with Only Children	4	21	55	46	48	135
Persons in Households with Only Adults	1,026	1,374	5,240	4,445	4,610	135
Chronically Homeless Individuals	148	188	734	622	645	135
Chronically Homeless Families	0	48	105	89	92	135
Veterans	9	122	286	243	252	135
Unaccompanied Child	26	130	341	289	300	135
Persons with HIV	12	24	79	67	69	135

Table 26 - Homeless Needs Assessment

Data Source Comments: PIT and HMIS Data for 2018

Indicate if the homeless population is: Has No Rural Homeless

If data is not available for the categories "number of persons becoming and exiting homelessness each year," and "number of days that persons experience homelessness," describe these categories for each homeless population type (including chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth):

Not applicable; data is available and provided in the table above for the categories "number of persons becoming and exiting homelessness each year" and "number of days that persons experience homelessness". Data is also provided above for chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth.

Nature and Extent of Homelessness: (Optional)

Race:	Sheltered:	Unsheltered (optional)
White	908	497
Black or African American	1,535	528
Asian	11	1
American Indian or Alaska Native	4	1
Pacific Islander	2	2
Ethnicity:	**Sheltered:**	**Unsheltered (optional)**
Hispanic	858	319
Not Hispanic	1,628	711

Data Source Comments: 2018 Homeless Point in Time (PIT) count, Miami-Dade County

Estimate the number and type of families in need of housing assistance for families with children and the families of veterans.

The PIT Count found 312 homeless households with at least one adult and one child comprising a total of 1,091 persons (adults and children). These families included 733 children under 18 years old. There were 51 parenting youth (between 18 and 24 years old) with a total of 86 children in such households. Forty-eight (48) family households were chronically homeless. There were 3 veteran families. All counted family households were sheltered. Three hundred twenty-seven (327) families were sheltered on January 24, 2019.

Describe the Nature and Extent of Homelessness by Racial and Ethnic Group.

In Miami-Dade County, 79% of the population identifies as White, 18% of the population as Black and 3% identify as Asian, American Indian/Alaskan, Pacific Islander or multiple races. Approximately 69% of the population identifies as Hispanic or Latino, while 13% identify as white alone.

2018 PIT: The 2018 PIT found the majority of the homeless counted were Black (59%) with approximately 40% White. Again, these percentages do not correlate with the general population, where approximately 18% of the population in all of Miami-Dade County is Black. Of homeless persons who identified as Black, 74% were sheltered, compared to 65% of persons who identified as White were sheltered.

Approximately 34% of all homeless persons identified as Hispanic or Latino, which is at substantial odds with the general population of Miami-Dade County where close to 70% is Hispanic/Latino. Of persons

identified as Hispanic/Latino, 27% were unsheltered, which also is substantially different for persons identifying as Black or White.

2018 Racial Disparity Assessment: In September 2018, the CoC conducted a racial disparity assessment of the entire CoC population by program type. This assessment examines racial representation within the homeless population compared to the general population and length of stays and exit outcomes by program type and race.

Miami-Dade's CoC HMIS data for four programs, emergency shelter, transitional housing, rapid rehousing (RRH) and permanent supportive housing (PSH) was reviewed for racial disparity. In particular, exit outcomes of homelessness, permanent housing or institutionalization were assessed. Lack of exit data collection also was examined for racial disparity. "Exiting into homelessness" means that someone left the program for a place not meant for human habitation or emergency shelter (including motel with a voucher). "Exiting into permanent housing" includes housing without subsidy, rapid rehousing or housing with subsidy.

Key findings:

- Persons of color are extraordinarily overrepresented as a proportion of the homeless population when compared to the general population. While black persons represent **18%** of Miami-Dade County's general population, they comprise **56%** of the homeless population.
- While young adults aged 25 years or younger make up a small percentage of all persons served by the CoC, racial disparity among such young adults is striking, particularly when compared to single adults over the age of 25 years. Sixty-nine percent (69%) of young adults are black compared to 53% of single adults.
- White participants have a longer length of stay in permanent supportive housing. While a small percentage of PSH participants exit to homelessness, a greater percentage of those who do are black.
- While the CoC programs (emergency shelter, transitional housing, rapid re-housing and permanent supportive housing) do a good job in preventing returns to homeless compared to overall exits, a significantly greater number of black persons exit into homelessness than white persons. On the other hand, the rate of exits to permanent housing is much greater for black persons when compared to white persons.
- There is racial disparity in the collection of exit destination data with a greater percentage of black persons leaving without exit destination.
- Based on available exit data, it appears that there is a racial dimension to addressing substance abuse treatment and medical care needs which will be further examined.

CoC action steps to respond to the assessment findings have been identified.

Describe the Nature and Extent of Unsheltered and Sheltered Homelessness.

Unsheltered and Sheltered in General: The 2018 PIT found a total of **3,516** homeless persons with **1,030** unsheltered (living in places not meant for habitation) and **2,486** sheltered in emergency, transitional or safe havens. Of all persons counted, approximately 29% of the homeless population was unsheltered.

Families: 312 family households with at least one adult and one child were counted, comprising a total of 1,091 persons (adults and children). Chronically homeless families also were found with a total of 48 persons counted. All families were sheltered.

Single Individuals: Of all counted, 2,400 persons were single individuals with 57% unsheltered.

Chronically Homeless Individuals: During the 2018 PIT, 336 chronically homeless individuals were counted with approximately 56% unsheltered.

Veterans: One hundred and twenty (120) homeless veterans were counted, with only nine unsheltered. Three veteran families were counted and all 3 were sheltered.

Youth: During the 2018 iCount, Miami-Dade's youth-focused Point in Time count, 156 unaccompanied homeless youth (24 years of age or younger) were counted. Of all unaccompanied youth, 15% were under 18 years old. Eighty-three percent (83%) of all youth counted were sheltered. The iCount captures information about youth who meet the HUD definition of literally homeless, as well as the U.S. Department of Education's definition of homelessness which includes "doubled-up" or couch surfing youth. Although the iCount has collected data since 2014, it is understood to be an undercount as it represents a single source of data gathered over a limited amount of time. PIT methodology for the iCount continues to be refined to expand its reach into the community to ensure the most accurate count of homeless youth possible.

Needs Assessment Survey: The 2018 PIT survey suggest that lack of income was the number one factor contributing to homelessness. Homeless persons overwhelmingly said affordable housing, rental assistance and housing search was the greatest need.

Gender: While 49% of the Miami-Dade population is male, 58% of all persons counted were male, 39% female, and 3% transgender. Broken down further, men represented 81% of unsheltered homeless persons, while making up 62% of sheltered persons.

Geographic Concentration of Unsheltered Homeless: Approximately 65% of all unsheltered persons within Miami-Dade County were located within the City of Miami (665 persons), the county seat. The second largest concentration of homelessness (124 persons or 12%) is in Miami Beach. The remaining 23% of homeless persons are spread throughout Miami-Dade County's other 32 municipalities and unincorporated areas.

Factors Impacting Housing Stability: Disability, including mental health, substance abuse disorder, chronic health condition and/or physical disability have an adverse impact on housing stability leading to homelessness. In addition, Miami-Dade County has low wages, high housing costs and increasingly limited affordable housing options, creating substantial housing instability among its residents (see HUD's 2017 report on Worst Case Housing Needs)

Discussion:

Our annual point-in-time (PIT) census yield a total of 2635 households (3472 persons) experienced homelessness on January 24, 2019. The total number of persons in families was 1160 while 2311 were persons without children.

NA-45 Non-Homeless Special Needs Assessment - 91.205 (b,d)

Introduction:

In order to assess the needs of the non-homeless special needs population, Miami-Dade County Public Housing and Community Development reached out to several service providers. A description of the characteristics of special needs populations in the County is provided below, along with a discussion of the housing and supportive service needs in the County and how those needs are determined. Additionally, a discussion of the size and characteristics of the population within Miami-Dade County living with HIV/AIDS and their families is provided.

Describe the characteristics of special needs populations in your community:

Citrus Health Network, Inc. outlined Miami-Dade County data where the U.S. Census reports that 6% of the population under age 65 has a disability. In 2018, through their Housing Assistance Network of Dade (HAND) Program provided temporary rent assistance to persons facing eviction or homelessness, to over 1,400 persons. Of these, only 18% had reported earned income from employment, and 12% reported SSI disability income. Citrus Health Network provides permanent supportive housing to persons disabled with a mental illness. Persons with chronic disabilities related to a mental illness will sometimes need both financial assistance to afford the housing, and supportive services to successfully maintain their housing.

Better Way of Miami, Inc. further clarified the characteristics of individuals with special needs as those individuals who are unable to become self-sustaining without the support of outside organizations or agencies. They are unable to navigate through the systems of care without assistance or sustain themselves in a healthy manner. They may be lacking in many different areas. However their clientele tends to be individuals that may have substance use disorders and other co-occurring disabilities. They may be individuals who have mental and physical health issues based on long-term substance abuse. This population includes, Elderly Persons (defined as 62 years and older); Frail elderly; Persons with mental, physical, and/or developmental disabilities; Persons with HIV/AIDS and their families; and, victims of domestic violence, dating violence, sexual assault, and stalking.

Even though they may be housed, the special needs persons with alcohol or other drug addictions require a variety of supportive services to keep them stable. However, many are not stable. Therefore they may require stabilization for their Behavioral health issues, mental disabilities and health conditions. Once stable, housed and with wraparound services, they are able to focus on their other needs and services components.

The City of Miami, as the HOPWA entitlement recipient provided information on persons living with AIDS, and their family members. The City shared that this population face many obstacles in the quest

for housing, and include numerous underserved groups. Underserved groups include such as minorities, persons with mental illnesses, persons with substance addictions, post-incarcerated adults, and youth. In addition to the effects of the disease, this group often experience periods of homelessness and a substantial number qualify under federal guidelines as low- or very low-income households. The local data correlation between undetectable or suppressed viral loads and housing stability is significant. Data collected by the Miami-Dade Ryan White Program in FY16-17 found 81.1% of permanently-housed Miami-Dade Ryan White clients have undetectable or suppressed viral loads compared to only 63.5% who were housing unstable (non-permanent or institutional living situation). The rate of high or unsuppressed viral loads is even greater for clients living in institutional settings like substance abuse crisis units, jails and mental health facilities (38.6%). This rate is more than twice as that found among stably housed clients (18.9%).

Care Resource Community Health Center, Inc. further described the plight of Miami-Dade County as it continues to be significantly affected by the HIV/AIDS epidemic according to the most recent statistical data and surveillance reports available at the national, state and local levels. The County ranks first in the state of Florida for the number of reported HIV and AIDS cases. According to the Florida Department of Health CHARTS, Miami-Dade reported 402 new AIDS cases at the end of 2017, from data as of June 30, 2018. The same source indicates that 27,969 persons were known to be living with an HIV diagnosis (PLWH) in Miami-Dade County.

What are the housing and supportive service needs of these populations and how are these needs determined?

There are several different types of housing and support services needed for the special needs population, such as services that will allow the individual to become sustained, self-sufficient, viable, productive and whole individuals. For the individual with substance use disorder that could mean allowing the individual to seek Treatment Services such as Substance Abuse Counseling, Residential Inpatient Treatment, Dual Diagnosis Treatment, Co-occurring Treatment for their disorders. More specialized treatment services would be required for those in dual diagnosis/ co-occurring disorders treatment programs. These are struggling with addiction and that are also diagnosed with mental health disorder.

In general, the special needs population may benefit from an array of therapies and services with or without detoxification. The Detox Services would benefit one, with substance abuse disorders who is going through withdrawal; for health and safety reasons they would require a team be available to provide services to manage the symptoms of the withdrawal. Subsequently, the individual would be allowed to receive inpatient or outpatient services because the detox is not a substitute for treatment service.

For the special needs person with substance abuse disorder, they may benefit from individual therapy or counseling services to allow the client to have the one on one therapy as well as allow the individual to work closely with their therapist to identify problems goals and methods along with interventions to

enhance recovery goals. Group and family therapy are good approaches to allow individuals to receive the support from their peers and or their families. Family therapy also allows the family to learn how to deal with the person in their addiction. Inpatient services where the client temporarily lives in a residential setting can get the intense treatment assistance 24 hours a day.

Special needs services may also include Cognitive behavioral therapy, Outpatient and Aftercare services which helps them to become more successful after their formalized treatment has ended. The services can include different therapies that could be used such as traditional therapies or interventions for substance abuse and co-occurring mental health disorders as well as some new wave complementary or alternative interventions. Additional services may include 12-step self-help programs which are also necessary whether it is Alcoholics Anonymous or Narcotics Anonymous. These programs help individuals along with families to sustain recovery through a network of support. Supportive Service needs for this population also can include employment, educational, vocational and transportation services.

Persons with special needs who are housed, are more times than not, in desperate need of services that assist with financial support for their housing whether it be rental assistance, non-elderly disabled voucher programs, subsidized housing, housing Choice vouchers Section 8, rental assistance, or public housing. Special need services can also include health care and mental health care. Clients ask for education services that give them the ability to become more self-sufficient to obtain Independent Living; vocational and pre-vocational training to allow individuals to focus on work or school or some type of training programs that can help them in their sobriety to have meaningful employment and support and new wholesome drug and alcohol free life. They will also search for legal services to assist them with legal issues as well as immigration services for the undocumented person with special needs. We must not forget those special needs persons requiring veteran services; vocational; and, employability services and life skills courses as basic service skills to enable them to remain housed and have a better quality of life.

Discuss the size and characteristics of the population with HIV/AIDS and their families within the Eligible Metropolitan Statistical Area:

According to the 2017 HIV/AIDS housing needs and gap analysis, an estimated 10,998 persons living with HIV/AIDS require some form of housing assistance based on housing burden in Miami-Dade County. The analysis shows that approximately 882 PLWHAs are provided rental subsidies or affordable housing units through HOPWA and other non-HOPWA funding; leaving an estimated 10,116 PLWHAs still in need of housing assistance.

Table NA-45.1: HOPWA

Source: Florida Department of Health, Division of Public Health Statistics and Performance, 2017 Miami-Dade Health Chart, Florida Department of Health, 2017 Miami-Dade EPI Surveillance Report.

Table NA-45.2: HIV Housing Needs

Source: 2017 HIV/AIDS Housing Needs Assessment

In 2017, the Florida Department of Health reported that there were 27,969 persons living with HIV/AIDS and 13,712 persons living with AIDS in Miami-Dade County. Using 2016 numbers from a report by the Centers for Disease Control, a report indicated that the infection rate per capita in Miami was 47 per 100,000, the highest new infection rate per capita of any city in the United States.

With regard to geographic distribution of residents living with HIV/AIDS, cases are concentrated in Central Miami-Dade County in areas comprised of low-income, predominately minority neighborhoods, including Liberty City, Allapattah, Little Haiti and Overtown. It is estimated that 41 percent of the County's HIV/AIDS cases are concentrated in 9 zip codes: 33127, 33136, 33137, 33138, 33139, 33142, 33147, 33150, and 33161. It should be noted that some of the zip codes with the highest concentration of HIV/AIDS cases are also among the zip codes with the highest poverty rates in the County.

Per cumulative data collected by the Florida Department of Health from 2013-2017, approximately 80% of persons newly diagnosed with HIV were males and close to 60% were Hispanic with 32% who were black. Of the AIDS Diagnoses in 2017, 73% were males, 48% were Hispanic and 42% were Black.

Discussion:

This section has discussed special needs populations, including the disabled, those with substance abuse, and those living with HIV/AIDS.

Although medical advances have been made to combat the disease, the number of AIDS cases continues to rise in Miami-Dade County at a particularly alarming rate, particularly within the African American and Hispanic communities, as well as among young adults, seniors, and females.

Persons living with HIV/AIDS in Miami-Dade County are severely housing-burdened and require deeply subsidized housing, either in the form of tenant-based rental assistance or substantially below market rental units, particularly units affordable to households with incomes at or below thirty percent (30%) of area median income. Miami-Dade County struggles with a lack of affordable housing that accommodates the proper family size of persons with AIDS, the lack of affordable housing in areas where clients prefer to reside, and the inability of those in need to access housing assistance due to limited resources. In addition, housing discrimination and negative stigma continue issues to loom large for persons infected with AIDS in Miami-Dade County.

The local HOPWA program is maximizing its resources to house as many persons living with AIDS as possible through the use of tenant-based rental assistance. However, some of the participants may benefit from project-based supportive permanent housing, including low demand, particularly those with substance abuse or mental health histories. However, these housing program require greater resources – both to develop and operate with support services. There is a significant rate of substance

abuse among HOPWA participants that results in poor money management and detrimental behavior by the participant or persons associated with them that frequent their homes, leading to evictions – often multiple times. Many of these clients are resistant to treatment and/or refuse to acknowledge their substance abuse when the abuse or the behaviors caused by the abuse are raised by their housing specialist. This is causing a challenge to the Program in assisting these participants to remain housing stability and avoid program termination. Housing Specialists are struggling with efforts to balance HOPWA Program rules that all participants are expected to comply with the objectives of reducing program terminations. Low demand project-based housing would be most likely more helpful to the housing stability of these participants and similarly-situated Miami-Dade PLWHA who are not participating in the LTRA Program due to limited program capacity.

Citrus Health Network, Inc. points out that although Miami-Dade is considered one of the least affordable counties, persons with disabilities face an even harder struggle to afford housing. The current SSI disability income level is $771 and the HUD Fair Market Rent Level for an efficiency is $951 and one bedroom is $1,147. The Persons with disabilities who are not yet homeless do not qualify for U.S. HUD Continuum of Care funded permanent supportive housing assistance. Mainstream Voucher programs that are not limited to persons with disabilities have long waiting lists. The State funded housing programs usually do not target persons are such low-income levels, so this group is faced with little to no housing assistance options. The State and County jails are known to be the greatest housing provider for persons disabled due to a mental illness. Supportive services needs can include case management to assist in navigating community resources, and access to health care, including behavioral health care.

NA-50 Non-Housing Community Development Needs – 91.215 (f)

Describe the jurisdiction's need for Public Facilities:

The following types of public facilities are needed in Miami-Dade County:

- ADA Improvements to public facilities
- Senior Centers
- Handicapped Centers
- Homeless Facilities
- Youth Centers
- Neighborhood Facilities
- Parks and/or Recreational Facilities
- Abused/Neglected Children Facilities
- Medical/Quarantine Facilities

How were these needs determined?

The Plan requires PHCD and/or their consultant to coordinate with other public and private agencies that provide assisted housing, health services, and social services (including those focusing on services to children, the elderly, persons with disabilities, and homeless persons) during the preparation of the Plan. The County organized meetings with many of the public and quasi-public agencies throughout the region and solicited input into the process. .

Describe the jurisdiction's need for Public Improvements:

- Water and Sewer Improvements: The need for new and improved water and sewer infrastructure is critical in Miami-Dade County. An estimated $3 billion dollars in capital needs.
- Street Improvements
- Sidewalks
- Flood Drainage ImprovementsProvide adequate Public Facilities and Public Improvements (primarily drainage, water and sewer and facility improvements) to benefit low-to-moderate income areas and residents
- Need to provide water/sewer connections and eliminate septic systems

How were these needs determined?

Many of the County's older, lower-income neighborhoods were developed without adequate sidewalks, curb cuts, and drainage systems. In most cases, the existing public improvements in these areas have suffered from heavy usage and deferred maintenance. The Plan requires PHCD and/or their consultant to coordinate with other public and private agencies that provide assisted housing, health services, and social services (including those focusing on services to children, the elderly, persons with disabilities, and homeless persons) during the preparation of the Plan. The County organized meetings with many of the public and quasi-public agencies throughout the region and solicited input into the process.

Describe the jurisdiction's need for Public Services:

- Senior Services
- Handicapped Services
- Legal Services
- Youth Services
- Child Care Services
- Transportation Services
- Substance Abuse Services
- Employment/Training Services
- Health Services
- Lead Hazard Screening
- Crime Awareness
- Fair Housing Activities
- Housing Related Counseling
- Homeless Related Activities
- Feeding programs for all sectors of the County

Provide access to Public services (primarily senior services, services for the disabled, youth, substance abuse service, employment training and child care)

How were these needs determined?

The Plan requires PHCD and/or their consultant to coordinate with other public and private agencies that provide assisted housing, health services, and social services (including those focusing on services to children, the elderly, persons with disabilities, and homeless persons) during the preparation of the Plan.

Housing Market Analysis

MA-05 Overview

Housing Market Analysis Overview:

The Market Analysis was conducted by Miami-Dade County Department of Regulatory and Economic Resources. This section reviews the current nature of the housing market in Miami-Dade County with the most recently available data. It begins by describing the total number of units by type of unit, and then housing costs for homeowners and renters. Finally, the impact of transportation costs for residents are added in.

MA-10 Number of Housing Units – 91.210(a)&(b)(2)

Introduction

According to the U.S. Census Bureau, Miami-Dade County is comprised of 1,040,666 total housing units as of July 1, 2019. The owner-occupied housing unit rate from 2014-2018 is estimated at 51.6% by the U.S. Census Bureau.

Miami-Dade is comprised of 591,222 existing housing units throughout the County. The types of housing is varied and includes: single-family residents, multi-family, townhouses, and mobile homes. During 2012-2017, the trends in the housing market depicted a decrease of owner-occupied units and an increase of renter-occupied units. The larger-unit developments (10-or-more units) dominated the growth of the housing market. The dominant type of development in the jurisdiction is infill housing development for renters.

All residential properties by number of units

Property Type	Number	%
1-unit detached structure	279,115	47%
1-unit, attached structure	67,066	11%
2-4 units	23,394	4%
5-19 units	55,783	9%
20 or more units	155,871	26%
Mobile Home, boat, RV, van, etc	10,023	2%
Total	***591,252***	***100%***

Table 27 – Residential Properties by Unit Number

Alternate Data Source Name:
Regulatory and Economic Resources Department
Data Source Comments: Table 26 - Residential Properties by Unit NumberData Source: 2013-2017 ACS

Unit Size by Tenure

	Owners		Renters	
	Number	%	Number	%
No bedroom	4,802	2%	12,510	7%
1 bedroom	27,289	9%	86,776	48%
2 bedrooms	276,638	88%	198,418	107%
3 or more bedrooms	316,901	101%	66,092	39%
Total	***625,630***	***200%***	***363,796***	***201%***

Table 28 – Unit Size by Tenure

Alternate Data Source Name:
Regulatory and Economic Resources Department
Data Source Comments: Table 27 - Unit Size by TenureData Source: 2013-2017 ACS

Describe the number and targeting (income level/type of family served) of units assisted with federal, state, and local programs.

The County uses CDBG, HOME and State-funded SHIP and local Surtax to assist provide housing for low-moderate income persons and families. HOME funding is utilized to target low-income families, those whose income level is at or below 80% of the area median income. State Housing Initiatives Partnership funds are used to target low- and moderate-income families, serving a range up to 140% of AMI. Documentary Stamp Surtax is unique in that it can serve low- and moderate-income families, as well as workforce housing income levels up to 140% of AMI. CDBG funding is also utilized to fund infrastructure improvements and connections that assist to defray housing development costs.

Provide an assessment of units expected to be lost from the affordable housing inventory for any reason, such as expiration of Section 8 contracts.

It is expected that before 2021 Miami-Dade County will lose up to 1,134 combined assisted housing units where the contracts will be expiring.

Does the availability of housing units meet the needs of the population?

The availability of housing units does not meet the needs of the entire population. Owner-occupied housing units have declined throughout the County. Meanwhile, the volume of renter-occupied housing units have increased.

Describe the need for specific types of housing:

- Housing for persons and families earning 30% below AMI and from 30% to 50%
- Workforce housing (civil servants, teachers)- both rental and homeownership

Discussion

Miami-Dade County is currently experiencing a housing affordability crisis. Many more people need assistance to find housing than Miami-Dade County is able to assist. Miami-Dade County hosted a Housing Summit in October, 2019. The goal of the Summit was to lay out a plan for the development of over 10,000 housing units.

MA-15 Housing Market Analysis: Cost of Housing - 91.210(a)

Introduction

The central reason for the housing affordability crisis in Miami-Dade County is that wages and salaries generally are not keeping up with high and rising housing costs. This section provides specific information on housing costs, data on housing affordability, and comparisons of HOME low and high rents to market rate rents for rental units.

Cost of Housing

	Base Year: 2000	Most Recent Year: 2017	% Change
Median Home Value	115,807	255,793	121%
Median Contract Rent	649	1,165	80%

Table 29 – Cost of Housing

Alternate Data Source Name:
Regulatory and Economic Resources Department
Data Source Comments: Table 28 - Cost of HousingData Source: 2000 Census (Base Year), 2013-2017 ACS (Most Recent Year)

Rent Paid	Number	%
Less than $500	13,043	12.3%
$500-999	52,462	34.6%
$1,000-1,499	74,854	37.6%
$1,500-1,999	32,201	10.7%
$2,000 or more	15,361	4.8%
Total	***187,921***	***100.0%***

Table 30 - Rent Paid

Alternate Data Source Name:
Regulatory and Economic Resources Department
Data Source Comments: Table 29 - Rent PaidData Source: 2013-2017 ACS

Housing Affordability

% Units affordable to Households earning	Renter	Owner
30% HAMFI	No Data	No Data
50% HAMFI	9,545	14,526
80% HAMFI	10,706	21,240
100% HAMFI	No Data	No Data
Total	***20,251***	***35,766***

Table 31 – Housing Affordability

Alternate Data Source Name:
Regulatory and Economic Resources Department

Data Source Comments: Table 30 - Housing AffordabilityData Source: 2011-2015 CHASThese are households that pay less than 30% towards housing in the range below the stated amount for the ranges found.

Monthly Rent

Monthly Rent ($)	Efficiency (no bedroom)	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom
Fair Market Rent	951	1,147	1,454	1,934	2,354
High HOME Rent	871	964	1,159	1,331	1,465
Low HOME Rent	688	738	866	1,023	1,141

Table 32 – Monthly Rent

Alternate Data Source Name:
Regulatory and Economic Resources Department
Data Source Comments: Table 31 - Monthly RentData Source: HUD FMR (latest, 2019) and HOME Rents (latest, 2018)

Is there sufficient housing for households at all income levels?

No. There is insufficient housing for households at all income levels. In particular, the housing shortage is applicable to renters and owners. The income level most impacted is the 0-30% AMI, >30-50% AMI, >50-80% AMI, and >80-100% AMI (owner only), as there is very limited housing for people of lower incomes.

How is affordability of housing likely to change considering changes to home values and/or rents?

The affordability of housing is likely to get worse for low-income households. From 2011 to 2018, trends have depicted a rapid increase in home values and rental costs compared to the average earnings index. Earnings have remained at the same level with no growth. The income levels impacted the most are low-income and moderate-income households. Home values are expected to rise over the consolidated plan period, from 2020 to 2024. Miami-Dade County has a largely service economy, and wages are increasing only slightly in many industries. However, housing costs are increasing at a rapid rate. The housing affordability gap has been increasing each year.

How do HOME rents / Fair Market Rent compare to Area Median Rent? How might this impact your strategy to produce or preserve affordable housing?

The Fair Market Rent exceeds the High HOME rent and Low HOME rent levels. The trend depicts the necessity to continue implementing strategies to develop new housing and preserve existing affordable housing. The cost of housing has been the greatest challenge for completely funding land acquisition, housing rehabilitation, new construction, and first-time homebuyer programs.

High HOME rents for Miami-Dade County are just over $1,300 per month, whereas fair market rent averages $1,934. This adds to the urgency to build affordable housing and preserve affordable housing.

Discussion

According to the University of Florida Shimberg Center for Housing Studies 2019 Rental Market Study, the homeownership rate in Florida fell from 71 percent in 2007 to 65 percent in 2017. Miami-Dade County has 134,723 low income cost burdened renters, and there is a rental shortage for persons 50% AMI and below of over 120,000 units.

MA-20 Housing Market Analysis: Condition of Housing – 91.210(a)

Introduction

The housing market analysis assessed the condition of the existing housing units throughout the County including age and condition, the number of vacant and abandoned units, and the risk posed by lead-based paint.

For owner-occupied units, a majority of the units 196,919 (62.7%) do not have a housing condition. For renter-occupied units, the majority of the units 109,780 (56%) have one selected housing condition.

Definitions

Housing Condition – The physical state of a house which (1) lacks complete plumbing facilities, (2) lacks complete kitchen facilities, (3) more than one person per room, and/or (4) cost burden greater than 30%.

Housing Market - The market supply and demand for single-family or multi-family properties within a particular country or region. A key element of the housing market is the average house prices and trend in house prices.

Lead-based paint hazard - A condition in which exposure to lead from lead-contaminated dust, lead contaminated soil, or deteriorated lead-based paint would have an adverse effect on human health (as established by the EPA at 40 CFR 745.65, under Title IV of the Toxic Substances Control Act). Lead-based paint hazards include, for example, paint-lead hazards, dust-lead hazards, and soil-lead hazards.

Condition of Units

Condition of Units	Owner-Occupied		Renter-Occupied	
	Number	%	Number	%
With one selected Condition	112,851	36%	109,780	61%
With two selected Conditions	3,963	1%	10,699	6%
With three selected Conditions	98	0%	297	0%
With four selected Conditions	8	0%	0	0%
No selected Conditions	196,919	63%	75,401	42%
Total	***313,839***	***100%***	***196,177***	***109%***

Table 33 - Condition of Units

Alternate Data Source Name:
Regulatory and Economic Resources Department
Data Source Comments: Table 32 - Condition of UnitsData Source: 2011-2015 ACS

Year Unit Built

Year Unit Built	Owner-Occupied		Renter-Occupied	
	Number	%	Number	%
2000 or later	40,543	13%	26,661	15%
1980-1999	112,387	36%	65,031	36%
1950-1979	101,771	32%	63,700	35%
Before 1950	59,586	19%	25,595	14%
Total	***314,287***	***100%***	***180,987***	***100%***

Table 34 – Year Unit Built

Alternate Data Source Name:
Regulatory and Economic Resources Department

Data Source Comments: before 1940 4946 2% 3680 2%Total 319,233 100% 184,667 100%Table 33 - Year Unit Built Data Source: 2011-2015 CHAS

Risk of Lead-Based Paint Hazard

Risk of Lead-Based Paint Hazard	Owner-Occupied		Renter-Occupied	
	Number	%	Number	%
Total Number of Units Built Before 1980	161,357	51%	89,295	49%
Housing Units build before 1980 with children present	19,637	6%	17,271	10%

Table 35 – Risk of Lead-Based Paint

Alternate Data Source Name:
Regulatory and Economic Resources Department

Data Source Comments: Table 34 - Risk of Lead-Based Paint HazardData Source: 2013-2017 ACS (Total Units), 2011-2015 CHAS (Units with Children present)

Vacant Units

	Suitable for Rehabilitation	Not Suitable for Rehabilitation	Total
Vacant Units	0	0	0
Abandoned Vacant Units	0	0	0
REO Properties	0	0	0
Abandoned REO Properties	0	0	0

Table 36 - Vacant Units

Alternate Data Source Name:
Regulatory and Economic Resources Department

Data Source Comments: Table 35 - Vacant UnitsData not available

Need for Owner and Rental Rehabilitation

There is a general need to provide funding support for owner and rental rehabilitation, especially in low- and moderate-income neighborhoods in Miami-Dade County with aging homeowners. Seniors living on a fixed income, or with no income often do not have the financial resources available to maintain and

rehabilitate their homes. Insufficient data is available to address the volume of vacant units suitable or unsuitable for rehabilitation.

Estimated Number of Housing Units Occupied by Low or Moderate Income Families with LBP Hazards

Throughout the County, an estimate of 17,638 (12%) owner occupied housing units and 15,465 (18%) renter occupied housing units were built before 1980. The extent to which the units have lead-based paint hazards is difficult to assess, absent an inspection of a large number of units by a lead-based paint certified inspector.

Discussion

While no data is available on the classification of vacant units either suitable or unsuitable for rehabilitation. However, some general observations can be made. Countywide there are 37,915 vacant housing units, roughly a 4% vacancy rate. Of these units, just 2,745 units, 7.2%, lack complete plumbing or kitchen facilities. Another way of putting it, slightly more than one- quarter of one percent of all housing units are vacant and lack complete kitchen or plumbing facilities. In the Miami-Dade County entitlement area, just one-eighth of one percent are vacant and lack complete kitchen and plumbing facilities.

The supplemental table shows, for the Miami-Dade County entitlement area, the number of housing units built before 1980 and those with young children by income category. The table shows that almost 12% of owner-occupied housing units and over 18% of renter occupied housing units have children age 6 and under and were built before 1980. Therefore, they pose a risk of lead-based paint exposure.

The situation appears much worse when income is considered. Almost one-third of older owner-occupied homes with young children, 32%, have household incomes that are low, very low or extremely low. However, in the case of renter occupied pre-1980 housing units with young children, 72% have household incomes that are low, very low or extremely low.

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MA-25 Public and Assisted Housing – 91.210(b)

Introduction

The primary goals and objectives of Public Housing and Community Development (PHCD) are:

- Provide quality affordable housing for residents of Miami-Dade County, particularly extremely low, very low, and low to moderate
- Increase the supply of affordable housing for all residents and specifically for extremely low, very low, and low to moderate residents
- Foster partnerships with private and public entities to optimize resources through innovative programs
- Assure efficient and effective management of resources.

PHCD administers more than 9,000 public housing units; and more than 18,000 units are supported through various Section 8 programs. While the County's waiting list for public housing is currently closed, there are more than 45,000 people currently on the tenant-based list and more than 400 remaining on the project-based list. Figures vary depending upon the bedroom size and program.

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Totals Number of Units

Program Type									
	Certificate	Mod-Rehab	Public Housing	Vouchers					
				Total	Project -based	Tenant -based	Special Purpose Voucher		
							Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
# of units vouchers available	89	2,091	9,219	14,606	33	14,573	0	0	522
# of accessible units			10						
***includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition**									

Table 37 – Total Number of Units by Program Type

Data Source: PIC (PIH Information Center)

Describe the supply of public housing developments:

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Describe the number and physical condition of public housing units in the jurisdiction, including those that are participating in an approved Public Housing Agency Plan:

Miami-Dade County Public Housing and Community Development is responsible for more than 9,000 units of public housing. Many of the Public Housing units are over 40 years old and are in need of moderate to substantial rehabilitation. PHCD has embarked upon a major initiative to renovate up to 6,426 public housing units in its portfolio through the Rental Assistance Demonstration (RAD) program.

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Public Housing Condition

Public Housing Development	Average Inspection Score
Collins Park Apartments	97
Dante Fascell	99
Green Turnkey	100
Gwen Cherry/New Haven	n/a
Helen Sawyer	82
Jack Orr Plaza	98
Joe Moretti - Phase I	99
Joe Moretti - Phase II	95
Scott Carver Phase 2C	96
Scott Carver 2A and B	81
Site 110	97
Site 120	96
Site 130	76
Site 140	94
Site 150	68
Site160	96
Site 170	64
Site 180	52
Site 190	53
Site 210	52
Site 220	68
Site 221	96
Site 230 and 232	95
Site 240	86
Site 241	58
Site 250	97
Site 260	97
Site 270	56
Site 280	56
Site 291	81
Site 310 and 311	54
Site 320	84
Site 330	42
Site 340	80
Site 351	45
Site 361	90
Smathers Phase Two	91
South Miami Plaza	79

Public Housing Development	Average Inspection Score
Stirrup Plaza	99
Stirrup Plaza Phase Two	90
Ward Tower II	99

Table 38 - Public Housing Condition

Describe the restoration and revitalization needs of public housing units in the jurisdiction:

Many of the public housing units are over forty years old and are in need of rehabilitation and in some cases they should be demolished and replaced with new housing. PHCD has recognized this and has embarked on a public/private strategy. This strategy includes the use of the RAD program, utilizing State and Federal resources such as Low-Income Housing Tax Credits (LIHTC), HOME, SHIP, and Documentary Stamp Surtax to fund the rehabilitation and reconstruction of public housing units.

Describe the public housing agency's strategy for improving the living environment of low- and moderate-income families residing in public housing:

PHCD has embarked upon a redevelopment strategy that is a public/private partnership. The partnership includes rehabilitating or reconstructing up to 6,426 units through the RAD program. In addition, PHCD is addressing the living environment of low and moderate income families residing in public housing by redeveloping public housing sites that have a long history of not only physical disrepair but social and economic issues. The Liberty Square site is currently being redeveloped and will include the rehabilitation and new construction of the oldest public housing site in the southeastern United States. This impactful development will include non-housing amenities such as a community center, childcare, computer labs and other amenities for the residents.

Discussion:

PHCD is actively addressing the need for improving the condition of public housing units. The strategy entails using a variety of methods to upgrade the public housing units. The HUD program RAD is being utilized to rehabilitate units that are in disrepair. In addition, PHCD is collaborating with private developers to rehabilitate public housing units in disrepair by using tax credits, Surtax which is a state funding resources, local bonds and various other programs such as SAIL through the Florida Housing Finance Corporation. PHCD is also prioritizing doing major, impactful redevelopment on its sites most in need of rehabilitation, such as previously mentioned Liberty Square. This approach allows PHCD to rehabilitate units that need major rehabilitation but also to impact the social and economic conditions of the residents by providing amenities that are not usually afforded public housing residents.

MA-30 Homeless Facilities and Services – 91.210(c)

Introduction

Miami-Dade County Public Housing and Community Development administers federal grant funds allocated to the County, and collaborates with Miami-Dade County Homeless Trust (Trust), the Continuum of Care (CoC) Lead Agency and Homeless Management Information System lead. The Trust is responsible for implementing the strategic plan to end homelessness, the Miami-Dade County Community Homeless Plan: Priority Home. It was initially adopted in the 1990s, is reviewed annually, and was revised in 2019. The Trust is the lead applicant for HUD CoC funds and also administers proceeds of a 1% Food and Beverage Tax dedicated to homeless and domestic violence services (85% of the funds toward homeless housing and services and 15% toward the construction and operation of domestic violence centers). The Trust is also a recipient and coordinator of other state and local resources to assist homeless persons.

The CoC utilizes multiple housing strategies to end homelessness: Homelessness Prevention provides cash to assist with rents, mortgages, security deposits or utility payments, to help families and individuals at risk of becoming homeless resolve a housing crisis. Diversion assists persons facing homelessness remain where they have been living or identify alternate safe and suitable housing arrangements to avoid entry to emergency shelter. In the absence of viable options, the household will be offered emergency housing. Emergency Shelter provides temporary housing and basic needs, housing-focused case management, assistance with benefits, access to child care, employment counseling and job opportunities, connection to community-based resources, housing navigation and move-in assistance to support rapid exit from homelessness into permanent housing. A Safe Haven serves hard-to-reach homeless persons who have severe mental illness, are living on the streets, and have been unable or unwilling to participate in supportive services. It provides 24-hour residence for an unspecified duration, and does not require participation in services or referrals as a condition of occupancy. It is hoped that after a period of engagement, safe haven participants would seek a permanent housing situation. The CoC's Transitional Housing (TH) is focused on serving youth exiting foster care. This project was recently expanded to create a joint Transitional Housing with Rapid Re-Housing project adding rental assistance tailored to reduce the length of time youth experience homelessness. Transitional Housing focuses on skill building, treatment, intensive case management, employment, and job training. The objective is to assist youth in transitioning into stable housing. In addition, specialized transitional housing has been developed for survivors of domestic violence. Rapid Re-Housing (RRH) targets families and individuals currently in emergency housing programs or living in places not meant for human habitation, for the purposes of rapidly moving them into private market housing. Rapid rehousing programs may provide rental assistance for up to 24 months or other types of financial assistance required to secure permanent housing. Households receive supportive services on a time-limited basis, including assistance with locating, securing, and stabilizing in affordable housing. Rapid Re-Housing also includes bridge housing for homeless persons who qualify, but are waitlisted for placement in permanent supportive housing. Permanent

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Supportive Housing (PSH) provides permanent housing (not time limited) in which supportive services are provided to assist homeless persons with a disability live independently. PSH is provided through project-based housing operated by affordable housing providers or rental subsidy toward a private rental market unit selected by the program participant. Chronically homeless persons are given priority for PSH placement.

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Facilities and Housing Targeted to Homeless Households

	Emergency Shelter Beds		Transitional Housing Beds	Permanent Supportive Housing Beds	
	Year Round Beds (Current & New)	Voucher / Seasonal / Overflow Beds	Current & New	Current & New	Under Development
Households with Adult(s) and Child(ren)	951	17	331	2,297	0
Households with Only Adults	942	0	393	2,328	0
Chronically Homeless Households	0	0	0	2,268	40
Veterans	28	0	50	824	0
Unaccompanied Youth	17	0	32	0	0

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Table 39 - Facilities and Housing Targeted to Homeless Households

Alternate Data Source Name:
Regulatory and Economic Resources Department

Data Source Comments: 2018 HIC data in addition to PSH, the CoC can offer RRH to the following number of homeless sub-populations: 920 households with adult(s) and child(ren) and 241 households with adults only. RRH is also dedicated to 129 veterans and 48 youth.

Additional Providers for Homeless Assistance

Emergency Shelter: Chapman Partnership is the private sector partner of the Homeless Trust and operates the CoC's two primary emergency shelters, campus-style facilities known as Homeless Assistance Centers (HACs). One HAC is located in Downtown Miami and the second in the southern part of the County, on former Homestead Air Reserve Base property. The HACs provide 800 mixed population beds. Another 1,103 beds are contracted at Lotus House, Catholic Charities, Camillus House, Miami Rescue Mission, Salvation Army, City of Miami Hotel/Motel Program; domestic violence facilities Miami-Dade County's Safe Space North and South, and the Lodge; and Miami Bridge, and emergency shelter for unaccompanied youth ages 10-17. In addition to shelter and providing for basic needs, shelters offer housing-focused case management, benefits, child care, employment, counseling and job opportunities, connection to community-based resources, housing

navigation and move-in assistance to support rapid exit from homelessness into permanent housing. Of all beds, 532 are dedicated to families, 855 beds for mixed populations, 474 for single adults and 11 for youth. There are 163 emergency shelter beds for survivors of domestic violence, with 60 beds under development. 93

A Safe Haven is operated by Citrus Health Network, providing 14 beds for single adults.

Transitional Housing with Rapid Re-Housing, comprised of 28 TH beds and 25 RRH beds focuses on serving youth exiting foster care. 696 TH beds, not funded by the CoC, focus on providing specialized services in a residential setting for certain sub-populations, and are operated by Camillus, Carrfour Supportive Housing, Citrus Health Network, Miami Rescue Mission, New Hope CORPS, Volunteers of America (VOA) and Inn Transition. Of the TH beds, 316 are dedicated to survivors of domestic violence, 48 for youth and the balance for persons with mental illness and/or substance abuse.

Permanent Supportive Housing is comprised of 4,625 beds, operated by Carrfour, Citrus Health, Camillus, Douglas Gardens, VOA, Better Way of Miami, New Horizons Community Health Center, Veterans Affairs, Community Health of South Florida (CHI) and Fellowship House. There are 1,209 PSH beds dedicated to families with 64 beds dedicated to chronically homeless families; 2,180 for mixed populations, of which 1,088 are for families, 1,354 for chronically homeless and 764 for veterans. An additional 1,236 beds are limited to single adults with 850 dedicated to chronically homeless and 60 for veterans. Chronically homeless persons with greatest length of homelessness and highest vulnerability are prioritized for PSH placement. Other permanent housing includes 145 units of Miami-Dade County Public Housing committed to the CoC. 96

Rapid Re-Housing can assist 1,161 persons and is provided through Carrfour, Citrus, Camillus House, the Advocate Program, and Lotus House. Of these beds, 920 are dedicated to families, 34 are committed to veteran families, 105 beds are dedicated to single veterans and 10 for youth aging out of foster care.

Describe mainstream services, such as health, mental health, and employment services to the extent those services are use to complement services targeted to homeless persons

The CoC has established formal partnerships with the Florida Department of Children & Families (DCF); South Florida Behavioral Health Network (SFBHN), the Managing Entity for Substance Abuse & Mental Health; managed care providers; the Public Health Trust (PHT) which operates the county's hospital system' Veterans Affairs (VA), Legal Services of Greater Miami (LSGM), Our Kids, which coordinates the regional system for foster care and adoption, CareerSource South Florida, the local workforce investment board, to connect homeless persons to mainstream resources.

An MOU has been executed with the Early Childhood Coalition to ensure priority placement for homeless children. Head Start/Early Head Start programs prioritize homeless households and operate at our two Homeless Assistance Centers and families are able to continue accessing the services post discharge.

Access to mainstream medical services is facilitated by PHT-run clinics co-located at the two main emergency shelters. CoC providers are also Federally Qualified Health Centers (FQHC) and Behavioral Health Care providers. Managed care providers attend case staffing meetings to provide updates on connections to and engagement in services by homeless households. The CoC and SFBHN conduct monthly provider meetings and outreach. The CoC also works closely with the VA to ensure that veterans are housed and connected to VA medical and other services.

To ensure access to benefits, DCF Automated Community Connection to Economic Self Sufficiency sites are co-located in CoC provider sites, which enable homeless households to enroll for Medicaid, food stamps, medical care & TANF. SFBHN leads a continuum-wide SOAR training & certification process to ensure CoC case managers are using best practices to expedite the disability application process. LSGM offers expert benefit review, advocacy & representation free to homeless households in the CoC.

CareerSource South Florida has one-stop employment centers accessible to persons experiencing homelessness countywide, two mobile supportive employment units (one parks at the South-Dade Homeless Assistance Center) and a co-located office at Camillus House, an ES, TH and PH provider. CoC has partnered with CareerSource South Florida and Lindsey Hopkins Technical College to provide vocational training to CoC sub-recipients. Transitions, Inc. (ex-offenders), Suited for Success (veterans) and Get Hired Miami (resume development) are among the CoC's partners.

Our Kids also participates in by name list case staffing to ensure that former foster youth are connected to resources for which they are eligible. The CoC has established a referral relationship with SFBHN and Our Kids) for state-funded behavioral health services. They are HMIS participating agencies.

List and describe services and facilities that meet the needs of homeless persons, particularly chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth. If the services and facilities are listed on screen SP-40

Institutional Delivery Structure or screen MA-35 Special Needs Facilities and Services, describe how these facilities and services specifically address the needs of these populations.

Veterans: In 2017, Camillus House opened the Somerville Veterans Village in the City of Miami to provide permanent housing to veterans. The Salvation Army is contracted by the local VA office to provide emergency shelter beds for veterans. The Veterans Administration's Health Care for Homeless Veterans (HCHV) Program is an active member of the CoC. The VA has expanded assistance to veterans through the Support Services for Veteran Families (SSVF) and Grant Per Diem (GPD) programs. New GPD programs were created in 2018. Miami-Dade County and Miami Beach Public Housing Authorities administer the VASH Program offering permanent supportive housing through rental assistance vouchers and VA services.

Survivors of Domestic Violence: Miami-Dade's Community Action and Human Services Department (CAHSD) operates two domestic violence centers, and a third is operated by Victims Response, Inc. (aka. The Lodge).

Unaccompanied Youth: Citrus Health Network offers 28 youth-designated transitional housing beds at Citrus FRAT and 12 LGBTQA+ youth-designated transitional housing beds at Citrus Safe Haven; Camillus House offers 12 youth-designated emergency beds; Lotus House offers 38 unaccompanied, pregnant and parenting youth-designated beds; the Runaway & Homeless Youth Program at Miami Bridge Youth and Family Services offers 10 beds; former foster youth served at Casa Valentina and Emmaus Place with 21 beds; Chapman Partnership has a 20 bed youth dorm.

Human Trafficking: Miami-Dade has 16 Transitional Housing beds dedicated to victims of human trafficking.

The Miami-Dade Homeless Continuum of Care has a range of access points to prevent, divert and serve persons experiencing homelessness, they include:

- A helpline
- Street outreach teams (including specialized behavioral health teams)
- Emergency Shelters
- The Public Child Welfare Agency
- Domestic Violence providers
- Sex and Human Trafficking providers
- Community Action and Human Services Department
- Law enforcement agencies with homeless Neighborhood Enhancement Teams

The system provides emergency shelter and transitional housing with specialized programming for unaccompanied persons who may have behavioral health needs, families, youth and survivors of domestic violence, sex and human trafficking. Our system is designed to offer low barrier access to services, exit persons to permanent destinations and promote housing stability through follow up care.

We offer short-to medium-term rental assistance to households at imminent risk of homelessness as well as homeless households who need financial assistance and housing stability to return to self-sufficiency. Our Permanent Supportive Housing program provides non-time limited rental assistance with comprehensive support services to disabled persons who are homeless, with a priority for those who have been homeless the longest time with the greatest service needs.

MA-35 Special Needs Facilities and Services – 91.210(d)

Introduction

Miami-Dade County will continue to fund, when feasible, service providers seeking to provide either new or updated facilities for individuals and families with special needs. In addition, the County funds service providers that address the needs of the elderly and frail elderly. The needs of persons living with HIV/AIDS is primarily the purview of the City of Miami for the all of Miami-Dade County. Assisting persons with disabilities continues to be part of the programmatic priorities of the County.

Including the elderly, frail elderly, persons with disabilities (mental, physical, developmental), persons with alcohol or other drug addictions, persons with HIV/AIDS and their families, public housing residents and any other categories the jurisdiction may specify, and describe their supportive housing needs

Substance Abuse: Miami-Dade Community Action and Human Services Department conducts substance abuse assessments and provides referrals. The Department administers various services and programs, including *Treatment Alternatives to Street Crime*.

Elderly: Housing cost burden continues to have a disproportionate impact on Miami-Dade households containing at least one person 62 years of age or older. Among this age group, nearly 29,000 households have incomes at or below 30% of AMI.

Disabled: The Commission on Disability Issues (CODI) and some of its constituent member organizations meet with representatives of PHCD. CODI has been designated as the official representative organization for the disabled community by the Miami-Dade Board of County Commissioners. Among other things, CODI has recommended that the County adopt several goals to improve the availability of affordable, assessable units, including: 1) requiring that developers go beyond the 5% (mobility and other disabilities) and 2% (visual and audio disabilities) which the federal government requires; 2) provide subsidies to affordable housing developers to encourage the set-aside of accessible affordable units; and 3) establish a broader goal that not less than 20% of affordable units be made accessible.

Describe programs for ensuring that persons returning from mental and physical health institutions receive appropriate supportive housing

Spinal Cord Living Assistance Development, Inc. (SCLAD) has a Community Inclusion Program that is an individually-focused, social intervention program developed by SCLAD perfected over time through observation and experimentation. SCLAD's experience and sense of purpose matured (28 years) as program participants expressed the difficulties and needs experienced in their personal lives, which

coincided with the experiences of the organization's founders, who are persons with physical disabilities.

This Program is a concept and strategy based on a personalized structure and face-to-face intensive intake and assessment process. It leads to the development of an Individual Service Strategy (ISS) that results from close collaboration between the Program Participant (and his/her caretaker, family) (PP) and the SCLAD Case Manager. Community Inclusion encourages the PP to auto-define his/her needs and hone in on his/her life wishes. It fosters communication and interaction between PP, family/caretaker and SCLAD Case Manager, permitting the case manager to identify, coordinate and monitor the services that address the needs and resources that lead to achieving the community integration desired by the PP. This journey is accompanied by intensive case management, counseling, problem-solving, and the establishment of rules and responsibilities for each party to the ISS. It is a thoughtful and time-consuming journey, but it allows sharing vital information necessary to make the ISS relevant and achievable. A typical Intake and Needs Assessment process includes the PP and the Case Manager. The development of the ISS and its subsequent implementation may require multiple meetings and communications, and the integration of various components more particularly described in the major service components identified below.

Specify the activities that the jurisdiction plans to undertake during the next year to address the housing and supportive services needs identified in accordance with 91.215(e) with respect to persons who are not homeless but have other special needs. Link to one-year goals. 91.315(e)

The County in its annual planning and future planning will continue to prioritize tenant-based rental assistance using HOME. The County will also have funds available for small projects that may benefit from the County's Documentary Surtax Program for the development of housing. This category of funding has consistently been available for this population. Our most recent Request for Applications addressed very specifically that funds may be available for special needs populations for developments that are 50 units or less. These approaches are best suited for the population that is described here. Our housing dollars can then be leveraged for the agencies to fund supportive services that are needed. The County also will continue to seek applicant that provide services to the special needs groups utilizing our CDBG.

For entitlement/consortia grantees: Specify the activities that the jurisdiction plans to undertake during the next year to address the housing and supportive services needs identified in accordance with 91.215(e) with respect to persons who are not homeless but have other special needs. Link to one-year goals. (91.220(2))

SCLAD provides through their Major Service Components activities that address the needs of their clientele and includes but is not limited to case management. All SCLAD Community Inclusion Program Services are free of charge. Citrus Health Network, Inc. provides supportive services that include case management to assist in navigating community resources, and access to health care, including

behavioral health care. These two entities along with others continue to address the special needs population with needed services. The County, through various resources have funded both agencies, especially as it relates to housing and in some cases supportive services.

The County in its annual planning and future planning will continue to prioritize tenant-based rental assistance using HOME. The County will also have funds available for small projects that may benefit from the County's Documentary Surtax Program for the development of housing. This category of funding has consistently been available for this population. Our most recent Request for Applications addressed very specifically that funds may be available for special needs populations for developments that are 50 units or less. These approaches are best suited for the population that is described here. Our housing dollars can then be leveraged for the agencies to fund supportive services that are needed. The County also will continue to seek applicant that provide services to the special needs groups utilizing our CDBG.

MA-40 Barriers to Affordable Housing – 91.210(e)

Negative Effects of Public Policies on Affordable Housing and Residential Investment

Public policy is often considered a significant factor in Miami-Dade County's ability to address the current housing crisis. Governmental policy and regulation become a barrier when they prohibit or excessively increase the cost of new or rehabilitated affordable housing for the public. The negative effects of public policy include but are not limited to:

- Policies that inhibit land use
- Infrastructure costs as it relates to water and sewer connection fees
- Local building policies (design requirements)
- Development impact fees
- Property taxes

MA-45 Non-Housing Community Development Assets – 91.215 (f)

Introduction

Miami-Dade County is comprised of a multitude of business sectors that spur the local economy. Miami-Dade County is recovering from the recent economic downturn of the United States economy due to the COVID-19 pandemic. The area is comprised of major employment sectors which include educational institutions, health services, retail trade, finance, insurance, real estate, arts, entertainment, and professional/management services. The highest ranked major employment sector is the Education and Health Services field.

With the local unemployment rate at 7.16% for a civilian labor force of 726,300, Miami-Dade County faces many challenges to continuously spur the local economy through public and private sector partnerships.

Economic Development Market Analysis

Business Activity

Business by Sector	Number of Workers	Number of Jobs	Share of Workers %	Share of Jobs %	Jobs less workers %
Agriculture, Mining, Oil & Gas Extraction	5,584	5,461	1	1	0
Arts, Entertainment, Accommodations	79,502	62,485	10	10	0
Construction	53,948	28,643	7	5	-2
Education and Health Care Services	170,857	96,979	21	16	-5
Finance, Insurance, and Real Estate	64,436	47,355	8	8	0
Information	16,924	11,982	2	2	0
Manufacturing	33,536	24,734	4	4	0
Other Services	46,103	24,631	6	4	-2
Professional, Scientific, Management Services	105,237	101,681	13	17	4
Public Administration	28,378	7,782	4	1	-3
Retail Trade	99,381	94,497	12	16	4
Transportation and Warehousing	60,263	42,268	8	7	-1
Wholesale Trade	32,981	53,469	4	9	5

Business by Sector	Number of Workers	Number of Jobs	Share of Workers %	Share of Jobs %	Jobs less workers %
Total	797,130	601,967	--	--	--

Table 40 - Business Activity

Alternate Data Source Name:
Regulatory and Economic Resources Department
Data Source Comments: Table 39 - Business ActivityData Source: 2013-2017 ACS (Workers), Longitudinal Employer-Household Dynamics (Jobs)

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Labor Force

Total Population in the Civilian Labor Force	856,627
Civilian Employed Population 16 years and over	797,130
Unemployment Rate	6.90
Unemployment Rate for Ages 16-24	14.30
Unemployment Rate for Ages 25-65	6.20

Table 41 - Labor Force

Alternate Data Source Name:
Regulatory and Economic Resources Department
Data Source Comments: Table 40 - Labor ForceData Source: 2013-2017 ACS

Occupations by Sector	Number of People
Management, business and financial	278,489
Farming, fisheries and forestry occupations	0
Service	152,009
Sales and office	229,400
Construction, extraction, maintenance and repair	66,277
Production, transportation and material moving	70,955

Table 42 – Occupations by Sector

Alternate Data Source Name:
Regulatory and Economic Resources Department
Data Source Comments: Table 41 - Occupations by SectorData Source: 2013-2017 ACS

Travel Time

Travel Time	Number	Percentage
< 30 Minutes	318,819	43%
30-59 Minutes	325,745	44%
60 or More Minutes	103,676	14%
Total	***748,240***	***100%***

Table 43 - Travel Time

Alternate Data Source Name:
Regulatory and Economic Resources Department
Data Source Comments: Table 42 - Travel TimeData Source: 2013-2017 ACS

Education:

Educational Attainment by Employment Status (Population 16 and Older)

Educational Attainment	In Labor Force		
	Civilian Employed	Unemployed	Not in Labor Force
Less than high school graduate	60,048	7,052	39,889
High school graduate (includes equivalency)	168,967	14,338	61,850
Some college or Associate's degree	202,726	13,240	50,926
Bachelor's degree or higher	245,147	9,746	44,484

Table 44 - Educational Attainment by Employment Status

Alternate Data Source Name:
Regulatory and Economic Resources Department
Data Source Comments: Table 43 - Educational Attainment by Employment StatusData Source: 2013-2017 ACS

Educational Attainment by Age

	Age				
	18–24 yrs	25–34 yrs	35–44 yrs	45–65 yrs	65+ yrs
Less than 9th grade	2,212	6,348	7,933	26,051	51,703
9th to 12th grade, no diploma	18,416	14,149	15,885	36,633	28,088
High school graduate, GED, or alternative	42,510	56,667	62,291	126,329	64,777
Some college, no degree	59,898	44,455	41,457	76,275	34,694
Associate's degree	19,588	32,113	25,380	47,423	13,311
Bachelor's degree	12,851	52,718	51,712	91,747	34,833
Graduate or professional degree	1,571	21,160	30,266	51,953	25,069

Table 45 - Educational Attainment by Age

Alternate Data Source Name:
Regulatory and Economic Resources Department
Data Source Comments: Table 44 - Educational Attainment by AgeData Source: 2013-2017 ACS

Educational Attainment – Median Earnings in the Past 12 Months

Educational Attainment	Median Earnings in the Past 12 Months
Less than high school graduate	20,594
High school graduate (includes equivalency)	24,105
Some college or Associate's degree	32,245
Bachelor's degree	42,623
Graduate or professional degree	59,496

Table 46 – Median Earnings in the Past 12 Months

Alternate Data Source Name:
Regulatory and Economic Resources Department
Data Source Comments: Table 45 - Median Earnings in the Past 12 MonthsData Source: 2013-2017 ACS

Based on the Business Activity table above, what are the major employment sectors within your jurisdiction?

Based on the Business Activity table, the major employment sectors are as follows:

1. Education and Health Care Services;
2. Retail Trade;
3. Finance, Insurance, and Real Estate;
4. Arts, Entertainment, Accommodations; and
5. Professional, Scientific, Management Services, and Wholesale Trade.

Describe the workforce and infrastructure needs of the business community:

Included among the County's highest priority workforce and infrastructure needs are:

- provision of public services concerned with employment, especially job training
- availability of mortgage financing for low-income persons at reasonable rates using nondiscriminatory lending practices
- access to capital and credit for development activities that promote long-term economic and social viability of the community
- Empowerment and self-sufficiency opportunities for low-income persons to reduce generational poverty in federally assisted and public housing

Describe any major changes that may have an economic impact, such as planned local or regional public or private sector investments or initiatives that have affected or may affect job and business growth opportunities during the planning period. Describe any needs for workforce development, business support or infrastructure these changes may create.

Due to the COVID-19 pandemic, the County is responding with the following activities:

- Small business forgivable loans
- Rehabilitate and restore existing businesses (correct deteriorated conditions)
- Business grant/loan programs
- Technical assistance to businesses
- Mixed Use Projects that integrate Business and Residential activities
- Business Incubators

How do the skills and education of the current workforce correspond to employment opportunities in the jurisdiction?

To a certain extent, the workforce needs to be trained to provide an alternate function.

Based on data provided in the Occupations by Sector table, the top two occupational sectors are 1) Management, Business and Financial; and 2) Sales and Office. The Educational Attainment by Employment Status (Population 16 and Older) table indicates that approximately one third of the civilian employed population has a Bachelor's Degree or higher (245,147) and Some College or Associate's Degree (202,726).

There is a increased demand for a technologically-trained workforce to assist businesses to change their business model to adapt to a new normal. New employees are needed to keep up with these changes in technology. Technology has become an integral component even in everyday consumer needs like grocery delivery and transportation services.

Describe any current workforce training initiatives, including those supported by Workforce Investment Boards, community colleges and other organizations. Describe how these efforts will support the jurisdiction's Consolidated Plan.

South Florida Workforce Investment Board (SFWIB) dba Career Source South Florida: SFWIB encourages the development of training modules that facilitate career development in high demand occupational areas.

The Beacon Council: As Miami-Dade County's official economic development partner, The Beacon Council has worked to enhance the local business community by facilitating business investment and promoting the area as an ideal market for businesses to operate.

Miami-Dade County Targeted Jobs Incentive Fund (TJIF)**:** The TJIF is a County inducement program available only to companies from outside the County (with the exception of Palm Beach, Broward, and Monroe Counties) wishing to relocate here, and to Miami-Dade companies which undertake a business expansion and that create jobs as a result of the local expansion.

Does your jurisdiction participate in a Comprehensive Economic Development Strategy (CEDS)?

Yes

If so, what economic development initiatives are you undertaking that may be coordinated with the Consolidated Plan? If not, describe other local/regional plans or initiatives that impact economic growth.

The Comprehensive Economic Development Strategy (CEDS) for South Florida is a roadmap to diversify and strengthen the regional economy of Broward, Miami-Dade and Monroe Counties. The regional CEDS will guide federal and state investment priorities and funding sources and delineate lead organizations' responsibilities for execution of the CEDS, while bringing together public and private sectors leaders and decision-makers. This is not a plan for the South Florida Regional Planning Council; rather, it is a strategy for the communities and businesses of South Florida.

Miami-Dade County utilizes the county economic development powers in Florida Statutes Chapter 125.045 to provide an economic development program that spurs real estate development. The County expends public funds for economic development activities, including developing infrastructure, leasing or conveying real property, and making grants to private enterprises for the expansion of businesses existing in the community or the attraction of new businesses into the community. County funds or land conveyances are provided in exchange for the private businesses providing jobs to the local community.

Discussion

The development of non-housing community development assets is a priority for Miami-Dade County. The County will continue to utilize its power to lease and convey real property and to provide funding sources where possible to attract private investment to bring jobs to the community.

MA-50 Needs and Market Analysis Discussion

Are there areas where households with multiple housing problems are concentrated? (include a definition of "concentration")

The most impoverished neighborhoods have the most multiple housing problems. These areas, such as Liberty/Model City and Opa-Locka have older and deteriorating housing stock and many residents are seniors and/or low-income and are unable to maintain their housing.

For the purpose of this analysis, "concentration" is defined as an area that are comprised of multiple low-moderate income contiguous census block groups, characterized by a high percentage of residential land use, and where at least 69% of the population is defined as "low-income" with incomes at or below 80% of Area Median Income (AMI). For housing conditions is defined as the physical state of a house which lacks complete plumbing facilities, lacks complete kitchen facilities, more than one person per room or are cost burden beyond 30% of incomes is paid in rent or mortgage.

Are there any areas in the jurisdiction where racial or ethnic minorities or low-income families are concentrated? (include a definition of "concentration")

See concentration definitions above. See map. The County is proposing using a regional construct to identify poverty in Miami-Dade County. The County will be divided into North, Central and South regions.

The areas in red are the most vulnerable regions. The North and South regions have the highest impoverished residents with Liberty/Model City and Opa-Locka being two areas which historically has a high concentration of Black residents and low-income residents. The South region areas with high concentration of low-come families and minorities are the Goulds, Naranja/Leisure City areas of Miami-Dade.

What are the characteristics of the market in these areas/neighborhoods?

The housing market in areas of minority concentration saw gross rents increase 15.8% between 2013 and 2018. Even so, the median gross rent as a percentage of income, while remaining very high, fell slightly, from 43% in 2013 to 41.8% in 2018. The median home value in 2018 dollars grew by nearly 38% between 2013 and 2018 from $204,690 to $252,587. The fastest growth in home values was in the low end of the market with the lower quartile value growing 39.6% between 2013 and 2018 from $137,876 to $172,806 in inflation adjusted dollars.

The housing market in areas of minority concentration saw gross rents increase 15.8% between 2013 and 2018. Even so, the median gross rent as a percentage of income, while remaining very high, fell slightly, from 44.1% in 2013 to 43% in 2018. The median home value in 2018 dollars grew by nearly 25% between 2013 and 2018 from $179,979 to $201,415. The fastest growth in home values was in the low

end of the market with the lower quartile value growing 33.5% between 2013 and 2018 from $107,564 to $128,871 in inflation adjusted dollars.

Are there any community assets in these areas/neighborhoods?

1. Many of these neighborhoods have significant community assets upon which to build, including:

- Availability of in-fill lots for future development of single-family and multi-family housing;
- Lower housing costs than in other areas of the County, which has the potential to attract new home buyers to these underserved areas;
- Connectivity to major highways and accessibility to transportation and employment hubs;
- Access to institutions of higher education, creating opportunities for unique community partnerships with such institutions as University of Miami and Miami-Dade College;
- Access to public transportation, including the Miami-Dade Busway and Metrorail system;
- generations of families who have remained committed to the improvement of the area; and,
- County-owned parks and recreational facilities

Are there other strategic opportunities in any of these areas?

es. The County will continues to explore new funding and financing opportunities, similar to Opportunity Zones or other financial and economic development incentives that may be authorized during the planning period. These resources will be used as a vehicle to improve our most impoverished neighborhoods and give economic opportunities to the residents in these communities. In addition, the County continues to seek public/private ventures with developers to address the varied housing stock opportunities, including: affordable housing, small development and incentivizing property owners to rehabilitate housing that could be potentially lost to the affordable housing market.

MA-60 Broadband Needs of Housing occupied by Low- and Moderate-Income Households - 91.210(a)(4), 91.310(a)(2)

Describe the need for broadband wiring and connections for households, including low- and moderate-income households and neighborhoods.

Households in many residential neighborhoods within Miami-Dade County are not able to connect to the internet. A number of low- and moderate-income neighborhoods and areas scattered throughout the County are in need of installing broadband wiring to increase wireless internet connectivity. Currently, a majority of those households that have internet connectivity are paying for it through a monthly bill payment to a commercial wireless provider to a single-family home, or a multi-family residential apartment. WiFi tends to be available predominantly in the commercial corridors within the County.

The need for internet connectivity greatly increased in early 2020, as a result of the COVID-19 pandemic, with the need for children to study from home and many adults in the workforce to work from home. Internet connectivity will continue to be critical, as a majority of Miami-Dade County residents are working virtually from home to keep businesses and service industry functions up and running.

Describe the need for increased competition by having more than one broadband Internet service provider serve the jurisdiction.

Although there are a number of broadband providers that serve Miami-Dade County, there is a need for increased competition. Miami is an underserved market, with a substantial segment of the population that remains without internet connectivity. The County will continue to reach out to representatives from broadband and internet providers, to make them aware of the need for better internet connectivity in Miami-Dade County.

The following is a list of the top eight broadband and high speed internet providers in Miami-Dade County: Atlantic Broadband, AT&T, AT&T Fiber, Comcast Xfinity, Google Fiber, Hughes Net, Spectrum and Viasat. All wireless networks are not equal. Competition is best achieved by comparing the service capacities between entities.

MA-65 Hazard Mitigation - 91.210(a)(5), 91.310(a)(3)

Describe the jurisdiction's increased natural hazard risks associated with climate change.

According to data reported to the Miami Herald by the South Florida Regional Climate Leadership Summit in December 2019, the sea level in the southeast Florida region is projected to rise between 17 and 31 inches in the time period from 2020 through 2060. Local leaders in governments are planning to protect infrastructure and assets to account for up to a two-foot sea level rise by 2060. In Miami-Dade County, sea level rise will cause increased flooding events in lower elevation residential neighborhoods over the next five to fifty years. King tides and sea level rise will lead to an increased incidence and regularity of flooding events.

Miami-Dade County has approximately 100,000 septic systems within neighborhoods all throughout the county. Many of these septic systems are vulnerable now, or will become vulnerable as groundwater and sea levels rise. The County will implement existing recommendations to address these vulnerabilities and reduce the potential impacts from septic systems on human health and the health of our natural systems, including Biscayne Bay. The costs to convert septic systems are substantial and must be pursued in a methodical and phased approach to address the systems that pose the highest risk.

Miami-Dade County is considering implementing measures to achieve the near-term connection of an estimated 12,000 properties on septic systems that currently have sewer lines abutting their property. To support this, the County should continue to implement a program to facilitate the installation of public laterals, to support the connection to public sewer, and to abandon septic systems.

Miami-Dade County is considering prioritizing the decommissioning of septic systems with compromised functionality, including the approximately 9,200 within the Water and Sewer Department's service area that are identified as most vulnerable to rising groundwater by 2040. To support this, the County should implement a program to prioritize installing sanitary sewer infrastructure in the highest priority areas.

Describe the vulnerability to these risks of housing occupied by low- and moderate-income households based on an analysis of data, findings, and methods.

Regulatory and Economic Resources conducted an analysis of the vulnerability of the County's public housing and county-owned affordable housing. Factors such as flooding inundation and securing facilities where seniors reside.

Lower elevation residential neighborhoods in Miami-Dade County often tend to be the neighborhoods that are more economically vulnerable to natural hazard risks. Many of the low- and moderate-income neighborhoods that were identified in this Consolidated Plan as economically vulnerable areas by the Miami-Dade County Department of Regulatory and Economic Resources are also those neighborhoods

that are only five feet above sea level and tend to flood more often. These economically vulnerable neighborhoods are scattered throughout the county, with clusters in the central, western, southern, and northern parts of the County that are further away from the Atlantic Coast. The more affluent neighborhoods in Miami-Dade County are typically located to the east and at nine feet above sea level, near the Atlantic Coast and along the limerock ridge along and east of U. S. Highway 1/Biscayne Boulevard/South Dixie Highway.

The Miami-Dade County Department of Regulatory and Economic Resources Office of Resiliency is recommending the designation of Little River as an Adaptation Action Area. This involves extensive community engagement and builds on previous and ongoing efforts by the University of Miami, The CLEO Institute, Catalyst Miami and Florida International University. This is helping to create a shared understanding of current issues and future risk, feasible adaptation approaches and tools, and a path forward for neighborhood improvements and increased planning and project investment. It will also involve leveraging new and existing funding at the right time to raise roads or seawalls, install parks, open spaces and blue infrastructure, and connect residents on vulnerable septic systems to sewer. This improved coordination for resilient infrastructure upgrades can also support efforts in Community Redevelopment Areas and Opportunity Zones.

Strategic Plan

SP-05 Overview

Strategic Plan Overview

As required by the United States Department of Housing and Urban Development (HUD) a strategic plan is due to HUD. Miami-Dade County's (the County's) last plan was for the five year period 2013-2017. The County received permission from HUD to extend its current plan until 2019. The County has identified the following areas of concentration for the strategic plan: decent housing, economic development, suitable living environment and the citizen participation plan. Activities to support health and human services and neighborhood and unincorporated area municipal services (recreation and culture, enabling strategies, transportation, public safety) are important as well. As part of the strategic plan the County has identified that it is necessary to make the provision of very low, low and moderate income households to decent, sustainable, affordable housing. The County continues to identify and address those very low and low and moderate income households that impacted by sea level rising and are part of the digital divide. The Office of Sustainability is working closely with the Department of Public Housing and Community Development (PHCD) to address sea level rise and the implementation of those strategies that would be most advantageous to very and low and moderate income households.

SP-10 Geographic Priorities – 91.215 (a)(1)

Geographic Area

Table 47 - Geographic Priority Areas

1	**Area Name:**	Countywide Regional Eligible Strategy Area - Central
	Area Type:	Strategy area
	Other Target Area Description:	
	HUD Approval Date:	11/30/2020
	% of Low/ Mod:	
	Revital Type:	
	Other Revital Description:	
	Identify the neighborhood boundaries for this target area.	
	Include specific housing and commercial characteristics of this target area.	
	How did your consultation and citizen participation process help you to identify this neighborhood as a target area?	
	Identify the needs in this target area.	
	What are the opportunities for improvement in this target area?	
	Are there barriers to improvement in this target area?	
2	**Area Name:**	Countywide Regional Eligible Strategy Area - North
	Area Type:	Strategy area
	Other Target Area Description:	
	HUD Approval Date:	11/30/2020
	% of Low/ Mod:	
	Revital Type:	
	Other Revital Description:	
	Identify the neighborhood boundaries for this target area.	
	Include specific housing and commercial characteristics of this target area.	

	How did your consultation and citizen participation process help you to identify this neighborhood as a target area?	
	Identify the needs in this target area.	
	What are the opportunities for improvement in this target area?	
	Are there barriers to improvement in this target area?	
3	**Area Name:**	Countywide Regional Eligible Strategy Area - South
	Area Type:	Strategy area
	Other Target Area Description:	
	HUD Approval Date:	11/30/2020
	% of Low/ Mod:	
	Revital Type:	
	Other Revital Description:	
	Identify the neighborhood boundaries for this target area.	
	Include specific housing and commercial characteristics of this target area.	
	How did your consultation and citizen participation process help you to identify this neighborhood as a target area?	
	Identify the needs in this target area.	
	What are the opportunities for improvement in this target area?	
	Are there barriers to improvement in this target area?	

General Allocation Priorities

Describe the basis for allocating investments geographically within the jurisdiction (or within the EMSA for HOPWA)

Beginning with program year 2020, Miami-Dade County is focusing on a regional perspective that will assist low- and moderate-income areas. Exhibit 1 is a map of block groups with a majority of low- to moderate-income persons and residential land use greater than 50.0% that are not located in entitlement cities. The map shows 321 census block groups within Miami-Dade County that qualify as low- and moderate-income areas (LMA)s.

During the process of identifying and mapping low- and moderate-income areas, clusters of poverty remain in areas of the County that have traditionally been impoverished, including: Brownsville,

Pinewood, West Little River, Opa-Locka, Sweetwater, Richmond Heights, West Perrine, South Miami Heights, Goulds, Naranja and Leisure City areas. However, more than 100 eligible low-to-moderate-income block groups emerged that are not adjacent to the strategy/target areas that were included in Miami-Dade County's 2013-2017 Consolidated Plan.

Miami-Dade County is proposing to allocate investments geographically to a newly identified Countywide Regional Eligible Strategy Area, consisting of the following eligible low- and moderate-income areas:

Ives Estates north unincorporated area

Aventura Isles neighborhood west of Ives Estates south unincorporated area

Country Club of Miami south unincorporated area

Unincorporated area west of Miami Gardens, Acadia Park

City of North Miami Beach multiple areas

City of Sunny Isles Beach north and south ends

Town of Miami Lakes southwest portion

City of Opa-Locka multiple areas, Magnolia North neighborhood

Biscayne Shores and Gardens unincorporated area

City of Miami Springs south end

Virginia Gardens west end

Brownsville unincorporated area Olinda Park and Partners Park

Gladeview unincorporated area eastern portion Greynolds Park

West Little River unincorporated area northern and western portions Arcola Lakes Park

City of Sweetwater

Unincorporated area Ruben Dario Park and The Women's Park

Coral Lakes unincorporated area

Tamiami Lakes unincorporated area

City of Coral Gables northern end

City of West Miami west side

Olympia Heights unincorporated area

Westwood Lakes unincorporated area

University Park east unincorporated area

Westchester unincorporated area west

portions of West Kendall and Kendale Lakes unincorporated areas

portions of Southridge and South Miami Heights unincorporated areas

Richmond Heights unincorporated area west

Unincorporated areas east and west of Zoo Miami

Goulds unincorporated area

Modello unincorporated area

Princeton unincorporated area

Leisure City unincorporated area

Naranja unincorporated area

Quail Roost unincorporated area west of SW 184th Street and SW 186 Street busway terminals

West Perrine unincorporated area

Town of Cutler Bay south

City of Florida City south

A number of these newly identified low- and moderate-income areas are in participating municipalities, and a number of them are in unincorporated Miami-Dade County. In an effort to address poverty Countywide, Miami-Dade County is proposing a regional eligible strategy area model with North, Central

and South regions, instead of the previous model that targeted a majority of Community Development Block Grant funds to specific target areas. The regional model will allow the County to address the needs of impoverished communities throughout Miami-Dade County by providing CDBG funds to serve eligible projects and activities in any and all low- and moderate-income eligible areas, in unincorporated areas or participating municipalities.

SP-25 Priority Needs - 91.215(a)(2)

Priority Needs

Table 48 – Priority Needs Summary

1	**Priority Need Name**	Economic Development
	Priority Level	High
	Population	Extremely Low Low Moderate Middle Large Families Families with Children Elderly Public Housing Residents Chronic Homelessness Individuals Families with Children Mentally Ill Chronic Substance Abuse veterans Persons with HIV/AIDS Victims of Domestic Violence Unaccompanied Youth Elderly Persons with Mental Disabilities Persons with Physical Disabilities Persons with Developmental Disabilities Persons with Alcohol or Other Addictions Persons with HIV/AIDS and their Families Victims of Domestic Violence Non-housing Community Development
	Geographic Areas Affected	Countywide Regional Eligible Strategy Area - North Countywide Regional Eligible Strategy Area - Central Countywide Regional Eligible Strategy Area - South
	Associated Goals	Microenterprise Lending & Technical Assistance Special Economic Development Business Incubators Technical Assistance to Businesses

	Description	CDBG funds will be leveraged to foster economic development activities that create jobs for low and moderate income persons, create or expand community based businesses, and assist businesses of the County's Eligible Block group areas. This investment strategy strives to fully engage low- income residents in the implementation of economic development activities that directly impact their target areas, and create empowerment and self-sufficiency opportunities for low income persons to reduce generational poverty in federally assisted and public housing.
	Basis for Relative Priority	Miami Dade County's Anti-Poverty Plan is not a housing plan; it is and economic development plan that increases the income and job opportunities for low income households. Deep economic challenges have resulted in a higher unemployment rates, particularly among the County's adult population without a high school diploma. In addition, children are also adversely affected, with a high percentage of the children living below the poverty level due to current economic conditions.
2	**Priority Need Name**	Affordable Housing
	Priority Level	High

	Population	Extremely Low Low Moderate Middle Large Families Families with Children Elderly Rural Chronic Homelessness Individuals Families with Children Mentally Ill Chronic Substance Abuse veterans Persons with HIV/AIDS Victims of Domestic Violence Unaccompanied Youth Persons with Mental Disabilities Persons with Physical Disabilities Persons with Developmental Disabilities Persons with Alcohol or Other Addictions Persons with HIV/AIDS and their Families Victims of Domestic Violence Non-housing Community Development
	Geographic Areas Affected	Countywide Regional Eligible Strategy Area - North Countywide Regional Eligible Strategy Area - Central Countywide Regional Eligible Strategy Area - South
	Associated Goals	Tenant Based Rental Assistance Program Administration Rehabilitation/Reconstruction of Rental Housing New Construction Homeownership Homeowner Sewer Connections
	Description	Target: Very low income Renter Households with income levels under 30% AMI and Rent Burden >50%. This segment of the County's population has the most severe Rent Burden, with over 50% of income spent on housing.

	Basis for Relative Priority	Elderly- This demographic group has evidenced the most significant needs in the County with the largest percentage with low incomes and high cost burdened households. This group typically has fixed incomes which are below the level that can afford market rate housing. Combined with health issues, this target group has a severe need for assistance. Youth- The characteristics of this target group reveal that they have minimal to no income and have no support system. If housing was not provided under this program, this group would likely be considered as "Unaccompanied Youth Homeless" Homeless- This target group also has minimal to no income with little support. The use of the funds for this group will alleviate the pressure on providing homeless shelter and support services.
3	**Priority Need Name**	Emergency Shelter for the Homeless
	Priority Level	High
	Population	Rural Chronic Homelessness Individuals Families with Children Mentally Ill Chronic Substance Abuse veterans Persons with HIV/AIDS Victims of Domestic Violence Unaccompanied Youth
	Geographic Areas Affected	Countywide Regional Eligible Strategy Area - North Countywide Regional Eligible Strategy Area - Central Countywide Regional Eligible Strategy Area - South
	Associated Goals	Emergency Overnight Shelter Program Administration
	Description	Provide operating support for the Emergency Shelter, for Homeless Families and Individuals.
	Basis for Relative Priority	Homeless individuals and families, and those at-risk of homelessness are typically unable to access decent, affordable rental housing due to insufficient household income, high rates of unemployment, mental impairment, or other socio-economic issues.
4	**Priority Need Name**	Public Services

	Priority Level	High
	Population	Extremely Low Low Moderate Middle Large Families Families with Children Elderly Public Housing Residents Rural Chronic Homelessness Individuals Families with Children Mentally Ill Chronic Substance Abuse veterans Persons with HIV/AIDS Victims of Domestic Violence Unaccompanied Youth Elderly Frail Elderly Persons with Mental Disabilities Persons with Physical Disabilities Persons with Developmental Disabilities Persons with Alcohol or Other Addictions Persons with HIV/AIDS and their Families Victims of Domestic Violence Non-housing Community Development
	Geographic Areas Affected	Countywide Regional Eligible Strategy Area - North Countywide Regional Eligible Strategy Area - Central Countywide Regional Eligible Strategy Area - South

	Associated Goals	Public Service Programs Upgrades to Public Facilities/Capital Improvements Program Administration Educational Programs Senior Services Program Services for Persons with Disabilities Child Care Services Health Services Youth Services Meals Program Employment Training
	Description	Public Services- Youth Services, Employment Training, Childcare Services, Health Services, and Mental Health Services. Target Low to moderate income residents on a County wide basis.
	Basis for Relative Priority	There is a high level of need for a variety of public service programs, including nutritional programs, afterschool and senior programs. This is based on consultation with various County Departments that provide public/social services on a County wide basis.
5	**Priority Need Name**	PHCD Program Administration
	Priority Level	Low

	Population	Extremely Low Low Moderate Middle Large Families Families with Children Elderly Public Housing Residents Rural Chronic Homelessness Individuals Families with Children Mentally Ill Chronic Substance Abuse veterans Persons with HIV/AIDS Victims of Domestic Violence Elderly Frail Elderly Persons with Mental Disabilities Persons with Physical Disabilities Persons with Developmental Disabilities Persons with Alcohol or Other Addictions Persons with HIV/AIDS and their Families Victims of Domestic Violence Non-housing Community Development
	Geographic Areas Affected	Countywide Regional Eligible Strategy Area - North Countywide Regional Eligible Strategy Area - Central Countywide Regional Eligible Strategy Area - South
	Associated Goals	Program Administration
	Description	PHCD annual administration and monitoring of CDBG, HOME and ESG programs.
	Basis for Relative Priority	PHCD continues to utilize a portion of CDBG, HOME and ESG funds for program administration and monitoring, subject to administrative caps for each of the respective programs. The administration funding is needed to support staff which administer the programs.
6	**Priority Need Name**	Suitable Living Environment
	Priority Level	High

	Population	Extremely Low Low Moderate Middle Large Families Families with Children Elderly Public Housing Residents
	Geographic Areas Affected	Countywide Regional Eligible Strategy Area - North Countywide Regional Eligible Strategy Area - Central Countywide Regional Eligible Strategy Area - South
	Associated Goals	Emergency Overnight Shelter Public Infrastructure Improvements Upgrades to Public Facilities/Capital Improvements Upgrades to Public Parks
	Description	Create a suitable living environment.
	Basis for Relative Priority	A suitable living environment is a high priority in Miami-Dade County.

Narrative (Optional)

The county has established its FY 2020-2024 priorities based on consultations with a host of stakeholders, including County agencies, participating municipalities, Community Development Corporations, the community and other organizations that represent the community, residents, and community activists. The County also met with agencies that have regional/metropolitan planning responsibilities. The establishment of the top priorities and goals identified in this new five year plan was done in collaboration with all of these entities to ascertain the priorities on a county wide basis.

SP-30 Influence of Market Conditions – 91.215 (b)

Influence of Market Conditions

Affordable Housing Type	Market Characteristics that will influence the use of funds available for housing type
Tenant Based Rental Assistance (TBRA)	Availability and leveraging of federal and state and local resources
TBRA for Non-Homeless Special Needs	Availability and leveraging of federal and state and local resources
New Unit Production	Availability and leveraging of federal, state and local resources; access to land; construction costs; financing
Rehabilitation	Availability and leveraging of federal, state and local resources; construction cost; financing
Acquisition, including preservation	Availability and leveraging of federal, state and local resources; access to land; construction cost; financing

Table 49 – Influence of Market Conditions

SP-35 Anticipated Resources - 91.215(a)(4), 91.220(c)(1,2)

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Introduction

Annually, Miami-Dade County allocates its federal, state and local funds based on need and the ability of the project or activity to address the stated needs of the community and the neighborhood.

Miami-Dade County uses a competitive application process to select eligible activities for each Fiscal Year. The funding recommendations confer higher priorities to activities that were outlined in each year's Action Plan and the Overall Activities and Goals of the Consolidated Plan.

The priorities are based on the unmet needs in the community as well as consultation with the community. Priority is given to activities that are located in eligible block groups with high poverty, overcrowding, and low-to-moderate income populations.

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Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan $	Narrative Description
			Annual Allocation: $	Program Income: $	Prior Year Resources: $	Total: $		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	11,261,380	5,492,434	0	16,753,814	56,306,900	The 2020 CDBG Annual Allocation is a slight increase compared to FY 2019. The 2020 CDBG Allocation is the net amount available after deducting $1,947,751.39 as a Voluntary Grant Reduction.

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan $	Narrative Description
			Annual Allocation: $	Program Income: $	Prior Year Resources: $	Total: $		
HOME	public - federal	Acquisition Homebuyer assistance Homeowner rehab Multifamily rental new construction Multifamily rental rehab New construction for ownership TBRA	4,962,281	1,644,775	0	6,607,056	24,811,405	The 2020 HOME Annual Allocation is a slight increase compared to FY 2019

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Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan $	Narrative Description
			Annual Allocation: $	Program Income: $	Prior Year Resources: $	Total: $		
ESG	public - federal	Conversion and rehab for transitional housing Financial Assistance Overnight shelter Rapid re-housing (rental assistance) Rental Assistance Services Transitional housing	1,127,686	0	0	1,127,686	5,638,430	The 2020 ESG Annual Allocation is a slight increase compared to the 2019 Annual Allocations.

Table 50 - Anticipated Resources

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

If appropriate, describe publically owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

The County has publicly owned land/property that, when appropriate, is utilized for affordable housing or economic development activities. Miami-Dade County is partnering with Miami-Dade County Public Schools to provide housing and economic development activities on land owned by public schools.

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Discussion

PHCD is continually seeking to identify resources to fund improvements which provide support to a wide range of housing, public facility, capital improvement, and economic development needs in Miami-Dade County.

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SP-40 Institutional Delivery Structure – 91.215(k)

Explain the institutional structure through which the jurisdiction will carry out its consolidated plan including private industry, non-profit organizations, and public institutions.

Responsible Entity	Responsible Entity Type	Role	Geographic Area Served
Black Economic Development Coalition, Inc.	Non-profit organizations	Economic Development	Jurisdiction
Neighbors and Neighbors Association, Inc.	Non-profit organizations	Economic Development	Jurisdiction
South Florida Puerto Rican Chamber of Commerce, Inc.	Non-profit organizations	Economic Development	Jurisdiction
Partners for Self Employment	Non-profit organizations	Economic Development	Jurisdiction
City of South Miami	Government	neighborhood improvements public services	Jurisdiction
City of Sweetwater	Government	neighborhood improvements public facilities	Jurisdiction
ASSISTANCE TO THE ELDERLY	Non-profit organizations	Homelessness Rental public facilities	Jurisdiction
THELMA GIBSON HEALTH INITIATIVE, INC.	Non-profit organizations	public services	Jurisdiction
Camillus House, Inc.	Non-profit organizations	Homelessness Rental	Jurisdiction
Citrus Health Network, Inc.	Non-profit organizations	Homelessness	Jurisdiction

Table 51 - Institutional Delivery Structure

Assess of Strengths and Gaps in the Institutional Delivery System

Above is a list of the top ten entities that the County works with in its delivery system.

The primary strengths in the institutional delivery system are the level of experience of agencies, both public and private, in Miami-Dade County that serve a broad range of needs, including housing, economic development, public services, and public facilities and capital improvements.

Among the weaknesses of the institutional delivery system is a lack of organizational capacity, in the form of both financial capacity and human capital, of nonprofit groups and service providers to implement programs, projects, and activities. Further, a major weakness in the institutional delivery system is the relatively fragile financial state of many of the County's nonprofit housing developers and social service providers. Some of these groups have developed a dependency on County/federal funds for both operations and program services, and have failed to cultivate and establish relationships with the corporate and foundation sectors to attract operating and programmatic capital to their efforts, thereby enabling them to further leverage the County's investment of federal funds. Without such efforts, these organizations are not able to create a viable financial model to sustain their operations. As federal funding becomes increasingly scarce, this will have a corresponding impact on the ability of these fragile agencies to sustain their operations and to continue their important community revitalization efforts.

Availability of services targeted to homeless persons and persons with HIV and mainstream services

Homelessness Prevention Services	Available in the Community	Targeted to Homeless	Targeted to People with HIV
Homelessness Prevention Services			
Counseling/Advocacy	X	X	X
Legal Assistance	X	X	
Mortgage Assistance	X		
Rental Assistance	X	X	
Utilities Assistance	X	X	
Street Outreach Services			
Law Enforcement		X	
Mobile Clinics	X	X	
Other Street Outreach Services	X	X	
Supportive Services			
Alcohol & Drug Abuse	X	X	
Child Care	X	X	
Education	X	X	
Employment and Employment Training	X	X	X
Healthcare		X	
HIV/AIDS	X	X	
Life Skills		X	
Mental Health Counseling	X	X	
Transportation		X	
Other			
		X	

Table 52 - Homeless Prevention Services Summary

Describe how the service delivery system including, but not limited to, the services listed above meet the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth)

The Miami-Dade Homeless Trust has set future goals of rehousing 3000 persons. These persons will come from the emergency shelter system, transitional housing, non-congregate housing and street outreach. The rehousing will include chronically homeless (individuals or families), persons with HIV (though the City of Miami provide HIV services to all of Miami-Dade County. Clients must be referred through the Housing Trust's coordinated chronic outreach effort. Coordinated outreach is a program funded by the Trust which provides behavioral health outreach workers who work alongside the Housing Trust's regular outreach workers targeting chronically homeless persons).

Describe the strengths and gaps of the service delivery system for special needs population and persons experiencing homelessness, including, but not limited to, the services listed above

The primary strengths in the institutional delivery system are the number and variety of agencies, both public and private, in Miami-Dade County that serve a broad range of needs for special needs population and persons experiencing homelessness.

Among the gaps of the delivery system is the dearth of organization capacity, in the form of both financial capacity and human capital, of nonprofit groups and service providers to implement programs, projects, and activities. Further, a major weakness in the institutional delivery system is the relatively fragile financial state of many of the County's nonprofit housing developers and social service providers. Many of these groups have developed a dependency on County/federal funds for both operations and program services, and have failed to cultivate and establish relationships with the corporate and foundation sectors to attract operating and programmatic capital to their efforts, thereby enabling them to further leverage the County's investment of federal funds. Without such efforts, these organizations are not able to create a viable financial model to sustain their operations. As federal funding becomes increasingly scarce, this will have a corresponding impact on the ability of these fragile agencies to sustain their operations and to continue their important community revitalization efforts.

Provide a summary of the strategy for overcoming gaps in the institutional structure and service delivery system for carrying out a strategy to address priority needs

To overcome gaps in the institutional structure the County is working to insure that the State and local resources are aligned with the federal resources allowable to the County. The County will be utilizing demographic information along with community outreach to ascertain where there are gaps in the institutional structure and service delivery. The County is conferring with service providers and receiving information that informs the County where services are needed. The TBRA program is constantly being re-examined to make sure this funding source (HOME) is meeting the needs of community residents.

The County plans to show more flexibility in making changes so that it will be able to redirect funding to areas that have been identified as in need of services. In addition, potential service providers are vetted to insure that they have the capacity to provide the services they have been contracted to carry out. The County will continue to carry out training and technical assistance programs that work to enhance the organizational and real estate development capacity of these organizations. The County will also encourage such organizations to partner with more experienced and better capitalized for-profit development entities, many of which either already have a strong presence in many of the County's low-income target areas, or seek to expand their presence in such areas.

SP-45 Goals Summary – 91.215(a)(4)

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Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Microenterprise Lending & Technical Assistance	2020	2024	Non-Housing Community Development	Countywide Regional Eligible Strategy Area - North Countywide Regional Eligible Strategy Area - Central Countywide Regional Eligible Strategy Area - South	Economic Development	CDBG: $1,580,844	Jobs created/retained: 200 Jobs
2	Tenant Based Rental Assistance	2020	2024	Affordable Housing	Countywide Regional Eligible Strategy Area - North Countywide Regional Eligible Strategy Area	Affordable Housing	HOME: $600,000 ESG: $468,000	Tenant-based rental assistance / Rapid Rehousing: 400 Households Assisted

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Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
					- Central Countywide Regional Eligible Strategy Area – South			
3	Special Economic Development	2020	2024	Non-Housing Community Development	Countywide Regional Eligible Strategy Area - North Countywide Regional Eligible Strategy Area - Central Countywide Regional Eligible Strategy Area - South	Economic Development	CDBG: $500,000	Jobs created/retained: 25 Jobs
4	New Construction of Rental Housing Units	2020	2024	Affordable Housing	Countywide Regional Eligible Strategy Area - North Countywide Regional		HOME: $5,510,828	Rental units constructed: 20 Household Housing Unit Rental units rehabilitated: 2 Household Housing Unit

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Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
					Eligible Strategy Area - Central Countywide Regional Eligible Strategy Area – South			
5	Owner Occupied Homeownership Rehabilitation	2020	2024	Affordable Housing	Countywide Regional Eligible Strategy Area - North Countywide Regional Eligible Strategy Area - Central Countywide Regional Eligible Strategy Area - South		CDBG: $324	Homeowner Housing Rehabilitated: 1 Household Housing Unit
6	Housing Code Enforcement and Graffiti Abatement	2020	2024	Affordable Housing	Countywide Regional Eligible Strategy Area - North		CDBG: $0	Housing Code Enforcement/Foreclosed Property Care: 0 Household Housing Unit

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
					Countywide Regional Eligible Strategy Area - Central Countywide Regional Eligible Strategy Area – South			
7	Emergency Overnight Shelter	2020	2024	Homeless	Countywide Regional Eligible Strategy Area - North Countywide Regional Eligible Strategy Area - Central Countywide Regional Eligible Strategy Area - South	Emergency Shelter for the Homeless Suitable Living Environment	ESG: $617,049	Overnight/Emergency Shelter/Transitional Housing Beds added: 240 Beds
8	Rapid Re-Housing Assistance	2020	2024	Homeless	Countywide Regional Eligible		ESG: $426,060	Homelessness Prevention: 300 Persons Assisted

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
					Strategy Area - North Countywide Regional Eligible Strategy Area - Central Countywide Regional Eligible Strategy Area – South			
10	Public Infrastructure Improvements	2020	2024	Non-Housing Community Development	Countywide Regional Eligible Strategy Area - North Countywide Regional Eligible Strategy Area - Central Countywide Regional Eligible Strategy Area - South	Suitable Living Environment	CDBG: $1,000,000	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 2 Persons Assisted

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
12	Public Service Programs	2020	2024	Non-Housing Community Development	Countywide Regional Eligible Strategy Area - North Countywide Regional Eligible Strategy Area - Central Countywide Regional Eligible Strategy Area - South	Public Services	CDBG: $1,000,000	Public service activities other than Low/Moderate Income Housing Benefit: 100 Persons Assisted
13	Upgrades to Public Facilities/Capital Improvements	2020	2024	Non-Housing Community Development	Countywide Regional Eligible Strategy Area - North Countywide Regional Eligible Strategy Area - Central Countywide Regional Eligible	Public Services Suitable Living Environment	CDBG: $100,000	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 2 Persons Assisted

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
					Strategy Area – South			
15	Code Enforcement	2020	2024	Non-Housing Community Development	Countywide Regional Eligible Strategy Area - North Countywide Regional Eligible Strategy Area - Central		CDBG: $0	Buildings Demolished: 0 Buildings Housing Code Enforcement/Foreclosed Property Care: 0 Household Housing Unit
16	Upgrades to Public Parks	2020	2024	Non-Housing Community Development	Countywide Regional Eligible Strategy Area - North Countywide Regional Eligible Strategy Area - Central Countywide Regional Eligible Strategy Area - South	Suitable Living Environment	CDBG: $500,000	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 1 Persons Assisted

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Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
17	Homebuyer Counseling and Education	2020	2024	Affordable Housing	Countywide Regional Eligible Strategy Area - North Countywide Regional Eligible Strategy Area - Central Countywide Regional Eligible Strategy Area - South		HOME: $0	Other: 0 Other
18	Program Administration	2020	2024	Affordable Housing Public Housing Homeless Non-Homeless Special Needs Non-Housing Community Development	Countywide Regional Eligible Strategy Area - North Countywide Regional Eligible Strategy Area - Central Countywide Regional Eligible	Affordable Housing Emergency Shelter for the Homeless Public Services PHCD Program Administration	CDBG: $11,261,380 HOME: $6,607,057 ESG: $1,127,688	Other: 1 Other

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
					Strategy Area – South			
19	Business Incubators	2020	2024	Non-Housing Community Development	Countywide Regional Eligible Strategy Area - North Countywide Regional Eligible Strategy Area - Central Countywide Regional Eligible Strategy Area - South	Economic Development		Jobs created/retained: 1 Jobs
20	Technical Assistance to Businesses	2020	2024	Non-Housing Community Development	Countywide Regional Eligible Strategy Area - North Countywide Regional Eligible Strategy Area - Central Countywide	Economic Development	CDBG: $400,000	

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
					Regional Eligible Strategy Area – South			
21	Rehabilitation/Reconstruction of Rental Housing	2020	2024	Affordable Housing	Countywide Regional Eligible Strategy Area - North Countywide Regional Eligible Strategy Area - Central Countywide Regional Eligible Strategy Area - South	Affordable Housing		Rental units constructed: 1 Household Housing Unit
22	New Construction Homeownership	2020	2024	Affordable Housing	Countywide Regional Eligible Strategy Area - North Countywide Regional Eligible Strategy Area	Affordable Housing		Homeowner Housing Added: 1 Household Housing Unit

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
					- Central Countywide Regional Eligible Strategy Area – South			
23	Senior Services Program	2020	2024	Non-Housing Community Development	Countywide Regional Eligible Strategy Area - North Countywide Regional Eligible Strategy Area - Central Countywide Regional Eligible Strategy Area - South	Public Services		Public service activities other than Low/Moderate Income Housing Benefit: 50 Persons Assisted
24	Educational Programs	2020	2024	Non-Housing Community Development	Countywide Regional Eligible Strategy Area - North Countywide Regional	Public Services		Public service activities other than Low/Moderate Income Housing Benefit: 1 Persons Assisted

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
					Eligible Strategy Area - Central Countywide Regional Eligible Strategy Area – South			
25	Homeowner Sewer Connections	2020	2024	Affordable Housing	Countywide Regional Eligible Strategy Area - North Countywide Regional Eligible Strategy Area - Central Countywide Regional Eligible Strategy Area - South	Affordable Housing		Homeowner Housing Rehabilitated: 1 Household Housing Unit
26	Services for Persons with Disabilities	2020	2024	Non-Housing Community Development	Countywide Regional Eligible Strategy Area - North	Public Services		Public service activities other than Low/Moderate Income Housing Benefit: 50 Persons Assisted

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Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
					Countywide Regional Eligible Strategy Area - Central Countywide Regional Eligible Strategy Area – South			
27	Child Care Services	2020	2024	Non-Housing Community Development	Countywide Regional Eligible Strategy Area - North Countywide Regional Eligible Strategy Area - Central Countywide Regional Eligible Strategy Area - South	Public Services		Public service activities other than Low/Moderate Income Housing Benefit: 50 Persons Assisted
28	Health Services	2020	2024	Non-Housing Community Development	Countywide Regional Eligible	Public Services		Public service activities other than Low/Moderate

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
					Strategy Area - North Countywide Regional Eligible Strategy Area - Central Countywide Regional Eligible Strategy Area - South			Income Housing Benefit: 50 Persons Assisted
29	Youth Services	2020	2024	Non-Housing Community Development	Countywide Regional Eligible Strategy Area - North Countywide Regional Eligible Strategy Area - Central Countywide Regional Eligible Strategy Area - South	Public Services		Public service activities other than Low/Moderate Income Housing Benefit: 50 Persons Assisted

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
30	Meals Program	2020	2024	Non-Housing Community Development	Countywide Regional Eligible Strategy Area - North Countywide Regional Eligible Strategy Area - Central Countywide Regional Eligible Strategy Area - South	Public Services		Public service activities other than Low/Moderate Income Housing Benefit: 50 Persons Assisted
31	Employment Training	2020	2024	Non-Housing Community Development	Countywide Regional Eligible Strategy Area - North Countywide Regional Eligible Strategy Area - Central Countywide Regional Eligible	Public Services		Public service activities other than Low/Moderate Income Housing Benefit: 50 Persons Assisted

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
					Strategy Area – South			

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Table 53 – Goals Summary

Goal Descriptions

1	**Goal Name**	Microenterprise Lending & Technical Assistance
	Goal Description	Job Creation
2	**Goal Name**	Tenant Based Rental Assistance
	Goal Description	Tenant Based Rental Assistance
3	**Goal Name**	Special Economic Development
	Goal Description	Job Creation
4	**Goal Name**	New Construction of Rental Housing Units
	Goal Description	Provide new construction of Rental Housing Units.
5	**Goal Name**	Owner Occupied Homeownership Rehabilitation
	Goal Description	Provide Owner Occupied Homeownership Rehabilitation

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6	**Goal Name**	Housing Code Enforcement and Graffiti Abatement
	Goal Description	Housing Code Enforcement and Graffiti Abatement
7	**Goal Name**	Emergency Overnight Shelter
	Goal Description	Emergency Overnight Shelter for the Homeless
8	**Goal Name**	Rapid Re-Housing Assistance
	Goal Description	Rapid Re-Housing Assistance
10	**Goal Name**	Public Infrastructure Improvements
	Goal Description	Public Infrastructure Improvements
12	**Goal Name**	Public Service Programs
	Goal Description	Public Service
13	**Goal Name**	Upgrades to Public Facilities/Capital Improvements
	Goal Description	Public Services, Senior Centers, Youth Centers
15	**Goal Name**	Code Enforcement
	Goal Description	Housing Code Enforcement & Graffiti Abatement
16	**Goal Name**	Upgrades to Public Parks
	Goal Description	Parks, Open Spaces and Recreational Facilities

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17	**Goal Name**	Homebuyer Counseling and Education
	Goal Description	Homebuyer Counseling and Education services
18	**Goal Name**	Program Administration
	Goal Description	Construction/Rehabilitation of Rental Housing, Emergency Shelter for the Homeless, Housing Code Enforcement & Graffiti Abatement, Job Creation, Microenterprise Lending and Technical Assistance, PHCD Program Administration, Parks, Recreational Facilities, Public Facilities and Capital Improvements, Public Infrastructure Improvements, Public Services, Rapid Re-Housing Assistance, Senior Centers, Youth Centers, Tenant Based Rental Assistance, Homebuyer Counseling and Education
19	**Goal Name**	Business Incubators
	Goal Description	Provide a space and training to assist new and start up small businesses.
20	**Goal Name**	Technical Assistance to Businesses
	Goal Description	Provide education and guidance to small businesses
21	**Goal Name**	Rehabilitation/Reconstruction of Rental Housing
	Goal Description	Provide rehabilitation and reconstruction of rental housing.
22	**Goal Name**	New Construction Homeownership
	Goal Description	Provide new construction of homeownership
23	**Goal Name**	Senior Services Program
	Goal Description	Provide services to residents over the age of 55.

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24	**Goal Name**	Educational Programs
	Goal Description	Provide educational programs for children, youth and seniors.
25	**Goal Name**	Homeowner Sewer Connections
	Goal Description	Provide sewer connections to homeowners, and remove septic tanks.
26	**Goal Name**	Services for Persons with Disabilities
	Goal Description	Provide Services for Persons with Disabilities
27	**Goal Name**	Child Care Services
	Goal Description	Child Care Services
28	**Goal Name**	Health Services
	Goal Description	Health Services
29	**Goal Name**	Youth Services
	Goal Description	Youth Programs
30	**Goal Name**	Meals Program
	Goal Description	Meals Program
31	**Goal Name**	Employment Training
	Goal Description	Employment Training

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Estimate the number of extremely low-income, low-income, and moderate-income families to whom the jurisdiction will provide affordable housing as defined by HOME 91.315(b)(2)

Utilizing the projected five year HOME allocation of $25,000,000 the County projects that a minimum of 50 households will be assisted annually through housing rehabilitation activities. This is likely to come in the form of housing rehabilitation to very low-income owner-occupied households and the rehabilitation of multi-family rental developments that will benefit, and be affordable to, very low-income households. Notwithstanding, the County expects to serve 1,450 very low-income households through its Tenant-based Rental Assistance (TBRA) Program.

SP-50 Public Housing Accessibility and Involvement – 91.215(c)

Need to Increase the Number of Accessible Units (if Required by a Section 504 Voluntary Compliance Agreement)

There are 38 residents seeking a reasonable accommodation for an UFAS unit. There are 218 applicants remaining on the waiting list which have indicated mobility aide accessibility or wheelchair accessibility.

Activities to Increase Resident Involvements

Resident Councils elections are held every three years. The last election cycle was March 2016 thru March 2019. As of this year, we have conducted twenty-one elections and another eight pending to be completed by December 2019. This election cycle is from March 2022 thru December 2022. These newly elected Resident Councils represent both elderly and family developments throughout PHCD. Resident Councils advocate for the rights of residents, coordinate activities for the benefit of all the residents of the developments they represent. In addition, we're in the process of scheduling a series of community meetings with all PHCD residents to discuss community concerns.

Is the public housing agency designated as troubled under 24 CFR part 902?

No

Plan to remove the 'troubled' designation

Not applicable

SP-55 Barriers to affordable housing – 91.215(h)

Barriers to Affordable Housing

Public policy is often considered a significant factor in Miami-Dade County's ability to address the current housing crisis. Governmental policy and regulation become a barrier when they prohibit or excessively increase the cost of new or rehabilitated affordable housing for the public. The negative effects of public policy include but are not limited to:

- Policies that inhibit land use
- Infrastructure costs as it relates to water and sewer connection fees
- Local building policies (design requirements)
- Development impact fees
- Property taxes

Strategy to Remove or Ameliorate the Barriers to Affordable Housing

Miami-Dade County continues to look for ways to address the lack of affordable housing, recognizing limited resources as one of its major concerns. As such, the Board of County Commissioners (BCC) established an Affordable Housing Trust to serve as a permanent, renewable source of revenue to assist with the housing needs of low to moderate income residents throughout the County. As of May 2020 the County has allocated $11,984,279 in revenues to further address affordable housing initiatives. The managing arm of the trust, the Affordable Housing Trust Fund Board focused efforts included awarding funds for the development of a 96 unit elderly housing development located in Commission District 5.

The County's enlisted strategy to remove or ameliorate barriers to housing affordability also includes consistent monitoring of adopted policy and procedures conducted by the Affordable Housing Advisory Board on a triennial basis. The Affordable Housing Advisory Board (AHAB) serves as the Affordable Housing Advisory Committee to the BCC. The Board is charged with reviewing established County policies and procedures, ordinances, land development regulations and adopted comprehensive plans to provide recommendations for initiatives that facilitate increasing affordable housing in Miami-Dade County. AHAB continuously explores opportunities to meet the County's housing needs, including the consideration prohibitive costs associated with building reasonably priced housing, AHAB efforts include promoting cost effectiveness through coordination with stakeholders, mitigating construction costs and increasing and improving developer incentives.

The County provides down payment assistance, home purchase assistance, funding for new construction and rehabilitation of affordable rental housing as well as homeownership options to increase the affordable housing stock for its residents. Additional efforts include promoting cost effectiveness through coordination with stakeholders, mitigating construction costs and increasing and improving developer incentives. Miami-Dade County implements a wide range of housing programs designed to

enhance housing opportunities for low- and moderate-income, individuals and families who are legal residents of the County.

Miami-Dade County recognizing the limited stock of land and resources created the Naturally Occurring Affordable Housing (NOAH) Preservation Program to incentivize the preservation and rehabilitation of existing NOAH rental units by providing rehabilitation financing to owners of existing single-family homes, duplexes or small rental housing developments. NOAH properties refer to unsubsidized privately owned residential properties that are lower in cost because they are older and usually poorly maintained. Rents charged for NOAH multifamily units are typically lower than those charged at market-rate units due to their age, condition, outdated design and location. However, many NOAH properties are desirable for tenants because of the location within neighborhoods that are convenient to places of work, worship, and transportation hubs, and because the rent is affordable. The goal of the NOAH Preservation Program is to preserve affordability by providing Miami-Dade County's low- and moderate-income households with access to decent housing that is convenient to jobs, transportation, and essential services.

SP-60 Homelessness Strategy – 91.215(d)

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The CoC has established a Coordinated Entry System (CES), covering the full geographic boundaries of Miami-Dade County. The CES coordinates access to CoC resources, housing need assessment, prioritization and referral for CoC permanent housing assistance and Homeless Management Information System (HMIS) data collection. Access to the CoC is through the CoC Helpline, the CoC Outreach, Assessment and Placement program (OAP), 12+ walk-in service centers, 5 youth & 5 DV focused access points and targeted in-reach at schools. The OAP street teams work cooperatively with specialized CE access points that provide on the phone, walk-in and outreach to youth (5 access points) and individuals and families who are fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, or stalking (5 access points). Homeless Helpline cards are distributed at police stations, social service agencies, and locations frequented by the homeless. OAP is fully staffed between 7:00 a.m. - 5:00 p.m. on weekdays and on-call after hours. The CES walk-in access points operate on weekends and holidays.

The CoC contracts with two Entitlement Jurisdictions to staff its OAP teams, the City of Miami and the City of Miami Beach. The City of Miami's OAP teams also serve the entirety of Miami-Dade County, except Miami Beach. Combined, the OAP teams have over 50 staff with central offices in Miami Beach, City of Miami and South Miami-Dade. Staff utilize city vehicles to canvas the boundaries of the CoC and provide transportation to unsheltered persons. OAP teams perform outreach, engagement, homeless verification, HMIS data collection, standardized assessment of need and provide transportation. OAP teams use mobile phones and tablets to complete real-time HMIS and vulnerability assessments.

OAP staff are co-located at the CES walk-in access point established at Camillus House, a Federally Qualified Health Center, ES, TH and PH provider with a long history of feeding and serving unsheltered persons. OAP staff are also located at the county jail and one floating team works with institutions that may discharge into homelessness (hospitals and crisis units). OAP teams cover indoor feeding sites. OAP is represented by staff with lived experience; youth; and English/Spanish/Creole speaking persons. OAP use sign language interpreters to assist persons who are deaf/hard of hearing and equipped to transport persons, including wheelchair accessible vehicles. OAP has access to shelters for persons with pets.

The CoC funds a Federally Qualified Health Center to provide specialized OAP with an emphasis on medical/behavioral health services to unsheltered persons refusing all services due to serious mental health/substance/alcohol dependence (Lazarus Project). The team is able to diagnose and treat in the field, earn trust and follow clients into PH. CoC partners with PATH-funded OAP to enhance coverage and access to MH/SA services, including detox and treatment.

Upon seeking CoC assistance, the individual or family is assessed for need and vulnerability utilizing a uniform assessment tool, the Vulnerability Index & Service Prioritization Decision Assistance Tool (VI-

SPDAT). Information collected through the VI-SPDAT is entered into the HMIS, which assists in facilitating referrals and prioritization. The CoC prioritizes persons with the longest history of homelessness and greatest vulnerability for PH. The person or family is placed on a By Name List (BNL) maintained by the CoC Housing Coordinator for referral and placement into PSH or RRH, based on the household assessment and the CoC's Orders of Priority. BNLs are kept for unsheltered persons, youth, families, veterans, chronic homeless and persons over the age of 55.

Addressing the emergency and transitional housing needs of homeless persons

The CoC employs the following strategies to address the emergency and transitional housing needs of homeless persons: Diversion assists persons facing homelessness to either remain where they have been living or identify alternate safe and suitable housing arrangements to avoid entry to emergency shelter. Mediation assistance and flexible cash assistance are offered to overcome barriers to housing arrangements. Emergency Housing provides temporary shelter, food, showers, clothing, food, mail, telephones, and medical care in shelters, benefits, job training/employment and community-based resources. Shelters' housing case management and housing navigation assistance supports rapid exit from homelessness into permanent housing. Two shelters provide services for homeless persons with pets. Families with minor children encountered by street outreach or that call the Homeless Helpline are placed into emergency housing or temporarily placed in hotels, funded with the local Food and Beverage (F&B) Tax and provided with food vouchers. Families in hotels receive case management through Chapman Partnership, and can request legal services for landlord mediation, vocational training, supportive employment and childcare. The CoC partners with Head Start and Miami-Dade County Public Schools to ensure that a family's education is not disrupted by homelessness. Emergency Shelter Standards of Care ensure that shelters incorporate policies to keep families intact and stop discrimination due to the age of a minor child, sexual orientation, gender identity or marital status. Dedicated Domestic Violence Shelter and Transitional Housing; Human Trafficking Coordination of Services The Homeless Trust oversees 15% of local Food & Beverage tax proceeds dedicated to addressing immediate housing needs of domestic violence survivors. Emergency Shelter is provided by Victims Response, Inc. (aka. The Lodge) and Miami-Dade Community Action and Human Services Department (CAHSD). Transitional housing is provided by CAHSD's Inn Transition. Plans are underway for a new 60-bed domestic violence shelter to address unmet needs of survivors of domestic violence and their children. Dedicated Unaccompanied Youth Shelter and Transitional Beds The housing needs of homeless youth are addressed by 12 beds at Citrus FRAT and 12 LGBTQA+ beds at Citrus Safe Haven; Camillus House offers 12 emergency beds; Lotus House offers 38 female beds; the Runaway & Homeless Youth Program at Miami Bridge Youth and Family Services offers 10 beds; former foster youth served at Casa Valentina and Emmaus Place with 21 beds; Our Kids, Chapman Partnership and Carrfour Supportive Housing serve youth, and Educate Tomorrow, Pridelines/Project SAFE and the Alliance for LGBTQ Youth. In 2018, Miami-Dade added two youth focused CoC access points, Pridelines and Educate Tomorrow, to HMIS participating agencies. In December 2017, the Homeless Trust (CoC) and Helping Our Miami-Dade Youth Collective (HOMY), issued the *Comprehensive Plan to Prevent & End Youth Homelessness in Miami-Dade County.* A Safe Haven serves homeless persons with severe mental illness living on the streets who are unable to participate in supportive services. It provides 24-hour residence for an

unspecified duration without requiring participation in services as a condition of occupancy. Hopefully, safe haven participants will seek a permanent housing situation. Transitional Housing with Rapid Re-Housing is a CoC strategy to rapidly rehouse homeless youth using a Housing First approach that does not require income or service participation requirements. It supports permanent housing options for homeless single adults and families, and transitional housing to support the criminally involved with severe mental illness, substance abusers, survivors of domestic violence and unaccompanied youth.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again.

The CoC is working with individuals and families to exit from homelessness into permanent housing quickly by (1) housing-focused case planning and placement coordination; (2) identifying, and reducing barriers to accessing permanent housing; and (3) providing resources and support to promote the household's housing stability.

<u>*Shortening Length of Homelessness:*</u> *Diversion* assists homeless persons to access safe and suitable housing options to avoid entry into emergency shelter, which includes mediating conflict w/roommates or family, flexible cash assistance or offer relocation assistance to support networks; *Street Level Housing Placement Coordination* through case staffing to place homeless persons into permanent housing, predominantly permanent supportive housing, directly from the street; *Emergency Shelter Rapid Re-Housing (RRH) Strategies* to rehouse sheltered individuals and families which include family reunification, relocation assistance, RRH assistance and participation in coordination for PSH placement.

<u>*CoC Strategies to Increase Access to Permanent Housing*</u>*:* ***Permanent Housing Rental Assistance:*** time-limited rent assistance under the RRH Program and long-term rent assistance with supportive services for persons with a disability in need of greater support; ***Housing Navigation & Stability Services:*** housing navigation and stability services as may be required to facilitate placement into permanent housing as quickly as possible, in a manner designed for long-term housing stability. Services performed by providers may include helping clients with obtaining documentation (homeless verification documents; disability certification, proof of veteran status, and proof of income or non-income); initiation of benefit applications; assistance with housing search and tenant applications, and accompanying them to all housing related appointments. ***Landlord Recruitment, Retention & Risk Mitigation Fund Program:*** RentConnect recruits private landlords to expand housing options for those assisted with RRH or scattered site PSH, offering landlords an online listing tool, direct landlord liaison services and risk mitigation funds, and trainings for CoC housing navigators; ***Reduction of Barriers to Tenancy:*** negotiating with property owners to reduce tenancy application requirements; ***Move-In***

Assistance: assistance with rental and utility deposits and other related moving costs; ***Expansion of Permanent Housing Options through Local Partnerships:*** The CoC expanded the reach of McKinney Vento and F & B funds to provide permanent housing options through: (1) partnerships with affordable housing developers and Multifamily property owners to set aside units expressly for CoC referrals; (2) partnerships with PHAs who have established homeless preferences for Section 8 vouchers and public housing, awarded project-based vouchers to permanent supportive housing developments, established a voucher preference to support the CoC's Move-Up Program for persons no longer requiring supportive housing to free up PSH for those in need; and agreement to rehabilitate off-line public housing units with F & B funds in exchange for unit referral under a homeless preference; (3) partnerships with Entitlement Jurisdictions, local government SHIP recipients, VA and state programs to direct ESG, HOME, SSVF, Temporary Assistance for Needy Families, Emergency Food & Shelter Program to the CoC's rapid rehousing strategy; and Florida Housing Finance Corporation awards to create new PSH units.

Help low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families who are likely to become homeless after being discharged from a publicly funded institution or system of care, or who are receiving assistance from public and private agencies that address housing, health, social services, employment, education or youth needs

Discharge Coordination: In 2008, an interagency agreement establishing policies to prevent institutional discharge into the streets was executed by more than a dozen organizations, including the Miami Dade Homeless Trust; Department of Corrections and Rehabilitation; Florida Department of Children and Families; State of Florida 11th Judicial Circuit; Jackson Memorial Hospital/Public Health Trust; Our Kids, Inc. Foster Care; the State Attorney's Office, and; six mental health agencies, including receiving facilities. Mental Health Crisis units contact the CoC ÂÂÂ funded MOA coordinator prior to patient discharge when placement options are not readily available. Referrals are coordinated into crisis outplacement beds funded by the State through the CoC and the 11th Judicial Circuit of Florida Criminal Mental Health Program.

The Mental Health Diversion Facility, a conversion of a former state psychiatric hospital, will provide a comprehensive and coordinated system of care for individuals with serious mental illnesses who are frequent and costly recidivists to the criminal justice system, homeless continuum of care, and acute care medical and mental health treatment systems. When completed, the facility will house a comprehensive array of treatment and support services including screening and assessment, crisis stabilization and detox services, various levels of residential treatment, substance use and trauma-related treatment services, outpatient behavioral health and primary care treatment, crisis respite services, and employment/vocational training services. Community re-entry support services will assist individuals with permanent housing placement and linkages to basic needs after discharge, including ongoing treatment, housing, medications, clothing, and food. The facility will include space for the

courts and social service agencies, such as housing providers, legal services, and immigration services that will address the comprehensive needs of individuals served.

Prevention Helpline and Referral for Assistance: The Homeless Trust funds a county-wide Prevention Helpline operated by Camillus House. The helpline connects persons at risk of homelessness due to eviction or foreclosure with prevention assistance funded by the F&B Tax, Entitlement Jurisdictions ESG, EFSP administered by the United Way of Miami-Dade and Veteran Affairs SSVF Program. Such assistance is made available through the prevention programs operated by Camillus House and HAND (Homeless Assistance Network of Dade, Inc. led by Citrus Health Network). Assistance includes rental or mortgage assistance, including assistance with payments in arrears, rent and security deposits as well as moving and storage costs. HAND partners with the CAHSD to accept and process walk-in applications for HAND assistance at its 12 Community Service Centers, which co-locate services that address housing, health, social services, employment, and education.

Legal Assistance with evictions and foreclosures is provided by a network of attorneys funded through Citrus. Legal Services of Greater Miami-Dade, Inc. (LSGMD) is funded with F&B and provides housing-related legal services, Fair Housing and housing advocacy.

SP-65 Lead based paint Hazards – 91.215(i)

Actions to address LBP hazards and increase access to housing without LBP hazards

It should be noted that Lead Based Paint (LBP) hazards are declining nationwide and in Miami-Dade County. The Miami-Dade Department of Public Housing and Community Development (PHCD) works very closely the Miami-Dade County Health Department (MDCHD). MDCHD has a Healthy Homes and Lead Poisoning Prevention Program which since its inception in 1999, has set a goal of increasing primary prevention activities and lead screening among children at high risk to lead poisoning and following federal guidelines does targeted screening of children for lead poisoning. PHCD continues to institute policies and procedures that will alleviate the potential of lead based poisoning for the residents of Miami-Dade County in alignment with the federal Healthy People Initiative which aims to decrease in children from a low of 10µg/dl to 1.4g/dl. PHCD currently employs the following methods to address LBP hazards:

- Prohibition of lead based paints in all contracts funded through HOME and and CDBG
- All Tenant Based Rental Assistance (TBRA) sub-recipients must conduct LBP inspections prior to renting a housing unit to a client and most provide PHCD with a copy. Any exemptions to Subpart M of the LBP regulations must be documented on HSQ report report.
- Identify lead-based hazards in housing rehabilitation sites through the HUD environmental review process and require mediation if needed.
- Monitoring adherence to PHCD's lead-based paint requirements through staff monitoring on an annual basis

Housing without LBP hazards is being reduced because all new construction and rehabilitation projects must agree to use LBP-free paints which is closely monitored by staff.

How are the actions listed above related to the extent of lead poisoning and hazards?

As previously mentioned, in working closely with MDCHD PHCD thereby strengthening the department's lead-based paint policies. In particular, the department works with the MDCHD insure through education, monitoring and outreach that residents are provided information concerning LBP hazards. By adopting to and adhering to local and federal requirement regarding LBP such as requiring HQS inspections indicating if there is or is not lead-based paint present and monitoring through site visits and documentation will result in a decrease in LBP occurrences.

How are the actions listed above integrated into housing policies and procedures?

PHCD's LBP requirements are part of the contracts of entities receiving funding and therefore enforceable.The requirements are also monitored by construction and project management staff through site visits and office visits that check for the proper LBP-free documentation.

SP-70 Anti-Poverty Strategy – 91.215(j)

Jurisdiction Goals, Programs and Policies for reducing the number of Poverty-Level Families

Miami-Dade County's goal is to reduce the number of poverty-level families is through the continuous provision of urban revitalization projects in the form of community development and affordable housing development projects. Specific County programs to reduce the number of poverty-level families include but are not limited to:

· Neighborhood revitalization and stabilization activities;

· Continual utilization of CDBG and HOME funds as mechanisms to fund housing and non-housing (economic development and public service) initiatives that provide low- and moderate-income persons with affordable housing, access to capital, jobs/employment, and educational opportunities;

· Affordable housing opportunities for all segments of the community: very low, low and low-moderate income residents, disabled residents, public housing residents, Section 8 Voucher recipients, formerly homeless individuals/families, and workforce housing;

· Reduction in the number of homeless families through the Continuum of Care as administered by the Miami-Dade County Homeless Trust through its service providers; and

· Public/private partnerships that leverage opportunities in housing and economic development for the community.

How are the Jurisdiction poverty reducing goals, programs, and policies coordinated with this affordable housing plan

Miami-Dade County's implementation of the anti-poverty strategies is a cooperative effort between multiple County agencies including Miami-Dade Public Housing and Community Development as the administrator of CDBG, HOME, ESG, and other federal/state programs; the Miami-Dade Homeless Trust and the Miami-Dade Community Action and Human Services Department for work with the homeless and other special needs populations; and, the South Florida Workforce Investment Board along with its' partner agencies for their roles in job training.

PHCD utilizes CDBG, HOME, ESG, as well as local Surtax funds, in the coordination and implementation of the County's affordable housing plan. CDBG funds support economic development initiatives that foster job-creation for low- and moderate-income persons, provide much need capital to community-based businesses, and assist businesses that provide services needed by low- and moderate-income residents. HOME and local Surtax funds are utilized for new construction or rehabilitation of multi-family affordable housing and rehabilitate single-family housing for low-to-moderate income homeowners. Moreover, HOME funds to provide construction and permanent financing for rental housing development, as well as first and second mortgage financing to assist very low- and low-to-moderate

income families to purchase a home. For rental housing developed with HOME funds, at least 20% of all units must be affordable to very low-income households.

The needs of very low-income households, particularly renters and homeless persons, have been established as highest in priority in the Consolidated Plan. The County will focus its HOME resources on assisting these families through the provision of Tenant-based Rental Assistance (TBRA) and through the construction or rehabilitation of affordable rental housing. The Miami-Dade Public Housing and Community Development will continue to promote Section 3, as well as training and job programs as a method to provide employment opportunities to public and assisted housing residents. Because poor housing is a result of poverty and not the cause of it, the primary focus of the Anti-Poverty Plan must be the creation of decent employment opportunities.

SP-80 Monitoring – 91.230

Describe the standards and procedures that the jurisdiction will use to monitor activities carried out in furtherance of the plan and will use to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements

Every activity is monitored on an annual basis. The awardee will receive either a remote/desk or on-site review, which is determined by a risk assessment that analyzes the awardee's compliance history and the nature of the activity in comparison to the plan.

If the activity is determined to be low risk, a desk review will be done. High risk activities and activities that received more than one finding in the previous year of monitoring receives an on-site review. All funded program activities receive an on-site review every three years. Each project monitoring is inclusive of but not limited to the organization's structure, the management of financial, personnel, procurement, construction and project management processes. Following the review, the awardee receives a report of findings and concerns, which must be addressed within a specified time period. Awardees that do not correct and address the findings will not be recommended for future funding.

To ensure minority business outreach, PHCD annually funds three different agencies from the CDBG public service allocation. These agencies provide outreach and technical assistance to minority businesses throughout the County.

Expected Resources

AP-15 Expected Resources – 91.220(c)(1,2)

Introduction

Annually, Miami-Dade County allocates its federal, state and local funds based on need and the ability of the project or activity to address the stated needs of the community and the neighborhood.

Miami-Dade County uses a competitive application process to select eligible activities for each Fiscal Year. The funding recommendations confer higher priorities to activities that were outlined in each year's Action Plan and the Overall Activities and Goals of the Consolidated Plan.

The priorities are based on the unmet needs in the community as well as consultation with the community. Priority is given to activities that are

located in eligible block groups with high poverty, overcrowding, and low-to-moderate income populations.

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Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan $	Narrative Description
			Annual Allocation: $	Program Income: $	Prior Year Resources: $	Total: $		
CDBG	public – federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	11,261,380	5,492,434	0	16,753,814	56,306,900	The 2020 CDBG Annual Allocation is a slight increase compared to FY 2019. The 2020 CDBG Allocation is the net amount available after deducting $1,947,751.39 as a Voluntary Grant Reduction.

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Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan $	Narrative Description
			Annual Allocation: $	Program Income: $	Prior Year Resources: $	Total: $		
HOME	public – federal	Acquisition Homebuyer assistance Homeowner rehab Multifamily rental new construction Multifamily rental rehab New construction for ownership TBRA	4,962,281	1,644,775	0	6,607,056	24,811,405	The 2020 HOME Annual Allocation is a slight increase compared to FY 2019

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Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan $	Narrative Description
			Annual Allocation: $	Program Income: $	Prior Year Resources: $	Total: $		
ESG	public – federal	Conversion and rehab for transitional housing Financial Assistance Overnight shelter Rapid re-housing (rental assistance) Rental Assistance Services Transitional housing	1,127,686	0	0	1,127,686	5,638,430	The 2020 ESG Annual Allocation is a slight increase compared to the 2019 Annual Allocations.

Table 54 - Expected Resources – Priority Table

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

If appropriate, describe publically owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

The County has publicly owned land/property that, when appropriate, is utilized for affordable housing or economic development activities. Miami-Dade County is partnering with Miami-Dade County Public Schools to provide housing and economic development activities on land owned by public schools.

Discussion

PHCD is continually seeking to identify resources to fund improvements which provide support to a wide range of housing, public facility, capital improvement, and economic development needs in Miami-Dade County.

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Annual Goals and Objectives

AP-20 Annual Goals and Objectives

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Microenterprise Lending & Technical Assistance	2020	2024	Non-Housing Community Development	Countywide Regional Eligible Strategy Area - North Countywide Regional Eligible Strategy Area - Central Countywide Regional Eligible Strategy Area - South	Economic Development	CDBG: $800,000	Jobs created/retained: 35 Jobs

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Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
2	Tenant Based Rental Assistance	2020	2024	Affordable Housing	Countywide Regional Eligible Strategy Area - North Countywide Regional Eligible Strategy Area - Central Countywide Regional Eligible Strategy Area - South	Affordable Housing	HOME: $300,000 ESG: $426,061	Tenant-based rental assistance / Rapid Rehousing: 650 Households Assisted
3	Special Economic Development	2020	2024	Non-Housing Community Development	Countywide Regional Eligible Strategy Area - North Countywide Regional Eligible Strategy Area - Central Countywide Regional Eligible Strategy Area - South	Economic Development	CDBG: $500,000	Jobs created/retained: 15 Jobs

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
4	New Construction of Rental Housing Units	2020	2024	Affordable Housing	Countywide Regional Eligible Strategy Area - North Countywide Regional Eligible Strategy Area - Central Countywide Regional Eligible Strategy Area - South	Affordable Housing	HOME: $5,510,828	Rental units constructed: 25 Household Housing Unit Rental units rehabilitated: 25 Household Housing Unit
5	Owner Occupied Homeownership Rehabilitation	2020	2024	Affordable Housing	Countywide Regional Eligible Strategy Area - North Countywide Regional Eligible Strategy Area - Central Countywide Regional Eligible Strategy Area - South	Affordable Housing	CDBG: $324 HOME: $0	Homeowner Housing Rehabilitated: 3 Household Housing Unit

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
7	Emergency Overnight Shelter	2020	2024	Homeless	Countywide Regional Eligible Strategy Area - North Countywide Regional Eligible Strategy Area - Central Countywide Regional Eligible Strategy Area - South	Emergency Shelter for the Homeless	CDBG: $617,049	Overnight/Emergency Shelter/Transitional Housing Beds added: 240 Beds
10	Public Infrastructure Improvements	2020	2024	Non-Housing Community Development	Countywide Regional Eligible Strategy Area - North Countywide Regional Eligible Strategy Area - Central Countywide Regional Eligible Strategy Area - South	Suitable Living Environment	CDBG: $1,650,565	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 15 Persons Assisted Public Facility or Infrastructure Activities for Low/Moderate Income Housing Benefit: 25 Households Assisted

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
12	Public Service Programs	2020	2024	Non-Housing Community Development	Countywide Regional Eligible Strategy Area - North Countywide Regional Eligible Strategy Area - Central Countywide Regional Eligible Strategy Area - South	Public Services	CDBG: $1,085,122	Public service activities other than Low/Moderate Income Housing Benefit: 845 Persons Assisted
13	Upgrades to Public Facilities/Capital Improvements	2020	2024	Non-Housing Community Development	Countywide Regional Eligible Strategy Area - North Countywide Regional Eligible Strategy Area - Central Countywide Regional Eligible Strategy Area - South	Suitable Living Environment	CDBG: $1,650,565	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 5 Persons Assisted

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
18	Program Administration	2020	2024	Affordable Housing Public Housing Homeless Non-Homeless Special Needs Non-Housing Community Development	Countywide Regional Eligible Strategy Area - North Countywide Regional Eligible Strategy Area - Central Countywide Regional Eligible Strategy Area - South	Economic Development Affordable Housing Emergency Shelter for the Homeless Public Services PHCD Program Administration	CDBG: $2,252,276 HOME: $496,228 ESG: $84,576	Other: 1 Other
19	Technical Assistance to Businesses	2020	2024	Non-Housing Community Development	Countywide Regional Eligible Strategy Area - North Countywide Regional Eligible Strategy Area - Central Countywide Regional Eligible Strategy Area - South	Public Services	CDBG: $630,000	Businesses assisted: 150 Businesses Assisted

Table 55 – Goals Summary

Goal Descriptions

1	**Goal Name**	Microenterprise Lending & Technical Assistance
	Goal Description	Provide microloans and technical assistance to small businesses to create jobs.
2	**Goal Name**	Tenant Based Rental Assistance
	Goal Description	
3	**Goal Name**	Special Economic Development
	Goal Description	Special Economic Development: Create up to 15 jobs, with 51 percent or more of those jobs for low- and moderate-income persons.
4	**Goal Name**	New Construction of Rental Housing Units
	Goal Description	Provide funding for new construction and/or rehabilitation of mult-family rental housing.
5	**Goal Name**	Owner Occupied Homeownership Rehabilitation
	Goal Description	Housing Rehabiliation for 3 low mod income families
7	**Goal Name**	Emergency Overnight Shelter
	Goal Description	Emergency Shelter program provides emergency services to persons who are homeless.
10	**Goal Name**	Public Infrastructure Improvements
	Goal Description	Provide public infrastructure improvements.

12	**Goal Name**	Public Service Programs
	Goal Description	
13	**Goal Name**	Upgrades to Public Facilities/Capital Improvements
	Goal Description	Provide upgrades to public facilities and capital improvements.
18	**Goal Name**	Program Administration
	Goal Description	Administration of CDBG, HOME and ESG activities.
19	**Goal Name**	Technical Assistance to Businesses
	Goal Description	

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Projects

AP-35 Projects – 91.220(d)

Introduction

The 2020 Action Plan represents the goals, activities and projects for the first year of Miami-Dade County's Five Year Consolidated Plan (2020-2024). The funding allocated is to address a variety of community priorities. Through the planning process the County looked at priorities identified by the community, and placed funding in those areas. This Action Plan seeks to prioritize economic development activities, housing needs, and public services in the County's North, Central and South Eligible Block Groups.

Projects

#	Project Name
1	PHCD Public Service for COVID-19 Response Countywide
2	Greater Miami Service Corps., Youth Employment Training
3	Teen Upward Bound - Enrichment Camp
4	The ARC of South Florida, Youth Special Needs Program
5	Jewish Community Services, Senior Services Program
6	Miami Lighthouse for the Blind Youth Program
7	City of South Miami Senior Meals Program
8	Thelma Gibson Health Initiative, Inc. Job Readiness/Placement and Family Stabilization
9	Thelma Gibson Health Initiative, Inc. Counseling/Social Service Support
10	Rebuilding Together Miami-Dade, Inc. Housing Rehabilitation
11	Little Havana Activities and Nutrition Center Senior Meals Program
12	Three Virtues Organization, Inc. Senior Meals Program
13	Curley's House of Style, Inc., Elderly Meals Program
14	Neighbors and Neighbors Association, Inc., Technical Assistance to Businesses
15	Miami-Dade Chamber of Commerce Technical Assistance to Businesses
16	Hispanic Business Initiative of Florida dba Prospera
17	South Florida Puerto Rican Chamber of Commerce Technical Assistance to Businesses
18	Branches, Inc. Assets Miami
19	Dynamic Community Development Corporation Technical Assistance Program
20	79th Street Corridor Neighborhood Initiative Technical Assistance to Businesses
23	Neighbors and Neighbors, Inc. Accelerate South Dade Business Incubator
24	Neighbors and Neighbors Association, Inc ESBDH Business Incubator/Goulds BRC
25	Public Housing and Community Development Special Economic Development set-aside

#	Project Name
26	Public Housing and Community Development Section 108 Loan Payment
27	Public Housing and Community Development Roadway Improvement Project in the City of Opa-Locka
28	Public Housing and Community Development Midway Area Roadway Improvements
29	Public Housing and Community Development Sewer Infrastructure Improvement Project
30	Easter Seals of South Florida, Inc. Miami Gardens Building Improvements
31	Neighbors and Neighbors Association, Inc Re-purpose Former School for Use as Community Center
32	Public Housing and Community Development Administration of CARES Act CDBG-CV Funds
33	Public Housing and Community Development Administration of 2020 CDBG Program Grant
34	Public Housing and Community Development Housing Development
35	Assistance to the Elderly, Inc. Tenant Based Rental Assistance
36	Camillus House Homeless Tenant Based Rental Assistance
37	Public Housing and Community Development HOME Program Administration
38	Public Housing and Community Development Emergency Solutions Grant

Table 56 – Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

AP-38 Project Summary

Project Summary Information

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1	**Project Name**	PHCD Public Service for COVID-19 Response Countywide
	Target Area	Countywide Regional Eligible Strategy Area - North Countywide Regional Eligible Strategy Area - Central Countywide Regional Eligible Strategy Area - South
	Goals Supported	Public Service Programs
	Needs Addressed	Public Services
	Funding	CDBG: $953,325
	Description	Provide public services for COVID-19 response countywide, allocated in each commission district.
	Target Date	12/31/2020
	Estimate the number and type of families that will benefit from the proposed activities	95 low- and moderate-income families.
	Location Description	Multiple locations, countywide.
	Planned Activities	Provide public services for COVID-19 response countywide, allocated in each commission district.
2	**Project Name**	Greater Miami Service Corps., Youth Employment Training
	Target Area	Countywide Regional Eligible Strategy Area - North
	Goals Supported	Public Service Programs
	Needs Addressed	Public Services
	Funding	CDBG: $48,108
	Description	To provide 25 18-24 year olds with an opportunity to earn their GED or high school diploma, gain industry credentials paid and unpaid work experience, job training, and employment. [CDF 1 = $48,107.94]
	Target Date	12/31/2020
	Estimate the number and type of families that will benefit from the proposed activities	25 low- and moderate-income families
	Location Description	810 NW 28th Street, Miami, Florda 33127 and 15355 Harding Lane, Miami, Florida 33033

	Planned Activities	Provide 25 18-24 year olds with an opportunity to earn their GED or high school diploma, gain industry credentials paid and unpaid work experience, job training, and employment.
3	**Project Name**	Teen Upward Bound - Enrichment Camp
	Target Area	Countywide Regional Eligible Strategy Area - North
	Goals Supported	Public Service Programs
	Needs Addressed	Public Services
	Funding	CDBG: $47,216
	Description	Provide tutoring and after school activities for youth ages 5-18. [CDF 1 = $47,216.06]
	Target Date	12/31/2020
	Estimate the number and type of families that will benefit from the proposed activities	25 low- and moderate-income families
	Location Description	Activity Address 717 Opa-Locka Blvd., Opa-Locka, FL 33054. Main Office 3869 NW 125th Street, Opa-Locka, FL 33054.
	Planned Activities	Provide tutoring and after school activities for youth ages 5-18.
4	**Project Name**	The ARC of South Florida, Youth Special Needs Program
	Target Area	Countywide Regional Eligible Strategy Area - North
	Goals Supported	Public Service Programs
	Needs Addressed	Public Services
	Funding	CDBG: $25,324
	Description	Provide a program for 45 children with developmental delays and disabilities.
	Target Date	12/31/2020
	Estimate the number and type of families that will benefit from the proposed activities	45 low- and moderate-income families
	Location Description	15389 NW 79th Court, Hialeah, Florida 33016

	Planned Activities	Provide a program for 45 children with developmental delays and disabilities.
5	**Project Name**	Jewish Community Services, Senior Services Program
	Target Area	Countywide Regional Eligible Strategy Area - North
	Goals Supported	Public Service Programs
	Needs Addressed	Public Services
	Funding	CDBG: $35,000
	Description	Provide a senior service program to serve 100 seniors with meals and medical supplies. [CDF 4 = $35,000]
	Target Date	12/31/2020
	Estimate the number and type of families that will benefit from the proposed activities	100 low- and moderate-income families.
	Location Description	735 NE 125th Street, Miami, Florida 33161
	Planned Activities	Provide a senior service program to serve 100 seniors with meals and medical supplies.
6	**Project Name**	Miami Lighthouse for the Blind Youth Program
	Target Area	Countywide Regional Eligible Strategy Area - North
	Goals Supported	Public Service Programs
	Needs Addressed	Public Services
	Funding	CDBG: $35,000
	Description	Program to serve visually impaired youth with emphasis on kindergarten and first grade. [CDF 4 = $35,000]
	Target Date	12/31/2020
	Estimate the number and type of families that will benefit from the proposed activities	35 low- and moderate-income families.
	Location Description	601 SW 8th Avenue, Miami, Florida 33130
	Planned Activities	Program to serve visually impaired youth with emphasis on kindergarten and first grade.

7	**Project Name**	City of South Miami Senior Meals Program
	Target Area	Countywide Regional Eligible Strategy Area - South
	Goals Supported	Public Service Programs
	Needs Addressed	Public Services
	Funding	CDBG: $30,000
	Description	Senior meals program to serve 75 senior residents of District 7. [CDF 7 = $30,000]
	Target Date	12/31/2020
	Estimate the number and type of families that will benefit from the proposed activities	70 low- and moderate-income seniors.
	Location Description	6701 SW 62nd Avenue, South Miami, Florida 33143
	Planned Activities	Senior meals program to serve 75 senior residents of District 7.
8	**Project Name**	Thelma Gibson Health Initiative, Inc. Job Readiness/Placement and Family Stabilization
	Target Area	Countywide Regional Eligible Strategy Area - Central Countywide Regional Eligible Strategy Area - South
	Goals Supported	Public Service Programs
	Needs Addressed	Public Services
	Funding	CDBG: $35,000
	Description	Job readiness and placement program with family stabilization services. [CDF 7 = $35,000]
	Target Date	12/31/2020
	Estimate the number and type of families that will benefit from the proposed activities	35 low- and moderate-income families.
	Location Description	3750 South Dixie Highway, Miami, Florida 33133
	Planned Activities	Job readiness and placement program with family stabilization services.
	Project Name	Thelma Gibson Health Initiative, Inc. Counseling/Social Service Support

9	**Target Area**	Countywide Regional Eligible Strategy Area - Central Countywide Regional Eligible Strategy Area - South
	Goals Supported	Public Service Programs
	Needs Addressed	Public Services
	Funding	CDBG: $30,000
	Description	Social Services program providing life skills. [CDF 7 = $30,000]
	Target Date	12/31/2020
	Estimate the number and type of families that will benefit from the proposed activities	30 low- and moderate-income families.
	Location Description	3750 South Dixie Highway, Miami, Florida 33133
	Planned Activities	Social Services program providing life skills.
10	**Project Name**	Rebuilding Together Miami-Dade, Inc. Housing Rehabilitation
	Target Area	Countywide Regional Eligible Strategy Area - Central Countywide Regional Eligible Strategy Area - South
	Goals Supported	Owner Occupied Homeownership Rehabilitation
	Needs Addressed	Affordable Housing
	Funding	CDBG: $324
	Description	Housing rehabilitation for low- and moderate-income homeowners. [CDF 7 = $324]Note: $18,994.12 in reallocated CDBG funding, CDF 2019 District 7 is also being provided to this activity, for a total of $19,318.12
	Target Date	12/31/2020
	Estimate the number and type of families that will benefit from the proposed activities	3 low- and moderate-income families.
	Location Description	Multiple locations within District 7. Office address: 3628 Grand Avenue, Miami, Florida 33133
	Planned Activities	Housing rehabilitation for low- and moderate-income homeowners.
11	**Project Name**	Little Havana Activities and Nutrition Center Senior Meals Program
	Target Area	Countywide Regional Eligible Strategy Area - Central

	Goals Supported	Public Service Programs
	Needs Addressed	Public Services
	Funding	CDBG: $114,475
	Description	Provide a senior meals program.
	Target Date	12/31/2020
	Estimate the number and type of families that will benefit from the proposed activities	114 low- and moderate-income families.
	Location Description	700 SW 8th Street, Miami, Florida 33130
	Planned Activities	Provide a senior meals program.
12	**Project Name**	Three Virtues Organization, Inc. Senior Meals Program
	Target Area	Countywide Regional Eligible Strategy Area - South
	Goals Supported	Public Service Programs
	Needs Addressed	Public Services
	Funding	CDBG: $20,000
	Description	Provide nutritional snacks for families.
	Target Date	12/31/2020
	Estimate the number and type of families that will benefit from the proposed activities	20 low- and moderate-income seniors.
	Location Description	283 South Krome Avenue, Homestead, Florida 33030
	Planned Activities	Provide nutritional snacks for families.
13	**Project Name**	Curley's House of Style, Inc., Elderly Meals Program
	Target Area	Countywide Regional Eligible Strategy Area - North
	Goals Supported	Public Service Programs
	Needs Addressed	Public Services
	Funding	CDBG: $35,000
	Description	Provide increased bulk meals for elderly clients in the community.
	Target Date	12/31/2020

	Estimate the number and type of families that will benefit from the proposed activities	35 low- and moderate-income families.
	Location Description	6025 NW 6th Court, Miami, Florida 33127
	Planned Activities	Provide increased bulk meals for elderly clients in the community.
14	**Project Name**	Neighbors and Neighbors Association, Inc., Technical Assistance to Businesses
	Target Area	Countywide Regional Eligible Strategy Area - North Countywide Regional Eligible Strategy Area - Central Countywide Regional Eligible Strategy Area - South
	Goals Supported	Microenterprise Lending & Technical Assistance
	Needs Addressed	Public Services
	Funding	CDBG: $90,000
	Description	Provide technical assistance to 50 businesses Countywide.
	Target Date	12/31/2020
	Estimate the number and type of families that will benefit from the proposed activities	Provide technical assistance to 50 businesses Countywide.
	Location Description	5120 NW 24th Avenue, Miami, Florida 33142
	Planned Activities	Provide technical assistance to 50 businesses Countywide.
15	**Project Name**	Miami-Dade Chamber of Commerce Technical Assistance to Businesses
	Target Area	Countywide Regional Eligible Strategy Area - North Countywide Regional Eligible Strategy Area - Central Countywide Regional Eligible Strategy Area - South
	Goals Supported	Microenterprise Lending & Technical Assistance
	Needs Addressed	Public Services
	Funding	CDBG: $90,000
	Description	Provide business technical assistance to 40 L/M businesses.
	Target Date	12/31/2020

	Estimate the number and type of families that will benefit from the proposed activities	Provide business technical assistance to 40 low and moderate income businesses.
	Location Description	100 South Biscayne Boulevard, Miami, Florida 33131
	Planned Activities	Provide business technical assistance to 40 low and moderate income businesses.
16	**Project Name**	Hispanic Business Initiative of Florida dba Prospera
	Target Area	Countywide Regional Eligible Strategy Area - North Countywide Regional Eligible Strategy Area - Central Countywide Regional Eligible Strategy Area - South
	Goals Supported	Microenterprise Lending & Technical Assistance
	Needs Addressed	Public Services
	Funding	CDBG: $90,000
	Description	Technical assistance to 170 small business owners including training, one-on-one consulting and grants.
	Target Date	12/31/2020
	Estimate the number and type of families that will benefit from the proposed activities	Technical assistance to 170 small business owners including training, one-on-one counsulting and grants.
	Location Description	2305 NW 107 Avenue, Suite 1M17, Miami, Florida 33172
	Planned Activities	Technical assistance to 170 small business owners including training, one-on-one counsulting and grants.
17	**Project Name**	South Florida Puerto Rican Chamber of Commerce Technical Assistance to Businesses
	Target Area	Countywide Regional Eligible Strategy Area - North Countywide Regional Eligible Strategy Area - Central Countywide Regional Eligible Strategy Area - South
	Goals Supported	Technical Assistance to Businesses
	Needs Addressed	Economic Development
	Funding	CDBG: $90,000
	Description	Provide business technical assistance to 40 L/M businesses.

	Target Date	12/31/2020
	Estimate the number and type of families that will benefit from the proposed activities	
	Location Description	
	Planned Activities	
18	**Project Name**	Branches, Inc. Assets Miami
	Target Area	Countywide Regional Eligible Strategy Area - North Countywide Regional Eligible Strategy Area - Central Countywide Regional Eligible Strategy Area - South
	Goals Supported	Technical Assistance to Businesses
	Needs Addressed	Economic Development
	Funding	CDBG: $90,000
	Description	Technical Assistance to 50 small businesses.
	Target Date	12/31/2020
	Estimate the number and type of families that will benefit from the proposed activities	
	Location Description	
	Planned Activities	
19	**Project Name**	Dynamic Community Development Corporation Technical Assistance Program
	Target Area	Countywide Regional Eligible Strategy Area - North Countywide Regional Eligible Strategy Area - Central Countywide Regional Eligible Strategy Area - South
	Goals Supported	Technical Assistance to Businesses
	Needs Addressed	Economic Development
	Funding	CDBG: $90,000
	Description	Provide business technical assistance to 40 low/medium businesses.
	Target Date	12/31/2020

	Estimate the number and type of families that will benefit from the proposed activities	
	Location Description	
	Planned Activities	
20	**Project Name**	79th Street Corridor Neighborhood Initiative Technical Assistance to Businesses
	Target Area	Countywide Regional Eligible Strategy Area - North Countywide Regional Eligible Strategy Area - Central Countywide Regional Eligible Strategy Area - South
	Goals Supported	Technical Assistance to Businesses
	Needs Addressed	Economic Development
	Funding	CDBG: $90,000
	Description	Technical assistance to 40 businesses.
	Target Date	12/31/2020
	Estimate the number and type of families that will benefit from the proposed activities	
	Location Description	
	Planned Activities	
21	**Project Name**	Neighbors and Neighbors, Inc. Accelerate South Dade Business Incubator
	Target Area	Countywide Regional Eligible Strategy Area - North Countywide Regional Eligible Strategy Area - Central Countywide Regional Eligible Strategy Area - South
	Goals Supported	Microenterprise Lending & Technical Assistance
	Needs Addressed	Economic Development
	Funding	CDBG: $140,000
	Description	Cost-effective business support services and resources to new and growing micro-enterprise businesses. Jobs = 4

	Target Date	12/31/2020
	Estimate the number and type of families that will benefit from the proposed activities	4 low- and moderate-income families.
	Location Description	10700 Caribbean Boulevard, Suite 301, Miami, Florida 33189
	Planned Activities	Cost-effective business support services and resources to new and growing micro-enterprise businesses. Jobs = 4
22	**Project Name**	Neighbors and Neighbors Association, Inc ESBDH Business Incubator/Goulds BRC
	Target Area	Countywide Regional Eligible Strategy Area - North Countywide Regional Eligible Strategy Area - Central Countywide Regional Eligible Strategy Area - South
	Goals Supported	Microenterprise Lending & Technical Assistance
	Needs Addressed	Economic Development
	Funding	CDBG: $377,694
	Description	Cost-effective business support services and resources to new and growing micro-enterprise businesses. Jobs = 11
	Target Date	12/31/2020
	Estimate the number and type of families that will benefit from the proposed activities	11 low- and moderate-income families.
	Location Description	5210 NW 24th Avenue, Miami, Florida 33142 and 22121 South Dixie Highway, Miami, Florida 33170
	Planned Activities	Cost-effective business support services and resources to new and growing micro-enterprise businesses.
23	**Project Name**	Public Housing and Community Development Special Economic Development set-aside
	Target Area	Countywide Regional Eligible Strategy Area - North Countywide Regional Eligible Strategy Area - Central Countywide Regional Eligible Strategy Area - South
	Goals Supported	Special Economic Development

	Needs Addressed	Economic Development
	Funding	CDBG: $500,000
	Description	Special Economic Development set-aside for an open and rolling applications process. Create up to 15 jobs, with 51% or greater of these jobs for low- and moderate-income individuals.
	Target Date	12/31/2021
	Estimate the number and type of families that will benefit from the proposed activities	15 low- and moderate-income families.
	Location Description	701 NW 1st Court, Miami, Florida 33136
	Planned Activities	Special Economic Development set-aside for an open and rolling applications process. Create up to 15 jobs, with 51% or greater of these jobs for low- and moderate-income individuals.
24	**Project Name**	Public Housing and Community Development Section 108 Loan Payment
	Target Area	Countywide Regional Eligible Strategy Area - North Countywide Regional Eligible Strategy Area - Central Countywide Regional Eligible Strategy Area - South
	Goals Supported	Program Administration
	Needs Addressed	PHCD Program Administration
	Funding	CDBG: $2,129,053
	Description	Payment of Section 108 Loan, which provided support for Section 108 small businesses located in the County's Targeted Urban Areas (TUAs).
	Target Date	12/31/2020
	Estimate the number and type of families that will benefit from the proposed activities	
	Location Description	701 NW 1st Court, Miami, Florida 33136
	Planned Activities	Payment of Section 108 Loan, which provided support for Section 108 small businesses located in the County's Targeted Urban Areas (TUAs).

25	**Project Name**	Public Housing and Community Development Roadway Improvement Project in the City of Opa-Locka
	Target Area	Countywide Regional Eligible Strategy Area - North
	Goals Supported	Public Infrastructure Improvements
	Needs Addressed	Suitable Living Environment
	Funding	CDBG: $560,000
	Description	Provide roadway and drainage improvements to NW 131st Street from NW 31st to NW 32nd Avenues.
	Target Date	12/31/2021
	Estimate the number and type of families that will benefit from the proposed activities	
	Location Description	NW 131st Street from NW 31st to NW 32nd Avenues, Opa-Locka, Florida
	Planned Activities	Provide roadway and drainage improvements to NW 131st Street from NW 31st to NW 32nd Avenues.
26	**Project Name**	Public Housing and Community Development Midway Area Roadway Improvements
	Target Area	Countywide Regional Eligible Strategy Area - Central
	Goals Supported	Public Infrastructure Improvements
	Needs Addressed	Suitable Living Environment
	Funding	CDBG: $345,565
	Description	Provide paved swale blocks and on-street parking infrastructure at NW 8th to NW 10th Streets, between NW 79th Avenue to approximate NW 84th Avenue.
	Target Date	12/31/2021
	Estimate the number and type of families that will benefit from the proposed activities	
	Location Description	NW 8th to NW 10th Streets, between NW 79th Avenue to approximate NW 84th Avenue, Miami, Florida

	Planned Activities	Provide paved swale blocks and on-street parking infrastructure at NW 8th to NW 10th Streets, between NW 79th Avenue to approximate NW 84th Avenue.
27	**Project Name**	Public Housing and Community Development Sewer Infrastructure Improvement Project
	Target Area	Countywide Regional Eligible Strategy Area - North
	Goals Supported	Public Infrastructure Improvements
	Needs Addressed	Suitable Living Environment
	Funding	CDBG: $500,000
	Description	Provide sewer pump station upgrade at NW 131 Street and NW 31st and NW 32nd Avenues in the City of Opa-Locka to improve sewer capacity for PHCD-owned affordable housing units.
	Target Date	12/31/2021
	Estimate the number and type of families that will benefit from the proposed activities	
	Location Description	NW 131 Street and NW 31st and NW 32nd Avenues, Opa-Locka, Florida
	Planned Activities	Provide sewer pump station upgrade at NW 131 Street and NW 31st and NW 32nd Avenues in the City of Opa-Locka to improve sewer capacity for PHCD-owned affordable housing units.
28	**Project Name**	Easter Seals of South Florida, Inc. Miami Gardens Building Improvements
	Target Area	Countywide Regional Eligible Strategy Area - North
	Goals Supported	Upgrades to Public Facilities/Capital Improvements
	Needs Addressed	Suitable Living Environment
	Funding	CDBG: $100,000
	Description	Building improvements of a child care center to include energy efficiency upgrades and security enhancements for 15 low- and moderate-income children.
	Target Date	12/31/2021

	Estimate the number and type of families that will benefit from the proposed activities	
	Location Description	16425 NW 25th Avenue, Miami Gardens, Florida 33054
	Planned Activities	Building improvements of a child care center to include energy efficiency upgrades and security enhancements for 15 low- and moderate-income children.
29	**Project Name**	Neighbors and Neighbors Association, Inc Re-purpose Former School for Use as Community Center
	Target Area	Countywide Regional Eligible Strategy Area - North Countywide Regional Eligible Strategy Area - Central
	Goals Supported	Public Infrastructure Improvements
	Needs Addressed	Suitable Living Environment
	Funding	CDBG: $145,000
	Description	Make capital improvements to a public facility used to provide social services.
	Target Date	12/31/2021
	Estimate the number and type of families that will benefit from the proposed activities	
	Location Description	5120 NW 24th Avenue, Miami, Florida 33142
	Planned Activities	Make capital improvements to a public facility used to provide social services.
30	**Project Name**	Public Housing and Community Development Administration of CARES Act CDBG-CV Funds
	Target Area	Countywide Regional Eligible Strategy Area - North Countywide Regional Eligible Strategy Area - Central Countywide Regional Eligible Strategy Area - South
	Goals Supported	Program Administration
	Needs Addressed	PHCD Program Administration
	Funding	CDBG: $1,473,109

	Description	Provide program administration activities.
	Target Date	12/31/2022
	Estimate the number and type of families that will benefit from the proposed activities	
	Location Description	701 NW 1st Court, Miami, Florida 33136
	Planned Activities	Provide program administration activities.
31	**Project Name**	Public Housing and Community Development Administration of 2020 CDBG Program Grant
	Target Area	Countywide Regional Eligible Strategy Area - North Countywide Regional Eligible Strategy Area - Central Countywide Regional Eligible Strategy Area - South
	Goals Supported	Program Administration
	Needs Addressed	PHCD Program Administration
	Funding	CDBG: $2,252,276
	Description	Provide administration for the CDBG 2020 Program grant.
	Target Date	12/31/2020
	Estimate the number and type of families that will benefit from the proposed activities	
	Location Description	701 NW 1st Court, Miami, Florida 33136
	Planned Activities	Provide administration for the CDBG 2020 Program grant.
32	**Project Name**	Public Housing and Community Development Housing Development
	Target Area	Countywide Regional Eligible Strategy Area - North Countywide Regional Eligible Strategy Area - Central Countywide Regional Eligible Strategy Area - South
	Goals Supported	New Construction of Rental Housing Units
	Needs Addressed	Affordable Housing
	Funding	HOME: $5,510,828

	Description	Provide leverage funding to Documentary Stamp Surtax and State Housing Initiatives Partnership funds for new construction and/or rehabilitation of multi-family rental housing.
	Target Date	12/31/2021
	Estimate the number and type of families that will benefit from the proposed activities	22 low-income families.
	Location Description	701 NW 1st Court, Miami, Florida 33136
	Planned Activities	Provide leverage funding to Documentary Stamp Surtax and State Housing Initiatives Partnership funds for new construction and/or rehabilitation of multi-family rental housing.
33	**Project Name**	Assistance to the Elderly, Inc. Tenant Based Rental Assistance
	Target Area	Countywide Regional Eligible Strategy Area - North Countywide Regional Eligible Strategy Area - Central Countywide Regional Eligible Strategy Area - South
	Goals Supported	Tenant Based Rental Assistance
	Needs Addressed	Affordable Housing
	Funding	HOME: $300,000
	Description	Provide rental subsidy for 85 elderly, disabled, HIV, and mental health individuals with special needs housing.
	Target Date	12/31/2020
	Estimate the number and type of families that will benefit from the proposed activities	85 low-income elderly and disabled, mental health and HIV patients
	Location Description	5617 NW 7 Street, Miami, Florida 33126
	Planned Activities	Provide rental subsidy for 85 elderly, disabled, HIV, and mental health individuals with special needs housing.
34	**Project Name**	Camillus House Homeless Tenant Based Rental Assistance
	Target Area	Countywide Regional Eligible Strategy Area - North Countywide Regional Eligible Strategy Area - Central Countywide Regional Eligible Strategy Area - South

	Goals Supported	Tenant Based Rental Assistance
	Needs Addressed	Affordable Housing
	Funding	HOME: $300,000
	Description	Provide tenant based rental assistance for homeless individuals and families.
	Target Date	12/31/2020
	Estimate the number and type of families that will benefit from the proposed activities	
	Location Description	1603 NW 7th Avenue, Miami, Florida 33136
	Planned Activities	Provide tenant based rental assistance for homeless individuals and families.
35	**Project Name**	Public Housing and Community Development HOME Program Administration
	Target Area	Countywide Regional Eligible Strategy Area - North Countywide Regional Eligible Strategy Area - Central Countywide Regional Eligible Strategy Area - South
	Goals Supported	Program Administration
	Needs Addressed	PHCD Program Administration
	Funding	HOME: $496,228
	Description	Provide Administration Activities for the HOME program.
	Target Date	12/31/2020
	Estimate the number and type of families that will benefit from the proposed activities	
	Location Description	701 NW 1st Court, Miami, Florida 33136
	Planned Activities	Provide Administration Activities for the HOME program.
36	**Project Name**	Public Housing and Community Development Emergency Solutions Grant

	Target Area	Countywide Regional Eligible Strategy Area - North Countywide Regional Eligible Strategy Area - Central Countywide Regional Eligible Strategy Area - South
	Goals Supported	Emergency Overnight Shelter Program Administration
	Needs Addressed	Emergency Shelter for the Homeless
	Funding	ESG: $1,127,686
	Description	Camillus House, Inc Emergency Shelter Program - Emergency Shelter program provides emergency services to persons who are homeless. Clients = 240 $617,048.94 Citrus Health Network, Inc. Tenant Based Rental Assistance (TBRA) - ESG/TBRA providing rental assistance to 300 households/940 individuals who are homeless or at-risk for homelessness. $426,060.61 Department of Public Housing and Community Development (PHCD) - Emergency Solutions Grant Administration - Provide administration for the ESG program. $84,576.45
	Target Date	12/31/2020
	Estimate the number and type of families that will benefit from the proposed activities	240 individuals 300 households
	Location Description	701 NW 1st Court, Miami, Florida 33136
	Planned Activities	Camillus House, Inc Emergency Shelter Program - Emergency Shelter program provides emergency services to persons who are homeless. Clients = 240 $617,048.94 Citrus Health Network, Inc. Tenant Based Rental Assistance (TBRA) - ESG/TBRA providing rental assistance to 300 households/940 individuals who are homeless or at-risk for homelessness. $426,060.61 Department of Public Housing and Community Development (PHCD) - Emergency Solutions Grant Administration - Provide administration for the ESG program. $84,576.45

AP-50 Geographic Distribution – 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

The geographic area of the Miami-Dade County entitlement includes all areas within the county limits of Miami-Dade County, except the city limits of these entitlement cities: City of Hialeah; City of Homestead; City of Miami; City of Miami Beach; City of Miami Gardens; and the City of North Miami.

However, projects and activities located within the above entitlement cities may be funded by Miami-Dade County, if they meet the metropolitan significance criteria. To qualify, a project or activity must demonstrate that a reasonable benefit is being provided to residents of Miami-Dade County's entitlement area, and meets the county's community development objectives. Miami-Dade County provides direct assistance to Eligible Block Groups.

Geographic Distribution

Table 4 - Geographic Distribution

Geographic Distribution

Target Area	Percentage of Funds
Countywide Regional Eligible Strategy Area - North	33
Countywide Regional Eligible Strategy Area - Central	34
Countywide Regional Eligible Strategy Area - South	33

Table 57 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

Beginning with program year 2020, Miami-Dade County is focusing on a regional perspective that will assist low- and moderate-income areas. Exhibit 1 is a map of block groups with a majority of low- to moderate-income and residential land use greater than 50.0% that are not located in entitlement cities. The map shows 321 census block groups within Miami-Dade County that qualify as low- and moderate-income areas (LMA)s.

During the process of identifying and mapping low- and moderate-income areas, clusters of poverty remain in areas of the County that have traditionally been impoverished, including: Brownsville, Pinewood, West Little River, Opa-Locka, Sweetwater, Richmond Heights, West Perrine, South Miami Heights, Goulds, Naranja and Leisure City areas. However, more than 100 eligible low-to-moderate-income block groups emerged that are not adjacent to the strategy/target areas that were included in

Miami-Dade County's 2013-2017 Consolidated Plan.

Newly identified low- and moderate-income areas are listed from north to south, and include:

Ives Estates north unincorporated area

Aventura Isles neighborhood west of Ives Estates south unincorporated area

Country Club of Miami south unincorporated area

Unincorporated area west of Miami Gardens, Acadia Park

City of North Miami Beach multiple areas

City of Sunny Isles Beach north and south ends

Town of Miami Lakes southwest portion

City of Opa-Locka multiple areas, Magnolia North neighborhood

Biscayne Shores and Gardens unincorporated area

City of Miami Springs south end

Virginia Gardens west end

Brownsville unincorporated area Olinda Park and Partners Park

Gladeview unincorporated area eastern portion Greynolds Park

West Little River unincorporated area northern and western portions Arcola Lakes Park

City of Sweetwater

Unincorporated area Ruben Dario Park and The Women's Park

Coral Lakes unincorporated area

Tamiami Lakes unincorporated area

City of Coral Gables northern end

City of West Miami west side

Olympia Heights unincorporated area

Westwood Lakes unincorporated area

University Park east unincorporated area

Westchester unincorporated area west

portions of West Kendall and Kendale Lakes unincorporated areas

portions of Southridge and South Miami Heights unincorporated areas

Richmond Heights unincorporated area west

Unincorporated areas east and west of Zoo Miami

Goulds unincorporated area

Modello unincorporated area

Princeton unincorporated area

Leisure City unincorporated area

Naranja unincorporated area

Quail Roost unincorporated area west of SW 184th Street and SW 186 Street busway terminals

West Perrine unincorporated area

Town of Cutler Bay south

City of Florida City south

A number of these newly identified poverty pockets are in participating municipalities, and a number of them are in unincorporated Miami-Dade County. In an effort to serve as many low- and moderate areas as possible, Miami-Dade County is shifting away from a model of targeting a majority of Community Development Block Grant funds to neighborhood revitalization strategy areas, to a regional model of providing CDBG funds to serve eligible projects and activities in any and all low- and moderate-income eligible areas.

Discussion

The major issue that impacts the allocation of funding is the large amount of need in relation to the

funding available. The primary obstacle to meeting underserved needs is the lack of dollars to meet all of the needs. There is a need to cultivate more eligible Community Housing Development Organizations (CHDOs), in order to comply with federal regulations on minimum expenditures, and to satisfy demand for affordable housing in Miami-Dade County.

Miami-Dade County follows a competitive Request for Application (RFA) process to select eligible activities for each fiscal year. Public Housing and Community Development allocates its investments geographically because the Board of County Commissioners has determined that the County's funds must place importance on funding the most underserved areas. The RFA provides incentives in the form of score bonuses for high priority activities outlined in the Action Plan and the overall activities and goals of the Consolidated Plan. The ability of the project to address the stated needs of the community and the neighborhood is also an important factor in determining funding allocations. All investments are also tracked by County Commission District to evaluate the geographic distribution of funding. The priorities are based on the unmet needs in the community and consultation with the community in low- and moderate-income areas. Priority was given to activities that were located in Eligible Block Groups with high poverty, overcrowding, and low- to moderate-income populations.

Affordable Housing

AP-55 Affordable Housing – 91.220(g)

Introduction

Current census data and statistics place Miami-Dade County's housing cost burden among the highest in the nation. Cost burden is defined as the percentage of a household's income that is used to pay rent and related housing expenses. According to current ACS data, Miami-Dade County had more than 61,200 households with incomes at or below 30% of AMI. Of this figure, more than 42,000 households, or nearly 70%, experienced a housing cost burden of greater than 50%.

The severity of the housing cost burden was greatest among the elderly and small related households. This problem was prevalent among both owner and renter households, although the severity of the housing cost burden problem was more pronounced among renter households with incomes at or below 30% of AMI, of which nearly 24,400 renter households were severely cost burdened, paying in excess of 50% of household income for housing related expenditures, compared with only 17,660 owner-occupied households.

The **2005-2009 ACS data** also revealed the severity of the County's overcrowded housing conditions, which continues to have an impact on both renter and owner households across all income levels. Based on current data, overcrowding impacts nearly **14,000 h**ouseholds in Miami-Dade County. The high cost of rental units in the County has been largely driven by the continuing strong demand for rental housing. The demand for affordable rental housing is driven by population growth as well as by the impact of the foreclosure crisis, which has forced many households out of the home ownership market and into an already crowded rental market. As the relationship between supply and demand continues to place upward pressure on rents in the Miami-Dade County market, households are increasingly forced to either share housing or downsize to smaller, more affordable rental units that meet their household budgetary constraints, having a corresponding impact on the rate of overcrowded housing in the County.

The County also recognizes a need to assist very low- and low-income home owners. Households in this category may best benefit from programs that provide assistance with housing rehabilitation, weatherization, and utility payments. While many of these owners may have retired their mortgage debt many years ago, they may currently be living in older homes that now require moderate to substantial rehabilitation in order to remain in livable condition. These households are also more likely to experience difficulty paying for monthly housing utility costs or accessing rehabilitation financing from conventional financial markets to address larger code violations, long-term obsolescence, and necessary upgrades to their aging residences.

To address these specific housing needs, during FY 2020, the County proposes an investment strategy that will specifically target the development of new affordable rental housing development, single-family housing rehabilitation programs, Tenant-based Rental Assistance Programs, and Homebuyer

Counseling and Education, including Foreclosure Mitigation.

One Year Goals for the Number of Households to be Supported	
Homeless	8,000
Non-Homeless	1,600
Special-Needs	100
Total	9,700

Table 58 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
Rental Assistance	500
The Production of New Units	419
Rehab of Existing Units	400
Acquisition of Existing Units	100
Total	1,419

Table 59 - One Year Goals for Affordable Housing by Support Type

Discussion

The Miami area is within the top five in the nation as one of the most unaffordable places in the country. While the County is utilizing all available tools such as HUD's Rental Assistance Demonstration program (RAD) and working with other County departments such as RER expedite the housing production process, the County continues to struggle in meeting demand. According to a report issued by Florida International University, between 2006 through 2015 the County produced 57,600 housing units. Housing affordability is primarily a function of income. When a household contributes more than 30% of their annual income it usually indicates that they are cost burdened. This is more acute in the senior community since many have fixed incomes as the rental costs, taxes and the cost of homes escalate it becomes more difficult for them to sustain their housing without housing subsidies or some other supplement to their income. Many of Miami-Dade's jobs are service industry jobs that historically are low wage jobs. Homeownership prices have escalated and a family or individual attempting to become a homeowner finds it difficult to purchase a single-family home for less than $200,000.

AP-60 Public Housing – 91.220(h)

Introduction

PHCD has a public housing stock that is aging and therefore there are mounting maintenance issues within the entire stock of public housing. Along with the ongoing affordable housing crisis many more residents seek public housing and/or subsidies such as Section 8. Homeownership has become a dream deferred as average housing prices reach $300,000. In addition, PHCD receives less capital funds from the federal government than is needed to operate public housing. With the raising rents and home prices and the acute dearth of affordable housing options for low and moderate income residents, PHCD has aggressively sought to address the housing crisis in general and particularly within public housing has taken the approach that impactful redevelopment projects using private and public resources is the most effective way to address the housing issues facing the community.

Actions planned during the next year to address the needs to public housing

As previously indicated, PHCD has embarked on a massive redevelopment initiative utilizing the Rental Assistance Demonstration Program (RAD). RAD is a program that was authorized by Congress in 2012 and has been updated in 2019. It is intended to preserve and improve public housing properties by leveraging public and private debt and equity to reinvest in public housing. Through this program PHCD will not only replace up to 6,426 current public housing units but will increase the number of other affordable housing and workforce housing by developing non-public housing on under-utilized public housing sites. PHCD plans to continue to leverage affordable housing resources in the community through the creation of mixed-financed housing and pursue housing resources other than public housing.

Actions to encourage public housing residents to become more involved in management and participate in homeownership

In an effort to encourage public housing residents to become more involved in management, the agency has implemented quarterly meetings with resident councils to provide training on various aspects of resident organization, leadership development, and empowerment.

To encourage homeownership, PHCD has implemented the Section 8 homeownership option as part of its Section 8 Housing Choice Voucher program. PHCD coordinates the Section 8 Homeownership program as part of its efforts to promote homeownership.

The Section 8 program is comprised of 15,704 allocated Housing Choice Vouchers (including 271 VASH and 1,955 Moderate Rehabilitation project-based units. Additionally, PHCD administers 290 units under

the Single Room Occupancy (SRO) Section 8 Moderate Rehabilitation Program.

a. Size of Program:

- Currently, there are 173 families in the program.

b. PHCD-established eligibility criteria:

- The family must be currently in good standing with the housing agency, including no outstanding debt to PHCD for previous Housing Quality Standard (HQS) damages or unpaid rent.
- Meet HUD income requirements.
- Must earn the minimum wage equivalent to 2,000 hours annually at the State of Florida minimum rate.
- The family must be in compliance with the current lease.
- The family shall not have HQS violations existing in the unit.
- The family shall not have a history of late rent payments. The family must not have a previous default on a mortgage obtained through a PHCD homeownership program. As an alternative to homeownership, PHCD may consider pursuing lease-to-own options for homeownership units.

If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance

Not applicable. PHCD (Miami-Dade County's Public Housing Authority) is currently designated as a standard performer, and not designated as troubled.

Discussion

As previously noted, PHCD is addressing the challenges facing Public Housing by using federal programs such as RAD, seeking public/private partnerships which leverages funds for housing and developing housing on underutilized public housing sites. By developing these underutilized sites aging sites are either being replaced by new buildings or major rehabilitation is occurring on these sites. The redevelopment provides new housing and in some instances creates mixed use and mixed income on the redeveloped sites which not only provides new housing but improves the general environment for public housing residents.

AP-65 Homeless and Other Special Needs Activities – 91.220(i)

Introduction

PHCD is the Entitlement Jurisdiction's administrator of HUD Community Block Grant funds. PHCD works closely with the Miami-Dade County Homeless Trust, which is the CoC Lead Agency and recipient of federal CoC funds. PHCD has incorporated the CoC's goals and strategies into its own plans for the use of federal and other resources under its administrative control. These goals are aligned with HUD's key system performance measures:

• Shorten the length of time persons remain homeless

• Reduce the number of persons returning to homelessness

• Increase income and job access for people experiencing homelessness

• Reduce the number of persons who become homeless for the first time

• Increase successful housing placements

To further the CoC's overall goals and strategies, PHCD will continue to direct both federal and state resources toward CoC strategies to assist homeless persons within its jurisdictional boundaries. PHCD will coordinate its planning and funding processes to ensure that its resources are directed toward CoC priorities.

In its 2020 Action Plan, Miami-Dade County expects to receive $1,127,686 in Emergency Solutions Grant (ESG) funds. ESG funds are administered by Miami-Dade County Homeless Trust.

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The goals for the Miami-Dade County Homeless Trust during the next year are:

- to reduce the length of time persons experience homelessness to less than 88 nights.
- to ensure that less than 27% of all persons who exit to permanent destinations, return to

homelessness

- to ensure that more than 56% of persons served access permanent housing
- to reduce the number of persons who become homeless for the first time to less than 4327
- to reduce the number of unsheltered persons below 1008
- to reduce the number of sheltered persons to less than 2464

to increase employment and income growth for more than 48% of persons who exit our system.

The Miami-Dade County Homeless Trust oversees the Continuum of Care (CoC) Coordinated Outreach and Assessment Process (COAP) for outreach to and assessment of homeless persons, which is supported by other sources of funding.

The Miami-Dade County Homeless Trust contracts with the MNetwork, a marketing firm, to ensure we are properly reaching out to homeless persons (especially unsheltered persons). They maintain our website, advertise in social media and tv/radio, and work with our public schools to promote homeless education.

Addressing the emergency shelter and transitional housing needs of homeless persons

The Jurisdiction will continue to make Community Development Block Grant and/or Emergency Solutions Grant funds available through a competitive process for Continuum of Care services that benefit homeless individuals and families.

The Miami-Dade County Homeless Trust annually assesses the needs within the Miami-Dade County system to ensure that there are an appropriate level of access points, reviews vulnerability assessment tools and reviews the inventory of housing services.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

Shortening Period of Homelessness

PHCD will continue to direct ESG and HOME funds toward the CoC's Rapid Rehousing strategy. In addition, PHCD has incorporated the Rapid Re-Housing strategy into its Local Housing Assistance Plan for

its allocation of State Housing Trust Program funds. Awarded providers are required to comply with the CoC's Coordinated Entry Standards, policies and procedures and Standards of Care for the strategy.

The Rapid Re-Housing (RRH) strategy targets families and individuals currently in emergency housing programs or living in places not meant for human habitation, for the purposes of rapidly moving them into private market housing. Rapid rehousing programs may provide time-limited rental assistance and/or other types of financial assistance required to secure permanent housing. Households receive supportive services on a time-limited basis, including assistance with locating, securing, and stabilizing in affordable housing so that they can independently sustain their housing after assistance ends. Rapid Re-Housing also includes bridge housing for homeless persons who qualify, but are waitlisted for placement in permanent supportive housing. The scope of RRH is governed by each of the funding sources supporting the strategy. For example, RRH funded by ESG must be conducted in compliance with ESG regulations.

Our system is designed to assist persons at imminent risk of homelessness, as well as engage unsheltered persons and persons being discharged from publicly funded systems of care to transition to permanent housing. We competitively bid housing and support services that have demonstrated shortening the period of time that individuals and families experience homelessness, facilitating access to affordable housing, and preventing homeless recidivism. Our programs provide specialized services to veterans, chronic homeless, youth, families, elderly, survivors of violence and disabled persons.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs

Facilitating Access to Affordable Housing

PHCD also is the County's Public Housing Authority (PHA). PHCD's Community Development Block Grant funds and its PHA resources are being used to increase access to affordable permanent housing for both chronic and non-chronic homeless individuals and families. PHCD will continue the strategies below for

the use of its resources.

- *Entitlement Jurisdiction HOME Funds:* HOME Capital funds are made available through competitive process to create new units of PSH for persons in need of affordable housing and long-term support services. In addition, HOME funds will continue to be directed toward tenant-based rental assistance for homeless individuals and families.

- *PHA Tenant-Based Vouchers:* PHCD administers 271 VASH rental subsidy vouchers targeting homeless veterans in partnership with the VA, which provides case management and support services. PHCD established a Housing Choice Voucher preference for homeless households and designated 120 vouchers for homeless veterans. Based upon re-evaluation of CoC needs, PHCD is working with the COC to re-direct the vouchers to three categories of homeless persons in the following order of priority:

1st Priority: Individuals and/or couples with at least one household member who is a veteran who has served on active duty in the armed forces, regardless of how long they served or the type of discharge they received, experiencing chronic homelessness as defined in 24 CFR 578.3, and not eligible for permanent housing through the VASH Program.

2nd Priority: Individuals and/or couples with at least one household member that is experiencing chronic homelessness as defined in 24 CFR 578.3.

3rd Priority: Individuals and/or couples with at least one household member with a disability with the longest periods of continuous or episodic homelessness with severe service needs.

- *PHA Mainstream Vouchers:* PHCD administers 89 Mainstream Vouchers, which are limited to non-elderly (under 62 years old) households with a disabled household member and subject to a

homeless preference.

- *PHA Project-Based Housing Choice Vouchers:* PHCD has awarded project-based vouchers to support the operation of four PSH developments. In addition, PHCD and the CoC have entered into referral agreement for ten project-based vouchers awarded to Liberty Square Phase 1, a redevelopment of a public housing site.

- *Public Housing Units:* Through a funding agreement with the Homeless Trust, Miami-Dade Public Housing and Community Development (PHCD) committed to rehabilitate 45 units of public housing set aside for homeless households. PHCD has partnered with private affordable housing developers to redevelop public housing sites with Low Income Housing Tax Credit financing and other funding sources. PHCD and the developers have entered referral agreements with the CoC for units set aside for persons with special needs (LINK Program units required by the state's Housing Credit Program).

Discussion

Preventing Returns to Homelessness

Through award of ESG funds, homeless prevention assistance will be made available to formerly homeless households who have been rehoused through the CoC. Homeless prevention includes assistance with rent or utility payments in arrears, rent and re-location if necessary such as security deposits and moving and storage costs. Households currently participating in a federally-funded rental subsidy program may only be eligible for utility assistance.

AP-75 Barriers to affordable housing – 91.220(j)

Introduction:

Public Housing and Community Development is in a continual process of identifying barriers to affordable housing in Miami-Dade County, analyzing available data, and working to implement solutions to remove barriers.

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

Miami-Dade County's public policy is designed to improve the availability of affordable housing, to meet the needs of its residents. In particular, the County's Comprehensive Development Master Plan Policy HO-3A is to provide additional administrative and, where applicable, fiscal incentives for new developments to ensure the inclusion of a wide spectrum of housing options, particularly for extremely low, very low, low and moderate-income households, including workforce housing. This policy is reflected in the Surtax/SHIP Request for Applications, where Miami-Dade County provides incentives as scoring bonuses. The Affordable Housing Advisory Board (AHAB), under Section 420.9076 of Florida Statutes, reviews the County's established policies and procedures, ordinances, land development regulation, and CDMP then submits a report to the Board of County Commissioners with recommendations for specific actions or initiatives that will encourage affordable housing development.

Discussion:

Miami-Dade County continues to address any impediments as identified in the presentations, counseling, newsletters and utilization of other media outlets to educate the community on fair housing and how to address fair housing issues. Miami-Dade County understands the importance of educating the public about fair housing and providing the public with information about how to resolve housing complaints. The County reviews its Ordinances to insure that they are compliant with the Federal Fair Housing Act.

AP-85 Other Actions – 91.220(k)

Introduction:

Miami-Dade County will continue to address barriers to affordable through the implementation of public policy and programs designed to educate, remove, and improve the availability of affordable housing. Public policies that affect zoning, permitting, land use and other potential barriers to affordable housing development are regularly monitored for increase effectiveness.

Actions planned to address obstacles to meeting underserved needs

As part of Miami-Dade County's strategy to address obstacles to meet the needs of underserved residents, resources are allocated throughout the County. The County will equip departments and community organizations with resources to carry out objectives aligned with its Comprehensive Development Master Plan (CDMP). The CDMP addresses land use planning and zoning activities, functional planning and programming of infrastructure and County services. Miami-Dade will also leverage County resources to improve housing, employment and transportation needs of its residents.

Actions planned to foster and maintain affordable housing

Miami-Dade County is working on creating a program to incentivizing the preservation and rehabilitation of existing Naturally Occurring Affordable Housing stock by providing rehabilitation financing to owners of existing single-family homes, duplexes or small rental housing developments. The County hopes to provide resources for moderate rehabilitation of existing single-family, duplexes and small or midsize rental housing. The goal will be preserve the affordability by providing Miami-Dade County's low and moderate-income households with access to decent housing that is convenient to jobs, transportation, and essential services. The County in efforts to maintain the affordability of its current housing stock imposes a restrictive covenant on all financially assisted housing programs.

Actions planned to reduce lead-based paint hazards

Miami-Dade County's Environmental Resource Management division routinely monitors housing developments for potential harm and/or exposure to lead-based paint. The County's effort to reduce lead-based paint exposure includes screening, education, case management, environmental investigations, policy development, community outreach education and training. Miami-Dade enforces policies prohibiting the use of lead-based paints for all affordable housing projects. All federal and state funded contracts contain language that address lead-based paint hazards and remediation requirements. Developers, agencies and/or individuals receiving financial assistance are provided lead-

based disclosure documentation before funding is awarded.

Actions planned to reduce the number of poverty-level families

Miami-Dade County through comprehensive means addresses poverty throughout the county utilizing its resources to provide childcare, housing, education and training, for low income families. Recognizing the multifaceted barriers to self-sufficiency, the County will coordinate its efforts to provide services that offer a holistic approach to addressing the concerns of low income families. Collaborative efforts are used to provide vocational and job training services, job placement, childcare, counseling and affordable housing, which are essential to strengthening the family unit. County resources will be strategically allocated throughout areas determined to have the highest needs for services.

Actions planned to develop institutional structure

Miami-Dade County's development of institutional structure is evidenced by the adoption of legislation designed to provide oversight of relevant stakeholders in the housing arena. The County addresses the fair and equitable use of available land in the County and in the past year made several in-fill properties available to non-profits for the purpose of building affordable housing. Miami-Dade's Code of Ordinances and Land Development legislation address provisions for developing reasonable housing accommodations for low income families, the elderly and disabled persons.

Actions planned to enhance coordination between public and private housing and social service agencies

Miami-Dade County's coordinated efforts between public and private housing and social services agencies continue to be successful at getting the best outcome for its residents. PHCD, Community Action and Human Services, the Homeless Trust, Career Source South Florida and other partner agencies provide services throughout the County. PHCD's Resident Services Unit intends to assist Resident Councils on public housing sites. Resident Councils serve as advocates for residents when needed. PHCD is also in the process of organizing creation of Resident Councils where none currently exist. There are long standing collaborative relationships with the Community Action and Human Services Department, Jackson Health System, and community-based organizations (CBOs) that provide physical and mental health services and social services. Miami-Dade County's Office of Management and Budget provides coordination and grant funding to support and help build the capacity of CBOs to provide public service programs. Public Housing and Community Development collaborates with all these entities to link residents to supportive social services, physical and mental health services.

Discussion:

PHCD addressed the affordable housing needs through the administration of public housing programs, the Section 8 Housing Choice Voucher Program, and funds affordable housing development through its Documentary Stamp Surtax, State Housing Initiative Partnerships (SHIP), and HOME programs. PHCD

addressed community development and social service needs through the administration of the CDBG program.

The Homeless Trust is the County's Continuum of Care entity to address needs of homeless persons, particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth and persons at risk for homelessness. Public Housing and Community Development leadership collaborates with the Homeless Trust to develop funding policies to meet the priorities of homeless needs and operation and administration of HMIS. The two agencies collaborated to develop performance criteria for projects funded with ESG funds. As a result, the Request for Proposals contained funds set aside for, Emergency Shelter and Outreach and Homeless Prevention and Rapid Housing as well as Homeless Tenant-Based Rental Assistance. Proposals for homeless services were evaluated and recommended by staff of the Homeless Trust and Public Housing and Community.

Program Specific Requirements

AP-90 Program Specific Requirements – 91.220(l)(1,2,4)

Introduction:

Public Housing and Community Development administered CDBG at a lower level after repayment of Voluntary Grant Reduction funds; the HOME program with a slightly lower amount of funds compared to 2019; and the ESG program a slight increase of funds compared to 2019.

Community Development Block Grant Program (CDBG)
Reference 24 CFR 91.220(l)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	0
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	0
5. The amount of income from float-funded activities	0
Total Program Income:	**0**

Other CDBG Requirements

1. The amount of urgent need activities	0
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income.Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan.	70.00%

HOME Investment Partnership Program (HOME)
Reference 24 CFR 91.220(l)(2)

1. A description of other forms of investment being used beyond those identified in Section 92.205 is as follows:

   Miami-Dade County utilizes local Documentary Stamp Surtax and State Housing Initiatives

Partnership funding as supplements to those forms of investment identified in Section 92.205.

2. A description of the guidelines that will be used for resale or recapture of HOME funds when used for homebuyer activities as required in 92.254, is as follows:

   PHCD uses a restrictive covenant which is for an initial term of twenty years, and is renewable up to a total of sixty (60) years. There is a resale, not recapture provision which only allows a homeowner to take out of the property what they put in, and the property must be sold to low-income persons during the affordability period.

3. A description of the guidelines for resale or recapture that ensures the affordability of units acquired with HOME funds? See 24 CFR 92.254(a)(4) are as follows:

   PHCD uses a restrictive covenant which is for an initial term of twenty years, and is renewable up to a total of sixty (60) years. There is a resale, not recapture provision which only allows a homeowner to take out of the property what they put in, and the property must be sold to low-income persons during the affordability period.

4. Plans for using HOME funds to refinance existing debt secured by multifamily housing that is rehabilitated with HOME funds along with a description of the refinancing guidelines required that will be used under 24 CFR 92.206(b), are as follows:

   PHCD does not have any plans to refinance existing debt secured by multi-family housing units. The County's refinancing guidelines are attached.

Emergency Solutions Grant (ESG)
Reference 91.220(l)(4)

1. Include written standards for providing ESG assistance (may include as attachment)

   Please find attached the County's written Emergency Solutions Grant standards.

2. If the Continuum of Care has established centralized or coordinated assessment system that meets HUD requirements, describe that centralized or coordinated assessment system.

   Since 1994, the Miami-Dade County Continuum of Care program has used a centralized outreach, assessment, and intake process. Outreach Team Assessments, including the Vulnerability Index-Service Prioritization Decision Assistance Tool (VISPDAT) are entered into the Homeless Managed

Information System (HMIS), facilitating referrals and prioritization. The HMIS is used by the Miami-Dade County Homeless Trust to coordinate administration of the Continuum of Care program.

3. Identify the process for making sub-awards and describe how the ESG allocation available to private nonprofit organizations (including community and faith-based organizations).

   Miami-Dade County makes sub-awards through an annual competitive solicitation, the Request for Application (RFA) process.

4. If the jurisdiction is unable to meet the homeless participation requirement in 24 CFR 576.405(a), the jurisdiction must specify its plan for reaching out to and consulting with homeless or formerly homeless individuals in considering policies and funding decisions regarding facilities and services funded under ESG.

   Miami-Dade County meets the homeless participation requirement in 24 CFR 576.405(a). The Miami-Dade County Homeless Trust administers organizes and directs the Miami-Dade County Homeless Plan. Created by Miami-Dade County Ordinance 94-66, the Trust was formed to:

- administer proceeds of a one-percent (1%) food and beverage tax;
- implement the local continuum of care plan called the Miami-Dade County Community Homeless Plan; and
- serves in an advisory capacity to the Board of County Commissioners on issues involving homelessness.

5. Describe performance standards for evaluating ESG.

   PHCD includes contract language in competitive solicitations for ESG funded activities that require compliance with U.S. HUD performance standards. PHCD tracks all funded projects and evaluates quarterly project status reports and conducts annual on-site or desk monitoring to monitor compliance with performance standards.

PHCD adheres to program specific requirements for the Community Development Block Grant (CDBG) program, Home Investment Partnership Program (HOME), and Emergency Solutions Grant (ESG) as specified above.

Appendixx - Alternate/Local Data Sources

1	**Data Source Name** Owner Occupied Units Cost Burden by Racial Group
	List the name of the organization or individual who originated the data set. **Source:** *Comprehensive Housing Affordability Strategy data, Department of Housing and Urban Development, 2005-2007 data*
	Provide a brief summary of the data set. The data set provides information on the number of Owner Households who are experiencing a Moderate Cost Burden. In addition to the total number of households, the table provides information on the number of households, by race, who are experiencing a Moderate Cost Burden in Miami-Dade County.
	What was the purpose for developing this data set? The purpose for developing this data was to determine, among Owner Households, if any particular race is being disproportionately impacted by a Moderate Cost Burden.
	Provide the year (and optionally month, or month and day) for when the data was collected. The data were collected from 2007 to 2009.
	Briefly describe the methodology for the data collection. The data source is the U.S. Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy, 2005-2007 data. The SOCDS CHAS tables were created from very disaggregated files. (These base files are also available from HUDUSER.) All of the data prior to May 1, 2004 were aggregated from census tract level special tabulation data to jurisdiction totals. For the "CDBG" and "HOME" geography levels, the data continue to be aggregated from the census tract level in order to appropriately represent Urban Counties, State Non-entitlement balances, and to allow for adding in (or subtracting out) annexations over time.
	Describe the total population from which the sample was taken. The sample was taken from the total population of Miami-Dade County, Florida.
	Describe the demographics of the respondents or characteristics of the unit of measure, and the number of respondents or units surveyed. The survey documented a total of 117,660 Owner Households in Miami-Dade County with a Moderate Cost Burden, representing 23.7% of all Owner Households. Based on this data, 19.3% of White households experienced a Moderate Cost Burden, compared with 24.4% for Black and 23.6% for Asian households.

2	**Data Source Name** Table 13
	List the name of the organization or individual who originated the data set. **Source:** *Comprehenvise Housing Affordability Strategy data, Department of Housing and Urban Development, 2005-2007 data.*
	Provide a brief summary of the data set. The data set provides information on the number of Renter Households who are experiencing a Moderate Cost Burden. In addition to the total number of households, the table provides information on the number of households, by race, who are experiencing a Moderate Cost Burden in Miami-Dade County.
	What was the purpose for developing this data set? The purpose for developing this data was to determine, among Renter Households, if any particular race is being disproportionately impacted by a Moderate Cost Burden.
	Provide the year (and optionally month, or month and day) for when the data was collected. The data were collected from 2007 to 2009.
	Briefly describe the methodology for the data collection. The data source is the U.S. Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy, 2005-2007 data. The CHAS tables were created from very disaggregated files. (These base files are also available from HUDUSER.) All of the data prior to May 1, 2004 were aggregated from census tract level special tabulation data to jurisdiction totals. For the "CDBG" and "HOME" geography levels, the data continue to be aggregated from the census tract level in order to appropriately represent Urban Counties, State Non-entitlement balances, and to allow for adding in (or subtracting out) annexations over time.
	Describe the total population from which the sample was taken. The sample was taken from the total population of Miami-Dade County, Florida.
	Describe the demographics of the respondents or characteristics of the unit of measure, and the number of respondents or units surveyed. The survey documented a total of 89,345 Renter Households in Miami-Dade County with a Moderate Cost Burden, representing 26.7% of all Renter Households. Based on this data, 21.7% of White households experienced a Moderate Cost Burden, compared with 24.3% for Black and 16.0% for Asian households.
3	**Data Source Name** Table 14
	List the name of the organization or individual who originated the data set. **Source:** *Comprehensive Housing Affordability Strategy data, Department of Housing and Urban Development, 2005-2007 data.*

	Provide a brief summary of the data set. The data set provides information on the number of Owner Households who are experiencing a Severe Cost Burden. In addition to the total number of households, the table provides information on the number of households, by race, who are experiencing a Severe Cost Burden in Miami-Dade County.
	What was the purpose for developing this data set? The purpose for developing this data was to determine, among Owner Households, if any particular race is being disproportionately impacted by a Severe Cost Burden.
	Provide the year (and optionally month, or month and day) for when the data was collected. The data were collected from 2007 to 2009.
	Briefly describe the methodology for the data collection. The data source is the U.S. Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy, 2005-2007 data. The CHAS tables were created from very disaggregated files. (These base files are also available from HUDUSER.) All of the data prior to May 1, 2004 were aggregated from census tract level special tabulation data to jurisdiction totals. For the "CDBG" and "HOME" geography levels, the data continue to be aggregated from the census tract level in order to appropriately represent Urban Counties, State Non-entitlement balances, and to allow for adding in (or subtracting out) annexations over time.
	Describe the total population from which the sample was taken. The sample was taken from the total population of Miami-Dade County, Florida.
	Describe the demographics of the respondents or characteristics of the unit of measure, and the number of respondents or units surveyed. The survey documented a total of 121,390 Owner Households in Miami-Dade County with a Severe Cost Burden, representing 24.5% of all Owner Households. Based on this data, 19.2% of White households experienced a Severe Cost Burden, compared with 27.2% for Black and 13.2% for Asian households. Nearly 40% of all American Indian Households experienced a Severe Cost Burden.
4	**Data Source Name** Regulatory and Economic Resources Department
	List the name of the organization or individual who originated the data set. Manny Armada, Chief of Planning and Research
	Provide a brief summary of the data set. 2015-2017 data.
	What was the purpose for developing this data set? To assess housing needs.

	How comprehensive is the coverage of this administrative data? Is data collection concentrated in one geographic area or among a certain population? This administrative data covers the entirety of Miami-Dade County.
	What time period (provide the year, and optionally month, or month and day) is covered by this data set? 2015-2017 American Communities Survey
	What is the status of the data set (complete, in progress, or planned)? Complete

EXHIBIT 1

CITIZEN PARTICIPATION PLAN

FOR THE CONSOLIDATED PLANNING PROCESS

AND

CITIZEN PARTICIPATION GUIDELINES

FOR

PUBLIC HOUSING AND

COMMUNITY DEVELOPMENT DEPARTMENT

"Delivering Excellence Every Day"

Revised: September 9, 2020

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CITIZEN PARTICIPATION PLAN FOR THE CONSOLIDATED PLANNING PROCESS

Introduction

The US Department of Housing and Urban Development (HUD) requires that the Five Year Consolidated Plan for each entitlement agency adopt a Citizen's Participation Plan. This Citizen Participation Plan has been adopted by Miami-Dade County and is in conformance with the provisions of Federal Regulations.

The Citizen's Participation Plan outlines the methods used in the development, from a public input process, of the Five Year Consolidated Plan, Annual Action Plans, the Consolidated Annual Performance and Evaluation Report (CAPER) and Substantial Amendments inclusive of strategies employed by Miami-Dade County that provides for maximum citizen participation in the development of these plans.

Overview of Department 0f Public Housing and Community Development

The Department of Public Housing and Community Development (PHCD) administers Federal and State funding that supports the development of low-and moderate-income neighborhoods in Miami-Dade County. The four priority needs are affordable housing, economic development, a sustainable living environment and emergency shelter for the homeless. The main sources of funding utilized to meet these needs are the Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME) and Emergency Solutions Grant (ESG) funds. These programs are established to help low- and moderate-income persons. The U.S. Department of Housing and Urban Development (HUD) regulates and governs the CDBG, HOME and ESG programs. The regulations specify that an entitlement area (an area which receives a direct allocation from U.S. HUD to address high priority needs in low to moderate income communities) must adopt a citizen participation plan, which establishes policies and procedures for citizen participation. The following are the entitlement areas of Miami-Dade County: City of Miami, City of Miami Gardens, City of Miami Beach, City of North Miami, City of Hialeah, City of Homestead, and Miami-Dade County.

It is the intent of the County to provide for the citizen participation to gather the most meaningful, thorough and effective input from its citizens in the development of the Consolidated Plan. Citizen participation is broad due to the types of areas the county covers, which includes urban, rural, and agricultural. At the same time, the process makes sure that the low- and moderate-income, disabled, elderly and other special populations are involved in the input process. The diversity of this County is illustrated by the wealthy enclaves to agricultural communities in South Miami-Dade, including a population that includes speakers of English, Spanish and Haitian Creole as a primary language.

The citizen participation/input process consists of a summary of steps which provide for the citizens participation in the development of the Five Year Consolidated Plan, the Annual Action Plan, the CAPER for Miami-Dade County, and substantial amendments to the Consolidated Plan or Annual Action Plan. Details of each of these steps follow in sections of this Citizen Participation Plan.

Citizen participation requirements shall not be construed to restrict the responsibility or authority of the County for the development and execution of its entitlement program activities. The Board of County Commissioners or Mayor of Miami-Dade County remain the sole approving authorities for the Plan and any amendments.

Applicability and Adoption of the Citizen Participation Plan

Pursuant to 24 CFR Part 91, Consolidated Submissions for Community Planning and Development Programs, the jurisdiction is required to certify that it has developed and is acting in compliance with a Citizen Participation Plan that sets forth the jurisdiction's policies and procedures for citizen participation. The plan must include the following topic areas:

1. **CITIZEN PARTICIPATION:** Provide for and encourage citizen participation, with particular emphasis on participation by persons of low- and moderate-incomes of particular importance are those residents living in slum and blighted areas and where Federal funds are proposed to be used. Encourage the participation of all residents, including minorities, non-English speaking persons and persons with disabilities;

2. **CITIZEN COMMENTS:** Provide citizens with a broad opportunities to examine the proposed Consolidated Plan, Annual Action Plans, and Consolidated Annual Performance and Evaluation Reports (CAPER) and Substantial Amendments. Provide a mechanism to submit written and oral comments and to provide for the consideration of these comments. Provide for a system of responding to citizen complaints;

3. **SUBSTANTIAL AMENDMENTS:** Provide for specification of criteria that Miami-Dade County will use to determine what constitutes a substantial change in the Miami-Dade County's planned or actual activities. This process will include a procedure for notification of the public and receipt of comments;

4. **PUBLIC HEARINGS:** Provide public hearings to obtain citizen views on housing and community development needs, at times and locations that are convenient to potential and actual beneficiaries. Allow for citizens to respond to proposals relative to the selection of funded activities. Respond to questions at all stages of the community development program, including the development of needs, the review of proposed activities and the review of past program performance;

5. **REASONABLE AND TIMELY ACCESS:** Provide citizens with a broader opportunity and timely access to local meetings, information and records related to Miami-Dade County's proposed and actual use of funds at times and locations convenient to potential or actual beneficiaries including;

    - Annual Action Plans
    - Consolidated Annual Performance and Evaluation Reports (CAPERs)
    - Five Year Consolidated Plan
    - Substantial Amendments to the plans

    Accommodations for persons with disabilities will be made upon notification to the County within a reasonable time frame. The needs of non-English speaking residents will be met when they can reasonably be expected to participate, by either providing meeting notices in a translated format, or providing staff representatives that can speak Spanish and Haitian Creole.

6. **INFORMATION PROVIDED:** Provide information to citizens, public agencies and other interested parties that include the amount of Federal Assistance available to Miami-Dade County and the range of activities that may be undertaken. The

information will include the estimated amount of funds that will benefit persons of low and moderate-incomes and plans to minimize displacement (even if no displacement is expected to occur);

7. **TECHNICAL ASSISTANCE:** Provide technical assistance to group representatives of persons of low- and moderate-incomes that request such assistance;

8. **PUBLIC HOUSING AUTHORITIES:** Provide for consultation between Miami-Dade County and any public housing authorities in order to encourage participation by residents of public and assisted housing developments in the process and implementation of the Consolidated Plan. Provide information to these agencies about Consolidated Plan activities, so this information can be used in the planning process;

9. **NON-ENGLISH SPEAKING RESIDENT NEEDS:** Identify how the needs of non-English speaking residents will be met in the case of public hearings where a significant number of non-English speaking residents are reasonably expected to attend;

10. **PERSONS WITH DISABILITIES:** Public Hearings and meetings will be held in places which are accessible to persons with disabilities and where needed, accommodations will be made to ensure accessibility.

11. **COMPLAINT RESOLUTION:** Provide for timely written answers to written complaints, as applicable.

This Citizen Participation Plan is divided into five sections with each one addressing a separate report or document required by HUD. Each section will address the goals, requirements, and procedures for each of the documents. The five sections are:

A. Citizen Participation Plan
B. Five Year Consolidated Plan
C. Annual Action Plan
D. Comprehensive Annual Performance and Evaluation Report
E. Substantial Amendments

PUBLIC HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT CITIZEN PARTICIPATION PLAN FOR THE DEVELOPMENT OF CONSOLIDATED PLANS/ ANNUAL ACTION PLANS, CAPERS AND SUBSTANTIAL AMENDMENTS

A - Citizen Participation Plan

Citizen Participation Plan Update:

Under the auspices of the Miami-Dade County Board of County Commissioners, the Public Housing and Community Development Department the Citizen Participation Plan (CPP) will be updated as part of the Consolidated Plan every five (5) years and as needed.

Update Process:

1. Submit revisions to the Citizen Participation Plan to the public for their comments.

2. Submit the revised Citizen Participation Plan to the Miami-Dade County Board of County Commissioners separate or in conjunction with submitting the approved plan as part of the Five Year Consolidated Plan to U.S. HUD.

Citizen Comment on the Citizen Participation Plan and Amendments:

Citizen comments at all public meetings/hearings will be solicited.

1. A summary of citizen comments received in writing, or orally at public meetings, will accompany all submissions to HUD. Advertising and conducting public hearings will be the responsibility of the Public Housing and Community Development Department.

2. Where a significant number of non-English speaking residents are reasonably expected to attend, a method of communication will be provided for non-English speaking residents. In addition, accommodations for persons with disabilities shall be made upon forty-eight (48) weekday hour, in addition, notification to the Miami-Dade County Public Housing and Community Development Department.

3. When possible, citizen surveys can be included at appropriate public meetings and with agencies involved with providing services. Bi-lingual surveys (or tri-lingual if necessary) will be available where it is anticipated that a significant number of non-English speaking residents will attend.

4. Written comments should be addressed to:

   Miami-Dade County
   Public Housing and Community Development
   Director's Office
   701 NW 1st Court, 16th Floor
   Miami, Florida 33136
   (786) 469-4100

5. The County will consider any comments or views submitted in writing or orally at the public hearings. The County will compile, read, and consider written

responses or comments from citizens. The County will respond to comments or views when appropriate and where practical.

B - Five Year Consolidated Plan

Consolidated Plan Preparation and Update: To obtain input from public and private agencies, as well as State and/or local health and welfare agencies that assist in housing, health, economic development, social services and child care agencies for low to moderate-income residents Miami-Dade County will:

1. Consult with parties listed in 24 CFR 91.100, which includes among others, interested area social/health service/housing providers throughout the County who assist with housing, health, economic development, social services, and childcare agencies for low -to moderate-income residents.

2. Conduct two (2) neighborhood meetings/workshops for the purpose of citizen input on community needs. The meetings will be held in areas/locations that are accessible to low and moderate-income residents and beneficiaries of the funds. These meetings will be noticed on the County Website and through various other means such as e-mail lists, through established neighborhood groups, flyers at local facilities and through Commissioners' Offices, if possible. The first meeting/workshop will be held at the beginning of the development of the Consolidated Plan, with a purpose to gather input from the community. The second community meeting/workshop will be held prior to the completion of the Consolidated Plan draft, to report results found as of that date, to convey the input from the first public meeting and any other pertinent information. The meeting may be virtual and accessible by electronic devices.

3. A summary of citizen comments received in writing, or orally at public meetings, will accompany all submissions to HUD. The advertising and conducting of public hearings will be the responsibility of the Public Housing and Community Development Department.

4. Comments regarding the plan can be directed in writing, by phone or email and will be addressed to:

   Miami-Dade County
   Public Housing and Community Development
   Director's Office
   701 NW 1st Court, 16th Floor
   Miami, Florida 33136
   (786) 469-4100

5. Advertisement of these two neighborhood public meetings or workshops to solicit input for the preparation of the Consolidated Plan will be in a newspaper of general circulation prior to the scheduled meeting/workshop. The advertisement will include:
   - the purpose of the meeting/workshop;
   - date;
   - time; and
   - location.

6. Regarding the Draft of the Consolidated Plan, copies shall be available for public review and comment at sites of public access such as government buildings, libraries, etc., but will always be available on the County's website.

7. As soon as feasible, after the start of the public participation process, the HUD-provided data and any other supplemental information that the County plans to incorporate into its Assessment of Fair Housing (AFH) shall be made available to residents, public agencies and interested parties.

8. There will be two public meetings to obtain citizens' views and to respond to proposals and questions. Meetings may be held in different regions of the county including but not limited to before the Miami-Dade Board of County Commissioners (BCC) or a committee of the Board. Meetings may also be held virtually when viewed to be in the best interest of the County due to an emergency declared by the President, Governor or County Mayor.

9. A public notice summarizing the action to be taken at each public hearing will be placed in a newspaper of general circulation, and newspapers representing significant minorities and non-English speaking persons 15 calendar days prior to the hearing. In cases of emergency declarations, the County may provide a shorter advance notice period, should federal or state agencies provide guidance as such. In the case of emergency declarations without federal or state guidance, a minimum 48-hour advance notice will be provided.

10. The hearings described in Section 8 above will address housing and community development needs, development of proposed activities described in section above and review of program performance. The hearings will be held in a public facility that is easily accessible to the public, including persons with disabilities. The place, date and time of the hearings will be determined by PHCD or the County Mayor in consultation with the Chairperson of the Board of County Commissioners, (BCC), Chairperson of the committee designated for the Department or applicable committee/or individual as determined by the BCC Chairperson.

11. At the time of submission of the Consolidated Plan to the County Commission agenda coordinator, a public announcement summarizing the Consolidated Plan and the availability of copies for public viewing, will be placed in a newspaper of general circulation, and in newspapers representing significant minorities and non-English speaking persons. An electronic copy of the Consolidated Plan will be available to the public. Also, a hard copy will be available upon request at the Public Housing and Community Development Department during regular business hours. This public announcement will allow for a 30-day comment period as per U.S. HUD regulations for citizens to respond to the proposed plan before it is adopted by the Board of County Commissioners or a reduced comment period as may be authorized by HUD.

12. The public hearing may be held at any time during the public comment period by the BCC or appropriate committee. A summary of the comments or views, and a summary of any comments or views not accepted and the reasons therefor, shall be attached to the final consolidated plan.

13. The public hearings/meetings will be held at sites that are accessible to low- and moderate-income persons, persons with disabilities, the elderly and other

special populations. These public hearings will be for the presentation of the Draft Consolidated Plan and the last public hearing will be for the adoption of the Plan and will obtain citizens views and responds to proposals and questions.

14. Where a significant number of non-English speaking residents are likely to attend, a method of communication will be provided for non-English speaking residents and accommodations will be provided for persons with disabilities, upon forty-eight (48) weekday hour's notification to the Miami-Dade County Housing and Community Development Department.

15. Response to inquiries, comments and complaints that are received may be answered by the Public Housing and Community Development Department within fifteen (15) working days when appropriate and where practical.

C - Substantial Amendments to the Five Year Consolidated Plan

Criteria for Amendment(s) to Five Year Consolidated Plan

Amendment to Five Year Consolidated Plan: The County may from time to time find it necessary to amend its Consolidated Plan. The following will define what constitutes and does not constitute a substantial amendment to the Consolidated Plan.

Definitions

A substantial amendment is any change in purpose, scope and/or beneficiaries of an activity, which actually and/or materially affects one or more of the preceding in the manner stated below:

- An activity changes from one CDBG-eligible activity to another.
- The scope of activity is increased by 50% or more.
- The change in the cost of an activity is increased by $250,000 or more (reduced costs are all considered non-substantial); or
- An activity's services are redirected by more than a 7-mile radius from the site.

Amendments to the Plan that do not meet any of the above stated four (4) threshold criteria shall be deemed non-substantial and may be approved administratively by the Department and shall not require approval by the Board of County Commissioners.

At the time of submission of Substantial Amendments to the Consolidated Plan to the County Commission agenda coordinator, a public announcement summarizing the amendments will be placed in a newspaper of general circulation, and newspapers representing significant minorities and non-English speaking persons. The announcement will be placed at least fifteen days prior to the Hearing, or a number of days as may be allowed due to a declared emergency. Copies of the amendments will be made available at the Public Housing and Community Development Department office located at 701 NW 1 Court, 14th Floor (Community Development Division), Miami, Florida 33136, during regular business hours. Notice of the hearing should also be published on the Departments' website and the County Calendar. This process will allow for a comment period for citizens to respond to the proposed amendments per U.S. HUD regulations, before they are adopted by the Board of County Commissioners or approved by the County Mayor or County Mayor's designee through delegated authority. A public hearing may be held at any time during the public comment period. If a substantial amendment is made pursuant to delegated authority to the County Mayor or County Mayor's designee, the public hearing may be held before PHCD staff rather

than before the Board of County Commissioners. A summary of the comments or views, and a summary of any comments or views not accepted and the reasons therefor, shall be attached to the final consolidated plan submitted to HUD.

D - Annual Action Plan (AAP)

Annual Action Plan Preparation: To obtain input from public and private agencies as well as State and/or local health and child welfare agencies that assist in housing, health, social services, to low- to moderate-income residents of Miami-Dade County, the following steps will be taken:

1. Conduct a public hearing at a venue accessible by the community or before the Board of County Commissioners (BCC) or appropriate BCC committee for the purpose of gaining citizen input on the Annual Action Plan. This hearing may be held virtually if necessary.

2. The advertising and conducting of public hearings will be the responsibility of the Public Housing and Community Development Department.

3. A summary of citizen comments received in writing, or orally at public meetings, will accompany all submissions to HUD.

4. Advertise all public meetings and workshops to solicit input for the preparation of the agenda item in a newspaper of general circulation at least fifteen (15) days or less as allowed by HUD prior to the scheduled meeting/hearing or an amount of time that may be allowed by HUD. The advertisement will include:
   - the purpose of the hearing;
   - date;
   - time; and
   - location.

5. Provide a draft of the Annual Action Plan for public review and comment at sites of public access such as government buildings, libraries, etc., as well as on the County's website not less than thirty (30) days or the number of days as allowed by HUD prior to the plan's submission.

6. The public hearings/meetings will be held at sites that are accessible to low- and moderate-income persons, persons with disabilities, the elderly and other special populations.

7. Where a significant number of non-English speaking residents are likely to attend, a method of communication will be provided for non-English speaking residents and accommodations will be provided for persons with disabilities, upon forty-eight (48) weekday hour's notification to the Miami-Dade County Public Housing and Community Development Department.

8. Response to inquiries, comments and complaints that are received may be answered by Public Housing and Community Development Department within fifteen (15) working days, where practicable.

Criteria for Amendment(s) to Annual Action Plan

Amendment to Annual Action Plan (AAP):

The County may from time to time find it necessary to amend its AAP. The following will define what constitutes and does not constitute a substantial amendment to the AAP:

Definitions:

A substantial change in a planned or actual activity will require an amendment to the plan. A substantial change is any change in purpose, scope and/or beneficiaries of an activity, which actually and/or materially affects one or more of the preceding in the manner stated below:

- An activity changes from one CDBG-eligible activity to another.
- The scope of activity is increased by 50%.
- The change in the cost of an activity is increased by $250,000 (reduced costs are not considered substantial) or more; or
- An activity's services are redirected by more than a 7-mile radius from the site, outside of the previously agreed upon activity service area.

Amendments to the Plan that do not meet any of these four (4) above listed threshold criteria shall be deemed non-substantial and may be approved administratively by the Department and shall not require approval by the Board of County Commissioners.

At the time of submission of Substantial Amendments to the Annual Action Plan to the County Commission agenda coordinator, a public announcement summarizing the amendments will be placed in a newspaper of general circulation, and newspapers representing significant minorities and non-English speaking persons. Copies of the amendments will be available at the Public Housing and Community Development Department during regular business hours.

A public notice summarizing the amendment(s) will be placed in a newspaper of general circulation and newspapers representing significant minorities and other non-English speaking persons at least fifteen days prior to the Hearing. This fifteen (15) day period will allow the public a period of time for comments. Copies of the amendment will be available at the Department's office located at 701 NW 1 Court, 16th Floor, Miami, Florida 33136, during regular business hours. Notice of the hearing should also be published on the Department's website and the County Calendar. This process will allow for a comment period for citizens to respond to the proposed amendments per U.S. HUD regulations, before they are adopted by the Board of County Commissioners in a public hearing. A public hearing may be held at any time during the public comment period. If a substantial amendment is made pursuant to delegated authority to the County Mayor or County Mayor's designee, the public hearing may be held before PHCD staff rather than before the BCC or BCC Committee. A summary of the comments or views, and a summary of any comments or views not accepted and the reasons therefor, shall be attached to the final consolidated plan.

Availability to the Public

To provide the public an opportunity to share their views and to respond to the Annual Action Plan:

The Miami-Dade County Public Housing and Community Development Department (PHCD) will post the Annual Action Plan on the Miami-Dade County/Public Housing and Community Development website: (http://www.miamidade.gov/housing).

Access to Records

To provide an opportunity for citizens to receive information, submit comments and/or submit concerns on the proposed Annual Action Plan the following strategies will be implemented:

1. Advertise a summary of the Annual Action Plan, or a substantial amendment in a newspaper of general circulation, soliciting comments for a period of thirty (30) days or a reduced number of days as may be allowed by HUD. The summary will describe the contents and purpose of the Annual Action Plan and will include locations where the entire plan may be examined.

2. Copies of the documents will also be placed on the County website.

3. Comments on the documents can be forwarded to:
   Miami-Dade County
   Public Housing and Community Development Department
   Director's Office
   701 NW 1 Court, 16th Floor
   Miami, Florida 33136
   Phone: (786) 469-4100

4. If not satisfied at the local level, complaints may be forwarded to HUD.

E – <u>Procedure for Administrative Actions</u>

The County may find it necessary to perform administrative actions, where permitted by HUD and authorized by the Board of County Commissioners, with CDBG, HOME, ESG, and CARES Act funding, to meet HUD expenditure timeliness requirements. The following items are examples of administrative actions:

- the recapture and reallocation of funding from activities subject to expenditure deadlines to activities that are performing well and meeting a national objective; or
- the recapture of funding from a specific Commission District or area of the county and reallocation of said funding to serve a Countywide need.

These administrative actions will be taken only when delegated such authority by the BCC. The County Mayor or County Mayor's designee will follow the citizen participation process set forth in this CPP, including the accepting of written comments and holding a public hearing at a location readily accessible to the public by mass transportation and with a virtual hearing, when permitted due to emergency conditions.

Under emergency conditions, the County Mayor or County Mayor's designee may follow the Expedited Citizen Participation Process set forth below in section G of this CPP.

Prior to any administrative recapture and reallocation action by the County Mayor or County Mayor's designee, a public notice summarizing the proposed action(s) will be placed in a newspaper of general circulation, and newspapers representing significant minorities and non-English speaking persons at least fifteen days prior to the Hearing. This fifteen (15) day period, or less as allowed by HUD, prior to the scheduled meeting/hearing will allow the public a period of time for comments. Copies of the proposed recaptures and reallocations will be available at the Department's office located at 701 NW 1 Court, 16th Floor, Miami, Florida 33136, during regular business hours. Notice of the hearing should also be published on the

Department's website and the County Calendar. This process will allow for a comment period for citizens to respond to the proposed recaptures and reallocations per HUD regulations. A summary of the comments or views, and a summary of any comments or views not accepted and the reasons therefor, shall be attached to the final substantial amendment submitted to HUD.

Availability to the Public

To provide the public an opportunity to share their views and to respond to proposed administrative recaptures and reallocations:

The Miami-Dade County Public Housing and Community Development Department (PHCD) shall post the proposed recaptures and reallocations on its website: (http://www.miamidade.gov/housing).

Access to Records

To provide an opportunity for citizens to receive information, submit comments and/or submit concerns on proposed recaptures and reallocations, the following strategies will be implemented:

1. Advertise a summary of the proposed recaptures and reallocations in a newspaper of general circulation, soliciting comments for a period of thirty (30) days or a reduced number of days as may be allowed by HUD. The summary will describe the contents of the proposed recaptures and reallocations and will include locations where the document/exhibit may be examined.

2. Copies of the documents should also be placed on the County website.

3. Comments on the documents can be forwarded to;
   Miami-Dade County
   Public Housing and Community Development Department
   Director's Office
   701 NW 1 Court, 16th Floor
   Miami, Florida 33136
   Phone: (786) 469-4100

4. If not satisfied at the local level, complaints may be forwarded to HUD.

F - <u>Comprehensive Annual Performance And Evaluation Report (CAPER)</u>

To provide an opportunity for citizens to receive information and/or submit comments regarding the draft Comprehensive Annual Performance Report (CAPER) before submission to U.S. HUD the following strategies will be implemented:

1. Notification will be given of the availability for review of the Comprehensive Annual Performance Report in a newspaper of general circulation and newspapers representing significant minorities and Non-English speaking persons. The notification will describe the contents of the Comprehensive Annual Performance Report and will include locations where the Comprehensive Annual Performance Report may be examined.

2. Miami-Dade County will post the Consolidated Annual Performance and Evaluation Report on the Miami-Dade County website.

3. Citizens will be given a period of fifteen (15) days in order to submit views and comments to the Comprehensive Annual Performance Report prior to the report's submission to HUD.

4. Comments may be submitted to the Department regarding the Comprehensive Annual Performance and Evaluation Report at a public meeting that is held annually in the first quarter of the succeeding year following the publication of the performance report or by phone, e-mail or fax.

Availability to the Public

To provide the public an opportunity to share their views and to respond to the draft Consolidated Annual Performance and Evaluation Report:

Copies will be made available at the offices of the Public Housing and Community Development Department during regular business hours.

Access to Records

To provide an opportunity for citizens to receive information, submit comments and/or submit concerns on the CAPER the following strategies will be implemented:

1. Advertise that the CAPER or a summary of the CAPER is available for period of 15 days for public comment. This advertisement will be in a newspaper of general circulation. The advertisement will describe the contents and purpose of the CAPER and will include locations where the document may be examined.

2. Copies of the documents will also be placed on the County website.

3. When possible, the County will make available electronic copies of the documents to citizens and groups that request it.

4. Comments on the documents can be forwarded to:

Miami-Dade County
Public Housing and Community Development
Director's Office
701 NW 1st Court, 16th Floor
Miami, Florida 33136
(786) 469-4100

Availability to the Public

To provide the public an opportunity to share their views and to respond to the Consolidated Annual Performance and Evaluation Report as submitted to HUD, the following strategies will be implemented:

Miami-Dade County will post the Consolidated Annual Performance and Evaluation Report, as submitted to HUD on the Miami-Dade County website.

Technical Assistance

Upon request, technical assistance will be provided to groups representing low-and moderate-income persons, including persons with disabilities or other special needs. These low-and moderate income groups or persons must complete applications or proposals for funding assistance under any of the programs covered by the Consolidated Plan, as well as preparation of a budget for any proposed activity.

Complaints

The Public Housing and Community Development Department will act timely and objectively in responding to all written complaints utilizing the following strategies:

1. The Public Housing and Community Development Department will respond to citizen complaints within fifteen business (15) days. The PHCD Director's response will be substantive.

2. Citizens may, at any time during the complaint resolution process, contact the U.S. Department of Housing and Urban Development (HUD) directly at the following address:

   U.S. Department of Housing and Urban Development
   Office of Community Planning and Development
   909 SE First Avenue, Room 500
   Miami, Florida 33131-3028

G – EXPEDITED CITIZEN PARTICIPATION PROCESS

Notwithstanding any other provision set forth in this CPP, in order to administer funding allocated to the County pursuant to the Coronavirus Aid, Relief and Economic Security Act (CARES Act) (Public Law 116-136), and in other circumstances where an expedited citizen participation process is permitted by the United States Congress and/or U.S. HUD, the County may utilize the following expedited citizen participation process to draft, propose, or amend consolidated plans and annual action plans. The County will follow citizen participation guidance by Congress or U.S. HUD, but absent such guidance will provide no less than five (5) days' notice and no less than five (5) days' reasonable opportunity to comment. The five-day comment period may run concurrently for comments on an action plan amendment and amended citizen participation plans. In-person public hearings will not be required. The County may meet public hearing requirements with virtual public hearings if: 1) national/local health authorities recommend social distancing and limiting public gatherings for public health reasons; and 2) virtual hearings provide reasonable notification and access for citizens in accordance with the County's certifications, timely responses from local officials to all citizen questions and issues, and public access to all questions and responses.

Attachments

Housing Needs (91.205)

1. Describe the estimated housing needs projected for the next five year period for the following categories of persons: extremely-low-income, low-income, moderate-income, and middle-income families, renters and owners, elderly persons, persons with disabilities, including persons with HIV/AIDS and their families, single persons, large families, public housing residents, victims of domestic violence, families on the public housing and section 8 tenant-based waiting list, and discuss specific housing problems, including: cost-burden, severe cost-burden, substandard housing, and overcrowding (especially large families).

2. To the extent that any racial or ethnic group has a disproportionately greater need for any income category in comparison to the needs of that category as a whole, the jurisdiction must complete an assessment of that specific need. For this purpose, disproportionately greater need exists when the percentage of persons in a category of need who are members of a particular racial or ethnic group is at least ten percentage points higher than the percentage of persons in the category as a whole.

5 Year Strategic Plan Housing Needs response:

NA-10. Housing Needs Assessment

Low-Moderate Income

This analysis includes two geographies to illustrate the extent of the housing issue in Miami-Dade County. The primary focus is on the area defined as the Miami-Dade County Entitlement Area and illustrated in Map 1. Secondarily, data is provided for the entirety of the County including all entitlement cities, Hialeah, Homestead, Miami, Miami Beach, Miami Gardens and North Miami. Those separate entitlement cities complete their own Consolidated Plan and provide a separate analysis.

The ability to meet housing need is dependent on the overall income level of the household and prevailing and projected housing rental and owner costs. These make it possible to estimate housing cost burden. Cost burden is defined by the percentage of the household income that is required to meet housing costs. The categories of cost burden include: not cost urdened (less than or equal to 30°/o of income), cost burdened (between 3oo; and 49.9°/o of income) and severely cost burdened (50°/o or more of income).

Cost Burden Categories

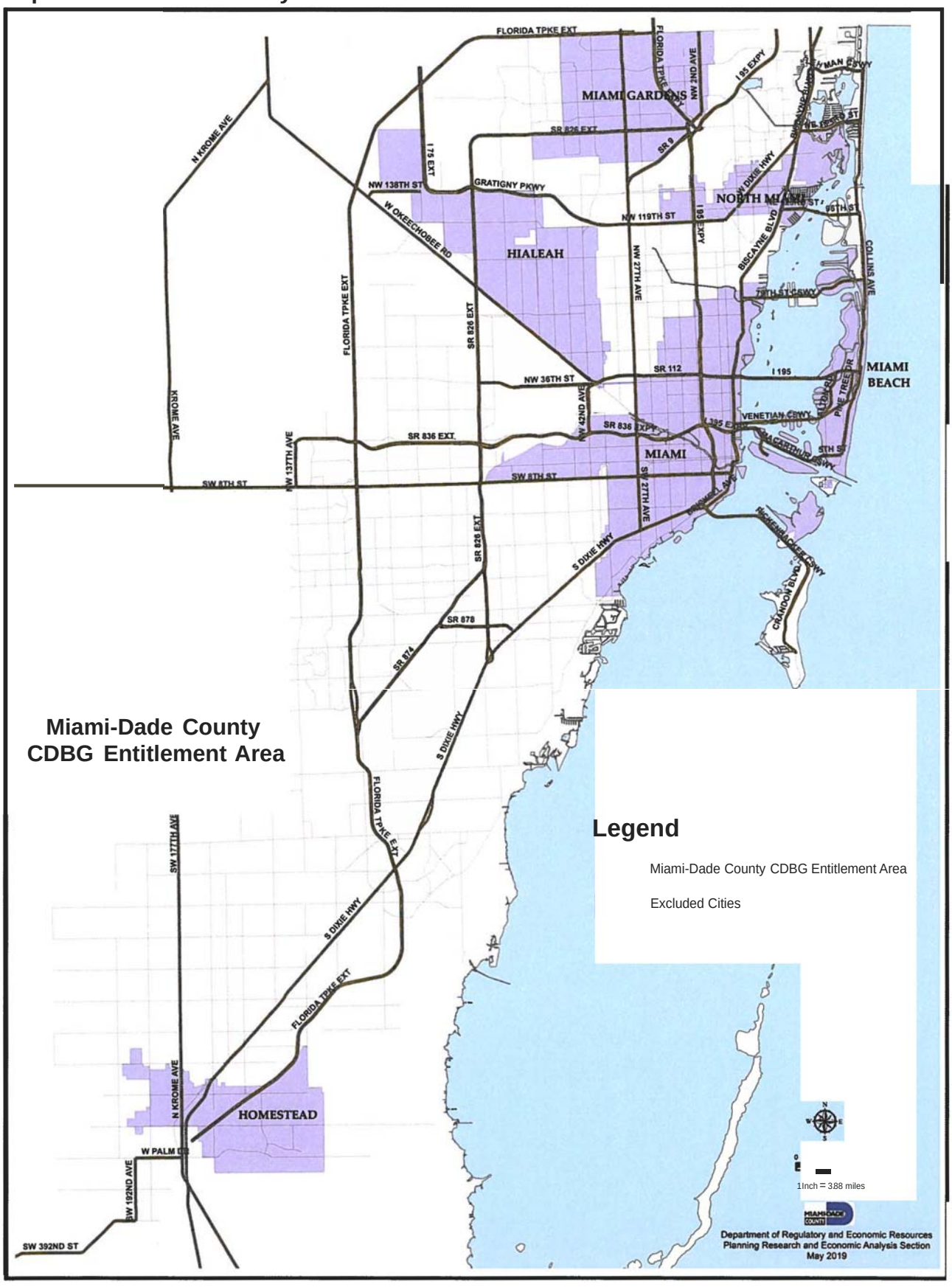
Not Cost Burdened	Household spends less than 30% of household income for housing costs.
Cost Burdened	Household spends between 30% and 49.9% of household income for housing costs.
Severely Cost Burdened	Household spends 50% or more of household income for housing costs.

Household Income levels are defined with respect to the Area Median Income (AMI) published each year by the Department of Housing and Urban Development (HUD), and are divided into the following categories:

Income Levels

Extremely Low Income	Less than 30% of AMI
Very Low Income	Between 30% and 49.9% of AMI
Low Income	Between 50% and 79.9% of AMI
Moderate Income	Between 80% and 119.9% of AMI
High Income	Greater than or equal to 120% of AMI

Map 1: Miami-Dade County Entitlement Area



The following tables and charts illustrate the number of households that fall into each of these categories for the county's entitlement area and, for purposes of comparison, the county as a whole.

Miami-Dade County Entitlement Area

- All Households: There were 129,750 households of all income levels and tenure in the entitlement area that were cost-burdened in 2016 as shown in Table Ia. An additional 153,375 households were severely cost-burdened. The total number of cost or severely-cost- burdened households, 283,125, represented 50°/o of all entitlement- area households.

The total number of cost or severely-cost-burdened households, 283,125, represented 50°/o of all entitlement-area households, 44°/o of all owner households, and 61°/o of all renter households.

- Owner Households: There were 79,271 cost-burdened and 86,723 severely-cost-burdened owner households in the entitlement area. Combined they accounted for 165,994 cost-burdened or severely-cost-burdened owner households, or 44°/o of all owner households.
- Renter Households: There were 51,004 cost-burdened and 69,482 severely-cost-burdened renter households, 120,486 combined, in the entitlement area in 2016. This represented 61°/o of all renter households.
- Shares by Tenure: In the entitlement area, of the total number of cost-burdened and severely-cost-burdened households, 283,125, owner households represented 58°/o, while renter households represented the remaining 42°/o.
- By Income Category: Among all households with extremely-low incomes, 10°/o were cost-burdened and 79°/o were severely cost burdened. Very-low income households faired little better, with 25°/o cost-burdened and 57°/o severely-cost-burdened. And, for low-income households, 40°/o were cost-burdened and 30°/o were severely-cost-burdened.

Table 1a: Miami-Dade County Entitlement Area - 2016 Cost Burden by Tenure and Household Income

		Extremely Low Income	Very Low Income	Low Income	Moderate Income	High Income	Total
All Households	Not Cost Burdened	9,066	13,982	30,193	48,067	177,093	278,401
	Cost Burdened	8,370	18,749	40,165	30,601	31,865	129,750
	Severely Cost Burdened	64,704	43,332	29,657	10,045	5,637	153,375
Owner Households	Not Cost Burdened	3,515	9,367	20,220	30,400	143,819	207,321
	Cost Burdened	4,334	8,475	17,743	20,116	28,603	79,271
	Severely Cost Burdened	29,158	20,836	22,146	9,253	5,330	86,723
Renter Households	Not Cost Burdened	5,697	4,615	9,973	18,061	37,796	76,142
	Cost Burdened	4,108	10,297	22,422	10,574	3,603	51,004
	Severely Cost Burdened	38,103	22,764	7,516	792	307	69,482

Data Source: Florida Housing Data Clearinghouse, Online, Jan 2019

Miami-Dade Countywide

- **All Households: Table Ib** indicates that there were 224,451 Miami-Dade County households of all income levels and tenure that were cost-burdened in 2016 according to the Florida Housing Data Clearinghouse. An additional 284,678 households were severely cost-burdened. The total number of cost or severely-cost-burdened households, 509,129 countywide, represented a majority, 53°/o, of all county households.

The total number of cost or severely-cost-burdened households, 509,129 countywide, represented a majority, 53°/o, of all county households, 45°/o of all owner households, and 63°/o of all renter

- **Owner Households:** Among owner households countywide, there were 114,335 cost-burdened and 129,370 severely-cost-burdened households, which combined, accounted for 243,705 cost-burdened or severely-cost-burdened owner households, 45°/o of all owner households.
- **Renter Households:** Among renter households countywide, there were 110,116 cost-burdened and 155,308 severely-cost-burdened households in 2016. Combined, therefore, there were 265,424 renter households that were cost-burdened or severely-cost-burdened, representing 63°/o of all renter households.
- **Shares by Tenure:** The breakdown by tenure in the 2016 data had owner households representing 48°/o of all cost-burdened or severely-cost-burdened households and renter households representing the remaining 52°/o.

Table 1b: Miami-Dade County - 2016 Cost Burden by Tenure and Household Income

		Extremely Low Income	Very Low Income	Low Income	Moderate Income	High Income	Total
All Households	Not Cost Burdened	25,551	28,099	57,540	88,329	253,104	452,623
	Cost Burdened	21,037	42,351	72,200	47,482	41,381	224,451
	Severely Cost Burdened	140,845	78,230	42,655	15,619	7,329	284,678
Owner Households	Not Cost Burdened	6,476	17,989	32,910	48,232	188,493	294,100
	Cost Burdened	8,330	14,211	27,034	29,042	35,718	114,335
	Severely Cost Burdened	46,410	32,271	30,132	13,727	6,830	129,370
Renter Households	Not Cost Burdened	19,075	10,110	24,630	40,097	64,611	158,523
	Cost Burdened	12,707	28,140	45,166	18,440	5,663	110,116
	Severely Cost Burdened	94,435	45,959	12,523	1,892	499	155,308

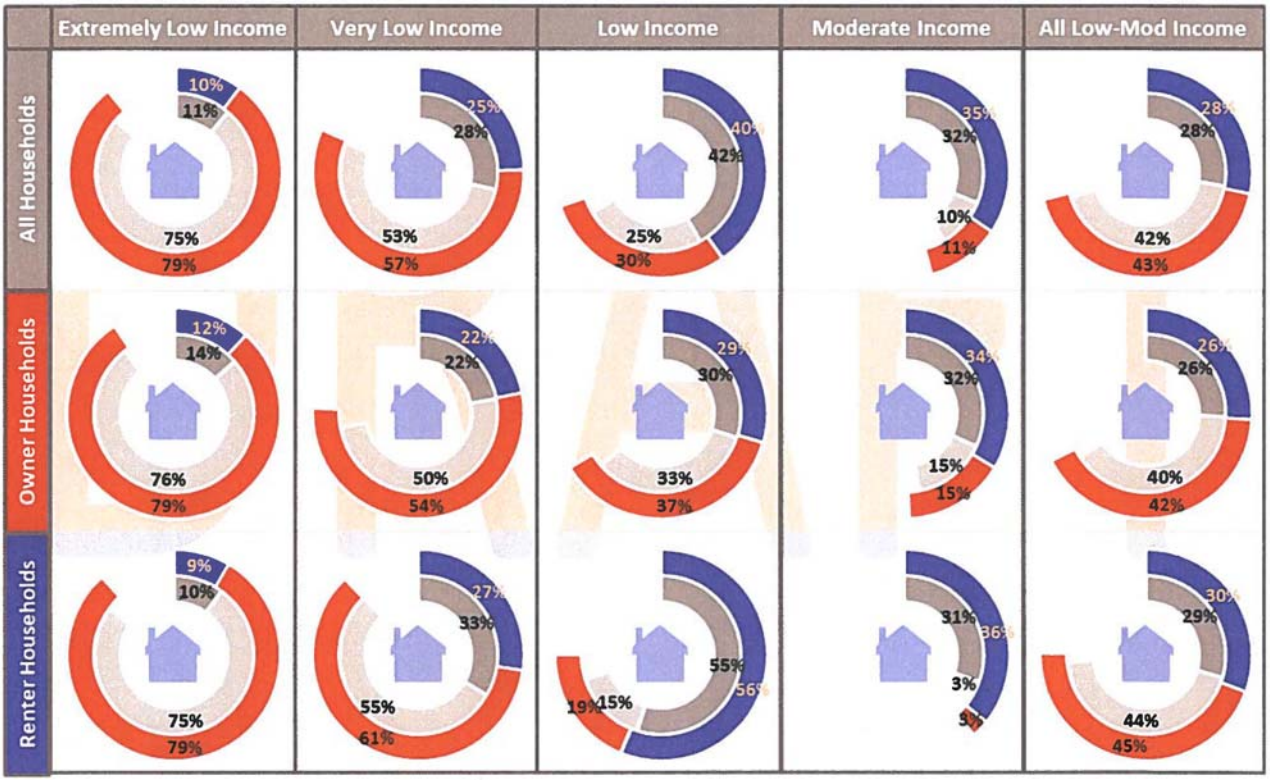
Data Source: Florida Housing Data Clearinghouse, Online, Jan 2019

Chart 1 on the following page graphically shows the impact on households by income range as a share of AMI, and by tenure.

- The first column of donut charts illustrates the incidence of cost burden for extremely-low-income owner and renter households (earning less than 30°/o of the AMI). In the entitlement area, 79°/o of all households in this range are severely-cost-burdened. The numbers are 78°/o for owner households and 79°/o for renter households. Combining households that are cost burdened or severely-cost-burdened, the numbers grow to 79°/o of all households, 90°/o of owner households, and 78°/o of renter households.

- The second column, very-low-income (earning between 30 °/o and 49.9°/o of the AMI) shows very little improvement. Fifty-seven percent of all households are severely cost-burdened with an additional 25°/o that are cost-burdened, totaling 82°/o cost or severely-cost-burdened. Seventy-six percent of owner households in this income range are cost-or-severely-cost-burdened, with severe accounting for 54°/o, and 88°/o of renter households are cost-or-severely-cost-burdened, 60°/o severe.
- The middle column illustrates the data for low-income households (earning between 50°/o and 79.9°/o of the AMI). Among all households in this range, 40°/o are cost-burdened and another 30°/o severely-cost burdened, totaling 70°/o. For owner households, 30°/o are cost-burdened and 37°/o are severe, and among renter households, 56°/o are cost burdened with an additional 19°/o severe.

Chart 1. Miami-Dade County and Entitlement Area Cost Burden by Tenure and Household Income: 2016



Trends in Affordability

The projections from the Florida Data Clearinghouse show a couple of different challenges, as shown in Table 2 and Chart 2, of cost burden for extremely-low, very-low and low-income households.

- In the entitlement area, the total number of households is projected to grow at an annual rate of 1.3°/o, adding 212,113 additional households. Of this total number, 113,930 additional households (54°/o) are projected to be low, very-low or extremely-

By the year 2040 there will be an additional 113,930 additional extremely-low, very-low and low-income households in the entitlement area, of which 74°/o will cost burdened severely cost burdened.

Table 2. Miami-Dade County Entitlement Area: 2016-2040 Cost Burden for Low Income Households

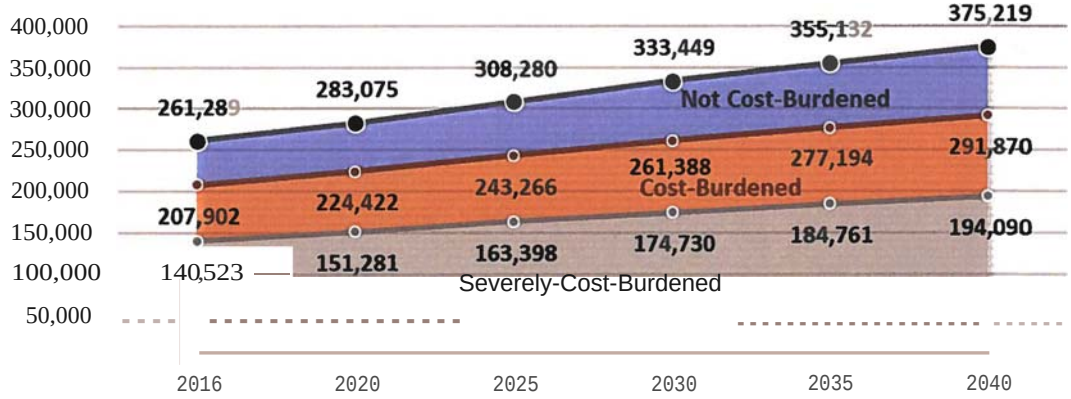
Miami-Dade Entitlement Area								
Extremely Low, Very Low and Low Income Households	2016	2020	2025	2030	2035	2040	Change in Households	Annual Growth rate
Not Cost-Burdened	53,387	58,653	65,014	72,061	77,938	83,349	29,962	1.9%
Cost-Burdened	67,379	73,141	79,868	86,658	92,433	97,780	30,401	1.6%
Severely-Cost-Burdened	140,523	151,281	163,398	174,730	184,761	194,090	53,567	1.4%
Cost-Burdened at 30% and 50%	*207,902*	*224,422*	*243,266*	*261,388*	*277,194*	*291,870*	*83,968*	*1.4%*
Total Low/Very/Extremely Low Income	261,289	283,075	308,280	333,449	355,132	375,219	113,930	1.5%
All Entitlement Area households	569,943	613,240	660,965	704,876	744,993	782,056	212,113	1.3%

Data Source: Florida Data Clearing House, Online, Jan 2019.

low-income households. And of these, 83,968 (74°/o) will be cost-burdened or severely cost-burdened, bringing the total up to 291,870 households by 2040 from 207,902 in 2016.

- Despite the sizable increase the number of cost-burdened households just enumerated, the share of households earning less than 80°/o of the AMI that are cost-burdened is projected to fall slightly, from 80°/o in 2016 to 78°/oin 2040.

Chart 2: Growth in Extremely-low, Very-low, and Low-Income Households by Cost-Burden Status in the Miami-Dade Entitlement Area



Data Source: Florida Data Clearing House, Online, Jan 2019.

Table 3 again shows the cost-burden trends for extremely-low, very-low, and low-income households, this time broken out by tenure in the entitlement area.

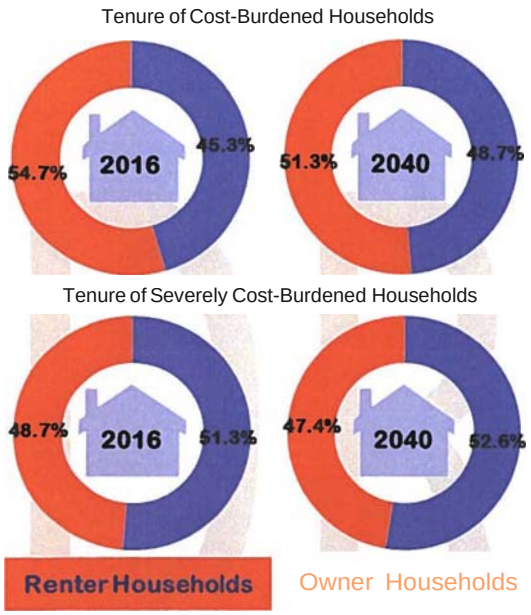
Table 3. Miami-Dade Entitlement Area Cost Burden by Tenure and Income: 2016-2040

Extremely Low, Very Low and Low Income Households		Miami-Dade County Entitlement Area			
		Households		Percent	Annual
		2016	2040	Change	Growth
Owner	Not Cost Burdened	33,102	53,439	*61.4%*	*2.0%*
	Cost Burdened	30,552	47,595	*55.8%*	*1.9%*
	Severely Cost Burdened	72,140	102,094	*41.5%*	*1.5%*
	Cost-Burdened at 30% and 50%	*102,692*	*149,689*	*45.8%*	*1.6%*
Owner Total		**135,794**	**203,128**	***49.6%***	***1.7%***
Renter	Not Cost Burdened	20,285	29,910	*47.4%*	*1.6%*
	Cost Burdened	36,827	50,185	*36.3%*	*1.3%*
	Severely Cost Burdened	68,383	91,996	*34.5%*	*1.2%*
	Cost-Burdened at 30% and 50%	*105,210*	*142,181*	*35.1%*	*1.3%*
Renter Total		125,495	172,091	***37.1%***	*1.3%*
Total Low-Income Households		261,289	375,219	*43.6%*	*1.5%*

Data Source: Florida Data Clearing House, Online, Jan 2019.

- The total number of owner households earning less than 80°/o of the AMI is projected to grow by an average annual rate of 1.7°/o between now and 2040, adding an additional 67,334 owner-households in the entitlement area. Out of the total number, 203,128 households, 74°/o, or a total of 149,689 owner households, are projected to be cost-burdened or severely-cost-burdened.
- The entitlement-area share of countywide households earning less than 80°/o of the AMI is projected to increase from 62.9°/o in 2016 to 63.1°/o in 2040. The share of those cost-burdened
  is projected to increase from 64.8°/o to 65.1°/o over the same period.

Chart 3. Entitlement Area Cost-Burden Shares by Tenure for Low/Very-low / Extremely-low Income Households: 2016 8r. 2040



Data Sourre: Florida Data Cfearlng Hause, Online, Jan 1019.

- The total number of renter households earning less than 80°/o of the AMI will grow by an annual average rate of 1.3°/o between now and 2040, adding an additional 46,596 households in the entitlement area to total 172,091 households. of that total number, 83°/o, or 142,181 are projected to be cost-burdened or severely-cost-burdened.
- In the entitlement area as well, the share of owner households earning less than 80°/o of the AMI and cost-burdened or severely-cost-burdened is projected to grow. As illustrated in Chart 3, between 2016 and 2040 the share of cost-burdened low-income owner-households is projected to grow from 45.3°/o to 48.7°/o while the cost-burdened share of renter-households falls from 54.7°/o to 51.3°/o.
- The share of severely-cost-burdened low-income owner-households is projected to grow from 51.3°/o to 52.6°/o while the corresponding share of renter-households falls from 48.7°/o to 47.4°/oover the same period.

Household size, Elderly Households and Cost Burden

Table 4. Household Types* by Cost Burden, Miami-Dade County (2015)

Extremely Low, Very Low and Low Income Households	Miami-Dade County Entitlement Area				Miami-Dade County			
	Not Cost-Burdened	Cost-Burdened	Severely Cost-Burdened	Total Cost-Burdened	Not Cost-Burdened	Cost-Burdened	Severely Cost-Burdened	Total Cost-Burdened
Small Fanilies	17,151	29,505	43,295	72,800	33,685	55,880	81,770	137,650
Large Families	4,564	6,474	8,164	14,638	8,429	12,269	14,454	26,723
Elderly Households	21,700	15,394	28,553	43,947	44,624	31,819	55,898	87,717
Other Households	5,747	8,828	18,191	27,019	13,322	21,403	42,671	64,074
		Shares				Shares		
Small Households	*19.1%*	*32.8%*	*48.1%*	*80.9%*	*19.7%*	*32.6%*	*47.7%*	*80.3%*
Large Households	*23.8%*	*33.7%*	*42.5%*	*76.2%*	*24.0%*	*34.9%*	*41.1%*	*76.0%*
Elderly Households	*33.1%*	*23.4%*	*43.5%*	*66.9%*	*33.7%*	*24.0%*	*42.2%*	*66.3%*
Other	*17.5%*	*26.9%*	55.5%	*82.5%*	*17.2%*	27.7%	*55.1%*	*82.8%*

*The household types include: Small Family (2 persons, neither 62 years or older, or 3 or 4 persons); Large Family: (5 or more persons); Elderly Households (2 persons with either or both 62 years or older or elderly non family); and Other Household (non-elderly, non-family household).

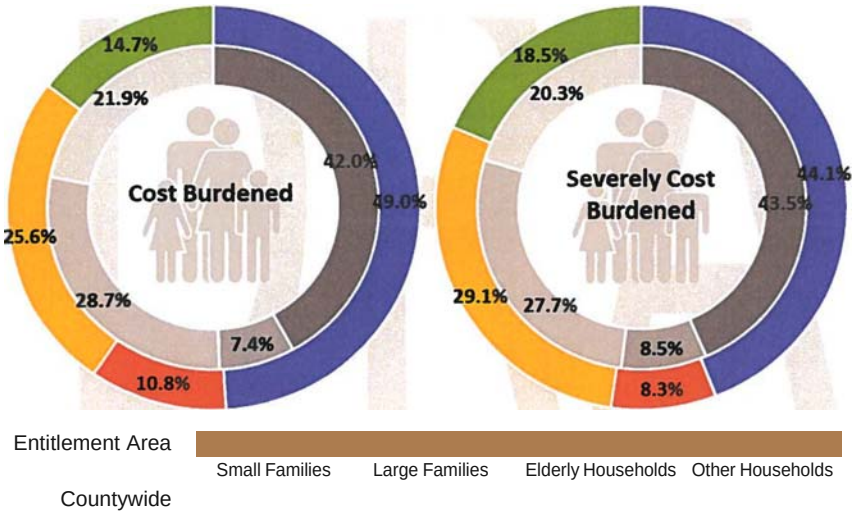
Source: Comprehens iw Housing Alfordability Data (CHAS), Dept of Housing and Urban Dewlopment, 2011-2015 data.

Table 4 shows the incidence of cost burden by household type, specifically, small and large non-elderly families, elderly households, and non-family-non-elderly households (other). The table, as with the previous two tables, only includes households earning less than 80°/o of the AMI.

For all cost-burdened households spending at least 30°/o and less than 50°/o of income on housing costs in the entitlement area, 49°/o were small families.

- The highest incidence of cost burden in the entitlement area among these households was among small families. There were 72,800 low-income small-family households that were cost-burdened or severely cost-burdened. This represents 81°/o of small-family households. Almost half, 48°/o of all low-income small-family households were severely cost-burdened.
- Even though the lowest incidence of cost burden was among elderly low-income households, still two-thirds, 67°/o, were cost-burdened or severely cost-burdened. The total number of such households was 43,947 that were cost-burdened, of which 28,553 were severely cost-burdened.

Chart 4: Miami-Dade Entitlement Area Cost-Burdened and Severely-Cost-Burdened Households by Household/Family Type



• The numbers of low-income large families and other (low-income, non-elderly and non-family) households were relatively small compared to the other categories in the entitlement area. The rate of cost burden for them was 76°/o and 82.5°/o, respectively and they totaled a still very significant, 41,657 households.

Chart 4 reverses the data to examine the type of household or family by the extent of cost burden.

- For all cost-burdened households spending at least 30°/o and less than 50°/o of income on housing costs in the entitlement area, 49°/o were small families. Small families make up 43°/o of all low-income households in the entitlement area. Countywide, small-family households account for 42°/o of all low-income cost-burdened households and 41°/o of all low-income households.
- Elderly households in the entitlement area earning less than 80°/o of the AMI accounted for 26°/o of the cost-burdened households and 32°/o of all low-income households. Countywide the corresponding numbers were 29°/o and 32°/o, respectively.
- Low-income-elderly households in the entitlement area accounted for 29°/o of severely cost-burdened low-income households and 28°/o countywide.

Elderly Household Cost-Burden Trends

Table 5. Miami-Dade Entitlement Area 2016-2040 Cost Burden of Elderly* Households by Tenure

Households of All Income Levels		Miami-Dade County Entitlement Area			
		Households		Percent	Annual
		2016	2040	Change	Growth
Owner	Not Cost Burdened	18,375	36,475	98.5%	2.9%
	Cost Burdened	14,494	28,937	99.6%	2.9%
	Severely Cost Burdened	22,160	43,410	95.9%	2.8%
Owner Total		55,029	108,822	97.8%	2.9%
Renter	Not Cost Burdened	7,044	14,223	101.9%	3.0%
	Cost Burdened	6,809	14,273	109.6%	3.1%
	Severe Cost Burdened	11,256	23,189	106.0%	3.1%
Renter Total		25,109	51,685	105.SO	3.1%
Total Low-Income Households		80,138	160,507	100.3%	2.9%

*In this table, an elderly household is one with a head-of-household 65+ years of age.

Data Source: Florida Data Clearing House, Online, Jan 2019.

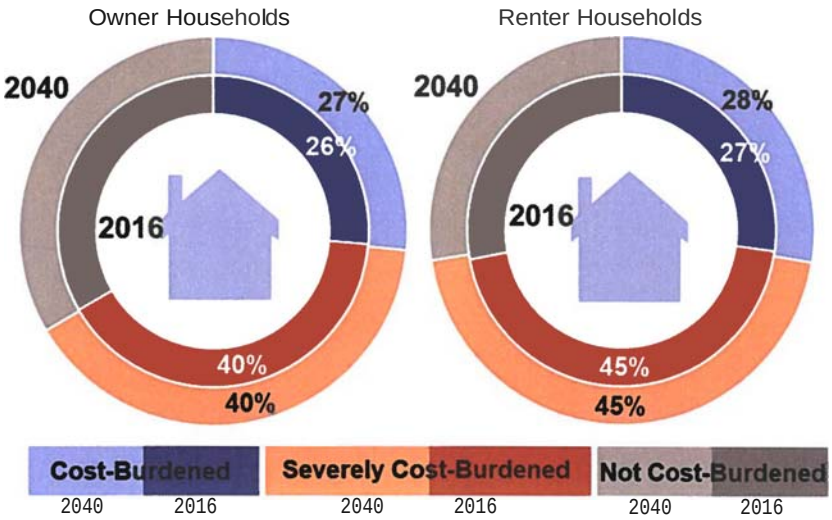
Table 5 shows the projected trends of housing-cost-burden for elderly households, those with a head-of-household 65 years of age or older.

- The most significant observation is that the number of elderly cost-burdened, and elderly severely cost-burdened households in the entitlement area are projected to double by 2040.

The number of elderly cost-burdened, and elderly severely cost-burdened households in the entitlement area are projected to double by 2040.

- The Florida data projects 72,347 elderly-owner households that will be cost-burdened by 2040, of which 43,410 will be severely cost-burdened. The total number of elderly cost-burdened owner-households represents a 97°/o increase from the 2016 figure and an average growth rate of 2.9°/o per year.
- It is projected that the number of cost-burdened elderly-renter households in the entitlement area will grow to 37,462 households by 2040. Of those, 23,189 will be severely cost-burdened. The projected increase of elderly-cost-burdened renter-households is 106°/o over the 2016 estimate, an average growth rate of 3.1°/o per year.
- Chart 5 illustrates that despite the increase in numbers of cost-burdened elderly households, the projected shares of cost-burdened and severely cost-burdened households will remain essential unchanged between 2016 (inner ring) and 2040 (outer ring).

Chart 5: Miami-Dade Entitlement Area Cost Burden of Elderly Households: 2016 & 2040



Data Source: Florida Data Clearing House, Online, Jan 2019.

Substandard Housing

Table 6. Miami-Dade Entitlement Area Overcrowding by Tenure and Age of Householder: 2012 & 2017

	Entitlement Area		
	2017	2012	% Change
Total Housing Units	**518,238**	**501,789**	**3.3%**
Overcrowded Housing Units	28,336		18.8%
Percent Overcrowded	5.5%		0.7%
Owner occupied Units		328,045	-4.1%
Overcrowded Owner Occupied Units		10,329	4.3%
Percent Overcrowded		*3.1%*	0.3%
Renter occupied:			17.2%
Overcrowded Renter Occupied Units			29.9%
Perce			
Housing Ur			
Overcrowded Housing Units			
Percent Overcrowded			0.6%
Owner occupied Units	88,272		10.7%
Overcrowded Owner Occupied Units	1,785		44.8%
Percent Overcrowded	2.0%		0.5%
Renter occupied:	28,668		27.4%
Overcrowded Renter Occupied Units	909	492	**84.8%**
Percent Overcrowded	**3.2%**	**2.2%**	**1.0%**
Percent of All Housing Units that are headed by person 65 years and over	**22.6%**	**20.4%**	**2.2%**
Percent of All Overcrowded Housing Units headed by person 65 years and over	**9.5%**	**7.2%**	**2.3%**

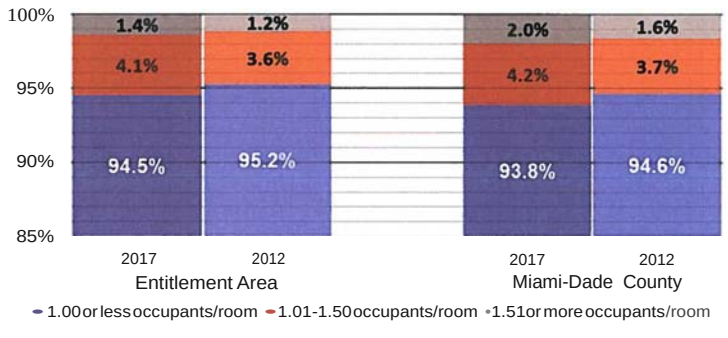
Data Source: 2012 & 2017 American Community Survey 5-year Estimates

Overcrowding

In the Miami-Dade County entitlement area between 2012 and 2017 the incidence of overcrowding increased significantly, especially for renter households and those with a householder age 65 or over. This data is presented in Table 6 and Chart 6.

- The total number of housing units in the entitlement area grew 3.3°/o (16,400 units) between 2012 and 2017. The total number of overcrowded housing units grew nearly three times faster, 18.8°/o (4,500 units).
- The number of owner-occupied units in the entitlement area declined 4.1°/o (13,500 units) while the number of overcrowded owner-occupied units increased 4.3°/o (441 units) between 2012 and 2017. The share of owner-occupied units overcrowded increased from 3.1°/o to 3.4°/o in 2017 over the five-year period.
- There was a 17.2°/o increase (29,900 units) in the total number of renter-occupied units in the entitlement area and a 29.9°/o increase (4,000 units) in those that were overcrowded between 2012 and 2017. The share of overcrowded renter units increased during the five-year period from 7.8°/o to 8.6°/o.
- The Census data indicates that the incidence of overcrowding is much lower for elderly-led households compared to all housing units, but the five-year growth rate for the elderly overcrowding was much higher. In 2012, 1.7°/o of elderly-led housing units were overcrowded, and by 2017 that rate had increased to 2.3°/o.
- Households led by a person 65 years of age or older grew 14.4°/o (14,700 units) over the five years, but the number of those that were overcrowded increased 56°/o (970

Chart 6. Overcrowding in the Miami-Dade Entitlement Area and Countywide: 2012 & 2017



Data Source: 2012 & 2017 American Community Survey 5-year Estimates.

units). The five-year increase for owner-occupied elderly units that were overcrowded was 44°/o (550 units) and for renter occupied units, 84.8°/o (420 units).

Households Lacking Complete Plumbing or Kitchen Facilities

Table 7. Households by Income and Tenure Lacking Complete Plumbing or Kitchen Facilities, 2010 and 2015

Miami-Dade County Entitlement Area

Households Income Levels as a Percentage of the Area Median Income (AMI)	Owner Occupied Uniits Lacking Complete Plumbing or Kitchen Facilities			Renter Occupied Uniits Lacking Complete Plumbing or Kitchen Facilities		
	2015	2010	Percent Change	2015	2010	Percent Change
Less than or equal to 30%	**274**	**390**	**-29.7%**	**598**	**466**	**28.3%**
Between 30.1% and 50%	247	303	-18.5%			-33.8%
Between 50.1% and 80%	250	243	2.9%			-28.8%
Between 80o/oand 100%	157	69	127.5%			-39.3%
Greater than 100%	642	868	-26.0%			-40.4%
Total	1,570	1,873	-16.2%	1,492	1,855	-19.6%

Source: Comprehensive Housing Affordabi/ity Data (CHAS), Dept. of Housing and Urban Development, 2006-2010 and 2011-2015.

In the Miami-Dade County entitlement area between 2010 and 2015 the number of housing units lacking either complete plumbing, kitchen facilities, or both and generally declined over time.

- In the Miami-Dade entitlement area the number of owner units that lacked complete plumbing or kitchen facilities declined 16.2°/o between 2010 and 2015 to 1,570 units. This represented just 1/2 of one percent of all owner-occupied housing units in the entitlement area.
- The number of renter-occupied units declined 19.6°/o over the same period to 1,492 units. This represented 0.7°/o of all renter-occupied units in the entitlement area.
- Among income cohorts below 80°/o of the AMI, only owner-occupied units in the low-income cohort (greater than 50°/o and less than or equal to 80°/o of AMI) experienced the number of units without complete plumbing or kitchen facilities increasing, by seven units or 2.9°/o.
- For renter-occupied units, only households in the extremely-low income cohort, (less than or equal to 30°/o of AMI) saw the number of units they occupy without complete plumbing or kitchen facilities. The increase was 132 units or 28.3°/o.
- Countywide, the total number of owner-occupied units lacking complete plumbing or kitchen facilities decreased 3.5°/o to 2,628 units. This represented 0.6°/o of all owner-occupied units. Among income cohorts below 80°/o of AMI, only the very-low cohort (incomes greater than 30°/o and less than or equal to 50°/o of AMI) saw an increase, 44 units or 11.2°/o.
- The total number of renter-occupied units, countywide, lacking complete plumbing or kitchen facilities decreased 1.6°/o to 4,527 units. This represented 1.1°/o of all renter-occupied units. Among income cohorts below 80°/o of AMI, only the extremely-low cohort (incomes less than or equal to 30°/o of AMI) saw an increase of 552 units or 36.4°/o.

Households with at least One Person with a Disability and 1or more Housing Problem

The CHAS data shows that a considerable number of households with at least one person with a disability in the entitlement area and countywide also has at least one of the housing problems reported above.

- There were 40,096 owner-households earning 80°/o or less of the AMI and with at least one person with a disability and at least one of the housing problems in the entitlement area. This represents 30°/o of all households earning less than 80°/o of AMI. Extremely-low-income households accounted for 39°/o of the total.

Table 8. Households by Income with at Least One Person with a Disability and 1or More Housing Problem: 2015

Households by Income	Miami-Dade County Entitlement Area			Miami-Dade County		
	Owner	Renter	Total	Owner	Renter	Total
Extremely Low Income	15,613	17,173	32,786	28,623	51,538	80,161
Very Low Income	12,845	9,403	22,248	23,360	22,808	46,168
Low Income	11,638	7,265	18,903	17,088	15,775	32,863
Subtotal: <= 80% of AMI	*40,096*	*33,841*	*73,937*	*69,071*	*90,121*	*159,192*
Greater than 80% of AMI	11,200	2,919	14,119	15,765	5,014	20,779
Total	91,392	70,601	161,993	84,836	95,135	179,971

Note: The four housing problems are: lacks complete kitchen facilities, lacks complete plumbing facilities, more than one person per room, and cost burden greater than

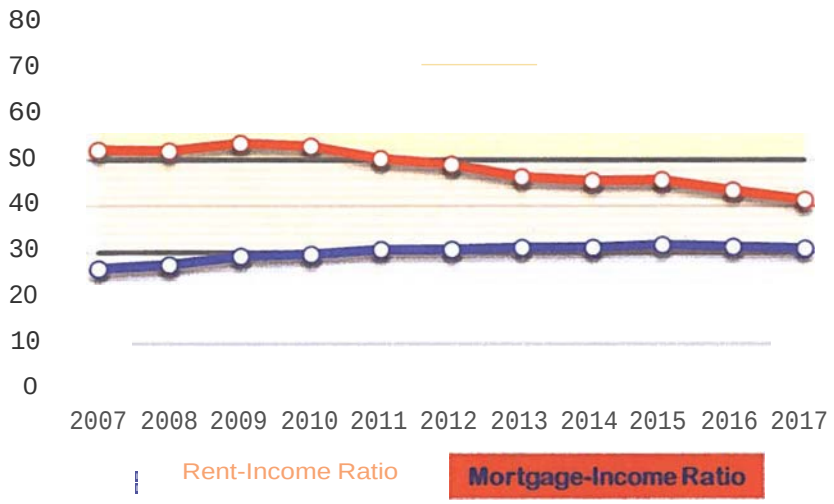
Source: Comprehensive Housing Affordability Data (CHAS), Dept. of Housing and Urban Development, 2011-2015 data.

- In the entitlement area, there were 33,841 renter households earning 80°/o or less of the AMI and at least one person with a disability and at least one of the housing problems. This represents 28°/o of all low, very-low and extremely-low-income renter households. Extremely-low income renter households accounted for 51°/o of the renter total.
- In total, for all income cohorts in the entitlement area, there were 161,993 households with at least one person with a disability and at least one of the housing problems. This represents 29°/o of all households in the entitlement area.

Housing Affordability Trends

According to data from the American Community Survey and illustrated in Chart 7, since 2007, housing costs in Miami-Dade County remain high, but in the case of owner costs, continue to decline.

Chart 7. Ratio of Median Rent and Owner Costs to Income



Data Source: 2007-2017 American Community Survey 1-year estimates.

- Median rents remain high as a share of median household income and have remained stable at about 31°/o of income since 2011.
- Median owner costs are even higher as a share of income, averaging nearly 49°/o of median household income. They have, however, declined from a high of 53.8°/o a median household income in 2009 to 41.5°/o in 2017.
- One way to look at this data is that the median, or typical, household, whether renter or owner, is cost burdened.

NA-15 Disproportionately Greater Need: Housing Problems

Table 9. Households by Tenure and Race

Miami-Dade County Entitlement Area

Tenure	Race/Ethnicity of Householder	Numbers of Households			Share of Households by Tenure		
		2015	2010	Percent Change	2015	2010	Change in Shares
Owner occupied and earning less than 80% of AMI	White alone, non-Hispanic	20,695	19,443	6.4%	19.0%	18.7%	0.2%
	Black or African-American alone, non-Hispanic	13,726	14,621	-6.1%	12.6%	14.1%	-1.5%
	Asian alone, non-Hispanic	2,298	1,422	61.6%	2.1%	1.4%	0.7%
	Other (including multiple races, non-Hispanic)	1,120	694	61.4%	1.0%	0.7%	0.4%
	Hispanic, any race	71,262	67,529	5.5%	65.3%	65.1%	0.2%
	Total:	109,101	103,709	5.2%	100%	100%	
Renter occupied and earning less than 80% of AMI	White alone, non-Hispanic	10,170	9,913	2.6%	9.3%	10.7%	-1.4%
	Black or African-American alone, non-Hispanic	22,879	21,941	4.3%	21.0%	23.8%	-2.8%
	Asian alone, non-Hispanic	1,440	1,479	-2.6%	1.3%	1.6%	-0.3%
	Other (including multiple races, non-Hispanic)	1,029	838	22.8%	0.9%	0.9%	0.0%
	Hispanic, any race	73,367	58,050	26.4%	67.4%	62.9%	4.4%
	Total:	108,885	92,221	18.1%	100%	100%	
All Households and Incomes — Owner occupied	White alone, non-Hispanic	69,569	72,289	-3.8%	25.1%	24.9%	0.1%
	Black or African-American alone, non-Hispanic	28,001	31,093	-9.9%	10.1%	10.7%	-0.6%
	Asian alone, non-Hispanic	6,064	5,349	13.8%	2.2%	1.8%	0.3%
	Other (including multiple races, non-Hispanic)	2,679	2,129	25.8%	1.0%	0.7%	0.2%
	Hispanic, any race	171,211	179,087	-4.4%	61.7%	61.8%	-0.1%
	Total:	277,524	289,927	-4.3%	100%	100%	
All Households and Incomes — Renter occupied	White alone, non-Hispanic	4,160	21,843	10.6%	8.7%	7.5%	1.2%
	Black or African-American alone, non-Hispanic	30,053	29,844	0.7%	10.8%	10.3%	0.5%
	Asian alone, non-Hispanic	4,597	2,799	-7.2%	0.9%	1.0%	0.0%
	Other (including multiple races, non-Hispanic)	1,799	1,386	29.8%	0.6%	0.5%	0.2%
	Hispanic, any race	108,937	89,969	21.1%	39.3%	31.0%	8.2%
	Total:	167,546	145,841	14.9%	60%	50%	

Data Source: Comprehensive Housing Affordability Data (CHAS), Dept. of Housing and Urban Development, 2006-2010 and 2011-2015.

Table 9 uses CHAS data to look at the numbers of extremely-low, very-low and low-income households in the entitlement area and countywide by race and ethnicity and the change in those numbers.

- In the Miami-Dade entitlement area the number of owner households earning 80°/o or less of the AMI grew 5°/o between 2010 and 2015. The number of low-income White non-Hispanic households grew 6.4°/o, of Black non-Hispanic households fell 6.1°/o and of Hispanic households increased 5.5°/o.
- Hispanic-owner households in the entitlement area accounted for 65.3°/o of all households earning less than or equal to 80°/o of the AMI, up slightly from 65.1°/o in 2010.
- The number of renter households in the entitlement area earning less than 80°/o of the AMI increased by 18.1°/o between 2010 and 2015. Of the largest population groups, Hispanic low-income households grew the fastest, up 26.4°/o over the five years. Black non-Hispanic households grew 4.3°/o and White non-Hispanic households grew 2.6°/o.
- As a result of the high growth rates, Hispanic households grew to 67.4°/o of all low, very-low or extremely low renter households in 2015, up from 62.9°/o in 2010.
- Countywide, owner-households earning less than 80°/o of the AMI grew just 1.6°/o between 2010 and 2015. The shares by race and ethnicity changed very little with the shares that were White or Black and non-Hispanic declined 0.4°/o and 0.8°/o respectively and the Hispanic share grew 0.4°/o over the timeframe. Asian-non-Hispanic households and Other non- Hispanic households grew dramatically Countywide, as they did in the county entitlement area, but still account for only 2.5°/o of all Miami-Dade households.
- The five-year growth of renter-households earning less than 80°/o of the AMI was 11.5°/o with about 70°/o of the growth coming from Low-income Hispanic households, up 26.4°/o, The share

of low, very-low and extremely low-income households increased 4.4°/o, from 62.9°/o to 67.4°/o. The share of Black non-Hispanic households fell 2.8°/o and of White non-Hispanic households fell 1.4°/o between 2010 and 2015.

In 2015, 20.8°/o of all households in the entitlement area earned less than 80°/o of the AMI and had

Table 10. Households in the Entitlement Area with at Least 1 of the 4 Housing Unit Problems by Race/Ethnicity of Householder and Shares by Tenure and Race/Ethnicity of All Households with at least 1 Housing Problem

Tenure	Race/Ethnicity of Householder	2015	2010	Percen Chang	2015	2010	Change
Owner-Occupied	White alone, non-Hispanic	13,805	13,006	6.1%	8.5%	8.5%	-0.1%
	Black or African-American alone, non-Hispanic	9,054	10,958	-17.4%	5.6%	7.2%	-1.6%
	Asian alone, non-Hispanic	1,425	959	48.6%	0.9%	0.6%	0.2%
	Other (including multiple races, non-Hispanic)	757	504	50.2%	0.5%	0.3%	0.1%
	Hispanic, any race	50,388	53,068	-5.1%	30.9%	34.8%	-3.9%
Total- Owner Occupied		*75,429*	*78,495*	*-3.9%*	*46.2%*	*51.5%*	-5.3%
Renter-Occupied	White alone, non-Hispanic	7,674	7,800	-1.6%	*4.1%*	5.1%	-0.4%
	Black or African-American alone, non-Hispanic	17,359	17,007	2.1%	10.6%	:11.2%	-0.5%
	Asian alone, non-Hispanic	1,067	1,134	-5.9%	0.7%	0.7%	-0.1%
	Other (including multiple races, non-Hispanic)	790	598	32.1%	0.5%	0.4o/o	0.1%
	Hispanic, any race	60,777	47,333	28.4%	37.3%	31.1%	6.2%
Total- Renter Occupied		*87,667*	*73,872*	*18.7%*	*53.8%*	*48.5%*	*5.3%*
All Households	White alone, non-Hispanic	21,479	20,806	3.2%	13.2%	13.7%	-0.5%
	Black or African-American alone, non-Hispanic	26,413	27,965	-5.5%	16.2%	18.4%	-2.2%
	Asian alone, non-Hispanic	2,492	2,093	19.1%	1.5%	1.4%	0.2%
	Other (including multiple races, non-Hispanic)	1,547	1,102	40.4%	0.9%	0.7%	0.2%
	Hispanic, any race	111,165	100,401	10.7%	68.2%	65.9%	2.3%
Grand Total		*163,096*	*152,367*	*7.0%*	*100%*	*100%*	

Note: The four housmg problems are: lacks complete k1tchen facilities, lacks complete plumbing facilities, more than one person per room, and cost burden greater than 30%.

Data Source: Comprehensive Housing Affordability Data (CHAS), Dept. of Housing and Urban Development, 2006-2010 and 2011-2015.

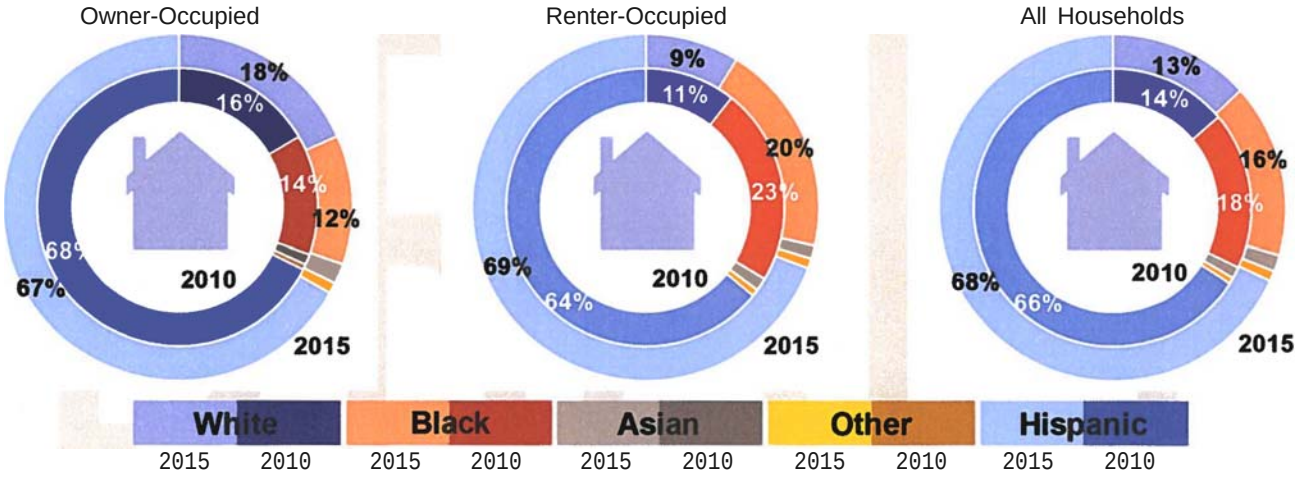
at least one of the four housing-unit problems. **Table 10** and **Chart 7** summarize this data.

- The trend of owner-households mirrors that of renter-households between the 2010 and 2015 data in that it is exactly reversed. In 2010, a majority (51.5°/o) of low-income households with at least one of the four housing problems were owner-households. This number dropped to 46.2°/o in the 2015 data. For renter-households, the numbers were 48.5°/o in 2010 which increased to 53.8°/o in 2015 for households earning less than 80°/o of the AMI and with at least one of the housing problems.
- The data in **Table 9** showed an increase (5.5°/o) in the number of Hispanic owner-households that earned less than 80°/o of the AMI, but **Table 10** shows that the number of these households with housing problems decreased (5.1°/o) between 2010 and 2015. Accordingly, the share of low-income Hispanic owner-households that had at least one of the four problems fell from 78.6°/o in 2010 to 70.7°/o in 2015.
- The same is not true for the Hispanic renter-households earning less than 80°/o of the AMI. While the number of such households increased 26.4°/o, the number of low-income Hispanic households with at least one of the housing problems increased by slightly more, 28.4°/o over the five years. Consequently, the share of low-income Hispanic renter-households that had at least one of the housing problems increased from 81.5°/o in 2010 to 82.8°/o in 2015.

Chart 8 looks at racial and ethnic breakdown of low-income households with at least one of the four housing problems. The "Other" category includes the other races plus those reporting multiple races.

- Among the 75,429 low, very-low and extremely-low-income owner-households in the entitlement area in 2015 with at least one housing problem, 67°/o had a Hispanic householder, down barely from 68°/o in 2010. Households with a White non-Hispanic householder accounted for 18°/o, up from 16°/o in 2010, and Black non-Hispanic-led households decreased from 14°/o to 12°/o between 2010 and 2015.
- There were 87,667 low, very-low and extremely-low-income renter-households in the entitlement area in 2015 with at least one housing problem. Hispanic-led households accounted for 69°/o, up from 64°/o in 2010. Both White and Black non-Hispanic households declined in share between 2010 and 2015, 11°/o to 9°/o and 23°/o to 20°/o, respectively.

Chart 8: Shares of Households in the Entitlement Area, Earning less than 80% of AMI with at least 1of4 Housing Problem by Tenure and Race



Dota Source: Comprehensive Housing A/fcrdability Data {CHAS), Dept. of Housing and Urban Development, 2010 and 2011-2015.

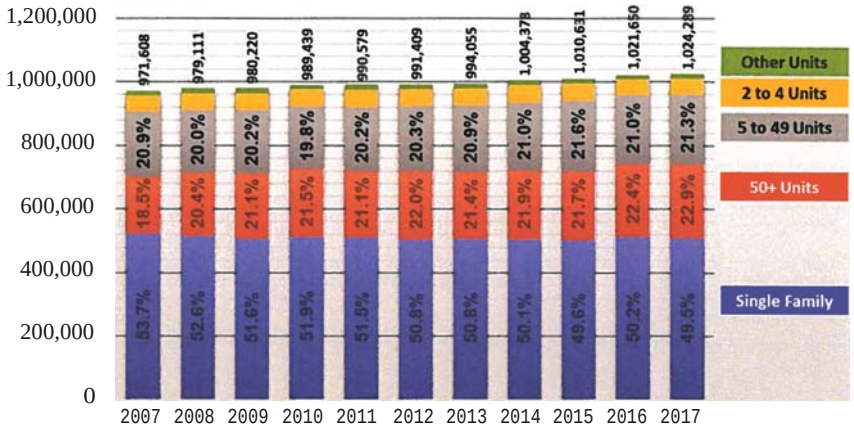
MIAMI-DADE COUNTY HOUSING MARKET ANALYSIS (MA-05)

This section takes a brief look at the current nature of the housing market in Miami-Dade County with the most recently available data. It starts with a look at the total number of units by type of unit, and then housing costs for homeowners and renters. Finally, the impact of transportation costs for residents are added in.

Supply of Units by type: Chart 9 summarizes the trend in the supply of housing units by the number of units in the structure.

- As can be seen from the data, a significant shift occurred over the last 10 years as the share of total housing units in single family structures declined and multifamily, especially units in buildings with 50 or more units, increased between 2007 and 2017. The single-family share decreased from 53.7°/o to 49.5°/o and the 50+ unit share increased from 18.5°/o to 22.9°/o, greater than the 21.3°/o in 5-to-49-unit buildings.

Chart 9: Housing Units by Number of Units in the Structure



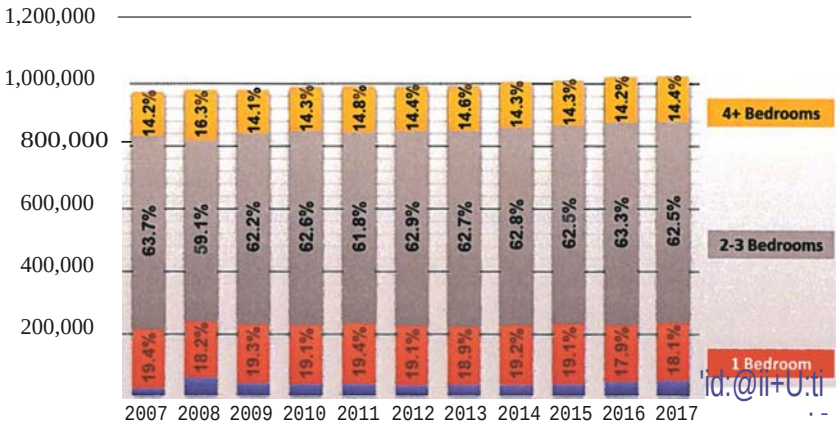
Data Source: American Community SuTVey 1-yearestimatas. 2007-2017.
Note: Data labels indicata the shares of each type of structure. "Other units" include mobile homes, boats, RVs, etc.

- The actual number of single-family units decreased by nearly 14,800 units. The number of units in buildings with 50 or more units increased over 50,500 units and by 14,700 in buildings with 5-to-49 units.

Chart 10 illustrates the trend in the number of housing units by number of bedrooms. There was very little change in the data over the ten-year period.

- Except for units with no bedrooms (efficiency units), the distribution of units remained fairly stable with the share of 1-bedroom units falling 1.3°/o. The share of 2-to-3-bedroom units fell 1.2°/o and for 4-plus-bedroom units, the share grew about 0.4°/o.
- The big movement, however, was in the share and number of units without a

Chart 10: Housing Units by Number of Bedrooms



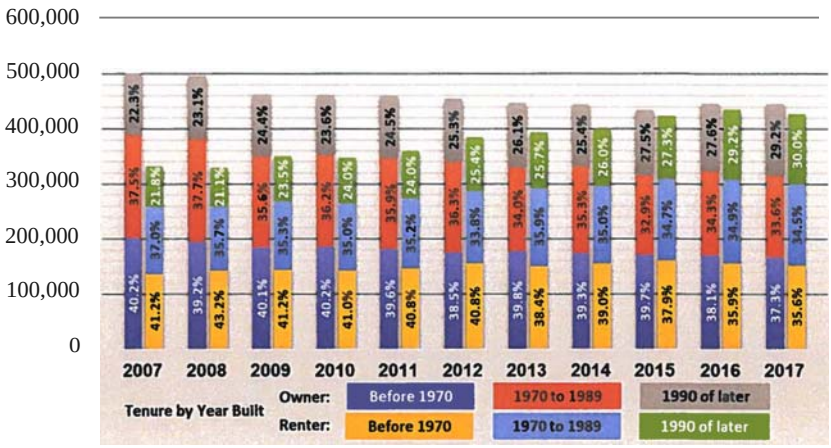
Note: The data labels indicate the share of each type of unit by number of bedrooms.
Data Source: American Community Survey 1-yearestimatas. 2007-2017

bedroom. The share increased from 2.6°/o of all units to 5.0°/o. Between 2007 and 2017 the total number of households increased by 52,681 units. Efficiency units accounted for 25,664 of those units (49°/o). An additional 21,232 units (40°/o) were 2-to-3-bedroom units.

The number of housing units by the year the structures were built in shown in **Chart 11.** Some key observations include:

- The biggest change in the data is an apparent shift of approximately 40,000 housing units built before 1989 from owner units to renter units.
- The share of owner-units built before 1970 fell from 40.2°/o of all units in 2007 to 37.3°/o in 2017. The 10-year decline in the total number of units 50 years old or older was 35,600 units.
- Over the same10-year period, the number of renter units built before 1970 increased by 15,400 units as owner-units were converted to rentals. Approximately 43°/o of owner units lost to the market were moved to the rental market. Despite this increase, the decline in share of total rental-units was from 41.2°/o in 2007 to 35.6°/o in 2017.

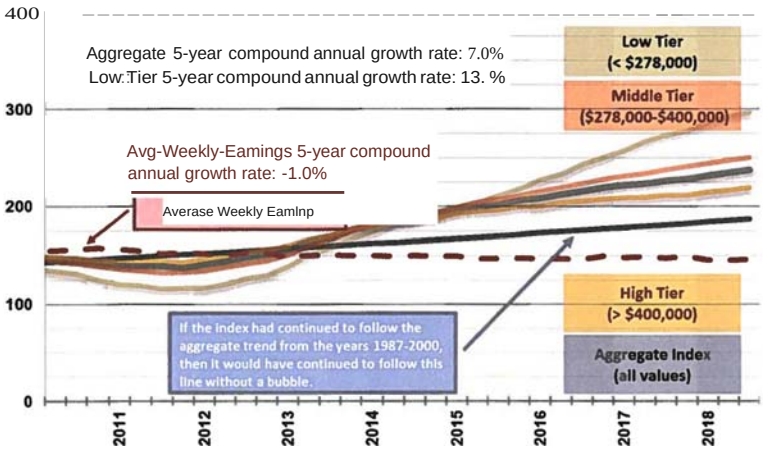
Chart 11: Housing Units by Housing Type (Age of Units)



Note: The data /abets Indicate the share of each type af unit by year built for each tenure.
Data Source: American Community SuNey 1-yearestimatas. 2007-2017

- The same pattern is exhibited in the units built between 1970 and 1989. There were 38,700 units built between 30 and 50 years ago lost to the owner-market segment between 2007 and 2017 and the share of these units fell from 37.5°/o to 33.6°/o of all owner units.
- Over the same ten-year period the rental-market segment gained 24,700 units built between 1970 and 1989. This number represents 64°/o of the units lost to the owner market. The share of all renter units built between 1970 and 1989 still fell form 37°/o in 2007 to 34.5°/o in 2017.
- There were 17,700 units built since 1990 and added to the owner market and 55,900 units built since 1990 added to the rental market.
- In Miami-Dade County, the median year built for both owner and renter housing units was 1977. For the US as a whole, the numbers were very similar with the median year built for owner units at 1979 and for renter units at 1976.

Chart 12: case-Shlller nered Housing Price Index Versus the Long Run Aggregate Trend* (January 2000 = 100**)



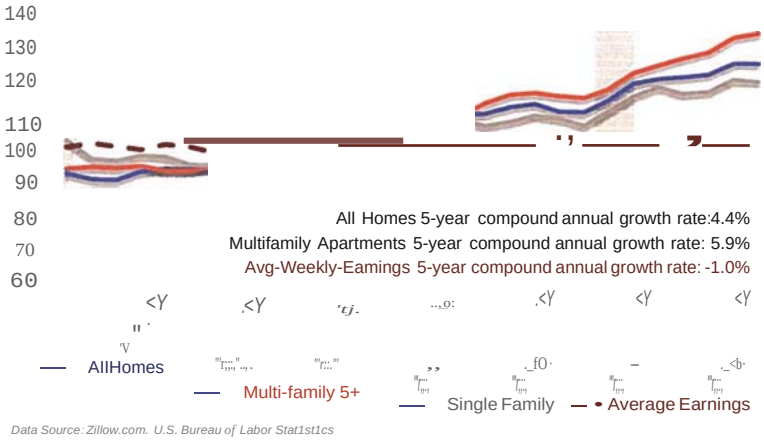
• Tlr *Long run aggr gatt! tr nd is bas d on data from Jan 1987 through Ot!c2000.*
••*if!helnde*•wlue *Ina gillen* year & *200 ltmeansthe price level* & *Of the price level from Januaty2000.* The *tiM bnaltpolnbupdatemontltlyos prlca change.* ThOMshown *arefor September,* 2018.
Data Souru: s&P CShiller; R.E.R Planning RtiSt!arch&Economic Analysis ction.

S&P Case-Shiller develops one of the most widely tracked housing price index in the country. The index used here is for the Miami Metropolitan Statistical Area (MSA) which includes Miami-Dade, Broward and Palm Beach Counties. The index is created by matching the sales of the same house over time adjusted for any modifications or renovations.

As can be seen in the Case-Shiller chart, Chart 12, the fastest price growth in the MSA occurs in the lowest tier of homes. The annual growth rate for all home values over the last 5 years has been 7.0°/o per year. The annual growth rate for homes sold in the lowest tier (priced less than $278,000) was nearly double over the last 5 years at 13.4°/o. By comparison, the 5-year average annual growth rate of weekly earnings, adjusted for inflation, for all private workers in Miami-Dade County was negative 1.0°/o.

The cost squeeze is not only felt by households interested in purchasing a home. Chart 13 shows a rental-price index by type of home. The growth in rental rates shows no sign of slowing. This is especially true for apartment buildings with five or more units which account for six out of every ten rental units. Through the third quarter of 2018, the 5-year average growth rate in the all-homes rent index was 4.4°/o. The multifamily 5-year average growth rate was 5.9°/o.

Chart 13: Index of Home Rental Index by Type of Unit (2013=100)

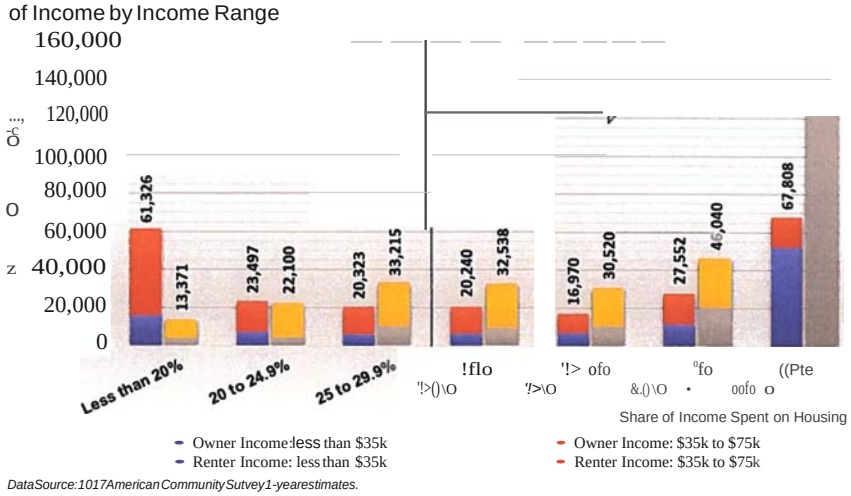


Data Source: Zillow.com. U.S. Bureau of Labor Stat1st1cs

Chart 14 shows the number of Miami-Dade County owner and renter households earning less than $35,000, and between $35,000 and $75,000 per year, and the share of income spent on housing costs. These income ranges roughly correspond to low-income and workforce income thresholds. Housing-cost burden is defined as a household spending more than 30°/o of their income on housing. The data shows that there are 76,000 county owner households earning less than $35,000 per year, and 56,500 owner households earning more than $35,000 but less than $75,000 per year that are cost burdened. That totals 132,500 owner households that are cost burdened, 51°/o of which pay more than half of their income on housing costs. Overall, across all income groups, there are 155,500 owner households that are cost burdened.

The situation for renter households is worse. There are 165,600 renter households earning less than $35,000 per year, and 85,400 renter households earning more than $35,000 but less than $75,000 per year that are cost burdened. This is a total of 251,000 renter households that are cost burdened, 57°/o of which pay more than half of their income on rent. In summary, 44°/o of all households in Miami-Dade County, 383,700 households, earn less than $75,000 per year (140°/o of the area median income AMI) and are cost burdened.

Chart 14: Number of Miami-Dade Households by Owner/Renter Cost as a Share of Income by Income Range



DataSource: 1017 American Community Sutvey 1-year estimates.

Housing and Transportation

Housing is tied to a specific location. Therefore, to accurately asses the cost of living in a house at a particular location, it is necessary to also take account of the transportation cost to get to a job. The Center for Neighborhood Technology's (CNT) Housing and Transportation (H+T®) Affordability Index does exactly that. CNT is a nonprofit focused on innovations for urban sustainability funded by nearly 20 foundations and government agencies.

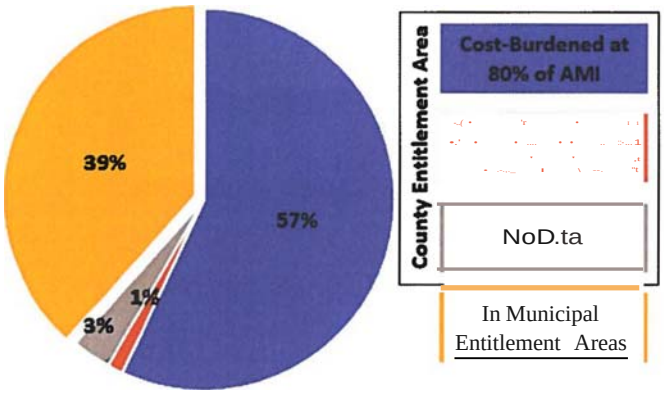
Based on median housing costs and average transportation costs, households earning 80°/o or less of the Miami-Dade County AMI will be cost burdened in 57°/o of all county block groups and in 93°/o of all county-entitlement-area block groups.

It was noted previously in this analysis that housing cost burden is defined as a household spending more than 30°/o of its income on housing costs. When transportation costs are added to the mix, the threshold defining cost burden increases to 45°/o.

- The H+T gathers the housing ownership and renter costs in each block group of the county from the American Community Survey and average costs for transportation by household estimated with a computer model.
- These costs are combined.
- They are then compared to the AMI estimated by HUD each year for the county and 80°/o of AMI (the lower threshold for moderate income) to calculate the index.

Therefore, a household spending more than 45°/o of its income on housing costs and transportation combined in any proportion is considered cost burdened.

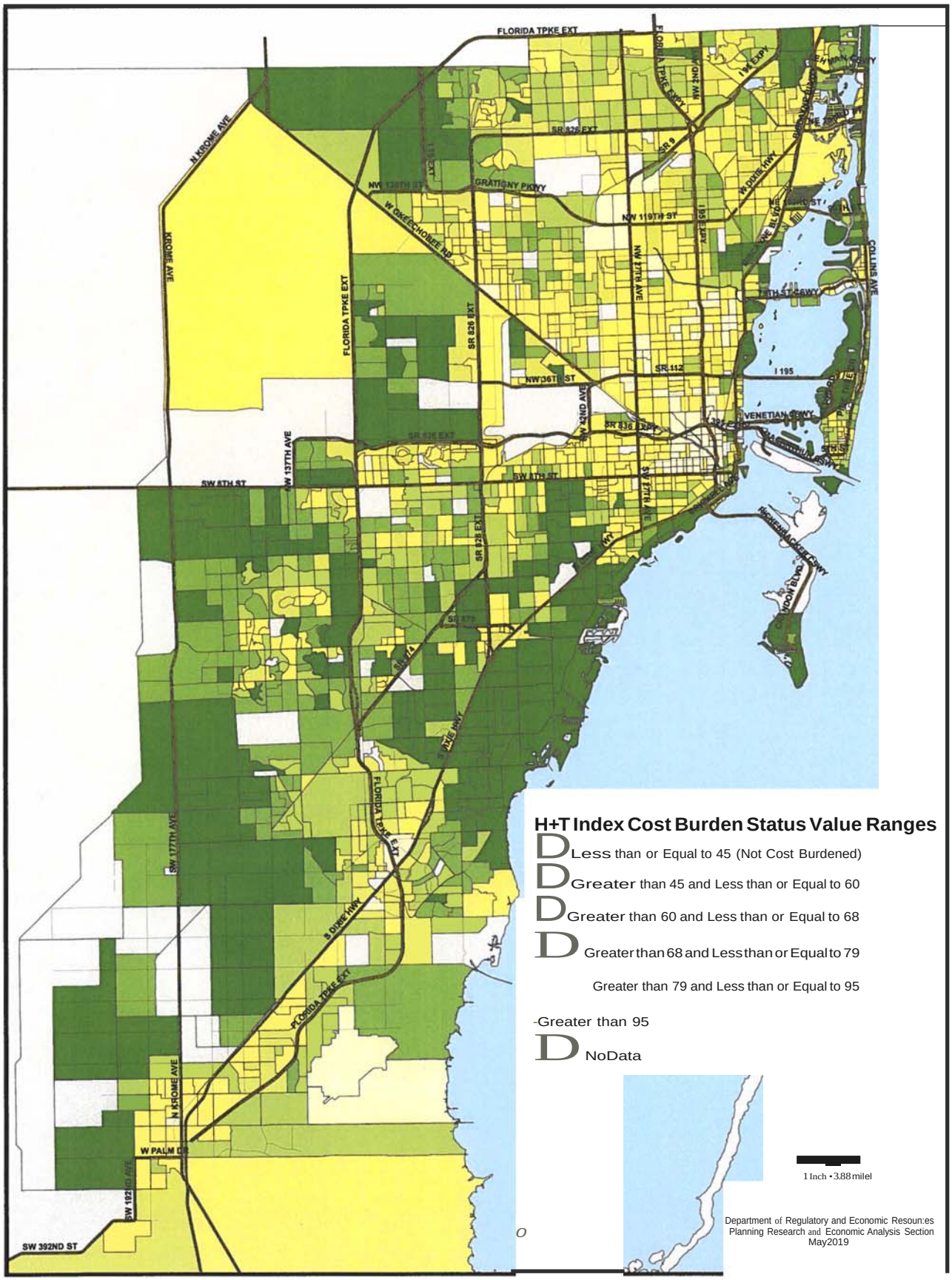
Chart 16: H+T Cost Burden Summary for Miami-Dade County- 2017



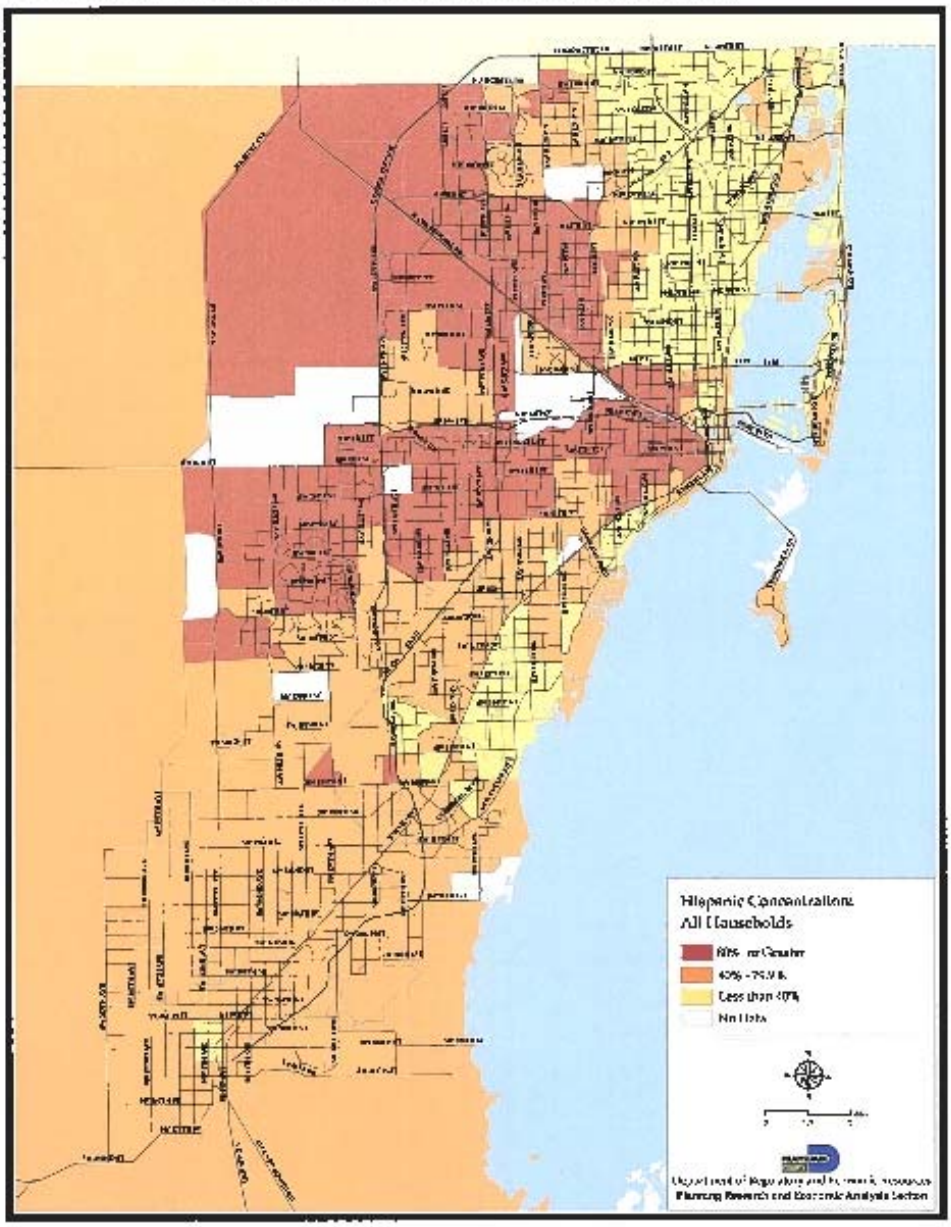
There are 1,594 census block groups in Miami-Dade County of which 612 are within municipal entitlement areas. The remaining block groups, 981 (62°/o of all county block groups) fall within the county entitlement area. There are 908 of these county-entitlement-area block groups that have an H+T index greater than 45 for households earning 80°/o of the AMI. In other words, based on median housing costs and average transportation costs, households earning 80°/o or less of the Miami-Dade County AMI will be cost burdened in 57°/o of all county block groups and in 93°/o of all county-entitlement-area block groups. This can be seen in Chart 16, and the distribution of these block groups can be seen in Map 2.

The average index for the 80°/o-AMI households in the entitlement area was 78, where just 45 is cost burdened. It is possible, of course, and even likely that most low-income households in the entitlement area spend less than the median amount on housing and less than the average amount on transportation and are not, in fact, spending 78°/o of household income on housing and transportation. The result is that these households that could benefit the most from economic mobility face strict limits on where they can work and the schools they can live close to.

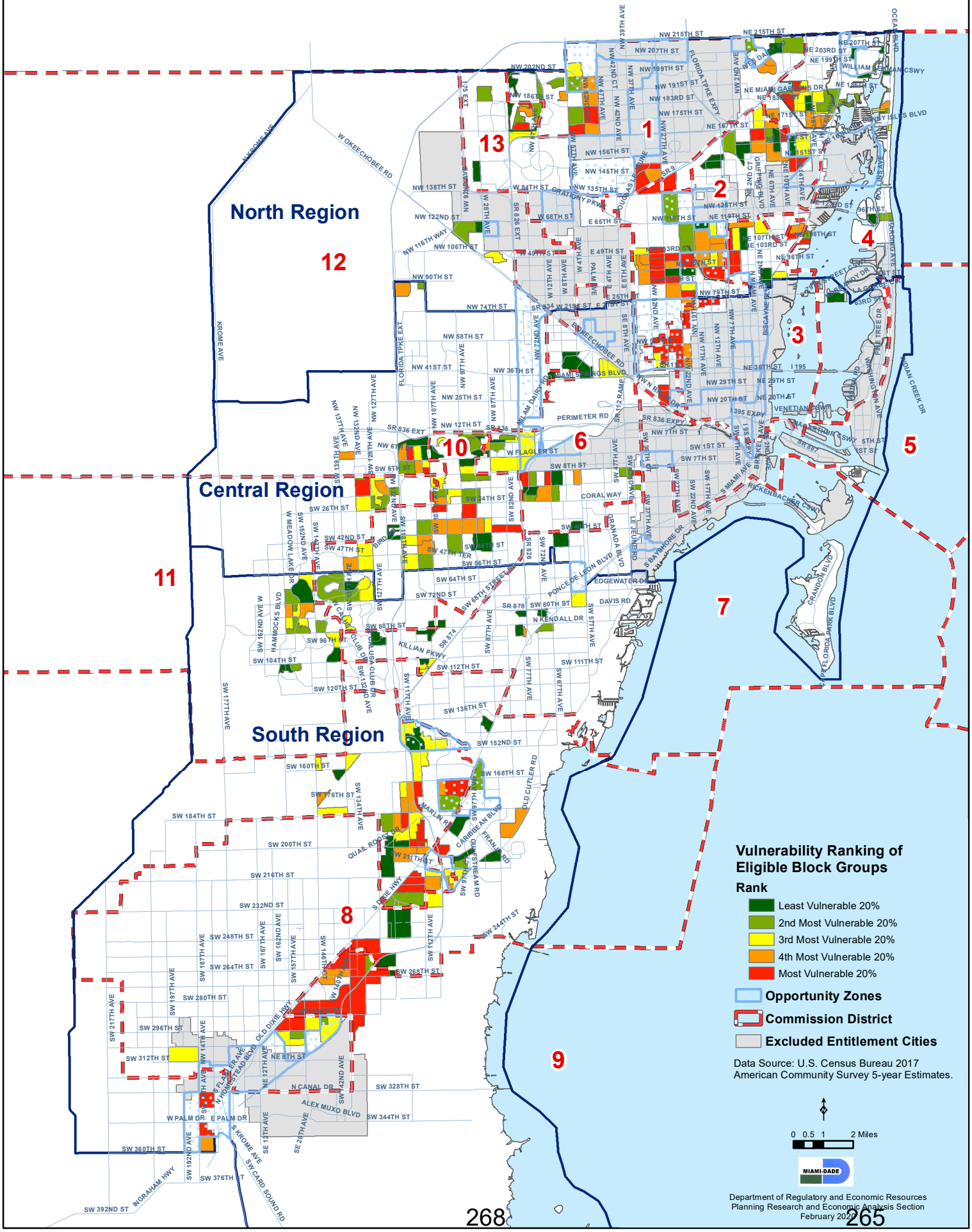
Map 2: Housing and Transportation (H+T) Index by Census Block Group in Miami-Dade County

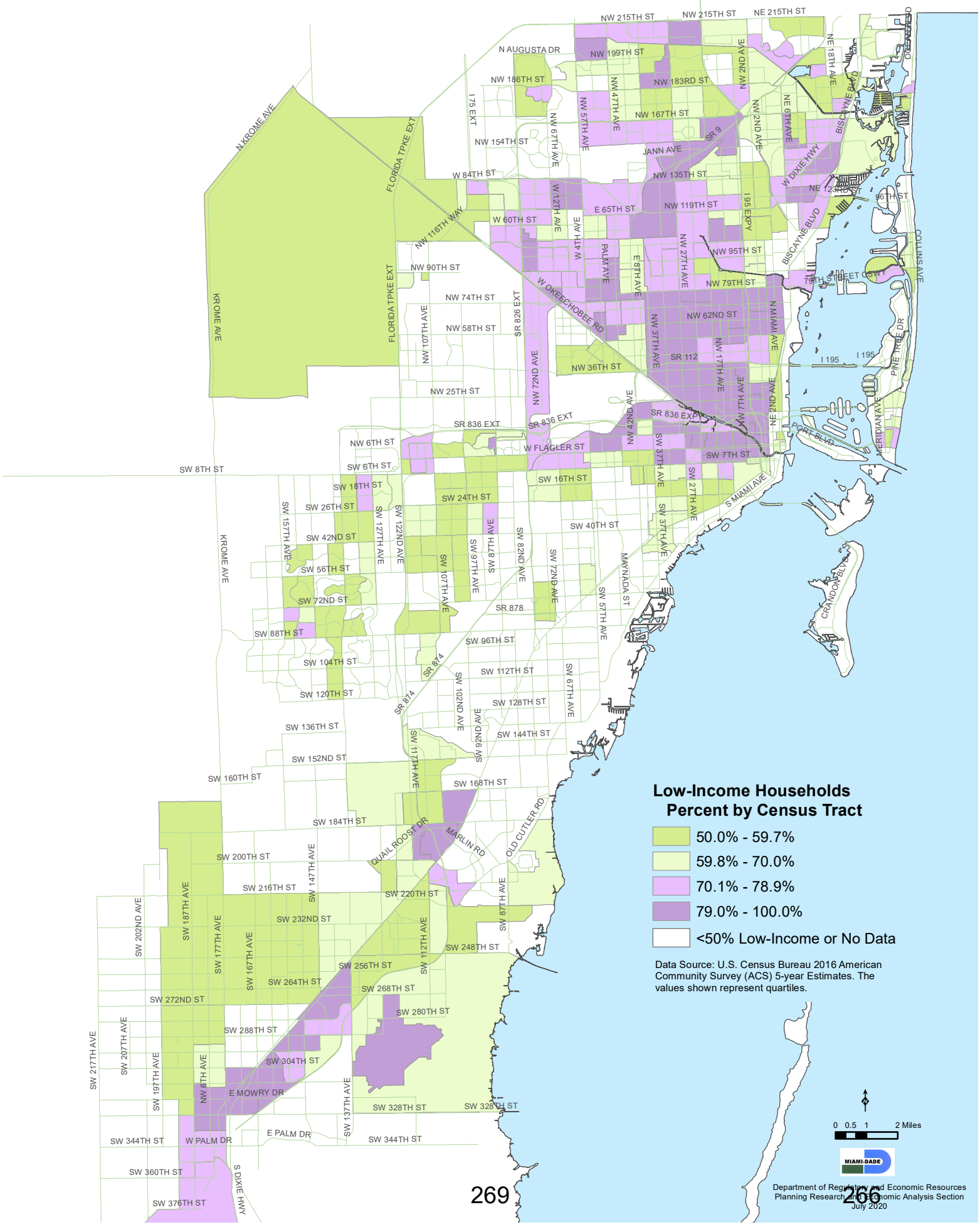


Concentration of Hispanic Households in Miami-Dade County



Miami-Dade County 2019 Eligible Block Groups (CDBG Eligible)




Low-Income Households
Percent by Census Tract
50.0% - 59.7%
59.8% - 70.0%
70.1% - 78.9%
79.0% - 100.0%
<50% Low-Income or No Data
Data Source: U.S. Census Bureau 2016 American Community Survey (ACS) 5-year Estimates. The values shown represent quartiles.
0 0.5 1 2 Miles
MIAMI-DADE
Department of Regulatory and Economic Resources
Planning Research and Economic Analysis Section
July 2020
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NW 183RD ST
NW 167TH ST
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SW 87TH AVE
SW 82ND AVE
SW 72ND AVE
MAYNADA ST
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CRANDON BLVD
SR 874
SW 102ND AVE
SW 92ND AVE
SW 67TH AVE
SW 117TH AVE
QUAIL ROOST DR
MARLIN RD
OLD CUTLER RD
SW 147TH AVE
SW 187TH AVE
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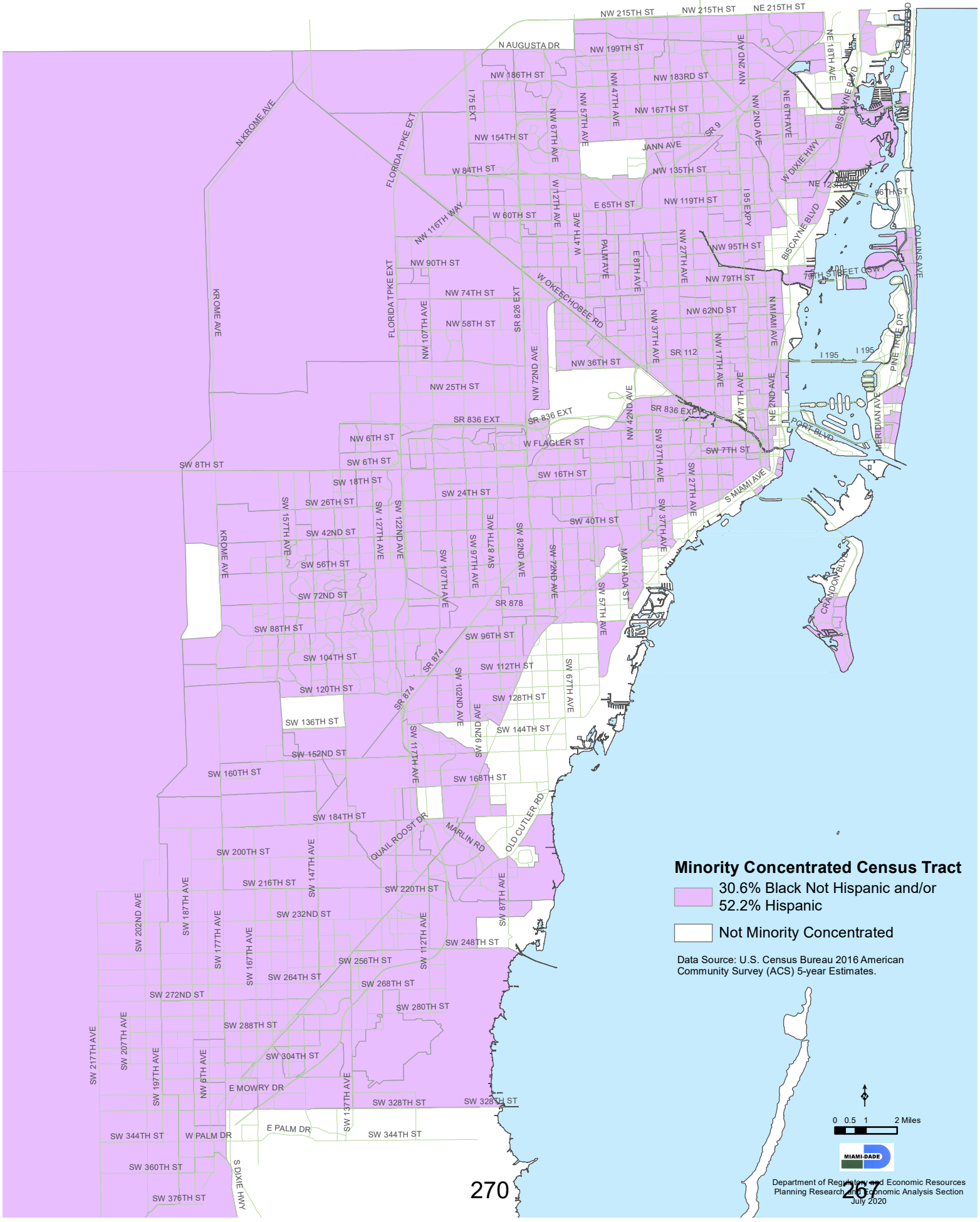
S DIXIE HWY


Minority Concentrated Census Tract
30.6% Black Not Hispanic and/or 52.2% Hispanic
Not Minority Concentrated
Data Source: U.S. Census Bureau 2016 American Community Survey (ACS) 5-year Estimates.
0 0.5 1 2 Miles
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SR 878
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E MOWRY DR
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SW 344TH ST
W PALM DR
E PALM DR
SW 360TH ST
SW 376TH ST
S DIXIE HWY
N KROME AVE
KROME AVE
FLORIDA TPKE EXT
I 75 EXT
NW 67TH AVE
NW 57TH AVE
NW 47TH AVE
NW 2ND AVE
NE 6TH AVE
NE 18TH AVE
BISCAYNE BLVD
W DIXIE HWY
NE 123RD ST
96TH ST
I 95 EXPY
W 12TH AVE
W 4TH AVE
PALM AVE
E 8TH AVE
NW 27TH AVE
NW 95TH ST
79TH STREET CSWY
COLLINS AVE
W OKEECHOBEE RD
SR 826 EXT
NW 107TH AVE
NW 72ND AVE
NW 37TH AVE
SR 112
NW 17TH AVE
N MIAMI AVE
I 195
PINE TREE DR
NW 42ND AVE
NW 7TH AVE
NE 2ND AVE
PORT BLVD
MERIDIAN AVE
SW 37TH AVE
SW 27TH AVE
S MIAMI AVE
SW 157TH AVE
SW 127TH AVE
SW 122ND AVE
SW 107TH AVE
SW 97TH AVE
SW 87TH AVE
SW 82ND AVE
SW 72ND AVE
MAYNADA ST
SW 57TH AVE
CRANDON BLVD
SR 874
SW 102ND AVE
SW 92ND AVE
SW 67TH AVE
SW 117TH AVE
QUAIL ROOST DR
MARLIN RD
OLD CUTLER RD
SW 147TH AVE
SW 187TH AVE
SW 202ND AVE
SW 177TH AVE
SW 167TH AVE
SW 112TH AVE
SW 87TH AVE
SW 217TH AVE
SW 207TH AVE
SW 197TH AVE
NW 6TH AVE
SW 137TH AVE

Qualified Census Tracts FHFC January 1, 2019

3/31/2020 3:26:30 PM

Qualified Census Tracts: Effective 01-01-19

1:577,791

0 4.5 9 18 mi

0 5 10 20 km

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan,

Esri, HERE, Garmin, NGA, USGS, NPS |

Racially and Ethnically Concentrated Areas of Poverty FHFC March 1, 2020

3/31/2020 3:10:42 PM

Racially and Ethnically Concentrated Areas of Poverty: Effective 03-01-20

1:577,791

0 4.5 9 18 mi

0 5 10 20 km

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan,

Esri, HERE, Garmin, NGA, USGS, NPS |

MIAMI-DADE COUNTY OFFICE OF RESILIENCE RAPID ACTION PLAN
ASSETS VULNERABILITY EVALUATION
VULNERABILITY x CRITICALITY SCORE ORDER

PUBLIC HOUSING AND COMMUNITY DEVELOPMENT

#	Department	Folio	Name	Elderly Housing	Address	SLR Depth (ft)			Storm Surge Inundation Depth (ft)[1]			% of Property Exposed to SLR		% of Property Exposed to Storm Surge[1]			Vulnerability Score	Ranking Based on Vulnerability Score	Criticality	Vulnerability x Criticality	Ranking Based on Vulnerability x Criticality Score	Year Built	Host Property Value 2016 (As Per Folio)
						Min	Max	Mean	Min	Max	Mean	% Exposed between 0.01 ft and 2 ft	% Exposed >= 2 ft	% Exposed between 0.01 ft and 2 ft	% Exposed between 2 ft and 5 ft	% Exposed >= 5 ft							
1	PHCD	3031120740220	Kline Nunn	Yes	8300 N MIAMI AVE	0.00	1.00	0.09	5.87	9.28	7.48	21.6%	0.0%	0.0%	0.0%	100.0%	3.22	1	5	16.08	1	1972	$1,233,969.00
2	PHCD	0101070101110	Jack Orr Plaza	Yes	455 NW 6 AVE	0.00	0.83	0.07	4.62	9.63	7.62	21.4%	0.0%	0.0%	3.9%	96.1%	3.17	2	5	15.87	2	1973	$16,014,469.00
3	PHCD	3031120380060	Little River Plaza	Yes	8255 NW MIAMI CT	0.00	0.82	0.03	5.43	9.23	6.97	9.7%	0.0%	0.0%	0.0%	100.0%	3.10	3	5	15.48	3	1975	$3,356,262.00
4	PHCD	0131120480330	Gwen Cherry 20	Yes	73 NW 76 ST	0.00	0.00	0.00	5.62	7.05	6.45	0.0%	0.0%	0.0%	0.0%	100.0%	3.00	4	5	15.00	4	1972	$553,785.00
5	PHCD	0101070901030	Harry Cain	Yes	180 NE 5 ST	0.00	0.00	0.00	5.17	6.28	5.52	0.0%	0.0%	0.0%	0.0%	100.0%	3.00	5	5	15.00	5	1970	$673,111.00
6	PHCD	0101080901080	Parkside I & II	Yes	333 NW 4 AVE	0.00	0.00	0.00	5.00	6.04	5.52	0.0%	0.0%	0.0%	0.0%	100.0%	3.00	6	5	15.00	6	1983	$7,945,183.00
7	PHCD	0131120480300	Emmer Turnkey	Yes	7820 N MIAMI AVE	0.00	0.00	0.00	4.84	6.36	5.63	0.0%	0.0%	0.0%	8.3%	91.7%	2.92	7	5	14.58	7	1970	$1,369,110.00
8	PHCD	0141380031290	Riverside	Yes	950 SW 1 ST	0.00	0.00	0.00	4.30	6.32	5.50	0.0%	0.0%	0.0%	13.3%	86.7%	2.87	8	5	14.33	8	1981	$4,076,690.00
9	PHCD	0131350192100	Helen Sawyer ALF	Yes	1150 NW 11 STREET RD	0.00	0.42	0.02	2.39	8.06	5.61	11.8%	0.0%	0.0%	34.4%	65.6%	2.77	9	5	13.87	9	1975	$5,497,000.00
10	PHCD	0131120410010	Peters Plaza	Yes	191 NE 75 ST	0.00	0.00	0.00	3.50	7.16	5.30	0.0%	0.0%	0.0%	47.1%	52.9%	2.53	11	5	12.64	10	1971	$3,788,355.00
11	PHCD	3031020000250	Palm Towers	Yes	950 NW 95 ST	0.00	1.04	0.03	0.35	6.09	3.93	4.6%	0.0%	7.2%	79.6%	13.2%	2.11	14	5	10.53	11	1972	$3,361,023.00
12	PHCD	0821220110791	Opa Locka Elderly	Yes	2329 NW 136 ST	0.00	0.00	0.00	2.85	3.42	3.15	0.0%	0.0%	0.0%	100.0%	0.0%	2.00	15	5	10.00	12	1985	$197,426.00
13	PHCD	3031020000340	Palm Court	Yes	860 NW 95 ST	0.00	0.00	0.00	2.96	3.59	3.29	0.0%	0.0%	0.0%	100.0%	0.0%	2.00	16	5	10.00	13	1938	$60,966.00
14	PHCD	0131350560010	Singer Plaza	Yes	1310 NW 16 ST	0.00	0.00	0.00	0.75	6.76	2.96	0.0%	0.0%	13.2%	84.3%	2.5%	1.89	18	5	9.46	14	1980	$5,414,661.00
15	PHCD	0131270770010	Scattered Site 11 - D	Yes	1919 NW 29 ST	0.00	0.00	0.00	1.29	2.86	2.22	0.0%	0.0%	24.4%	75.6%	0.0%	1.76	20	5	8.78	15	1970	$1,157,655.00
16	PHCD	0131120970010	New Haven Gdns/Site 05	No	7150 NE 2 AVE	0.00	0.00	0.00	0.00	7.92	5.34	0.0%	0.0%	11.5%	12.3%	72.4%	2.53	10	3	7.59	16	1970	$4,884,661.00
17	PHCD	0102030601020	Myers Senior Center	No	450 SW 5 ST	0.00	0.00	0.00	0.00	8.12	5.00	0.0%	0.0%	4.8%	33.3%	60.3%	2.52	12	3	7.57	17	1964	$1,864,302.00
18	PHCD	0101060901010	Culmer Gardens	No	554 NW 5 AVE	0.00	0.37	0.01	3.15	9.21	5.07	2.3%	0.0%	0.0%	63.1%	36.9%	2.39	13	3	7.18	18	1984	$3,770,051.00
19	PHCD	1678240290270	Florida City Gardens	Yes	900 NW 6 AVE	0.00	0.00	0.00	0.00	3.40	1.84	0.0%	0.0%	57.0%	42.8%	0.0%	1.43	24	5	7.13	19	1983	$2,041,447.00
20	PHCD	0102060901010	Joe Moretti	Yes	900 SW 2 AVE	0.00	0.00	0.00	0.00	3.06	1.95	0.0%	0.0%	50.0%	45.5%	0.0%	1.41	26	5	7.05	20	1961	$4,403,360.00
21	PHCD	3031020300010	Twin Lakes	Yes	1221 NW 95 ST	0.00	3.72	0.13	0.00	3.90	1.61	0.9%	1.3%	38.0%	47.4%	0.0%	1.36	28	5	6.82	21	1971	$1,761,449.00
22	PHCD	0131360290110	Phyllis Wheatley	Yes	1746 NW 2 AVE	0.00	0.00	0.00	0.50	3.80	1.97	0.0%	0.0%	66.7%	33.3%	0.0%	1.33	29	5	6.67	22	1984	$1,666,163.00
23	PHCD	0131270780010	Scattered Site 9 - D	Yes	3169 NW 21 AVE	0.00	0.00	0.00	1.39	2.19	1.87	0.0%	0.0%	67.7%	32.3%	0.0%	1.32	30	5	6.61	23	1970	$453,050.00
24	PHCD	3069350120020	Moody Gardens	Yes	26804 SW 135 AVE	0.00	0.00	0.00	0.00	2.76	1.28	0.0%	0.0%	65.1%	26.1%	0.0%	1.17	32	5	5.86	24	1983	$1,373,613.00
25	PHCD	0131340800010	Gwen Cherry 16	No	2000 NW 19 TER	0.00	0.00	0.00	1.69	3.27	2.48	0.0%	0.0%	9.1%	90.9%	0.0%	1.91	17	3	5.73	25	1970	$5,041,288.00
26	PHCD	3079090260270	Homeownership (010)	No	15280 SW 307 RD	0.00	0.00	0.00	1.90	3.32	2.73	0.0%	0.0%	16.7%	83.3%	0.0%	1.83	19	3	5.50	26	1973	$164,864.00
27	PHCD	0131270680010	Donn Gardens	Yes	2891 NW 19 AVE	0.00	0.00	0.00	0.00	2.60	1.30	0.0%	0.0%	92.9%	7.1%	0.0%	1.07	38	5	5.34	27	1960	$2,983,544.00
28	PHCD	0131270790010	Three Round Towers	Yes	2920 NW 18 AVE	0.00	0.00	0.00	0.04	2.61	1.21	0.0%	0.0%	96.4%	3.6%	0.0%	1.04	39	5	5.18	28	1970	$21,157,797.00
29	PHCD	0131270690010	Abe Arronovitz	Yes	1840 NW 28 ST	0.00	0.00	0.00	0.28	2.10	0.99	0.0%	0.0%	98.6%	1.4%	0.0%	1.01	40	5	5.07	29	1962	$2,842,661.00
30	PHCD	1078130430150	W. Homestead Gardens	Yes	331 SW 4 CT	0.00	0.00	0.00	1.22	1.45	1.32	0.0%	0.0%	100.0%	0.0%	0.0%	1.00	51	5	5.00	30	2003	$75,579.00
31	PHCD	1079080000340	Homestead East	Yes	16500 SW 306 ST	0.00	0.00	0.00	0.00	1.41	0.60	0.0%	0.0%	97.9%	0.0%	0.0%	0.98	54	5	4.90	31	1985	$1,227,018.00
32	PHCD	0101010102030	Culmer Place	No	800 NW 5 AVE	0.00	0.00	0.00	0.00	6.15	2.51	0.0%	0.0%	41.1%	51.1%	5.7%	1.60	21	3	4.81	32	1975	$14,510,069.00
33	PHCD	3069350120010	Moody Village	No	26900 SW 135 AVE	0.00	0.00	0.00	0.00	3.60	2.12	0.0%	0.0%	40.8%	58.8%	0.0%	1.59	22	3	4.76	33	1981	$5,699,398.00
34	PHCD	0131350210160	Robert King High	Yes	1389 NW 7 ST	0.00	3.61	0.05	0.00	9.57	1.66	2.7%	0.0%	7.6%	23.1%	12.6%	0.94	59	5	4.72	34	1963	$29,728,930.00
35	PHCD	3069270000500	Naranja	No	13924 SW 260 ST	0.00	0.00	0.00	0.61	3.50	1.99	0.0%	0.0%	48.5%	51.5%	0.0%	1.52	23	3	4.55	35	1971	$7,587,486.00
36	PHCD	0131270810010	Dante Fascell	Yes	2936 NW 17 AVE	0.00	0.00	0.00	0.00	1.43	0.54	0.0%	0.0%	89.8%	0.0%	0.0%	0.90	61	5	4.49	36	1973	$4,786,111.00
37	PHCD	3031100280330	North Park - Scott Carver Phase 2A & B	Yes	7475 NW 20 AVE	0.00	0.00	0.00	0.00	2.02	1.11	0.0%	0.0%	80.0%	3.3%	0.0%	0.87	63	5	4.33	37		$140,000.00
38	PHCD	3069340130010	Heritage Village II	No	26905 SW 142 AVE	0.00	0.00	0.00	0.93	2.34	1.80	0.0%	0.0%	58.3%	41.7%	0.0%	1.42	25	3	4.25	38	1982	$93,885.00
39	PHCD	0821280190010	Ingram Terrace	No	3150 NW 131 ST	0.00	0.36	0.01	0.59	4.46	1.84	2.8%	0.0%	63.2%	36.8%	0.0%	1.40	27	3	4.19	39	1971	$1,612,500.00
40	PHCD	0131350190340	Green Turnkey	Yes	1500 NW 7 CT	0.00	0.00	0.00	0.00	2.49	0.59	0.0%	0.0%	87.5%	12.5%	0.0%	0.83	65	5	4.13	40	1968	$1,610,062.00
41	PHCD	0102060901090	Medvin Apts.	Yes	945 SW 3 AVE	0.00	0.00	0.00	0.00	0.89	0.29	0.0%	0.0%	81.3%	0.0%	0.0%	0.81	67	5	4.06	41	1975	$316,229.00
42	PHCD	0131360730050	Town Park	No	400 NW 19 ST	0.00	0.00	0.00	0.65	3.10	1.76	0.0%	0.0%	70.8%	29.2%	0.0%	1.29	31	3	3.88	42	1983	$971,538.00
43	PHCD	3060060260300	Southridge I	No	19105 SW 112 PL	0.00	0.00	0.00	0.67	2.38	1.42	0.0%	0.0%	83.3%	16.7%	0.0%	1.17	33	3	3.50	43	1980	$81,543.00
44	PHCD	0131130390010	Gwen Cherry 06	No	90 NW 71 ST	0.00	0.00	0.00	0.00	3.51	1.31	0.0%	0.0%	49.1%	32.1%	0.0%	1.13	34	3	3.40	44	1970	$651,272.00
45	PHCD	0131120000730	Victory Homes	No	530 NW 75 ST	0.00	0.00	0.00	0.00	2.62	1.31	0.0%	0.0%	88.1%	11.7%	0.0%	1.12	35	3	3.35	45	1941	$6,006,789.00
46	PHCD	0131120040010	Gwen Cherry 22	Yes	7101 NE MIAMI CT	0.00	0.00	0.00	0.00	3.98	0.73	0.0%	0.0%	53.4%	6.3%	0.0%	0.66	72	5	3.30	46	1951	$3,836,010.00
47	PHCD	3060180200170	Goulds	No	11211 SW 221 ST	0.00	0.00	0.00	0.00	3.94	1.36	0.0%	0.0%	35.3%	36.4%	0.0%	1.08	36	3	3.24	47	1980	$1,211,865.00
48	PHCD	3060060300030	Southrigde II	No	11334 SW 190 ST B	0.00	0.00	0.00	0.49	2.06	1.18	0.0%	0.0%	92.3%	7.7%	0.0%	1.08	37	3	3.23	48	1982	$90,171.00
49	PHCD	3069350110010	Pine Island II	No	26862 SW 127 AVE	0.00	0.00	0.00	0.00	2.17	0.95	0.0%	0.0%	99.2%	0.6%	0.0%	1.00	41	3	3.01	49	1980	$3,962,750.00
50	PHCD	0131130410020	Buena Vista Homes	No	514 NW 60 ST	0.00	0.00	0.00	0.81	1.37	1.12	0.0%	0.0%	100.0%	0.0%	0.0%	1.00	42	3	3.00	50	1983	$74,966.00
51	PHCD	3411320110390	FHA Homes Dade Co. - C	No	3922 NW 207 STREET RD	0.00	0.00	0.00	0.47	0.59	0.53	0.0%	0.0%	100.0%	0.0%	0.0%	1.00	43	3	3.00	51	1982	$125,947.00
52	PHCD	1678240200930	Gateway Apts	No	155 NW 14 ST	0.00	0.00	0.00	0.00	0.51	1.81	1.20	0.0%	0.0%	100.0%	0.0%	0.0%	1.00	44	3	3.00	52	1962	$1,828,595.00
53	PHCD	3069340120010	Heritage Village I (010)	No	26801 SW 142 AVE	0.00	0.00	0.00	1.17	1.40	1.27	0.0%	0.0%	100.0%	0.0%	0.0%	1.00	45	3	3.00	53	1985	$775,329.00
54	PHCD	1078130450080	Homestead Village	No	SW 5 ST & SW 5 AVE	0.00	0.00	0.00	0.17	1.11	0.65	0.0%	0.0%	100.0%	0.0%	0.0%	1.00	46	3	3.00	54	1952	$105,555.00
55	PHCD	1078130490190	Homestead Village	No	SW 5 ST & SW 5 AVE	0.00	0.00	0.00	0.36	0.88	0.66	0.0%	0.0%	100.0%	0.0%	0.0%	1.00	47	3	3.00	55		$5,907.00
56	PHCD	1078130490200	Homestead Village	No	SW 5 ST & SW 5 AVE	0.00	0.00	0.00	0.34	1.04	0.64	0.0%	0.0%	100.0%	0.0%	0.0%	1.00	48	3	3.00	56	1985	$711,523.00
57	PHCD	1078130510210	Milton Manor	No	111 SW 7 ST	0.00	0.00	0.00	0.32	1.84	1.19	0.0%	0.0%	100.0%	0.0%	0.0%	1.00	49	3	3.00	57	1970	$1,820,162.00
58	PHCD	3421160031900	Vista Verde	No	15745 NW 27 PL	0.00	0.00	0.00	0.62	1.60	1.06	0.0%	0.0%	100.0%	0.0%	0.0%	1.00	50	3	3.00	58		$20,948.00
59	PHCD	0131250291170	Wynwood Homes - C	No	34 NW 26 ST	0.00	0.00	0.00	0.99	1.59	1.31	0.0%	0.0%	100.0%	0.0%	0.0%	1.00	52	3	3.00	59	1972	$44,000.00
60	PHCD	0131250280380	Wynwood	No	2938 NW 1 AVE	0.00	0.00	0.00	0.00	0.83	0.31	0.0%	0.0%	98.1%	0.0%	0.0%	0.98	53	3	2.94	60	1981	$1,037,870.00
61	PHCD	0131250280020	Wynwood	No	22 NW 31 ST	0.00	0.00	0.00	0.00	1.46	0.81	0.0%	0.0%	97.2%	0.0%	0.0%	0.97	55	3	2.92	61	1981	$727,321.00
62	PHCD	3060180200330	Goulds	No	11205 -11315 SW 220 TER	0.00	0.00	0.00	0.00	3.51	1.16	0.0%	0.0%	32.3%	31.9%	0.0%	0.96	56	3	2.88	62	1980	$1,085,082.00
63	PHCD	1078140001110	Homestead Gardens	No	1501 SW 6 ST	0.00	0.00	0.00	0.00	2.18	0.63	0.0%	0.0%	94.3%	0.8%	0.0%	0.96	57	3	2.88	63	1974	$6,726,431.00
64	PHCD	0131270710010	Elizabeth Virrick II	No	2828 NW 23 AVE	0.00	0.00	0.00	0.00	0.74	0.28	0.0%	0.0%	95.5%	0.0%	0.0%	0.95	58	3	2.86	64		$676,048.00
65	PHCD	0131250210311	Wynwood	No	535 NW 33 ST	0.00	0.00	0.00	0.00	0.54	0.22	0.0%	0.0%	94.2%	0.0%	0.0%	0.94	60	3	2.83	65	1981	$334,625.00
66	PHCD	0131270150220	Gwen Cherry 15	No	2301 NW 23 CT	0.00	0.00	0.00	0.00	1.14	0.46	0.0%	0.0%	89.0%	0.0%	0.0%	0.89	62	3	2.67	66	1970	$1,693,809.00
67	PHCD	3069350100010	Pine Island I	No	27101 SW 128 AVE	0.00	0.00	0.00	0.00	1.82	0.58	0.0%	0.0%	86.5%	0.0%	0.0%	0.86	64	3	2.59	67	1980	$5,254,191.00
68	PHCD	0131350470010	Haley Sofge Towers	Yes	800 NW 13 AVE	0.00	3.58	0.13	0.00	11.93	0.81	6.7%	0.5%	4.4%	5.5%	9.0%	0.50	76	5	2.50	68	1963	$39,068,540.00
69	PHCD	0131270400590	Gwen Cherry 14	No	1906 NW 24 ST	0.00	0.00	0.00	0.00	1.81	0.63	0.0%	0.0%	81.9%	0.0%	0.0%	0.82	66	3	2.46	69	1970	$3,102,946.00
70	PHCD	3060180200010	Goulds	No	11210 SW 221 ST	0.00	0.00	0.00	0.00	3.78	0.93	0.0%	0.0%	29.8%	24.3%	0.0%	0.78	68	3	2.35	70	1979-1980	$1,319,138.00
71	PHCD	3060180200470	Goulds	No	22125 SW 112 CT	0.00	0.00	0.00	0.00	2.77	0.87	0.0%	0.0%	29.7%	24.0%	0.0%	0.78	69	3	2.33	71	1980	$86,857.00
72	PHCD	0131130860010	Edison Plaza (Elderly)	Yes	205 NW 55 ST	0.00	0.00	0.00	0.00	1.22	0.26	0.0%	0.0%	45.5%	0.0%	0.0%	0.46	77	5	2.28	72	1975	$2,312,612.00
73	PHCD	0131130480660	Edison Park (Family)	No	250 NW 58 ST	0.00	0.00	0.00	0.00	1.12	0.38	0.0%	0.0%	75.0%	0.0%	0.0%	0.75	70	3	2.25	73	1957	$3,171,314.00
74	PHCD	3021070210010	Palmetto Gardens	Yes	16850 NW 55 AVE	0.00	0.00	0.00	0.00	1.31	0.26	0.0%	0.0%	44.4%	0.0%	0.0%	0.44	78	5	2.22	74	1983	$1,395,238.00
75	PHCD	0131140090010	Liberty Square	No	1415 NW 63 ST	0.00	0.00	0.00	0.00	1.79	0.58	0.0%	0.0%	69.9%	0.0%	0.0%	0.70	71	3	2.10	75	1940	$12,621,668.00
76	PHCD	3050320410180	Richmond Homes	No	16911 SW 105 AVE	0.00	0.00	0.00	0.00	1.85	0.41	0.0%	0.0%	58.9%	0.0%	0.0%	0.59	73	3	1.77	76	1980	$1,025,158.00
77	PHCD	3079040150010	Biscayne Plaza	Yes	15201 SW 288 ST	0.00	0.00	0.00	0.00	1.00	0.12	0.0%	0.0%	34.9%	0.0%	0.0%	0.35	81	5	1.74	77	1984	$2,033,093.00
78	PHCD	0131140020010	Liberty Square	No	1200 NW 62 LN	0.00	0.00	0.00	0.00	1.79	0.45	0.0%	0.0%	57.7%	0.0%	0.0%	0.58	74	3	1.73	78	1942	$19,520,134.00
79	PHCD	0131140300120	Little River Terrace	No	793 NW 55 TER	0.00	0.00	0.00	0.00	0.50	0.15	0.0%	0.0%	50.0%	0.0%	0.0%	0.50	75	3	1.50	79	1965	$63,879.00
80	PHCD	0131130020010	Edison Courts	No	6326 NW 2 PL	0.00	0.00	0.00	0.00	2.49	0.40	0.0%	0.0%	32.9%	5.2%	0.0%	0.43	79	3	1.30	80	1941	$9,319,839.00
81	PHCD	3079050160010	Wayside	No	29060 SW 160 AVE	0.00	0.00	0.00	0.00	0.87	0.08	0.0%	0.0%	37.9%	0.0%	0.0%	0.38	80	3	1.14	81	1980	$2,209,152.00
82	PHCD	0141030730010	Little Havana	Yes	1759 SW 5 ST	0.00	0.00	0.00	0.00	1.08	0.06	0.0%	0.0%	16.8%	0.0%	0.0%	0.17	89	5	0.84	82	1982	$4,233,610.00
83	PHCD	3059250000035	Southern Anchor	No	7515 SW 152 AVE	0.00	0.00	0.00	0.00	1.74	0.49	0.0%	0.0%	25.1%	0.0%	0.0%	0.25	82	3	0.75	83		$2,169,750.00

[1]Storm Surge projected for a Cat. 5 Hurricane in the future accounting for sea level rise
Source: ITD's PHCDDevelopments_Poly GIS layer and PHCD Developments - Information

MIAMI-DADE COUNTY OFFICE OF RESILIENCE RAPID ACTION PLAN
ASSETS VULNERABILITY EVALUATION
VULNERABILITY x CRITICALITY SCORE ORDER

PUBLIC HOUSING AND COMMUNITY DEVELOPMENT

#	Department	Folio	Name	Elderly Housing	Address	SLR Depth (ft)			Storm Surge Inundation Depth (ft)[1]			% of Property Exposed to SLR		% of Property Exposed to Storm Surge[1]			Vulnerability Score	Ranking Based on Vulnerability Score	Criticality	Vulnerability x Criticality	Ranking Based on Vulnerability x Criticality Score	Year Built	Host Property Value 2016 (As Per Folio)
						Min	Max	Mean	Min	Max	Mean	% Exposed between 0.01 ft and 2 ft	% Exposed >= 2 ft	% Exposed between 0.01 ft and 2 ft	% Exposed between 2 ft and 5 ft	% Exposed >= 5 ft							
84	PHCD	1678240290010	Florida City Family	No	641 NW 7 ST	0.00	0.00	0.00	0.00	0.69	0.10	0.0%	0.0%	25.0%	0.0%	0.0%	0.25	83	3	0.75	84	1983	$69,667.00
85	PHCD	0131250630020	Rainbow Village	No	2000 NW 3 AVE	0.00	0.00	0.00	0.00	3.07	0.16	0.0%	0.0%	19.0%	2.7%	0.0%	0.24	84	3	0.73	85	1972	$18,350,866.00
86	PHCD	3060070160010	Arthur Mays Village	No	11351 SW 216 ST	0.00	0.00	0.00	0.00	2.51	0.17	0.0%	0.0%	20.2%	0.8%	0.0%	0.22	85	3	0.66	86	1974	$12,760,144.00
87	PHCD	3050320040600	Perrine Villas	Yes	10000 W JESSAMINE ST	0.00	0.00	0.00	0.00	0.97	0.05	0.0%	0.0%	11.9%	0.0%	0.0%	0.12	91	5	0.60	87	1983	$896,634.00
88	PHCD	0131250240510	Wynwood	No	401 NW 33 ST	0.00	0.00	0.00	0.00	0.54	0.04	0.0%	0.0%	19.5%	0.0%	0.0%	0.19	86	3	0.58	88	1981	$227,174.00
89	PHCD	0141020060790	Little Havana Homes	No	1275 SW 1 ST	0.00	0.00	0.00	0.00	3.26	0.22	0.0%	0.0%	6.1%	6.1%	0.0%	0.18	87	3	0.55	89	1985	$2,660,696.00
90	PHCD	0131250280320	Wynwood	No	137 NW 30 ST	0.00	0.00	0.00	0.00	0.40	0.02	0.0%	0.0%	17.4%	0.0%	0.0%	0.17	88	3	0.52	90	1981	$472,070.00
91	PHCD	3050320350010	Perrine Gardens	Yes	17305 SW 102 AVE	0.00	0.00	0.00	0.00	0.57	0.01	0.0%	0.0%	8.4%	0.0%	0.0%	0.08	93	5	0.42	91	1975	$6,672,019.00
92	PHCD	0131250241580	Wynwood Elderly	Yes	301 NW 30 ST	0.00	0.00	0.00	0.00	0.09	0.01	0.0%	0.0%	8.3%	0.0%	0.0%	0.08	95	5	0.42	92		$187,200.00
93	PHCD	0131230372020	Manor Park	No	1601 NW 42 ST	0.00	0.00	0.00	0.00	0.50	0.06	0.0%	0.0%	12.5%	0.0%	0.0%	0.13	90	3	0.38	93	1985	$105,482.00
94	PHCD	0141020064730	Falk Turnkey	Yes	455 SW 16 AVE	0.00	0.00	0.00	0.00	0.38	0.01	0.0%	0.0%	5.7%	0.0%	0.0%	0.06	99	5	0.29	94	1968	$1,907,287.00
95	PHCD	3079040190010	Leisure Villas	No	28701 SW 153 AVE	0.00	0.00	0.00	0.00	0.38	0.01	0.0%	0.0%	9.2%	0.0%	0.0%	0.09	92	3	0.28	95	1994	$1,100,000.00
96	PHCD	0131250200131	In Cities - Wynwood	No	579 NW 34 ST	0.00	0.00	0.00	0.00	0.23	0.02	0.0%	0.0%	8.3%	0.0%	0.0%	0.08	94	3	0.25	96	1970	$273,754.00
97	PHCD	0131250210330	Wynwood	No	512 NW 33 ST	0.00	0.00	0.00	0.00	0.69	0.02	0.0%	0.0%	8.2%	0.0%	0.0%	0.08	96	3	0.25	97	1981	$2,484,407.00
98	PHCD	3050320440010	Perrine Rainbow	No	7515 SW 152 AVE	0.00	0.71	0.27	0.00	0.71	0.27	0.0%	0.0%	7.9%	0.0%	0.0%	0.08	97	3	0.24	98		$4,287,318.00
99	PHCD	0131130090470	Lemon City	Yes	6860 NE 2 AVE	0.00	0.00	0.00	0.00	1.88	0.05	0.0%	0.0%	4.6%	0.0%	0.0%	0.05	100	5	0.23	99	1974	$2,468,613.00
100	PHCD	3079040000190	Modello (3 buildings)	No	15302 SW 282 ST	0.00	0.00	0.00	0.00	0.60	0.01	0.0%	0.0%	6.8%	0.0%	0.0%	0.07	98	3	0.20	100		$2,146,600.00
101	PHCD	3031220580010	Ward Towers (2200)	Yes	2200 NW 54 ST	0.00	0.00	0.00	0.00	0.08	0.00	0.0%	0.0%	2.8%	0.0%	0.0%	0.03	105	5	0.14	101	1975	$7,016,213.00
102	PHCD	3049330060030	Park Lake Apts	No	8201 SW 152 AVE CIR	0.00	1.77	0.04	0.00	0.00	0.00	4.6%	0.0%	0.0%	0.0%	0.0%	0.05	101	3	0.14	102	1988	$3,883,208.00
103	PHCD	0141200450010	Stirrup Plaza Family	No	3707 PERCIVAL AVE	0.00	0.00	0.00	0.00	0.53	0.01	0.0%	0.0%	4.1%	0.0%	0.0%	0.04	102	3	0.12	103	1939	$3,198,029.00
104	PHCD	3421100010300	Miami Gardens	No	18175 NW 22 AVE	0.00	0.00	0.00	0.00	0.47	0.01	0.0%	0.0%	3.5%	0.0%	0.0%	0.03	103	3	0.10	104		$2,485,561.00
105	PHCD	3031150040340	Annie Coleman	No	1728 NW 60 ST	0.00	0.00	0.00	0.00	0.03	0.00	0.0%	0.0%	3.4%	0.0%	0.0%	0.03	104	3	0.10	105	1966	$472,967.00
106	PHCD	3049330080050	Lakeside Towers	No	7515 SW 152 AVE	0.00	1.37	0.00	0.00	1.30	0.00	1.2%	0.0%	0.4%	0.0%	0.0%	0.02	106	3	0.05	106	1988	$28,138,341.00
107	PHCD	0131260392620	Gwen Cherry 13	No	2400 NW 12 AVE	0.00	0.00	0.00	0.00	0.12	0.00	0.0%	0.0%	0.8%	0.0%	0.0%	0.01	107	3	0.03	107	1970	$1,844,358.00
108	PHCD	0141210070610	Coconut Grove	No	3666 DAY AVE	0.00	0.00	0.00	0.00	0.04	0.00	0.0%	0.0%	0.8%	0.0%	0.0%	0.01	108	3	0.02	108	1981- 1982	$4,663,394.00
109	PHCD	0131260390080	Allapattah Homes	No	1233 NW 35 ST	0.00	0.00	0.00	0.00	0.00	0.00	0.0%	0.0%	0.0%	0.0%	0.0%	0.00	109	3	0.00	109	1985	$231,700.00
110	PHCD	3031150250300	Annie Coleman	No	2200 NW 57 ST	0.00	0.00	0.00	0.00	0.00	0.00	0.0%	0.0%	0.0%	0.0%	0.0%	0.00	110	3	0.00	110	2014	$8,381,883.00
111	PHCD	3031220210510	Annie Coleman	No	2265 NW 50 ST	0.00	0.00	0.00	0.00	0.00	0.00	0.0%	0.0%	0.0%	0.0%	0.0%	0.00	111	3	0.00	111		$414,813.00
112	PHCD	0131350180310	Claude Pepper	Yes	750 NW 18 TER	0.00	0.00	0.00	0.00	0.00	0.00	0.0%	0.0%	0.0%	0.0%	0.0%	0.00	112	5	0.00	112	1970	$691,726.00
113	PHCD	0141210070890	Coconut Grove	No	3685 OAK AVE	0.00	0.00	0.00	0.00	0.00	0.00	0.0%	0.0%	0.0%	0.0%	0.0%	0.00	113	3	0.00	113	1981- 1982	$2,047,899.00
114	PHCD	0131220400040	Collins Park	Yes	3625 NW 20 AVE	0.00	0.00	0.00	0.00	0.00	0.00	0.0%	0.0%	0.0%	0.0%	0.0%	0.00	114	5	0.00	114	1969	$10,170,428.00
115	PHCD	0141210050030	Gibson Plaza	No	3181 DOUGLAS RD	0.00	0.00	0.00	0.00	0.00	0.00	0.0%	0.0%	0.0%	0.0%	0.0%	0.00	115	3	0.00	115	1982	$6,210,955.00
116	PHCD	3060180010490	Goulds	No	22025 SW 115 CT	0.00	0.00	0.00	0.00	0.00	0.00	0.0%	0.0%	0.0%	0.0%	0.0%	0.00	116	3	0.00	116	1980	$118,385.00
117	PHCD	3060070000100	Goulds Plaza	Yes		0.00	0.00	0.00	0.00	0.00	0.00	0.0%	0.0%	0.0%	0.0%	0.0%	0.00	117	5	0.00	117		$432,333.00
118	PHCD	3049020000062	Gran Via	No	12700 SW 8 ST	0.00	0.00	0.00	0.00	0.00	0.00	0.0%	0.0%	0.0%	0.0%	0.0%	0.00	118	3	0.00	118	2014	$6,506,000.00
119	PHCD	0141210021340	Grove Homes	No	3110 PLAZA ST	0.00	0.00	0.00	0.00	0.00	0.00	0.0%	0.0%	0.0%	0.0%	0.0%	0.00	119	3	0.00	119	1985	$75,696.00
120	PHCD	0131130190010	Gwen Cherry 07	No	6610 NE 1 AVE	0.00	0.00	0.00	0.00	0.00	0.00	0.0%	0.0%	0.0%	0.0%	0.0%	0.00	120	3	0.00	120	1982	$158,572.00
121	PHCD	0131260040010	Gwen Cherry 08	No	3301 NW 11 CT	0.00	0.00	0.00	0.00	0.00	0.00	0.0%	0.0%	0.0%	0.0%	0.0%	0.00	121	3	0.00	121	2014	$5,660,000.00
122	PHCD	0131260361770	Gwen Cherry 12	No	2840 NW 10 AVE	0.00	0.00	0.00	0.00	0.00	0.00	0.0%	0.0%	0.0%	0.0%	0.0%	0.00	122	3	0.00	122		$384,720.00
123	PHCD	3031150450010	Jollivette	Yes	6321 NW 25 AVE	0.00	0.00	0.00	0.00	0.10	0.00	0.0%	0.0%	0.4%	0.0%	0.0%	0.00	123	5	0.00	123	1962	$2,499,525.00
124	PHCD	0141030740010	Jose Marti Plaza	Yes	154 SW 17 AVE	0.00	0.00	0.00	0.00	0.00	0.00	0.0%	0.0%	0.0%	0.0%	0.0%	0.00	124	5	0.00	124	1970	$346,626.00
125	PHCD	0131140431851	Liberty Homes	No	5804 NW 12 AVE	0.00	0.00	0.00	0.00	0.00	0.00	0.0%	0.0%	0.0%	0.0%	0.0%	0.00	125	3	0.00	125	1965	$417,213.00
126	PHCD	3031110180010	Model Cities - C	No	1605 NW 75 ST	0.00	0.00	0.00	0.00	0.00	0.00	0.0%	0.0%	0.0%	0.0%	0.0%	0.00	126	3	0.00	126	1974	$4,730,541.00
127	PHCD	3040160020010	New Project	Yes	8915- 8917 SW 40TH ST	0.00	0.00	0.00	0.00	0.00	0.00	0.0%	0.0%	0.0%	0.0%	0.0%	0.00	127	5	0.00	127		$23,040.00
128	PHCD	0131140340111	Orchard Villa Homes	No	1441 NW 55 ST	0.00	0.00	0.00	0.00	0.00	0.00	0.0%	0.0%	0.0%	0.0%	0.0%	0.00	128	3	0.00	128	1965	$2,759,813.00
129	PHCD	0131260510300	Santa Clara Homes	No	1001 NW 27 ST	0.00	0.00	0.00	0.00	0.00	0.00	0.0%	0.0%	0.0%	0.0%	0.0%	0.00	129	3	0.00	129	1970	$225,015.00
130	PHCD	3031150390160	Scattered Sites - A	No	2505 NW 61 ST	0.00	0.00	0.00	0.00	0.00	0.00	0.0%	0.0%	0.0%	0.0%	0.0%	0.00	130	3	0.00	130	1979	$89,417.00
131	PHCD	3031100630010	Scattered Sites - B (Demo)	No	2200 NW 74 ST	0.00	0.00	0.00	0.00	0.00	0.00	0.0%	0.0%	0.0%	0.0%	0.0%	0.00	131	3	0.00	131	1985	$421,998.00
132	PHCD	3031100810041	Scott Carver	No	7403 NW 23 CT	0.00	0.00	0.00	0.00	0.00	0.00	0.0%	0.0%	0.0%	0.0%	0.0%	0.00	132	3	0.00	132	1976	$757,192.00
133	PHCD	3031100810051	Scott Carver	No	7403 NW 23 CT	0.00	0.00	0.00	0.00	0.00	0.00	0.0%	0.0%	0.0%	0.0%	0.0%	0.00	133	3	0.00	133	1961	$237,991.00
134	PHCD	3031100810060	Scott Carver	No	7403 NW 23 CT	0.00	0.00	0.00	0.00	0.00	0.00	0.0%	0.0%	0.0%	0.0%	0.0%	0.00	134	3	0.00	134	1978	$16,004,130.00
135	PHCD	3031100810070	Scott Carver	No	7403 NW 23 CT	0.00	0.00	0.00	0.00	0.00	0.00	0.0%	0.0%	0.0%	0.0%	0.0%	0.00	135	3	0.00	135	1975	$2,726,920.00
136	PHCD	0141090480010	Smathers Plaza	Yes	940 SW 29 CT	0.00	0.00	0.00	0.00	0.00	0.00	0.0%	0.0%	0.0%	0.0%	0.0%	0.00	136	5	0.00	136	1984	$4,077,809.00
137	PHCD	0940250630010	South Miami Gardens	No	5949 SW 68 ST	0.00	0.00	0.00	0.00	0.00	0.00	0.0%	0.0%	0.0%	0.0%	0.0%	0.00	137	3	0.00	137		$1,434,000.00
138	PHCD	0940250630040	South Miami Plaza	Yes	6701 SW 62 AVE	0.00	0.00	0.00	0.00	0.00	0.00	0.0%	0.0%	0.0%	0.0%	0.0%	0.00	138	5	0.00	138	1985	$97,703.00
139	PHCD	0141210060330	Stirrup Plaza Elderly Units	Yes	3150 MUNDY ST	0.00	0.00	0.00	0.00	0.00	0.00	0.0%	0.0%	0.0%	0.0%	0.0%	0.00	139	5	0.00	139	1976	$2,665,017.00
140	PHCD	3421170060480	Venetian Gardens	No	16210 NW 37 PL	0.00	0.00	0.00	0.00	0.00	0.00	0.0%	0.0%	0.0%	0.0%	0.0%	0.00	140	3	0.00	140		$192,102.00
141	PHCD	3031220580011	Ward Towers (5301)	Yes	5301 NW 23 AVE	0.00	0.00	0.00	0.00	0.08	0.00	0.0%	0.0%	0.4%	0.0%	0.0%	0.00	141	5	0.00	141	1975	$2,052,000.00
142	PHCD	0131250240390	Wynwood	No	300 NW 34 ST	0.00	0.00	0.00	0.00	0.00	0.00	0.0%	0.0%	0.0%	0.0%	0.0%	0.00	142	3	0.00	142	1981	$422,079.00

[1]Storm Surge projected for a Cat. 5 Hurricane in the future accounting for sea level rise
Source: ITD's PHCDDevelopments_Poly GIS layer and PHCD Developments - Information

MIAMI-DADE COUNTY OFFICE OF RESILIENCE RAPID ACTION PLAN
ASSETS VULNERABILITY EVALUATION
VULNERABILITY x CRITICALITY SCORE
ALPHABETICAL ORDER

PUBLIC HOUSING AND COMMUNITY DEVELOPMENT

#	Department	Folio	Name	Elderly Housing	Address	SLR Depth (ft)			Storm Surge Inundation Depth (ft)[1]			% of Property Exposed to SLR		% of Property Exposed to Storm Surge[1]			Vulnerability Score	Ranking Based on Vulnerability Score	Criticality	Vulnerability x Criticality	Ranking Based on Vulnerability x Criticality Score	Year Built	Host Property Value 2016 (As Per Folio)
						Min	Max	Mean	Min	Max	Mean	% Exposed between 0.01 ft and 2 ft	% Exposed >= 2 ft	% Exposed between 0.01 ft and 2 ft	% Exposed between 2 ft and 5 ft	% Exposed >= 5 ft							
1	PHCD	0131270690010	Abe Arronovitz	Yes	1840 NW 28 ST	0.00	0.00	0.00	0.28	2.10	0.99	0.0%	0.0%	98.6%	1.4%	0.0%	1.01	40	5	5.07	29	1962	$2,842,661.00
2	PHCD	0131260390080	Allapattah Homes	No	1233 NW 35 ST	0.00	0.00	0.00	0.00	0.00	0.00	0.0%	0.0%	0.0%	0.0%	0.0%	0.00	109	3	0.00	109	1985	$231,700.00
3	PHCD	3031150040340	Annie Coleman	No	1728 NW 60 ST	0.00	0.00	0.00	0.00	0.03	0.00	0.0%	0.0%	3.4%	0.0%	0.0%	0.03	104	3	0.10	105	1966	$472,967.00
4	PHCD	3031150250300	Annie Coleman	No	2200 NW 57 ST	0.00	0.00	0.00	0.00	0.00	0.00	0.0%	0.0%	0.0%	0.0%	0.0%	0.00	110	3	0.00	110	2014	$8,381,883.00
5	PHCD	3031220210510	Annie Coleman	No	2265 NW 50 ST	0.00	0.00	0.00	0.00	0.00	0.00	0.0%	0.0%	0.0%	0.0%	0.0%	0.00	111	3	0.00	111		$414,813.00
6	PHCD	3060070160010	Arthur Mays Village	No	11351 SW 216 ST	0.00	0.00	0.00	0.00	2.51	0.17	0.0%	0.0%	20.2%	0.8%	0.0%	0.22	85	3	0.66	86	1974	$12,760,144.00
7	PHCD	3079040150010	Biscayne Plaza	Yes	15201 SW 288 ST	0.00	0.00	0.00	0.00	1.00	0.12	0.0%	0.0%	34.9%	0.0%	0.0%	0.35	81	5	1.74	77	1984	$2,033,093.00
8	PHCD	0131130410020	Buena Vista Homes	No	514 NW 60 ST	0.00	0.00	0.00	0.81	1.37	1.12	0.0%	0.0%	100.0%	0.0%	0.0%	1.00	42	3	3.00	50	1983	$74,966.00
9	PHCD	0131350180310	Claude Pepper	Yes	750 NW 18 TER	0.00	0.00	0.00	0.00	0.00	0.00	0.0%	0.0%	0.0%	0.0%	0.0%	0.00	112	5	0.00	112	1970	$691,726.00
10	PHCD	0141210070610	Coconut Grove	No	3666 DAY AVE	0.00	0.00	0.00	0.00	0.04	0.00	0.0%	0.0%	0.8%	0.0%	0.0%	0.01	108	3	0.02	108	1981- 1982	$4,663,394.00
11	PHCD	0141210070890	Coconut Grove	No	3685 OAK AVE	0.00	0.00	0.00	0.00	0.00	0.00	0.0%	0.0%	0.0%	0.0%	0.0%	0.00	113	3	0.00	113	1981- 1982	$2,047,899.00
12	PHCD	0131220400040	Collins Park	Yes	3625 NW 20 AVE	0.00	0.00	0.00	0.00	0.00	0.00	0.0%	0.0%	0.0%	0.0%	0.0%	0.00	114	5	0.00	114	1969	$10,170,428.00
13	PHCD	0101060901010	Culmer Gardens	No	554 NW 5 AVE	0.00	0.37	0.01	3.15	9.21	5.07	2.3%	0.0%	0.0%	63.1%	36.9%	2.39	13	3	7.18	18	1984	$3,770,051.00
14	PHCD	0101010102030	Culmer Place	No	800 NW 5 AVE	0.00	0.00	0.00	0.00	6.15	2.51	0.0%	0.0%	41.1%	51.1%	5.7%	1.60	21	3	4.81	32	1975	$14,510,069.00
15	PHCD	0131270810010	Dante Fascell	Yes	2936 NW 17 AVE	0.00	0.00	0.00	0.00	1.43	0.54	0.0%	0.0%	89.8%	0.0%	0.0%	0.90	61	5	4.49	36	1973	$4,786,111.00
16	PHCD	0131270680010	Donn Gardens	Yes	2891 NW 19 AVE	0.00	0.00	0.00	0.00	2.60	1.30	0.0%	0.0%	92.6%	7.1%	0.0%	1.07	38	5	5.34	27	1960	$2,983,544.00
17	PHCD	0131130020010	Edison Courts	No	6326 NW 2 PL	0.00	0.00	0.00	0.00	2.49	0.40	0.0%	0.0%	32.9%	5.2%	0.0%	0.43	79	3	1.30	80	1941	$9,319,839.00
18	PHCD	0131130480660	Edison Park (Family)	No	250 NW 58 ST	0.00	0.00	0.00	0.00	1.12	0.38	0.0%	0.0%	75.0%	0.0%	0.0%	0.75	70	3	2.25	73	1957	$3,171,314.00
19	PHCD	0131130860010	Edison Plaza (Elderly)	Yes	205 NW 55 ST	0.00	0.00	0.00	0.00	1.22	0.26	0.0%	0.0%	43.5%	0.0%	0.0%	0.46	77	5	2.28	72	1975	$2,312,612.00
20	PHCD	0131270710010	Elizabeth Virrick II	No	2828 NW 23 AVE	0.00	0.00	0.00	0.00	0.74	0.28	0.0%	0.0%	95.5%	0.0%	0.0%	0.95	58	3	2.86	64		$676,048.00
21	PHCD	0131120480300	Emmer Turnkey	Yes	7820 N MIAMI AVE	0.00	0.00	0.00	4.84	6.36	5.63	0.0%	0.0%	0.0%	8.3%	91.7%	2.92	7	5	14.58	7	1970	$1,369,110.00
22	PHCD	0141020064730	Falk Turnkey	Yes	455 SW 16 AVE	0.00	0.00	0.00	0.00	0.38	0.01	0.0%	0.0%	5.7%	0.0%	0.0%	0.06	99	5	0.29	94	1968	$1,907,287.00
23	PHCD	3411320110390	FHA Homes Dade Co. - C	No	3922 NW 207 STREET RD	0.00	0.00	0.00	0.47	0.59	0.53	0.0%	0.0%	100.0%	0.0%	0.0%	1.00	43	3	3.00	51	1982	$125,947.00
24	PHCD	1678240290010	Florida City Family	No	641 NW 7 ST	0.00	0.00	0.00	0.00	0.69	0.10	0.0%	0.0%	25.0%	0.0%	0.0%	0.25	83	3	0.75	84	1983	$69,667.00
25	PHCD	1678240290270	Florida City Gardens	Yes	900 NW 6 AVE	0.00	0.00	0.00	0.00	3.40	1.84	0.0%	0.0%	57.0%	42.8%	0.0%	1.43	24	5	7.13	19	1983	$2,041,447.00
26	PHCD	1678240200930	Gateway Apts	No	155 NW 14 ST	0.00	0.00	0.00	0.51	1.81	1.20	0.0%	0.0%	100.0%	0.0%	0.0%	1.00	44	3	3.00	52	1962	$1,828,595.00
27	PHCD	0141210050030	Gibson Plaza	No	3181 DOUGLAS RD	0.00	0.00	0.00	0.00	0.00	0.00	0.0%	0.0%	0.0%	0.0%	0.0%	0.00	115	3	0.00	115	1982	$6,210,955.00
28	PHCD	3060180200170	Goulds	No	11211 SW 221 ST	0.00	0.00	0.00	0.00	3.94	1.36	0.0%	0.0%	35.3%	36.4%	0.0%	1.08	36	3	3.24	47	1980	$1,211,865.00
29	PHCD	3060180200330	Goulds	No	11205 -11315 SW 220 TER	0.00	0.00	0.00	0.00	3.51	1.16	0.0%	0.0%	32.3%	31.9%	0.0%	0.96	56	3	2.88	62	1980	$1,085,082.00
30	PHCD	3060180200010	Goulds	No	11210 SW 221 ST	0.00	0.00	0.00	0.00	3.78	0.93	0.0%	0.0%	29.8%	24.3%	0.0%	0.78	68	3	2.35	70	1979-1980	$1,319,138.00
31	PHCD	3060180200470	Goulds	No	22125 SW 112 CT	0.00	0.00	0.00	0.00	2.77	0.87	0.0%	0.0%	29.7%	24.0%	0.0%	0.78	69	3	2.33	71	1980	$86,857.00
32	PHCD	3060180010490	Goulds	No	22025 SW 115 CT	0.00	0.00	0.00	0.00	0.00	0.00	0.0%	0.0%	0.0%	0.0%	0.0%	0.00	116	3	0.00	116	1980	$118,385.00
33	PHCD	3060070000100	Goulds Plaza	Yes		0.00	0.00	0.00	0.00	0.00	0.00	0.0%	0.0%	0.0%	0.0%	0.0%	0.00	117	5	0.00	117		$432,333.00
34	PHCD	3049020000062	Gran Via	No	12700 SW 8 ST	0.00	0.00	0.00	0.00	0.00	0.00	0.0%	0.0%	0.0%	0.0%	0.0%	0.00	118	3	0.00	118	2014	$6,506,000.00
35	PHCD	0131350190340	Green Turnkey	Yes	1500 NW 7 CT	0.00	0.00	0.00	0.00	2.49	0.59	0.0%	0.0%	57.5%	12.5%	0.0%	0.83	65	5	4.13	40	1968	$1,610,062.00
36	PHCD	0141210021340	Grove Homes	No	3110 PLAZA ST	0.00	0.00	0.00	0.00	0.00	0.00	0.0%	0.0%	0.0%	0.0%	0.0%	0.00	119	3	0.00	119	1985	$75,696.00
37	PHCD	0131130390010	Gwen Cherry 06	No	90 NW 71 ST	0.00	0.00	0.00	0.00	3.51	1.31	0.0%	0.0%	49.1%	32.1%	0.0%	1.13	34	3	3.40	44	1970	$651,270.00
38	PHCD	0131130190010	Gwen Cherry 07	No	6610 NE 1 AVE	0.00	0.00	0.00	0.00	0.00	0.00	0.0%	0.0%	0.0%	0.0%	0.0%	0.00	120	3	0.00	120	1982	$158,571.00
39	PHCD	0131260040010	Gwen Cherry 08	No	3301 NW 11 CT	0.00	0.00	0.00	0.00	0.00	0.00	0.0%	0.0%	0.0%	0.0%	0.0%	0.00	121	3	0.00	121	2014	$5,660,000.00
40	PHCD	0131260361770	Gwen Cherry 12	No	2840 NW 10 AVE	0.00	0.00	0.00	0.00	0.00	0.00	0.0%	0.0%	0.0%	0.0%	0.0%	0.00	122	3	0.00	122		$384,723.00
41	PHCD	0131260392620	Gwen Cherry 13	No	2400 NW 12 AVE	0.00	0.00	0.00	0.00	0.12	0.00	0.0%	0.0%	0.8%	0.0%	0.0%	0.01	107	3	0.03	107	1970	$1,844,358.00
42	PHCD	0131270400590	Gwen Cherry 14	No	1906 NW 24 ST	0.00	0.00	0.00	0.00	1.81	0.63	0.0%	0.0%	81.9%	0.0%	0.0%	0.82	66	3	2.46	69	1970	$3,102,946.00
43	PHCD	0131270150220	Gwen Cherry 15	No	2301 NW 23 CT	0.00	0.00	0.00	0.00	1.14	0.46	0.0%	0.0%	89.0%	0.0%	0.0%	0.89	62	3	2.67	66	1970	$1,693,809.00
44	PHCD	0131340800010	Gwen Cherry 16	No	2000 NW 19 TER	0.00	0.00	0.00	0.00	1.69	3.27	2.48	0.0%	0.0%	9.1%	90.9%	0.0%	1.91	17	3	5.73	25	1970	$5,041,288.00
45	PHCD	0131120480330	Gwen Cherry 20	Yes	73 NW 76 ST	0.00	0.00	0.00	5.62	7.05	6.45	0.0%	0.0%	0.0%	0.0%	100.0%	3.00	4	5	15.00	4	1972	$553,785.00
46	PHCD	0131120040010	Gwen Cherry 22	Yes	7101 NE MIAMI CT	0.00	0.00	0.00	0.00	3.98	0.73	0.0%	0.0%	53.4%	6.3%	0.0%	0.66	72	5	3.30	46	1951	$3,836,010.00
47	PHCD	0131350470010	Haley Sofge Towers	Yes	800 NW 13 AVE	0.00	3.58	0.13	0.00	11.93	0.81	6.7%	0.5%	4.4%	5.5%	9.0%	0.50	76	5	2.50	68	1963	$39,068,540.00
48	PHCD	0101070901030	Harry Cain	Yes	180 NE 5 ST	0.00	0.00	0.00	5.17	6.28	5.52	0.0%	0.0%	0.0%	0.0%	100.0%	3.00	5	5	15.00	5	1970	$673,111.00
49	PHCD	0131350192100	Helen Sawyer ALF	Yes	1150 NW 11 STREET RD	0.00	0.42	0.02	2.39	8.06	5.61	11.8%	0.0%	0.0%	34.4%	65.6%	2.77	9	5	13.87	9	1975	$5,497,000.00
50	PHCD	3069340120010	Heritage Village I (010)	No	26801 SW 142 AVE	0.00	0.00	0.00	1.17	1.40	1.27	0.0%	0.0%	100.0%	0.0%	0.0%	1.00	45	3	3.00	53	1985	$775,329.00
51	PHCD	3069340130010	Heritage Village II	No	26905 SW 142 AVE	0.00	0.00	0.00	0.93	2.34	1.80	0.0%	0.0%	58.3%	41.7%	0.0%	1.42	25	3	4.25	38	1982	$93,886.00
52	PHCD	3079090260270	Homeownership (010)	No	15280 SW 307 RD	0.00	0.00	0.00	1.90	3.32	2.73	0.0%	0.0%	16.7%	83.3%	0.0%	1.83	19	3	5.50	26	1973	$164,864.00
53	PHCD	1079080000340	Homestead East	Yes	16500 SW 306 ST	0.00	0.00	0.00	0.00	1.41	0.60	0.0%	0.0%	97.9%	0.0%	0.0%	0.98	54	5	4.90	31	1985	$1,227,018.00
54	PHCD	1078140001110	Homestead Gardens	No	1501 SW 6 ST	0.00	0.00	0.00	0.00	2.18	0.63	0.0%	0.0%	94.3%	0.8%	0.0%	0.96	57	3	2.88	63	1974	$6,726,431.00
55	PHCD	1078130450080	Homestead Village	No	SW 5 ST & SW 5 AVE	0.00	0.00	0.00	0.17	1.11	0.65	0.0%	0.0%	100.0%	0.0%	0.0%	1.00	46	3	3.00	54	1952	$105,555.00
56	PHCD	1078130490190	Homestead Village	No	SW 5 ST & SW 5 AVE	0.00	0.00	0.00	0.36	0.88	0.66	0.0%	0.0%	100.0%	0.0%	0.0%	1.00	47	3	3.00	55		$5,907.00
57	PHCD	1078130490200	Homestead Village	No	SW 5 ST & SW 5 AVE	0.00	0.00	0.00	0.34	1.04	0.64	0.0%	0.0%	100.0%	0.0%	0.0%	1.00	48	3	3.00	56	1985	$711,523.00
58	PHCD	0131250200131	In Cities - Wynwood	No	579 NW 34 ST	0.00	0.00	0.00	0.00	0.23	0.02	0.0%	0.0%	8.3%	0.0%	0.0%	0.08	94	3	0.25	98	1970	$273,754.00
59	PHCD	0821280190010	Ingram Terrace	No	3150 NW 131 ST	0.00	0.36	0.01	0.59	4.46	1.84	2.8%	0.0%	63.2%	36.8%	0.0%	1.40	27	3	4.19	39	1971	$1,612,507.00
60	PHCD	0101070101110	Jack Orr Plaza	Yes	455 NW 6 AVE	0.00	0.83	0.07	4.62	9.63	7.62	21.4%	0.0%	0.0%	3.9%	96.1%	3.17	2	5	15.87	2	1973	$16,014,469.00
61	PHCD	0102060901010	Joe Moretti	Yes	900 SW 2 AVE	0.00	0.00	0.00	0.00	3.06	1.95	0.0%	0.0%	50.0%	45.5%	0.0%	1.41	26	5	7.05	20	1961	$4,403,360.00
62	PHCD	3031150450010	Jollivette	Yes	6321 NW 25 AVE	0.00	0.00	0.00	0.00	0.10	0.00	0.0%	0.0%	0.4%	0.0%	0.0%	0.00	123	5	0.00	123	1962	$2,499,525.00
63	PHCD	0141030740010	Jose Marti Plaza	Yes	154 SW 17 AVE	0.00	0.00	0.00	0.00	0.00	0.00	0.0%	0.0%	0.0%	0.0%	0.0%	0.00	124	5	0.00	124	1970	$346,626.00
64	PHCD	3031120740220	Kline Nunn	Yes	8300 N MIAMI AVE	0.00	1.00	0.09	5.87	9.28	7.48	21.6%	0.0%	0.0%	0.0%	100.0%	3.22	1	5	16.08	1	1972	$1,233,969.00
65	PHCD	3049330080050	Lakeside Towers	No	7515 SW 152 AVE	0.00	1.37	0.00	0.00	1.30	0.00	1.2%	0.0%	0.4%	0.0%	0.0%	0.02	106	3	0.05	106	1988	$28,138,341.00
66	PHCD	3079040190010	Leisure Villas	No	28701 SW 153 AVE	0.00	0.00	0.00	0.00	0.38	0.01	0.0%	0.0%	9.2%	0.0%	0.0%	0.09	92	3	0.28	95	1994	$1,100,000.00
67	PHCD	0131130090470	Lemon City	Yes	6860 NE 2 AVE	0.00	0.00	0.00	0.00	1.88	0.05	0.0%	0.0%	4.6%	0.0%	0.0%	0.05	100	5	0.23	99	1974	$2,468,613.00
68	PHCD	0131140431851	Liberty Homes	No	5804 NW 12 AVE	0.00	0.00	0.00	0.00	0.00	0.00	0.0%	0.0%	0.0%	0.0%	0.0%	0.00	125	3	0.00	125	1965	$417,213.00
69	PHCD	0131140090010	Liberty Square	No	1415 NW 63 ST	0.00	0.00	0.00	0.00	1.79	0.58	0.0%	0.0%	69.9%	0.0%	0.0%	0.70	71	3	2.10	75	1940	$12,621,668.00
70	PHCD	0131140020010	Liberty Square	No	1200 NW 62 LN	0.00	0.00	0.00	0.00	1.79	0.45	0.0%	0.0%	57.7%	0.0%	0.0%	0.58	74	3	1.73	78	1942	$19,520,134.00
71	PHCD	0141030730010	Little Havana	Yes	1759 SW 5 ST	0.00	0.00	0.00	0.00	1.08	0.06	0.0%	0.0%	16.8%	0.0%	0.0%	0.17	89	5	0.84	82	1982	$4,233,610.00
72	PHCD	0141020060790	Little Havana Homes	No	1275 SW 1 ST	0.00	0.00	0.00	0.00	3.26	0.22	0.0%	0.0%	6.1%	6.1%	0.0%	0.18	87	3	0.55	89	1985	$2,660,696.00
73	PHCD	3031120380060	Little River Plaza	Yes	8255 NW MIAMI CT	0.00	0.82	0.03	5.43	9.23	6.97	9.7%	0.0%	0.0%	0.0%	100.0%	3.10	3	5	15.48	3	1975	$3,356,262.00
74	PHCD	0131140300120	Little River Terrace	No	793 NW 55 TER	0.00	0.00	0.00	0.00	0.50	0.15	0.0%	0.0%	50.0%	0.0%	0.0%	0.50	75	3	1.50	79	1965	$63,879.00
75	PHCD	0131230372020	Manor Park	No	1601 NW 42 ST	0.00	0.00	0.00	0.00	0.50	0.06	0.0%	0.0%	12.5%	0.0%	0.0%	0.13	90	3	0.38	93	1985	$105,482.00
76	PHCD	0102060901090	Medvin Apts.	Yes	945 SW 3 AVE	0.00	0.00	0.00	0.00	0.89	0.29	0.0%	0.0%	81.3%	0.0%	0.0%	0.81	67	5	4.06	41	1975	$316,229.00
77	PHCD	3421100010300	Miami Gardens	No	18175 NW 22 AVE	0.00	0.00	0.00	0.00	0.47	0.01	0.0%	0.0%	3.5%	0.0%	0.0%	0.03	103	3	0.10	104		$2,485,561.00
78	PHCD	1078130510210	Milton Manor	No	111 SW 7 ST	0.00	0.00	0.00	0.32	1.84	1.19	0.0%	0.0%	100.0%	0.0%	0.0%	1.00	49	3	3.00	57	1970	$1,820,162.00
79	PHCD	3031110180010	Model Cities - C	No	1605 NW 75 ST	0.00	0.00	0.00	0.00	0.00	0.00	0.0%	0.0%	0.0%	0.0%	0.0%	0.00	126	3	0.00	126	1974	$4,730,541.00
80	PHCD	3079040000190	Modello (3 buildings)	No	15302 SW 282 ST	0.00	0.00	0.00	0.00	0.60	0.01	0.0%	0.0%	6.8%	0.0%	0.0%	0.07	98	3	0.20	100		$2,146,600.00
81	PHCD	3069350120020	Moody Gardens	Yes	26804 SW 135 AVE	0.00	0.00	0.00	0.00	2.76	1.28	0.0%	0.0%	65.1%	26.1%	0.0%	1.17	32	5	5.86	24	1983	$1,373,613.00
82	PHCD	3069350120010	Moody Village	No	26900 SW 135 AVE	0.00	0.00	0.00	0.00	3.60	2.12	0.0%	0.0%	40.8%	58.8%	0.0%	1.59	22	3	4.76	33	1981	$5,699,398.00
83	PHCD	0102030601020	Myers Senior Center	No	450 SW 5 ST	0.00	0.00	0.00	0.00	8.12	5.00	0.0%	0.0%	4.8%	33.3%	60.3%	2.52	12	3	7.57	17	1964	$1,864,302.00
84	PHCD	3069270000500	Naranja	No	13924 SW 260 ST	0.00	0.00	0.00	0.61	3.50	1.99	0.0%	0.0%	48.5%	51.5%	0.0%	1.52	23	3	4.55	35	1971	$7,587,486.00

1 Storm Surge projected for a Cat. 5 Hurricane in the future accounting for sea level rise
Source: ITD's PHCDDevelopments_Poly GIS layer and PHCD Developments - Information

MIAMI-DADE COUNTY OFFICE OF RESILIENCE RAPID ACTION PLAN
ASSETS VULNERABILITY EVALUATION
VULNERABILITY x CRITICALITY SCORE
ALPHABETICAL ORDER

PUBLIC HOUSING AND COMMUNITY DEVELOPMENT

#	Department	Folio	Name	Elderly Housing	Address	SLR Depth (ft)			Storm Surge Inundation Depth (ft)[1]			% of Property Exposed to SLR		% of Property Exposed to Storm Surge[1]			Vulnerability Score	Ranking Based on Vulnerability Score	Criticality	Vulnerability x Criticality	Ranking Based on Vulnerability x Criticality Score	Year Built	Host Property Value 2016 (As Per Folio)
						Min	Max	Mean	Min	Max	Mean	% Exposed between 0.01 ft and 2 ft	% Exposed >= 2 ft	% Exposed between 0.01 ft and 2 ft	% Exposed between 2 ft and 5 ft	% Exposed >= 5 ft							
85	PHCD	0131120970010	New Haven Gdns/Site 05	No	7150 NE 2 AVE	0.00	0.00	0.00	0.00	7.92	5.34	0.0%	0.0%	11.5%	12.3%	72.4%	2.53	10	3	7.59	16	1970	$4,884,661.00
86	PHCD	3040160020010	New Project	Yes	8915- 8917 SW 40TH ST	0.00	0.00	0.00	0.00	0.00	0.00	0.0%	0.0%	0.0%	0.0%	0.0%	0.00	127	5	0.00	127		$23,040.00
87	PHCD	3031100280330	North Park - Scott Carver Phase 2A & B	Yes	7475 NW 20 AVE	0.00	0.00	0.00	0.00	2.02	1.11	0.0%	0.0%	80.0%	3.3%	0.0%	0.87	63	5	4.33	37		$140,000.00
88	PHCD	0821220110791	Opa Locka Elderly	Yes	2329 NW 136 ST	0.00	0.00	0.00	2.85	3.42	3.15	0.0%	0.0%	0.0%	100.0%	0.0%	2.00	15	5	10.00	12	1985	$197,426.00
89	PHCD	0131140340111	Orchard Villa Homes	No	1441 NW 55 ST	0.00	0.00	0.00	0.00	0.00	0.00	0.0%	0.0%	0.0%	0.0%	0.0%	0.00	128	3	0.00	128	1965	$2,759,813.00
90	PHCD	3031020000340	Palm Court	Yes	860 NW 95 ST	0.00	0.00	0.00	2.96	3.59	3.29	0.0%	0.0%	0.0%	100.0%	0.0%	2.00	16	5	10.00	13	1938	$60,966.00
91	PHCD	3031020000250	Palm Towers	Yes	950 NW 95 ST	0.00	1.04	0.03	0.35	6.09	3.93	4.6%	0.0%	7.2%	79.6%	13.2%	2.11	14	5	10.53	11	1972	$3,361,023.00
92	PHCD	3021070210010	Palmetto Gardens	Yes	16850 NW 55 AVE	0.00	0.00	0.00	0.00	1.31	0.26	0.0%	0.0%	44.4%	0.0%	0.0%	0.44	78	5	2.22	74	1983	$1,395,238.00
93	PHCD	3049330060030	Park Lake Apts	No	8201 SW 152 AVE CIR	0.00	1.77	0.04	0.00	0.00	0.00	4.6%	0.0%	0.0%	0.0%	0.0%	0.05	101	3	0.14	102	1988	$3,883,208.00
94	PHCD	0101080901080	Parkside I & II	Yes	333 NW 4 AVE	0.00	0.00	0.00	5.00	6.04	5.52	0.0%	0.0%	0.0%	0.0%	100.0%	3.00	6	5	15.00	6	1983	$7,945,183.00
95	PHCD	3050320350010	Perrine Gardens	Yes	17305 SW 102 AVE	0.00	0.00	0.00	0.00	0.57	0.01	0.0%	0.0%	8.4%	0.0%	0.0%	0.08	93	5	0.42	91	1975	$6,672,019.00
96	PHCD	3050320440010	Perrine Rainbow	No	7515 SW 152 AVE	0.00	0.71	0.27	0.00	0.71	0.27	0.0%	0.0%	7.9%	0.0%	0.0%	0.08	97	3	0.24	98		$4,287,318.00
97	PHCD	3050320040600	Perrine Villas	Yes	10000 W JESSAMINE ST	0.00	0.00	0.00	0.00	0.97	0.05	0.0%	0.0%	11.9%	0.0%	0.0%	0.12	91	5	0.60	87	1983	$896,634.00
98	PHCD	0131120410010	Peters Plaza	Yes	191 NE 75 ST	0.00	0.00	0.00	3.50	7.16	5.30	0.0%	0.0%	0.0%	47.1%	52.9%	2.53	11	5	12.64	10	1971	$3,788,355.00
99	PHCD	0131360290110	Phyllis Wheatley	Yes	1746 NW 2 AVE	0.00	0.00	0.00	0.50	3.80	1.97	0.0%	0.0%	66.7%	33.3%	0.0%	1.33	29	5	6.67	22	1984	$1,666,163.00
100	PHCD	3069350100010	Pine Island I	No	27101 SW 128 AVE	0.00	0.00	0.00	0.00	1.82	0.58	0.0%	0.0%	86.5%	0.0%	0.0%	0.86	64	3	2.59	67	1980	$5,254,191.00
101	PHCD	3069350110010	Pine Island II	No	26862 SW 127 AVE	0.00	0.00	0.00	0.00	2.17	0.95	0.0%	0.0%	99.2%	0.6%	0.0%	1.00	41	3	3.01	49	1980	$3,962,750.00
102	PHCD	0131250630020	Rainbow Village	No	2000 NW 3 AVE	0.00	0.00	0.00	0.00	3.07	0.16	0.0%	0.0%	19.0%	2.7%	0.0%	0.24	84	3	0.73	85	1972	$18,350,866.00
103	PHCD	3050320410180	Richmond Homes	No	16911 SW 105 AVE	0.00	0.00	0.00	0.00	1.85	0.41	0.0%	0.0%	58.9%	0.0%	0.0%	0.59	73	3	1.77	76	1980	$1,025,158.00
104	PHCD	0141380031290	Riverside	Yes	950 SW 1 ST	0.00	0.00	0.00	4.30	6.32	5.50	0.0%	0.0%	0.0%	13.3%	86.7%	2.87	8	5	14.33	8	1981	$4,076,690.00
105	PHCD	0131350210160	Robert King High	Yes	1389 NW 7 ST	0.00	3.61	0.05	0.00	9.57	1.66	2.7%	0.0%	7.6%	23.1%	12.6%	0.94	59	5	4.72	34	1963	$29,728,930.00
106	PHCD	0131260510300	Santa Clara Homes	No	1001 NW 27 ST	0.00	0.00	0.00	0.00	0.00	0.00	0.0%	0.0%	0.0%	0.0%	0.0%	0.00	129	3	0.00	129	1970	$225,015.00
107	PHCD	0131270770010	Scattered Site 11 - D	Yes	1919 NW 29 ST	0.00	0.00	0.00	1.29	2.86	2.22	0.0%	0.0%	24.4%	75.6%	0.0%	1.76	20	5	8.78	15	1970	$1,157,655.00
108	PHCD	0131270780010	Scattered Site 9 - D	Yes	3169 NW 21 AVE	0.00	0.00	0.00	1.39	2.19	1.87	0.0%	0.0%	67.7%	32.3%	0.0%	1.32	30	5	6.61	23	1970	$453,050.00
109	PHCD	3031150390160	Scattered Sites - A	No	2505 NW 61 ST	0.00	0.00	0.00	0.00	0.00	0.00	0.0%	0.0%	0.0%	0.0%	0.0%	0.00	130	3	0.00	130	1979	$89,417.00
110	PHCD	3031100630010	Scattered Sites - B (Demo)	No	2200 NW 74 ST	0.00	0.00	0.00	0.00	0.00	0.00	0.0%	0.0%	0.0%	0.0%	0.0%	0.00	131	3	0.00	131	1985	$421,998.00
111	PHCD	3031100810041	Scott Carver	No	7403 NW 23 CT	0.00	0.00	0.00	0.00	0.00	0.00	0.0%	0.0%	0.0%	0.0%	0.0%	0.00	132	3	0.00	132	1976	$757,192.00
112	PHCD	3031100810051	Scott Carver	No	7403 NW 23 CT	0.00	0.00	0.00	0.00	0.00	0.00	0.0%	0.0%	0.0%	0.0%	0.0%	0.00	133	3	0.00	133	1961	$237,991.00
113	PHCD	3031100810060	Scott Carver	No	7403 NW 23 CT	0.00	0.00	0.00	0.00	0.00	0.00	0.0%	0.0%	0.0%	0.0%	0.0%	0.00	134	3	0.00	134	1978	$16,004,130.00
114	PHCD	3031100810070	Scott Carver	No	7403 NW 23 CT	0.00	0.00	0.00	0.00	0.00	0.00	0.0%	0.0%	0.0%	0.0%	0.0%	0.00	135	3	0.00	135	1975	$2,726,920.00
115	PHCD	0131350560010	Singer Plaza	Yes	1310 NW 16 ST	0.00	0.00	0.00	0.75	6.76	2.96	0.0%	0.0%	13.2%	84.3%	2.5%	1.89	18	5	9.46	14	1980	$5,414,661.00
116	PHCD	0141090480010	Smathers Plaza	Yes	940 SW 29 CT	0.00	0.00	0.00	0.00	0.00	0.00	0.0%	0.0%	0.0%	0.0%	0.0%	0.00	136	5	0.00	136	1984	$4,077,809.00
117	PHCD	0940250630010	South Miami Gardens	No	5949 SW 68 ST	0.00	0.00	0.00	0.00	0.00	0.00	0.0%	0.0%	0.0%	0.0%	0.0%	0.00	137	3	0.00	137		$1,434,000.00
118	PHCD	0940250630040	South Miami Plaza	Yes	6701 SW 62 AVE	0.00	0.00	0.00	0.00	0.00	0.00	0.0%	0.0%	0.0%	0.0%	0.0%	0.00	138	5	0.00	138	1985	$97,703.00
119	PHCD	3059250000035	Southern Anchor	No	7515 SW 152 AVE	0.00	0.00	0.00	0.00	1.74	0.49	0.0%	0.0%	25.1%	0.0%	0.0%	0.25	82	3	0.75	83		$2,169,750.00
120	PHCD	3060060260300	Southridge I	No	19105 SW 112 PL	0.00	0.00	0.00	0.67	2.38	1.42	0.0%	0.0%	83.3%	16.7%	0.0%	1.17	33	3	3.50	43	1980	$81,543.00
121	PHCD	3060060300030	Southrigde II	No	11334 SW 190 ST B	0.00	0.00	0.00	0.49	2.06	1.18	0.0%	0.0%	92.3%	7.7%	0.0%	1.08	37	3	3.23	48	1982	$90,176.00
122	PHCD	0141210060330	Stirrup Plaza Elderly Units	Yes	3150 MUNDY ST	0.00	0.00	0.00	0.00	0.00	0.00	0.0%	0.0%	0.0%	0.0%	0.0%	0.00	139	5	0.00	139	1976	$2,665,017.00
123	PHCD	0141200450010	Stirrup Plaza Family	No	3707 PERCIVAL AVE	0.00	0.00	0.00	0.00	0.53	0.01	0.0%	0.0%	4.1%	0.0%	0.0%	0.04	102	3	0.12	103	1939	$3,198,020.00
124	PHCD	0131270790010	Three Round Towers	Yes	2920 NW 18 AVE	0.00	0.00	0.00	0.04	2.61	1.21	0.0%	0.0%	96.4%	3.6%	0.0%	1.04	39	5	5.18	28	1970	$21,157,797.00
125	PHCD	0131360730050	Town Park	No	400 NW 19 ST	0.00	0.00	0.00	0.65	3.10	1.76	0.0%	0.0%	70.8%	29.2%	0.0%	1.29	31	3	3.88	42	1983	$971,538.00
126	PHCD	3031020300010	Twin Lakes	Yes	1221 NW 95 ST	0.00	3.72	0.13	0.00	3.90	1.61	0.9%	1.3%	38.0%	47.4%	0.0%	1.36	28	5	6.82	21	1971	$1,761,449.00
127	PHCD	3421170060480	Venetian Gardens	No	16210 NW 37 PL	0.00	0.00	0.00	0.00	0.00	0.00	0.0%	0.0%	0.0%	0.0%	0.0%	0.00	140	3	0.00	140		$192,102.00
128	PHCD	0131120000730	Victory Homes	No	530 NW 75 ST	0.00	0.00	0.00	0.00	2.62	1.31	0.0%	0.0%	88.1%	11.7%	0.0%	1.12	35	3	3.35	45	1941	$6,006,789.00
129	PHCD	3421160031900	Vista Verde	No	15745 NW 27 PL	0.00	0.00	0.00	0.62	1.60	1.06	0.0%	0.0%	100.0%	0.0%	0.0%	1.00	50	3	3.00	58		$20,948.00
130	PHCD	1078130430150	W. Homestead Gardens	Yes	331 SW 4 CT	0.00	0.00	0.00	1.22	1.45	1.32	0.0%	0.0%	100.0%	0.0%	0.0%	1.00	51	5	5.00	30	2003	$75,579.00
131	PHCD	3031220580010	Ward Towers (2200)	Yes	2200 NW 54 ST	0.00	0.00	0.00	0.00	0.08	0.00	0.0%	0.0%	2.8%	0.0%	0.0%	0.03	105	5	0.14	101	1975	$7,016,213.00
132	PHCD	3031220580011	Ward Towers (5301)	Yes	5301 NW 23 AVE	0.00	0.00	0.00	0.00	0.08	0.00	0.0%	0.0%	0.4%	0.0%	0.0%	0.00	141	5	0.00	141	1975	$2,052,000.00
133	PHCD	3079050160010	Wayside	No	29060 SW 160 AVE	0.00	0.00	0.00	0.00	0.87	0.08	0.0%	0.0%	37.9%	0.0%	0.0%	0.38	80	3	1.14	81	1980	$2,209,152.00
134	PHCD	0131250280380	Wynwood	No	2938 NW 1 AVE	0.00	0.00	0.00	0.00	0.83	0.31	0.0%	0.0%	98.1%	0.0%	0.0%	0.98	53	3	2.94	60	1981	$1,037,870.00
135	PHCD	0131250280020	Wynwood	No	22 NW 31 ST	0.00	0.00	0.00	0.00	1.46	0.81	0.0%	0.0%	97.2%	0.0%	0.0%	0.97	55	3	2.92	61	1981	$727,321.00
136	PHCD	0131250210311	Wynwood	No	535 NW 33 ST	0.00	0.00	0.00	0.00	0.54	0.22	0.0%	0.0%	94.2%	0.0%	0.0%	0.94	60	3	2.83	65	1981	$334,625.00
137	PHCD	0131250240510	Wynwood	No	401 NW 33 ST	0.00	0.00	0.00	0.00	0.54	0.04	0.0%	0.0%	19.5%	0.0%	0.0%	0.19	86	3	0.58	88	1981	$227,174.00
138	PHCD	0131250280320	Wynwood	No	137 NW 30 ST	0.00	0.00	0.00	0.00	0.40	0.02	0.0%	0.0%	17.4%	0.0%	0.0%	0.17	88	3	0.52	90	1981	$472,070.00
139	PHCD	0131250210330	Wynwood	No	512 NW 33 ST	0.00	0.00	0.00	0.00	0.69	0.02	0.0%	0.0%	8.2%	0.0%	0.0%	0.08	96	3	0.25	97	1981	$2,484,407.00
140	PHCD	0131250240390	Wynwood	No	300 NW 34 ST	0.00	0.00	0.00	0.00	0.00	0.00	0.0%	0.0%	0.0%	0.0%	0.0%	0.00	142	3	0.00	142	1981	$422,079.00
141	PHCD	0131250241580	Wynwood Elderly	Yes	301 NW 30 ST	0.00	0.00	0.00	0.00	0.09	0.01	0.0%	0.0%	8.3%	0.0%	0.0%	0.08	95	5	0.42	92		$187,200.00
142	PHCD	0131250291170	Wynwood Homes - C	No	34 NW 26 ST	0.00	0.00	0.00	0.99	1.59	1.31	0.0%	0.0%	100.0%	0.0%	0.0%	1.00	52	3	3.00	59	1972	$44,000.00

1 Storm Surge projected for a Cat. 5 Hurricane in the future accounting for sea level rise
Source: ITD's PHCDDevelopments_Poly GIS layer and PHCD Developments - Information

ASSETS VULNERABLE TO SEA LEAVEL RISE AND STORM SURGE

Ranking	Folio	Name	Elderly/ Disable Housing	Address	VC Score
1	3031120740220	Kline Nunn	Yes	8300 N MIAMI AVE	16.08
2	0101070101110	Jack Orr Plaza	Yes	455 NW 6 AVE	15.87
3	3031120380060	Little River Plaza	Yes	8255 NW MIAMI CT	15.48
4	0131120480330	Gwen Cherry 20	Yes	73 NW 76 ST	15.00
5	0101070901030	Harry Cain	Yes	180 NE 5 ST	15.00
6	0101080901080	Parkside I & II	Yes	333 NW 4 AVE	15.00
7	0131120480300	Emmer Turnkey	Yes	7820 N MIAMI AVE	14.58
8	0141380031290	Riverside	Yes	950 SW 1 ST	14.33
9	0131350192100	Helen Sawyer ALF	Yes	1150 NW 11 ST. RD	13.87
10	0131120410010	Peters Plaza	Yes	191 NE 75 ST	12.64
11	3031020000250	Palm Towers	Yes	950 NW 95 ST	10.53
12	0821220110791	Opa Locka Elderly	Yes	2329 NW 136 ST	10.00
13	3031020000340	Palm Court	Yes	860 NW 95 ST	10.00
14	0131350560010	Singer Plaza	Yes	1310 NW 16 ST	9.46
15	0131270770010	Scattered Site 11 - D	Yes	1919 NW 29 ST	8.78
16	0131120970010	New Haven Gdns/Site 05	No	7150 NE 2 AVE	7.59
17	0102030601020	Myers Senior Center	No	450 SW 5 ST	7.57
18	0101060901010	Culmer Gardens	No	554 NW 5 AVE	7.18
19	1678240290270	Florida City Gardens	Yes	900 NW 6 AVE	7.13
20	0102060901010	Joe Moretti	Yes	900 SW 2 AVE	7.05
21	3031020300010	Twin Lakes	Yes	1221 NW 95 ST	6.82
22	0131360290110	Phyllis Wheatley	Yes	1746 NW 2 AVE	6.67
23	0131270780010	Scattered Site 9 - D	Yes	3169 NW 21 AVE	6.61
24	3069350120020	Moody Gardens	Yes	26804 SW 135 AVE	5.86
25	0131340800010	Gwen Cherry 16	No	2000 NW 19 TER	5.73
26	3079090260270	Homeownership (010)	No	15280 SW 307 RD	5.50
27	0131270680010	Donn Gardens	Yes	2891 NW 19 AVE	5.34
28	0131270790010	Three Round Towers	Yes	2920 NW 18 AVE	5.18
29	0131270690010	Abe Arronovitz	Yes	1840 NW 28 ST	5.07
30	1078130430150	W. Homestead Gardens	Yes	331 SW 4 CT	5.00
31	1079080000340	Homestead East	Yes	16500 SW 306 ST	4.90
32	0101010102030	Culmer Place	No	800 NW 5 AVE	4.81
33	3069350120010	Moody Village	No	26900 SW 135 AVE	4.76
34	0131350210160	Robert King High	Yes	1389 NW 7 ST	4.72
35	3069270000500	Naranja	No	13924 SW 260 ST	4.55
36	0131270810010	Dante Fascell	Yes	2936 NW 17 AVE	4.49
37	3031100280330	North Park - Scott Carver Phase 2A & B	Yes	7475 NW 20 AVE	4.33
38	3069340130010	Heritage Village II	No	26905 SW 142 AVE	4.25
39	0821280190010	Ingram Terrace	No	3150 NW 131 ST	4.19
40	0131350190340	Green Turnkey	Yes	1500 NW 7 CT	4.13
41	0102060901090	Medvin Apts.	Yes	945 SW 3 AVE	4.06
42	0131360730050	Town Park	No	400 NW 19 ST	3.88
43	3060060260300	Southridge I	No	19105 SW 112 PL	3.50
44	0131130390010	Gwen Cherry 06	No	90 NW 71 ST	3.40
45	0131120000730	Victory Homes	No	530 NW 75 ST	3.35
46	0131120040010	Gwen Cherry 22	Yes	7101 NE MIAMI CT	3.30
47	3060180200170	Goulds	No	11211 SW 221 ST	3.24
48	3060060300030	Southrigde II	No	11334 SW 190 ST B	3.23
49	3069350110010	Pine Island II	No	26862 SW 127 AVE	3.01
50	0131130410020	Buena Vista Homes	No	514 NW 60 ST	3.00
51	3411320110390	FHA Homes Dade Co. - C	No	3922 NW 207 ST. RD	3.00
52	1678240200930	Gateway Apts	No	155 NW 14 ST	3.00
53	3069340120010	Heritage Village I (010)	No	26801 SW 142 AVE	3.00
54	1078130450080	Homestead Village	No	SW 5 ST & SW 5 AVE	3.00
55	1078130490190	Homestead Village	No	SW 5 ST & SW 5 AVE	3.00
56	1078130490200	Homestead Village	No	SW 5 ST & SW 5 AVE	3.00
57	1078130510210	Milton Manor	No	111 SW 7 ST	3.00
58	3421160031900	Vista Verde	No	15745 NW 27 PL	3.00
59	0131250291170	Wynwood Homes - C	No	34 NW 26 ST	3.00
60	0131250280380	Wynwood	No	2938 NW 1 AVE	2.94
61	0131250280020	Wynwood	No	22 NW 31 ST	2.92
62	3060180200330	Goulds	No	11205 -11315 SW 220 TER	2.88
63	1078140001110	Homestead Gardens	No	1501 SW 6 ST	2.88
64	0131270710010	Elizabeth Virrick II	No	2828 NW 23 AVE	2.86
65	0131250210311	Wynwood	No	535 NW 33 ST	2.83
66	0131270150220	Gwen Cherry 15	No	2301 NW 23 CT	2.67
67	3069350100010	Pine Island I	No	27101 SW 128 AVE	2.59
68	0131350470010	Haley Sofge Towers	Yes	800 NW 13 AVE	2.50
69	0131270400590	Gwen Cherry 14	No	1906 NW 24 ST	2.46
70	3060180200010	Goulds	No	11210 SW 221 ST	2.35
71	3060180200470	Goulds	No	22125 SW 112 CT	2.33
72	0131130860010	Edison Plaza (Elderly)	Yes	205 NW 55 ST	2.28
73	0131130480660	Edison Park (Family)	No	250 NW 58 ST	2.25
74	3021070210010	Palmetto Gardens	Yes	16850 NW 55 AVE	2.22
75	0131140090010	Liberty Square	No	1415 NW 63 ST	2.10
76	3050320410180	Richmond Homes	No	16911 SW 105 AVE	1.77
77	3079040150010	Biscayne Plaza	Yes	15201 SW 288 ST	1.74
78	0131140020010	Liberty Square	No	1200 NW 62 LN	1.73
79	0131140300120	Little River Terrace	No	793 NW 55 TER	1.50
80	0131130020010	Edison Courts	No	6326 NW 2 PL	1.30
81	3079050160010	Wayside	No	29060 SW 160 AVE	1.14
82	0141030730010	Little Havana	Yes	1759 SW 5 ST	0.84
83	3059250000035	Southern Anchor	No	7515 SW 152 AVE	0.75
84	1678240290010	Florida City Family	No	641 NW 7 ST	0.75
85	0131250630020	Rainbow Village	No	2000 NW 3 AVE	0.73
86	3060070160010	Arthur Mays Village	No	11351 SW 216 ST	0.66
87	3050320040600	Perrine Villas	Yes	10000 W JESSAMINE ST	0.60
88	0131250240510	Wynwood	No	401 NW 33 ST	0.58
89	0141020060790	Little Havana Homes	No	1275 SW 1 ST	0.55
90	0131250280320	Wynwood	No	137 NW 30 ST	0.52
91	3050320350010	Perrine Gardens	Yes	17305 SW 102 AVE	0.42
92	0131250241580	Wynwood Elderly	Yes	301 NW 30 ST	0.42
93	0131230372020	Manor Park	No	1601 NW 42 ST	0.38
94	0141020064730	Falk Turnkey	Yes	455 SW 16 AVE	0.29
95	3079040190010	Leisure Villas	No	28701 SW 153 AVE	0.28
96	0131250200131	In Cities - Wynwood	No	579 NW 34 ST	0.25
97	0131250210330	Wynwood	No	512 NW 33 ST	0.25
98	3050320440010	Perrine Rainbow	No	7515 SW 152 AVE	0.24
99	0131130090470	Lemon City	Yes	6860 NE 2 AVE	0.23
100	3079040000190	Modello (3 buildings)	No	15302 SW 282 ST	0.20
101	3031220580010	Ward Towers (2200)	Yes	2200 NW 54 ST	0.14
102	3049330060030	Park Lake Apts	No	8201 SW 152 AVE CIR	0.14
103	0141200450010	Stirrup Plaza Family	No	3707 PERCIVAL AVE	0.12
104	3421100010300	Miami Gardens	No	18175 NW 22 AVE	0.10
105	3031150040340	Annie Coleman	No	1728 NW 60 ST	0.10
106	3049330080050	Lakeside Towers	No	7515 SW 152 AVE	0.05
107	0131260392620	Gwen Cherry 13	No	2400 NW 12 AVE	0.03
108	0141210070610	Coconut Grove	No	3666 DAY AVE	0.02

ASSETS NOT VULNERABLE TO SEA LEAVEL RISE AND STORM SURGE

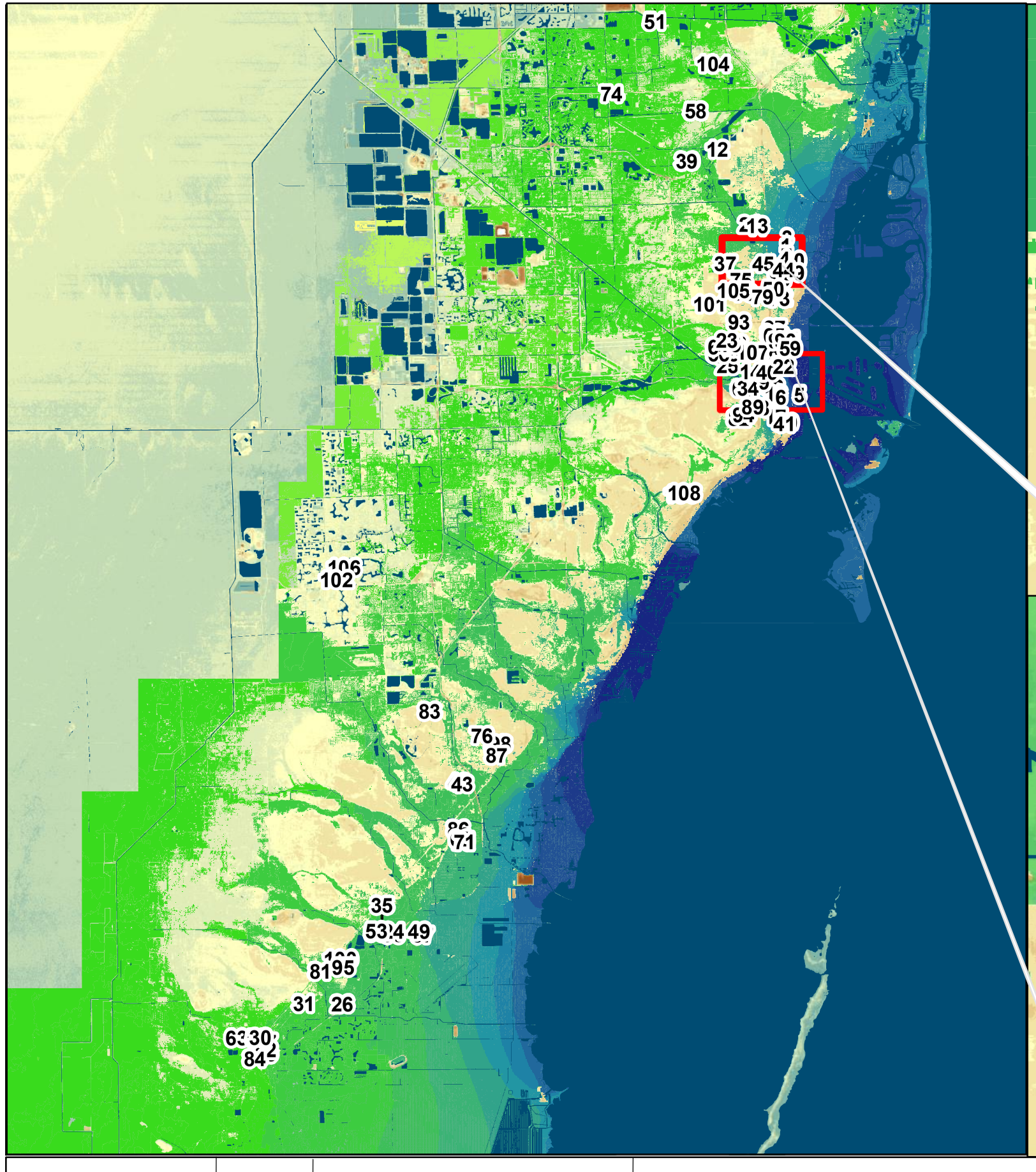
Ranking	Folio	Name	Elderly/ Disable Housing	Address	VC Score
109	0131260390080	Allapattah Homes	No	1233 NW 35 ST	0.00
110	3031150250300	Annie Coleman	No	2200 NW 57 ST	0.00
111	3031220210510	Annie Coleman	No	2265 NW 50 ST	0.00
112	0131350180310	Claude Pepper	Yes	750 NW 18 TER	0.00
113	0141210070890	Coconut Grove	No	3685 OAK AVE	0.00
114	0131220400040	Collins Park	Yes	3625 NW 20 AVE	0.00
115	0141210050030	Gibson Plaza	No	3181 DOUGLAS RD	0.00
116	3060180010490	Goulds	No	22025 SW 115 CT	0.00
117	3060070000100	Goulds Plaza	Yes		0.00
118	3049020000062	Gran Via	No	12700 SW 8 ST	0.00
119	0141210021340	Grove Homes	No	3110 PLAZA ST	0.00
120	0131130190010	Gwen Cherry 07	No	6610 NE 1 AVE	0.00
121	0131260040010	Gwen Cherry 08	No	3301 NW 11 CT	0.00
122	0131260361770	Gwen Cherry 12	No	2840 NW 10 AVE	0.00
123	3031150450010	Jollivette	Yes	6321 NW 25 AVE	0.00
124	0141030740010	Jose Marti Plaza	Yes	154 SW 17 AVE	0.00
125	0131140431851	Liberty Homes	No	5804 NW 12 AVE	0.00
126	3031110180010	Model Cities - C	No	1605 NW 75 ST	0.00
127	3040160020010	New Project	Yes	8915- 8917 SW 40TH ST	0.00
128	0131140340111	Orchard Villa Homes	No	1441 NW 55 ST	0.00
129	0131260510300	Santa Clara Homes	No	1001 NW 27 ST	0.00
130	3031150390160	Scattered Sites - A	No	2505 NW 61 ST	0.00
131	3031100630010	Scattered Sites - B (Demo)	No	2200 NW 74 ST	0.00
132	3031100810041	Scott Carver	No	7403 NW 23 CT	0.00
133	3031100810051	Scott Carver	No	7403 NW 23 CT	0.00
134	3031100810060	Scott Carver	No	7403 NW 23 CT	0.00
135	3031100810070	Scott Carver	No	7403 NW 23 CT	0.00
136	0141090480010	Smathers Plaza	Yes	940 SW 29 CT	0.00
137	0940250630010	South Miami Gardens	No	5949 SW 68 ST	0.00
138	0940250630040	South Miami Plaza	Yes	6701 SW 62 AVE	0.00
139	0141210060330	Stirrup Plaza Elderly Units	Yes	3150 MUNDY ST	0.00
140	3421170060480	Venetian Gardens	No	16210 NW 37 PL	0.00
141	3031220580011	Ward Towers (5301)	Yes	5301 NW 23 AVE	0.00
142	0131250240390	Wynwood	No	300 NW 34 ST	0.00

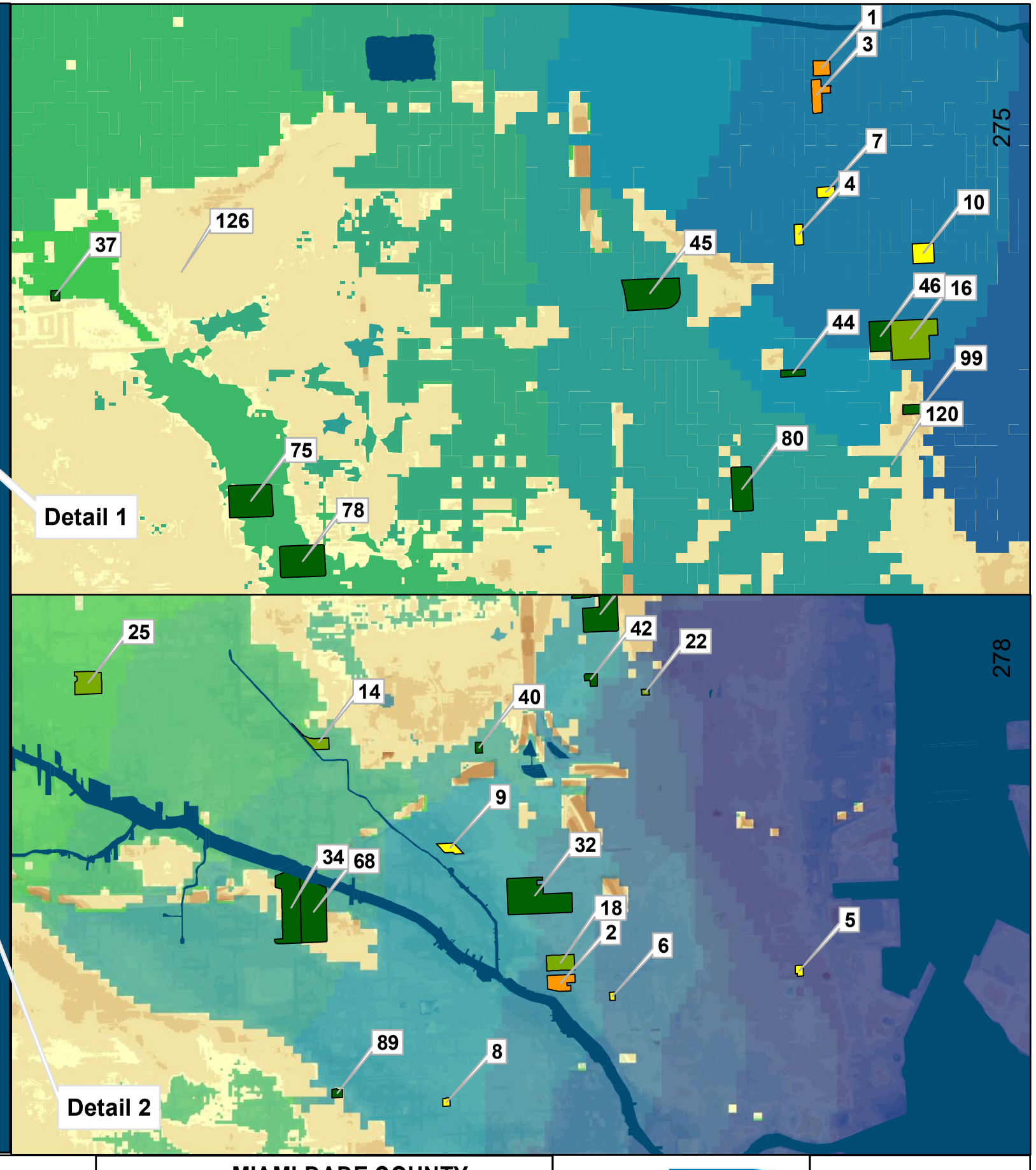
MIAMI-DADE COUNTY
OFFICE OF RESILIENCE

RAPID ACTION PLAN: PUBLIC HOUSING AND COMMUNITY DEVELOPMENT DEPT VULNERABILITY RANKING

MIAMI-DADE COUNTY
Office of Resilience

DATE: APRIL 2018





Legend

Open Water

Vertical Datum: NAVD88

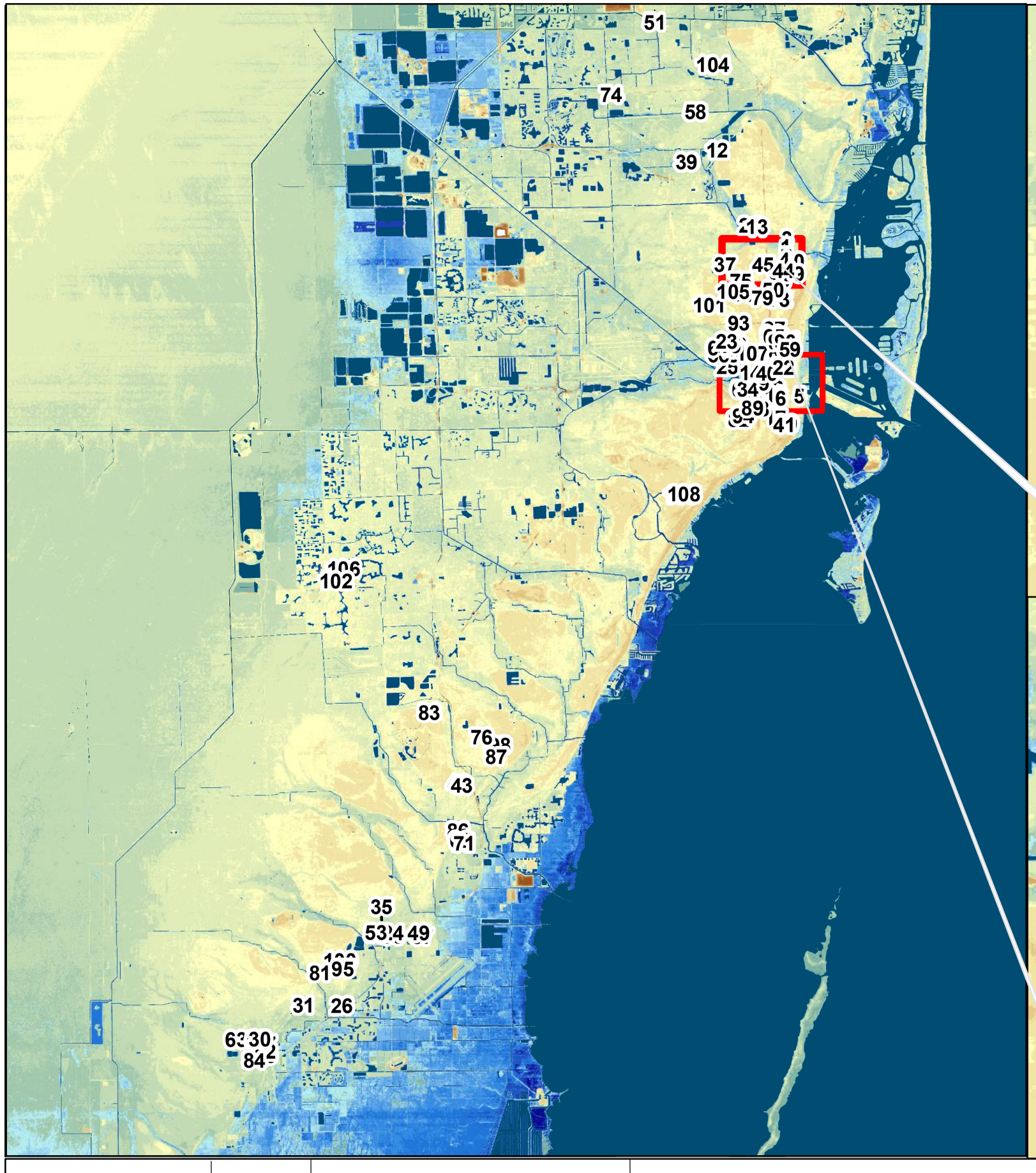
VC Score	Ground Elev. feet			Storm Surge Elev. feet			
0.01 - 5.0	Less than -20	2.01 - 4	20.01 - 30	0.0 - 1.0	3.1 - 4.0	8.1 - 9.0	13.1 - 14.0
5.1 - 10.0	-20 - -5	4.01 - 6	30.01 - 50	1.1 - 2.0	4.1 - 5.0	9.1 -10.0	14.1 - 15.0
10.1 - 15.0	-5 - 0	6.01 - 8	50.01 - 80	2.1 - 3.0	5.1 - 6.0	10.1 -11.0	15.1 - 16.0
15.1 - 20.0	0 - 2	8.01 - 10	80.01 - 100		6.1 - 7.0	11.1 - 12.0	16.1 - 17.0
20.1 - 25.0		10.01 - 15	100.01 - 150		7.1 - 8.0	12.1 - 13.0	17.1 -18.0
		15.01 - 20					

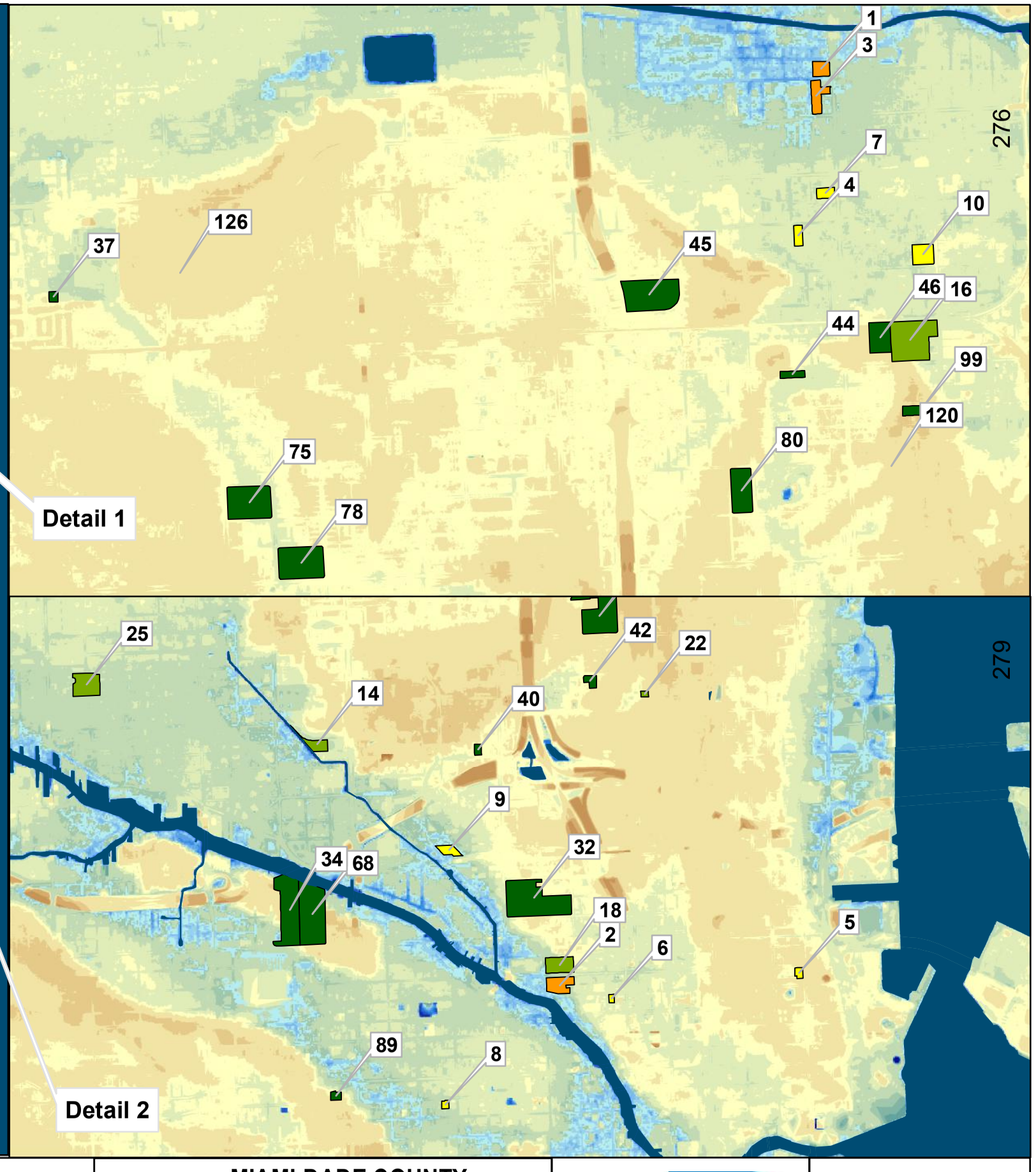
MIAMI-DADE COUNTY
OFFICE OF RESILIENCE

RAPID ACTION PLAN: PUBLIC HOUSING
AND COMMUNITY DEVELOPMENT DEPT
DEVELOP. VULNERABLE TO STORM SURGE INUNDATION

MIAMI-DADE COUNTY
Office of Resilience

DATE: APRIL 2018





Legend

Open Water

Vertical Datum: NAVD88

VC Score	Ground Elev. feet			3 ft SLR Inundation Depth, feet	
0.01 - 5.0	Less than -20	2.01 - 4	20.01 - 30	Less than 0.5'	2.01 - 2.50
5.1 - 10.0	-20 - -5	4.01 - 6	30.01 - 50	0.51 - 1.00	2.51 - 3.00
10.1 - 15.0	-5 - 0	6.01 - 8	50.01 - 80	1.01 - 1.50	3.01 - 3.50
15.1 - 20.0	0 - 2	8.01 - 10	80.01 - 100	1.51 - 2.00	3.51 - 4.00
20.1 - 25.0		10.01 - 15	100.01 - 150		4.01 - 4.50
		15.01 - 20			More than 4.5'

MIAMI-DADE COUNTY
OFFICE OF RESILIENCE

RAPID ACTION PLAN: PUBLIC HOUSING
AND COMMUNITY DEVELOPMENT DEPT
ASSETS VULNERABLE TO SEA LEVEL RISE INUNDATION

MIAMI-DADE COUNTY
Office of Resilience

DATE: APRIL 2018

MIAMI-DADE COUNTY

Name: RONALD FRAZIER

Affiliation: BAC FUNDING CORPORATION

Contact [email/phone]: 305-588-2459
REFRAZIER@REFRAZIER.COM

Topic:

Decent Housing

Economic Development

Suitable Living Environment

Citizen Participation Plan

Questions/Comments:

1. WHAT DOES PHCD CONSIDER AS THE MAIN INGREDIANTS FOR A ~~[illegible]~~ SUITABLE LIVING ENVIRONMENT?

2. HOW DOES THE COUNTY (PHCD) INSURE THAT THE ABOVE NAME INGREDIANTS ARE ADDRESSED IN A SUITABLE LIVING ENVIRONMENT, ESPECIALLY IN THE URBAN Core Community?

3. HOW MUCH CORDINATION IS DONE BETWEEN THE VARIOUS COUNTY AGENCIES THAT MAY HAVE JURISDICTION OVER THE AREAS THAT Contribute TO A SUITABLE LIVING ENVIRONMENT?

Submit this card for the record: [X]
Have this card read aloud during the meeting: [ ]

MIAMI-DADE COUNTY

Name: _____

Affiliation: _____

Contact [email/phone]: _____

Topic:

- Decent Housing
- Economic Development
- Suitable Living Environment
- Citizen Participation Plan

Questions/Comments:

~~Hard~~

Where can one find the current Housing policies/statistics for the county/State of Florida.

In terms of TOD, affordable housing is one of the ~~are~~ focus areas so an overall list of policies for the county. ~~Eff~~ Online search haven't yield much result. I would like to know about detailed policies for affordable housing that would make it a feasible option to bring to the transit corridor.

Submit this card for the record: ☑
Have this card read aloud during the meeting: ☐

MIAMI-DADE COUNTY

Name: Lynda Harris
Affiliation: REVA Development
Contact [email/phone]: 954-559-9816

Topic:

- Decent Housing
- Economic Development
- Suitable Living Environment
- Citizen Participation Plan

Questions/Comments:

How does Opportunity Zones assist w/ building affordable housing - and is the County assisting any any way?

Having a specific contact during the building process will be helpful.. it is difficult getting answers and information sometimes

Submit this card for the record: ☐
Have this card read aloud during the meeting: ☑

MIAMI-DADE COUNTY

Name: RONALD FRAZIER

Affiliation: BAC FUNDING CORP.

Contact [email/phone]: 305-588-2439
REFRAZIER@REFRAZIER.COM

Topic:

- (Decent Housing)
- Economic Development
- Suitable Living Environment
- Citizen Participation Plan

Questions/Comments:

2. WHAT DO YOU SEE AS THE LARGEST IMPEDIMENT TO THE EXISTING STOCK OF AFFORDABLE HOUSING IN MIAMI-DADE COUNTY
ANSWER: INFRASTRUCTURE / WATER & SEWER IN THE URBAN CORE.
3. WHAT IS THE MOST EFFECTIVE HOUSING NEED IN MIAMI-DADE COUNTY?
ANSWER - HOUSING FOR 120%-150% AMI

Submit this card for the record: ☑
Have this card read aloud during the meeting: ☐

MIAMI-DADE COUNTY

Name: Myra Somora

Affiliation: PROSPERA

Contact (email/phone): MSomora@prosperausa.org

Topic:

- Decent Housing
- Economic Development
- Suitable Living Environment
- Citizen Participation Plan

Questions/Comments:

1) What options does the plan include for areas being severely impacted by gentrification like Little Havana, Little Haiti, + Allapattah?

2) 50% of hh income used for housing directly impacts quality of life - Is there a holistic approach being considered to not only reduce rental costs but also raise hh income?

Submit this card for the record: ☐
Have this card read aloud during the meeting: ☐

MIAMI-DADE COUNTY

Name: Phyllis W. Simpkins
Affiliation: CAC Chair
Contact [email/phone]: (786) 443-3277

Topic:

- ✓ Decent Housing Goals made to make living suitable for residents
- ✓ Economic Development Employment opportunities for residents & family
- ✓ Suitable Living Environment
- ✓ Citizen Participation Plan

Questions/Comments:

(1) Most common problem is unemployment & education, Skill Training opportunities
(2) Wages Opportunity for employment
(3) Affordable home ownership, Credit establishing, Employment
(4) Employment for residents education & training, more recreational activities for the children & elderly.

Submit this card for the record: ☐
Have this card read aloud during the meeting: ☐

MIAMI-DADE COUNTY

Name: Lynda Harris
Affiliation: REVA Development
Contact [email/phone]: 954-559-9816

Topic:

Decent Housing
Economic Development
Suitable Living Environment
Citizen Participation Plan

Questions/Comments:

How does County-owned land get obtained?

Any restrictions to build affordable housing when given County owned land?

Any incentives to Developers if building mixed-use housing

Submit this card for the record: ☐
Have this card read aloud during the meeting: ☑

MIAMI-DADE COUNTY

Name: _____

Affiliation: _____

Contact (email/phone): _____

Topic:

- Decent Housing
- Economic Development
- Suitable Living Environment
- Citizen Participation Plan

Questions/Comments:

~~How is~~

What is the CRITERIA FOR TRANFERING LAND TO 501C3 NON PROFIT ORGANIZATIONS ?

Submit this card for the record: ☐

Have this card read aloud during the meeting: ☐

MIAMI-DADE COUNTY

Name: Dr. Mal Christie

Affiliation: Model City Advisory Board

Contact [email/phone]: [illegible]

Topic:

- Decent Housing
- Economic Development
- Suitable Living Environment
- Citizen Participation Plan

This format violates citizen participation.

Federal violation!

Questions/Comments:

① PHCD Economic Department is too far removed from economic development for our community why?

② Lack of citizen participation and is in federal violation

③ PHCD loyalty seems to be to BCC and not to the community for which it is supposed to administer to citizen participation.

Submit this card for the record: ☐

Have this card read aloud during the meeting: ☐

MIAMI-DADE COUNTY

Name: Dr. Mae Christie

Affiliation: Model City Advisory Board.

Contact [email/phone]: Sutta @ bellsouth.net

Topic:

- Decent Housing
- Economic Development
- Suitable Living Environment
- Citizen Participation Plan

This forum violates citizen participation

Federal violates

Questions/Comments:

why are there no self sufficiency programs in public housing.

Lack of affordable housing

sugestification.

Un affordable housing

No subsidy available to assist

No emergency housing

Lack of citizen participation

Lack of citizen participation

Submit this card for the record: ☐

Have this card read aloud during the meeting: ☐

PHCD is disconnected from the community more and more.!

MIAMI-DADE COUNTY

Name: Christine Rupp

Affiliation: Dade Heritage Trust

Contact [email/phone]: _____

Topic:

- Decent Housing
- Economic Development
- Suitable Living Environment
- Citizen Participation Plan

Questions/Comments:

Is there funding available for affordable housing a non-profit who wants to provide outside the federal regulations of Affordable Housing? If the non-profit self-imposes rents at affordable levels, can the County provide funding.

Submit this card for the record: ☐

Have this card read aloud during the meeting: ☐

MIAMI-DADE COUNTY

Name: Maggie Mestre

Affiliation:

Contact [email/phone]: magsrealty@gmail.com

Topic:

Decent Housing

Economic Development

Suitable Living Environment

Citizen Participation Plan

Questions/Comments:

(1) Is there a financing agency that provides opportunities for the potential owners in the duplex program mentioned? or does the county have the pool of money they would apply thru?

Submit this card for the record: ☐

Have this card read aloud during the meeting: ☑

MIAMI-DADE COUNTY

Name: _____

Affiliation: _____

Contact [email/phone]: _____

Topic:

Decent Housing

Economic Development

Suitable Living Environment

Citizen Participation Plan

Questions/Comments:

For the NSP program what do HUD requires your Miami to be over the 51% of the AMI

Submit this card for the record: ☐

Have this card read aloud during the meeting: ☐

MIAMI-DADE COUNTY

Name: Joshua Numa

Affiliation:

Contact [email/phone]: 239 298 9987

Topic:

- Decent Housing ✓
- Economic Development
- Suitable Living Environment
- Citizen Participation Plan

Questions/Comments:

Homeownership of multiunits and small development support for homeowners wanting to creating legacy & income. Op Zoning Assistance may be needed.

Homeowners could assist in providing Affordable housing if assisted, qualified, & trained

Require communities to have input & develop plans per block for addressing needs of the Community.

Group & co-op housing programs should be addressed for Men, Women, young adults & EH. Non profits & churches should be updated or given guidance on working with the County.

Submit this card for the record: ☑

Have this card read aloud during the meeting: ☐

MIAMI-DADE COUNTY

Name: Nyra Sosa

Affiliation: _____

Contact [email/phone]: _____

Topic:

- Decent Housing
- Economic Development
- Suitable Living Environment
- Citizen Participation Plan

Questions/Comments: PLEASE be patient with our questions. As citizen tax payers, we may not be intimately familiar with what each does or is responsible for.

Submit this card for the record: ☐
Have this card read aloud during the meeting: ☐

MIAMI-DADE COUNTY

Name: Josh Numa

Affiliation:

Contact [email/phone]: 239 298 9987

Topic:

- Decent Housing ✓
- Economic Development
- Suitable Living Environment
- Citizen Participation Plan

Questions/Comments:

How can homeowners provide affordable housing? Can they be assisted by the County?

How can a citizen turn these housing or work with your departments to provide affordable housing

~~Can legacy of honors of housing protected~~

Can inherited housing be protected & supported by programs? If housing is inherited by someone ill-prepare

How can homeowners change their zoning to provide multi-unit housing?

Can neighborhoods be assisted in collaborating to save homes or businesses? with your County or federal support?

Submit this card for the record: ☐

Have this card read aloud during the meeting: ☑

MIAMI-DADE COUNTY

Name: CONRAD FRAZIER

Affiliation: BAC FUNDING CORP.

Contact (email/phone): 305-588-2459
REFRAZIER@REFRAZIER.COM

Topic:

Decent Housing

(Economic Development)

Suitable Living Environment

Citizen Participation Plan

Questions/Comments:

WHAT DO YOU BELIEVE SHOULD BE THE TOP PRIORITY FOR ECONOMIC DEVELOPMENT?

ANSWERS / COMMENTS:

(1) DEVELOP A BUSINESS DEVELOPMENT INITIATIVE THAT DEALS WITH CAPACITY BUILDING

(2) THERE IS A NEED FOR MORE COMPATIBILITY OF THE CDMP IN TERMS OF FUTURE LAND USE AND ZONING AND THOSE LAND USE AND ZONING FOR THE URBAN CORE AREAS.

(3) STOP INCOMPATIBLE ZONING AND LAND USES IN THE URBAN CORE THAT DOES NOT SUPPORT SUSTAINABLE DEVELOPMENT AND GROWTH FOR THE SPECIFIC COMMUNITY

Submit this card for the record: ☒

Have this card read aloud during the meeting: ☐

MIAMI-DADE COUNTY

Name: Sonora

Affiliation: Prospera

Contact [email/phone]: _____

Topic:

Decent Housing

Economic Development

Suitable Living Environment

Citizen Participation Plan

Questions/Comments:

What does PHCD consider a reasonable timeline for approval of SED funding? (so we may counsel potential clients accordingly)

Submit this card for the record: ☐

Have this card read aloud during the meeting: ☐

MIAMI-DADE COUNTY

Name: Joshua Numa

Affiliation: Branches

Contact [email/phone]: 239-298-9967

Topic:

- Decent Housing
- Economic Development ✓
- Suitable Living Environment
- Citizen Participation Plan

Questions/Comments:

Is technical assistance for starting, sustaining, or growing a business a part of the 2020-2024 plan?

How can a non profit create ~ incubator, technical assistance center, or industrial zone? with your support?

~~How can [illegible]~~

Submit this card for the record: ☐

Have this card read aloud during the meeting: ☑

MIAMI-DADE COUNTY

Name: Lynda Harris

Affiliation: REVA Development

Contact [email/phone]: 954-559-9816

Topic:

- Decent Housing
- Economic Development ✓
- Suitable Living Environment
- Citizen Participation Plan

Questions/Comments:

Capital - Any funds for start up businesses to obtain inventory/equipment - perhaps grant or no interest loans

If creating jobs any waiver of fees, $ or incentives from County

Micro-Lending loans need collateral? Credit?

Submit this card for the record: ☐
Have this card read aloud during the meeting: ☑

MIAMI-DADE COUNTY

Name: Somora

Affiliation: PROSPERA

Contact [email/phone]:

Topic:

- Decent Housing
- Economic Development
- Suitable Living Environment
- Citizen Participation Plan

Questions/Comments:

What is the percentage of CDBG funding allotted for lending vs capacity building / technical assistance?

What is the thought process around the decission?

Submit this card for the record: ☐
Have this card read aloud during the meeting: ☐

MIAMI-DADE COUNTY

Name: Sonia

Affiliation: Prospera

Contact [email/phone]: _____

Topic:

- Decent Housing
- Economic Development
- Suitable Living Environment
- Citizen Participation Plan

Questions/Comments:

Unfortunately weatherization is not an issue for small businesses facing multiple challenges just to start-up or expand. Are there any plans to fund TA around the issue of weatherization and funding for weatherization programs?

Submit this card for the record: ☐
Have this card read aloud during the meeting: ☐

MIAMI-DADE COUNTY

Name: Joshua Numa

Affiliation:

Contact (email/phone): 239-298-9987

Topic:

- Decent Housing
- ✓ Economic Development
- Suitable Living Environment
- Citizen Participation Plan

Questions/Comments:

Top Priority

Technical assistance for creating economic mobility for our micro and small businesses.

Cutting regulations back requirements (permits, Taxes, permits per city)

Making the process for starting a business on one platform

Remaining [illegible] permanent planned

Submit this card for the record: ☑

Have this card read aloud during the meeting: ☐

MIAMI-DADE COUNTY

Name: Lynda Harris -

Affiliation: _____

Contact [email/phone]: _____

Topic:

- Decent Housing
- Economic Development
- Suitable Living Environment
- Citizen Participation Plan

Questions/Comments:

Who decides the amount of funding that goes towards the various areas, i.e. HOME Funds, CDBG, etc.

Submit this card for the record: ☐
Have this card read aloud during the meeting: ☐

MIAMI-DADE COUNTY

Name: Chrissnee Plaza

Affiliation: Dade Heritage Trust

Contact [email/phone]: 305-358-9572

Topic:

- Decent Housing
- Economic Development
- Suitable Living Environment
- Citizen Participation Plan

Questions/Comments:

Will the plan take historic preservation and preservation of existing cultural/architectural assets into consideration?

i.e. incentives for developments that preserve existing buildings instead of demolishing them if they meet the requirements for historic designation

Submit this card for the record: ☐

Have this card read aloud during the meeting: ☐

MIAMI-DADE COUNTY

Name: Phyllis W. Simpkins

Affiliation: CAC Chair / PHCD

Contact (email/phone): 786-443-3277

Topic:

- ✓ Decent Housing
- ✓ Economic Development
- ✓ Suitable Living Environment
- ✓ Citizen Participation Plan

Questions/Comments:

(1) How is this plan going to affect the residents & community? (2) Will it be discontinued at some point (3) What is its main purpose?

Submit this card for the record: ☐

Have this card read aloud during the meeting: ☐

MIAMI-DADE COUNTY

Name: Lynda Harris

Affiliation: _____

Contact (email/phone): _____

Topic:

- Decent Housing
- Economic Development
- Suitable Living Environment
- Citizen Participation Plan

Questions/Comments:

Can the Consolidated be changed depending on who gets elected..

Can funds be re-directed depending on who gets elected

Submit this card for the record: ☐
Have this card read aloud during the meeting: ☐

MIAMI-DADE COUNTY

Name: Amy Sanchez

Affiliation: Citizen

Contact [email/phone]: amye.Sanchez@yahoo.com
305.510.2234

Topic:

- Decent Housing
- Economic Development
- Suitable Living Environment
- Citizen Participation Plan

Questions/Comments:

1) Does PHCD have or intend to build a plan to transition renters into home owners?

2) Is there any education that takes place currently to elevate renters to home owners

3) Is PHCD reconsidering the current structure of Miami Dades Communities * @ currently created by todays zoning requirements?

4) Is PHCD open to new (possibly non-traditional) community structures that focus ~~exclusively~~ on moving renters into a home ownership role?

Submit this card for the record: ☐
Have this card read aloud during the meeting: ☐

* Comment =
I believe we can leverage deed restrictions, similar to CC and over, but targeted towards blue collar

jobs, to create ~~affordable~~ lower price housing that will make it more affordable for purchasers to buy ~~their~~ a new home, but it will require HUD's/PHC financial support to fund these projects. The deed restriction, such as "Grandparents with legal guardianship of their grand children as well, as County workers, could create beautiful new community structures, while pushing renters into a home owner status.

I will supply more information via email.

MIAMI-DADE COUNTY

Name: Smora

Affiliation: Pampera

Contact [email/phone]: _____

Topic:

Decent Housing

Economic Development

Suitable Living Environment

Citizen Participation Plan

Questions/Comments:

Entrepreneurship is a path that often requires best practices TRAINING to be successful. Intervening early with TA can ultimately lead to other successfull steps on the way to triumph: accessing capital, business ownership, etc. Please consider education as start-up or existing businesses as you allocate HUD funding as importantly as lending.

Submit this card for the record: ☐

Have this card read aloud during the meeting: ☐

MIAMI-DADE COUNTY

Name: Phyllis W. Sloan-Simpkins

Affiliation: CAC Chair

Contact [email/phone]: 786-443-3277

Topic:

Decent Housing

Economic Development

Suitable Living Environment

Citizen Participation Plan

Questions/Comments:

(1) If people are being displaced due to Redevelopment & new affordable homes in various areas, how is PHCD making sure those people are housed back in those areas after Redevelopment has been completed.

Submit this card for the record: ☐

Have this card read aloud during the meeting: ☐

In recent meetings and telephone calls with Model City CAC members and community members – these ideas have come up:

- Request for more Chair's meetings (getting together all CAC members to discuss countywide issues)
- Excitement about being able to provide input for the future Consolidated Plan/Citizens Participation Plan
- Excitement about discussing how to achieve the CAC's 2013-2018 priorities - Poinciana Industrial Park, MLK Boulevard/NW 62nd Street corridor, and NW 18th Avenue revitalization – (among others)
- Thoughts of possibly revising the list of priorities for 2019-2024
- A desire to appoint CAC members (instead of the current elections process)
- How to help more people become homeowners
- How to help people with foreclosure prevention

South Miami CAC Priorities for Consolidated Plan-January 16, 2019

Attendees: Marie Brits, Bernice Ellis, Levy Kelly, James McCants, Carolyn Phillips, Dr. Joyce Price

Priorities

Housing

Affordable housing (listed in order of priority)*

1) Low-income housing serving very/extremely low (30% and below AMI)
2) Workforce housing
3) Permanent homeless housing
4) Senior Housing (Note: many of the senior housing, the seniors do not meet the income qualifications because their income may be slightly higher than the housing program limits

*Advisory Committee was concerned that South Miami Residents currently do not access new housing and want assurances that in the future there can be some guarantee they will be able to access the housing.

Public Services

1) Substance Abuse
2) Domestic Violence
3) Mental Health

Economic Development

1) Activities that benefit small businesses including start-up businesses
2) Micro-lending activities – concerned that entities receive funds from the County to do micro-lending but do not serve South Miami as they indicate in their application
3) More housing endeavors that include a retail component
4) Community markets such as farmer markets that serve the community

Public Facilities/Capital Improvements

1) Street lighting
2) Community Facility to house social service program
3) Sidewalk replacement – particularly where trees have been planted and the sidewalks have been uprooted.

West Little River NRSA
Community Advisory Committee Meeting
Arcola Lakes Park – 1301 NW 83rd Street, Miami, FL 33147

Thursday, March 21, 2019
6:00 pm

WLR Priorities for inclusion in the Consolidated Plan 2020-2024

PUBLIC FACILITIES AND CAPITAL IMPROVEMENTS

- Residential paved driveways
- Street calming measures (103rd St - 95th St from 7th Ave – 17th Ave)
  - Speed bumps
  - Roundabouts
- Landscaping
- Drainage improvements
- Street lighting
- Enforcement of current zoning laws
- Conservation of green spaces
- Public parks

HOUSING

- Overall improvement to the quality of life for residents
  - Moratorium on high-rise rental developments
  - Less overcrowding/ high density neighborhoods
  - Concern for environmental impact of overcrowding

- Homeownership opportunities
  - Single family homes
  - Townhomes
  - Resources for homeownership

PUBLIC SERVICES

- Youth Services
- Elderly Services
- Employment training

ECONOMIC DEVELOPMENT

- Special economic development
- Micro lending

Miami-Dade County Public Housing and Community Development
Electronic Community Sample Survey

Q1. Name: _____

Q2. Agency: _____

Q3. Priority Area of Agency:

a. *Decent housing*
b. *Suitable living environment*
c. *Problem is we have so few resources*
d. *Encourage building of new workforce housing*
e. *Other: _____*

Q4. What do you see as the top priority need in Miami-Dade County?

a. *Decent housing*
b. *Suitable living environment*
c. *Expanding economic opportunities*
d. *Better public education*
e. *Other: _____*

Q5. What do you see as the top impediment to that priority need?

a. *Affordability of housing*
b. *Socio-economic factors/poverty*
c. *Location*
d. *Other: _____*

Q6. What are you as an individual and/or agency already doing to address those needs?

Q7. Which entities do you have current partnerships with? (Please check all that apply.)

a. *Non-Profits*
b. *For-Profits*
c. *Government Sector*
d. *Colleges/universities/educational institutions*

Q8. What do you see as the most common housing problem in Miami-Dade County?

a. *Substandard units in need of major repair*
b. *Severe overcrowding (more than double the recommended occupants)*
c. *Extremely cost burdened households (over 50% of income spent on housing)*
d. *Other:* _____

Q9: What do you see as the largest impediment to the existing and future stock of affordable housing in Miami-Dade County?

a. *Rental costs*
b. *Home sale prices*
c. *Wages*
d. *Property taxes*
e. *Land-use regulations*
f. *Land costs*
g. *Construction costs*
h. *Other:* _____

Q10. What do you consider to be the most essential housing need in Miami-Dade County?

a. *Affordable senior housing*
b. *Homeownership*
c. *Multi-family rental*
d. *Section 8 vouchers*
e. *Public housing*
f. *Other:* _____

Q11. What housing topics are you most interested in learning more about? (Please check all that apply.)

a. *Affordable rental housing*
b. *Affordable homeownership*
c. *Home rehabilitation and emergency repair*

d. *Housing policies (inclusionary zoning, commercial linkage, etc.)*
e. *Other:* _____

Q12. What do you believe should be the top priority for Economic Development initiative given that we only receive less than $8 million in federal funding for this purpose?

a. *Job training*
b. *Access to capital*
c. *Lending for small business start-ups*
d. *Capacity building*
e. *Community revitalization*
f. *Other:* _____

Q13: How has climate change affected the clients you serve?

a. *Housing safety*
b. *Health*
c. *Economic impact*
d. *All of the above*
e. *Not applicable*
f. *Other:* _____

Q14. Please prioritize these factors which can assist Miami-Dade County in becoming a more sustainable community:

a. *Access to healthcare*
b. *Access to education*
c. *Parks/Open spaces*
d. *More housing units*

Q15. Are you willing to trade off green space for more development of housing?

a. *Yes*
b. *No*
c. *Comments:* _____

Company Name	Contact Name	Last	Address	Email	Contact Type
University of Miami	Jorge Damian	De la Paz		jdelapaz@miami.edu	College/University
Center for Community	Michael	Anderson	1536 U St NW	manderson@communitychange.org	College/University
community coalition	ken	forbes	P. O. Box 924859	cosdinc@gmail.com	College/University
	Desiree	McCray	10744 SW 144th St	NUKE93BABEEE09@YAHOO.COM	College/University
1972	Desiree	McCray	10744 SW 144TH ST	nuke93babee99@yahoo.com	College/University
the National Auxiliary	Tanya	Jackson	6700 NW 14 Ave	jewelson3@gmail.com	College/University
	Sarah	Taveras	7915 Bayron ave	sarahtoreta@hotmail.com	College/University
	Sandra	Urena	8325 SW. 169TH. Ter	sandraurena0610@yahoo.com	College/University
23 biscayne	Markesha	Barnett	3195 nw 67th street	markosha.barnett@yahoo.com	College/University
			4000 Ponce De Leon		Community Based
United Architects, Inc.	Maria Luisa	Castellanos	Blvd.	MLC@UnitedArchs.com	Development
					Community Based
Fortune International	Arny	Luckie	230 Salamanca Ave	ALeckie@fir.com	Development
Miami Dade Chamber			100 South Biscayne		Community Based
of Commerce, Inc	Beverly	James	Boulevard, Suite 300	bjames@mi-dcc.org	Development
79th Street Corridor			7900 NW 27th		Community Based
Initiative	Ron	Butler	Avenue	79thstreet@gmail.com	Development
Consortium of Worthy			11809 SW 273		Community Based
Consultants, Inc.	Kimberly	Worthy	Street	kworthy@cwic-inc.biz	Development
			27112 S Dixie		Community Based
MUJER Inc	Susan	Rubio Rivera	Highway	susan@bellsouth.net	Development
					Community Based
Opa Locka CDC	Willie	Logan	490 Opa Locka Blvd	logan@olcdc.org	Development
Florida Community			4343 W Flagler		Community Based
Loan Fund	James	Walker	Street	jwalker@fclf.org	Development
Neighbors And					Community Based
Neighbors	Nehemiah	Davis	5120 NW 24 Avenue	ndavis@nanafl.org	Development
			4801 S. University		Community Based
TAJ LLC	Teneshia	Taylor	Drive	ttaylor@tajr-llc.com	Development
Curleys House of Style					Community Based
Inc	LaVerne	Holliday	6025 NW 6th Court	curleyshouse6025@yahoo.com	Development

THREE VIRTUES	ALPHA	FLEURIMOND	283 SOUTH KROME AVE	THREEVIRTUES@YAHOO.COM	Community Based Development
Assistance To The Elderly, Inc.			www.attcinc.org	lhungsalazar@residentialplaza.com	Community Based Development
Assistance to the	Barbara	Galindo	5617 NW 7th St	bgalindo@residentialplaza.com	Community Based
Greater Miami Service	Deborah	Dorsett	810 NW 28th Street	ddorsett@gmscmiami.com	Community Based
Miami Homes For All	Audrey	Aradanas	140 W Flagler Street	aaradanas@miamihomesforall.org	Community Based
Miami Homes For All	Sabrina	Velarde	140 West Flagler	svelarde@miamihomesforall.org	Community Based
Sundari Foundation,	Constance	Collins	217 NW 15th Street	constance@lotushouse.org	Community Based
Sundari Foundation,	Donna	MacDonald	217 NW 15th Street	donna@lotushouse.org	Community Based
Sundari Foundation,	Anna	Frusciante	217 NW 15th Street	anna@lotushouse.org	Community Based
Better Way of Miami,	Michael	Festinger	800 NW 28 Street	mfestinger@bwom.org	Community Based
South Florida Puerto Rican Chamber of	Luis	De Rosa	3550 Biscayne Blvd.	ldr@puertoricanchamber.com	Community Based Organization
Sundari Foundation,	Anna	Frusciante	217 NW 15th Street	anna@lotushouse.org	Community Based
South Florida Community	Shakeria	Brown	300 NW 12th Avenue	Shakeriab@southfloridacdc.org	Community Based Organization
Fresh Start Family	Dr. Ted	Greer, Jr.	969 N. Krome Ave	tgreer@freshstart-fs.org	Community Based
Miracle League of	Raimundo	Rocha	P.O. Box 562646	info@miamc.org	Community Based
Florida Venture	Alina	Delgado	13501 NW 107	fvventcach@yahoo.com	Community Based
Victory Community	Victor	Minikwu	20535 NW 2ND	vminikwu@gmail.com	Community Based
Sunrise Community,	Kirk	Zarumba	9040 Sunset Drive	kzarumba@sunrisegroup.org	Community Based
Victory Community	Victor	Minikwu	P. O. Box 55210	vminikwu@gmail.com	Community Based
Le Jardin Community	Eduardo	Bermones	311 NE 8th Street	bermones@lejardincomc.org	Community Based
Josefa Perez de Castano Kidney	George	Perez Castano	2141 S.W. 1st	jpckidney@bellsouth.net	Community Based Organization
Miami Homes for All	Annie	Lord	140 W Flagler St.	alord@miamihomesforall.org	Community Based
Maximum Potential	Mary	Mcllraith	294 s hibiscus dr	maryann@tcttraining.com	Community Based
A Worthy Cause, Inc.	Kimberly	Worthy	11809 SW 273	kworthy@supportaworthycause.org	Community Based
Camillus House	Shelley-Anne	Glasgow-Wilson	1603 NW 7 Ave	shelleyg@camillus.org	Community Based
Camillus House	Arnaldo	Paniagua	1603 NW 7 Av	arniepaniagua@camillus.org	Community Based
Camillus House	Hilda M.	Fernandez	1603 NW 7 Ave	hfernandez@camillus.org	Community Based

American Children's Orchestras for Peace,	Maida	Santander	2150 Coral Way	accp@children-for-peace.com	Community Based Organization
Curley's House of	Lavern	Elie-Scott	6025 NW 6th Court	curleyshouse6025@yahoo.com	Community Based
Miami Workers Center	Trenise	Bryant	745 NW 54th Street	trenise@theworkerscenter.org	Community Based
Teen Up-Ward Bound,	Jannie	Russell	717 Opa-Locka	jrussell@teenupwardbound.com	Community Based
Miami Dade Chamber	Beverly	James	100 S. Biscayne	bjames@m-dcc.org	Community Based
The Optimist Foundation of Greater	Enid	Demps	11025 SW 223 Street	gpoc@att.net	Community Based Organization
Youth Co-Op, Inc.	Maria	Rodriguez	3525 NW 7 Street	maria.rodriguez@ycoopmail.org	Community Based
Model City CAC	Gerald	Reed Jr	6700 NW 27th Ave	libertyperksinc@gmail.com	Community Based
Representative Roy	Roy	Hardemon	710 NW 62 Street	roy.hardemon@myfloridahouse.gov	Community Based
Haitian American Chamber of	Paola	Pierre	1125 NE 125th Street	ppierre@haccof.com	Community Based Organization
Neighbors And	Leroy	Jones	5120 NW 24th Ave	leroy@nanafl.org	Community Based
Citrus health Network,	Maria	Alonso	4175 West 20th	maria@citrushealth.com	Community Based
Urgent, Inc.	Saliha	Nelson	1000 NW 1st Ave.	saliha@urgentinc.org	Community Based
Simply Healthcare	Maria	Cabeza		mcabeza@simplyhealthcareplans.com	Community Based
Camillus House, Inc.	Hilda	Fernandez	1603 NW 7 Avenue	hfernandez@camillus.org	Community Based
Camillus House, Inc	Kenneth	King	1603 NW 7 Avenue	kennethk@camillus.org	Community Based
Camillus House, Inc	Shelley	Glasgow Wilson	1603 NW 7 Avenue	shelleyg@camillus.org	Community Based
Camillus House, Inc.	Shelley-Anne	Glasgow-Wilson	1603 NW 7th	shelleyg@camillus.org	Community Based
Latinos United In	Amada	Vargas	3323 NW 17 Ave.	info@aol.com	Community Based
Knowledge Builders of	Louis	Cooper	16223 Sw 107 Place	lcooper@kb-florida.org	Community Based
Dade Heritage Trust	Christine	Rupp	190 SE 12 Terrace	chris@dadeheritagetrust.org	Community Based
Miami Homes For All	Audrey	Aradanas	1951 nw 7th ave	audrey@miamihomesforall.org	Community Based
Sunrise Community,	Kirk	Zaremba	9040 Sunset Drive	kzarumba@sunrisegroup.org	Community Based
Miami Bridge Youth	Baldwin	Davis	2810 NW South	bdavis@miamibridge.org	Community Based
Model City	Dr. Mae	Christian	4824 N. W. 15 Ct.	folta@bellsouth.net	Community Based
JR B Outreach	Joann	Brady	10759 S. W 226st	joannbrady2@aol.com	Community Based
AMC learning Center	Karen	Eutsey	12530 SW 151	mseutsey33@gmail.com	Community Based
Cuban Amerian	Janet	Collazo	1223 SW 4th Street	jcollazo@cnc.org	Community Based
Cuban American	Juan	Cecilio	1223 SW 4th Street	jcecilio@cnc.org	Community Based

1970	Paulette	Arline	749 NE 13th Court, 2	paulettearline@gmail.com		Community Based
Historic Hampton	Xavier	Vega	4240 NW 27 Ave	xvega@historichamptonhouse.org		Community Based
RICHMOND PERRINE	LERONARDO	STRINGER	18055 hOMESTEAD	lstringerrpoc@att.net		Community Based
Ecostrata Services, Inc.	Robert	Ruano	1544 Murcia Avenue	rjruano@ecostratas.com		Community Based
RICHMOND PERRINE	LERONARDO	STRINGER	18055 hOMESTEAD	lstringerrpoc@att.net		Community Based
Habitat for Humanity	Juan	Saborido	3900 NW 22 Avenue	juan.saborido@miamihabitat.org		Community Based
Community Health of	Peter	Wood	10300 SW 216	pnwood@chisouthfl.org		Community Based
McDowell Business	Sandra	McDowell	18240 NW 41st	mcprosvcs@gmail.com		Community Based
Miami Bridge Youth	Baldwin	Davis	2810 NW South	bdavis@miamibridge.org		Community Based
Miami Bridge Youth &	Richard	Rabathaly	2810 N.W. South	rrabathaly@miamibridge.org		Community Based
Community Health of	Peter	Wood	10300 SW 216	pnwood@chisouthfl.org		Community Based
Richmond Perrine	Leronardo	Stringer	18055 Homestead	lstringerrpoc@att.net		Community Based
TGHI / CDC	Joseph	King	3634 Grand Avenue	jking@tghmiami.org		Community Based
Dynamic Community Development Community	Steven	Zorn	3550 Biscayne Blvd.	info@dynamickodc.com		Community Development Community
Development Centro Campesino	Steve	Graziani	11557 SW 64 Street	grazianisteve@gmail.com		Development Community
Farmworker Center	Bill	Sevilla	35801 SW 186th Avenue	bsevilla@ccfofl.org		Development Community
BAC Funding Corporation	Kuatuara	Drayton	6600 NW 27th Avenue	kuatuara@bacfunding.com		Development Community
Opa-locka Community Development Tacolcy Economic	Mikisha	Williams	490 Opa-locka Blvd	mikisha@olccc.org		Development Community
Development Tacolcy Economic	Carol	Gardner	675 NW 56th Street	cgardner@tedcmiami.org		Development Community
Development Opa Locka Community	Angela	Kelly	675 NW 56th Street	akelly@tedcmiami.org		Development Community
Development Community	Marcia	Grant	490 Opa locka Blvd.	MARCIA@OLCDC.ORG		Development Community
Development	JS	Rashid		jsrashid@odc-florida.org		Development

BAC Funding Corporation	Ronald	Frazier	6600 NW 27th Avenue	refrazier@refrazier.com	Community Development
BAC Funding Corporation	Jessie	Houston	6600 NW 27th Avenue	jessie@bacfunding.com	Community Development
Miami Beach CDC	Beatriz	Cuenca-Barberio	945 Pennsylvania Avenue	beatriz@miamibeachcdc.org	Community Development
Haitian American Community	Samuel	Diller	181 NE 82nd Street	sdiller@haitianamericanedc.org	Community Development
St Peters CDC	Robert	Brooks	12717 SW 225th St	pastorbrooksmiami@gmail.com	Community Development
Trise Development	Ardevan	Yaghoubi		ardevan@trisedevelopment.com	Community Development
New Jerusalem Community	octavia	woods	777 nw 85th street	woods_octavia@hotmail.com	Community Development
MD Global Services	Dudly	Paul-Etienne	18350 nw 2nd avenue #636	dudlyprofessionalservices@gmail.com	Community Development
Carrfour Supportive Housing	Stephanie	Berman	1398 Southwest 1st Street	sberman@carrfour.org	Community Housing Development
Atlantic Pacific Communities	Gabrielle	Fitzgerald		GFITZGERALD@APCOMMUNITIES.COM	Community Housing Development
Affordable Housing Solutions for Florida,	Debra	Fleming	PO Box 2659	president@ahsf.org	Community Housing Development
Spinal Cord Living-Assistance	Pedro	Rodriguez	221 E 2nd Avenue	pfrodriguez@aclad.org	Community Housing Development
St. John Community Development	Eric	Haynes	1324 NW 3rd Avenue	ehaynes@stjohncdc.org	Community Housing Development
Hialeah Housing Authority	Julio	Ponce	75 East 6 Street	jponce@hialeahhousing.org	Community Housing Development
Green Mills	Anna	McMaster	100 SE 3rd Ave, Fl 10	amcmaster@greenmillsgroup.com	Community Housing Development
Sunrise City CHDO Inc	perry	Ecton	1355 sw 122nd way	sunshinebluecorp@gmail.com	Community Housing Development

Collective Developers LLC	Antonio	Prado	6405 S.W. 50 Street	tonyp6405@gmail.com		Community Housing Development
3MB Construction LLC	Madeleine	Castellanos	7277 Sunset Drive	madeleinemunilla@gmail.com		Community Housing Development
3MB Construction LLC	Madeleine	Munilla	7277 Sunset Dr 9100 NW 23RD	MadeleineMunilla@gmail.com		Community Housing Development
The mermaid cleaner	Alice	Johnson	AVENUE 14850 Naranja Lakes	johnsonalice542@gmail.com		Community Housing Development
	Hala	Al othman	Blvd 701 NW 1st Court,	mircuran@gmail.com		Community Housing Development
Miami-Dade County Public Housing &	Clarence	Brown	14th Floor	cdbrown@miamidade.gov		County Department
Miami-Dade County	Manuel	Sarria	111 NW 1st Street	manuel.sarria@miamidade.gov		County Department
Housing Finance	Carla	Webster	7855 NW 12 st	cwebster@hfamiami.com		County Department
Miami-Dade County Community Action	Lucia	Davis-Raiford	701 NW 1 Street	daviara@miamidade.gov		County Department
MDC Parks Recreation	Matilde	Reyes	275 NW 2 Street	matilde.reyes@miamidade.gov		County Department
Miami-Dade County	Cindy	Dwyer	111 NW 1st Street	Cindy.Dwyer@miamidade.gov		County Department
Miami-Dade County Parks, Recreation and	Nikki	Anderson	275 NW 2nd Street, Suite 542	nikki.anderson@miamidade.gov		County Department
Miami-Dade Parks	Lauren	Breckenridge	275 NW 2nd Street	breckl@miamidade.gov		County Department
Partners For Self	Maria	Coto	3000 Biscayne Blvd.	maria@partnersforselfemployment.org		Economic
Black Economic	William	Young	5120 NW 24th	WILLIAM@TFCMIAMI.ORG		Economic
Hispanic Business Initiative Fund of	Myrna	Sonora	2315 NW 107th Ave	msonora@prosperausa.org		Economic Development Entity
Hispanic Business Initiative Fund of	Elizabeth	Irausquin	2315 NW 107th Ave	eirausquin@prosperausa.org		Economic Development Entity
Florida Housing	Kevin	Tatreau	227 N Bronough	Kevin.Tatreau@FloridaHousing.org		Economic
Brothersinvestmentfir	Assim	Alabed	2428 nw 20 st	brothersinvesmentfirm@gmail.com		Economic
Loba investment	Oscar	Amarelli	2501 S Ocean Dr	oscar@lobainc.com		Economic
Reaching Our Destiny	Anthony	Whitfield	6025 NW 6th CT	nwizion2663@gmail.com		Economic

Homestead Community Neighbors and	Kamctra	Driver	212 NW 1st Ave	sdriver@cityofhomestead.com	Economic Development Entity
OUR Microlending LLC	Rosa	Newman	22121 South Dixie	rosa@manofl.org	Economic
Hispanic Business Initiative Fund dba	Omar	Alireza	3191 Coral Way 2305 NW 107th	oalireza@ourmicrolending.com	Economic
Hispanic Business Initiative Fund dba	Myrna	Sonora	Avenue 2305 NW 107th	msonora@prosperausa.org	Economic Development Entity
O.U.R. Homes	Elizabeth	Irausquin	Avenue	elizavequin@prosperausa.org	Economic Development Entity
St. John C.D.C	Madame R.	Holmes	350 Nw 4th St.	oursisterc2care@gmail.com	Economic
Branches, Inc.	Danielle	Stedman	1324 N.W. 3rd ave	dstedman@stjohncdc.org	Faith Based
Branches, Inc.	Brent	McLaughlin	11500 NW 12th	bmclaughlin@branchesfl.org	Faith Based
United We-II	LiLih	Gaab	11500 NW 12	lgaab@branchesfl.org	Faith Based
St. Peter's Missionary	Frank	Diaz	10221 SW 11 St	discogroup@aol.com	Faith Based
Agape Network	Robert	Brooks	17901 SW 107th Ave	pastorbrooksmiami@gmail.com	Faith Based
Agape Network	Terry	Lull	22790 SW 112	TSLull@HCJNetwork.org	Faith Based
Abundant Life	Claudio	Perez	22790 SW 112th	CPerez@HCJNetwork.org	Faith Based
Branches, Inc	Sabrina	Boule-floyd	777 NW 85t Street	sabrina_baker_boule@hotmail.com	Faith Based
Camillus House	LiLih	Gaab	11500 NW 12th	lgaab@branchesfl.org	Faith Based
	Davine	Scarlett	1603 NW 7th Ave	DAVINES@CAMILLUS.ORG	Faith Based
The National Auxiliary	Brittney Tanya	Tinker Jackson	6037 NW 20th Ave 6700 NW 14 Ave	brittneylinker@yahoo.com jawelson3d@gmail.com	Faith Based Faith Based
Gibraltar Development	Eugenia	Anderson	780 NE 69 Street	ga@gibraltardp.com	For-Profit Developer
TAJ LLC	Temeshia	Taylor	4801 S. University	ttaylor@taj-llc.com	For-Profit Developer
Related Urban	Stacy	Pineda	444 Brickell Avenue	spineda@relatedgroup.com	For-Profit Developer
LEGO Construction Co	Luis	Garcia	1011 Sunnybrook Rd	lgarcia@legocc.com	For-Profit Developer
McCormack Baron	Sandra	Seals	720 Olive Street	sandra seals@mccormackbaron.com	For-Profit Developer
The Related Group	Tony	Del Pozzo	444 Brickell Avenue,	td@relatedgroup.com	For-Profit Developer
VHM Companies	Ceci	Moreno	420 S Dixie Hwy	ceci@vhmcompanies.com	For-Profit Developer
Pinnacle Housing	Jennifer	Sanz	9400 South	jennifer@pinnaclehousing.com	For-Profit Developer
Housing Trust Group	Glenda	Brown	72 E 65 street	glendab@htgf.com	For-Profit Developer
Housing Trust Group	Jordan	Finkelman	3225 Aviation	jordanf@htgf.com	For-Profit Developer
Atlantic Pacific	Carine	Yhap	2950 SW 27th Ave	cyhap@apcommunities.com	For-Profit Developer

The Cornerstone	Mara	Mades	2601 South	mara.mades@cornerstonegrp.com	For-Profit Developer
Cornerstone Group	Maria Barbara	Mendez	2601 South	barbara.mendez@cornerstonegrp.com	For-Profit Developer
Related Urban	Brett	Green	444 Brickell Ave	bgreen@relatedgroup.com	For-Profit Developer
Cornerstone Group	Jasmine	Baldwin	2601 S Bayshore	jasmine.baldwin@cornerstonegrp.com	For-Profit Developer
Atlantic Pacific	Liz	Wong	2950 SW 27th AE	lwong@apcompanies.com	For-Profit Developer
13th Floor	Aaron	Stolear	1965 NE 198 TER	astolear@13fl.com	For-Profit Developer
Vilma Enterprises, LLC	Jon	Vilma	3471 main highway	jonvilma51@gmail.com	For-Profit Developer
Royal American	Patti	Adams	1002 West 23rd	patti.adams@royalamerican.com	For-Profit Developer
Royal American	John	Lewis	1002 West 23rd	john.lewis@royalamerican.com	For-Profit Developer
The Related Group	Ambieca	Saha	444 Brickell Ave	asaha@relatedgroup.com	For-Profit Developer
Meyers Group	Cito	Beguiristain	2600 S Douglas Road	Cito@MeyersGroup.net	For-Profit Developer
Cornerstone Group	Meryl	Wolfe	2601 S Bayshore Dr	meryl.wolfe@cornerstonegrp.com	For-Profit Developer
Machado Investments	Orlando	Machado	6625 Miami Lakes	omachado@gmail.com	For-Profit Developer
Pinnacle Housing	David	Deutch	9400 S Dadeland	david@pinnaclehousing.com	For-Profit Developer
Pinnacle Housing	Coraly	Rodriguez	9400 S Dadeland	cory@pinnaclehousing.com	For-Profit Developer
Magellan Housing	Nick	Inamdar	2911 W Autumn Run	nick.inamdar@magellandev.com	For-Profit Developer
Pinnacle Housing	Lindsey	Wolfson	9400 S Dadeland	lindsey@pinnaclehousing.com	For-Profit Developer
Miami Dream Homes	Francisco	Abella	3625 NW 82 Avenue	fabella@redygroup.com	For-Profit Developer
Housing Trust Group	Chris	Shear	3225 Aviation Ave	chrisjshear@gmail.com	For-Profit Developer
RUDG	Andrew	Velo-Arias	444 Brickell Avenue	avelo@relatedgroup.com	For-Profit Developer
1959	Matthew	Lawrence	3800 INVERRARY	matt.lawrence@lawrencedevelopmentgroup	For-Profit Developer
Miami Waymark 2.0	Matthew	Lawrence	3800 INVERRARY	matt.lawrence@lawrencedevelopmentgroup	For-Profit Developer
Beneficial	Ken	Bowron	1990 Main St	kbowron@beneficialcom.com	For-Profit Developer
Stone Soup	Doug	Mayer	2130 NW 13th	doug.mayer@stonesoupdevelopment.net	For-Profit Developer
Sustainable Housing	Perry	Ecton	1355 SW 122nd Way	perry@sustainablehousinginc.com	For-Profit Developer
Royal American	John	Lewis	1002 West 23rd	john.lewis@royalamerican.com	For-Profit Developer
Royal American	Patti	Adams	1002 West 23rd	patti.adams@royalamerican.com	For-Profit Developer
Enticle Realestate and	Christopher	Manson	435 Nw 124th st	chrismanson@bellsouth.net	For-Profit Developer
Cazo Construction	Armando	Cazo	3461 SW 8 ST	armando@cazogroup.com	For-Profit Developer
VARG Land	Valerie	Gardner	2175 NW 105TH ST	varglanddevelopercorp@gmail.com	For-Profit Developer
Ambar3, LLC	Elena	Adames	13611 S. Dixie Hwy	eadames@ambarco.com	For-Profit Developer
Housing Trust Group	Jacob	Zumamon	3225 Bird Avenue	jakez@htgf.com	For-Profit Developer

United States	George	Howard	1150 Wilshire Circle	ghowardrbo@yahoo.com	For-Profit Developer
The Related Group	Long	Ha	315 S. Biscayne Blvd.	lha@relatedgroup.com	For-Profit Developer
Marais Partners	Hana	Eskra	9100 S Dadeland	hana.eskra@maraispartners.com	For-Profit Developer
Construction Flements	Tammy	McNair	1951 NW South	tammy@constructionelementsfl.com	For-Profit Developer
Frenchtex Inc.	Don	Waters	15715 So. Dixie Hwy.	don-waters@frenchtex.com	For-Profit Developer
Pinnacle Housing	Norma	Santana	9400 S Dadeland	norma@pinnaclehousing.com	For-Profit Developer
TASG DEVELOPMENT	Andre	Shambley	120 SW 8th Ave	andre@tasgconsultants.com	For-Profit Developer
Cazo Construction	Armando	Cazo	3461 SW 8 ST	armando@cazogroup.com	For-Profit Developer
Lynn B. Lewis, PA	Lynn	Lewis	501 Brickell Key	lynnlewis@lblpa.com	For-Profit Developer
Cazo Construction	Esther	Lugones	3461 SW 8 St	esther@cazogroup.com	For-Profit Developer
Al Hardemon	Allen	Hardemon	655 NW 48 ST	allenhardemon15@yahoo.com	For-Profit Developer
Miami Waymark 2.0	Matthew	Lawrence	3800 Inverrary Blvd	matthawr@bellsouth.net	For-Profit Developer
Law Offices of Gonzalo	Gonzalo	Funes	19300 W. Dixie Hwy.	gonzalo@funeslawoffice.com	For-Profit Developer
Grand Realty of	Eduardo	Funes	19300 W. Dixie Hwy.	eduardo@grandrealtyusa.com	For-Profit Developer
Centennial	Lewis	Swezy	7735 NW 146 Street	lsweezy@centennialmgt.com	For-Profit Developer
Centennial	Paul	Bilton	7735 NW 146 Street	pbilton@centennialmgt.com	For-Profit Developer
Akerman LLP	Lisa	Lim	80 Chambers Street	Lisa.Lim@akerman.com	For Profit Developer
Landmark Compables,	Francisco	Rojo	3050 Biscayne	francisco@landmarkco.net	For-Profit Developer
The Vagabond Group	Avra	Jain	7272 NE 6th Ct.	jainavra@gmail.com	For-Profit Developer
The Vagabond Group	Natalia	Ceballero	1750 N Bayshore Dr.	natalia@thevagabondgroupllc.com	For-Profit Developer
Rusol & Company, Inc.	Rusol	Yasin	19220 East Oakmont	rusolyasin@me.com	For-Profit Developer
DCM Developments,	Duen	McLean	P.O. Box 161770	dmclean@dcmdevelopments.com	For-Profit Developer
Model Housing Co	Fernando	Cuellar	9251 SW 17 St	infobrokerz@yahoo.com	For-Profit Developer
Gibraltar Development	Eugenia	Anderson	780 NE 69 Street	ga@gibraltardp.com	For Profit Developer
Ali Yasin	Ali	Yasin	7020 N Augusta	aliyyasin@gmail.com	For-Profit Developer
Magellan Housing	Nick	Inamdar	2100 Coral Way	nick.inamdar@magellandev.com	For-Profit Developer
The Javan	Farrel	Owens	12750 SW 218 Terr	farrelowens@gmail.com	For-Profit Developer
Grand Home Builders	Clemente	Vera	6941 NW 107 Ct	cfvera@gh-builders.com	For-Profit Developer
Vista 12 LLC	Yomaris	Batista	3050 Biscayne	yomaris@arladevelopmentgroup.com	For-Profit Developer
PCI	Benedictt	Gutierrez	2020 N Bayshore Dr	benedictalexander@icloud.com	For-Profit Developer
Related Urban	Anthony	Dicrisci	444 Brickell Avenue	adicrisci@relatedgroup.com	For-Profit Developer
Peridot Properties LLC	Yavocka	Young	1314 E Las Olas Blvd	darsellona@gmail.com	For-Profit Developer

Diaz & Coto, LLP	Kevin	Diaz	7900 NW 154th	kdiaz@diazcoto.com	For-Profit Developer
Akerman LLP	Joni Armstrong	Coffey	98 SE 7 Street	joni.armstrong.coffey@akerman.com	For-Profit Developer
The Richman Group of	Todd	Fabbri	477 S. Rosemary	fabbrit@richmancapital.com	For-Profit Developer
Urban Renaissance,	Aaron	Zeigler	801 Brickell Bay	urlic@outlook.com	For-Profit Developer
Gama Real Estate	Gus	Deribeaux	4904 SW 72 Ave	gus@gdrpa.com	For-Profit Developer
Grayscale	Kurt	Daum	1425 Bay Road	kurtwdaum@gmail.com	For-Profit Developer
Centennial	Brian	Jaffe	7735 NW 146th St	bjaffe@centennialmgt.com	For-Profit Developer
Southport	Michael	Molinari	5403 W Gray Street	mmolinari@sphoma.com	For-Profit Developer
Government Services	Deanna	Lloyd	22968 Overseas	dlloyd@govserv.com	For-Profit Developer
Housing Trust Group	Jason	Larson	3225 Aviation Ave,	jason@htgf.com	For-Profit Developer
The Richman Group	Jesse	Wneppel	477 S Rosemary Ave	wneppelj@richmancapital.com	For-Profit Developer
The Richman group	Ely	Banks	477 S. Rosemary Ave	banks@richmancapital.com	For-Profit Developer
sustainable Housing	Perry	Ecton	1355 sw 122nd way	perry@sustainableHousinginc.com	For-Profit Developer
RUDG, LLC	Albert	Milo	444 Brickell Avenue	amilo@relatedgroup.com	For-Profit Developer
RUDG, LLC	Brett	Green	444 Brickell Avenue	bgreen@relatedgroup.com	For Profit Developer
RUDG, LLC	Andrew	Milo	444 Brickell Avenue	awelo@relatedgroup.com	For-Profit Developer
Housing Trust Group	Matthew	Rieger	3225 Aviation Ave	mattr@htgf.com	For-Profit Developer
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BEACHFRONT REALTY	Valerie	Gardner	P..O .Box 279262	varg58@bellsouth.net	For-Profit Developer
VARG LAND	Valerie	Gardner	P..O .Box 279262	varglanddeveloper@gmail.com	For-Profit Developer
RUDG	Andrew	Velo	444 Brickell Ave	AVELO@RELATEDGROUP.COM	For-Profit Developer
Green Mills Group	Diana	Mansur	100 SE 3rd Ave., FL	dmansur@greenmillsgroup.com	For-Profit Developer
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The Benoit Group	ED	JENNINGS	270 171H STREET	replennings@aim.com	For-Profit Developer
brothers Investment	ASSIM	ALABED	2428 NW 20 ST	BROTHERSINVESTMENTFIRM@GMAIL.(	For-Profit Developer
A1 DURAN ROOFING	Natalie	Duran	8095 NW 64TH ST	natalieduranre@GMAIL.COM	For-Profit Developer
VARG Land Developer	VALERIE	GARDNER	2175 NW 105th	varg58@bellsouth.net	For-Profit Developer
Centennial	Brian	Jaffe	7735 NW 146th St	bjaffe@centennialmgt.com	For-Profit Developer
NW 62nd Street LLC	Lynda	Harris	5793A NW 151	lh1807@aol.com	For-Profit Developer
Sanctus Spiritus	Luis	Esqueda	253 NE 2nd Street	lesqueda@icloud.com	For-Profit Developer
JCG Real Estate, LLC	Jason	Goldfarb	1550 Michigan	jcgoldfarb@gmail.com	For-Profit Developer
Investment	Horace	Gusha	2851 Fillmore St	hmgoshu@gmail.com	For-Profit Developer

LVH, Inc.	Lynda	Harris	5793A NW 151	lh1607@aol.com		For-Profit Developer
MCM	Pedro	Murilla	6201 SW 70 St	pmurilla@mcm-us.com		For-Profit Developer
FALCON 6	Laura	Murilla	6030 SW 114th	Laura@falcon6group.com		For-Profit Developer
3MB	Pedro Manuel	Murilla	7215 Sunset dr.	pmmurilla@me.com		For-Profit Developer
3MB	Pedro	Murilla	7215 SW 70th St.	pmmurilla@me.com		For-Profit Developer
EA Property Consulting	Leonardo	Ambard	9600 NW 25 St. #2A	lambard@eapropertyconsulting.com		For-Profit Developer
VP and Project Partner	Ron	Mehl	1102 W 120th Ave	rmehl@downlnumlnc.com		For-Profit Developer
Michaels Development	Milton	Pratt, Jr.	3 East Stow Rd	mpratt@mdo.com		For-Profit Developer
RUDG	Andrew	Velo	444 Brickell Avenue	avelo@relatedgroup.com		For-Profit Developer
Atlantic Pacific	Liz	Wong	161 NW 6th Street	lwong@apicompanies.com		For-Profit Developer
The Richman Group	Mac	Ross	477 S Rosemary	rossm@richmancapital.com		For-Profit Developer
MATEU Architecture	Armando	Rizo	8887 SW 131 ST	amr@mateu.co		For-Profit Developer
Design Consortium	Luis	Castellon	7414 SW 48 Street	luiscastellon73@gmail.com		For-Profit Developer
Lincoln Avenue Capital	Yoni	Gruskin	201 Santa Monica	yoni@lincolnavecap.com		For-Profit Developer
Luar Inv. LLC	Raul	Rodriguez	215 SW 125 AVE	raul@luarllc.com		For-Profit Developer
JCG Florida Holdings,	Jason	Goldfarb	1550 Michigan	jcgoldfarb@gmail.com		For-Profit Developer
Centro Campesino	Bill	Sevilla	35801 SW 186th	bsevilla@ccfofl.org		Homebuyer
Trinity Empowerment	Stephanye	Johnson	18142 SW 97th Ave	stcflyc@trinityempowers.org		Homebuyer
Neighborhood Housing			300 NW 12th			Homebuyer
Services of South	Amadeo	Marino	Avenue	Info@nhssf.org		Counseling Agency
Opa-locka Community			490 Opa locka			Homebuyer
Development	Tanya	Williams	Boulevard	tanya@okdc.org		Counseling Agency
The Experts Resource						Homebuyer
Community Center,	Danny	Felton	610 NW 183 St	danny@ericahelp.org		Counseling Agency
Chester Capital	Keva	Chester	19821 NW 2nd Ave	wealth@chestercapitals.com		Homebuyer
BB&T	Martha	Garcia	7545 N Kendall Drive	martha.garcia@bbandt.com		Homeownership
Housing Finance						Homeownership
Authority of Miami-	Amelia	Gowdy	7855 NW 12 Street	agowdy@hfamiami.com		Lender
City National Bank	Michelle	Christensen	25 West Flagler	michelle.christensen@citynational.com		Homeownership
Neighborhood Housing			300 NW 12th			Homeownership
Services of South	Amadeo	Marino	Avenue	Info@nhssf.org		Lender
AmeriFirst Realty of	Alelandro	Perez	9415 Sunset Drive	alex@amerifirst-online.com		Homeownership

PRMG	Wilbert	Cason	3401 NW 82 AVE	WCASON@PRMG.NET	Homeownership
TotalBank	Mar	Pena	1865 NE 123rd	mpena@totalbank.com	Homeownership
TotalBank	Mar	Pena	100 SE 2nd Street	mpena@totalbank.com	Homeownership
Citibank	Reanatta	Delgado		reanatta.delgado@citi.com	Homeownership
Private Advising Group	Pieter	Weyts	1521 Alton Road	pieterweyts@gmail.com	Low Income Tax
Gershman Mortgage	Michael	Thomas	3773 Cherry Creek	mthomas@gershman.com	Multi-Family Lender
Professional Bank	Larry	Goldberg	396 Alhambra Circle	lgoldberg@probankfl.com	Multi-Family Lender
Hunt Companies	Chad	Musgrove	2990 Ponce De Leon	chad.musgrove@huntcompanies.com	Multi-Family Lender
CDC Financial Corp.	Chris	Cory	11311 SW 25th	corycdc@bellsouth.net	Multi-Family Lender
Raza Development	Peter	McDougal	1532 Trevino	PMcDougal@RazaFund.org	Multi-Family Lender
Gialarossi, LLC.	Eric	Moser	1430 South Dixie	maxmoservaluation@gmail.com	Multi-Family Lender
Florida City					
Community	Rick	Stauts	404 West Palm Drive	richard.stauts@floridacityfl.gov	Municipality
City of North Miami	Marie-Frantz	Jean-Pharuns	12400 NE 8 Ave	mjean-pharuns@northmiamifl.gov	Municipality
City of South Miami	Angelica	Bueno	6130 Sunset Drive	abueno@southmiamifl.gov	Municipality
City of Miami Beach	Maria	Ruiz	1700 Convention	mariaruiz@miamibeachfl.gov	Municipality
City of Sweetwater	Ian	Vallecillo	500 SW 109 Avenue	ivallecillo@cityofsweetwaterfl.gov	Municipality
City of Miami Beach	Kathie	Brooks	1700 Convention	kathiebrooks@miamibeachfl.gov	Municipality
City of Miami Beach	Marcela	Rubio	1700 Convention	marcelarubio@miamibeachfl.gov	Municipality
City of Miami	George	Mensah	444 SW 2nd Ave	gmensah@miamigov.com	Municipality
City of South Miami	Zachariah	Cosner	6130 Sunset Drive	Zcosner@SouthMiamiFL.Gov	Municipality
Centro Campesino	Jorge	Barrios	35801 SW 186 Ave	jbarrios@ccdcfl.org	Not-For Profit
St. John C.D.C	Eric	Haynes	1324 N.W. 3rd ave	skelly@stjohncdc.org	Not-For Profit
Habitat for Humanity	Mario	Artecona	3800 nw 22 ave	mario@miamihabitat.org	Not-For Profit
Habitat for Humanity	Karin	Wright	3800 nw 22 ave	karin.wright@miamihabitat.org	Not-For Profit
The Housing League	Jerry	Flick	825 ROYAL PALM	jerry@thehouseingleague.org	Not-For Profit
East Little Havana					Not-For Profit
Community	Anita	Rodriguez	1465 SW 8th Street	elhcdc@bellsouth.net	Developer
Volunteers of America	Jessica	Ehresman		jehresman@voa-fla.org	Not-For Profit
Affiliated	Michelle	Rice	414 N. Andrews	MRice@AffiliatedDevelopment.com	Not-For Profit
Turnstone	Michael	Hartman	1370 Taurus Court	mhartman@turnstonedev.org	Not-For Profit
The Empowerment	Reginald	Chrispin	1002 Adams Ave	rschrispin@yahoo.com	Not-For Profit

Neighborhood Housing	Steve	Blazekovic	305 NW 58th St	slovcblazekovic@yahoo.com	Not-For Profit
Turnstone	William Schneider		10 S. LaSalle Street	bschneider@turnstonedev.org	Not-For Profit
Housing Authority of the City of Miami	Michael OHara		200 Alton Road	mike@hacmb.org	Not-For Profit Developer
Turnstone	Rhonda Butler		10 S. LaSalle Street	rbutler@turnstonedev.org	Not-For Profit
Miami Dade					Not-For Profit
Affordable Housing	Audrey Robertson		7855 NW 12 Street	arobertson@mdahfi.org	Developer
GEC Associates, Inc.	Luis Enriquez		9487 NW 12th	jespinales@gccassociates.com	Not-For Profit
Venity Women	Valeria Gardner		2175 NW 105th St	vwoinc@gmail.com	Not For Profit
Volunteers of America	Susan Tracy		405 Central Avenue	stracy@voa-fla.org	Not-For Profit
New Urban	Elon Metoyer		8500 NW 25th Ave	emetoyer@nudllc.org	Not-For Profit
Neighborhood Housing			300 NW 12th		Not-For Profit
Services of South	Herman Guerrero		Avenue	hernang@nhsof.org	Developer
Neighborhood Housing			300 NW 12th		Not-For Profit
Services of South	Kimberly Henderson		Avenue	kimh@nhsof.org	Developer
Volunteers of America	Michelle Senior		1492 W. FLAGLER ST	MSENIOR@VOA-FLA.ORG	Not-For Profit
Housing Programs, Inc	Isaac Simhon		16499 NE 19th Ave	housingprograms@bellsouth.net	Not-For Profit
South Florida	Mandy Bartle		690 NE 13th Street	mandy@southfloridadcf.org	Not For Profit
South Florida	Charles Dabney		690 NE 13th Street	charles@southfloridadcf.org	Not-For Profit
New Urban	Oliver Gross		8500 NW 25 Avenue	oliverg@nudllc.org	Not-For Profit
Urban League of	T. Fair		8500 NW 25 Avenue	lwfair@bellsouth.net	Not-For Profit
Volunteers of America	Jessica Ehresman			jehresman@voa-fla.org	Not-For Profit
Community Coalition	Lisa Sorneillan		2100 Coral Way	elsa@communitycoalition-inc.org	Not For Profit
Elderly Housing			1580 Sawgrass		Not-For Profit
Development &	Delmar Melton		Corporate Parkway	dmelton@ehdoc.org	Developer
Elderly Housing			1580 Sawgrass		Not-For Profit
Development &	Jaimeel Fenton		Corporate Parkway	jfenton@ehdoc.org	Developer
Sister Of NEW Corp.	Luisa Ortiz		2771 OCEAN CLUB	ortiz@sistersofnew.org	Not-For Profit
EHDDC	Delmar Melton		1580 Sawgrass	dmelton@ehdoc.org	Not-For Profit
Miami Dade					Not-For Profit
Affordable Housing	Audrey Robertson		7855 NW 12 Street	arobertson@mdahfi.org	Developer
Sunrise Community	Niles Dookie		9040 SUNSET DRIVE	ndookie@sunrisegroup.org	Not-For Profit

fundacion hijos del sol	Solange	Motta	815 N Homestead	solangemotta@gmail.com	Not-For Profit
Maranatha	Mary	Small	9306 Firenze Dr.	mary.small@mma-pbc.com	Not-For Profit
REVA Development	Lynda	Harris	5793A NW 151	lh1607@aol.com	Not-For Profit
Florida Housing	Melissa	Levy	227 N Bronough	melissa.levy@floridahousing.org	Public Service
Redevelopment Group	Barbara	Gomez	3625 NW 82nd	bgomez@redvgroup.com	Public Service
TAG Associates of	Bill	Grindl	204 N Village St	BGrindl@aol.com	Public Service
Majestics Vision Lawn	Phyllis	Simpkins	19000 NW 8th Court	majestics.vision@yahoo.com	Public Service
City of Coral Gables	Elsy	Fuentes	405 Biltmore Way	efuentes@coralgables.com	Public Service
TAG Associates, Inc.	Jeffrey	Lines	511 Washington	jlMag@aol.com	Public Service
TAG Associates of	Bill	Grindl	511 Washington	bgrindl@aol.com	Public Service
Government Services	Deanna	Lloyd	22968 Overseas	dlloyd@bgovserv.com	Public Service
Chapman Partnership	Victoria	Hopta	1550 North Miami	vhopta@chapmanpartnership.org	Public Service
New Hope	Randall	Holls	1881 nw 103rd st	nhdci@aol.com	Public Service
Florida Venture	Alma	Delgado	13501 NW 107	fvfoutreach@yahoo.com	Public Service
Miami Bridge Youth &	David	Sharfman	2810 NW South	dsharfman@miamibridge.org	Public Service
Chapman Partnership	Victoria	Hopta	1550 North Miami	vhopta@chapmanpartnership.org	Public Service
Helping Hands Youth	Sheila	Richardson	6304 NW 14th	srindia15@aol.com	Public Service
Helping Hands Youth	Sheila	Richardson	6304 NW 14th	srindia15@aol.com	Public Service
Thelma Gibson Health	Merline	Barton	3634 Grand Avenue	mbarton@tghurbiami.org	Public Service
INN DA HOUSE, INC.	Patricia	Wright	1221 NW 179th	proker7@bellsouth.net	Public Service
Miami-Dade County	Victoria	Mallette		victoria.mallette@miamidade.gov	

Binder Number	Agency Name	Activity Title	Activity Description	Activity Category	Funding Source	Activity Address	District Activity Located	District Serving	Staff Recommendations	COVID-19-Commission District Fund (CDF)	Legend	Total Recommendation
CDBG - PUBLIC SERVICE & COUNTY ALLOCATIONS (APPLICATIONS NOT SUBJECT TO SELECTION COMMITTEE SCORING) CDF COVID-19 RESPONSE: $1,239,207												
N/A	Public Housing and Community Development	Public Service for COVID-19 Response Countywide	Provide public services for COVID-19 Response Countywide, allocated in each commission district.	PS	CDBG	701 NW 1st Court, Miami, FL 33136	CW	CW	**$ 451,705.00**	**$ -**	**2**	**$ 451,705.00**
						CDBG - PUBLIC SERVICE COUNTY ALLOCATIONS COVID-19 RESPONSE SUB-TOTAL:			**$ 451,705.00**	**$ -**		**$ 451,705.00**
N/A	Greater Miami Service Corps	Youth Employment Training	To provide 25 18-24 year olds with an opportunity to earn their GED or high school diploma, gain industry credentials paid and unpaid work experience, job training, and employment. [CDF 1 = $48,107.94]	PS	CDBG	810 NW 28th Street, Miami, FL 33127 and 15355 Harding Lane, Miami, FL 33033	3,8	CW	**$ -**	**$ 48,107.94**	**2**	**$ 48,107.94**
N/A	Teen Upward Bound, Inc.	Enrichment Camp	Tutoring and afterschool activities for youth 5-18 at 717 Opa-Locka Blvd., Opa-Locka, FL 33054 and 215 N. Perviz Avenue, Opa-Locka, FL 33054. [CDF 1 = $48,107.94]	PS	CDBG	215 N. Perviz Avenue, Opa-Locka, FL 33054	1	CW	**$ -**	**$ 48,107.94**	**2**	**$ 48,107.94**
N/A	The Family Corners, Inc	COVID-19 Assistance Program	Assist Families affected by the pandemic. [CDF 2- $20,324]	PS	CDBG	1005 NW 128th Street North Miami, FL 33168	2	CW	**$ -**	**$ 20,324.00**	**2**	**$ 20,324.00**
N/A	A Related Entity of New Jersusalem Primitive Baptist Church	COVID Ready Reentry Program	Assist Families affected by the pandemic [CDF 2- $30,000]	PS	CDBG	777 NW 85th Street, Miami, FL 33150	2	CW	**$ -**	**$ 30,000.00**	**2**	**$ 30,000.00**
N/A	New Hope Development Center, Inc.	Financial Literacy	Provide a financial literacy program [CDF 2- $30,000]	PS	CDBG	1881 NW 103rd Street, Miami, FL 33147	2	CW	**$ -**	**$ 30,000.00**	**2**	**$ 30,000.00**
N/A	The ARC of South Florida, Inc.	Youth/Special needs Program	Program for 45 children with developmental delays/disabilities [CDF 4=$25,324]	PS	CDBG	15389 NW 79th Court Hialeah, FL 33016	13	CW	**$ -**	**$ 25,324.00**	**2**	**$ 25,324.00**
N/A	Jewish Community Services of South Florida, Inc.	Senior Services Program	Senior Service Program to serve 100 seniors with meals and medical supplies [CDF 4 = $35,000]	PS	CDBG	735 NE 125th Street North Miami, FL 33161	2	CW	**$ -**	**$ 35,000.00**	**2**	**$ 35,000.00**

Binder Number	Agency Name	Activity Title	Activity Description	Activity Category	Funding Source	Activity Address	District Activity Located	District Serving	Staff Recommendations	COVID-19-Commission District Fund (CDF)	Legend	Total Recommendation
N/A	Brownsville Medical Center, Inc.	Brownsville Medical Center	Expand current operations to include a community center to host food distribution and a food bank. [CDF 3 = $15,814.78	PS	CDBG	2400 NW 54 Street, Miami, FL 33142	3	3	$ -	$ 15,814.78		$ 15,814.78
N/A	Latinos United in Action Center, Inc.	Allapattah Children Empowerment Strategies (A.C.E.S.)	An positive educational youth development after school program for 60 students 11 to 14 years old attending Middle schools in Allapattah, Melrose, Model City, Liberty City or nearby communities. [CDF 3 = $25,814.77]	PS	CDBG	3323 NW 17th Avenue, Miami, FL 33142	3	2, 3	$ -	$ 25,814.77		$ 25,814.77
N/A	Greater Miami Service Corps	Youth Employment and Training	To provide 50 18-24 year olds with an opportunity to earn their GED or high school diploma, gain industry credentials paid and unpaid work experience, job training, and employment. [CDF 3 = $25,814.77]	PS	CDBG	810 NW 28th Street, Miami, FL 33127 and 15355 Harding Lane, Miami, FL 33033	3, 8	CW	$ -	$ 25,814.77		$ 25,814.77
N/A	Josefa Perez de Castano Kidney Foundation, Inc.	Services for Disabled Seniors	Provide services for seniors [CDF 5 = $30,000]	PS	CDBG	2141 SW 1st Street, Suite 102, Miami, FL 33135	5	CW	$ -	$ 25,000.00	2	$ 25,000.00
N/A	Miami Bridge Youth and Family Services, Inc.	Shelter and Community Recreational Health and Wellness	Provide services for youth and families [CDF 5 = $15,000]	PS	CDBG	2810 NW South River Drive, Miami, FL 33125	5	CW	$ -	$ 15,000.00	2	$ 15,000.00
N/A	Miami Lighthouse for the Blind and Visually Impaired, Inc.	Youth Program	Program to serve visually impaired youth with emphasis on kindergarten and first grade. [CDF 4 = $35,000]	PS	CDBG	601 SW 8th Avenue Miami, FL 33130	5	CW	$ -	$ 35,000.00	2	$ 35,000.00
N/A	The Association for the Developmental of the Exceptional, Inc.	Services for Developmental Disabled Adults	Provide academic , vocational, and employment training to low moderate income special needs population [CDF 6 =$17,662]	PS	CDBG	7330 NW 12 the Street Miami, FL 33126	6	CW	$ -	$ 17,662.00	2	$ 17,662.00

Binder Number	Agency Name	Activity Title	Activity Description	Activity Category	Funding Source	Activity Address	District Activity Located	District Serving	Staff Recommendations	COVID-19-Commission District Fund (CDF)	Legend	Total Recommendation
N/A	Llirraff'o, Inc.	School readiness	Provide services at the learning center for low moderate income children [CDF 6= $60,000]	PS	CDBG	6741 SW 24th Street Miami, FL 33126	6	CW	$ -	$ 60,000.00	2	$ 60,000.00
N/A	City of South Miami	Senior Meals Program	Senior meals program to serve 75 senior residents of District 7. [CDF 7 = $30,000]	PS	CDBG	6701 SW 62nd Avenue, South Miami, FL	7	CW	$ -	$ 30,000.00	2	$ 30,000.00
N/A	Thelma Gibson Health Initiative, Inc.	Job Readiness/Placement and Family Stabilization	Job readiness and placement program with family stabilization services. [CDF 7 = $35,000]	PS	CDBG	3750 South Dixie Highway, Miami, FL 33133	7	CW	$ -	$ 35,000.00	2	$ 35,000.00
N/A	Thelma Gibson Health Initiative, Inc.	Counseling/Social Service support	Social Services program providing life skills. [CDF 7 = $30,000]	PS	CDBG	3750 South Dixie Highway, Miami, FL 33133	7	CW	$ -	$ 30,000.00	2	$ 30,000.00
N/A	Richmond Heights Community Association, Inc		CDF 9=$20,000	PS	CDBG		9	CW	$ -	$ 20,000.00	2	$ 20,000.00
N/A	Greater Miami Service Corps		CDF9= $7,500	PS	CDBG		9	CW	$ -	$ 7,500.00	2	$ 7,500.00
N/A	Three Virtues Organization, Inc.	Family Meals Program	Provide nutritional snacks for families CDF9=$5117	PS	CDBG	283 South Krome Avenue, Homestead, FL 33030	9	CW		$ 5,117.00	1	$ 5,117.00
N/A	Goulds Coalition of Lay Minitries, Inc.		CDF9= $20,000	PS	CDBG		9	CW	$ -	$ 20,000.00	2	$ 20,000.00
N/A	The Optimist Foundation of Greater Goulds, Inc.		CDF9=$37,500	PS	CDBG		9	CW	$ -	$ 37,500.00	2	$ 37,500.00
N/A	Mother's Fighting for Justice, Inc		CDF9= $5117	PS	CDBG		9	CW	$ -	$ 5,117.00	2	$ 5,117.00
								CDBG - PUBLIC SERVICE COVID-19 (CDF) SUB-TOTAL:	$ 647,204.20	$ 647,204.20		$ 647,204.20
CDBG - PUBLIC SERVICE: $120,000												

Binder Number	Agency Name	Activity Title	Activity Description	Activity Category	Funding Source	Activity Address	District Activity Located	District Serving	Staff Recommendations	COVID-19-Commission District Fund (CDF)	Legend	Total Recommendation
N/A	Little Havana Activities and Nutrition Center	Senior Meals Program	Senior meals program	PS	CDBG	700 SW 8th Street, Miami, FL 33130	5	CW	**$ 45,000.00**	**$ -**	**1**	**$ 45,000.00**
N/A	Three Virtues Organization, Inc.	Family Meals Program	Provide nutritional snacks for families.	PS	CDBG	283 South Krome Avenue, Homestead, FL 33030	9	CW	**$ 30,000.00**	**$ -**	**1**	**$ 30,000.00**
N/A	Curley's House of Style, Inc.	Elderly Meals Program	To provide increased bulk meals for elderly clients in the community. (CDF= $ 25,814.77	PS	CDBG	6025 NW 6th Court, Miami, FL 33127	3	CW	**$ 45,000.00**	**$ 25,814.77**	**1**	**$ 70,814.77**
								CDBG - PUBLIC SERVICE SUB-TOTAL:	**$ 120,000.00**	**$ 25,814.77**		**$ 145,814.77**

Binder Number	Agency Name	Activity Title	Activity Description	Activity Category	Funding Source	Activity Address	District Activity Located	District Serving	Staff Recommendations	COVID-19-Commission District Fund (CDF)	Legend	Total Recommendation
CDBG - PUBLIC SERVICE TECHNICIAL ASSISTANCE (PS-TA): $555,000.00												
N/A	Greater North Miami Chamber of Commerce	Technical Assistance	Provide technical assistance to business [CDF 2-$15,000]	PSTA	CDBG	13100 West Dixie Highway, #4131, North Miami, FL 33161	2	CW	$ -	$ 15,000.00	2	$ 15,000.00
N/A	Neighbors and Neighbors Association, Inc.	Technical Assistance to Businesses	Provide technical assistance to 50 businesses Countywide.	PS-TA	CDBG	5120 NW 24th Avenue, Miami, FL 33142	3	CW	$ 90,000.00	$ -	1	$ 90,000.00
N/A	Hispanic Business Initiative Fund of Florida, Inc. DBA Prospera	Technical Assistance to Businesses	Technical assistance to 50 small business owners including training, one-on-one consulting and grants.	PS-TA	CDBG	2305 NW 107 Avenue, Suite 1M17, Miami, FL 33172	12	CW	$ 90,000.00	$ -	1	$ 90,000.00
N/A	S. FL Puerto Rican Chamber of Commerce	Technical Assistance to Businesses	Provide business technical assistance to 40 L/M businesses.	PS-TA	CDBG	3550 Biscayne Blvd., Suite 306, Miami, FL 33137	3	CW	$ 90,000.00	$ -	1	$ 90,000.00
N/A	Branches, Inc.	Assets Miami	Technical Assistance to 50 small businesses.	PS-TA	CDBG	11500 NW 12th Avenue, Miami, FL 33168	2	CW	$ 90,000.00	$ -	1	$ 90,000.00
N/A	Dynamic Community Development Corporation	Technical Assistance Program	Provide business technical assistance to 40 low/medium businesses.	PS-TA	CDBG	3550 Biscayne Blvd., Suite 304, Miami, FL 33137	3	CW	$ 90,000.00	$ -	1	$ 90,000.00
N/A	79th Street Corridor Neighborhood Initiative, Inc.	Technical Assistance to Businesses	Technical assistance to 40 businesses.	PS-TA	CDBG	7900 NW 27 Avenue, Suite 236, Miami, FL 33147	2	2	$ 90,000.00	$ -	1	$ 90,000.00
						CDBG - PUBLIC SERVICE TECHNICIAL ASSISTANCE (PS-TA) SUB-TOTAL:			$ 540,000.00	$ 15,000.00		$ 555,000.00
CDBG - PUBLIC HOUSING NUTRITIONAL ASSISTANCE PROGRAM (PS): $2,186,466.40												
N/A	Public Housing and Community Development	Public Housing Nutritional Assistance Program for COVID-19 Response Countywide	Provide Nutritional Assistance Program for residents in public housing impacted by CoVid-19	PS	CDBG	701 NW 1st Court, Miami, FL 33136	CW	CW	$2,186,466.40	$ -	2	$2,186,466.40
						CDBG - PUBLIC HOUSING NUTRITIONAL ASSISTANCE PROGRAM (PS) SUB-TOTAL:			$2,186,466.40	$ -		$2,186,466.40

Binder Number	Agency Name	Activity Title	Activity Description	Activity Category	Funding Source	Activity Address	District Activity Located	District Serving	Staff Recommendations	COVID-19-Commission District Fund (CDF)	Legend	Total Recommendation
CDBG - ECONOMIC DEVELOPMENT (BUSINESS INCUBATOR ASSISTANCE PROGRAM): $703,018.40												
N/A	Miami-Dade Chamber of Commerce	Technical Assistance to Businesses	Provide business technical assistance toL/M businesses, create 3 jobs	PS-TA	CDBG	100 S. Biscayne Blvd. Miami, FL 33131	3	CW	**$ 90,000.00**	**$ -**	**1**	**$ 90,000.00**
N/A	Neighbors and Neighbors Association, Inc.	Accelerate South Dade - Business Incubator	Cost-effective business support services and resources to new and growing micro-enterprise businesses. Jobs = 7 (CDF8=$95,324)	ED	CDBG	10700 Caribbean Boulevard, Suite 301, Miami, FL 33189	8	CW	**$ 140,000.00**	**$ 95,324.00**	**1**	**$ 235,324.00**
N/A	Neighbors and Neighbors Association, Inc.	ESBDH Business Incubator / Goulds BRC	Cost-effective business support services and resources to new and growing micro-enterprise businesses. Jobs = 11	ED	CDBG	5120 NW 24th Avenue, Miami, FL 33142; and 22121 South Dixie Highway, Miami, FL 33170	3,8	CW	**$ 377,694.40**	**$ -**	**1**	**$ 377,694.40**
						CDBG - ECONOMIC DEVELOPMENT (BUSINESS INCUBATOR ASSISTANCE PROGRAM) SUB-TOTAL:			**$ 607,694.40**	**$ 95,324.00**		**$ 703,018.40**
CDBG - SPECIAL ECONOMIC DEVELOPMENT: $500,000												
N/A	Public Housing and Community Development	Special Economic Development set-aside	Special Economic Development set-aside for an open and rolling applications process. Create up to 15 jobs, with 51% or greater of these jobs for low- and moderate-income individuals.	SPED	SPED CDBG	701 NW 1st Court, 16th Floor, Miami, FL 33136	CW	CW	**$ 500,000.00**	**$ -**	**2**	**$ 500,000.00**
						SPED - SPECIAL ECONOMIC DEVELOPMENT SUB-TOTAL:			**$ 500,000.00**	**$ -**		**$ 500,000.00**
CDBG - ECONOMIC DEVELOPMENT (SECTION 108 PROGRAM): $2,129,053.07												
N/A	Public Housing and Community Development	Section 108 Program (EDI)	Payment of Section 108 Loan, which provided support for Section 108 small businesses located in the County's Targeted Urban Areas (TUAs).	ED - Section 108 Program	CDBG	701 NW 1st Court, 16th Floor, Miami, FL 33136	CW	CW	**$ 2,129,053.07**	**$ -**	**2**	**$ 2,129,053.07**
						CDBG - ECONOMIC DEVELOPMENT (SECTION 108 PROGRAM) SUB-TOTAL:			**$ 2,129,053.07**	**$ -**		**$ 2,129,053.07**

Binder Number	Agency Name	Activity Title	Activity Description	Activity Category	Funding Source	Activity Address	District Activity Located	District Serving	Staff Recommendations	COVID-19-Commission District Fund (CDF)	Legend	Total Recommendation
CDBG - PUBLIC FACILITIES & CAPITAL IMPROVEMENTS (PFCI): $1,671,115.25												
N/A	Public Housing and Community Development	Roadway Improvement Project in the City of Opa-Locka	Provide roadway and drainage improvements to NW 131st Street from NW 31st to NW 32nd Avenues.	PFCI	CDBG	701 NW 1st Court, 16th Floor, Miami, FL 33136	2	2	**$ 500,000.00**	**$ -**	**2**	**$ 500,000.00**
N/A	Public Housing and Community Development	Midway Area Roadway Improvement Project	Provide paved swale blocks and on-street parking infrastructure at NW 8th to NW 10th Streets, between NW 79th Avenue to approximate NW 84th Avenue.	PFCI	CDBG	701 NW 1st Court, 16th Floor, Miami, FL 33136	10	10	**$ 345,565.00**	**$ -**	**2**	**$ 345,565.00**
N/A	Public Housing and Community Development	Sewer Infrastructure Improvement Project	Provide rehabilitation to sewer pump station number 4 and system upgrades in multiple areas in the City of Opa-Locka to improve sewer capacity for PHCD-owned affordable housing units.	PFCI	CDBG	701 NW 1st Court, 16th Floor, Miami, FL 33136	2	2	**$ 500,000.00**	**$ -**	**2**	**$ 500,000.00**
N/A	Easter Seals South Florida, Inc.	Easter Seals Miami Gardens Building Improvements	Building improvements of a child care center to include energy efficiency upgrades and security enhancements for 15 low- and moderate-income children.	PFCI	CDBG	16425 NW 25th Avenue, Miami Gardens, FL 33054	1	1	**$ 100,000.00**	**$ -**	**1**	**$ 100,000.00**
N/A	Neighbors and Neighbors Association, Inc.	Repurpose Former School for Use as Community Center	Make capital improvements to a public facility used to provide social services.	PFCI	CDBG	5120 NW 24th Avenue, Miami, FL 33142	3	3	**$ 145,000.00**	**$ -**	**1**	**$ 145,000.00**
						CDBG - PUBLIC FACILITIES & CAPITAL IMPROVEMENTS (PFCI) SUB-TOTAL:			**$ 1,590,565.00**	**$ -**		**$ 1,590,565.00**
CDBG – 2020 PROGRAM INCOME: $5,492,434												
N/A	Department of Public Housing and Community Development (PHCD)	Substantial rehabilitation of public housing units	Program income received from loan payments, to be used for substantial rehabilitation of public housing units.	Housing	CDBG	701 NW 1st Court, 16th Floor Miami, FL 33136	CW	CW	**$ 5,492,434.00**	**$ -**		**$ 5,492,434.00**
						CDBG – 2020 PROGRAM INCOME SUB-TOTAL:			**$ 5,492,434.00**	**$ -**		**$ 5,492,434.00**

Binder Number	Agency Name	Activity Title	Activity Description	Activity Category	Funding Source	Activity Address	District Activity Located	District Serving	Staff Recommendations	COVID-19-Commission District Fund (CDF)	Legend	Total Recommendation
CDBG - HOUSING: $100,277.16												
N/A	Greater Miami Service Corps	Housing Rehabilitation	Housing Rehabilitation activities (Paint, Landscaping and other improvements) to improve 10 permanent residents homes for low -moderate income residents	Housing	CDBG	Office address: 810 NW 36 Street Miami FL 33127 15355 Harding Place Miami, FL 33033	3,8	CW	**$80,550.25**	**$ 2,064.91**		**$ 82,615.16**
N/A	Assistance to the Elderly, Inc.	Low income rental unit rehabilitation	Rehabilitation and other improvements to 30 Rental units and surrounding hallways for low oncome elderly residents [CDF 6=$17,662]	Housing	CDBG	5817 NW 7th Street Miami, FL 33126	6	CW	**$ -**	**$ 17,662.00**		**$ 17,662.00**
								CDBG - HOUSING SUB-TOTAL:	**$80,550.25**	**$ 19,726.91**		**$ 100,277.16**
CDBG – 2020 PROGRAM ADMINISTRATION: $2,252,276												
N/A	Department of Public Housing and Community Development (PHCD)	Program Administration	Program Administration Activities	Administration	701 NW 1 CT, 16th FLOOR, MIAMI, FL 33136	701 NW 1st Court, 16th Floor Miami, FL 33136	N/A	N/A	**$ 2,252,276.00**	**$ -**		**$ 2,252,276.00**
								CDBG – ADMINISTRATION ALLOCATIONS SUB-TOTAL:	**$ 2,252,276.00**	**$ -**		**$ 2,252,276.00**
								CDBG - GRANDTOTAL:	**$ 16,597,948.32**	**$ 155,865.68**		**$ 16,753,814.00**

Binder Number	Agency Name	Activity Title	Activity Description	Activity Category	Funding Source	Activity Address	District Activity Located	District Serving	Staff Recommendations	COVID-19-Commission District Fund (CDF)	Legend	Total Recommendation
HOME - ACQUISTION, NEW CONSTRUCTION OR REHABILITATION OF AFFORDABLE RENTAL HOUSING, PRE-DEVELOPMENT OR SINGLE FAMILY HOMEOWNERSHIP: $5,510,828.46												
N/A	Public Housing and Community Development (PHCD)	Housing Development	New construction and/or rehabilitation of multi-family rental housing, serving countywide. (Includes program income of $1,644,775.56).	Housing	HOME	701 NW 1st Court, 16th Floor Miami, FL 33136	CW	CW	**$ 5,510,828.46**	**$ -**	**2**	**$ 5,510,828.46**
	HOME - ACQUISTION, NEW CONSTRUCTION OR REHABILITATION OF AFFORDABLE RENTAL HOUSING, PRE-DEVELOPMENT OR SINGLE FAMILY HOMEOWNERSHIP SUB-TOTAL:								**$ 5,510,828.46**	**$ -**		**$5,510,828.46**
HOME - TENANT-BASED RENTAL ASSISTANCE (TBRA): $300,000												
N/A	Assistance to the Elderly, Inc.	Tenant-Based Rental Assistance	Provide rental subsidy for 85 elderly, disabled, HIV, and mental health individuals with special needs housing.	TBRA	HOME	5617 NW 7 Street, Miami, FL 33126	6	CW	**$ 300,000.00**	**$ -**	**1**	**$ 300,000.00**
				HOME - TENANT-BASED RENTAL ASSISTANCE SUB-TOTAL:					**$ 300,000.00**	**$ -**		**$ 300,000.00**
HOME - HOMELESS SET-ASIDE/TENANT-BASED RENTAL ASSISTANCE (TBRA): $300,000												
N/A	Camillus House, Inc.	Homeless TBRA	Provide tenant based rental assistance for homeless individuals and families.	Homeless Set-Aside TBRA	HOME	1603 NW 7th Avenue, Miami, FL 33136	CW	CW	**$ 300,000.00**	**$ -**	**2**	**$ 300,000.00**
HOME - HOMELESS SET-ASIDE (TBRA) SUB-TOTAL:									**$ 300,000.00**	**$ -**		**$ 300,000.00**
HOME – ADMINISTRATION $496,228.10												
PHCD	Public Housing and Community Development (PHCD)	Administration	Program Administration Activities	Administration	HOME	701 NW 1st Court, 16th Floor Miami, FL 33136	CW	CW	**$ 496,228.10**	**$ -**		**$ 496,228.10**
						HOME ADMINISTRATION SUB-TOTAL:			**$ 496,228.10**	**$ -**		**$ 496,228.10**
						HOME GRAND TOTAL, INCLUDING PROGRAM INCOME:			**$ 6,607,056.56**	**$ -**		**$ 6,607,056.56**

Binder Number	Agency Name	Activity Title	Activity Description	Activity Category	Funding Source	Activity Address	District Activity Located	District Serving	Staff Recommendations	COVID-19-Commission District Fund (CDF)	Legend	Total Recommendation
EMERGENCY SOLUTIONS GRANT (ESG) - HOMELESS EMERGENCY SHELTER AND OUTREACH: $617,048.94												
19-62	Camillus House, Inc.	Emergency Shelter Program	Emergency Shelter program provides emergency services to persons who are homeless. Clients = 240	Homeless	ESG	1603 NW 7th Avenue, Miami, FL 33136	3	CW	**$ 617,048.94**	**$ -**	**1**	**$ 617,048.94**
								EMERGENCY SOLUTIONS GRANT (ESG) - HOMELESS EMERGENCY SHELTER AND OUTREACH SUB-TOTAL:		**$ 617,048.94**	**$ -**		**$ 617,048.94**
EMERGENCY SOLUTIONS GRANT (ESG) - HOMELESS PREVENTION AND RAPID REHOUSING: $426,060.61												
19-8	Citrus Health Network, Inc.	Tenant Based Rental Assistance (TBRA)	ESG/TBRA providing rental assistance to 300 households/940 individuals who are homeless or at-risk for homelessness.	Home-less	ESG	150 East 1st Ave., Suite 105, Hialeah, FL 33010	6	CW	**$ 426,060.61**	**$ -**	**1**	**$ 426,060.61**
								EMERGENCY SOLUTIONS GRANT (ESG) - HOMELESS PREVENTION AND RAPID REHOUSING SUB-TOTAL:		**$ 426,060.61**	**$ -**		**$ 426,060.61**
EMERGENCY SOLUTIONS GRANT (ESG) – ADMINISTRATION: $84,576.45												
PHCD	Department of Public Housing and Community Development (PHCD)	Administration	Program Administration Activities	Administration	701 NW 1 CT, 16th FLOOR, MIAMI, FL 33136	701 NW 1st Court, 16th Floor Miami, FL 33136	CW	CW	**$ 84,576.45**	**$ -**		**$ 84,576.45**
								ESG – ADMINISTRATION SUB-TOTAL:	**$ 84,576.45**	**$ -**		**$ 84,576.45**
								ESG GRANDTOTAL:	**$ 1,127,686.00**	**$ -**		**$ 1,127,686.00**

Legend:

1 - Performing activity in 2019 recommended for 2020 funding.

2 - New activity recommended for 2020 funding.

Program Year & IDIS No.	Agency Name	Activity Title	Activity Category	Activity Description	Activity Address	Commission District	Reason for Recapture	Amount to be Recaptured
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) – Public Service (PS)								
2019	Department of Public Housing and Community Development (PHCD)	PHCD Rental Housing Modernization	Housing	Funding will make needed improvements to outdated structural, electrical and mechanical systems in Public Housing units.	701 NW 1st Court, Miami, FL 33136	1, 7	Commission District Fund - [CDF2 -$15,000 & CDF7 - $18,994.12]	$52,743.98
2017/5741	Department of Public Housing and Community Development (PHCD)	MD-PHCD Special Economic Development- We are the Road, Inc.	Economic Development	Special Economic Development located at 69 SW 7th Street Miami, FL 33130	701 NW 1st Court, Miami, FL 33136	5	Business owner withdrew application due to issues with DERM.	$100,000.00
							CDBG GRAND TOTAL:	**$152,743.98**
EMERGENCY SOLUTIONS GRANT (ESG)								
2017/5686	Community Action and Human Services Department (CAHSD)	Permanent Housing Initiative	Rapid Rehousing	Provide relocation and rental assistance to survivors of domestic violence or labor trafficking.	701 NW 1st Court, Miami, FL 33136	Countywide	Unable to expend all funds, and there is a balance remaining.	$412,709.00
2017/5686	City of Miami Beach	Miami Beach Safety Net	Rapid Rehousing	Provide relocation and case management services to assist homeless individuals.	515 17th Street, Miami Beach, FL 33139	Countywide	The project was delayed in contracting, and the agency elected not to proceed due to an upcoming funding expenditure deadline.	$274,045.00
							ESG GRAND TOTAL:	**$686,754.00**

Program Year & IDIS No.	Agency Name	Activity Title	Activity Category	Activity Description	Activity Address	Comm. District	Amount to be Reallocated
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)							
N/A	Rebuilding Together Miami-Dade, Inc.	Housing Rehabiliation	Housing	Provide rehabilitation services for low-and moderate income homeowners. CDF 2019= $18,994.12]	3628 Grand Avenue, Miami, FL 33133	7	$ 18,994.12
N/A	Greater North Miami Chamber of Commerce	Technical Assistance	Public Service Technical Assistance	Provide technical assistance to businesses [CDF 2, 2018 = $15,000]	13100 West Dixie Highway, #4131, North Miami, FL 33161	2	$ 15,000.00
N/A	Greater Miami Service Corps	Housing Rehabiliation	Housing	Housing Rehabilitation activities (Paint, Landscaping and other improvements) to improve 2 permanent residents homes for low -moderate income residents [CDF 3, 2019 = $18,749.86]	Office address: 810 NW 36 Street Miami FL 33127 15355 Harding Place Miami, FL 33033	3	$ 18,749.86
N/A	Easter Seals South Florida, Inc.	Day Care Center for Children with Disabiltites located at their Civic Center Location.	Public Facilities and Capital Improvement	Final phase of the Replacement of the HVAC system	1475 NW 14th Avenue, Miami, FL 33125	3	$ 100,000.00
						CDBG GRAND TOTAL:	**$ 152,743.98**

EMERGENCY SOLUTIONS GRANT (ESG)							
N/A	Chapman Partnership	Emergency Shelter	ESG	Rehabilitate to maintain emergency shelters located at 550 N Miami Avenue FL 33136 and 28205 SW 124th Ct, Homestead FL 33033.	1550 North Miami Avenue, Miami, FL 33136	Countywide	$686,754.00
						ESG GRAND TOTAL:	**$ 686,754.00**

Department of Public Housing and Community Development (PHCD)
Exhibit 5 - Recaptures

Program Year & IDIS No.	Agency Name	Activity Title	Activity Category	Activity Description	Activity Address	Commission District	Reason for Recapture	Amount to be Recaptured
CDBG-CV CARES ACT FUNDS								
2019/ 5868	Department of Public Housing and Community Development (PHCD)	Public Housing Nutritional Assistance Program	Public Service	Provide Nutritional Assistance Program for residents in public housing impacted by CoVid-19	701 NW 1st Court, Miami, FL 33136	CW	Recapture to initiate a timely disbursement of the Nutritional Assistance Program funding	$2,186,466.40
							CDBG-CV CARES ACT FUNDS GRAND TOTAL:	**$2,186,466.40**

Program Year & IDIS No.	Agency Name	Activity Title	Activity Category	Activity Description	Activity Address	Comm.District	Amount to be Reallocated
CDBG - ECONOMIC DEVELOPMENT (MICROENTERPRISE LENDING)							
N/A	Partners for Self Employment, Inc.	Micro Loans & Technical Assistance to Small Businesses Program	ED	Micro Loans to low income businesses in Miami-Dade County. Jobs = 10	3000 Biscayne Blvd, Suite 215, Miami, FL 33137	CW	**$ 350,000.00**
N/A	Black Economic Development Coalition, Inc. DBA Tools for Change	Micro Enterprise Program	ED	Micro-enterprise program. Jobs = 10	5120 NW 24th Avenue, Miami, FL 33142	CW	**$ 350,000.00**
CDBG - ECONOMIC DEVELOPMENT (MICROENTERPRISE LENDING) SUB-TOTAL:							**$ 700,000.00**
CDBG - ADMINISTRATION OF CARES ACT FUNDS							
N/A	Department of Public Housing and Community Development (PHCD)	Program Administration	Administration	Program Administration Activities	701 NW 1 CT, 16th FLOOR, MIAMI, FL 33136	N/A	**$ 1,486,466.40**
CDBG – ADMINISTRATION OF CARES ACT FUNDS SUB-TOTAL:							**$ 1,486,466.40**

CDBG – REALLOCATIONS TOTAL:	**$ 2,186,466.40**

Exhibit 7

Miami-Dade County
Conditional Loan Commitment

Date

To:

Re:

Dear Borrower:

We are pleased to advise you that on _____, the Board of County Commissioners (BCC) approved a Conditional Loan Commitment for development activity at the above-listed property (the "Property"). The loan is conditionally committed for the payment of hard construction cost as a portion of the development costs to construct the affordable housing units on the Property. This Conditional Loan Commitment is made based upon the request submitted by Borrower for **REPAID** loan funds and is subject to the following terms and conditions:

Borrower: _____ or related entity

Project: _____, a _____unit, _____rise, low-income, _____ community located at _____ which will serve households with incomes at or below 80% of area median income ("AMI"). See the conditions below regarding applicable AMI for residents based upon the source of funds for the Loan.

Loan Amount: The loan shall be in an amount of not-to-exceed **$_____** as approved by the BCC in Resolution **No. R_____** and includes all terms and conditions, including project scope, activity type and, for federal funds, national objective to be achieved (the "Loan"). The loan amount may be decreased as determined by the Mayor or the Mayor's designee, based upon Underwriting (defined below) and information and documentation provided by Borrower.

Conditions: The Loan is conditioned upon the terms, conditions and requirements set forth below (the "Conditions"). The County shall not issue a final unconditional loan commitment, enter a funding contract, close on the Loan, or disburse the Loan funds until all the Conditions are met.

Collateral: Upon satisfaction of the Conditions, Miami-Dade County (County) and Borrower will enter into a funding contract and loan agreement. The Loan shall be evidenced by a promissory note and secured by a construction/permanent mortgage with assignment of leases and rents, a collateral assignment of leases and rents, a collateral assignment of construction documents, a rental regulatory agreement (where applicable), and any other security or collateral as deemed appropriate by the Mayor or Mayor's designee, in his or her sole discretion, with approval of the County Attorney's Office. Borrower shall additionally be required to provide the County with an environmental indemnification agreement, a UCC-1, title affidavit, partnership affidavit (if applicable), corporate resolution approving the loan documents, opinion of counsel, certification of borrower to borrower's counsel, and title policy making the County an insured. The Collateral shall be determined based upon financial feasibility and subsidy layering underwriting to be performed by County staff in an internal process and by an independent underwriter and paid for by Borrower ("Underwriting") following review of a current title search. Additional forms of security may be required if liens, encumbrances, restrictions, or covenants exist on the Property which

the Mayor or Mayor's designee determines, in his or her sole discretion, threaten the County's Collateral. The Mayor or Mayor's designee shall determine, in his or her sole discretion and in consultation with the County Attorney's Office, whether the Collateral provided by Borrower is sufficient to close and disburse the Loan.

Interest Rate: Loan terms, including the interest rate, are those set forth in the FY 2019 Surtax Request for Applications (RFA) for repaid loan funds. Those terms are **0%** interest during construction - years 1 through 2-and **.75%** annual interest-only payments for years 3-30 from development cash flow. Full principal and all accrued interest is due at maturity; and as modified prior to closing by the Mayor or Mayor's designee in accordance with the results of Underwriting.

Repayable: There will be no penalty for prepayment of the Loan (payment of Loan balance before the end of the repayment term). Repayment terms are those set forth in the FY 2019 RFA for repaid loan funds in accordance with Section 17-02 of the Code. All terms may be modified prior to closing by the Mayor or Mayor's designee in accordance with the results of Underwriting. The prepayment of any Loan shall not affect the term of affordability set forth in the Rental Regulatory Agreement or in any of the other Loan Documents.

Term: The Loan will be for 30 years, or as may be established prior to closing by the Mayor or Mayor's designee in accordance with the results of Underwriting.

Conditions:

1. Underwriting, as explained above, shall include financial feasibility review, subsidy layering review, and credit review. Underwriting is performed to protect the County's scarce affordable housing funds and is performed to ensure that the Project has sufficient financing to be completed timely and that the Project is not over-subsidized, meaning the Loan is not needed or the Loan Amount is too high. The County reserves the right to reduce the Loan Amount subject to Underwriting. The County further reserves the right to refuse to issue a final, unconditional loan commitment to Borrower or to enter into a contract for the Loan or to close on the Loan in the event that Underwriting determines that the project is financially unfeasible or otherwise is unfeasible. The costs of Underwriting are to be paid by Borrower.
2. Borrower must prove control of the Property through purchase or lease, as evidenced by a deed or lease and recorded memorandum of lease in Borrower's name. Absence of any threat of foreclosure, taking by eminent domain, or pending bankruptcy are additionally required.
3. Borrower must provide the County with written financing commitments showing committed financing for the entire Development Cost of the Project, including any gaps between the Loan and the overall costs to develop the Project. The Development Cost of the Project means the total cost of completing the entire Project, from acquisition to the issuance of Certificate of Occupancy, including but not limited to the costs for acquisition, design and planning, zoning and variances, financing costs, legal costs, construction, and permitting. In the event of a dispute as to what amount constitutes the actual Development Cost, Borrower and County will use the amount determined by Underwriting to be the Development Cost.
4. Conformance of the Project with the County legislation approving the Loan.
5. Complete plans and specifications of the Project.
6. Payment and performance bond in the amount of the entire construction budget or otherwise in conformance with applicable law. Where a payment and performance bond is not required by law, the Mayor or Mayor's designee may alternatively accept – at the Mayor or Mayor's designee's sole discretion – a letter of credit in an amount acceptable to the Mayor or Mayor's designee.
7. Appraisal of the Property showing that the value of the Project and Property, when completed, exceeds the total amount of debt from all sources to be secured by the Project, unless waived by the Mayor or Mayor's designee.
8. A Phase I environmental report requiring no further action.

9. Such other conditions which are customary and reasonable for a loan of this nature, such as adhering to all Federal, State, and local regulations, ordinances, codes and standards.
10. Meeting all requirements of the State Housing Initiatives Partnership ("SHIP"), Documentary Surtax or Home Investment Partnerships Program ("HOME") program, as applicable, the Community Development Block Grant ("CDBG") program, as applicable and County resolutions and ordinances governing affordable housing development.
11. Compliance with Resolution No. R-346-15, establishing a maximum total development cost per unit; and, where applicable, Resolution No. R-343-15, establishing a maximum amount of total development costs that may be paid with Documentary Surtax funds.
12. The Loan, if SHIP or Surtax funds, may only be used for the development of affordable housing for residents with household incomes not greater than 140% of AMI. The Loan, if HOME or CDBG funds, may only be used for the development of affordable housing for residents with household incomes not greater than 80% of AMI.
13. The Loan in the amount of up to $_____ is conditioned upon the prepayment of Surtax, CDBG, SHIP and or Low-Income Housing Development loan(s) in the same amount.
14. REPAID loan funds will be included in the total County funding for the project for the leveraging Calculation.

This Conditional Loan Commitment will expire in six (6) months if not extended by Miami-Dade County. An extension of this Conditional Loan Commitment may be granted at the sole and absolute discretion of Miami-Dade County. Any extension granted will be contingent upon compliance with and in accordance with Resolution No. R-232-14, as applicable and must be signed by the Mayor or Mayor's Designee to be valid. If the loan does not close prior to the expiration or extension of this Conditional Loan Commitment, the funds will be subject to recapture and allocated to other projects. This Conditional Loan Commitment is not assignable. This Conditional Loan Commitment is the sole and complete agreement between the parties as to the terms of the Loan described herein. The terms of this Conditional Loan Commitment may only be changed in writing in a document signed by the Mayor or the Mayor's designee. No representations, written or verbal, of Miami-Dade County employees, or others purporting to act on behalf of Miami-Dade County, may change the terms of this Commitment.

Miami-Dade County wishes to thank you for your proposal and the opportunity to provide financing for this development, and we look forward to closing this transaction.

Sincerely,

Miami-Dade County

_____
Carlos A. Gimenez, Mayor

Date: _____

c: Maurice L. Kemp, Deputy Mayor

Approved as to Form and Legal Sufficiency

_____
Assistant County Attorney

Date _____

ATTACHMENT 4

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4970–N–02]

Notice of Outcome Performance Measurement System for Community Planning and Development Formula Grant Programs

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: On June 10, 2005, HUD's Office of Community Planning and Development (CPD) published a notice in the **Federal Register** titled, "Notice of Proposed Outcome Performance Measurement System for Community Planning and Development Formula Grant Programs; Request for Comments." The notice described an outcome performance measurement system that was developed for grantees that receive funding from the Community Development Block Grant program (CDBG), HOME Investment Partnerships program (HOME), Emergency Shelter Grants program (ESG), and the Housing Opportunities for Persons with AIDS program (HOPWA).

The system was developed by a joint working group made up of members of the Council of State Community Development Agencies (COSCDA), the National Community Development Association (NCDA), the National Association for County Community Economic Development (NACCED), the National Association of Housing and Redevelopment Officials (NAHRO), the National Council of State Housing Agencies (NCSHA), CPD, HUD's Office of Policy Development and Research (PD&R), and the Office of Management and Budget (OMB). The June 10, 2005, notice described the proposed system and solicited comments from the public, particularly from formula program grantees, on the proposed performance measurement system. This final notice discusses and addresses the comments received and incorporates appropriate changes.

FOR FURTHER INFORMATION CONTACT: Margy Coccodrilli, CPD Specialist, Office of Block Grant Assistance, Room 7282, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–7000, telephone (202) 708–1577, extension 4507 (this is not a toll-free number). Hearing- or speech-impaired individuals may access this number through TTY by calling the toll-free Federal Information Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION:

I. Background

The Government Performance and Results Act of 1993 (GPRA) mandates that federal programs improve their effectiveness and public accountability by focusing on results. The OMB developed the Program Assessment Rating Tool (PART) to monitor compliance with the GPRA and to rate federal programs for their effectiveness and ability to show results.

Many CPD grantees have been frustrated by the inability to "tell their story" to their citizens and other stakeholders about the outcomes of the investments they have made in their communities using federal, state, and local resources. The inability to clearly demonstrate program results at the national level, which is the standard required by OMB's program assessment process, can have serious consequences for program budgets. On June 10, 2005, HUD published (70 FR 34044), a notice describing a proposed outcome performance measurement system and solicited comments. The system would enable HUD to collect information on the outcomes of activities funded with CPD formula grant assistance, and to aggregate that information at the national and local level. Reports would be made available to allow grantees to compare their performance to that of their peers. Based on the proposed system and taking into consideration the comments received, this notice establishes the outcome performance measurement system. This system is not intended to replace existing local performance measurement systems that are used to inform local planning and management decisions and increase public accountability.

This performance measurement system will be incorporated into HUD's Integrated Disbursement and Information System (IDIS), thus allowing for simplified data collection. The objectives and outcomes will appear on IDIS screens and grantees will select the objective and outcome that applies to each activity that the grantee undertakes. The indicators will be generated according to the matrix code, and for CDBG grantees, by the national objective. The possible indicators for each activity will also appear on an IDIS screen and the grantee will indicate which indicator(s) apply to that activity, as carried out by the grantee.

The indicators in this framework represent most of the activities that are undertaken by grantees of the CPD formula grant programs, but HUD acknowledges that there may be some activities that may not fit well into any of the indicator categories. While such activities may be very important to local interests, their numbers would not make a significant impact on a national level and could create a burden for other grantees. Therefore, the joint working group that developed the system decided to include indicators that can encompass most of the activities undertaken by grantees.

Separate from what the new performance measurement system can provide, the Department would like to be able to demonstrate potential outcomes such as higher homeownership rates and property valuations, lower unemployment rates and improved education levels, increased commercial and private investments, and additional assisted businesses that remain operational for at least three years. HUD will consult with the working group, grantees, and other interested parties to determine whether and how a set of particular community-level outcome measures can be established and uniformly applied. In the future, HUD may use the same or similar universal measures and standards to assess performance in other federal economic and community development programs. For example, HUD intends to obtain information on the development of brownfields and will consult with grantees on how best to collect such information. HUD will also undertake research to address such issues, and determine how frequently to assess progress, evaluate programs, perform analyses, and disseminate results based upon data that is comparable and generally available.

The structure of the new performance measurement system is consistent with the goals and objectives contained in HUD's Strategic Plan for the years 2006 to 2011, including expanding access to affordable housing, fostering a suitable living environment, and expanding economic opportunities.

The objectives, outcomes, and indicators described in this notice will appear this spring in the existing version of IDIS. Grantees will be requested to enter available data at that time. This fall, Phase I of the re-engineered IDIS will be released and grantees will be required to enter the performance data.

When Phase II of the re-engineered IDIS is released, HUD expects the overall administrative burden for grantees to be reduced; HUD's intent is to have the Consolidated Plan, Annual Action Plan, and Consolidated Annual Performance and Evaluation Report (CAPER) integrated into one single performance measurement system. In the interim, elements of the system may

be incorporated into the Consolidated Plan Management Process (CPMP) Tool so that local objectives and outcomes can be entered at the beginning of the Consolidated Plan or Annual Action Plan development process, and accomplishments under those objectives and outcomes can be reported on in the CAPER.

II. Discussion of Public Comments

General Comments

The public comment period closed on September 8, 2005. In addition to the 56 comments submitted in writing to HUD headquarters, additional comments were received during an interactive satellite broadcast from HUD headquarters in Washington, DC, and five regional feedback sessions that were held in San Francisco, Philadelphia, Detroit, Atlanta, and Austin. Each of those events provided opportunities for public comment.

There were multiple requests for HUD to develop a performance measurement Web site that would contain all the information that has been made available. That request has been acknowledged and there is now a CPD Web site that hosts this information. The URL is: *http://www.hud.gov/offices/cpd/about/performance/index.cfm.*

A number of comments praised the outcome measurement system and thanked HUD and the working group for the simplicity of the system; also, many comments posed questions. These questions are addressed in a question and answer format that has been distributed to grantees and is available on the Performance Measurement Web site. Several comments requested clarification of terms and definitions. These have been provided to grantees and are available on CPD's Performance Measurement website.

There were also many comments made about IDIS that were important to that system, but not necessarily relevant to the inclusion of the performance measurement indicators. Those comments have been forwarded to CPD's System Development and Evaluation Division. There were also comments on the Consolidated Plan Management Process and those comments have been forwarded to CPD's Office of Policy Development and Coordination.

Many comments suggested that issues and terminology of local interest be added to the framework. Unfortunately, because the framework was developed to capture national indicators in a standardized format, unique local information cannot be included. However in CPD Notice 03–09, issued in September 2003, HUD encouraged grantees to develop local performance measurement systems that complement this new national system by capturing the results of activities of local importance.

Specific Comments

Comment—There were several comments indicating that these performance measures should replace Consolidated Plans, Annual Action Plans, Consolidated Annual Performance and Evaluation Reports (CAPER), and Performance Evaluation Reports (PER).

Response—HUD anticipates that when Phase II of the IDIS re-engineering is complete in 2007, Consolidated Plans, Annual Action Plans, CAPERs, and PERs will become one continuous document.

Comment—There were several comments indicating the need for training on the performance measurement system and generally on IDIS, and specific training for entitlements, states, and urban counties, sub-recipients; training grantees to train their sub-recipients; and guidance/training on how the indicators apply to each program.

Response—HUD expects to provide training on IDIS in 2006. This training will incorporate the performance measurement framework; also, HUD has prepared guidance, questions and answers, and definitions. This, along with other related information, are available on CPD's Performance Measurement website.

Comment—Several commenters indicated that changes to administrative procedures, and possibly to grantee staffing, would have to be made at the local level and some asked that HUD provide assistance to tell grantees how this should be done.

Response—HUD will provide training on what data will need to be collected, but grantees will determine within their own administrative procedures how to coordinate the front-end planning, implementation, and reporting of activities. Because grantee procedures vary significantly based on agency size and expertise, HUD is not the appropriate entity to develop local administrative procedures for grantees.

Comment—Some comments referred to the difficulty that grantees would have in developing outcome statements.

Response—HUD will use the data that are reported and aggregated in IDIS to develop the outcome statements. If a jurisdiction has an activity that does not fit into the framework, that grantee may create an outcome statement in the narrative of the CAPER or PER to provide information to their citizens about the results of the activity.

Comment—Comments asked that HUD clarify the timing of when grantees will begin using the performance measurement system.

Response—The elements of the outcome performance measurement system will appear in the existing version of IDIS in Spring 2006. Because of the need for HUD to show results, grantees will be requested to enter data as soon as the system is available. Later in 2006, Phase I of the re-engineered IDIS will be released. At that time, grantees will be required to enter the performance data into the system.

Comment—There were comments suggesting that 40 percent be included in the breakout of numbers for area median income because this number would help show the percentage of "working poor;" that many projects exceed the HOME program minimum levels and assist persons between 30 percent and 50 percent; and that breaking down those income levels would cause additional work for CDBG grantees.

Response—Individual program requirements dictate the income percentages that are to be reported. Therefore, grantees need only provide the information that is currently required for each specific program. The area median income percentages published in this notice reflect the range of information required by all four CPD formula grants. When grantees enter data for activities into IDIS, only the income percentages applicable to those program activities will be populated for selection.

Comment—Several commenters urged HUD to provide sufficient time for grantees to revise forms and other business practices, that data collection should not begin until the re-engineered IDIS is available, and that information pertinent to these changes should be made available to grantees as soon as possible.

Response—On October 28, 2005, CPD issued a memo that provided the basic information needed to revise forms, such as applications from sub-recipients for funding, sub-recipient agreements, and client applications. Grantees could also use that memo to begin to plan for any administrative changes that might be required.

Comment—Some commenters requested that an indicator for section 504 compliance be included for owner-occupied housing units.

Response—HUD agrees. Although section 504 does not apply to homeowners, the accessibility indicator has been added for owner-occupied

units that are made accessible for persons with disabilities.

Comment—One comment received stated that there was no way in the system to report female heads of household.

Response—In IDIS, grantees are currently required to report the number of female heads of household for housing activities that meet the national objective of low-mod housing; therefore, no additional data is required.

Comment—Several comments reflected the need for additional resources to cover the added costs of administrative workload, training, and technology development.

Response—HUD is making every effort to minimize workload burden. HUD expects the increased administrative workload to be reduced as HUD streamlines the planning and reporting requirements. While plans for training are not yet complete, HUD will attempt to reduce grantee costs by conducting training using technology such as the Performance Measurements Web site, broadcasts, and Web casts, and possibly local training provided through field offices. Also, HUD expects to provide training at conferences of the national associations that were involved in the development of the system.

Comment—Several commenters asked HUD to develop sample forms that can be used to collect the additional data.

Response—Since grantees differ greatly in administrative procedures, based on agency size and expertise, HUD is not the appropriate entity to develop specific sample forms. However, HUD will provide guidance on data collection that will assist grantees in adding appropriate language to existing forms.

Comment—There were several comments that suggested changes to the flow chart that was included in the proposed outcome performance measurement system.

Response—The flow chart could not be designed to accommodate the various requests and the full scope of all activities. Because many commenters considered the flow chart to provide little value, it has been removed from the final notice of the outcome performance measurement system.

Comment—Several comments stated that ESG and HOPWA indicators should include case management.

Response—HOPWA case management activities will be reported in the HOPWA Annual Performance Reports and later in IDIS. ESG does not currently collect information on case management activities in IDIS.

Comment—Several comments indicated that the system should provide the ability to capture more than one objective and more than one outcome for each activity.

Response—The objectives closely mirror the statutory objectives of each program. Grantees will select the one objective that the activity is intended to meet. To prevent the dilution of data and capture the largest numbers possible for each outcome, grantees are encouraged to select the outcome that best describes the result of the activity. However, if a grantee feels strongly that an activity is best represented by two outcomes, it would indicate the primary outcome and the additional outcome.

Comment—There were comments suggesting that only indicators required by each specific program should be required for reporting.

Response—Both the proposed and final notices state that grantees will report these data only if the indicator is appropriate to the program.

Comment—One comment stated that Community Housing Development Organization (CHDO) operating costs should not be included in the system.

Response—Up to 5 percent of a participating jurisdiction's HOME allocation may be used to pay eligible CHDO operating costs. However, the use of HOME funds for this purpose, or for administrative costs generally, does not directly result in a measurable output in terms of affordable housing units produced or households assisted. In fact, the use of HOME funds to cover CHDO operating costs actually reduces that amount of funds that would otherwise be available for projects. Consequently, while CHDO operating support funds are necessary in many instances, HUD agrees with the commenter that it would not be appropriate to include the use of CHDO operating costs as an indicator in a system focused on measuring performance.

Comment—One comment indicated that the list of indicators should not be increased without careful evaluation and input from the working group.

Response—The working group has continued to provide evaluation and input on the development and implementation of the outcome performance measurement system.

Comment—Many comments suggested possible changes to the indicators or additional indicators to be included to the proposed outcome performance measurement system.

Response—HUD carefully considered each suggestion. Some of the suggestions were incorporated into the framework, while others reflected changes that were already planned for inclusion in the re-engineering of IDIS. HUD believes that the indicators included in the outcome performance measurement system published herein reflect most of the activities undertaken by grantees. However, if it becomes apparent that additional data elements are necessary, other indicators can be added to the system at a later date.

Comment—Several comments questioned the difference between International Building Code Energy (IBCE) Standards, and the International Energy Conservation Code (IECC), and the inclusion of Energy Star Standards as a subset of a larger code.

Response—Most states and local governments have adopted one or more International Code Council (ICC) building codes. The ICC codes have replaced other prior model codes, resulting in many different building codes. HUD has determined that identifying only IBCE or IECC and not identifying other possible codes would create incomplete data, as well as confusion over which codes to use. Therefore, the data elements for building energy codes have been deleted. In 2002, HUD entered into a memorandum of understanding with the Environmental Protection Agency (EPA) and the Department of Energy (DOE) to promote the use of Energy Star in HUD's affordable housing programs. Therefore, Energy Star will remain as a data element for energy conservation activities for the housing indicator categories in the performance measurement system.

Comment—There were comments about the use of the NAICS industry classification codes and whether the codes would be available in a drop-down format in IDIS.

Response—HUD has concluded that the large number of NAICS classification codes will create a reporting burden for grantees and businesses and therefore has deleted that data element.

III. Environmental Impact

This notice does not direct, provide for assistance or loan and mortgage insurance for, or otherwise govern or regulate, real property acquisition, disposition, leasing, rehabilitation, alteration, demolition, or new construction, or establish, revise or provide for standards for construction or construction materials, manufactured housing, or occupancy. Accordingly, under 24 CFR 50.19(c)(1), this notice is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321).

Dated: March 1, 2006.

Pamela H. Patenaude,

Assistant Secretary for Community Planning and Development.

BILLING CODE 4210–67–P

CPD Outcome Performance Measurement System

BACKGROUND

A working group, established by and composed of representatives from national housing and community development associations as well as HUD and the Office of Management and Budget (OMB), began holding monthly meetings in June 2004 for the purpose of developing an outcome performance measurement system for key HUD housing and community development programs. The working group was made up of grantee representatives from the Council of State Community Development Agencies (COSCDA), the National Community Development Association (NCDA), the National Association for County Community Economic Development (NACCED), the National Association of Housing and Redevelopment Officials (NAHRO), the National Council of State Housing Agencies (NCSHA), HUD's Offices of Community Planning and Development (CPD) and Policy Development and Research (PD&R), and the Office of Management and Budget (OMB).

The members of this working group finalized their work and reached agreement on an outcome performance measurement system to propose for grantees that receive funding from the Community Development Block Grant program (CDBG), the HOME Investment Partnerships Program (HOME), the Emergency Shelter Grant program (ESG), and the Housing Opportunities for Persons with AIDS program (HOPWA) formula grants. The proposed Outcome Performance Measurement System was published in the Federal Register on June 10, 2005 (70 FR 34044). The final outcome performance measurement system includes objectives, outcome measures, and indicators that describe outputs. The objectives are: Creating Suitable Living Environments, Providing Decent Affordable Housing, and Creating Economic Opportunities. The outcome categories are: Accessibility/Availability, Affordability, and Sustainability. There is a standardized list of output indicators that grantees will report on as appropriate for their chosen objectives and outcomes. Although the system is not designed to capture every activity, HUD is confident that the list is broad enough that the results of a significant amount of activities of each of the programs will be reported. Most of the output indicators required by the system do not require additional data collection or reporting.

Grantees shall incorporate performance measurements into consolidated plans or annual action plans prepared for Fiscal Year (FY) 2007 CDBG, HOME, ESG, and HOPWA funding. This will include the determination of an objective and selection of an outcome for each activity, based on the type of activity and its purpose. HUD realizes that some grantees have already completed preparation of their FY2006 plans, while others are well into the planning and development process. However, where possible, grantees should **immediately** incorporate the new performance measurements approach into consolidated plans or annual action plans that are being prepared for FY2006 funds. This will allow grantees to have a better capability to enter the expected data into IDIS, as discussed below. If a grantee has already submitted its FY2006 consolidated plan or action plan to HUD and the plan has been approved, adding new performance measurement features to the plan does not constitute an amendment under §91.505(a); however, the grantee should determine whether this addition is an amendment under its citizen participation plan.

IDIS will begin accepting data in Spring 2006 and HUD is strongly encouraging every grantee to begin to enter data at that time for all completed activities, based on information that is available. The objectives and indicators reported in IDIS will reflect the rationale for funding that activity. The outcome will be based on the result the grantee hoped to achieve by funding the activity. The indicators will describe, in numerical terms, any particular benefit that the activity produced. In Fall 2006, it will become mandatory for all formula grantees to enter the required performance measurement data (objectives, outcomes, and indicators) into IDIS for all existing activities with a status of budgeted or underway as of the beginning of FY2007, as well as for all new activities.

Grantees are only required to report the indicators that appear for each activity; however, if a jurisdiction has activities that are not covered by these indicators, grantees can manually report any objectives, outcomes, and indicators in the narrative section of the Consolidated Annual Performance and Evaluation Report (CAPER) or State Performance Evaluation Report (PER), or HOPWA Annual Performance Report (APR).

The system has been designed to enable grantees and HUD to inform Congress, OMB, and the public of many of the outcomes of the covered programs. The goal is to begin focusing on more outcome-oriented information and be able to aggregate results across the broad spectrum of programs funded by these block grants at the city, county, and state level.

HOW WILL IT WORK?

Based on the intent when funding an activity, grantees will determine which of the three objectives best describes the purpose of the activity. The objectives will appear on an IDIS screen and the grantee will choose from the options presented. The three objectives are:

Suitable Living Environment - In general, this objective relates to activities that are designed to benefit communities, families, or individuals by addressing issues in their living environment.

Decent Housing - The activities that typically would be found under this objective are designed to cover the wide range of housing possible under HOME, CDBG, HOPWA or ESG. This objective focuses on housing programs where the purpose of the program is to meet individual family or community needs and not programs where housing is an element of a larger effort, since such programs would be more appropriately reported under Suitable Living Environment.

Creating Economic Opportunities - This objective applies to the types of activities related to economic development, commercial revitalization, or job creation.

Similarly, once the objective for the activity is selected, the grantee will then choose which of the three outcome categories best reflects what they are seeking to achieve by funding that activity, and then enter the outcome on the appropriate IDIS screen. It is important that the data are not diluted by too much information. Therefore, grantees are encouraged to report which one of the three outcomes is most appropriate for their activity. However, if the grantee believes that two outcomes of equal importance will be realized, then a second outcome may also be selected. The three outcome categories are:

Availability/Accessibility. This outcome category applies to activities that make services, infrastructure, public services, public facilities, housing, or shelter available or accessible to low- and moderate-income people, including persons with disabilities. In this category, accessibility does not refer only to physical barriers, but also to making the affordable basics of daily living available and accessible to low and moderate income people where they live.

Affordability. This outcome category applies to activities that provide affordability in a variety of ways in the lives of low- and moderate-income people. It can include the creation or maintenance of affordable housing, basic infrastructure hook-ups, or services such as transportation or day care.

Sustainability: Promoting Livable or Viable Communities. This outcome applies to projects where the activity or activities are aimed at improving communities or neighborhoods, helping to make them livable or viable by providing benefit to persons of low- and moderate-income or by removing or eliminating slums or blighted areas, through multiple activities or services that sustain communities or neighborhoods.

Each outcome category can be connected to each of the overarching objectives, resulting in a total of nine groups of outcome/objective statements under which grantees would report the activity or project data to document the results of their activities or projects. Each activity will provide one of the following statements, although sometimes an adjective such as new, improved, or corrective may be appropriate to refine the outcome statement.

- Accessibility for the purpose of creating suitable living environments
- Accessibility for the purpose of providing decent affordable housing
- Accessibility for the purpose of creating economic opportunities
- Affordability for purpose of creating suitable living environments
- Affordability for the purpose of providing decent affordable housing
- Affordability for the purpose of creating economic opportunities
- Sustainability for the purpose of creating suitable living environments
- Sustainability for the purpose of providing decent affordable housing
- Sustainability for the purpose of creating economic opportunity

Based on the objectives and outcomes selected, and, in the case of CDBG activities the national objective selected, IDIS will identify the specific indicators for each activity. Only the specific indicators appropriate for that activity will be available for grantees to report. Thus, the process of identifying and selecting indicators will be minimized. The objective and outcomes will combine with the activity indicator data to produce statements of national significance regarding the results of the activity.

The specific indicators are described in this notice. Grantees are reminded that these indicators will be incorporated into IDIS and, therefore, will appear on screens and not in the written format shown here. Grantees will only report this data if the indicator is a requirement of the program from which the activity is funded.

There are certain data elements commonly reported by all programs, although each of the four programs may require different specificity or may not require each element listed below. Grantees will only report the information required for each program, as currently required. No new reporting requirements are being imposed for program activities that do not currently collect these data elements. The elements include:

- Amount of money leveraged (from other federal, state, local, and private sources) per activity;
- Number of persons, households, units, or beds assisted, as appropriate;
- Income levels of persons or households by: 30 percent, 50 percent, 60 percent, or 80 percent of area median income, per applicable program requirements. However, if a CDBG activity benefits a target area, that activity will show the total number of persons served and the percentage of low/mod persons served. Note that this requirement is not applicable for economic development activities awarding funding on a "made available basis;"
- Race, ethnicity, and disability (for activities in programs that currently report these data elements)

HUD will combine the objectives, outcomes, and data reported for the indicators to produce outcome narratives that will be comprehensive and will demonstrate the benefits that result from the expenditure of these federal funds.

This system maintains the flexibility of the block grant programs, as the objectives, outcomes, and indicators will be determined by the grantees, based on the intent of the activities they choose to fund. The standardized format provides that reporting will be uniform, and therefore the achievements of these programs can be aggregated for each grantee locally and for all grantees at the national level.

Specific Outcome Indicators

1) Public facility or infrastructure activities

Number of persons assisted:

- with new access to a facility or infrastructure benefit
- with improved access to a facility or infrastructure benefit
- where activity was used to meet a quality standard or measurably improved quality, report the number that no longer only have access to a substandard facility or infrastructure

2) Public service activities

Number of persons assisted:

- with new access to a service
- with improved access to a service
- where activity was used to meet a quality standard or measurably improved quality, report the number that no longer only have access to substandard service

3) Activities are part of a geographically targeted revitalization effort (Y/N)?

If Yes (check one)

a) Comprehensive
b) Commercial
c) Housing
d) Other

Choose all the indicators that apply, or at least 3 indicators if the effort is (a) Comprehensive.

- Number of new businesses assisted
- Number of businesses retained
- Number of jobs created or retained in target area
- Amount of money leveraged (from other public or private sources)
- Number of low- or moderate-income (LMI) persons served
- Slum/blight demolition
- Number of LMI households assisted
- Number of acres of remediated brownfields
- Number of households with new or improved access to public facilities/services
- Number of commercial façade treatment/business building rehab
- Optional indicators a grantee may elect to use include crime rates, property value change, housing code violations, business occupancy rates, employment rates, homeownership rates (optional)

4) Number of commercial façade treatment/business building rehab (site, not target area based)

5) Number of acres of brownfields remediated (site, not target area based)

6) New rental units constructed per project or activity

Total number of units:

Of total:
Number affordable
Number section 504 accessible
Number qualified as Energy Star

Of the affordable units:
Number occupied by elderly
Number subsidized with project-based rental assistance (federal, state, or local program)
Number of years of affordability
Number of housing units designated for persons with HIV/AIDS, including those units receiving assistance for operations
Of those, number of units for the chronically homeless

Number of units of permanent housing designated for homeless persons and families, including those units receiving assistance for operations
Of those, number of units for the chronically homeless

7) Rental units rehabilitated

Total number of units:

Of total:
Number affordable
Number section 504 accessible
Number of units created through conversion of nonresidential buildings to residential buildings
Number brought from substandard to standard condition (HQS or local code)
Number qualified as Energy Star
Number brought into compliance with lead safe housing rule (24 CFR part 35)

Of those affordable:
Number occupied by elderly
Number subsidized with project-based rental assistance (federal, state or local program)
Number of years of affordability
Number of housing units designated for persons with HIV/AIDS, including those units receiving assistance for operations
Of those, the number of units for the chronically homeless
Number of units of permanent housing for homeless persons and families, including those units receiving assistance for operations
Of those, number of units for the chronically homeless

8) Homeownership Units Constructed, Acquired, and/or Acquired with Rehabilitation (per project or activity)

Total number of units

Of those:
Number of affordable units
Number of years of affordability
Number qualified as Energy Star
Number section 504 accessible
Number of households previously living in subsidized housing

Of those affordable:
Number occupied by elderly
Number specifically designated for persons with HIV/AIDS
Of those, the number specifically for chronically homeless
Number specifically designated for homeless
Of those, number specifically for chronically homeless

9) Owner occupied units rehabilitated or improved

Total number of units:

Number occupied by elderly
Number of units brought from substandard to standard condition (HQS or local code)
Number qualified as Energy Star
Number of units brought into compliance with lead safe housing rule (24 CFR part 35)
Number of units made accessible for persons with disabilities

10) Direct Financial Assistance to homebuyers

Number of first-time homebuyers
Of those, number receiving housing counseling

Number receiving down-payment assistance/closing costs

11) Tenant-Based Rental Assistance

Total Number of Households

Of those:
Number with short-term rental assistance (less than 12 months)
Number of homeless households
Of those, number of chronically homeless households

12) Number of homeless persons given overnight shelter

13) Number of beds created in overnight shelter or other emergency housing

14) Homelessness Prevention

- Number of households that received emergency financial assistance to prevent homelessness
- Number of households that received emergency legal assistance to prevent homelessness

15) Jobs created

Total number of jobs

Employer-sponsored health care (Y/N)
Type of jobs created (use existing Economic Development Administration (EDA) classification)
Employment status before taking job created:
Number of unemployed _____

16) Jobs retained

Total number of jobs

Employer-sponsored health care benefits

17) Businesses assisted

Total businesses assisted

New businesses assisted

Existing businesses assisted
Of those:
Business expansions
Business relocations

DUNS number(s) of businesses assisted

(HUD will use the DUNS numbers to track number of new businesses that remain operational for 3 years after assistance)

18) Does assisted business provide a good or service to meet needs of service area/neighborhood/community (to be determined by community)?

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ATTACHMENT 5

This content is from the eCFR and is authoritative but unofficial.

Displaying title 24, up to date as of 3/31/2023. Title 24 was last amended 3/31/2023.

Title 24 - Housing and Urban Development
Subtitle A - Office of the Secretary, Department of Housing and Urban Development

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PART 35 - LEAD-BASED PAINT POISONING PREVENTION IN CERTAIN RESIDENTIAL STRUCTURES

Authority: 42 U.S.C. 3535(d), 4821, and 4851.

Subpart A - Disclosure of Known Lead-Based Paint and/or Lead-Based Paint Hazards Upon Sale or Lease of Residential Property

Source: 61 FR 9082, Mar. 6, 1996, unless otherwise noted. Redesignated at 64 FR 50201, Sept. 15, 1999.

§ 35.80 Purpose.

This subpart implements the provisions of 42 U.S.C. 4852d, which impose certain requirements on the sale or lease of target housing. Under this subpart, a seller or lessor of target housing shall disclose to the purchaser or lessee the presence of any known lead-based paint and/or lead-based paint hazards; provide available records and reports; provide the purchaser or lessee with a lead hazard information pamphlet; give purchasers a 10-day opportunity to conduct a risk assessment or inspection; and attach specific disclosure and warning language to the sales or leasing contract before the purchaser or lessee is obligated under a contract to purchase or lease target housing.

§ 35.82 Scope and applicability.

This subpart applies to all transactions to sell or lease target housing, including subleases, with the exception of the following:

(a) Sales of target housing at foreclosure.

(b) Leases of target housing that have been found to be lead-based paint free by an inspector certified under the Federal certification program or under a federally accredited State or tribal certification program. Until a Federal certification program or federally accredited State certification program is in place within the State, inspectors shall be considered qualified to conduct an inspection for this purpose if they have received certification under any existing State or tribal inspector certification program. The lessor has the option of using the results of additional test(s) by a certified inspector to confirm or refute a prior finding.

(c) Short-term leases of 100 days or less, where no lease renewal or extension can occur.

(d) Renewals of existing leases in target housing in which the lessor has previously disclosed all information required under § 35.88 and where no new information described in § 35.88 has come into the possession of the lessor. For the purposes of this paragraph, renewal shall include both renegotiation of existing lease terms and/or ratification of a new lease.

§ 35.84 Effective dates.

The requirements in this subpart take effect in the following manner:

(a) For owners of more than four residential dwellings, the requirements shall take effect on September 6, 1996.

(b) For owners of one to four residential dwellings, the requirements shall take effect on December 6, 1996.

§ 35.86 Definitions.

The following definitions apply to this subpart.

The Act means the Residential Lead-Based Paint Hazard Reduction Act of 1992, 42 U.S.C. 4852d.

Agent means any party who enters into a contract with a seller or lessor, including any party who enters into a contract with a representative of the seller or lessor, for the purpose of selling or leasing target housing. This term does not apply to purchasers or any purchaser's representative who receives all compensation from the purchaser.

Available means in the possession of or reasonably obtainable by the seller or lessor at the time of the disclosure.

Common area means a portion of a building generally accessible to all residents/users including, but not limited to, hallways, stairways, laundry and recreational rooms, playgrounds, community centers, and boundary fences.

Contract for the purchase and sale of residential real property means any contract or agreement in which one party agrees to purchase an interest in real property on which there is situated one or more residential dwellings used or occupied, or intended to be used or occupied, in whole or in part, as the home or residence of one or more persons.

EPA means the Environmental Protection Agency.

Evaluation means a risk assessment and/or inspection.

Foreclosure means any of the various methods, statutory or otherwise, known in different jurisdictions, of enforcing payment of a debt, by the taking and selling of real property.

Housing for the elderly means retirement communities or similar types of housing reserved for households composed of one or more persons 62 years of age or more at the time of initial occupancy.

Inspection means:

(1) A surface-by-surface investigation to determine the presence of lead-based paint as provided in section 302(c) of the Lead-Based Paint Poisoning and Prevention Act [42 U.S.C. 4822], and

(2) The provision of a report explaining the results of the investigation.

Lead-based paint means paint or other surface coatings that contain lead equal to or in excess of 1.0 milligram per square centimeter or 0.5 percent by weight.

Lead-based paint free housing means target housing that has been found to be free of paint or other surface coatings that contain lead equal to or in excess of 1.0 milligram per square centimeter or 0.5 percent by weight.

Lead-based paint hazard means any condition that causes exposure to lead from lead-contaminated dust, lead-contaminated soil, or lead-contaminated paint that is deteriorated or present in accessible surfaces, friction surfaces, or impact surfaces that would result in adverse human health effects as established by the appropriate Federal agency.

Lessee means any entity that enters into an agreement to lease, rent, or sublease target housing, including but not limited to individuals, partnerships, corporations, trusts, government agencies, housing agencies, Indian tribes, and nonprofit organizations.

Lessor means any entity that offers target housing for lease, rent, or sublease, including but not limited to individuals, partnerships, corporations, trusts, government agencies, housing agencies, Indian tribes, and nonprofit organizations.

Owner means any entity that has legal title to target housing, including but not limited to individuals, partnerships, corporations, trusts, government agencies, housing agencies, Indian tribes, and nonprofit organizations, except where a mortgagee holds legal title to property serving as collateral for a mortgage loan, in which case the owner would be the mortgagor.

Purchaser means an entity that enters into an agreement to purchase an interest in target housing, including but not limited to individuals, partnerships, corporations, trusts, government agencies, housing agencies, Indian tribes, and nonprofit organizations.

Reduction means measures designed to reduce or eliminate human exposure to lead-based paint hazards through methods including interim controls and abatement.

Residential dwelling means:

(1) A single-family dwelling, including attached structures such as porches and stoops; or

(2) A single-family dwelling unit in a structure that contains more than one separate residential dwelling unit, and in which each such unit is used or occupied, or intended to be used or occupied, in whole or in part, as the residence of one or more persons.

Risk assessment means an on-site investigation to determine and report the existence, nature, severity, and location of lead-based paint hazards in residential dwellings, including:

(1) Information gathering regarding the age and history of the housing and occupancy by children under age 6;

(2) Visual inspection;

(3) Limited wipe sampling or other environmental sampling techniques;

(4) Other activity as may be appropriate; and

(5) Provision of a report explaining the results of the investigation.

Seller means any entity that transfers legal title to target housing, in whole or in part, in return for consideration, including but not limited to individuals, partnerships, corporations, trusts, government agencies, housing agencies, Indian tribes, and nonprofit organizations. The term "seller" also includes:

(1) An entity that transfers shares in a cooperatively owned project, in return for consideration; and

(2) An entity that transfers its interest in a leasehold, in jurisdictions or circumstances where it is legally permissible to separate the fee title from the title to the improvement, in return for consideration.

Target housing means any housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless any child who is less than 6 years of age resides or is expected to reside in such housing) or any 0-bedroom dwelling.

TSCA means the Toxic Substances Control Act, 15 U.S.C. 2601.

0-bedroom dwelling means any residential dwelling in which the living area is not separated from the sleeping area. The term includes efficiencies, studio apartments, dormitory housing, military barracks, and rentals of individual rooms in residential dwellings.

§ 35.88 Disclosure requirements for sellers and lessors.

(a) The following activities shall be completed before the purchaser or lessee is obligated under any contract to purchase or lease target housing that is not otherwise an exempt transaction pursuant to § 35.82. Nothing in this section implies a positive obligation on the seller or lessor to conduct any evaluation or reduction activities.

(1) The seller or lessor shall provide the purchaser or lessee with an EPA-approved lead hazard information pamphlet. Such pamphlets include the EPA document entitled *Protect Your Family From Lead in Your Home* (EPA −747-K-94-001) or an equivalent pamphlet that has been approved for use in that State by EPA.

(2) The seller or lessor shall disclose to the purchaser or lessee the presence of any known lead-based paint and/or lead-based paint hazards in the target housing being sold or leased. The seller or lessor shall also disclose any additional information available concerning the known lead-based paint and/or lead-based paint hazards, such as the basis for the determination that lead-based paint and/or lead-based paint hazards exist, the location of the lead-based paint and/or lead-based paint hazards, and the condition of the painted surfaces.

(3) The seller or lessor shall disclose to each agent the presence of any known lead-based paint and/or lead-based paint hazards in the target housing being sold or leased and the existence of any available records or reports pertaining to lead-based paint and/or lead-based paint hazards. The seller or lessor shall also disclose any additional information available concerning the known lead-based paint and/or lead-based paint hazards, such as the basis for the determination that lead-based paint and/or lead-based paint hazards exist, the location of the lead-based paint and/or lead-based paint hazards, and the condition of the painted surfaces.

(4) The seller or lessor shall provide the purchaser or lessee with any records or reports available to the seller or lessor pertaining to lead-based paint and/or lead-based paint hazards in the target housing being sold or leased. This requirement includes records and reports regarding common areas. This requirement also includes records and reports regarding other residential dwellings in multifamily target housing, provided that such information is part of an evaluation or reduction of lead-based paint and/or lead-based paint hazards in the target housing as a whole.

(b) If any of the disclosure activities identified in paragraph (a) of this section occurs after the purchaser or lessee has provided an offer to purchase or lease the housing, the seller or lessor shall complete the required disclosure activities prior to accepting the purchaser's or lessee's offer and allow the purchaser or lessee an opportunity to review the information and possibly amend the offer.

(Approved by the Office of Management and Budget under control number 2070–0151)

[61 FR 9082, Mar. 6, 1996, as amended at 64 FR 14382, Mar. 25, 1999]

§ 35.90 Opportunity to conduct an evaluation.

(a) Before a purchaser is obligated under any contract to purchase target housing, the seller shall permit the purchaser a 10-day period (unless the parties mutually agree, in writing, upon a different period of time) to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards.

(b) Notwithstanding paragraph (a) of this section, a purchaser may waive the opportunity to conduct the risk assessment or inspection by so indicating in writing.

(Approved by the Office of Management and Budget under control number 2070–0151)

[61 FR 9082, Mar. 6, 1996, as amended at 64 FR 14382, Mar. 25, 1999]

§ 35.92 Certification and acknowledgment of disclosure.

(a) ***Seller requirements.*** Each contract to sell target housing shall include an attachment containing the following elements, in the language of the contract (e.g., English, Spanish):

(1) A Lead Warning Statement consisting of the following language:

> Every purchaser of any interest in residential real property on which a residential dwelling was built prior to 1978 is notified that such property may present exposure to lead from lead-based paint that may place young children at risk of developing lead poisoning. Lead poisoning in young children may produce permanent neurological damage, including learning disabilities, reduced intelligence quotient, behavioral problems, and impaired memory. Lead poisoning also poses a particular risk to pregnant women. The seller of any interest in residential real property is required to provide the buyer with any information on lead-based paint hazards from risk assessments or inspections in the seller's possession and notify the buyer of any known lead-based paint hazards. A risk assessment or inspection for possible lead-based paint hazards is recommended prior to purchase.

(2) A statement by the seller disclosing the presence of known lead-based paint and/or lead-based paint hazards in the target housing being sold or indicating no knowledge of the presence of lead-based paint and/or lead-based paint hazards. The seller shall also provide any additional information available concerning the known lead-based paint and/or lead-based paint hazards, such as the basis for the determination that lead-based paint and/or lead-based paint hazards exist, the location of the lead-based paint and/or lead-based paint hazards, and the condition of the painted surfaces.

(3) A list of any records or reports available to the seller pertaining to lead-based paint and/or lead-based paint hazards in the housing that have been provided to the purchaser. If no such records or reports are available, the seller shall so indicate.

(4) A statement by the purchaser affirming receipt of the information set out in paragraphs (a)(2) and (a)(3) of this section and the lead hazard information pamphlet required under section 15 U.S.C. 2696.

(5) A statement by the purchaser that he/she has either:

(i) Received the opportunity to conduct the risk assessment or inspection required by § 35.90(a); or

(ii) Waived the opportunity.

(6) When any agent is involved in the transaction to sell target housing on behalf of the seller, a statement that:

(i) The agent has informed the seller of the seller's obligations under 42 U.S.C. 4852d; and

(ii) The agent is aware of his/her duty to ensure compliance with the requirements of this subpart.

(7) The signatures of the sellers, agents, and purchasers, certifying to the accuracy of their statements, to the best of their knowledge, along with the dates of signature.

(b) ***Lessor requirements.*** Each contract to lease target housing shall include, as an attachment or within the contract, the following elements, in the language of the contract (e.g., English, Spanish):

(1) A Lead Warning Statement with the following language:

> Housing built before 1978 may contain lead-based paint. Lead from paint, paint chips, and dust can pose health hazards if not managed properly. Lead exposure is especially harmful to young children and pregnant women. Before renting pre-1978 housing, lessors must disclose the presence of lead-based paint and/or lead-based paint hazards in the dwelling. Lessees must also receive a federally approved pamphlet on lead poisoning prevention.

(2) A statement by the lessor disclosing the presence of known lead-based paint and/or lead-based paint hazards in the target housing being leased or indicating no knowledge of the presence of lead-based paint and/or lead-based paint hazards. The lessor shall also disclose any additional information available concerning the known lead-based paint and/or lead-based paint hazards, such as the basis for the determination that lead-based paint and/or lead-based paint hazards exist in the housing, the location of the lead-based paint and/or lead-based paint hazards, and the condition of the painted surfaces.

(3) A list of any records or reports available to the lessor pertaining to lead-based paint and/or lead-based paint hazards in the housing that have been provided to the lessee. If no such records or reports are available, the lessor shall so indicate.

(4) A statement by the lessee affirming receipt of the information set out in paragraphs (b)(2) and (b)(3) of this section and the lead hazard information pamphlet required under 15 U.S.C. 2696.

(5) When any agent is involved in the transaction to lease target housing on behalf of the lessor, a statement that:

(i) The agent has informed the lessor of the lessor's obligations under 42 U.S.C. 4852d; and

(ii) The agent is aware of his/her duty to ensure compliance with the requirements of this subpart.

(6) The signatures of the lessors, agents, and lessees certifying to the accuracy of their statements to the best of their knowledge, along with the dates of signature.

(c) ***Retention of certification and acknowledgment information.***

(1) The seller, and any agent, shall retain a copy of the completed attachment required under paragraph (a) of this section for no less than 3 years from the completion date of the sale. The lessor, and any agent, shall retain a copy of the completed attachment or lease contract containing the information required under paragraph (b) of this section for no less than 3 years from the commencement of the leasing period.

(2) This recordkeeping requirement is not intended to place any limitations on civil suits under the Act, or to otherwise affect a lessee's or purchaser's rights under the civil penalty provisions of 42 U.S.C. 4852d(b)(3).

(d) The seller, lessor, or agent shall not be responsible for the failure of a purchaser's or lessee's legal representative (where such representative receives all compensation from the purchaser or lessee) to transmit disclosure materials to the purchaser or lessee, provided that all required parties have completed and signed the necessary certification and acknowledgment language required under paragraphs (a) and (b) of this section.

(Approved by the Office of Management and Budget under control number 2070–0151)

[61 FR 9082, Mar. 6, 1996, as amended at 64 FR 14382, Mar. 25, 1999]

§ 35.94 Agent responsibilities.

(a) Each agent shall ensure compliance with all requirements of this subpart. To ensure compliance, the agent shall:

(1) Inform the seller or lessor of his/her obligations under §§ 35.88, 35.90, and 35.92.

(2) Ensure that the seller or lessor has performed all activities required under §§ 35.88, 35.90, and 35.92, or personally ensure compliance with the requirements of §§ 35.88, 35.90, and 35.92.

(b) If the agent has complied with paragraph (a)(1) of this section, the agent shall not be liable for the failure to disclose to a purchaser or lessee the presence of lead-based paint and/or lead-based paint hazards known by a seller or lessor but not disclosed to the agent.

(Approved by the Office of Management and Budget under control number 2070–0151)

[61 FR 9082, Mar. 6, 1996, as amended at 64 FR 14382, Mar. 25, 1999]

§ 35.96 Enforcement.

(a) Any person who knowingly fails to comply with any provision of this subpart shall be subject to civil monetary penalties in accordance with the provisions of 42 U.S.C. 3545 and 24 CFR part 30.

(b) The Secretary is authorized to take such action as may be necessary to enjoin any violation of this subpart in the appropriate Federal district court.

(c) Any person who knowingly violates the provisions of this subpart shall be jointly and severally liable to the purchaser or lessee in an amount equal to 3 times the amount of damages incurred by such individual.

(d) In any civil action brought for damages pursuant to 42 U.S.C. 4852d(b)(3), the appropriate court may award court costs to the party commencing such action, together with reasonable attorney fees and any expert witness fees, if that party prevails.

(e) Failure or refusal to comply with §§ 35.88 (disclosure requirements for sellers and lessors), § 35.90 (opportunity to conduct an evaluation), § 35.92 (certification and acknowledgment of disclosure), or § 35.94 (agent responsibilities) is a violation of 42 U.S.C. 4852d(b)(5) and of TSCA section 409 (15 U.S.C. 2689).

(f) Violators may be subject to civil and criminal sanctions pursuant to TSCA section 16 (15 U.S.C. 2615) for each violation. For purposes of enforcing this subpart, the penalty for each violation applicable under 15 U.S.C. 2615 shall be not more than $10,000.

§ 35.98 Impact on State and local requirements.

Nothing in this subpart shall relieve a seller, lessor, or agent from any responsibility for compliance with State or local laws, ordinances, codes, or regulations governing notice or disclosure of known lead-based paint and/or lead-based paint hazards. Neither HUD nor EPA assumes any responsibility for ensuring compliance with such State or local requirements.

Subpart B - General Lead-Based Paint Requirements and Definitions for All Programs.

Source: 64 FR 50202, Sept. 15, 1999, unless otherwise noted.

§ 35.100 Purpose and applicability.

(a) ***Purpose.*** The requirements of subparts B through R of this part are promulgated to implement the Lead-Based Paint Poisoning Prevention Act, as amended (42 U.S.C. 4821 *et seq.*), and the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851 *et seq.*).

(b) ***Applicability*** —

(1) ***This subpart.*** This subpart applies to all target housing that is federally owned and target housing receiving Federal assistance to which subparts C, D, F through M, and R of this part apply, except where indicated.

(2) ***Other subparts*** —

(i) ***General.*** Subparts C, D, and F through M of this part each set forth requirements for a specific type of Federal housing activity or assistance, such as multifamily mortgage insurance, project-based rental assistance, rehabilitation, or tenant-based rental assistance. Subpart R of this part provides standards and methods for activities required in subparts B, C, D, and F through M of this part.

(ii) ***Application to programs.*** Most HUD housing programs are covered by only one subpart of this part, but some programs can be used for more than one type of assistance and therefore are covered by more than one subpart of this part. A current list of programs covered by each subpart of this part is available on the internet at *www.hud.gov,* or by mail from the National Lead Information Center at 1–800–424–LEAD. Examples of flexible programs that can provide more than one type of assistance are the HOME Investment Partnerships program, the Community Development Block Grant program, and the Indian Housing Block Grant Program. Grantees, participating jurisdictions, Indian tribes and other entities administering such flexible programs must decide which subpart applies to the type of assistance being provided to a particular dwelling unit or residential property.

(iii) ***Application to dwelling units.*** In some cases, more than one type of assistance may be provided to the same dwelling unit. In such cases, the subpart or section with the most protective initial hazard reduction requirements applies. Paragraph (c) of this section provides a table that lists the subparts and sections of this part in order from the most protective to the least protective. (This list is based only on the requirements for initial hazard reduction. The summary of requirements on this list is not a complete list of requirements. It is necessary to refer to the applicable subparts and sections to determine all applicable requirements.)

(iv) ***Example.*** A multifamily building has 100 dwelling units and was built in 1965. The property is financed with HUD multifamily mortgage insurance. This building is covered by subpart G of this part (see § 35.625—Multifamily mortgage insurance for properties constructed after 1959), which is at protectiveness level 5 in the table set forth in paragraph (c) of this section. In the same building, however, 50 of the 100 dwelling units are receiving project-based assistance, and the average annual assistance per assisted unit is $5,500. Those 50 units, and common areas servicing those units, are covered by the requirements of subpart H of this part (see § 35.715—Project-based assistance for multifamily properties receiving more than $5,000 per unit), which are at protectiveness level 3. Therefore, because level 3 is a higher level of protectiveness than level 5, the units receiving project-based assistance, and common areas servicing those units, must comply at level 3, while the rest of the building can be operated at level 5. The owner may choose to operate the entire building at level 3 for simplicity.

(c) ***Table One.*** The following table lists the subparts and sections of this part applying to HUD programs in order from most protective to least protective hazard reduction requirements. The summary of hazard reduction requirements in this table is not complete. Readers must refer to relevant subpart for complete requirements.

Level of protection	Subpart, section, and type of assistance	Hazard reduction requirements
1	Subpart L, Public housing. Subpart G, § 35.630, Multifamily mortgage insurance for conversions and major rehabilitations	Full abatement of lead-based paint.
2	Subpart J, § 35.930(d), Properties receiving more than $25,000 per unit in rehabilitation assistance	Abatement of lead-based paint hazards.
3	Subpart G, § 35.620, Multifamily mortgage insurance for properties constructed before 1960, other than conversions and major rehabilitations. Subpart H, § 35.715, Project-based assistance for multifamily properties receiving more than $5,000 per unit. Subpart I, HUD-owned multifamily property. Subpart J, § 35.930(c), Properties receiving more than $5,000 and up to $25,000 per unit in rehabilitation assistance	Interim controls.

Level of protection	Subpart, section, and type of assistance	Hazard reduction requirements
4	Subpart F, HUD-owned single family properties. Subpart H, § 35.720, Project-based rental assistance for multifamily properties receiving up to $5,000 per unit and single family properties. Subpart K, Acquisition, leasing, support services, or operation. Subpart M, Tenant-based rental assistance	Paint stabilization.
5	Subpart G, § 35.625, Multifamily mortgage insurance for properties constructed after 1959	Ongoing lead-based paint maintenance.
6	Subpart J, § 35.930(b), Properties receiving up to and including $5,000 in rehabilitation assistance	Safe work practices during rehabilitation.

§ 35.105 [Reserved]

§ 35.106 Information collection requirements.

The information collection requirements contained in this part have been approved by the Office of Management and Budget (OMB) in accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 2501–3520), and have been assigned OMB control number 2539–0009. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.

§ 35.110 Definitions.

Abatement means any set of measures designed to permanently eliminate lead-based paint or lead-based paint hazards (see definition of "permanent"). Abatement includes:

(1) The removal of lead-based paint and dust-lead hazards, the permanent enclosure or encapsulation of lead-based paint, the replacement of components or fixtures painted with lead-based paint, and the removal or permanent covering of soil-lead hazards; and

(2) All preparation, cleanup, disposal, and post abatement clearance testing activities associated with such measures.

Act means the Lead-Based Paint Poisoning Prevention Act, as amended, 42 U.S.C. 4822 *et seq.*

Bare soil means soil or sand not covered by grass, sod, other live ground covers, wood chips, gravel, artificial turf, or similar covering.

Certified means certified to perform such activities as risk assessment, lead-based paint inspection, abatement supervision, or renovation, either by a State or Indian tribe with a lead-based paint certification program authorized by the Environmental Protection Agency (EPA), in accordance with 40 CFR part 745, subpart Q, or by the EPA, in accordance with 40 CFR part 745, subparts E or L.

Chewable surface means an interior or exterior surface painted with lead-based paint that a young child can mouth or chew. A chewable surface is the same as an "accessible surface" as defined in 42 U.S.C. 4851b(2)). Hard metal substrates and other materials that cannot be dented by the bite of a young child are not considered chewable.

Clearance examination means an activity conducted following lead-based paint hazard reduction activities to determine that the hazard reduction activities are complete and that no soil-lead hazards or settled dust-lead hazards, as defined in this part, exist in the dwelling unit or worksite. The clearance process includes a visual assessment and collection and analysis of environmental samples. Dust-lead standards for clearance are found at § 35.1320.

Common area means a portion of a residential property that is available for use by occupants of more than one dwelling unit. Such an area may include, but is not limited to, hallways, stairways, laundry and recreational rooms, playgrounds, community centers, on-site day care facilities, garages and boundary fences.

Component means an architectural element of a dwelling unit or common area identified by type and location, such as a bedroom wall, an exterior window sill, a baseboard in a living room, a kitchen floor, an interior window sill in a bathroom, a porch floor, stair treads in a common stairwell, or an exterior wall.

Composite sample means a collection of more than one sample of the same medium (e.g., dust, soil or paint) from the same type of surface (e.g., floor, interior window sill, or window trough), such that multiple samples can be analyzed as a single sample.

Containment means the physical measures taken to ensure that dust and debris created or released during lead-based paint hazard reduction are not spread, blown or tracked from inside to outside of the worksite.

Designated party means a Federal agency, grantee, subrecipient, participating jurisdiction, housing agency, Indian Tribe, tribally designated housing entity (TDHE), sponsor, or property owner responsible for complying with applicable requirements.

Deteriorated paint means any interior or exterior paint or other coating that is peeling, chipping, chalking or cracking, or any paint or coating located on an interior or exterior surface or fixture that is otherwise damaged or separated from the substrate.

Dry sanding means sanding without moisture and includes both hand and machine sanding.

Dust-lead hazard means surface dust that contains a dust-lead loading (area concentration of lead) equal to or exceeding the levels promulgated by the EPA at 40 CFR 745.65 or, if such levels are not in effect, the standards for dust-lead hazards in § 35.1320.

Dwelling unit means a:

(1) Single-family dwelling, including attached structures such as porches and stoops; or

(2) Housing unit in a structure that contains more than 1 separate housing unit, and in which each such unit is used or occupied, or intended to be used or occupied, in whole or in part, as the home or separate living quarters of 1 or more persons.

Elevated blood lead level means a confirmed concentration of lead in whole blood of a child under age 6 equal to or greater than the concentration in the most recent guidance published by the U.S. Department of Health and Human Services (HHS) on recommending that an environmental intervention be conducted. (When HHS changes the value, HUD will publish a notice in the Federal Register, with the opportunity for public comment, on its intent to apply the changed value to this part, and, after considering comments, publish a notice on its applying the changed value to this part.)

Encapsulation means the application of a covering or coating that acts as a barrier between the lead-based paint and the environment and that relies for its durability on adhesion between the encapsulant and the painted surface, and on the integrity of the existing bonds between paint layers and between the paint and the substrate. Encapsulation may be used as a method of abatement if it is designed and performed so as to be permanent (see definition of “permanent”).

Enclosure means the use of rigid, durable construction materials that are mechanically fastened to the substrate in order to act as a barrier between lead-based paint and the environment. Enclosure may be used as a method of abatement if it is designed to be permanent (see definition of “permanent”).

Environmental investigation means the process of determining the source of lead exposure for a child under age 6 with an elevated blood lead level, consisting of administration of a questionnaire, comprehensive environmental sampling, case management, and other measures, in accordance with chapter 16 of the HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing (“Guidelines”).

Evaluation means a risk assessment, a lead hazard screen, a lead-based paint inspection, paint testing, or a combination of these to determine the presence of lead-based paint hazards or lead-based paint, or an environmental investigation.

Expected to reside means there is actual knowledge that a child will reside in a dwelling unit reserved or designated exclusively for the elderly or reserved or designated exclusively for persons with disabilities. If a resident woman is known to be pregnant, there is actual knowledge that a child will reside in the dwelling unit.

Federal agency means the United States or any executive department, independent establishment, administrative agency and instrumentality of the United States, including a corporation in which all or a substantial amount of the stock is beneficially owned by the United States or by any of these entities. The term “Federal agency” includes, but is not limited to, Rural Housing Service (formerly Rural Housing and Community Development Service that was formerly Farmer's Home Administration), Resolution Trust Corporation, General Services Administration, Department of Defense, Department of Veterans Affairs, Department of the Interior, and Department of Transportation.

Federally owned property means residential property owned or managed by a Federal agency, or for which a Federal agency is a trustee or conservator.

Firm commitment means a valid commitment issued by HUD or the Federal Housing Commissioner setting forth the terms and conditions upon which a mortgage will be insured or guaranteed.

Friction surface means an interior or exterior surface that is subject to abrasion or friction, including, but not limited to, certain window, floor, and stair surfaces.

g means gram, *mg* means milligram (thousandth of a gram), and µg means microgram (millionth of a gram).

Grantee means any state or local government, Indian Tribe, IHBG recipient, insular area or nonprofit organization that has been designated by HUD to administer Federal housing assistance under a program covered by subparts J and K of this part, except the HOME program.

Hard costs of rehabilitation means:

(1) Costs to correct substandard conditions or to meet applicable local rehabilitation standards;

(2) Costs to make essential improvements, including energy-related repairs, and those necessary to permit use by persons with disabilities; and costs to repair or replace major housing systems in danger of failure; and

(3) Costs of non-essential improvements, including additions and alterations to an existing structure; but

(4) Hard costs do not include administrative costs (e.g., overhead for administering a rehabilitation program, processing fees, etc.).

Hazard reduction means measures designed to reduce or eliminate human exposure to lead-based paint hazards through methods including interim controls or abatement or a combination of the two.

HEPA vacuum means a vacuum cleaner device with an included high-efficiency particulate air (HEPA) filter through which the contaminated air flows, operated in accordance with the instructions of its manufacturer. A HEPA filter is one that captures at least 99.97 percent of airborne particles of at least 0.3 micrometers in diameter.

Housing for the elderly means retirement communities or similar types of housing reserved for households composed of one or more persons 62 years of age or more, or other age if recognized as elderly by a specific Federal housing assistance program.

Housing receiving Federal assistance means housing which is covered by an application for HUD mortgage insurance, receives housing assistance payments under a program administered by HUD, or otherwise receives more than $5,000 in project-based assistance under a Federal housing program administered by an agency other than HUD.

HUD means the United States Department of Housing and Urban Development.

HUD-owned property means residential property owned or managed by HUD, or for which HUD is a trustee or conservator.

Impact surface means an interior or exterior surface that is subject to damage by repeated sudden force, such as certain parts of door frames.

Indian Housing Block Grant (IHBG) recipient means a tribe or a tribally designated housing entity (TDHE) receiving IHBG funds.

Indian tribe means a tribe as defined in the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 *et seq.*)

Inspection (See Lead-based paint inspection).

Insular areas means Guam, the Northern Mariana Islands, the United States Virgin Islands and American Samoa.

Interim controls means a set of measures designed to reduce temporarily human exposure or likely exposure to lead-based paint hazards. Interim controls include, but are not limited to, repairs, painting, temporary containment, specialized cleaning, clearance, ongoing lead-based paint maintenance activities, and the establishment and operation of management and resident education programs.

Interior window sill means the portion of the horizontal window ledge that protrudes into the interior of the room, adjacent to the window sash when the window is closed. The interior window sill is sometimes referred to as the window stool.

Lead-based paint means paint or other surface coatings that contain lead equal to or exceeding 1.0 milligram per square centimeter or 0.5 percent by weight or 5,000 parts per million (ppm) by weight.

Lead-based paint hazard means any condition that causes exposure to lead from dust-lead hazards, soil-lead hazards, or lead-based paint that is deteriorated or present in chewable surfaces, friction surfaces, or impact surfaces, and that would result in adverse human health effects.

Lead-based paint inspection means a surface-by-surface investigation to determine the presence of lead-based paint and the provision of a report explaining the results of the investigation.

Lead hazard screen means a limited risk assessment activity that involves paint testing and dust sampling and analysis as described in 40 CFR 745.227(c) and soil sampling and analysis as described in 40 CFR 745.227(d).

Mortgagee means a lender of a mortgage loan.

Mortgagor means a borrower of a mortgage loan.

Multifamily property means a residential property containing five or more dwelling units.

Occupant means a person who inhabits a dwelling unit.

Owner means a person, firm, corporation, nonprofit organization, partnership, government, guardian, conservator, receiver, trustee, executor, or other judicial officer, or other entity which, alone or with others, owns, holds, or controls the freehold or leasehold title or part of the title to property, with or without actually possessing it. The definition includes a vendee who possesses the title, but does not include a mortgagee or an owner of a reversionary interest under a ground rent lease.

Paint stabilization means repairing any physical defect in the substrate of a painted surface that is causing paint deterioration, removing loose paint and other material from the surface to be treated, and applying a new protective coating or paint.

Paint testing means the process of determining, by a certified lead-based paint inspector or risk assessor, the presence or the absence of lead-based paint on deteriorated paint surfaces or painted surfaces to be disturbed or replaced.

Paint removal means a method of abatement that permanently eliminates lead-based paint from surfaces.

Painted surface to be disturbed means a paint surface that is to be scraped, sanded, cut, penetrated or otherwise affected by rehabilitation work in a manner that could potentially create a lead-based paint hazard by generating dust, fumes, or paint chips.

Participating jurisdiction means any State or local government that has been designated by HUD to administer a HOME program grant.

Permanent means an expected design life of at least 20 years.

Play area means an area of frequent soil contact by children of less than 6 years of age, as indicated by the presence of play equipment (e.g. sandboxes, swing sets, sliding boards, etc.) or toys or other children's possessions, observations of play patterns, or information provided by parents, residents or property owners.

Project-based rental assistance means Federal rental assistance that is tied to a residential property with a specific location and remains with that particular location throughout the term of the assistance.

Public health department means a State, tribal, county or municipal public health department or the Indian Health Service.

Public housing development means a residential property assisted under the United States Housing Act of 1937 (42 U.S.C. 1437 *et seq.*), but not including housing assisted under section 8 of the 1937 Act.

Reevaluation means a visual assessment of painted surfaces and limited dust and soil sampling conducted periodically following lead-based paint hazard reduction where lead-based paint is still present.

Rehabilitation means the improvement of an existing structure through alterations, incidental additions or enhancements. Rehabilitation includes repairs necessary to correct the results of deferred maintenance, the replacement of principal fixtures and components, improvements to increase the efficient use of energy, and installation of security devices.

Replacement means a strategy of abatement that entails the removal of building components that have surfaces coated with lead-based paint and the installation of new components free of lead-based paint.

Residential property means a dwelling unit, common areas, building exterior surfaces, and any surrounding land, including outbuildings, fences and play equipment affixed to the land, belonging to an owner and available for use by residents, but not including land used for agricultural, commercial, industrial or other non-residential purposes, and not including paint on the pavement of parking lots, garages, or roadways.

Risk assessment means:

(1) An on-site investigation to determine the existence, nature, severity, and location of lead-based paint hazards; and

(2) The provision of a report by the individual or firm conducting the risk assessment explaining the results of the investigation and options for reducing lead-based paint hazards.

Single family property means a residential property containing one through four dwelling units.

Single room occupancy (SRO) housing means housing consisting of zero-bedroom dwelling units that may contain food preparation or sanitary facilities or both (see Zero-bedroom dwelling).

Soil-lead hazard means bare soil on residential property that contains lead equal to or exceeding levels promulgated by the EPA at 40 CFR 745.65 or, if such levels are not in effect, the standards for soil-lead hazards in § 35.1320.

Sponsor means mortgagor (borrower).

Subrecipient means any nonprofit organization selected by the grantee or participating jurisdiction to administer all or a portion of the Federal rehabilitation assistance or other non-rehabilitation assistance, or any such organization selected by a subrecipient of the grantee or participating jurisdiction. An owner or developer receiving Federal rehabilitation assistance or other assistance for a residential property is not considered a subrecipient for the purposes of carrying out that project.

Standard treatments means a series of hazard reduction measures designed to reduce all lead-based paint hazards in a dwelling unit without the benefit of a risk assessment or other evaluation.

Substrate means the material directly beneath the painted surface out of which the components are constructed, including wood, drywall, plaster, concrete, brick or metal.

Target housing means any housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless a child of less than 6 years of age resides or is expected to reside in such housing for the elderly or persons with disabilities) or any zero-bedroom dwelling. In the case of jurisdictions which banned the sale or use of lead-based paint prior to 1978, HUD may designate an earlier date.

Tenant means the individual named as the lessee in a lease, rental agreement or occupancy agreement for a dwelling unit.

A *visual assessment* alone is not considered an evaluation for the purposes of this part. Visual assessment means looking for, as applicable:

(1) Deteriorated paint;

(2) Visible surface dust, debris, and residue as part of a risk assessment or clearance examination; or

(3) The completion or failure of a hazard reduction measure.

Wet sanding or *wet scraping* means a process of removing loose paint in which the painted surface to be sanded or scraped is kept wet to minimize the dispersal of paint chips and airborne dust.

Window trough means the area between the interior window sill (stool) and the storm window frame. If there is no storm window, the window trough is the area that receives both the upper and lower window sashes when they are both lowered.

Worksite means an interior or exterior area where lead-based paint hazard reduction activity takes place. There may be more than one worksite in a dwelling unit or at a residential property.

Zero-bedroom dwelling means any residential dwelling in which the living areas are not separated from the sleeping area. The term includes efficiencies, studio apartments, dormitory or single room occupancy housing, military barracks, and rentals of individual rooms in residential dwellings (see Single room occupancy (SRO)).

[64 FR 50202, Sept. 15, 1999, as amended at 69 FR 34271, June 21, 2004; 69 FR 40474, July 2, 2004; 82 FR 4166, Jan. 13, 2017]

§ 35.115 Exemptions.

(a) Subparts B through R of this part do not apply to the following:

(1) A residential property for which construction was completed on or after January 1, 1978, or, in the case of jurisdictions which banned the sale or residential use of lead-containing paint prior to 1978, an earlier date as HUD may designate (see § 35.160).

(2) A zero-bedroom dwelling unit, including a single room occupancy (SRO) dwelling unit.

(3) Housing for the elderly, or a residential property designated exclusively for persons with disabilities; except this exemption shall not apply if a child less than age 6 resides or is expected to reside in the dwelling unit (see definitions of “housing for the elderly” and “expected to reside” in § 35.110).

(4) Residential property found not to have lead-based paint by a lead-based paint inspection conducted in accordance with § 35.1320(a) (for more information regarding inspection procedures consult the 1997 edition of Chapter 7 of the HUD Guidelines). Results of additional test(s) by a certified lead-based paint inspector may be used to confirm or refute a prior finding.

(5) Residential property in which all lead-based paint has been identified, removed, and clearance has been achieved in accordance with 40 CFR 745.227(b)(e) before September 15, 2000, or in accordance with §§ 35.1320, 35.1325 and 35.1340 on or after September 15, 2000. This exemption does not apply to residential property where enclosure or encapsulation has been used as a method of abatement.

(6) An unoccupied dwelling unit or residential property that is to be demolished, provided the dwelling unit or property will remain unoccupied until demolition.

(7) A property or part of a property that is not used and will not be used for human residential habitation, except that spaces such as entryways, hallways, corridors, passageways or stairways serving both residential and nonresidential uses in a mixed-use property shall not be exempt.

(8) Any rehabilitation that does not disturb a painted surface.

(9) For emergency actions immediately necessary to safeguard against imminent danger to human life, health or safety, or to protect property from further structural damage (such as when a property has been damaged by a natural disaster, fire, or structural collapse), occupants shall be protected from exposure to lead in dust and debris generated by such emergency actions to the extent practicable, and the requirements of subparts B through R of this part shall not apply. This exemption applies only to repairs necessary to respond to the emergency. The requirements of subparts B through R of this part shall apply to any work undertaken subsequent to, or above and beyond, such emergency actions.

(10) If a Federal law enforcement agency has seized a residential property and owns the property for less than 270 days, §§ 35.210 and 35.215 shall not apply to the property.

(11) The requirements of subpart K of this part do not apply if the assistance being provided is emergency rental assistance or foreclosure prevention assistance, provided that this exemption shall expire for a dwelling unit no later than 100 days after the initial payment or assistance.

(12) Performance of an evaluation or lead-based paint hazard reduction or lead-based paint abatement on an exterior painted surface as required under this part may be delayed for a reasonable time during a period when weather conditions are unsuitable for conventional construction activities.

(13) Where abatement of lead-based paint hazards or lead-based paint is required by this part and the property is listed or has been determined to be eligible for listing in the National Register of Historic Places or contributing to a National Register Historic District, the designated party may, if requested by the State Historic Preservation Office, conduct interim controls in accordance with § 35.1330 instead of abatement. If interim controls are conducted, ongoing lead-based paint maintenance and reevaluation shall be conducted as required by the applicable subpart of this part in accordance with § 35.1355.

(b) For the purposes of subpart C of this part, each Federal agency other than HUD will determine whether appropriations are sufficient to implement this rule. If appropriations are not sufficient, subpart C of this part shall not apply to that Federal agency. If appropriations are sufficient, subpart C of this part shall apply.

§ 35.120 Options.

(a) ***Standard treatments.*** Where interim controls are required by this part, the designated party has the option to presume that lead-based paint or lead-based paint hazards or both are present throughout the residential property. In such a case, evaluation is not required. Standard treatments shall then be conducted in accordance with § 35.1335 on all applicable surfaces, including soil. Standard treatments are completed only when clearance is achieved in accordance with § 35.1340.

(b) ***Abatement.*** Where abatement is required by this part, the designated party may presume that lead-based paint or lead-based paint hazards or both are present throughout the residential property. In such a case, evaluation is not required. Abatement shall then be conducted on all applicable surfaces, including soil, in accordance with § 35.1325, and completed when clearance is achieved in accordance with § 35.1340. This option is not available in public housing, where inspection is required.

(c) ***Lead hazard screen.*** Where a risk assessment is required, the designated party may choose first to conduct a lead hazard screen in accordance with § 35.1320(b). If the results of the lead hazard screen indicate the need for a full risk assessment (e.g., if the environmental measurements exceed levels established for lead hazard screens in § 35.1320(b)(2)), a complete risk assessment shall be conducted. Environmental samples collected for the lead hazard screen may be used in the risk assessment. If the results of the lead hazard screen do not indicate the need for a follow-up risk assessment, a risk assessment is not required.

(d) ***Paint testing.*** Where paint stabilization or interim controls of deteriorated paint surfaces are required by this rule, the designated party has the option to conduct paint testing of all surfaces with non-intact paint. If paint testing indicates the absence of lead-based paint on a specific surface, paint stabilization or interim controls are not required on that surface.

§ 35.125 Notice of evaluation and hazard reduction activities.

The following activities shall be conducted if notice is required by subparts D and F through M of this part.

(a) ***Notice of evaluation or presumption.*** When evaluation is undertaken and lead-based paint or lead-based paint hazards are found to be present, or if a presumption is made that lead-based paint or lead-based paint hazards are present in accordance with the options described in § 35.120, the designated party shall provide a notice to occupants within 15 calendar days of the date when the designated party receives the report or makes the presumption. A visual assessment alone is not considered an evaluation for the purposes of this part. If only a visual assessment alone is required by this part, and no evaluation is performed, a notice of evaluation or presumption is not required.

(1) The notice of the evaluation shall include:

(i) A summary of the nature, dates, scope, and results of the evaluation;

(ii) A contact name, address and telephone number for more information, and to obtain access to the actual evaluation report; and

(iii) The date of the notice.

(2) The notice of presumption shall include:

(i) The nature and scope of the presumption;

(ii) A contact name, address and telephone number for more information; and

(iii) The date of the notice.

(b) ***Notice of hazard reduction activity.*** When hazard reduction activities are undertaken, each designated party shall:

(1) Provide a notice to occupants not more than 15 calendar days after the hazard reduction activities (including paint stabilization) have been completed. Notice of hazard reduction shall include, but not be limited to:

(i) A summary of the nature, dates, scope, and results (including clearance) of the hazard reduction activities;

(ii) A contact name, address, and telephone number for more information;

(iii) Available information on the location of any remaining lead-based paint in the rooms, spaces, or areas where hazard reduction activities were conducted, on a surface-by-surface basis; and

(iv) The date of the notice.

(2) Update the notice, based on reevaluation of the residential property and as any additional hazard reduction work is conducted.

(3) Provision of a notice of hazard reduction is not required if a clearance examination is not required.

(c) ***Availability of notices of evaluation, presumption, and hazard reduction activities.***

(1) The notices of evaluation, presumption, and hazard reduction shall be of a size and type that is easily read by occupants.

(2) To the extent practicable, each notice shall be made available, upon request, in a format accessible to persons with disabilities (e.g., Braille, large type, computer disk, audio tape).

(3) Each notice shall be provided in the occupants' primary language or in the language of the occupants' contract or lease.

(4) The designated party shall provide each notice to the occupants by:

(i) Posting and maintaining it in centrally located common areas and distributing it to any dwelling unit if necessary because the head of household is a person with a known disability; or

(ii) Distributing it to each occupied dwelling unit affected by the evaluation, presumption, or hazard reduction activity or serviced by common areas in which an evaluation, presumption or hazard reduction has taken place.

(iii) However, for the protection of the privacy of the child and the child's family or guardians, no notice of environmental investigation shall be posted to any centrally located common area.

[64 FR 50202, Sept. 15, 1999, as amended at 69 FR 34271, June 21, 2004; 82 FR 4167, Jan. 13, 2017]

§ 35.130 Lead hazard information pamphlet.

If provision of a lead hazard information pamphlet is required in subparts D and F through M of this part, the designated party shall provide to each occupied dwelling unit to which subparts D and F through M of this part apply, the lead hazard information pamphlet developed by EPA, HUD and the Consumer Product Safety Commission pursuant to section 406 of the Toxic Substances Control Act (15 U.S.C. 2686), or an EPA-approved alternative; except that the designated party need not provide a lead hazard information pamphlet if the designated party can demonstrate that the pamphlet has already been provided in accordance with the lead-based paint notification and disclosure requirements at § 35.88(a)(1), or 40 CFR 745.107(a)(1) or in accordance with the requirements for hazard education before renovation at 40 CFR part 745, subpart E.

§ 35.135 Use of paint containing lead.

(a) ***New use prohibition.*** The use of paint containing more than 0.06 percent dry weight of lead on any interior or exterior surface in federally owned housing or housing receiving Federal assistance is prohibited. As appropriate, each Federal agency shall include the prohibition in contracts, grants, cooperative agreements, insurance agreements, guaranty agreements, trust agreements, or other similar documents.

(b) ***Pre-1978 prohibition.*** In the case of a jurisdiction which banned the sale or residential use of lead-containing paint before 1978, HUD may designate an earlier date for certain provisions of subparts D and F through M of this part.

§ 35.140 Prohibited methods of paint removal.

The following methods shall not be used to remove paint that is, or may be, lead-based paint:

(a) Open flame burning or torching.

(b) Machine sanding or grinding without a high-efficiency particulate air (HEPA) local exhaust control.

(c) Abrasive blasting or sandblasting without HEPA local exhaust control.

(d) Heat guns operating above 1100 degrees Fahrenheit or charring the paint.

(e) Dry sanding or dry scraping, except dry scraping in conjunction with heat guns or within 1.0 ft. (0.30 m.) of electrical outlets, or when treating defective paint spots totaling no more than 2 sq. ft. (0.2 sq. m.) in any one interior room or space, or totaling no more than 20 sq. ft. (2.0 sq. m.) on exterior surfaces.

(f) Paint stripping in a poorly ventilated space using a volatile stripper that is a hazardous substance in accordance with regulations of the Consumer Product Safety Commission at 16 CFR 1500.3, and/or a hazardous chemical in accordance with the Occupational Safety and Health Administration regulations at 29 CFR 1910.1200 or 1926.59, as applicable to the work.

§ 35.145 Compliance with Federal laws and authorities.

All lead-based paint activities, including waste disposal, performed under this part shall be performed in accordance with applicable Federal laws and authorities. For example, such activities are subject to the applicable environmental review requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), the Toxic Substances Control Act, Title IV (15 U.S.C. 2860 *et seq.*), and other environmental laws and authorities (see, e.g., laws and authorities listed in § 50.4 of this title).

§ 35.150 Compliance with other State, tribal, and local laws.

(a) ***HUD responsibility.*** If HUD determines that a State, tribal or local law, ordinance, code or regulation provides for evaluation or hazard reduction in a manner that provides a comparable level of protection from the hazards of lead-based paint poisoning to that provided by the requirements of subparts B, C, D, F through M and R of this part and that adherence to the requirements of subparts B, C, D, F through M, and R of this part, would be duplicative or otherwise cause inefficiencies, HUD may modify or waive some or all of the requirements of the subparts in a manner that will promote efficiency while ensuring a comparable level of protection.

(b) ***Participant responsibility.*** Nothing in this part is intended to relieve any participant in a program covered by this subpart of any responsibility for compliance with State, tribal or local laws, ordinances, codes or regulations governing evaluation and hazard reduction. If a State, tribal or local law, ordinance, code or regulation defines lead-based paint differently than the Federal definition, the more protective definition (i.e., the lower level) shall be followed in that State, tribal or local jurisdiction.

§ 35.155 Minimum requirements.

(a) Nothing in subparts B, C, D, F through M, and R of this part is intended to preclude a designated party or owner from conducting additional evaluation or hazard reduction measures beyond the minimum requirements established for each program in this regulation. For example, if the applicable subpart requires visual assessment, the designated party may choose to perform a risk assessment in accordance with § 35.1320. Similarly, if the applicable subpart requires interim controls, a designated party or owner may choose to implement abatement in accordance with § 35.1325.

(b) To the extent that assistance from any of the programs covered by subparts B, C, D, and F through M of this part is used in conjunction with other HUD program assistance, the most protective requirements prevail.

[64 FR 50202, Sept. 15, 1999, as amended at 82 FR 4167, Jan. 13, 2017]

§ 35.160 Waivers.

In accordance with § 5.110 of this title, on a case-by-case basis and upon determination of good cause, HUD may, subject to statutory limitations, waive any provision of subparts B, C, D, F through M, and R of this part.

§ 35.165 Prior evaluation or hazard reduction.

If an evaluation or hazard reduction was conducted at a residential property or dwelling unit before the property or dwelling unit became subject to the requirements of subparts B, C, D, F through M, and R of this part, such an evaluation, hazard reduction or abatement meets the requirements of subparts B, C, D, F through M, and R of this part and need not be repeated under the following conditions:

(a) ***Lead-based paint inspection.***

(1) A lead-based paint inspection conducted before March 1, 2000, meets the requirements of this part if:

(i) At the time of the inspection the lead-based paint inspector was approved by a State or Indian tribe to perform lead-based paint inspections. It is not necessary that the State or tribal approval program had EPA authorization at the time of the inspection.

(ii) Notwithstanding paragraph (a)(1)(i) of this section, the inspection was conducted and accepted as valid by a housing agency in fulfillment of the lead-based paint inspection requirement of the public and Indian housing program.

(2) A lead-based paint inspection conducted on or after March 1, 2000, must have been conducted by a certified lead-based paint inspector.

(b) ***Risk assessment.***

(1) A risk assessment must be no more than 12 months old to be considered current.

(2) A risk assessment conducted before March 1, 2000, meets the requirements of this part if, at the time of the risk assessment, the risk assessor was approved by a state or Indian Tribe to perform risk assessments. It is not necessary that the state or tribal approval program had EPA authorization at the time of the risk assessment.

(3) A risk assessment conducted on or after March 1, 2000, must have been conducted by a certified risk assessor.

(4) Paragraph (b) of this section does not apply in a case where a risk assessment is required in response to the identification of a child with an elevated blood lead level. In such a case, the requirements in the applicable subpart for responding to a child with an elevated blood lead level shall apply.

(c) ***Interim controls.*** If a residential property is under a program of interim controls and ongoing lead-based paint maintenance and reevaluation activities established pursuant to a risk assessment conducted in accordance with paragraph (b) of this section, the interim controls that have been conducted meet the requirements of this part if clearance was achieved after such controls were implemented. In such a case, the program of interim controls and ongoing activities shall be continued in accordance with the requirements of this part.

(d) ***Abatement.***

(1) An abatement conducted before March 1, 2000, meets the requirements of this part if:

(i) At the time of the abatement the abatement supervisor was approved by a State or Indian tribe to perform lead-based paint abatement. It is not necessary that the State or tribal approval program had EPA authorization at the time of the abatement.

(ii) Notwithstanding paragraph (d)(1)(i) of this section, it was conducted and accepted by a housing agency in fulfillment of the lead-based paint abatement requirement of the public housing program or by an Indian housing authority (as formerly defined under the U.S. Housing Act of 1937) in fulfillment of the lead-based paint requirement of the Indian housing program formerly funded under the U.S. Housing Act of 1937.

(2) An abatement conducted on or after March 1, 2000, must have been conducted under the supervision of a certified lead-based paint abatement supervisor.

[64 FR 50202, Sept. 15, 1999; 65 FR 3387, Jan. 21, 2000, as amended at 69 FR 34272, June 21, 2004; 82 FR 4167, Jan. 13, 2017]

§ 35.170 Noncompliance with the requirements of subparts B through R of this part.

(a) ***Monitoring and enforcement.*** A designated party who fails to comply with any requirement of subparts B, C, D, F through M, and R of this part shall be subject to the sanctions available under the relevant Federal housing assistance or ownership program and may be subject to other penalties authorized by law.

(b) A property owner who informs a potential purchaser or occupant of lead-based paint or possible lead-based paint hazards in a residential property or dwelling unit, in accordance with subpart A of this part, is not relieved of the requirements to evaluate and reduce lead-based paint hazards in accordance with subparts B through R of this part as applicable.

§ 35.175 Records.

The designated party, as specified in subparts C, D, and F through M of this part, shall keep a copy of each notice, evaluation, and clearance or abatement report required by subparts C, D, and F through M of this part for at least three years. Those records applicable to a portion of a residential property for which ongoing lead-based paint maintenance and/or reevaluation activities are required shall be kept and made available for the Department's review, until at least three years after such activities are no longer required.

Subpart C - Disposition of Residential Property Owned by a Federal Agency Other Than HUD

Source: 64 FR 50208, Sept. 15, 1999, unless otherwise noted.

§ 35.200 Purpose and applicability.

The purpose of this subpart C is to establish procedures to eliminate as far as practicable lead-based paint hazards prior to the sale of a residential property that is owned by a Federal agency other than HUD. The requirements of this subpart apply to any residential property offered for sale on or after September 15, 2000.

§ 35.205 Definitions and other general requirements.

Definitions and other general requirements that apply to this subpart are found in subpart B of this part.

§ 35.210 Disposition of residential property constructed before 1960.

(a) ***Evaluation.*** The Federal agency shall conduct a risk assessment and a lead-based paint inspection in accordance with 40 CFR 745.227 before the closing of the sale.

(b) ***Abatement of lead-based paint hazards.*** The risk assessment used for the identification of hazards to be abated shall have been performed no more than 12 months before the beginning of the abatement. The Federal agency shall abate all identified lead-based paint hazards in accordance with 40 CFR 745.227. Abatement is completed when clearance is achieved in accordance with 40 CFR 745.227. Where abatement of lead-based paint hazards is not completed before the closing of the sale, the Federal agency shall be responsible for assuring that abatement is carried out by the purchaser before occupancy of the property as target housing and in accordance with 40 CFR 745.227.

§ 35.215 Disposition of residential property constructed after 1959 and before 1978.

The Federal agency shall conduct a risk assessment and a lead-based paint inspection in accordance with 40 CFR 745.227. Evaluation shall be completed before closing of the sale according to a schedule determined by the Federal agency. The results of the risk assessment and lead-based paint inspection shall be made available to prospective purchasers as required in subpart A of this part.

Subpart D - Project-Based Assistance Provided by a Federal Agency Other Than HUD

Source: 64 FR 50209, Sept. 15, 1999, unless otherwise noted.

§ 35.300 Purpose and applicability.

The purpose of this subpart D is to establish procedures to eliminate as far as practicable lead-based paint hazards in a residential property that receives more than $5,000 annually per project in project-based assistance on or after September 15, 2000, under a program administered by a Federal agency other than HUD.

§ 35.305 Definitions and other general requirements.

Definitions and other general requirements that apply to this subpart are found in subpart B of this part.

§ 35.310 Notices and pamphlet.

(a) ***Notice.*** A notice of evaluation or hazard reduction shall be provided to the occupants in accordance with § 35.125.

(b) ***Lead hazard information pamphlet.*** The owner shall provide the lead hazard information pamphlet in accordance with § 35.130.

§ 35.315 Risk assessment.

Each owner shall complete a risk assessment in accordance with 40 CFR 745.227(d). Each risk assessment shall be completed in accordance with the schedule established by the Federal agency.

§ 35.320 Hazard reduction.

Each owner shall conduct interim controls consistent with the findings of the risk assessment report. Hazard reduction shall be conducted in accordance with subpart R of this part.

§ 35.325 Child with an elevated blood lead level.

(a) If a child less than 6 years of age living in a federally assisted dwelling unit has an elevated blood lead level, the owner shall immediately conduct an environmental investigation. Interim controls of identified lead-based paint hazards shall be conducted in accordance with § 35.1330.

(b) ***Other assisted dwelling units in the property.***

(1) If the environmental investigation conducted under paragraph (a) of this section identifies lead-based paint hazards, the owner shall conduct a risk assessment for other assisted dwelling units covered by this subpart in which a child under age 6 resides or is expected to reside on the date interim controls are complete, and for the common areas servicing those units. The risk assessments shall be conducted within 30 calendar days after receipt of the environmental investigation report on the index unit if there are 20 or fewer such units, or 60 calendar days for risk assessments if there are more than 20 such units. If the risk assessment identifies lead-based paint hazards, the owner shall control identified hazards in accordance with § 35.1325 or § 35.1330 in those units and common areas within 30 calendar days, or within 90 calendar days if more than 20 units have lead-based paint hazards such that the control work would disturb painted surfaces that total more than the de minimis threshold of § 35.1350(d).

(2) The requirements for other assisted dwelling units covered by paragraph (b)(1) of this section do not apply if:

(i) The owner both conducted a risk assessment of the other assisted dwelling units covered by paragraph (b)(1), and the common areas servicing those units, and conducted reduction of identified lead-based paint hazards in accordance with § 35.1325 or § 35.1330 between the date the child's blood was last sampled and the date the owner received the notification of the elevated blood lead level; or

(ii) The owner provides the Federal agency documentation of compliance with evaluation, notification, lead disclosure, ongoing lead-based paint maintenance, and lead-based paint management requirements under this part throughout the 12 months preceding the date the owner received the environmental investigation report.

(c) Interim controls are complete when clearance is achieved in accordance with § 35.1340.

(d) The Federal agency shall establish a timetable for completing, and providing documentation to the agency on the environmental investigation, risk assessments, and lead-based paint hazard reduction when a child is identified as having an elevated blood lead level.

[82 FR 4167, Jan. 13, 2017]

Subpart E [Reserved]

Subpart F - HUD-Owned Single Family Property

Source: 64 FR 50209, Sept. 15, 1999, unless otherwise noted.

§ 35.500 Purpose and applicability.

The purpose of this subpart F is to establish procedures to eliminate as far as practicable lead-based paint hazards in HUD-owned single family properties that have been built before 1978 and are sold with mortgages insured under a program administered by HUD. The requirements of this subpart apply to any such residential properties offered for sale on or after September 15, 2000.

§ 35.505 Definitions and other general requirements.

Definitions and other general requirements that apply to this subpart are found in subpart B of this part.

§ 35.510 Required procedures.

(a) The following activities shall be conducted for all properties to which this subpart is applicable:

(1) A visual assessment of all painted surfaces in order to identify deteriorated paint;

(2) Paint stabilization of all deteriorated paint in accordance with § 35.1330(a) and (b); and

(3) Clearance in accordance with § 35.1340.

(b) Occupancy shall not be permitted until all required paint stabilization is complete and clearance is achieved.

(c) If paint stabilization and clearance are not completed before the closing of the sale, the Department shall assure that paint stabilization and clearance are carried out pursuant to subpart R of this part by the purchaser before occupancy.

Subpart G - Multifamily Mortgage Insurance

Source: 64 FR 50209, Sept. 15, 1999, unless otherwise noted.

§ 35.600 Purpose and applicability.

The purpose of this subpart G is to establish procedures to eliminate as far as practicable lead-based paint hazards in a multifamily residential property for which HUD is the owner of the mortgage or the owner receives mortgage insurance, under a program administered by HUD.

§ 35.605 Definitions and other general requirements.

Definitions and other general requirements that apply to this subpart are found in subpart B of this part.

§ 35.610 Exemption.

An application for insurance in connection with a refinancing transaction where an appraisal is not required under the applicable procedures established by HUD is excluded from the coverage of this subpart.

§ 35.615 Notices and pamphlet.

(a) ***Notice.*** If evaluation or hazard reduction is undertaken, the sponsor shall provide a notice to occupants in accordance with § 35.125. A visual assessment alone is not considered an evaluation for the purposes of this part.

(b) ***Lead hazard information pamphlet.*** The sponsor shall provide the lead hazard information pamphlet in accordance with § 35.130.

[64 FR 50209, Sept. 15, 1999, as amended at 69 FR 34272, June 21, 2004]

§ 35.620 Multifamily insured property constructed before 1960.

Except as provided in § 35.630, the following requirements apply to multifamily insured property constructed before 1960:

(a) ***Risk assessment.*** Before the issuance of a firm commitment the sponsor shall conduct a risk assessment in accordance with § 35.1320(b).

(b) ***Interim controls.***

(1) The sponsor shall conduct interim controls in accordance with § 35.1330 to treat the lead-based paint hazards identified in the risk assessment. Interim controls are considered completed when clearance is achieved in accordance with § 35.1340.

(2) The sponsor shall complete interim controls before the issuance of the firm commitment or interim controls may be made a condition of the Federal Housing Administration (FHA) firm commitment, with sufficient repair or rehabilitation funds escrowed at initial endorsement of the FHA insured loan.

(c) ***Ongoing lead-based paint maintenance activities.*** Before the issuance of the firm commitment, the sponsor shall agree to incorporate ongoing lead-based paint maintenance into regular building operations and maintenance activities in accordance with § 35.1355(a).

§ 35.625 Multifamily insured property constructed after 1959 and before 1978.

Except as provided in § 35.630, before the issuance of the firm commitment, the sponsor shall agree to incorporate ongoing lead-based paint maintenance practices into regular building operations, in accordance with § 35.1355(a).

§ 35.630 Conversions and major rehabilitations.

The procedures and requirements of this section apply when a nonresidential property constructed before 1978 is to be converted to residential use, or a residential property constructed before 1978 is to undergo rehabilitation that is estimated to cost more than 50 percent of the estimated replacement cost after rehabilitation.

(a) ***Lead-based paint inspection.*** Before issuance of a firm FHA commitment, the sponsor shall conduct a lead-based paint inspection in accordance with § 35.1320(a).

(b) ***Abatement.*** Prior to occupancy, the sponsor shall conduct abatement of all lead-based paint on the property in accordance with § 35.1325. Whenever practicable, abatement shall be achieved through the methods of paint removal or component replacement. If paint removal or component replacement are not practicable, that is if such methods would damage substrate material considered architecturally significant, permanent encapsulation or enclosure may be used as methods of abatement. Abatement is considered complete when clearance is achieved in accordance with § 35.1340. If encapsulation or enclosure is used, the sponsor shall incorporate ongoing lead-based paint maintenance into regular building operations maintenance activities in accordance with § 35.1355.

(c) ***Historic properties.*** Section 35.115(a)(13) applies to this section.

Subpart H - Project-Based Assistance

Source: 64 FR 50210, Sept. 15, 1999, unless otherwise noted.

§ 35.700 Purpose and applicability.

(a) This subpart H establishes procedures to eliminate as far as practicable lead-based paint hazards in residential properties receiving project-based assistance under a HUD program. The requirements of this subpart apply only to the assisted dwelling units in a covered property and any common areas servicing those dwelling units. This subpart does not apply to housing receiving rehabilitation assistance or to public housing, which are covered by subparts J and M of this part, respectively.

(b) For the purposes of competitively awarded grants under the Housing Opportunities for Persons with AIDS Program (HOPWA), the Supportive Housing Program (42 U.S.C. 11381–11389) and the Shelter Plus Care Program project-based rental assistance and sponsor-based rental assistance components (42 U.S.C. 11402–11407), the requirements of this subpart shall apply to grants awarded pursuant to Notices of Funding Availability published on or after October 1, 1999. For the purposes of formula grants awarded under the Housing Opportunities for Persons with AIDS Program (HOPWA) (42 U.S.C. 12901 *et seq.*), the requirements of this subpart shall apply to activities for which program funds are first obligated on or after September 15, 2000.

§ 35.705 Definitions and other general requirements.

Definitions and other general requirements that apply to this subpart are found in subpart B of this part.

§ 35.710 Notices and pamphlet.

(a) ***Notice.*** If evaluation or hazard reduction is undertaken, each owner shall provide a notice to occupants in accordance with § 35.125. A visual assessment alone is not considered an evaluation for the purposes of this part.

(b) ***Lead hazard information pamphlet.*** The owner shall provide the lead hazard information pamphlet in accordance with § 35.130.

[64 FR 50210, Sept. 15, 1999, as amended at 69 FR 34272, June 21, 2004]

§ 35.715 Multifamily properties receiving more than $5,000 per unit.

The requirements of this section shall apply to a multifamily residential property that is receiving an average of more than $5,000 per assisted dwelling unit annually in project-based assistance.

(a) ***Risk assessment.*** Each owner shall complete a risk assessment in accordance with § 35.1320(b). A risk assessment is considered complete when the owner receives the risk assessment report. Until the owner conducts a risk assessment as required by this section, the requirements of paragraph (d) of this section shall apply. After the risk assessment has been conducted the requirements of paragraphs (b) and (c) of this section shall apply. Each risk assessment shall be completed no later than the following schedule or a schedule otherwise determined by HUD:

(1) Risk assessments shall be completed on or before September 17, 2001, in a multifamily residential property constructed before 1960.

(2) Risk assessments shall be completed on or before September 15, 2003, in a multifamily residential property constructed after 1959 and before 1978.

(b) ***Interim controls.*** Each owner shall conduct interim controls in accordance with § 35.1330 to treat the lead-based paint hazards identified in the risk assessment. Interim controls are considered completed when clearance is achieved in accordance with § 35.1340. Interim controls shall be completed no later than the following schedule:

(1) In units occupied by families with children of less than 6 years of age and in common areas servicing those units, interim controls shall be completed no later than 90 days after the completion of the risk assessment. In units in which a child of less than 6 years of age moves in after the completion of the risk assessment, interim controls shall be completed no later than 90 days after the move-in.

(2) In all other dwelling units, common areas, and the remaining portions of the residential property, interim controls shall be completed no later than 12 months after completion of the risk assessment for those units.

(c) ***Ongoing lead-based paint maintenance and reevaluation activities.*** Effective immediately after completion of the risk assessment required in § 35.715(a), the owner shall incorporate ongoing lead-based paint maintenance and reevaluation into the regular building operations in accordance with § 35.1355, unless all lead-based paint has been removed. If the reevaluation identifies new lead-based paint hazards, the owner shall conduct interim controls in accordance with § 35.1330.

(d) ***Transitional requirements*** —

(1) ***Effective date.*** The requirements of this paragraph shall apply effective September 15, 2000, and continuing until the applicable date specified in § 35.715(a) (1) or (2) or until the owner conducts a risk assessment, whichever is first.

(2) Definitions and other general requirements that apply to this paragraph are found in subpart B of this part.

(3) ***Ongoing lead-based paint maintenance.*** The owner shall incorporate ongoing lead-based paint maintenance activities into regular building operations, in accordance with § 35.1355(a), except that clearance is not required.

(e) ***Child with an elevated blood lead level.*** If a child of less than 6 years of age living in a dwelling unit covered by this paragraph has an elevated blood lead level, the owner shall comply with the requirements of § 35.730.

[64 FR 50210, Sept. 15, 1999, as amended at 82 FR 4167, Jan. 13, 2017]

§ 35.720 Multifamily properties receiving up to $5,000 per unit, and single family properties.

Effective September 15, 2000, the requirements of this section shall apply to a multifamily residential property that is receiving an average of up to and including $5,000 per assisted dwelling unit annually in project-based assistance and to a single family residential property that is receiving project-based assistance through the Section 8 Moderate Rehabilitation program, the Project-Based Certificate program, or any other HUD program providing project-based assistance.

(a) ***Activities at initial and periodic inspection*** —

(1) ***Visual assessment.*** During the initial and periodic inspections, an inspector trained in visual assessment for deteriorated paint surfaces in accordance with procedures established by HUD shall conduct a visual assessment of all painted surfaces in order to identify any deteriorated paint.

(2) ***Paint stabilization.*** The owner shall stabilize each deteriorated paint surface in accordance with § 35.1330(a) and § 35.1330(b) before occupancy of a vacant dwelling unit or, where a unit is occupied, within 30 days of notification of the results of the visual assessment. Paint stabilization is considered complete when clearance is achieved in accordance with § 35.1340.

(3) ***Notice.*** The owner shall provide a notice to occupants in accordance with §§ 35.125(b) (1) and (c) describing the results of the clearance examination.

(b) ***Ongoing lead-based paint maintenance activities.*** The owner shall incorporate ongoing lead-based paint maintenance activities into regular building operations in accordance with § 35.1355(a), unless all lead-based paint has been removed.

(c) ***Child with an elevated blood lead level.*** If a child of less than 6 years of age living in a dwelling unit covered by this section has an elevated blood lead level, the owner shall comply with the requirements of § 35.730.

[64 FR 50210, Sept. 15, 1999, as amended at 82 FR 4167, Jan. 13, 2017]

§ 35.725 Section 8 Rent adjustments.

HUD may, subject to the availability of appropriations for Section 8 contract amendments, on a project by project basis for projects receiving Section 8 project-based assistance, provide adjustments to the maximum monthly rents to cover the costs of evaluation for and reduction of lead-based paint hazards, as defined in section 1004 of the Residential Lead-Based Paint Hazard Reduction Act of 1992.

§ 35.730 Child with an elevated blood lead level.

(a) ***Environmental investigation.*** Within 15 calendar days after being notified by a public health department or other medical health care provider that a child of less than 6 years of age living in a dwelling unit to which this subpart applies has been identified as having an elevated blood lead level, the owner shall complete an environmental investigation of the dwelling unit in which the child lived at the time the blood was last sampled and of common areas servicing the dwelling unit. The requirements of this paragraph apply regardless of whether the child is or is not still living in the unit when the owner receives the notification of the elevated blood lead level. The requirements of this paragraph shall not apply if the owner conducted an environmental investigation of the unit and common areas servicing the unit between the date the child's blood was last sampled and the date when the owner received the notification of the elevated blood lead level. If the owner conducted a risk assessment of the unit and common areas servicing the unit during that period, the owner need not conduct another risk assessment there but shall conduct the elements of an environmental investigation not already conducted during the risk assessment. If a public health department has already conducted an evaluation of the dwelling unit in regard to the child's elevated blood lead level case, the requirements of this paragraph shall not apply.

(b) ***Verification.*** After receiving information from a person who is not a medical health care provider that a child of less than 6 years of age living in a dwelling unit covered by this subpart may have an elevated blood lead level, the owner shall immediately verify the information with the public health department or other medical health care provider. If the public health department or provider denies the request, such as because it does not have the capacity to verify that information, the owner shall send documentation of the denial to the HUD rental assistance program manager, who shall make an effort to verify the information. If the public health department or provider verifies that the child has an elevated blood lead level, such verification shall constitute notification, and the owner shall take the action required in paragraphs (a) and (c) of this section.

(c) ***Lead-based paint hazard reduction.*** Within 30 calendar days after receiving the report of the environmental investigation conducted pursuant to paragraph (a) of this section or the evaluation from the public health department, the owner shall complete the reduction of identified lead-based paint hazards in accordance with § 35.1325 or § 35.1330. Lead-based paint hazard reduction is considered complete when clearance is achieved in accordance with § 35.1340 and the clearance report states that all lead-based paint hazards identified in the environmental investigation have been treated with interim controls or abatement or the public health department certifies that the lead-based paint hazard reduction is complete. The requirements of this paragraph do not apply if the owner, between the date the child's blood was last sampled and the date the owner received the notification of the elevated blood lead level, already conducted an environmental investigation of the unit and common areas servicing the unit and completed reduction of identified lead-based paint hazards. If the owner conducted a risk assessment of the unit and common areas servicing the unit during that period, the owner is not required to conduct another risk assessment there but shall conduct the elements of an environmental investigation not already conducted during the risk assessment.

(d) If an environmental investigation or lead-based paint hazard evaluation or reduction is undertaken, each owner shall provide notice to occupants in accordance with § 35.125.

(e) ***Reporting requirement.***

(1) The owner shall report the name and address of a child identified as having an elevated blood lead level to the public health department within 5 business days of being so notified by any other medical health care professional.

(2) The owner shall also report each confirmed case of a child with an elevated blood lead level to the HUD field office and HUD Office of Lead Hazard Control and Healthy Homes within 5 business days of being so notified.

(3) The owner shall provide to the HUD field office documentation that the designated party has conducted the activities of paragraphs (a) through (d) of this section, within 10 business days of the deadline for each activity.

(f) ***Other assisted dwelling units in the property.***

(1) If the environmental investigation conducted pursuant to paragraph (a) of this section identifies lead-based paint hazards, the owner shall, for other assisted dwelling units covered by this part in which a child under age 6 resides or is expected to reside on the date lead-based paint hazard reduction under paragraph (c) of this section is complete, and for the common areas servicing those units, conduct a risk assessment within 30 calendar days after receipt of the environmental investigation report if there are 20 or fewer such other units, or 60 calendar days if there are more than 20 such other units.

(2) ***Control measures.*** If the risk assessment conducted under paragraph (f)(1) of this section identifies lead-based paint hazards, the owner shall complete the reduction of identified lead-based paint hazards in accordance with § 35.1325 or § 35.1330 in those units and common areas within 30 calendar days, or within 90 calendar days if more than 20 units have lead-based paint hazards such that the control work would disturb painted surfaces that total more than the de minimis threshold of § 35.1350(d). Lead-based paint hazard reduction is considered complete when clearance is achieved in accordance with § 35.1340 and the clearance report states that all lead-based paint hazards identified in the risk assessment have been treated with interim controls or abatement.

(3) The owner shall provide to the HUD field office documentation that the designated party has conducted the activities of paragraph (f)(1) and (f)(2) of this section, within 10 business days of the deadline for each activity.

(4) The requirements of this paragraph (f) do not apply if:

(i) The owner both conducted a risk assessment of the other assisted dwelling units covered by paragraph (f)(1) of this section and the common areas servicing those units, and conducted reduction of identified lead-based paint hazards in accordance with § 35.1325 or § 35.1330 between the date the child's blood was last sampled and the date the owner received the notification of the elevated blood lead level; or

(ii) The owner has documentation of compliance with evaluation, notification, lead disclosure, ongoing lead-based paint maintenance, and lead-based paint management requirements under this part throughout the 12 months preceding the date the owner received the environmental investigation report pursuant to paragraph (a) of this section; and

(iii) In either case, the owner provides to the HUD field office documentation that it has conducted the activities of paragraphs (f)(4)(i) and (ii) of this section, within 10 business days of the deadline for each activity.

[82 FR 4167, Jan. 13, 2017]

Subpart I - HUD-Owned and Mortgagee-in-Possession Multifamily Property

Source: 64 FR 50211, Sept. 15, 1999, unless otherwise noted.

§ 35.800 Purpose and applicability.

The purpose of this subpart I is to establish procedures to eliminate as far as practicable lead-based paint hazards in a HUD-owned multifamily residential property or a multifamily residential property for which HUD is identified as mortgagee-in-possession. The requirements of this subpart apply to any such property that is offered for sale or held or managed on or after September 15, 2000.

§ 35.805 Definitions and other general requirements.

Definitions and other general requirements that apply to this subpart are found in subpart B of this part.

§ 35.810 Notices and pamphlet.

(a) ***Notices.*** When evaluation or hazard reduction is undertaken, the Department shall provide a notice to occupants in accordance with § 35.125. A visual assessment alone is not considered an evaluation for the purposes of this part.

(b) ***Lead hazard information pamphlet.*** HUD shall provide the lead hazard information pamphlet in accordance with § 35.130.

[64 FR 50211, Sept. 15, 1999, as amended at 69 FR 34272, June 21, 2004]

§ 35.815 Evaluation.

HUD shall conduct a risk assessment and a lead-based paint inspection in accordance with § 35.1320(a) and (b). For properties to which this subpart applies on September 15, 2000, the lead-based paint inspection and risk assessment shall be conducted no later than December 15, 2000, or before publicly advertising the property for sale, whichever is sooner. For properties to which this subpart becomes applicable after September 15, 2000, the lead-based paint inspection and risk assessment shall be conducted no later than 90 days after this subpart becomes applicable or before publicly advertising the property for sale, whichever is sooner.

§ 35.820 Interim controls.

HUD shall conduct interim controls in accordance with § 35.1330 to treat the lead-based paint hazards identified in the evaluation conducted in accordance with § 35.815. Interim controls are considered completed when clearance is achieved in accordance with § 35.1340. Interim controls of all lead-based paint hazards shall be completed no later than the following schedule:

(a) In units occupied by families with children of less than 6 years of age and in common areas servicing those units, interim controls shall be completed no later than 90 days after the completion of the risk assessment. In units in which a child of less than 6 years of age moves in after the completion of the risk assessment, interim controls shall be completed no later than 90 days after the move-in.

(b) In all other dwelling units, common areas, and the remaining portions of the residential property, interim controls shall be completed no later than 12 months after completion of the risk assessment for those units.

(c) If conveyance of the title by HUD at a sale of a HUD-owned property or a foreclosure sale caused by HUD when HUD is mortgagee-in-possession occurs before the schedule in paragraphs (a) and (b) of this section, HUD shall complete interim controls before conveyance or foreclosure, or HUD shall be responsible for assuring that interim controls are carried out by the purchaser. If interim controls are made a condition of sale, such controls shall be completed according to the following schedule:

(1) In units occupied by families with children of less than 6 years of age and in common areas servicing those units, interim controls shall be completed no later than 90 days after the date of the closing of the sale. In units in which a child of less than 6 years of age moves in after the closing of the sale, interim controls shall be completed no later than 90 days after the move-in.

(2) In all other dwelling units, in common areas servicing those units, and in the remaining portions of the residential property, interim controls shall be completed no later than 180 days after the closing of the sale.

§ 35.825 Ongoing lead-based paint maintenance and reevaluation.

HUD shall incorporate ongoing lead-based paint maintenance and reevaluation, in accordance with § 35.1355, into regular building operations if HUD retains ownership of the residential property for more than 12 months.

§ 35.830 Child with an elevated blood lead level.

(a) ***Environmental investigation.*** Within 15 calendar days after being notified by a public health department or other medical health care provider that a child of less than 6 years of age living in a dwelling unit owned by HUD (or where HUD is mortgagee-in-possession) has been identified as having an elevated blood lead level, HUD shall complete an environmental investigation of the dwelling unit in which the child lived at the time the blood was last sampled and of common areas servicing the dwelling unit. The requirements of this paragraph apply regardless of whether the child is or is not still living in the unit when HUD receives the notification of the elevated blood lead level. The requirements of this paragraph shall not apply if HUD conducted an environmental investigation of the unit and common areas servicing the unit between the date the child's blood was last sampled and the date when HUD received the notification of the elevated blood lead level. If HUD conducted a risk assessment of the unit and common areas servicing the unit during that period, HUD is not required to conduct another risk assessment there but it shall conduct the elements of an environmental investigation not already conducted during the risk assessment. If a public health department has already conducted an evaluation of the dwelling unit in regard to the child's elevated blood lead level case, the requirements of this paragraph shall not apply.

(b) ***Verification.*** After receiving information from a person who is not a medical health care provider that a child of less than 6 years of age living in a dwelling unit covered by this subpart may have an elevated blood lead level, HUD shall immediately verify the information with the public health department or other medical health care provider. If the public health department or provider denies the request, such as because it does not have the capacity to verify that information, the HUD Realty Specialist assigned to that property shall send documentation of the denial to the HUD Office of Lead Hazard Control and Healthy Homes, which shall make an effort to verify the information. If the public health department or provider verifies that the child has an elevated blood lead level, such verification shall constitute notification, and HUD shall take the action required in paragraphs (a) and (c) of this section.

(c) ***Lead-based paint hazard reduction.*** Within 30 calendar days after receiving the report of the environmental investigation conducted pursuant to paragraph (a) of this section or the evaluation from the public health department, HUD shall complete the reduction of identified lead-based paint hazards in accordance with § 35.1325 or § 35.1330. Lead-based paint hazard reduction is considered complete when clearance is achieved in accordance with § 35.1340 and the clearance report states that all lead-based paint hazards identified in the environmental investigation have been treated with interim controls or abatement or the public health department certifies that the lead-based paint hazard reduction is complete. The requirements of this paragraph do not apply if HUD, between the date the child's blood was last sampled and the date HUD received the notification of the elevated blood lead level, already conducted an environmental investigation of the unit and common areas servicing the unit and completed reduction of identified lead-based paint hazards. If HUD conducted a risk assessment of the unit and common areas servicing the unit during that period, it is not required to conduct another risk assessment there but it shall conduct the elements of an environmental investigation not already conducted during the risk assessment.

(d) ***Notice.*** If lead-based paint hazard evaluation or reduction is undertaken, each owner shall provide a notice to occupants in accordance with § 35.125.

(e) ***Reporting requirement.***

(1) HUD shall report the name and address of a child identified as having an elevated blood lead level to the public health department within 5 business days of being so notified by any other medical health care professional.

(2) HUD shall also report each confirmed case of a child with an elevated blood lead level to the HUD Office of Lead Hazard Control and Healthy Homes within 5 business days of being so notified.

(3) HUD shall provide to the HUD Office of Lead Hazard Control and Healthy Homes documentation that it has conducted the activities of paragraphs (a) through (d) of this section, within 10 business days of the deadline for each activity.

(f) ***Other assisted dwelling units in the property.***

(1) If the environmental investigation conducted pursuant to paragraph (a) of this section identifies lead-based paint hazards, HUD shall, for other assisted dwelling units covered by this part in which a child under age 6 resides or is expected to reside on the date lead-based paint hazard reduction under paragraph (c) of this section, and the common areas servicing those units, is complete, conduct a risk assessment in accordance with § 35.815 within 30 calendar days after receipt of the environmental investigation report if there are 20 or fewer such other units, or 60 calendar days if there are more than 20 such other units.

(2) If the risk assessment conducted under paragraph (f)(1) of this section identifies lead-based paint hazards, HUD shall complete the reduction of identified lead-based paint hazards in accordance with § 35.1325 or § 35.1330 in those units and common areas within 30 calendar days, or within 90 calendar days if more than 20 units have lead-based paint hazards such that the control work would disturb painted surfaces that total more than the de minimis threshold of § 35.1350(d). Lead-based paint hazard reduction is considered complete when clearance is achieved in accordance with § 35.1340 and the clearance report states that all lead-based paint hazards identified in the risk assessment have been treated with interim controls or abatement.

(3) The requirements of this paragraph (f) do not apply if:

(i) HUD, between the date the child's blood was last sampled and the date HUD received the notification of the elevated blood lead level, both conducted a risk assessment in the other assisted dwelling units covered by paragraph (f)(1) of this section and the common areas servicing those units, and conducted interim controls of identified lead-based paint hazards in accordance with § 35.820; or

(ii) HUD has documentation of compliance with evaluation, notification, lead disclosure, ongoing lead-based paint maintenance, and lead-based paint management requirements under this part throughout the 12 months preceding the date HUD received the environmental investigation report pursuant to paragraph (a) of this section.

(4) HUD shall provide to the HUD Office of Lead Hazard Control and Healthy Homes documentation that it has conducted the activities of paragraph (f)(1) through (2) of this section, or that it has complied with the requirements in paragraph (f)(3) of this section, within 10 business days of the deadline for each activity.

(g) ***Closing.*** If the closing of a sale is scheduled during the period when HUD is responding to a case of a child with an elevated blood lead level, HUD may arrange for the completion of the procedures required by paragraphs (a) through (d) of this section by the purchaser within a reasonable period of time.

(h) ***Extensions.*** The Assistant Secretary for Housing-Federal Housing Commissioner or designee may consider and approve a request for an extension of deadlines established by this section for lead-based paint inspection, risk assessment, environmental investigation, lead-based paint hazard reduction, clearance, and reporting. Such a request may be considered, however, only during the first six months during which HUD is owner or mortgagee-in-possession of a multifamily property.

[82 FR 4168, Jan. 13, 2017]

Subpart J - Rehabilitation

Source: 64 FR 50212, Sept. 15, 1999, unless otherwise noted.

§ 35.900 Purpose and applicability.

(a) ***Purpose and applicability.***

(1) The purpose of this subpart J is to establish procedures to eliminate as far as practicable lead-based paint hazards in a residential property that receives Federal rehabilitation assistance under a program administered by HUD. Rehabilitation assistance does not include project-based rental assistance, rehabilitation mortgage insurance or assistance to public housing.

(2) The requirements of this subpart shall not apply to HOME funds which are committed to a specific project in accordance with § 92.2 of this title before September 15, 2000. Such projects shall be subject to the requirements of § 92.355 of this title that were in effect at the time of project commitment or the requirements of this subpart.

(3) For the purposes of the Indian Housing Block Grant program and the CDBG Entitlement program, the requirements of this subpart shall apply to all residential rehabilitation activities (except those otherwise exempted) for which funds are first obligated on or after September 15, 2000. For the purposes of the State, HUD-Administered Small Cities, and Insular Areas

CDBG programs, the requirements of this subpart shall apply to all covered activities (except those otherwise exempted) for which grant funding is awarded to the unit of local government by the State or HUD, as applicable, on or after September 15, 2000. For the purposes of the Emergency Shelter Grant Program (42 U.S.C. 11371–11378) and the formula grants awarded under the Housing Opportunities for Persons with AIDS Program (HOPWA) (42 U.S.C. 12901 *et. seq.*), the requirements of this subpart shall apply to activities for which program funds are first obligated on or after September 15, 2000.

(4) For the purposes of competitively awarded grants under the HOPWA Program and the Supportive Housing Program (42 U.S.C. 11481–11389), the requirements of this subpart shall apply to grants awarded under Notices of Funding Availability published on or after September 15, 2000.

(5) For the purposes of the Indian CDBG program (§ 1003.607 of this title), the requirements of this subpart shall not apply to funds whose notice of funding availability is announced or funding letter is sent before September 15, 2000. Such project grantees shall be subject to the regulations in effect at the time of announcement or funding letter.

(b) The grantee or participating jurisdiction may assign to a subrecipient or other entity the responsibilities set forth in this subpart.

§ 35.905 Definitions and other general requirements.

Definitions and other general requirements that apply to this subpart are found in subpart B of this part.

§ 35.910 Notices and pamphlet.

(a) ***Notices.*** In cases where evaluation or hazard reduction or both are undertaken as part of federally funded rehabilitation, the grantee or participating jurisdiction shall provide a notice to occupants in accordance with § 35.125. A visual assessment alone is not considered an evaluation for the purposes of this part.

(b) ***Lead hazard information pamphlet.*** The grantee or participating jurisdiction shall provide the lead hazard information pamphlet in accordance with § 35.130.

[69 FR 34272, June 21, 2004]

§ 35.915 Calculating Federal rehabilitation assistance.

(a) ***Applicability.*** This section applies to recipients of Federal rehabilitation assistance.

(b) ***Rehabilitation assistance.***

(1) Lead-based paint requirements for rehabilitation fall into three categories that depend on the amount of Federal rehabilitation assistance provided. The three categories are:

(i) Assistance of up to and including $5,000 per unit;

(ii) Assistance of more than $5,000 per unit up to and including $25,000 per unit; and

(iii) Assistance of more than $25,000 per unit.

(2) For purposes of implementing §§ 35.930 and 35.935, the amount of rehabilitation assistance is the lesser of two amounts: the average Federal assistance per assisted dwelling unit and the average per unit hard costs of rehabilitation. Federal assistance includes all Federal funds assisting the project, regardless of the use of the funds. Federal funds being used for acquisition of the property are to be included as well as funds for construction, permits, fees, and other project costs. The hard costs of rehabilitation include all hard costs, regardless of source, except that the costs of lead-based paint hazard evaluation and hazard reduction activities are not to be included. Costs of site preparation, occupant protection, relocation, interim controls, abatement, clearance, and waste handling attributable to compliance with the requirements of this part are not to be included in the hard costs of rehabilitation. All other hard costs are to be included, regardless of whether the source of funds is Federal or non-Federal, public or private.

(c) ***Calculating rehabilitation assistance in properties with both assisted and unassisted dwelling units.*** For a residential property that includes both federally assisted and non-assisted units, the rehabilitation costs and Federal assistance associated with non-assisted units are not included in the calculations of the average per unit hard costs of rehabilitation and the average Federal assistance per unit.

(1) The average per unit hard costs of rehabilitation for the assisted units is calculated using the following formula:

Per Unit Hard Costs of Rehabilitation $ = (a/c) + (b/d)

Where:
a = Rehabilitation hard costs for all assisted units (not including common areas and exterior surfaces)
b = Rehabilitation hard costs for common areas and exterior painted surfaces
c = Number of federally assisted units
d = Total number of units

(2) The average Federal assistance per assisted dwelling unit is calculated using the following formula:

Per unit Federal assistance = e/c

> Where:
> e = Total Federal assistance for the project
> c = Number of federally assisted units

[69 FR 34272, June 21, 2004]

§ 35.920 [Reserved]

§ 35.925 Examples of determining applicable requirements.

The following examples illustrate how to determine whether the requirements of §§ 35.930(b), (c), or (d) apply to a dwelling unit receiving Federal rehabilitation assistance (dollar amounts are on a per unit basis):

(a) If the total amount of Federal assistance for a dwelling is $2,000, and the hard costs of rehabilitation are $10,000, the lead-based paint requirements would be those described in § 35.930(b), because Federal rehabilitation assistance is up to and including $5,000.

(b) If the total amount of Federal assistance for a dwelling unit is $6,000, and the hard costs of rehabilitation are $2,000, the lead-based paint requirements would be those described in § 35.930(b). Although the total amount of Federal dollars is more than $5,000, only the $2,000 of that total can be applied to rehabilitation. Therefore, the Federal rehabilitation assistance is $2,000 which is not more than $5,000.

(c) If the total amount of Federal assistance for a unit is $6,000, and the hard costs of rehabilitation are $6,000, the lead-based paint requirements are those described in § 35.930(c), because the amount of Federal rehabilitation assistance is more than $5,000 but not more than $25,000.

(d) If eight dwelling units in a residential property receive Federal rehabilitation assistance [symbol c in § 35.915(c)(2)] out of a total of 10 dwelling units [d], the total Federal assistance for the rehabilitation project is $300,000 [e], the total hard costs of rehabilitation for the dwelling units are $160,000 [a], and the total hard costs of rehabilitation for the common areas and exterior surfaces are $20,000 [b], then the lead-based paint requirements would be those described in § 35.930(c), because the level of Federal rehabilitation assistance is $22,000, which is not greater than $25,000. This is calculated as follows: The total Federal assistance per assisted unit is $37,500 (e/c = $300,000/8), the per unit hard costs of rehabilitation is $22,000 (a/c + b/d = $160,000/8 + $20,000/10), and the level of Federal rehabilitation assistance is the lesser of $37,500 and $22,000.

[64 FR 50212, Sept. 15, 1999, as amended at 69 FR 34272, June 21, 2004]

§ 35.930 Evaluation and hazard reduction requirements.

(a) ***Paint testing.*** The grantee or participating jurisdiction shall either perform paint testing on the painted surfaces to be disturbed or replaced during rehabilitation activities, or presume that all these painted surfaces are coated with lead-based paint.

(b) ***Residential property receiving an average of up to and including $5,000 per unit in Federal rehabilitation assistance.*** Each grantee or participating jurisdiction shall:

(1) Conduct paint testing or presume the presence of lead-based paint, in accordance with paragraph (a) of this section. If paint testing indicates that the painted surfaces are not coated with lead-based paint, safe work practices and clearance are not required.

(2) Implement safe work practices during rehabilitation work in accordance with § 35.1350 and repair any paint that is disturbed.

(3) After completion of any rehabilitation disturbing painted surfaces, perform a clearance examination of the worksite(s) in accordance with § 35.1340. Clearance is not required if rehabilitation did not disturb painted surfaces of a total area more than that set forth in § 35.1350(d).

(c) ***Residential property receiving an average of more than $5,000 and up to and including $25,000 per unit in Federal rehabilitation assistance.*** Each grantee or participating jurisdiction shall:

(1) Conduct paint testing or presume the presence of lead-based paint, in accordance with paragraph (a) of this section.

(2) Perform a risk assessment in the dwelling units receiving Federal assistance, in common areas servicing those units, and exterior painted surfaces, in accordance with § 35.1320(b), before rehabilitation begins.

(3) Perform interim controls in accordance with § 35.1330 of all lead-based paint hazards identified pursuant to paragraphs (c)(1) and (c)(2) of this section.

(4) Implement safe work practices during rehabilitation work in accordance with § 35.1350 and repair any paint that is disturbed and is known or presumed to be lead-based paint.

(d) ***Residential property receiving an average of more than $25,000 per unit in Federal rehabilitation assistance.*** Each grantee or participating jurisdiction shall:

(1) Conduct paint testing or presume the presence of lead-based paint in accordance with paragraph (a) of this section.

(2) Perform a risk assessment in the dwelling units receiving Federal assistance and in associated common areas and exterior painted surfaces in accordance with § 35.1320(b) before rehabilitation begins.

(3) Abate all lead-based paint hazards identified by the paint testing or risk assessment conducted pursuant to paragraphs (d)(1) and (d)(2) of this section, in accordance with § 35.1325, except that interim controls are acceptable on exterior surfaces that are not disturbed by rehabilitation and on paint-lead hazards that have an area smaller than the *de minimis* limits of § 35.1350(d). If abatement of a paint-lead hazard is required, it is necessary to abate only the surface area with hazardous conditions.

(4) Implement safe work practices during rehabilitation work in accordance with § 35.1350 and repair any paint that is disturbed and is known or presumed to be lead-based paint.

[64 FR 50214, Sept. 15, 1999; 65 FR 3387, Jan. 21, 2000, as amended at 69 FR 34273, June 21, 2004]

§ 35.935 Ongoing lead-based paint maintenance activities.

In the case of a rental property receiving Federal rehabilitation assistance under the HOME program, the grantee or participating jurisdiction shall require the property owner to incorporate ongoing lead-based paint maintenance activities in regular building operations, in accordance with § 35.1355(a).

[69 FR 34273, June 21, 2004]

§ 35.940 Special requirements for insular areas.

If a dwelling unit receiving Federal assistance under a program covered by this subpart is located in an insular area, the requirements of this section shall apply and the requirements of § 35.930 shall not apply. All other sections of this subpart J shall apply. The insular area shall conduct the following activities for the dwelling unit, common areas servicing the dwelling unit, and the exterior surfaces of the building in which the dwelling unit is located:

(a) ***Residential property receiving an average of up to and including $5,000 per unit in Federal rehabilitation assistance.***

(1) Implement safe work practices during rehabilitation work in accordance with § 35.1350 and repair any paint that is disturbed by rehabilitation.

(2) After completion of any rehabilitation disturbing painted surfaces, perform a clearance examination of the worksite(s) in accordance with § 35.1340. Clearance shall be achieved before residents are allowed to occupy the worksite(s). Clearance is not required if rehabilitation did not disturb painted surfaces of a total area more than that set forth in § 35.1350(b).

(b) ***Residential property receiving an average of more than $5,000 per unit in Federal rehabilitation assistance.***

(1) Before beginning rehabilitation, perform a visual assessment of all painted surfaces in order to identify deteriorated paint.

(2) Perform paint stabilization of each deteriorated paint surface and each painted surface being disturbed by rehabilitation, in accordance with §§ 35.1330(a) and (b).

(3) After completion of all paint stabilization, perform a clearance examination of the affected dwelling units and common areas in accordance with § 35.1340. Clearance shall be achieved before residents are allowed to occupy rooms or spaces in which paint stabilization has been performed.

Subpart K - Acquisition, Leasing, Support Services, or Operation

Source: 64 FR 50214, Sept. 15, 1999, unless otherwise noted.

§ 35.1000 Purpose and applicability.

(a) The purpose of this subpart K is to establish procedures to eliminate as far as practicable lead-based paint hazards in a residential property that receives Federal assistance under certain HUD programs for acquisition, leasing, support services, or operation. Acquisition, leasing, support services, and operation do not include mortgage insurance, sale of federally-owned housing, project-based or tenant-based rental assistance, rehabilitation assistance, or assistance to public housing. For requirements pertaining to those activities or types of assistance, see the applicable subpart of this part.

(b) The grantee or participating jurisdiction may assign to a subrecipient or other entity the responsibilities set forth in this subpart.

(c)

(1) The requirements of this subpart shall not apply to HOME funds which are committed to a specific project in accordance with § 92.2 of this title before September 15, 2000. Such projects shall be subject to the requirements of § 92.355 of this title that were in effect at the time of project commitment, or the requirements of this subpart.

(2) For purposes of the CDBG Entitlement program and the Indian Housing Block Grant program, the requirements of this subpart shall apply to activities (except those otherwise exempted) for which funds are first obligated on or after September 15, 2000. For the purposes of the State, HUD-Administered Small Cities, and Insular Areas CDBG programs, the requirements of this subpart shall apply to all covered activities (except those otherwise exempted) for which grant funding is awarded to the unit of local government by the State or HUD, as applicable, on or after September 15, 2000. For the purposes of the Emergency Shelter Grant Program (42 U.S.C. 11371–11378) and the formula grants awarded under the Housing Opportunities for Persons with AIDS Program (HOPWA) (42 U.S.C. 12901 et. seq.), the requirements of this subpart shall apply to activities for which program funds are first obligated on or after September 15, 2000.

(3) For the purposes of competitively awarded grants under the HOPWA Program and the Supportive Housing Program (42 U.S.C. 11481–11389), the requirements of this subpart shall apply to grants awarded under Notices of Funding Availability published on or after September 15, 2000.

(4) For the purposes of the Indian CDBG program (§ 1003.607 of this title), the requirements of this subpart shall not apply to funds whose notice of funding availability is announced or funding letter is sent before September 15, 2000. Such project grantees shall be subject to the regulations in effect at the time of announcement or funding letter.

[64 FR 50213, Sept. 15, 1999; 65 FR 3387, Jan. 21, 2000]

§ 35.1005 Definitions and other general requirements.

Definitions and other general requirements that apply to this subpart are found in subpart B of this part.

§ 35.1010 Notices and pamphlet.

(a) ***Notice.*** In cases where evaluation or hazard reduction, including paint stabilization, is undertaken, each grantee or participating jurisdiction shall provide a notice to residents in accordance with § 35.125. A visual assessment is not considered an evaluation for purposes of this part.

(b) ***Lead hazard information pamphlet.*** The grantee or participating jurisdiction shall provide the lead hazard information pamphlet in accordance with § 35.130.

§ 35.1015 Visual assessment, paint stabilization, and maintenance.

If a dwelling unit receives Federal assistance under a program covered by this subpart, each grantee or participating jurisdiction shall conduct the following activities for the dwelling unit, common areas servicing the dwelling unit, and the exterior surfaces of the building in which the dwelling unit is located:

(a) A visual assessment of all painted surfaces in order to identify deteriorated paint;

(b) Paint stabilization of each deteriorated paint surface, and clearance, in accordance with §§ 35.1330(a) and (b), before occupancy of a vacant dwelling unit or, where a unit is occupied, immediately after receipt of Federal assistance; and

(c) The grantee or participating jurisdiction shall require the incorporation of ongoing lead-based paint maintenance activities into regular building operations, in accordance with § 35.1355(a), if the dwelling unit has a continuing, active financial relationship with a Federal housing assistance program, except that mortgage insurance or loan guarantees are not considered to constitute an active programmatic relationship for the purposes of this part.

(d) The grantee or participating jurisdiction shall provide a notice to occupants in accordance with §§ 35.125(b)(1) and (c), describing the results of the clearance examination.

[64 FR 50214, Sept. 15, 1999, as amended at 69 FR 34273, June 21, 2004]

§ 35.1020 Funding for evaluation and hazard reduction.

The grantee or participating jurisdiction shall determine whether the cost of evaluation and hazard reduction is to be borne by the owner/developer, the grantee or a combination of the owner/developer and the grantee, based on program requirements and local program design.

Subpart L - Public Housing Programs

Source: 64 FR 50215, Sept. 15, 1999, unless otherwise noted.

§ 35.1100 Purpose and applicability.

The purpose of this subpart L is to establish procedures to eliminate as far as practicable lead-based paint hazards in residential property assisted under the U.S. Housing Act of 1937 (42 U.S.C. 1437 *et seq.*) but not including housing assisted under section 8 of the 1937 Act.

§ 35.1105 Definitions and other general requirements.

Definitions and other general requirements that apply to this subpart are found in subpart B of this part.

§ 35.1110 Notices and pamphlet.

(a) ***Notice.*** In cases where evaluation or hazard reduction is undertaken, each public housing agency (PHA) shall provide a notice to residents in accordance with § 35.125. A visual assessment alone is not considered an evaluation for purposes of this part.

(b) ***Lead hazard information pamphlet.*** The PHA shall provide the lead hazard information pamphlet in accordance with § 35.130.

[64 FR 50215, Sept. 15, 1999, as amended at 69 FR 34273, June 21, 2004]

§ 35.1115 Evaluation.

(a) A lead-based paint inspection shall be conducted in all public housing unless a lead-based paint inspection that meets the conditions of § 35.165(a) has already been completed. If a lead-based paint inspection was conducted by a lead-based paint inspector who was not certified, the PHA shall review the quality of the inspection, in accordance with quality control procedures established by HUD, to determine whether the lead-based paint inspection has been properly performed and the results are reliable. Lead-based paint inspections of all housing to which this subpart applies shall be completed no later than September 15, 2000. Revisions or augmentations of prior inspections found to be of insufficient quality shall be completed no later than September 17, 2001.

(b) If a lead-based paint inspection has found the presence of lead-based paint, or if no lead-based paint inspection has been conducted, the PHA shall conduct a risk assessment according to the following schedule, unless a risk assessment that meets the conditions of § 35.165(b) has already been completed:

(1) Risk assessments shall be completed on or before March 15, 2001, in a multifamily residential property constructed before 1960.

(2) Risk assessments shall be completed on or before March 15, 2002, in a multifamily residential property constructed after 1959 and before 1978.

(c) A PHA that advertises a construction contract (including architecture/engineering contracts) for bid or award or plans to start force account work shall not execute such contract until a lead-based paint inspection and, if required, a risk assessment, has taken place and any necessary abatement is included in the modernization budget, except for contracts solely for emergency work in accordance with § 35.115(a)(9).

(d) The five-year funding request plan for CIAP and CGP shall be amended to include the schedule and funding for lead-based paint activities.

§ 35.1120 Hazard reduction.

(a) Each PHA shall, in accordance with § 35.1325, abate all lead-based paint and lead-based paint hazards identified in the evaluations conducted pursuant to § 35.1115. The PHA shall abate lead-based paint and lead-based paint hazards in accordance with § 35.1325 during the course of physical improvements conducted under the modernization.

(b) In all housing where abatement of all lead-based paint and lead-based paint hazards required in paragraph (a) of this section has not yet occurred, each PHA shall conduct interim controls, in accordance with § 35.1330, of the lead-based paint hazards identified in the most recent risk assessment.

(1) Interim controls of dwelling units in which any child who is less than 6 years of age resides and common areas servicing those dwelling units shall be completed within 90 days of the evaluation under § 35.1330. If a unit becomes newly occupied by a family with a child of less than 6 years of age or such child moves into a unit, interim controls shall be completed within 90 days after the new occupancy or move-in if they have not already been completed.

(2) Interim controls in dwelling units not occupied by families with one or more children of less than 6 years of age, common areas servicing those units, and the remaining portions of the residential property shall be completed no later than 12 months after completion of the evaluation conducted under § 35.1115.

(c) The PHA shall incorporate ongoing lead-based paint maintenance and reevaluation activities into regular building operations in accordance with § 35.1355. In accordance with § 35.115(a) (6) and (7), this requirement does not apply to a development or part thereof if it is to be demolished or disposed of in accordance with disposition requirements in part 970 of this title, provided the dwelling unit will remain unoccupied until demolition, or if it is not used and will not be used for human habitation.

§ 35.1125 Evaluation and hazard reduction before acquisition and development.

(a) For each residential property constructed before 1978 and proposed to be acquired for a family project (whether or not it will need rehabilitation) a lead-based paint inspection and risk assessment for lead-based paint hazards shall be conducted in accordance with § 35.1320.

(b) If lead-based paint is found in a residential property to be acquired, the cost of evaluation and abatement shall be considered when making the cost comparison to justify new construction, as well as when meeting maximum total development cost limitations.

(c) If lead-based paint is found, compliance with this subpart is required, and abatement of lead-based paint and lead-based paint hazards shall be completed in accordance with § 35.1325 before occupancy.

§ 35.1130 Child with an elevated blood lead level.

(a) ***Environmental investigation.*** Within 15 calendar days after being notified by a public health department or other medical health care provider that a child of less than 6 years of age living in a dwelling unit to which this subpart applies has been identified as having an elevated blood lead level, the PHA shall complete an environmental investigation of the dwelling unit in which the child lived at the time the blood was last sampled and of common areas servicing the dwelling unit. The environmental investigation is considered complete when the PHA receives the environmental investigation report. The requirements of this paragraph apply regardless of whether the child is or is not still living in the unit when the PHA receives the notification of the elevated blood lead level. The requirements of this paragraph shall not apply if the PHA conducted an environmental investigation of the unit and common areas servicing the unit between the date the child's blood was last sampled and the date when the PHA received the notification of the elevated blood lead level. If the PHA conducted a risk assessment of the unit and common areas servicing the unit during that period, the PHA need not conduct another risk assessment there but shall conduct the elements of an environmental investigation not already conducted during the risk assessment. If a public health department has already conducted an evaluation of the dwelling unit in regard to the child's elevated blood lead level case, the requirements of this paragraph shall not apply.

(b) ***Verification.*** After receiving information from a person who is not a medical health care provider that a child of less than 6 years of age living in a dwelling unit covered by this subpart may have an elevated blood lead level, the PHA shall immediately verify the information with the public health department or other medical health care provider. If that department or provider denies the request, such as because it does not have the capacity to verify that information, the PHA shall send documentation of the denial to its HUD field office, who shall make an effort to verify the information. If that department or provider verifies that the child has an elevated blood lead level, such verification shall constitute notification, and the housing agency shall take the action required in paragraphs (a) and (c) of this section.

(c) ***Lead-based paint hazard reduction.*** Within 30 calendar days after receiving the report of the environmental investigation conducted pursuant to paragraph (a) of this section or the evaluation from the public health department, the PHA shall complete the reduction of identified lead-based paint hazards in accordance with § 35.1325 or § 35.1330. Lead-based paint hazard reduction is considered complete when clearance is achieved in accordance with § 35.1340 and the clearance report states that all lead-based paint hazards identified in the environmental investigation have been treated with interim controls or abatement or the local or State health department certifies that the lead-based paint hazard reduction is complete. The requirements of this paragraph do not apply if the PHA, between the date the child's blood was last sampled and the date the PHA received the notification of the elevated blood lead level, already conducted an environmental investigation of the unit and common areas servicing the unit and completed reduction of identified lead-based paint hazards. If the PHA conducted a risk assessment of the unit and common areas servicing the unit during that period, it is not required to conduct another risk assessment there but it shall conduct the elements of an environmental investigation not already conducted during the risk assessment. If the PHA does not complete the lead-based paint hazard reduction required by this section, the dwelling unit is in violation of the standards of 24 CFR 965.601, which incorporates the uniform physical condition standards of § 5.703(f), including that it be free of lead-based paint hazards.

(d) ***Notice of lead-based paint hazard evaluation and reduction.*** The PHA shall notify building residents of any lead-based paint hazard evaluation or reduction activities in accordance with § 35.125.

(e) ***Reporting requirement.***

(1) The PHA shall report the name and address of a child identified as having an elevated blood lead level to the public health department within 5 business days of being so notified by any other medical health care professional.

(2) The PHA shall report each confirmed case of a child with an elevated blood lead level to the HUD field office and the HUD Office of Lead Hazard Control and Healthy Homes within 5 business days of being so notified.

(3) The PHA shall provide to the HUD field office documentation that it has conducted the activities of paragraphs (a) through (d) of this section, within 10 business days of the deadline for each activity.

(f) ***Other units in the property.***

(1) If the environmental investigation conducted pursuant to paragraph (a) of this section identifies lead-based paint hazards, the PHA shall conduct a risk assessment of other units of the building in which a child under age 6 resides or is expected to reside on the date lead-based paint hazard reduction under paragraph (c) of this section is complete, and the common areas servicing those units within 30 calendar days after receipt of the environmental investigation report if there are 20 or fewer such other units, or 60 calendar days if there are more such units.

(2) If the risk assessment conducted under paragraph (f)(1) of this section identifies lead-based paint hazards, the PHA shall control the hazards, in accordance with Sec. 35.1325 or § 35.1330, in those units and common areas within 30 calendar days, or within 90 calendar days if more than 20 units have lead-based paint hazards such that the control work would disturb painted surfaces that total more than the de minimis threshold of § 35.1350(d). Lead-based paint hazard reduction is considered complete when clearance is achieved in accordance with § 35.1340 and the clearance report states that all lead-based paint hazards identified in the risk assessment have been treated with interim controls or abatement.

(3) The PHA shall provide to the HUD field office documentation that it has conducted the activities of paragraphs (f)(1) and (2) of this section, within 10 business days of the deadline for each activity.

(4) The requirements of this paragraph (f) of this section do not apply if:

(i) The PHA, between the date the child's blood was last sampled and the date the PHA received the notification of the elevated blood lead level, both conducted a risk assessment of the other assisted dwelling units covered by paragraph (f)(1) of this section and the common areas servicing those units, and conducted interim controls of identified hazards in accordance with § 35.1120(b); or

(ii) If the PHA has documentation of compliance with evaluation, notification, lead disclosure, ongoing lead-based paint maintenance, and lead-based paint management requirements under this part throughout the 12 months preceding the date the PHA received the environmental investigation report pursuant to paragraph (a) of this section; and,

(iii) In either case, the PHA provided the HUD field office, within 10 business days after receiving the notification of the elevated blood lead level, documentation that it has conducted the activities described in this paragraph (f)(4) of this section.

[82 FR 4169, Jan. 13, 2017]

§ 35.1135 Eligible costs.

A PHA may use financial assistance received under the modernization program (CIAP or CGP) for the notice, evaluation and reduction of lead-based paint hazards in accordance with § 968.112 of this title. Eligible costs include:

(a) ***Evaluation and insurance costs.*** Evaluation and hazard reduction activities, and costs for insurance coverage associated with these activities.

(b) ***Planning costs.*** Planning costs are costs that are incurred before HUD approval of the CGP or CIAP application and that are related to developing the CIAP application or carrying out eligible modernization planning, such as planning for abatement, detailed design work, preparation of solicitations, and evaluation. Planning costs may be funded as a single work item. Planning costs shall not exceed 5 percent of the CIAP funds available to a HUD Field Office in a particular fiscal year.

(c) ***Architectural/engineering and consultant fees.*** Eligible costs include fees for planning, identification of needs, detailed design work, preparation of construction and bid documents and other required documents, evaluation, planning and design for abatement, and inspection of work in progress.

(d) ***Elevated blood lead level response costs.*** The PHA may use its operating reserves and, when necessary, may request reimbursement from the current fiscal year CIAP funds, or request the reprogramming of previously approved CIAP funds to cover the costs of evaluation and hazard reduction.

[64 FR 50215, Sept. 15, 1999, as amended at 82 FR 4170, Jan. 13, 2017]

§ 35.1140 Insurance coverage.

For the requirements concerning the obligation of a PHA to obtain reasonable insurance coverage with respect to the hazards associated with evaluation and hazard reduction activities, see § 965.215 of this title.

Subpart M - Tenant-Based Rental Assistance

Source: 64 FR 50216, Sept. 15, 1999, unless otherwise noted.

§ 35.1200 Purpose and applicability.

(a) ***Purpose.*** The purpose of this subpart M is to establish procedures to eliminate as far as practicable lead-based paint hazards in housing occupied by families receiving tenant-based rental assistance. Such assistance includes tenant-based rental assistance under the Section 8 certificate program, the Section 8 voucher program, the HOME program, the Shelter Plus Care program, the Housing Opportunities for Persons With AIDS (HOPWA) program, and the Indian Housing Block Grant program. *Tenant-based rental assistance* means rental assistance that is not attached to the structure.

(b) ***Applicability.***

(1) This subpart applies only to dwelling units occupied or to be occupied by families or households that have one or more children of less than 6 years of age, common areas servicing such dwelling units, and exterior painted surfaces associated with such dwelling units or common areas. Common areas servicing a dwelling unit include those areas through which residents pass to gain access to the unit and other areas frequented by resident children of less than 6 years of age, including on-site play areas and child care facilities.

(2) For the purposes of the Section 8 tenant-based certificate program and the Section 8 voucher program:

(i) The requirements of this subpart are applicable where an initial or periodic inspection occurs on or after September 15, 2000; and

(ii) The PHA shall be the designated party.

(3) For the purposes of formula grants awarded under the Housing Opportunities for Persons with AIDS Program (HOPWA) (42 U.S.C. 12901 *et seq.*):

(i) The requirements of this subpart shall apply to activities for which program funds are first obligated on or after September 15, 2000; and

(ii) The grantee shall be the designated party.

(4) For the purposes of competitively awarded grants under the HOPWA Program and the Shelter Plus Care program (42 U.S.C. 11402–11407) tenant-based rental assistance component:

(i) The requirements of this subpart shall apply to grants awarded pursuant to Notices of Funding Availability published on or after September 15, 2000; and

(ii) The grantee shall be the designated party.

(5) For the purposes of the HOME program:

(i) The requirements of this subpart shall not apply to funds which are committed in accordance with § 92.2 of this title before September 15, 2000; and

(ii) The participating jurisdiction shall be the designated party.

(6) For the purposes of the Indian Housing Block Grant program:

(i) The requirements of this subpart shall apply to activities for which funds are first obligated on or after September 15, 2000; and

(ii) The IHBG recipient shall be the designated party.

(7) The housing agency, grantee, participating jurisdiction, or IHBG recipient may assign to a subrecipient or other entity the responsibilities of the designated party in this subpart.

[64 FR 50216, Sept. 15, 1999; 65 FR 3387, Jan. 21, 2000]

§ 35.1205 Definitions and other general requirements.

Definitions and other general requirements that apply to this subpart are found in subpart B of this part.

§ 35.1210 Notices and pamphlet.

(a) ***Notice.*** In cases where evaluation or paint stabilization is undertaken, the owner shall provide a notice to residents in accordance with § 35.125. A visual assessment alone is not considered an evaluation for purposes of this part.

(b) ***Lead hazard information pamphlet.*** The owner shall provide the lead hazard information pamphlet in accordance with § 35.130.

[64 FR 50216, Sept. 15, 1999, as amended at 69 FR 34273, June 21, 2004]

§ 35.1215 Activities at initial and periodic inspection.

(a)

(1) During the initial and periodic inspections, an inspector acting on behalf of the designated party and trained in visual assessment for deteriorated paint surfaces in accordance with procedures established by HUD shall conduct a visual assessment of all painted surfaces in order to identify any deteriorated paint.

(2) For tenant-based rental assistance provided under the HOME program, visual assessment shall be conducted as part of the initial and periodic inspections required under § 92.209(i) of this title.

(b) The owner shall stabilize each deteriorated paint surface in accordance with §§ 35.1330(a) and (b) before commencement of assisted occupancy. If assisted occupancy has commenced prior to a periodic inspection, such paint stabilization must be completed within 30 days of notification of the owner of the results of the visual assessment. Paint stabilization is considered complete when clearance is achieved in accordance with § 35.1340. If the owner does not complete the hazard reduction required by this section, the dwelling unit is in violation of Housing Quality Standards (HQS) until the hazard reduction is completed or the unit is no longer covered by this subpart because the unit is no longer under a housing assistance payment (HAP) contract with the housing agency. For the unit subsequently to come under a HAP contract with the housing agency for occupancy by a family with a child under age 6, paint stabilization must be completed, including clearance being achieved in accordance with § 35.1340.

(c) The owner shall provide a notice to occupants in accordance with § 35.125(b)(1) and (c) describing the results of the clearance examination.

(d) The designated party may grant the owner an extension of time to complete paint stabilization and clearance for reasonable cause, but such an extension shall not extend beyond 90 days after the date of notification to the owner of the results of the visual assessment.

[64 FR 50216, Sept. 15, 1999, as amended at 69 FR 34273, June 21, 2004; 82 FR 4170, Jan. 13, 2017]

§ 35.1220 Ongoing lead-based paint maintenance activities.

Notwithstanding the designation of the PHA, grantee, participating jurisdiction, or Indian Housing Block Grant (IHBG) recipient as the designated party for this subpart, the owner shall incorporate ongoing lead-based paint maintenance activities into regular building operations in accordance with § 35.1355(a).

[69 FR 34273, June 21, 2004]

§ 35.1225 Child with an elevated blood lead level.

(a) Within 15 calendar days after being notified by a public health department or other medical health care provider that a child of less than 6 years of age living in a dwelling unit to which this subpart applies has been identified as having an elevated blood lead level, the designated party shall complete an environmental investigation of the dwelling unit in which the child lived at the time the blood was last sampled and of common areas servicing the dwelling unit. When the environmental investigation is complete, the designated party shall immediately provide the report of the environmental investigation to the owner of the dwelling unit. If the child identified as having an elevated blood lead level is no longer living in the unit when the designated party receives notification from the public health department or other medical health care provider, but another household receiving tenant-based rental assistance is living in the unit or is planning to live there, the requirements of this section apply just as they do if the child still lives in the unit. If a public health department has already conducted an evaluation of the dwelling unit in regard to the child's elevated blood lead level case, or the designated party conducted an environmental investigation of the unit and common areas servicing the unit between the date the child's blood was last sampled and the date when the designated party received the notification of the elevated blood lead level, the requirements of this paragraph shall not apply. If the designated party or the owner conducted a risk assessment of the unit and common areas servicing the unit during that period, the designated party need not conduct another risk assessment there but shall conduct the elements of an environmental investigation not already conducted during the risk assessment.

(b) ***Verification.*** After receiving information from a person who is not a medical health care provider that a child of less than 6 years of age living in a dwelling unit covered by this subpart may have an elevated blood lead level, the designated party shall immediately verify the information with the public health department or other medical health care provider. If the public health department or provider denies the request, such as because it does not have the capacity to verify that information, the designated party shall send documentation of the denial to the HUD rental assistance program manager, who shall make an effort to verify the information. If that department or provider verifies that the child has an elevated blood lead level, such verification shall constitute notification, and the designated party shall take the action required in paragraphs (a) and (c) of this section.

(c) ***Lead-based paint hazard reduction.*** Within 30 calendar days after receiving the report of the environmental investigation from the designated party or the evaluation from the public health department, the owner shall complete the reduction of identified lead-based paint hazards in accordance with § 35.1325 or § 35.1330. Lead-based paint hazard reduction is considered complete when clearance is achieved in accordance with § 35.1340 and the clearance report states that all lead-based paint hazards identified in the environmental investigation have been treated with interim controls or abatement or the public health department certifies that the lead-based paint hazard reduction is complete. The requirements of this paragraph do not apply if the designated party or the owner, between the date the child's blood was last sampled and the date the designated party received the notification of the elevated blood lead level, already conducted an environmental investigation of the unit and common areas servicing the unit and the owner completed reduction of identified lead-based paint hazards. If the owner does not complete the lead-based paint hazard reduction required by this section, the dwelling unit is in violation of the standards of 24 CFR 982.401.

(d) ***Notice of lead-based paint hazard evaluation and reduction.*** The owner shall notify building residents of any lead-based paint hazard evaluation or reduction activities in accordance with § 35.125.

(e) ***Reporting requirement.***

(1) The owner shall report the name and address of a child identified as having an elevated blood lead level to the public health department within 5 business days of being so notified by any other medical health care professional.

(2) The owner shall also report each confirmed case of a child with an elevated blood lead level to the HUD field office and the HUD Office of Lead Hazard Control and Healthy Homes within 5 business days of being so notified.

(3) The owner shall provide to the HUD field office documentation that it has conducted the activities of paragraphs (a) through (d) of this section, within 10 business days of the deadline for each activity.

(f) ***Other assisted dwelling units in the property.***

(1) If the environmental investigation conducted pursuant to paragraph (a) of this section identifies lead-based paint hazards, the designated party or the owner shall, for other assisted dwelling units covered by this part in which a child under age 6 resides or is expected to reside on the date lead-based paint hazard reduction under paragraph (c) of this section is complete, and the common areas servicing those units, conduct a risk assessment in accordance with § 35.1320(b) within 30 calendar days after receipt of the environmental investigation report if there are 20 or fewer such units, or 60 calendar days if there are more such units.

(2) If the risk assessment conducted under paragraph (f)(1) of this section identifies lead-based paint hazards, the owner shall complete the reduction of the lead-based paint hazards in accordance with § 35.1325 or § 35.1330 within 30 calendar days, or within 90 calendar days if more than 20 units have lead-based paint hazards such that the control work would disturb painted surfaces that total more than the de minimis threshold of § 35.1350(d). Lead-based paint hazard reduction is considered complete when clearance is achieved in accordance with § 35.1340 and the clearance report states that all lead-based paint hazards identified in the risk assessment have been treated with interim controls or abatement.

(3) The requirements of this paragraph (f) of this section do not apply if:

(i) The designated party or the owner, between the date the child's blood was last sampled and the date the owner received the notification of the elevated blood lead level, both conducted a risk assessment of the other assisted dwelling units covered by paragraph (f)(1) of this section and the common areas servicing those units, and the owner conducted interim controls of identified lead-based paint hazards in accordance with § 35.1225(c); or

(ii) The owner has documentation of compliance with evaluation, notification, lead disclosure, ongoing lead-based paint maintenance, and lead-based paint management requirements under this part throughout the 12 months preceding the date the owner received the environmental investigation report pursuant to paragraph (a) of this section; and,

(iii) In either case, the owner provided the HUD field office, within 10 business days after receiving the notification of the elevated blood lead level, documentation that it has conducted the activities described in this paragraph (f)(3).

(g) ***Data collection and record keeping responsibilities.*** At least quarterly, the designated party shall attempt to obtain from the public health department(s) with area(s) of jurisdiction similar to that of the designated party the names and/or addresses of children of less than 6 years of age with an identified elevated blood lead level. At least quarterly, the designated party shall also report an updated list of the addresses of units receiving assistance under a tenant-based rental assistance program to the same public health department(s), except that the report(s) to the public health department(s) is not required if the health department states that it does not wish to receive such report. If it obtains names and addresses of elevated blood lead level children from the public health department(s), the designated party shall match information on cases of elevated blood lead levels with the names and addresses of families receiving tenant-based rental assistance, unless the public health department performs such a matching procedure.

If a match occurs, the designated party shall carry out the requirements of this section.

[82 FR 4171, Jan. 13, 2017]

Subparts N-Q [Reserved]

Subpart R - Methods and Standards for Lead-Paint Hazard Evaluation and Hazard Reduction Activities

Source: 64 FR 50218, Sept. 15, 1999, unless otherwise noted.

§ 35.1300 Purpose and applicability.

The purpose of this subpart R is to provide standards and methods for evaluation and hazard reduction activities required in subparts B, C, D, and F through M of this part.

§ 35.1305 Definitions and other general requirements.

Definitions and other general requirements that apply to this subpart are found in subpart B of this part.

§ 35.1310 References.

Further guidance information regarding evaluation and hazard reduction activities described in this subpart is found in the following:

(a) The HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing (Guidelines);

(b) The EPA Guidance on Residential Lead-Based Paint, Lead-Contaminated Dust, and Lead Contaminated Soil;

(c) Guidance, methods or protocols issued by States and Indian tribes that have been authorized by EPA under 40 CFR 745.324 to administer and enforce lead-based paint programs.

§ 35.1315 Collection and laboratory analysis of samples.

All paint chip, dust, or soil samples shall be collected and analyzed in accordance with standards established either by a State or Indian tribe under a program authorized by EPA in accordance with 40 CFR part 745, subpart Q, or by the EPA in accordance with 40 CFR 745.227, and as further provided in this subpart.

§ 35.1320 Lead-based paint inspections, paint testing, risk assessments, lead-hazard screens, and reevaluations.

(a) ***Lead-based paint inspections and paint testing.*** Lead-based paint inspections shall be performed in accordance with methods and standards established either by a State or Tribal program authorized by the EPA under 40 CFR 745.324, or by the EPA at 40 CFR 745.227(b) and (h). Paint testing to determine the presence or absence of lead-based paint on deteriorated paint surfaces or surfaces to be disturbed or replaced shall be performed by a certified lead-based paint inspector or risk assessor.

(b) Risk assessments, lead-hazard screens and reevaluations.

(1) Risk assessments and lead-hazard screens shall be performed in accordance with methods and standards established either by a state or tribal program authorized by the EPA, or by the EPA at 40 CFR 745.227(c), (d), and (h) and paragraph (b)(2) of this section. Reevaluations shall be performed by a certified risk assessor in accordance with § 35.1355(b) and paragraph (b)(2) of this section.

(2) Risk assessors shall use standards for determining dust-lead hazards and soil-lead hazards that are at least as protective as those promulgated by the EPA at 40 CFR 745.227(h) or, if such standards are not in effect, the following levels for dust or soil:

(i) ***Dust.*** A dust-lead hazard is surface dust that contains a mass-per-area concentration (loading) of lead, based on wipe samples, equal to or exceeding the applicable level in the following table:

Dust Lead Standards

Evaluation method	Surface		
	Floors, µg/ft^2 (mg/m^2)	Interior window sills, µg/ft^2 (mg/m^2)	Window troughs, µg/ft^2 (mg/m^2)
Risk Assessment	40 (0.43)	250 (2.7)	Not Applicable.
Lead Hazard Screen	25 (0.27)	125 (1.4)	Not Applicable.
Reevaluation	40 (0.43)	250 (2.7)	Not Applicable.
Clearance	40 (0.43)	250 (2.7)	400 (4.3).

Note 1: “Floors” includes carpeted and uncarpeted interior floors.

Note 2: A dust-lead hazard is present or clearance fails when the weighted arithmetic mean lead loading for all single-surface or composite samples is equal to or greater than the applicable standard. For composite samples of two to four subsamples, the standard is determined by dividing the standard in the table by one half the number of subsamples. See EPA regulations at 40 CFR 745.63 and 745.227(h)(3)(i).

(ii) ***Soil.***

(A) A soil-lead hazard for play areas frequented by children under six years of age is bare soil with lead equal to or exceeding 400 parts per million (micrograms per gram).

(B) For the rest of the yard, a soil-lead hazard is bare soil that totals more than 9 square feet (0.8 square meters) per property with lead equal to or exceeding an average of 1,200 parts per million (micrograms per gram).

(3) Lead-hazard screens shall be performed in accordance with the methods and standards established either by a state or Tribal program authorized by the EPA, or by the EPA at 40 CFR 745.227(c), and paragraphs (b)(1) and (b)(2) of this section. If the lead-hazard screen indicates the need for a follow-up risk assessment (*e.g.*, if dust-lead measurements exceed the levels established for lead-hazard screens in paragraph (b)(2)(i) of this section), a risk assessment shall be conducted in accordance with paragraphs (b)(1) and (b)(2) of this section. Dust, soil, and paint samples collected for the lead-hazard screen may be used in the risk assessment. If the lead hazard screen does not indicate the need for a follow-up risk assessment, no further risk assessment is required.

(c) It is strongly recommended, but not required, that lead-based paint inspectors, risk assessors, and sampling technicians provide a plain-language summary of the results suitable for posting or distribution to occupants in compliance with § 35.125.

[69 FR 34273, June 21, 2004]

§ 35.1325 Abatement.

Abatement shall be performed in accordance with methods and standards established either by a State or Indian tribe under a program authorized by EPA, or by EPA at 40 CFR 745.227(e), and shall be completed by achieving clearance in accordance with § 35.1340. If encapsulation or enclosure is used as a method of abatement, ongoing lead-based paint maintenance activities shall be performed as required by the applicable subpart of this part in accordance with § 35.1355. Abatement of an intact, factory-applied prime coating on metal surfaces is not required unless the surface is a friction surface.

§ 35.1330 Interim controls.

Interim controls of lead-based paint hazards identified in a risk assessment shall be conducted in accordance with the provisions of this section. Interim control measures include paint stabilization of deteriorated paint, treatments for friction and impact surfaces where levels of lead dust are above the levels specified in § 35.1320, dust control, and lead-contaminated soil control. As provided by § 35.155, interim controls may be performed in combination with, or be replaced by, abatement methods.

(a) ***General requirements.***

(1) Only those interim control methods identified as acceptable methods in a current risk assessment report shall be used to control identified hazards, except that, if only paint stabilization is required in accordance with subparts F, H, K or M of this part, it shall not be necessary to have conducted a risk assessment.

(2) Occupants of dwelling units where interim controls are being performed shall be protected during the course of the work in accordance with § 35.1345.

(3) Clearance testing shall be performed at the conclusion of interim control activities in accordance with § 35.1340.

(4) A person performing interim controls must be trained in accordance with the hazard communication standard for the construction industry issued by the Occupational Safety and Health Administration of the U.S. Department of Labor at 29 CFR 1926.59, and either be supervised by an individual certified as a lead-based paint abatement supervisor or have completed successfully one of the following lead-safe work practices courses, except that this supervision or lead-safe work practices training requirement does not apply to work that disturbs painted surfaces less than the *de minimis* limits of § 35.1350(d):

(i) A lead-based paint abatement supervisor course accredited in accordance with 40 CFR 745.225;

(ii) A lead-based paint abatement worker course accredited in accordance with 40 CFR 745.225; or

(iii) A renovator course accredited in accordance with 40 CFR 745.225.

(iv) “The Remodeler's and Renovator's Lead-Based Paint Training Program,” prepared by HUD and the National Association of the Remodeling Industry; or

(v) Another course approved by HUD for this purpose after consultation with EPA.

(b) ***Paint stabilization.***

(1) Interim control treatments used to stabilize deteriorated lead-based paint shall be performed in accordance with the requirements of this section. Interim control treatments of intact, factory applied prime coatings on metal surfaces are not required. Finish coatings on such surfaces shall be treated by interim controls if those coatings contain lead-based paint.

(2) Any physical defect in the substrate of a painted surface or component that is causing deterioration of the surface or component shall be repaired before treating the surface or component. Examples of defective substrate conditions include dry-rot, rust, moisture-related defects, crumbling plaster, and missing siding or other components that are not securely fastened.

(3) Before applying new paint, all loose paint and other loose material shall be removed from the surface to be treated. Acceptable methods for preparing the surface to be treated include wet scraping, wet sanding, and power sanding performed in conjunction with a HEPA filtered local exhaust attachment operated according to the manufacturer's instructions.

(4) Dry sanding or dry scraping is permitted only in accordance with § 35.140(e) (i.e., for electrical safety reasons or for specified minor amounts of work).

(5) Paint stabilization shall include the application of a new protective coating or paint. The surface substrate shall be dry and protected from future moisture damage before applying a new protective coating or paint. All protective coatings and paints shall be applied in accordance with the manufacturer's recommendations.

(6) Paint stabilization shall incorporate the use of safe work practices in accordance with § 35.1350.

(c) ***Friction and impact surfaces.***

(1) Friction surfaces are required to be treated only if:

(i) Lead dust levels on the nearest horizontal surface underneath the friction surface (e.g., the window sill, window trough, or floor) are equal to or greater than the standards specified in 35.1320(b);

(ii) There is evidence that the paint surface is subject to abrasion; and

(iii) Lead-based paint is known or presumed to be present on the friction surface.

(2) Impact surfaces are required to be treated only if:

(i) Paint on an impact surface is damaged or otherwise deteriorated;

(ii) The damaged paint is caused by impact from a related building component (such as a door knob that knocks into a wall, or a door that knocks against its door frame); and

(iii) Lead-based paint is known or presumed to be present on the impact surface.

(3) Examples of building components that may contain friction or impact surfaces include the following:

(i) Window systems;

(ii) Doors;

(iii) Stair treads and risers;

(iv) Baseboards;

(v) Drawers and cabinets; and

(vi) Porches, decks, interior floors, and any other painted surfaces that are abraded, rubbed, or impacted.

(4) Interim control treatments for friction surfaces shall eliminate friction points or treat the friction surface so that paint is not subject to abrasion. Examples of acceptable treatments include rehanging and/or planing doors so that the door does not rub against the door frame, and installing window channel guides that reduce or eliminate abrasion of painted surfaces. Paint on stair treads and floors shall be protected with a durable cover or coating that will prevent abrasion of the painted surfaces. Examples of acceptable materials include carpeting, tile, and sheet flooring.

(5) Interim control treatments for impact surfaces shall protect the paint from impact. Examples of acceptable treatments include treatments that eliminate impact with the paint surface, such as a door stop to prevent a door from striking a wall or baseboard.

(6) Interim control for impact or friction surfaces does not include covering such a surface with a coating or other treatment, such as painting over the surface, that does not protect lead-based paint from impact or abrasion.

(d) ***Chewable surfaces.***

(1) Chewable surfaces are required to be treated only if there is evidence of teeth marks, indicating that a child of less than six years of age has chewed on the painted surface, and lead-based paint is known or presumed to be present on the surface.

(2) Interim control treatments for chewable surfaces shall make the lead-based paint inaccessible for chewing by children of less than 6 years of age. Examples include enclosures or coatings that cannot be penetrated by the teeth of such children.

(e) ***Dust-lead hazard control.***

(1) Interim control treatments used to control dust-lead hazards shall be performed in accordance with the requirements of this section. Additional information on dust removal is found in the HUD Guidelines, particularly Chapter 11 (see § 35.1310).

(2) Dust control shall involve a thorough cleaning of all horizontal surfaces, such as interior window sills, window troughs, floors, and stairs, but excluding ceilings. All horizontal surfaces, such as floors, stairs, window sills and window troughs, that are rough, pitted, or porous shall be covered with a smooth, cleanable covering or coating, such as metal coil stock, plastic,

polyurethane, or linoleum.

(3) Surfaces covered by a rug or carpeting shall be cleaned as follows:

(i) The floor surface under a rug or carpeting shall be cleaned where feasible, including upon removal of the rug or carpeting, with a HEPA vacuum or other method of equivalent efficacy.

(ii) An unattached rug or an attached carpet that is to be removed, and padding associated with such rug or carpet, located in an area of the dwelling unit with dust-lead hazards on the floor, shall be thoroughly vacuumed with a HEPA vacuum or other method of equivalent efficacy. Protective measures shall be used to prevent the spread of dust during removal of a rug, carpet or padding from the dwelling. For example, it shall be misted to reduce dust generation during removal. The item(s) being removed shall be wrapped or otherwise sealed before removal from the worksite.

(iii) An attached carpet located in an area of the dwelling unit with dust-lead hazards on the floor shall be thoroughly vacuumed with a HEPA vacuum or other method of equivalent efficacy if it is not to be removed.

(f) ***Soil-lead hazards.***

(1) Interim control treatments used to control soil-lead hazards shall be performed in accordance with this section.

(2) Soil with a lead concentration equal to or greater than 5,000 µg/g of lead shall be abated in accordance with 40 CFR 745.227(e).

(3) Acceptable interim control methods for soil lead are impermanent surface coverings and land use controls.

(i) Impermanent surface coverings may be used to treat lead-contaminated soil if applied in accordance with the following requirements. Examples of acceptable impermanent coverings include gravel, bark, sod, and artificial turf.

(A) Impermanent surface coverings selected shall be designed to withstand the reasonably-expected traffic. For example, if the area to be treated is heavily traveled, neither grass or sod shall be used.

(B) When loose impermanent surface coverings such as bark or gravel are used, they shall be applied in a thickness not less than six inches deep.

(C) The impermanent surface covering material shall not contain more than 400 µg/g of lead.

(D) Adequate controls to prevent erosion shall be used in conjunction with impermanent surface coverings.

(ii) Land use controls may be used to reduce exposure to soil-lead hazards only if they effectively control access to areas with soil-lead hazards. Examples of land use controls include: fencing, warning signs, and landscaping.

(A) Land use controls shall be implemented only if residents have reasonable alternatives to using the area to be controlled.

(B) If land use controls are used for a soil area that is subject to erosion, measures shall be taken to contain the soil and control dispersion of lead.

[64 FR 50218, Sept. 15, 1999, as amended at 69 FR 34274, June 21, 2004; 79 FR 35043, June 19, 2014; 82 FR 4172, Jan. 13, 2017]

§ 35.1335 Standard treatments.

Standard treatments shall be conducted in accordance with this section.

(a) ***Paint stabilization.*** All deteriorated paint on exterior and interior surfaces located on the residential property shall be stabilized in accordance with § 35.1330(a)(b), or abated in accordance with § 35.1325.

(b) ***Smooth and cleanable horizontal surfaces.*** All horizontal surfaces, such as uncarpeted floors, stairs, interior window sills and window troughs, that are rough, pitted, or porous, shall be covered with a smooth, cleanable covering or coating, such as metal coil stock, plastic, polyurethane, or linoleum.

(c) ***Correcting dust-generating conditions.*** Conditions causing friction or impact of painted surfaces shall be corrected in accordance with § 35.1330(c)(4)–(6).

(d) ***Bare residential soil.*** Bare soil shall be treated in accordance with the requirements of § 35.1330, unless it is found not to be a soil-lead hazard in accordance with § 35.1320(b).

(e) ***Safe work practices.*** All standard treatments described in paragraphs (a) through (d) of this section shall incorporate the use of safe work practices in accordance with § 35.1350.

(f) ***Clearance.*** A clearance examination shall be performed in accordance with § 35.1340 at the conclusion of any lead hazard reduction activities.

(g) ***Qualifications.*** An individual performing standard treatments must meet the training and/or supervision requirements of § 35.1330(a)(4).

§ 35.1340 Clearance.

Clearance examinations required under subparts B, C, D, F through M, and R, of this part shall be performed in accordance with the provisions of this section.

(a) ***Clearance following abatement.*** Clearance examinations performed following abatement of lead-based paint or lead-based paint hazards shall be performed in accordance with 40 CFR 745.227(e) and paragraphs (c)–(f) of this section. Such clearances shall be performed by a person certified to perform risk assessments or lead-based paint inspections.

(b) ***Clearance following activities other than abatement.*** Clearance examinations performed following interim controls, paint stabilization, standard treatments, ongoing lead-based paint maintenance, or rehabilitation shall be performed in accordance with the requirements of this paragraph (b) and paragraphs (c) through (g) of this section. Clearance is not required if the work being cleared does not disturb painted surfaces of a total area more than that set forth in § 35.1350(d).

(1) ***Qualified personnel.*** Clearance examinations shall be performed by:

(i) A certified risk assessor;

(ii) A certified lead-based paint inspector;

(iii) A person who has successfully completed a training course for sampling technicians (or a discipline of similar purpose and title) that is developed or accepted by EPA or a State or tribal program authorized by EPA pursuant to 40 CFR part 745, subpart Q, and that is given by a training provider accredited by EPA or a State or Indian Tribe for training in lead-based paint inspection or risk assessment, provided a certified risk assessor or a certified lead-based paint inspector approves the work of the sampling technician and signs the report of the clearance examination; or

(iv) A technician licensed or certified by EPA or a State or Indian Tribe to perform clearance examinations without the approval of a certified risk assessor or certified lead-based paint inspector, provided that a clearance examination by such a licensed or certified technician shall be performed only for a single-family property or individual dwelling units and associated common areas in a multi-unit property, and provided further that a clearance examination by such a licensed or certified sampling technician shall not be performed using random sampling of dwelling units or common areas in multifamily properties, except that a clearance examination performed by such a licensed or certified sampling technician is acceptable for any residential property if the clearance examination is approved and the report signed by a certified risk assessor or a certified lead-based paint inspector.

(2) ***Required activities.***

(i) Clearance examinations shall include a visual assessment, dust sampling, submission of samples for analysis for lead in dust, interpretation of sampling results, and preparation of a report. Soil sampling is not required. Clearance examinations shall be performed in dwelling units, common areas, and exterior areas in accordance with this section and the steps set forth at 40 CFR 745.227(e)(8). If clearance is being performed after lead-based paint hazard reduction, paint stabilization, maintenance, or rehabilitation that affected exterior surfaces but did not disturb interior painted surfaces or involve elimination of an interior dust-lead hazard, interior clearance is not required if window, door, ventilation, and other openings are sealed during the exterior work. If clearance is being performed for more than 10 dwelling units of similar construction and maintenance, as in a multifamily property, random sampling for the purpose of clearance may be conducted in accordance with 40 CFR 745.227(e)(9).

(ii) The visual assessment shall be performed to determine if deteriorated paint surfaces and/or visible amounts of dust, debris, paint chips or other residue are still present. Both exterior and interior painted surfaces shall be examined for the presence of deteriorated paint. If deteriorated paint or visible dust, debris or residue are present in areas subject to dust sampling, they must be eliminated prior to the continuation of the clearance examination, except elimination of deteriorated paint is not required if it has been determined, through paint testing or a lead-based paint inspection, that the deteriorated paint is not lead-based paint. If exterior painted surfaces have been disturbed by the hazard reduction, maintenance or rehabilitation activity, the visual assessment shall include an assessment of the ground and any outdoor living areas close to the affected exterior painted surfaces. Visible dust or debris in living areas shall be cleaned up and visible paint chips on the ground shall be removed.

(iii) Dust samples shall be wipe samples and shall be taken on floors and, where practicable, interior window sills and window troughs. Dust samples shall be collected and analyzed in accordance with § 35.1315 of this part.

(iv) Clearance reports shall be prepared in accordance with paragraph (c) of this section.

(c) ***Clearance report.*** When clearance is required, the designated party shall ensure that a clearance report is prepared that provides documentation of the hazard reduction or maintenance activity as well as the clearance examination. When abatement is performed, the report shall be an abatement report in accordance with 40 CFR 745.227(e)(10). When another hazard reduction or maintenance activity requiring a clearance report is performed, the report shall include the following information:

(1) The address of the residential property and, if only part of a multifamily property is affected, the specific dwelling units and common areas affected.

(2) The following information on the clearance examination:

(i) The date(s) of the clearance examination;

(ii) The name, address, and signature of each person performing the clearance examination, including certification number;

(iii) The results of the visual assessment for the presence of deteriorated paint and visible dust, debris, residue or paint chips;

(iv) The results of the analysis of dust samples, in µg/sq.ft., by location of sample; and

(v) The name and address of each laboratory that conducted the analysis of the dust samples, including the identification number for each such laboratory recognized by EPA under section 405(b) of the Toxic Substances Control Act (15 U.S.C. 2685(b)).

(3) The following information on the hazard reduction or maintenance activity for which clearance was performed:

(i) The start and completion dates of the hazard reduction or maintenance activity;

(ii) The name and address of each firm or organization conducting the hazard reduction or maintenance activity and the name of each supervisor assigned;

(iii) A detailed written description of the hazard reduction or maintenance activity, including the methods used, locations of exterior surfaces, interior rooms, common areas, and/or components where the hazard reduction activity occurred, and any suggested monitoring of encapsulants or enclosures; and

(iv) If soil hazards were reduced, a detailed description of the location(s) of the hazard reduction activity and the method(s) used.

(d) ***Standards.*** The clearance standards in § 35.1320(b)(2) shall apply. If test results equal or exceed the standards, the dwelling unit, worksite, or common area represented by the sample fails the clearance examination.

(e) ***Clearance failure.*** All surfaces represented by a failed clearance sample shall be recleaned or treated by hazard reduction, and retested, until the applicable clearance level in § 35.1320(b)(2) is met.

(f) ***Independence.*** Clearance examinations shall be performed by persons or entities independent of those performing hazard reduction or maintenance activities, unless the designated party uses qualified in-house employees to conduct clearance. An in-house employee shall not conduct both a hazard reduction or maintenance activity and its clearance examination.

(g) ***Worksite clearance.*** Clearance of only the worksite is permitted after work covered by §§ 35.930, 35.1330, 35.1335, or 35.1355, when containment is used to ensure that dust and debris generated by the work is kept within the worksite. Otherwise, clearance must be of the entire dwelling unit, common area, or outbuilding, as applicable. When clearance is of an interior worksite that is not an entire dwelling unit, common area, or outbuilding, dust samples shall be taken for paragraph (b) of this section as follows:

(1) Sample, from each of at least four rooms, hallways, stairwells, or common areas within the dust containment area:

(i) The floor (one sample); and

(ii) Windows (one interior sill sample and one trough sample, if present); and

(2) Sample the floor in a room, hallway, stairwell, or common area connected to the dust containment area, within five feet outside the area (one sample).

[64 FR 50218, Sept. 15, 1999, as amended at 69 FR 34274, June 21, 2004]

§ 35.1345 Occupant protection and worksite preparation.

This section establishes procedures for protecting dwelling unit occupants and the environment from contamination from lead-contaminated or lead-containing materials during hazard reduction activities.

(a) ***Occupant protection.***

(1) Occupants shall not be permitted to enter the worksite during hazard reduction activities (unless they are employed in the conduct of these activities at the worksite), until after hazard reduction work has been completed and clearance, if required, has been achieved.

(2) Occupants shall be temporarily relocated before and during hazard reduction activities to a suitable, decent, safe, and similarly accessible dwelling unit that does not have lead-based paint hazards, except if:

(i) Treatment will not disturb lead-based paint, dust-lead hazards or soil-lead hazards;

(ii) Only the exterior of the dwelling unit is treated, and windows, doors, ventilation intakes and other openings in or near the worksite are sealed during hazard control work and cleaned afterward, and entry free of dust-lead hazards, soil-lead hazards, and debris is provided;

(iii) Treatment of the interior will be completed within one period of 8-daytime hours, the worksite is contained so as to prevent the release of leaded dust and debris into other areas, and treatment does not create other safety, health or environmental hazards (e.g., exposed live electrical wiring, release of toxic fumes, or on-site disposal of hazardous waste); or

(iv) Treatment of the interior will be completed within 5 calendar days, the worksite is contained so as to prevent the release of leaded dust and debris into other areas, treatment does not create other safety, health or environmental hazards; and, at the end of work on each day, the worksite and the area within at least 10 feet (3 meters) of the containment area is cleaned to remove any visible dust or debris, and occupants have safe access to sleeping areas, and bathroom and kitchen facilities.

(3) The dwelling unit and the worksite shall be secured against unauthorized entry, and occupants' belongings protected from contamination by dust-lead hazards and debris during hazard reduction activities. Occupants' belongings in the containment area shall be relocated to a safe and secure area outside the containment area, or covered with an impermeable covering with all seams and edges taped or otherwise sealed.

(b) ***Worksite preparation.***

(1) The worksite shall be prepared to prevent the release of leaded dust, and contain lead-based paint chips and other debris from hazard reduction activities within the worksite until they can be safely removed. Practices that minimize the spread of leaded dust, paint chips, soil and debris shall be used during worksite preparation.

(2) A warning sign shall be posted at each entry to a room where hazard reduction activities are conducted when occupants are present; or at each main and secondary entryway to a building from which occupants have been relocated; or, for an exterior hazard reduction activity, where it is easily read 20 feet (6 meters) from the edge of the hazard reduction activity worksite. Each warning sign shall be as described in 29 CFR 1926.62(m), except that it shall be posted irrespective of employees' lead exposure and, to the extent practicable, provided in the occupants' primary language.

§ 35.1350 Safe work practices.

(a) ***Prohibited methods.*** Methods of paint removal listed in § 35.140 shall not be used.

(b) ***Occupant protection and worksite preparation.*** Occupants and their belongings shall be protected, and the worksite prepared, in accordance with § 35.1345. A person performing this work shall be trained on hazards and either be supervised or have completed successfully one of the specified courses, in accordance with § 35.1330(a)(4).

(c) ***Specialized cleaning.*** After hazard reduction activities have been completed, the worksite shall be cleaned using cleaning methods, products, and devices that are successful in cleaning up dust-lead hazards, such as a HEPA vacuum or other method of equivalent efficacy, and lead-specific detergents or equivalent.

(d) ***De minimis levels.*** Safe work practices are not required when maintenance or hazard reduction activities do not disturb painted surfaces that total more than:

(1) 20 square feet (2 square meters) on exterior surfaces;

(2) 2 square feet (0.2 square meters) in any one interior room or space; or

(3) 10 percent of the total surface area on an interior or exterior type of component with a small surface area. Examples include window sills, baseboards, and trim.

[64 FR 50218, Sept. 15, 1999, as amended at 69 FR 34275, June 21, 2004]

§ 35.1355 Ongoing lead-based paint maintenance and reevaluation activities.

(a) ***Maintenance.*** Maintenance activities shall be conducted in accordance with paragraphs (a)(2)–(6) of this section, except as provided in paragraph (a)(1) of this section.

(1) Maintenance activities need not be conducted in accordance with this section if a lead-based paint inspection indicates that no lead-based paint is present in the dwelling units, common areas, and on exterior surfaces, or a clearance report prepared in accordance with § 35.1340(a) indicates that all lead-based paint has been removed.

(2) A visual assessment for deteriorated paint, bare soil, and the failure of any hazard reduction measures shall be performed at unit turnover and every twelve months.

(3)

(i) ***Deteriorated paint.*** All deteriorated paint on interior and exterior surfaces located on the residential property shall be stabilized in accordance with § 35.1330(a)(b), except for any paint that an evaluation has found is not lead-based paint.

(ii) ***Bare soil.*** All bare soil shall be treated with standard treatments in accordance with § 35.1335(d) through (g), or interim controls in accordance with § 35.1330(a) and (f); except for any bare soil that a current evaluation has found is not a soil-lead hazard.

ATTACHMENT 6

CPD Income Eligibility Calculator and Income Limits

Welcome to CPD's Income Eligibility Calculator, an interactive tool that makes determining the income eligibility and assistance amounts for beneficiaries of CPD programs as easy as 1-2-3. Simply enter the requested data and this calculator will work behind the scenes to generate a summary of results for each beneficiary. You should then print out the summary and include it as part of the beneficiary's file.

The calculator currently performs income eligibility and assistance amount calculations for the following CPD programs:

- Brownfield Economic Development Initiative (BEDI)
- Community Development Block Grant Program (CDBG)
- CDBG Disaster Recovery Assistance
- Emergency Solutions Grants (ESG)
- HOME Investment Partnerships Program (HOME)
- Housing Opportunities for Persons With AIDS (HOPWA)
- Housing Trust Fund (HTF)
- Neighborhood Stabilization Program (NSP)
- Section 108 Loan Guarantee Program
- Self-Help Homeownership Opportunity (SHOP)

Start Calculating Income

Start a new calculation or complete a previous calculation

Go To My Dashboard (/incomecalculator/dashboard)

Privacy Statement: For your privacy, please do not include social security numbers or dates of birth. By creating a HUD Exchange account, you acknowledge you agree to the website policies.

PLEASE ALLOW AT LEAST 15 MINUTES TO COMPLETE EACH APPLICANT'S CALCULATION SUMMARY. To help

ensure the privacy of applicants, the calculator requests that you input a Beneficiary ID and Member IDs instead of the last and first names of family or household members. The calculator will allow you to save and/or edit the calculations you have completed for beneficiaries.

Before getting started, it is best to know the mix of programs that may be funding an activity, identify which CPD program has the most restrictive income determination requirements, and follow that program's path within the Income Eligibility Calculator. In addition, you should have the following items available:

A printer (or, a writing instrument and a piece of blank paper);

Any previous income determinations completed for the beneficiary; and

Documentation of income for all members of the beneficiary's family or household.

Disclaimer: HUD makes no warranties or representations whatsoever regarding the quality, content, completeness, accuracy, or timeliness of the information and data contained in the CPD Income Eligibility Calculator. Please read through the terms and conditions of use.

Related Materials

Income Eligibility Calculator User Manual (PDF) (https://www.hudexchange.info/resources/documents/CPDIncomeEligibilityCalculator_User_Manual.pdf)

CDBG Income Limits (https://www.hudexchange.info/resource/5334/cdbg-income-limits/)

ESG Income Limits (https://www.hudexchange.info/resource/5079/esg-income-limits/)

HOME Income Limits (https://www.hudexchange.info/programs/home/home-income-limits/)

HTF Income Limits (https://www.hudexchange.info/programs/htf/htf-income-limits/)

HOPWA Income Limits (https://www.hudexchange.info/resource/5332/hopwa-income-limits/)

NSP Income Limits (https://www.hudexchange.info/resource/3680/nsp-income-limits/)

FY 2022 Income Limits

As of June 15, 2022, the Income Eligibility Calculator incorporates the FY 2022 Income Limits for all programs. All calculations that were in a user's dashboard on June 15, 2022, as well as calculations completed going forward, will use the FY 2022 Income Limits for the purposes of determining eligibility.

The FY 2022 Income Limits are effective June 15, 2022 for all programs except CDBG-DR, for which the FY 2022 Income Limits for Puerto Rico and the U.S. Virgin Islands became effective on April 18, 2022.

ATTACHMENT 6A

CPD Income Eligibility Calculator User Manual

Version 9

6/15/2022

Document History

Release No.	Date	Revision Description
1.0	11/1/12	Initial Creation
1.1	12/7/12	Inserted language about unearned income of minors and full-time students; inserted language about adult members of household; updated screenshots
1.2	3/28/13	Inserted language about addressing grantee requirements
1.3	3/10/14	Removed purge date
2.0	8/12/2014	Updated document to reflect HUD Exchange website rebranding
3.0	1/26/2016	Provided clarification on 30% income limit and minor edits throughout
4.0	3/8/2016	Added the Emergency Solutions Grants Program (ESG)
4.1	3/29/2016	Minor updates
5.0	9/9/2016	Added the Housing Trust Fund (HTF) program and minor edits throughout
6.0	5/4/2017	Changed 'Terms and Definitions' to an Appendix, updated section on unearned income of minors and fulltime students, added additional section on calculation of Imputed Income from assets under the Part 5 definition, created an additional Appendix on the 24 CFR Part 5 Income Calculation Guided and Short Method
7.0	11/21/2017	Added a note on IEC system rounding of calculations. Provided an example for the calculation of a COLA increase to annual income.
8.0	6/14/2018	Added clarification on Re-Evaluation of Income Eligibility for the ESG Program.
8.1	10/11/2018	Minor Updates
8.2	12/17/2018	Updated passbook rate guidance
8.3	8/1/2019	Removed Census definition
9	6/15/2022	Major Updates on functionality

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Introduction

The CPD Income Eligibility Calculator User Manual presents information on using the CPD Income Eligibility Calculator. It contains useful background information, glossary of terms, instructions, and links to additional resources.

The User Manual is organized as follows:

Section 1: Overview

Section 2: Using the Calculator

Section 3: Income Determination Resources

Appendix 1: 24 CFR Part 5 Income Calculations

Appendix 2: Terms and Definitions

Section 1: Overview

1.1 INCOME CALCULATOR INTRODUCTION

1.1.1 What is the CPD Income Eligibility Calculator?

The CPD Income Eligibility Calculator is an interactive tool that makes determining the income eligibility and assistance amounts for beneficiaries of CPD programs as easy as 1-2-3. Simply enter the requested data and this Calculator will work behind the scenes to generate a summary of results for each beneficiary. You should then print out the summary and include it as part of the beneficiary's file.

The Calculator currently performs income eligibility and assistance amount calculations (as applicable) for the following HUD CPD programs:

- Brownfield Economic Development Initiative (BEDI)
- Community Development Block Grant Program (CDBG)
- CDBG Disaster Recovery Assistance (CDBG-DR)
- Emergency Solutions Grants Program (ESG)
- HOME Investment Partnerships Program (HOME)
- Housing Opportunities for Persons with AIDS (HOPWA)
- Housing Trust Fund (HTF)
- Neighborhood Stabilization Program (NSP)
- Section 108 Loan Guarantee Program
- Self-Help Homeownership Opportunity (SHOP)

The CPD Income Eligibility Calculator is a tool designed to **assist** CPD grantees in their responsibility to accurately calculate and appropriately document their income determinations of CPD program beneficiaries. It is not, and does not provide, online training regarding the rules for determining income (such as whose income to account, etc.) Refer to Section 3: Income Determination Resources for links to a number of resources that are available about the rules for determining income.

The Calculator is a tool to help a grantee calculate income, but it does not *verify* income. The Calculator should not replace the documentation collected by the grantee. The grantee must maintain all documentation and if using the Calculator, it is helpful to print out and maintain the summary documents generated in the Calculator for Annual Income, and as applicable Adjusted Income and Tenant Payments. Record retention will depend upon the CPD program so grantees should be aware of the length of time records must be kept as well as their own state or local laws related to record retention and privacy.

The Calculator is designed to calculate eligibility based on the amount of income that is entered for the beneficiary. Grantees may have specific requirements written into their policies and procedures that are not included or accounted for in the Income Eligibility Calculator (for example, minimum tenant contribution). Therefore, grantees should always review the final calculations produced from this tool and apply their own grantee's requirements if they are more restrictive. If this is the case, a note should be included in the beneficiary's file noting this change.

1.1.2 HUD Disclaimer

HUD makes no warranties or representations whatsoever regarding the quality, content, completeness, accuracy, or timeliness of the information and data contained in the CPD Income Eligibility Calculator. Please read through the terms and conditions of use, including the liability and privacy policy.

1.1.3 Policy Questions

If you have policy questions about income eligibility and determination, please contact HUD.

- For BEDI, CDBG, CDBG Disaster Recovery Assistance, HOME, HTF, and Section 108, contact your local HUD Field Office.
- For ESG, HOPWA, and NSP, submit your question via HUD Exchange Ask A Question and receive answers directly via email.
- For SHOP, contact HUD's Office of Rural Housing and Economic Development.

1.1.4 Technical Issues

If you have technical difficulties using the Income Eligibility Calculator, please contact info@hudexchange.info.

Section 2: Using the Calculator

2.1 REGISTER/LOG IN

Go to: https://www.hudexchange.info/incomecalculator

2.1.1 Request an Account

To access the Income Eligibility Calculator, you must create an account and log in to the Calculator each time. Your account will give you access to calculations you have created in the past and allow you to create and save new ones.

Step 1: Click on **Register Now** at the right side of the screen.
Step 2: Carefully fill in all fields

- Note that all fields are required
- Be sure to create a username and password you will remember

Step 3: Click the **Create Account** button. Once you submit your registration information, you will be logged in.

2.1.2 Log In

To log in, simply:
Step 1: Enter your username and password.
Step 2: Click on **Log In.**

2.1.3 Forget Username or Password

If you forgot your username or password, please use the following instructions:
Step 1: Enter your email address in the **Forget Username and Password** box on the Income Eligibility Calculator Sign In page.
Step 2: Click on **Get Password.**
Step 3: You will receive an email at the address you entered containing your username and new password.
Step 4: Follow the log in instructions in the email to access the Calculator.

2.1.3 Change Password

To change your password, please use the following instructions:
Step 1: Click on your username in the upper right of the screen, then click "My Account." Note: you must be logged into the Income Eligibility Calculator to change your password.
Step 2: On the My Account page, click "Change password" and carefully enter a new password into the fields.
Step 3: Click on **Submit**.

2.2 START A NEW CALCULATION

Prior to starting a new calculation, you should have the following items available:

- A printer (or, a writing instrument and a piece of blank paper);
- Any previous income determinations completed for the beneficiary; and

- Documentation of income for all members of the beneficiary's family or household.

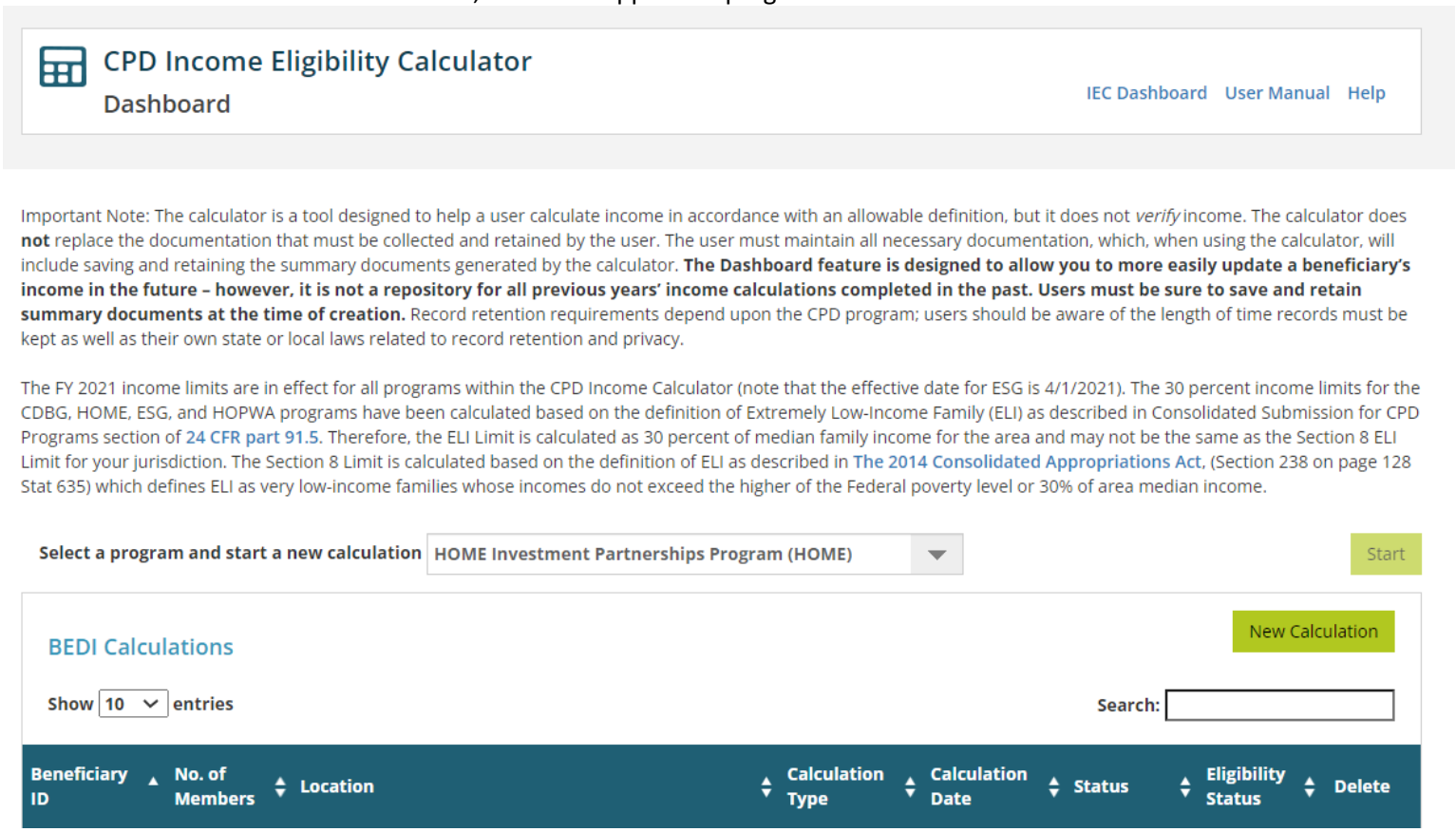
Allow yourself **at least** 15 minutes to complete each applicant's calculation summary. Some calculations may take longer depending upon the experience of the user, the number of household members, the speed of the internet connection, and other factors.

Go to: https://www.hudexchange.info/incomecalculator

2.2.1 Select a Program

Before getting started, it is best to know the mix of programs that may be funding an activity. You should then identify which CPD program has the most restrictive income determination requirements and follow that program's path within the Income Eligibility Calculator.

From the Income Calculator Dashboard, select the applicable program.



2.2.2 Input a Beneficiary ID

The CPD Income Eligibility Calculator uses a "Beneficiary ID" instead of a "Last Name" or "Household Name" to help protect the privacy of applicants to CPD programs. The Beneficiary ID will be included on the Calculator screens and printouts, and will be the key data element necessary to later find, complete, and/or edit the income determination performed for that beneficiary within the Calculator.

When creating a Beneficiary ID, DO NOT use any Personally Identifiable Information (PII) such as names, social security numbers, addresses, etc.

The Beneficiary ID is comprised of 1-6 custom characters entered by the user appended with a system generated value.

Each user is responsible for designing their own method for creating the first part of the Beneficiary ID, as well maintaining and adequately protecting their own auditable records which associate each Beneficiary ID with the

individual, family, or household whose income was determined (as appropriate and/or required under the rules of each CPD program). Printouts from the Calculator will include both the Beneficiary ID and a blank space in which the Last Name of the associated individual, family, or household can be written or otherwise inserted.

IMPORTANT NOTE: Once you create a Beneficiary ID for an individual, family, or household, you cannot edit that Beneficiary ID. If you need to change that Beneficiary ID, you must create a new calculation.

2.2.3 Input Member IDs

The CPD Income Eligibility Calculator asks for "Member IDs" instead of "First Names" to help protect the privacy of applicants to CPD programs. Each Member ID you enter should be unique to an individual within the family or household associated with this Beneficiary ID. Printouts from the Calculator will include the Member IDs entered here along with a blank space in which the First Name of the associated individual can be written or otherwise inserted.

When creating the Member ID(s), DO NOT use any Personally Identifiable Information (PII) such as names, social security numbers, addresses, etc.

Each user is responsible for designing their own method for creating Member IDs, as well maintaining and adequately protecting their own auditable records which connect Member IDs to the associated individuals within the family or household whose income was determined (as appropriate and/or required under the rules of each CPD program.)

Income determinations are based on the gross income anticipated by all adults in the family or household in the next 12 months.

The Income Calculator provides capability for up to 12 members per family or household.

Note: Simply leave all checkboxes blank if the member is over the age of 18 years old and does not meet any of the criteria listed on the Beneficiary Member table.

Example: A 26-year old sibling of the head of household who is living in the household who is also non-disabled and is not a full-time student.

2.2.4 Rounding

Please note, the Income Calculator rounds calculations to two decimal places.

2.3 ANNUAL INCOME CALCULATION

Prior to calculating income, you should know which CPD program you are using as well as the activity (and for CDBG, NSP, etc. the national objective), or for ESG which component. Each CPD program calculates income a little differently and the rules surrounding the calculation differ depending upon the activity or component. This section is provided in the order of the income calculator, not specifically on the order of how you conduct income eligibility.

2.3.1 Income Limits

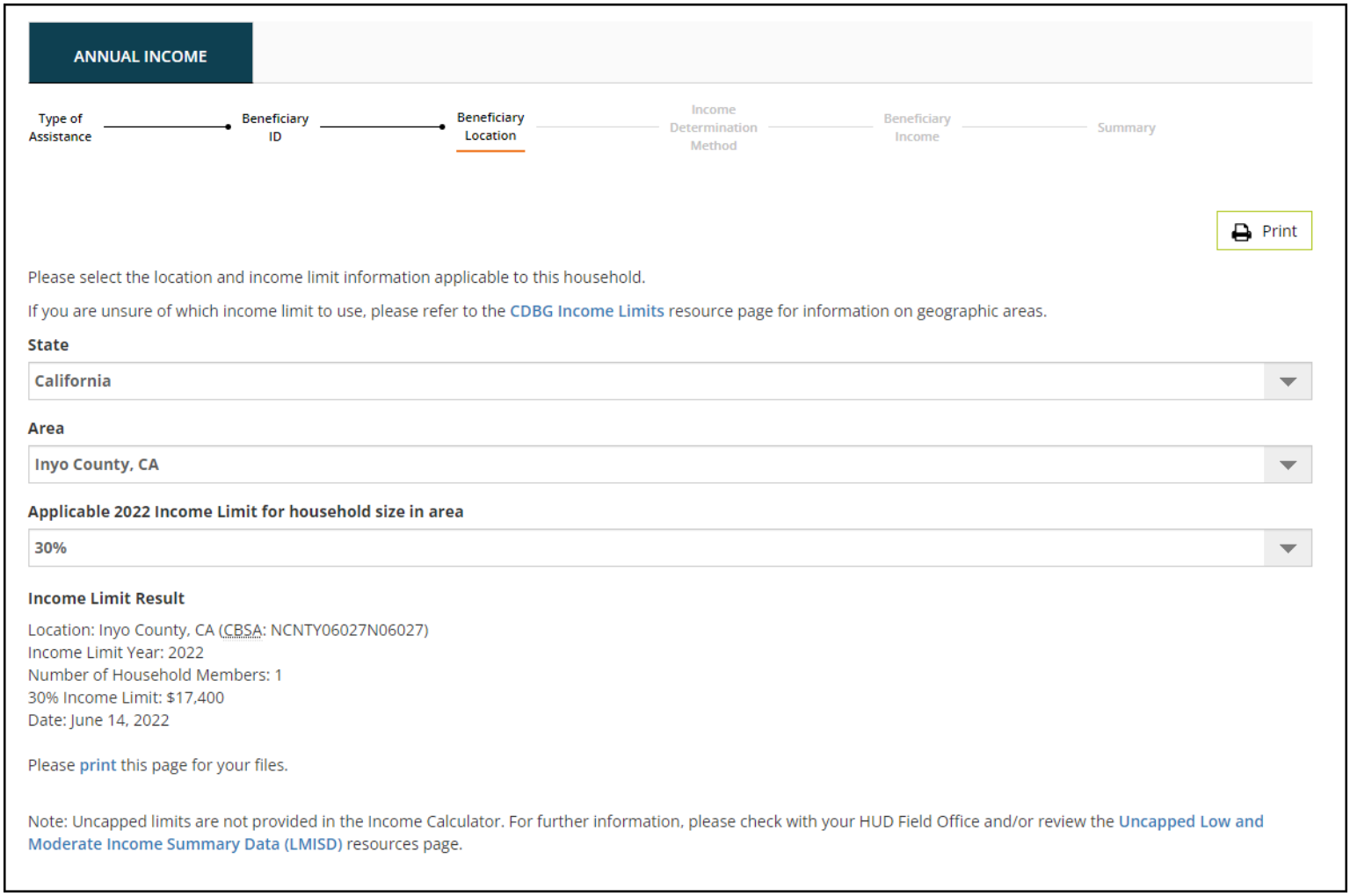
The 30 percent income limits used for the CDBG, ESG, HOME, and HOPWA programs have been calculated based on the definition of Extremely Low-Income Family (ELI) as described in Consolidated Submission for CPD Programs section of 24 CFR part 91.5 and in the terms and definitions later in this manual. Therefore, the ELI Limit is calculated as 30 percent of area median income and may not be the same as the Section 8 ELI Limit for your jurisdiction. The Section 8 Limit is calculated based on the definition of ELI as described in The 2014 Consolidated Appropriations Act, (Section 238 on page 128 Stat 635) which defines ELI as very low-income families whose incomes do not exceed the higher of the Federal poverty level or 30% of area median income.

The remaining income limits (50%, 60%, 80% and for NSP, 120%) for CDBG, HOME, and HOPWA are based upon the HUD Income Limits that are published annually by HUD and are imported into the CPD Income Eligibility Calculator.

The extremely low income (30%) and very low income (50%) limits for HTF is described on HTF Income Limits page and in the terms and definitions later in this manual.

For large households with 9-12 members, the CPD Income Eligibility Calculator includes income limits using a HUD-provided formula: For each person in excess of eight, the four-person income limit is multiplied by an additional 8 percent. For example, the nine-person limit equals 140 percent [132 + 8] of the relevant four-person income limit. Income limits are rounded to the nearest $50.

For each calculation, the user selects the geographic area (county or metropolitan area), the number of members in the beneficiary household, and the applicable income limit (30%, 50%, 60%, 80%, 120%). The Calculator then applies the resulting annual income limit to the income determination being performed. Users should print the Income Limit page that is displayed by the Calculator for their files.



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For 10 metropolitan statistical areas (MSAs), at the 80% income limit, they have the option to use either the HUD published 80% income limit or what is called an "uncapped income limit" based upon an exception the Secretary of HUD is authorized to provide under the Quality and Work Responsibility Act of 1998. The MSAs affected by this law are the following:

- Orange County, CA PMSA;
- San Francisco, CA PMSA;
- San Jose, CA PMSA;
- Danbury, CT PMSA;

- Stamford-Norwalk, CT PMSA;
- Washington, DC-MD-VA-WV PMSA;
- Bergen-Passaic, NJ PMSA;
- Middlesex-Somerset-Hunterdon, NJ PMSA;
- Nassau-Suffolk, NY PMSA; and
- Westchester County, NY

This law only covers HOME and CDBG programs and the uncapped limits are not provided in the Calculator as they are only an option for the grantee and not required. For further information, please check with your HUD Field Office and see the following website: https://www.hudexchange.info/manage-a-program/acs-low-mod-summary-data-uncapped-grantees/.

2.3.2 Self-Certification of Annual Income by Beneficiary for Programs that Allow This Method

In some cases, grantees may choose to use a verifiable self-certification to document the income of beneficiaries in lieu of a full income calculation or for recertification (see section 2.3.3). A verifiable self-certification is based on a Self-Certification of Annual Income by Beneficiary form in which the beneficiary states and signs-off on their income at the time of assistance.

The Self Certification of Annual Income by Beneficiary is a written statement from the beneficiary documenting the definition used to determine Annual (Gross) Income, the number of beneficiary members in the family or household (as applicable based on the activity), and the relevant characteristics of each member for the purposes of income determination. To complete the form, the user selects the definition of income used, fills in the blank fields, and checks only the boxes that apply to each member. Adult beneficiary members must then sign the form to certify that the information is complete and accurate, and that source documentation will be provided upon request. The form includes space for up to 12 members of a beneficiary. Users should print the Self Certification of Annual Income by Beneficiary form and include the completed form in their beneficiary files. For HOPWA, users must not enter or write any personal information on the printout of the form including but not limited to names, social security numbers, or addresses.

Using a self-certification approach to income documentation can put the activity at possible risk if a beneficiary is later audited and determined to be over the applicable income limit.

The following terms are used in the Self-Certification of Annual Income by Beneficiary form. Each of these terms is defined in the Terms & Definitions section.

- Definition of Income: HUD 24 CFR Part 5; IRS 1040
- Beneficiary ID
- Member IDs
- Head of Household
- Co-Head of Household/Spouse
- Persons with disabilities
- Fulltime student
- Annual gross income

The user must be aware of when and how to use the calculator to determine the Annual Income of *households* versus persons within a *family*. The term “household” is used throughout the ESG, HOME, NSP, HTF, and HOPWA, and SHOP portions of the calculator as it is the appropriate term and unit of analysis for income determinations being performed for these housing programs, while persons within a family or family may be the appropriate unit of analysis and term for public services, public facilities or job activities under the CDBG, CDBG Disaster Recovery, Section 108, and BEDI programs. For CDBG, further guidance on direct activities and where self-certifications are allowable can be find in this FAQ.

See the terms and definitions for further information.

2.3.3 Recertifications & Re-evaluations

Depending upon the CPD program, recertifications and/or re-evaluations of a household's annual income is required.

Annual Income Recertification for certain HOME, HOPWA Programs

During an annual income recertification of a family residing in HOME- or HOPWA- assisted rental housing, or receiving HOME tenant-based rental assistance (TBRA) or HOPWA rental assistance, it is necessary to manually exclude from annual income certain increases in the income of a disabled family member. These exclusions apply to annual income increases resulting from the following:

- Employment of a family member who is a person with disabilities and who was previously unemployed for one or more years prior to employment;
- Increased earnings by a family member who is a person with disabilities during participation in any economic self-sufficiency or other job training program; or

- New employment or increased earnings of a family member who is a person with disabilities, during or within six months after receiving assistance, benefits or services under any state program for families funded under Part A of Title IV of the Social Security Act, as determined by the responsible entity in consultation with the local agencies administering Temporary Assistance for Needy Families (TANF) and Welfare-to-Work (WTW) programs. The TANF program is not limited to monthly income maintenance, but also includes such benefits and services as one-time payments, wage subsidies and transportation assistance--provided that the total amount over a six- month period is at least $500.

These exclusions from annual income are of limited duration. The full amount of increase to a qualified family's annual income is excluded for the cumulative 12-month period beginning on the date the disabled family member is first employed or the family first experiences an increase in annual income attributable to the employment. During the second cumulative 12-month period, the grantee, or project sponsor is required to exclude from annual income 50 percent of any increase in income. The disallowance of increased income of an individual family member who is a person with disabilities is limited to a lifetime 24-month period.

Annual Income Recertifications by Government Programs

In some cases, activities may choose to use a verifiable recertification from a government program administrator to document the income of beneficiaries. A verifiable recertification is based on a Recertification of Annual Income by Government Programs form in which a government program administrator states and signs-off on the income of the beneficiary at the time of assistance.

The Recertification of Annual Income by Government Programs is a written statement from the administrator of another government program under which the beneficiary receives benefits, and that examines the annual (gross) income of the beneficiary each year. To complete the statement, the administrator must fill in all of the blank fields, confirm that the information about the members of the beneficiary family or household (as applicable based on the activity) matches the program's records, and sign the form. The form includes space for up to 12 members of a household. Users should print the Recertification of Annual Income by Government Programs form and include the completed form in your beneficiary files. For HOPWA, users must not enter or write any personal information on the printout of the form including but not limited to names, social security numbers, or addresses.

Using a government administrator recertification approach to income documentation can put the activity at possible risk if a beneficiary is later audited and determined to be over the applicable income limit.

The following terms are used in the Self-Certification of Annual Income by Government Programs form. Each of these terms is defined in the Terms & Definitions section.

- Beneficiary ID
- Member IDs
- Annual gross income

Re-Evaluations of Income Eligibility for the ESG Program

Under the Emergency Solutions Grants Program (ESG), income eligibility is re-evaluated not less than once every three

months for homelessness prevention and not less than once annually for rapid-rehousing assistance. To remain eligible for ESG assistance at re-evaluation, the household must have an annual income that does not exceed 30% of median family income for the area, as determined by HUD.

2.3.4 Income Definitions

Part 5 Annual Income

Under the Part 5 definition, income sources are either included or excluded as part of Annual Income. The following are typical sources of income:

- Wages/Salaries
- Benefits/Pensions
- Public Assistance
- Other Income

Unearned Income of Minors and Full Time Students

Some sources of income that are treated uniquely in the calculator:

- If the member is a minor below the age of 18, the member's employment income is set to $0 when the annual gross income is calculated regardless of what is input into the Income Calculator. The Income Calculator will count all other income received by the minor so all other income can be listed under the minor.
    - If the member is over 18 **AND** is a *FULL TIME STUDENT* **AND** is not the head or co-head (spouse) of household **AND** if the sum of his/her anticipated employment income is over $480 **THEN** the total amount of his/her employment income is capped at $480 during the calculation of annual gross income. Note: The HOME Program explicitly prohibits serving students who are under the age of 24 unless they meet one of the following exceptions: low income, not a dependent of another household (e.g., emancipated youth, parents are deceased), married, served in the military, have a dependent, or Is disabled and was receiving Section 8 assistance as of November 30, 2005.
- Otherwise, the income for a household member is the sum of all his/her anticipated annual income.

See Appendix 1 for additional information on using the Income Calculator to calculate 24 CFR Part 5 Annual Income.

Passbook Rate

Under the Part 5 definition, a household may have assets with an increased payment-ability, even if its assets do not currently produce income. (For example, a household that owns land that is not rented or otherwise used to produce income.) Rather than require the household to dispose of the property, the rule requires that an "imputed" income be calculated based on a Passbook Rate that is applied to the cash value of all assets.

There are three options for the grantee in setting the rate to be used as its passbook savings rate:

1. Use the same passbook savings rate used by their local public housing authority (PHA);
2. Use the passbook savings rate published by HUD's Office of Multifamily Housing; or

As described in Notice H 2014-15, the Office of Multifamily Housing will publish a passbook savings rate and its effective date through a Housing program notice at least annually (the most current notice is Notice H 2016-01); or

3. Establish its own passbook savings rate.

If a grantee chooses to establish its own rate in calculating imputed income from assets, then the grantee should review its passbook savings rate at least annually to determine that it is allowable. The grantee may establish a passbook savings rate within 75 basis points (plus or minus .75 percent) of the Savings National Rate in effect at the time the grantee establishes the passbook savings rate, and the passbook savings rate may not be less than 0 percent. The Savings National Rate is a simple average of rates paid by United States (US) depository institutions as calculated by the

Federal Deposit Insurance Corporation (FDIC). The FDIC publishes this rate on a weekly basis. Historical and current Savings National Rates can be accessed on the FDIC website.

Please note that for all programs within HUD's Office of Block Grant Assistance (OBGA), CDBG, CDBG-DR, and NSP, the imputed asset calculation is not required, so including the cash value of assets and using the passbook rate will not be displayed in the calculator.

Part 5 Assets

Under the Part 5 definition, assets are categorized as either:

- **Total $5,000 or Less** - If the total cash value of all the family's assets is $5,000 or less, the actual income the family receives from assets is the amount that is included in annual income as income from assets.
- **Exceed $5,000** - When net family assets are more than $5,000, annual income includes the greater of the following:
  a. Actual income from assets; or
  b. A percentage of the value of family assets based upon the current passbook savings rate as established by HUD. This is called imputed income from assets. The passbook rate is currently set at .06%.

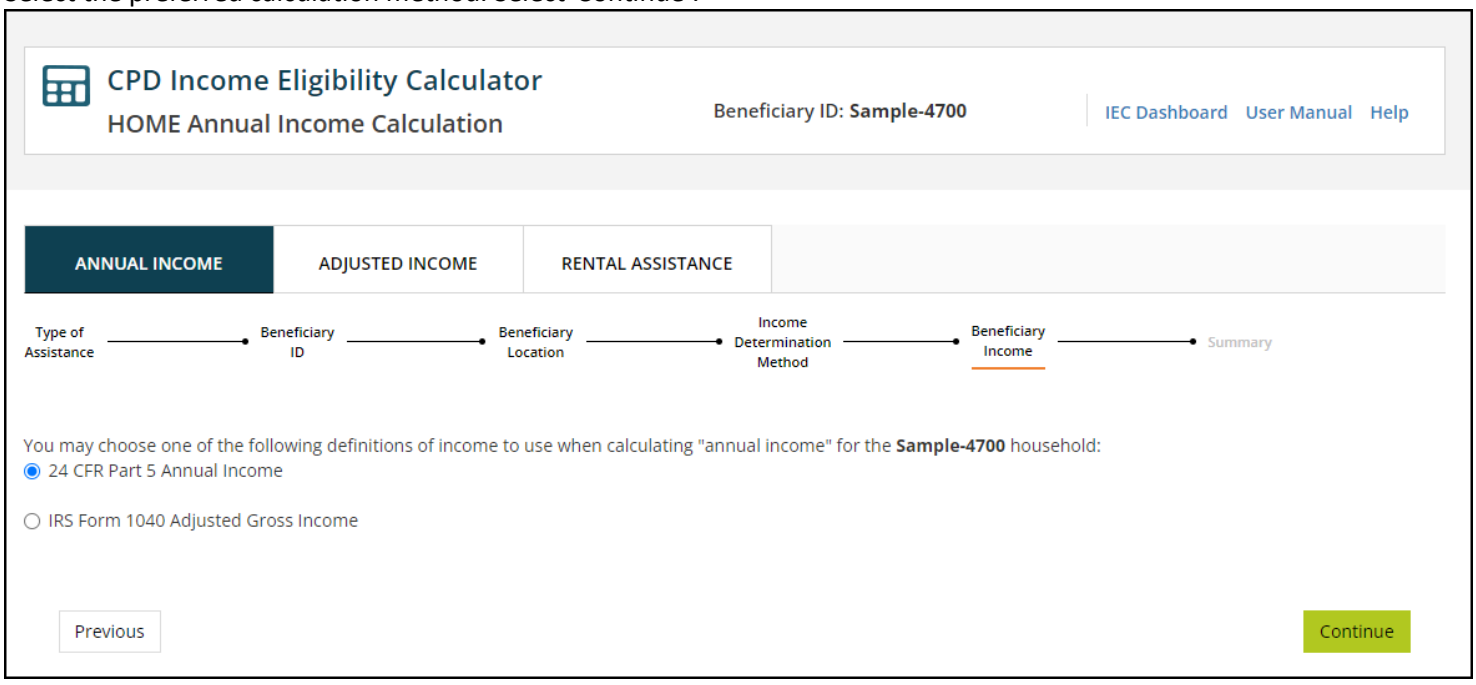
To begin this calculation, first add the cash value of all assets. Multiply the total cash value of all assets by .0006. The product is the "imputed income" from assets. Then, add the actual income from all assets. The greater of the imputed income from assets or the actual income from assets is included in the calculation of annual income.

The following are typical sources of assets:

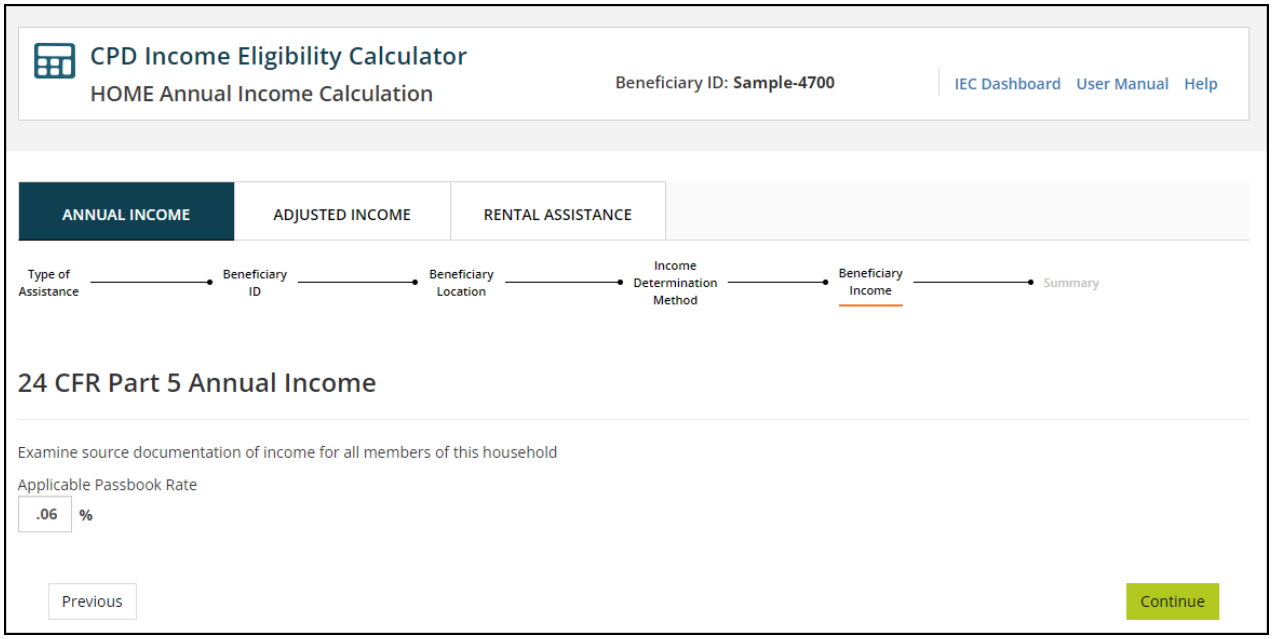
- Cash (e.g., checking, savings)
- Equity
- Stocks
- Retirement Accounts
- Pension Funds
- Life Insurance
- Personal Property
- Lump Sums
- Deeds

Calculating Total Asset Income in the Income Calculator

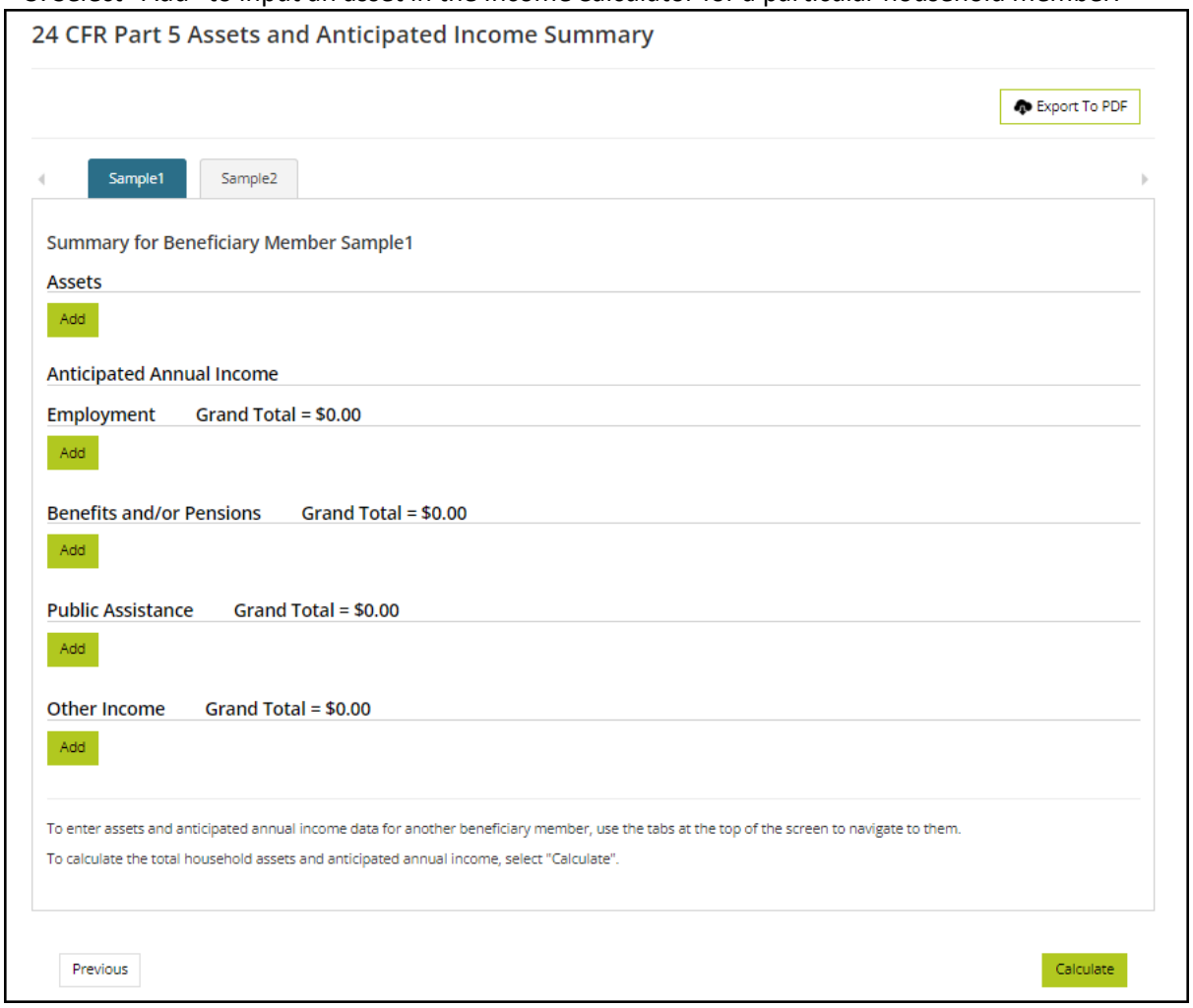
1. Select the preferred calculation method. Select 'Continue'.



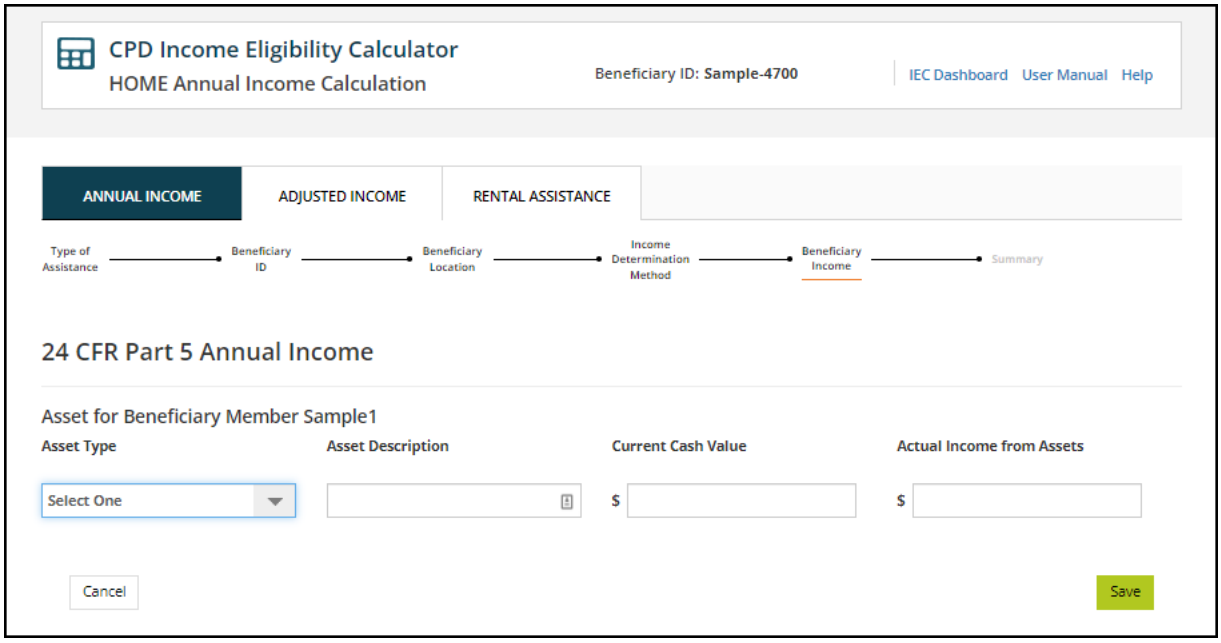
2. Enter the Applicable Passbook Rate. Select 'Continue'.



3. Select "Add" to input an asset in the Income Calculator for a particular household member.



4. Enter the current cash value and actual income from asset for each of the household member's assets. Select "Save".



Example 1:

The following steps show how the Income Calculator determines the total actual income from assets.

1. The user enters the total cash value of assets and the total actual income from assets into the Income Calculator.

Member ID	Asset Type(s)	Current Cash Value	Actual Income from Assets
51Head	Whole Life Insurance Policy	$3677.00	$0
52Spouse	Savings Account	$1200.00	$.10
51Head	Checking	$1500.00	$0
Net Cash Value of Assets		$6377.00	
Total Actual Income from Assets			$.10

2. As the total current cash value of the assets is greater than $5000.00, the Income Calculator will calculate the Imputed Income by multiplying the Current Cash Value of Assets by the Applicable Passbook Rate. If below $5000.00, the Imputed Income from Asset(s) is set to $0.

Total Current Cash Value of Assets	$6377.00
Applicable Passbook Rate	.02%
Imputed Asset Income	= $6377.00 x .02% = $1.2754

3. Finally, the Income Calculator selects the **greater** of the total actual income from asset and the imputed asset income to be the total asset income.

Total Actual Income from Asset	$ .10
Imputed Asset Income	= $6377.00 x .02% = $1.2754
Total Asset Income	= $1.2754

NOTE: The user will not see the comparison performed in step 3 in the Income Calculator. The total asset income will

only appear on page 2, column e of the 24 CFR Part 5 Annual Income Summary PDF Export.

ANTICIPATED ANNUAL INCOME						
First Names	**Member IDs**	**a. Wages/ Salaries**	**b. Benefits/ Pensions**	**c. Public Assistance**	**d. Other Income**	**e. Asset Income**
	51Head	$0.00	$0.00	$0.00	$0.00	
	52Spouse	$0.00	$0.00	$0.00	$0.00	
	53Child	$0.00	$0.00	$0.00	$0.00	
9. Totals		a. $0.00	b. $0.00	c. $0.00	d. $0.00	e. $1.28
10. Enter total of items from 9a through 9e. This is ***Annual Income***.						**10.** $1.28

IRS Form 1040 Gross Adjusted

When using the IRS Form 1040 definition to determine an applicant's annual income, users must use the most current long form version of IRS Form 1040—the version filed for current year tax reporting purposes. While the online worksheet is a general representation of the IRS Form 1040, it is not updated annually to reflect all changes in the Income and Deductions line items each tax year. The user is advised to consult the IRS Web site at irs.gov for the most current version of and the instructions for this form. Income or Deduction items included in the most current IRS Form 1040 on www.irs.gov, but not specifically reflected below, may be accommodated using the "Other Income" and "Other Deductions" line items below. Please note for 2018 forward, there is a separate form, Schedule 1 that should also be collected and used in addition to the 1040 form.

Income Line Items Provided for the IRS

- Wages, salaries, tips, etc.
- Overtime/bonus pay
- Raises/COLAs
- Taxable interest
- Ordinary dividends
- Taxable refunds, credits, or offsets of state and local income taxes
- Alimony received
- Business income or (loss)
- Capital gain or (loss)
- Other gains or (losses)
- Taxable amount of IRA distributions
- Taxable amount of Pensions and annuities
- Rentals, real estate, royalties, partnerships, S corporations, trusts, etc.
- Farm income or (loss)
- Unemployment compensation
- Taxable amount of Social security benefits

- Additional income (if any) (currently Schedule 1)

Deduction Line Items Provided for the IRS (currently Schedule 1)

- Educator expenses
- Certain business expenses of reservists, performing artists, and fee-basis government officials
- Health savings account deduction
- Moving expenses
- Deductible part of self-employment tax
- Self-employed SEP, SIMPLE, and qualified plans
- Self-employed health insurance deduction
- Penalty on early withdrawal of savings
- Alimony paid
- IRA deduction
- Student loan interest deduction
- Tuition and fees
- Domestic production activities deduction
- Other Deductions (if any)

2.4 ADJUSTED INCOME CALCULATION

The second section of the income calculator is on how to determine adjusted income. This section is not used by all CPD programs.

The adjusted income calculation is used to determine ability to pay for rent and utilities, by first deducting from annual income a set of deductions. For example, adjusted income is used to determine the rent for a tenant in a HOME-only assisted rental unit whose income increases above 80 percent of the area median or when coupled with the final part of the calculator, rental assistance, the tenant payment depending the model chosen by the grantee.

Adjusted income is derived by subtracting any of five deductions (allowances) that apply to the household from the household's annual (gross) income. The deductions must be applied whenever adjusted income is calculated for eligible households.

A household's eligibility for adjustments to annual (gross) income depends in part on whether the household qualifies as an elderly household, a disabled household, or a non-elderly, non-disabled household. While defined at 24 CFR 5.611, deductions are applied to eligible households regardless of the definition of annual (gross) income that was initially used to determine their eligibility.

2.4.1 Deductions

Elderly or Disabled Household Deductions

A household that meets the definition of an elderly or disabled household is entitled to a deduction of $400 per household.

Dependent Deductions

For each household dependent, deduct $480 from a household's annual (gross) income when calculating adjusted income. A dependent is defined as any household member who is not the head, co-head, or spouse, but is under the age of 18 years (note that the calculator uses only the terms head or co-head); or disabled (of any age); or a full-time student (of any age).

Child Care Expenses Deductions

Reasonable child care expenses for the care of a child age 12 or under may be deducted from annual (gross) income if they enable one or more adult family member to seek employment actively, be gainfully employed, or further his/her education; and if the expenses are not reimbursed.

Reasonable child care expenses for the care of a child age 12 or under may be deducted from annual income if the child care (1) enables an adult family member to seek employment actively, be gainfully employed, or further his/her education; and (2) expenses are not paid to a member of the household and are not reimbursed. The amount of the deduction is unlimited, but the child care expenses must be reasonable (i.e., typical for the area, age of child, etc.). However, if a full-time student has child care expenses related to employment, these expenses are limited to $480, as the employment income of full-time students in excess of $480 is not counted in the annual income calculation.

Medical Expenses Deductions

Elderly or disabled households that have no disability assistance expenses may claim as a deduction medical expenses that are in excess of three percent of their annual (gross) income, so long as they are not already being reimbursed by insurance or through another entity. Medical expenses that may be considered include all medical expenses anticipate to be incurred during the coming year that are not covered by insurance. Although medical expenses are permitted only for elderly or disabled households, once a household qualifies as an elderly or disabled household the medical expenses of all household members are considered.

Disability Assistance Expenses Deductions

Disability assistance expenses can be deducted from a household's annual income to the extent that they exceed three percent of annual income, so long as they are not already being reimbursed by insurance or another entity. Expenses may be deducted if and only if all of the following conditions are met: (1) they are reasonable, (2) they are not reimbursed from another source, (3) they enable a household member to work, (4) they do not exceed the amount of income generated by the person enabled to work, and (5) they are in excess of three percent of annual income.

2.5 RENTAL ASSISTANCE CALCULATION

The final section of the income calculator is on how to determine rental assistance. This section is not used by all CPD programs.

The rental assistance calculation, when coupled with annual and adjusted income, can be used for determining the tenant payment and the amount of assistance applicable to the eligible household in the following situations:

- Tenant and PJ payments under a HOME-funded TBRA program;
- The rent for a tenant if the grantee has a rental housing program in which rents are based on the household's ability to pay; and
- The rent for a tenant receiving HOPWA assistance.

Note: The calculator does not provide rental assistance amounts for ESG rental assistance because the recipient or subrecipient determines the appropriate amount of assistance to provide.

2.5.1 Fair Market Rent/Rent Standard

The rent including applicable utility allowance for unit type and size for the unit typically cannot be above the Fair Market Rent or required rent standard for a jurisdiction when using the certificate program (described below). However, the rent charged for a unit must be reasonable in relation to rents currently being charged for comparable units in the private unassisted market and must not be in excess of rents currently being charged by the owner for comparable unassisted units. Rent must be reasonable to provide HOPWA or HOME rental assistance to house the beneficiary in a unit. Rent reasonableness must be documented for tenant based rental assistance and included in the assisted client's file.

In addition, on a unit-by-unit basis, grantees can have up to 20% of the total TBRA enrollments exceed the FMR/payment standard by 10%. Further, PHAs have the authority to issue a community wide exception on FMR's up to 110% of FMR. If a PHA in the grantee's community has an established rent standard of 110% of FMR, then the grantee may utilize the PHA's established FMR. Additionally, grantees may utilize the rule of an extra 10% for 20% of the units on top of the PHA established FMR. This will allow for a total of 120% for 20% of units and 110% for the remaining units. See HOPWA regulations at 24 CFR 574.320(a)(2) and/or HOME regulations at 24 CFR 92.203.

2.5.2 Approved Rent and Utility Allowances

The approved rent will depend upon the program being used (i.e., HOME, HOPWA, etc.) and what is reasonable for the jurisdiction.

The administrator for the rental program should determine what utility allowances should be used. The utility allowance is an estimate of the average monthly utility bills (except telephone) for an energy-conscious household. This estimate considers only utilities paid directly by the tenant. If all utilities are included in the rent, there is not a utility allowance. For the HOME program, utility allowance calculation options are described in HOMEfires Vol. 13, No. 2: Guidance on How to Establish Utility Allowances for HOME-Assisted Rental Units.

2.5.3 Rent Models

This calculator determines assistance amounts using the HUD-prescribed Section 8 method only.

The **HOME TBRA Model** assumes a fixed tenant payment - that is, the tenant's share of housing costs, or total tenant payment (TTP), is calculated by formula. The PJ must set a minimum tenant contribution.

Under a HOME TBRA program, the PJ would then pay the difference between the tenant's share - the TTP -- and the approved rent for the unit selected by the tenant.

The **Voucher Program** assumes a fixed payment from the grantee toward a unit's rent. The maximum grantee subsidy is calculated first, and then the tenant pays the difference between the grantee subsidy and the approved rent for the unit. Using the Rental Voucher method, a grantee establishes its rent standards by unit size for the TBRA program as a whole (see section above on FMR/Rent Standard), and determines 30 percent of each tenant's monthly adjusted income. The difference between these figures is the maximum amount the grantee will pay toward the rent for the unit selected by the tenant.

HOME PJs may establish their own method for determining the TBRA subsidy. You may wish to print the annual and adjusted income summaries from this calculator for reference when using another methodology.

HOPWA grantees should only use the Rental Certificate model.

2.6 CALCULATION DASHBOARD

The Calculation Dashboard allows you to start a new calculation, complete a previously started calculation, and review or update a completed calculation. You can also search for a calculation and delete existing calculations. The Dashboard is organized by Program, and each calculation displayed in the dashboard includes the following information:

- Beneficiary ID
- Number of family or household members
- Location – the City and State selected
- Calculation type – Annual, Adjusted, or TBRA
- Calculation date – the date that the calculation was last updated
- Status – In Progress or Complete
- Eligibility status – Eligible, Ineligible, or Blank if not yet determined

2.6.1 Viewing/Editing Previously Started Calculations

Users may make edits to previously started calculations. From the Calculation Dashboard, find the Calculation and click on the Beneficiary ID.

The calculator stores all data previously entered into the Calculation. The user is required to re-confirm the data by clicking Continue on each screen. You may click on the headings on the left sidebar to skip to various sections of the calculation.

Note the browser back button and previous button on the screen are not always the same due to the various flows for each Program. The browser back button goes to the previous page. The Previous button goes back to the last page from which the user came.

Note new income limits come out each year, typically in the first quarter. If you are in the process of income qualifying a beneficiary, once the income limits are updated in the system, you have to use the new income limits.

Section 3: Income Determination Resources

Several resources are available to assist in income determination.

3.1 REGULATORY CITATIONS

3.1.1 CDBG Regulations

- 570.3 – Income Definition
- 570.208 – Entitlements – Low Income Targeting
- 570.483 – States – Low Income Targeting
- 570.506 – Income Documentation

3.1.2 HOME Regulations

- 24 CFR 92.2 – Definitions
- 24 CFR 92.203 – Income Determinations and Adjusted Income
- 24 CFR 92.209 – TBRA Eligible Costs and Requirements
- 24 CFR 92.216 – Income Targeting: TBRA and Rental Housing Units
- 24 CFR 92.217 – Income Targeting: Homeownership
- 24 CFR 92.252 – Qualification as Affordable Housing: Rental Housing
- 24 CFR 92.254 – Qualification as Affordable Housing: Homeownership Housing

3.1.3 HOPWA Regulations

- 574.3 – Eligible Persons D
- 5.603 – Annual Income Definition
- 5.609 – Annual Income
- 5.611 – Adjusted Income
- 5.617 – Self-sufficiency incentives for persons with disabilities—Disallowance of increase in annual income

3.1.4 NSP Regulations

- See CDBG regulations.

3.1.5 ESG Regulations

- 576.2 – Definitions
- 576.401(b) – Re-evaluation Requirements
- 5.609 – Annual Income

3.1.6 HTF Regulations

- 24 CFR 93.2- Definitions
- 24 CFR 93.151 Income Determinations
- 24 CFR 93.250 -Income Targeting: Rental Units.
- 24 CFR 93.250 - Income Targeting: Homeownership.
- 24 CFR 93.302 – Qualification as Affordable Housing: Homeownership Housing
- 24 CFR 93.304 – Qualification as Affordable Housing: Rental Housing

3.2 TECHNICAL GUIDANCE

3.2.1 CDBG Technical Guidance

Guide to National Objectives and Eligible Activities for Entitlement Communities

This guide provides explanations on national objectives and eligible activities for Entitlement Communities. View the Guide to National Objectives and eligible Activities for Entitlement Communities

Guide to National Objectives and Eligible Activities for State CDBG Programs

This guide provides explanations on national objectives and eligible activities for State CDBG Programs. View the Guide to National Objectives and Eligible Activities for State CDBG Programs

Frequently Asked Question on CDBG Self-Certifications

3.2.2 CDBG-DR Technical Guidance

Disaster Recovery Income Certification Guide

The purpose of this guide is to provide Community Development Block Grant-Disaster Recovery (CDBG-DR) grantees program administrators, developers, and front-line staff with guidance on how to calculate annual gross income that determines eligibility for receipt of CDBG-DR housing assistance. View the Disaster Recovery Income Certification Guide.

3.2.3 HOME Technical Guidance

HOME Income Determination Resources

Technical Guide for Determining Income and Allowances for the HOME Program – note, please only use for general Part 5 understanding, adjusted income and the voucher model calculation.

This self-study guide provides explanations of two income definitions of income and a glossary of terms, and describes what sources of income must be included or excluded when conducting income verification. In addition to a description of these basic requirements, the guide provides exercises and case studies to enable readers to test their understanding of the key concepts. View the Technical Guide for Determining Income and Allowances for the HOME Program.

3.2.4 NSP Technical Guidance

Guide to Completing NSP Income Certifications

This guide is intended for grantees and their partners seeking guidance on calculating annual gross income for the purposes of NSP eligibility determination. Before approving client applications for NSP rental or homeownership assistance, grantees and their partners must determine whether annual gross income is at or below NSP income limits. While there are a range of acceptable methods for collecting and certifying income data, this guide focuses on the methods used in HUD's HOME Investment Partnership Program. An income calculation worksheet, formatted in Excel, is embedded at the end of this document. View the Guide to Completing NSP Income Certifications.

3.3 FORMS

3.3.1 IRS Forms

Visit the IRS website to see the 1040 form and other information about the IRS 1040.

3.3.2 HOME Forms

The following forms are available to HOME participating jurisdictions (PJs); however other grantees may find these resources helpful and could adapt to other programs.

Program Eligibility Release Form

This form gives authorization for the named organization to obtain information from a third party relative to his/her eligibility in a HOME TBRA, homebuyer, rental rehabilitation, or homeowner rehabilitation program. It may also be used to determine continued eligibility or rent charged in a HOME TBRA program or HOME-assisted rental housing.

- View Program Eligibility Release Form

Recertification of Annual Income by Government Programs

This form is used to certify the amount of funding a household receives through a government program. A government administrator completes this form for the PJ to use when recertifying the income of rental housing tenants.

- View Recertification of Annual Income by Government Programs

Recertification of Annual Income by Tenant Family

This form is completed by the tenant family to certify the household size and annual income. The tenant family returns this form to the PJ for use when recertifying the income of rental housing tenants.

- View Recertification of Annual Income by Tenant Family

Sample Format for Calculating Adjusted Income

This form provides a format that can be used to calculate adjusted income for HOME Program purposes.

- View Sample Format for Calculating Adjusted Income

Sample Format for Calculating Part 5 Annual Income

This form provides a format that can be used to assess assets and anticipated income and calculate Part 5 annual income.

- View Sample Format for Calculating Part 5 Annual Income

Verification of Alimony and Separation

This form gives authorization for the HOME PJ to verify alimony and separation payments made to all members of the household applying for participation in the HOME Program.

- View Verification of Alimony and Separation

Verification of Assets on Deposit

This form gives authorization for the HOME PJ to verify assets on deposit for all members of the household applying for participation in the HOME Program.

- View Verification of Assets on Deposit

Verification of Child Support Payments

This form gives authorization for the HOME PJ to verify child support payments made to all members of the household applying for participation in the HOME Program on all or none.

- View Verification of Child Support Payments

Verification of Employment

This form gives authorization for the HOME PJ to verify employment income of all the members of the household applying for participation in the HOME Program.

- View Verification of Employment

Verification of Income from Military

This form gives authorization for the HOME PJ to verify military service income of all the members of the household applying for participation in the HOME Program.

- View Verification of Income from Military

Verification of Income from Business

This form gives authorization for the HOME PJ to verify business income of all the members of the household applying for participation in the HOME Program.

- View Verification of Income from Business

Verification of Pensions and Annuities

This form gives authorization for the HOME PJ to verify pension an

d annuity income of all the members of the household applying for participation in the HOME Program.

- View Verification of Pensions and Annuities

Verification of Public Assistance Program

This form gives authorization for the HOME PJ to verify public assistance income for all the members of the household applying for participation in the HOME Program.

- View Verification of Public Assistance Program

Verification of Recurring Cash Contributions

This form gives authorization for the HOME PJ to verify recurring cash contributions made to all members of the household applying for participation in the HOME Program.

- View Verification of Recurring Cash Contributions

Verification of Social Security Benefits

This form gives authorization for the HOME PJ to verify Social Security benefit income for all the members of the household applying for participation in the HOME Program.

- View Verification of Social Security Benefits

Verification of Unemployment Benefits

This form gives authorization for the HOME PJ to verify information about unemployment benefits income for all members of the household applying for participation in the HOME Program.

- View Verification of Unemployment Benefits

Verification of Veterans Administrative Benefits

This form gives authorization for the HOME PJ to verify Veterans Administrative Benefits income for all the members of the household applying for participation in the HOME Program.

- View Verification of Veterans Administrative Benefits

3.3.3 HOPWA Forms

Income Eligibility Calculation Worksheet

To be eligible for assistance under the HOPWA program, individuals must be at or below 80 percent of area median income (AMI). Project sponsors can use this worksheet to calculate household income and determine eligibility for assistance.

- Download Income Eligibility Calculation Worksheet (Excel)

Income & Resident Rent Calculation Worksheet

With the exception of persons in short-term supported housing, persons receiving rental assistance under the HOPWA program must pay rent. According to the HOPWA regulations, tenants must pay the higher of: (1) 30 percent of the family's monthly adjusted income; (2) 10 percent of the family's monthly gross income; or (3) The portion of any welfare assistance payments specifically designated for housing costs. This worksheet can be used by HOPWA project sponsors to determine the Resident Rent Payment.

- Download Income & Resident Rent Calculation Worksheet (Excel)
- View Income & Resident Rent Calculation Worksheet (PDF)

Accepted Forms of Income Verification

HOPWA program regulations require verification of all income from participant households. This tool provides examples of acceptable forms of income documentation.

- Download Accepted Forms of Income Verification (PDF)
- View Accepted Forms of Income Verification (HTML)

Disallowance of Increase in Annual Income (Earned Income Disregard)

In March 2016, HUD amended regulations that require housing providers in certain HUD programs to disregard some or all of the earned income for tenants with disabilities. The Earned Income Disregard, as it is commonly called, allows qualified families receiving housing assistance to keep more of their earned income. During the 12-month period beginning on the date that an eligible individual is first employed or the family first experiences an increase in annual income attributable to employment, 100% of the increased income is excluded from their annual income calculation. Within the second 12-month exclusion period, a qualified family can exclude at least 50% of their earned income. The disallowance of increased income of a qualified family is limited to a lifetime of 24-month period.

Zero-Income Affidavit

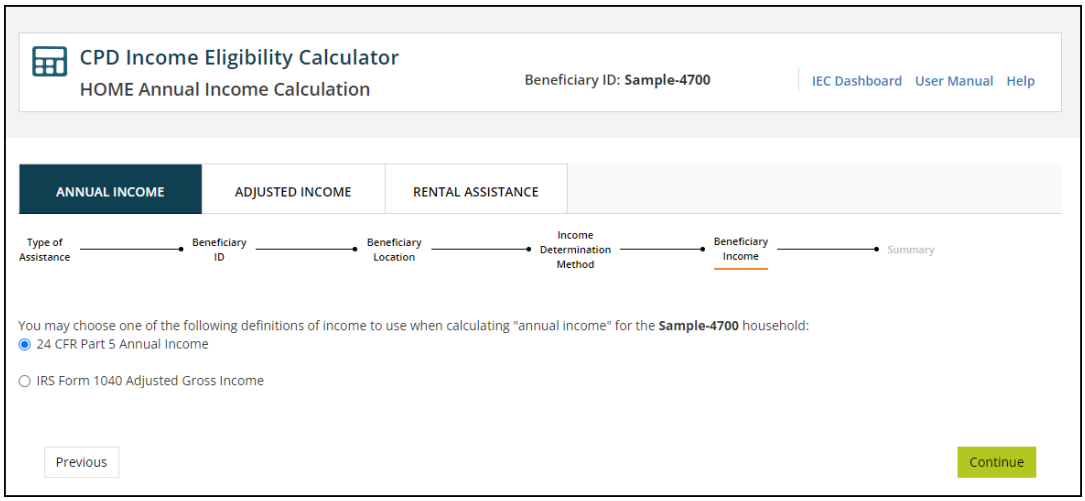
HOPWA program regulations require verification of all income from participating households. This form can be used as documentation when a household has no income.

- View Zero-Income Affidavit (HTML)

Appendix 1: 24 CFR Part 5 Annual Income Calculations

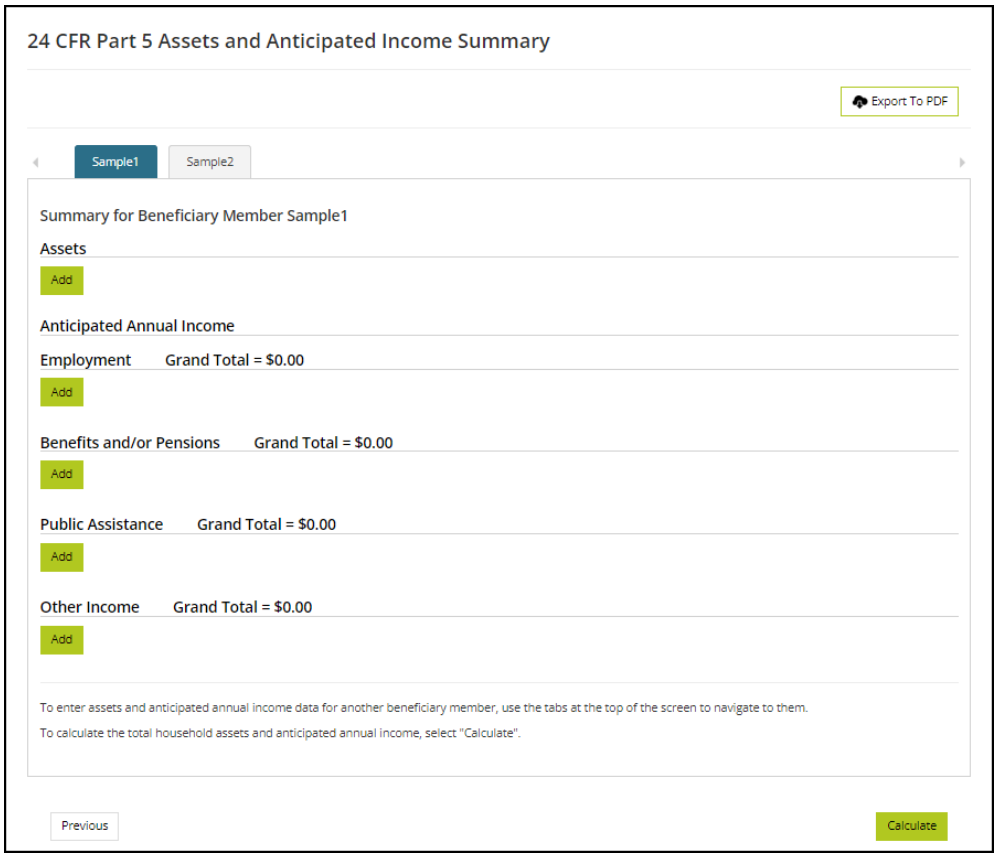
OVERVIEW

This appendix provides guidance on using the 24 CFR Part 5 Annual Income definition to calculate total annual gross income in the Income Calculator.

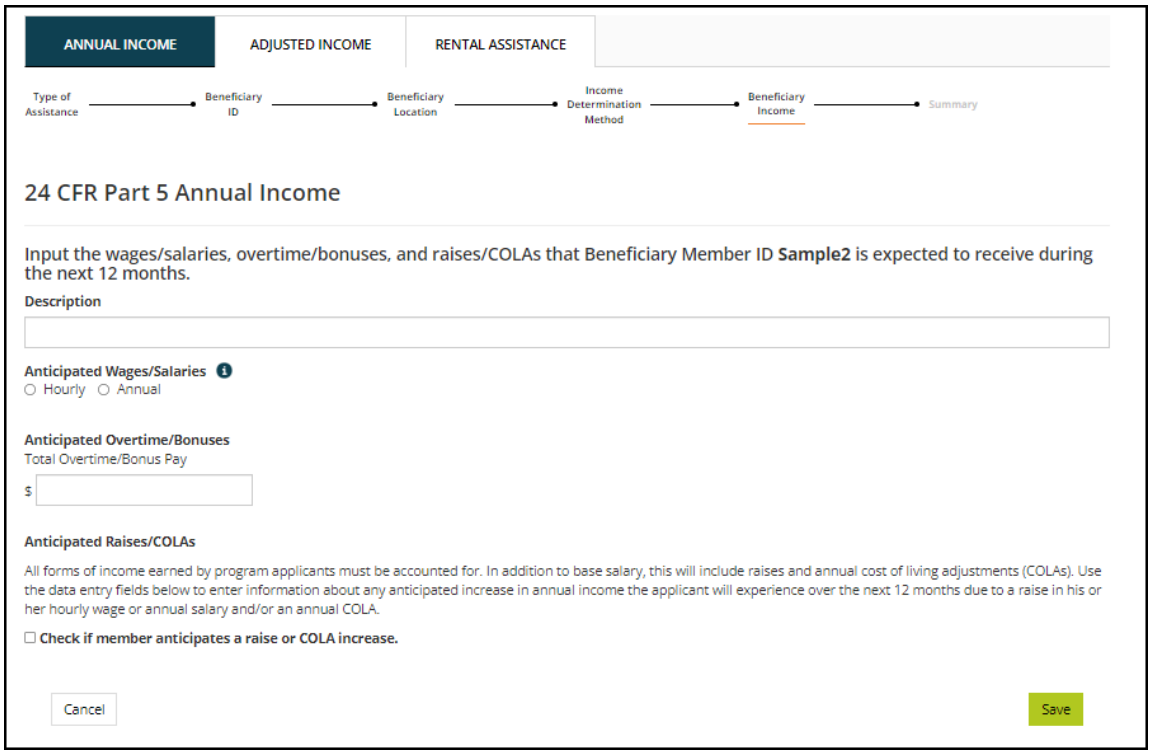


24 CFR Part 5 Assets and Anticipated Income Summary

On this screen, each household member's information is accessible on the same screen on different tabs. The user is able to rapidly alternate between member tabs and add only the income and asset information required for the member.



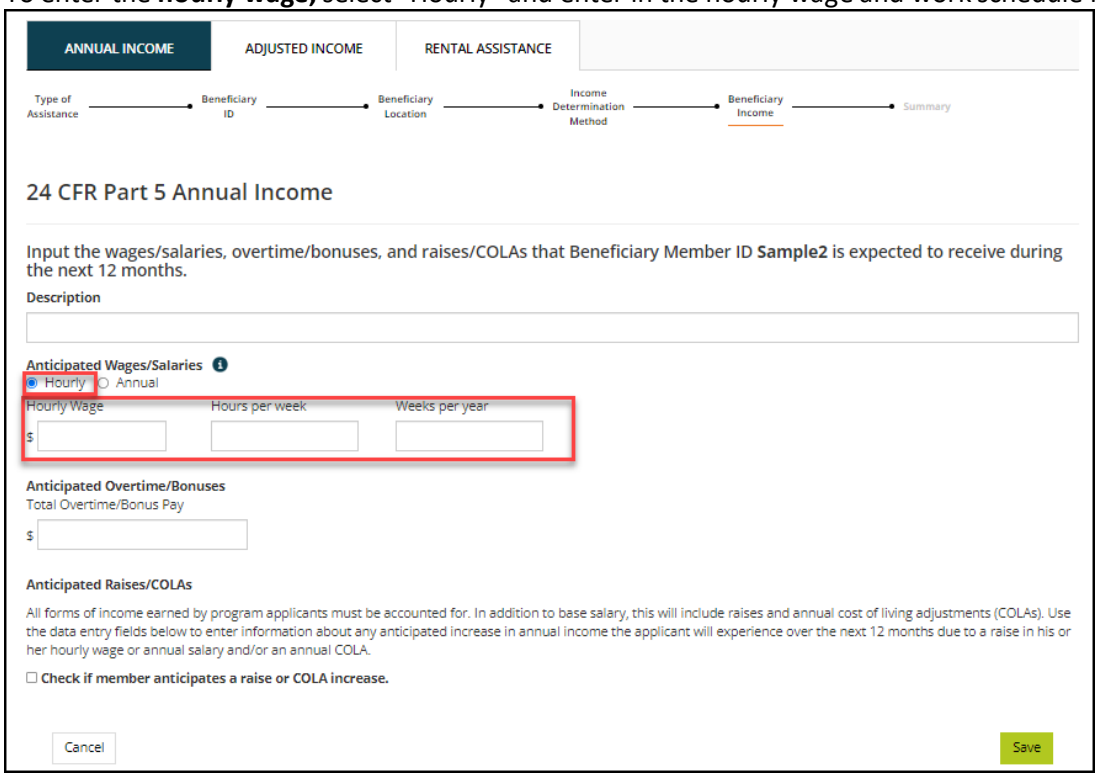
Select “Add” for the income type (wages, public assistance, benefits, etc.) you would like to complete for each household member.



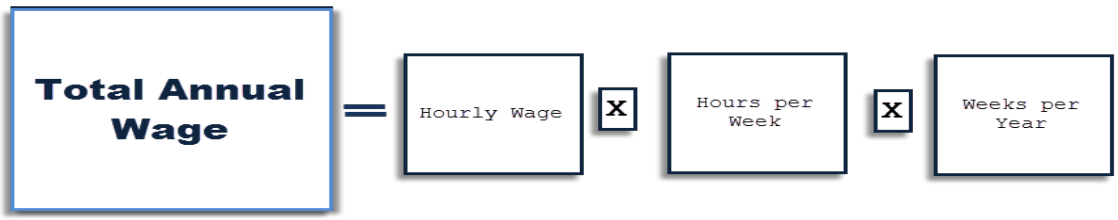
Refer to Calculating Total Asset Income in the Income Calculator for more information on adding assets.

1. Calculating Wages

a. To enter the **hourly wage,** select “Hourly” and enter in the hourly wage and work schedule for that job.

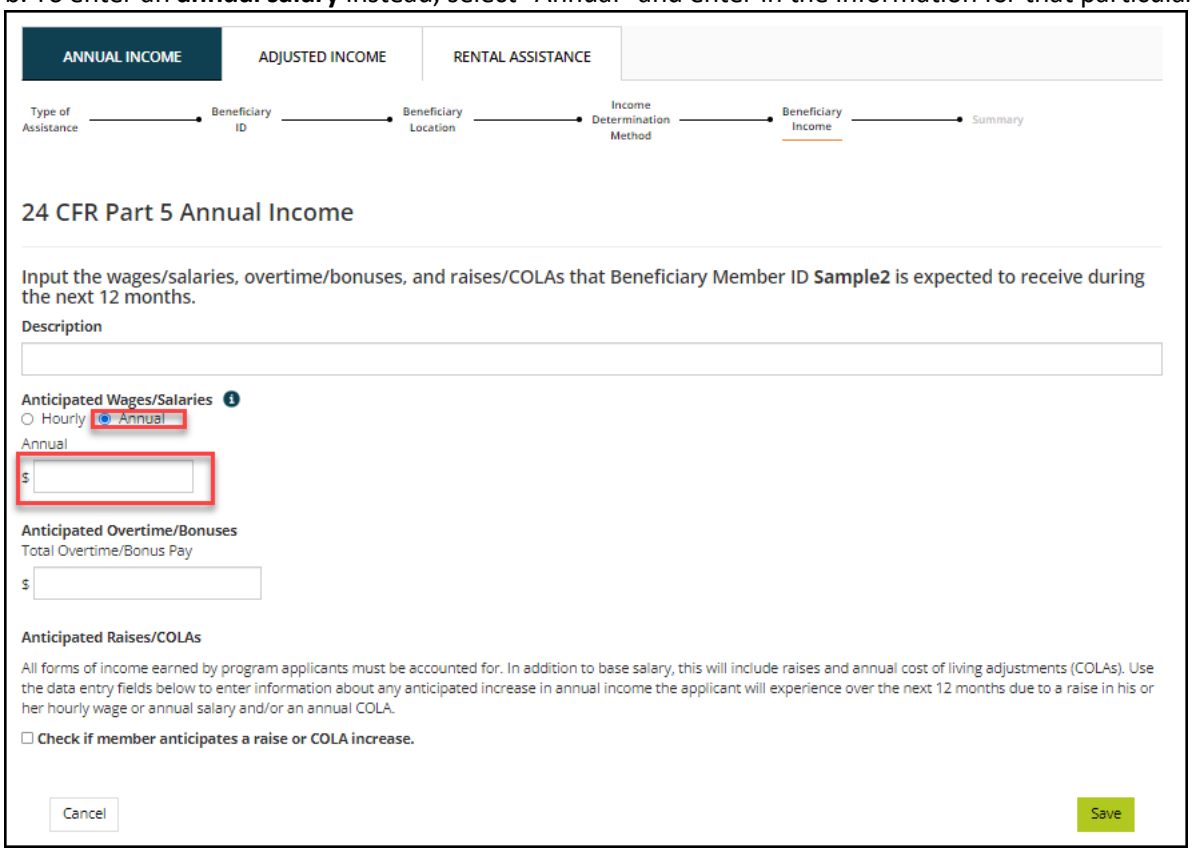


If an hourly pay rate is entered, the income calculator will calculate:



Example 1:
Hourly wage: $20
Hours per week: 40
Weeks worked per year: 45
Total annual wage= $20 x 40 x 45
= $36,000.00

b. To enter an **annual salary** instead, select "Annual" and enter in the information for that particular job.

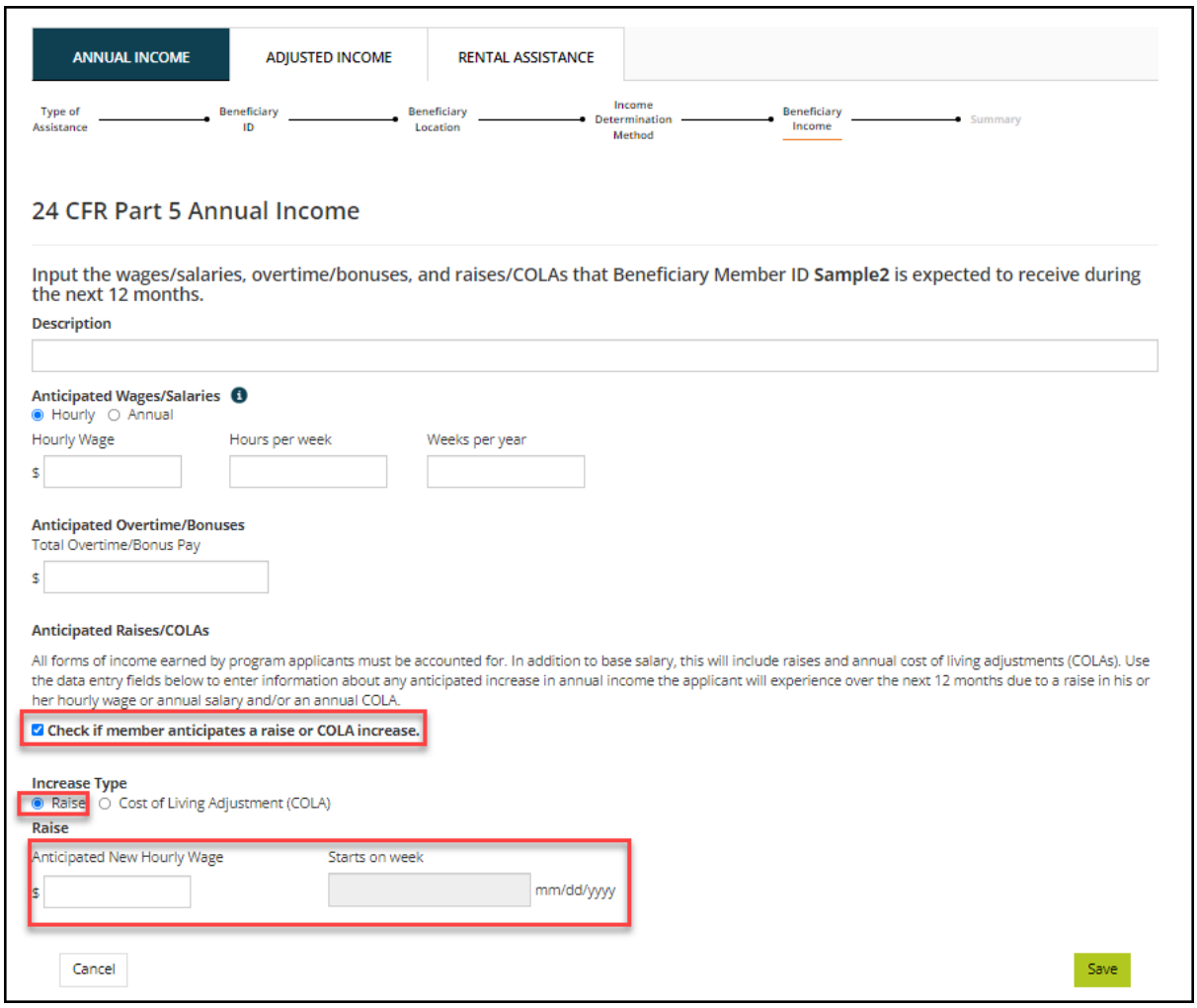


2. Calculating Overtime Hours

Enter in the **anticipated annual overtime or bonus.**

3. Calculating Raises

a. If there will be a **raise to the hourly wage**, select "Check if a member anticipates a raise or COLA". Then select "Raise" and enter in the new hourly wage and when it starts.

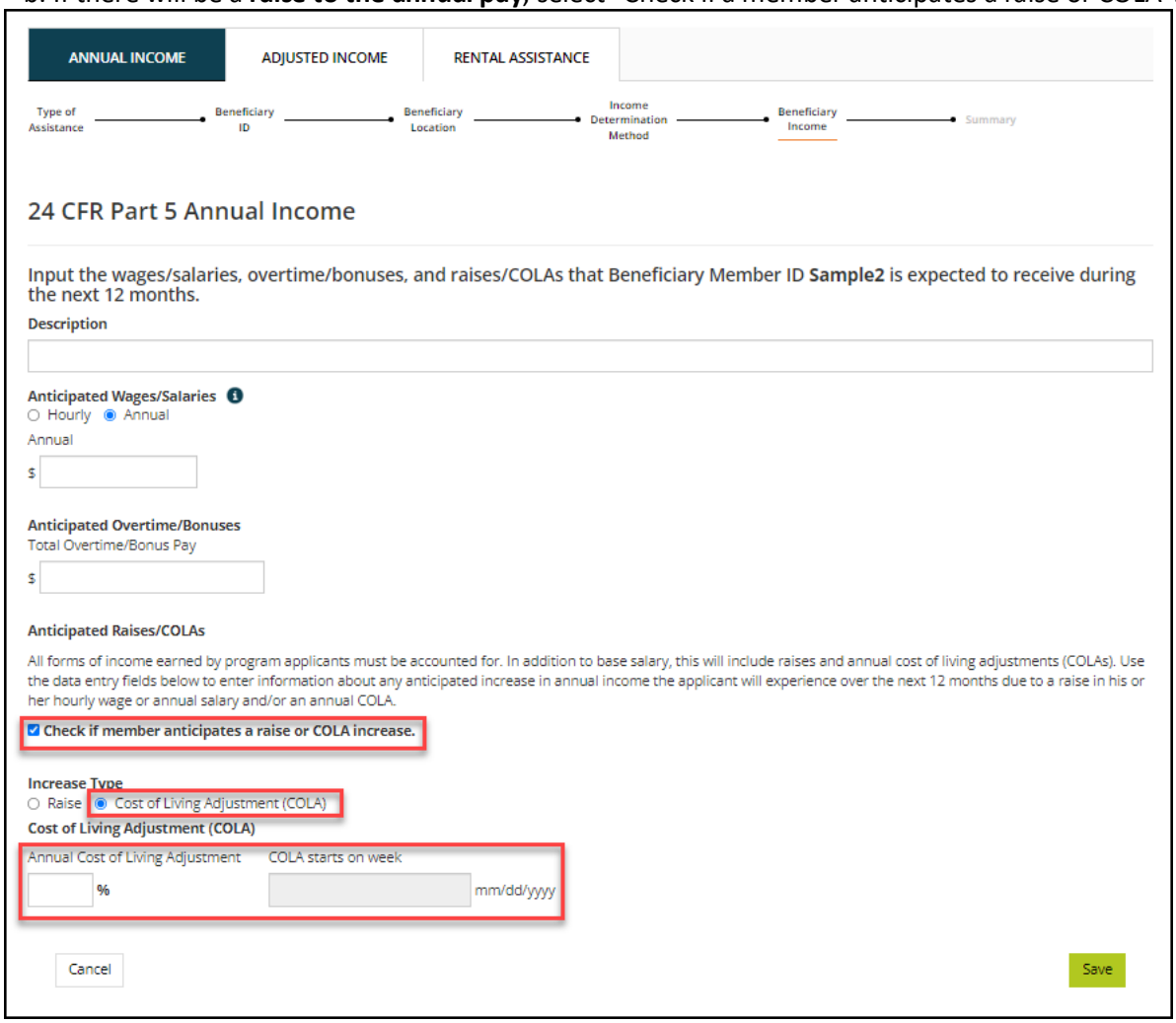


If an anticipated new hourly wage is entered, the income calculator will calculate:

Example 1: Member works 52 weeks per year
Date of calculation: 4/10/2017
Date raise effective: 7/01/2017
Date a year from now: 4/10/2018
Date difference (between a year from now and the raise start date): 284 days/7 = 40.57 = 40 weeks
Weeks* worked per year: 52
Current hourly wage: $20
Future hourly wage: $21
Hours per week: 40

Annual wages without increase = $20 x 40 hours x 52 weeks
= $41,600.00
Raise increase: $21-20 = $1
Raise over timespan = raise increase * hours per week* weeks worked per year * raise week count / weeks in a year
= $1 x 40 hours x (52 weeks x 40 weeks)/52 weeks
= $1,600.00
Total annual wages = $41,600.00+ $1,600.00
= $43,200.00
*This is the total weeks the household member will work that year, not the number of weeks they will be paid that wage amount.

b. If there will be a **raise to the annual pay**, select "Check if a member anticipates a raise or COLA". Then select "Raise".



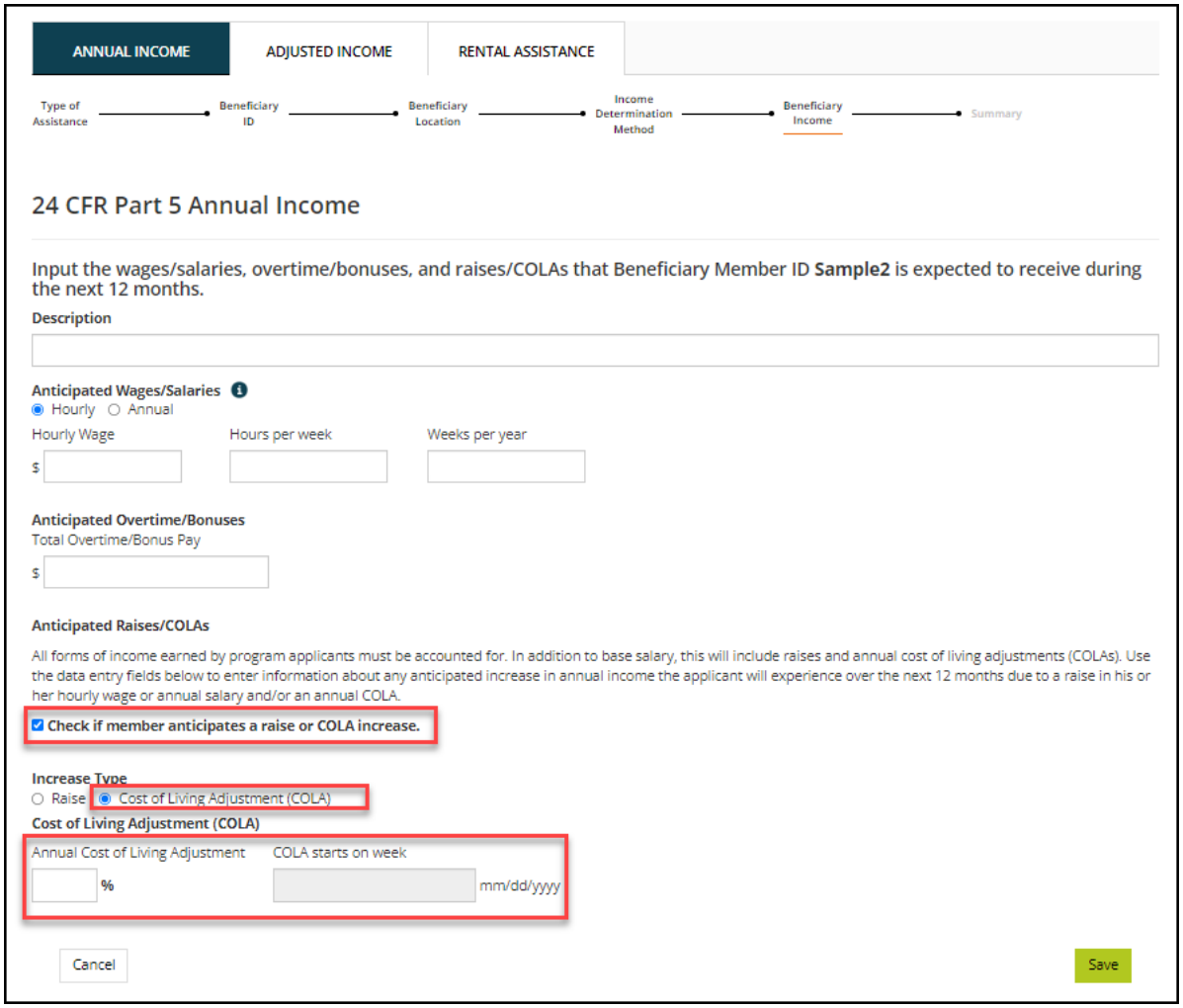
If an anticipated new annual salary is entered, the income calculator will calculate:

Date of calculation: 4/11/2017
Date raise effective: 7/1/2017
Date a year from now: 4/11/2018
Weeks* worked per year: 52
Current annual salary: $36000.00
Date difference (between a year from now and the raise start date): 285 days/7 =40.7142857 = 40 weeks
Anticipated annual salary: $39,000.00
Raise increase = $39,000.00 - $36,000.00 =$3,000.00

Raise over timespan = Raise increase * raise week count / weeks in a year
=$3,000.00 x 40/52
= $2307.69231
Total annual wages including raise = $2307.69231+ $36000.00
= $38,307.6923
= $38,307.69
*This will always be 52 weeks when an annual salary amount is entered into the Income Calculator

4. Calculating COLA

a. If there will be a **COLA to the hourly pay**, select "Check if a member anticipates a raise or COLA". Then select "COLA".



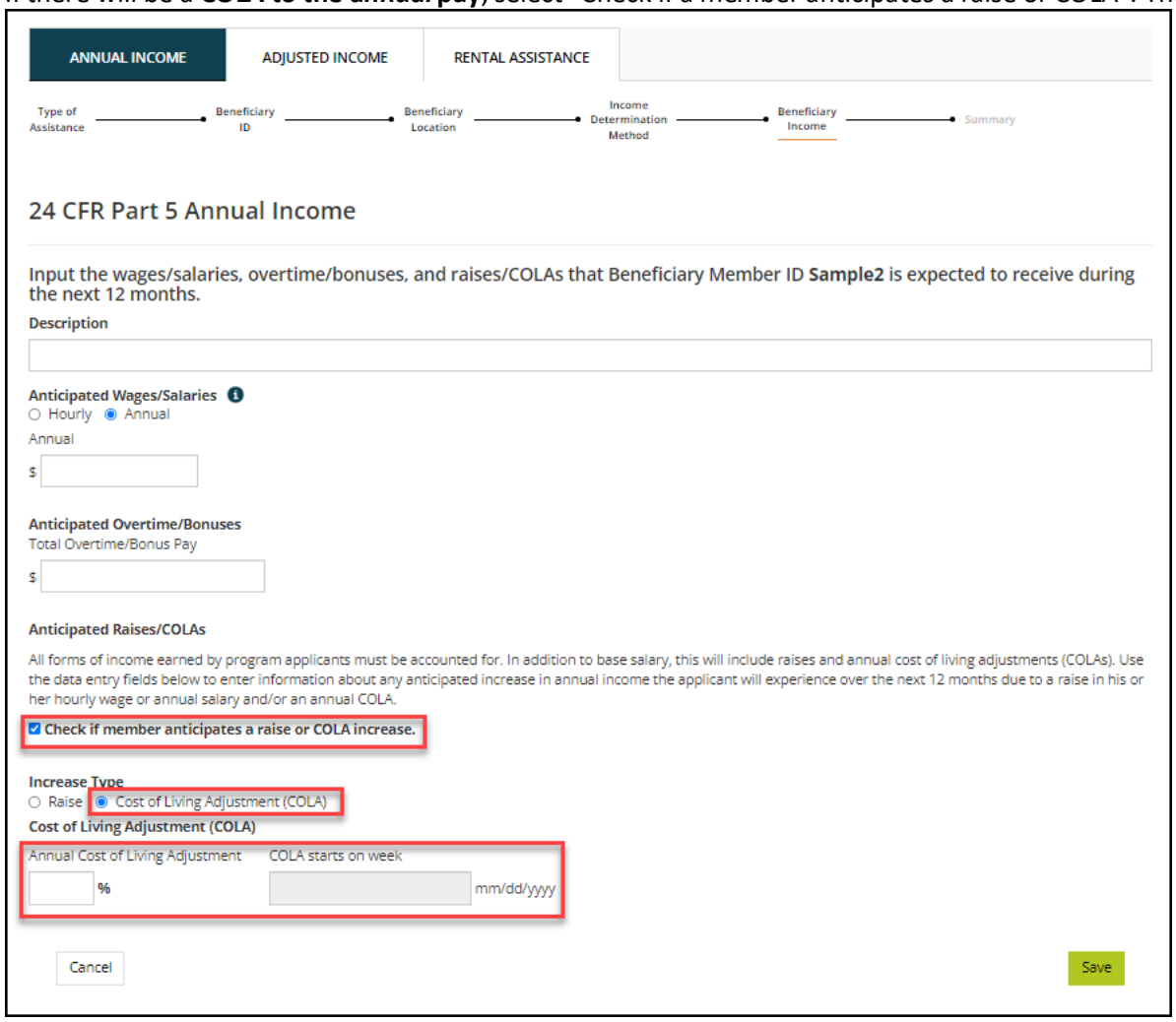
If the COLA percentage is entered, the income calculator will calculate:

Example: Member works less than 52 weeks per year
Date of calculation: 4/10/2017
Date COLA effective: 7/01/2017
Date a year from now: 4/10/2018
Date difference (between a year from now and the raise start date): 284 days/7 = 40.57 = 40 weeks
Weeks* worked per year: 45
Current hourly wage: $20
Hours per week: 40

Annual wages without increase= $20 x 40 hours x 45 weeks
= $36,000.00

COLA rate: 2%
Raise over timespan = COLA rate x hourly rate x hours per week x weeks worked per year x raise week count / weeks in a year
= .02 x $20 x 40 hours x (45 weeks x 40 weeks)/52 weeks
= $553.846154
Total annual wages = $36,000.00+ $553.846154
= $36,553.846154
= $36,553.85

b. If there will be a **COLA to the annual pay**, select "Check if a member anticipates a raise or COLA". Then select "COLA".



Example: Member works 52 weeks a year
Date of calculation: 4/10/2017
Date COLA effective: 5/1/2017
Date a year from now: 4/10/2018
Weeks worked per year: 52
Current annual salary: $36000.00
Date difference (between a year from now and the COLA start date): 345 days/7 =49.2857143 = 49 weeks
Anticipated COLA: 2%

Total Annual Wage = COLA Increase + Annual Salary
COLA Increase = increase over timespan x salary
= COLA increase is effective for 49 weeks
= Weeks in year is 52
= Step 1: 2 x 49 /52 = 1.8846
= Calculator takes into account only up to 2 decimal values so round to 1.88
= Step 2: .0188 x 36000
= $676.80
Total Annual Wage = $676.80 + $36000
= $36676.80

Appendix 2: Terms and Definitions

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

A

ACTUAL INCOME FROM ASSETS: Income derived from assets to which family members have access.

1. Assets are items of value that may be turned into cash. A savings account is a cash asset. The bank pays interest on the asset. The interest is the income from that asset. There are also assets that do not earn interest such as a quantity of money under a mattress: it is a thing of value that could be usedto the benefit of its owner, but is not producing income. Some belongings of value are not considered assets. Necessary personal property is not counted as an asset.
2. The calculation to determine the amount of income from assets to include in annual income considers both of the following:
    a. The total cash value of the family's assets; and

    b. The amount of income those assets are earning or could earn.

ADJUSTED GROSS INCOME: Annual income (as determined by the owner) of the members of the family residing or intending to reside in the dwelling unit, after making the following deductions. In determining adjusted income, the owner must deduct the following amounts from annual income:

1. $480 for each dependent;

2. $400 for any elderly family or disabled family;

3. The sum of the following, to the extent the sum exceeds 3% of annual income: a. Unreimbursed reasonable medical expenses of any elderly family or disabled family; and b. Unreimbursed reasonable attendant care and auxiliary apparatus expenses for each member of the family who is a person with disabilities, to the extent necessary to enable any member of the family (including the member who is a person with disabilities) to be employed. This deduction may not exceed the earned income received by family members who are 18 years of age or older who are able to work because of such attendant care or auxiliary apparatus; and

4. Any reasonable child care expenses necessary to enable the family member to be employed or to further his or her education.[24 CFR 5.611]

ADJUSTED INCOME: See ADJUSTED GROSS INCOME.

ADULT: An individual who is 18 years of age or older or a minor under the age of 18 who has been emancipated to act on his/her own behalf, including the ability to execute a contract or lease.

ALIMONY: An allowance made to one spouse by the other for support pending or after legal separation or divorce.

ANNUAL INCOME: All amounts, monetary or not, which: 1. Go to, or on behalf of, the family head or spouse [or co-head] (even if temporarily absent) or to any other family member; or 2. Are anticipated to be received from a source outside the family during the 12-month period following eligibility; and 3. Which are not specifically excluded [by regulation]. Annual income also means amounts derived (during the 12-month period) from assets to which any member of the family has access. [24 CFR 5.609]

The HOME and HTF Programs allows the use of two income definitions for the purpose of determining applicant eligibility:

- Annual income as defined in the Code of Federal Regulations (24 CFR 5.609);
- Adjusted gross income as defined for purposes of reporting under Internal Revenue Service (IRS) Form 1040 series for individual federal annual income tax purposes.

The definitions are collectively referred to as "annual income" and are also used in the Community Development Block Grant (CDBG) Program.

ANNUITIES: The sum of money payable yearly or at other regular intervals.

ANTICIPATED ANNUAL INCOME: Gross amount of income of all adult household members that is anticipated to be received during the coming 12-month period.

APPROVED RENT: Rent requirement as set by HUD that meet one of the following requirements:

1. For the HOME Program, the rent does not exceed 30 percent of the annual income of a family whose income equals 50 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. HUD provides the HOME rent limits which include average occupancy per unit and adjusted income assumptions. However, if the rent determined under this paragraph is higher than the applicable rent under 24 CFR 92.252(a), then the maximum rent for units under this paragraph is that calculated under 24 CFR 92.252(a), or the rent does not exceed 30 percent of the family's adjusted income. If the unit receives Federal or State project-based rental subsidy and the very low-income family pays as a contribution toward rent not more than 30 percent of the family's adjusted income, then the maximum rent (i.e., tenant contribution plus project-based rental subsidy) is the rent allowable under the Federal or State project-based rental subsidy program.

2. For the HTF Program, The maximum HTF rents are:
   - Extremely Low Income Tenants: The HTF rent plus utilities of an extremely low-income tenant shall not exceed the greater of 30 percent of the federal poverty line or 30 percent of the income of a family whose annual income equals 30 percent of the median income for the geographic area, as determined by HUD, with adjustments for the number of bedrooms in the unit.
   - Very Low Income Tenants: The HTF rent plus utilities of a very low income tenant shall not exceed 30 percent of the income of a family whose annual income equals 50 percent of the median income for the area, as determined by HUD, with adjustments for the number of bedrooms in the unit.

   The Fair Market Rents for unit sizes larger than 4 bedrooms are calculated by adding 15 percent to the 4 bedroom FMR for each extra bedroom.

ASSETS: Items of value that may be turned into cash. Some assets may earn interest, such as savings accounts. Other assets, such as cash, do not earn interest. Some belongings of value are not considered assets. Necessary personal property is not counted as an asset.

B

BROWNFIELDS ECONOMIC DEVELOPMENT INITIATIVE (BEDI): The Brownfields Economic Development Initiative (BEDI) is a key competitive grant program that HUD administers to stimulate and promote economic and community development. BEDI is designed to assist cities with the redevelopment of abandoned, idled and underused industrial and commercial facilities where expansion and redevelopment is burdened by real or potential environmental contamination.

BEDI: See BROWNFIELDS ECONOMIC DEVELOPMENT INITIATIVE.

BENEFICIARY: A family, household, or individual whose income does not exceed 80 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger households or families. However, HUD may establish income ceilings higher or lower than 80 percent of the median for the area on the basis of HUD's findings that such variations are necessary because of unusually high or low household or family incomes.

BENEFICIARY ID: The CPD Income Eligibility Calculator asks for a "Beneficiary ID" instead of a "Last Name" to help protect the privacy of applicants to CPD programs. The Beneficiary ID you enter should be unique, will be included on the Calculator screens and printouts, and will be the key data element necessary to later find, complete, and/or edit the income determination performed for that beneficiary within the Calculator. DO NOT use any personal information to create a Beneficiary ID, including but not limited to names, social security numbers, or addresses.

BENEFITS: Government benefits such as Social Security Benefits, Veterans Administration Benefits, and Unemployment Benefits.

BONUS PAY: Compensation over and above the amount of pay specified as a base salary or hourly rate of pay.

BUSINESS INCOME OR LOSS: Business income is income received from the sale of products or services. For example, fees received by a professional person are considered business income. Rents received by a person in the real estate business are business income. Payments received in the form of property or services must be included in income at their fair market value.

C

CAPITAL GAIN OR LOSS: Everything an individual owns and uses for personal or investment purposes is a capital asset. Examples include a home, household furnishings, and stocks or bonds held in a personal account. When a capital asset is sold, the difference between the basis in the asset and the amount it is sold for is a capital gain or a capital loss. Generally an asset's basis is its cost.

- If you sell the asset for more than your basis it is a capital gain.
- If you sell the asset for less than your basis it is a capital loss.

Capital gains and losses are classified as long-term or short-term. If the asset is held for more than one year before disposed of, the capital gain or loss is long-term. If it is held one year or less, the capital gain or loss is short-term.

CASH: Money in coins or notes, as distinct from checks, money orders, or credit. Cash is either handled individually outside of a bank account or within a bank account such as checking or savings.

CDBG: See COMMUNITY DEVELOPMENT BLOCK GRANT.

CDBG DISASTER RECOVERY ASSISTANCE: Title XII of Division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-005, approved February 17, 2009) appropriates $1 billion to carry out the CDBG program under Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301, et seq.) (HCDA) on an expedited basis. These funds will be distributed to grantees that received CDBG funding in Fiscal Year (FY) 2008 in accordance with the provisions of 42 U.S.C. 5306. The grant program under Title XII is commonly referred to as the CDBG Recovery (CDBG-R) program.

CHILDCARE EXPENSES: See ADJUSTED GROSS INCOME.

CHILD SUPPORT: Court-ordered payments, typically made by a noncustodial divorced parent, to support one's minor child or children.

CODE OF FEDERAL REGULATIONS (CFR): The Code of Federal Regulations (CFR) is the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the federal government. It is divided into 50 titles that represent broad areas subject to federal regulation. Each volume of the CFR is updated once each calendar year and is issued on a quarterly basis.

CO-HEAD OF HOUSEHOLD: A spouse or an adult member of the family who is treated the same as a head of the household for purposes of determining income eligibility.

COLA: See COST OF LIVING ADJUSTMENT (COLA).

COMMISSIONS: A fee paid to an agent or employee for transacting a piece of business or performing a service; especially, a percentage of the money received from a total paid to the agent responsible for the business.

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (CDBG): Created under the Housing and Community Development Act of 1974, this program provides grant funds to local and state governments to develop viable urban communities by providing decent housing with a suitable living environment and expanding economic opportunities to assist low- and moderate-income residents. CDBG replaced several categorical grant programs, such as the Model Cities program, the Urban Renewal program, and the Housing Rehabilitation Loan and Grant program.

COMMUNITY PLANNING AND DEVELOPMENT (CPD): HUD's Office of Community Planning and Development seeks to develop viable communities by promoting integrated approaches that provide decent housing, a suitable living environment, and expand economic opportunities for low- and moderate-income persons. The primary means toward this end is the development of partnerships among all levels of government and the private sector, including for-profit and nonprofit organizations.

COST OF LIVING ADJUSTMENT (COLA): Employment contracts, pension benefits, and government entitlements (such as Social Security) can be tied to a cost-of-living index, typically to the Consumer Price Index (CPI). A Cost of Living Allowance (COLA) adjusts salaries based on changes in a cost-of-living index. Salaries are typically adjusted annually. They may also be tied to a cost-of-living index that varies by geographic location if the employee moves.

CPD: See COMMUNITY PLANNING AND DEVELOPMENT.

CURRENT CASH VALUE OF ASSETS: Income derived from assets to which family members have access. Assets are items of value that may be turned into cash. A savings account is a cash asset. The bank pays interest on the asset. The interest is the income from that asset. There are also assets that do not earn interest such as a quantity of money under a mattress: it is a thing of value that could be used to the benefit of its owner, but is not producing income. Some belongings of value are not considered assets. Necessary personal property is not counted as an asset.

D

DEDUCTIONS: Amounts subtracted or withheld from your gross income. Some deductions, such as taxes, are required by law. Others are elective. See ADJUSTED INCOME.

DEEDS: A signed and usually sealed instrument containing some legal transfer, bargain, or contract.

DEMOLITION: Structures taken down and removed.

DEPENDENTS: A member of the family other than the head, spouse, or co-head, who is under 18 years of age or is a person with disabilities or a full-time student. Also, a foster child, a foster adult, or a live-in aide may never be a dependent regardless of age or disability.

DISABILITIES: Also known as “Disabled Family or Disabled Household”. Disabled household means a household composed of:

1. One or more persons at least one of whom is an adult (18 years or older) who has adisability;

2. Two or more persons with disabilities living together, or one or more such persons living with another person who is determined by HUD, based upon a certification from an appropriate professional (e.g., a rehabilitation counselor, social worker, or licensed physician) to be important to their care or wellbeing; or

3. The surviving member or members of any household described in paragraph (1) of this definition who were living in a unit assisted under this part with the deceased member of the household at the time of his or her death. [24 CFR 891.305]

DISABILITY EXPENSES: See ADJUSTED GROSS INCOME.

DIVIDENDS: An individual share of something distributed: as 1. A share in a pro rata distribution (as of profits) to stockholders, 2. A share of surplus allocated to a policyholder in a participating insurance policy.

DOMESTIC PRODUCTION ACTIVITIES: Businesses with "qualified production activities" can take a tax deduction of 3% from net income. This is a tax break pure and simple. The more complicated the business, the more complicated the math for calculating the Domestic Production Activities Deduction. In a nutshell, businesses engaged in manufacturing and other qualified production activities will need to implement cost accounting mechanisms to make sure their tax deduction is accurately calculated.

E

EDUCATOR EXPENSES: Expenses incurred by eligible educators for books, supplies, computer equipment, and supplementary materials used in the classroom. See IRS.gov for more details.

ELDERLY FAMILY/HOUSEHOLD: 1. Families of two or more persons, the head of which (or his or her spouse) is 62 years of age or older; 2. The surviving member or members of a family described in paragraph (1) living in a unit assisted under 24 CFR part 891, subpart E (Section 202 loans) with the deceased member of the family at the time of his or her death; 3. A single person who is 62 years of age or older. 4. Two or more elderly persons living together, or one or more such persons living with another person who is determined by HUD, based upon a licensed physician's certificate provided by the family, to be essential to their care or well-being. [24 CFR 891.505].

EMERGENCY SOLUTIONS GRANTS PROGRAM: The HEARTH Act revised the Emergency Shelter Grants Program to create the Emergency Solutions Grants (ESG) Program. The ESG Program provides funding to: (1) improve the number and quality of emergency shelters for homeless individuals and families; (2) help operate these shelters; (3) provide essential social services to shelter residents; and (4) prevent families and individuals from becoming homeless.

EQUITY: The money value of a property or of an interest in a property in excess of claims or liens against it.

ESTATES: the assets and liabilities left by a person at death.

EXCLUSIONS: When determining Annual Income, these are certain types of income and asset sources that are "excluded" from the calculation. Exclusions will depend upon the income definition.

EXTREMELY LOW INCOME: Family whose income is between 0 and 30 percent of the median income for the area, as determined by HUD with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 30 percent of the median for the area on the basis of HUD's findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes.

EXTREMELY LOW INCOME (HTF): An extremely low-income family is defined as a low income family whose annual income does not exceed 30 percent of the median family income of a geographic area with adjustments for smaller and larger families. HTF Income Limits are calculated using the following methodologies:

- The formula that HUD uses for calculating the income limits for the Section 8 program, in accordance with Section 3(b)(2) of the U.S. Housing Act of 1937, as amended. These limits are based on HUD estimates of median family income, with adjustments based on family size.
- The Federal Poverty Line as determined by the U.S. Department of Health and Human services, published annually in the Federal Register.

In years in which the amount available for allocation is below $1 billion, the income limits reports published by HUD will only display the income limit for extremely low income families or families with incomes at or below the poverty line (whichever is greater) and will not include the very low income limit.

F

FAIR MARKET RENT (FMR): Primarily used to determine payment standard amounts for the Housing Choice Voucher program, to determine initial renewal rents for some expiring project-based Section 8 contracts, to determine initial rents for housing assistance payment contracts in the Moderate Rehabilitation Single Room Occupancy program, and to serves as a rent ceiling in the HOME or HOPWA rental assistance program where the certificate model is used.

FAMILY: One or more persons related by blood, marriage or adoption.

FARM INCOME OR LOSS: Farm income and expenses includes the amounts realized from the sales, and the expenses incurred in the business of farming, including cultivating operating or managing a farm for profit, either as an owner or a tenant. A farm includes livestock, dairy, poultry, fish, fruit and truck farms. It also includes plantations, ranches, ranges and orchards. If your deductible farm expenses are more than your farm income, you have a loss from the operation of your farm. See IRS.gov for more details.

FMR: See FAIR MARKET RENT.

FOSTER ADULT: A foster adult is usually an adult with a disability who is unrelated to the family and who is unable to live alone.

FOSTER CHILD: Children that are in the legal guardianship or custody of a State, county, or private adoption or foster care agency, yet are cared for by foster parents in their own homes, under some kind of short-term or long-term foster care arrangement with the custodial agency.

FULLTIME STUDENT: A person who is attending school or vocational training on a full-time basis [24 CFR 5.603].

G

GROSS ANNUAL INCOME: The total income, before taxes and other deductions, received by all members of the tenant's household. There shall be included in this total income all wages, social security payments, retirement benefits, military and veteran's disability payments, unemployment benefits, welfare benefits, interest and dividend payments and such other income items as the Secretary considers appropriate. This is the same term as Annual Income.

H

HEAD OF HOUSEHOLD: The adult member of the family who is the head of the household for purposes of determining income eligibility [24 CFR 5.504].

HEALTH SAVINGS ACCOUNT: An account that allows individuals to pay for current health expenses and save for future qualified medical and retiree health expenses on a tax free basis, with some stateexceptions.

HEARTH ACT: The Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act of 2009. The HEARTH Act amends and reauthorizes the McKinney-Vento Homeless Assistance Act, including the Emergency Solutions Grants Program (ESG).

HOME (HOME INVESTMENT PARTNERSHIPS PROGRAM): Provides formula grants to states and localities that communities use — often in partnership with local nonprofit groups — to fund a wide range of activities that build, buy, and/or rehabilitate affordable housing for rent or homeownership, or to provide direct rental assistance to low-income people.

HOME OR HTF AFFORDABILITY PERIOD: Affordability refers to the requirements of either the HOME or HTF Programs that relate to the cost of housing both at initial occupancy and over established timeframes, as prescribed in the HOME regulations. Affordability requirements vary depending on the nature of the HOME-assisted activity (i.e., homeownership or rental housing).

HOPWA: See HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS.

HOUSEHOLD: All the people who occupy a housing unit. A household includes the related family members and all the unrelated people, if any, such as lodgers, foster children, wards, or employees who share the housing unit. A person living alone in a housing unit, or a group of unrelated people sharing a housing unit such as partners or roomers, is also counted as a household.

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA): Provides housing assistance and supportive services to low-income people with HIV/AIDS and their families. HOPWA funds may also be used for case management, mental health services, housing information, nutritional services, transportation, substance abuse treatment, employment services, and other supportive services.

HOUSING TRUST FUND (HTF): An affordable housing production program that will complement existing Federal, state and local efforts to increase and preserve the supply of decent, safe, and sanitary affordable housing for extremely low- and very low-income households, including homeless families.

HUD METRO FMR AREA: Indicates that only a portion of the OMB-defined core-based statistical area (CBSA) is in the area to which the income limits or FMRs apply. HUD is required by OMB to alter the name of metropolitan geographic entities it derives from the CBSAs when the geography is not the same as that established by OMB.

I

IL: See INCOME LIMIT.

IMPUTED INCOME FROM ASSETS: See Technical Guide for Determining Income and Allowances Under the HOME Program.

INCLUSIONS: When determining Annual Income, these are certain types of income and asset sources that are "included" in the calculation.

INCOME DETERMINATION: Determination of income which includes all amounts, monetary or not, including the full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, compensation for personal services, and more.

INCOME LIMIT: Determines the eligibility of applicants for HUD's assisted housing programs.

INDIVIDUAL RETIREMENT ACCOUNT: A personal savings plan that offers tax advantages to those who set aside money for retirement. Depending on the individual's circumstances, contributions to the IRA may be deductible in whole or in part. Generally, amounts in an IRA, including earnings and gains, are not taxed until distributed to the individual.

INTEREST: A charge for borrowed money generally a percentage of the amount borrowed or an amount earned as a result of cash held by a lending institution such as in a checking or savings account.

INTERNAL REVENUE SERVICE: The Internal Revenue Service (IRS) is a federal government agency responsible for tax collection and tax law enforcement.

IRA: See INDIVIDUAL RETIREMENT ACCOUNT.

IRS: See INTERNAL REVENUE SERVICE.

IRS 1040 ADJUSTED GROSS INCOME: One of the definitions of Annual Income. Adjusted Gross Income is defined as gross income minus adjustments to income. Refer to the latest federal income tax return.

IRS FORM 1040: Form used under the IRS 1040 Adjusted Gross Income definition.

J

K

L

LIFE INSURANCE: Insurance providing for payment of a stipulated sum to a designated beneficiary upon death of the insured.

LIHTC: See LOW-INCOME HOUSING TAX CREDIT.

LOW-INCOME HOUSING TAX CREDIT (LIHTC): A tax incentive intended to increase the availability of low-income housing. The program provides an income tax credit to owners of newly constructed or substantially rehabilitated low-income rental housing projects.

LOW/MOD – HOUSING: One of the Community Development Block Grant (CDBG) national objectives for housing activities.

LOW/MOD – JOBS: One of the Community Development Block Grant (CDBG) national objectives for job activities.

LOW/MOD - LIMITED CLIENTELE: One of the Community Development Block Grant (CDBG) national objectives for activities serving limited clientele who are low/moderate income persons.

LOW/MOD - LIMITED CLIENTELE - PRESUMED BENEFIT: One of the Community Development Block Grant (CDBG) national objectives for activities serving limited clientele. Examples include senior centers, homeless shelters, etc.

LOW/MOD - AREA BASIS: One of the Community Development Block Grant (CDBG) national objectives for activities serving areas that can be documented as a low/moderate income area.

LUMP SUMS: A complete payment consisting of a single sum of money as opposed to a series of payments.

M

MA: See METROPOLITAN AREA.

MEDICAL EXPENSES: See ADJUSTED GROSS INCOME.

MEMBER ID: The CPD Income Eligibility Calculator asks for "Member IDs" instead of "First Names" to help protect the privacy of applicants to CPD programs. Each Member ID you enter should be unique to an individual within the family or household associated with this Beneficiary ID. Printouts from the Calculator for all programs except HOPWA will include the Member IDs entered here along with a blank space in which the First Name of the

associated individual can be written or otherwise inserted. DO NOT use any personal information to create Member ID(s), including but not limited to names, social security numbers, or addresses.

METROPOLITAN AREA (MA): A large population nucleus, together with adjacent communities that has a high degree of economic and social integration with that nucleus.

METROPOLITAN STATISTICAL AREA (MSA): An area with at least one urbanized area of 50,000 or more population, plus adjacent territory that has a high degree of social and economic integration with the core, as measured by commuting ties.

MODERATE INCOME: Households whose incomes are between 81 percent and 95 percent of the median income for the area, as determined by HUD, with adjustments for smaller or larger families. HUD may establish income ceilings higher or lower than 95 percent of the median for the area on the basis of HUD's findings that such variations are necessary because of prevailing levels of construction costs, fair market rents, or unusually high or low family incomes.

MOVING EXPENSES: Expenses due to a change in job or business location, or starting a new job or business. See IRS.gov for more details.

MSA: See METROPOLITAN STATISTICAL AREA.

N

NEIGHBORHOOD STABILIZATION PROGRAM (NSP): Provides emergency assistance to state and local governments to acquire and redevelop foreclosed properties that might otherwise become sources of abandonment and blight within their communities. The Neighborhood Stabilization Program (NSP) provides grants to every state and certain local communities to purchase foreclosed or abandoned homes and to rehabilitate, resell, or redevelop these homes in order to stabilize neighborhoods and stem the decline of house values of neighboring homes. The program is authorized under Title III of the Housing and Economic Recovery Act of 2008.

NET CASH VALUE OF ASSETS: Total cash value of all assets used in calculating Annual Income.

NET RENTAL INCOME: The remaining income from rent after all expenses have been deducted.

O

ORDINARY DIVIDENDS: Ordinary dividends are a result of the trust or estates' investment in a corporation and are paid out of the earnings and profits of the corporation.

OTHER INCOME: This section of Annual Income in the Calculator allows for input of any other income source not previously included in the other income categories.

OVERTIME: Time in excess of a set limit; working time in excess of a standard day or week.

P

PART 5 ANNUAL INCOME: Also known as HUD 24 CFR Part 5. One of the definitions of Annual Income. Part 5 definition of annual income is the gross amount of income of all adult household members that is anticipated to be received during the coming 12-month period. The rules concerning Section 8 annual income were previously found at 24 CFR Part 813. However, Part 813 was removed from the Federal regulations on October 18, 1996. At the same time, 24 CFR Part 5 was published. Subpart F of Part 5 consolidated the requirements pertaining to income for many of HUD's programs, including Section 8. See Appendix 1 for additional information on using the Income Calculator to calculate Part 5 Annual Income.

PARTICIPATING JURISDICTION (PJ): The term given to any state, local government, or consortium of local governments that HUD has designated to administer a HOME Program. HUD designation as a PJ occurs if a state, local government, or consortium meets the funding thresholds, notifies HUD that it intends to participate in the program, and obtains approval by HUD of a Consolidated Plan.

PARTNERSHIPS: Arrangement where parties agree to cooperate to advance their mutual interests.

PASSBOOK RATE: Interest rate on savings account established periodically by HUD. The Passbook Savings Rate is used to calculate the minimum amount of income from your assets. Either that amount or the amount of income you report for those assets (whichever is greater) are added to your other unearned income and your earned income to calculate your gross non-excluded income.

PENALTY ON EARLY WITHDRAWAL ON SAVINGS: Penalty incurred if you withdraw money from a certificate of deposit or other time-deposit savings account prior to your certificate maturing. The penalty is charged by the bank and withheld directly from your proceeds from the certificate.

PENSION FUNDS: See PENSIONS.

PENSIONS: A fixed sum paid under given conditions to a person following retirement from service or to surviving dependents.

PERSONAL PROPERTY: Property other than real property consisting of things temporary or movable.

PJ: See PARTICIPATING JURISDICTION.

PUBLIC ASSISTANCE: Government aid to needy, aged, or disabled persons and to dependent children.

PUBLIC FACILITY: Infrastructure and facilities necessary to support the services and functions provided by the government or public utility companies. These can include Neighborhood facilities including, but not limited to public schools, libraries, recreational facilities, parks, playgrounds; and facilities for persons with special needs such as facilities for the homeless or domestic violence shelters, nursing homes, or group homes for the disabled.

Q

R

RAISES: An increase in wages or salary.

RECERTIFICATION OF ANNUAL INCOME BY GOVERNMENT PROGRAMS FORM: The Recertification of Annual Income by Government Programs is a written statement from the administrator of another government program under which the beneficiary receives benefits, and that examines the annual (gross) income of the beneficiary each year.

REHABILITATION: The labor, materials, tools, and other costs of improving buildings, other than minor or routine repairs. The term includes where the use of a building is changed to an emergency shelter and the cost of this change and any rehabilitation costs does not exceed 75 percent of the value of the building before the change in use.

RETIREMENT ACCOUNTS: A plan for setting aside money to be spent after retirement. Examples include Individual retirement accounts, 401(k), SIMPLE IRAs, and Multiple retirement accounts.

ROYALTY INCOME: Payment related to the use of a valuable right. This includes payments for the use of trademarks, trade names, service marks or copyrights, whether or not payment is based on the use made of such property, are ordinarily classified as royalties for federal tax purposes. See IRS.gov for more details.

S

SALARY: Fixed compensation paid regularly for services.

S CORPORATIONS: S corporations are corporations that elect to pass corporate income, losses, deductions and credit through to their shareholders for federal tax purposes. Shareholders of S corporations report the flow-through of income and losses on their personal tax returns and are assessed tax at their individual income tax rates. This allows S corporations to avoid double taxation on the corporate income. S corporations are responsible for tax on certain built-in gains and passive income. See IRS.gov for more details.

SECTION 108 LOAN GURANTEE PROGRAM: Section 108 is the loan guarantee provision of the Community Development Block Grant (CDBG) Program. Section 108 provides communities with a source of financing for economic development, housing rehabilitation, public facilities, and large-scale physical development projects.

SECTION 8 RENTAL CERTIFICATE MODEL (FIXED TENANT PAYMENT): The rental assistance model that assumes a fixed tenant payment—the tenant's share of housing costs (Total Tenant Payment [TTP]) is calculated by formula. The public housing agency (PHA) then pays the difference between the tenant's share and the approved rent for the unit.

SECTION 8 RENTAL VOUCHER MODEL (FIXED PJ PAYMENT): The rental assistance model that assumes a fixed PHA payment—the maximum PHA subsidy is calculated and the tenant pays the difference between the PHA subsidy and the approved rent for the unit.

SELF-CERTIFICATION OF ANNUAL INCOME BY BENEFICIARY FORM: The Self Certification of Annual Income by Beneficiary is a written statement from the beneficiary documenting the definition used to determine Annual (Gross) Income, the number of beneficiary members in the family or household (as applicable based on the activity), and the relevant characteristics of each member for the purposes of income determination.

SELF-EMPLOYMENT: The INTERNAL REVENUE SERVICE defines self-employed people who are required to file self-employment Social Security taxes as a sole proprietor that conducts a trade or business; an independent contractor; member of a partnership; or if you are otherwise in business for yourself.

SELF-HELP HOMEOWNERSHIP OPPORTUNITY PROGRAM (SHOP): SHOP awards grant funds to eligible national and regional non-profit organizations and consortia to purchase home sites and develop or improve the infrastructure needed to set the stage for sweat equity and volunteer-based homeownership programs for low-income persons and families.

SHOP: See SELF-HELP HOMEOWNERSHIP OPPORTUNITY PROGRAM.

SLUM/BLIGHT – AREA BASIS: One of the Community Development Block Grant (CDBG) national objectives to indicate an area meets the definition of slum/blight under the regulations.

SLUM/BLIGHT – SPOT BASIS: One of the Community Development Block Grant (CDBG) national objectives to indicate a building meets the definition of slum/blight under the regulations.

SLUM/BLIGHT – URBAN RENEWAL: One of the Community Development Block Grant (CDBG) national objectives, but used rarely as there are few urban renewal areas.

SOCIAL SECURITY BENEFITS: The comprehensive federal program of benefits providing workers and their dependents with retirement income, disability income, and other payments. The Social security tax is used to pay for the program.

SOURCE DOCUMENTATION: Original documentation that demonstrates an income or asset source. Examples include wage statements (i.e., pay stubs), Social Security letters, etc.

STOCKS: The proprietorship element in a corporation usually divided into shares and represented by transferable certificates.

STUDENT LOAN INTEREST: Interest paid on a qualified student loan. See IRS.gov for more details.

SUPPLEMENTAL SECURITY INCOME (SSI): See SOCIAL SECURITY BENEFITS.

T

TANF: See TEMPORARY ASSISTANCE FOR NEEDY FAMILIES.

TAXABLE INTEREST: Most interest that you either receive or is credited to your account and that can be withdrawn without penalty is taxable income. Examples of taxable interest are interest on bank accounts, money market accounts, certificates of deposit, and deposited insurance dividends. Interest on insurance dividends left on deposit with the Department of Veterans Affairs, however, is not taxable. See IRS.gov for more details.

TBRA: See TENANT-BASED RENTAL ASSISTANCE.

TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF): Under the welfare reform legislation of 1996, (the Personal Responsibility and Work Opportunity Reconciliation Act – PWRORA – Public Law 104-193), TANF replaced the welfare programs known as Aid to Families with Dependent Children (AFDC), the Job Opportunities and Basic Skills Training (JOBS) program and the Emergency Assistance (EA) program. The law ended federal entitlement to assistance and instead created TANF as a block grant that provides States, territories and tribes federal funds each

year. These funds cover benefits, administrative expenses, and services targeted to needy families. TANF became effective July 1, 1997 and was reauthorized in February 2006 under the Deficit Reduction Act of 2005.

TENANT-BASED RENTAL ASSISTANCE (TBRA): HUD assists low- and very low-income families in obtaining decent, safe, and sanitary housing in private accommodations by making up the difference between what they can afford and the approved rent for an adequate housing unit. This is also known as either rental assistance or tenant payments.

TIPS: A gift or a sum of money tendered for a service performed or anticipated: gratuity.

TRUSTS: A property interest held by one person for the benefit of another.

TUITION: The price of or payment for instruction.

U

UNEMPLOYMENT COMPENSATION: Money that substitutes for wages or salary, paid to recently unemployed workers under a government- or union-run program.

URGENT NEED: One of the Community Development Block Grant (CDBG) national objectives, but used rarely under the program.

U.S. CENSUS BUREAU: Serves as the leading source of quality data about our nation's people and economy.

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD): Established in 1965, HUD's mission is to increase homeownership, support community development, and increase access to affordable housing free from discrimination. To fulfill this mission, HUD will embrace high standards of ethics, management and accountability and forge new partnerships — particularly with faith-based and community organizations — that leverage resources and improve HUD's ability to be effective on the community level.

UTILITY ALLOWANCE: PHA or administrator’s estimate of the average monthly utility bills (except telephone) for an energy-conscious household. This estimate considers only utilities paid directly by the tenant. If all utilities are included in the rent, there is not a utility allowance. Utility allowances vary by unit type and are listed on the project’s rent schedule or HAP contract.

V

VETERANS (VA) PAYMENTS: Monetary payment or the furnishing of goods or services having a monetary value to or for an eligible veteran, veteran’s dependent, or veteran’s survivor.

VERY LOW-INCOME: Households whose incomes do not exceed 50 percent of the median area income for the area, as determined by HUD, with adjustments for smaller and larger families and for areas with unusually high or low incomes or where needed because of facility, college, or other training facility; prevailing levels of construction costs; or fair market rents.

VERY LOW-INCOME (HTF): Families whose annual incomes are in excess of 30 percent but not greater than 50 percent of the median family income of a geographic area, as determined by HUD with adjustments for smaller and

larger families. ‘‘Very low-income family’’ also includes any family that resides in a nonmetropolitan area that does not exceed the poverty line applicable to the family size involved.

W

WAGES: Payment usually of money for labor or services usually according to contract and on an hourly, daily, or piecework basis.

WELFARE: See TANF.

X

Y

Z

ATTACHMENT 7

IDIS Matrix - CDBG Eligibility Activity Codes and National Objectives

Matrix Codes Key		National Objective Codes (N = Not Allowed)														
Code	Eligible Activity	LMA	LMAFI	LMASA	LMC	LMCMC	LMCSV	LMH	LMHSP	LMJ	LMJFI	LMJP	SBA	SBS	SBR	URG
1	***Acquisition of Property - 570.201(a)***					N	N				N					
2	***Disposition - 570.201(b)***					N	N				N			N		
3	***Public Fac. & Impvm'ts - 570.201(c)***					N	N									
03A	Senior Centers	N				N	N	N	N							
03B	Handicapped Centers	N				N	N	N	N							
03C	Homeless Facilities (not operating costs)	N				N	N	N	N							
03D	Youth Centers	N				N	N	N	N							
03E	Neighborhood Facilities					N	N	N	N							
03F	Parks, Recreational Facilities		N	N		N	N	N	N	N		N				
03G	Parking Facilities					N	N	N	N							
03H	Solid Waste Disposal Improvements					N	N									
03I	Flood Drainage Improvements					N	N									
03J	Water/Sewer Improvements					N	N									
03K	Street Improvements					N	N									
03L	Sidewalks					N	N									
03M	Child Care Centers	N				N	N	N	N							
03N	Tree Planting					N	N		N							
03O	Fire Station/Equipment		N	N	N	N	N	N	N	N		N				
03P	Health Facilities					N	N	N	N							
03Q	Abused and Neglected Children Facilities	N				N	N	N	N							
03R	Asbestos Removal					N	N	N	N							
03S	Facilities for AIDS Patients (no op'ting costs)	N				N	N	N	N							
4	***Clearance, Demo, Remediate - 570.201(d)***					N	N				N					
04A	Cleanup of Contaminated Sites					N	N				N					
5	***Public Services - 570.201(e)***		N	N		N		N	N	N	N	N		N	N	
03T	Operating Costs Homeless/AIDS Patients	N	N	N		N	N	N	N	N	N	N		N	N	
05A	Senior Services	N	N	N		N		N	N	N	N	N		N	N	
05B	Handicapped Services	N	N	N		N		N	N	N	N	N		N	N	
05C	Legal Services		N	N		N		N	N	N	N	N		N	N	
05D	Youth Services	N	N	N		N		N	N	N	N	N		N	N	
05E	Transportation Services		N	N		N		N	N	N	N	N		N	N	
05F	Substance Abuse Services		N	N		N		N	N	N	N	N		N	N	
05G	Battered and Abused Spouses	N	N	N		N		N	N	N	N	N		N	N	
05H	Employment Training		N	N		N		N	N	N	N	N		N	N	
05I	Crime Awareness		N	N		N		N	N	N	N	N		N	N	
05J	Fair Housing Activities-Subj.to Pub.Serv.Cap		N	N		N		N	N	N	N	N		N	N	
05K	Tenant/Landlord Counseling	N	N	N		N		N	N	N	N	N		N	N	
05L	Child Care Services	N	N	N		N		N	N	N	N	N		N	N	
05M	Health Services		N	N		N		N	N	N	N	N		N	N	
05N	Abused and Neglected Children	N	N	N		N		N	N	N	N	N		N	N	
05O	Mental Health Services		N	N		N		N	N	N	N	N		N	N	
05P	Screening for Lead Based Paint/Lead Hazards	N	N	N		N		N	N	N	N	N		N	N	
05Q	Subsistence Payments	N	N	N		N		N	N	N	N	N		N	N	
05R	Homeownership Assistance (not direct)	N	N	N	N	N				N	N	N		N	N	
05S	Rental Housing Subsidies	N	N	N	N	N				N	N	N		N	N	
05T	Security Deposits	N	N	N	N	N				N	N	N		N	N	
05U	Housing Counseling	N	N	N	N	N	N			N	N	N	N	N	N	N
05V	Neighborhood Cleanups		N	N	N	N		N	N	N	N	N		N	N	
05W	Food Banks		N	N		N		N	N	N	N	N		N	N	
6	***Interim Assistance - 570.201(f)***		N	N	N	N	N	N	N	N	N	N			N	
7	***Urban Renewal Completion - 570.201(h)***					N	N				N		N	N		N
8	***Relocation - 570.201(i)***					N	N				N					
9	***Rental Income Loss - 570.201(j)***					N	N				N					
11	***Privately Owned Utilities - 570.201(l)***					N	N				N					
12	***Construction of Housing - 570.201(m)***	N	N	N	N	N	N			N	N	N		N		
13	***Homeownership Direct - 570.201(n)***	N	N	N	N	N	N			N	N	N	N	N	N	N

IDIS Matrix - CDBG Eligibility Activity Codes and National Objectives

Matrix Codes Key		National Objective Codes (N = Not Allowed)														
Code	Eligible Activity	LMA	LMAFI	LMASA	LMC	LMCMC	LMCSV	LMH	LMHSP	LMJ	LMJFI	LMJP	SBA	SBS	SBR	URG
14A	***Rehab; Single-Unit Res. - 570.202***	N	N	N	N	N	N			N	N	N				
14B	Rehab; Multi-Unit Residential	N	N	N	N	N	N			N	N	N				
14C	Public Housing Modernization	N	N	N	N	N	N			N	N	N				
14D	Rehab; Other than Public-Owned Residential Blds	N	N	N	N	N	N			N	N	N				
14E	Rehab; Pub./Private-Owned Commercial/Industrial					N	N	N	N		N					
14F	Energy Efficiency Improvements	N	N	N	N	N	N			N	N	N				
14G	Acquisition for Rehabilitation	N	N	N	N	N	N			N	N	N				
14H	Rehabilitation Administration					N	N				N					
14I	Lead Based Paint/Hazards Test/Abatement	N	N	N	N	N	N			N	N	N				
14J	Housing Services - HOME Program	N	N	N	N	N	N			N	N	N	N	N	N	N
15	***Code Enforcement - 570.202(c)***		N	N	N	N	N	N	N	N	N	N		N		
16A	Residential Historic Preservation	N	N	N	N	N	N			N	N	N				N
16B	Non-Residential Historic Preservation					N	N	N	N		N					N
17A	***ED Acquisition by Recipient - 570.203(a)***					N	N	N	N							
17B	CI Infrastructure Development					N	N	N	N					N		
17C	CI Building Acq., Construction, Rehabilitation					N	N	N	N		N					
17D	Other Commercial/Industrial Improvements					N	N	N	N		N					
18A	***ED Assistance to For-Profits - 570.203(b)***				N	N	N	N	N		N			N		
18B	ED Technical Assistance				N	N		N	N		N			N		
18C	***Micro-Enterprise Assist. - 570.201(o)***						N	N	N		N			N		
19C	***Nonprofit Capacity Building - 570.201(p)***															
19D	***Assist. Higher Educ. Inst. - 570.201(q)***															
19E	Operation and Repair of Foreclosed Property		N	N	N	N	N			N	N	N	N	N	N	N
19F	Planned Repayments of Sec. 108 Loans	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
19G	Unplanned Repayments of Sec. 108 Loans	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
19H	State CDBG Technical Assistance to Grantees	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
20	***Planning-Ent. Com'ties - 570.205***	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
20A	State Planning	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
21A	***Gen. Program Admin. - 570.206***	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
21B	Indirect Costs	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
21C	Public Information	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
21D	Fair Housing Activity (subject to Admin. cap)	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
21E	Submissions or Applications for Federal Programs	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
21H	CDBG Funding of HOME Admin.	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
21I	CDBG Funding of HOME CHDO Operating Costs	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
21J	State Administration Costs	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
22	***Unprogrammed Funds***	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
23	***Tornado Shelters - Private Mobile H Parks***		N	N	N	N	N	N	N	N	N	N	N	N	N	N

National Objective Key		Entitlements	States
LMA	Low- and moderate-income (Low/Mod) Area Benefit	570.208(a)(1)	570.483(b)(1)
LMAFI	Low/Mod Area Benefit Community Development Financial Institution	570.208(d)(6)(i)	570.483(e)(4)
LMASA	Low/Mod Area Benefit Neighborhood Revitalization Strategy Area	570.208(d)(5)(i)	570.483(e)(5)
LMC	Low/Mod Limited Clientele	570.208(a)(2)	570.483(b)(2)
LMCMC	Low/Mod Limited Clientele Microenterprise Development	570.208(a)(2)(iii)	570.483(b)(2)(iv)
LMCSV	Low/Mod Limited Clientele, Job Service Benefit	570.208(a)(2)(iv)	570.483(b)(2)(v)
LMH	Low/Mod Housing	570.208(a)(3)	570.483(b)(3)
LMHSP	Low/Mod Housing, CDFI or Neighborhood Revitalization Strategy Area	570.208(d)(5)(ii) & (d)(6)(ii)	570.483(e)(5)
LMJ	Low/Mod Job Creation or Retention	570.208(a)(4)	570.483(b)(4)
LMJFI	Low/Mod Job Creation or Retention, Public Facility/ Improvement Benefit	570.208(a)(4)(vi)(F)	570.483(b)(4)(vi)(F)
LMJP	Low/Mod Job Creation or Retention, Location Based	570.208(a)(4)(iv)(B)	570.483(b)(4)(iv)(B)
SBA	Slum and Blight Area	570.208(b)(1)	570.483(c)(1)
SBS	Slum and Blight Spot	570.208(b)(2)	570.483(c)(2)
SBR	Slum and Blight Urban Renewal/Planning Only Activities (States)	570.208(b)(3)	570.483(c)(3)
URG	Urgent Needs	570.208(c)	

US HUD ELIGIBILITY MATRIX CODE

CODE	ACTIVITY DESCRIPTION	CITATION	NATIONAL OBJECTIVES	ACCOMPLISHMENT TYPE	OBJECTIVE	OUTCOME	NOTES
1	Acquisition of Real Property	570.201(a)	LMA, 570.208(a)(1) LMC, 570.208(a)(2)	People Businesses Public Facilities	Sustainable Living Environment	Sustainability	
			LMH, 570.208(a)(3)	Housing Units			
			LMJ, 570.208(a)(4)	Jobs			
2	Disposition of Real Property	570.201(b)	LMA, 570.208(a)(1) LMC, 570.208(a)(2)	People Businesses Public Facilities	Sustainable Living Environment Decent Housing	Sustainability Affordability	When the property will be used for the purpose for which it was acquired, use the same Accomplishment Code that was or should have been used for acquisition of the property. When a property is disposed of for a use other than for which it was acquired, use the Accomplishment Code that corresponds to the new use.
			LMH, 570.208(a)(3)	Housing Units			
			LMJ, 570.208(a)(4)	Jobs			
3	Public Facilities & Improvements (Gen)	570.201(c)	LMA, 570.208(a)(1) LMC, 570.208(a)(2)	People Public Facilities	Sustainable Living Environment	Sustainability	
			LMH, 570.208(a)(3)	Housing Units			
			LMJ, 570.208(a)(4)	Jobs			
03A	Senior Centers	570.201(c)	LMC, 570.208(a)(2)	Public Facilities	Sustainable Living Environment	Availability/Accessibility	
			LMJ, 570.208(a)(4)	Jobs			
03B	Handicapped Centers	570.201(c)	LMC, 570.208(a)(2)	Public Facilities	Sustainable Living Environment	Availability/Accessibility	
			LMJ, 570.208(a)(4)	Jobs			
03C	Homeless Facilities (not operating costs)	570.201(c)	LMC, 570.208(a)(2)	Public Facilities	Sustainable Living Environment	Availability/Accessibility	
			LMJ, 570.208(a)(4)	Jobs			
03D	Youth Centers	570.201(c)	LMC, 570.208(a)(2)	Public Facilities	Sustainable Living Environment	Availability/Accessibility	
			LMJ, 570.208(a)(4)	Jobs			
03E	Neighborhood Facilities	570.201(c)	LMA, 570.208(a)(1) LMC, 570.208(a)(2)	Public Facilities	Sustainable Living Environment	Availability/Accessibility	
			LMJ, 570.208(a)(4)	Jobs			

03F	Parks, Recreational Facilities	570.201(c)	LMA, 570.208(a)(1) LMC, 570.208(a)(2)	Public Facilities	Sustainable Living Environment	Availability/Accessibility	
			LMJ, 570.208(a)(4)	Jobs			
03G	Parking Facilities	570.201(c)	LMA, 570.208(a)(1) LMC, 570.208(a)(2)	Public Facilities	Sustainable Living Environment	Availability/Accessibility	
			LMJ, 570.208(a)(4)	Jobs			
03H	Solid Waste Disposal Improvements	570.201(c)	LMA, 570.208(a)(1) LMC, 570.208(a)(2)	Public Facilities	Sustainable Living Environment	Availability/Accessibility	
			LMH, 570.208(a)(3)	Housing Units			
			LMJ, 570.208(a)(4)	Jobs			
03I	Flood Drainage Improvements	570.201(c)	LMA, 570.208(a)(1) LMC, 570.208(a)(2)	Public Facilities	Sustainable Living Environment	Availability/Accessibility	
			LMH, 570.208(a)(3)	Housing Units			
			LMJ, 570.208(a)(4)	Jobs			
03J	Water/Sewer Improvements	570.201(c)	LMA, 570.208(a)(1) LMC, 570.208(a)(2)	People Public Facilities	Sustainable Living Environment	Availability/Accessibility	
			LMH, 570.208(a)(3)	Housing Units			
			LMJ, 570.208(a)(4)	Jobs			
03K	Street Improvements	570.201(c)	LMA, 570.208(a)(1) LMC, 570.208(a)(2)	People Public Facilities	Sustainable Living Environment	Availability/Accessibility	
			LMH, 570.208(a)(3)	Housing Units			
			LMJ, 570.208(a)(4)	Jobs			
03L	Sidewalks	570.201(c)	LMA, 570.208(a)(1) LMC, 570.208(a)(2)	People Public Facilities	Sustainable Living Environment	Availability/Accessibility	When the sole purpose of an activity is to create curb cuts, report the number of curb cuts using the Public Facilities code. When creating curb cuts is carried out in conjunction with other sidewalk improvements, report the number of people.
			LMH, 570.208(a)(3)	Housing Units			
			LMJ, 570.208(a)(4)	Jobs			
03M	Child Care Centers	570.201(c)	LMC, 570.208(a)(2)	Public Facilities	Sustainable Living Environment	Availability/Accessibility	
			LMJ, 570.208(a)(4)	Jobs			
03N	Tree Planting	570.201(c)	LMA, 570.208(a)(1) LMC, 570.208(a)(2)	Public Facilities	Sustainable Living Environment	Sustainability	

03O	Fire Station/Equipment	570.201(c)	LMA, 570.208(a)(1)	Public Facilities	Sustainable Living Environment	Availability/Accessibility	
			LMJ, 570.208(a)(4)	Jobs			
03P	Health Facilities	570.201(c)	LMA, 570.208(a)(1) LMC, 570.208(a)(2)	Public Facilities	Sustainable Living Environment	Sustainability	
			LMJ, 570.208(a)(4)	Jobs			
03Q	Abused and Neglected Children Facilities	570.201(c)	LMC, 570.208(a)(2)	Public Facilities	Sustainable Living Environment	Availability/Accessibility	
			LMJ, 570.208(a)(4)	Jobs			
03R	Asbestos Removal	570.201(c)	LMA, 570.208(a)(1) LMC, 570.208(a)(2)	Public Facilities	Sustainable Living Environment	Sustainability	
			LMJ, 570.208(a)(4)	Jobs			
03S	Facilities for AIDS Patients (no operating costs)	570.201(c)	LMC, 570.208(a)(2)	Public Facilities	Decent Housing	Availability/Accessibility	
			LMJ, 570.208(a)(4)	Jobs			
03T	Operating Costs Homeless/AIDS Patients	570.201(e)	LMC, 570.208(a)(2)	People	Decent Housing	Availability/Accessibility	
4	Clearance, Demo, Remediate	570.201(d)	LMA, 570.208(a)(1) LMC, 570.208(a)(2)	Businesses Housing Units Public Facilities	Sustainable Living Environment	Sustainability	
			LMH, 570.208(a)(3)	Housing Units			
			LMJ, 570.208(a)(4)	Jobs			
04A	Cleanup of Contaminated Sites	570.201(d)	LMA, 570.208(a)(1) LMC, 570.208(a)(2)	Housing Units	Sustainable Living Environment	Sustainability	Report the number of sites cleaned based on the primary use of the site (e.g., not the number of businesses)
			LMH, 570.208(a)(3)	People			
5	Public Services	570.201(e)	LMA, 570.208(a)(1) LMC, 570.208(a)(2)	People	Sustainable Living Environment	Availability/Accessibility	
05A	Senior Services	570.201(e)	LMC, 570.208(a)(2)	People	Sustainable Living Environment	Availability/Accessibility	
05B	Handicapped Services	570.201(e)	LMC, 570.208(a)(2)	People	Sustainable Living Environment	Availability/Accessibility	
05C	Legal Services	570.201(e)	LMA, 570.208(a)(1) LMC, 570.208(a)(2)	People	Sustainable Living Environment	Availability/Accessibility	
05D	Youth Services	570.201(e)	LMC, 570.208(a)(2)	People	Sustainable Living Environment	Availability/Accessibility	
05E	Transportation Services	570.201(e)	LMA, 570.208(a)(1) LMC, 570.208(a)(2)	People	Sustainable Living Environment	Availability/Accessibility	
05F	Substance Abuse Services	570.201(e)	LMA, 570.208(a)(1) LMC, 570.208(a)(2)	People	Sustainable Living Environment	Availability/Accessibility	
05G	Battered and Abused Spouses	570.201(e)	LMC, 570.208(a)(2)	People	Sustainable Living Environment	Availability/Accessibility	

05H	Employment Training	570. 201(e)	LMA, 570.208(a)(1) LMC, 570.208(a)(2)	People	Economic Opportunities	Sustainability	
05I	Crime Awareness	570.201(e)	LMA, 570.208(a)(1) LMC, 570.208(a)(2)	People	Sustainable Living Environment	Sustainability	
05J	Fair Housing Activities-Subj.to 15% Pub.Serv.Cap	570.201(e)	LMA, 570.208(a)(1) LMC, 570.208(a)(2)	People	Sustainable Living Environment	Sustainability	
05K	Tenant/Landlord Counseling	570.201(e)	LMC, 570.208(a)(2)	People	Sustainable Living Environment	Sustainability	
05L	Child Care Services	570.201(e)	LMC, 570.208(a)(2)	People	Sustainable Living Environment	Availability/Accessibility	
05M	Health Services	570.201(e)	LMA, 570.208(a)(1) LMC, 570.208(a)(2)	People	Sustainable Living Environment	Availability/Accessibility	
05N	Abused and Neglected Children	570.201(e)	LMC, 570.208(a)(2)	People	Sustainable Living Environment	Availability/Accessibility	
05O	Mental Health Services	570.201(e)	LMA, 570.208(a)(1) LMC, 570.208(a)(2)	People	Sustainable Living Environment	Availability/Accessibility	
05P	Screening for Lead Based Paint/Lead Hazards Poisoning	570.201(e)	LMC, 570.208(a)(2)	People	Sustainable Living Environment	Sustainability	
05Q	Subsistence Payments	570.201(e)	LMC, 570.208(a)(2)	People	Sustainable Living Environment	Availability/Accessibility	
05R	Homeownership Assistance (not direct)	570.201(e)	LMH, 570.208(a)(3)	Households	Decent Housing	Affordability	
05S	Rental Housing Subsidies	570.201(e)	LMH, 570.208(a)(3)	Households	Decent Housing	Affordability	
05T	Security Deposits	570.201(e)	LMH, 570.208(a)(3)	Households	Decent Housing	Affordability	
05U	Housing Counseling	570.201(e)	LMH, 570.208(a)(3)	Households	Decent Housing	Affordability	
05V	Neighborhood Cleanups	570.201(e)	LMA, 570.208(a)(1)	People	Sustainable Living Environment	Sustainability	

05W	Food Banks	570.201(e)	LMA, 570.208(a)(1) LMC, 570.208(a)(2)	People	Sustainable Living Environment	Availability/Accessibility	
6	Interim Assistance	570.201(f)	LMA, 570.208(a)(1)	People Businesses Housing Units Public Facilities	Sustainable Living Environment	Sustainability	
7	Urban Renewal Completion	570.201(h)	LMA, 570.208(a)(1) LMC, 570.208(a)(2)	Businesses Public Facilities	Sustainable Living Environment	Sustainability	
			LMH, 570.208(a)(3)	Housing			
			LMJ, 570.208(a)(4)	Jobs			
8	Relocation	570.201(i)	LMA, 570.208(a)(1) LMC, 570.208(a)(2)	People Households Businesses Organizations (non-profit)	Decent Housing	Availability/Accessibility	
			LMH, 570.208(a)(3)	Households			
			LMJ, 570.208(a)(4)	Jobs			
9	Rental Income Loss	570.201(j)	LMA, 570.208(a)(1) LMC, 570.208(a)(2) LMH, 570.208(a)(3) LMJ, 570.208(a)(4)	People	Decent Housing	Affordability	Report the number of owners to whom payments are made.
11	Privately Owned Utilities	570.201(l)	LMA, 570.208(a)(1) LMC, 570.208(a)(2) LMH, 570.208(a)(3) LMJ, 570.208(a)(4)	Businesses	Sustainable Living Environment	Sustainability	Report the number of private utilities assisted.
12	Construction of Housing	570.201(m)	LMH, 570.208(a)(3)	Housing Units	Decent Housing	Affordability	New construction of housing with CDBG funds must be carried out by CBOOs, in accordance with the regulations at 570.204(a)
13	Homeownership Direct	570.201(n)	LMH, 570.208(a)(3)	Households	Decent Housing	Affordability	
14A	Rehab: Single-Unit Residential	570.202	LMH, 570.208(a)(3)	Housing Units	Decent Housing	Affordability	
14B	Rehab: Multi-Unit Residential	570.202	LMH, 570.208(a)(3)	Housing Units	Decent Housing	Affordability	
14C	Public Housing Modernization	570.202	LMH, 570.208(a)(3)	Housing Units	Decent Housing	Affordability	
14D	Rehab: Other than Publicly-Owned Residential Buildings	570.202	LMH, 570.208(a)(3)	Housing Units	Decent Housing	Affordability	
14E	Rehab: Publicly / Privately-Owned Commercial/Industrial	570.202	LMA, 570.208(a)(1) LMC, 570.208(a)(2)	Businesses	Decent Housing	Affordability	
			LMJ, 570.208(a)(4)	Jobs			
14F	Energy Efficiency Improvements	570.202	LMH, 570.208(a)(3)	Housing Units	Decent Housing	Sustainability	
14G	Acquisition For Rehabilitation	570.202	LMH, 570.208(a)(3)	Businesses Organizations Housing Units	Decent Housing	Affordability	

14H	Rehabilitation Administration	570.202	LMA, 570.208(a)(1) LMC, 570.208(a)(2) LMJ, 570.208(a)(4)	Businesses Organizations	Decent Housing	Sustainability	
			LMH, 570.208(a)(3)	Housing Units			
14I	Lead Based Paint/Hazards Test/Abatement	570.202	LMH, 570.208(a)(3)	Housing Units	Decent Housing	Sustainability	For proposed and actual units, report the number of Housing Units abated. In the Accomplishments Narrative, when appropriate, identify the number of housing units tested and number of children screened.

14J	Housing Services - HOME Program	570.202	LMH, 570.208(a)(3)	Housing Units	Decent Housing	Sustainability	
15	Code Enforcement	570.202(c)	LMA, 570.208(a)(1)	People Businesses Organizations Housing Units	Sustainable Living Environment	Sustainability	Report people when a Code Enforcement activity consists of inspecting privately-owned vacant lots and / or tagging abandoned vehicles. When a Code Enforcement activity includes inspection of multiple types of property including Housing Units, report Housing Unit inspected in the proposed and actual units fields and report the number of People, Businesses and / or organizations inspected, as appropriate, in the Accomplishments Narrative.
16A	Residential Historic Preservation	570.202(d)	LMH, 570.208(a)(3)	Housing Units	Sustainable Living Environment	Sustainability	
16B	Non-Residential Historic Preservation	570.202(d)	LMA, 570.208(a)(1) LMC, 570.208(a)(2) LMJ, 570.208(a)(4)	Businesses Organizations	Sustainable Living Environment	Sustainability	
17A	ED Acquisition by Recipient	570.203(a)	LMA, 570.208(a)(1) LMC, 570.208(a)(2)	Businesses	Economic Opportunities	Sustainability	
			LMJ, 570.208(a)(4)	Jobs			
17B	CI Infrastructure Development	570.203(a)	LMA, 570.208(a)(1) LMC, 570.208(a)(2)	Businesses	Economic Opportunities	Sustainability	
			LMJ, 570.208(a)(4)	Jobs			
17C	CI Building Acquisition, Construction, Rehabilitation	570.203(a)	LMA, 570.208(a)(1) LMC, 570.208(a)(2)	Businesses	Economic Opportunities	Sustainability	
			LMJ, 570.208(a)(4)	Jobs			
17D	Other Commercial/Industrial Improvements	570.203(a)	LMA, 570.208(a)(1) LMC, 570.208(a)(2)	Businesses	Economic Opportunities	Sustainability	
			LMJ, 570.208(a)(4)	Jobs			

18A	ED Assistance to For-Profits	570.203(b)	LMA, 570.208(a)(1)	Businesses	Economic Opportunities	Sustainability	Report the number of businesses assisted. Do not report the number of persons in the service area. That information can be derived from data entered on the MX03 screen.
			LMJ, 570.208(a)(4)	Jobs			
			SBA, 570.208 (b)(1)	Businesses			
18B	ED Technical Assistance	570.203(b)	LMA, 570.208(a)(1)	Businesses	Economic Opportunities	Sustainability	Report Businesses in the proposed and actual units fields, and, where appropriate, report the number or people trained and / or provided support services in the Accomplishments Narrative.
			LMJ, 570.208(a)(4)	Jobs			
18C	Micro-Enterprise Assistance	570.201(o)	LMA, 570.208(a)(1) LMC, 570.208(a)(2)	People Businesses	Economic Opportunities	Sustainability	Report the number of businesses served when an activity assists a micro-enterprise, including assistance in creating a micro-enterprise. Report the number of people served when an activity provides training to assist people in developing and operating a micro-enterprise. If an activity undertakes both of these functions, report only the number of businesses assisted in the units fields. The number of persons trained should be reported in the accomplishment narrative.
			LMJ, 570.208(a)(4)	Jobs			
19C	Nonprofit Capacity Building	570.201(p)	LMA, 570.208(a)(1) LMC, 570.208(a)(2) LMH, 570.208(a)(3) LMJ, 570.208(a)(4)	People Households Businesses Organizations Housing Units Public Facilities Jobs	Economic Opportunities	Sustainability	

19D	Assistance to Institutes of Higher Education	570.201(q)	LMA, 570.208(a)(1) LMC, 570.208(a)(2)	ALL	Economic Opportunities	Sustainability	Determine the eligible activity to be carried out by the institute and identify the correct matrix code and national objective for the activity. Then, use this table to assign the appropriate Accomplishment Code.
			LMH, 570.208(a)(3)	Housing Units			
			LMJ, 570.208(a)(4)	Jobs			
19E	Operation and Repair of Foreclosed Property		LMA, 570.208(a)(1) LMH, 570.208(a)(3)	Housing Units	NA	NA	
19F	Planned Repayments of Sec. 108 Loans		None	None	NA	NA	
19G	Unplanned Repayments of Sec. 108 Loans		None	None	NA	NA	
19H	State CDBG Technical Assistance to Grantees		None	None	NA	NA	
20	Planning (Entitlement Communities)	570.205	None	None	NA	NA	
20A	State Planning		LMA, 570.208(a)(1) LMC, 570.208(a)(2) LMH, 570.208(a)(3) LMJ, 570.208(a)(4)	People Households Businesses Organizations Housing Units Public Facilities Jobs	NA	NA	
21A	General Program Administration	570.206	None	None	NA	NA	
21B	Indirect Costs	570.206	None	None	NA	NA	
21C	Public Information	570.206	None	None	NA	NA	
21D	Fair Housing Activities (subject to Admin. cap)	570.206	None	None	Sustainable Living Environment	Sustainability	
21E	Submissions or Applications for Federal Programs	570.206	None	None	NA	NA	
21H	CDBG Funding of HOME Admin.		None	None	NA	NA	
21I	CDBG Funding of HOME CHDO Operating Costs		None	None	NA	NA	
21J	State Administration Costs		None	None	NA	NA	
22	Unprogrammed Funds		None	None	NA	NA	
23	Tornado Shelters - Private Mobile H Parks		LMA, 570.208(a)(1)	People	Sustainable Living Environment	Sustainability	

ATTACHMENT 8

Income Limits

Income Limits Effective April 18, 2022
Area Median Income (AMI) for Miami-Dade County: $68,300

Family Size	Extremely Low Income 30% of AMI	Very Low Income 50% of AMI	Low Income 80% of AMI
1	$20,500	$34,150	$54,600
2	$23,400	$39,000	$62,400
3	$26,350	$43,900	$70,200
4	$29,250	$48,750	$78,000
5	$32,470	$52,650	$84,250
6	$37,190	$56,550	$90,500
7	$41,910	$60,450	$96,750
8	$46,630	$64,350	$103,000

Source: U.S. Department of Housing and Urban Development for FY2022

Note: AMI is the household income for the median – or middle – household in a region.

ATTACHMENT 9

SAMPLE BUDGET SUMMARY FOR CONSTRUCTION BUDGET/ HOME OR CDBG FUNDS

MAJOR CATEGORIES:	HOME or CDBG		NON-PHCD		TOTAL FUNDING
1. Personnel	$ -		$ 24,960.00		$ 24,960.00
2. Contractual Services	$ 70,000.00		$ 3,600.00		$ 73,600.00
3. Operating Expenses	$ -		$ 8,400.00		$ 8,400.00
4. Commodities	$ -		$ 18,400.00		$ 18,400.00
5. Capital Outlay	$ 130,000.00		$ 5,000.00		$ 135,000.00
FY HOME OR CDBG	$ 200,000.00		$ 60,360.00		$ 260,360.00

OTHER FUNDING SOURCES (Non-PHCD):

ABC Grant	$30,000
First Bank Loan	$30,360
Total	**$60,360**

SAMPLE CONSTRUCTION BUDGET FOR HOME OR CDBG FUNDS
AGENCY NAME

SUB OBJECT	DESCRIPTION	HOME or CDBG AMOUNT	OTHER AMT	TOTAL AMT
Personnel expenses are not allowable for construction related projects	01 Personnel			
	Executive Director	$0	$23,077	$23,077
	Housing Assistant	$0	$0	$0
	FICA/MICA	$0	$1,883	$1,883
	Total Personnel	**$0**	**$24,960**	**$24,960**
	20 Contractual Services			
	Audit External	$10,000	$0	$10,000
	Accounting Services	$0	$3,600	$3,600
	General Liability Insurance	$1,000	$0	$1,000
	Auto Liability	$1,000	$0	$1,000
	Other Insurance Expense:	$1,000	$0	$1,000
	Builders Risk			
	Flood			
	Title Insurance	$5,000	$0	$5,000
	Construction Manager (Consultant)	$25,000	$0	$25,000
	Appraisal & Surveying Services	$7,000	$0	$7,000
	Property Maintenance	$5,000	$0	$5,000
	Attorney's Fees	$5,000	$0	$5,000
	Marketing	$10,000	$0	$10,000
	Total Contractual	**$70,000**	**$3,600**	**$73,600**
Operating expenses are not allowable for construction related projects	30 Operating Expenses			
	Electric/Telephone	$0	$7,400	$7,400
	Water & Sewer Services	$0	$1,000	$1,000
	Total Operating Expenses	**$0**	**$8,400**	**$8,400**
Commodity expenses are not allowable for construction related projects	40 Commodities			
	Office Supplies	$0	$1,400	$1,400
	Office Equipment	$0	$5,000	$5,000
	Rent	$0	$12,000	$12,000
	Total Commodities	**$0**	**$18,400**	**$18,400**
	90 Capital Outlay			
	Purchase Price of Land	$75,000	$0	$75,000
	Environmental	$5,000	$0	$5,000
	Site Preparation	$5,000	$0	$5,000
	Fence Installation	$2,000	$0	$2,000
	Prime Contractor - Construction	$0	$0	$0
	Property Taxes	$0	$5,000	$5,000
	Building Permits	$10,000	$0	$10,000
	Architect Fees	$13,000	$0	$13,000
	Impact Fees	$20,000	$0	$20,000
	Total Capital Outlay	**$130,000**	**$5,000**	**$135,000**
	TOTALS	**$200,000**	**$60,360**	**$260,360**

OTHER FUNDING SOURCES (Non-PHCD):

ABC Grant	$30,000
First Bank Loan	$30,360
Total	**$60,360**

COST ALLOCATION REPORT: NEW CONSTRUCTION AFFORDABLE HOUSING

APPLICANT / AGENCY NAME: ABC Community Development Corporation PROJECT NAME: ABC Villas DATE:

USES	COSTS	FUNDING SOURCES										
	Project Costs	City of Miami HOME	City of Miami CDBG	Sun Trust Bank	Miami-Dade SURTAX	Miami-Dade SHIP	Miami-Dade HATF	Miami-Dade HOME	Miami-Dade HOME	Miami-Dade HOME	Total Funding	Funding Gap
Land Acquisition	$367,507	$0	$0	$0	$0	$0	$312,160	$55,347	$0	$0	$367,507	$0
HARD COSTS												
Construction Cost	$4,682,539	$1,165,000	$0	$2,447,886	$0	$75,000	$0	$394,653	$150,000	$200,000	$4,432,539	$230,000
Construction Contingency	$182,886	$0	$0	$182,886	$0	$0	$0	$0	$0	$0	$182,886	$0
Construction Project Manager	$75,000	$0	$0	$0	$0	$75,000	$0	$0	$0	$0	$75,000	$0
Construction Supervision	$15,000	$0	$0	$15,000	$0	$0	$0	$0	$0	$0	$15,000	$0
TOTAL HARD COST	$4,936,425	$1,165,000	$0	$2,645,772	$0	$150,000	$0	$394,653	$150,000	$200,000	$4,705,425	$230,000
SOFT COSTS												
Architect Design / Civil Engineering	$80,000	$0	$0	$0	$80,000	$0	$0	$0	$0	$0	$80,000	$0
Impact Fees	$56,000	$56,000	$0	$0	$1,000	$0	$0	$0	$0	$0	$56,000	$0
Permit Fees	$32,000	$0	$8,000	$0	$24,000	$0	$0	$0	$0	$0	$32,000	$0
Legal Fees	$60,000	$0	$0	$0	$60,000	$0	$0	$0	$0	$0	$60,000	$0
Environmental	$1,500	$0	$0	$0	$1,500	$0	$0	$0	$0	$0	$1,500	$0
Appraisal	$5,000	$0	$0	$0	$5,000	$0	$0	$0	$0	$0	$5,000	$0
Insurance Liability	$2,500	$0	$0	$0	$2,500	$0	$0	$0	$0	$0	$2,500	$0
Legal Cost	$40,150	$0	$0	$0	$39,630	$0	$520	$0	$0	$0	$40,150	$0
Loan Closing Financing Fees	$300,000	$0	$0	$299,830	$170	$0	$0	$0	$0	$0	$300,000	$0
Estate Research	$1,000	$0	$0	$0	$1,000	$0	$0	$0	$0	$0	$1,000	$0
Title Insurance	$19,000	$0	$0	$0	$19,000	$0	$0	$0	$0	$0	$19,000	$0
Surveying	$600	$0	$0	$0	$600	$0	$0	$0	$0	$0	$600	$0
Construction Accounting	$12,000	$0	$0	$0	$12,000	$0	$0	$0	$0	$0	$12,000	$0
For use by City / City incurred Costs	$10,000	$10,000	$0	$0	$0	$0	$0	$0	$0	$0	$10,000	$0
Air Photo	$1,500	$0	$0	$0	$1,500	$0	$0	$0	$0	$0	$1,500	$0
Signs	$600	$0	$0	$0	$600	$0	$0	$0	$0	$0	$600	$0
Cleaning Debris	$1,500	$0	$0	$0	$1,500	$0	$0	$0	$0	$0	$1,500	$0
Developer's Fees	$150,000	$50,000	$0	$0	$50,000	$0	$0	$50,000	$0	$0	$150,000	$0
Soft Cost Contingency	$24,398	$0	$0	$24,398	$0	$0	$0	$0	$0	$0	$24,398	$0
TOTAL SOFT COST	$797,748	$116,000	$8,000	$324,228	$300,000	$0	$520	$50,000	$0	$0	$797,748	$0
TOTAL PROJECT COST	$5,100,680	$1,280,000	$8,000	$2,970,000	$300,000	$150,000	$312,680	$500,000	$150,000	$200,000	$5,870,680	$230,000

ATTACHMENT 10

SAMPLE BUDGET SUMMARY
FOR NON-CONSTRUCTION RELATED PROJECTS

NAME OF AGENCY, INC.

ABC PROGRAMMING

CDBG

SUMMARY BUDGET

	CATEGORIES	Non-PHCD	CDBG	TOTAL ALL SOURCES
I.	PERSONNEL	119,236	23,169	$ 142,405
II.	CONTRACTUAL SERVICES	9,500	9,500	$ 19,000
III.	OPERATING SERVICES	6,750	6,750	$ 13,500
IV.	COMMODITIES	800	800	$ 1,600
V.	CAPITAL OUTLAY	0	0	$ 0
	TOTAL BUDGET	**$136,286**	**$40,219**	**$176,505**

OTHER FUNDING SOURCES (Non-PHCD):

ABC Grant	$50,000
BL Grant	$86,286
Total	**$136,286**

SAMPLE BUDGET FOR NON-CONSTRUCTION RELATED PROJECTS

AGENCY NAME, INC. [PROJECT NAME] CDBG DETAIL BUDGET

	PP	Non PHCD	PHCD	TOTAL PHCD	TOTAL ALL SOURCES
04010 PERSONNEL - Employee					
Regular – Salaries			Bi-Weekly		
Executive Director	26	38,000	0	0	$38,000
Deputy Director	26	47,000	0	0	$47,000
Case Manager	26	12,500	480.77	12,500	$25,000
Tutor	26	8,000	307.69	8,000	$16,000
Subtotal Salaries		**105,500**	**788.46**	**20,500**	**$126,000**
04010 Fringe Benefits					
Fica: 11,000 x .0620 = 628 x 100%		6,541	48.88	1,271	$7,812
Mica: 11,000 x .0145 =160		1,530	11.43	297	$1,827
Worker's Compensation		5,665	42.34	1,101	$6,766
Subtotal Fringe		**13,736**	**102.66**	**2,669**	**$16,405**
Total Personnel		**119,236**	**891.12**	**23,169**	**$142,405**
Contractual Services					
21011 External Audit		2,000	0.00	2,000	$4,000
21020 Accounting Services		0	0.00	0	$0.00
21030 Other Professional Svc.		0	0.00	0.00	$0.00
22350 Bottled Water		0	0.00	0	$0.00
25330 Rent Copier		1,500	0.00	1,500	$3,000
25511 Building Rental		6,000	0.00	6,000	$12,000
Total Contractual		**9,500**	**0.00**	**9,500**	**$19,000**
Operating Expense					
22010 Electrical Services		2,000	0.00	2,000	$4,000
23210 General Liability Insurance		1,500	0.00	1,500	$3,000
23220 Automobile Liability Insurance		1,250	0.00	1,250	$2,500
31011 Telephone Regular		1,250	0.00	1,250	$2,500
31011 Telephone Long Distance		150	0.00	150	$300
31610 Postage		600	0.00	600	$1,200
31420 Advertising Radio		0.00	0.00	0.00	$0.00
Total Operating Expense		**6,750**	**0.00**	**6,750**	**$13,500**
Commodities					
31510 Outside Printing		400	0.00	400	$800
95020 Computer Purchase		0	0.00	0	$0.00
47010 Office Supplies/Outside Vendors		400	0.00	400	$800
Total Commodities		**800**	**0.00**	**800**	**$1,600**
Capital Outlay					
		0.00	0.00	0.00	0.00
Total Capital Outlay		**0.00**	**0.00**	**0.00**	**0.00**
TOTAL BUDGET		**$136,286**	**0.00**	**$40,219**	**$176,505**

List of all other funding sources and corresponding amounts as indicated below:

ABC Grant	$50,000
BL Grant	$86,286
Total	**$136,286**

SAMPLE CONSTRUCTION BUDGET FOR HOME OR CDBG FUNDS

HOME or CDBG INDEX CODE: # _____

BUDGET SUMMARY

MAJOR CATEGORIES:	HOME or CDBG	NON-PHCD	TOTAL FUNDING
1. Personnel Services	$0	$24,960	$24,960
2. Contractual Services	$70,000	$3,600	$73,600
3. Operating Expenses	$0	$8,400	$8,400
4. Commodities	$0	$18,400	$18,400
5. Capital Outlay	$130,000	$5,000	$135,000
TOTALS	$200,000	$60,360	$260,360

OTHER FUNDING SOURCES (Non- PHCD)

ABC Grant	$30,000
First Bank Loan	$30,360
Total	$60,360

HOME/CHDO

CHDO INDEX#

HOME INDEX#

BUDGET SUMMARY

MAJOR CATEGORIES:	CHDO	HOME	NON-OCED	TOTAL HOME/CHDO
1. Personnel Services	$40,000	$0	$24,960	$40,000
2. Contractual Services	$0	$70,000	$3,600	$70,000
3. Operating Expenses	$0	$0	$8,400	$0
4. Commodities	$0	$0	$18,400	$0
5. Capital Outlay	$0	$130,000	$5,000	$130,000
TOTALS	$40,000	$200,000	$60,360	$240,000

HOME SAMPLE BUDGET

Agency Name

DESCRIPTION	HOME AMT	CHDO HOME AMT	OTHER AMT	TOTAL AMT
01 Personnel				
Executive Director	$0	$32,308	$23,077	$55,385
Housing Assistant	$0	$3,846	$0	$3,846
FICA	$0	$3,846	$1,883	$5,729
20 Contractual Services				
Audit External (2003 & 2004)	$10,000	$0	$0	$10,000
Accounting Services	$0	$0	$3,600	$3,600
General Liability Insurance	$3,000	$0	$0	$3,000
Title Insurance	$5,000	$0	$0	$5,000
Construction Manager (Consultant)	$25,000	$0	$0	$25,000
Appraisal & Surveying Services	$7,000	$0	$0	$7,000
Property Maintenance	$5,000	$0	$0	$5,000
Attorney's Fees	$5,000	$0	$0	$5,000
Marketing	$10,000	$0	$0	$10,000
30 Operating Expenses				
Electric/Telephone	$0	$0	$7,400	$7,400
Water & Sewer Services	$0	$0	$1,000	$1,000
40 Commodities				
Office Supplies	$0	$0	$1,400	$1,400
Office Equipment	$0	$0	$5,000	$5,000
Rent	$0	$0	$12,000	$12,000
90 Capital Outlay				
Purchase Price of Land	$75,000	$0	$0	$75,000
Environmental	$5,000	$0	$0	$5,000
Property Taxes	$0	$0	$5,000	$5,000
Building Permits	$10,000	$0	$0	$10,000
Architect Fees	$10,000	$0	$0	$10,000
Impact Fees	$20,000	$0	$0	$20,000
TOTAL	**$200,000**	**$40,000**	**$60,360**	**$300,360**

ATTACHMENT 11

Economic Development Tasks (This is sample work plan; therefore, you must revise to include additional tasks and delete tasks that are not applicable)

ID	Task Name	Required Resource	Enter in the % of Task Completed (as of today)	Enter in the Start Date of Task	Calculated End Date of Task	Notes:
1	Contract Development Phase		0.00			
1.1.1	submit requirement documents with environmental Review (ER) form (see attachment D in the Contract)	Agency	0.00			
1.1.2	environmental review process	Environmental Specialist	0.00			
1.1.3	submittal of scope and budget	Agency	0.00			
1.1.4	scope and budget review by Public Housing and Community Development (PHCD) Project Manager (PM)	Project Manager	0.00			
1.1.5	review eligibility of activity	Planner,IDIS Specialist,Project Manager	0.00			Information used from Consolidated Plan
1.1.6	meet with stake holders	All	0.00			
1.1.7	prepare and assemble CDBG contract with Attachments A to H	Project Manager	0.00			
1.1.8	submit CDBG contract for agency signature to execute	Project Manager	0.00			
1.1.9	return signed CDBG contract to PHCD for final processing	Agency	0.00			
1.1.10	submit CDBG contract to Miami-Dade County Manager Office	PM Supervisor and PM Manager	0.00			
1.1.11	receive and distribute executed CDBG Contract	Project Manager	0.00			
	Milestone Review					
1.2	Marketing Phase		0.00			
1.2.1	publicize program	Agency	0.00			
1.2.2	submit copy of publications to PHCD	Agency	0.00			
1.2.3	_____ number of business seminar - document the kind of services provided - business plan, business start-up information, marketing, etc	Agency	0.00			
1.2.4	submit sign in sheet of participants to PHCD - technical assistance workshops, include name, addresses & telephone number & indicated participates in NRSA	Agency	0.00			
1.2.5	identify potential recipients - name, addresses & telephone number	Agency	0.00			
1.2.6						

ID	Task Name	Required Resource	Enter in the % of Task Completed (as of today)	Enter in the Start Date of Task	Calculated End Date of Task	Notes:
	Milestone Review					
1.3	Programmatic Phase		0.00			
1.3.1	Environmental clarence letter	Environmental Specialist	0.00			
1.3.2	submit insurance certificate to PHCD - Attachment B1 of contract	Agency	0.00			
1.3.3	submit insurance to Miami-Dade Risk Management for approval	Project Manager	0.00			
1.3.4	submit payments request to PHCD- monthly basis	Agency	0.00			
1.3.5	submit quarterly progress report (Due no later than 10 days after the end of the quarter)	Agency	0.00			
1.3.6	submit procurement policies to PHCD	Agency	0.00			
1.3.7	review and approve procurement polices	Project Manager	0.00			
1.3.8	submit accounting policies to PHCD	Agency	0.00			
1.3.9	review and approve accounting polices	Project Manager	0.00			
1.3.10	provide a complete inventory of all capital equipment to PHCD - $700 or more	Agency	0.00			
1.3.11	submit inventory list to Miami Dade GSA	Project Manager	0.00			
1.3.12	submit copy of prior year audit report	Agency	0.00			
1.3.13	provide copy of program income tracking - report income immediately	Agency	0.00			
1.3.14	review and approve program income	Project Manager	0.00			
	Milestone Review					
1.4	Job Creation Phase		0.00			
1.4.1	Intake and assess businesses	Agency				
1.4.2	submit copy of policy guidance on using funds for small business incubators - U.S. HUD's CPD-89-33.	Project Manager	0			
1.4.3	submit copies the agreements between Enterprise Development Corp. and businesses in the incubator. Agreements must indicate CDBG requirements	Agency	0			
1.4.4	execute agreement(s) with businesses for the creation of #____jobs -24 CFR 570.506(b)(5)(ii)(A)(1)	Agency	0			
1.4.5	execute agreement(s) with businesses for the creation of #_____Jobs -24 CFR 570.506(b)(5)(ii)(A)(1)	Agency	0.00			

ID	Task Name	Required Resource	Enter in the % of Task Completed (as of today)	Enter in the Start Date of Task	Calculated End Date of Task	Notes:
1.4.6	submit list of all current jobs titles and employee names & which are held by LMI person -24 CFR 570.506(b)(5)(ii)(B)	Agency	0.00			
1.4.7	submit job creation agreement(s) for #_____ jobs to PHCD	Agency	0.00			
1.4.8	submit Duns Number of businesses to PHCD	Agency	0.00			
1.4.9	submit proof that business registered with the State of Florida-sunbiz	Agency	0.00			
1.4.10	review agreement(s) for the #_____ jobs created	Project Manager	0.00			
1.4.11	approval of agreement for #_____ jobs created	Project Manager	0.00			
1.4.12	submit description of the hiring process	Agency	0.00			
1.4.13	provide a description of steps to ensure LMI individuals receive first consideration for the jobs created-24 CFR 570.506(b)(5)(ii)(A)(1)&(3)	Agency	0.00			
1.4.14	provide a list of the jobs titles of the permanent jobs expected to be created -24 CFR 570.506(b)(5)(ii)(A)(2)	Agency	0.00			
1.4.15	provide list of permanent jobs that is available to LMI individuals -24 CFR 570.506(b)(5)(ii)(A)(1)	Agency	0.00			
1.4.16	provide list of jobs require special skills or education -24 CFR 570.506(b)(5)(ii)(A)(1)	Agency	0.00			
1.4.17	submit completed Job Creation form(s) to DHCD for 4 newly created jobs	Agency	0.00			
1.4.18	submit income verification of LMI employee (FY 11 Section 8 Income limits for Dade County)	Agency	0.00			
1.4.19	review and approve income verification of LMI employee (FY 11 Section 8 Income limits for Dade County)	Project Manager	0.00			
1.4.20	Submit sheet tracking of LMI created job(s) to PHCD every six months	Agency	0.00			Jobs created by businesses in the incubator will be counted for 3 years or until the business moves out of the incubator, whichever comes first
	Milestone Review					
1.5	Close Out Phase		0.00			
1.5.1	submit final progress report	Agency	0.00			
1.5.2	submit final payment	Agency	0.00			
1.5.3	submit job creation and LMI information to PHCD's Complaince Unit	Project Manager	0.00			

ID	Task Name	Required Resource	Enter in the % of Task Completed (as of today)	Enter in the Start Date of Task	Calculated End Date of Task	Notes:
1.5.4	review job creation and LMI information	Compliance Unit	0.00			
1.5.5	print out copy of Financial balance	Project Manager	0.00			
1.5.6	report accomplishment in IDIS	IDIS Specialist	0.00			
	Milestone Review					
	Overall Project Percent Complete		**0.00**			

Payment request should include but not limited to the following items listed below -

payment request form, cancelled checks, invoices, payroll registrar, insurance certificate as required in Attachment B, payment monthly progress report, list of all jobs before LMI job creation, list of jobs after job creation, agreement with business to create job(s), job creation form, employee pay stub, all back to verify payment, etc.

Housing Task (This is sample work plan; therefore, you must revise to include additional tasks and delete tasks that are not applicable)

ID	Task Name	Required Resource	Enter in the % of Task Completed (as of today)	Enter in the Start Date of Task	Calculated End Date of Task	Notes:
1	Contract Development Phase		0.00			
1.1.1	submit required Environmental Review (ER) form (see attachment D in the Contract)	Agency	0.00			
1.1.2	environmental review process	Environmental Specialist	0.00			
1.1.3	submittal of scope and budget	Agency	0.00			
1.1.4	scope and budget review by Public Housing and Community Development (PHCD) Project Manager (PM)	Project Manager	0.00			
1.1.5	prepare and assemble contract with Attachments A to H (24 cfr 92.504)	Project Manager	0.00			
1.1.6	submit contract for agency signature to execute	Project Manager	0.00			
1.1.7	return signed contract to PHCD for final processing	Agency	0.00			
1.1.8	submit contract to Miami-Dade Mayor's Office	PM Supervisor and PM Manager	0.00			
1.1.9	receive and distribute executed Contract	Project Manager	0.00			
	Milestone Review					
1.2	Pre- Development Phase		0.00			
1.2.1	request loan closing check list	Agency	0.00			
1.2.2	submit sources and uses statement	Agency	0.00			
1.2.3	submit required insurance certificate	Agency	0.00			
1.2.4	submit insurance document to Miami-Dade GSA	Project Manager	0.00			
1.2.6	pro forma	Agency	0.00			
1.2.7	Environment clearance letter	Environmental Specialist	0.00			
	Request PHCD signage for project site	Project Manager	0.00			
1.2.8	complete loan closing binder	Agency	0.00			
1.2.9	review loan closing binder	PHCD's Loan Division	0.00			
1.2.10	underwriting review	PHCD's Loan Division	0.00			
1.2.11	close loan -sign Rental Regulatory Agreement	PHCD's Loan Division & Agency	0.00			If applicable
1.2.12	Acquisition of land (folio# 3022030780020 & 3022030780030	Agency	0.00			
1.2.13	HOME SET UP FORM COMPLETION	IDIS Specialist	0.00			If applicable
1.2.14	Create IDIS number	IDIS Specialist	0.00			
1.2.15	progress report	agency				

Housing Tasks sample

ID	Task Name	Required Resource	Enter in the % of Task Completed (as of today)	Enter in the Start Date of Task	Calculated End Date of Task	Notes:
	Milestone Review					
1.3	Pre- Bid Phase		0.00			
1.3.1	RFP package for General Contractor (GC)	Agency	0.00			
1.3.2	review GC bid package by Project Manager	Project Manager	0.00			
1.3.3	review GC bid package by PHCD's Compliance Unit	Compliance Unit	0.00			
1.3.4	Bid/RFP opening	Agency	0.00			
1.3.5	Selection/Award	Agency	0.00			
	Milestone Review					
1.4	Submit GC contract for DHCD Review		0.00			
1.4.1	executed GC contract	Agency	0.00			
1.4.2	Specification for services being provided	Agency	0.00			Specs must include accessibility requirements. 5% of the dwelling units to be accessible for persons with mobility disabilities. In accordance with the Uniform Federal Accessibility Standards (UFAS). 2% of the dwelling units must be accessible for persons with hearing or visual disabilities. Section 504: Disability Rights in HUD Programs.
1.4.3	Review GC contract by Project Manager	Agency	0.00			
1.4.4	Review GC contract by Professional Services Section	Agency	0.00			
1.4.5	Give agency written approval for subcontract	Project Manager	0.00			
1.4.6	Check debarment list	Agency / Project Manager	0.00			
1.4.7	Notice to Bidders/Prospective Contractor	Agency	0.00			
1.4.8	Statement of Bidder's Construction experience	Agency	0.00			
1.4.9	Certification receipt	Agency	0.00			
1.4.10	Insurance Requirements	Agency	0.00			
1.4.11	affirmation action standard (24 CFR 92.351)	Agency	0.00			
1.4.12	Certification of Compliance with Part 60-2 Affirmative Action Program	Agency	0.00			
1.4.13	Certification Regarding Drug Free Workplace	Agency	0.00			
1.4.14	Assurance of Companies	Agency	0.00			
1.4.15	Section 3 Requirements (GC must meet Section 3 Requirements)	Agency	0.00			
1.4.16	Section 3 Clause	Agency	0.00			
1.4.17	Payment and Performance Bond	Agency	0.00			

Housing Tasks sample

ID	Task Name	Required Resource	Enter in the % of Task Completed (as of today)	Enter in the Start Date of Task	Calculated End Date of Task	Notes:
	Milestone Review					
1.5	Construction Phase		0.00			
1.5.1	pre-construction conference	Agency	0.00			
1.5.2	notice to proceed	Agency	0.00			
1.5.3	obtain permits	Agency	0.00			
1.5.4	mobilization	Agency	0.00			
1.5.5	start construction for -----units of which ---- will be HOME set aside units . ---- @ 50% AMI, ---- @ 80% AMI	Agency	0.00			
	property clean up, footers, excavation, fencing, trailer installation					
	footers dug, foundation formed and slab poured, and footing inspection approved					
	structure is finish including entire shell of building with approved inspection, all beams and trusses in place					
	rough plumbing installed					
	block work finished					
	windows installed, framing finished, rough electrial performed					
	roof is finished, drywall is completed, air conditioning duct installed, fire sprinkler system installed					
	all doors installed, stucco completed, drywall hung, taped and finished, interior doors hung					
	interior flooring installed, all kitchen cabinets installed, bathroom appliance and accessories installed, water heater installed, air handler units and compressor installed, emergency generator insalled, main a/c untis installed					
	electrical work completed, plumbing work completed, baseboard installed, interiors painted, building exterior painted, fire sprinkler system finished					
1.5.7	all interiors and common areas completed, all flooring installed, all parking lots and garage finished, driveways and sidewalks completed, landscape in progress					
1.5.8						
1.5.9	Participant Eligibility Phase		0.00			
	determine that each participant is income eligible by determining the family's annual income.	Agency	0.00			
1.6.2	Examine the source documents evidencing annual income (e.g., wage statement, interest statement, unemployment compensation statement) for the family	Agency	0.00			
1.6.3	owner/developer must submit written tenant selection criteria	Agency	0.00			

Housing Tasks sample

ID	Task Name	Required Resource	Enter in the % of Task Completed (as of today)	Enter in the Start Date of Task	Calculated End Date of Task	Notes:
1.6.4	Written agreement with the homebuyer specify that buyers must use the HOME assisted as a principal resident throughout the affordability period	Agency	0.00			
1.6.5	Written agreement specify remedies or actions if principal resident is not met	Agency	0.00			
	Milestone Review					
1.7	Completion Phase		0.00			
1.7.1	submit final progress report	Agency	0.00			
1.7.2	submit payment with final release of liens	Agency	0.00			
1.7.3	final walk thru	All	0.00			
1.7.4	Certificate of completion	Agency	0.00			
1.7.5	project completion form	Agency	0.00			
1.7.6	construction close out	All	0.00			
1.7.7	report accomplishment in IDIS	PHCD's complaince unit	0.00			
1.7.8	submit project close letter to agency	PHCD's complaince unit	0.00			
	Milestone Review					
	Inspection of set aside units	PHCD inspector	0.00			
	Inspection of set aside units	PHCD inspector	0.00			
	Inspection of set aside units	PHCD inspector	0.00			
	Inspection of set aside units	PHCD inspector	0.00			
	Inspection of set aside units	PHCD inspector	0.00			
	Overall Project Percent Complete		**0.00**			

public service Sample

	Public Service (This is sample work plan, therefore, you must revise to include additional tasks and delete tasks that are not applicable)					
ID	Task Name	Required Resource	Enter in the % of Task Completed (as of today)	Enter in the Start Date of Task	Calculated End Date of Task	Notes:
1	Contract Development Phase		0.00			
1.1.1	submit requirement documents with Environmental Review (ER) form (see attachment D in the Contract)	Agency	0.00			
1.1.2	environmental review process	Environmental Specialist	0.00			
1.1.3	submittal of scope and budget	Agency	0.00			
1.1.4	scope and budget review by Public Housing and Community Development (PHCD) Project Manager (PM)	Project Manager	0.00			
1.1.5	review eligibility of activity	Planner,IDIS Specialist,Project Manager	0.00			Information used from Consolidated Plan
1.1.6	meet with stake holders	All	0.00			
1.1.7	prepare and assemble CDBG contract with Attachments A to H	Project Manager	0.00			
1.1.8	submit CDBG contract for agency signature to execute	Project Manager	0.00			
1.1.9	return signed CDBG contract to PHCD for final processing	Agency	0.00			
1.1.10	submit CDBG contract to Miami-Dade County Mayor's Office	PM Supervisor and PM Manager	0.00			
1.1.11	receive and distribute executed CDBG Contract	Project Manager	0.00			
	Milestone Review					
1.2	Marketing Phase		0.00			
1.2.1	publicize program	Agency	0.00			
1.2.2	submit copy of publications to PHCD	Agency	0.00			
1.2.5	identify potential recipients - name, addresses, telephone number & income	Agency	0.00			
	Milestone Review					
1.3	Programmatic Phase		0.00			
1.3.1	Environmental clarence letter	Environmental Specialist	0.00			
1.3.2	submit insurance certificate to PHCD - Attachment B1 of contract	Agency	0.00			
1.3.3	submit insurance to Miami-Dade Risk Management for approval	Project Manager	0.00			
1.3.4	submit payments request to PHCD- monthly basis	Agency	0.00			

public service Sample

ID	Task Name	Required Resource	Enter in the % of Task Completed (as of today)	Enter in the Start Date of Task	Calculated End Date of Task	Notes:
1.3.5	submit quarterly progress report (Due no later than 10 days after the end of the quarter)	Agency	0.00			
1.3.6	submit procurement policies to PHCD	Agency	0.00			
1.3.7	review and approve procurement polices	Project Manager	0.00			
1.3.8	submit accounting policies to PHCD	Agency	0.00			
1.3.9	review and approve accounting polices	Project Manager	0.00			
1.3.10	provide a complete inventory of all capital equipment to PHCD - $700 or more	Agency	0.00			
1.3.11	submit inventory list to Miami Dade GSA	Project Manager	0.00			
1.3.12	submit copy of prior year audit report	Agency	0.00			
1.3.13	provide copy of program income tracking - report income immediately	Agency	0.00			
1.3.14	review and approve program income	Project Manager	0.00			
	submit copy of client in-take form to PHCD for approval					
1.3.15	***Milestone Review***					
1.3.16	Participant Eligibility Phase					
1.3.17	determine that each participant is income eligible by determining the family's annual income.					
1.3.18	Examine the source documents evidencing annual income (e.g., wage statement, interest statement, unemployment compensation statement) for the family					
1.3.19	***Milestone Review***					
1.5	Close Out Phase		0.00			
1.5.1	submit final progress report	Agency	0.00			
1.5.2	submit final payment	Agency	0.00			
1.5.3	submit LMI information to PHCD's Complaince Unit	Project Manager	0.00			
1.5.4	review LMI information	Compliance Unit	0.00			
1.5.5	print out copy of Finance balance	Project Manager	0.00			
1.5.6	report accomplishment in IDIS	IDIS Specialist	0.00			
	Milestone Review					

Public Facilities and Infrastructure Improvements - sample (This is sample work plan, therefore you must revise to include additional tasks and delete tasks that are not applicable)						
ID	Task Name	Required Resource	Enter in the % of Task Completed (as of today)	Enter in the Start Date of Task	Calculated End Date of Task	Notes:
1	Contract Development Phase		0.00			
1.1.1	submit required Enviromnetal Review (ER) form (see attachment D in the Contract)	Agency	0.00			
1.1.2	environmental review process	Environmental Specialist	0.00			
1.1.3	submittal of scope and budget	Agency	0.00			
1.1.4	scope and budget review by Public Housing and Community Development (PHCD) Project Manager (PM)	Project Manager	0.00			
1.1.5	prepare and assemble contract with Attachments A to H (24 cfr 92.504)	Project Manager	0.00			
1.1.6	submit contract for agency signature to execute	Project Manager	0.00			
1.1.7	return signed contract to PHCD for final processing	Agency	0.00			
1.1.8	submit HOME contract to Miami-Dade Mayor's Office	PM Supervisor and PM Manager	0.00			
1.1.9	receive and distribute executed PHCD Contract	Project Manager	0.00			
	Milestone Review					
1.2	Pre-Development Phase		0.00			
1.2.1	request loan closing check list	Agency	0.00			
1.2.2	submit sources and uses statement	Agency	0.00			
1.2.3	submit required insurance certificate	Agency	0.00			
1.2.4	submit insurance document to Miami-Dade GSA	Project Manager	0.00			
1.2.6	pro forma	Agency	0.00			
1.2.7	Environment clearance letter	Environmental Specialist	0.00			
1.2.8	complete loan closing binder	Agency	0.00			
1.2.9	review loan closing binder	DHCD's Loan Division	0.00			
1.2.10	underwriting review	DHCD's Loan Division	0.00			
1.2.11	close loan -sign Rental Regulatory Agreement	DHCD's Loan Division & Agency	0.00			
1.2.12	Acquisition of land (folio# 3022030780020 & 3022030780030	Agency	0.00			If Applicable
1.2.13	HOME SET UP FORM COMPLETION	IDIS Specialist	0.00			If Applicable
1.2.14	Create IDIS number	IDIS Specialist	0.00			

ID	Task Name	Required Resource	Enter in the % of Task Completed (as of today)	Enter in the Start Date of Task	Calculated End Date of Task	Notes:
1.2.15	progress report	agency				
	Milestone Review					
1.3	Pre- Bid Phase		0.00			
1.3.1	RFP package for General Contractor (GC)	Agency	0.00			
1.3.2	review GC bid package by Project Manager	Project Manager	0.00			
1.3.3	review GC bid package by PHCD's Compliance Unit	Compliance Unit	0.00			
1.3.4	Bid/RFP opening	Agency	0.00			
1.3.5	Selection/Award	Agency	0.00			
	Milestone Review					
1.4	Submit GC contract for PHCD Review		0.00			
1.4.1	executed GC contract	Agency	0.00			
1.4.2	Specification for services being provided	Agency	0.00			Specs must include accessibility requirements. 5% of the dwelling units to be accessible for persons with mobility disabilities. In accordance with the Uniform Federal Accessibility Standards (UFAS). 2% of the dwelling units must be accessible for persons with hearing or visual disabilities. Section 504: Disability Rights in HUD Programs.
1.4.3	Review GC contract by Project Manager	Agency	0.00			
1.4.4	Review GC contract by Professional Services Section	Agency	0.00			
1.4.5	Give agency written approval for subcontract	Project Manager	0.00			
1.4.6	Check debarment list	Agency / Project Manager	0.00			
1.4.7	Notice to Bidders/Prospective Contractor	Agency	0.00			
1.4.8	Statement of Bidder's Construction experience	Agency	0.00			
1.4.9	Certification receipt	Agency	0.00			
1.4.10	Insurance Requirements	Agency	0.00			
1.4.11	affirmation action standard (24 CFR 92.351)	Agency	0.00			
1.4.12	Certification of Compliance with Part 60-2 Affirmative Action Program	Agency	0.00			
1.4.13	Certification Regarding Drug Free Workplace	Agency	0.00			
1.4.14	Assurance of Companies	Agency	0.00			

ID	Task Name	Required Resource	Enter in the % of Task Completed (as of today)	Enter in the Start Date of Task	Calculated End Date of Task	Notes:
1.4.15	Section 3 Requirements (GC must meet Section 3 Requirements)	Agency	0.00			
1.4.16	Section 3 Clause	Agency	0.00			
1.4.17	Payment and Performance Bond	Agency	0.00			
	Milestone Review					
1.5	Construction Phase		0.00			
1.5.1	pre-construction conference	Agency	0.00			
1.5.2	notice to proceed	Agency	0.00			
1.5.3	obtain permits	Agency	0.00			
1.5.4						
1.5.5	PUBLIC FACILITY IMPROVEMENT ONLY					
1.5.6	property clean up, footers, excavation, fencing, trailer installation					
1.5.7	footers dug, foundation formed and slab poured, and footing inspection approved					
1.5.8	structure is finish including entire shell of building with approved inspection, all beams and trusses in place					
1.5.9	rough plumbing installed					
1.5.10	block work finished					
1.5.11	windows installed, framing finished, rough electrial performed					
1.5.12	roof is finished, drywall is completed, air conditioning duct installed, fire sprinkler system installed					
1.5.13	all doors installed, stucco completed, drywall hung, taped and finished, interior doors hung					
1.5.14	interior flooring installed, all kitchen cabinets installed, bathroom appliance and accessories installed, water heater installed, air handler units and compressor installed, emergency generator insalled, main a/c untis installed					

ID	Task Name	Required Resource	Enter in the % of Task Completed (as of today)	Enter in the Start Date of Task	Calculated End Date of Task	Notes:
1.5.15	electrical work completed, plumbing work completed, baseboard installed, interiors painted, building exterior painted, fire sprinkler system finished					
1.5.16	all interiors and common areas completed, all flooring installed, all parking lots and garage finished, driveways and sidewalks completed, landscape in progress					
1.5.17						
1.5.18	INFRASTRUCTURE IMPROVEMENTS ONLY					
1.5.19	Mobilization					
1.5.20	maintenance of traffic					
1.5.21	submit payment request					
1.5.22	Demolition					
1.5.23	clearing & grade swale areas					
1.5.24	remove asphalt pavement					
1.5.25	remove concrete sidewalk					
1.5.26	remove existing curb and gutter					
1.5.27	relocate or adjust existing street sign					
1.5.28	removal of disposal of existing drainage structure					
1.5.29	removal & disposal of soaking pit & drainage pipe					
1.5.30	submit payment request					
1.5.31	Davis-Bacon Complaince					

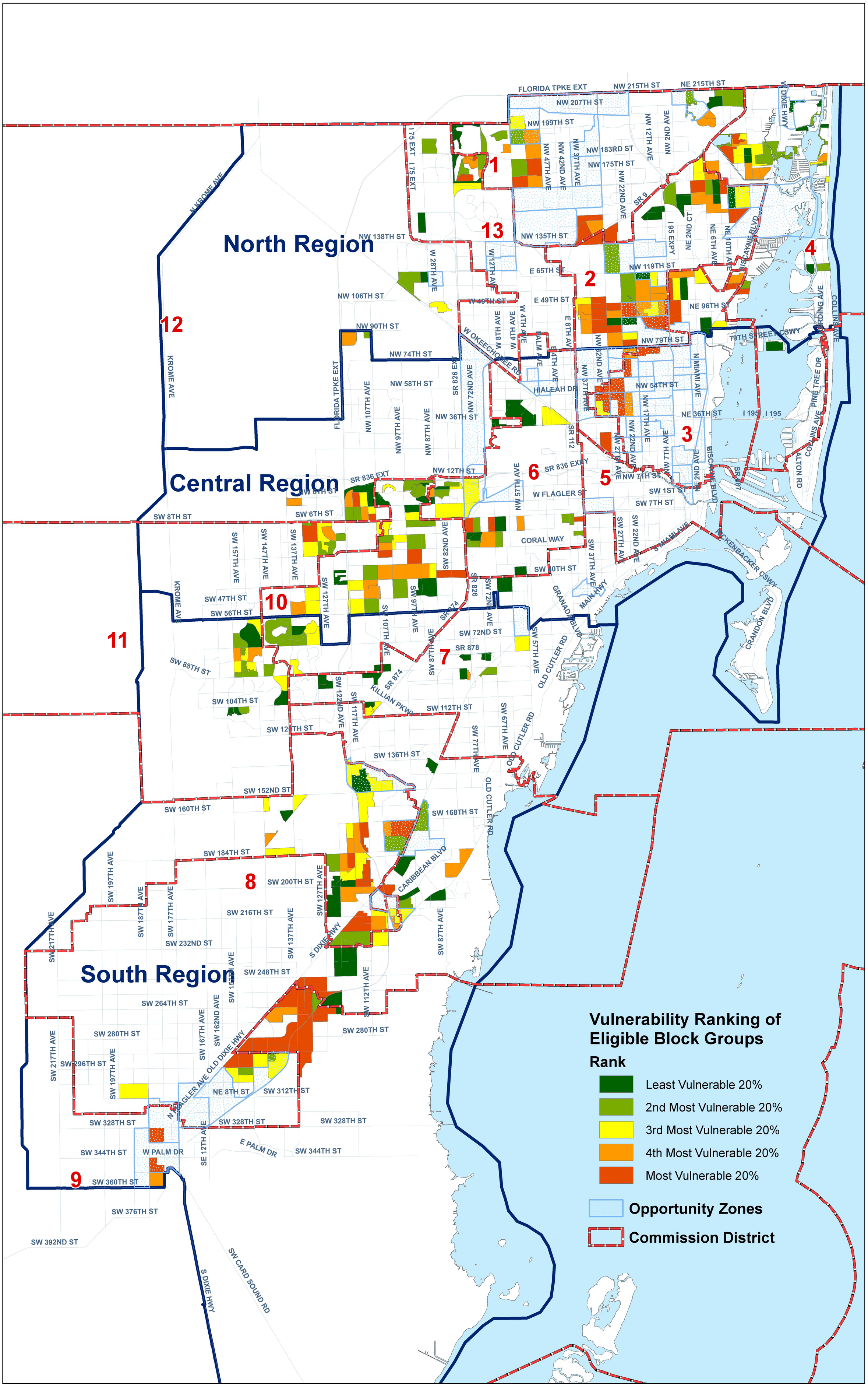
ID	Task Name	Required Resource	Enter In the % of Task Completed (as of today)	Enter In the Start Date of a Task	Calculated End Date of Task	Notes:
1.5.32	**Installation of Pump**					
1.5.33	Install pump					
1.5.34	**Installation of Injectin Wells**					
1.5.35	Install injection wells					
1.5.36	**Drainage**					
1.5.37	curb inlet					
1.5.38	valley gutter inlet					
1.5.39	pipes					
1.5.40	submit payment request					
1.5.41	Davis-Bacon Complaince					
1.5.42	**Paving**					
1.5.43	construct asphaltic concrete pavement					
1.5.44	Parking area					
1.5.45	construct concrete sidewalk					
1.5.46	install valley gutter					
1.5.47	construct concrete crub					
1.5.48	construct concrete ramp w/ detectable warning					
1.5.49	roadway reconstruction-include base and subbase material					
1.5.50	submit payment request					

ID	Task Name	Required Resource	Enter in the % (#) of Task Completed (as of today)	Enter in the Start Date of Task	Calculated End Date of Task	Notes:
1.5.51	Davis-Bacon Complaince					
1.5.52	**Striping and Signs**					
1.5.53	pavement markers					
1.5.54	reflective pavement markers					
1.5.55	new ADA a& pedestrian signs					
1.5.56	submit payment request					
1.5.57	Davis-Bacon Complaince					
1.5.58	**Landscape**					
1.5.59	sod					
1.6	Participant Eligibility Phase		0.00			
1.6.1	determine that each participant is income eligible by determining the family's annual income.	Agency	0.00			If applicable
1.6.2	Examine the source documents evidencing annual income (e.g., wage statement, interest statement, unemployment compensation statement) for the family	Agency	0.00			If applicable
1.6.3	Census Tract and Block Group Information	Agency	0.00			If applicable
	Milestone Review					
1.7	Completion Phase		0.00			
1.7.1	submit final progress report	Agency	0.00			
1.7.2	submit payment with final release of liens	Agency	0.00			
1.7.3	final walk thru	All	0.00			
1.7.4	Certificate of completion	Agency	0.00			
1.7.5	project completion form	Agency	0.00			
1.7.6	construction close out	All	0.00			
1.7.7	report accomplishment in IDIS	PHCD's complaince unit	0.00			
1.7.8	submit project close letter to agency	PHCD's complaince unit	0.00			

ID	Task Name	Required Resource	Enter in the % of Task Completed (as of today)	Enter in the Start Date of Task	Calculated End Date of Task	Notes:
	Milestone Review					
	Inspection of set aside units	PHCD Inspector	0.00			
	Inspection of set aside units	PHCD Inspector	0.00			
	Inspection of set aside units	PHCD Inspector	0.00			
	Inspection of set aside units	PHCD Inspector	0.00			
	Inspection of set aside units	PHCD Inspector	0.00			
	Overall Project Percent Complete		**0.00**			

ATTACHMENT 12

Attachment 1



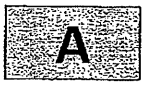
ATTACHMENT 13

GLOSSARY

202 (Section 202 FHA): A program to help expand the supply of affordable housing with supportive services for the elderly. It provides very low-income elderly with options that allow them to live independently but in an environment, that provides support activities such as cleaning, cooking, transportation, etc.

203(b): A FHA program which provides mortgage insurance to protect lenders from default; used to finance the purchase of new or existing one- to four family housing; characterized by low down payment, flexible qualifying guidelines, limited fees, and a limit on maximum loan amount.

203(k): A FHA mortgage insurance program enables homebuyers to finance both the purchase of a house and the cost of its rehabilitation through a single mortgage loan.



Action Plan: The Annual Action Plan describes the Federal and Non-Federal resources expected to be available to address priority needs and goals identified in the Consolidated Plan, which is a description of activities expected to be undertaken and description of geographical areas to be assisted.

ADA: See Americans with Disabilities Act

Adaptive Reuse: Adaptive reuse, or re-use, is a process that adapts buildings for new uses while retaining their historic features. An old factory may become an apartment building. A rundown church may find new life as a restaurant.

Adjustable Rate Mortgage: A mortgage loan subject to changes in interest rates; when rates change, ARM monthly payments increase or decrease at intervals determined by the lender; the change in monthly -payment amount, however, is usually subject to a cap.

Affordable Housing: Housing for which the occupant is paying no more than 30 percent of his or her income for gross housing costs, including utilities.

Area Median Income: Median family income established annually by the U.S. Department of Housing and Urban Development (HUD).

Affordable Housing Advisory Board: This board functions as Miami-Dade County's affordable housing advisory committee and consists of fifteen (15) members who act without compensation and serve as appointees of the Board of County Commissioners (13), the Mayor (1), and the Overall Tenant Advisory Council (1).

AHAB: See Affordable Housing Advisory Board

ALF: See Assisted Living Facility

Amenity: A feature of the home or property that serves as a benefit to the buyer but that is not necessary to its use; may be natural (like location, Woods, water) or man-made (like a swimming pool or garden).

Americans with Disabilities Act: A civil rights law enacted by the U.S. Congress in 1990, which prohibits discrimination against people on the basis of disability.

Amortization: Repayment of a mortgage loan through monthly installments of principal and interest; the monthly payment amount is based on a schedule that will allow you to own your home at the end of a specific time period (for example, 15 or 30 years)

Annual Percentage Rate: Calculated by using a standard formula, the APR shows the cost of a loan; expressed as a yearly interest rate, it includes the interest, points, mortgage insurance, and other fees associated with the loan.

A/O Contract: Architect/Owner Contract under the Program guidelines and procedures.

Applicant: "Applicant" means a person or legal entity who proposes to carry out a project.

Appraisal: A document that gives an estimate of a property's fair market value; an appraisal is generally required by a lender before loan approval to ensure that the mortgage loan amount is not more than the value of the property.

Appraiser: A qualified individual who uses his or her experience and knowledge to prepare the appraisal estimate.

APR: See Annual Percentage Rate

Architect: A professional person who is involved in the planning, and design. In the broadest sense, an architect is a person who translates a user's requirements into a built environment.

ARM: See Adjustable Rate Mortgage

Assessor: A government official who is responsible for determining the value of a property for the purpose of taxation.

Assisted Housing: A person or household that will benefit through three major programs: public housing, Section 8, and Section 202.

Assisted Living Facility: Any type of property that also provides supportive services such as health care, meals and a wide variety of other services. Generally cost significantly more than other properties of the same type due to the level of care and service provided.

B

Balloon Mortgage: A mortgage that typically offers low rates for an initial period of time (usually 5, 7, or 10) years; after that time period elapses, the remaining balance is due or is refinanced by the borrower.

Bankruptcy: A federal law whereby a person's assets are turned over to a trustee and used to pay off outstanding debts; this usually occurs when someone owes more than they have the ability to repay.

Basis Point: A measure of interest rate equal to 0.01% (or .0001). Basis Points are typically used to describe the difference between two interest rate indices or to express the changes in any one index from one point in time to another.

BCC: Miami-Dade County Board of County Commissioners.

Borrower: A person who has been approved to receive a loan and is then obligated to repay it.

BRI: See Brownfields Redevelopment Initiative

Brownfields: Vacant or underutilized industrial and commercial properties that are environmentally contaminated or perceived to be contaminated.

Brownfields Redevelopment Initiative: Interagency initiative addressing financial and legal risks of brownfield clean up and redevelopment.

Building Code: Based on agreed upon safety standards within a specific area, a building code is a regulation that determines the design, construction, and materials used in building.

Budget: A detailed record of all income earned and spent for a project during a specific period of time.

Business Incubators: Programs designed to accelerate the successful development of entrepreneurial companies through an array of business support resources and services, developed and orchestrated by incubator management and offered both in the incubator and through its network of contacts.

C

CAC: See Community Advisory Committee

Cap: A limit, such as that placed on an adjustable rate mortgage, on how much a monthly payment or interest rate can increase or decrease.

CAPER: See Consolidated Annual Performance and Evaluation Report

Cash Reserves: A cash amount sometimes required to be held in reserve in addition to the down payment and closing costs; the amount is determined by the lender.

CBO: See Collateralized Bond Obligation and/or Community Based Organization

CDBC: See Community Development Based Corporation

CDBG: See Community Development Block Grant

CDBG DRA: See Community Development Block Grant Disaster Recovery Assistance

CDBG DRI: See Disaster Recovery Initiative

CDFI: See Community Development Financial Institution

CEDD: Community and Economic Development Division

Census Block Group: A census block group (BG) is a cluster of census blocks having the same first digit of their four-digit identifying numbers within a census tract.

Census Tracts: Census tracts are small, relatively permanent statistical subdivisions of a county.

Certification: A written assertion, based on supporting evidence, that must be kept available for inspection by HUD, by the Inspector General of HUD and by the public. The assertion shall be deemed to be accurate unless HUD determines otherwise, after inspecting the evidence and providing due notice and opportunity for comment.

Certificate of Title: A document provided by a qualified source (such as a title company) that shows the property legally belongs to the current owner; before the title is transferred at closing, it should be clear and free of all liens or other claims.

Charrette: Collaborative session in which a group of designers drafts a solution to a design problem. While the structure of a charrette varies, depending on the design problem and the individuals in the group, charrettes often take place in multiple sessions in which the group divides into sub-groups. Each sub-group then presents its work to the full group as material for future dialogue. Such charrettes serve as a way of quickly generating a design solution while integrating the aptitudes and interests of a diverse group of people.

CHDO: See Community Housing Development Organization

Chronically Homeless Person: An unaccompanied homeless individual with a disabling condition who has been continuously homeless for a year or more, or has had at least four episodes of homelessness in the past three years. To be considered chronically homeless, a person must have been sleeping in a place not meant for human habitation (e.g., living on the streets) and/or in an emergency shelter during that time.

CIIC: See Community and Individual Investment Corporation

Citizen Participation Plan: A plan that must be developed by all PJs to describe and document efforts that will be undertaken to provide for and encourage citizens to participate in the development of the Consolidated Plan, any substantial amendments to the Consolidated Plan, and the performance report.

Closing: Also known as settlement, this is the time at which the property is formally sold and transferred from the seller to the buyer; it is at this time that the borrower takes on the loan obligation, pays all closing costs, and receives title from the seller.

Closing Costs: customary costs above and beyond the sale price of the property that must be paid to cover the transfer of ownership at closing; these costs generally vary by geographic location and are typically detailed to the borrower after submission of a loan application.

C/O Contract: Contract/Owner Contract under the Program guidelines and procedures.

CO: Contracts Officer, see Project Manager.

Code: Miami-Dade County and Municipality's current Building Code.

Collateralized Bond Obligation: An investment-grade bond backed by a large, diversified pool of junk bonds. Usually broken down into tiers with varying degrees of risk and varying interest rates.

Commercial/Industrial Center/District: Contain a concentration of business, civic and cultural activities, creating conditions that facilitate interaction and exchange.

Commission: An amount, usually a percentage of the property sales price that is collected by a real estate professional as a fee for negotiating the transaction.

Commercial Building: Means any building other than a residential building, including any building constructed for industrial or public for profit purposes.

Commercial Revitalization Program: Designed to improve the physical and economic condition of commercial for profit businesses in low and moderate-income neighborhoods. The program makes available grants up to a maximum of $100,000 to qualified owners and merchants to rehabilitate the exterior of their commercial buildings.

Commitment: As used in the HOME Program, commitment means one of three things. #1) The participating jurisdiction has: executed a legally binding agreement with a State recipient, sub recipient, or contractor to use a specific amount of HOME funds to produce affordable housing or provide tenant-based rental assistance; #2) or executed a written agreement reserving a specific amount of funds for a CHDO; #3) met requirements to commit to a specific local project as defined below. For tenant-based rental assistance, commitment means that a rental assistance contract between the participating jurisdiction (or other entity) and the tenant or owner has been executed. HUD recognizes a commitment when the project is set up in the Integrated Disbursement and Information System (IDIS).

Commitment Letter: A formal offer by a lender to lend money to a borrower under specified terms.

Community Advisory Committee: A local committee made up of interested residents who represent the community interest and provide valuable input to the county concerning issues for the enhancement of the community. The purpose of the Community Advisory Committee is to inform and educate members of the community, so that a broad base of community supports participation in the CDBG process only in the NRSA areas.

Community and Individual Investment Corporation: For-profit corporation capitalized in part by Economic Development Initiative and Section 108 funds that invests in economic development activities in an identified service area where at least 51 percent of the residents are low- and moderate-income people and which offers residents the opportunity to purchase and own shares in the corporation.

Community Based Organization: A non-profit, non-governmental agency designed to work on a community-based project, need, or problem.

Community Development Based Corporation: Community based organizations that are committed to enhancing community well-being and facilitate or financially support revenue-generating business for the purpose of community and economic development.

Community Development Block Grant: A Federal program created under the Housing and Community Development Act of 1974. In this program, HUD provides grant funds to local and State governments to be used to develop viable urban communities by providing decent housing with a suitable living environment and expanding economic opportunities to assist low- and moderate-income residents.

Community Development Block Grant (Entitlement): In this program, HUD directly provides annual CDBGs on a formula basis to entitled communities to carry out a wide range of community development activities directed toward neighborhood revitalization, economic development, and improved community facilities and services.

Community Development Block Grants (Small Cities): In this program, HUD directly provides annual CDBG funds on a formula basis to States, which then administer the funding and act as a partner with the Federal Government.

Community Development Block Grant (State Administered): States participating in the CDBG Program award grants only to units of general local government that carry out development activities. Annually each State develops funding priorities and criteria for selecting projects.

Community Development Block Grant - Disaster Recovery Assistance: In response to disasters, Congress may appropriate additional funding for the CDBG and HOME programs as Disaster Recovery grants to rebuild the affected areas and provide crucial seed money to start the recovery process.

Community Development Block Grant - Disaster Recovery Initiative: Disaster funding for States, Territories, metropolitan cities and urban counties, and Indian tribes. These grantees are in turn authorized to reallocate funds to either government or nonprofit agencies that may deliver services directly.

Community Development Financial Institution: Community Development Banking and Financial Institutions Act of 1994, organizations which lend and invest in deprived areas and markets who cannot access mainstream finances, including social enterprises.

Community Housing Development Organization: A federally defined type of nonprofit housing provider that must receive a minimum of 15 percent of all Federal HOME funds from a Participating Jurisdictions award. The primary difference between CHDO and other nonprofits is the level of low-income resident participation on the Board of Directors.

Community Reinvestment **Act:** A 1977 law that requires banks and savings and loan institutions to take affirmative steps to help meet the credit needs of the communities they are chartered to serve, especially low- and moderate-income communities. The Act directs the four banking regulatory agencies (Federal Reserve Board, Officer of the Comptroller of the Currency, Federal Deposit Insurance Corporation, and the Office of Thrift Supervision) to evaluate the extent to which these institutions are meeting local credit needs.

Community Renewal: Renewal Communities/Empowerment Zones/Enterprise Communities (RC/EZ/EC) federally designated localities that provide for tax incentives by combining efforts to create economic opportunity, sustainable community development, community-based partnerships, and a strategic vision for change.

Community Workforce Housing Innovation Pilot Program: Promotes the creation of public-private partnerships to finance, build and manage workforce housing and requires the coordinated efforts of all levels of government as well as private sector developers, financiers, business interests and service providers.

Condominium: A form of ownership in which individuals purchase and own a unit of housing in a multi-unit complex; the owner also shares financial responsibility for common areas.

Consolidated Annual Performance and Evaluation Report: Status report on the grantee's (Miami-Dade County) efforts toward implementing US HUD's outcome performance measurement system requirements.

Consolidated Plan: A document written by a State or local government describing the housing needs of the low- and moderate-income residents, outlining strategies to meet the needs and listing all resources available to implement the strategies. This document is required to receive HUD Community Planning and Development funds.

Consolidated Planning Process Policies (Policy Paper): Contains the proposed policies for implementing the FY 2008-2012 Consolidated Plan.

Consortium: An organization of geographically contiguous units of general local government that are acting as a single unit of general local government for purposes of the HOME program. Cost-burdened: the extent to which gross housing costs, including utility costs, exceed 30% of gross income, based on data available from the U.S. Census Bureau.

Consultant: Architect, engineer or surveyor performing contracted services for the Project, under Owner's responsibility.

Continuum of Care: Policies designed to address the critical problem of homelessness that includes a coordinated community-based process of identifying needs and building a system to address those needs. The approach is predicated on the understanding that homelessness is not caused merely by a lack of shelter, but involves a variety of underlying, unmet needs - physical, economic, and social.

Contractor: Contractors and/or subcontractors performing contracted construction work for the Project, under Owner's responsibility.

Conventional Loan: A private sector loan, one that is not guaranteed or insured by the U.S. government.

Co-op: See Cooperative

Cooperative: Residents purchase stock in a cooperative corporation that owns a structure; each stockholder is then entitled to live in a specific unit of the structure and is responsible for paying a portion of the loan.

County-Wide Citizen Advisory Committee: An advisory committee is established to provide input into the planning process for the economic development and housing efforts of DHCD. The County-Wide Citizen Advisory Committee (CWCAC) is comprised on 24 members (the 3 board members from each existing NRSA.

CPP: See Citizen Participation Plan

CRA: See Community Reinvestment Act

Credit Bureau Score: A number representing the possibility a borrower may default; it is based upon credit history and is used to determine ability to qualify for a mortgage loan.

Credit History: History of an individual's debt payment; lenders use this information to gauge a potential borrower's ability to repay a loan.

Credit Report: A record that lists all past and present debts and the timeliness of their repayment; it documents an individual's credit history.

CRP: See Commercial Revitalization Program

CWCAC: See County-Wide Citizen Advisory Committee

CWHIP: See Community Workforce Housing Innovation Pilot Program

D

Davis-Bacon Wage Determinations: Issued by the US Department of Labor under the Davis-Bacon and related Acts determines prevailing wage rates to be paid on federally funded or assisted construction projects.

DE: See Direct Endorsement

Debt Service Coverage: The margin of safety for payment of debt service; reflecting an estimate of an ability to cover debt obligations with free cash flow. This ratio is defined as Cash Flow Available to Service Debt/Debt Service. The higher the number, the greater the ability to make debt payments from cash flow.

Debt-to-income Ratio: A comparison of gross income to housing and non-housing expenses; With the FHA, the monthly mortgage payment should be no more than 29% of monthly gross income (before taxes) and the mortgage payment combined with non-housing debts should not exceed 41% of income.

Deed: The document that transfers ownership of a property.

Deed-in-lieu: To avoid foreclosure - "in lieu" of foreclosure - a deed is given to the lender to fulfill the obligation to repay the debt; this process does not allow the borrower to remain in the house but helps avoid the costs, time, and effort associated with foreclosure.

Default: The inability to pay monthly mortgage payments in a timely manner or to otherwise meet the mortgage terms.

Delinquency: Failure of a borrower to make timely mortgage payments under a loan agreement.

Department of Housing and Community Development: This agency – formally known as the Office of Community and Economic Development (OCED) – is responsible for the administration Federal and State funding, e.g., Community Development Block Grant (CDBG), HOME Investment Partnership, and Neighborhood Stabilization Program, that supports the development of viable urban neighborhoods in Miami-Dade County, characterized by decent housing, expansion of economic development opportunities, and the preservation of historic properties.

Department of Veterans Affairs: A federal agency, which guarantees loans, made to veterans; similar to mortgage insurance, a loan guarantee protects lenders against loss that may result from a borrower default.

Developer: A legal entity who develops real estate, especially by preparing a site for residential or commercial use.

Development Team: The developer and the professional, technical, and construction entities (i.e., lead architect, general contractor, engineer, legal counsel, non-profit operator, marketing agent, and managing agent) that will participate in the design, development construction, marketing, and/or management of the Project.

DHCD: See Miami-Dade County Department of Housing and Community Development

Direct Endorsement: Program permitting lender processed and endorsed FHA mortgages.

Disability: According to the US Department of Housing and Urban Development, a person shall be considered to have a disability if the person is determined to have a physical, mental, or emotional impairment that: (1) is expected to be of long-continued and indefinite duration, (2) substantially impeded his or her ability to live independently, and (3) is of such a nature that the ability could be improved by more suitable housing conditions. A person shall also be considered to have a disability or he or she has a developmental disability as defined in the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001-6006).

Disabling Condition: For the purposes of chronic homelessness, a disabling condition is a diagnosable substance use disorder, serious mental illness, development disability, or chronic physical illness or disability, including the co-occurrence of two or more of these conditions. A disabling condition limits an individual's ability to work or perform one or more activities of daily living.

Discount Point: Normally paid at closing and generally calculated to be equivalent to 1% of the total loan amount, discount points are paid to reduce the interest rate on a loan.

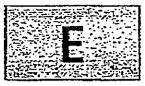
Documentary Surtax Program: Discretionary surtax on documents; certain counties operating under a home rule charter to levy the discretionary surtax for purposes of establishing and funding a Housing Assistance Loan Trust Fund to assist in providing housing for low-income and moderate-income families.

Down Payment: The portion of a home's purchase price that is paid in cash and is not part of the mortgage loan.

Down Payment Assistance: Funds that are provided by the Issuer or another third party, which can be used to offset a portion of the borrower,'s down payment.

DSC: See Debt Service Coverage

Duns Number: The Data Universal Numbering System (DUNS) number required for every applicant to apply for a grant with the federal government. The DUNS number is a unique nine-character identification number provided (at no charge) by the commercial company, Dun & Bradstreet



Earnest Money: Money put down by a potential buyer to show that he or she is serious about purchasing the home; it becomes part of the down payment if the offer is accepted, is returned if the offer is rejected, or is forfeited if the buyer pulls out of the deal.

EEM: See Energy Efficient Mortgage

EGB: See Eligible Block Groups

ELI: See Extremely Low Income

Eligible Block Groups: A block group within a census tract where the population is more than 50% low to moderate income is considered an area that is eligible for use of HUD CDBG funds.

Emergency Shelter Grants: A program that provides homeless persons with basic shelter and essential supportive services. It can assist with the operational costs of the shelter facility, and for the administration of the grant. ESG also provides short-term homeless prevention assistance to persons at imminent risk of losing their own housing due to eviction, foreclosure, or utility shutoffs.

Empowerment Zone: The term empowerment zone means an area designated as an empowerment zone by the Secretary of the Department of Housing and Urban Development or the Secretary of the Department of Agriculture. The County's Empowerment Zone sunset December 31, 2009.

Energy Efficient Mortgage: An FHA program that helps homebuyers save money on utility bills by enabling them to finance the cost of adding energy efficiency features to a new or existing home as part of the home purchase.

Energy Star: A voluntary labeling program of the US Environmental Agency (EPA) and the US Department of Energy that identifies energy efficient products.

Engineer: Someone who is trained or professionally engaged in a branch of engineering. Engineers use technology, mathematics, and scientific knowledge to solve practical problems.

Enterprise Zone: An impoverished area in which businesses are exempt from certain taxes and are given other economic advantages such as tax credit as an inducement to locate there and employ residents.

Entitlement Public Entity: A metropolitan city or an urban county receiving federal CDBG funds. program in Miami-Dade County the entitlements are: City of Miami, Miami Beach, Hialeah, North Miami, Miami Gardens, Homestead, and Florida City.

Environmental Review: 24 CFR Part 58: Environmental Review Procedures for Entities receiving CDBG and HOME funds. HUD Environmental Responsibilities used by local governments to determine program compliance with the intent of the National Environmental Policy Act (NEPA) and other related statutes.

Environmental Site Assessment: The analysis, often called a Phase I ESA, typically addresses both the underlying land as well as physical improvements to the property; however, techniques applied in a Phase I ESA never include actual collection of physical samples or chemical analyses of any kind.

EPLS: See Excluded Parties List System

Equity: An owner's financial interest in a property/project; calculated by subtracting the amount still owed on the mortgage from the fair market value of the property.

Equity Gap: The Equity Gap is the difference between the Total Project Costs and the total funding sources available for a Project. The Equity Gap is used as part of the calculation to determine the maximum amount of Credit that a Project is eligible to receive.

ESA: See Environmental Site Assessment

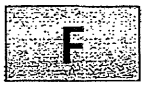
Escrow Account: A separate account into which the lender puts a portion of each monthly mortgage payment; an escrow account provides the funds needed for such expenses as property taxes, homeowners insurance, mortgage insurance, etc.

ESG: See Emergency Shelter Grants

Excluded Parties List System: Includes information regarding entities debarred, suspended, proposed for debarment, excluded or disqualified under the non-procurement common rule, or otherwise declared ineligible from receiving Federal contracts, certain subcontracts, and certain Federal assistance and benefits. This information may include names, addresses, DUNS numbers, Social Security Numbers, Employer Identification Numbers, or other Taxpayer Identification Numbers.

Extremely Cost-burdened: A household that spends more than 50% of their income on housing costs.

Extremely Low Income: Family whose income is between 0 and 30% of the median income for the area, as determined by HUD with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 30% of the median for the area on the basis of HUD's findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes.



Fair Housing Act: A law that prohibits discrimination in all facets of the home buying process on the basis of race, color, national origin, religion, sex, familial status, or disability.

Fair Housing Initiatives Program: Program to assist state/local government, community groups, and housing resource boards to combat housing discrimination.

Fair Market Value: US HUD's estimate of the actual market rent for a modest apartment in the conventional market.

Faith-Based Organizations: A religious congregation (church, mosque, synagogue, or temple) a nonprofit organization founded by a religious congregation or religiously-motivated incorporators and board members that clearly states in its name, incorporation, or mission statement that it is a religiously motivated institution.

Family: A household comprised of one or more individuals. The National Affordable Housing Act (NAHA) definition required to be used in the CHAS rule - equivalent to Census definition of householder (head of household) and one or more other persons living in the same household who are related by birth, marriage, or adoption. The term "household" is used in combination with the term "related" in the CHAS instructions, when compatibility with the Census definition of family (for reports and data available from the Census based upon that definition) is dictated.

Family Self Sufficiency: This program was designed to assist MDPHA's Section 8 and public housing residents reach and maintain economic independence through job training, education, and employment. Staff will assist and help residents in identify their goals and help them to make short- and long-range plans to reach their goals.

Family Unification Voucher Program: Provides rental assistance on behalf of low-income families for whom lack of adequate housing is a primary factor in the threat of imminent separation from their children. MDHA coordinates this program with the State of Florida Department of Children and Family Services.

Fannie Mae: Federal National Mortgage Association, a federally-chartered enterprise owned by private stockholders that purchases residential mortgages and converts them into securities for sale to investors; by purchasing mortgages, Fannie Mae supplies funds that lenders may loan to potential homebuyers.

FBO: See Faith-Based Organizations

Federal Housing Administration: An administration established in 1934 to advance homeownership opportunities for all Americans; assists homebuyers by providing mortgage insurance to lenders to cover most losses that may occur when a borrower defaults; this encourages lenders to make loans to borrowers who might not qualify for conventional mortgages.

Feng Shui: To create harmony and balance around us, centuries-old art to design homes and commercial space. A growing number of architects and decorators are integrating feng shui ideas with contemporary building design.

FHA: See Federal Housing Administration

FHFC: See Florida Housing Finance Corporation

FHIP: See Fair Housing Initiatives Program

Finding of No Significant Impact: Environmental Assessment finding that a project will not significantly affect the quality of human life.

First-Time Home Buyer: A first-time homebuyer is an individual or family that has not owned or had ownership interest in any residence during the last three years preceding closing. An exception to this requirement exists only if the home to be purchased is located in targeted areas.

Fixed-rate Mortgage: A mortgage with payments that remain the same throughout the life of the loan because the interest rate and other terms are fixed and do not change.

Flood Insurance: Insurance that protects homeowners against losses from a flood; if a home is located in a flood plain; the lender will require flood insurance before approving a loan.

Florida Housing 2008 Universal Application: Applicants interested in applying for funding for the construction or rehabilitation of affordable rental housing through the following programs can do so through the Universal Application Cycle: HOME Investment Partnerships Program; Housing Credits; Multifamily Mortgage Revenue Bonds; State Apartment Incentive Loan Program

Florida Housing Finance Corporation: Created by the Florida Legislature more than 25 years ago, this organization's goal is to increase the supply of safe, affordable housing for individuals and families with very low to moderate incomes by stimulating investment of private capital and encouraging public and private sector housing partnerships. This organization also manages the state of Florida's Tax Credit Program.

FMNA: See Fannie Mae

FMV: See Fair Market Value

FONSI: See Finding of No Significant Impact

Foreclosure: A legal process in which mortgaged property is sold to pay the loan of the defaulting borrower.

FSS: See Family Self Sufficiency

Full-time Equivalent: Economic Development unit of performance base measurement full-time equivalent (employee) (2080 hours of paid employment).

Funding GAP: Financing that is required, but for which no provision has been made. The difference in total funding needed for a proposal and the amount of funding already made available.

FTE: See Full-time Equivalent

FY: Fiscal Year

General Assistance: Provide people with money and limited medical care to help take care of themselves when they do not qualify for other cash programs administered by the Department of Human Services (DHS).

General Contractor: The prime contractor who contracts for the construction of an entire building or project, rather than just a portion of the work.

GFE: See Good Faith Estimate

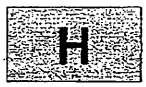
Ginnie Mae: Government National Mortgage Association, a government-owned corporation overseen by the U.S. Department of Housing and Urban Development, Ginnie Mae pools FHA-insured and VA-guaranteed loans to back securities for private investment; as With Fannie Mae and Freddie Mac, the investment income provides funding that may then be lent to eligible borrowers by lenders.

GNMA: See Ginnie Mae

Good Faith Estimate: An estimate of all closing fees including pre-paid and escrow items as well as lender charges; must be given to the borrower within three days after submission of a loan application.

Green Building: Environmentally friendly construction products in a sensible way and creates a healthy place to live or work. A residence or commercial structure built so that it promotes energy conservation, uses.

Green Jobs: Environmentally friendly manufacturing, sales, distribution, marketing, installation, and repair of solar energy systems; or high efficiency appliances; construction and/or design of energy efficient structure design, manufacture and servicing of electric hybrid or biodiesel vehicles, and recycling or discarded materials.



HAP: See Housing Assistance Payments Contract

HDLAD: See Housing Development and Loan Administration Division

HELP: See Homebuyer Education Learning Program

HFA: See Housing Finance Authority

Historic Preservation: The act of maintaining and repairing existing historic materials and the retention of a property's form as it has evolves over time.

HOME: HOME Investment Partnerships Program helps to expand the supply of decent, affordable housing for low and very low- income families by providing grants to States and local governments called participating jurisdictions (PJ). PJs use their HOME grants to fund housing programs, which meet local needs and priorities.

HOME-Assisted Units: Units within a HOME project for which rent, occupancy, and/or long-term affordability restrictions apply. The number of units designated as HOME-assisted affects the maximum HOME subsidies that may be provided to a project.

Home Inspection: Examination of the structure and mechanical systems to determine a home's safety; makes the potential homebuyer aware of any repairs that may be needed.

Home Warranty: Offers protection for mechanical systems and attached appliances against unexpected repairs not covered by homeowner's insurance; coverage extends over a specific time period and does not cover the home's structure.

Homebuyer Education Learning Program): An educational program from the FHA that counsels people about the home buying process; HELP covers topics like budgeting, finding a home, getting a loan, and home maintenance; in most cases, completion of the program may entitle the homebuyer to a reduced initial FHA mortgage insurance premium-from 2.25% to 1.75% of the home purchase price.

Homeless Family with Children: Family composed of the following types of homeless persons: at least one parent or guardian and one child under the age of 18; a pregnant woman; or a person in the process of securing legal custody of a person under the age 18.

Homeless Person: Youth (17 years or younger) not accompanied by an adult (18 years or older) or an adult without children, who is homeless (not imprisoned or otherwise detained pursuant to an Act of Congress or State law). An individual who lacks a fixed, regular, and adequate nighttime residence.

Homeless Prevention: Means activities or programs designed to prevent the incidence of homelessness, including (but not limited to): Short-term subsidies to defray rent and utility arrearages for families that have received eviction or utility termination notices; Security deposits or first month's rent to permit a homeless family to move into its own apartment; Mediation programs for landlord-tenant disputes; Legal services programs for the representation of indigent tenants in eviction proceedings; Payments to prevent foreclosure on a home; and other innovative programs and activities designed to prevent the incidence of homelessness.

Homeless Subpopulation: Include but are not limited to the following categories of homeless persons: severely mentally ill only, alcohol/drug addicted only, severely mentally ill and alcohol/drug addicted, fleeing domestic violence, youth and persons with HIV/AIDS.

Homeowner's Insurance: An insurance policy that combines liability coverage for a homeowner with hazard insurance to protect the home from wind, fire, vandalism, and other hazards.

Homeownership Rehabilitation Program: Operated by the Redevelopment Authority (RDA), provides developers with a subsidy for the rehabilitation of vacant houses to be sold to eligible homebuyers.

HOPE VI - Hope for the Elderly Independence: Through the HOPE VI program, US HUD provides grants to eligible applicants for the demolition, construction, and rehabilitation of public housing; development of replacement housing; and community and supportive services that pro-vide public housing residents with resources to support their progress toward sufficiency. The HOPE VI program encourages PHAs to seek new partnerships with private entities to create mixed-finance and mixed-income affordable housing that is a departure from traditional public housing.

HOPWA: See Housing Opportunities for Persons With AIDS

Housing Assistance Payments Contract: HAP contract is used to provide Section 8 tenant-based assistance under the housing choice voucher program (voucher program) of the U.S. Department of Housing and Urban Development (US HUD). The main regulation for this program is 24 Code of Federal Regulations Part 982. The local voucher program is administered by a public housing agency (PHA). The HAP contract is an agreement between the PHA and the owner of a unit occupied by an assisted family.

Housing Counseling Agency: Provides counseling and assistance to individuals on a variety of issues, including loan default, fair housing, and home buying.

Housing Development and Loan Administration Division: A division of DHCD that is responsible for Surtax home ownership assistance loans by providing first and second mortgages, which assist eligible families in purchasing a home. DLAD works with private developers and community development corporations who facilitate construction and development of affordable homes.

Housing Finance Authority: A County agency that originates second mortgage assistance programs funded by both SHIP and Surtax funds for new homebuyers and issues bonds.

Housing Inventory/Supply: The total number of housing units available at any given time.

Housing Opportunities for Persons With AIDS: The HOPWA program provides housing assistance and supportive services for low-income people with HIV/AIDS and their families. Grants are provided by selection through a national competition of projects proposed by State and local governments and nonprofit organizations. Grantees are encouraged to form community partnerships with area nonprofit organizations to provide housing assistance and supportive services for eligible persons. Administered by the City of Miami for Miami-Dade County.

Housing Rehabilitation Program: The Housing Rehabilitation Program provides a mechanism for property owners to bring their properties into compliance with local codes and provide safe, decent housing to lower income individuals.

Housing Trust Fund: Provides funding to eligible applicants to construct low-income housing, to rehabilitate vacant or under-utilized residential property (or portions of a property), or to convert vacant non-residential property to residential use for occupancy by low-income homesteaders, tenants, tenant-cooperators or condominium owners.

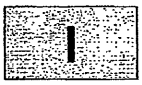
HRP: See Homeownership Rehabilitation Program

HTF: See Housing Trust Fund

HUD Environmental: Required when Federal CDBG/Home funds are planned to be spent on a project. The analysis, often called a Phase I ESA, typically addresses both the underlying land as well as physical improvements to the property; however, techniques applied in a Phase I ESA never include actual collection of physical samples or chemical analyses of any kind.

HUD Statement: Document known as the "settlement sheet," it itemizes all closing costs; must be given to the borrower at or before closing.

HVAC: Heating, Ventilation and Air Conditioning; a home's heating and cooling system.



IDIS: See Integrated Disbursement and Information System

Inclusionary Zoning: Commonly known as inclusionary housing, refers to city or county planning ordinances that require a given share of new construction be affordable to people with low to moderate incomes.

Income Based: Rent Income Based Rent is adjusted based on median income, age, disability, or other tenant factors.

Index: A measurement used by lenders to determine changes to the Interest rate charged on an adjustable rate mortgage.

Infill Housing: Is the insertion of additional housing units into an already approved subdivision or neighborhood. These can be in the form of additional units built on the same lot, by dividing existing homes into multiple units, or by creating new residential lots by further subdivision or lot line adjustments. Units may also be used by building on lots that were previously vacant.

Infill Housing Initiative: The Infill Housing Initiative is an innovative affordable housing program administered by the Department of General Services Administration through its Infill Housing Program (the "Program"). The purpose of the Infill Housing Initiative is to increase the availability of affordable homes for low and moderate income families; maintain a stock of affordable housing; redevelop urban neighborhoods by eliminating the blight of vacant, dilapidated, or abandoned properties; equitably distribute homeownership opportunities within the Infill Target Areas; and generate payment of ad valorem taxes. The Infill Housing Initiative provides incentives to encourage developers to build affordable housing

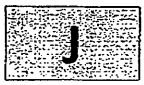
Infrastructure: The basic facilities, services, and installations needed for the functioning of a community or society, such as transportation and communications systems, water and power lines, and public institutions including schools, post offices, and prisons.

Insurance: Protection against a specific loss over a period of time that is secured by the payment of a regularly scheduled premium.

Integrated Disbursement and Information System: This system, commonly referred to as IDIS, is the draw down and reporting system for the four CPD formula grant programs – CDBG, HOME, ESG, and HOPWA.

Interest: A fee charged for the use of money.

Interest Rate: The amount of interest charged on a monthly loan payment; usually expressed as a percentage.

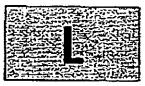


Job Creation: A program or project undertaken by a government of a nation in order to assist unemployed members of the population.

Job Pirating: A prohibited act that involves the use of federal funds to lure or attract a business and its jobs from one labor market to another location.

Judgment: A legal decision requiring debt repayment, a judgment may include a property lien that secures the creditor's claim by providing a collateral source.

Jurisdiction: A state or unit of general local government.



Large Family: A family of five or more persons.

Lead-Based Paint Hazards: Health and safety hazards caused by lead-based paint.

Lease Purchase: Assists low- to moderate-income homebuyers in purchasing a home by allowing them to lease a home with an option to buy; the rent payment is made up of the monthly rental payment plus an additional amount that is credited to an account for use as a down payment.

Leverage: The use of funds to complete a transaction. The use of various financial instruments or borrowed capital, such as margin, to increase the potential return of an investment. The amount of debt used to finance firm's assets.

Lien: A legal claim against property that must be satisfied when the property is sold.

LIHTC: See Low Income Housing Tax Credit

LISC: See Local Initiatives Support Corporation

LLC – Limited Liability Corporation: A type of company, authorized only in certain states, whose owners and managers receive the limited liability and (usually) tax benefits of an S Corporation without having to conform to the S corporation restrictions.

Loan: Money borrowed that is usually repaid with interest.

Loan Fraud: Purposely giving incorrect information on a loan application in order to better qualify for a loan, may result in civil liability or criminal penalties.

Loan-to-value Ratio: A percentage calculated by dividing the amount borrowed by the price or appraised value of the home to be purchased; the higher the LTV, the less cash a borrower is required to pay as down payment.

Local Initiatives Support Corporation: An organization that helps resident-led, community-based development organizations transform distressed communities and neighborhoods into healthy ones – good places to live, do business, work and raise families. By providing capital, technical expertise, training, and information, LISC supports the development of local leadership and the creation of affordable housing, commercial, industrial and community facilities, businesses and jobs.

Lock-in: Many lenders offer an interest rate lock-in that guarantees a specific interest rate if the loan closes within a specific time.

Long-term Lease: In the context of the HOME Program, a long-term lease is a written, binding agreement whose term is, at a minimum, equivalent to the affordability period required for a property based on the level of HOME subsidy (for example, five to 15 years).

Loss Mitigation: A process to avoid foreclosure; the lender tries to help a borrower who has been unable to make loan payments and is in danger of defaulting on his or her loan

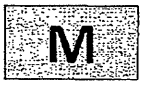
Low Income: A household whose income does not exceed 80 percent of the median income for the area, as determined by HUD, with adjustments for smaller or larger families. HUD may establish income ceilings higher or lower than 80 percent of the median for the area median on the basis of HUD's findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes.

Low Income Family: A household whose income does not exceed 80 percent of the median income for the area, as determined by HUD, with adjustments for smaller or larger families. HUD may establish income ceilings higher or lower than 80 percent of the median for the area median on the basis of HUD's findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes.

Low Income Housing Tax Credit: A program, also known as Tax Credit that was created by the Tax Reform Act of 1986 as an alternate method of funding housing for low- and moderate-income households. The credits are also commonly called Section 42 credits in reference to the applicable section of the Internal Revenue Code. The tax credits are more attractive than tax deductions as they provide a dollar-for-dollar reduction in a taxpayer's federal income tax, whereas a tax deduction only provides a reduction in taxable income.

There are two Credit rates, or Applicable Percentages, #1) "9% Credit" and #2) "4% Credit," depending on the type of Project. The Applicable Percentages were initially set at 9% and 4%, but after 1987, the Applicable Percentages were adjusted on a monthly basis by the U.S. Department of the Treasury. Depending on the type of project, the present value of the Credit over a 10 year period equals 70% (the "9% Credit") or 30% (the "4% Credit") of a Project's Qualified Basis. The 4% are non-competitive.

LTV: See Loan-to-value Ratio



Margin: An amount the lender adds to an index to determine the interest rate on an adjustable rate mortgage.

MDPH: Miami-Dade Public Housing Agency, formerly Miami-Dade Housing Agency (MDHA)

Metro Dade: Miami Dade County less the entitlement cities and those in the small cities program (City of Miami, Miami Beach, Hialeah, North Miami, Miami Gardens, Homestead, and Florida City)

MIP: See Mortgage Insurance Premium

Mobile Home: A large house trailer that can be connected to utilities and can be parked in one place and used as permanent housing.

Moderate Income Family: Households whose incomes are between 81 percent and 95 percent of the median income for the area, as determined by HUD, with adjustments for smaller or larger families. HUD may establish income ceilings higher or lower than 95 percent of the median for the area on the basis of HUD's findings that such variations are necessary because of prevailing levels of construction costs, fair market rents, or unusually high or low family incomes.

Moderate Rehabilitation Program: Substandard rental housing that has been upgraded by private developers. Project-based rental subsidies are provided on behalf of eligible low-income families includes the amortization of the project's rehabilitation and operating costs.

Modular Home: A modular home is constructed of pre-made parts and unit modules. A complete kitchen and bath may be pre-set in the house. Wall panels, trusses, and other pre-fabricated house parts are transported on a flatbed truck from the factory to the building site.

Mortgage: A lien on the property that secures the Promise to repay a loan.

Mortgage Banker: A company that originates loans and resells them to secondary mortgage lenders like Fannie Mae or Freddie Mac.

Mortgage Broker: A firm that originates and processes loans for a number of lenders.

Mortgage Insurance: A policy that protects lenders against some or most of the losses that can occur when a borrower defaults on a mortgage loan; mortgage insurance is required primarily for borrowers with a down payment of less than 20% of the home's purchase price.

Mortgage Insurance Premium: A monthly payment – usually part of the mortgage payment – paid by a borrower for mortgage insurance.

Mortgage Modification: A loss mitigation option that allows a borrower to refinance and/or extend the term of the mortgage loan and thus reduce the monthly payments.

Multi-Modal Center: Serves as a centrally-located portal of services for those who bicycle, bus, or take the commuter rail to and from work or recreation.

N

NAC: See Neighborhood Advisory Committee

Neighborhood Advisory Committee: Responsible for implementing the recommendations formulated by the Neighborhood Task Force and to address new neighborhood issues as may be identified.

Neighborhood Revitalization Strategic Area: Targeted for assistance by the Miami-Dade County Department of Housing and Community Development under the U.S. HUD Community Development Block Grant program and include the following areas: 1) Opa-Locka; 2) Model City, 3) West Little River; 4) Melrose; 5) South Miami; 6) Perrine; 7) Leisure City/Naranja; 8) Goulds.

The areas covered must be contiguous. The selected area must be primarily residential with 70 percent of the population being low and moderate-income persons.

New Urbanism: An American urban design movement that arose in the early 1980s. Its goal is to reform many aspects of real estate development and urban planning, from urban retrofits to suburban infill. New urbanist neighborhoods are designed to contain a diverse range of housing and jobs, and to be walk able. New Urbanism can include (neo) traditional neighborhood design and transit-oriented development.

Not-for-profit Corporation: An incorporated organization created by statute, government, or judicial authority and is not intended to provide a profit to the owners or members. 501(c) is a provision of the United States Internal Revenue Code (26 U.S.C. § 501(c) some federal income taxes. 501(c)(3) status after they file an application and supporting documentation to the IRS and have a certification letter issued.

NRSA: See Neighborhood Revitalization Strategic Area

O

Occupational Safety and Health Administration: The main federal agency charged with the enforcement of safety and health legislation.

OCED: See Department of Housing and Community Development

Offer: Indication by a potential buyer of willingness to purchase a home at a specific price; generally put forth in writing.

Office of Supportive Housing: Designed to develop supportive housing and services that will allow homeless persons to live as independently as possible.

Open Space: The exterior open space in an urban lot occupied by a commercial structure.

Origination: The process of preparing, submitting, and evaluating a loan application, generally includes a credit check, verification of employment, and a property appraisal.

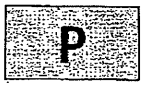
Origination Fee: The charge for originating a loan; is usually calculated in the form of points and paid at closing.

OSH: See Office of Supportive Housing

OSHA: See Occupational Safety and Health Administration

Overcrowded: Housing unit occupied by more than one person per bedroom.

Owner or Project Owner: The awarded applicant. Entity that initiates a project, finances it, contracts it out, and benefits from its output(s). Also called just owner. Except in CRP grant program that enables a lessee to apply for and receive a CRP grant.



Partial Claim: A loss mitigation option offered by the FHA that allows a borrower, with help from a lender, to get an interest-free loan from HUD to bring their mortgage payments up to date.

Participating Jurisdiction: Any jurisdiction that has been so designated by HUD in accordance with 92.105.

Performance Measurement System: A US HUD requirement for all CDBG Grantees, such as Miami-Dade County, to gather information in an organized process to order to determine how well programs and projects are meeting needs, and use that information to improve performance and better allocate resource in the community.

Permanent Supportive Housing: Affordable rental housing with support services for low-income or homeless people with severe mental illness, substance abuse, or HIV/AIDS.

Permitting: Approval: Process performed by Miami-Dade County or the Municipality's Building Departments.

Persons With AIDS: Population affected with the AIDS virus.

PHA: See Public Housing Agency

Phase I ESA: Typically addresses both the underlying land as well as physical improvements to the property; however, techniques applied in a Phase I ESA never include actual collection of physical samples or chemical analyses of any kind.

PITI: See Principal, Interest, Taxes, and Insurance

PLP: See Pre-development Loan Program

PMI: See Private Mortgage Insurance

Poverty Level Family: A family with an income below poverty line, as defined by the office of Management and Budget and revised annually.

Pre-approve: A lender commitment to lend to a potential borrower; the commitment remains as long as the borrower still meets the qualification requirements at the time of purchase.

Predatory Lending: The practice of a lender deceptively convincing borrowers to agree to unfair and abusive loan terms, or systematically violating those terms in ways that make it difficult for the borrower to defend against.

Pre-development Loan Program: Helps nonprofit and community based organizations, local governments, and public housing authorities plan, finance, and develop affordable housing through individualized technical assistance and flexible below market interest financing for predevelopment activities.

Pre-foreclosure Sale: Allows a defaulting borrower to sell the mortgaged property to satisfy the loan and avoid foreclosure.

Pre-qualify: A lender's informal determination of the maximum amount an individual is eligible to borrow.

Premium: An amount paid on a regular schedule by a policyholder that maintains insurance coverage.

Prepayment: Payment of the mortgage loan before the scheduled due date; may be subject to a prepayment penalty.

Principal: The amount borrowed from a lender; doesn't include interest or additional fees.

Principal, Interest, Taxes, and Insurance: The four elements of a monthly mortgage payment; payments of principal and interest go directly towards repaying the loan while the portion that covers taxes and insurance (homeowner's and mortgage, if applicable) goes into an escrow account to cover the fees when they are due.

Private Mortgage Insurance: Privately-owned companies that offer standard and special affordable mortgage insurance programs for qualified borrowers with down payments of less than 20% of a purchase price.

Project: A temporary activity with a starting date, specific goals and conditions, defined responsibilities, a budget, planning, a fixed end date and multiple parties involved.

Project Based Section 8 Housing: Provides HUD-subsidized rental assistance. Eligible low-income tenants pay 30% of their gross adjusted income for rent. The rental assistance is attached to the unit so tenants cannot "take" the assistance with them if they move. Section 8 Vouchers are not accepted for project-based units, however, vouchers may be used at other units in the development that are not part of the project-based program.

Project Management: The discipline of planning, organizing, and managing resources to bring about the successful completion of specific project goals and objectives. A project is a finite endeavor—having specific start and completion dates—undertaken to create a unique product or service which brings about beneficial change or added value.

Project Manager: The Project Manager – formally known as the Contracts Officer – plans, organizes staff, motivates, evaluates, directs, controls and leads the project from start to finish against a determined set of requirements given to him/her by the business.

Public Housing: A form of housing tenure in which the property is owned by a government authority, which may be central or local.

Public Housing Agency: Any state or local government entity or its agency, which is authorized to engage in or assist the development or operation of low-income housing.

PWA: See Persons With AIDS

R

Radon: A radioactive gas found in some homes that, if occurring in strong enough concentrations, can cause health problems.

Real Estate Agent: An individual who is licensed to negotiate and arrange real estate sales; works for a real estate broker.

Real Estate Settlement Procedures Act: A law protecting consumers from abuses during the residential real estate purchase and loan process by requiring lenders to disclose all settlement costs, practices, and relationships.

Realtor: A real estate agent or broker who is a member of the NATIONAL ASSOCIATION OF REALTORS, and its local and state associations.

Recapture: The process of reallocating funds from untimely CDBG sub-recipients to activities/projects that are ready to move, this process is necessary to ensure timeliness expenditure of CDBG.

Refinancing: Paying off one loan by obtaining another, refinancing is generally done to secure better loan terms (like a lower interest rate).

Rehabilitation Mortgage: A mortgage that covers the costs of rehabilitating (repairing or Improving) a property; some rehabilitation mortgages - like the FHA's 203(k) - allow a borrower to roll the costs of rehabilitation and home purchase into one mortgage loan.

Request for Applications: The Department of Housing and Community Development, annually conducts a consolidated RFA. Through this process, private nonprofit community based organizations (CBOs), community development corporations (CDCs), private-for-profit developers and public agencies can apply for funds to build low-income housing, capital improvements, economic development. The main funding sources are: CDBG, HOME, and SHIP.

RESPA: See Real Estate Settlement Procedures Act

Retainage: In a construction contract, money earned by a Contractor but not paid to the contractor until the completion of construction (usually 10%) or some other agreed-upon date.

RFA: See Request for Applications

SAIL: See State Apartment Incentive Program

Section 3: A provision of the Housing and Urban Development (HUD) Act of 1968 that promotes local economic development, neighborhood economic improvement, and individual self-sufficiency.

Section 108 Loan Guarantee: Section 108 is the loan guarantee provision of the CDBG Program. It offers communities a source of financing for housing rehabilitation, economic development, and large-scale physical development projects.

Senior Housing Assistance Repair Program: Provides senior and disabled homeowners with small household repairs funds are forgiven if the terms and conditions are met.

Set-asides: Housing and rental units for individuals and families with incomes at or below a percentage of the area median income, in which a percentage of the units are reserved.

Settlement: Another name for closing.

SFRRC: South Florida Regional Resource Center

SHARP: See Senior Housing Assistance Repair Program

SHIP: See State Housing Initiatives Program

SHPO: See State Historic Preservation Officers

Single Room Occupancy: A multi-room and/or multi-floor facility that offers single rooms-for-lease. Typically, a larger apartment-style building with shared kitchen facilities.

SLR: See Subsidy Layering Review

South Florida Regional Resource Center: Assists neighborhood, city, county, and civic organizations with local needs and educates these organizations about the importance of collaboration to achieve regional objectives with local importance.

Special Forbearance: A loss mitigation option where the lender arranges a revised repayment plan for the borrower that may include a temporary reduction or suspension of monthly loan payments.

Special Needs Populations: Tenants who may have special circumstances under which they live a person with a mental, emotional, or physical disability or a high risk of developing one.

SRO: See Single Room Occupancy

State Apartment Incentive Program: Provides low-interest loans on a competitive basis to affordable housing developers each year.

State Historic Preservation Officers: Established under the National Historic Preservation Act of 1966, the national historic preservation program is a partnership between the Federal, State, Tribal and local governments; private organizations; and the public. SHPO play a critical role carrying out many responsibilities under the Act.

State Housing Initiatives Program: Designed to develop and maintain affordable housing and to implement the Local Housing Assistance Plan.

Statutory Program Goals: Include Decent Housing; Suitable Living Environment; expanded Economic Opportunities.

Subordinate: To place in a rank of lesser importance or to make one claim secondary to another.

Subsidy Layering Review: The PHA may provide PBV assistance only in accordance with HUD subsidy layering regulations (24 CFR 4.13) and other requirements. The subsidy layering review is intended to prevent excessive public assistance for the housing by combining (layering) housing assistance payment subsidy under the PBV program with other governmental housing assistance from federal, state, or local agencies, including assistance such as tax concessions or tax credits. Intended to prevent excessive public assistance for the housing by combining (layering) housing assistance payment subsidy under the PBV program with other governmental housing assistance from federal, state, or local agencies, including assistance such as tax concessions or tax credits.

Substandard Housing: Housing units that are overcrowded, do not have heat, or lack complete kitchen or plumbing facilities.

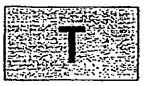
Suburban Infill: Describes the development of land in existing suburban areas that was left vacant during the development of the suburb. It is one of the tenets of the New Urbanism and smart growth trends of urging densification to reduce the need for automobiles, encourage walking, and ultimately save energy.

Supportive Housing: Housing, including housing units and group quarters that have a supportive environment and includes a planned service component.

SURTAX: See Documentary Surtax Program

Survey: A property diagram that indicates legal boundaries, easements, encroachments, rights of way, improvement locations, etc.

Sweat Equity: Using labor to build or improve a property as part of the down payment.



Targeted Urban Area: Areas within Miami Dade County with a high low to moderate income population.

Tax Credit Factor: The Tax Credit Factor means the factor selected that represents, on a percentage basis, the net value of the Credit dollar amount available for Total Project Costs. The Tax Credit Factor depends on the market value of the Project's 10-year Credit amount to investors, discounted for its present value, less Intermediary Costs.

Tax Credits: Rental Housing Tax Credits are a financial incentive for developers to construct or rehabilitate housing developments for rental to low-income persons. RHTCs are authorized under the Internal Revenue Code Section 42.

Tax Increment Financing (TIF): A tool to use future gains in taxes to finance the current improvements that will create those gains. When a public project such as a road, school, or hazardous waste cleanup is carried out, there is an increase in the value of surrounding real estate, and often new investment (new or rehabilitated buildings, for example). This increased site value and investment creates more taxable property, which increases tax revenues.

TBRA: See Tenant-Based Rental Assistance

TDC: See Total Development Cost

Tenant-Based Rental Assistance: HUD assists low- and very low-income families in obtaining decent, safe, and sanitary housing in private accommodations by making up the difference between what they can afford and the approved rent for an adequate housing unit.

The Contract: County/Owner Contract under this Program.

The County: Miami-Dade County

The Sadowski Act: Landmark Legislation to Create Housing and Employment and to Revitalize Communities — The Sadowski Act provides both the funding mechanism for a dedicated source of revenue for state and local housing programs and a flexible but accountable framework for local programs that stimulates local economies.

Tiebreaker: An additional contest/requirement designed to establish a winner among tied contestants.

Title I: An FHA-insured loan that allows a borrower to make non-luxury improvements (like renovations or repairs) to their home; Title I loans less than $7,500 don't require a property lien.

Title Insurance: Insurance that protects the lender against any claims that arise from arguments about ownership of the property; also available for homebuyers.

Title Search: A check of public records to be sure that the seller is the recognized owner of the real estate and that there are no unsettled liens or other claims against the property.

TND: See Traditional Neighborhood Development

TOD: See Transit Oriented Development

Total Development Cost: The sum of all costs for site acquisition, relocation, demolition, construction and equipment, interest, and carrying charges.

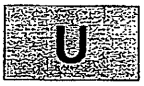
Traditional Neighborhood Development: or Neo-traditional Planning is a New Urbanist approach to designing cities, towns, and neighborhoods. Traditional, or Neo-traditional, planners, developers, architects, and designers try to reduce traffic and eliminate sprawl.

Transit Oriented Development: Mixed-use residential or commercial area designed to maximize access to public transport, and often incorporates features to encourage transit ridership.

Transitional Housing: Means a project that has as its purpose facilitating the movement of homeless individuals and families to permanent housing within a reasonable amount of time (usually 24 months). Transitional housing includes housing primarily designed to serve deinstitutionalized homeless individuals and other homeless individuals with mental or physical disabilities and homeless families with children.

Truth-in-Lending: A federal law obligating a lender to give full written disclosure of all fees, terms, and conditions associated with the loan initial period and then adjusts to another rate that lasts for the term of the loan.

TUA: See Targeted Urban Area



Underwriting: The process of analyzing a loan application to determine the amount of risk involved in making the loan; it includes a review of the potential borrower's credit history and a judgment of the property value.

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

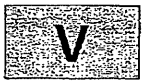
Unincorporated Areas: A region of land that is not a part of any municipality.
Workforce: is the labor pool in employment.

United States Department of Housing and Urban Development: This Federal Agency, established in 1965, works to create a decent housing and suitable living environments for all Americans; it does this by addressing housing needs, improving and developing American communities, and enforcing fair housing laws.

Unit of General Local Government: A City, town, township, county, parish, village, or other general purpose political subdivision of a State; an urban county; and a consortium of such political subdivisions recognized by HUD in accordance with the HOME program or the CDBG program.

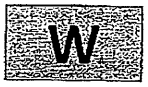
US HUD: See United States Department of Housing and Urban Development

Utility Allowance: The adjustment for utilities not included in the rent in the LIHTC program.



VA: See Department of Veterans Affairs

Very Low-Income: Households whose incomes do not exceed 50 percent of the median area income for the area, as determined by US HUD, with adjustments for smaller and larger families and for areas with unusually high or low incomes or where needed because of facility, college, or other training facility; prevailing levels of construction costs; or fair market rents.



Work Force Housing: Housing intended to appeal to key members of the workforce such as police officers, teachers, nurses and medical technicians, office workers, etc., Housing aims at satisfying the housing needs of family households earning 50% to 140% of median household income in a given SMSA (Standard Metropolitan Statistical Area).

ATTACHMENT 14

This content is from the eCFR and is authoritative but unofficial.

Displaying title 24, up to date as of 3/31/2023. Title 24 was last amended 3/31/2023.

Title 24 - Housing and Urban Development
Subtitle A - Office of the Secretary, Department of Housing and Urban Development

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PART 92 - HOME INVESTMENT PARTNERSHIPS PROGRAM

Authority: 42 U.S.C. 3535(d), 12 U.S.C. 1701x and 4568.

CROSS REFERENCE

Link to an amendment published at 88 FR 9662, Feb. 14, 2023.

Source: 61 FR 48750, Sept. 16, 1996, unless otherwise noted.

Subpart A - General

§ 92.1 Overview.

This part implements the HOME Investment Partnerships Act (the HOME Investment Partnerships Program). In general, under the HOME Investment Partnerships Program, HUD allocates funds by formula among eligible State and local governments to strengthen public-private partnerships and to expand the supply of decent, safe, sanitary, and affordable housing, with primary attention to rental housing, for very low-income and low-income families. Generally, HOME funds must be matched by nonfederal resources. State and local governments that become participating jurisdictions may use HOME funds to carry out multi-year housing strategies through acquisition, rehabilitation, and new construction of housing, and tenant-based rental assistance. Participating jurisdictions may provide assistance in a number of eligible forms, including loans, advances, equity investments, interest subsidies and other forms of investment that HUD approves.

§ 92.2 Definitions.

CROSS REFERENCE

Link to an amendment published at 88 FR 9662, Feb. 14, 2023.

The terms *1937 Act, ALJ, Fair Housing Act, HUD, Indian Housing Authority (IHA), Public housing, Public Housing Agency (PHA),* and *Secretary* are defined in 24 CFR 5.100.

Act means the HOME Investment Partnerships Act at title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, 42 U.S.C. 12701 *et seq.*

ADDI funds means funds made available under subpart M through allocations and reallocations.

Adjusted income. See § 92.203.

Annual income. See § 92.203.

CDBG program means the Community Development Block Grant program under 24 CFR part 570.

Certification shall have the meaning provided in section 104(21) of the Cranston-Gonzalez National Affordable Housing Act, as amended, 42 U.S.C. 12704.

Commitment means:

(1) The participating jurisdiction has executed a legally binding written agreement (that includes the date of the signature of each person signing the agreement) that meets the minimum requirements for a written agreement in § 92.504(c). An agreement between the participating jurisdiction and a subrecipient that is controlled by the participating jurisdiction (*e.g.,* an agency whose officials or employees are official or employees of the participating jurisdiction) does not constitute a commitment. An agreement between the representative unit and a member unit of general local government of a consortium does not constitute a commitment. Funds for administrative and planning costs of the HOME program are committed based on the amount in the program disbursement and information system for administration and planning. The written agreement must be:

(i) With a State recipient or a subrecipient to use a specific amount of HOME funds to produce affordable housing, provide downpayment assistance, or provide tenant-based rental assistance;

(ii) With a community housing development organization to provide operating expenses;

(iii) With a community housing development organization to provide project-specific technical assistance and site control loans or project-specific seed money loans, in accordance with § 92.301;

(iv) To develop the capacity of community housing development organizations in the jurisdiction, in accordance with § 92.300(b); or

(v) To commit to a specific local project, as defined in paragraph (2) of this definition.

(2) ***Commit to a specific local project*** means:

(i) If the project consists of rehabilitation or new construction (with or without acquisition) the participating jurisdiction (or State recipient or sub recipient) and project owner have executed a written legally binding agreement under which HOME assistance will be provided to the owner for an identifiable project for which all necessary financing has been secured, a budget and schedule have been established, and underwriting has been completed and under which construction is scheduled to start within twelve months of the agreement date. If the project is owned by the participating jurisdiction or State recipient, the project has been set up in the disbursement and information system established by HUD, and construction can reasonably be expected to start within twelve months of the project set-up date.

(ii)

(A) If the project consists of acquisition of standard housing and the participating jurisdiction (or State recipient or subrecipient) is acquiring the property with HOME funds, the participating jurisdiction (or State recipient or subrecipient) and the property owner have executed a legally binding contract for sale of an identifiable property and the property title will be transferred to the participating jurisdiction (or State recipient or subrecipient) within six months of the date of the contract.

(B) If the project consists of acquisition of standard housing and the participating jurisdiction (or State recipient or subrecipient) is providing HOME funds to a family to acquire single family housing for homeownership or to a purchaser to acquire rental housing, the participating jurisdiction (or State recipient or subrecipient) and the family or purchaser have executed a written agreement under which HOME assistance will be provided for the purchase of the single family housing or rental housing and the property title will be transferred to the family or purchaser within six months of the agreement date.

(iii) If the project consists of tenant-based rental assistance, the participating jurisdiction (or State recipient, or subrecipient) has entered into a rental assistance contract with the owner or the tenant in accordance with the provisions of § 92.209.

Community housing development organization means a private nonprofit organization that:

(1) Is organized under State or local laws;

(2) Has no part of its net earnings inuring to the benefit of any member, founder, contributor, or individual;

(3) Is neither controlled by, nor under the direction of, individuals or entities seeking to derive profit or gain from the organization. A community housing development organization may be sponsored or created by a for-profit entity, but:

(i) The for-profit entity may not be an entity whose primary purpose is the development or management of housing, such as a builder, developer, or real estate management firm.

(ii) The for-profit entity may not have the right to appoint more than one-third of the membership of the organization's governing body. Board members appointed by the for-profit entity may not appoint the remaining two-thirds of the board members;

(iii) The community housing development organization must be free to contract for goods and services from vendors of its own choosing; and

(iv) The officers and employees of the for-profit entity may not be officers or employees of the community housing development organization.

(4) Has a tax exemption ruling from the Internal Revenue Service under section 501(c)(3) or (4) of the Internal Revenue Code of 1986 (26 CFR 1.501(c)(3)–1 or 1.501(c)(4)–1)), is classified as a subordinate of a central organization non-profit under section 905 of the Internal Revenue Code of 1986, or if the private nonprofit organization is an wholly owned entity that is disregarded as an entity separate from its owner for tax purposes (e.g., a single member limited liability company that is wholly owned by an organization that qualifies

as tax-exempt), the owner organization has a tax exemption ruling from the Internal Revenue Service under section 501(c)(3) or (4) of the Internal Revenue Code of 1986 and meets the definition of "community housing development organization;"

(5) Is not a governmental entity (including the participating jurisdiction, other jurisdiction, Indian tribe, public housing authority, Indian housing authority, housing finance agency, or redevelopment authority) and is not controlled by a governmental entity. An organization that is created by a governmental entity may qualify as a community housing development organization; however, the governmental entity may not have the right to appoint more than one-third of the membership of the organization's governing body and no more than one-third of the board members may be public officials or employees of governmental entity. Board members appointed by a governmental entity may not appoint the remaining two-thirds of the board members. The officers or employees of a governmental entity may not be officers or employees of a community housing development organization;

(6) Has standards of financial accountability that conform to 2 CFR 200.302, 'Financial Management' and 2 CFR 200.303, 'Internal Controls;'

(7) Has among its purposes the provision of decent housing that is affordable to low-income and moderate-income persons, as evidenced in its charter, articles of incorporation, resolutions or by-laws;

(8) Maintains accountability to low-income community residents by:

(i) Maintaining at least one-third of its governing board's membership for residents of low-income neighborhoods, other low-income community residents, or elected representative of low-income neighborhood organizations. For urban areas, "community" may be a neighborhood or neighborhoods, city, county or metropolitan area; for rural areas, it may be a neighborhood or neighborhoods, town, village, county, or multi-county area (but not the entire State); and

(ii) Providing 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;

(9) Has a demonstrated capacity for carrying out housing projects assisted with HOME funds. A designated organization undertaking development activities as a developer or sponsor must satisfy this requirement by having paid employees with housing development experience who will work on projects assisted with HOME funds. For its first year of funding as a community housing development organization, an organization may satisfy this requirement through a contract with a consultant who has housing development experience to train appropriate key staff of the organization. An organization that will own housing must demonstrate capacity to act as owner of a project and meet the requirements of § 92.300(a)(2). A nonprofit organization does not meet the test of demonstrated capacity based on any person who is a volunteer or whose services are donated by another organization; and

(10) Has a history of serving the community within which housing to be assisted with HOME funds is to be located. In general, an organization must be able to show one year of serving the community before HOME funds are reserved for the organization. However, a newly created organization formed by local churches, service organizations or neighborhood organizations may meet this requirement by demonstrating that its parent organization has at least a year of serving the community.

Consolidated plan means the plan submitted and approved in accordance with 24 CFR part 91.

Displaced homemaker means an individual who:

(1) Is an adult;

(2) Has not worked full-time full-year in the labor force for a number of years but has, during such years, worked primarily without remuneration to care for the home and family; and

(3) Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

Family has the same meaning given that term in 24 CFR 5.403.

First-time homebuyer means an individual and his or her spouse who have not owned a home during the three-year period prior to purchase of a home with assistance under the American Dream Downpayment Initiative (ADDI) described in subpart M of this part. The term first-time homebuyer also includes an individual who is a displaced homemaker or single parent, as those terms are defined in this section. An individual shall not be excluded from consideration as a first-time homebuyer on the basis that the individual owns or owned, as a principal residence during the three-year period, a dwelling unit whose structure is not permanently affixed to a permanent foundation in

accordance with local or other applicable regulations or is not in compliance with State, local, or model building codes, or other applicable codes, and cannot be brought into compliance with the codes for less than the cost of constructing a permanent structure.

HOME funds means funds made available under this part through allocations and reallocations, plus program income.

Homebuyer counseling has the same meaning as homeownership counseling in 24 CFR 5.100, and is a type of housing counseling.

Homeownership means ownership in fee simple title in a 1- to 4-unit dwelling or in a condominium unit, or equivalent form of ownership approved by HUD.

(1) The land may be owned in fee simple or the homeowner may have a 99-year ground lease.

(i) For housing located in the insular areas, the ground lease must be 40 years or more.

(ii) For housing located on Indian trust or restricted Indian lands or a Community Land Trust, the ground lease must be 50 years or more.

(iii) For manufactured housing, the ground lease must be for a period at least equal to the applicable period of affordability in § 92.254.

(2) Right to possession under a contract for deed, installment contract, or land contract (pursuant to which the deed is not given until the final payment is made) is not an equivalent form of ownership.

(3) The ownership interest may be subject only to the restrictions on resale required under § 92.254(a); mortgages, deeds of trust, or other liens or instruments securing debt on the property as approved by the participating jurisdiction; or any other restrictions or encumbrances that do not impair the good and marketable nature of title to the ownership interest.

(4) The participating jurisdiction must determine whether or not ownership or membership in a cooperative or mutual housing project constitutes homeownership under State law; however, if the cooperative or mutual housing project receives Low Income Housing Tax Credits, the ownership or membership does not constitute homeownership.

Household means one or more persons occupying a housing unit.

Housing includes manufactured housing and manufactured housing lots, permanent housing for disabled homeless persons, transitional housing, single-room occupancy housing, and group homes. Housing also includes elder cottage housing opportunity (ECHO) units that are small, free- standing, barrier-free, energy-efficient, removable, and designed to be installed adjacent to existing single-family dwellings. Housing does not include emergency shelters (including shelters for disaster victims) or facilities such as nursing homes, convalescent homes, hospitals, residential treatment facilities, correctional facilities, halfway houses, housing for students, or dormitories (including farmworker dormitories).

Housing counseling has the meaning given the term in 24 CFR 5.100.

Insular areas means Guam, the Northern Mariana Islands, the United States Virgin Islands, and American Samoa.

Jurisdiction means a State or unit of general local government.

Low-income families means families whose annual incomes do not exceed 80 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 80 percent of the median for the area on the basis of HUD findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes. An individual does not qualify as a low-income family if the individual is a student who is not eligible to receive Section 8 assistance under 24 CFR 5.612.

Metropolitan city has the meaning given the term in 24 CFR 570.3.

Neighborhood means a geographic location designated in comprehensive plans, ordinances, or other local documents as a neighborhood, village, or similar geographical designation that is within the boundary but does not encompass the entire area of a unit of general local government; except that if the unit of general local government has a population under 25,000, the neighborhood may, but need not, encompass the entire area of a unit of general local government.

Participating jurisdiction means a jurisdiction (as defined in this section) that has been so designated by HUD in accordance with § 92.105.

Person with disabilities means a household composed of one or more persons, at least one of whom is an adult, who has a disability.

(1) A person is considered to have a disability if the person has a physical, mental, or emotional impairment that:

(i) Is expected to be of long-continued and indefinite duration;

(ii) Substantially impedes his or her ability to live independently; and

(iii) Is of such a nature that such ability could be improved by more suitable housing conditions.

(2) A person will also be considered to have a disability if he or she has a developmental disability, which is a severe, chronic disability that:

(i) Is attributable to a mental or physical impairment or combination of mental and physical impairments;

(ii) Is manifested before the person attains age 22;

(iii) Is likely to continue indefinitely;

(iv) Results in substantial functional limitations in three or more of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and economic self-sufficiency; and

(v) Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated. Notwithstanding the preceding provisions of this definition, the term “person with disabilities” includes two or more persons with disabilities living together, one or more such persons living with another person who is determined to be important to their care or well-being, and the surviving member or members of any household described in the first sentence of this definition who were living, in a unit assisted with HOME funds, with the deceased member of the household at the time of his or her death.

Program income means gross income received by the participating jurisdiction, State recipient, or a subrecipient directly generated from the use of HOME funds or matching contributions. When program income is generated by housing that is only partially assisted with HOME funds or matching funds, the income shall be prorated to reflect the percentage of HOME funds used. Program income includes, but is not limited to, the following:

(1) Proceeds from the disposition by sale or long-term lease of real property acquired, rehabilitated, or constructed with HOME funds or matching contributions;

(2) Gross income from the use or rental of real property, owned by the participating jurisdiction, State recipient, or a subrecipient, that was acquired, rehabilitated, or constructed, with HOME funds or matching contributions, less costs incidental to generation of the income (*Program income* does not include gross income from the use, rental or sale of real property received by the project owner, developer, or sponsor, unless the funds are paid by the project owner, developer, or sponsor to the participating jurisdiction, subrecipient or State recipient);

(3) Payments of principal and interest on loans made using HOME funds or matching contributions;

(4) Proceeds from the sale of loans made with HOME funds or matching contributions;

(5) Proceeds from the sale of obligations secured by loans made with HOME funds or matching contributions;

(6) Interest earned on program income pending its disposition; and

(7) Any other interest or return on the investment permitted under § 92.205(b) of HOME funds or matching contributions.

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 under this part. The project includes all the activities associated with the site and building. For tenant-based rental assistance, project means assistance to one or more families.

Project completion means that all necessary title transfer requirements and construction work have been performed; the project complies with the requirements of this part (including the property standards under § 92.251); the final drawdown of HOME funds has been disbursed for the project; and the project completion information has been entered into the disbursement and information system established by HUD, except that with respect to rental housing project completion, for the purposes of § 92.502(d) of this part, project completion occurs upon completion of construction and before occupancy. For tenant-based rental assistance, project completion means the final drawdown has been disbursed for the project.

Reconstruction means the rebuilding, on the same lot, of housing standing on a site at the time of project commitment, except that housing that was destroyed may be rebuilt on the same lot if HOME funds are committed within 12 months of the date of destruction. The number of housing units on the lot may not be decreased or increased as part of a reconstruction project, but the number of rooms per unit may be increased or decreased. Reconstruction also includes replacing an existing substandard unit of manufactured housing with a new or standard unit of manufactured housing. Reconstruction is rehabilitation for purposes of this part.

Single family housing means a one-to four-family residence, condominium unit, cooperative unit, combination of manufactured housing and lot, or manufactured housing lot.

Single parent means an individual who:

(1) Is unmarried or legally separated from a spouse; and

(2) Has one or more minor children of whom the individual has custody or joint custody, or is pregnant.

Single room occupancy (SRO) housing means housing (consisting of single- room dwelling units) that is the primary residence of its occupant or occupants. The unit must contain either food preparation or sanitary facilities (and may contain both) if the project consists of new construction, conversion of nonresidential space, or reconstruction. For acquisition or rehabilitation of an existing residential structure or hotel, neither food preparation nor sanitary facilities are required to be in the unit. If the units do not contain sanitary facilities, the building must contain sanitary facilities that are shared by tenants. A project's designation as an SRO cannot be inconsistent with the building's zoning and building code classification.

State means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any agency or instrumentality thereof that is established pursuant to legislation and designated by the chief executive officer to act on behalf of the state with regard to the provisions of this part; however, for purposes of the American Dream Downpayment Initiative (ADDI) described in subpart M of this part, the term “state” does not include the Commonwealth of Puerto Rico (except for FY2003 ADDI funds).

State recipient. See § 92.201(b)(2).

Subrecipient means a public agency or nonprofit organization selected by the participating jurisdiction to administer all or some of the participating jurisdiction's HOME programs to produce affordable housing, provide downpayment assistance, or provide tenant-based rental assistance. A public agency or nonprofit organization that receives HOME funds solely as a developer or owner of a housing project is not a subrecipient. The participating jurisdiction's selection of a subrecipient is not subject to the procurement procedures and requirements.

Tenant-based rental assistance is a form of rental assistance in which the assisted tenant may move from a dwelling unit with a right to continued assistance. Tenant-based rental assistance under this part also includes security deposits for rental of dwelling units.

Transitional housing means housing that:

(1) Is designed to provide housing and appropriate supportive services to persons, including (but not limited to) deinstitutionalized individuals with disabilities, homeless individuals with disabilities, and homeless families with children; and

(2) Has as its purpose facilitating the movement of individuals and families to independent living within a time period that is set by the participating jurisdiction or project owner before occupancy.

Uniform Physical Condition Standards (UPCS) means uniform national standards established by HUD pursuant to 24 CFR 5.703 for housing that is decent, safe, sanitary, and in good repair. Standards are established for inspectable items for each of the following areas: site, building exterior, building systems, dwelling units, and common areas.

Unit of general local government means a city, town, township, county, parish, village, or other general purpose political subdivision of a State; a consortium of such political subdivisions recognized by HUD in accordance with § 92.101; and any agency or instrumentality thereof that is established pursuant to legislation and designated by the chief executive to act on behalf of the jurisdiction with regard to provisions of this part. When a county is an urban county, the urban county is the unit of general local government for purposes of the HOME Investment Partnerships Program.

Urban county has the meaning given the term in 24 CFR 570.3.

Very low-income families means low- income families whose annual incomes do not exceed 50 percent of the median family income for the area, as determined by HUD with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 50 percent of the median for the area on the basis of HUD findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes. An individual does not qualify as a very low-income family if the individual is a student who is not eligible to receive Section 8 assistance under 24 CFR 5.612.

[61 FR 48750, Sept. 16, 1996, as amended at 67 FR 61755, Oct. 1, 2002; 69 FR 16765, Mar. 30, 2004; 72 FR 16685, Apr. 4, 2007; 78 FR 44664, July 24, 2013; 80 FR 75934, Dec. 7, 2015; 81 FR 86952, Dec. 2, 2016; 81 FR 90657, Dec. 14, 2016]

§ 92.3 Applicability of 2013 regulatory changes.

The regulations of this part, as revised by final rule published on July 24, 2013 are applicable to projects for which HOME funds are committed on or after August 23, 2013, with the exception of the following provisions;

(a) Section 92.2, for the definition of commitment, the change which eliminates reservations of funds that are not project-specific to CHDOs as a commitment will be applicable on October 22, 2013 and will be implemented by HUD for deadlines that occur on or after January 1, 2015;

(b) Section 92.251, Property Standards, will apply to projects to which funds are committed on or after January 24, 2015;

(c) Section 92.254(f). Homebuyer program policies, for written policies related to underwriting, responsible lending, and refinancing, will be applicable on January 24, 2014;

(d) Section 92.500(d)(1)(C), establishing the separate 5-year deadline for expenditure of CHDO set-aside funds will be applicable on January 1, 2015 and will be implemented by HUD for all deadlines that occur on or after that date; and

(e) Section 92.504(a), for written policies, procedures, and systems, will be applicable on July 24, 2014.

(f) Section 92.504(d)(2), for financial oversight of projects assisted with HOME funds, will be applicable on July 24, 2014.

[78 FR 44666, Aug. 22, 2013]

§ 92.4 Waivers and suspension of requirements for disaster areas.

HUD's authority for waiver of regulations and for the suspension of requirements to address damage in a Presidentially declared disaster area is described in 24 CFR 5.110 and in section 290 of the Act, respectively.

Subpart B - Allocation Formula

§ 92.50 Formula allocation.

(a) ***Jurisdictions eligible for a formula allocation.*** HUD will provide allocations of funds in amounts determined by the formula described in this section to units of general local governments that, as of the end of the previous fiscal year, are metropolitan cities, urban counties, or consortia approved under § 92.101; and States.

(b) ***Amounts available for allocation; State and local share.*** The amount of funds that are available for allocation by the formula under this section is equal to the balance of funds remaining after reserving amounts for insular areas, housing education and organizational support, other support for State and local housing strategies, and other purposes authorized by Congress, in accordance with the Act and appropriations.

(c) ***Formula factors.*** The formula for determining allocations uses the following factors. The first and sixth factors are weighted 0.1; the other four factors are weighted 0.2.

(1) Vacancy-adjusted rental units where the household head is at or below the poverty level. These rental units are multiplied by the ratio of the national rental vacancy rate over a jurisdiction's rental vacancy rate.

(2) Occupied rental units with at least one of four problems (overcrowding, incomplete kitchen facilities, incomplete plumbing, or high rent costs). *Overcrowding* is a condition that exists if there is more than one person per room occupying the unit. *Incomplete kitchen facilities* means the unit lacks a sink with running water, a range, or a refrigerator. *Incomplete plumbing* means the unit lacks hot and cold piped water, a flush toilet, or a bathtub or shower inside the unit for the exclusive use of the occupants of the unit. *High rent costs* occur when more than 30 percent of household income is used for rent.

(3) Rental units built before 1950 occupied by poor households.

(4) Rental units described in paragraph (c)(2) of this section multiplied by the ratio of the cost of producing housing for a jurisdiction divided by the national cost.

(5) Number of families at or below the poverty level.

(6) Population of a jurisdiction multiplied by a net per capita income (pci). To compute net pci for a jurisdiction or for the nation, the pci of a three person family at the poverty threshold is subtracted from the pci of the jurisdiction or of the nation. The index is constructed by dividing the national net pci by the net pci of a jurisdiction.

(d) ***Calculating formula allocations for units of general local government.***

(1) Initial allocation amounts for units of general local government described in paragraph (a) of this section are determined by multiplying the sum of the shares of the six factors in paragraph (c) of this section by 60 percent of the amount available under paragraph (b) of this section for formula allocation. The shares are the ratio of the weighted factor for each jurisdiction over the corresponding factor for the total for all of these units of general local government.

(2) If any of the initial amounts for such units of general local government in Puerto Rico exceeds twice the national average, on a per rental unit basis, that amount is capped at twice the national average.

(3) To determine the maximum number of units of general local government that receive a formula allocation, only one jurisdiction (the unit of general local government with the smallest allocation of HOME funds) is dropped from the pool of eligible jurisdictions on each successive recalculation, except that jurisdictions that are participating jurisdictions (other than consortia that fail to renew the membership of all of their member jurisdictions) are not dropped. Then the amount of funds available for units of general local government is redistributed to all others. This recalculation/redistribution continues until all remaining units of general local government receive an allocation of $500,000 or more or are participating jurisdictions. Only units of general local government which receive an allocation of $500,000 or more under the formula or which are participating jurisdictions will be awarded an allocation. In fiscal years in which Congress appropriates less than $1.5 billion of HOME funds, $335,000 is substituted for $500,000.

(4) The allocation amounts determined under paragraph (d)(3) of this section are reduced by any amounts that are necessary to provide increased allocations to States that have no unit of general local government receiving a formula allocation (see paragraph (e)(4) of this section). These reductions are made on a *pro rata* basis, except that no unit of general local government allocation is reduced below $500,000 (or $335,000 in fiscal years in which Congress appropriates less than $1.5 billion of HOME funds) and no participating jurisdiction allocation which is below this amount is reduced.

(e) ***Calculating formula allocations for States.***

(1) Forty percent of the funds available for allocation under paragraph (b) of this section are allocated to States. The allocation amounts for States are calculated by determining initial amounts for each State, based on the sum of the shares of the six factors. For 20 percent of the funds to be allocated to States, the shares are the ratio of the weighted factor for the entire State over the corresponding factor for the total for all States. For 80 percent of the funds to be allocated to States, the shares are the ratio of the weighted factor for all units of general local government within the State that do not receive a formula allocation over the corresponding factor for the total for all States.

(2) If the initial amounts for Puerto Rico (based on either or both the 80 percent of funds or 20 percent of funds calculation) exceed twice the national average, on a per rental unit basis, each amount that exceeds the national average is capped at twice the national average, and the resultant funds are reallocated to other States on a prorata basis.

(3) If the initial amounts when combined for any State are less than the $3,000,000, the allocation to that State is increased to the $3,000,000 and all other State allocations are reduced by an equal amount on a prorata basis, except that no State allocation is reduced below $3,000,000.

(4) The allocation amount for each State that has no unit of general local government within the State receiving an allocation under paragraph (d) of this section is increased by $500,000. Funds for this increase are derived from the funds available for units of general local government, in accordance with paragraph (d)(4) of this section.

[61 FR 48750, Sept. 16, 1996, as amended at 62 FR 28928, May 28, 1997; 67 FR 61755, Oct. 1, 2002]

INSULAR AREAS PROGRAM

§ 92.60 Allocation amounts for insular areas.

(a) ***Initial allocation amount for each insular area.*** The initial allocation amount for each insular area is determined based upon the insular area's population and occupied rental units compared to all insular areas.

(b) ***Threshold requirements.*** The HUD Field Office shall review each insular area's progress on outstanding allocations made under this section, based on the insular area's performance report, the timeliness of close-outs, and compliance with fund management requirements and regulations, taking into consideration the size of the allocation and the degree and complexity of the program. If HUD determines from this review that the insular area does not have the capacity to administer effectively a new allocation, or a portion of a new allocation, in addition to allocations currently under administration, HUD may reduce the insular area's initial allocation amount.

(c) ***Previous audit findings and outstanding monetary obligations.*** HUD shall not make an allocation to an insular area that has either an outstanding audit finding for any HUD program, or an outstanding monetary obligation to HUD that is in arrears, or for which a repayment schedule has not been established. This restriction does not apply if the HUD Field Office finds that the insular area has made a good faith effort to clear the audit and, when there is an outstanding monetary obligation to HUD, the insular area has made a satisfactory arrangement for repayment of the funds due HUD and payments are current.

(d) ***Increases to the initial allocation amount.*** If funds reserved for the insular areas are available because HUD has decreased the amount for one or more insular areas in accordance with paragraphs (b) or (c) of this section, or for any other reason, HUD may increase the allocation amount for one or more of the remaining insular areas based upon the insular area's performance in committing HOME funds within the 24 month deadline, producing housing units described in its program description, and meeting HOME program requirements. Funds that become available but which are not used to increase the allocation amount for one or more of the remaining insular areas will be reallocated in accordance with § 92.66.

(e) ***Notice of allocation amounts.*** HUD will notify each insular area, in writing, as to the amount of its HOME allocation.

§ 92.61 Program description.

(a) ***Submission requirement.*** Not later than 90 days after HUD notifies the insular area of the amount of its allocation, the insular area must submit a program description and certifications to HUD.

(b) ***Content of program description.*** The program description must contain the following:

(1) An executed Standard Form 424;

(2) The estimated use of HOME funds and a description of projects and eligible activities, including number of units to be assisted, estimated costs, and tenure type (rental or owner occupied) and, for tenant assistance, number of households to be assisted;

(3) A timetable for the implementation of the projects or eligible activities;

(4) If the insular area intends to use HOME funds for homebuyers, the guidelines for resale or recapture as required in § 92.254(a)(5);

(5) If the insular area intends to use HOME funds for tenant-based rental assistance, a description of how the program will be administered consistent with the minimum guidelines described in § 92.209;

(6) If an insular area intends to use other forms of investment not described in § 92.205(b), a description of the other forms of investment;

(7) A statement of the policy and procedures to be followed by the insular area to meet the requirements for affirmative marketing, and establishing and overseeing a minority and women business outreach program under § 92.351;

(8) If the insular intends to use HOME funds for refinancing along with rehabilitation, the insular area's guidelines described in § 92.206(b).

(c) ***Certifications.*** The following certifications must accompany the program description:

(1) A certification that, before committing funds to a project, the insular area will evaluate the project in accordance with guidelines that it adopts for this purpose and will not invest any more HOME funds in combination with other governmental assistance than is necessary to provide affordable housing;

(2) If the insular area intends to provide tenant-based rental assistance, the certification required by § 92.209;

(3) A certification that the submission of the program description is authorized under applicable law and the insular area possesses the legal authority to carry out the HOME Investment Partnerships Program, in accordance with the HOME regulations;

(4) A certification that it will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, implementing regulations at 49 CFR part 24 and the requirements of § 92.353;

(5) A certification that the insular area will use HOME funds in compliance with all requirements of this part;

(6) The certification required with regard to lobbying required by 24 CFR part 87, together with disclosure forms, if required by 24 CFR part 87.

[61 FR 48750, Sept. 16, 1996, as amended at 72 FR 73493, Dec. 27, 2007]

§ 92.62 Review of program description and certifications.

(a) ***Review of program description.*** The responsible HUD Field Office will review an insular area's program description and will approve the description unless the insular area has failed to submit information sufficient to allow HUD to make the necessary determinations required for § 92.61 (b)(4), (b)(6), and (b)(7), or the guidelines under (b)(8) are not satisfactory to HUD, if applicable; or if the level of proposed projects or eligible activities is not within the management capability demonstrated by past performance in housing and community development programs. If the insular area has not submitted information on § 92.61 (b)(4), (b)(6), and (b)(7), or the guidelines under (b)(8) are not satisfactory to HUD, if applicable; or if the level of proposed projects or eligible activities is not within the management capability demonstrated by past performance in housing and community development programs, the insular area may be required to furnish such further information or assurances as HUD may consider necessary to find the program description and certifications satisfactory. The HUD Field Office shall work with the insular area to achieve a complete and satisfactory program description.

(b) ***Review period.*** Within thirty days of receipt of the program description, the HUD Field Office will notify the insular area if determinations cannot be made under § 92.61 (b)(4), (b)(6), (b)(7), or (b)(8) with the supporting information submitted, or if the proposed projects or activities are beyond currently demonstrated capability. The insular area will have a reasonable period of time, agreed upon mutually, to submit the necessary supporting information or to revise the proposed projects or activities in its program description.

(c) ***HOME Investment Partnership Agreement.*** After HUD Field Office approval under this section, a HOME funds allocation is made by HUD execution of the agreement, subject to execution by the insular area. The funds are obligated on the date HUD notifies the insular area of HUD's execution of the agreement.

§ 92.63 Amendments to program description.

An insular area must submit to HUD for approval any substantial change in its HUD-approved program description that it makes and must document any other changes in its file. A substantial change involves a change in the guidelines for resale or recapture (§ 92.61(b)(4)), other forms of investment (§ 92.61(b)(6)), minority and women business outreach program (§ 92.61(b)(7)) or refinancing (§ 92.61(b)(8)); or a change in the tenure type of the project or activities; or a funding increase to a project or activity of $100,000 or 50% (whichever is greater). The HUD Field Office will notify the insular area if its program description, as amended, does not permit determinations to be made under § 92.61 (b)(4), (b)(6), (b)(7), or (b)(8), or if the level of proposed projects or eligible activities is not within the management capability demonstrated by past performance in housing and community development programs, within 30 days of receipt. The insular area will have a reasonable period of time, agreed upon mutually, to submit the necessary supporting information to revise the proposed projects or activities in its program description.

§ 92.64 Applicability of requirements to insular areas.

(a) Insular areas are subject to the same requirements in subpart E (Program Requirements), subpart F (Project Requirements), subpart K (Program Administration), and subpart L (Performance Reviews and Sanctions) of this part as participating jurisdictions, except for the following:

(1) Subpart E (Program Requirements): Administrative costs, as described in § 92.207, are eligible costs for insular areas in an amount not to exceed 15 percent of the HOME funds provided to the insular area. The matching contribution requirements in this part do not apply.

(2) Subpart K (Program Administration):

(i) Section 92.500 (The HOME Investment Trust Fund) does not apply. HUD will establish a HOME account in the United States Treasury for each insular area and the HOME funds must be used for approved activities. A local account must be established for program income. Each insular area may use either a separate local HOME account or a subsidiary account within its general fund (or other appropriate fund) as the local HOME account. HUD will recapture HOME funds in the HOME Treasury account by the amount of:

(A) Any funds that are not committed within 24 months after the last day of the month in which HUD notifies the insular area of HUD's execution of the HOME Investment Partnership Agreement;

(B) Any funds that are not expended within five years after the last day of the month in which HUD notifies the insular area of HUD's execution of the HOME Investment Partnership Agreement; and

(C) Any penalties assessed by HUD under § 92.552.

(ii) Section 92.502 (Program disbursement and information system) applies, except that references to the HOME Investment Trust Fund mean HOME account. In addition, § 92.502(c) does not apply, and instead compliance with Treasury Circular No. 1075 (31 CFR part 205) and 2 CFR 200.305 is required.

(iii) Section 92.503 (Program income, repayments, and recaptured funds) applies, except that the funds may be retained provided the funds are used for eligible activities in accordance with the requirements of this section.

(3) Section 92.504 (Participating jurisdiction responsibilities; written agreements; on-site inspections) applies, except that the written agreement must ensure compliance with the requirements in this section.

(4) Section 92.508 (Recordkeeping) applies with respect to the records that relate to the requirements of this section.

(5) Section 92.509 (Performance reports) applies, except that a performance report is required for the fiscal year allocation only after completion of the approved projects funded by the allocation.

(6) Subpart L (Performance Reviews and Sanctions): Section 92.552 does not apply. Instead, § 92.65 applies.

(b) The requirements of subpart H (Other Federal Requirements) of this part apply as follows: § 92.357 Executive Order 12372 applies as written, and the requirements of the remaining sections which apply to participating jurisdictions are applicable to the insular areas.

(c) Subpart B (Allocation Formula), subpart C (Consortia; Designation and Revocation as a Participating Jurisdiction), subpart D (Submission Requirements), and subpart G (Community Housing Development Organizations) of this part do not apply.

(d) Subpart A (General) applies, except that for the definitions of *commitment*, *program income*, and *subrecipient*, "participating jurisdiction" means "insular area."

[69 FR 15673, Mar. 26, 2004, as amended at 80 FR 75935, Dec. 7, 2015]

§ 92.65 Funding sanctions.

Following notice and opportunity for informal consultation, HUD may withhold, reduce or terminate the assistance where any corrective or remedial actions taken under § 92.551 fail to remedy an insular area's performance deficiencies, and the deficiencies are sufficiently substantial, in the judgment of HUD, to warrant sanctions.

§ 92.66 Reallocation.

Any HOME funds which are reduced or recaptured from an insular area's allocation and which are not used to increase the allocation amount for one or more of the remaining insular areas as provided in § 92.60 of this part, will be reallocated by HUD to the States in accordance with the requirements in subpart J for reallocating funds initially allocated to a State.

Subpart C - Consortia; Designation and Revocation of Designation as a Participating Jurisdiction

§ 92.100 [Reserved]

§ 92.101 Consortia.

(a) A consortium of geographically contiguous units of general local government is a unit of general local government for purposes of this part if the requirements of this section are met.

(1) One or more members of a proposed consortium or an existing consortium whose consortium qualification terminates at the end of the fiscal year, must provide written notification to the HUD Field Office of its intent to participate as a consortium in the HOME Program for the following fiscal year. HUD shall establish the deadline for this submission.

(2) The proposed consortium must provide, at such time and in a manner and form prescribed by HUD, the qualification documents, which will include submission of:

(i) A written certification by the State that the consortium will direct its activities to alleviation of housing problems within the State; and

(ii) Documentation which demonstrates that the consortium has executed one legally binding cooperation agreement among its members authorizing one member unit of general local government to act in a representative capacity for all member units of general local government for the purposes of this part and providing that the representative member assumes overall responsibility for ensuring that the consortium's HOME Program is carried out in compliance with the requirements of this part.

(3) Before the end of the fiscal year in which the notice of intent and documentation are submitted, HUD must determine that a proposed consortium has sufficient authority and administrative capability to carry out the purposes of this part on behalf of its member jurisdictions. HUD will endeavor to make its determination as quickly as practicable after receiving the consortium's documentation in order to provide the consortium an opportunity to correct its submission, if necessary. If the submission is deficient, HUD will work with the consortium to resolve the issue, but will not delay the formula allocations. HUD, at its discretion, may review the performance of an existing consortium that wishes to requalify to determine whether it continues to have sufficient authority and administrative capacity to successfully administer the program.

(b) A metropolitan city or an urban county may be a member of a consortium. A unit of general local government that is included in an urban county may be part of a consortium, only if the urban county joins the consortium. The included local government cannot join the consortium except through participation in the urban county.

(c) A non-urban county may be a member of a consortium. However, the county cannot on its own include the whole county in the consortium. A unit of local government located within the non-urban county that wishes to participate as a member of the consortium must sign the HOME consortium agreement.

(d) If the representative unit of general local government distributes HOME funds to member units of general local government, the representative unit is responsible for applying to the member units of general local government the same requirements as are applicable to subrecipients.

(e) The consortium's qualification as a unit of general local government continues for a period of three successive Federal fiscal years, or until HUD revokes its designation as a participating jurisdiction, or until an urban county member fails to requalify under the CDBG program as an urban county for a fiscal year included in the consortium's qualification period, or the consortium fails to receive a HOME allocation for the first Federal fiscal year of the consortium's qualification period and does not request to be considered to receive a HOME allocation in each of the subsequent two years. However, if a member urban county's three year CDBG qualification cycle is not the same as the consortium, the consortium may elect a shorter qualification period than three years to synchronize with the urban county's qualification period. During the period of qualification, additional units of general local government may join the consortium, but no included unit of general local government may withdraw from the consortium. See 24 CFR part 91, subpart E, for consolidated plan requirements for consortia, including the requirement that all members of the consortia must be on the same program year.

(f) The consortium agreement may, at the option of its member units of general local government, contain a provision that authorizes automatic renewals for the successive qualification period of three Federal fiscal years. The provision authorizing automatic renewal must require the lead consortium member to give the consortium members written notice of their right to elect not to continue participation for the new qualification period.

[61 FR 48750, Sept. 16, 1996, as amended at 67 FR 61756, Oct. 1, 2002]

§ 92.102 Participation threshold amount.

(a) To be eligible to become a participating jurisdiction, a unit of general local government must have a formula allocation under § 92.50 that is equal to or greater than $750,000; or

(b) If a unit of general local government's formula allocation is less than $750,000, HUD must find:

(1) The unit of general local government has a local PHA and has demonstrated a capacity to carry out the provisions of this part, as evidenced by satisfactory performance under one or more HUD-administered programs that provide assistance for activities comparable to the eligible activities under this part; and

(2) The State has authorized HUD to transfer to the unit of general local government a portion of the State's allocation or the State, the unit of general local government, or both, has made available its own resources such that the sum of the amounts transferred or made available are equal to or greater than the difference between the unit of general local government's formula allocation and $750,000.

(c) In fiscal years in which Congress appropriates less than $1.5 billion for this part, $500,000 is substituted for $750,000 each time it appears in this section.

§ 92.103 Notification of intent to participate.

(a) Not later than 30 days after receiving notice of its formula allocation amount, a jurisdiction must notify HUD in writing of its intention to become a participating jurisdiction.

(b) A unit of general local government that has a formula allocation of less than $750,000, or less than $500,000 in fiscal years in which Congress appropriates less than $1.5 billion for this part, must submit, with its notice, one or more of the following, as appropriate, as evidence that it has met the threshold allocation requirements in § 92.102(b):

(1) Authorization from the State to transfer a portion of its allocation to the unit of general local government;

(2) A letter from the governor or designee indicating that the required funds have been approved and budgeted for the unit of general local government;

(3) A letter from the chief executive officer of the unit of general local government indicating that the required funds have been approved and budgeted.

§ 92.104 Submission of a consolidated plan.

A jurisdiction that has not submitted a consolidated plan to HUD must submit to HUD, not later than 90 calendar days after providing notification under § 92.103, a consolidated plan in accordance with 24 CFR part 91.

[85 FR 47910, Aug. 7, 2020]

§ 92.105 Designation as a participating jurisdiction.

When a jurisdiction has complied with the requirements of §§ 92.102 through 92.104 and HUD has approved the jurisdiction's consolidated plan in accordance with 24 CFR part 91, HUD will designate the jurisdiction as a participating jurisdiction.

§ 92.106 Continuous designation as a participating jurisdiction.

Once a State or unit of general local government is designated a participating jurisdiction, it remains a participating jurisdiction for subsequent fiscal years and the requirements of §§ 92.102 through 92.105 do not apply, unless HUD revokes the designation in accordance with § 92.107.

§ 92.107 Revocation of designation as a participating jurisdiction.

HUD may revoke a jurisdiction's designation as a participating jurisdiction if:

(a) HUD finds, after reasonable notice and opportunity for hearing as provided in § 92.552(b) that the jurisdiction is unwilling or unable to carry out the provisions of this part, including failure to meet matching contribution requirements; or

(b) The jurisdiction's formula allocation falls below $750,000 (or below $500,000 in fiscal years in which Congress appropriates less than $1.5 billion for this part) for three consecutive years, below $625,000 (or below $410,000 in fiscal years in which Congress appropriates less than $1.5 billion for this part) for two consecutive years, or the jurisdiction does not receive a formula allocation in any one year.

(c) When HUD revokes a participating jurisdiction's designation as a participating jurisdiction, HUD will reallocate any remaining funds in the jurisdiction's HOME Investment Trust Fund established under § 92.500 in accordance with § 92.451.

Subpart D - Submission Requirements

§ 92.150 Submission requirements.

In order to receive its HOME allocation, a participating jurisdiction must submit a consolidated plan in accordance with 24 CFR part 91. That part includes requirements for the content of the consolidated plan, the process of developing the consolidated plan, including citizen participation, the submission date, HUD approval, and amendments.

Subpart E - Program Requirements

§ 92.200 Private-public partnership.

Each participating jurisdiction must make all reasonable efforts to maximize participation by the private sector in accordance with section 221 of the Act.

§ 92.201 Distribution of assistance.

(a) ***Local.***

(1) Each local participating jurisdiction must, insofar as is feasible, distribute HOME funds geographically within its boundaries and among different categories of housing need, according to the priorities of housing need identified in its approved consolidated plan.

(2) The participating jurisdiction may only invest its HOME funds in eligible projects within its boundaries, or in jointly funded projects within the boundaries of contiguous local jurisdictions which serve residents from both jurisdictions. For a project to be jointly funded, both jurisdictions must make a financial contribution to the project. A jurisdiction's financial contribution may take the form of a grant or loan (including a loan of funds

that comes from other federal sources and that are in the jurisdiction's control, such as CDBG program funds) or relief of a significant tax or fee (such as waiver of impact fees, property taxes, or other taxes or fees customarily imposed on projects within the jurisdiction).

(b) ***State.***

(1) Each State participating jurisdiction is responsible for distributing HOME funds throughout the State according to the State's assessment of the geographical distribution of the housing needs within the State, as identified in the State's approved consolidated plan. The State must distribute HOME funds to rural areas in amounts that take into account the non-metropolitan share of the State's total population and objective measures of rural housing need, such as poverty and substandard housing, as set forth in the State's approved consolidated plan. To the extent the need is within the boundaries of a participating unit of general local government, the State and the unit of general local government shall coordinate activities to address that need.

(2) A State may carry out its own HOME program without active participation of units of general local government or may distribute HOME funds to units of general local government to carry out HOME programs in which both the State and all or some of the units of general local government perform specified program functions. A unit of general local government designated by a State to receive HOME funds from a State is a State recipient.

(3)

(i) A State that uses State recipients to perform program functions shall ensure that the State recipients use HOME funds in accordance with the requirements of this part and other applicable laws. The State may require the State recipient to comply with requirements established by the State or may permit the State recipient to establish its own requirements to comply with this part.

(ii) The State shall conduct such reviews and audit of its State recipients as may be necessary or appropriate to determine whether the State recipient has committed and expended the HOME funds in the United States Treasury account as required by § 92.500, and has met the requirements of this part, particularly eligible activities, income targeting, affordability, and matching contribution requirements.

(4) A State and local participating jurisdiction may jointly fund a project within the boundaries of the local participating jurisdiction. The State may provide the HOME funds to the project or it may provide the HOME funds to the local participating jurisdiction to fund the project.

(5) A State may fund projects on Indian reservations located within the State provided that the State includes Indian reservations in its consolidated plan.

[61 FR 48750, Sept. 16, 1996, as amended at 78 FR 44666, July 24, 2013]

§ 92.202 Site and neighborhood standards.

(a) ***General.*** A participating jurisdiction must administer its HOME program in a manner that provides housing that is suitable from the standpoint of facilitating and furthering full compliance with the applicable provisions of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d—2000d–4), the Fair Housing Act (42 U.S.C. 3601 *et seq.,* E.O. 11063 (3 CFR, 1959–1963 Comp., p. 652), and HUD regulations issued pursuant thereto; and promotes greater choice of housing opportunities.

(b) ***New rental housing.*** In carrying out the site and neighborhood requirements with respect to new construction of rental housing, a participating jurisdiction is responsible for making the determination that proposed sites for new construction meet the requirements in 24 CFR 983.57(e)(2) and (3).

[61 FR 48750, Sept. 16, 1996, as amended at 62 FR 28928, May 28, 1997; 78 FR 44666, July 24, 2013]

§ 92.203 Income determinations.

CROSS REFERENCE

Link to an amendment published at 88 FR 9662, Feb. 14, 2023.

(a) The HOME program has income targeting requirements for the HOME program and for HOME projects. Therefore, the participating jurisdiction must determine each family is income eligible by determining the family's annual income.

(1) For families who are tenants in HOME-assisted housing and not receiving HOME tenant-based rental assistance, the participating jurisdiction must initially determine annual income using the method in paragraph (a)(1)(i) of this section. For subsequent income determinations during the period of affordability, the participating jurisdiction may use any one of the following methods in accordance with § 92.252(h):

(i) Examine at least 2 months of source documents evidencing annual income (e.g., wage statement, interest statement, unemployment compensation statement) for the family.

(ii) Obtain from the family a written statement of the amount of the family's annual income and family size, along with a certification that the information is complete and accurate. The certification must state that the family will provide source documents upon request.

(iii) Obtain a written statement from the administrator of a government program under which the family receives benefits and which examines each year the annual income of the family. The statement must indicate the tenant's family size and state the amount of the family's annual income; or alternatively, the statement must indicate the current dollar limit for very low- or low-income families for the family size of the tenant and state that the tenant's annual income does not exceed this limit.

(2) For all other families (i.e., homeowners receiving rehabilitation assistance, homebuyers, and recipients of HOME tenant-based rental assistance), the participating jurisdiction must determine annual income by examining at least 2 months of source documents evidencing annual income (e.g., wage statement, interest statement, unemployment compensation statement) for the family.

(b) When determining whether a family is income eligible, the participating jurisdiction must use one of the following two definitions of “annual income”:

(1) Annual income as defined at 24 CFR 5.609 (except when determining the income of a homeowner for an owner-occupied rehabilitation project, the value of the homeowner's principal residence may be excluded from the calculation of Net Family Assets, as defined in 24 CFR 5.603); or

(2) Adjusted gross income as defined for purposes of reporting under Internal Revenue Service Form 1040 series for individual Federal annual income tax purposes.

(c) Although the participating jurisdiction may use either of the definitions of “annual income” permitted in paragraph (b) of this section to calculate adjusted income, it must apply exclusions from income established at 24 CFR 5.611. The HOME rents for very low-income families established under § 92.252(b)(2) are based on adjusted income. In addition, the participating jurisdiction may base the amount of tenant-based rental assistance on the adjusted income of the family. The participating jurisdiction may use only one definition for each HOME-assisted program (e.g., downpayment assistance program) that it administers and for each rental housing project.

(d)

(1) The participating jurisdiction must calculate the annual income of the family by projecting the prevailing rate of income of the family at the time the participating jurisdiction determines that the family is income eligible. Annual income shall include income from all persons in the household. Income or asset enhancement derived from the HOME-assisted project shall not be considered in calculating annual income.

(2) The participating jurisdiction is not required to re-examine the family's income at the time the HOME assistance is provided, unless more than six months has elapsed since the participating jurisdiction determined that the family qualified as income eligible.

(3) The participating jurisdiction must follow the requirements in § 5.617 when making subsequent income determinations of persons with disabilities who are tenants in HOME-assisted rental housing or who receive tenant-based rental assistance.

[61 FR 48750, Sept. 16, 1996, as amended at 62 FR 28928, May 28, 1997; 66 FR 6224, Jan. 19, 2001; 78 FR 44666, July 24, 2013]

§ 92.204 Applicability of requirements to entities that receive a reallocation of HOME funds, other than participating jurisdictions.

(a) Jurisdictions other than participating jurisdictions and community housing development organizations receiving competitive reallocations from HUD are subject to the same requirements in subpart E (Program Requirements), subpart F (Project Requirements), subpart K (Program Administration), and subpart L (Performance Reviews and Sanctions) of this part as participating jurisdictions, except for the following:

(1) Subpart E (Program Requirements): the matching contribution requirements in § 92.218 through § 92.221 do not apply.

(2) Subpart K (Program Administration):

(i) Section 92.500 (The HOME Investment Trust Fund) does not apply. HUD will establish a HOME account in the United States Treasury and the HOME funds must be used for approved activities. A local account must be established for program income. HUD will recapture HOME funds in the HOME Treasury account by the amount of:

(A) Any funds that are not committed within 24 months after the last day of the month in which HUD notifies the entity of HUD's execution of the HOME Investment Partnership Agreement;

(B) Any funds that are not expended within five years after the last day of the month in which HUD notifies the entity of HUD's execution of the HOME Investment Partnership Agreement; and

(C) Any penalties assessed by HUD under § 92.552.

(ii) Section 92.502 (Program disbursement and information system) applies, except that references to the HOME Investment Trust Fund mean HOME account and the reference to 24 CFR part 58 does not apply. In addition, § 92.502(c) does not apply, and instead, compliance with Treasury Circular No. 1075 (31 CFR part 205) and 2 CFR 200.305 is required.

(iii) Section 92.503 (Program income, repayments, and recaptured funds) applies, except that program income may be retained provided the funds are used for eligible activities in accordance with the requirements of this section.

(3) Section 92.504 (Participating jurisdiction responsibilities; written agreements; on-site inspections) applies, except that the written agreement must ensure compliance with the requirements in this section.

(4) Section 92.508 (Recordkeeping) applies with respect to the records that relate to the requirements of this section.

(5) Section 92.509 (Performance reports) applies, except that a performance report is required only after completion of the approved projects.

(b) The requirements in subpart H (Other Federal Requirements) of this part apply as written, except that jurisdictions and community housing development organizations receiving reallocations from HUD must comply with affirmative marketing requirements, labor requirements, and lead-based paint requirements, applicable to participating jurisdictions.

(c) Subpart B (Allocation Formula), subpart C (Consortia; Designation and Revocation of Designation as a Participating Jurisdiction), and subpart G (Community Housing Development Organizations) of this part do not apply.

(d) Subpart A (General) applies, except that for the definitions of *commitment, program income,* and *subrecipient,* "participating jurisdiction" means jurisdiction or community housing development organization receiving the competitive reallocation.

[69 FR 15673, Mar. 26, 2004, as amended at 80 FR 75935, Dec. 7, 2015]

ELIGIBLE AND PROHIBITED ACTIVITIES

§ 92.205 Eligible activities: General.

(a) ***Eligible activities.***

(1) HOME funds may be used by a participating jurisdiction to provide incentives to develop and support affordable rental housing and homeownership affordability through the acquisition (including assistance to homebuyers), new construction, reconstruction, or rehabilitation of nonluxury housing with suitable amenities,

including real property acquisition, site improvements, conversion, demolition, and other expenses, including financing costs, relocation expenses of any displaced persons, families, businesses, or organizations; to provide tenant-based rental assistance, including security deposits; to provide payment of reasonable administrative and planning costs; and to provide for the payment of operating expenses of community housing development organizations. The housing must be permanent or transitional housing. The specific eligible costs for these activities are set forth in §§ 92.206 through 92.209. The activities and costs are eligible only if the housing meets the property standards in § 92.251 upon project completion.

(2) Acquisition of vacant land or demolition must be undertaken only with respect to a particular housing project intended to provide affordable housing within the time frames established in paragraph (2) of the definition of "commitment" in § 92.2.

(3) Conversion of an existing structure to affordable housing is rehabilitation, unless the conversion entails adding one or more units beyond the existing walls, in which case, the project is new construction for purposes of this part.

(4) ***Manufactured housing.*** HOME funds may be used to purchase and/or rehabilitate a manufactured housing unit, or purchase the land upon which a manufactured housing unit is located. Except for existing, owner-occupied manufactured housing that is rehabilitated with HOME funds, the manufactured housing unit must, at the time of project completion, be connected to permanent utility hook-ups and be located on land that is owned by the manufactured housing unit owner or land for which the manufactured housing owner has a lease for a period at least equal to the applicable period of affordability.

(b) ***Forms of assistance.***

(1) A participating jurisdiction may invest HOME funds as equity investments, interest-bearing loans or advances, non-interest-bearing loans or advances, interest subsidies consistent with the purposes of this part, deferred payment loans, grants, or other forms of assistance that HUD determines to be consistent with the purposes of this part and specifically approves in writing. Each participating jurisdiction has the right to establish the terms of assistance, subject to the requirements of this part.

(2) A participating jurisdiction may invest HOME funds to guarantee loans made by lenders and, if required, the participating jurisdiction may establish a loan guarantee account with HOME funds. The HOME funds may be used to guarantee the timely payment of principal and interest or payment of the outstanding principal and interest upon foreclosure of the loan. The amount of the loan guarantee account must be based on a reasonable estimate of the default rate on the guaranteed loans, but under no circumstances may the amount on deposit exceed 20 percent of the total outstanding principal amount guaranteed; except that the account may include a reasonable minimum balance. While loan funds guaranteed with HOME funds are subject to all HOME requirements, funds which are used to repay the guaranteed loans are not.

(c) ***Minimum amount of assistance.*** The minimum amount of HOME funds that must be invested in a project involving rental housing or homeownership is $1,000 times the number of HOME-assisted units in the project.

(d) ***Multi-unit projects.*** HOME funds may be used to assist one or more housing units in a multi-unit project.

(1) Only the actual HOME eligible development costs of the assisted units may be charged to the HOME program. If the assisted and nonassisted units are not comparable, the actual costs may be determined based on a method of cost allocation. If the assisted and non- assisted units are comparable in terms of size, features, and number of bedrooms, the actual cost of the HOME- assisted units can be determined by prorating the total HOME eligible development costs of the project so that the proportion of the total development costs charged to the HOME program does not exceed the proportion of the HOME-assisted units in the project.

(2) After project completion, the number of units designated as HOME- assisted may be reduced only in accordance with § 92.210, except that in a project consisting of all HOME- assisted units, one unit may be subsequently converted to an on-site manager's unit if the participating jurisdiction determines that the conversion will contribute to the stability or effectiveness of the housing and that, notwithstanding the loss of one HOME-assisted unit, the costs charged to the HOME program do not exceed the actual costs of the HOME-assisted units and do not exceed the subsidy limit in § 92.250(b).

(e) ***Terminated projects.*** A HOME assisted project that is terminated before completion, either voluntarily or involuntarily, constitutes an ineligible activity, and the participating jurisdiction must repay any HOME funds invested in the project to the participating jurisdiction's HOME Investment Trust Fund in accordance with § 92.503(b) (except for project- specific assistance to community housing development organizations as provided in § 92.301(a)(3) and (b)(3)).

(1) A project that does not meet the requirements for affordable housing must be terminated and the participating jurisdiction must repay all HOME funds invested in the project to the participating jurisdiction's HOME Investment Trust Fund in accordance with § 92.503(b).

(2) If a participating jurisdiction does not complete a project within 4 years of the date of commitment of funds, the project is considered to be terminated and the participating jurisdiction must repay all funds invested in the project to the participating jurisdiction's HOME Investment Trust Fund in accordance with § 92.503(b). The participating jurisdiction may request a one-year extension of this deadline in writing, by submitting information about the status of the project, steps being taken to overcome any obstacles to completion, proof of adequate funding to complete the project, and a schedule with milestones for completion of the project for HUD's review and approval.

[61 FR 48750, Sept. 16, 1996, as amended at 62 FR 28928, May 28, 1997; 78 FR 44667, July 24, 2013]

§ 92.206 Eligible project costs.

HOME funds may be used to pay the following eligible costs:

(a) ***Development hard costs.*** The actual cost of constructing or rehabilitating housing. These costs include the following:

(1) For new construction projects, costs to meet the new construction standards in § 92.251;

(2) For rehabilitation, costs to meet the property standards for rehabilitation projects in § 92.251;

(3) For both new construction and rehabilitation projects, costs:

(i) To demolish existing structures;

(ii) To make utility connections including off-site connections from the property line to the adjacent street; and

(iii) To make improvements to the project site that are in keeping with improvements of surrounding, standard projects. Site improvements may include on-site roads and sewer and water lines necessary to the development of the project. The project site is the property, owned by the project owner, upon which the project is located.

(4) For both new construction and rehabilitation of multifamily rental housing projects, costs to construct or rehabilitate laundry and community facilities that are located within the same building as the housing and which are for the use of the project residents and their guests.

(5) Costs to make utility connections or to make improvements to the project site, in accordance with the provisions of § 92.206(a)(3) (ii) and (iii) are also eligible in connection with acquisition of standard housing.

(b) ***Refinancing costs.*** The cost to refinance existing debt secured by a housing project that is being rehabilitated with HOME funds. These costs include the following:

(1) For single-family (one- to four- family) owner-occupied housing, when loaning HOME funds to rehabilitate the housing, if the refinancing is necessary to reduce the overall housing costs to the borrower and make the housing more affordable and if the rehabilitation cost is greater than the amount of debt that is refinanced.

(2) For single family or multifamily projects, when loaning HOME funds to rehabilitate the units if refinancing is necessary to permit or continue affordability under § 92.252. The participating jurisdiction must establish refinancing guidelines and state them in its consolidated plan described in 24 CFR part 91. Regardless of the amount of HOME funds invested, the minimum affordability period shall be 15 years. The guidelines shall describe the conditions under which the participating jurisdictions will refinance existing debt. At minimum, the guidelines must:

(i) Demonstrate that rehabilitation is the primary eligible activity and ensure that this requirement is met by establishing a minimum level of rehabilitation per unit or a required ratio between rehabilitation and refinancing;

(ii) Require a review of management practices to demonstrate that disinvestment in the property has not occurred, that the long term needs of the project can be met and that the feasibility of serving the targeted population over an extended affordability period can be demonstrated;

(iii) State whether the new investment is being made to maintain current affordable units, create additional affordable units, or both;

(iv) Specify the required period of affordability, whether it is the minimum 15 years or longer;

(v) Specify whether the investment of HOME funds may be jurisdiction-wide or limited to a specific geographic area, such as a neighborhood identified in a neighborhood revitalization strategy under 24 CFR 91.215(e)(2) or a Federally designated Empowerment Zone or Enterprise Community; and

(vi) State that HOME funds cannot be used to refinance single family or multifamily housing loans made or insured by any Federal program, including CDBG.

(c) ***Acquisition costs.*** Costs of acquiring improved or unimproved real property, including acquisition by homebuyers.

(d) ***Related soft costs.*** Other reasonable and necessary costs incurred by the owner or participating jurisdiction and associated with the financing, or development (or both) of new construction, rehabilitation or acquisition of housing assisted with HOME funds. These costs include, but are not limited to:

(1) Architectural, engineering, or related professional services required to prepare plans, drawings, specifications, or work write-ups. The costs may be paid if they were incurred not more than 24 months before the date that HOME funds are committed to the project and the participating jurisdiction expressly permits HOME funds to be used to pay the costs in the written agreement committing the funds.

(2) Costs to process and settle the financing for a project, such as private lender origination fees, credit reports, fees for title evidence, fees for recordation and filing of legal documents, building permits, attorneys fees, private appraisal fees and fees for an independent cost estimate, builders or developers fees.

(3) Costs of a project audit, including certification of costs performed by a certified public accountant, that the participating jurisdiction may require with respect to the development of the project.

(4) Costs to provide information services such as affirmative marketing and fair housing information to prospective homeowners and tenants as required by § 92.351.

(5) For new construction or rehabilitation, the cost of funding an initial operating deficit reserve, which is a reserve to meet any shortfall in project income during the period of project rent-up (not to exceed 18 months) and which may only be used to pay project operating expenses, scheduled payments to a replacement reserve, and debt service. Any HOME funds placed in an operating deficit reserve that remain unexpended after the period of project rent-up may be retained for project reserves if permitted by the participating jurisdiction.

(6) Staff and overhead costs of the participating jurisdiction directly related to carrying out the project, such as work specifications preparation, loan processing inspections, and other services related to assisting potential owners, tenants, and homebuyers, e.g., housing counseling, may be charged to project costs only if the project is funded and the individual becomes the owner or tenant of the HOME-assisted project. For multi-unit projects, such costs must be allocated among HOME- assisted units in a reasonable manner and documented. Although these costs may be charged as project costs, these costs (except housing counseling) cannot be charged to or paid by low-income families.

(7) For both new construction and rehabilitation, costs for the payment of impact fees that are charged for all projects within a jurisdiction.

(8) Costs of environmental review and release of funds in accordance with 24 CFR part 58 which are directly related to the project.

(e) ***Community housing development organization costs.*** Eligible costs of project-specific assistance are set forth in § 92.301.

(f) ***Relocation costs.*** The cost of relocation payments and other relocation assistance to persons displaced by the project are eligible costs.

(1) Relocation payments include replacement housing payments, payments for moving expenses, and payments for reasonable out-of-pocket costs incurred in the temporary relocation of persons.

(2) Other relocation assistance means staff and overhead costs directly related to providing advisory and other relocation services to persons displaced by the project, including timely written notices to occupants, referrals to comparable and suitable replacement property, property inspections, counseling, and other assistance necessary to minimize hardship.

(g) ***Costs relating to payment of loans.*** If the HOME funds are not used to directly pay a cost specified in this section, but are used to pay off a construction loan, bridge financing loan, or guaranteed loan, the payment of principal and interest for such loan is an eligible cost only if:

(1) The loan was used for eligible costs specified in this section, and

(2) The HOME assistance is part of the original financing for the project and the project meets the requirements of this part.

[61 FR 48750, Sept. 16, 1996, as amended at 62 FR 28928, May 28, 1997; 64 FR 50224, Sept. 15, 1999; 78 FR 44667, July 24, 2013]

§ 92.207 Eligible administrative and planning costs.

A participating jurisdiction may expend, for payment of reasonable administrative and planning costs of the HOME program and ADDI, an amount of HOME funds that is not more than ten percent of the sum of the Fiscal Year HOME basic formula allocation plus any funds received in accordance with § 92.102(b) to meet or exceed participation threshold requirements that Fiscal Year. A state that transfers any HOME funds in accordance with § 92.102(b) must exclude these funds in calculating the amount it may expend for administrative and planning costs. A participating jurisdiction may also expend, for payment of reasonable administrative and planning costs of the HOME program and the ADDI described in subpart M of this part, a sum up to ten percent of the program income deposited into its local account or received and reported by its state recipients or subrecipients during the program year. A participating jurisdiction may expend such funds directly or may authorize its state recipients or subrecipients, if any, to expend all or a portion of such funds, provided total expenditures for planning and administrative costs do not exceed the maximum allowable amount. Reasonable administrative and planning costs include:

(a) ***General management, oversight and coordination.*** Reasonable costs of overall program management, coordination, monitoring, and evaluation. Such costs include, but are not limited to, necessary expenditures for the following:

(1) Salaries, wages, and related costs of the participating jurisdiction's staff. In charging costs to this category the participating jurisdiction may either include the entire salary, wages, and related costs allocable to the program of each person whose *primary* responsibilities with regard to the program involves program administration assignments, or the prorated share of the salary, wages, and related costs of each person whose job includes *any* program administration assignments. The participating jurisdiction may use only one of these methods. Program administration includes the following types of assignments:

(i) Developing systems and schedules for ensuring compliance with program requirements;

(ii) Developing interagency agreements and agreements with entities receiving HOME funds;

(iii) Monitoring HOME-assisted housing for progress and compliance with program requirements;

(iv) Developing agreements and monitoring housing not assisted with HOME funds that the participating jurisdiction designates as a matching contribution in accordance with § 92.219(b) for compliance with applicable program requirements;

(v) Preparing reports and other documents related to the program for submission to HUD;

(vi) Coordinating the resolution of audit and monitoring findings;

(vii) Evaluating program results against stated objectives; and

(viii) Managing or supervising persons whose primary responsibilities with regard to the program include such assignments as those described in paragraphs (a)(1)(i) through (vii) of this section;

(2) Travel costs incurred for official business in carrying out the program;

(3) Administrative services performed under third party contracts or agreements, including such services as general legal services, accounting services, and audit services;

(4) Other costs for goods and services required for administration of the program, including such goods and services as rental or purchase of equipment, insurance, utilities, office supplies, and rental and maintenance (but not purchase) of office space; and

(5) Costs of administering tenant-based rental assistance programs.

(b) ***Staff and overhead.*** Staff and overhead costs of the participating jurisdiction directly related to carrying out the project, such as work specifications preparation, loan processing, inspections, lead-based paint evaluations (visual assessments, inspections, and risk assessments) and other services related to assisting potential owners, tenants, and homebuyers (e.g., housing counseling); and staff and overhead costs directly related to providing advisory and other relocation services to persons displaced by the project, including timely written notices to occupants, referrals to comparable and suitable replacement property, property inspections, counseling, and other assistance necessary to minimize hardship. These costs may be charged as administrative costs or as project costs under § 92.206(d)(6) and (f)(2), at the discretion of the participating jurisdiction; however, these costs (except housing counseling) cannot be charged to or paid by the low-income families.

(c) ***Public information.*** The provision of information and other resources to residents and citizen organizations participating in the planning, implementation, or assessment of projects being assisted with HOME funds.

(d) ***Fair housing.*** Activities to affirmatively further fair housing in accordance with the participating jurisdiction's certification under 24 CFR part 91.

(e) ***Indirect Costs.*** Indirect costs may be charged to the HOME program under a cost allocation plan prepared in accordance with 2 CFR part 200, subpart E.

(f) ***Preparation of the consolidated plan.*** Preparation of the consolidated plan required under 24 CFR part 91. Preparation includes the costs of public hearings, consultations, and publication.

(g) ***Other Federal requirements.*** Costs of complying with the Federal requirements in subpart H of this part. Project-specific environmental review costs may be charged as administrative costs or as project costs in accordance with § 92.206(d)(8), at the discretion of the participating jurisdiction.

(h) ***Preserving affordable housing already assisted with HOME funds.*** Costs specified under § 92.254(a)(9) may be charged as an administrative cost or may be charged to the project as provided in § 92.254(a)(9). In addition, the foreclosure cost of a HOME-assisted rental housing project with a HOME loan in default is an eligible administrative cost.

[61 FR 48750, Sept. 16, 1996, as amended at 67 FR 61756, Oct. 1, 2002; 69 FR 16766, Mar. 30, 2004; 72 FR 16685, Apr. 4, 2007; 78 FR 44668, July 24, 2013; 80 FR 75935, Dec. 7, 2015]

§ 92.208 Eligible community housing development organization (CHDO) operating expense and capacity building costs.

(a) Up to 5 percent of a participating jurisdiction's fiscal year HOME allocation may be used for the operating expenses of community housing development organizations (CHDOs). This amount is in addition to amounts set aside for housing projects that are owned, developed, or sponsored by CHDOs as described in § 92.300(a). These funds may not be used to pay operating expenses incurred by a CHDO acting as a subrecipient or contractor under the HOME Program. Operating expenses means reasonable and necessary costs for the operation of the community housing development organization. Such costs include salaries, wages, and other employee compensation and benefits; employee education, training, and travel; rent; utilities; communication costs; taxes; insurance; equipment; materials; and supplies. The requirements and limitations on the receipt of these funds by CHDOs are set forth in § 92.300(e) and (f).

(b) HOME funds may be used for capacity building costs under § 92.300(b).

[61 FR 48750, Sept. 16, 1996, as amended at 78 FR 44668, July 24, 2013]

§ 92.209 Tenant-based rental assistance: Eligible costs and requirements.

(a) ***Eligible costs.*** Eligible costs are the rental assistance and security deposit payments made to provide tenant-based rental assistance for a family pursuant to this section. Eligible costs also include utility deposit assistance, but only if this assistance is provided with tenant-based rental assistance or security deposit payment. Administration of

tenant-based rental assistance is eligible only under general management oversight and coordination at § 92.207(a), except that the costs of inspecting the housing and determining the income eligibility of the family are eligible as costs of the tenant-based rental assistance.

(b) ***General requirement.*** A participating jurisdiction may use HOME funds for tenant-based rental assistance only if the participating jurisdiction makes the certification about inclusion of this type of assistance in its consolidated plan in accordance with 24 CFR 91.225(d)(1), 91.325(d)(1), or 91.425(a)(2)(i), and specifies local market conditions that lead to the choice of this option.

(c) ***Tenant selection.*** The participating jurisdiction must select low-income families in accordance with written tenant selection policies and criteria that are based on local housing needs and priorities established in the participating jurisdiction's consolidated plan.

(1) ***Low-income families.*** Tenant-based rental assistance may only be provided to very low- and low-income families. The participating jurisdiction must determine that the family is very low- or low-income before the assistance is provided. During the period of assistance, the participating jurisdiction must annually determine that the family continues to be low-income.

(2) ***Targeted assistance.***

(i) The participating jurisdiction may establish a preference for individuals with special needs (e.g., homeless persons or elderly persons) or persons with disabilities. The participating jurisdiction may offer, in conjunction with a tenant-based rental assistance program, particular types of nonmandatory services that may be most appropriate for persons with a special need or a particular disability. Generally, tenant-based rental assistance and the related services should be made available to all persons with special needs or disabilities who can benefit from such services. Participation may be limited to persons with a specific disability if necessary to provide as effective housing, aid, benefit, or services as those provided to others in accordance with 24 CFR 8.4(b)(1)(iv).

(ii) The participating jurisdiction may also provide a preference for a specific category of individuals with disabilities (e.g., persons with HIV/AIDS or chronic mental illness) if the specific category is identified in the participating jurisdiction's consolidated plan as having unmet need and the preference is needed to narrow the gap in benefits and services received by such persons.

(iii) ***Self-sufficiency program.*** The participating jurisdiction may require the family to participate in a self-sufficiency program as a condition of selection for assistance. The family's failure to continue participation in the self-sufficiency program is not a basis for terminating the assistance; however, renewal of the assistance may be conditioned on participation in the program. Tenants living in a HOME-assisted rental project who receive tenant-based rental assistance as relocation assistance must not be required to participate in a self- sufficiency program as a condition of receiving assistance.

(iv) ***Homebuyer program.*** HOME tenant-based rental assistance may assist a tenant who has been identified as a potential low-income homebuyer through a lease-purchase agreement, with monthly rental payments for a period up to 36 months (i.e., 24 months, with a 12-month renewal in accordance with paragraph (e) of this section). The HOME tenant-based rental assistance payment may not be used to accumulate a downpayment or closing costs for the purchase; however, all or a portion of the homebuyer-tenant's monthly contribution toward rent may be set aside for this purpose. If a participating jurisdiction determines that the tenant has met the lease-purchase criteria and is ready to assume ownership, HOME funds may be provided for downpayment assistance in accordance with the requirements of this part.

(v) Preferences cannot be administered in a manner that limits the opportunities of persons on any basis prohibited by the laws listed under 24 CFR 5.105(a). For example, a participating jurisdiction may not determine that persons given a preference under the program are therefore prohibited from applying for or participating in other programs or forms of assistance. Persons who are eligible for a preference must have the opportunity to participate in all programs of the participating jurisdiction, including programs that are not separate or different.

(3) ***Existing tenants in the HOME-assisted projects.*** A participating jurisdiction may select low-income families currently residing in housing units that are designated for rehabilitation or acquisition under the participating jurisdiction's HOME program. Participating jurisdictions using HOME funds for tenant-based rental assistance programs may establish local preferences for the provision of this assistance. Families so selected may use the tenant-based assistance in the rehabilitated or acquired housing unit or in other qualified housing.

(d) ***Portability of assistance.*** A participating jurisdiction may require the family to use the tenant-based assistance within the participating jurisdiction's boundaries or may permit the family to use the assistance outside its boundaries.

(e) ***Term of rental assistance contract.*** The term of the rental assistance contract providing assistance with HOME funds may not exceed 24 months, but may be renewed, subject to the availability of HOME funds. The term of the rental assistance contract must begin on the first day of the term of the lease. For a rental assistance contract between a participating jurisdiction and an owner, the term of the contract must terminate on termination of the lease. For a rental assistance contract between a participating jurisdiction and a family, the term of the contract need not end on termination of the lease, but no payments may be made after termination of the lease until a family enters into a new lease.

(f) ***Rent reasonableness.*** The participating jurisdiction must disapprove a lease if the rent is not reasonable, based on rents that are charged for comparable unassisted rental units.

(g) ***Tenant protections.*** The tenant must have a lease that complies with the requirements in § 92.253 (a) and (b).

(h) ***Maximum subsidy.***

(1) The amount of the monthly assistance that a participating jurisdiction may pay to, or on behalf of, a family may not exceed the difference between a rent standard for the unit size established by the participating jurisdiction and 30 percent of the family's monthly adjusted income.

(2) The participating jurisdiction must establish a minimum tenant contribution to rent.

(3) The participating jurisdiction's rent standard for a unit size must be based on:

(i) Local market conditions; or

(ii) The Section 8 Housing Choice Voucher Program (24 CFR part 982).

(i) ***Housing quality standards.*** Housing occupied by a family receiving tenant-based assistance under this section must meet the requirements set forth in 24 CFR 982.401. The participating jurisdiction must inspect the housing initially and re-inspect it annually.

(j) ***Security deposits.***

(1) A participating jurisdiction may use HOME funds provided for tenant-based rental assistance to provide loans or grants to very low- and low-income families for security deposits for rental of dwelling units whether or not the participating jurisdiction provides any other tenant-based rental assistance under this section.

(2) The relevant State or local definition of “security deposit” in the jurisdiction where the unit is located is applicable for the purposes of this part, except that the amount of HOME funds that may be provided for a security deposit may not exceed the equivalent of two month's rent for the unit.

(3) Only the prospective tenant may apply for HOME security deposit assistance, although the participating jurisdiction may pay the funds directly to the tenant or to the landlord.

(4) HOME funds for security deposits may be provided as a grant or as a loan. If they are provided as a loan, the loan repayments are program income to be used in accordance with § 92.503.

(5) Paragraphs (b), (c), (d), (f), (g), and (i) of this section are applicable to HOME security deposit assistance, except that income determinations pursuant to paragraph (c)(1) of this section and Housing Quality Standard inspections pursuant to paragraph (i) of this section are required only at the time the security deposit assistance is provided.

(k) ***Program operation.*** A tenant-based rental assistance program must be operated consistent with the requirements of this section. The participating jurisdiction may operate the program itself, or may contract with a PHA or other entity with the capacity to operate a rental assistance program. The tenant-based rental assistance may be provided through an assistance contract to an owner that leases a unit to an assisted family or directly to the family. In either case, the participating jurisdiction (or entity operating the program) must approve the lease.

(l) ***Use of Section 8 assistance.*** In any case where assistance under section 8 of the 1937 Act becomes available, recipients of tenant-based rental assistance under this part will qualify for tenant selection preferences to the same extent as when they received the HOME tenant-based rental assistance under this part.

[61 FR 48750, Sept. 16, 1996, as amended at 62 FR 28928, May 28, 1997; 67 FR 61756, Oct. 1, 2002; 78 FR 44668, July 24, 2013]

§ 92.210 Troubled HOME-assisted rental housing projects.

(a) The provisions of this section apply only to an existing HOME- assisted rental project that, within the HOME period of affordability, is no longer financially viable. For purposes of this section, a HOME assisted rental project is no longer financially viable if its operating costs significantly exceed its operating revenue. HUD may approve one or both of the actions described in paragraphs (b) and (c) of this section to strategically preserve a rental project after consideration of market needs, available resources, and the likelihood of long-term viability of the project.

(b) Notwithstanding § 92.214, a participating jurisdiction may request and HUD may permit, pursuant to a written memorandum of agreement, a participating jurisdiction to invest additional HOME funds in the existing HOME-assisted rental project. The total HOME funding for the project (original investment plus additional investment) must not exceed the per-unit subsidy limit in § 92.250(a). The use of HOME funds may include, but is not limited to, rehabilitation of the HOME units and recapitalization of project reserves for the HOME units (to fund capital costs). If additional HOME funds are invested, HUD may require the period of affordability to be extended, based on such considerations as the amount of additional HOME funds or additional units.

(c) HUD Headquarters may, through written approval, permit the participating jurisdiction to reduce the number of HOME-assisted units, if the project contains more than the minimum number of units required to be designated as HOME-assisted under § 92.205(d). In determining whether to permit a reduction in the number of HOME-assisted units, HUD will take into account the required period of affordability and the amount of HOME assistance provided to the project.

[78 FR 44669, July 24, 2013]

§ 92.212 Pre-award costs.

(a) ***General.*** Before the effective date of the HOME Investment Partnership Agreement, the participating jurisdiction may incur costs which may be charged to the HOME allocation after the award of the HOME allocation, provided the costs are in compliance with the requirements of this part (including environmental review requirements) and with the statutory and regulatory requirements in effect at the time the costs are charged to the HOME allocation.

(b) ***Administrative and planning costs.*** Eligible administrative and planning costs may be incurred as of the beginning of the participating jurisdiction's consolidated program year (see 24 CFR 91.10) or the date the consolidated plan describing the HOME allocation to which the costs will be charged is received by HUD, whichever is later.

(c) ***Project costs.*** Eligible project costs may be incurred during the current program year in an amount not to exceed 25% of the current HOME allocation amount, to be charged to the following year's HOME allocation. Before incurring the pre-award costs, the participating jurisdiction must comply with its citizen participation plan requirements addressing 24 CFR 91.105(b)(2), (4), (5) and (g) (local governments) or 24 CFR 91.115(b)(2), (4), (5) and (f) (States). In lieu of a full action plan, the participating jurisdiction may develop a mini-action plan which describes the proposed pre-award projects and costs in accordance with 24 CFR 91.220(c) and includes, if applicable, 24 CFR 91.220(g)(2) (local governments) or 24 CFR 91.320(c) and, if applicable, 24 CFR 91.320(g)(2) (States). The mini-action plan must state that HOME funding for the project(s) is subject to the future availability of HOME funds. The subsequent action plan (i.e., action plan for the HOME allocation to which the costs will be charged) must also include the use of HOME funds contained in the mini-action plan.

(d) ***Subrecipient or State recipient costs.*** The participating jurisdiction may authorize its subrecipient or State recipient to incur pre-award costs in accordance with the requirements of this section. The authorization must be in writing.

(e) ***Other pre-agreement costs.*** Pre-agreement costs in excess of the amount set forth in paragraph (c) of this section must be approved, in writing, by the HUD Field Office before the costs are incurred.

§ 92.213 HOME Funds and Public Housing.

(a) ***General rule.*** HOME funds may not be used for public housing units. HOME-assisted housing units may not receive Operating Fund or Capital Fund assistance under section 9 of the 1937 Act during the HOME period of affordability.

(b) ***Exception.*** HOME funds may be used for the development of public housing units, if the units are developed under section 24 of the 1937 Act (HOPE VI) and no Capital Fund assistance under section 9(d) of the Act is used for the development of the unit. Units developed with both HOME and HOPE VI may receive operating assistance under section 9 of the 1937 Act. Units developed with HOME and HOPE VI funds under this paragraph may subsequently receive Capital Funds for rehabilitation or modernization.

(c) ***Using HOME funds in public housing projects.*** Consistent with § 92.205(d), HOME funds may be used for affordable housing units in a project that also contains public housing units, provided that the HOME funds are not used for the public housing units (except as provided in paragraph (b) of this section) and HOME funds are used only for eligible costs in accordance with this part.

(d) The HOME funds must be used in accordance with the requirements of this part and the project must meet the requirements of this part, including rent requirements in § 92.252.

[78 FR 44669, July 24, 2013]

§ 92.214 Prohibited activities and fees.

(a) HOME funds may not be used to:

(1) Provide project reserve accounts, except as provided in § 92.206(d)(5), or operating subsidies;

(2) Provide tenant-based rental assistance for the special purposes of the existing section 8 program, in accordance with section 212(d) of the Act;

(3) Provide non-federal matching contributions required under any other Federal program;

(4) Provide assistance for uses authorized under section 9 of the 1937 Act (Public Housing Capital and Operating Funds);

(5) Provide assistance to eligible low-income housing under 24 CFR part 248 (Prepayment of Low Income Housing Mortgages), except that assistance may be provided to priority purchasers as defined in 24 CFR 248.101;

(6) Provide assistance (other than tenant-based rental assistance, assistance to a homebuyer to acquire housing previously assisted with HOME funds, or assistance to preserve affordability of homeownership housing in accordance with § 92.254(a)(9)) to a project previously assisted with HOME funds during the period of affordability established by the particular jurisdiction in the written agreement under § 92.504. However, additional HOME funds may be committed to a project for up to one year after project completion (see § 92.502), but the amount of HOME funds in the project may not exceed the maximum per-unit subsidy amount established under § 92.250.

(7) Pay for the acquisition of property owned by the participating jurisdiction, except for property acquired by the participating jurisdiction with HOME funds, or property acquired in anticipation of carrying out a HOME project; or

(8) Pay delinquent taxes, fees or charges on properties to be assisted with HOME funds.

(9) Pay for any cost that is not eligible under §§ 92.206 through 92.209.

(b)

(1) Participating jurisdictions may not charge (and must prohibit State recipients, subrecipients, and community housing development organizations from charging) servicing, origination, or other fees for the purpose of covering costs of administering the HOME program (e.g., fees on low-income families for construction management or for inspections for compliance with property standards) (see § 92.206(d)(6) and § 92.207), except that:

(i) Participating jurisdictions and State recipients may charge owners of rental projects reasonable annual fees for compliance monitoring during the period of affordability. The fees must be based upon the average actual cost of performing the monitoring of HOME-assisted rental projects. The basis for determining the amount of for the fee amount must be documented and the fee must be included in the costs of the project as part of the project underwriting;

(ii) Participating jurisdictions, subrecipients and State recipients may charge nominal application fees (although these fees are not an eligible HOME cost) to project owners to discourage frivolous applications. The amount of application fees must be appropriate to the type of application and may not create an undue impediment to a low-income family's, subrecipient's, State recipient's, or other entity's participation in the participating jurisdiction's program; and

(iii) Participating jurisdictions, subrecipients and State recipients may charge homebuyers a fee for housing counseling.

(2) All fees charged under paragraph (b)(1) of this section are applicable credits under 2 CFR 200.406.

(3) The participating jurisdiction must prohibit project owners from charging fees that are not customarily charged in rental housing (e.g., laundry room access fees), except that rental project owners may charge:

(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, as long as the services are voluntary and fees are charged for services provided.

[61 FR 48750, Sept. 16, 1996, as amended at 62 FR 28929, May 28, 1997; 67 FR 61756, Oct. 1, 2002; 72 FR 16685, Apr. 4, 2007; 78 FR 44669, July 24, 2013; 80 FR 75935, Dec. 7, 2015]

§ 92.215 Limitation on jurisdictions under court order.

Limitations on the use of HOME funds in connection with litigation involving discrimination or fair housing are set forth in section 224 of the Act.

INCOME TARGETING

§ 92.216 Income targeting: Tenant-based rental assistance and rental units.

Each participating jurisdiction must invest HOME funds made available during a fiscal year so that, with respect to tenant-based rental assistance and rental units:

(a) Not less than 90 percent of:

(1) The families receiving such rental assistance are families whose annual incomes do not exceed 60 percent of the median family income for the area, as determined and made available by HUD with adjustments for smaller and larger families (except that HUD may establish income ceilings higher or lower than 60 percent of the median for the area on the basis of HUD's findings that such variations are necessary because of prevailing levels of construction cost or fair market rent, or unusually high or low family income) at the time of occupancy or at the time funds are invested, whichever is later; or

(2) The dwelling units assisted with such funds are occupied by families having such incomes; and

(b) The remainder of:

(1) The families receiving such rental assistance are households that qualify as low-income families (other than families described in paragraph (a)(1) of this section) at the time of occupancy or at the time funds are invested, whichever is later; or

(2) The dwelling units assisted with such funds are occupied by such households.

§ 92.217 Income targeting: Homeownership.

Each participating jurisdiction must invest HOME funds made available during a fiscal year so that with respect to homeownership assistance, 100 percent of these funds are invested in dwelling units that are occupied by households that qualify as low-income families.

[67 FR 61756, Oct. 1, 2002]

§ 92.218 Amount of matching contribution.

(a) ***General.*** Each participating jurisdiction must make contributions to housing that qualifies as affordable housing under the HOME program, throughout a fiscal year. The contributions must total not less than 25 percent of the funds drawn from the jurisdiction's HOME Investment Trust Fund Treasury account in that fiscal year, excluding funds drawn for purposes identified in paragraph (c) of this section.

(b) ***Shortfall amount from State or local resources.*** Amounts made available under § 92.102(b)(2) from the resources of a State (other than a transfer of the State's formula allocation), the local participating jurisdiction, or both, to enable the local participating jurisdiction to meet the participation threshold amount are not required to be matched and do not constitute matching contributions.

(c) ***HOME funds not required to be matched.*** HOME funds used for administrative and planning costs (pursuant to § 92.207); community housing development organization operating expenses (pursuant to § 92.208); capacity building (pursuant to § 92.300(b)) of community housing development organizations; and project specific assistance to community housing development organizations (pursuant to § 92.301) when the participating jurisdiction waives repayment under the provisions of § 92.301(a)(3) or § 92.301(b)(3) are not required to be matched.

(d) ***Match contribution for other programs.*** Contributions that have been or will be counted as satisfying a matching requirement of another Federal grant or award may not count as satisfying the matching contribution requirement for the HOME program.

§ 92.219 Recognition of matching contribution.

(a) ***Match contribution to HOME-assisted housing.*** A contribution is recognized as a matching contribution if it is made with respect to:

(1) A tenant who is assisted with HOME funds;

(2) A HOME-assisted unit;

(3) The portion of a project that is not HOME-assisted provided that at least 50 percent of the housing units in the project are HOME-assisted. If the match contribution to the portion of the project that is not HOME-assisted meets the affordable housing requirements of § 92.219(b)(2), the percentage requirement for HOME-assisted units does not apply; or

(4) The commercial space in a mixed-use project in which at least 51 percent of the floor space is residential provided that at least 50 percent of the dwelling units are HOME-assisted.

(b) ***Match contribution to affordable housing that is not HOME-assisted.*** The following requirements apply for recognition of matching contributions made to affordable housing that is not HOME-assisted:

(1) For tenant-based rental assistance that is not HOME-assisted:

(i) The contribution must be made with respect to a tenant who is assisted with tenant-based rental assistance that meets the requirements of § 92.203 (Income determinations) and paragraphs (a), (c), (f), and (i) of § 92.209 (Tenant-based rental assistance); and

(ii) The participating jurisdiction must demonstrate in writing that such assistance meets the provisions of §§ 92.203 and 92.209 (except § 92.209(e)).

(2) For affordable housing that is not HOME-assisted:

(i) The contribution must be made with respect to housing that qualifies as affordable housing under § 92.252 or § 92.254.

(ii) The participating jurisdiction or its instrumentality must execute, with the owner of the housing (or, if the participating jurisdiction is the owner, with the manager or developer), a written agreement that imposes and enumerates all of the affordability requirements from § 92.252 and § 92.253(a) and (b) (Tenant

protections), or § 92.254, whichever are applicable; the property standards requirements of § 92.251; and income determinations made in accordance with § 92.203. This written agreement must be executed before any match contributions may be made.

(iii) A participating jurisdiction must establish a procedure to monitor HOME match-eligible housing to ensure continued compliance with the requirements of §§ 92.203 (Income determinations), 92.252 (Qualification as affordable housing: Rental housing), 92.253(a) and (b) (Tenant protections) and 92.254 (Qualification as affordable housing: Homeownership). No other HOME requirements apply.

(iv) The match may be in any eligible form of match except those in § 92.220(a)(2) (forbearance of fees), (a)(4) (on-site and off-site infrastructure), (a)(10) (direct cost of supportive services) and (a)(11) (direct costs of homebuyer counseling services).

(v) Match contributions to mixed-use or mixed-income projects that contain affordable housing units will be recognized only if the contribution is made to the project's affordable housing units.

[61 FR 48750, Sept. 16, 1996, as amended at 62 FR 28929, May 28, 1997]

§ 92.220 Form of matching contribution.

(a) ***Eligible forms.*** Matching contributions must be made from nonfederal resources and may be in the form of one or more of the following:

(1) ***Cash contributions from nonfederal sources.*** To be recognized as a cash contribution, funds must be contributed permanently to the HOME program (or to affordable housing not assisted with HOME funds), regardless of the form of investment provided to the project. Therefore, to receive match credit for the full amount of a loan to a HOME project, all repayment, interest, or other return on investment of the contribution must be deposited in the local account of the participating jurisdiction's HOME Investment Trust Fund to be used for eligible HOME activities in accordance with the requirements of this part. A cash contribution to affordable housing that is not assisted with HOME funds must be contributed permanently to the project. Repayments of matching contributions in affordable housing projects, as defined in § 92.219(b), that are not HOME-assisted, must be made to the local account of the participating jurisdiction's HOME Investment Trust Fund to get match credit for the full loan amount.

(i) A cash contribution may be made by the participating jurisdiction, non-Federal public entities, private entities, or individuals, except as prohibited under paragraph (b)(4) of this section. A cash contribution made to a nonprofit organization for use in a HOME project may be counted as a matching contribution.

(ii) A cash contribution may be made from program income (as defined by 2 CFR 200.80) from a Federal grant earned after the end of the award period if no Federal requirements govern the disposition of the program income. Included in this category are repayments from closed out grants under the Urban Development Action Grant Program (24 CFR part 570, subpart G) and the Housing Development Grant Program (24 CFR part 850), and from the Rental Rehabilitation Grant Program (24 CFR part 511) after all fiscal year Rental Rehabilitation grants have been closed out.

(iii) The grant equivalent of a below-market interest rate loan to the project that is not repayable to the participating jurisdiction's HOME Investment Trust Fund may be counted as a cash contribution, as follows:

(A) If the loan is made from funds borrowed by a jurisdiction or public agency or corporation the contribution is the present discounted cash value of the difference between the payments to be made on the borrowed funds and payments to be received from the loan to the project based on a discount rate equal to the interest rate on the borrowed funds.

(B) If the loan is made from funds other than funds borrowed by a jurisdiction or public agency or corporation, the contribution is the present discounted cash value of the yield foregone. In determining the yield foregone, the participating jurisdiction must use as a measure of a market rate yield one of the following, as appropriate:

(*1*) With respect to one- to four-unit housing financed with a fixed interest rate mortgage, a rate equal to the 10-year Treasury note rate plus 200 basis points;

(*2*) With respect to one- to four-unit housing financed with an adjustable interest rate mortgage, a rate equal to the one-year Treasury bill rate plus 250 basis points;

(*3*) With respect to a multifamily project, a rate equal to the 10-year Treasury note rate plus 300 basis points; or

(*4*) With respect to housing receiving financing for rehabilitation, a rate equal to the 10-year Treasury note rate plus 400 basis points.

(iv) Proceeds of bonds that are not repaid with revenue from an affordable housing project (e.g., general obligation bonds) and that are loaned to a HOME-assisted or other qualified affordable housing project constitute a cash contribution under this paragraph.

(v) A cash contribution may be counted as a matching contribution only if it is used for costs eligible under §§ 92.206 or 92.209, or for the following (which are not HOME eligible costs): the cost of removing and relocating an ECHO housing unit during the period of affordability in accordance with § 92.258(d)(3)(ii), payments to a project reserve account beyond payments permitted by § 92.206(d)(5), operating subsidies, or costs relating to the portion of a mixed-income or mixed-use HOME-assisted project not related to the affordable housing units.

(2) ***Forbearance of fees*** —

(i) ***State and local taxes, charges or fees.*** The value (based on customary and reasonable means for establishing value) of State or local taxes, fees, or other charges that are normally and customarily imposed or charged by a State or local government on all transactions or projects in the conduct of its operations, which are waived, foregone, or deferred (including State low-income housing tax credits) in a manner that achieves affordability of HOME-assisted projects, may be counted as match. The amount of any real estate taxes may be based on post-improvement property value. For taxes, fees, or charges that are forgiven for future years, the value is the present discounted cash value, based on a rate equal to the rate for the Treasury security with a maturity closest to the number of years for which the taxes, fees, or charges are waived, foregone, or deferred.

(ii) ***Other charges or fees.*** The value of fees or charges associated with the transfer or development of real estate that are normally and customarily imposed or charged by public or private entities, which are waived or foregone, in whole or in part, in a manner that achieves affordability of HOME-assisted projects, may be counted as match. Fees and charges under this paragraph do not include fees or charges for legal or other professional services; professional services which are donated, in whole or in part, are an eligible matching contribution in accordance with paragraph (a)(7) of this section.

(iii) Fees or charges that are associated with the HOME Program only (rather than normally and customarily imposed or charged on all transactions or projects) are not eligible forms of matching contributions.

(3) ***Donated Real Property.*** The value, before the HOME assistance is provided and minus any debt burden, lien, or other encumbrance, of donated land or other real property may be counted as match. The donation may be made by the participating jurisdiction, non-Federal public entities, private entities, or individuals, except as prohibited under paragraph (b)(4) of this section.

(i) Donated property not acquired with Federal resources is a contribution in the amount of 100% of the value.

(ii) Donated property acquired with Federal assistance may provide a partial contribution as follows. The property must be acquired with Federal assistance specifically for a HOME project (or for affordable housing that will be counted as match pursuant to § 92.219(b)(2)). The property must be acquired with the Federal assistance at demonstrably below the appraised value and must be acknowledged by the seller as a donation to affordable housing at the time of the acquisition with the Federal assistance. The amount of the contribution is the difference between the acquisition price and the appraised value at the time of acquisition with the Federal assistance. If the property is acquired with the Federal assistance by someone other than the HOME project (or affordable housing) owner, to continue to qualify as a contribution, the property must be given to the HOME project (or affordable housing) owner at a price that does not exceed the amount of the Federal assistance used to acquire the property.

(iii) Property must be appraised in conformance with established and generally recognized appraisal practice and procedures in common use by professional appraisers. Opinions of value must be based on the best available data properly analyzed and interpreted. The appraisal of land and structures must be performed by an independent, certified appraiser.

(4) The cost, not paid with Federal resources, of on-site and off-site infrastructure that the participating jurisdiction documents are directly required for HOME-assisted projects. The infrastructure must have been completed no earlier than 12 months before HOME funds are committed to the project.

(5) Proceeds from multifamily and single family affordable housing project bond financing validly issued by a State or local government, or an agency or instrumentality of a State or local government or a political subdivision of a State and repayable with revenues from the affordable housing project financed as follows:

(i) Fifty percent of the loan amount made from bond proceeds to a multifamily affordable housing project owner may qualify as match.

(ii) Twenty-five percent of the loan amount from bond proceeds made to a single-family affordable housing project owner may qualify as match.

(iii) Loans made from bond proceeds may not constitute more than 25 percent of a participating jurisdiction's total annual match contribution.

(6) The reasonable value of donated site-preparation and construction materials, not acquired with Federal resources. The value of site-preparation and construction materials is to be determined in accordance with the participating jurisdiction's cost estimate procedures.

(7) The reasonable rental value of the donated use of site preparation or construction equipment.

(8) The value of donated or voluntary labor or professional services (see § 92.354(b)) in connection with the provision of affordable housing. A single rate established by HUD shall be applicable for determining the value of unskilled labor. The value of skilled labor or professional services shall be determined by the rate that the individual or entity performing the labor or service normally charges.

(9) The value of sweat equity (see § 92.354(c)) provided to a homeownership project, under an established component of a participating jurisdiction's program, up until the time of project completion (i.e., submission of a project completion form). Such labor shall be valued at the rate established for unskilled labor at paragraph (a)(8) of this section.

(10) The direct cost of supportive services provided to families residing in HOME-assisted units during the period of affordability or receiving HOME tenant-based rental assistance during the term of the tenant-based rental assistance contract. The supportive services must be necessary to facilitate independent living or be required as part of a self-sufficiency program. Examples of supportive services include: case management, mental health services, assistance with the tasks of daily living, substance abuse treatment and counseling, day care, and job training and counseling.

(11) The direct cost of homebuyer counseling services provided to families that acquire properties with HOME funds under the provisions of § 92.254(a), including ongoing counseling services provided during the period of affordability. These services may be provided as part of a homebuyer counseling program that is not specific to the HOME Program, but only the cost of services to families that complete purchases with HOME assistance may be counted as match.

(b) ***Ineligible forms.*** The following are examples that do not meet the requirements of paragraph (a) of this section and do not count toward meeting a participating jurisdiction's matching contribution requirement:

(1) Contributions made with or derived from Federal resources or funds, regardless of when the Federal resources or funds were received or expended. CDBG funds (defined in 24 CFR 570.3) are Federal funds for this purpose;

(2) The interest rate subsidy attributable to the Federal tax-exemption on financing or the value attributable to Federal tax credits;

(3) Owner equity or investment in a project; and

(4) Cash or other forms of contributions from applicants for or recipients of HOME assistance or contracts, or investors who own, are working on, or are proposing to apply for assistance for a HOME-assisted project. The prohibition in this paragraph (b)(4) does not apply to contractors (who do not own any HOME project) contributing professional services in accordance with paragraph (a)(8) of this section or to persons contributing sweat equity in accordance with paragraph (a)(9) of this section.

[61 FR 48750, Sept. 16, 1996, as amended at 62 FR 28929, May 28, 1997; 62 FR 44840, Aug. 22, 1997; 80 FR 75935, Dec. 7, 2015]

§ 92.221 Match credit.

(a) ***When credit is given.*** Contributions are credited on a fiscal year basis at the time the contribution is made, as follows:

(1) A cash contribution is credited when the funds are expended.

(2) The grant equivalent of a below-market interest rate loan is credited at the time of the loan closing.

(3) The value of state or local taxes, fees, or other charges that are normally and customarily imposed but are waived, foregone, or deferred is credited at the time the state or local government or other public or private entity officially waives, forgoes, or defers the taxes, fees, or other charges and notifies the project owner.

(4) The value of donated land or other real property is credited at the time ownership of the property is transferred to the HOME project (or affordable housing) owner.

(5) The cost of investment in infrastructure directly required for HOME-assisted projects is credited at the time funds are expended for the infrastructure or at the time the HOME funds are committed to the project if the infrastructure was completed before the commitment of HOME funds.

(6) The value of donated material is credited as match at the time it is used for affordable housing.

(7) The value of the donate use of site preparation or construction equipment is credited as match at the time the equipment is used for affordable housing.

(8) The value of donated or voluntary labor or professional services is credited at the time the work is performed.

(9) A loan made from bond proceeds under § 92.220(a)(5) is credited at the time of the loan closing.

(10) The direct cost of social services provided to residents of HOME-assisted units is credited at the time that the social services are provided during the period of affordability.

(11) The direct cost of homebuyer counseling services provided to families that purchase HOME-assisted units is credited at the time that the homebuyer purchases the unit or for post-purchase counseling services, at the time the counseling services are provided.

(b) ***Excess match.*** Contributions made in a fiscal year that exceed the participating jurisdiction's match liability for the fiscal year in which they were made may be carried over and applied to future fiscal years' match liability. Loans made from bond proceeds in excess of 25 percent of a participating jurisdiction's total annual match contribution may be carried over to subsequent fiscal years as excess match, subject to the annual 25 percent limitation.

(c) Credit for match contributions shall be assigned as follows:

(1) For HOME-assisted projects involving more than one participating jurisdiction, the participating jurisdiction that makes the match contribution may decide to retain the match credit or permit the other participating jurisdiction to claim the credit.

(2) For HOME match contributions to affordable housing that is not HOME-assisted (match pursuant to § 92.219(b)) involving more than one participating jurisdiction, the participating jurisdiction that makes the match contribution receives the match credit.

(3) A State that provides non-Federal funds to a local participating jurisdiction to be used for a contribution to affordable housing, whether or not HOME-assisted, may take the match credit for itself or may permit the local participating jurisdiction to receive the match credit.

(d) Match credit for the development of affordable homeownership housing for sale to homebuyers. Contributions to the development of homeownership housing may be credited as a match only to the extent that the sales price of the housing is reduced by the amount of the contribution or, if the development costs exceed the fair market value of the housing, the contribution may be credited to the extent that the contributions enable the housing to be sold for less than the cost of development.

[61 FR 48750, Sept. 16, 1996, as amended at 78 FR 44670, July 24, 2013]

§ 92.222 Reduction of matching contribution requirement.

(a) ***Reduction for fiscal distress.*** HUD will determine match reductions annually.

(1) ***Distress criteria for local government participating jurisdictions.*** If a local government participating jurisdiction satisfies both of the distress factors in paragraphs (a)(1)(i) and (ii) of this section, it is in severe fiscal distress and its match requirement will be reduced by 100% for the period specified in paragraph (a)(3) of this section. If a local government participating jurisdiction satisfies either distress factor in paragraphs (a)(1)(i) or (ii) of this section, it is in fiscal distress and its match requirement will be reduced by 50 percent, for the period specified in paragraph (a)(4) of this section.

(i) ***Poverty rate.*** The average poverty rate in the participating jurisdiction was equal to or greater than 125 percent of the average national poverty rate during the calendar year for which the most recent data are available, as determined according to information of the Bureau of the Census.

(ii) ***Per capita income.*** The average per capita income in the participating jurisdiction was less than 75 percent of the average national per capita income, during the calendar year for which the most recent data are available, as determined according to information from the Bureau of the Census.

(2) ***Distress criteria for participating jurisdictions that are States.*** If a State satisfies at least 2 of the 3 distress factors in paragraphs (a)(2)(i) through (iii) of this section, it is in severe fiscal distress and its match requirement will be reduced by 100% for the period specified in paragraph (a)(3) of this section. If a State satisfies any 1 of the 3 distress factors in paragraphs (a)(2)(i) through (iii) of this section, it is in fiscal distress and its match requirement will be reduced by 50 percent, for the period specified in paragraph (a)(4) of this section.

(i) ***Poverty rate.*** The average poverty rate in the State was equal to or greater than 125 percent of the average national poverty rate during the calendar year for which the most recent data are available, as determined according to information from the Bureau of the Census.

(ii) ***Per capita income.*** The average per capita income in the State was less than 75 percent of the average national per capita income, during the calendar year for which the most recent data are available, as determined according to information from the Bureau of the Census.

(iii) ***Personal income growth.*** The average personal income growth rate in the State over the most recent four quarters for which the data are available was less than 75 percent of the average national personal income growth rate during that period, as determined according to information from the Bureau of Economic Analysis.

(3) ***Period of match reduction for severe fiscal distress.*** A 100% match reduction is effective for the fiscal year in which the severe fiscal distress determination is made and for the following fiscal year.

(4) ***Period of match reduction for fiscal distress.*** A 50% match reduction is effective for the fiscal year in which the fiscal distress determination is made and for the following fiscal year, except that if a severe fiscal distress determination is published in that following fiscal year, the participating jurisdiction starts a new two-year match reduction period in accordance with the provisions of paragraph (a)(3) of this section.

(b) Reduction of match for participating jurisdictions in disaster areas. If a participating jurisdiction is located in an area in which a declaration of major disaster is made pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121–5206), the participating jurisdiction may request a reduction of its matching requirement.

(1) In determining whether to grant the request and the amount and duration of the reduction, if any, HUD must consider the fiscal impact of the disaster on the participating jurisdiction.

(i) For a local participating jurisdiction, the HUD Field office may reduce the matching requirement specified in § 92.218 by up to 100 percent for the fiscal year in which the declaration of major disaster is made and the following fiscal year.

(ii) For a State participating jurisdiction, the HUD Field office may reduce the matching requirement specified in § 92.218, by up to 100 percent for the fiscal year in which the declaration of major disaster is made and the following fiscal year with respect to any HOME funds expended in an area to which the declaration of a major disaster applies.

(2) At its discretion and upon request of the participating jurisdiction, the HUD Field Office may extend the reduction for an additional year.

[61 FR 48750, Sept. 16, 1996, as amended at 78 FR 44670, July 24, 2013]

Subpart F - Project Requirements

§ 92.250 Maximum per-unit subsidy amount, underwriting, and subsidy layering.

(a) ***Maximum per-unit subsidy amount.*** The total amount of HOME funds and ADDI funds that a participating jurisdiction may invest on a per-unit basis in affordable housing may not exceed the per-unit dollar limitations established under section 221(d)(3)(ii) of the National Housing Act (12 U.S.C.17151(d)(3)(ii)) for elevator- type projects that apply to the area in which the housing is located. HUD will allow the per-unit subsidy amount to be increased on a program-wide basis to an amount, up to 240 percent of the original per unit limits, to the extent that the costs of multifamily housing construction exceed the section 221(d)(3)(ii) limit.

(b) ***Underwriting and subsidy layering.*** Before committing funds to a project, the participating jurisdiction must evaluate the project in accordance with guidelines that it has adopted for determining a reasonable level of profit or return on owner's or developer's investment in a project and must not invest any more HOME funds, alone or in combination with other governmental assistance, than is necessary to provide quality affordable housing that is financially viable for a reasonable period (at minimum, the period of affordability in § 92.252 or § 92.254) and that will not provide a profit or return on the owner's or developer's investment that exceeds the participating jurisdiction's established standards for the size, type, and complexity of the project. The participating jurisdiction's guidelines must require the participating jurisdiction to undertake:

(1) An examination of the sources and uses of funds for the project and a determination that the costs are reasonable; and

(2) An assessment, at minimum, of the current market demand in the neighborhood in which the project will be located, the experience of the developer, the financial capacity of the developer, and firm written financial commitments for the project.

(3) For projects involving rehabilitation of owner-occupied housing pursuant to § 92.254(b):

(i) An underwriting analysis is required only if the HOME-funded rehabilitation loan is an amortizing loan; and

(ii) A market analysis or evaluation of developer capacity is not required.

(4) For projects involving HOME-funded downpayment assistance pursuant to § 92.254(a) and which do not include HOME-funded development activity, a market analysis or evaluation of developer capacity is not required.

[78 FR 44670, July 24, 2013]

§ 92.251 Property standards.

(a) ***New construction projects.***

(1) ***State and local codes, ordinances, and zoning requirements.*** Housing that is newly constructed with HOME funds must meet all applicable State and local codes, ordinances, and zoning requirements. HOME-assisted new construction projects must meet State or local residential and building codes, as applicable or, in the absence of a State or local building code, the International Residential Code or International Building Code (as applicable to the type of housing) of the International Code Council. The housing must meet the applicable requirements upon project completion.

(2) ***HUD requirements.*** All new construction projects must also meet the requirements described in this paragraph:

(i) ***Accessibility.*** The housing must meet the accessibility requirements of 24 CFR part 8, which implements Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), and Titles II and III of the Americans with Disabilities Act (42 U.S.C. 12131–12189) implemented at 28 CFR parts 35 and 36, as applicable. Covered multifamily dwellings, as defined at 24 CFR 100.201, must also meet the design and construction requirements at 24 CFR 100.205, which implements the Fair Housing Act (42 U.S.C. 3601–3619).

(ii) [Reserved]

(iii) ***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.

(iv) ***Written cost estimates, construction contracts and construction documents.*** The participating jurisdiction must ensure the construction contract(s) and construction documents describe the work to be undertaken in adequate detail so that inspections can be conducted. The participating jurisdiction must review and approve written cost estimates for construction and determining that costs are reasonable.

(v) ***Construction progress inspections.*** The participating jurisdiction must 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.

(vi) ***Broadband infrastructure.*** For new commitments made after January 19, 2017 for a new construction housing project of a building with more than 4 rental units, the construction must include installation of broadband infrastructure, as this term is defined in 24 CFR 5.100, except where the participating jurisdiction determines and, in accordance with § 92.508(a)(3)(iv), documents the determination that:

(A) The location of the new construction makes installation of broadband infrastructure infeasible; or

(B) The cost of installing the infrastructure would result in a fundamental alteration in the nature of its program or activity or in an undue financial burden.

(b) ***Rehabilitation projects.*** All rehabilitation that is performed using HOME funds must meet the requirements of this paragraph (b).

(1) ***Rehabilitation standards.*** The participating jurisdiction must establish rehabilitation standards for all HOME-assisted housing rehabilitation activities that set forth the requirements that the housing must meet upon project completion. The participating jurisdiction's description of its standards must be in sufficient detail to determine the required rehabilitation work including methods and materials. The standards may refer to applicable codes or they may establish requirements that exceed the minimum requirements of the codes. The rehabilitation standards must address each of the following:

(i) ***Health and safety.*** The participating jurisdiction's standards must identify life-threatening deficiencies that must be addressed immediately if the housing is occupied.

(ii) ***Major systems.*** Major systems are: structural support; roofing; cladding and weatherproofing (e.g., windows, doors, siding, gutters); plumbing; electrical; and heating, ventilation, and air conditioning. For rental housing, the participating jurisdiction's standards must require the participating jurisdiction to estimate (based on age and condition) the remaining useful life of these systems, upon project completion of each major systems. For multifamily housing projects of 26 units or more, the participating jurisdiction's standards must require the participating jurisdiction to determine the useful life of major systems through a capital needs assessment of the project. For rental housing, if the remaining useful life of one or more major system is less than the applicable period of affordability, the participating jurisdiction's standards must require the participating jurisdiction to ensure that a replacement reserve is established and monthly payments are made to the reserve that are adequate to repair or replace the systems as needed. For homeownership housing, the participating jurisdiction's standards must require, upon project completion, each of the major systems to have a remaining useful life for a minimum of 5 years or for such longer period specified by the participating jurisdiction, or the major systems must be rehabilitated or replaced as part of the rehabilitation work.

(iii) ***Lead-based paint.*** The participating jurisdiction's standards must require the housing to meet the lead-based paint requirements at 24 CFR part 35.

(iv) ***Accessibility.*** The participating jurisdiction's standards must require the housing to meet the accessibility requirements in 24 CFR part 8, which implements Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), and Titles II and III of the Americans with Disabilities Act (42 U.S.C. 12131–12189) implemented at 28 CFR parts 35 and 36, as applicable. Covered multifamily dwellings, as defined at 24 CFR 100.201, must also meet the design and construction requirements at 24 CFR 100.205, which implements the Fair Housing Act (42 U.S.C. 3601–3619). Rehabilitation may include improvements that are not required by regulation or statute that permit use by a person with disabilities.

(v) [Reserved]

(vi) ***Disaster mitigation.*** Where relevant, the participating jurisdiction's standards must require the housing to be improved to mitigate the impact of potential disasters (e.g., earthquake, hurricanes, flooding, and wildfires) in accordance with State and local codes, ordinances, and requirements.

(vii) ***State and local codes, ordinances, and zoning requirements.*** The participating jurisdiction's standards must require the housing to meet all applicable State and local codes, ordinances, and requirements or, in the absence of a State or local building code, the International Existing Building Code of the International Code Council.

(viii) ***Uniform Physical Condition Standards.*** The standards of the participating jurisdiction must be such that, upon completion, the HOME-assisted project and units will be decent, safe, sanitary, and in good repair as described in 24 CFR 5.703. HUD will establish the minimum deficiencies that must be corrected under the participating jurisdiction's rehabilitation standards based on inspectable items and inspected areas from HUD-prescribed physical inspection procedures (Uniform Physical Conditions Standards) pursuant to 24 CFR 5.705.

(ix) ***Capital Needs Assessments.*** For multifamily rental housing projects of 26 or more total units, the participating jurisdiction must determine all work that will be performed in the rehabilitation of the housing and the long-term physical needs of the project through a capital needs assessment of the project.

(x) ***Broadband infrastructure.*** For new commitments made after January 19, 2017 for a substantial rehabilitation project of a building with more than 4 rental units, any substantial rehabilitation, as defined in 24 CFR 5.100, must provide for installation of broadband infrastructure, as this term is also defined in 24 CFR 5.100, except where the participating jurisdiction determines and, in accordance with § 92.508(a)(3)(iv), documents the determination that:

(A) The location of the substantial rehabilitation makes installation of broadband infrastructure infeasible;

(B) The cost of installing broadband infrastructure would result in a fundamental alteration in the nature of its program or activity or in an undue financial burden; or

(C) The structure of the housing to be substantially rehabilitated makes installation of broadband infrastructure infeasible.

(2) ***Construction documents and cost estimates.*** The participating jurisdiction must ensure that the work to be undertaken will meet the participating jurisdiction's rehabilitation standards. The construction documents (i.e., written scope of work to be performed) must be in sufficient detail to establish the basis for a uniform inspection of the housing to determine compliance with the participating jurisdiction's standards. The participating jurisdiction must review and approve a written cost estimate for rehabilitation after determining that costs are reasonable.

(3) ***Frequency of inspections.*** The participating jurisdiction must conduct an initial property inspection to identify the deficiencies that must be addressed. The participating jurisdiction must conduct progress and final inspections to determine that work was done in accordance with work write-ups.

(c) ***Acquisition of standard housing.***

(1) Existing housing that is acquired with HOME assistance for rental housing, and that was newly constructed or rehabilitated less than 12 months before the date of commitment of HOME funds, must meet the property standards of paragraph (a) or paragraph (b) of this section, as applicable, of this section for new construction and rehabilitation projects. The participating jurisdiction must document this compliance based upon a review of approved building plans and Certificates of Occupancy, and an inspection that is conducted no earlier than 90 days before the commitment of HOME assistance.

(2) All other existing housing that is acquired with HOME assistance for rental housing must meet the rehabilitation property standards requirements of paragraph (b) of this section. The participating jurisdiction must document this compliance based upon an inspection that is conducted no earlier than 90 days before the commitment of HOME assistance. If the property does not meet these standards, HOME funds cannot be used to acquire the property unless it is rehabilitated to meet the standards of paragraph (b) of this section.

(3) Existing housing that is acquired for homeownership (e.g., downpayment assistance) must be decent, safe, sanitary, and in good repair. The participating jurisdiction must establish standards to determine that the housing is decent, safe, sanitary, and in good repair. At minimum, the standards must provide that the housing

meets all applicable State and local housing quality standards and code requirements and the housing does not contain the specific deficiencies proscribed by HUD based on the applicable inspectable items and inspected areas in HUD-prescribed physical inspection procedures (Uniform Physical Condition Standards) issued pursuant to 24 CFR 5.705. The participating jurisdiction must inspect the housing and document this compliance based upon an inspection that is conducted no earlier than 90 days before the commitment of HOME assistance. If the housing does not meet these standards, the housing must be rehabilitated to meet the standards of this paragraph (c)(3) or it cannot be acquired with HOME funds.

(d) ***Occupied housing by tenants receiving HOME tenant-based rental assistance.*** All housing occupied by tenants receiving HOME tenant-based rental assistance must meet the standards in 24 CFR 982.401, or the successor requirements as established by HUD.

(e) ***Manufactured housing.*** Construction of all manufactured housing including manufactured housing that replaces an existing substandard unit under the definition of "reconstruction" must meet the Manufactured Home Construction and Safety Standards codified at 24 CFR part 3280. These standards preempt State and local codes which are not identical to the federal standards for the new construction of manufactured housing. Participating jurisdictions providing HOME funds to assist manufactured housing units must comply with applicable State and local laws or codes. In the absence of such laws or codes, the installation must comply with the manufacturer's written instructions for installation of manufactured housing units. All new manufactured housing and all manufactured housing that replaces an existing substandard unit under the definition of "reconstruction" must be on a permanent foundation that meets the requirements for foundation systems as set forth in 24 CFR 203.43f(c)(i). All new manufactured housing and all manufactured housing that replaces an existing substandard unit under the definition of "reconstruction" must, at the time of project completion, be connected to permanent utility hook-ups and be located on land that is owned by the manufactured housing unit owner or land for which the manufactured housing owner has a lease for a period at least equal to the applicable period of affordability. In HOME-funded rehabilitation of existing manufactured housing the foundation and anchoring must meet all applicable State and local codes, ordinances, and requirements or in the absence of local or state codes, the Model Manufactured Home Installation Standards at 24 CFR part 3285. Manufactured housing that is rehabilitated using HOME funds must meet the property standards requirements in paragraph (b) of this section, as applicable. The participating jurisdiction must document this compliance in accordance with inspection procedures that the participating jurisdiction has established pursuant to § 92.251, as applicable.

(f) ***Ongoing property condition standards: Rental housing.***

(1) Ongoing property standards. The participating jurisdiction must establish property standards for rental housing (including manufactured housing) that apply throughout the affordability period. The standards must ensure that owners maintain the housing as decent, safe, and sanitary housing in good repair. The participating jurisdiction's description of its property standards must be in sufficient detail to establish the basis for a uniform inspection of HOME rental projects. The participating jurisdiction's ongoing property standards must address each of the following:

(i) ***Compliance with State and local codes, ordinances, and requirements.*** The participating jurisdiction's standards must require the housing to meet all applicable State and local code requirements and ordinances. In the absence of existing applicable State or local code requirements and ordinances, at a minimum, the participating jurisdiction's ongoing property standards must include all inspectable items and inspectable areas specified by HUD based on the HUD physical inspection procedures (Uniform Physical Condition Standards (UPCS)) prescribed by HUD pursuant to 24 CFR 5.705. The participating jurisdiction's property standards are not required to use any scoring, item weight, or level of criticality used in UPCS.

(ii) ***Health and safety.*** The participating jurisdiction's standards must require the housing to be free of all health and safety defects. The standards must identify life-threatening deficiencies that the owner must immediately correct and the time frames for addressing these deficiencies.

(iii) ***Lead-based paint.*** The participating jurisdiction's standards must require the housing to meet the lead-based paint requirements in 24 CFR part 35.

(2) Projects to which HOME funds were committed before January 24, 2015 must meet all applicable State or local housing quality standards or code requirements, and if there are no such standard or code requirements, the housing must meet the housing quality standards in 24 CFR 982.401.

(3) ***Inspections.*** The participating jurisdiction must undertake ongoing property inspections, in accordance with § 92.504(d).

(4) ***Corrective and remedial actions.*** The participating jurisdiction must have procedures for ensuring that timely corrective and remedial actions are taken by the project owner to address identified deficiencies.

(5) ***Inspection procedures.*** The participating jurisdiction must establish written inspection procedures inspections. The procedures must include detailed inspection checklists, description of how and by whom inspections will be carried out, and procedures for training and certifying qualified inspectors. The procedures must also describe how frequently the property will be inspected, consistent with this section, § 92.209, and § 92.504(d).

[78 FR 44670, July 24, 2013, as amended at 81 FR 92635, Dec. 20, 2016]

§ 92.252 Qualification as affordable housing: Rental housing.

CROSS REFERENCE

Link to an amendment published at 88 FR 9663, Feb. 14, 2023.

The HOME-assisted units in a rental housing project must be occupied by households that are eligible as low- income families and must meet the requirements of this section to qualify as affordable housing. If the housing is not occupied by eligible tenants within six months following the date of project completion, HUD will require the participating jurisdiction to submit marketing information and, if appropriate, submit a marketing plan. HUD will require the participating jurisdiction to repay HOME funds invested in any housing unit that has not been rented to eligible tenants 18 months after the date of project completion. The affordability requirements also apply to the HOME- assisted non-owner-occupied units in single-family housing purchased with HOME funds in accordance with § 92.254. The tenant must have a written lease that complies with § 92.253.

(a) ***Rent limitation.*** HUD provides the following maximum HOME rent limits. The rent limits apply to the rent plus the utilities or the utility allowance. The maximum HOME rents (High HOME Rents) are the lesser of:

(1) The fair market rent for existing housing for comparable units in the area as established by HUD under 24 CFR 888.111; or

(2) A rent that does not exceed 30 percent of the adjusted income of a family whose annual income equals 65 percent of the median income for the area, as determined by HUD, with adjustments for number of bedrooms in the unit. The HOME rent limits provided by HUD will include average occupancy per unit and adjusted income assumptions.

(b) ***Additional rent limitations (Low HOME Rents).*** The participating jurisdiction may designate (in its written agreement with the project owner) more than the minimum HOME units in a rental housing project, regardless of project size, to have Low HOME Rents that meet the requirements of this paragraph (b). In rental projects with five or more HOME-assisted rental units, at least 20 percent of the HOME-assisted units must be occupied by very low-income families and meet one of the following rent requirements:

(1) The rent does not exceed 30 percent of the annual income of a family whose income equals 50 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. HUD provides the HOME rent limits which include average occupancy per unit and adjusted income assumptions. However, if the rent determined under this paragraph is higher than the applicable rent under paragraph (a) of this section, then the maximum rent for units under this paragraph is that calculated under paragraph (a) of this section.

(2) The rent does not exceed 30 percent of the family's adjusted income. If the unit receives Federal or State project-based rental subsidy and the very low-income family pays as a contribution toward rent not more than 30 percent of the family's adjusted income, then the maximum rent (i.e., tenant contribution plus project-based rental subsidy) is the rent allowable under the Federal or State project-based rental subsidy program.

(c) ***Additional rent limitations for SRO projects.***

(1) For SRO units that have both sanitary and food preparation facilities, the maximum HOME rent is based on the zero-bedroom fair market rent. The project must meet the requirements of paragraphs (a) and (b) of this section.

(2) For SRO units that have no sanitary or food preparation facilities or only one of the two, the maximum HOME rent is based on 75 percent of the zero-bedroom fair market rent. The project is not required to have low HOME rents in accordance with paragraph (b)(1) or (2) of this section, but must meet the occupancy requirements of paragraph (b) of this section.

(d) ***Initial rent schedule and utility allowances.***

(1) The participating jurisdiction 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.

(e) ***Periods of affordability.*** The HOME-assisted units must meet the affordability requirements for not less than the applicable period specified in the following table, beginning after project completion.

(1) The affordability requirements:

(i) Apply without regard to the term of any loan or mortgage, repayment of the HOME investment, or the transfer of ownership;

(ii) Must be imposed by a deed restriction, a covenant running with the land, an agreement restricting the use of the property, or other mechanisms approved by HUD and must give the participating jurisdiction the right to require specific performance (except that the participating jurisdiction may provide that the affordability restrictions may terminate upon foreclosure or transfer in lieu of foreclosure); and

(iii) Must be recorded in accordance with State recordation laws.

(2) The participating jurisdiction may use purchase options, rights of first refusal or other preemptive rights to purchase the housing before foreclosure or deed in lieu of foreclosure in order to preserve affordability.

(3) The affordability restrictions shall be revived according to the original terms if, during the original affordability period, the owner of record before the foreclosure, or deed in lieu of foreclosure, or any entity that includes the former owner or those with whom the former owner has or had family or business ties, obtains an ownership interest in the project or property.

(4) The termination of the restrictions on the project does not terminate the participating jurisdiction's repayment obligation under § 92.503(b).

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

(f) ***Subsequent rents during the affordability period.***

(1) The maximum HOME rent limits are recalculated on a periodic basis after HUD determines fair market rents and median incomes. HUD then provides the new maximum HOME rent limits to participating jurisdictions. Regardless of changes in fair market rents and in median income over time, the HOME rents for a project are

not required to be lower than the HOME rent limits for the project in effect at the time of project commitment.

(2) The participating jurisdiction must provide project owners with information on updated HOME rent limits so that rents may be adjusted (not to exceed the maximum HOME rent limits in paragraph (f)(1) of this section) in accordance with the written agreement between the participating jurisdiction and the owner. Owners must annually provide the participating jurisdiction with information on rents and occupancy of HOME-assisted units to demonstrate compliance with this section. The participating jurisdiction must review rents for compliance and approve or disapprove them every year.

(3) Any increase in rents for HOME-assisted units is subject to the provisions of outstanding leases, and in any event, the owner must provide tenants of those units not less than 30 days prior written notice before implementing any increase in rents.

(g) ***Adjustment of HOME rent limits for an existing project.***

(1) Changes in fair market rents and in median income over time should be sufficient to maintain the financial viability of a project within the HOME rent limits in this section.

(2) HUD may adjust the HOME rent limits for a project, only if HUD finds that an adjustment is necessary to support the continued financial viability of the project and only by an amount that HUD determines is necessary to maintain continued financial viability of the project. HUD expects that this authority will be used sparingly.

(h) ***Tenant income.*** The income of each tenant must be determined initially in accordance with § 92.203(a)(1)(i). In addition, each year during the period of affordability the project owner must re-examine each tenant's annual income in accordance with one of the options in § 92.203 selected by the participating jurisdiction. An owner of a multifamily project with an affordability period of 10 years or more who re-examines tenant's annual income through a statement and certification in accordance with § 92.203(a)(1)(ii), must examine the income of each tenant, in accordance with § 92.203(a)(1)(i), every sixth year of the affordability period. Otherwise, an owner who accepts the tenant's statement and certification in accordance with § 92.203(a)(1)(ii) is not required to examine the income of tenants in multifamily or single-family projects unless there is evidence that the tenant's written statement failed to completely and accurately state information about the family's size or income.

(i) ***Over-income tenants.***

(1) HOME-assisted units continue to qualify as affordable housing despite a temporary noncompliance caused by increases in the incomes of existing tenants if actions satisfactory to HUD are being taken to ensure that all vacancies are filled in accordance with this section until the noncompliance is corrected.

(2) Tenants who no longer qualify as low-income families must pay as rent the lesser of the amount payable by the tenant under State or local law or 30 percent of the family's adjusted income, except that tenants of HOME-assisted units that have been allocated low-income housing tax credits by a housing credit agency pursuant to section 42 of the Internal Revenue Code of 1986 (26 U.S.C. 42) must pay rent governed by section 42. In addition, in projects in which the Home units are designated as floating pursuant to paragraph (j) of this section, tenants who no longer qualify as low-income are not required to pay as rent an amount that exceeds the market rent for comparable, unassisted units in the neighborhood.

(j) ***Fixed and floating HOME units.*** In a project containing HOME-assisted and other units, the participating jurisdiction may designate fixed or floating HOME units. This designation must be made at the time of project commitment in the written agreement between the participating jurisdiction and the owner, and the HOME units must be identified not later than the time of initial unit occupancy. Fixed units remain the same throughout the period of affordability. Floating units are changed to maintain conformity with the requirements of this section during the period of affordability so that the total number of housing units meeting the requirements of this section remains the same, and each substituted unit is comparable in terms of size, features, and number of bedrooms to the originally designated HOME-assisted unit.

(k) ***Tenant selection.*** The tenants must be selected in accordance with § 92.253(d).

(l) ***Ongoing responsibilities.*** The participating jurisdiction's responsibilities for on-site inspections and financial oversight of rental projects are set forth in § 92.504(d).

[61 FR 48750, Sept. 16, 1996, as amended at 62 FR 28929, May 28, 1997; 62 FR 44840, Aug. 22, 1997; 78 FR 44672, July 24, 2013]

§ 92.253 Tenant protections and selection.

(a) ***Lease.*** There must be a written lease between the tenant and the owner of rental housing assisted with HOME funds that is for a period of not less than 1 year, unless by mutual agreement between the tenant and the owner a shorter period is specified. The lease must incorporate the VAWA lease term/addendum required under § 92.359(e), except as otherwise provided by § 92.359(b).

(b) ***Prohibited lease terms.*** The lease may not contain any of the following provisions:

(1) ***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;

(2) ***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;

(3) ***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;

(4) ***Waiver of notice.*** Agreement of the tenant that the owner may institute a lawsuit without notice to the tenant;

(5) ***Waiver of legal proceedings.*** Agreement by the tenant that the owner may evict the tenant or household members without instituting a civil court proceeding in which the tenant has the opportunity to present a defense, or before a court decision on the rights of the parties;

(6) ***Waiver of a jury trial.*** Agreement by the tenant to waive any right to a trial by jury;

(7) ***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;

(8) ***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; and

(9) ***Mandatory supportive services.*** Agreement by the tenant (other than a tenant in transitional housing) to accept supportive services that are offered.

(c) ***Termination of tenancy.*** An owner may not terminate the tenancy or refuse to renew the lease of a tenant of rental housing assisted with HOME funds, except for serious or repeated violation of the terms and conditions of the lease; for violation of applicable Federal, State, or local law; for completion of the tenancy period for transitional housing or failure to follow any required transitional housing supportive services plan; or for other good cause. Good cause does not include an increase in the tenant's income or refusal of the tenant to purchase the housing. 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.

(d) ***Tenant selection.*** An owner of rental housing assisted with HOME funds must comply with the affirmative marketing requirements established by the participating jurisdiction pursuant to § 92.351(a). The owner must adopt and follow written tenant selection policies and criteria that:

(1) Limit the housing to very low- income and low-income families;

(2) Are reasonably related to the applicants' ability to perform the obligations of the lease (i.e., to pay the rent, not to damage the housing; not to interfere with the rights and quiet enjoyment of other tenants);

(3) Limit eligibility or give a preference to a particular segment of the population if permitted in its written agreement with the participating jurisdiction (and only if the limitation or preference is described in the participating jurisdiction's consolidated plan).

(i) Any limitation or preference must not violate nondiscrimination requirements in § 92.350. A limitation or preference does not violate nondiscrimination requirements if the housing also receives funding from a Federal program that limits eligibility to a particular segment of the population (e.g., the Housing Opportunity for Persons with AIDS program under 24 CFR part 574, the Shelter Plus Care program under

24 CFR part 582, the Supportive Housing program under 24 CFR part 583, supportive housing for the elderly or persons with disabilities under 24 CFR part 891), and the limit or preference is tailored to serve that segment of the population.

(ii) If a project does not receive funding from a Federal program that limits eligibility to a particular segment of the population, the project may have a limitation or preference for persons with disabilities who need services offered at a project only if:

(A) The limitation or preference is limited to the population of families (including individuals) with disabilities that significantly interfere with their ability to obtain and maintain housing;

(B) Such families will not be able to obtain or maintain themselves in housing without appropriate supportive services; and

(C) Such services cannot be provided in a nonsegregated setting. The families must not be required to accept the services offered at the project. In advertising the project, the owner may advertise the project as offering services for a particular type of disability; however, the project must be open to all otherwise eligible persons with disabilities who may benefit from the services provided in the project.

(4) Do not exclude an applicant with a certificate or voucher under the Section 8 Tenant-Based Assistance: Housing Choice Voucher Program (24 CFR part 982) or an applicant participating in a HOME tenant-based rental assistance program because of the status of the prospective tenant as a holder of such certificate, voucher, or comparable HOME tenant-based assistance document.

(5) Provide for the selection of tenants from a written waiting list in the chronological order of their application, insofar as is practicable;

(6) Give prompt written notification to any rejected applicant of the grounds for any rejection; and

(7) Comply with the VAWA requirements prescribed in § 92.359.

[61 FR 48750, Sept. 16, 1996, as amended at 67 FR 61756, Oct. 1, 2002; 78 FR 44674, July 24, 2013; 81 FR 80803, Nov. 16, 2016]

§ 92.254 Qualification as affordable housing: Homeownership.

(a) ***Acquisition with or without rehabilitation.*** Housing that is for acquisition by a family must meet the affordability requirements of this paragraph (a).

(1) The housing must be single family housing.

(2) The housing must be modest housing as follows:

(i) In the case of acquisition of newly constructed housing or standard housing, the housing has a purchase price for the type of single family housing that does not exceed 95 percent of the median purchase price for the area, as described in paragraph (a)(2)(iii) of this section.

(ii) In the case of acquisition with rehabilitation, the housing has an estimated value after rehabilitation that does not exceed 95 percent of the median purchase price for the area, described in paragraph (a)(2)(iii) of this section.

(iii) If a participating jurisdiction intends to use HOME funds for homebuyer assistance or for the rehabilitation of owner-occupied single- family properties, the participating jurisdiction must use the HOME affordable homeownership limits provided by HUD for newly constructed housing and for existing housing. HUD will provide limits for affordable newly constructed housing based on 95 percent of the median purchase price for the area using Federal Housing Administration (FHA) single family mortgage program data for newly constructed housing, with a minimum limit based on 95 percent of the U.S. median purchase price for new construction for nonmetropolitan areas. HUD will provide limits for affordable existing housing based on 95 percent of the median purchase price for the area using Federal FHA single family mortgage program data for existing housing data and other appropriate data that are available nation-wide for sales of existing housing, with a minimum limit based on 95 percent of the state-wide nonmetropolitan area median purchase price using this data. In lieu of the limits provided by HUD, the participating jurisdiction may determine 95 percent of the median area purchase price for single family housing in the jurisdiction annually, as follows. The participating jurisdiction must set forth the price for different types of single family housing for the jurisdiction. The participating jurisdiction may

determine separate limits for existing housing and newly constructed housing. For housing located outside of metropolitan areas, a State may aggregate sales data from more than one county, if the counties are contiguous and similarly situated. The following information must be included in the annual action plan of the Consolidated Plan submitted to HUD for review and updated in each action plan.

(A) The 95 percent of median area purchase price must be established in accordance with a market analysis that ensured that a sufficient number of recent housing sales are included in the survey.

(B) Sales must cover the requisite number of months based on volume: For 500 or more sales per month, a one- month reporting period; for 250 through 499 sales per month, a 2-month reporting period; for less than 250 sales per month, at least a 3-month reporting period. The data must be listed in ascending order of sales price.

(C) The address of the listed properties must include the location within the participating jurisdiction. Lot, square, and subdivision data may be substituted for the street address.

(D) The housing sales data must reflect all, or nearly all, of the one- family house sales in the entire participating jurisdiction.

(E) To determine the median, take the middle sale on the list if an odd number of sales, and if an even number, take the higher of the middle numbers and consider it the median. After identifying the median sales price, the amount should be multiplied by 0.95 to determine the 95 percent of the median area purchase price.

(3) The housing must be acquired by a homebuyer whose family qualifies as a low-income family, and the housing must be the principal residence of the family throughout the period described in paragraph (a)(4) of this section. If there is no ratified sales contract with an eligible homebuyer for the housing within 9 months of the date of completion of construction or rehabilitation, the housing must be rented to an eligible tenant in accordance with § 92.252. In determining the income eligibility of the family, the participating jurisdiction must include the income of all persons living in the housing. The homebuyer must receive housing counseling.

(4) ***Periods of affordability.*** The HOME-assisted housing must meet the affordability requirements for not less than the applicable period specified in the following table, beginning after project completion. The per unit amount of HOME funds and the affordability period that they trigger are described more fully in paragraphs (a)(5)(i) (resale) and (ii) (recapture) of this section.

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

(5) ***Resale and recapture.*** The participating jurisdiction must establish the resale or recapture requirements that comply with the standards of this section and set forth the requirements in its consolidated plan. HUD must determine that they are appropriate and must specifically approve them in writing.

(i) ***Resale.*** Resale requirements must ensure, if the housing does not continue to be the principal residence of the family for the duration of the period of affordability that the housing is made available for subsequent purchase only to a buyer whose family qualifies as a low-income family and will use the property as the family's principal residence. The resale requirement must also ensure that the price at resale provides the original HOME-assisted owner a fair return on investment (including the homeowner's investment and any capital improvement) and ensure that the housing will remain affordable to a reasonable range of low- income homebuyers. The participating jurisdiction must specifically define “fair return on investment” and “affordability to a reasonable range of low-income homebuyers,” and specifically address how it will make the housing affordable to a low-income homebuyer in the event that the resale price necessary to provide fair return is not affordable to the subsequent buyer. The period of affordability is based on the total amount of HOME funds invested in the housing.

(A) Except as provided in paragraph (a)(5)(i)(B) of this section, deed restrictions, covenants running with the land, or other similar mechanisms must be used as the mechanism to impose the resale requirements. The affordability restrictions may terminate upon occurrence of any of the following termination events: foreclosure, transfer in lieu of foreclosure or assignment of an FHA insured mortgage to HUD. The participating jurisdiction may use purchase options, rights of first refusal or other preemptive rights to purchase the housing before foreclosure to preserve affordability. The affordability restrictions shall be revived according to the original terms if, during the original affordability period, the owner of record before the termination event, obtains an ownership interest in the housing.

(B) Certain housing may be presumed to meet the resale restrictions (i.e., the housing will be available and affordable to a reasonable range of low-income homebuyers; a low-income homebuyer will occupy the housing as the family's principal residence; and the original owner will be afforded a fair return on investment) during the period of affordability without the imposition of enforcement mechanisms by the participating jurisdiction. The presumption must be based upon a market analysis of the neighborhood in which the housing is located. The market analysis must include an evaluation of the location and characteristics of the housing and residents in the neighborhood (e.g., sale prices, age and amenities of the housing stock, incomes of residents, percentage of owner-occupants) in relation to housing and incomes in the housing market area. An analysis of the current and projected incomes of neighborhood residents for an average period of affordability for homebuyers in the neighborhood must support the conclusion that a reasonable range of low-income families will continue to qualify for mortgage financing. For example, an analysis shows that the housing is modestly priced within the housing market area and that families with incomes of 65% to 80% of area median can afford monthly payments under average FHA terms without other government assistance and housing will remain affordable at least during the next five to seven years compared to other housing in the market area; the size and amenities of the housing are modest and substantial rehabilitation will not significantly increase the market value; the neighborhood has housing that is not currently owned by the occupants, but the participating jurisdiction is encouraging homeownership in the neighborhood by providing homeownership assistance and by making improvements to the streets, sidewalks, and other public facilities and services. If a participating jurisdiction in preparing a neighborhood revitalization strategy under § 91.215(e)(2) of its consolidated plan or Empowerment Zone or Enterprise Community application under 24 CFR part 597 has incorporated the type of market data described above, that submission may serve as the required analysis under this section. If the participating jurisdiction continues to provide homeownership assistance for housing in the neighborhood, it must periodically update the market analysis to verify the original presumption of continued affordability.

(ii) ***Recapture.*** Recapture provisions must ensure that the participating jurisdiction recoups all or a portion of the HOME assistance to the homebuyers, if the housing does not continue to be the principal residence of the family for the duration of the period of affordability. The participating jurisdiction may structure its recapture provisions based on its program design and market conditions. The period of affordability is based upon the total amount of HOME funds subject to recapture described in paragraph (a)(5)(ii)(A)(*5*) of this section. Recapture provisions may permit the subsequent homebuyer to assume the HOME assistance (subject to the HOME requirements for the remainder of the period of affordability) if the subsequent homebuyer is low-income, and no additional HOME assistance is provided.

(A) The following options for recapture requirements are acceptable to HUD. The participating jurisdiction may adopt, modify or develop its own recapture requirements for HUD approval. In establishing its recapture requirements, the participating jurisdiction is subject to the limitation that when the recapture requirement is triggered by a sale (voluntary or involuntary) of the housing unit, the amount recaptured cannot exceed the net proceeds, if any. The net proceeds are the sales price minus superior loan repayment (other than HOME funds) and any closing costs.

(*1*) ***Recapture entire amount.*** The participating jurisdiction may recapture the entire amount of the HOME investment from the homeowner.

(*2*) ***Reduction during affordability period.*** The participating jurisdiction may reduce the HOME investment amount to be recaptured on a prorata basis for the time the homeowner has owned and occupied the housing measured against the required affordability period.

(*3*) ***Shared net proceeds.*** If the net proceeds are not sufficient to recapture the full HOME investment (or a reduced amount as provided for in paragraph (a)(5)(ii)(A)(2) of this section) plus enable the homeowner to recover the amount of the homeowner's downpayment and any

capital improvement investment made by the owner since purchase, the participating jurisdiction may share the net proceeds. The net proceeds are the sales price minus loan repayment (other than HOME funds) and closing costs. The net proceeds may be divided proportionally as set forth in the following mathematical formulas:

$$\frac{\text{HOME investment}}{\text{HOME investment} + \text{homeowner investment}} \times \text{Net proceeds} = \text{HOME amount to be recaptured}$$

$$\frac{\text{homeowner investment}}{\text{HOME investment} + \text{homeowner investment}} \times \text{Net proceeds} = \text{amount to homeowner}$$

(4) ***Owner investment returned first.*** The participating jurisdiction may permit the homebuyer to recover the homebuyer's entire investment (downpayment and capital improvements made by the owner since purchase) before recapturing the HOME investment.

(5) ***Amount subject to recapture.*** The HOME investment that is subject to recapture is based on the amount of HOME assistance that enabled the homebuyer to buy the dwelling unit. This includes any HOME assistance that reduced the purchase price from fair market value to an affordable price, but excludes the amount between the cost of producing the unit and the market value of the property (i.e., the development subsidy). The recaptured funds must be used to carry out HOME-eligible activities in accordance with the requirements of this part. If the HOME assistance is only used for the development subsidy and therefore not subject to recapture, the resale option must be used.

(6) ***Special considerations for single-family properties with more than one unit.*** If the HOME funds are only used to assist a low-income homebuyer to acquire one unit in single-family housing containing more than one unit and the assisted unit will be the principal residence of the homebuyer, the affordability requirements of this section apply only to the assisted unit. If HOME funds are also used to assist the low-income homebuyer to acquire one or more of the rental units in the single-family housing, the affordability requirements of § 92.252 apply to assisted rental units, except that the participating jurisdiction may impose resale or recapture restrictions on all assisted units (owner-occupied and rental units) in the single family housing. If resale restrictions are used, the affordability requirements on all assisted units continue for the period of affordability. If recapture restrictions are used, the affordability requirements on the assisted rental units may be terminated, at the discretion of the participating jurisdiction, upon recapture of the HOME investment. (If HOME funds are used to assist only the rental units in such a property then the requirements of § 92.252 would apply and the owner-occupied unit would not be subject to the income targeting or affordability provisions of § 92.254.)

(7) ***Lease-purchase.*** HOME funds may be used to assist homebuyers through lease-purchase programs for existing housing and for housing to be constructed. The housing must be purchased by a homebuyer within 36 months of signing the lease'purchase agreement. The homebuyer must qualify as a low-income family at the time the lease-purchase agreement is signed. If HOME funds are used to acquire housing that will be resold to a homebuyer through a lease-purchase program, the HOME affordability requirements for rental housing in § 92.252 shall apply if the housing is not transferred to a homebuyer within forty-two months after project completion.

(8) ***Contract to purchase.*** If HOME funds are used to assist a homebuyer who has entered into a contract to purchase housing to be constructed, the homebuyer must qualify as a low-income family at the time the contract is signed.

(9) ***Preserving affordability of housing that was previously assisted with HOME funds.***

(i) To preserve the affordability of HOME-assisted housing a participating jurisdiction may use additional HOME funds for the following costs:

(A) The cost to acquire the housing through a purchase option, right of first refusal, or other preemptive right before foreclosure, or at the foreclosure sale. (The foreclosure costs to acquire housing with a HOME loan in default are eligible. However, HOME funds may not be used to repay a loan made with HOME funds.)

(B) The cost to undertake any necessary rehabilitation for the housing acquired.

(C) The cost of owning/holding the housing pending resale to another homebuyer.

(D) The cost to assist another homebuyer in purchasing the housing.

(ii) When a participating jurisdiction uses HOME funds to preserve the affordability of such housing, the additional investment must be treated as an amendment to the original project. The housing must be sold to a new eligible homebuyer in accordance with the requirements of § 92.254(a) within a reasonable period of time.

(iii) The total amount of the original and additional HOME assistance may not exceed the maximum per unit subsidy amount established under § 92.250. Alternatively to charging the cost to the HOME program under § 92.206, the participating jurisdiction may charge the cost to the HOME program under § 92.207 as a reasonable administrative cost of its HOME program, so that the additional HOME funds for the housing are not subject to the maximum per-unit subsidy amount. To the extent administrative funds are used, they may be reimbursed, in whole or in part, when the housing is sold to a new eligible homebuyer.

(b) ***Rehabilitation not involving acquisition.*** Housing that is currently owned by a family qualifies as affordable housing only if:

(1) The estimated value of the property, after rehabilitation, does not exceed 95 percent of the median purchase price for the area, described in paragraph (a)(2)(iii) of this section; and

(2) The housing is the principal residence of an owner whose family qualifies as a low-income family at the time HOME funds are committed to the housing. In determining the income eligibility of the family, the participating jurisdiction must include the income of all persons living in the housing.

(c) ***Ownership interest.*** The ownership in the housing assisted under this section must meet the definition of "homeownership" in § 92.2, except that housing that is rehabilitated pursuant to paragraph (b) of this section may also include inherited property with multiple owners, life estates, living trusts and beneficiary deeds under the following conditions. The participating jurisdiction has the right to establish the terms of assistance.

(1) ***Inherited property.*** Inherited property with multiple owners: Housing for which title has been passed to several individuals by inheritance, but not all heirs reside in the housing, sharing ownership with other nonresident heirs. (The occupant of the housing has a divided ownership interest.) The participating jurisdiction may assist the owner-occupant if the occupant is low-income, occupies the housing as his or her principal residence, and pays all the costs associated with ownership and maintenance of the housing (e.g., mortgage, taxes, insurance, utilities).

(2) ***Life estate.*** The person who has the life estate has the right to live in the housing for the remainder of his or her life and does not pay rent. The participating jurisdiction may assist the person holding the life estate if the person is low-income and occupies the housing as his or her principal residence.

(3) ***Inter vivos trust, also known as a living trust.*** A living trust is created during the lifetime of a person. A living trust is created when the owner of property conveys his or her property to a trust for his or her own benefit or for that of a third party (the beneficiaries). The trust holds legal title and the beneficiary holds equitable title. The person may name him or herself as the beneficiary. The trustee is under a fiduciary responsibility to hold and manage the trust assets for the beneficiary. The participating jurisdiction may assist if all beneficiaries of the trust qualify as a low-income family and occupy the property as their principal residence (except that contingent beneficiaries, who receive no benefit from the trust nor have any control over the trust assets until the beneficiary is deceased, need not be low-income). The trust must be valid and enforceable and ensure that each beneficiary has the legal right to occupy the property for the remainder of his or her life.

(4) ***Beneficiary deed.*** A beneficiary deed conveys an interest in real property, including any debt secured by a lien on real property, to a grantee beneficiary designated by the owner and that expressly states that the deed is effective on the death of the owner. Upon the death of the owner, the grantee beneficiary receives ownership in the property, subject to all conveyances, assignments, contracts, mortgages, deeds of trust, liens, security pledges, and other encumbrances made by the owner or to which the owner was subject during the owner's lifetime. The participating jurisdiction may assist if the owner qualifies as low-income and the owner occupies the property as his or her principal residence.

(d) ***New construction without acquisition.*** Newly constructed housing that is built on property currently owned by a family which will occupy the housing upon completion, qualifies as affordable housing if it meets the requirements under paragraph (a) of this section.

(e) ***Providing homeownership assistance through lenders.*** Subject to the requirements of this paragraph (e), the participating jurisdiction may provide homeownership assistance through for-profit or nonprofit lending institutions that provide the first mortgage loan to a low-income family.

(1) The homeownership assistance may be provided only as specified in a written agreement between the participating jurisdiction and the lender. The written agreement must specify the forms and amounts of homeownership assistance that the participating jurisdiction authorizes the lender to provide to families and any conditions that apply to the provision of such homeownership assistance.

(2) Before the lender provides any homeownership assistance to a family, the participating jurisdiction must verify that the family is low-income and must inspect the housing for compliance with the property standards in § 92.251.

(3) No fees (e.g., origination fees or points) may be charged to a family for the HOME homeownership assistance provided pursuant to this paragraph (e), and the participating jurisdiction must determine that the fees and other amounts charged to the family by the lender for the first mortgage financing are reasonable. Reasonable administrative costs may be charged to the HOME program as a project cost. If the participating jurisdiction requires lenders to pay a fee to participate in the HOME program, the fee is program income to the HOME program.

(4) If the nonprofit lender is a subrecipient or contractor that is receiving HOME assistance to determine that the family is eligible for homeownership assistance, but the participating jurisdiction or another entity is making the assistance to the homebuyer (e.g., signing the documents for the loan or the grant), the requirements of paragraphs (e)(2) and (3) of this section are applicable.

(f) ***Homebuyer program policies.*** The participating jurisdiction must have and follow written policies for:

(1) Underwriting standards for homeownership assistance that evaluate housing debt and overall debt of the family, the appropriateness of the amount of assistance, monthly expenses of the family, assets available to acquire the housing, and financial resources to sustain homeownership;

(2) Responsible lending, and

(3) Refinancing loans to which HOME loans are subordinated to ensure that the terms of the new loan are reasonable.

[61 FR 48750, Sept. 16, 1996, as amended at 67 FR 61756, Oct. 1, 2002; 68 FR 10161, Mar. 4, 2003; 69 FR 16766, Mar. 30, 2004; 69 FR 68052, Nov. 22, 2004; 72 FR 16685, Apr. 4, 2007; 78 FR 44674, July 24, 2013]

§ 92.255 Converting rental units to homeownership units for existing tenants.

(a) The participating jurisdiction may permit the owner of HOME-assisted rental units to convert the rental units to homeownership units by selling, donating, or otherwise conveying the units to the existing tenants to enable the tenants to become homeowners in accordance with the requirements of § 92.254. However, refusal by the tenant to purchase the housing does not constitute grounds for eviction or for failure to renew the lease.

(b) If no additional HOME funds are used to enable the tenants to become homeowners, the homeownership units are subject to a minimum period of affordability equal to the remaining affordable period if the units continued as rental units. If additional HOME funds are used to directly assist the tenants to become homeowners, the minimum period of affordability is the affordability period under § 92.254(a)(4), based on the amount of direct homeownership assistance provided.

[78 FR 44676, July 24, 2013]

§ 92.256 [Reserved]

§ 92.257 Equal participation of faith-based organizations.

The HUD program requirements in § 5.109 apply to the HOME program, including the requirements regarding disposition and change in use of real property by a faith-based organization.

[81 FR 19418, Apr. 4, 2016]

§ 92.258 Elder cottage housing opportunity (ECHO) units.

(a) ***General.*** HOME funds may be used for the initial purchase and initial placement costs of elder cottage housing opportunity (ECHO) units that meet the requirements of this section, and that are small, free-standing, barrier-free, energy-efficient, removable, and designed to be installed adjacent to existing single-family dwellings.

(b) ***Eligible owners.*** The owner of a HOME-assisted ECHO unit may be:

(1) The owner-occupant of the single-family host property on which the ECHO unit will be located;

(2) A participating jurisdiction; or

(3) A non-profit organization.

(c) ***Eligible tenants.*** During the affordability period, the tenant of a HOME-assisted ECHO unit must be an elderly or disabled family as defined in 24 CFR 5.403 and must also be a low-income family.

(d) ***Applicable requirements.*** The requirements of § 92.252 apply to HOME-assisted ECHO units, with the following modifications:

(1) Only one ECHO unit may be provided per host property.

(2) The ECHO unit owner may choose whether or not to charge the tenant of the ECHO unit rent, but if a rent is charged, it must meet the requirements of § 92.252.

(3) The ECHO housing must remain affordable for the period specified in § 92.252(e). If within the affordability period the original occupant no longer occupies the unit, the ECHO unit owner must:

(i) Rent the unit to another eligible occupant on site;

(ii) Move the ECHO unit to another site for occupancy by an eligible occupant; or

(iii) If the owner of the ECHO unit is the host property owner-occupant, the owner may repay the HOME funds in accordance with the recapture provisions imposed by the participating jurisdiction consistent with § 92.254(a)(5)(ii). The participating jurisdiction must use the recaptured HOME funds for additional HOME activities.

(4) The participating jurisdiction has the responsibility to enforce the project requirements applicable to ECHO units.

Subpart G - Community Housing Development Organizations

§ 92.300 Set-aside for community housing development organizations (CHDOs).

(a) Within 24 months after the date that HUD notifies the participating jurisdiction of HUD's execution of the HOME Investment Partnerships Agreement, the participating jurisdiction must reserve not less than 15 percent of the HOME allocation for investment only in housing to be owned, developed or sponsored by community housing development organizations. For a State, the HOME allocation includes funds reallocated under § 92.451(c)(2)(i) and, for a unit of general local government, includes funds transferred from a State under § 92.102(b). The participating jurisdiction must certify the organization as meeting the definition of “community housing development organization” and must document that the organization has capacity to own, develop, or sponsor housing each time it commits funds to the organization. For purposes of this paragraph:

(1) Funds are reserved when a participating jurisdiction enters into a written agreement with the community housing development organization (or project owner as described in paragraph (a)(4) of this section) committing the funds to a specific local project in accordance with paragraph (2) of the definition of “commitment” in § 92.2.

(2) Rental housing is “owned” by the community housing development organization if the community housing development organization is the owner in fee simple absolute of multifamily or single family housing (or has a long term ground lease) for rental to low-income families in accordance with § 92.252. If the housing is to be rehabilitated or constructed, the community housing development organization hires and oversees the developer that rehabilitates or constructs the housing. At minimum, the community housing development organization must hire or contract with an experienced project manager to oversee all aspects of the development, including obtaining zoning, securing non-HOME financing, selecting a developer or general contractor, overseeing the progress of the work and determining the reasonableness of costs. The community housing development organization must own the rental housing during development and for a period at least

equal to the period of affordability in § 92.252. If the CHDO acquires housing that meets the property standards in § 92.251, the CHDO must own the rental housing for a period at least equal to the period of affordability in § 92.252.

(3) Rental housing is "developed" by the community development housing organization if the community housing development organization is the owner of multifamily or single family housing in fee simple absolute (or has a long term ground lease) and the developer of new housing that will be constructed or existing substandard housing that will be rehabilitated for rent to low-income families in accordance with § 92.252. To be the "developer," the community development housing organization must be in sole charge of all aspects of the development process, including obtaining zoning, securing non-HOME financing, selecting architects, engineers and general contractors, overseeing the progress of the work and determining the reasonableness of costs. At a minimum, the community housing development organization must own the housing during development and for a period at least equal to the period of affordability in § 92.252.

(4) Rental housing is "sponsored" by the community development housing organization if it is rental housing "owned" or "developed" by a subsidiary of a community housing development organization, a limited partnership of which the community housing development organization or its subsidiary is the sole general partner, or a limited liability company of which the community housing development organization or its subsidiary is the sole managing member.

(i) The subsidiary of the community housing development organization may be a for-profit or nonprofit organization and must be wholly owned by the community housing development organization. If the limited partnership or limited liability company agreement permits the community housing development organization to be removed as general partner or sole managing member, the agreement must provide that the removal must be for cause and that the community housing development organization must be replaced with another community housing development organization.

(ii) The HOME funds must be provided to the entity that owns the project.

(5) HOME-assisted rental housing is also "sponsored" by a community housing development organization if the community housing development organization "developed" the rental housing project that it agrees to convey to an identified private nonprofit organization at a predetermined time after completion of the development of the project. Sponsored rental housing, as provided in this paragraph (a)(5), is subject to the following requirements:

(i) The private nonprofit organization may not be created by a governmental entity.

(ii) The HOME funds must be invested in the project that is owned by the community housing development organization.

(iii) Before commitment of HOME funds, the community housing development organization sponsor must select the nonprofit organization that will obtain ownership of the property.

(A) The nonprofit organization assumes the community housing development organization's HOME obligations (including any repayment of loans) for the rental project at a specified time after completion of development.

(B) If the housing is not transferred to the nonprofit organization, the community housing development organization sponsor remains responsible for the HOME assistance and the HOME project.

(6) Housing for homeownership is "developed" by the community development housing organization if the community housing development organization is the owner (in fee simple absolute) and developer of new housing that will be constructed or existing substandard housing that will be rehabilitated for sale to low-income families in accordance with § 92.254.

(i) To be the "developer" the community development housing organization must arrange financing of the project and be in sole charge of construction. The community housing development organization may provide direct homeownership assistance (e.g., downpayment assistance) when it sells the housing to low-income families and the community housing development organization will not be considered a subrecipient. The HOME funds for downpayment assistance shall not be greater than 10 percent of the amount of HOME funds for development of the housing.

(ii) The participating jurisdiction must determine and set forth in its written agreement with the community housing development organization the actual sales prices of the housing or the method by which the sales prices for the housing will be established and whether the proceeds must be returned to the

participating jurisdiction or may be retained by the community housing development organization.

(A) While proceeds that the participating jurisdiction permits the community housing development organization to retain are not subject to the requirements of this part, the participating jurisdiction must specify in the written agreement with the community housing development organization whether the proceeds are to be used for HOME-eligible activities or other housing activities to benefit low-income families.

(B) Funds that are recaptured because the housing no longer meets the affordability requirements under § 92.254(a)(5)(ii) are subject to the requirements of this part in accordance with § 92.503.

(7) The participating jurisdiction determines the form of assistance (e.g., grant or loan) that it will provide to the community housing development organization receives or, for rental housing projects under paragraph (a)(4) of this section, to the entity that owns the project.

(b) Each participating jurisdiction must make reasonable efforts to identify community housing development organizations that are capable, or can reasonably be expected to become capable, of carrying out elements of the jurisdiction's approved consolidated plan and to encourage such community housing development organizations to do so. If during the first 24 months of its participation in the HOME Program a participating jurisdiction cannot identify a sufficient number of capable community housing development organizations, up to 20 percent of the minimum community housing development organization setaside of 15 percent specified in paragraph (a) of this section, above, (but not more than $150,000 during the 24 month period) may be committed to develop the capacity of community housing development organizations in the jurisdiction.

(c) Up to 10 percent of the HOME funds reserved under this section may be used for activities specified under § 92.301.

(d) HOME funds required to be reserved under this section are subject to reduction, as provided in § 92.500(d).

(e) If funds for operating expenses are provided under § 92.208 to a community housing development organization that is not also receiving funds under paragraph (a) of this section for housing to be owned, developed or sponsored by the community housing development organization, the participating jurisdiction's written agreement with the community housing development organization must provide that the community housing development organization is expected to receive funds under paragraph (a) of this section for a project within 24 months of the date of receiving the funds for operating expenses, and specifies the terms and conditions upon which this expectation is based.

(f) The participating jurisdiction must ensure that a community housing development organization does not receive HOME funding for any fiscal year in an amount that provides more than 50 percent or $50,000, whichever is greater, of the community housing development organization's total operating expenses in that fiscal year. This also includes organizational support and housing education provided under section 233(b)(1), (2), and (6) of the Act, as well as funds for operating expenses provided under § 92.208.

[61 FR 48750, Sept. 16, 1996, as amended at 62 FR 28930, May 28, 1997; 78 FR 44677, July 24, 2013]

§ 92.301 Project-specific assistance to community housing development organizations.

(a) ***Project-specific technical assistance and site control loans*** —

(1) ***General.*** Within the percentage specified in § 92.300(c), HOME funds may be used by a participating jurisdiction to provide technical assistance and site control loans to community housing development organizations in the early stages of site development for an eligible project. These loans may not exceed amounts that the participating jurisdiction determines to be customary and reasonable project preparation costs allowable under paragraph (a)(2) of this section. All costs must be related to a specific eligible project or projects.

(2) ***Allowable costs.*** A loan may be provided to cover project costs necessary to determine project feasibility (including costs of an initial feasibility study), consulting fees, costs of preliminary financial applications, legal fees, architectural fees, engineering fees, engagement of a development team, option to acquire property, site control and title clearance. General operational expenses of the community housing development organization are not allowable costs.

(3) ***Repayment.*** The community housing development organization must repay the loan to the participating jurisdiction from construction loan proceeds or other project income. The participating jurisdiction may waive repayment of the loan, in part or in whole, if there are impediments to project development that the

participating jurisdiction determines are reasonably beyond the control of the borrower.

(b) ***Project-specific seed money loans*** —

(1) ***General.*** Within the percentage specified in § 92.300(c), HOME funds may be used to provide loans to community housing development organizations to cover preconstruction project costs that the participating jurisdiction determines to be customary and reasonable, including, but not limited to the costs of obtaining firm construction loan commitments, architectural plans and specifications, zoning approvals, engineering studies, and legal fees.

(2) ***Eligible sponsors.*** A loan may be provided only to a community housing development organization that has, with respect to the project concerned, site control (evidenced by a deed, a sales contract, or an option contract to acquire the property), a preliminary financial commitment, and a capable development team.

(3) ***Repayment.*** The community housing development organization must repay the loan to the participating jurisdiction from construction loan proceeds or other project income. The participating jurisdiction may waive repayment of the loan, in whole or in part, if there are impediments to project development that the participating jurisdiction determines are reasonably beyond the control of the community housing development organization.

§ 92.302 Housing education and organizational support.

HUD is authorized to provide education and organizational support assistance, in conjunction with HOME funds made available to community housing development organizations in accordance with section 233 of the Act. HUD will publish a notice in the Federal Register announcing the availability of funding under this section, as appropriate. The notice need not include funding for each of the eligible activities, but may target funding from among the eligible activities.

§ 92.303 Tenant participation plan.

A community housing development organization that receives assistance under this part must adhere to a fair lease and grievance procedure approved by the participating jurisdiction and provide a plan for and follow a program of tenant participation in management decisions.

Subpart H - Other Federal Requirements

§ 92.350 Other Federal requirements and nondiscrimination.

(a) The Federal requirements set forth in 24 CFR part 5, subpart A, are applicable to participants in the HOME program. The requirements of this subpart include: nondiscrimination and equal opportunity; disclosure requirements; debarred, suspended or ineligible contractors; drug-free work; and housing counseling.

(b) The nondiscrimination requirements at section 282 of the Act are applicable. These requirements are waived in connection with the use of HOME funds on lands set aside under the Hawaiian Homes Commission Act, 1920 (42 Stat. 108).

[62 FR 28930, May 28, 1997, as amended at 81 FR 90657, Dec. 14, 2016]

§ 92.351 Affirmative marketing; minority outreach program.

(a) ***Affirmative marketing.***

(1) Each participating jurisdiction must adopt and follow affirmative marketing procedures and requirements for rental and homebuyer projects containing five or more HOME-assisted housing units. Affirmative marketing requirements and procedures also apply to all HOME- funded programs, including, but not limited to, tenant-based rental assistance and downpayment assistance programs. Affirmative marketing steps consist of actions to provide information and otherwise attract eligible persons in the housing market area to the available housing without regard to race, color, national origin, sex, religion, familial status, or disability. If participating jurisdiction's written agreement with the project owner permits the rental housing project to limit tenant eligibility or to have a tenant preference in accordance with § 92.253(d)(3), the participating jurisdiction must have affirmative marketing procedures and requirements that apply in the context of the limited/preferred tenant eligibility for the project.

(2) The affirmative marketing requirements and procedures adopted must include:

(i) Methods for informing the public, owners, and potential tenants about Federal fair housing laws and the participating jurisdiction's affirmative marketing policy (e.g., the use of the Equal Housing Opportunity logotype or slogan in press releases and solicitations for owners, and written communication to fair housing and other groups);

(ii) Requirements and practices each subrecipient and owner must adhere to in order to carry out the participating jurisdiction's affirmative marketing procedures and requirements (e.g., use of commercial media, use of community contacts, use of the Equal Housing Opportunity logotype or slogan, and display of fair housing poster);

(iii) Procedures to be used by subrecipients and owners to inform and solicit applications from persons in the housing market area who are not likely to apply for the housing program or the housing without special outreach (e.g., through the use of community organizations, places of worship, employment centers, fair housing groups, or housing counseling agencies);

(iv) Records that will be kept describing actions taken by the participating jurisdiction and by subrecipients and owners to affirmatively market the program and units and records to assess the results of these actions; and

(v) A description of how the participating jurisdiction will annually assess the success of affirmative marketing actions and what corrective actions will be taken where affirmative marketing requirements are not met.

(3) A State that distributes HOME funds to units of general local government must require each unit of general local government to adopt affirmative marketing procedures and requirements that meet the requirement in paragraphs (a) and (b) of this section.

(b) ***Minority outreach.*** A participating jurisdiction must prescribe procedures acceptable to HUD to establish and oversee a minority outreach program within its jurisdiction to ensure the inclusion, to the maximum extent possible, of minorities and women, and entities owned by minorities and women, including, without limitation, real estate firms, construction firms, appraisal firms, management firms, financial institutions, investment banking firms, underwriters, accountants, and providers of legal services, in all contracts entered into by the participating jurisdiction with such persons or entities, public and private, in order to facilitate the activities of the participating jurisdiction to provide affordable housing authorized under this Act or any other Federal housing law applicable to such jurisdiction. Section 200.321 of title 2 Code of Federal Regulations describes actions to be taken by a participating jurisdiction to assure that minority business enterprises and women business enterprises are used when possible in the procurement of property and services.

[61 FR 48750, Sept. 16, 1996, as amended at 78 FR 44678, July 24, 2013; 80 FR 75935, Dec. 7, 2015]

§ 92.352 Environmental review.

(a) ***General.*** The environmental effects of each activity carried out with HOME funds must be assessed in accordance with the provisions of the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321) and the related authorities listed in HUD's implementing regulations at 24 CFR parts 50 and 58. The applicability of the provisions of 24 CFR part 50 or part 58 is based on the HOME project (new construction, rehabilitation, acquisition) or activity (tenant-based rental assistance) as a whole, not on the type of the cost paid with HOME funds.

(b) ***Responsibility for review.***

(1) The jurisdiction (e.g., the participating jurisdiction or State recipient) or insular area must assume responsibility for environmental review, decisionmaking, and action for each activity that it carries out with HOME funds, in accordance with the requirements imposed on a recipient under 24 CFR part 58. No funds may be committed to a HOME activity or project before the completion of the environmental review and approval of the request for release of funds and related certification, except as authorized by 24 CFR part 58.

(2) A State participating jurisdiction must also assume responsibility for approval of requests for release of HOME funds submitted by State recipients.

(3) HUD will perform the environmental review, in accordance with 24 CFR part 50, for a competitively awarded application for HOME funds submitted to HUD by an entity that is not a jurisdiction.

[61 FR 48750, Sept. 16, 1996, as amended at 78 FR 44678, July 24, 2013]

§ 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 antidisplacement 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]

§ 92.354 Labor.

(a) ***General.***

(1) Every contract for the construction (rehabilitation or new construction) of housing that includes 12 or more units assisted with HOME funds must contain a provision requiring the payment of not less than the wages prevailing in the locality, as predetermined by the Secretary of Labor pursuant to the Davis-Bacon Act (40 U.S.C. 3141), to all laborers and mechanics employed in the development of any part of the housing. Such contracts must also be subject to the overtime provisions, as applicable, of the Contract Work Hours and Safety Standards Act (40 U.S.C. 3701).

(2) The contract for construction must contain these wage provisions if HOME funds are used for any project costs in § 92.206, including construction or nonconstruction costs, of housing with 12 or more HOME-assisted units. When HOME funds are only used to assist homebuyers to acquire single-family housing, and not for any other project costs, the wage provisions apply to the construction of the housing if there is a written agreement with the owner or developer of the housing that HOME funds will be used to assist homebuyers to buy the housing and the construction contract covers 12 or more housing units to be purchased with HOME assistance. The wage provisions apply to any construction contract that includes a total of 12 or more HOME-assisted units, whether one or more than one project is covered by the construction contract. Once they are determined to be applicable, the wage provisions must be contained in the construction contract so as to cover all laborers and mechanics employed in the development of the entire project, including portions other than the assisted units. Arranging multiple construction contracts within a single project for the purpose of avoiding the wage provisions is not permitted.

(3) Participating jurisdictions, contractors, subcontractors, and other participants must comply with regulations issued under these acts and with other Federal laws and regulations pertaining to labor standards, as applicable. Participating jurisdictions shall be responsible for ensuring compliance by contractors and subcontractors with labor standards described in this section. In accordance with procedures specified by HUD, participating jurisdictions shall:

(i) Ensure that bid and contract documents contain required labor standards provisions and the appropriate Department of Labor wage determinations;

(ii) Conduct on-site inspections and employee interviews;

(iii) Collect and review certified weekly payroll reports;

(iv) Correct all labor standards violations promptly;

(v) Maintain documentation of administrative and enforcement activities; and

(vi) Require certification as to compliance with the provisions of this section before making any payment under such contracts.

(b) ***Volunteers.*** The prevailing wage provisions of paragraph (a) of this section do not apply to an individual who receives no compensation or is paid expenses, reasonable benefits, or a nominal fee to perform the services for which the individual volunteered and who is not otherwise employed at any time in the construction work. See 24 CFR part 70.

(c) ***Sweat equity.*** The prevailing wage provisions of paragraph (a) of this section do not apply to members of an eligible family who provide labor in exchange for acquisition of a property for homeownership or provide labor in lieu of, or as a supplement to, rent payments.

[61 FR 48750, Sept. 16, 1996, as amended at 78 FR 44678, July 24, 2013]

§ 92.355 Lead-based paint.

Housing assisted with HOME funds is subject to the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821–4846), the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851–4856), and implementing regulations at part 35, subparts A, B, J, K, M and R of this title.

[64 FR 50224, Sept. 15, 1999]

§ 92.356 Conflict of interest.

(a) ***Applicability.*** In the procurement of property and services by participating jurisdictions, State recipients, and subrecipients, the conflict of interest provisions in 2 CFR 200.317 and 2 CFR 200.318, apply. In all cases not governed by 2 CFR 200.317 and 2 CFR 200.318, the provisions of this section apply.

(b) ***Conflicts prohibited.*** No persons described in paragraph (c) of this section who exercise or have exercised any functions or responsibilities with respect to activities assisted with HOME funds or who are in a position to participate in a decision-making process or gain inside information with regard to these activities may obtain a financial interest or financial benefit from a HOME-assisted activity, or have a financial interest in any contract, subcontract, or agreement with respect to the HOME-assisted activity, or the proceeds from such activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for one year thereafter. Immediate family ties include (whether by blood, marriage or adoption) the spouse, parent (including a stepparent), child (including a stepchild), brother, sister (including a stepbrother or stepsister), grandparent, grandchild, and in-laws of a covered person.

(c) ***Persons covered.*** The conflict of interest provisions of paragraph (b) of this section apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the participating jurisdiction, State recipient, or subrecipient which are receiving HOME funds.

(d) ***Exceptions: Threshold requirements.*** Upon the written request of the participating jurisdiction, HUD may grant an exception to the provisions of paragraph (b) of this section on a case-by-case basis when it determines that the exception will serve to further the purposes of the HOME Investment Partnerships Program and the effective and efficient administration of the participating jurisdiction's program or project. An exception may be considered only after the participating jurisdiction has provided the following:

(1) A disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict and a description of how the public disclosure was made; and

(2) An opinion of the participating jurisdiction's or State recipient's attorney that the interest for which the exception is sought would not violate State or local law.

(e) ***Factors to be considered for exceptions.*** In determining whether to grant a requested exception after the participating jurisdiction has satisfactorily met the requirements of paragraph (d) of this section, HUD will consider the cumulative effect of the following factors, where applicable:

(1) Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project which would otherwise not be available;

(2) Whether the person affected is a member of a group or class of low-income persons intended to be the beneficiaries of the assisted activity, and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class;

(3) Whether the affected person has withdrawn from his or her functions or responsibilities, or the decisionmaking process with respect to the specific assisted activity in question;

(4) Whether the interest or benefit was present before the affected person was in a position as described in paragraph (c) of this section;

(5) Whether undue hardship will result either to the participating jurisdiction or the person affected when weighed against the public interest served by avoiding the prohibited conflict; and

(6) Any other relevant considerations.

(f) ***Owners and developers.***

(1) No owner, developer, or sponsor of a project assisted with HOME funds (or officer, employee, agent, elected or appointed official, or consultant of the owner, developer, or sponsor or immediate family member or immediate family member of an officer, employee, agent, elected or appointed official, or consultant of the owner, developer, or sponsor) whether private, for-profit or nonprofit (including a community housing development organization (CHDO) when acting as an owner, developer, or sponsor) may occupy a HOME-assisted affordable housing unit in a project during the required period of affordability specified in § 92.252(e) or § 92.254(a)(4). This provision does not apply to an individual who receives HOME funds to acquire or rehabilitate his or her principal residence or to an employee or agent of the owner or developer of a rental housing project who occupies a housing unit as the project manager or maintenance worker.

(2) ***Exceptions.*** Upon written request of a housing owner or developer, the participating jurisdiction (or State recipient, if authorized by the State participating jurisdiction) may grant an exception to the provisions of paragraph (f)(1) of this section on a case-by-case basis when it determines that the exception will serve to further the purposes of the HOME program and the effective and efficient administration of the owner's or developer's HOME-assisted project. In determining whether to grant a requested exception, the participating jurisdiction shall consider the following factors:

(i) Whether the person receiving the benefit is a member of a group or class of low-income persons intended to be the beneficiaries of the assisted housing, and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class;

(ii) Whether the person has withdrawn from his or her functions or responsibilities, or the decisionmaking process with respect to the specific assisted housing in question;

(iii) Whether the tenant protection requirements of § 92.253 are being observed;

(iv) Whether the affirmative marketing requirements of § 92.351 are being observed and followed; and

(v) Any other factor relevant to the participating jurisdiction's determination, including the timing of the requested exception.

[61 FR 48750, Sept. 16, 1996, as amended at 62 FR 28930, May 28, 1997; 78 FR 44679, July 24, 2013; 80 FR 75935, Dec. 7, 2015]

§ 92.357 Executive Order 12372.

(a) ***General.*** Executive Order 12372, as amended by Executive Order 12416 (3 CFR, 1982 Comp., p. 197 and 3 CFR, 1983 Comp., p. 186) (Intergovernmental Review of Federal Programs) and HUD's implementing regulations at 24 CFR part 52, allow each State to establish its own process for review and comment on proposed Federal financial assistance programs.

(b) ***Applicability.*** Executive Order 12372 applies to applications submitted with respect to HOME funds being competitively reallocated under subpart J of this part to units of general local government.

§ 92.358 Consultant activities.

No person providing consultant services in an employer-employee type relationship shall receive more than a reasonable rate of compensation for personal services paid with HOME funds. In no event, however, shall such compensation exceed the limits in effect under the provisions of any applicable statute (e.g., annual HUD appropriations acts which have set the limit at the equivalent of the daily rate paid for Level IV of the Executive Schedule, see the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997, Pub. L. 104–204 (September 26, 1996)). Such services shall be evidenced by written agreements between the parties which detail the responsibilities, standards, and compensation. Consultant services provided under an independent contractor relationship are not subject to the compensation limitation of Level IV of the Executive Schedule.

[62 FR 28930, May 28, 1997]

§ 92.359 VAWA requirements.

(a) ***General.***

(1) The Violence Against Women Act (VAWA) requirements set forth in 24 CFR part 5, subpart L, apply to all HOME tenant-based rental assistance and rental housing assisted with HOME funds, as supplemented by this section.

(2) For the HOME program, the "covered housing provider," as this term is used in HUD's regulations in 24 CFR part 5, subpart L, refers to:

(i) The housing owner for the purposes of 24 CFR 5.2005(d)(1), (d)(3), and (d)(4) and § 5.2009(a); and

(ii) The participating jurisdiction and the owner for purposes of 24 CFR 5.2005(d)(2), 5.2005(e), and 5.2007, except as otherwise provided in paragraph (g) of this section.

(b) ***Effective date.*** The core statutory protections of VAWA that prohibit denial or termination of assistance or eviction solely because an applicant or tenant is a victim of domestic violence, dating violence, sexual assault, or stalking became applicable upon enactment of VAWA 2013 on March 7, 2013. Compliance with the VAWA regulatory requirements under this section and 24 CFR part 5, subpart L, are required for any tenant-based rental assistance or rental housing project for which the date of the HOME funding commitment is on or after *December 16, 2016*.

(c) ***Notification requirements.*** The participating jurisdiction must provide a notice and certification form that meet the requirements of 24 CFR 5.2005(a) to the owner of HOME-assisted rental housing.

(1) ***For HOME-assisted units.*** The owner of HOME-assisted rental housing must provide the notice and certification form described in 24 CFR 5.2005(a) to the applicant for a HOME-assisted unit at the time the applicant is admitted to a HOME-assisted unit, or denied admission to a HOME-assisted unit based on the owner's tenant selection policies and criteria. The owner of HOME-assisted rental housing must also provide the notice and certification form described in 24 CFR 5.2005 with any notification of eviction from a HOME-assisted unit.

(2) ***For HOME tenant-based rental assistance.*** The participating jurisdiction must provide the notice and certification form described in 24 CFR 5.2005(a) to the applicant for HOME tenant-based rental assistance when the applicant's HOME tenant-based rental assistance is approved or denied. The participating jurisdiction must also provide the notice and certification form described in 24 CFR 5.2005(a) to a tenant receiving HOME tenant-based rental assistance when the participating jurisdiction provides the tenant with notification of termination of the HOME tenant-based rental assistance, and when the participating jurisdiction learns that the tenant's housing owner intends to provide the tenant with notification of eviction.

(d) ***Bifurcation of lease requirements.*** For the purposes of this part, the following requirements shall apply in place of the requirements at 24 CFR 5.2009(b):

(1) If a family living in a HOME-assisted rental unit separates under 24 CFR 5.2009(a), the remaining tenant(s) may remain in the HOME-assisted unit.

(2) If a family who is receiving HOME tenant-based rental assistance separates under 24 CFR 5.2009(a), the remaining tenant(s) will retain the HOME tenant-based rental assistance. The participating jurisdiction must determine whether the tenant that was removed from the unit will receive HOME tenant-based rental assistance.

(e) ***VAWA lease term/addendum.*** The participating jurisdiction must develop a VAWA lease term/addendum to incorporate all requirements that apply to the owner or lease under 24 CFR part 5, subpart L, and this section, including the prohibited bases for eviction and restrictions on construing lease terms under 24 CFR 5.2005(b) and (c). This VAWA lease term/addendum must also provide that the tenant may terminate the lease without penalty if the participating jurisdiction determines that the tenant has met the conditions for an emergency transfer under 24 CFR 5.2005(e). When HOME tenant-based rental assistance is provided, the lease term/addendum must require the owner to notify the participating jurisdiction before the owner bifurcates the lease or provides notification of eviction to the tenant. If HOME tenant-based rental assistance is the only assistance provided (*i.e.,* the unit is not receiving project-based assistance under a covered housing program, as defined in 24 CFR 5.2003), the VAWA lease term/addendum may be written to expire at the end of the rental assistance period.

(f) ***Period of applicability.*** For HOME-assisted rental housing, the requirements of this section shall apply to the owner of the housing for the duration of the affordability period. For HOME tenant-based rental assistance, the requirements of this section shall apply to the owner of the tenant's housing for the period for which the rental assistance is provided.

(g) ***Emergency Transfer Plan.***

(1) The participating jurisdiction must develop and implement an emergency transfer plan and must make the determination of whether a tenant qualifies under the plan. The plan must meet the requirements in 24 CFR 5.2005(e), as supplemented by this section.

(2) For the purposes of § 5.2005(e)(7), the required policies must specify that for tenants who qualify for an emergency transfer and who wish to make an external emergency transfer when a safe unit is not immediately available, the participating jurisdiction must provide a list of properties in the jurisdiction that include HOME-assisted units. The list must include the following information for each property: The property's address, contact information, the unit sizes (number of bedrooms) for the HOME-assisted units, and, to the extent known, any tenant preferences or eligibility restrictions for the HOME-assisted units. In addition, the participating jurisdiction may:

(i) Establish a preference under the participating jurisdiction's HOME program for tenants who qualify for emergency transfers under 24 CFR 5.2005(e);

(ii) Provide HOME tenant-based rental assistance to tenants who qualify for emergency transfers under 24 CFR 5.2005(e); or

(iii) Coordinate with victim service providers and advocates to develop the emergency transfer plan, make referrals, and facilitate emergency transfers to safe and available units.

[81 FR 80803, Nov. 16, 2016]

Subpart I - Technical Assistance

§ 92.400 Coordinated Federal support for housing strategies.

(a) ***General.*** HUD will provide assistance in accordance with Subtitle C of the Act.

(b) ***Notice of funding.*** HUD will publish a notice in the FEDERAL REGISTER announcing the availability of funding under this section as appropriate.

Subpart J - Reallocations

§ 92.450 General.

(a) This subpart J sets out the conditions under which HUD reallocates HOME funds that have been allocated, reserved, or placed in a HOME Investment Trust Fund.

(b) A jurisdiction that is not a participating jurisdiction but is meeting the requirements of §§ 92.102, 92.103, and 92.104, (participation threshold, notice of intent, and submission of consolidated plan) is treated as a participating jurisdiction for purposes of receiving a reallocation under subpart J of this part.

§ 92.451 Reallocation of HOME funds from a jurisdiction that is not designated a participating jurisdiction or has its designation revoked.

(a) ***Failure to be designated a participating jurisdiction.*** HUD will reallocate, under this section, any HOME funds allocated to or reserved for a jurisdiction that is not a participating jurisdiction if:

(1) HUD determines that the jurisdiction has failed to:

(i) Meet the participation threshold amount in § 92.102;

(ii) Provide notice of its intent to become a participating jurisdiction in accordance with § 92.103; or

(iii) Submit its consolidated plan, in accordance with 24 CFR part 91; or

(2) HUD after providing for amendments and resubmissions in accordance with 24 CFR part 91 disapproves the jurisdiction's consolidated plan.

(b) ***Designation revoked.*** HUD will reallocate, under this section, any funds remaining in a jurisdiction's HOME Investment Trust Fund after HUD has revoked the jurisdiction's designation as a participating jurisdiction under § 92.107.

(c) ***Manner of reallocation.*** HUD will reallocate funds that are subject to reallocation under this section in the following manner:

(1) If the funds to be reallocated under this section are from a State, HUD will:

(i) Make the funds available by competition in accordance with criteria in § 92.453 among applications submitted by units of general local government within the State and with preference being given to applications from units of general local government that are not participating jurisdictions, and

(ii) Reallocate the remainder by formula in accordance with § 92.454.

(2) If the funds to be reallocated are from a unit of general local government:

(i) Located in a State that is participating jurisdiction, HUD will reallocate the funds to that State. The State, in distributing these funds, must give preference to the provision of affordable housing within the unit of general local government; or

(ii) Located in a State that is not a participating jurisdiction, HUD will reallocate the funds by competition among units of general local government and community housing development organizations within the State, with priority going to applications for affordable housing within the unit of general local government; and reallocate the remainder by formula in accordance with § 92.454.

§ 92.452 Reallocation of community housing development organization set-aside.

HUD will reallocate, under this section, any HOME funds reduced or recaptured by HUD from a participating jurisdiction's HOME Investment Trust Fund under § 92.300(d). HUD will reallocate these funds by competition in accordance with criteria in § 92.453 to other participating jurisdictions for affordable housing developed, sponsored, or owned by community housing development organizations.

§ 92.453 Competitive reallocations.

(a) HUD will invite applications through FEDERAL REGISTER publication of a Notice of Funding Availability (NOFA), in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545) and the requirements of sec. 217(c) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12747(c)), for HOME funds that become available for competitive reallocation under § 92.451 or § 92.452, or both. The NOFA will describe the application requirements and procedures, including the total funding available for the competition and any maximum amount of individual awards. The NOFA will also describe the selection criteria and any special factors to be evaluated in awarding points under the selection criteria.

(b) The NOFA will include the selection criteria at sec. 217(c) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12747(c)), with the following maximum number of points awarded for each category of criteria:

(1) ***Commitment.*** Up to 25 points for the criteria at sec. 217(c)(1) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12747(c)(1));

(2) ***Actions.*** Up to 50 points for the criteria at sec. 217(c)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12747(c)(2)); and

(3) ***Policies.*** Up to 25 points for the criteria at sec. 217(c)(3) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12747(c)(3)).

[62 FR 44840, Aug. 22, 1997]

§ 92.454 Reallocations by formula.

(a) HUD will reallocate under this section:

(1) Any HOME funds remaining available for reallocation after HUD has made competitive reallocations under § 92.451 and § 92.452;

(2) Any HOME funds available for reallocation because HUD reduced or recaptured funds from participating jurisdiction under § 92.500(d) for failure to commit the funds within the time specified;

(3) Any HOME funds withdrawn by HUD from a participating jurisdiction under 24 CFR 91.520(f) for failure to submit in a timely manner a performance report required by 24 CFR 91.520 that is satisfactory to HUD; and

(4) Any HOME funds remitted to HUD under § 92.503(b) when a jurisdiction ceases to be a participating jurisdiction.

(b) Any reallocation of funds from a State must be made only among all participating States, and any reallocation of funds from units of general local government must be made only among all participating units of general local government, except those participating jurisdictions that HUD has removed from participating in reallocations under § 92.552.

(c) A local participating jurisdiction's share of a reallocation is calculated by multiplying the amount available for reallocation to units of general local government by a factor that is that ratio of the participating jurisdiction's formula allocation provided under § 92.50 to the total of the formula allocations provided for all local participating jurisdictions sharing in the reallocation. A State participating jurisdiction's share is comparably determined using the amount available for reallocation to States.

(d) HUD will make reallocations under this section quarterly, unless the amount available for such reallocation is insufficient to warrant making a reallocation. In any event, HUD will make a reallocation under this section at least once a year. The minimum amount of a reallocation is $1000.

Subpart K - Program Administration

§ 92.500 The HOME Investment Trust Fund.

(a) ***General.*** A HOME Investment Trust Fund consists of the accounts described in this section solely for investment in accordance with the provisions of this part. HUD will establish a HOME Investment Trust Fund United States Treasury account for each participating jurisdiction. Each participating jurisdiction may use either a separate local HOME Investment Trust Fund account or, a subsidiary account within its general fund (or other appropriate fund) as the local HOME Investment Trust Fund account.

(b) ***Treasury Account.*** The United States Treasury account of the HOME Investment Trust Fund includes funds allocated to the participating jurisdiction under § 92.50 (including for a local participating jurisdiction, any transfer of the State's allocation pursuant to § 92.102(b)(2)) and funds reallocated to the participating jurisdiction, either by formula or by competition, under subpart J of this part; and

(c) ***Local account.***

(1) The local account of the HOME Investment Trust Fund includes deposits of HOME funds disbursed from the Treasury account; the deposit of any State funds (other than HOME funds transferred pursuant to § 92.102(b)(2)) or local funds that enable the jurisdiction to meet the participating threshold amount in § 92.102, any program income (from both the allocated funds and matching contributions in accordance with the definition of program income), and any repayments or recaptured funds as required by § 92.503. The local account must be interest-bearing.

(2) The participating jurisdiction may establish a second local account of the HOME Investment Trust Funds if:

(i) The participating jurisdiction has its own affordable housing trust fund that the participating jurisdiction will use for matching contributions to the HOME program;

(ii) The statute or local ordinance requires repayments from its own trust fund to be made to the trust fund;

(iii) The participating jurisdiction establishes a separate account within its own trust fund for repayments of the matching contributions; and

(iv) The funds in the account are used solely for investment in eligible activities within the participating jurisdiction's boundaries in accordance with the provisions of this part, except as provided under § 92.201(a)(2).

(3) The funds in the local account cannot be used for the matching contribution and do not need to be matched.

(d)

(1) ***Reductions of Fiscal Year 2015 and subsequent fiscal year allocations.*** HUD will reduce or recapture HOME funds in the HOME Investment Trust Fund, as follows:

(i) Any funds from a specific fiscal year allocation that are in the United States Treasury account that are not committed (including funds for community housing development organizations under § 92.300) within 24 months after the last day of the month in which HUD notifies the participating jurisdiction of HUD's execution of the HOME Investment Partnership Agreement for the specific fiscal year allocation;

(ii) Any funds from a specific fiscal year allocation that were committed to a State recipient or subrecipient that are not committed to a specific local project within 36 months after the last day of the month in which HUD notifies the participating jurisdiction of HUD's execution of the HOME Investment Partnership Agreement for the specific fiscal year allocation;

(iii) Any funds from a specific fiscal year allocation that are in the United States Treasury account that are not expended (drawn down) by September 30 of the fifth year after the end of the period of availability of the fiscal year allocation for obligation by HUD. Due to end-of-year financial system closeouts that begin before this date and prevent electronic access to the payment system, requests to draw down the funds must be made at least 7 full business days before this date to ensure that the funds still can be drawn from the United States Treasury account through the computerized disbursement and information system; and

(iv) Any penalties assessed by HUD under § 92.552.

(2)

(i) ***Reductions of Fiscal Year 2014 and prior fiscal year allocations.*** HUD will reduce or recapture HOME funds in the HOME Investment Trust Fund by the amount of:

(A) Any funds from Fiscal Year 2014 and prior fiscal year allocations in the United States Treasury account that are required to be reserved (*i.e.,* 15 percent of the funds) by a participating jurisdiction, under § 92.300, and which are not committed to a community housing development organization project within 24 months after the last day of the month in which HUD notifies the participating jurisdiction of HUD's execution of the HOME Investment Partnership Agreement;

(B) Any funds from Fiscal Year 2014 and prior fiscal year allocations in the United States Treasury account that are not committed within 24 months after the last day of the month in which HUD notifies the participating jurisdiction of HUD's execution of the HOME Investment Partnership Agreement;

(C) Any funds from Fiscal Year 2014 and prior fiscal year allocations in the United States Treasury account that are not expended within 5 years after the last day of the month in which HUD notifies the participating jurisdiction of HUD's execution of the HOME Investment Partnership Agreement; and

(D) Any penalties assessed by HUD under § 92.552.

(ii) For purposes of determining the amount by which the HOME Investment Trust Fund will be reduced or recaptured under paragraphs (d)(2)(i)(A), (B), and (C) of this section, HUD will consider the sum of commitments to CHDOs, commitments, or expenditures, as applicable, from all fiscal year allocations through the Fiscal Year 2014 allocation. This sum must be equal to or greater than the sum of all fiscal year allocations through the fiscal year allocation being examined (minus previous reductions to the HOME Investment Trust Fund), or in the case of commitments to CHDOs, 15 percent of those fiscal year allocations.

(iii) HUD will reduce or recapture HOME funds in the HOME Investment Trust Fund by the amount of all fiscal year allocations through the Fiscal Year 2014 allocation that are uncommitted by the commitment deadline for the Fiscal Year 2015 allocation.

[61 FR 48750, Sept. 16, 1996, as amended at 62 FR 28930, May 28, 1997; 78 FR 44679, July 24, 2013; 81 FR 86952, Dec. 2, 2016]

§ 92.501 HOME Investment Partnership Agreement.

Allocated and reallocated funds will be made available pursuant to a HOME Investment Partnership Agreement. The agreement ensures that HOME funds invested in affordable housing are repayable if the housing ceases to qualify as affordable housing before the period of affordability expires.

§ 92.502 Program disbursement and information system.

(a) ***General.*** The HOME Investment Trust Fund account established in the United States Treasury is managed through a computerized disbursement and information system established by HUD. The system disburses HOME funds that are allocated or reallocated, and collects and reports information on the use of HOME funds in the United States Treasury account. (For purposes of reporting in the Integrated Disbursement and Information System, a HOME project is an activity.) The participating jurisdiction must report all program income in HUD's computerized disbursement and information system.

(b) ***Project set-up.*** After the participating jurisdiction executes the HOME Investment Partnership Agreement, submits the applicable banking and security documents, complies with the environmental requirements under 24 CFR part 58 for release of funds and commits funds to a specific local project, the participating jurisdiction may identify (set up) specific investments in the disbursement and information system. Investments that require the set-up of projects in the system are the acquisition, new construction, or rehabilitation of housing, and the provision of tenant-based rental assistance. The participating jurisdiction is required to enter complete project set-up information at the time of project set-up.

(c) ***Disbursement of HOME funds.***

(1) After complete project set-up information is entered into the disbursement and information system, HOME funds for the project may be drawn down from the United States Treasury account by the participating jurisdiction by electronic funds transfer. The funds will be deposited in the local account of the HOME Investment Trust Fund of the participating jurisdiction within 48 to 72 hours of the disbursement request. Any drawdown of HOME funds from the United States Treasury account is conditioned upon the provision of satisfactory information by the participating jurisdiction about the project or tenant-based rental assistance and compliance with other procedures, as specified by HUD.

(2) HOME funds drawn from the United States Treasury account must be expended for eligible costs within 15 days. Any interest earned within the 15-day period may be retained by the participating jurisdiction as HOME funds. Any funds that are drawn down and not expended for eligible costs within 15 days of the disbursement must be returned to HUD for deposit in the participating jurisdiction's United States Treasury account of the HOME Investment Trust Fund. Interest earned after 15 days belongs to the United States and must be remitted to the United States as provided in 2 CFR 200.305(b)(9), except interest amounts up to $500 per year may be retained for administrative expenses.

(3) HOME funds in the local account of the HOME Investment Trust Fund must be disbursed before requests are made for HOME funds in the United States Treasury account. Beginning with the Fiscal Year 2015 allocation, the specific funds that are committed to a project will be disbursed for that project. If both funds in the local account and funds in the United States Treasury account are committed to a project, the funds in the local account must be disbursed before requests are made for HOME funds in the United States Treasury account for the project.

(4) A participating jurisdiction will be paid on an advance basis provided it complies with the requirements of this part.

(d) ***Project completion.***

(1) Complete project completion information must be entered into the disbursement and information system, or otherwise provided, within 120 days of the final project drawdown. If satisfactory project completion information is not provided, HUD may suspend further project set-ups or take other corrective actions.

(2) Additional HOME funds may be committed to a project up to one year after project completion, but the amount of HOME funds in the project may not exceed the maximum per-unit subsidy amount established under § 92.250.

(e) ***Access by other participants.*** Access to the disbursement and information system by other entities participating in the HOME program (e.g., State recipients) will be governed by procedures established by HUD. Only participating jurisdictions and State recipients (if permitted by the State) may request disbursement.

[61 FR 48750, Sept. 16, 1996, as amended at 78 FR 44679, July 24, 2013; 80 FR 75935, Dec. 7, 2015; 81 FR 86952, Dec. 2, 2016]

§ 92.503 Program income, repayments, and recaptured funds.

(a) ***Program income.***

(1) Program income must be used in accordance with the requirements of this part. Program income must be deposited in the participating jurisdiction's HOME Investment Trust Fund local account unless the participating jurisdiction permits the State recipient or subrecipient to retain the program income for additional HOME projects pursuant to the written agreement required by § 92.504.

(2) If the jurisdiction is not a participating jurisdiction when the program income is received, the funds are not subject to the requirements of this part.

(3) Program income derived from consortium activities undertaken by or within a member unit of general local government which thereafter terminates its participation in the consortium continues to be program income of the consortium.

(b) ***Repayments.***

(1) Any HOME funds invested in housing that does not meet the affordability requirements for the period specified in § 92.252 or § 92.254, as applicable, must be repaid by the participating jurisdiction in accordance with paragraph (b)(3) of this section.

(2) Any HOME funds invested in a project that is terminated before completion, either voluntarily or otherwise, must be repaid by the participating jurisdiction, in accordance with paragraph (b)(3) of this section, except for repayments of project-specific community housing development organization loans that are waived, in accordance with §§ 92.301(a)(3) and (b)(3). In addition, any HOME funds used for costs that are not eligible under this part must be repaid by the participating jurisdiction, in accordance with paragraph (b)(3) of this section.

(3) HUD will instruct the participating jurisdiction to either repay the funds to the HOME Investment Trust Fund Treasury account or the local account. If the jurisdiction is not a participating jurisdiction at the time the repayment is made, the funds must be remitted to HUD and reallocated, in accordance with § 92.454.

(c) ***Recaptures.*** HOME funds recaptured in accordance with § 92.254(a)(5)(ii) must be used in accordance with the requirements of this part. Recaptured funds must be deposited in the participating jurisdiction's HOME Investment Trust Fund local account unless the participating jurisdiction permits the State recipient, subrecipient, or community housing development organization to retain the recaptured funds for additional HOME projects pursuant to the written agreement required by § 92.504. If the jurisdiction is not a participating jurisdiction when the recaptured funds are received, the funds must be remitted to HUD and reallocated in accordance with § 92.454.

(d) ***Commitment of funds in the local account.*** Beginning with the Fiscal Year 2017 action plan, as provided in 24 CFR 91.220(l)(2) and 91.320(k)(2), program income, repayments, and recaptured funds in the participating jurisdiction's HOME Investment Trust Fund local account must be used in accordance with the requirements of this part, and the amount of program income, repayments, and recaptured funds in the participating jurisdiction's HOME Investment Trust Fund local account at the beginning of the program year must be committed before HOME funds in the HOME Investment Trust Fund United States Treasury account, except for the HOME funds in the United States Treasury account that are required to be reserved (*i.e.,* 15 percent of the funds), under § 92.300(a), for investment only in housing to be owned, developed, or sponsored by community housing development organizations. The deadline for committing program income, repayments, and recaptured funds received during a program year is the date of the participating jurisdiction's commitment deadline for the subsequent year's grant allocation.

[61 FR 48750, Sept. 16, 1996, as amended at 78 FR 44680, July 24, 2013; 81 FR 86952, Dec. 2, 2016]

§ 92.504 Participating jurisdiction responsibilities; written agreements; on-site inspection.

(a) ***Responsibilities.*** The participating jurisdiction is responsible for managing the day-to-day operations of its HOME program, ensuring that HOME funds are used in accordance with all program requirements and written agreements, and taking appropriate action when performance problems arise. The use of State recipients, subrecipients, or contractors does not relieve the participating jurisdiction of this responsibility. The performance and compliance of each contractor, State recipient, and subrecipient must be reviewed at least annually. The participating jurisdiction must have and follow written policies, procedures, and systems, including a system for assessing risk of activities and projects and a system for monitoring entities consistent with this section, to ensure that the requirements of this part are met.

(b) ***Executing a written agreement.*** Before disbursing any HOME funds to any entity, the participating jurisdiction must enter into a written agreement with that entity. Before disbursing any HOME funds to any entity, a State recipient, subrecipient, or contractor which is administering all or a part of the HOME program on behalf of the participating jurisdiction, must also enter into a written agreement with that entity. The written agreement must ensure compliance with the requirements of this part.

(c) ***Provisions in written agreements.*** The contents of the agreement may vary depending upon the role the entity is asked to assume or the type of project undertaken. This section details basic requirements by role and the minimum provisions that must be included in a written agreement.

(1) ***State recipient.*** The provisions in the written agreement between the State and a State recipient will depend on the program functions that the State specifies the State recipient will carry out in accordance with § 92.201(b). In accordance with § 92.201, the written agreement must either require the State recipient to comply with the requirements established by the State or require the State recipient to establish its own requirements to comply with this part, including requirements for income determinations and underwriting subsidy layering guidelines, rehabilitation standards, refinancing guidelines, homebuyer program policies, and affordability.

(i) ***Use of the HOME funds.*** The agreement must describe the amount and use of the HOME funds to administer one or more programs to produce affordable housing, provide downpayment assistance, or provide tenant-based rental assistance, including the type and number of housing projects to be funded (e.g. the number of single- family homeowner loans to be made or number of homebuyers to receive downpayment assistance), tasks to be performed, a schedule for completing the tasks (including a schedule for committing funds to projects that meet the deadlines established by this part), a budget for each program, and any requirement for matching contributions. These items must be in sufficient detail to provide a sound basis for the State to effectively monitor performance under the agreement.

(ii) ***Affordability.*** The agreement must require housing assisted with HOME funds to meet the affordability requirements of § 92.252 or § 92.254, as applicable, and must require repayment of the funds if the housing does not meet the affordability requirements for the specified time period. The agreement must state if repayment of HOME funds or recaptured HOME funds must be remitted to the State or retained by the State recipient for additional eligible activities.

(iii) ***Program income.*** The agreement must state if program income is to be remitted to the State or to be retained by the State recipient for additional eligible activities.

(iv) ***Uniform administrative requirements.*** The agreement must require the State recipient to comply with applicable uniform administrative requirements, as described in § 92.505.

(v) ***Project requirement.*** The agreement must require compliance with project requirements in subpart F of this part, as applicable in accordance with the type of project assisted.

(vi) ***Other program requirements.*** The agreement must require the State recipient to carry out each activity in compliance with all Federal laws and regulations described in subpart H of this part, except that the State recipient does not assume the State's responsibilities for release of funds under § 92.352 and the intergovernmental review process in § 92.357 does not apply to the State recipient. If HOME funds are provided for development of rental housing or provision of tenant-based rental assistance, the agreement must set forth all obligations the State imposes on the State recipient in order to meet the VAWA requirements under § 92.359, including notice obligations and any obligations with respect to the emergency transfer plan (including whether the State recipient must develop its own plan or follow the State's plan).

(vii) ***Affirmative marketing.*** The agreement must specify the State recipient's affirmative marketing responsibilities in accordance with § 92.351.

(viii) ***Requests for disbursement of funds.*** The agreement must specify that the State recipient may not request disbursement of HOME funds under this agreement until the funds are needed for payment of eligible costs. The amount of each request must be limited to the amount needed. Program income must be disbursed before the State recipient requests funds from the State.

(ix) ***Records and reports.*** The agreement must specify the particular records that must be maintained and the information or reports that must be submitted in order to assist the State in meeting its recordkeeping and reporting requirements.

(x) ***Enforcement of the agreement.*** The agreement must provide for a means of enforcement of affordable housing requirements by the State or the intended beneficiaries, if the State recipient will be the owner at project completion of the affordable housing. The means of enforcement may include liens on real property, deed restrictions, or covenants running with the land. The affordability requirements in § 92.252 must be enforced by deed restriction. In addition, the agreement must specify remedies for breach of the HOME requirements. The agreement must specify that, in accordance with 2 CFR 200.338, suspension or termination may occur if the State recipient materially fails to comply with any term of the agreement. The State may permit the agreement to be terminated in whole or in part in accordance with 2 CFR 200.339.

(xi) ***Written agreement.*** Before the State recipient provides funds to for-profit owners or developers, nonprofit owners or developers or sponsors, subrecipients, homeowners, homebuyers, tenants (or landlords) receiving tenant-based rental assistance, or contractors who are providing services to the State recipient, the State recipient must have a written agreement with such entities that meets the requirements of this section.

(xii) ***Duration of the agreement.*** The duration of the agreement will depend on which functions the State recipient performs (e.g., whether the State recipient or the State has responsibility for monitoring rental projects for the period of affordability) and which activities are funded under the agreement.

(xiii) ***Fees.*** The agreement must prohibit the State recipient and its subrecipients and community housing development organizations from charging servicing, origination, processing, inspection, or other fees for the costs of administering a HOME program, except as permitted by § 92.214(b)(1).

(2) ***Subrecipient.*** A subrecipient is a public agency or nonprofit organization selected by the participating jurisdiction to administer all or some of the participating jurisdiction's HOME programs to produce affordable housing, provide downpayment assistance, or provide tenant-based rental assistance. The agreement must set forth and require the subrecipient to follow the participating jurisdiction's requirements, including requirements for income determinations, underwriting and subsidy layering guidelines, rehabilitation standards, refinancing guidelines, homebuyer program policies, and affordability requirements. The agreement between the participating jurisdiction and the subrecipient must include:

(i) ***Use of the HOME funds.*** The agreement must describe the amount and use of the HOME funds for one or more programs, including the type and number of housing projects to be funded (e.g., the number of single-family homeowners loans to be made or the number of homebuyers to receive downpayment assistance), tasks to be performed, a schedule for completing the tasks (including a schedule for committing funds to projects in accordance with deadlines established by this part), a budget, any requirement for matching contributions and the period of the agreement. These items must be in sufficient detail to provide a sound basis for the participating jurisdiction to effectively monitor performance under the agreement.

(ii) ***Program income.*** The agreement must state if program income is to be remitted to the participating jurisdiction or to be retained by the subrecipient for additional eligible activities.

(iii) ***Uniform administrative requirements.*** The agreement must require the subrecipient to comply with applicable uniform administrative requirements, as described in § 92.505.

(iv) ***Other program requirements.*** The agreement must require the subrecipient to carry out each activity in compliance with all Federal laws and regulations described in subpart H of this part, except that the subrecipient does not assume the participating jurisdiction's responsibilities for environmental review under § 92.352 and the intergovernmental review process in § 92.357 does not apply. The agreement must set forth the requirements the subrecipient must follow to enable the participating jurisdiction to carry environmental review responsibilities before HOME funds are committed to a project. If HOME funds are being provided to develop rental housing or provide tenant-based rental assistance, the agreement must set forth all obligations the participating jurisdiction imposes on the subrecipient in order to meet the VAWA requirements under § 92.359, including notice obligations and obligations under the emergency transfer plan.

(v) ***Affirmative marketing.*** The agreement must specify the subrecipient's affirmative marketing responsibilities in accordance with § 92.351.

(vi) ***Requests for disbursement of funds.*** The agreement must specify that the subrecipient may not request disbursement of funds under the agreement until the funds are needed for payment of eligible costs. The amount of each request must be limited to the amount needed. Program income must be disbursed

before the subrecipient requests funds from the participating jurisdiction.

(vii) ***Reversion of assets.*** The agreement must specify that upon expiration of the agreement, the subrecipient must transfer to the participating jurisdiction any HOME funds on hand at the time of expiration and any accounts receivable attributable to the use of HOME funds.

(viii) ***Records and reports.*** The agreement must specify the particular records that must be maintained and the information or reports that must be submitted in order to assist the participating jurisdiction in meeting its recordkeeping and reporting requirements.

(ix) ***Enforcement of the agreement.*** The agreement must specify remedies for breach of the provisions of the agreement. The agreement must specify that, in accordance with 2 CFR 200.338, suspension or termination may occur if the subrecipient materially fails to comply with any term of the agreement. The participating jurisdiction may permit the agreement to be terminated in whole or in part in accordance with 2 CFR 200.339.

(x) ***Written agreement.*** Before the subrecipient provides HOME funds to for-profit owners or developers, nonprofit owners or developers or sponsors, subrecipients, homeowners, homebuyers, tenants (or landlords) receiving tenant-based rental assistance, or contractors, the subrecipient must have a written agreement that meets the requirements of this section. The agreement must state if repayment of HOME funds or recaptured HOME funds must be remitted to the participating jurisdiction or retained by the subrecipient for additional eligible activities.

(xi) ***Fees.*** The agreement must prohibit the subrecipient and any community housing development organizations from charging servicing, origination, or other fees for the costs of administering the HOME program, except as permitted by § 92.214(b)(1).

(3) ***For-profit or nonprofit housing owner, sponsor, or developer (other than single-family owner-occupant).*** The participating jurisdiction may preliminarily award HOME funds for a proposed project, contingent on conditions such as obtaining other financing for the project. This preliminary award is not a commitment to a project. The written agreement committing the HOME funds to the project must meet the requirements of "commit to a specific local project" in the definition of "commitment" in § 92.2 and contain the following:

(i) ***Use of the HOME funds.*** The agreement between the participating jurisdiction and a for-profit or nonprofit housing owner, sponsor, or developer must describe the address of the project or the legal description of the property if a street address has not been assigned to the property, the use of the HOME funds and other funds for the project, including the tasks to be performed for the project, a schedule for completing the tasks and the project, and a complete budget. These items must be in sufficient detail to provide a sound basis for the participating jurisdiction to effectively monitor performance under the agreement to achieve project completion and compliance with the HOME requirements.

(ii) ***Affordability.*** The agreement must require housing assisted with HOME funds to meet the affordability requirements of § 92.252 or § 92.254, as applicable, and must require repayment of the funds if the housing does not meet the affordability requirements for the specified time period. The affordability requirements in § 92.252 must be imposed by deed restrictions, covenants running with the land, use restrictions, or other mechanisms approved by HUD under which the participating jurisdiction has the right to require specific performance.

(A) If the owner or developer is undertaking rental projects, the agreement must establish the initial rents, the procedures for rent increases pursuant to § 92.252(f)(2), the number of HOME units, the size of the HOME units, and the designation of the HOME units as fixed or floating, and include the requirement that the owner or developer provide the address (e.g., street address and apartment number) of each HOME unit no later than the time of initial occupancy.

(B) If the owner or developer is undertaking a homeownership project for sale to homebuyers in accordance with § 92.254(a), the agreement must set forth the resale or recapture requirements that must be imposed on the housing, the sales price or the basis upon which the sales price will be determined, and the disposition of the sales proceeds. Recaptured funds must be returned to the participating jurisdiction.

(iii) ***Project requirements.*** The agreement must require compliance with project requirements in subpart F of this part, as applicable in accordance with the type of project assisted. The agreement may permit the owner to limit eligibility or give a preference to a particular segment of the population in accordance with § 92.253(d).

(iv) ***Property standards.*** The agreement must require the housing to meet the property standards in § 92.251, upon project completion. The agreement must also require owners of rental housing assisted with HOME funds to maintain the housing compliance with § 92.251 for the duration of the affordability period.

(v) ***Other program requirements.*** The agreement must require the owner, developer or sponsor to carry out each project in compliance with the following requirements of subpart H of this part:

(A) The agreement must specify the owner or developer's affirmative marketing responsibilities as enumerated by the participating jurisdiction in accordance with § 92.351.

(B) The federal requirements and nondiscrimination established in § 92.350.

(C) Any displacement, relocation, and acquisition requirements imposed by the participating jurisdiction consistent with § 92.353.

(D) The labor requirements in § 92.354.

(E) The conflict of interest provisions prescribed in § 92.356(f).

(F) If HOME funds are being provided to develop rental housing, the agreement must set forth all obligations the participating jurisdiction imposes on the owner in order to meet the VAWA requirements under § 92.359, including the owner's notice obligations and owner obligations under the emergency transfer plan.

(vi) ***Records and reports.*** The agreement must specify the particular records that must be maintained and the information or reports that must be submitted in order to assist the participating jurisdiction in meeting its recordkeeping and reporting requirements. The owner of rental housing must annually provide the participating jurisdiction with information on rents and occupancy of HOME-assisted units to demonstrate compliance with § 92.252. If the rental housing project has floating HOME units, the owner must provide the participating jurisdiction with information regarding unit substitution and filling vacancies so that the project remains in compliance with HOME rental occupancy requirements. The agreement must specify the reporting requirements (including copies of financial statements) to enable the participating jurisdiction to determine the financial condition (and continued financial viability) of the rental project.

(vii) ***Enforcement of the agreement.*** The agreement must provide for a means of enforcement of the affordable housing requirements by the participating jurisdiction and the intended beneficiaries. This means of enforcement may include liens on real property, deed restrictions, or covenants running with the land. The affordability requirements in § 92.252 must be imposed by deed restrictions, covenants running with the land, use restrictions, or other mechanisms approved by HUD under which the participating jurisdiction has the right to require specific performance. In addition, the agreement must specify remedies for breach of the provisions of the agreement.

(viii) ***Requests for disbursement of funds.*** The agreement must specify that the developer may not request disbursement of funds under the agreement until the funds are needed for payment of eligible costs. The amount of each request must be limited to the amount needed.

(ix) ***Duration of the agreement.*** The agreement must specify the duration of the agreement. If the housing assisted under this agreement is rental housing, the agreement must be in effect through the affordability period required by the participating jurisdiction under § 92.252. If the housing assisted under this agreement is homeownership housing, the agreement must be in effect at least until completion of the project and ownership by the low-income family.

(x) ***Community housing development organization provisions.*** If the nonprofit owner or developer is a community housing development organization and is using set-aside funds under § 92.300, the agreement must include the appropriate provisions under §§ 92.300, 92.301, and 92.303. If the community development organization is receiving HOME funds as a developer of homeownership housing, the agreement must specify if the organization may retain proceeds from the sale of the housing and whether the proceeds are to be used for HOME-eligible or other housing activities to benefit low-income families. Recaptured funds are subject to the requirements of § 92.503. If the community housing development organization is receiving assistance for operating expenses, see paragraph (c)(6) of this section.

(xi) ***Fees.*** The agreement must prohibit project owners from charging fees that are not customarily charged in rental housing such as laundry room access fees, and other fees. However, rental project owners may charge reasonable application fees to prospective tenants may charge parking fees to tenants only if such fees are customary for rental housing projects in the neighborhood; and may charge fees for services such as bus transportation or meals, as long as such services are voluntary. The agreement must also prohibit the developer that is undertaking a homeownership project from charging servicing, origination, processing, inspection, or other fees for the costs of providing homeownership assistance.

(4) ***Contractor.*** The participating jurisdiction selects a contractor through applicable procurement procedures and requirements. The contractor provides goods or services in accordance with a written agreement (the contract). For contractors who are administering all or some of the participating jurisdiction's HOME programs or specific services for one or more programs, the contract must include at a minimum the following provisions:

(i) ***Use of the HOME funds.*** The agreement must describe the use of the HOME funds, including the tasks to be performed, a schedule for completing the tasks, a budget, and the length of the agreement.

(ii) ***Program requirements.*** The agreement must provide that the contractor is subject to the requirements in part 92 that are applicable to the participating jurisdiction, except §§ 92.505 and 92.506 do not apply, and the contractor cannot assume the participating jurisdiction responsibilities for environmental review, decisionmaking, and action under § 92.352. Where the contractor is administering only a portion of the program, the agreement must list the requirements applicable to the activities the contractor is administering. If applicable to the work under the contract, the agreement must set forth all obligations the participating jurisdiction imposes on the contractor in order to meet the VAWA requirements under § 92.359, including any notice obligations and any obligations under the emergency transfer plan.

(iii) ***Duration of agreement.*** The agreement must specify the duration of the contract. Generally, the duration of a contract should not exceed two years.

(5) ***Homebuyer, homeowner or tenant receiving tenant-based rental or security deposit assistance.*** When a participating jurisdiction provides assistance to a homebuyer, homeowner or tenant the written agreement may take many forms depending upon the nature of assistance. As appropriate, it must include as a minimum:

(i) For homebuyers, the agreement must conform to the requirements in § 92.254(a), the value of the property, principal residence, lease-purchase, if applicable, and the resale or recapture provisions. The agreement must specify the amount of HOME funds, the form of assistance, e.g., grant, amortizing loan, deferred payment loan, the use of the funds (e.g., down-payment, closing costs, rehabilitation) and the time by which the housing must be acquired.

(ii) For homeowners, the agreement must conform to the requirements in § 92.254(b) and specify the amount and form of HOME assistance, rehabilitation work to be undertaken, date for completion, and property standards to be met.

(iii) For tenants, the rental assistance contract or the security deposit contract must conform to §§ 92.209 and 92.253.

(6) ***Community housing development organization receiving assistance for operating expenses.*** The agreement must describe the use of HOME funds for operating expenses; e.g., salaries, wages, and other employee compensation and benefits; employee education, training, and travel; rent; utilities; communication costs; taxes; insurance; equipment; and materials and supplies. If the community housing development organization is not also receiving funds for a housing project to be developed, sponsored, or owned by the community housing development organization, the agreement must provide that the community housing development organization is expected to receive funds for a project within 24 months of the date of receiving the funds for operating expenses, and must specify the terms and conditions upon which this expectation is based and the consequences of failure to receive funding for a project.

(7) ***Community housing development organization receiving assistance for project-specific technical assistance and site control loans or project-specific seed money loans.*** The agreement must identify the specific site or sites and describe the amount and use of the HOME funds (in accordance with § 92.301), including a budget for work, a period of performance, and a schedule for completion. The agreement must also set forth the basis upon which the participating jurisdiction may waive repayment of the loans, consistent with § 92.301, if applicable.

(8) ***Technical assistance provider to develop the capacity of community housing development organizations in the jurisdiction.*** The agreement must identify the specific nonprofit organization(s) to receive capacity building assistance. The agreement must describe the amount and use (scope of work) of the HOME funds, including a budget, a period of performance, and a schedule for completion.

(d) ***On-site inspections and financial oversight.***

(1) ***Inspections.*** The participating jurisdiction must inspect each project at project completion and during the period of affordability to determine that the project meets the property standards of § 92.251.

(i) ***Completion inspections.*** Before completing the project in the disbursement and information system established by HUD, the participating jurisdiction must perform an on-site inspection of HOME-assisted housing to determine that all contracted work has been completed and that the project complies with the property standards of § 92.251.

(ii) ***Ongoing periodic inspections of HOME-assisted rental housing.*** During the period of affordability, the participating jurisdiction must perform on-site inspections of HOME-assisted rental housing to determine compliance with the property standards of § 92.251 and to verify the information submitted by the owners in accordance with the requirements of § 92.252. The inspections must be in accordance with the inspection procedures that the participating jurisdiction establishes to meet the inspection requirements of § 92.251.

(A) The on-site inspections must occur within 12 months after project completion and at least once every 3 years thereafter during the period of affordability.

(B) If there are observed deficiencies for any of the inspectable items in the property standards established by the participating jurisdiction, in accordance with the inspection requirements of § 92.251, a follow-up on-site inspection to verify that deficiencies are corrected must occur within 12 months. The participating jurisdiction may establish a list of non-hazardous deficiencies for which correction can be verified by third party documentation (e.g., paid invoice for work order) rather than re-inspection. Health and safety deficiencies must be corrected immediately, in accordance with § 92.251. The participating jurisdiction must adopt a more frequent inspection schedule for properties that have been found to have health and safety deficiencies.

(C) The property owner must annually certify to the participating jurisdiction that each building and all HOME- assisted units in the project are suitable for occupancy, taking into account State and local health, safety, and other applicable codes, ordinances, and requirements, and the ongoing property standards established by the participating jurisdiction to meet the requirements of § 92.251.

(D) Inspections must be based on a statistically valid sample of units appropriate for the size of the HOME-assisted project, as set forth by HUD through notice. For projects with one-to-four HOME-assisted units, participating jurisdiction must inspect 100 percent of the HOME-assisted units and the inspectable items (site, building exterior, building systems, and common areas) for each building housing HOME-assisted units.

(iii) ***Annual inspections.*** Tenant- based rental assistance (TBRA). All housing occupied by tenants receiving HOME tenant-based rental assistance must meet the standards in 24 CFR 982.401 or the successor requirements as established by HUD. The participating jurisdiction must perform annual on-site inspections of rental housing occupied by tenants receiving HOME-assisted TBRA to determine compliance with these standards.

(2) ***Financial oversight.*** During the period of affordability, the participating jurisdiction must examine at least annually the financial condition of HOME-assisted rental projects with 10 units or more to determine the continued financial viability of the housing and must take actions to correct problems, to the extent feasible.

[61 FR 48750, Sept. 16, 1996, as amended at 64 FR 50224, Sept. 15, 1999; 67 FR 61757, Oct. 1, 2002; 68 FR 56404, Sept. 30, 2003; 78 FR 44680, July 24, 2013; 80 FR 75935, Dec. 7, 2015; 81 FR 80804, Nov. 16, 2016; 81 FR 86952, Dec. 2, 2016]

§ 92.505 Applicability of uniform administrative requirements.

The requirements of 2 CFR part 200 apply to participating jurisdictions, State recipients, and subrecipients receiving HOME funds, except for the following provisions: §§ 200.306, 200.307, 200.308 (not applicable to participating jurisdictions), 200.311 (except as provided in § 92.257), 200.312, 200.329, 200.333, and 200.334. The provisions of 2 CFR 200.305 apply as

modified by § 92.502(c). If there is a conflict between definitions in 2 CFR part 200 and 24 CFR part 92, the definitions in 24 CFR part 92 govern.

[80 FR 75935, Dec. 7, 2015]

§ 92.506 Audit.

Audits of the participating jurisdiction, State recipients, and subrecipients must be conducted in accordance with 2 CFR part 200, subpart F.

[67 FR 61757, Oct. 1, 2002, as amended at 80 FR 75935, Dec. 7, 2015]

§ 92.507 Closeout.

HOME funds will be closed out in accordance with 2 CFR part 200, subpart D.

[80 FR 75935, Dec. 7, 2015]

§ 92.508 Recordkeeping.

(a) ***General.*** Each participating jurisdiction must establish and maintain sufficient records to enable HUD to determine whether the participating jurisdiction has met the requirements of this part. At a minimum, the following records are needed:

(1) ***Records concerning designation as a participating jurisdiction.***

(i) For a consortium, the consortium agreement among the participating member units of general local government as required by § 92.101.

(ii) For a unit of general local government receiving a formula allocation of less than $750,000 (or less than $500,000 in fiscal years in which Congress appropriates less than $1.5 billion for this part), records demonstrating that funds have been made available (either by the State or the unit of general local government, or both) equal to or greater than the difference between its formula allocation and $750,000 (or $500,000 in fiscal years in which Congress appropriates less than $1.5 billion) as required by § 92.102(b).

(2) ***Program records.***

(i) Records of the efforts to maximize participation by the private sector as required by § 92.200.

(ii) The forms of HOME assistance used in the program, including any forms of investment described in the Consolidated Plan under 24 CFR part 91 that are not identified in § 92.205(b), and which are specifically approved by HUD.

(iii) The underwriting and subsidy layering guidelines adopted in accordance with § 92.250 that support the participating jurisdiction's Consolidated Plan certification.

(iv) If existing debt is refinanced for multi-family rehabilitation projects, the refinancing guidelines established in accordance with § 92.206(b), described in the Consolidated Plan.

(v) If HOME funds are used for tenant-based rental assistance, records supporting the participating jurisdiction's Consolidated Plan certification in accordance with § 92.209(b), including documentation of the local market conditions that led to the choice of this option; written selection policies and criteria; supporting documentation for preferences for specific categories of individuals with disabilities; and records supporting the rent standard and minimum tenant contribution established in accordance with § 92.209(h).

(vi) If HOME funds are used for tenant-based rental assistance or rental housing, records evidencing that not less than 90 percent of the families receiving such rental assistance meet the income requirements of § 92.216.

(vii) If HOME funds are used for homeownership housing, the procedures used for establishing 95 percent of the median purchase price for the area in accordance with § 92.254(a)(2), in the Consolidated Plan.

(viii) If HOME funds are used for acquisition of housing for homeownership, the resale or recapture guidelines established in accordance with § 92.254(a)(5), as set forth in the Consolidated Plan.

(ix) Records demonstrating compliance with the matching requirements of § 92.218 through § 92.222 including a running log and project records documenting the type and amount of match contributions by project.

(x) Records documenting compliance with the 24 month commitment deadline of § 92.500(d).

(xi) Records demonstrating compliance with the fifteen percent CHDO set-aside requirement of § 92.300(a).

(xii) Records documenting compliance with the ten percent limitation on administrative and planning costs in accordance with § 92.207.

(3) ***Project records.***

(i) A full description of each project assisted with HOME funds, including the location (address of each unit), form of HOME assistance, and the units or tenants assisted with HOME funds.

(ii) The source and application of funds for each project, including supporting documentation in accordance with 2 CFR 200.302; and records to document the eligibility and permissibility of the project costs, including the documentation of the actual HOME-eligible development costs of each HOME-assisted unit (through allocation of costs, if permissible under § 92.205(d)) where HOME funds are used to assist less than all of the units in a multi-unit project.

(iii) Records demonstrating that each rental housing or homeownership project meets the minimum per-unit subsidy amount of § 92.205(c), the maximum per-unit subsidy amount of § 92.250(a), and the subsidy layering and underwriting evaluation adopted in accordance with § 92.250(b).

(iv) Records (e.g., inspection reports) demonstrating that each project meets the property standards of § 92.251 at project completion. In addition, during the period of affordability, records for rental projects demonstrating compliance with the property standards and financial reviews and actions pursuant to § 92.504(d).

(v) Records demonstrating that each family is income eligible in accordance with § 92.203.

(vi) Records demonstrating that each tenant-based rental assistance project meets the written tenant selection policies and criteria of § 92.209(c), including any targeting requirements, the rent reasonableness requirements of § 92.209(f), the maximum subsidy provisions of § 92.209(h), property inspection reports, and calculation of the HOME subsidy.

(vii) Records demonstrating that each rental housing project meets the affordability and income targeting requirements of § 92.252 for the required period. Records must be kept for each family assisted.

(viii) Records demonstrating that each multifamily rental housing project involving rehabilitation with refinancing complies with the refinancing guidelines established in accordance with § 92.206(b).

(ix) Records demonstrating that each lease for a tenant receiving tenant-based rental assistance and for an assisted rental housing unit complies with the tenant and participant protections of § 92.253. Records must be kept for each family.

(x) Records demonstrating that the purchase price or estimated value after rehabilitation for each homeownership housing project does not exceed 95 percent of the median purchase price for the area in accordance with § 92.254(a)(2). The records must demonstrate how the estimated value was determined.

(xi) Records demonstrating that each homeownership project meets the affordability requirements of § 92.254 for the required period.

(xii) Records demonstrating that any pre-award costs charged to the HOME allocation meet the requirements of § 92.212.

(xiii) Records demonstrating that a site and neighborhood standards review was conducted for each project which includes new construction of rental housing assisted under this part to determine that the site meets the requirements of 24 CFR 983.57(e)(2) and (e)(3), in accordance with § 92.202.

(xiv) Records (written agreements) demonstrating compliance with the written agreements requirements in § 92.504.

(4) ***Community Housing Development Organizations (CHDOs) Records.***

(i) Written agreements committing HOME funds to CHDO projects in accordance with § 92.300(a).

(ii) Records setting forth the efforts made to identify and encourage CHDOs, as required by § 92.300(b).

(iii) The name and qualifications of each CHDO and amount of HOME CHDO set-aside funds committed.

(iv) Records demonstrating that each CHDO complies with the written agreements required by § 92.504.

(v) Records concerning the use of CHDO setaside funds, including funds used to develop CHDO capacity pursuant to § 92.300(b).

(vi) Records concerning the use of funds for CHDO operating expenses and demonstrating compliance with the requirements of §§ 92.208, 92.300(e) and 92.300(f).

(vii) Records concerning the tenant participation plan required by § 92.303.

(viii) Records concerning project-specific assistance to CHDOs pursuant to § 92.301, including the impediments to repayment, if repayment is waived.

(5) ***Financial records.***

(i) Records, in accordance with 2 CFR 200.302, identifying the source and application of funds for each fiscal year, including the formula allocation, any reallocation (identified by federal fiscal year appropriation), and any State or local funds provided under § 92.102(b).

(ii) Records concerning the HOME Investment Trust Fund Treasury account and local account required to be established and maintained by § 92.500, including deposits, disbursements, balances, supporting documentation and any other information required by the program disbursement and information system established by HUD.

(iii) Records identifying the source and application of program income, repayments and recaptured funds.

(iv) Records demonstrating adequate budget control and other records required by 2 CFR 200.302, including evidence of periodic account reconciliations.

(6) ***Program administration records.***

(i) Written policies, procedures, and systems, including a system for assessing risk of activities and projects and a system for monitoring entities consistent with this section, to ensure that the requirements of this part are met.

(ii) Records demonstrating compliance with the written agreements required by § 92.504.

(iii) Records demonstrating compliance with the applicable uniform administrative requirements required by § 92.505.

(iv) Records documenting required inspections, monitoring reviews and audits, and the resolution of any findings or concerns.

(7) ***Records concerning other Federal requirements*** —

(i) ***Equal opportunity and fair housing records.***

(A) Data on the extent to which each racial and ethnic group and single-headed households (by gender of household head) have applied for, participated in, or benefited from, any program or activity funded in whole or in part with HOME funds.

(B) Documentation of the actions the participating jurisdiction has taken to affirmatively further fair housing pursuant to §§ 5.151, 5.152, 91.225, 91.325, and 91.425 of this title.

(ii) Affirmative marketing and MBE/WBE records.

(A) Records demonstrating compliance with the affirmative marketing procedures and requirements of § 92.351.

(B) Documentation and data on the steps taken to implement the jurisdiction's outreach programs to minority-owned (MBE) and female-owned (WBE) businesses including data indicating the racial/ethnic or gender character of each business entity receiving a contract or subcontract of $25,000 or more paid, or to be paid, with HOME funds; the amount of the contract or subcontract, and documentation of participating jurisdiction's affirmative steps to assure that minority business and women's business enterprises have an equal opportunity to obtain or compete for contracts and subcontracts as sources of supplies, equipment, construction, and services.

(iii) Records demonstrating compliance with the environmental review requirements of § 92.352 and 24 CFR part 58, including flood insurance requirements.

(iv) Records demonstrating compliance with the requirements of § 92.353 regarding displacement, relocation, and real property acquisition, including project occupancy lists identifying the name and address of all persons occupying the real property on the date described in § 92.353(c)(2)(i)(A), moving into the property on or after the date described in § 92.353(c)(2)(i)(A), and occupying the property upon completion of the project.

(v) Records demonstrating compliance with the labor requirements of § 92.354, including contract provisions and payroll records.

(vi) Records demonstrating compliance with the lead-based paint requirements of part 35, subparts A, B, J, K, M and R of this title.

(vii) Records supporting exceptions to the conflict of interest prohibition pursuant to § 92.356.

(viii) Records demonstrating compliance with debarment and suspension requirements in 2 CFR part 2424.

(ix) Records concerning intergovernmental review, as required by § 92.357.

(x) Records of emergency transfers requested under 24 CFR 5.2005(e) and 92.359 pertaining to victims of domestic violence, dating violence, sexual assault, or stalking, including data on the outcomes of those requests.

(xi) Documentation of actions undertaken to meet the requirements of 24 CFR part 75 which implements section 3 of the Housing Development Act of 1968, as amended (12 U.S.C. 1701u).

(b) ***States with State Recipients.*** A State that distributes HOME funds to State recipients must require State recipients to keep the records required by paragraphs (a)(2), (a)(3), (a)(5), (a)(6) and (a)(7) of this section, and such other records as the State determines to be necessary to enable the State to carry out its responsibilities under this part. The State need not duplicate the records kept by the State recipients. The State must keep records concerning its review of State recipients required under § 92.201(b)(3).

(c) ***Period of record retention.*** All records pertaining to each fiscal year of HOME funds must be retained for the most recent five year period, except as provided below.

(1) For rental housing projects, records may be retained for five years after the project completion date; except that records of individual tenant income verifications, project rents and project inspections must be retained for the most recent five year period, until five years after the affordability period terminates.

(2) For homeownership housing projects, records may be retained for five years after the project completion date, except for documents imposing recapture/resale restrictions which must be retained for five years after the affordability period terminates.

(3) For tenant-based rental assistance projects, records must be retained for five years after the period of rental assistance terminates.

(4) Written agreements must be retained for five years after the agreement terminates.

(5) Records covering displacements and acquisition must be retained for five years after the date by which all persons displaced from the property and all persons whose property is acquired for the project have received the final payment to which they are entitled in accordance with § 92.353.

(6) If any litigation, claim, negotiation, audit, monitoring, inspection or other action has been started before the expiration of the required record retention period records must be retained until completion of the action and resolution of all issues which arise from it, or until the end of the required period, whichever is later.

(d) ***Access to records.***

(1) The participating jurisdiction must provide citizens, public agencies, and other interested parties with reasonable access to records, consistent with applicable state and local laws regarding privacy and obligations of confidentiality.

(2) HUD and the Comptroller General of the United States, any of their representatives, have the right of access to any pertinent books, documents, papers or other records of the participating jurisdiction, state recipients, and subrecipients, in order to make audits, examinations, excerpts, and transcripts.

[61 FR 48750, Sept. 16, 1996, as amended at 64 FR 50224, Sept. 15, 1999; 67 FR 61757, Oct. 1, 2002; 72 FR 73493, Dec. 27, 2007; 78 FR 44682, July 24, 2013; 80 FR 42366, July 16, 2015; 80 FR 75935, Dec. 7, 2015; 81 FR 80805, Nov. 16, 2016; 85 FR 47910, Aug. 7, 2020; 85 FR 61567, Sept. 29, 2020; 85 FR 82137, Dec. 17, 2020; 86 FR 30792, June 10, 2021; 86 FR 34943, July 1, 2021; 86 FR 30792, June 10, 2021]

§ 92.509 Performance reports.

(a) ***Management reports.*** Each participating jurisdiction must submit management reports on its HOME Investment Partnerships Program in such format and at such time as HUD may prescribe.

(b) ***Annual performance report.*** For annual performance report requirements, see 24 CFR part 91.

Subpart L - Performance Reviews and Sanctions

§ 92.550 Performance reviews.

(a) ***General.*** HUD will review the performance of each participating jurisdiction in carrying out its responsibilities under this part whenever determined necessary by HUD, but at least annually. In conducting performance reviews, HUD will rely primarily on information obtained from the participating jurisdiction's and, as appropriate, the State recipient's records and reports, findings from on-site monitoring, audit reports, and information generated from the disbursement and information system established by HUD. Where applicable, HUD may also consider relevant information pertaining to a participating jurisdiction's or State recipient's performance gained from other sources, including citizen comments, complaint determinations, and litigation. Reviews to determine compliance with specific requirements of this part will be conducted as necessary, with or without prior notice to the participating jurisdiction or State recipient. Comprehensive performance reviews under the standards in paragraph (b) of this section will be conducted after prior notice to the participating jurisdiction.

(b) ***Standards for comprehensive performance review.*** A participating jurisdiction's performance will be comprehensively reviewed periodically, as prescribed by HUD, to determine:

(1) For local participating jurisdictions and State participating jurisdictions administering their own HOME programs, whether the participating jurisdiction has committed the HOME funds in the United States Treasury account as required by § 92.500 and expended the funds in the United States Treasury account as required by § 92.500, and has met the requirements of this part, particularly eligible activities, income targeting, affordability, and matching requirements; or

(2) For State participating jurisdictions distributing HOME funds to State recipients, whether the State has met the matching contribution and other requirements of this part; has distributed the funds in accordance with the requirements of this part; and has made such reviews and audits of its State recipients as may be appropriate to determine whether they have satisfied the requirements of paragraph (b)(1) of this section.

§ 92.551 Corrective and remedial actions.

(a) ***General.*** HUD will use the procedures in this section in conducting the performance review as provided in § 92.550 and in taking corrective and remedial actions.

(b) ***Performance review.***

(1) If HUD determines preliminarily that the participating jurisdiction has not met a requirement of this part, the participating jurisdiction will be given notice of this determination and an opportunity to demonstrate, within the time prescribed by HUD (not to exceed 30 days) and on the basis of substantial facts and data, that it has done so.

(2) If the participating jurisdiction fails to demonstrate to HUD's satisfaction that it has met the requirement, HUD will take corrective or remedial action in accordance with this section or § 92.552.

(c) ***Corrective and remedial actions.*** Corrective or remedial actions for a performance deficiency (failure to meet a provision of this part) will be designed to prevent a continuation of the deficiency; mitigate, to the extent possible, its adverse effects or consequences; and prevent its recurrence.

(1) HUD may instruct the participating jurisdiction to submit and comply with proposals for action to correct, mitigate and prevent a performance deficiency, including:

(i) Preparing and following a schedule of actions for carrying out the affected activities, consisting of schedules, timetables, and milestones necessary to implement the affected activities;

(ii) Establishing and following a management plan that assigns responsibilities for carrying out the remedial actions;

(iii) Canceling or revising activities likely to be affected by the performance deficiency, before expending HOME funds for the activities;

(iv) Reprogramming HOME funds that have not yet been expended from affected activities to other eligible activities;

(v) Reimbursing its HOME Investment Trust Fund in any amount not used in accordance with the requirements of this part;

(vi) Suspending disbursement of HOME funds for affected activities; and

(vii) Establishing procedures to ensure compliance with HOME requirements;

(viii) Making matching contributions as draws are made from the participating jurisdiction's HOME Investment Trust Fund United States Treasury Account and establishing a remedial plan to make up the matching contributions deficit; and

(ix) If the participating jurisdiction is a metropolitan city, forming a consortium with the urban county if the urban county is willing to carry out the HOME program in the metropolitan city.

(2) HUD may also change the method of payment from an advance to reimbursement basis and may require supporting documentation to be submitted for HUD review for each payment request before payment is made; determine the participating jurisdiction to be high risk and impose special conditions or restrictions on the next year's allocation in accordance with 2 CFR 200.207; and take other remedies that may be legally available, including remedies under 2 CFR 200.338.

[61 FR 48750, Sept. 16, 1996, as amended at 78 FR 44683, July 24, 2013; 80 FR 75935, Dec. 7, 2015]

§ 92.552 Notice and opportunity for hearing; sanctions.

(a) If HUD finds after reasonable notice and opportunity for hearing that a participating jurisdiction has failed to comply with any provision of this part and until HUD is satisfied that there is no longer any such failure to comply:

(1) HUD shall reduce the funds in the participating jurisdiction's HOME Investment Trust Fund by the amount of any expenditures that were not in accordance with the requirements of this part; and

(2) HUD may do one or more of the following:

(i) Prevent withdrawals from the participating jurisdiction's HOME Investment Trust Fund for activities affected by the failure to comply;

(ii) Restrict the participating jurisdiction's activities under this part to activities that conform to one or more model programs which HUD has developed in accordance with section 213 of the Act;

(iii) Remove the participating jurisdiction from participation in allocations or reallocations of funds made available under subpart B or J of this part;

(iv) Require the participating jurisdiction to make matching contributions in amounts required by § 92.218(a) as HOME funds are drawn from the participating jurisdiction's HOME Investment Trust Fund United States Treasury Account. Provided, however, that HUD may on due notice suspend payments at any time after the issuance of a notice of opportunity for hearing pursuant to paragraph (b)(1) of this section, pending such hearing and a final decision, to the extent HUD determines such action necessary to preclude the further expenditure of funds for activities affected by the failure to comply.

(b) ***Proceedings.*** When HUD proposes to take action pursuant to this section, the respondent in the proceedings will be the participating jurisdiction or, at HUD's option, the State recipient. Proceedings will be conducted in accordance with 24 CFR part 26.

[61 FR 48750, Sept. 16, 1996, as amended at 62 FR 44840, Aug. 22, 1997; 78 FR 44683, July 24, 2013]

Subpart M - American Dream Downpayment Initiative

Source: 69 FR 16766, Mar. 30, 2004, unless otherwise noted.

§ 92.600 Purpose.

This subpart describes the requirements for the HOME Program American Dream Downpayment Initiative (ADDI). Through the ADDI, HUD makes formula grants to participating jurisdictions that qualify for allocations to assist low-income families achieve homeownership in accordance with the provisions of this subpart. Unless otherwise noted in this subpart, the HOME Program requirements contained in subparts B through L of this part do not apply to the ADDI.

§ 92.602 Eligible activities.

(a) ***Eligible activities.*** ADDI funds may only be used for:

(1) Downpayment assistance towards the purchase of single family housing by low-income families who are first-time homebuyers; and

(2) Rehabilitation that is completed in conjunction with the home purchase assisted with ADDI funds. The rehabilitation assisted with ADDI funds, including the reduction of lead paint hazards and the remediation of other home health hazards, must be completed within one year of the purchase of the home. Total rehabilitation shall not exceed 20 percent of the participating jurisdiction's ADDI fiscal year formula allocation. FY2003 ADDI funds may not be used for rehabilitation.

(3) ***Manufactured housing.*** ADDI funds may be used to purchase a manufactured housing unit and purchase a manufactured housing lot. The manufactured housing unit must, at the time of project completion, be connected to permanent utility hook-ups and be located on land that is owned by the manufactured housing owner, owned as a cooperative, or is subject to a leasehold interest with a term equal to at least the term of the mortgage financing on the unit or the period of affordability (whichever is greater).

(b) ***Eligible project costs.*** ADDI funds may be used for the following eligible costs:

(1) ***Acquisition costs.*** The costs of acquiring single family housing.

(2) ***Rehabilitation costs.*** The eligible development hard costs for rehabilitation projects described in § 92.206(a) and the costs for reduction of lead paint hazards and the remediation of other home health hazards. FY2003 ADDI funds may not be used for rehabilitation.

(3) ***Related soft costs.*** Reasonable and necessary costs incurred by the homebuyer or participating jurisdiction and associated with the financing of single family housing acquisition and rehabilitation. These costs include, but are not limited to:

(i) Costs to process and settle the financing for purchase of a home, such as private lender origination fees, credit report fees, fees for title evidence, fees for recordation and filing of legal documents, attorneys fees, and private appraisal fees.

(ii) Architectural, engineering, or related professional services required to prepare plans, drawings, specifications, or work write-ups.

(iii) Costs to provide information services, such as fair housing information to prospective homeowners.

(iv) Staff and overhead costs directly related to carrying out the project, such as work specifications preparation, loan processing inspections, and other services related to assisting a potential homebuyer (*e.g.,* housing counseling), which may be charged to project costs only if the individual purchases single family housing with ADDI assistance.

(v) Costs of environmental review and release of funds (in accordance with 24 CFR part 58) that are directly related to the project.

(4) ***Ineligible costs.*** ADDI funds may not be used for the development costs (hard costs or soft costs) of new construction of housing or for rental assistance.

(c) ***Forms of investment.*** A participating jurisdiction may invest ADDI funds as interest-bearing loans or advances, non-interest bearing loans or advances, interest subsidies consistent with the purposes of this subpart, deferred payment loans, grants, or other forms of assistance that HUD determines to be consistent with this subpart. Each participating jurisdiction has the right to establish the terms of assistance, subject to the requirements of this subpart.

(d) ***Minimum amount of assistance.*** The minimum amount of ADDI funds in combination with HOME funds that must be invested in a project is $1,000.

(e) ***Maximum amount of assistance.*** The amount of ADDI funds provided to any family shall not exceed the greater of six percent of the purchase price of the single family housing or $10,000. This limitation does not apply to FY2003 ADDI funds.

(f) ***Limitation on subrecipients and contractors.*** A participating jurisdiction may not provide ADDI funds to an entity or organization that provides downpayment assistance, if the activities of that entity or organization are financed in whole or in part, directly or indirectly, by contributions, service fees, or other payments from the sellers of housing, whether or not made in conjunction with the sale of specific housing acquired with ADDI funds.

[69 FR 16766, Mar. 30, 2004, as amended at 72 FR 16685, Apr. 4, 2007]

§ 92.604 ADDI allocation formula.

(a) ***General.*** HUD will provide ADDI funds to participating jurisdictions in amounts determined by the formula described in this section.

(b) ***Allocation to states that are participating jurisdictions.*** HUD will provide ADDI funds to each state in an amount that is equal to the percentage of the national total of low-income households residing in rental housing in the state, as determined on the basis of the most recent available U.S. census data (as adjusted by HUD).

(c) ***Local participating jurisdictions.*** Subject to paragraph (d) of this section, HUD will further allocate to each local participating jurisdiction located within a state an amount equal to the percentage of the state-wide total of low-income households residing in rental housing in such participating jurisdiction, as determined on the basis of the most recent available U.S. census data (as adjusted by HUD).

(d) ***Limitation on allocations to local participating jurisdictions.***

(1) Allocations under paragraph (c) of this section shall be made only if the local participating jurisdiction:

(i) Has a total population of 150,000 individuals or more, as determined on the basis of the most recent available U.S. census data (as adjusted by HUD); or

(ii) Would receive an allocation of $50,000 or more.

(2) Any allocation that would have otherwise been made to a local participating jurisdiction that does not meet the requirements of paragraph (d)(1) of this section shall revert back to the state in which the participating jurisdiction is located.

(e) ***Consortia with members in more than one state.*** A consortium with members in more than one state will receive an allocation if the consortium meets the requirements described in paragraph (d) of this section.

(f) ***Allocation of FY2003 ADDI funds.*** For the allocation of FY2003 ADDI funds, HUD will consider a participating jurisdiction's need for, and prior commitment to, assistance to homebuyers. Puerto Rico is a "state" for FY2003 ADDI funds.

(1) ***Need.*** The need of the participating jurisdiction for assistance to homebuyers is measured by its ADDI formula allocation, as calculated under paragraphs (b) through (e) of this section.

(2) ***Prior commitment.*** Only those participating jurisdictions that have demonstrated prior commitment to assistance to homebuyers will receive FY2003 ADDI funds. A participating jurisdiction has demonstrated prior commitment to homebuyers if it has previously committed funds to such purpose under the HOME program, the Community Development Block Grants (CDBG) program, mortgage revenue bonds, or existing funding from state and local governments.

§ 92.606 Reallocations.

If any funds allocated to a participating jurisdiction under § 92.604 become available for reallocation, the funds shall be reallocated in the next fiscal year in accordance with § 92.604.

§ 92.608 Consolidated plan.

To receive an ADDI formula allocation, a participating jurisdiction must address the use of the ADDI funds in its consolidated plan submitted in accordance with 24 CFR part 91.

§ 92.610 Program requirements.

The following program requirements contained in subpart E of this part apply to the ADDI:

(a) ***Private-public partnership.*** The private-public partnership provisions contained in § 92.200 apply to the ADDI.

(b) ***Distribution of assistance.*** The distribution of assistance requirements contained in § 92.201 apply to the ADDI.

(c) ***Income determinations.*** The income determination requirements contained in § 92.203 apply to the ADDI.

(d) ***Pre-award costs.*** The requirements regarding pre-award costs contained in § 92.212 apply to the ADDI.

(e) ***Matching contribution requirement.*** The matching contribution requirements contained in §§ 92.218 through 92.222 apply to FY2003 ADDI funds only.

§ 92.612 Project requirements.

The following project requirements contained in subpart F of this part apply to the ADDI:

(a) ***Maximum per-unit subsidy amount and subsidy layering.*** The maximum per-unit subsidy limits and subsidy layering requirements contained in § 92.250 apply to the total HOME and ADDI funds in a project.

(b) ***Property standards.*** Housing assisted with ADDI funds must meet the property standards contained in § 92.251.

(c) ***Qualification as affordable housing.*** Housing assisted with ADDI funds must meet the affordability requirements contained in § 92.254(a) and (c). If a project receives both HOME and ADDI funds, the total of HOME and ADDI funds in the project is used for calculating the period of affordability described in § 92.254(a)(4) and applied to resales (§ 92.254(a)(5)(i)) and recaptures (§ 92.254(a)(5)(ii)).

(d) ***Faith-based organizations.*** Faith-based organizations are eligible to participate in the ADDI as subrecipients or contractors as provided in § 92.257.

§ 92.614 Other Federal requirements.

(a) The following Federal requirements contained in subpart H of this part apply to the ADDI:

(1) ***Other Federal requirements and nondiscrimination.*** The Federal and nondiscrimination requirements contained in § 92.350 apply to the ADDI.

(2) ***Environmental review.*** The environmental review requirements contained in § 92.352 apply to the ADDI.

(3) ***Affirmative marketing.*** The affirmative marketing requirements contained in § 92.351(a).

(4) ***Labor.*** The labor requirements contained in § 92.354 apply to ADDI.

(5) ***Lead-based paint.*** The lead-based paint prevention and abatement requirements contained in § 92.355 apply to the ADDI.

(6) ***Conflict of interest.*** The conflict of interest requirements contained in § 92.356 apply to the ADDI.

(7) ***Consultant activities.*** The requirements regarding consultant activities contained in § 92.358 apply to the ADDI.

(b) The following Federal requirements contained in subpart H of this part do not apply to the ADDI:

(1) ***Displacement, relocation, and acquisition.*** The displacement, relocation, and acquisition requirements implementing the Uniform Relocation Assistance and Real Property Acquisition Policies Act (42 U.S.C. 4201–4655) and the implementing regulations at 49 CFR part 24, contained in § 92.353 do not apply to ADDI, except the requirements do apply to FY2003 ADDI funds.

(2) ***Executive Order 12372.*** The requirements of Executive Order 12372 (entitled "Intergovernmental Review) described in § 92.357.

[69 FR 16766, Mar. 30, 2004, as amended at 78 FR 44683, July 24, 2013]

§ 92.616 Program administration.

The following program administration requirements contained in subpart K of this part apply to the ADDI:

(a) ***HOME Investment Trust Fund.*** The requirements regarding the HOME Investment Trust Fund contained in § 92.500 apply to the ADDI, with the exception of paragraphs (c)(2) and (d)(1)(A).

(b) ***HOME Investment Partnership Agreement.*** The requirements regarding HOME Investment Partnership Agreements contained in § 92.501 apply to the ADDI.

(c) ***Program disbursement and information system.*** The requirements regarding program disbursement and information systems contained in § 92.502 apply to the ADDI.

(d) ***Program income, repayments and recaptured funds.*** The requirements regarding program income, repayments, and recaptured funds contained in § 92.503 apply to the ADDI, except the program income and recaptured funds must be deposited in the participating jurisdiction's HOME investments trust fund local account and used in accordance with the HOME program requirements.

(e) ***Participating jurisdiction responsibilities and written agreements.*** The requirements regarding participating jurisdiction responsibilities and written agreements contained in § 92.504 apply to the ADDI, with the modification that the written agreement is not required to cover any HOME requirement that is not applicable to the ADDI.

(f) ***Applicability of uniform administrative requirements.*** The uniform administrative requirements contained in § 982.505 apply to the ADDI.

(g) ***Audit.*** The audit requirements contained in § 92.506 apply to the ADDI.

(h) ***Closeout.*** The closeout requirements contained in § 92.507 apply to the ADDI.

(i) ***Recordkeeping.*** The project records must include records demonstrating that the family qualifies as a first-time homebuyer. The recordkeeping requirements contained in § 92.508 apply to the ADDI, with the exception of the following paragraphs:

(1) Paragraph (a)(1);

(2) Paragraphs (a)(2)(iv), (a)(2)(v), (a)(2)(vi), (a)(2)(xi), and (a)(2)(xii);

(3) Paragraphs (a)(3)(vi), (a)(3)(vii), (a)(3)(viii), (a)(3)(ix), and (a)(3)(xiii);

(4) Paragraph (a)(4);

(5) Paragraphs (a)(7)(i)(B), (a)(7)(i)(C), (a)(7)(ii)(A), and (a)(7)(ix) (in addition, the requirements of paragraph (a)(7)(iv) apply to FY2003 ADDI funds only); and

(6) Paragraphs (c)(1) and (c)(3) (in addition, the requirements of paragraph (c)(5) apply to FY2003 ADDI funds only).

(j) ***Performance reports.*** The requirements regarding performance reports contained in § 92.509 apply to the ADDI.

§ 92.618 Performance reviews and sanctions.

HUD will review the performance of participating jurisdictions in carrying out its responsibilities under the ADDI in accordance with the policies and procedures contained in subpart L of this part.

ATTACHMENT 15

Emergency Solutions Grants (ESG) Program

U.S. Department of Housing and Urban Development, Office of Community Planning and Development
Office of Special Needs Assistance Programs, 451 7th Street SW, Room 7262 Washington, DC 20410

CFDA Number: 14.231

OBJECTIVES

The ESG program provides funding to: (1) engage homeless individuals and families living on the street; (2) improve the number and quality of emergency shelters for homeless individuals and families; (3) help operate these shelters; (4) provide essential services to shelter residents, (5) rapidly re-house homeless individuals and families, and (6) prevent families/individuals from becoming homeless.

For more information and resources about ESG, go to the HUD Exchange website at HUDExchange.info

GRANT AMOUNTS

FY 2019 Allocation: $280 million

- States total: $139,063,295
- Urban Counties total: $36,269,433
- Metro Cities total: $104,107,272
- Territories total: $560,000

Eligible Recipients (366)

- States: 51 (including Puerto Rico)
- Metropolitan Cities: 196
- Urban Counties: 115
- U.S. Territories: 4

RECIPIENTS & SUBRECIPIENTS

Eligible recipients generally consist of states, metropolitan cities, urban counties, and territories, as defined in 24 CFR 576.2.

Each recipient must consult with the local Continuum(s) of Care operating within the jurisdiction in determining how to allocate ESG funds.

State recipients must subgrant all of their ESG funds (except the amount for its administrative costs and HMIS costs, if applicable) to units of general purpose local government and/or private nonprofit organizations.

Metropolitan cities, urban counties and territories may subgrant ESG funds to private nonprofit organizations.

Local governments (whether recipients or subrecipients) may also subgrant ESG funds to public housing agencies and local redevelopment authorities.

CITATIONS

Statute: Stewart B. McKinney Homeless Assistance Act of 1987, Title IV, Subtitle B, as amended (42 U.S.C. 11371 *et seq.*) **Regulations:** 24 CFR Part 576.

ELIGIBLE PROGRAM COMPONENTS

1. Street Outreach

Essential Services necessary to reach out to unsheltered homeless individuals and families, connect them with emergency shelter, housing, or critical services, and provide them with urgent, non-facility-based care. Component services generally consist of engagement, case management, emergency health and mental health services, and transportation. For specific requirements and eligible costs, see 24 CFR 576.101.

2. Emergency Shelter

Renovation of a building to serve as an emergency shelter. Site must serve homeless persons for at least 3 or 10 years, depending on the cost and type of renovation (major rehabilitation, conversion, or other renovation). Note: Property acquisition and new construction are ineligible.

Essential Services for individuals and families in emergency shelter. Component services generally consist of case management, child care, education services, employment assistance and job training, outpatient health services, legal services, life skills training, mental health services, substance abuse treatment services, and transportation.

Shelter Operations, including maintenance, rent, security, fuel, equipment, insurance, utilities, and furnishings.

Relocation assistance for persons displaced by a project assisted with ESG funds.

For specific requirements and eligible costs, see 24 CFR 576.102.

3. Homelessness Prevention

Housing relocation and stabilization services and/or short- and/or medium-term rental assistance necessary to prevent the individual or family from moving into an emergency shelter or another place described in paragraph (1) of the "homeless" definition in § 576.2.

Component services and assistance generally consist of short-term and medium-term rental assistance, rental arrears, rental application fees, security deposits, advance payment of last month's rent, utility deposits and payments, moving costs, housing search and placement, housing stability case management, mediation, legal services, and credit repair. For specific requirements and eligible costs, see 24 CFR 576.103, 576.105, and 576.106.

4. Rapid Re-Housing

Housing relocation and stabilization services and short- and/or medium-term rental assistance as necessary to help

individuals or families living in an emergency shelter or other place described in paragraph (1) of the "homeless" definition move as quickly as possible into permanent housing and achieve stability in that housing.

Component services and assistance generally consist of short-term and medium-term rental assistance, rental arrears, rental application fees, security deposits, advance payment of last month's rent, utility deposits and payments, moving costs, housing search and placement, housing stability case management, mediation, legal services, and credit repair. For specific requirements and eligible costs, see 24 CFR 576.104, 576.105, and 576.106.

5. HMIS

Grant funds may be used for certain Homeless Management Information System (HMIS) and comparable database costs, as specified at 24 CFR 576.107.

Administration

Up to 7.5% of a recipient's fiscal year grant can be used for administrative activities, such as general management, oversight, coordination, and reporting on the program. State recipients must share administrative funds with their local government subrecipients and may share administrative funds with their nonprofit subrecipients. For specific requirements and eligible costs, see 24 CFR 576.108.

ALLOCATION FORMULA

HUD will set aside for allocation to the territories up to 0.2%, but not less than 0.1%, of the total fiscal year appropriation. The remainder will be allocated to States, metropolitan cities, and urban counties. The percentage allocated to each State, metropolitan city, and urban county will equal the percentage of the total amount available under section 106 of the Housing and Community Development Act of 1974 for the prior fiscal year that was allocated to the State, metropolitan city or urban county. If an allocation to a metropolitan city or urban county would be less than 0.05% of the total fiscal year appropriation for ESG, the amount is added to the allocation of the State in which the city or county is located. For more on the ESG formula, see 24 CFR 576.3.

MATCH

Metropolitan city and urban county recipients must match grant funds with an equal amount of contributions, which may include cash, donated buildings or materials, and volunteer services.

States must match all but $100,000 of their awards, but must pass on the benefits of that $100,000 exception to their subrecipients that are least capable of providing matching amounts.

Territories are exempt from the match requirement.

For the specific match requirements, see 24 CFR 576.201.

OBLIGATION & EXPENDITURE DEADLINES

Metropolitan cities, urban counties and territories must obligate all funds, except funds for administrative costs, within 180 days after HUD signs the grant agreement.

States must obligate all funds, except funds for administrative costs, within 60 days after HUD signs the grant agreement. Within 120 days after the State obligates funds to a local government, the local government must obligate all its funds.

All grant funds must be expended within 24 months after HUD signs the grant agreement with the recipient.

Further obligation and expenditure requirements are specified at 24 CFR 576.203.

CONSOLIDATED PLAN

Eligible recipients apply through the Consolidated Planning process, which requires jurisdictions to assess homeless assistance and housing needs, examine available resources, set 3-5 year strategies, and develop annual action plans. Plan preparation must include citizen participation and consultation with the local Continuum(s) of Care and other organizations. Each jurisdiction should submit its Consolidated Plan to HUD at least 45 days before the jurisdiction's program year begins as provided under 24 CFR Part 91. For specific planning and submission requirements, see 24 CFR part 91 and 576.200.

REPORTS

Annual performance reports must be submitted in accordance with 24 CFR 91.520 and are due 90 days after the jurisdiction's program year ends. Recipients also have other reporting requirements under 24 CFR 576.500(aa).

ATTACHMENT 16

SUBCHAPTER I—GENERALLY

§3601. Declaration of policy

It is the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States.

(Pub. L. 90–284, title VIII, §801, Apr. 11, 1968, 82 Stat. 81.)

Effective Date of 1988 Amendment

Pub. L. 100–430, §13(a), Sept. 13, 1988, 102 Stat. 1636, provided that: "This Act and the amendments made by this Act [see Short Title of 1988 Amendment note below] shall take effect on the 180th day beginning after the date of the enactment of this Act [Sept. 13, 1988]."

Short Title of 1995 Amendment

Pub. L. 104–76, §1, Dec. 28, 1995, 109 Stat. 787, provided that: "This Act [amending section 3607 of this title] may be cited as the 'Housing for Older Persons Act of 1995'."

Short Title of 1988 Amendment

Pub. L. 100–430, §1, Sept. 13, 1988, 102 Stat. 1619, provided that: "This Act [enacting sections 3610 to 3614a of this title, amending sections 3602, 3604 to 3608, 3615 to 3619, and 3631 of this title and sections 2341 and 2342 of Title 28, Judiciary and Judicial Procedure, repealing former sections 3610 to 3613 of this title, and enacting provisions set out as notes under this section and section 3602 of this title] may be cited as the 'Fair Housing Amendments Act of 1988'."

Short Title

Section 1 of Pub. L. 90–284, as added by Pub. L. 100–430, §2, Sept. 13, 1988, 102 Stat. 1619, provided: "That this Act [enacting this chapter, sections 231 to 233, 245, 2101, and 2102 of Title 18, Crimes and Criminal Procedure, and sections 1301 to 1303, 1311, 1312, 1321 to 1326, 1331, and 1341 of Title 25, Indians, amending sections 1973j, 3533, 3535 of this title, and sections 241, 242, and 1153 of Title 18, enacting provisions set out as notes under sections 231 and 245 of Title 18, and repealing provisions set out as notes under section 1360 of Title 28, Judiciary and Judicial Procedure] may be cited as the 'Civil Rights Act of 1968'."

Section 800 of Pub. L. 90–284, title VIII, as added by Pub. L. 100–430, §4, Sept. 13, 1988, 102 Stat. 1619, provided that: "This title [enacting this subchapter and amending sections 3533 and 3535 of this title] may be cited as the 'Fair Housing Act'."

Separability

Pub. L. 100–430, §14, Sept. 13, 1988, 102 Stat. 1636, provided that: "If any provision of this Act [see Short Title of 1988 Amendment note above] or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby."

Disclaimer of Preemptive Effect on Other Acts

Pub. L. 100–430, §12, Sept. 13, 1988, 102 Stat. 1636, provided that: "Nothing in the Fair Housing Act [this subchapter] as amended by this Act [see Short Title of 1988 Amendment note above] limits any right, procedure, or remedy available under the Constitution or any other Act of the Congress not so amended."

Initial Rulemaking

Pub. L. 100–430, §13(b), Sept. 13, 1988, 102 Stat. 1636, provided that: "In consultation with other appropriate Federal agencies, the Secretary shall, not later than the 180th day after the date of the enactment of this Act [Sept. 13, 1988], issue rules to implement title VIII [this subchapter] as amended by this Act [see Short Title of 1988 Amendment note above]. The Secretary shall give public notice and opportunity for comment with respect to such rules."

Federally Protected Activities; Penalties

Penalties for violations respecting federally protected activities not applicable to and not affecting activities under this subchapter, see section 101(b) of Pub. L. 90–284, set out as a note under section 245 of Title 18, Crimes and Criminal Procedure.

§3602. Definitions

As used in this subchapter—

(a) "Secretary" means the Secretary of Housing and Urban Development.

(b) "Dwelling" means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

(c) "Family" includes a single individual.

(d) "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in cases under title 11, receivers, and fiduciaries.

(e) "To rent" includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

(f) "Discriminatory housing practice" means an act that is unlawful under section 3604, 3605, 3606, or 3617 of this title.

(g) "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or any of the territories and possessions of the United States.

(h) "Handicap" means, with respect to a person—

(1) a physical or mental impairment which substantially limits one or more of such person's major life activities,

(2) a record of having such an impairment, or

(3) being regarded as having such an impairment,

but such term does not include current, illegal use of or addiction to a controlled substance (as defined in section 802 of title 21).

(i) "Aggrieved person" includes any person who—

(1) claims to have been injured by a discriminatory housing practice; or

(2) believes that such person will be injured by a discriminatory housing practice that is about to occur.

(j) "Complainant" means the person (including the Secretary) who files a complaint under section 3610 of this title.

(k) "Familial status" means one or more individuals (who have not attained the age of 18 years) being domiciled with—

(1) a parent or another person having legal custody of such individual or individuals; or

(2) the designee of such parent or other person having such custody, with the written permission of such parent or other person.

The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

(l) "Conciliation" means the attempted resolution of issues raised by a complaint, or by the investigation of such complaint, through informal negotiations involving the aggrieved person, the respondent, and the Secretary.

(m) "Conciliation agreement" means a written agreement setting forth the resolution of the issues in conciliation.

(n) "Respondent" means—

(1) the person or other entity accused in a complaint of an unfair housing practice; and

(2) any other person or entity identified in the course of investigation and notified as required with respect to respondents so identified under section 3610(a) of this title.

(o) "Prevailing party" has the same meaning as such term has in section 1988 of this title.

(Pub. L. 90–284, title VIII, §802, Apr. 11, 1968, 82 Stat. 81; Pub. L. 95–598, title III, §331, Nov. 6, 1978, 92 Stat. 2679; Pub. L. 100–430, §5, Sept. 13, 1988, 102 Stat. 1619.)

Amendments

1988—Subsec. (f). Pub. L. 100–430, §5(a), substituted "3606, or 3617" for "or 3606".

Subsecs. (h) to (o). Pub. L. 100–430, §5(b), added subsecs. (h) to (o).

1978—Subsec. (d). Pub. L. 95–598 substituted "trustees in cases under title 11" for "trustees in bankruptcy".

Effective Date of 1988 Amendment

Amendment by Pub. L. 100–430 effective on 180th day beginning after Sept. 13, 1988, see section 13(a) of Pub. L. 100–430, set out as a note under section 3601 of this title.

Effective Date of 1978 Amendment

Amendment by Pub. L. 95–598 effective Oct. 1, 1979, see section 402(a) of Pub. L. 95–598, set out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

Transvestism

Section 6(b)(3) of Pub. L. 100–430 provided that: "For the purposes of this Act [see Short Title of 1988 Amendment note set out under section 3601 of this title] as well as chapter 16 of title 29 of the United States Code [29 U.S.C. 701 et seq.], neither the term 'individual with handicaps' nor the term 'handicap' shall apply to an individual solely because that individual is a transvestite."

§3603. Effective dates of certain prohibitions

(a) Application to certain described dwellings

Subject to the provisions of subsection (b) of this section and section 3607 of this title, the prohibitions against discrimination in the sale or rental of housing set forth in section 3604 of this title shall apply:

(1) Upon enactment of this subchapter, to—

(A) dwellings owned or operated by the Federal Government;

(B) dwellings provided in whole or in part with the aid of loans, advances, grants, or contributions made by the Federal Government, under agreements entered into after November 20, 1962, unless payment due thereon has been made in full prior to April 11, 1968;

(C) dwellings provided in whole or in part by loans insured, guaranteed, or otherwise secured by the credit of the Federal Government, under agreements entered into after November 20, 1962, unless payment thereon has been made in full prior to April 11, 1968: *Provided*, That nothing contained in subparagraphs (B) and (C) of this subsection shall be applicable to dwellings solely by virtue of the fact that they are subject to mortgages held by an FDIC or FSLIC institution; and

(D) dwellings provided by the development or the redevelopment of real property purchased, rented, or otherwise obtained from a State or local public agency receiving Federal financial assistance for slum clearance or urban renewal with respect to such real property under loan or grant contracts entered into after November 20, 1962.

(2) After December 31, 1968, to all dwellings covered by paragraph (1) and to all other dwellings except as exempted by subsection (b) of this section.

(b) Exemptions

Nothing in section 3604 of this title (other than subsection (c)) shall apply to—

(1) any single-family house sold or rented by an owner: *Provided*, That such private individual owner does not own more than three such single-family houses at any one time: *Provided further*, That in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four month period: *Provided further*, That such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three such single-family houses at any one time: *Provided further*, That after December 31, 1969, the sale or rental of any such single-family house shall be excepted from the application of this subchapter only if such house is sold or rented (A) without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person and (B) without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of section 3604(c) of this title; but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title, or

(2) rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

(c) Business of selling or renting dwellings defined

For the purposes of subsection (b) of this section, a person shall be deemed to be in the business of selling or renting dwellings if—

(1) he has, within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or

(2) he has, within the preceding twelve months, participated as agent, other than in the sale of his own personal residence in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein, or

(3) he is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.

(Pub. L. 90–284, title VIII, §803, Apr. 11, 1968, 82 Stat. 82.)

§3604. Discrimination in the sale or rental of housing and other prohibited practices

As made applicable by section 3603 of this title and except as exempted by sections 3603(b) and 3607 of this title, it shall be unlawful—

(a) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, familial status, or national origin.

(b) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, familial status, or national origin.

(c) To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status, or national origin, or an intention to make any such preference, limitation, or discrimination.

(d) To represent to any person because of race, color, religion, sex, handicap, familial status, or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

(e) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, handicap, familial status, or national origin.

(f)(1) To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of—

(A) that buyer or renter,[1]

(B) a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or

(C) any person associated with that buyer or renter.

(2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a handicap of—

(A) that person; or

(B) a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or

(C) any person associated with that person.

(3) For purposes of this subsection, discrimination includes—

(A) a refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises except that, in the case of a rental, the landlord may where it is reasonable to do so condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted.[2]

(B) a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or

(C) in connection with the design and construction of covered multifamily dwellings for first occupancy after the date that is 30 months after September 13, 1988, a failure to design and construct those dwellings in such a manner that—

(i) the public use and common use portions of such dwellings are readily accessible to and usable by handicapped persons;

(ii) all the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and

(iii) all premises within such dwellings contain the following features of adaptive design:

(I) an accessible route into and through the dwelling;

(II) light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;

(III) reinforcements in bathroom walls to allow later installation of grab bars; and

(IV) usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

(4) Compliance with the appropriate requirements of the American National Standard for buildings and facilities providing accessibility and usability for physically handicapped people (commonly cited as "ANSI A117.1") suffices to satisfy the requirements of paragraph (3)(C)(iii).

(5)(A) If a State or unit of general local government has incorporated into its laws the requirements set forth in paragraph (3)(C), compliance with such laws shall be deemed to satisfy the requirements of that paragraph.

(B) A State or unit of general local government may review and approve newly constructed covered multifamily dwellings for the purpose of making determinations as to whether the design and construction requirements of paragraph (3)(C) are met.

(C) The Secretary shall encourage, but may not require, States and units of local government to include in their existing procedures for the review and approval of newly constructed covered multifamily dwellings, determinations as to whether the design and construction of such dwellings are consistent with paragraph (3)(C), and shall provide technical assistance to States and units of local government and other persons to implement the requirements of paragraph (3)(C).

(D) Nothing in this subchapter shall be construed to require the Secretary to review or approve the plans, designs or construction of all covered multifamily dwellings, to determine whether the design and construction of such dwellings are consistent with the requirements of paragraph 3(C).

(6)(A) Nothing in paragraph (5) shall be construed to affect the authority and responsibility of the Secretary or a State or local public agency certified pursuant to section 3610(f)(3) of this title to receive and process complaints or otherwise engage in enforcement activities under this subchapter.

(B) Determinations by a State or a unit of general local government under paragraphs (5)(A) and (B) shall not be conclusive in enforcement proceedings under this subchapter.

(7) As used in this subsection, the term "covered multifamily dwellings" means—

(A) buildings consisting of 4 or more units if such buildings have one or more elevators; and

(B) ground floor units in other buildings consisting of 4 or more units.

(8) Nothing in this subchapter shall be construed to invalidate or limit any law of a State or political subdivision of a State, or other jurisdiction in which this subchapter shall be effective, that requires dwellings to be designed and constructed in a manner that affords handicapped persons greater access than is required by this subchapter.

(9) Nothing in this subsection requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

(Pub. L. 90–284, title VIII, §804, Apr. 11, 1968, 82 Stat. 83; Pub. L. 93–383, title VIII, §808(b)(1), Aug. 22, 1974, 88 Stat. 729; Pub. L. 100–430, §§6(a)–(b)(2), (e), 15, Sept. 13, 1988, 102 Stat. 1620, 1622, 1623, 1636.)

AMENDMENTS

1988—Pub. L. 100–430, §6(e), inserted "and other prohibited practices" in section catchline.

Subsecs. (a), (b). Pub. L. 100–430, §6(b)(2), inserted "familial status," after "sex,".

Subsecs. (c) to (e). Pub. L. 100–430, §6(b)(1), inserted "handicap, familial status," after "sex,".

Subsec. (f). Pub. L. 100–430, §6(a), added subsec. (f).

Subsec. (f)(3)(A). Pub. L. 100–430, §15, which directed the substitution of "except that, in the case of a rental, the landlord may where it is reasonable to do so condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted." for the period at the end of subpar. (A) was executed by making the substitution for a semicolon as the probable intent of Congress because subpar. (A) ended with a semicolon, not a period.

1974—Pub. L. 93–383 inserted ", sex" after "religion" wherever appearing in cls. (a) to (e).

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100–430 effective on 180th day beginning after Sept. 13, 1988, see section 13(a) of Pub. L. 100–430, set out as a note under section 3601 of this title.

[1] *So in original. The comma probably should be a semicolon.*

[2] *So in original. The period probably should be a semicolon.*

§3605. Discrimination in residential real estate-related transactions

(a) In general

It shall be unlawful for any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, color, religion, sex, handicap, familial status, or national origin.

(b) "Residential real estate-related transaction" defined

As used in this section, the term "residential real estate-related transaction" means any of the following:

(1) The making or purchasing of loans or providing other financial assistance—

(A) for purchasing, constructing, improving, repairing, or maintaining a dwelling; or

(B) secured by residential real estate.

(2) The selling, brokering, or appraising of residential real property.

(c) Appraisal exemption

Nothing in this subchapter prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, handicap, or familial status.

(Pub. L. 90–284, title VIII, §805, Apr. 11, 1968, 82 Stat. 83; Pub. L. 93–383, title VIII, §808(b)(2), Aug. 22, 1974, 88 Stat. 729; Pub. L. 100–430, §6(c), Sept. 13, 1988, 102 Stat. 1622.)

AMENDMENTS

1988—Pub. L. 100–430 amended section generally. Prior to amendment, section read as follows: "After December 31, 1968, it shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of the race, color, religion, sex, or national origin of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given: *Provided*, That nothing contained in this section shall impair the scope or effectiveness of the exception contained in section 3603(b) of this title."

1974—Pub. L. 93–383 inserted ", sex" after "religion".

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100–430 effective on 180th day beginning after Sept. 13, 1988, see section 13(a) of Pub. L. 100–430, set out as a note under section 3601 of this title.

§3606. Discrimination in the provision of brokerage services

After December 31, 1968, it shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, sex, handicap, familial status, or national origin.

(Pub. L. 90–284, title VIII, §806, Apr. 11, 1968, 82 Stat. 84; Pub. L. 93–383, title VIII, §808(b)(3), Aug. 22, 1974, 88 Stat. 729; Pub. L. 100–430, §6(b)(1), Sept. 13, 1988, 102 Stat. 1622.)

AMENDMENTS

1988—Pub. L. 100–430 inserted "handicap, familial status," after "sex,".

1974—Pub. L. 93–383 inserted ", sex" after "religion".

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100–430 effective on 180th day beginning after Sept. 13, 1988, see section 13(a) of Pub. L. 100–430, set out as a note under section 3601 of this title.

§3607. Religious organization or private club exemption

(a) Nothing in this subchapter shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin. Nor shall anything in this subchapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

(b)(1) Nothing in this subchapter limits the applicability of any reasonable local, State, or Federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling. Nor does any provision in this subchapter regarding familial status apply with respect to housing for older persons.

(2) As used in this section, "housing for older persons" means housing—

(A) provided under any State or Federal program that the Secretary determines is specifically designed and operated to assist elderly persons (as defined in the State or Federal program); or

(B) intended for, and solely occupied by, persons 62 years of age or older; or

(C) intended and operated for occupancy by persons 55 years of age or older, and—

(i) at least 80 percent of the occupied units are occupied by at least one person who is 55 years of age or older;

(ii) the housing facility or community publishes and adheres to policies and procedures that demonstrate the intent required under this subparagraph; and

(iii) the housing facility or community complies with rules issued by the Secretary for verification of occupancy, which shall—

(I) provide for verification by reliable surveys and affidavits; and

(II) include examples of the types of policies and procedures relevant to a determination of compliance with the requirement of clause (ii). Such surveys and affidavits shall be admissible in administrative and judicial proceedings for the purposes of such verification.

(3) Housing shall not fail to meet the requirements for housing for older persons by reason of:

(A) persons residing in such housing as of September 13, 1988, who do not meet the age requirements of subsections [1] (2)(B) or (C): *Provided*, That new occupants of such housing meet the age requirements of subsections [1] (2)(B) or (C); or

(B) unoccupied units: *Provided*, That such units are reserved for occupancy by persons who meet the age requirements of subsections [1] (2)(B) or (C).

(4) Nothing in this subchapter prohibits conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined in section 802 of title 21.

(5)(A) A person shall not be held personally liable for monetary damages for a violation of this subchapter if such person reasonably relied, in good faith, on the application of the exemption under this subsection relating to housing for older persons.

(B) For the purposes of this paragraph, a person may only show good faith reliance on the application of the exemption by showing that—

(i) such person has no actual knowledge that the facility or community is not, or will not be, eligible for such exemption; and

(ii) the facility or community has stated formally, in writing, that the facility or community complies with the requirements for such exemption.

(Pub. L. 90–284, title VIII, §807, Apr. 11, 1968, 82 Stat. 84; Pub. L. 100–430, §6(d), Sept. 13, 1988, 102 Stat. 1622; Pub. L. 104–76, §§2, 3, Dec. 28, 1995, 109 Stat. 787.)

Codification

September 13, 1988, referred to in subsec. (b)(3)(A), was in the original "the date of enactment of this Act", which was translated as meaning the date of enactment of Pub. L. 100–430, which enacted subsec. (b) of this section, to reflect the probable intent of Congress.

Amendments

1995—Subsec. (b)(2)(C). Pub. L. 104–76, §2, amended subpar. (C) generally. Prior to amendment, subpar. (C) read as follows: "intended and operated for occupancy by at least one person 55 years of age or older per unit. In determining whether housing qualifies as housing for older persons under this subsection, the Secretary shall develop regulations which require at least the following factors:

"(i) the existence of significant facilities and services specifically designed to meet the physical or social needs of older persons, or if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons; and

"(ii) that at least 80 percent of the units are occupied by at least one person 55 years of age or older per unit; and

"(iii) the publication of, and adherence to, policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons 55 years of age or older."

Subsec. (b)(5). Pub. L. 104–76, §3, added par. (5).

1988—Pub. L. 100–430 designated existing provisions as subsec. (a) and added subsec. (b).

Effective Date of 1988 Amendment

Amendment by Pub. L. 100–430 effective on 180th day beginning after Sept. 13, 1988, see section 13(a) of Pub. L. 100–430, set out as a note under section 3601 of this title.

Regulations

Pub. L. 102–550, title IX, §919, Oct. 28, 1992, 106 Stat. 3883, provided that: "The Secretary of Housing and Urban Development shall, not later than 180 days after the date of the enactment of this Act [Oct. 28, 1992], make rules defining what are 'significant facilities and services especially designed to meet the physical or social needs of older persons' required under section 807(b)(2) of the Fair Housing Act [42 U.S.C. 3607(b)(2)] to meet the definition of the term 'housing for older persons' in such section."

[1] *So in original. Probably should be "paragraph".*

§3608. Administration

(a) Authority and responsibility

The authority and responsibility for administering this Act shall be in the Secretary of Housing and Urban Development.

(b) Assistant Secretary

The Department of Housing and Urban Development shall be provided an additional Assistant Secretary.

(c) Delegation of authority; appointment of administrative law judges; location of conciliation meetings; administrative review

The Secretary may delegate any of his functions, duties, and powers to employees of the Department of Housing and Urban Development or to boards of such employees, including functions, duties, and powers with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting, or otherwise acting as to any work, business, or matter under this subchapter. The person to whom such delegations are made with respect to hearing functions, duties, and powers shall be appointed and shall serve in the Department of Housing and Urban Development in compliance with sections 3105, 3344, 5372, and 7521 of title 5. Insofar as possible, conciliation meetings shall be held in the cities or other localities where the discriminatory housing practices

allegedly occurred. The Secretary shall by rule prescribe such rights of appeal from the decisions of his administrative law judges to other administrative law judges or to other officers in the Department, to boards of officers or to himself, as shall be appropriate and in accordance with law.

(d) Cooperation of Secretary and executive departments and agencies in administration of housing and urban development programs and activities to further fair housing purposes

All executive departments and agencies shall administer their programs and activities relating to housing and urban development (including any Federal agency having regulatory or supervisory authority over financial institutions) in a manner affirmatively to further the purposes of this subchapter and shall cooperate with the Secretary to further such purposes.

(e) Functions of Secretary

The Secretary of Housing and Urban Development shall—

(1) make studies with respect to the nature and extent of discriminatory housing practices in representative communities, urban, suburban, and rural, throughout the United States;

(2) publish and disseminate reports, recommendations, and information derived from such studies, including an annual report to the Congress—

(A) specifying the nature and extent of progress made nationally in eliminating discriminatory housing practices and furthering the purposes of this subchapter, obstacles remaining to achieving equal housing opportunity, and recommendations for further legislative or executive action; and

(B) containing tabulations of the number of instances (and the reasons therefor) in the preceding year in which—

(i) investigations are not completed as required by section 3610(a)(1)(B) of this title;

(ii) determinations are not made within the time specified in section 3610(g) of this title; and

(iii) hearings are not commenced or findings and conclusions are not made as required by section 3612(g) of this title;

(3) cooperate with and render technical assistance to Federal, State, local, and other public or private agencies, organizations, and institutions which are formulating or carrying on programs to prevent or eliminate discriminatory housing practices;

(4) cooperate with and render such technical and other assistance to the Community Relations Service as may be appropriate to further its activities in preventing or eliminating discriminatory housing practices;

(5) administer the programs and activities relating to housing and urban development in a manner affirmatively to further the policies of this subchapter; and

(6) annually report to the Congress, and make available to the public, data on the race, color, religion, sex, national origin, age, handicap, and family characteristics of persons and households who are applicants for, participants in, or beneficiaries or potential beneficiaries of, programs administered by the Department to the extent such characteristics are within the coverage of the provisions of law and Executive orders referred to in subsection (f) of this section which apply to such programs (and in order to develop the data to be included and made available to the public under this subsection, the Secretary shall, without regard to any other provision of law, collect such information relating to those characteristics as the Secretary determines to be necessary or appropriate).

(f) Provisions of law applicable to Department programs

The provisions of law and Executive orders to which subsection (e)(6) of this section applies are—

(1) title VI of the Civil Rights Act of 1964 [42 U.S.C. 2000d et seq.];

(2) this subchapter;

(3) section 794 of title 29;

(4) the Age Discrimination Act of 1975 [42 U.S.C. 6101 et seq.];

(5) the Equal Credit Opportunity Act [15 U.S.C. 1691 et seq.];

(6) section 1982 of this title;

(7) section 637(a) of title 15;
(8) section 1735f–5 of title 12;
(9) section 5309 of this title;
(10) section 1701u of title 12;
(11) Executive orders 11063, 11246, 11625, 12250, 12259, and 12432; and
(12) any other provision of law which the Secretary specifies by publication in the Federal Register for the purpose of this subsection.

(Pub. L. 90–284, title VIII, §808, Apr. 11, 1968, 82 Stat. 84; Pub. L. 95–251, §3, Mar. 27, 1978, 92 Stat. 184; Pub. L. 95–454, title VIII, §801(a)(3)(J), Oct. 13, 1978, 92 Stat. 1222; Pub. L. 100–430, §7, Sept. 13, 1988, 102 Stat. 1623.)

References in Text

This Act, referred to in subsec. (a), means Pub. L. 90–284, Apr. 11, 1968, 82 Stat. 73, known as the Civil Rights Act of 1968. For complete classification of this Act to the Code, see Tables.

The Civil Rights Act of 1964, referred to in subsec. (f)(1), is Pub. L. 88–352, July 2, 1964, 78 Stat. 241, as amended. Title VI of the Civil Rights Act of 1964 is classified generally to subchapter V (§2000d et seq.) of chapter 21 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2000a of this title and Tables.

The Age Discrimination Act of 1975, referred to in subsec. (f)(4), is title III of Pub. L. 94–135, Nov. 28, 1975, 78 Stat. 728, as amended, which is classified generally to chapter 76 (§6101 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 6101 of this title and Tables.

The Equal Credit Opportunity Act, referred to in subsec. (f)(5), is title VII of Pub. L. 90–321, as added by Pub. L. 93–495, title V, §503, Oct. 28, 1974, 88 Stat. 1521, as amended, which is classified generally to subchapter IV (§1691 et seq.) of chapter 41 of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 15 and Tables.

The Executive orders referred to in subsec. (f)(11) are set out as notes under sections of the Code as follows:

Ex. Ord. No. 11063: 42 U.S.C. 1982,
Ex. Ord. No. 11246: 42 U.S.C. 2000e,
Ex. Ord. No. 11625: 15 U.S.C. 631,
Ex. Ord. No. 12250: 42 U.S.C. 2000d–1, and
Ex. Ord. No. 12432: 15 U.S.C. 631.

Ex. Ord. No. 12259, referred to in subsec. (f)(11), was set out below, prior to revocation by Ex. Ord. No. 12892, Jan. 17, 1994, 59 F.R. 2939, set out below.

Codification

The second sentence of subsec. (b) of this section has been omitted as it amended sections 3533(a) and 3535(c) of this title.

Amendments

1988—Subsec. (d). Pub. L. 100–430, §7(a), inserted "(including any Federal agency having regulatory or supervisory authority over financial institutions)" after "urban development".

Subsec. (e)(2). Pub. L. 100–430, §7(b)(1)(A), inserted provisions relating to annual report to Congress.

Subsec. (e)(6). Pub. L. 100–430, §7(b)(1)(B)–(D), added par. (6).

Subsec. (f). Pub. L. 100–430, §7(b)(2), added subsec. (f).

1978—Subsec. (c). Pub. L. 95–251 substituted "administrative law judges" for "hearing examiners".

Pub. L. 95–454 substituted "5372" for "5362".

Effective Date of 1988 Amendment

Amendment by Pub. L. 100–430 effective on 180th day beginning after Sept. 13, 1988, see section 13(a) of Pub. L. 100–430, set out as a note under section 3601 of this title.

Effective Date of 1978 Amendment

Amendment by Pub. L. 95–454 effective on first day of first applicable pay period beginning on or after 90th day after Oct. 13, 1978, see section 801(a)(4)(A) of Pub. L. 95–454, set out as an Effective Date note under section 5361 of Title 5, Government Organization and Employees.

Treatment of Occupancy Standards

Pub. L. 105–276, title V, §589, Oct. 21, 1998, 112 Stat. 2651, provided that:

"(a) Establishment of Policy.—Not later than 60 days after the date of the enactment of this Act [Oct. 21, 1998], the Secretary of Housing and Urban Development shall publish a notice in the Federal Register for effect that takes effect upon publication and provides that the specific and unmodified standards provided in the March 20, 1991, Memorandum from the General Counsel of the Department of Housing and Urban Development to all Regional Counsel shall be the policy of the Department of Housing and Urban Development with respect to complaints of discrimination under the Fair Housing Act (42 U.S.C. 3601 et seq.) on the basis of familial status which involve an occupancy standard established by a housing provider.

"(b) Prohibition of National Standard.—The Secretary of Housing and Urban Development shall not directly or indirectly establish a national occupancy standard."

Executive Order No. 12259

Ex. Ord. No. 12259, Dec. 31, 1980, 46 F.R. 1253, which related to leadership and coordination by Secretary of Housing and Urban Development of fair housing programs and activities in Federal programs, was revoked by Ex. Ord. No. 12892, §6–607, Jan. 17, 1994, 59 F.R. 2939, set out below.

Ex. Ord. No. 12892. Leadership and Coordination of Fair Housing in Federal Programs: Affirmatively Furthering Fair Housing

Ex. Ord. No. 12892, Jan. 17, 1994, 59 F.R. 2939, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in accordance with the Fair Housing Act, as amended (42 U.S.C. 3601 *et seq*.) ("Act"), in order to affirmatively further fair housing in all Federal programs and activities relating to housing and urban development throughout the United States, it is hereby ordered as follows:

Section 1. *Administration of Programs and Activities Relating to Housing and Urban Development.*

1–101. Section 808(d) of the Act, as amended [42 U.S.C. 3608(d)], provides that all executive departments and agencies shall administer their programs and activities relating to housing and urban development (including any Federal agency having regulatory or supervisory authority over financial institutions) in a manner affirmatively to further the purposes of the Act and shall cooperate with the Secretary of Housing and Urban Development to further such purposes.

1–102. As used in this order, the phrase "programs and activities" shall include programs and activities operated, administered, or undertaken by the Federal Government; grants; loans; contracts; insurance; guarantees; and Federal supervision or exercise of regulatory responsibility (including regulatory or supervisory authority over financial institutions).

Sec. 2. *Responsibilities of Executive Agencies.*

2–201. The primary authority and responsibility for administering the programs and activities relating to housing and urban development affirmatively to further fair housing is vested in the Secretary of Housing and Urban Development.

2–202. The head of each executive agency is responsible for ensuring that its programs and activities relating to housing and urban development are administered in a manner affirmatively to further the goal of fair housing as required by section 808 of the Act [42 U.S.C. 3608] and for cooperating with the Secretary of Housing and Urban Development, who shall be responsible for exercising leadership in furthering the purposes of the Act.

2–203. In carrying out the responsibilities in this order, the head of each executive agency shall take appropriate steps to require that all persons or other entities who are applicants for, or participants in, or who are supervised or regulated under, agency programs and activities relating to housing and urban development shall comply with this order.

2–204. Upon receipt of a complaint alleging facts that may constitute a violation of the Act or upon receipt of information from a consumer compliance examination or other information suggesting a violation of the Act, each executive agency shall forward such facts or information to the Secretary of Housing and Urban Development for processing under the Act. Where such facts or information indicate a possible pattern or practice of discrimination in violation of the Act, they also shall be forwarded to the Attorney General. The authority of the Federal depository institution regulatory agencies to take appropriate action under their statutory authority remains unaffected.

Sec. 3. *President's Fair Housing Council.*

3–301. There is hereby established an advisory council entitled the "President's Fair Housing Council" ("Council"). The Council shall be chaired by the Secretary of Housing and Urban Development and shall

consist of the Secretary of Health and Human Services, the Secretary of Transportation, the Secretary of Education, the Secretary of Labor, the Secretary of Defense, the Secretary of Agriculture, the Secretary of Veterans Affairs, the Secretary of the Treasury, the Attorney General, the Secretary of the Interior, the Chair of the Federal Reserve, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Chair of the Federal Deposit Insurance Corporation, and such other officials of executive departments and agencies as the President may, from time to time, designate.

3–302. The President's Fair Housing Council shall review the design and delivery of Federal programs and activities to ensure that they support a coordinated strategy to affirmatively further fair housing. The Council shall propose revisions to existing programs or activities, develop pilot programs and activities, and propose new programs and activities to achieve its goals.

3–303. In support of cooperative efforts among all executive agencies, the Secretary of Housing and Urban Development shall:

(a) cooperate with, and render assistance to, the heads of all executive agencies in the formulation of policies and procedures to implement this order and to provide information and guidance on the affirmative administration of programs and activities relating to housing and urban development and the protection of the rights accorded by the Act; and

(b) develop memoranda of understanding and any necessary implementing procedures among executive agencies designed to provide for consultation and the coordination of Federal efforts to further fair housing through the affirmative administration of programs and activities relating to housing and urban development, including coordination of the investigation of complaints or other information referred to the Secretary as required by section 2–204 of this order that would constitute a violation of the Act or, where relevant, other Federal laws. Existing memoranda of understanding shall remain in effect until superseded.

3–304. In connection with carrying out functions under this order, the Secretary of Housing and Urban Development is authorized to request from any executive agency such information and assistance as the Secretary deems necessary. Each agency shall furnish such information to the extent permitted by law and, to the extent practicable, provide assistance to the Secretary.

SEC. 4. *Specific Responsibilities.*

4–401. In implementing the responsibilities under sections 2–201, 2–202, 2–203, and section 3 of this order, the Secretary of Housing and Urban Development shall, to the extent permitted by law:

(a) promulgate regulations in consultation with the Department of Justice and Federal banking agencies regarding programs and activities of executive agencies related to housing and urban development that shall:

(1) describe the functions, organization, and operations of the President's Fair Housing Council;

(2) describe the types of programs and activities defined in section 1–102 of this order that are subject to the order;

(3) describe the responsibilities and obligations of executive agencies in ensuring that programs and activities are administered and executed in a manner that furthers fair housing;

(4) describe the responsibilities and obligations of applicants, participants, and other persons and entities involved in housing and urban development programs and activities affirmatively to further the goal of fair housing; and

(5) describe a method to identify impediments in programs or activities that restrict fair housing choice and implement incentives that will maximize the achievement of practices that affirmatively further fair housing.

(b) coordinate executive agency implementation of the requirements of this order and issue standards and procedures regarding:

(1) the administration of programs and activities relating to housing and urban development in a manner affirmatively to further fair housing; and

(2) the cooperation of executive agencies in furtherance of the Secretary of Housing and Urban Development's authority and responsibility under the Act.

4–402. Within 180 days of the publication of final regulations by the Secretary of Housing and Urban Development under section 4–401 of this order, the head of each executive agency shall publish proposed regulations providing for the administration of programs and activities relating to housing and urban development in a manner affirmatively to further fair housing, consistent with the Secretary of Housing and Urban Development's regulations, and with the standards and procedures issued pursuant to section 4–401(b) of this order. As soon as practicable thereafter, each executive agency shall issue its final regulations. All executive agencies shall formally submit all such proposed and final regulations, and any related issuances or standards, to the Secretary of Housing and Urban Development at least 30 days prior to public announcement.

4–403. The Secretary of Housing and Urban Development shall review proposed regulations and standards prepared pursuant to section 4–402 of this order to ensure conformity with the purposes of the Act and consistency among the operations of the various executive agencies and shall provide comments to executive agencies with respect thereto on a timely basis.

4–404. In addition to promulgating the regulations described in section 4–401 of this order, the Secretary of Housing and Urban Development shall promulgate regulations describing the nature and scope of coverage and the conduct prohibited, including mortgage lending discrimination and property insurance discrimination.

SEC. 5. *Administrative Enforcement.*

5–501. The head of each executive agency shall be responsible for enforcement of this order and, unless prohibited by law, shall cooperate and provide records, data, and documentation in connection with any other agency's investigation of compliance with provisions of this order.

5–502. If any executive agency concludes that any person or entity (including any State or local public agency) applying for or participating in, or supervised or regulated under, a program or activity relating to housing and urban development has not complied with this order or any applicable rule, regulation, or procedure issued or adopted pursuant to this order, it shall endeavor to end and remedy such violation by informal means, including conference, conciliation, and persuasion. An executive agency need not pursue informal resolution of matters where similar efforts made by another executive agency have been unsuccessful, except where otherwise required by law. In the event of failure of such informal means, the executive agency, in conformity with rules, regulations, procedures, or policies issued or adopted by it pursuant to section 4 of this order hereof, shall impose such sanctions as may be authorized by law. To the extent authorized by law, such sanctions may include:

(a) cancellation or termination of agreements or contracts with such person, entity, or any State or local public agency;

(b) refusal to extend any further aid under any program or activity administered by it and affected by this order until it is satisfied that the affected person, entity, or State or local public agency will comply with the rules, regulations, and procedures issued or adopted pursuant to this order;

(c) refusal to grant supervisory or regulatory approval to such person, entity, or State or local public agency under any program or activity administered by it that is affected by this order or revoke such approval if previously given; and

(d) any other action as may be appropriate under law.

5–503. Findings of any violation under section 5–502 of this order shall be promptly reported by the head of each executive agency to the Secretary of Housing and Urban Development and the Attorney General. The Secretary of Housing and Urban Development shall forward this information to all other executive agencies.

5–504. Any executive agency shall also consider invoking appropriate sanctions against any person or entity where any other executive department or agency has initiated action against that person or entity pursuant to section 5–502 of this order, where the Secretary of Housing and Urban Development has issued a charge against such person or entity that has not been resolved, or where the Attorney General has filed a civil action in Federal Court against such person or entity.

5–505. Each executive agency shall consult with the Secretary of Housing and Urban Development, and the Attorney General where a civil action in Federal Court has been filed, regarding agency actions to invoke sanctions under the Act. The Department of Housing and Urban Development, the Department of Justice, and Federal banking agencies shall develop and coordinate appropriate policies and procedures for taking action under their respective authorities. Each decision to invoke sanctions and the reasons therefor shall be documented and shall be provided to the Secretary of Housing and Urban Development and, where appropriate, to the Attorney General in a timely manner.

SEC. 6. *General Provisions.*

6–601. Nothing in this order shall limit the authority of the Attorney General to provide for the coordinated enforcement of nondiscrimination requirements in Federal assistance programs under Executive Order No. 12250 [42 U.S.C. 2000d–1 note].

6–602. All provisions of regulations, guidelines, and procedures proposed to be issued by executive agencies pursuant to this order that implement nondiscrimination requirements of laws covered by Executive Order No. 12250 [42 U.S.C. 2000d–1 note] shall be submitted to the Attorney General for review in accordance with that Executive order. In addition, the Secretary shall consult with the Attorney General regarding all regulations and procedures proposed to be issued under sections 4–401 and 4–402 of this order to assure consistency with coordinated Federal efforts to enforce nondiscrimination requirements in programs of Federal financial assistance pursuant to Executive Order No. 12250.

6–603. Nothing in this order shall affect the authority and responsibility of the Attorney General to commence any civil action authorized by the Act.

6–604. (a) Part IV and sections 501 and 503 of Executive Order No. 11063 [42 U.S.C. 1982 note] are revoked. The activities and functions of the President's Committee on Equal Opportunity in Housing described in that Executive order shall be performed by the Secretary of Housing and Urban Development.

(b) Sections 101 and 502(a) of Executive Order No. 11063 are revised to apply to discrimination because of "race, color, religion (creed), sex, disability, familial status or national origin." All executive agencies shall revise regulations, guidelines, and procedures issued pursuant to Part II of Executive Order No. 11063 to reflect this amendment to coverage.

(c) Section 102 of Executive Order No. 11063 is revised by deleting the term "Housing and Home Finance Agency" and inserting in lieu thereof the term "Department of Housing and Urban Development."

6–605. Nothing in this order shall affect any requirement imposed under the Equal Credit Opportunity Act (15 U.S.C. 1691 *et seq*.), the Home Mortgage Disclosure Act (12 U.S.C. 2801 *et seq*.) or the Community Reinvestment Act (12 U.S.C. 2901 *et seq*.).

6–606. Nothing in this order shall limit the authority of the Federal banking agencies to carry out their responsibilities under current law or regulations.

6–607. Executive Order No. 12259 is hereby revoked.

SEC. 7. *Report.*

7–701. The Secretary of Housing and Urban Development shall submit to the President an annual report commenting on the progress that the Department of Housing and Urban Development and other executive agencies have made in carrying out requirements and responsibilities under this Executive order. The annual report may be consolidated with the annual report on the state of fair housing required by section 808(e)(2) of the Act [42 U.S.C. 3608(e)(2)].

WILLIAM J. CLINTON.

FEDERAL LEADERSHIP OF FAIR HOUSING

Memorandum of President of the United States, Jan. 17, 1994, 59 F.R. 8513, provided:

Memorandum for the Heads of Executive Departments and Agencies

On April 11, 1968, one week after the assassination of the great civil rights leader Martin Luther King, Jr., the Fair Housing Act [42 U.S.C. 3601 et seq.] was enacted (1) to prohibit discrimination in housing, and (2) to direct the Secretary of Housing and Urban Development to affirmatively further fair housing in Federal housing and urban development programs. Twenty-five years later, despite a strengthening of the Fair Housing Act 5 years ago, hundreds of acts of housing discrimination occur in our Nation each day.

Americans of every income level, seeking to live where they choose, feel the weight of discrimination because of the color of their skin, their race, their religion, their gender, their country of origin, or because they are disabled or have children.

An increasing body of evidence indicates that barriers to fair housing are pervasive. Forty percent of all families move every 5 years. This statistic is significant given the results of a recent study, commissioned by the Department of Housing and Urban Development (HUD), which found that more than half of the African Americans and Latinos seeking to rent or buy a home are treated differently than whites with the same qualifications. Moreover, based upon Home Mortgage Disclosure Act [12 U.S.C. 2801 et seq.] data, the number of minority persons who are rejected when attempting to obtain loans to purchase homes is two to three times higher than it is for nonminorities in almost every metropolitan area of this country.

Racial and ethnic segregation, both in the private housing market and in public and assisted housing, has been well documented. Despite legislation (the Fair Housing Act) and Executive action (Executive Order No. 11063 [42 U.S.C. 1982 note]), the divisive impact of housing segregation persists in metropolitan areas all across this country. Too many lower income and minority Americans face barriers to housing outside of central cities. Segregation in housing and schools deprives too many of our children and youth of an opportunity to enter the marketplace or work on an equal footing. For too many families, our cities are no longer the launching pads for economic self-sufficiency and upward mobility that they have been for countless immigrants and minorities since the country's birth. And many Americans who are better off abandon the cities.

The resulting decline in the very heart of too many of our metropolitan areas threatens all of us: the health of our dynamic regional economies—the very lifeblood of future national economic growth and higher living standards for all of us and all of our children—is placed at risk.

We can do better. We can start by making sure that our own Federal policies and programs across all of our agencies support the fair housing and equal opportunity goals to which all Americans are committed. If all of

our executive agencies affirmatively further fair housing in the design of their policies and administration of their programs relating to housing and urban development, a truly nondiscriminatory housing market will be closer to achievement.

By an Executive Order [Ex. Ord. No. 12892, set out above] ("the Order") I am issuing today and this memorandum, I am addressing those needs. The Secretary of Housing and Urban Development and, where appropriate, the Attorney General—the officials with the primary responsibility for the enforcement of Federal fair housing laws—will take the lead in developing and coordinating measures to carry out the purposes of this Order.

Through this Order, I am first expanding Executive Order No. 11063 to provide protection against discrimination in programs of Federal insurance or guaranty to persons who are disabled and to families with children.

Second, I am revoking the old Executive Order No. 12259 entitled "Leadership and Coordination of Fair Housing in Federal Programs." The new Executive order reflects the expanded authority of the Secretary of Housing and Urban Development and I am directing him to take stronger measures to provide leadership and coordination in affirmatively furthering fair housing in Federal programs.

Third, I ask the heads of departments and agencies, including the Federal banking agencies, to cooperate with the Secretary of Housing and Urban Development in identifying ways to structure agency programs and activities to affirmatively further fair housing and to promptly negotiate memoranda of understanding with him to accomplish that goal.

Further, I direct the Secretary of Housing and Urban Development to review all of HUD's programs to assure that they truly provide equal opportunity and promote economic self-sufficiency for those who are beneficiaries and recipients of those programs.

I also direct the Secretary to review HUD's programs to assure that they contain the maximum incentives to affirmatively further fair housing and to eliminate barriers to free choice where they continue to exist. This review shall include Federally assisted housing, Federally insured housing and other housing and housing related programs, including those of the Government National Mortgage Association and the Federal Housing Administration.

Today, I am establishing a new Cabinet-level organization to focus the cooperative efforts of all agencies on fair housing. The President's Fair Housing Council will be chaired by the Secretary of Housing and Urban Development and will consist of the Secretary of Health and Human Services, the Secretary of Transportation, the Secretary of Education, the Secretary of Labor, the Secretary of Defense, the Secretary of Agriculture, the Secretary of Veterans Affairs, the Secretary of the Treasury, the Attorney General, the Secretary of the Interior, the Chair of the Federal Reserve, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, and the Chair of the Federal Deposit Insurance Corporation.

The President's Fair Housing Council shall review the design and delivery of Federal programs and activities to ensure that they support a coordinated strategy to affirmatively further fair housing. The Council shall propose revisions to existing programs or activities, develop pilot programs and activities, and propose new programs and activities to achieve its goals.

I direct the Secretary of Housing and Urban Development and the President's Fair Housing Council to develop a pilot program to be implemented in selected metropolitan areas. This initiative will promote fair housing choice by helping inner-city families to move to suburban neighborhoods and by making the central city more attractive to those who have left it. I direct the members of the Council to undertake a demonstration program that will reinvent the way assisted housing is offered to applicants, will break down jurisdictional barriers in housing opportunities, and will promote the use of subsidies that diminish residential segregation, and will combine these initiatives with refined educational incentives aimed at improving the effectiveness of inner-city schools. I am directing that transportation alternatives be considered along with targeted social service and job training programs as part of the support necessary to create a one-stop, metropolitan area-wide fair housing opportunity pilot program that will effectively offer Federally assisted housing, Federally insured housing, and private market housing within a metropolitan area to all residents of the area. The pilot program should call upon realtors, mortgage lenders, housing providers, and local governments, among others, to assist in expanding housing choices.

To address the findings of recent studies, I hereby direct the Secretary of Housing and Urban Development and the Attorney General and, where appropriate, the heads of the Federal banking agencies to exercise national leadership to end discrimination in mortgage lending, the secondary mortgage market, and property insurance practices. The Secretary is directed to issue regulations to define discriminatory practices in these areas and the Secretary and the Attorney General are directed to aggressively enforce the laws prohibiting these practices.

In each of these areas, I direct the Secretary of Housing and Urban Development to take the lead with the other Federal agencies in working to gain the voluntary cooperation, participation, and expertise of all of those in private industry, the States and localities who can assist in achieving the Nation's fair housing goals.

The Secretary of Housing and Urban Development is authorized and directed to publish this memorandum in the Federal Register.

WILLIAM J. CLINTON.

§3608a. Collection of certain data

(a) In general

To assess the extent of compliance with Federal fair housing requirements (including the requirements established under title VI of Public Law 88–352 [42 U.S.C. 2000d et seq.] and title VIII of Public Law 90–284 [42 U.S.C. 3601 et seq.]), the Secretary of Agriculture shall collect, not less than annually, data on the racial and ethnic characteristics of persons eligible for, assisted, or otherwise benefiting under each community development, housing assistance, and mortgage and loan insurance and guarantee program administered by such Secretary. Such data shall be collected on a building by building basis if the Secretary determines such collection to be appropriate.

(b) Reports to Congress

The Secretary of Agriculture shall include in the annual report of such Secretary to the Congress a summary and evaluation of the data collected by such Secretary under subsection (a) of this section during the preceding year.

(Pub. L. 100–242, title V, §562, Feb. 5, 1988, 101 Stat. 1944; Pub. L. 104–66, title I, §1071(e), Dec. 21, 1995, 109 Stat. 720.)

REFERENCES IN TEXT

Public Law 88–352, referred to in subsec. (a), is Pub. L. 88–352, July 2, 1964, 78 Stat. 241, as amended, known as the Civil Rights Act of 1964. Title VI of the Civil Rights Act of 1964 is classified generally to subchapter V (§2000d et seq.) of chapter 21 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2000a of this title and Tables.

Title VIII of Public Law 90–284, referred to in subsec. (a), is title VIII of Pub. L. 90–284, Apr. 11, 1968, 82 Stat. 81, as amended, known as the Fair Housing Act, which is classified principally to subchapter I (§3601 et seq.) of this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 3601 of this title and Tables.

CODIFICATION

Section was enacted as part of the Housing and Community Development Act of 1987, and not as part of title VIII of Pub. L. 90–284, popularly known as the Fair Housing Act, which comprises this subchapter.

AMENDMENTS

1995—Subsec. (a). Pub. L. 104–66, §1071(e)(1), struck out "the Secretary of Housing and Urban Development and" before "the Secretary of Agriculture", "each" before "collect, not less than annually", and "involved" before "determines such collection".

Subsec. (b). Pub. L. 104–66, §1071(e)(2), substituted "The" for "The Secretary of Housing and Urban Development and the" before "Secretary of Agriculture" and struck out "each" before "include in the".

§3609. Education and conciliation; conferences and consultations; reports

Immediately after April 11, 1968, the Secretary shall commence such educational and conciliatory activities as in his judgment will further the purposes of this subchapter. He shall call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this subchapter and his suggested means of implementing it, and shall endeavor with their advice to work out programs of voluntary compliance and of enforcement. He may pay per diem, travel, and transportation expenses for persons attending such conferences as provided in section 5703 of title 5.

He shall consult with State and local officials and other interested parties to learn the extent, if any, to which housing discrimination exists in their State or locality, and whether and how State or local enforcement programs might be utilized to combat such discrimination in connection with or in place of, the Secretary's enforcement of this subchapter. The Secretary shall issue reports on such conferences and consultations as he deems appropriate.

(Pub. L. 90–284, title VIII, §809, Apr. 11, 1968, 82 Stat. 85.)

§3610. Administrative enforcement; preliminary matters

(a) Complaints and answers

(1)(A)(i) An aggrieved person may, not later than one year after an alleged discriminatory housing practice has occurred or terminated, file a complaint with the Secretary alleging such discriminatory housing practice. The Secretary, on the Secretary's own initiative, may also file such a complaint.

(ii) Such complaints shall be in writing and shall contain such information and be in such form as the Secretary requires.

(iii) The Secretary may also investigate housing practices to determine whether a complaint should be brought under this section.

(B) Upon the filing of such a complaint—

(i) the Secretary shall serve notice upon the aggrieved person acknowledging such filing and advising the aggrieved person of the time limits and choice of forums provided under this subchapter;

(ii) the Secretary shall, not later than 10 days after such filing or the identification of an additional respondent under paragraph (2), serve on the respondent a notice identifying the alleged discriminatory housing practice and advising such respondent of the procedural rights and obligations of respondents under this subchapter, together with a copy of the original complaint;

(iii) each respondent may file, not later than 10 days after receipt of notice from the Secretary, an answer to such complaint; and

(iv) the Secretary shall make an investigation of the alleged discriminatory housing practice and complete such investigation within 100 days after the filing of the complaint (or, when the Secretary takes further action under subsection (f)(2) of this section with respect to a complaint, within 100 days after the commencement of such further action), unless it is impracticable to do so.

(C) If the Secretary is unable to complete the investigation within 100 days after the filing of the complaint (or, when the Secretary takes further action under subsection (f)(2) of this section with respect to a complaint, within 100 days after the commencement of such further action), the Secretary shall notify the complainant and respondent in writing of the reasons for not doing so.

(D) Complaints and answers shall be under oath or affirmation, and may be reasonably and fairly amended at any time.

(2)(A) A person who is not named as a respondent in a complaint, but who is identified as a respondent in the course of investigation, may be joined as an additional or substitute respondent upon written notice, under paragraph (1), to such person, from the Secretary.

(B) Such notice, in addition to meeting the requirements of paragraph (1), shall explain the basis for the Secretary's belief that the person to whom the notice is addressed is properly joined as a respondent.

(b) Investigative report and conciliation

(1) During the period beginning with the filing of such complaint and ending with the filing of a charge or a dismissal by the Secretary, the Secretary shall, to the extent feasible, engage in conciliation with respect to such complaint.

(2) A conciliation agreement arising out of such conciliation shall be an agreement between the respondent and the complainant, and shall be subject to approval by the Secretary.

(3) A conciliation agreement may provide for binding arbitration of the dispute arising from the complaint. Any such arbitration that results from a conciliation agreement may award appropriate relief, including monetary relief.

(4) Each conciliation agreement shall be made public unless the complainant and respondent otherwise agree and the Secretary determines that disclosure is not required to further the purposes of this subchapter.

(5)(A) At the end of each investigation under this section, the Secretary shall prepare a final investigative report containing—

(i) the names and dates of contacts with witnesses;

(ii) a summary and the dates of correspondence and other contacts with the aggrieved person and the respondent;

(iii) a summary description of other pertinent records;

(iv) a summary of witness statements; and

(v) answers to interrogatories.

(B) A final report under this paragraph may be amended if additional evidence is later discovered.

(c) Failure to comply with conciliation agreement

Whenever the Secretary has reasonable cause to believe that a respondent has breached a conciliation agreement, the Secretary shall refer the matter to the Attorney General with a recommendation that a civil action be filed under section 3614 of this title for the enforcement of such agreement.

(d) Prohibitions and requirements with respect to disclosure of information

(1) Nothing said or done in the course of conciliation under this subchapter may be made public or used as evidence in a subsequent proceeding under this subchapter without the written consent of the persons concerned.

(2) Notwithstanding paragraph (1), the Secretary shall make available to the aggrieved person and the respondent, at any time, upon request following completion of the Secretary's investigation, information derived from an investigation and any final investigative report relating to that investigation.

(e) Prompt judicial action

(1) If the Secretary concludes at any time following the filing of a complaint that prompt judicial action is necessary to carry out the purposes of this subchapter, the Secretary may authorize a civil action for appropriate temporary or preliminary relief pending final disposition of the complaint under this section. Upon receipt of such an authorization, the Attorney General shall promptly commence and maintain such an action. Any temporary restraining order or other order granting preliminary or temporary relief shall be issued in accordance with the Federal Rules of Civil Procedure. The commencement of a civil action under this subsection does not affect the initiation or continuation of administrative proceedings under this section and section 3612 of this title.

(2) Whenever the Secretary has reason to believe that a basis may exist for the commencement of proceedings against any respondent under sections 3614(a) and 3614(c) of this title or for proceedings by any governmental licensing or supervisory authorities, the Secretary shall transmit the information upon which such belief is based to the Attorney General, or to such authorities, as the case may be.

(f) Referral for State or local proceedings

(1) Whenever a complaint alleges a discriminatory housing practice—

(A) within the jurisdiction of a State or local public agency; and

(B) as to which such agency has been certified by the Secretary under this subsection;

the Secretary shall refer such complaint to that certified agency before taking any action with respect to such complaint.

(2) Except with the consent of such certified agency, the Secretary, after that referral is made, shall take no further action with respect to such complaint unless—

(A) the certified agency has failed to commence proceedings with respect to the complaint before the end of the 30th day after the date of such referral;

(B) the certified agency, having so commenced such proceedings, fails to carry forward such proceedings with reasonable promptness; or

(C) the Secretary determines that the certified agency no longer qualifies for certification under this subsection with respect to the relevant jurisdiction.

(3)(A) The Secretary may certify an agency under this subsection only if the Secretary determines that—

(i) the substantive rights protected by such agency in the jurisdiction with respect to which certification is to be made;

(ii) the procedures followed by such agency;

(iii) the remedies available to such agency; and

(iv) the availability of judicial review of such agency's action;

are substantially equivalent to those created by and under this subchapter.

(B) Before making such certification, the Secretary shall take into account the current practices and past performance, if any, of such agency.

(4) During the period which begins on September 13, 1988, and ends 40 months after September 13, 1988, each agency certified (including an agency certified for interim referrals pursuant to 24 CFR 115.11, unless such agency is subsequently denied recognition under 24 CFR 115.7) for the purposes of this subchapter on the day before September 13, 1988, shall for the purposes of this subsection be considered certified under this subsection with respect to those matters for which such agency was certified on September 13, 1988. If the Secretary determines in an individual case that an agency has not been able to meet the certification requirements within this 40-month period due to exceptional circumstances, such as the infrequency of legislative sessions in that jurisdiction, the Secretary may extend such period by not more than 8 months.

(5) Not less frequently than every 5 years, the Secretary shall determine whether each agency certified under this subsection continues to qualify for certification. The Secretary shall take appropriate action with respect to any agency not so qualifying.

(g) Reasonable cause determination and effect

(1) The Secretary shall, within 100 days after the filing of the complaint (or, when the Secretary takes further action under subsection (f)(2) of this section with respect to a complaint, within 100 days after the commencement of such further action), determine based on the facts whether reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur, unless it is impracticable to do so, or unless the Secretary has approved a conciliation agreement with respect to the complaint. If the Secretary is unable to make the determination within 100 days after the filing of the complaint (or, when the Secretary takes further action under subsection (f)(2) of this section with respect to a complaint, within 100 days after the commencement of such further action), the Secretary shall notify the complainant and respondent in writing of the reasons for not doing so.

(2)(A) If the Secretary determines that reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur, the Secretary shall, except as provided in subparagraph (C), immediately issue a charge on behalf of the aggrieved person, for further proceedings under section 3612 of this title.

(B) Such charge—

(i) shall consist of a short and plain statement of the facts upon which the Secretary has found reasonable cause to believe that a discriminatory housing practice has occurred or is about to occur;

(ii) shall be based on the final investigative report; and

(iii) need not be limited to the facts or grounds alleged in the complaint filed under subsection (a) of this section.

(C) If the Secretary determines that the matter involves the legality of any State or local zoning or other land use law or ordinance, the Secretary shall immediately refer the matter to the Attorney General for appropriate action under section 3614 of this title, instead of issuing such charge.

(3) If the Secretary determines that no reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur, the Secretary shall promptly dismiss the complaint. The Secretary shall make public disclosure of each such dismissal.

(4) The Secretary may not issue a charge under this section regarding an alleged discriminatory housing practice after the beginning of the trial of a civil action commenced by the aggrieved party under an Act of Congress or a State law, seeking relief with respect to that discriminatory housing practice.

(h) Service of copies of charge

After the Secretary issues a charge under this section, the Secretary shall cause a copy thereof, together with information as to how to make an election under section 3612(a) of this title and the effect of such an election, to be served—

(1) on each respondent named in such charge, together with a notice of opportunity for a hearing at a time and place specified in the notice, unless that election is made; and

(2) on each aggrieved person on whose behalf the complaint was filed.

(Pub. L. 90–284, title VIII, §810, as added Pub. L. 100–430, §8(2), Sept. 13, 1988, 102 Stat. 1625.)

References in Text

The Federal Rules of Civil Procedure, referred to in subsec. (e)(1), are set out in the Appendix to Title 28, Judiciary and Judicial Procedure.

Prior Provisions

A prior section 3610, Pub. L. 90–284, title VIII, §810, Apr. 11, 1968, 82 Stat. 85, related to enforcement, prior to repeal by Pub. L. 100–430, §8(2).

Effective Date

Section effective on 180th day beginning after Sept. 13, 1988, see section 13(a) of Pub. L. 100–430, set out as an Effective Date of 1988 Amendment note under section 3601 of this title.

§3611. Subpoenas; giving of evidence

(a) In general

The Secretary may, in accordance with this subsection, issue subpoenas and order discovery in aid of investigations and hearings under this subchapter. Such subpoenas and discovery may be ordered to the same extent and subject to the same limitations as would apply if the subpoenas or discovery were ordered or served in aid of a civil action in the United States district court for the district in which the investigation is taking place.

(b) Witness fees

Witnesses summoned by a subpoena under this subchapter shall be entitled to the same witness and mileage fees as witnesses in proceedings in United States district courts. Fees payable to a witness summoned by a subpoena issued at the request of a party shall be paid by that party or, where a party is unable to pay the fees, by the Secretary.

(c) Criminal penalties

(1) Any person who willfully fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents, or other evidence, if it is in such person's power to do so, in obedience to the subpoena or other lawful order under subsection (a) of this section, shall be fined not more than $100,000 or imprisoned not more than one year, or both.

(2) Any person who, with intent thereby to mislead another person in any proceeding under this subchapter—

(A) makes or causes to be made any false entry or statement of fact in any report, account, record, or other document produced pursuant to subpoena or other lawful order under subsection (a) of this section;

(B) willfully neglects or fails to make or to cause to be made full, true, and correct entries in such reports, accounts, records, or other documents; or

(C) willfully mutilates, alters, or by any other means falsifies any documentary evidence;

shall be fined not more than $100,000 or imprisoned not more than one year, or both.

(Pub. L. 90–284, title VIII, §811, as added Pub. L. 100–430, §8(2), Sept. 13, 1988, 102 Stat. 1628.)

PRIOR PROVISIONS

A prior section 3611, Pub. L. 90–284, title VIII, §811, Apr. 11, 1968, 82 Stat. 87, related to evidence, prior to repeal by Pub. L. 100–430, §8(2).

EFFECTIVE DATE

Section effective on 180th day beginning after Sept. 13, 1988, see section 13(a) of Pub. L. 100–430, set out as an Effective Date of 1988 Amendment note under section 3601 of this title.

§3612. Enforcement by Secretary

(a) Election of judicial determination

When a charge is filed under section 3610 of this title, a complainant, a respondent, or an aggrieved person on whose behalf the complaint was filed, may elect to have the claims asserted in that charge decided in a civil action under subsection (o) of this section in lieu of a hearing under subsection (b) of this section. The election must be made not later than 20 days after the receipt by the electing person of service under section 3610(h) of this title or, in the case of the Secretary, not later than 20 days after such service. The person making such election shall give notice of doing so to the Secretary and to all other complainants and respondents to whom the charge relates.

(b) Administrative law judge hearing in absence of election

If an election is not made under subsection (a) of this section with respect to a charge filed under section 3610 of this title, the Secretary shall provide an opportunity for a hearing on the record with respect to a charge issued under section 3610 of this title. The Secretary shall delegate the conduct of a hearing under this section to an administrative law judge appointed under section 3105 of title 5. The administrative law judge shall conduct the hearing at a place in the vicinity in which the discriminatory housing practice is alleged to have occurred or to be about to occur.

(c) Rights of parties

At a hearing under this section, each party may appear in person, be represented by counsel, present evidence, cross-examine witnesses, and obtain the issuance of subpoenas under section 3611 of this title. Any aggrieved person may intervene as a party in the proceeding. The Federal Rules of Evidence apply to the presentation of evidence in such hearing as they would in a civil action in a United States district court.

(d) Expedited discovery and hearing

(1) Discovery in administrative proceedings under this section shall be conducted as expeditiously and inexpensively as possible, consistent with the need of all parties to obtain relevant evidence.

(2) A hearing under this section shall be conducted as expeditiously and inexpensively as possible, consistent with the needs and rights of the parties to obtain a fair hearing and a complete record.

(3) The Secretary shall, not later than 180 days after September 13, 1988, issue rules to implement this subsection.

(e) Resolution of charge

Any resolution of a charge before a final order under this section shall require the consent of the aggrieved person on whose behalf the charge is issued.

(f) Effect of trial of civil action on administrative proceedings

An administrative law judge may not continue administrative proceedings under this section regarding any alleged discriminatory housing practice after the beginning of the trial of a civil action commenced by the aggrieved party under an Act of Congress or a State law, seeking relief with respect to that discriminatory housing practice.

(g) Hearings, findings and conclusions, and order

(1) The administrative law judge shall commence the hearing under this section no later than 120 days following the issuance of the charge, unless it is impracticable to do so. If the administrative law judge is unable to commence the hearing within 120 days after the issuance of the charge, the administrative law judge shall notify the Secretary, the aggrieved person on whose behalf the charge was filed, and the respondent, in writing of the reasons for not doing so.

(2) The administrative law judge shall make findings of fact and conclusions of law within 60 days after the end of the hearing under this section, unless it is impracticable to do so. If the administrative law judge is unable to make findings of fact and conclusions of law within such period, or any succeeding 60-day period thereafter, the administrative law judge shall notify the Secretary, the aggrieved person on whose behalf the charge was filed, and the respondent, in writing of the reasons for not doing so.

(3) If the administrative law judge finds that a respondent has engaged or is about to engage in a discriminatory housing practice, such administrative law judge shall promptly issue an order for such relief as may be appropriate, which may include actual damages suffered by the aggrieved person and injunctive or other equitable relief. Such order may, to vindicate the public interest, assess a civil penalty against the respondent—

(A) in an amount not exceeding $10,000 if the respondent has not been adjudged to have committed any prior discriminatory housing practice;

(B) in an amount not exceeding $25,000 if the respondent has been adjudged to have committed one other discriminatory housing practice during the 5-year period ending on the date of the filing of this charge; and

(C) in an amount not exceeding $50,000 if the respondent has been adjudged to have committed 2 or more discriminatory housing practices during the 7-year period ending on the date of the filing of this charge;

except that if the acts constituting the discriminatory housing practice that is the object of the charge are committed by the same natural person who has been previously adjudged to have committed acts constituting a discriminatory housing practice, then the civil penalties set forth in subparagraphs (B) and (C) may be imposed without regard to the period of time within which any subsequent discriminatory housing practice occurred.

(4) No such order shall affect any contract, sale, encumbrance, or lease consummated before the issuance of such order and involving a bona fide purchaser, encumbrancer, or tenant without actual notice of the charge filed under this subchapter.

(5) In the case of an order with respect to a discriminatory housing practice that occurred in the course of a business subject to a licensing or regulation by a governmental agency, the Secretary shall, not later than 30 days after the date of the issuance of such order (or, if such order is judicially reviewed, 30 days after such order is in substance affirmed upon such review)—

(A) send copies of the findings of fact, conclusions of law, and the order, to that governmental agency; and

(B) recommend to that governmental agency appropriate disciplinary action (including, where appropriate, the suspension or revocation of the license of the respondent).

(6) In the case of an order against a respondent against whom another order was issued within the preceding 5 years under this section, the Secretary shall send a copy of each such order to the Attorney General.

(7) If the administrative law judge finds that the respondent has not engaged or is not about to engage in a discriminatory housing practice, as the case may be, such administrative law judge shall

enter an order dismissing the charge. The Secretary shall make public disclosure of each such dismissal.

(h) Review by Secretary; service of final order

(1) The Secretary may review any finding, conclusion, or order issued under subsection (g) of this section. Such review shall be completed not later than 30 days after the finding, conclusion, or order is so issued; otherwise the finding, conclusion, or order becomes final.

(2) The Secretary shall cause the findings of fact and conclusions of law made with respect to any final order for relief under this section, together with a copy of such order, to be served on each aggrieved person and each respondent in the proceeding.

(i) Judicial review

(1) Any party aggrieved by a final order for relief under this section granting or denying in whole or in part the relief sought may obtain a review of such order under chapter 158 of title 28.

(2) Notwithstanding such chapter, venue of the proceeding shall be in the judicial circuit in which the discriminatory housing practice is alleged to have occurred, and filing of the petition for review shall be not later than 30 days after the order is entered.

(j) Court enforcement of administrative order upon petition by Secretary

(1) The Secretary may petition any United States court of appeals for the circuit in which the discriminatory housing practice is alleged to have occurred or in which any respondent resides or transacts business for the enforcement of the order of the administrative law judge and for appropriate temporary relief or restraining order, by filing in such court a written petition praying that such order be enforced and for appropriate temporary relief or restraining order.

(2) The Secretary shall file in court with the petition the record in the proceeding. A copy of such petition shall be forthwith transmitted by the clerk of the court to the parties to the proceeding before the administrative law judge.

(k) Relief which may be granted

(1) Upon the filing of a petition under subsection (i) or (j) of this section, the court may—

(A) grant to the petitioner, or any other party, such temporary relief, restraining order, or other order as the court deems just and proper;

(B) affirm, modify, or set aside, in whole or in part, the order, or remand the order for further proceedings; and

(C) enforce such order to the extent that such order is affirmed or modified.

(2) Any party to the proceeding before the administrative law judge may intervene in the court of appeals.

(3) No objection not made before the administrative law judge shall be considered by the court, unless the failure or neglect to urge such objection is excused because of extraordinary circumstances.

(l) Enforcement decree in absence of petition for review

If no petition for review is filed under subsection (i) of this section before the expiration of 45 days after the date the administrative law judge's order is entered, the administrative law judge's findings of fact and order shall be conclusive in connection with any petition for enforcement—

(1) which is filed by the Secretary under subsection (j) of this section after the end of such day; or

(2) under subsection (m) of this section.

(m) Court enforcement of administrative order upon petition of any person entitled to relief

If before the expiration of 60 days after the date the administrative law judge's order is entered, no petition for review has been filed under subsection (i) of this section, and the Secretary has not sought enforcement of the order under subsection (j) of this section, any person entitled to relief under the order may petition for a decree enforcing the order in the United States court of appeals for the circuit in which the discriminatory housing practice is alleged to have occurred.

(n) Entry of decree

The clerk of the court of appeals in which a petition for enforcement is filed under subsection (l) or (m) of this section shall forthwith enter a decree enforcing the order and shall transmit a copy of such decree to the Secretary, the respondent named in the petition, and to any other parties to the proceeding before the administrative law judge.

(o) Civil action for enforcement when election is made for such civil action

(1) If an election is made under subsection (a) of this section, the Secretary shall authorize, and not later than 30 days after the election is made the Attorney General shall commence and maintain, a civil action on behalf of the aggrieved person in a United States district court seeking relief under this subsection. Venue for such civil action shall be determined under chapter 87 of title 28.

(2) Any aggrieved person with respect to the issues to be determined in a civil action under this subsection may intervene as of right in that civil action.

(3) In a civil action under this subsection, if the court finds that a discriminatory housing practice has occurred or is about to occur, the court may grant as relief any relief which a court could grant with respect to such discriminatory housing practice in a civil action under section 3613 of this title. Any relief so granted that would accrue to an aggrieved person in a civil action commenced by that aggrieved person under section 3613 of this title shall also accrue to that aggrieved person in a civil action under this subsection. If monetary relief is sought for the benefit of an aggrieved person who does not intervene in the civil action, the court shall not award such relief if that aggrieved person has not complied with discovery orders entered by the court.

(p) Attorney's fees

In any administrative proceeding brought under this section, or any court proceeding arising therefrom, or any civil action under this section, the administrative law judge or the court, as the case may be, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee and costs. The United States shall be liable for such fees and costs to the extent provided by section 504 of title 5 or by section 2412 of title 28.

(Pub. L. 90–284, title VIII, §812, as added Pub. L. 100–430, §8(2), Sept. 13, 1988, 102 Stat. 1629.)

References in Text

The Federal Rules of Evidence, referred to in subsec. (c), are set out in the Appendix to Title 28, Judiciary and Judicial Procedure.

Prior Provisions

A prior section 3612, Pub. L. 90–284, title VIII, §812, Apr. 11, 1968, 82 Stat. 88, related to enforcement by private persons, prior to repeal by Pub. L. 100–430, §8(2).

Effective Date

Section effective on 180th day beginning after Sept. 13, 1988, see section 13(a) of Pub. L. 100–430, set out as an Effective Date of 1988 Amendment note under section 3601 of this title.

§3613. Enforcement by private persons

(a) Civil action

(1)(A) An aggrieved person may commence a civil action in an appropriate United States district court or State court not later than 2 years after the occurrence or the termination of an alleged discriminatory housing practice, or the breach of a conciliation agreement entered into under this subchapter, whichever occurs last, to obtain appropriate relief with respect to such discriminatory housing practice or breach.

(B) The computation of such 2-year period shall not include any time during which an administrative proceeding under this subchapter was pending with respect to a complaint or charge under this subchapter based upon such discriminatory housing practice. This subparagraph does not apply to actions arising from a breach of a conciliation agreement.

(2) An aggrieved person may commence a civil action under this subsection whether or not a complaint has been filed under section 3610(a) of this title and without regard to the status of any such complaint, but if the Secretary or a State or local agency has obtained a conciliation agreement with the consent of an aggrieved person, no action may be filed under this subsection by such aggrieved person with respect to the alleged discriminatory housing practice which forms the basis for such complaint except for the purpose of enforcing the terms of such an agreement.

(3) An aggrieved person may not commence a civil action under this subsection with respect to an alleged discriminatory housing practice which forms the basis of a charge issued by the Secretary if an administrative law judge has commenced a hearing on the record under this subchapter with respect to such charge.

(b) Appointment of attorney by court

Upon application by a person alleging a discriminatory housing practice or a person against whom such a practice is alleged, the court may—

(1) appoint an attorney for such person; or

(2) authorize the commencement or continuation of a civil action under subsection (a) of this section without the payment of fees, costs, or security, if in the opinion of the court such person is financially unable to bear the costs of such action.

(c) Relief which may be granted

(1) In a civil action under subsection (a) of this section, if the court finds that a discriminatory housing practice has occurred or is about to occur, the court may award to the plaintiff actual and punitive damages, and subject to subsection (d) of this section, may grant as relief, as the court deems appropriate, any permanent or temporary injunction, temporary restraining order, or other order (including an order enjoining the defendant from engaging in such practice or ordering such affirmative action as may be appropriate).

(2) In a civil action under subsection (a) of this section, the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee and costs. The United States shall be liable for such fees and costs to the same extent as a private person.

(d) Effect on certain sales, encumbrances, and rentals

Relief granted under this section shall not affect any contract, sale, encumbrance, or lease consummated before the granting of such relief and involving a bona fide purchaser, encumbrancer, or tenant, without actual notice of the filing of a complaint with the Secretary or civil action under this subchapter.

(e) Intervention by Attorney General

Upon timely application, the Attorney General may intervene in such civil action, if the Attorney General certifies that the case is of general public importance. Upon such intervention the Attorney General may obtain such relief as would be available to the Attorney General under section 3614(e) of this title in a civil action to which such section applies.

(Pub. L. 90–284, title VIII, §813, as added Pub. L. 100–430, §8(2), Sept. 13, 1988, 102 Stat. 1633.)

Prior Provisions

A prior section 3613, Pub. L. 90–284, title VIII, §813, Apr. 11, 1968, 82 Stat. 88, related to enforcement by Attorney General by bringing civil action requesting preventive relief, prior to repeal by Pub. L. 100–430, §8(2).

Effective Date

Section effective on 180th day beginning after Sept. 13, 1988, see section 13(a) of Pub. L. 100–430, set out as an Effective Date of 1988 Amendment note under section 3601 of this title.

§3614. Enforcement by Attorney General

(a) Pattern or practice cases

Whenever the Attorney General has reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights granted by this subchapter, or that any group of persons has been denied any of the rights granted by this subchapter and such denial raises an issue of general public importance, the Attorney General may commence a civil action in any appropriate United States district court.

(b) On referral of discriminatory housing practice or conciliation agreement for enforcement

(1)(A) The Attorney General may commence a civil action in any appropriate United States district court for appropriate relief with respect to a discriminatory housing practice referred to the Attorney General by the Secretary under section 3610(g) of this title.

(B) A civil action under this paragraph may be commenced not later than the expiration of 18 months after the date of the occurrence or the termination of the alleged discriminatory housing practice.

(2)(A) The Attorney General may commence a civil action in any appropriate United States district court for appropriate relief with respect to breach of a conciliation agreement referred to the Attorney General by the Secretary under section 3610(c) of this title.

(B) A civil action may be commenced under this paragraph not later than the expiration of 90 days after the referral of the alleged breach under section 3610(c) of this title.

(c) Enforcement of subpoenas

The Attorney General, on behalf of the Secretary, or other party at whose request a subpoena is issued, under this subchapter, may enforce such subpoena in appropriate proceedings in the United States district court for the district in which the person to whom the subpoena was addressed resides, was served, or transacts business.

(d) Relief which may be granted in civil actions under subsections (a) and (b)

(1) In a civil action under subsection (a) or (b) of this section, the court—

(A) may award such preventive relief, including a permanent or temporary injunction, restraining order, or other order against the person responsible for a violation of this subchapter as is necessary to assure the full enjoyment of the rights granted by this subchapter;

(B) may award such other relief as the court deems appropriate, including monetary damages to persons aggrieved; and

(C) may, to vindicate the public interest, assess a civil penalty against the respondent—

(i) in an amount not exceeding $50,000, for a first violation; and

(ii) in an amount not exceeding $100,000, for any subsequent violation.

(2) In a civil action under this section, the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee and costs. The United States shall be liable for such fees and costs to the extent provided by section 2412 of title 28.

(e) Intervention in civil actions

Upon timely application, any person may intervene in a civil action commenced by the Attorney General under subsection (a) or (b) of this section which involves an alleged discriminatory housing practice with respect to which such person is an aggrieved person or a conciliation agreement to which such person is a party. The court may grant such appropriate relief to any such intervening party as is authorized to be granted to a plaintiff in a civil action under section 3613 of this title.

(Pub. L. 90–284, title VIII, §814, as added Pub. L. 100–430, §8(2), Sept. 13, 1988, 102 Stat. 1634.)

PRIOR PROVISIONS

A prior section 3614, Pub. L. 90–284, title VIII, §814, Apr. 11, 1968, 82 Stat. 88, related to expedition of court proceedings under section 3612 or 3613 of this title, prior to repeal by Pub. L. 98–620, title IV, §402(40), Nov. 8, 1984, 98 Stat. 3360.

EFFECTIVE DATE

Section effective on 180th day beginning after Sept. 13, 1988, see section 13(a) of Pub. L. 100–430, set out as an Effective Date of 1988 Amendment note under section 3601 of this title.

§3614–1. Incentives for self-testing and self-correction

(a) Privileged information

(1) Conditions for privilege

A report or result of a self-test (as that term is defined by regulation of the Secretary) shall be considered to be privileged under paragraph (2) if any person—

(A) conducts, or authorizes an independent third party to conduct, a self-test of any aspect of a residential real estate related lending transaction of that person, or any part of that transaction, in order to determine the level or effectiveness of compliance with this subchapter by that person; and

(B) has identified any possible violation of this subchapter by that person and has taken, or is taking, appropriate corrective action to address any such possible violation.

(2) Privileged self-test

If a person meets the conditions specified in subparagraphs (A) and (B) of paragraph (1) with respect to a self-test described in that paragraph, any report or results of that self-test—

(A) shall be privileged; and

(B) may not be obtained or used by any applicant, department, or agency in any—

(i) proceeding or civil action in which one or more violations of this subchapter are alleged; or

(ii) examination or investigation relating to compliance with this subchapter.

(b) Results of self-testing

(1) In general

No provision of this section may be construed to prevent an aggrieved person, complainant, department, or agency from obtaining or using a report or results of any self-test in any proceeding or civil action in which a violation of this subchapter is alleged, or in any examination or investigation of compliance with this subchapter if—

(A) the person to whom the self-test relates or any person with lawful access to the report or the results—

(i) voluntarily releases or discloses all, or any part of, the report or results to the aggrieved person, complainant, department, or agency, or to the general public; or

(ii) refers to or describes the report or results as a defense to charges of violations of this subchapter against the person to whom the self-test relates; or

(B) the report or results are sought in conjunction with an adjudication or admission of a violation of this subchapter for the sole purpose of determining an appropriate penalty or remedy.

(2) Disclosure for determination of penalty or remedy

Any report or results of a self-test that are disclosed for the purpose specified in paragraph (1)(B)—

(A) shall be used only for the particular proceeding in which the adjudication or admission referred to in paragraph (1)(B) is made; and

(B) may not be used in any other action or proceeding.

(c) Adjudication

An aggrieved person, complainant, department, or agency that challenges a privilege asserted under this section may seek a determination of the existence and application of that privilege in—

(1) a court of competent jurisdiction; or

(2) an administrative law proceeding with appropriate jurisdiction.

(Pub. L. 90–284, title VIII, §814A, as added Pub. L. 104–208, div. A, title II, §2302(b)(1), Sept. 30, 1996, 110 Stat. 3009–421.)

Effective Date

Privilege provided for in this section applicable to self-test conducted before, on, or after effective date of regulations prescribed under section 2302(b)(2) of Pub. L. 104–208, set out below, with certain exception, see section 2302(c) of Pub. L. 104–208, set out as a note under section 1691c–1 of Title 15, Commerce and Trade.

Regulations

Pub. L. 104–208, div. A, title II, §2302(b)(2), Sept. 30, 1996, 110 Stat. 3009–423, provided that:

"(A) In general.—Not later than 6 months after the date of enactment of this Act [Sept. 30, 1996], in consultation with the Board and after providing notice and an opportunity for public comment, the Secretary of Housing and Urban Development shall prescribe final regulations to implement section 814A of the Fair Housing Act [42 U.S.C. 3614–1], as added by this section.

"(B) Self-test.—

"(i) Definition.—The regulations prescribed by the Secretary under subparagraph (A) shall include a definition of the term "self-test" for purposes of section 814A of the Fair Housing Act, as added by this section.

"(ii) Requirement for self-test.—The regulations prescribed by the Secretary under subparagraph (A) shall specify that a self-test shall be sufficiently extensive to constitute a determination of the level and effectiveness of the compliance by a person engaged in residential real estate related lending activities with the Fair Housing Act [42 U.S.C. 3601 et seq.].

"(iii) Substantial similarity to certain equal credit opportunity act regulations.—The regulations prescribed under subparagraph (A) shall be substantially similar to the regulations prescribed by the Board to carry out section 704A of the Equal Credit Opportunity Act [15 U.S.C. 1691c–1], as added by this section."

§3614a. Rules to implement subchapter

The Secretary may make rules (including rules for the collection, maintenance, and analysis of appropriate data) to carry out this subchapter. The Secretary shall give public notice and opportunity for comment with respect to all rules made under this section.

(Pub. L. 90–284, title VIII, §815, as added Pub. L. 100–430, §8(2), Sept. 13, 1988, 102 Stat. 1635.)

Prior Provisions

A prior section 815 of Pub. L. 90–284 was renumbered section 816 and is classified to section 3615 of this title.

Effective Date

Section effective on 180th day beginning after Sept. 13, 1988, see section 13(a) of Pub. L. 100–430, set out as an Effective Date of 1988 Amendment note under section 3601 of this title.

Initial Rulemaking

Secretary to issue rules to implement this subchapter as amended by Pub. L. 100–430 not later than the 180th day after Sept. 13, 1988, see section 13(b) of Pub. L. 100–430, set out as a note under section 3601 of this title.

§3615. Effect on State laws

Nothing in this subchapter shall be construed to invalidate or limit any law of a State or political subdivision of a State, or of any other jurisdiction in which this subchapter shall be effective, that grants, guarantees, or protects the same rights as are granted by this subchapter; but any law of a State, a political subdivision, or other such jurisdiction that purports to require or permit any action that would be a discriminatory housing practice under this subchapter shall to that extent be invalid.

(Pub. L. 90–284, title VIII, §816, formerly §815, Apr. 11, 1968, 82 Stat. 89; renumbered §816, Pub. L. 100–430, §8(1), Sept. 13, 1988, 102 Stat. 1625.)

Prior Provisions

A prior section 816 of Pub. L. 90–284 was renumbered section 817 and is classified to section 3616 of this title.

§3616. Cooperation with State and local agencies administering fair housing laws; utilization of services and personnel; reimbursement; written agreements; publication in Federal Register

The Secretary may cooperate with State and local agencies charged with the administration of State and local fair housing laws and, with the consent of such agencies, utilize the services of such agencies and their employees and, notwithstanding any other provision of law, may reimburse such agencies and their employees for services rendered to assist him in carrying out this subchapter. In furtherance of such cooperative efforts, the Secretary may enter into written agreements with such State or local agencies. All agreements and terminations thereof shall be published in the Federal Register.

(Pub. L. 90–284, title VIII, §817, formerly §816, Apr. 11, 1968, 82 Stat. 89; renumbered §817, Pub. L. 100–430, §8(1), Sept. 13, 1988, 102 Stat. 1625.)

Prior Provisions

A prior section 817 of Pub. L. 90–284 was renumbered section 818 and is classified to section 3617 of this title.

Fair Housing Initiatives Program

Pub. L. 100–242, title V, §561, Feb. 5, 1988, 101 Stat. 1942, as amended, which established a demonstration program on fair housing initiatives and was formerly set out as a note under this section, was transferred to section 3616a of this title.

§3616a. Fair housing initiatives program

(a) In general

The Secretary of Housing and Urban Development (in this section referred to as the "Secretary") may make grants to, or (to the extent of amounts provided in appropriation Acts) enter into contracts or cooperative agreements with, State or local governments or their agencies, public or private nonprofit organizations or institutions, or other public or private entities that are formulating or carrying out programs to prevent or eliminate discriminatory housing practices, to develop, implement, carry out, or coordinate—

(1) programs or activities designed to obtain enforcement of the rights granted by title VIII of the Act of April 11, 1968 [42 U.S.C. 3601 et seq.] (commonly referred to as the Civil Rights Act of 1968), or by State or local laws that provide rights and remedies for alleged discriminatory housing practices that are substantially equivalent to the rights and remedies provided in such title VIII, through such appropriate judicial or administrative proceedings (including informal methods of conference, conciliation, and persuasion) as are available therefor; and

(2) education and outreach programs designed to inform the public concerning rights and obligations under the laws referred to in paragraph (1).

(b) Private enforcement initiatives

(1) In general

The Secretary shall use funds made available under this subsection to conduct, through contracts with private nonprofit fair housing enforcement organizations, investigations of violations of the rights granted under title VIII of the Civil Rights Act of 1968 [42 U.S.C. 3601 et seq.], and such enforcement activities as appropriate to remedy such violations. The Secretary may enter into multiyear contracts and take such other action as is appropriate to enhance the effectiveness of such investigations and enforcement activities.

(2) Activities

The Secretary shall use funds made available under this subsection to conduct, through contracts with private nonprofit fair housing enforcement organizations, a range of investigative and enforcement activities designed to—

(A) carry out testing and other investigative activities in accordance with subsection (b)(1) of this section, including building the capacity for housing investigative activities in unserved or underserved areas;

(B) discover and remedy discrimination in the public and private real estate markets and real estate-related transactions, including, but not limited to, the making or purchasing of loans or the provision of other financial assistance sales and rentals of housing and housing advertising;

(C) carry out special projects, including the development of prototypes to respond to new or sophisticated forms of discrimination against persons protected under title VIII of the Civil Rights Act of 1968 [42 U.S.C. 3601 et seq.];

(D) provide technical assistance to local fair housing organizations, and assist in the formation and development of new fair housing organizations; and

(E) provide funds for the costs and expenses of litigation, including expert witness fees.

(c) Funding of fair housing organizations

(1) In general

The Secretary shall use funds made available under this section to enter into contracts or cooperative agreements with qualified fair housing enforcement organizations, other private nonprofit fair housing enforcement organizations, and nonprofit groups organizing to build their capacity to provide fair housing enforcement, for the purpose of supporting the continued development or implementation of initiatives which enforce the rights granted under title VIII of the Civil Rights Act of 1968 [42 U.S.C. 3601 et seq.], as amended. Contracts or cooperative agreements may not provide more than 50 percent of the operating budget of the recipient organization for any one year.

(2) Capacity enhancement

The Secretary shall use funds made available under this section to help establish, organize, and build the capacity of fair housing enforcement organizations, particularly in those areas of the country which are currently underserved by fair housing enforcement organizations as well as those areas where large concentrations of protected classes exist. For purposes of meeting the objectives of this paragraph, the Secretary may enter into contracts or cooperative agreements with qualified fair housing enforcement organizations. The Secretary shall establish annual goals which reflect the national need for private fair housing enforcement organizations.

(d) Education and outreach

(1) In general

The Secretary, through contracts with one or more qualified fair housing enforcement organizations, other fair housing enforcement organizations, and other nonprofit organizations representing groups of persons protected under title VIII of the Civil Rights Act of 1968 [42 U.S.C. 3601 et seq.], shall establish a national education and outreach program. The national program shall be designed to provide a centralized, coordinated effort for the development and dissemination of fair housing media products, including—

(A) public service announcements, both audio and video;

(B) television, radio and print advertisements;

(C) posters; and

(D) pamphlets and brochures.

The Secretary shall designate a portion of the amounts provided in subsection (g)(4) of this section for a national program specifically for activities related to the annual national fair housing month. The Secretary shall encourage cooperation with real estate industry organizations in the national education and outreach program. The Secretary shall also encourage the dissemination of educational information and technical assistance to support compliance with the housing adaptability and accessibility guidelines contained in the Fair Housing Act Amendments of 1988.

(2) Regional and local programs

The Secretary, through contracts with fair housing enforcement organizations, other nonprofit organizations representing groups of persons protected under title VIII of the Civil Rights Act of 1968 [42 U.S.C. 3601 et seq.], State and local agencies certified by the Secretary under section 810(f) of the Fair Housing Act [42 U.S.C. 3610(f)], or other public or private entities that are formulating or carrying out programs to prevent or eliminate discriminatory housing practices, shall establish or support education and outreach programs at the regional and local levels.

(3) Community-based programs

The Secretary shall provide funding to fair housing organizations and other nonprofit organizations representing groups of persons protected under title VIII of the Civil Rights Act of 1968, or other public or private entities that are formulating or carrying out programs to prevent or eliminate discriminatory housing practices, to support community-based education and outreach activities, including school, church, and community presentations, conferences, and other educational activities.

(e) Program administration

(1) Not less than 30 days before providing a grant or entering into any contract or cooperative agreement to carry out activities authorized by this section, the Secretary shall submit notification of such proposed grant, contract, or cooperative agreement (including a description of the geographical distribution of such contracts) to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives.

(2) Repealed. Pub. L. 104–66, title I, §1071(d), Dec. 21, 1995, 109 Stat. 720.

(f) Regulations

(1) The Secretary shall issue such regulations as may be necessary to carry out the provisions of this section.

(2) The Secretary shall, for use during the demonstration authorized in this section, establish guidelines for testing activities funded under the private enforcement initiative of the fair housing initiatives program. The purpose of such guidelines shall be to ensure that investigations in support of fair housing enforcement efforts described in subsection (a)(1) of this section shall develop credible and objective evidence of discriminatory housing practices. Such guidelines shall apply only to activities funded under this section, shall not be construed to limit or otherwise restrict the use of facts secured through testing not funded under this section in any legal proceeding under Federal fair housing laws, and shall not be used to restrict individuals or entities, including those participating in the fair housing initiatives program, from pursuing any right or remedy guaranteed by Federal law. Not later than 6 months after the end of the demonstration period authorized in this section,[1] the Secretary shall submit to Congress the evaluation of the Secretary of the effectiveness of such guidelines in achieving the purposes of this section.

(3) Such regulations shall include provisions governing applications for assistance under this section, and shall require each such application to contain—

(A) a description of the assisted activities proposed to be undertaken by the applicant, together with the estimated costs and schedule for completion of such activities;

(B) a description of the experience of the applicant in formulating or carrying out programs to prevent or eliminate discriminatory housing practices;

(C) available information, including studies made by or available to the applicant, indicating the nature and extent of discriminatory housing practices occurring in the general location where the applicant proposes to conduct its assisted activities, and the relationship of such activities to such practices;

(D) an estimate of such other public or private resources as may be available to assist the proposed activities;

(E) a description of proposed procedures to be used by the applicant for monitoring conduct and evaluating results of the proposed activities; and

(F) any additional information required by the Secretary.

(4) Regulations issued under this subsection shall not become effective prior to the expiration of 90 days after the Secretary transmits such regulations, in the form such regulations are intended to be published, to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives.

(5) The Secretary shall not obligate or expend any amount under this section before the effective date of the regulations required under this subsection.

(g) Authorization of appropriations

There are authorized to be appropriated to carry out the provisions of this section,[2] $21,000,000 for fiscal year 1993 and $26,000,000 for fiscal year 1994, of which—

(1) not less than $3,820,000 for fiscal year 1993 and $8,500,000 for fiscal year 1994 shall be for private enforcement initiatives authorized under subsection (b) of this section, divided equally between activities specified under subsection (b)(1) of this section and those specified under subsection (b)(2) of this section;

(2) not less than $2,230,000 for fiscal year 1993 and $8,500,000 for fiscal year 1994 shall be for qualified fair housing enforcement organizations authorized under subsection (c)(1) of this section;

(3) not less than $2,010,000 for fiscal year 1993 and $4,000,000 for fiscal year 1994 shall be for the creation of new fair housing enforcement organizations authorized under subsection (c)(2) of this section; and

(4) not less than $2,540,000 for fiscal year 1993 and $5,000,000 for fiscal year 1994 shall be for education and outreach programs authorized under subsection (d) of this section, to be divided equally between activities specified under subsection (d)(1) of this section and those specified under subsections (d)(2) and (d)(3) of this section.

Any amount appropriated under this section shall remain available until expended.

(h) Qualified fair housing enforcement organization

(1) The term "qualified fair housing enforcement organization" means any organization that—

(A) is organized as a private, tax-exempt, nonprofit, charitable organization;

(B) has at least 2 years experience in complaint intake, complaint investigation, testing for fair housing violations and enforcement of meritorious claims; and

(C) is engaged in all the activities listed in paragraph (1)(B) at the time of application for assistance under this section.

An organization which is not solely engaged in fair housing enforcement activities may qualify as a qualified fair housing enforcement organization, provided that the organization is actively engaged in each of the activities listed in subparagraph (B).

(2) The term "fair housing enforcement organization" means any organization that—

(A) meets the requirements specified in paragraph (1)(A);

(B) is currently engaged in the activities specified in paragraph (1)(B);

(C) upon the receipt of funds under this section will become engaged in all of the activities specified in paragraph (1)(B); and

(D) for purposes of funding under subsection (b) of this section, has at least 1 year of experience in the activities specified in paragraph (1)(B).

(i) Prohibition on use of funds

None of the funds authorized under this section may be used by the Secretary for purposes of settling claims, satisfying judgments or fulfilling court orders in any litigation action involving either the Department or housing providers funded by the Department. None of the funds authorized under this section may be used by the Department for administrative costs.

(j) Reporting requirements

Not later than 180 days after the close of each fiscal year in which assistance under this section is furnished, the Secretary shall prepare and submit to the Congress a comprehensive report which shall contain—

(1) a description of the progress made in accomplishing the objectives of this section;

(2) a summary of all the private enforcement activities carried out under this section and the use of such funds during the preceding fiscal year;

(3) a list of all fair housing enforcement organizations funded under this section during the preceding fiscal year, identified on a State-by-State basis;

(4) a summary of all education and outreach activities funded under this section and the use of such funds during the preceding fiscal year; and

(5) any findings, conclusions, or recommendations of the Secretary as a result of the funded activities.

(Pub. L. 100–242, title V, §561, Feb. 5, 1988, 101 Stat. 1942; Pub. L. 101–625, title IX, §953, Nov. 28, 1990, 104 Stat. 4419; Pub. L. 102–550, title IX, §905(b), Oct. 28, 1992, 106 Stat. 3869; Pub. L. 104–66, title I, §1071(d), Dec. 21, 1995, 109 Stat. 720.)

References in Text

The Civil Rights Act of 1968, referred to in subsecs. (a)(1), (b)(1), (2)(C), (c)(1), and (d), is Pub. L. 90–284, Apr. 11, 1968, 82 Stat. 73, as amended. Title VIII of the Act, known as the Fair Housing Act, is classified principally to subchapter I (§3601 et seq.) of this chapter. For complete classification of these Acts to the Code, see Short Title notes set out under section 3601 of this title and Tables.

The Fair Housing Act Amendments of 1988, referred to in subsec. (d)(1), probably means the Fair Housing Amendments Act of 1988, Pub. L. 100–430, Sept. 13, 1988, 102 Stat. 1619, as amended. For complete classification of this Act to the Code, see Short Title of 1988 Amendment note set out under section 3601 of this title and Tables.

The phrase "Not later than 6 months after the end of the demonstration period authorized in this section", referred to in subsec. (f)(2), probably means the end of the demonstration period pursuant to former subsec. (e) of this section, which provided that such period was to end Sept. 30, 1992. However, subsec. (e) was redesignated (h) and struck out by Pub. L. 102–550. See 1992 Amendment notes below.

Codification

Section was enacted as part of the Housing and Community Development Act of 1987, and not as part of title VIII of Pub. L. 90–284, known as the Fair Housing Act, which comprises this subchapter.

Section was formerly set out as a note under section 3616 of this title.

Amendments

1995—Subsec. (e)(2). Pub. L. 104–66 struck out par. (2) which read as follows: "The Secretary shall provide to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives a quarterly report that summarizes the activities funded under this section and describes the geographical distribution of grants, contracts, or cooperative agreements funded under this section."

1992—Subsecs. (b) to (f). Pub. L. 102–550, §905(b)(1), (2), added subsecs. (b) to (d) and redesignated former subsecs. (b) and (c) as (e) and (f), respectively.

Subsec. (g). Pub. L. 102–550, §905(b)(1), (3), redesignated subsec. (d) as (g) and, in first sentence, substituted "$21,000,000 for fiscal year 1993 and $26,000,000 for fiscal year 1994, of which—" and pars. (1) to (4) for "including any program evaluations, $6,000,000 for fiscal year 1991 and $6,300,000 for fiscal year 1992, of which not more than $3,000,000 in each year shall be for the private enforcement initiative demonstration."

Subsec. (h). Pub. L. 102–550, §905(b)(4), added subsec. (h) and struck out former subsec. (h) which provided that the demonstration period authorized by this section would end Sept. 30, 1992.

Pub. L. 102–550, §905(b)(1), redesignated subsec. (e) as (h).

Subsecs. (i), (j). Pub. L. 102–550, §905(b)(4), added subsecs. (i) and (j).

1990—Subsec. (d). Pub. L. 101–625, §953(a), amended first sentence generally. Prior to amendment, first sentence read as follows: "There are authorized to be appropriated to carry out the provisions of this section, including any program evaluations, $5,000,000 for fiscal year 1988, and $5,000,000 for fiscal year 1989, of which not more than $3,000,000 in each year shall be for the private enforcement initiative demonstration."

Subsec. (e). Pub. L. 101–625, §953(b), substituted "1992" for "1989".

Change of Name

Committee on Banking, Finance and Urban Affairs of House of Representatives treated as referring to Committee on Banking and Financial Services of House of Representatives by section 1(a) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress. Committee on Banking and Financial Services of House of Representatives abolished and replaced by Committee on Financial Services of House of Representatives, and jurisdiction over matters relating to securities and exchanges and insurance generally transferred from Committee on Energy and Commerce of House of Representatives by House Resolution No. 5, One Hundred Seventh Congress, Jan. 3, 2001.

CONGRESSIONAL FINDINGS

Pub. L. 102–550, title IX, §905(a), Oct. 28, 1992, 106 Stat. 3868, provided that: "The Congress finds that—

"(1) in the past half decade, there have been major legislative and administrative changes in Federal fair housing and fair lending laws and substantial improvements in the Nation's understanding of discrimination in the housing markets;

"(2) in response to evidence of continuing housing discrimination, the Congress passed the Fair Housing Act Amendments of 1988 [probably should be the Fair Housing Amendments Act of 1988, Pub. L. 100–430, see Short Title of 1988 Amendment note set out under section 3601 of this title], to provide for more effective enforcement of fair housing rights through judicial and administrative avenues and to expand the number of protected classes covered under Federal fair housing laws;

"(3) in the Financial Institutions Reform, Recovery and Enforcement Act of 1989 [Pub. L. 101–73, see Short Title of 1989 Amendment note set out under 12 U.S.C. 1811], the Congress expanded the disclosure provisions under the Home Mortgage Disclosure Act [probably should be the Home Mortgage Disclosure Act of 1975; 12 U.S.C. 2801 et seq.] to provide increased information on the mortgage lending patterns of financial institutions;

"(4) in the Americans with Disabilities Act of 1990 [42 U.S.C. 12101 et seq.], the Congress provided a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities;

"(5) in 1991, data collected under the Home Mortgage Disclosure Act disclosed evidence of pervasive discrimination in the Nation's mortgage lending markets;

"(6) the Housing Discrimination Survey, released by the Department of Housing and Urban Development in 1991, found that Hispanic and African-American homeseekers experience some form of discrimination in at least half of their encounters with sales and rental agents;

"(7) the Fair Housing Initiatives Program should be revised and expanded to reflect the significant changes in the fair housing and fair lending area that have taken place since the Program's initial authorization in the Housing and Community Development Act of 1987 [Pub. L. 100–242, see Short Title of 1988 Amendment note under section 5301 of this title];

"(8) continuing educational efforts by the real estate industry are a useful way to increase understanding by the public of their fair housing rights and responsibilities; and

"(9) the proven efficacy of private nonprofit fair housing enforcement organizations and community-based efforts makes support for these organizations a necessary component of the fair housing enforcement system."

[1] *See References in Text note below.*

[2] *So in original. The comma probably should not appear.*

§3617. Interference, coercion, or intimidation

It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by section 3603, 3604, 3605, or 3606 of this title.

(Pub. L. 90–284, title VIII, §818, formerly §817, Apr. 11, 1968, 82 Stat. 89; renumbered §818 and amended Pub. L. 100–430, §§8(1), 10, Sept. 13, 1988, 102 Stat. 1625, 1635.)

PRIOR PROVISIONS

A prior section 818 of Pub. L. 90–284 was renumbered section 819 and is classified to section 3618 of this title.

Amendments

1988—Pub. L. 100–430 struck out at end "This section may be enforced by appropriate civil action."

Effective Date of 1988 Amendment

Amendment by Pub. L. 100–430 effective on the 180th day beginning after Sept. 13, 1988, see section 13(a) of Pub. L. 100–430, set out as a note under section 3601 of this title.

§3618. Authorization of appropriations

There are hereby authorized to be appropriated such sums as are necessary to carry out the purposes of this subchapter.

(Pub. L. 90–284, title VIII, §819, formerly §818, Apr. 11, 1968, 82 Stat. 89; renumbered §819, Pub. L. 100–430, §8(1), Sept. 13, 1988, 102 Stat. 1625.)

Prior Provisions

A prior section 819 of Pub. L. 90–284 was renumbered section 820 and is classified to section 3619 of this title.

§3619. Separability

If any provision of this subchapter or the application thereof to any person or circumstances is held invalid, the remainder of the subchapter and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

(Pub. L. 90–284, title VIII, §820, formerly §819, Apr. 11, 1968, 82 Stat. 89; renumbered §820, Pub. L. 100–430, §8(1), Sept. 13, 1988, 102 Stat. 1625.)

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(3) The ECHO housing must remain affordable for the period specified in § 92.252(e). If within the affordability period the original occupant no longer occupies the unit, the ECHO unit owner must:

(i) Rent the unit to another eligible occupant on site;

(ii) Move the ECHO unit to another site for occupancy by an eligible occupant; or

(iii) If the owner of the ECHO unit is the host property owner-occupant, the owner may repay the HOME funds in accordance with the recapture provisions imposed by the participating jurisdiction consistent with § 92.254(a)(5)(ii). The participating jurisdiction must use the recaptured HOME funds for additional HOME activities.

(4) The participating jurisdiction has the responsibility to enforce the project requirements applicable to ECHO units.

Subpart G—Community Housing Development Organizations

§ 92.300 Set-aside for community housing development organizations (CHDOs).

(a)(1) Within 24 months after HUD notifies the participating jurisdiction of HUD's execution of the HOME Investment Partnerships Agreement, the participating jurisdiction must reserve not less than 15 percent of the HOME allocation for investment only in housing to be developed, sponsored, or owned by community housing development organizations. For a State, the HOME allocation includes funds reallocated under § 92.451(c)(2)(i) and, for a unit of general local government, funds transferred from a State under § 92.102(b). The funds are reserved when a participating jurisdiction enters into a written agreement with the community housing development organization. The funds must be provided to a community housing development organization, its subsidiary, or a partnership of which it or its subsidiary is the managing general partner. If a CHDO owns the project in partnership, it or its wholly owned for-profit or non-profit subsidiary must be the managing general partner. In acting in any of the capacities specified, the community housing development organization must have effective project control. In addition, a community housing development organization, in connection with housing it develops, sponsors or owns with HOME funds provided under this section, may provide direct homeownership assistance (e.g. downpayment assistance) and not be considered a subrecipient.

(2) The participating jurisdiction determines the form of assistance, e.g., grant or loan, that the community housing development organization receives and whether any proceeds must be returned to the participating jurisdiction or may be retained by the community housing development organization. While the proceeds the participating jurisdiction permits the community housing development organization to retain are not subject to the requirements of this part, the participating jurisdiction must specify in the written agreement with the community housing development organization whether they are to be used for HOME-eligible or other housing activities to benefit low-income families. However, funds recaptured because housing no longer meets the affordability requirements under § 92.254(a)(5)(ii) are subject to the requirements of this part in accordance with § 92.503.

(b) Each participating jurisdiction must make reasonable efforts to identify community housing development organizations that are capable, or can reasonably be expected to become capable, of carrying out elements of the jurisdiction's approved consolidated plan and to encourage such community housing development organizations to do so. If during the first 24 months of its participation in the HOME Program a participating jurisdiction cannot identify a sufficient number of capable community housing development organizations, up to 20 percent of the minimum community housing development organization setaside of 15 percent specified in paragraph (a) of this section, above, (but not more than $150,000 during the 24 month period) may be committed to develop the capacity of community housing development organizations in the jurisdiction.

(c) Up to 10 percent of the HOME funds reserved under this section may

be used for activities specified under § 92.301.

(d) HOME funds required to be reserved under this section are subject to reduction, as provided in § 92.500(d).

(e) If funds for operating expenses are provided under § 92.208 to a community housing development organization that is not also receiving funds under paragraph (a) of this section for housing to be developed, sponsored or owned by the community housing development organization, the participating jurisdiction must enter into a written agreement with the community housing development organization that provides that the community housing development organization is expected to receive funds under paragraph (a) of this section within 24 months of receiving the funds for operating expenses, and specifies the terms and conditions upon which this expectation is based.

(f) *Limitation on community housing development organization operating funds.* A community housing development organization may not receive HOME funding for any fiscal year in an amount that provides more than 50 percent or $50,000, whichever is greater, of the community housing development organization's total operating expenses in that fiscal year. This also includes organizational support and housing education provided under section 233(b)(1), (2), and (6) of the Act, as well as funds for operating expenses provided under § 92.208.

[61 FR 48750, Sept. 16, 1996, as amended at 62 FR 28930, May 28, 1997]

§ 92.301 Project-specific assistance to community housing development organizations.

(a) *Project-specific technical assistance and site control loans*—(1) *General.* Within the percentage specified in § 92.300(c), HOME funds may be used by a participating jurisdiction to provide technical assistance and site control loans to community housing development organizations in the early stages of site development for an eligible project. These loans may not exceed amounts that the participating jurisdiction determines to be customary and reasonable project preparation costs allowable under paragraph (a)(2) of this section. All costs must be related to a specific eligible project or projects.

(2) *Allowable costs.* A loan may be provided to cover project costs necessary to determine project feasibility (including costs of an initial feasibility study), consulting fees, costs of preliminary financial applications, legal fees, architectural fees, engineering fees, engagement of a development team, option to acquire property, site control and title clearance. General operational expenses of the community housing development organization are not allowable costs.

(3) *Repayment.* The community housing development organization must repay the loan to the participating jurisdiction from construction loan proceeds or other project income. The participating jurisdiction may waive repayment of the loan, in part or in whole, if there are impediments to project development that the participating jurisdiction determines are reasonably beyond the control of the borrower.

(b) *Project-specific seed money loans*—(1) *General.* Within the percentage specified in § 92.300(c), HOME funds may be used to provide loans to community housing development organizations to cover preconstruction project costs that the participating jurisdiction determines to be customary and reasonable, including, but not limited to the costs of obtaining firm construction loan commitments, architectural plans and specifications, zoning approvals, engineering studies, and legal fees.

(2) *Eligible sponsors.* A loan may be provided only to a community housing development organization that has, with respect to the project concerned, site control (evidenced by a deed, a sales contract, or an option contract to acquire the property), a preliminary financial commitment, and a capable development team.

(3) *Repayment.* The community housing development organization must repay the loan to the participating jurisdiction from construction loan proceeds or other project income. The participating jurisdiction may waive repayment of the loan, in whole or in part, if there are impediments to

project development that the participating jurisdiction determines are reasonably beyond the control of the community housing development organization.

§ 92.302 Housing education and organizational support.

HUD is authorized to provide education and organizational support assistance, in conjunction with HOME funds made available to community housing development organizations in accordance with section 233 of the Act. HUD will publish a notice in the FEDERAL REGISTER announcing the availability of funding under this section, as appropriate. The notice need not include funding for each of the eligible activities, but may target funding from among the eligible activities.

§ 92.303 Tenant participation plan.

A community housing development organization that receives assistance under this part must adhere to a fair lease and grievance procedure approved by the participating jurisdiction and provide a plan for and follow a program of tenant participation in management decisions.

Subpart H—Other Federal Requirements

§ 92.350 Other Federal requirements and nondiscrimination.

(a) The Federal requirements set forth in 24 CFR part 5, subpart A, are applicable to participants in the HOME program. The requirements of this subpart include: nondiscrimination and equal opportunity; disclosure requirements; debarred, suspended or ineligible contractors; and drug-free workplace.

(b) The nondiscrimination requirements at section 282 of the Act are applicable. These requirements are waived in connection with the use of HOME funds on lands set aside under the Hawaiian Homes Commission Act, 1920 (42 Stat. 108).

[62 FR 28930, May 28, 1997]

§ 92.351 Affirmative marketing; minority outreach program.

(a) *Affirmative marketing.* (1) Each participating jurisdiction must adopt affirmative marketing procedures and requirements for rental and homebuyer projects containing 5 or more HOME-assisted housing units. Affirmative marketing steps consist of actions to provide information and otherwise attract eligible persons in the housing market area to the available housing without regard to race, color, national origin, sex, religion, familial status or disability. (The affirmative marketing procedures do not apply to families with Section 8 tenant-based rental housing assistance or families with tenant-based rental assistance provided with HOME funds.)

(2) The affirmative marketing requirements and procedures adopted must include:

(i) Methods for informing the public, owners, and potential tenants about Federal fair housing laws and the participating jurisdiction's affirmative marketing policy (e.g., the use of the Equal Housing Opportunity logotype or slogan in press releases and solicitations for owners, and written communication to fair housing and other groups);

(ii) Requirements and practices each owner must adhere to in order to carry out the participating jurisdiction's affirmative marketing procedures and requirements (e.g., use of commercial media, use of community contacts, use of the Equal Housing Opportunity logotype or slogan, and display of fair housing poster);

(iii) Procedures to be used by owners to inform and solicit applications from persons in the housing market area who are not likely to apply for the housing without special outreach (e.g., use of community organizations, places of worship, employment centers, fair housing groups, or housing counseling agencies);

(iv) Records that will be kept describing actions taken by the participating jurisdiction and by owners to affirmatively market units and records to assess the results of these actions; and

ATTACHMENT 18

This content is from the eCFR and is authoritative but unofficial.

Title 24 - Housing and Urban Development
Subtitle B - Regulations Relating to Housing and Urban Development
Chapter IX - Office of Assistant Secretary for Public and Indian Housing, Department of Housing and Urban Development

Part 982 Section 8 Tenant-Based Assistance: Housing Choice Voucher Program
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PART 982 - SECTION 8 TENANT-BASED ASSISTANCE: HOUSING CHOICE VOUCHER PROGRAM

Authority: 42 U.S.C. 1437f and 3535(d).

Source: 59 FR 36682, July 18, 1994, unless otherwise noted.

Editorial Note: Nomenclature changes to part 982 appear at 64 FR 26640, May 14, 1999.

Subpart A - General Information

Source: 60 FR 34695, July 3, 1995, unless otherwise noted.

§ 982.1 Programs: purpose and structure.

(a) ***General description.***

(1) In the HUD Housing Choice Voucher (HCV) program, HUD pays rental subsidies so eligible families can afford decent, safe, and sanitary housing. The HCV program is generally administered by State or local governmental entities called public housing agencies (PHAs). HUD provides housing assistance funds to the PHA. HUD also provides funds for PHA administration of the program.

(2) Families select and rent units that meet program housing quality standards. If the PHA approves a family's unit and tenancy, the PHA contracts with the owner to make rent subsidy payments on behalf of the family. A PHA may not approve a tenancy unless the rent is reasonable.

(3) Subsidy in the HCV program is based on a local "payment standard" that reflects the cost to lease a unit in the local housing market. If the rent is less than the payment standard, the family generally pays 30 percent of adjusted monthly income for rent. If the rent is more than the payment standard, the family pays a larger share of the rent.

(b) ***Tenant-based and project-based assistance.***

(1) Section 8 assistance may be "tenant-based" or "project-based". In project-based programs, rental assistance is paid for families who live in specific housing developments or units. With tenant-based assistance, the assisted unit is selected by the family. The family may rent a unit anywhere in the United States in the jurisdiction of a PHA that runs a voucher program.

(2) To receive tenant-based assistance, the family selects a suitable unit. After approving the tenancy, the PHA enters into a contract to make rental subsidy payments to the owner to subsidize occupancy by the family. The PHA contract with the owner only covers a single unit and a specific assisted family. If the family moves out of the leased unit, the contract with the owner terminates. The family may move to another unit with continued assistance so long as the family is complying with program requirements.

[60 FR 34695, July 3, 1995, as amended at 64 FR 26640, May 14, 1999; 80 FR 8245, Feb. 17, 2015]

§ 982.2 Applicability.

Part 982 contains the program requirements for the tenant-based housing assistance program under Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f). The tenant-based program is the HCV program.

[80 FR 8245, Feb. 17, 2015]

§ 982.3 HUD.

The HUD field offices have been delegated responsibility for day-to-day administration of the program by HUD. In exercising these functions, the field offices are subject to HUD regulations and other HUD requirements issued by HUD headquarters. Some functions are specifically reserved to HUD headquarters.

§ 982.4 Definitions.

(a) ***Definitions found elsewhere*** —

(1) ***General definitions.*** The following terms are defined in part 5, subpart A of this title: 1937 Act, covered person, drug, drug-related criminal activity, federally assisted housing, guest, household, HUD, MSA, other person under the tenant's control, public housing, Section 8, and violent criminal activity.

(2) ***Definitions concerning family income and rent.*** The terms "adjusted income," "annual income," "extremely low income family," "tenant rent," "total tenant payment," "utility allowance," "utility reimbursement," and "welfare assistance" are defined in part 5, subpart F of this title. The definitions of "tenant rent" and "utility reimbursement" in part 5, subpart F of this title do not apply to the HCV program under part 982.

(b) In addition to the terms listed in paragraph (a) of this section, the following definitions apply:

Absorption. For purposes of subpart H, the point at which a receiving PHA starts making assistance payments with funding under its consolidated ACC, rather than billing, the initial PHA.

Administrative fee. Fee paid by HUD to the PHA for administration of the program. See § 982.152.

Administrative fee reserve (formerly "operating reserve"). Account established by PHA from excess administrative fee income. The administrative fee reserve must be used for housing purposes. See § 982.155.

Administrative plan. The plan that describes PHA policies for administration of the HCV program. See § 982.54.

Admission. The point when the family becomes a participant in the program. The date used for this purpose is the effective date of the first HAP contract for a family (first day of initial lease term) in the tenant-based program.

Applicant (applicant family). A family that has applied for admission to the HCV program but is not yet a program participant.

Budget authority. An amount authorized and appropriated by the Congress for payment to PHAs under the HCV program. For each funding increment in the program, budget authority is the maximum amount that may be paid by HUD to the PHA over the ACC term of the funding increment.

Common space. In shared housing: Space available for use by the assisted family and other occupants of the unit.

Congregate housing. Housing for elderly persons or persons with disabilities that meets the HQS for congregate housing. A special housing type: see § 982.606 to § 982.609.

Continuously assisted. An applicant is continuously assisted under the 1937 Act if the family is already receiving assistance under any 1937 Act program when the family is admitted to the HCV program.

Cooperative. Housing owned by a corporation or association, and where a member of the corporation or association has the right to reside in a particular unit, and to participate in management of the housing.

Cooperative member. A family of which one or more members owns membership shares in a cooperative.

Domicile. The legal residence of the household head or spouse as determined in accordance with State and local law.

Downpayment assistance grant. A form of homeownership assistance in the homeownership option: A single downpayment assistance grant for the family. If a family receives a downpayment assistance grant, a PHA may not make monthly homeownership assistance payments for the family. A downpayment assistance grant is applied to the downpayment for purchase of the home or reasonable and customary closing costs required in connection with purchase of the home.

Fair market rent (FMR). The rent, including the cost of utilities (except telephone), as established by HUD for units of varying sizes (by number of bedrooms), that must be paid in the housing market area to rent privately owned, existing, decent, safe and sanitary rental housing of modest (non-luxury) nature with suitable amenities. See periodic publications in the FEDERAL REGISTER in accordance with 24 CFR part 888.

Family. A person or group of persons, as determined by the PHA consistent with 24 CFR 5.403, approved to reside in a unit with assistance under the program. See "family composition" at § 982.201(c).

Family rent to owner. In the voucher program, the portion of rent to owner paid by the family. For calculation of family rent to owner, see § 982.515(b).

Family self-sufficiency program (FSS program). The program established by a PHA in accordance with 24 CFR part 984 to promote self-sufficiency of assisted families, including the coordination of supportive services (42 U.S.C. 1437u).

Family share. The portion of rent and utilities paid by the family. For calculation of family share, see § 982.515(a).

Family unit size. The appropriate number of bedrooms for a family, as determined by the PHA under the PHA subsidy standards.

First-time homeowner. In the homeownership option: A family of which no member owned any present ownership interest in a residence of any family member during the three years before commencement of homeownership assistance for the family. The term "first-time homeowner" includes a single parent or displaced homemaker (as those terms are defined in 12 U.S.C. 12713) who, while married, owned a home with his or her spouse, or resided in a home owned by his or her spouse.

Funding increment. Each commitment of budget authority by HUD to a PHA under the consolidated annual contributions contract for the PHA program.

Gross rent. The sum of the rent to owner plus any utility allowance.

Group home. A dwelling unit that is licensed by a State as a group home for the exclusive residential use of two to twelve persons who are elderly or persons with disabilities (including any live-in aide). A special housing type: see § 982.610 to § 982.614.

HAP contract. Housing assistance payments contract.

Home. In the homeownership option: A dwelling unit for which the PHA pays homeownership assistance.

Homeowner. In the homeownership option: A family of which one or more members owns title to the home.

Homeownership assistance. Assistance for a family under the homeownership option. There are two alternative and mutually exclusive forms of homeownership assistance by a PHA for a family: monthly homeownership assistance payments, or a single downpayment assistance grant. Either form of homeownership assistance may be paid to the family, or to a mortgage lender on behalf of the family.

Homeownership expenses. In the homeownership option: A family's allowable monthly expenses for the home, as determined by the PHA in accordance with HUD requirements (see § 982.635).

Homeownership option. Assistance for a homeowner or cooperative member under § 982.625 to § 982.641. A special housing type.

Housing assistance payment. The monthly assistance payment by a PHA, which includes:

(1) A payment to the owner for rent to the owner under the family's lease; and

(2) An additional payment to the family if the total assistance payment exceeds the rent to owner.

Housing quality standards (HQS). The HUD minimum quality standards for housing assisted under the HCV program. See § 982.401.

Initial PHA. In portability, the term refers to both:

(1) a PHA that originally selected a family that later decides to move out of the jurisdiction of the selecting PHA; and

(2) a PHA that absorbed a family that later decides to move out of the jurisdiction of the absorbing PHA.

Initial payment standard. The payment standard at the beginning of the HAP contract term.

Initial rent to owner. The rent to owner at the beginning of the HAP contract term.

Interest in the home. In the homeownership option:

(1) In the case of assistance for a homeowner, "interest in the home" includes title to the home, any lease or other right to occupy the home, or any other present interest in the home.

(2) In the case of assistance for a cooperative member, "interest in the home" includes ownership of membership shares in the cooperative, any lease or other right to occupy the home, or any other present interest in the home.

Jurisdiction. The area in which the PHA has authority under State and local law to administer the program.

Lease.

(1) A written agreement between an owner and a tenant for the leasing of a dwelling unit to the tenant. The lease establishes the conditions for occupancy of the dwelling unit by a family with housing assistance payments under a HAP contract between the owner and the PHA.

(2) In cooperative housing, a written agreement between a cooperative and a member of the cooperative. The agreement establishes the conditions for occupancy of the member's cooperative dwelling unit by the member's family with housing assistance payments to the cooperative under a HAP contract between the cooperative and the PHA. For purposes of this part 982, the cooperative is the Section 8 "owner" of the unit, and the cooperative member is the Section 8 "tenant."

Manufactured home. A manufactured structure that is built on a permanent chassis, is designed for use as a principal place of residence, and meets the HQS. A special housing type: see § 982.620 and § 982.621.

Manufactured home space. In manufactured home space rental: A space leased by an owner to a family. A manufactured home owned and occupied by the family is located on the space. See § 982.622 to § 982.624.

Membership shares. In the homeownership option: shares in a cooperative. By owning such cooperative shares, the share-owner has the right to reside in a particular unit in the cooperative, and the right to participate in management of the housing.

Merger date. October 1, 1999, which is the effective date of the merger of the two tenant-based programs (the housing voucher and housing certificate programs) into the Housing Choice Voucher (HCV) program.

Notice of Funding Availability (NOFA). For budget authority that HUD distributes by competitive process, the FEDERAL REGISTER document that invites applications for funding. This document explains how to apply for assistance and the criteria for awarding the funding.

Owner. Any person or entity with the legal right to lease or sublease a unit to a participant.

Participant (participant family). A family that has been admitted to the PHA program and is currently assisted in the program. The family becomes a participant on the effective date of the first HAP contract executed by the PHA for the family (first day of initial lease term).

Payment standard. The maximum monthly assistance payment for a family assisted in the voucher program (before deducting the total tenant payment by the family).

PHA plan. The annual plan and the 5-year plan as adopted by the PHA and approved by HUD in accordance with part 903 of this chapter.

Portability. Renting a dwelling unit with Section 8 tenant-based assistance outside the jurisdiction of the initial PHA.

Premises. The building or complex in which the dwelling unit is located, including common areas and grounds.

Present homeownership interest. In the homeownership option: "Present ownership interest" in a residence includes title, in whole or in part, to a residence, or ownership, in whole or in part, of membership shares in a cooperative. "Present ownership interest" in a residence does not include the right to purchase title to the residence under a lease-purchase agreement.

Private space. In shared housing: The portion of a contract unit that is for the exclusive use of an assisted family.

Program. The Section 8 HCV program under this part.

Program receipts. HUD payments to the PHA under the consolidated ACC, and any other amounts received by the PHA in connection with the program.

Public housing agency (PHA). PHA includes both:

(1) Any State, county, municipality, or other governmental entity or public body which is authorized to administer the program (or an agency or instrumentality of such an entity), and

(2) Any of the following:

(i) A consortium of housing agencies, each of which meets the qualifications in paragraph (1) of this definition, that HUD determines has the capacity and capability to efficiently administer the program (in which case, HUD may enter into a consolidated ACC with any legal entity authorized to act as the legal representative of the consortium members);

(ii) Any other public or private non-profit entity that was administering a Section 8 tenant-based assistance program pursuant to a contract with the contract administrator of such program (HUD or a PHA) on October 21, 1998; or

(iii) For any area outside the jurisdiction of a PHA that is administering a tenant-based program, or where HUD determines that such PHA is not administering the program effectively, a private non-profit entity or a governmental entity or public body that would otherwise lack jurisdiction to administer the program in such area.

Reasonable rent. A rent to owner that is not more than rent charged:

(1) For comparable units in the private unassisted market; and

(2) For comparable unassisted units in the premises.

Receiving PHA. In portability: A PHA that receives a family selected for participation in the HCV program of another PHA. The receiving PHA issues a voucher and provides program assistance to the family.

Renewal units. The number of units, as determined by HUD, for which funding is reserved on HUD books for a PHA's program. This number is used is calculating renewal budget authority in accordance with § 982.102.

Rent to owner. The total monthly rent payable to the owner under the lease for the unit. Rent to owner covers payment for any housing services, maintenance and utilities that the owner is required to provide and pay for.

Residency preference. A PHA preference for admission of families that reside anywhere in a specified area, including families with a member who works or has been hired to work in the area ("residency preference area").

Residency preference area. The specified area where families must reside to qualify for a residency preference.

Shared housing. A unit occupied by two or more families. The unit consists of both common space for shared use by the occupants of the unit and separate private space for each assisted family. A special housing type: see § 982.615 to § 982.618.

Single room occupancy housing (SRO). A unit that contains no sanitary facilities or food preparation facilities, or contains either, but not both, types of facilities. A special housing type: see § 982.602 to § 982.605.

Special admission. Admission of an applicant that is not on the PHA waiting list or without considering the applicant's waiting list position.

Special housing types. See subpart M of this part 982. Subpart M of this part states the special regulatory requirements for: SRO housing, congregate housing, group home, shared housing, manufactured home (including manufactured home space rental), cooperative housing (rental assistance for cooperative member) and homeownership option (homeownership assistance for cooperative member or first-time homeowner).

Statement of homeowner obligations. In the homeownership option: The family's agreement to comply with program obligations.

Subsidy standards. Standards established by a PHA to determine the appropriate number of bedrooms and amount of subsidy for families of different sizes and compositions.

Suspension. The term on the family's voucher stops from the date that the family submits a request for PHA approval of the tenancy, until the date the PHA notifies the family in writing whether the request has been approved or denied.

Tenant. The person or persons (other than a live-in aide) who executes the lease as lessee of the dwelling unit.

Utility reimbursement. The portion of the housing assistance payment which exceeds the amount of the rent to owner. (See § 982.514(b)).

Voucher holder. A family holding a voucher with an unexpired term (search time).

Voucher (rental voucher). A document issued by a PHA to a family selected for admission to the voucher program. This document describes the program and the procedures for PHA approval of a unit selected by the family. The voucher also states obligations of the family under the program.

Waiting list admission. An admission from the PHA waiting list.

Welfare-to-work (WTW) families. Families assisted by a PHA with voucher funding awarded to the PHA under the HUD welfare-to-work voucher program (including any renewal of such WTW funding for the same purpose).

[63 FR 23857, Apr. 30, 1998; 63 FR 31625, June 10, 1998, as amended at 64 FR 26641, May 14, 1999; 64 FR 49658, Sept. 14, 1999; 64 FR 56887, 56911, Oct. 21, 1999; 65 FR 16821, Mar. 30, 2000; 65 FR 55161, Sept. 12, 2000; 66 FR 28804, May 24, 2001; 66 FR 33613, June 22, 2001; 67 FR 64492, Oct. 18, 2002; 77 FR 5675, Feb. 3, 2012; 80 FR 8245, Feb. 17, 2015; 80 FR 50572, Aug. 20, 2015]

§ 982.5 Notices required by this part.

Where part 982 requires any notice to be given by the PHA, the family or the owner, the notice must be in writing.

Subpart B - HUD Requirements and PHA Plan for Administration of Program

Source: 60 FR 34695, July 3, 1995, unless otherwise noted.

§ 982.51 PHA authority to administer program.

(a) The PHA must have authority to administer the program. The PHA must provide evidence, satisfactory to HUD, of its status as a PHA, of its authority to administer the program, and of the PHA jurisdiction.

(b) The evidence submitted by the PHA to HUD must include enabling legislation and a supporting legal opinion satisfactory to HUD. The PHA must submit additional evidence when there is a change that affects its status as a PHA, its authority to administer the program, or its jurisdiction.

[60 FR 34695, July 3, 1995, as amended at 64 FR 26641, May 14, 1999; 80 FR 8245, Feb. 17, 2015]

§ 982.52 HUD requirements.

(a) The PHA must comply with HUD regulations and other HUD requirements for the program. HUD requirements are issued by HUD headquarters, as regulations, FEDERAL REGISTER notices or other binding program directives.

(b) The PHA must comply with the consolidated ACC and the PHA's HUD-approved applications for program funding.

(Approved by the Office of Management and Budget under control number 2577–0169)

[60 FR 34695, July 3, 1995, as amended at 60 FR 45661, Sept. 1, 1995]

§ 982.53 Equal opportunity requirements and protection for victims of domestic violence, dating violence, sexual assault, or stalking.

(a) The tenant-based program requires compliance with all equal opportunity requirements imposed by contract or federal law, including the authorities cited at 24 CFR 5.105(a) and title II of the Americans with Disabilities Act, 42 U.S.C. 12101 *et seq.*

(b) ***Civil rights certification.*** The PHA must submit a signed certification to HUD that:

(1) The PHA will administer the program in conformity with the Fair Housing Act, Title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act.

(2) The PHA will affirmatively further fair housing in the administration of the program.

(c) ***Obligation to affirmatively further fair housing.*** The PHA shall affirmatively further fair housing as required by § 903.7(o) of this title.

(d) ***State and local law.*** Nothing in part 982 is intended to pre-empt operation of State and local laws that prohibit discrimination against a Section 8 voucher-holder because of status as a Section 8 voucher-holder. However, such State and local laws shall not change or affect any requirement of this part, or any other HUD requirements for administration or operation of the program.

(e) ***Protection for victims of domestic violence, dating violence, sexual assault, or stalking.*** The PHA must apply the requirements in 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking). For purposes of compliance with HUD's regulations in 24 CFR part 5, subpart L, the covered housing provider is the PHA or owner, as applicable given the responsibilities of the covered housing provider as set forth in 24 CFR part 5, subpart L. For example, the PHA is the covered housing provider responsible for providing the Notice of occupancy rights under VAWA and certification form described at 24 CFR 5.2005(a). In addition, the owner is the covered housing provider that may choose to bifurcate a lease as described at 24 CFR 5.2009(a), while the PHA is the covered housing provider responsible for complying with emergency transfer plan provisions at 24 CFR 5.2005(e).

(Approved by the Office of Management and Budget under control number 2577–0169)

[60 FR 34695, July 3, 1995, as amended at 60 FR 45661, Sept. 1, 1995; 63 FR 23859, Apr. 30, 1998; 64 FR 26641, May 14, 1999; 64 FR 56911, Oct. 21, 1999; 73 FR 72344, Nov. 28, 2008; 75 FR 66263, Oct. 27, 2010; 80 FR 8245, Feb. 17, 2015; 81 FR 80816, Nov. 16, 2016]

§ 982.54 Administrative plan.

(a) The PHA must adopt a written administrative plan that establishes local policies for administration of the program in accordance with HUD requirements. The administrative plan and any revisions of the plan must be formally adopted by the PHA Board of Commissioners or other authorized PHA officials. The administrative plan states PHA policy on matters for which the PHA has discretion to establish local policies.

(b) The administrative plan must be in accordance with HUD regulations and requirements. The administrative plan is a supporting document to the PHA plan (part 903 of this title) and must be available for public review. The PHA must revise the administrative plan if needed to comply with HUD requirements.

(c) The PHA must administer the program in accordance with the PHA administrative plan.

(d) The PHA administrative plan must cover PHA policies on these subjects:

(1) Selection and admission of applicants from the PHA waiting list, including any PHA admission preferences, procedures for removing applicant names from the waiting list, and procedures for closing and reopening the PHA waiting list;

(2) Issuing or denying vouchers, including PHA policy governing the voucher term and any extensions of the voucher term. If the PHA decides to allow extensions of the voucher term, the PHA administrative plan must describe how the PHA determines whether to grant extensions, and how the PHA determines the length of any extension.

(3) Any special rules for use of available funds when HUD provides funding to the PHA for a special purpose (e.g., desegregation), including funding for specified families or a specified category of families;

(4) Occupancy policies, including:

(i) Definition of what group of persons may qualify as a "family";

(ii) Definition of when a family is considered to be "continuously assisted";

(iii) Standards for denying admission or terminating assistance based on criminal activity or alcohol abuse in accordance with § 982.553;

(5) Encouraging participation by owners of suitable units located outside areas of low income or minority concentration;

(6) Assisting a family that claims that illegal discrimination has prevented the family from leasing a suitable unit;

(7) Providing information about a family to prospective owners;

(8) Disapproval of owners;

(9) Subsidy standards;

(10) Family absence from the dwelling unit;

(11) How to determine who remains in the program if a family breaks up;

(12) Informal review procedures for applicants;

(13) Informal hearing procedures for participants;

(14) The process for establishing and revising payment standards, including policies on administering decreases in the payment standard during the HAP contract term (see § 982.505(d)(3)).

(15) The method of determining that rent to owner is a reasonable rent (initially and during the term of a HAP contract);

(16) Special policies concerning special housing types in the program (e.g., use of shared housing);

(17) Policies concerning payment by a family to the PHA of amounts the family owes the PHA;

(18) Interim redeterminations of family income and composition;

(19) Restrictions, if any, on the number of moves by a participant family (see § 982.354(c));

(20) Approval by the Board of Commissioners or other authorized officials to charge the administrative fee reserve;

(21) Procedural guidelines and performance standards for conducting required HQS inspections; and

(22) PHA screening of applicants for family behavior or suitability for tenancy.

(23) Policies concerning application of Small Area FMRs to project-based voucher units (see § 888.113(h)).

(Approved by the Office of Management and Budget under control number 2577–0169)

[60 FR 34695, July 3, 1995, as amended at 60 FR 45661, Sept. 1, 1995; 61 FR 27163, May 30, 1996; 63 FR 23859, Apr. 30, 1998; 64 FR 26641, May 14, 1999; 64 FR 49658, Sept. 14, 1999; 64 FR 56911, Oct. 21, 1999; 66 FR 28804, May 24, 2001; 80 FR 8245, Feb. 17, 2015; 80 FR 50572, Aug. 20, 2015; 81 FR 80582, Nov. 16, 2016]

Subpart C - Funding and PHA Application for Funding

Source: 60 FR 34695, July 3, 1995, unless otherwise noted.

§ 982.101 Allocation of funding.

(a) ***Allocation of funding.*** HUD allocates available budget authority for the tenant-based assistance program to HUD field offices.

(b) ***Section 213(d) allocation.***

(1) Section 213(d) of the HCD Act of 1974 (42 U.S.C. 1439) establishes requirements for allocation of assisted housing budget authority. Some budget authority is exempt by law from allocation under section 213(d). Unless exempted by law, budget authority for the tenant-based programs must be allocated in accordance with section 213(d).

(2) Budget authority subject to allocation under section 213(d) is allocated in accordance with 24 CFR part 791, subpart D. There are three categories of section 213(d) funding allocations under part 791 of this title:

(i) Funding retained in a headquarters reserve for purposes specified by law;

(ii) funding incapable of geographic formula allocation (e.g., for renewal of expiring funding increments); or

(iii) funding allocated by an objective fair share formula. Funding allocated by fair share formula is distributed by a competitive process.

(c) ***Competitive process.*** For budget authority that is distributed by competitive process, the Department solicits applications from PHAs by publishing one or more notices of funding availability (NOFAs) in the FEDERAL REGISTER. See 24 CFR part 12, subpart B; and 24 CFR 791.406. The NOFA explains how to apply for assistance, and specifies the criteria for awarding the assistance. The NOFA may identify any special program requirements for use of the funding.

[60 FR 34695, July 3, 1995, as amended at 64 FR 26642, May 14, 1999; 80 FR 8246, Feb. 17, 2015]

§ 982.102 Allocation of budget authority for renewal of expiring consolidated ACC funding increments.

(a) ***Applicability.*** This section applies to the renewal of consolidated ACC funding increments in the program (as described in § 982.151(a)(2)) that expire after December 31, 1999 (including any assistance that the PHA has attached to units for project-based assistance under 24 CFR part 983). This section implements section 8(dd) of the 1937 Act (42 U.S.C. 1437f(dd)).

(b) ***Renewal Methodology.*** HUD will use the following methodology to determine the amount of budget authority to be allocated to a PHA for the renewal of expiring consolidated ACC funding increments in the program, subject to the availability of appropriated funds. If the amount of appropriated funds is not sufficient to provide the full amount of renewal funding for PHAs, as calculated in accordance with this section, HUD may establish a procedure to adjust allocations for the shortfall in funding.

(c) ***Determining the amount of budget authority allocated for renewal of an expiring funding increment.*** Subject to availability of appropriated funds, as determined by HUD, the amount of budget authority allocated by HUD to a PHA for renewal of each program funding increment that expires during a calendar year will be equal to:

(1) ***Number of renewal units.*** The number of renewal units assigned to the funding increment (as determined by HUD pursuant to paragraph (d) of this section); multiplied by

(2) ***Adjusted annual per unit cost.*** The adjusted annual per unit cost (as determined by HUD pursuant to paragraph (e) of this section).

(d) ***Determining the number of renewal units*** —

(1) ***Number of renewal units.*** HUD will determine the total number of renewal units for a PHA's program as of the last day of the calendar year previous to the calendar year for which renewal funding is calculated. The number of renewal units for a PHA's program will be determined as follows:

(i) ***Step 1: Establishing the initial baseline.*** HUD will establish a baseline number of units ("baseline") for each PHA program. The initial baseline equals the number of units reserved by HUD for the PHA program as of December 31, 1999.

(ii) ***Step 2: Establishing the adjusted baseline.*** The adjusted baseline equals the initial baseline with the following adjustments from the initial baseline as of the last day of the calendar year previous to the calendar year for which renewal funding is calculated:

(A) ***Additional units.*** HUD will add to the initial baseline any additional units reserved for the PHA after December 31, 1999.

(B) ***Units removed.*** HUD will subtract from the initial baseline any units de-reserved by HUD from the PHA program after December 31, 1999.

(iii) ***Step 3: Determining the number of renewal units.*** The number of renewal units equals the adjusted baseline minus the number of units supported by contract funding increments that expire after the end of the calendar year.

(2) ***Funding increments.*** HUD will assign all units reserved for a PHA program to one or more funding increment(s).

(3) ***Correction of errors.*** HUD may adjust the number of renewal units to correct errors.

(e) ***Determining the adjusted per unit cost.*** HUD will determine the PHA's adjusted per unit cost when HUD processes the allocation of renewal funding for an expiring contract funding increment. The adjusted per unit cost calculated will be determined as follows:

(1) ***Step 1: Determining monthly program expenditure*** —

(i) ***Use of most recent HUD-approved year end statement.*** HUD will determine the PHA's monthly per unit program expenditure for the HCV program (including project-based assistance under such program) under the consolidated ACC with HUD using data from the PHA's most recent HUD-approved year end statement.

(ii) ***Monthly program expenditure.*** The monthly program expenditure equals:

(A) ***Total program expenditure.*** The PHA's total program expenditure (the total of housing assistance payments and administrative costs) for the PHA fiscal year covered by the approved year end statement; divided by

(B) ***Total unit months leased.*** The total of unit months leased for the PHA fiscal year covered by the approved year end statement.

(2) ***Step 2: Determining annual per unit cost.*** HUD will determine the PHA's annual per unit cost. The annual per unit cost equals the monthly program expenditures (as determined under paragraph (e)(1)(ii) of this section) multiplied by 12.

(3) ***Step 3: Determining adjusted annual per unit cost.***

(i) HUD will determine the PHA's adjusted annual per unit cost. The adjusted annual per unit cost equals the annual per unit cost (as determined under paragraph (e)(2) of this section) multiplied cumulatively by the applicable published Section 8 housing assistance payments program annual adjustment factors in effect during the period from the end of the PHA fiscal year covered by the approved year end statement to the time when HUD processes the allocation of renewal funding.

(ii) ***Use of annual adjustment factor applicable to PHA jurisdiction.*** For this purpose, HUD will use the annual adjustment factor from the notice published annually in the FEDERAL REGISTER pursuant to part 888 that is applicable to the jurisdiction of the PHA. For a PHA whose jurisdiction spans multiple annual adjustment factor areas, HUD will use the highest applicable annual adjustment factor.

(iii) ***Use of annual adjustment factors in effect subsequent to most recent Year End Statement.*** HUD will use the Annual Adjustment Factors in effect during the time period subsequent to the time covered by the most recent HUD approved Year End Statement and the time of the processing of the contract funding increment to be renewed.

(iv) ***Special circumstances.*** At its discretion, HUD may modify the adjusted annual per unit cost based on receipt of a modification request from a PHA. The modification request must demonstrate that because of special circumstances application of the annual adjustment factor will not provide an accurate adjusted annual per unit cost.

(4) ***Correction of errors.*** HUD may correct for errors in the adjusted per unit cost.

(f) ***Consolidated ACC amendment to add renewal funding.*** HUD will reserve allocated renewal funding available to the PHA within a reasonable time prior to the expiration of the funding increment to be renewed and establish a new expiration date one-year from the date of such expiration.

(g) ***Modification of allocation of budget authority*** —

(1) ***HUD authority to conform PHA program costs with PHA program finances through Federal Register notice.*** In the event that a PHA's costs incurred threaten to exceed budget authority and allowable reserves, HUD reserves the right, through FEDERAL REGISTER notice, to bring PHA program costs and the number of families served, in line with PHA program finances.

(2) ***HUD authority to limit increases of per unit cost through Federal Register notice.*** HUD may, by FEDERAL REGISTER notice, limit the amount or percentage of increases in the adjusted annual per unit cost to be used in calculating the allocation of budget authority.

(3) ***HUD authority to limit decreases to per unit costs through Federal Register notice.*** HUD may, by FEDERAL REGISTER notice, limit the amount or percentage of decreases in the adjusted annual per unit cost to be used in calculating the allocation of budget authority.

(4) ***Contents of Federal Register notice.*** If HUD publishes a FEDERAL REGISTER notice pursuant to paragraphs (g)(1), (g)(2) or (g)(3) of this section, it will describe the rationale, circumstances and procedures under which such modifications are implemented. Such circumstances and procedures shall, be consistent with the objective of enabling PHAs and HUD to meet program goals and requirements including but not limited to:

(i) Deconcentration of poverty and expanding housing opportunities;

(ii) Reasonable rent burden;

(iii) Income targeting;

(iv) Consistency with applicable consolidated plan(s);

(v) Rent reasonableness;

(vi) Program efficiency and economy;

(vii) Service to additional households within budgetary limitations; and

(viii) Service to the adjusted baseline number of families.

(5) ***Public consultation before issuance of Federal Register notice.*** HUD will design and undertake informal public consultation prior to issuing FEDERAL REGISTER notices pursuant to paragraphs (g)(1) or (g)(2) of this section.

(h) ***Ability to prorate and synchronize contract funding increments.*** Notwithstanding paragraphs (c) through (g) of this section, HUD may prorate the amount of budget authority allocated for the renewal of funding increments that expire on different dates throughout the calendar year. HUD may use such proration to synchronize the expiration dates of funding increments under the PHA's consolidated ACC.

(i) ***Reallocation of budget authority.*** If a PHA has performance deficiencies, such as a failure to adequately lease units, HUD may reallocate some of its budget authority to other PHAs. If HUD determines to reallocate budget authority, it will reduce the number of units reserved by HUD for the PHA program of the PHA whose budget authority is being reallocated and increase the number of units reserved by HUD for the PHAs whose programs are receiving the benefit of the reallocation, so that such PHAs can issue vouchers. HUD will publish a notice in the FEDERAL REGISTER that will describe the circumstances and procedures for reallocating budget authority pursuant to this paragraph.

[64 FR 56887, Oct. 21, 1999; 65 FR 16818, Mar. 30, 2000; 80 FR 8246, Feb. 17, 2015]

§ 982.103 PHA application for funding.

(a) A PHA must submit an application for program funding to HUD at the time and place and in the form required by HUD.

(b) For competitive funding under a NOFA, the application must be submitted by a PHA in accordance with the requirements of the NOFA.

(c) The application must include all information required by HUD. HUD requirements may be stated in the HUD-required form of application, the NOFA, or other HUD instructions.

(Approved by the Office of Management and Budget under control number 2577–0169)

[60 FR 34695, July 3, 1995, as amended at 60 FR 45661, Sept. 1, 1995; 63 FR 23859, Apr. 30, 1998. Redesignated at 64 FR 56887, Oct. 21, 1999; 80 FR 8246, Feb. 17, 2015]

§ 982.104 HUD review of application.

(a) ***Competitive funding under NOFA.*** For competitive funding under a NOFA, HUD must evaluate an application on the basis of the selection criteria stated in the NOFA, and must consider the PHA's capacity and capability to administer the program.

(b) ***Approval or disapproval of PHA funding application.***

(1) HUD must notify the PHA of its approval or disapproval of the PHA funding application.

(2) When HUD approves an application, HUD must notify the PHA of the amount of approved funding.

(3) For budget authority that is distributed to PHAs by competitive process, documentation of the basis for provision or denial of assistance is available for public inspection in accordance with 24 CFR 12.14(b).

(c) ***PHA disqualification.*** HUD will not approve any PHA funding application (including an application for competitive funding under a NOFA) if HUD determines that the PHA is disbarred or otherwise disqualified from providing assistance under the program.

[60 FR 34695, July 3, 1995, as amended at 64 FR 26642, May 14, 1999. Redesignated at 64 FR 56887, Oct. 21, 1999]

Subpart D - Annual Contributions Contract and PHA Administration of Program

Source: 60 FR 34695, July 3, 1995, unless otherwise noted.

§ 982.151 Annual contributions contract.

(a) ***Nature of ACC.***

(1) An annual contributions contract (ACC) is a written contract between HUD and a PHA. Under the ACC, HUD agrees to make payments to the PHA, over a specified term, for housing assistance payments to owners and for the PHA administrative fee. The ACC specifies the maximum payment over the ACC term. The PHA agrees to administer the program in accordance with HUD regulations and requirements.

(2) HUD's commitment to make payments for each funding increment in the PHA program constitutes a separate ACC. However, commitments for all the funding increments in a PHA program are listed in one consolidated contractual document called the consolidated annual contributions contract (consolidated ACC). A single consolidated ACC covers funding for the PHA's HCV program. .

(b) ***Budget authority.***

(1) Budget authority is the maximum amount that may be paid by HUD to a PHA over the ACC term of a funding increment. Before adding a funding increment to the consolidated ACC for a PHA program, HUD reserves budget authority from amounts authorized and appropriated by the Congress for the program.

(2) For each funding increment, the ACC specifies the term over which HUD will make payments for the PHA program, and the amount of available budget authority for each funding increment. The amount to be paid to the PHA during each PHA fiscal year (including payment from the ACC reserve account described in § 982.154) must be approved by HUD.

(Approved by the Office of Management and Budget under control number 2577–0169)

[60 FR 34695, July 3, 1995, as amended at 60 FR 45661, Sept. 1, 1995; 64 FR 26642, May 14, 1999; 80 FR 8246, Feb. 17, 2015]

§ 982.152 Administrative fee.

(a) ***Purposes of administrative fee.***

(1) HUD may approve administrative fees to the PHA for any of the following purposes:

(i) Ongoing administrative fee;

(ii) Costs to help families who experience difficulty finding or renting appropriate housing under the program;

(iii) The following types of extraordinary costs approved by HUD:

(A) Costs to cover necessary additional expenses incurred by the PHA to provide reasonable accommodation for persons with disabilities in accordance with part 8 of this title (e.g., additional counselling costs), where the PHA is unable to cover such additional expenses from ongoing administrative fee income or the PHA administrative fee reserve;

(B) Costs of audit by an independent public accountant;

(C) Other extraordinary costs determined necessary by HUD Headquarters;

(iv) Preliminary fee (in accordance with paragraph (c) of this section);

(v) Costs to coordinate supportive services for families participating in the family self-sufficiency (FSS) program.

(2) For each PHA fiscal year, administrative fees are specified in the PHA budget. The budget is submitted for HUD approval. Fees are paid in the amounts approved by HUD. Administrative fees may only be approved or paid from amounts appropriated by the Congress.

(3) PHA administrative fees may only be used to cover costs incurred to perform PHA administrative responsibilities for the program in accordance with HUD regulations and requirements.

(b) ***Ongoing administrative fee.***

(1) The PHA ongoing administrative fee is paid for each program unit under HAP contract on the first day of the month. The amount of the ongoing fee is determined by HUD in accordance with Section 8(q)(1) of the 1937 Act (42 U.S.C. 1437f(q)(1)).

(2) If appropriations are available, HUD may pay a higher ongoing administrative fee for a small program or a program operating over a large geographic area. This higher fee level will not be approved unless the PHA demonstrates that it is efficiently administering its HCV program, and that the higher ongoing administrative fee is reasonable and necessary for administration of the program in accordance with HUD requirements.

(3) HUD may pay a lower ongoing administrative fee for PHA-owned units.

(c) ***Preliminary fee.***

(1) If the PHA was not administering a program of Section 8 tenant-based assistance prior to the merger date, HUD will pay a one-time fee in the amount of $500 in the first year the PHA administers a program. The fee is paid for each new unit added to the PHA program by the initial funding increment under the consolidated ACC.

(2) The preliminary fee is used to cover expenses the PHA incurs to help families who inquire about or apply for the program, and to lease up new program units.

(d) ***Reducing PHA administrative fee.*** HUD may reduce or offset any administrative fee to the PHA, in the amount determined by HUD, if the PHA fails to perform PHA administrative responsibilities correctly or adequately under the program (for example, PHA failure to enforce HQS requirements; or to reimburse a receiving PHA promptly under portability procedures).

[60 FR 23695, July 3, 1995, as amended at 63 FR 23860, Apr. 30, 1998; 64 FR 26642, May 14, 1999; 80 FR 8246, Feb. 17, 2015]

§ 982.153 PHA responsibilities.

The PHA must comply with the consolidated ACC, the application, HUD regulations and other requirements, and the PHA administrative plan.

(Approved by the Office of Management and Budget under control number 2577–0169)

[60 FR 34695, July 3, 1995, as amended at 60 FR 45661, Sept. 1, 1995; 61 FR 13627, Mar. 27, 1996; 63 FR 23860, Apr. 30, 1998]

§ 982.154 ACC reserve account.

(a) HUD may establish and maintain an unfunded reserve account for the PHA program from available budget authority under the consolidated ACC. This reserve is called the “ACC reserve account” (formerly “project reserve”). There is a single ACC reserve account for the PHA program.

(b) The amount in the ACC reserve account is determined by HUD. HUD may approve payments for the PHA program, in accordance with the PHA's HUD-approved budget, from available amounts in the ACC reserve account.

[64 FR 26642, May 14, 1999]

§ 982.155 Administrative fee reserve.

(a) The PHA must maintain an administrative fee reserve (formerly “operating reserve”) for the program. There is a single administrative fee reserve for the PHA program. The PHA must credit to the administrative fee reserve the total of:

(1) The amount by which program administrative fees paid by HUD for a PHA fiscal year exceed the PHA program administrative expenses for the fiscal year; plus

(2) Interest earned on the administrative fee reserve.

(b)

(1) The PHA must use funds in the administrative fee reserve to pay program administrative expenses in excess of administrative fees paid by HUD for a PHA fiscal year. If funds in the administrative fee reserve are not needed to cover PHA administrative expenses (to the end of the last expiring funding increment under the consolidated ACC), the PHA may use these funds for other housing purposes permitted by State and local law. However, HUD may prohibit use of the funds for certain purposes.

(2) The PHA Board of Commissioners or other authorized officials must establish the maximum amount that may be charged against the administrative fee reserve without specific approval.

(3) If the PHA has not adequately administered any Section 8 program, HUD may prohibit use of funds in the administrative fee reserve, and may direct the PHA to use funds in the reserve to improve administration of the program or to reimburse ineligible expenses.

(Approved by the Office of Management and Budget under control number 2577–0169)

[60 FR 34695, July 3, 1995, as amended at 60 FR 45661, Sept. 1, 1995; 64 FR 26642, May 14, 1999]

§ 982.156 Depositary for program funds.

(a) Unless otherwise required or permitted by HUD, all program receipts must be promptly deposited with a financial institution selected as depositary by the PHA in accordance with HUD requirements.

(b) The PHA may only withdraw deposited program receipts for use in connection with the program in accordance with HUD requirements.

(c) The PHA must enter into an agreement with the depositary in the form required by HUD.

(d)

(1) If required under a written freeze notice from HUD to the depositary:

(i) The depositary may not permit any withdrawal by the PHA of funds held under the depositary agreement unless expressly authorized by written notice from HUD to the depositary; and

(ii) The depositary must permit withdrawals of such funds by HUD.

(2) HUD must send the PHA a copy of the freeze notice from HUD to the depositary.

(Approved by the Office of Management and Budget under control number 2577–0169)

[60 FR 34695, July 3, 1995, as amended at 60 FR 45661, Sept. 1, 1995]

§ 982.157 Budget and expenditure.

(a) ***Budget submission.*** Each PHA fiscal year, the PHA must submit its proposed budget for the program to HUD for approval at such time and in such form as required by HUD.

(b) ***PHA use of program receipts.***

(1) Program receipts must be used in accordance with the PHA's HUD-approved budget. Such program receipts may only be used for:

(i) Housing assistance payments; and

(ii) PHA administrative fees.

(2) The PHA must maintain a system to ensure that the PHA will be able to make housing assistance payments for all participants within the amounts contracted under the consolidated ACC.

(c) ***Intellectual property rights.*** Program receipts may not be used to indemnify contractors or subcontractors of the PHA against costs associated with any judgment of infringement of intellectual property rights.

(Approved by the Office of Management and Budget under control number 2577–0169)

[60 FR 34695, July 3, 1995, as amended at 60 FR 45661, Sept. 1, 1995; 64 FR 26642, May 14, 1999]

§ 982.158 Program accounts and records.

(a) The PHA must maintain complete and accurate accounts and other records for the program in accordance with HUD requirements, in a manner that permits a speedy and effective audit. The records must be in the form required by HUD, including requirements governing computerized or electronic forms of record-keeping. The PHA must comply with the financial reporting requirements in 24 CFR part 5, subpart H.

(b) The PHA must furnish to HUD accounts and other records, reports, documents and information, as required by HUD. For provisions on electronic transmission of required family data, see 24 CFR part 908.

(c) HUD and the Comptroller General of the United States shall have full and free access to all PHA offices and facilities, and to all accounts and other records of the PHA that are pertinent to administration of the program, including the right to examine or audit the records, and to make copies. The PHA must grant such access to computerized or other electronic records, and to any computers, equipment or facilities containing such records, and shall provide any information or assistance needed to access the records.

(d) The PHA must prepare a unit inspection report.

(e) During the term of each assisted lease, and for at least three years thereafter, the PHA must keep:

(1) A copy of the executed lease;

(2) The HAP contract; and

(3) The application from the family.

(f) The PHA must keep the following records for at least three years:

(1) Records that provide income, racial, ethnic, gender, and disability status data on program applicants and participants;

(2) An application from each ineligible family and notice that the applicant is not eligible;

(3) HUD-required reports;

(4) Unit inspection reports;

(5) Lead-based paint records as required by part 35, subpart B of this title.

(6) Accounts and other records supporting PHA budget and financial statements for the program;

(7) Records to document the basis for PHA determination that rent to owner is a reasonable rent (initially and during the term of a HAP contract); and

(8) Other records specified by HUD.

(Approved by the Office of Management and Budget under control number 2577–0169)

[60 FR 34695, July 3, 1995, as amended at 60 FR 45661, Sept. 1, 1995; 61 FR 27163, May 30, 1996; 63 FR 23860, Apr. 30, 1998; 63 FR 46593, Sept. 1, 1998; 64 FR 50229, Sept. 15, 1999; 80 FR 8246, Feb. 17, 2015]

§ 982.159 Audit requirements.

(a) The PHA must engage and pay an independent public accountant to conduct audits in accordance with HUD requirements.

(b) The PHA is subject to the audit requirements in 2 CFR part 200, subpart F.

(Approved by the Office of Management and Budget under control number 2577–0169)

[60 FR 34695, July 3, 1995, as amended at 60 FR 45661, Sept. 1, 1995; 80 FR 75943, Dec. 7, 2015]

§ 982.160 HUD determination to administer a local program.

If the Assistant Secretary for Public and Indian Housing determines that there is no PHA organized, or that there is no PHA able and willing to implement the provisions of this part for an area, HUD (or an entity acting on behalf of HUD) may enter into HAP contracts with owners and perform the functions otherwise assigned to PHAs under this part with respect to the area.

(Approved by the Office of Management and Budget under control number 2577–0169)

[60 FR 34695, July 3, 1995, as amended at 60 FR 45661, Sept. 1, 1995]

§ 982.161 Conflict of interest.

(a) Neither the PHA nor any of its contractors or subcontractors may enter into any contract or arrangement in connection with the HCV program in which any of the following classes of persons has any interest, direct or indirect, during tenure or for one year thereafter:

(1) Any present or former member or officer of the PHA (except a participant commissioner);

(2) Any employee of the PHA, or any contractor, subcontractor or agent of the PHA, who formulates policy or who influences decisions with respect to the programs;

(3) Any public official, member of a governing body, or State or local legislator, who exercises functions or responsibilities with respect to the programs; or

(4) Any member of the Congress of the United States.

(b) Any member of the classes described in paragraph (a) of this section must disclose their interest or prospective interest to the PHA and HUD.

(c) The conflict of interest prohibition under this section may be waived by the HUD field office for good cause.

[60 FR 34695, July 3, 1995, as amended at 80 FR 8246, Feb. 17, 2015]

§ 982.162 Use of HUD-required contracts and other forms.

(a) The PHA must use program contracts and other forms required by HUD headquarters, including:

(1) The consolidated ACC between HUD and the PHA;

(2) The HAP contract between the PHA and the owner; and

(3) The tenancy addendum required by HUD (which is included both in the HAP contract and in the lease between the owner and the tenant).

(b) Required program contracts and other forms must be word-for-word in the form required by HUD headquarters. Any additions to or modifications of required program contracts or other forms must be approved by HUD headquarters.

[60 FR 34695, July 3, 1995, as amended at 64 FR 26642, May 14, 1999]

§ 982.163 Fraud recoveries.

Under 24 CFR part 792, the PHA may retain a portion of program fraud losses that the PHA recovers from a family or owner by litigation, court-order or a repayment agreement.

[60 FR 34695, July 3, 1995; 60 FR 43840, Aug. 23, 1995]

Subpart E - Admission to Tenant-Based Program

§ 982.201 Eligibility and targeting.

(a) ***When applicant is eligible: General.*** The PHA may admit only eligible families to the program. To be eligible, an applicant must be a "family;" must be income-eligible in accordance with paragraph (b) of this section and 24 CFR part 5, subpart F; and must be a citizen or a noncitizen who has eligible immigration status as determined in accordance with 24 CFR part 5, subpart E. If the applicant is a victim of domestic violence, dating violence, sexual assault, or stalking, 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking) applies.

(b) ***Income*** —

(1) ***Income-eligibility.*** To be income-eligible, the applicant must be a family in any of the following categories:

(i) A "very low income" family;

(ii) A low-income family that is "continuously assisted" under the 1937 Housing Act;

(iii) A low-income family that meets additional eligibility criteria specified in the PHA administrative plan. Such additional PHA criteria must be consistent with the PHA plan and with the consolidated plans for local governments in the PHA jurisdiction;

(iv) A low-income family that qualifies for voucher assistance as a non-purchasing family residing in a HOPE 1 (HOPE for public housing homeownership) or HOPE 2 (HOPE for homeownership of multifamily units) project. (Section 8(o)(4)(D) of the 1937 Act (42 U.S.C. 1437f(o)(4)(D));

(v) A low-income or moderate-income family that is displaced as a result of the prepayment of the mortgage or voluntary termination of an insurance contract on eligible low-income housing as defined in § 248.101 of this title;

(vi) A low-income family that qualifies for voucher assistance as a non-purchasing family residing in a project subject to a resident homeownership program under § 248.173 of this title.

(2) ***Income-targeting.***

(i) Not less than 75 percent of the families admitted to a PHA's HCV program during the PHA fiscal year from the PHA waiting list shall be extremely low income families. Annual income of such families shall be verified within the period described in paragraph (e) of this section.

(ii) A PHA may admit a lower percent of extremely low income families during a PHA fiscal year (than otherwise required under paragraph (b)(2)(i) of this section) if HUD approves the use of such lower percent by the PHA, in accordance with the PHA plan, based on HUD's determination that the following circumstances necessitate use of such lower percent by the PHA:

(A) The PHA has opened its waiting list for a reasonable time for admission of extremely low income families residing in the same metropolitan statistical area (MSA) or non-metropolitan county, both inside and outside the PHA jurisdiction;

(B) The PHA has provided full public notice of such opening to such families, and has conducted outreach and marketing to such families, including outreach and marketing to extremely low income families on the Section 8 and public housing waiting lists of other PHAs with jurisdiction in the same MSA or non-metropolitan county;

(C) Notwithstanding such actions by the PHA (in accordance with paragraphs (b)(2)(ii)(A) and (B) of this section), there are not enough extremely low income families on the PHA's waiting list to fill available slots in the program during any fiscal year for which use of a lower percent is approved by HUD; and

(D) Admission of the additional very low income families other than extremely low income families to the PHA's tenant-based voucher program will substantially address worst case housing needs as determined by HUD.

(iii) If approved by HUD, the admission of a portion of very low income welfare-to-work (WTW) families that are not extremely low income families may be disregarded in determining compliance with the PHA's income-targeting obligations under paragraph (b)(2)(i) of this section. HUD will grant such approval only if and to the extent that the PHA has demonstrated to HUD's satisfaction that compliance with such targeting obligations with respect to such portion of WTW families would interfere with the objectives of the welfare-to-work voucher program. If HUD grants such approval, admission of that portion of WTW families is not counted in the base number of families admitted to a PHA's tenant-based voucher program during the fiscal year for purposes of income targeting.

(iv) Admission of families as described in paragraphs (b)(1)(ii) or (b)(1)(v) of this section is not subject to targeting under paragraph (b)(2)(i) of this section.

(v) If the jurisdictions of two or more PHAs that administer the HCV program cover an identical geographic area, such PHAs may elect to be treated as a single PHA for purposes of targeting under paragraph (b)(2)(i) of this section. In such a case, the PHAs shall cooperate to assure that aggregate admissions by such PHAs comply with the targeting requirement. If such PHAs do not have a single fiscal year, HUD will determine which PHA's fiscal year is used for this purpose.

(vi) If a family initially leases a unit outside the PHA jurisdiction under portability procedures at admission to the HCV program, such admission shall be counted against the targeting obligation of the initial PHA (unless the receiving PHA absorbs the portable family into the receiving PHA's HCV program from the point of admission).

(3) The annual income (gross income) of an applicant family is used both for determination of income-eligibility under paragraph (b)(1) of this section and for targeting under paragraph (b)(2)(i) of this section. In determining annual income of an applicant family that includes a person with disabilities, the determination must include the disallowance of increase in annual income as provided in 24 CFR 5.617, if applicable.

(4) The applicable income limit for issuance of a voucher when a family is selected for the program is the highest income limit (for the family size) for areas in the PHA jurisdiction. The applicable income limit for admission to the program is the income limit for the area where the family is initially assisted in the program. At admission, the family may only use the voucher to rent a unit in an area where the family is income eligible.

(c) ***Family composition.*** See definition of "family" in 24 CFR 5.403.

(d) ***Continuously assisted.***

(1) An applicant is continuously assisted under the 1937 Housing Act if the family is already receiving assistance under any 1937 Housing Act program when the family is admitted to the voucher program.

(2) The PHA must establish policies concerning whether and to what extent a brief interruption between assistance under one of these programs and admission to the voucher program will be considered to break continuity of assistance under the 1937 Housing Act.

(e) ***When PHA verifies that applicant is eligible.*** The PHA must receive information verifying that an applicant is eligible within the period of 60 days before the PHA issues a voucher to the applicant.

(f) ***Decision to deny assistance*** —

(1) ***Notice to applicant.*** The PHA must give an applicant prompt written notice of a decision denying admission to the program (including a decision that the applicant is not eligible, or denying assistance for other reasons). The notice must give a brief statement of the reasons for the decision. The notice must also state that the applicant may request an informal review of the decision, and state how to arrange for the informal review.

(2) For description of the grounds for denying assistance because of action or inaction by the applicant, see § 982.552(b) and (c) (requirement and authority to deny admission) and § 982.553(a) (crime by family members).

[59 FR 36682, July 18, 1994, as amended at 60 FR 34717, July 3, 1995; 61 FR 13627, Mar. 27, 1996; 64 FR 26642, May 14, 1999; 64 FR 49658, Sept. 14, 1999; 64 FR 56911, Oct. 21, 1999; 66 FR 6226, Jan. 19, 2001; 66 FR 8174, Jan. 30, 2001; 67 FR 6820, Feb. 13, 2002; 70 FR 77744, Dec. 30, 2005; 73 FR 72344, Nov. 28, 2008; 75 FR 66263, Oct. 27, 2010; 77 FR 5676, Feb. 3, 2012; 80 FR 8246, Feb. 17, 2015; 81 FR 80816, Nov. 16, 2016]

§ 982.202 How applicants are selected: General requirements.

(a) ***Waiting list admissions and special admissions.*** The PHA may admit an applicant for participation in the program either:

(1) As a special admission (see § 982.203).

(2) As a waiting list admission (see § 982.204 through § 982.210).

(b) ***Prohibited admission criteria*** —

(1) ***Where family lives.*** Admission to the program may not be based on where the family lives before admission to the program. However, the PHA may target assistance for families who live in public housing or other federally assisted housing, or may adopt a residency preference (see § 982.207).

(2) ***Where family will live.*** Admission to the program may not be based on where the family will live with assistance under the program.

(3) ***Family characteristics.*** The PHA preference system may provide a preference for admission of families with certain characteristics from the PHA waiting list. However, admission to the program may not be based on:

(i) Discrimination because members of the family are unwed parents, recipients of public assistance, or children born out of wedlock;

(ii) Discrimination because a family includes children (familial status discrimination);

(iii) Discrimination because of age, race, color, religion, sex, or national origin;

(iv) Discrimination because of disability; or

(v) Whether a family decides to participate in a family self-sufficiency program.

(c) ***Applicant status.*** An applicant does not have any right or entitlement to be listed on the PHA waiting list, to any particular position on the waiting list, or to admission to the programs. The preceding sentence does not affect or prejudice any right, independent of this rule, to bring a judicial action challenging an PHA violation of a constitutional or statutory requirement.

(d) ***Admission policy.*** The PHA must admit applicants for participation in accordance with HUD regulations and other requirements, including, but not limited to, 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking), and with PHA policies stated in the PHA administrative plan and the PHA plan. The PHA admission policy must state the system of admission preferences that the PHA uses to select applicants from the waiting list, including any residency preference or other local preference.

[59 FR 36682, July 18, 1994, as amended at 60 FR 34717, July 3, 1995; 61 FR 9048, Mar. 6, 1996; 61 FR 27163, May 30, 1996; 64 FR 26643, May 14, 1999; 65 FR 16821, Mar. 30, 2000; 73 FR 72344, Nov. 28, 2008; 75 FR 66263, Oct. 27, 2010; 81 FR 80816, Nov. 16, 2016]

§ 982.203 Special admission (non-waiting list): Assistance targeted by HUD.

(a) If HUD awards a PHA program funding that is targeted for families living in specified units:

(1) The PHA must use the assistance for the families living in these units.

(2) The PHA may admit a family that is not on the PHA waiting list, or without considering the family's waiting list position. The PHA must maintain records showing that the family was admitted with HUD-targeted assistance.

(b) The following are examples of types of program funding that may be targeted for a family living in a specified unit:

(1) A family displaced because of demolition or disposition of a public housing project;

(2) A family residing in a multifamily rental housing project when HUD sells, forecloses or demolishes the project;

(3) For housing covered by the Low Income Housing Preservation and Resident Homeownership Act of 1990 (41 U.S.C. 4101 *et seq.*):

(i) A non-purchasing family residing in a project subject to a homeownership program (under 24 CFR 248.173); or

(ii) A family displaced because of mortgage prepayment or voluntary termination of a mortgage insurance contract (as provided in 24 CFR 248.165);

(4) A family residing in a project covered by a project-based Section 8 HAP contract at or near the end of the HAP contract term; and

(5) A non-purchasing family residing in a HOPE 1 or HOPE 2 project.

[59 FR 36682, July 18, 1994, as amended at 64 FR 26643, May 14, 1999]

§ 982.204 Waiting list: Administration of waiting list.

(a) ***Admission from waiting list.*** Except for special admissions, participants must be selected from the PHA waiting list. The PHA must select participants from the waiting list in accordance with admission policies in the PHA administrative plan.

(b) ***Organization of waiting list.*** The PHA must maintain information that permits the PHA to select participants from the waiting list in accordance with the PHA admission policies. The waiting list must contain the following information for each applicant listed:

(1) Applicant name;

(2) Family unit size (number of bedrooms for which family qualifies under PHA occupancy standards);

(3) Date and time of application;

(4) Qualification for any local preference;

(5) Racial or ethnic designation of the head of household.

(c) ***Removing applicant names from the waiting list.***

(1) The PHA administrative plan must state PHA policy on when applicant names may be removed from the waiting list. The policy may provide that the PHA will remove names of applicants who do not respond to PHA requests for information or updates.

(2) An PHA decision to withdraw from the waiting list the name of an applicant family that includes a person with disabilities is subject to reasonable accommodation in accordance with 24 CFR part 8. If the applicant did not respond to the PHA request for information or updates because of the family member's disability, the PHA must reinstate the applicant in the family's former position on the waiting list.

(d) ***Family size.***

(1) The order of admission from the waiting list may not be based on family size, or on the family unit size for which the family qualifies under the PHA occupancy policy.

(2) If the PHA does not have sufficient funds to subsidize the family unit size of the family at the top of the waiting list, the PHA may not skip the top family to admit an applicant with a smaller family unit size. Instead, the family at the top of the waiting list will be admitted when sufficient funds are available.

(e) ***Funding for specified category of waiting list families.*** When HUD awards an PHA program funding for a specified category of families on the waiting list, the PHA must select applicant families in the specified category.

(f) ***Number of waiting lists.*** A PHA must use a single waiting list for admission to its Section 8 tenant-based assistance program. However, the PHA may use a separate single waiting list for such admissions for a county or municipality.

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[59 FR 36682, July 18, 1994, as amended at 60 FR 34717, July 3, 1995; 63 FR 23860, Apr. 30, 1998; 64 FR 26643, May 14, 1999; 65 FR 16821, Mar. 30, 2000]

§ 982.205 Waiting list: Different programs.

(a) ***Merger and cross-listing*** —

(1) ***Merged waiting list.*** A PHA may merge the waiting list for tenant-based assistance with the PHA waiting list for admission to another assisted housing program, including a federal or local program. In admission from the merged waiting list, admission for each federal program is subject to federal regulations and requirements for the particular program.

(2) ***Non-merged waiting list: Cross-listing.*** If the PHA decides not to merge the waiting list for tenant-based assistance with the waiting list for the PHA's public housing program, project-based voucher program or moderate rehabilitation program:

(i) If the PHA's waiting list for tenant-based assistance is open when an applicant is placed on the waiting list for the PHA's public housing program, project-based voucher program or moderate rehabilitation program, the PHA must offer to place the applicant on its waiting list for tenant-based assistance.

(ii) If the PHA's waiting list for its public housing program, project-based voucher program or moderate rehabilitation program is open when an applicant is placed on the waiting list for its tenant-based program, and if the other program includes units suitable for the applicant, the PHA must offer to place the applicant on its waiting list for the other program.

(b) ***Other housing assistance: Effect of application for, receipt or refusal.***

(1) For purposes of this section, "other housing subsidy" means a housing subsidy other than assistance under the voucher program. Housing subsidy includes subsidy assistance under a federal housing program (including public housing), a State housing program, or a local housing program.

(2) The PHA may not take any of the following actions because an applicant has applied for, received, or refused other housing assistance:

(i) Refuse to list the applicant on the PHA waiting list for tenant-based assistance;

(ii) Deny any admission preference for which the applicant is currently qualified;

(iii) Change the applicant's place on the waiting list based on preference, date and time of application, or other factors affecting selection under the PHA selection policy; or

(iv) Remove the applicant from the waiting list.

[59 FR 36682, July 18, 1994, as amended at 61 FR 27163, May 30, 1996; 63 FR 23860, Apr. 30, 1998; 64 FR 26643, May 14, 1999; 65 FR 16821, Mar. 30, 2000; 80 FR 8246, Feb. 17, 2015]

§ 982.206 Waiting list: Opening and closing; public notice.

(a) ***Public notice.***

(1) When the PHA opens a waiting list, the PHA must give public notice that families may apply for tenant-based assistance. The public notice must state where and when to apply.

(2) The PHA must give the public notice by publication in a local newspaper of general circulation, and also by minority media and other suitable means. The notice must comply with HUD fair housing requirements.

(3) The public notice must state any limitations on who may apply for available slots in the program.

(b) ***Criteria defining what families may apply.***

(1) The PHA may adopt criteria defining what families may apply for assistance under a public notice.

(2) If the waiting list is open, the PHA must accept applications from families for whom the list is open unless there is good cause for not accepting the application (such as denial of assistance because of action or inaction by members of the family) for the grounds stated in §§ 982.552 and 982.553.

(c) ***Closing waiting list.*** If the PHA determines that the existing waiting list contains an adequate pool for use of available program funding, the PHA may stop accepting new applications, or may accept only applications meeting criteria adopted by the PHA.

(Approved by the Office of Management and Budget under control number 2577–0169)

[59 FR 36682, July 18, 1994, as amended at 60 FR 34717, July 3, 1995; 60 FR 45661, Sept. 1, 1995; 63 FR 23860, Apr. 30, 1998; 64 FR 26643, May 14, 1999]

§ 982.207 Waiting list: Local preferences in admission to program.

(a) ***Establishment of PHA local preferences.***

(1) The PHA may establish a system of local preferences for selection of families admitted to the program. PHA selection preferences must be described in the PHA administrative plan.

(2) The PHA system of local preferences must be based on local housing needs and priorities, as determined by the PHA. In determining such needs and priorities, the PHA shall use generally accepted data sources. The PHA shall consider public comment on the proposed public housing agency plan (as received pursuant to § 903.17 of this chapter) and on the consolidated plan for the relevant jurisdiction (as received pursuant to part 91 of this title).

(3) The PHA may limit the number of applicants that may qualify for any local preference.

(4) The PHA shall not deny a local preference, nor otherwise exclude or penalize a family in admission to the program, solely because the family resides in a public housing project. The PHA may establish a preference for families residing in public housing who are victims of a crime of violence (as defined in 18 U.S.C. 16).

(b) ***Particular local preferences*** —

(1) ***Residency requirements or preferences.***

(i) Residency requirements are prohibited. Although a PHA is not prohibited from adopting a residency preference, the PHA may only adopt or implement residency preferences in accordance with non-discrimination and equal opportunity requirements listed at § 5.105(a) of this title.

(ii) A residency preference is a preference for admission of persons who reside in a specified geographic area ("residency preference area"). A county or municipality may be used as a residency preference area. An area smaller than a county or municipality may not be used as a residency preference area.

(iii) Any PHA residency preferences must be included in the statement of PHA policies that govern eligibility, selection and admission to the program, which is included in the PHA annual plan (or supporting documents) pursuant to part 903 of this title. Such policies must specify that use of a residency preference will not have the purpose or effect of delaying or otherwise denying admission to the program based on the race, color, ethnic origin, gender, religion, disability, or age of any member of an applicant family.

(iv) A residency preference must not be based on how long an applicant has resided or worked in a residency preference area.

(v) Applicants who are working or who have been notified that they are hired to work in a residency preference area must be treated as residents of the residency preference area. The PHA may treat graduates of, or active participants in, education and training programs in a residency preference area as residents of the residency preference area if the education or training program is designed to prepare individuals for the job market.

(2) ***Preference for working families.*** The PHA may adopt a preference for admission of working families (families where the head, spouse or sole member is employed). However, an applicant shall be given the benefit of the working family preference if the head and spouse, or sole member is age 62 or older, or is a person with disabilities.

(3) ***Preference for person with disabilities.*** The PHA may adopt a preference for admission of families that include a person with disabilities. However, the PHA may not adopt a preference for admission of persons with a specific disability.

(4) ***Preference for victims of domestic violence, dating violence, sexual assault, or stalking.*** The PHA should consider whether to adopt a local preference for admission of families that include victims of domestic violence, dating violence, sexual assault, or stalking.

(5) ***Preference for single persons who are elderly, displaced, homeless, or persons with disabilities.*** The PHA may adopt a preference for admission of single persons who are age 62 or older, displaced, homeless, or persons with disabilities over other single persons.

(c) ***Selection among families with preference.*** The PHA system of preferences may use either of the following to select among applicants on the waiting list with the same preference status:

(1) Date and time of application; or

(2) A drawing or other random choice technique.

(d) ***Preference for higher-income families.*** The PHA must not select families for admission to the program in an order different from the order on the waiting list for the purpose of selecting higher income families for admission to the program.

(e) ***Verification of selection method.*** The method for selecting applicants from a preference category must leave a clear audit trail that can be used to verify that each applicant has been selected in accordance with the method specified in the administrative plan.

[64 FR 26643, May 14, 1999, as amended at 64 FR 56912, Oct. 21, 1999; 65 FR 16821, Mar. 30, 2000; 81 FR 80816, Nov. 16, 2016]

Subpart F [Reserved]

Subpart G - Leasing a Unit

Source: 60 FR 34695, July 3, 1995, unless otherwise noted.

§ 982.301 Information when family is selected.

(a) ***PHA briefing of family.***

(1) When the PHA selects a family to participate in a tenant-based program, the PHA must give the family an oral briefing. The briefing must include information on the following subjects:

(i) A description of how the program works;

(ii) Family and owner responsibilities; and

(iii) Where the family may lease a unit, including renting a dwelling unit inside or outside the PHA jurisdiction, and any information on selecting a unit that HUD provides.

(2) An explanation of how portability works. The PHA may not discourage the family from choosing to live anywhere in the PHA jurisdiction, or outside the PHA jurisdiction under portability procedures, unless otherwise expressly authorized by statute, regulation, PIH Notice, or court order. The family

must be informed of how portability may affect the family's assistance through screening, subsidy standards, payment standards, and any other elements of the portability process which may affect the family's assistance.

(3) The briefing must also explain the advantages of areas that do not have a high concentration of low-income families.

(4) In briefing a family that includes any disabled person, the PHA must take appropriate steps to ensure effective communication in accordance with 24 CFR 8.6.

(5) In briefing a welfare-to-work family, the PHA must include specification of any local obligations of a welfare-to-work family and an explanation that failure to meet these obligations is grounds for PHA denial of admission or termination of assistance.

(b) ***Information packet.*** When a family is selected to participate in the program, the PHA must give the family a packet that includes information on the following subjects:

(1) The term of the voucher, voucher suspensions, and PHA policy on any extensions of the term. If the PHA allows extensions, the packet must explain how the family can request an extension;

(2) How the PHA determines the amount of the housing assistance payment for a family, including:

(i) How the PHA determines the payment standard for a family; and

(ii) How the PHA determines the total tenant payment for a family.

(3) How the PHA determines the maximum rent for an assisted unit;

(4) Where the family may lease a unit and an explanation of how portability works, including information on how portability may affect the family's assistance through screening, subsidy standards, payment standards, and any other elements of the portability process which may affect the family's assistance.

(5) The HUD-required “tenancy addendum” that must be included in the lease;

(6) The form that the family uses to request PHA approval of the assisted tenancy, and an explanation of how to request such approval;

(7) A statement of the PHA policy on providing information about a family to prospective owners;

(8) PHA subsidy standards, including when the PHA will consider granting exceptions to the standards;

(9) Materials (*e.g.*, brochures) on how to select a unit and any additional information on selecting a unit that HUD provides.

(10) Information on federal, State and local equal opportunity laws, and a copy of the housing discrimination complaint form;

(11) A list of landlords known to the PHA who may be willing to lease a unit to the family or other resources (*e.g.*, newspapers, organizations, online search tools) known to the PHA that may assist the family in locating a unit. PHAs must ensure that the list of landlords or other resources covers areas outside of poverty or minority concentration.

(12) Notice that if the family includes a disabled person, the family may request a current listing of accessible units known to the PHA that may be available;

(13) Family obligations under the program;

(14) Family obligations under the program, including any obligations of a welfare-to-work family.

(15) The advantages of areas that do not have a high concentration of low-income families.

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[60 FR 34695, July 3, 1995, as amended at 60 FR 45661, Sept. 1, 1995; 61 FR 27163, May 30, 1996; 64 FR 26644, May 14, 1999; 64 FR 50229, Sept. 15, 1999; 64 FR 56912, Oct. 21, 1999; 80 FR 50572, Aug. 20, 2015; 80 FR 52619, Sept. 1, 2015]

§ 982.302 Issuance of voucher; Requesting PHA approval of assisted tenancy.

(a) When a family is selected, or when a participant family wants to move to another unit, the PHA issues a voucher to the family. The family may search for a unit.

(b) If the family finds a unit, and the owner is willing to lease the unit under the program, the family may request PHA approval of the tenancy. The PHA has the discretion whether to permit the family to submit more than one request at a time.

(c) The family must submit to the PHA a request for approval of the tenancy and a copy of the lease, including the HUD-prescribed tenancy addendum. The request must be submitted during the term of the voucher.

(d) The PHA specifies the procedure for requesting approval of the tenancy. The family must submit the request for approval of the tenancy in the form and manner required by the PHA.

[64 FR 26644, May 14, 1999]

§ 982.303 Term of voucher.

(a) ***Initial term.*** The initial term of a voucher must be at least 60 calendar days. The initial term must be stated on the voucher.

(b) ***Extensions of term.***

(1) At its discretion, the PHA may grant a family one or more extensions of the initial voucher term in accordance with PHA policy as described in the PHA administrative plan. Any extension of the term is granted by PHA notice to the family.

(2) If the family needs and requests an extension of the initial voucher term as a reasonable accommodation, in accordance with part 8 of this title, to make the program accessible to a family member who is a person with disabilities, the PHA must extend the voucher term up to the term reasonably required for that purpose.

(c) ***Suspension of term.*** The PHA must provide for suspension of the initial or any extended term of the voucher from the date that the family submits a request for PHA approval of the tenancy until the date the PHA notifies the family in writing whether the request has been approved or denied.

(d) ***Progress report by family to the PHA.*** During the initial or any extended term of a voucher, the PHA may require the family to report progress in leasing a unit. Such reports may be required at such intervals or times as determined by the PHA.

(Approved by the Office of Management and Budget under control number 2577–0169)

[60 FR 34695, July 3, 1995, as amended at 60 FR 45661, Sept. 1, 1995; 63 FR 23860, Apr. 30, 1998; 64 FR 26644, May 14, 1999; 64 FR 56913, Oct. 21, 1999; 80 FR 50573, Aug. 20, 2015]

§ 982.304 Illegal discrimination: PHA assistance to family.

A family may claim that illegal discrimination because of race, color, religion, sex, national origin, age, familial status or disability prevents the family from finding or leasing a suitable unit with assistance under the program. The PHA must give the family information on how to fill out and file a housing discrimination complaint.

(Approved by the Office of Management and Budget under control number 2577–0169)

[60 FR 34695, July 3, 1995, as amended at 60 FR 45661, Sept. 1, 1995]

§ 982.305 PHA approval of assisted tenancy.

(a) ***Program requirements.*** The PHA may not give approval for the family of the assisted tenancy, or execute a HAP contract, until the PHA has determined that all the following meet program requirements:

(1) The unit is eligible;

(2) The unit has been inspected by the PHA and passes HQS;

(3) The lease includes the tenancy addendum;

(4) The rent to owner is reasonable; and

(5) At the time a family initially receives tenant-based assistance for occupancy of a dwelling unit, and where the gross rent of the unit exceeds the applicable payment standard for the family, the family share does not exceed 40 percent of the family's monthly adjusted income.

(b) ***Actions before lease term.***

(1) All of the following must always be completed before the beginning of the initial term of the lease for a unit:

(i) The PHA has inspected the unit and has determined that the unit satisfies the HQS;

(ii) The landlord and the tenant have executed the lease (including the HUD-prescribed tenancy addendum, and the lead-based paint disclosure information as required in § 35.92(b) of this title); and

(iii) The PHA has approved leasing of the unit in accordance with program requirements.

(2)

(i) The PHA must inspect the unit, determine whether the unit satisfies the HQS, and notify the family and owner of the determination:

(A) In the case of a PHA with up to 1250 budgeted units in its tenant-based program, within fifteen days after the family and the owner submit a request for approval of the tenancy.

(B) In the case of a PHA with more than 1250 budgeted units in its tenant-based program, within a reasonable time after the family submits a request for approval of the tenancy. To the extent practicable, such inspection and determination must be completed within fifteen days after the family and the owner submit a request for approval of the tenancy.

(ii) The fifteen day clock (under paragraph (b)(2)(i)(A) or paragraph (b)(2)(i)(B) of this section) is suspended during any period when the unit is not available for inspection.

(3) In the case of a unit subject to a lease-purchase agreement, the PHA must provide written notice to the family of the environmental requirements that must be met before commencing homeownership assistance for the family (see § 982.626(c)).

(c) ***When HAP contract is executed.***

(1) The PHA must use best efforts to execute the HAP contract before the beginning of the lease term. The HAP contract must be executed no later than 60 calendar days from the beginning of the lease term.

(2) The PHA may not pay any housing assistance payment to the owner until the HAP contract has been executed.

(3) If the HAP contract is executed during the period of 60 calendar days from the beginning of the lease term, the PHA will pay housing assistance payments after execution of the HAP contract (in accordance with the terms of the HAP contract), to cover the portion of the lease term before execution of the HAP contract (a maximum of 60 days).

(4) Any HAP contract executed after the 60 day period is void, and the PHA may not pay any housing assistance payment to the owner.

(d) ***Notice to family and owner.*** After receiving the family's request for approval of the assisted tenancy, the PHA must promptly notify the family and owner whether the assisted tenancy is approved.

(e) ***Procedure after PHA approval.*** If the PHA has given approval for the family of the assisted tenancy, the owner and the PHA execute the HAP contract.

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[60 FR 34695, July 3, 1995, as amended at 60 FR 45661, Sept. 1, 1995; 64 FR 26644, May 14, 1999; 64 FR 56913, Oct. 21, 1999; 64 FR 59622, Nov. 3, 1999; 65 FR 16818, Mar. 30, 2000; 65 FR 55161, Sept. 12, 2000; 69 FR 34276, June 21, 2004; 80 FR 8246, Feb. 17, 2015]

§ 982.306 PHA disapproval of owner.

(a) The PHA must not approve an assisted tenancy if the PHA has been informed (by HUD or otherwise) that the owner is debarred, suspended, or subject to a limited denial of participation under 2 CFR part 2424.

(b) When directed by HUD, the PHA must not approve an assisted tenancy if:

(1) The federal government has instituted an administrative or judicial action against the owner for violation of the Fair Housing Act or other federal equal opportunity requirements, and such action is pending; or

(2) A court or administrative agency has determined that the owner violated the Fair Housing Act or other federal equal opportunity requirements.

(c) In its administrative discretion, the PHA may deny approval of an assisted tenancy for any of the following reasons:

(1) The owner has violated obligations under a HAP contract under Section 8 of the 1937 Act (42 U.S.C. 1437f);

(2) The owner has committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing program;

(3) The owner has engaged in any drug-related criminal activity or any violent criminal activity;

(4) The owner has a history or practice of non-compliance with the HQS for units leased under the tenant-based programs, or with applicable housing standards for units leased with project-based Section 8 assistance or leased under any other federal housing program;

(5) The owner has a history or practice of failing to terminate tenancy of tenants of units assisted under Section 8 or any other federally assisted housing program for activity engaged in by the tenant, any member of the household, a guest or another person under the control of any member of the household that:

(i) Threatens the right to peaceful enjoyment of the premises by other residents;

(ii) Threatens the health or safety of other residents, of employees of the PHA, or of owner employees or other persons engaged in management of the housing;

(iii) Threatens the health or safety of, or the right to peaceful enjoyment of their residences, by persons residing in the immediate vicinity of the premises; or

(iv) Is drug-related criminal activity or violent criminal activity; or

(6) The owner has a history or practice of renting units that fail to meet State or local housing codes; or

(7) The owner has not paid State or local real estate taxes, fines or assessments.

(d) The PHA must not approve a unit if the owner is the parent, child, grandparent, grandchild, sister, or brother of any member of the family, unless the PHA determines that approving the unit would provide reasonable accommodation for a family member who is a person with disabilities. This restriction against PHA approval of a unit only applies at the time a family initially receives tenant-based assistance for occupancy of a particular unit, but does not apply to PHA approval of a new tenancy with continued tenant-based assistance in the same unit.

(e) Nothing in this rule is intended to give any owner any right to participate in the program.

(f) For purposes of this section, “owner” includes a principal or other interested party.

[60 FR 34695, July 3, 1995, as amended at 63 FR 27437, May 18, 1998; 64 FR 26644, May 14, 1999; 64 FR 56913, Oct. 21, 1999; 65 FR 16821, Mar. 30, 2000; 72 FR 73496, Dec. 27, 2007]

§ 982.307 Tenant screening.

(a) ***PHA option and owner responsibility.***

(1) The PHA has no liability or responsibility to the owner or other persons for the family's behavior or suitability for tenancy. However, the PHA may opt to screen applicants for family behavior or suitability for tenancy. The PHA must conduct any such screening of applicants in accordance with policies stated in the PHA administrative plan.

(2) The owner is responsible for screening and selection of the family to occupy the owner's unit. At or before PHA approval of the tenancy, the PHA must inform the owner that screening and selection for tenancy is the responsibility of the owner.

(3) The owner is responsible for screening of families on the basis of their tenancy histories. An owner may consider a family's background with respect to such factors as:

(i) Payment of rent and utility bills;

(ii) Caring for a unit and premises;

(iii) Respecting the rights of other residents to the peaceful enjoyment of their housing;

(iv) Drug-related criminal activity or other criminal activity that is a threat to the health, safety or property of others; and

(v) Compliance with other essential conditions of tenancy.

(b) ***PHA information about tenant.***

(1) The PHA must give the owner:

(i) The family's current and prior address (as shown in the PHA records); and

(ii) The name and address (if known to the PHA) of the landlord at the family's current and prior address.

(2) When a family wants to lease a dwelling unit, the PHA may offer the owner other information in the PHA possession, about the family, including information about the tenancy history of family members, or about drug-trafficking by family members.

(3) The PHA must give the family a statement of the PHA policy on providing information to owners. The statement must be included in the information packet that is given to a family selected to participate in the program. The PHA policy must provide that the PHA will give the same types of information to all families and to all owners.

(4) In cases involving a victim of domestic violence, dating violence, sexual assault, or stalking, 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking) applies.

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[60 FR 34695, July 3, 1995, as amended at 60 FR 45661, Sept. 1, 1995; 61 FR 27163, May 30, 1996; 64 FR 26645, May 14, 1999; 64 FR 49658, Sept. 14, 1999; 73 FR 72344, Nov. 28, 2008; 75 FR 66263, Oct. 27, 2010; 81 FR 80816, Nov. 16, 2016]

§ 982.308 Lease and tenancy.

(a) ***Tenant's legal capacity.*** The tenant must have legal capacity to enter a lease under State and local law. "Legal capacity" means that the tenant is bound by the terms of the lease and may enforce the terms of the lease against the owner.

(b) ***Form of lease.***

(1) The tenant and the owner must enter a written lease for the unit. The lease must be executed by the owner and the tenant.

(2) If the owner uses a standard lease form for rental to unassisted tenants in the locality or the premises, the lease must be in such standard form (plus the HUD-prescribed tenancy addendum). If the owner does not use a standard lease form for rental to unassisted tenants, the owner may use another form of lease, such as a PHA model lease (including the HUD-prescribed tenancy addendum). The HAP contract prescribed by HUD will contain the owner's certification that if the owner uses a standard lease form for rental to unassisted tenants, the lease is in such standard form.

(c) ***State and local law.*** The PHA may review the lease to determine if the lease complies with State and local law. The PHA may decline to approve the tenancy if the PHA determines that the lease does not comply with State or local law.

(d) ***Required information.*** The lease must specify all of the following:

(1) The names of the owner and the tenant;

(2) The unit rented (address, apartment number, and any other information needed to identify the contract unit);

(3) The term of the lease (initial term and any provisions for renewal);

(4) The amount of the monthly rent to owner; and

(5) A specification of what utilities and appliances are to be supplied by the owner, and what utilities and appliances are to be supplied by the family.

(e) ***Reasonable rent.*** The rent to owner must be reasonable (see § 982.507).

(f) ***Tenancy addendum.***

(1) The HAP contract form required by HUD shall include an addendum (the “tenancy addendum”), that sets forth:

(i) The tenancy requirements for the program (in accordance with this section and §§ 982.309 and 982.310); and

(ii) The composition of the household as approved by the PHA (family members and any PHA-approved live-in aide).

(2) All provisions in the HUD-required tenancy addendum must be added word-for-word to the owner's standard form lease that is used by the owner for unassisted tenants. The tenant shall have the right to enforce the tenancy addendum against the owner, and the terms of the tenancy addendum shall prevail over any other provisions of the lease.

(g) ***Changes in lease or rent.***

(1) If the tenant and the owner agree to any changes in the lease, such changes must be in writing, and the owner must immediately give the PHA a copy of such changes. The lease, including any changes, must be in accordance with the requirements of this section.

(2) In the following cases, tenant-based assistance shall not be continued unless the PHA has approved a new tenancy in accordance with program requirements and has executed a new HAP contract with the owner:

(i) If there are any changes in lease requirements governing tenant or owner responsibilities for utilities or appliances;

(ii) If there are any changes in lease provisions governing the term of the lease;

(iii) If the family moves to a new unit, even if the unit is in the same building or complex.

(3) PHA approval of the tenancy, and execution of a new HAP contract, are not required for changes in the lease other than as specified in paragraph (g)(2) of this section.

(4) The owner must notify the PHA of any changes in the amount of the rent to owner at least sixty days before any such changes go into effect, and any such changes shall be subject to rent reasonableness requirements (see § 982.503).

[64 FR 26645, May 14, 1999, as amended at 64 FR 56913, Oct. 21, 1999]

§ 982.309 Term of assisted tenancy.

(a) ***Initial term of lease.***

(1) Except as provided in paragraph (a)(2) of this section, the initial lease term must be for at least one year.

(2) The PHA may approve a shorter initial lease term if the PHA determines that:

(i) Such shorter term would improve housing opportunities for the tenant; and

(ii) Such shorter term is the prevailing local market practice.

(3) During the initial term of the lease, the owner may not raise the rent to owner.

(4) The PHA may execute the HAP contract even if there is less than one year remaining from the beginning of the initial lease term to the end of the last expiring funding increment under the consolidated ACC.

(b) ***Term of HAP contract.***

(1) The term of the HAP contract begins on the first day of the lease term and ends on the last day of the lease term.

(2) The HAP contract terminates if any of the following occurs:

(i) The lease is terminated by the owner or the tenant;

(ii) The PHA terminates the HAP contract; or

(iii) The PHA terminates assistance for the family.

(c) ***Family responsibility.***

(1) If the family terminates the lease on notice to the owner, the family must give the PHA a copy of the notice of termination at the same time. Failure to do this is a breach of family obligations under the program.

(2) The family must notify the PHA and the owner before the family moves out of the unit. Failure to do this is a breach of family obligations under the program.

[64 FR 26645, May 14, 1999]

§ 982.310 Owner termination of tenancy.

(a) ***Grounds.*** During the term of the lease, the owner may not terminate the tenancy except on the following grounds:

(1) Serious violation (including but not limited to failure to pay rent or other amounts due under the lease) or repeated violation of the terms and conditions of the lease;

(2) Violation of federal, State, or local law that imposes obligations on the tenant in connection with the occupancy or use of the premises; or

(3) Other good cause.

(b) ***Nonpayment by PHA: Not grounds for termination of tenancy.***

(1) The family is not responsible for payment of the portion of the rent to owner covered by the housing assistance payment under the HAP contract between the owner and the PHA.

(2) The PHA failure to pay the housing assistance payment to the owner is not a violation of the lease between the tenant and the owner. During the term of the lease the owner may not terminate the tenancy of the family for nonpayment of the PHA housing assistance payment.

(c) ***Criminal activity*** —

(1) ***Evicting drug criminals due to drug crime on or near the premises.*** The lease must provide that drug-related criminal activity engaged in, on or near the premises by any tenant, household member, or guest, or such activity engaged in on the premises by any other person under the tenant's control, is grounds for the owner to terminate tenancy. In addition, the lease must provide that the owner may evict a family when the owner determines that a household member is illegally using a drug or when the owner determines that a pattern of illegal use of a drug interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.

(2) ***Evicting other criminals.***

(i) ***Threat to other residents.*** The lease must provide that the owner may terminate tenancy for any of the following types of criminal activity by a covered person:

(A) Any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents (including property management staff residing on the premises);

(B) Any criminal activity that threatens the health, safety, or right to peaceful enjoyment of their residences by persons residing in the immediate vicinity of the premises; or

(C) Any violent criminal activity on or near the premises by a tenant, household member, or guest, or any such activity on the premises by any other person under the tenant's control.

(ii) ***Fugitive felon or parole violator.*** The lease must provide that the owner may terminate the tenancy if a tenant is:

(A) Fleeing to avoid prosecution, or custody or confinement after conviction, for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees, or that, in the case of the State of New Jersey, is a high misdemeanor; or

(B) Violating a condition of probation or parole imposed under Federal or State law.

(3) ***Evidence of criminal activity.*** The owner may terminate tenancy and evict by judicial action a family for criminal activity by a covered person in accordance with this section if the owner determines that the covered person has engaged in the criminal activity, regardless of whether the covered person has been arrested or convicted for such activity and without satisfying the standard of proof used for a criminal conviction. (See part 5, subpart J, of this title for provisions concerning access to criminal records.)

(d) ***Other good cause.***

(1) "Other good cause" for termination of tenancy by the owner may include, but is not limited to, any of the following examples:

(i) Failure by the family to accept the offer of a new lease or revision;

(ii) A family history of disturbance of neighbors or destruction of property, or of living or housekeeping habits resulting in damage to the unit or premises;

(iii) The owner's desire to use the unit for personal or family use, or for a purpose other than as a residential rental unit; or

(iv) A business or economic reason for termination of the tenancy (such as sale of the property, renovation of the unit, or desire to lease the unit at a higher rental).

(2) During the initial lease term, the owner may not terminate the tenancy for "other good cause", unless the owner is terminating the tenancy because of something the family did or failed to do. For example, during this period, the owner may not terminate the tenancy for "other good cause" based on any of the following grounds: failure by the family to accept the offer of a new lease or revision; the owner's desire to use the unit for personal or family use, or for a purpose other than as a residential rental unit; or a business or economic reason for termination of the tenancy (see paragraph (d)(1)(iv) of this section).

(e) ***Owner notice*** —

(1) ***Notice of grounds.***

(i) The owner must give the tenant a written notice that specifies the grounds for termination of tenancy during the term of the lease. The tenancy does not terminate before the owner has given this notice, and the notice must be given at or before commencement of the eviction action.

(ii) The notice of grounds may be included in, or may be combined with, any owner eviction notice to the tenant.

(2) ***Eviction notice.***

(i) Owner eviction notice means a notice to vacate, or a complaint or other initial pleading used under State or local law to commence an eviction action.

(ii) The owner must give the PHA a copy of any owner eviction notice to the tenant.

(f) ***Eviction by court action.*** The owner may only evict the tenant from the unit by instituting a court action.

(g) ***Regulations not applicable.*** 24 CFR part 247 (concerning evictions from certain subsidized and HUD-owned projects) does not apply to a tenancy assisted under this part 982.

(h) ***Termination of tenancy decisions*** —

(1) ***General.*** If the law and regulation permit the owner to take an action but do not require action to be taken, the owner may take or not take the action in accordance with the owner's standards for eviction. The owner may consider all of the circumstances relevant to a particular eviction case, such as:

(i) The seriousness of the offending action;

(ii) The effect on the community of denial or termination or the failure of the owner to take such action;

(iii) The extent of participation by the leaseholder in the offending action;

(iv) The effect of denial of admission or termination of tenancy on household members not involved in the offending activity;

(v) The demand for assisted housing by families who will adhere to lease responsibilities;

(vi) The extent to which the leaseholder has shown personal responsibility and taken all reasonable steps to prevent or mitigate the offending action;

(vii) The effect of the owner's action on the integrity of the program.

(2) ***Exclusion of culpable household member.*** The owner may require a tenant to exclude a household member in order to continue to reside in the assisted unit, where that household member has participated in or been culpable for action or failure to act that warrants termination.

(3) ***Consideration of rehabilitation.*** In determining whether to terminate tenancy for illegal use of drugs or alcohol abuse by a household member who is no longer engaged in such behavior, the owner may consider whether such household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program, or has otherwise been rehabilitated successfully (42 U.S.C. 13661). For this purpose, the owner may require the tenant to submit evidence of the household member's current participation in, or successful completion of, a supervised drug or alcohol rehabilitation program or evidence of otherwise having been rehabilitated successfully.

(4) ***Nondiscrimination limitation and protection for victims of domestic violence, dating violence, sexual assault, or stalking.*** The owner's termination of tenancy actions must be consistent with the fair housing and equal opportunity provisions of 24 CFR 5.105, and with the provisions for protection of victims of domestic violence, dating violence, sexual assault, or stalking in 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking).

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§ 982.311 When assistance is paid.

(a) ***Payments under HAP contract.*** Housing assistance payments are paid to the owner in accordance with the terms of the HAP contract. Housing assistance payments may only be paid to the owner during the lease term, and while the family is residing in the unit.

(b) ***Termination of payment: When owner terminates the lease.*** Housing assistance payments terminate when the lease is terminated by the owner in accordance with the lease. However, if the owner has commenced the process to evict the tenant, and if the family continues to reside in the unit, the PHA must continue to make housing assistance payments to the owner in accordance with the HAP contract until the owner has obtained a court judgment or other process allowing the owner to evict the tenant. The PHA may continue such payments until the family moves from or is evicted from the unit.

(c) ***Termination of payment: Other reasons for termination.*** Housing assistance payments terminate if:

(1) The lease terminates;

(2) The HAP contract terminates; or

(3) The PHA terminates assistance for the family.

(d) ***Family move-out.***

(1) If the family moves out of the unit, the PHA may not make any housing assistance payment to the owner for any month after the month when the family moves out. The owner may keep the housing assistance payment for the month when the family moves out of the unit.

(2) If a participant family moves from an assisted unit with continued tenant-based assistance, the term of the assisted lease for the new assisted unit may begin during the month the family moves out of the first assisted unit. Overlap of the last housing assistance payment (for the month when the family moves out of the old unit) and the first assistance payment for the new unit, is not considered to constitute a duplicative housing subsidy.

[60 FR 34695, July 3, 1995, as amended at 80 FR 8246, Feb. 17, 2015]

§ 982.312 Absence from unit.

(a) The family may be absent from the unit for brief periods. For longer absences, the PHA administrative plan establishes the PHA policy on how long the family may be absent from the assisted unit. However, the family may not be absent from the unit for a period of more than 180 consecutive calendar days in any circumstance, or for any reason. At its discretion, the PHA may allow absence for a lesser period in accordance with PHA policy.

(b) Housing assistance payments terminate if the family is absent for longer than the maximum period permitted. The term of the HAP contract and assisted lease also terminate.

(The owner must reimburse the PHA for any housing assistance payment for the period after the termination.)

(c) Absence means that no member of the family is residing in the unit.

(d)

(1) The family must supply any information or certification requested by the PHA to verify that the family is residing in the unit, or relating to family absence from the unit. The family must cooperate with the PHA for this purpose. The family must promptly notify the PHA of absence from the unit, including any information requested on the purposes of family absences.

(2) The PHA may adopt appropriate techniques to verify family occupancy or absence, including letters to the family at the unit, phone calls, visits or questions to the landlord or neighbors.

(e) The PHA administrative plan must state the PHA policies on family absence from the dwelling unit. The PHA absence policy includes:

(1) How the PHA determines whether or when the family may be absent, and for how long. For example, the PHA may establish policies on absences because of vacation, hospitalization or imprisonment; and

(2) Any provision for resumption of assistance after an absence, including readmission or resumption of assistance to the family.

§ 982.313 Security deposit: Amounts owed by tenant.

(a) The owner may collect a security deposit from the tenant.

(b) The PHA may prohibit security deposits in excess of private market practice, or in excess of amounts charged by the owner to unassisted tenants.

(c) When the tenant moves out of the dwelling unit, the owner, subject to State or local law, may use the security deposit, including any interest on the deposit, in accordance with the lease, as reimbursement for any unpaid rent payable by the tenant, damages to the unit or for other amounts the tenant owes under the lease.

(d) The owner must give the tenant a written list of all items charged against the security deposit, and the amount of each item. After deducting the amount, if any, used to reimburse the owner, the owner must refund promptly the full amount of the unused balance to the tenant.

(e) If the security deposit is not sufficient to cover amounts the tenant owes under the lease, the owner may seek to collect the balance from the tenant.

§ 982.315 Family break-up.

(a)

(1) The PHA has discretion to determine which members of an assisted family continue to receive assistance in the program if the family breaks up. The PHA administrative plan must state PHA policies on how to decide who remains in the program if the family breaks up.

(2) If the family break-up results from an occurrence of domestic violence, dating violence, sexual assault, or stalking as provided in 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking), the PHA must ensure that the victim retains assistance.

(b) The factors to be considered in making this decision under the PHA policy may include:

(1) Whether the assistance should remain with family members remaining in the original assisted unit.

(2) The interest of minor children or of ill, elderly, or disabled family members.

(3) Whether family members are forced to leave the unit as a result of actual or threatened domestic violence, dating violence, sexual assault, or stalking.

(4) Whether any of the family members are receiving protection as victims of domestic violence, dating violence, sexual assault, or stalking, as provided in 24 CFR part 5, subpart L, and whether the abuser is still in the household.

(5) Other factors specified by the PHA.

(c) If a court determines the disposition of property between members of the assisted family in a divorce or separation under a settlement or judicial decree, the PHA is bound by the court's determination of which family members continue to receive assistance in the program.

[60 FR 34695, July 3, 1995, as amended at 75 FR 66264, Oct. 27, 2010; 80 FR 8246, Feb. 17, 2015; 81 FR 80816, Nov. 16, 2016]

§ 982.316 Live-in aide.

(a) A family that consists of one or more elderly, near-elderly or disabled persons may request that the PHA approve a live-in aide to reside in the unit and provide necessary supportive services for a family member who is a person with disabilities. The PHA must approve a live-in aide if needed as a reasonable accommodation in accordance with 24 CFR part 8 to make the program accessible to and usable by the family member with a disability. (See § 982.402(b)(6) concerning effect of live-in aide on family unit size.)

(b) At any time, the PHA may refuse to approve a particular person as a live-in aide, or may withdraw such approval, if:

(1) The person commits fraud, bribery or any other corrupt or criminal act in connection with any federal housing program;

(2) The person commits drug-related criminal activity or violent criminal activity; or

(3) The person currently owes rent or other amounts to the PHA or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act.

[63 FR 23860, Apr. 30, 1998; 63 FR 31625, June 10, 1998]

§ 982.317 Lease-purchase agreements.

(a) A family leasing a unit with assistance under the program may enter into an agreement with an owner to purchase the unit. So long as the family is receiving such rental assistance, all requirements applicable to families otherwise leasing units under the tenant-based program apply. Any homeownership premium (e.g., increment of value attributable to the value of the lease-purchase right or agreement such as an extra monthly payment to accumulate a downpayment or reduce the purchase price) included in the rent to the owner that would result in a higher subsidy amount than would otherwise be paid by the PHA must be absorbed by the family.

(b) In determining whether the rent to owner for a unit subject to a lease-purchase agreement is a reasonable amount in accordance with § 982.503, any homeownership premium paid by the family to the owner must be excluded when the PHA determines rent reasonableness.

[65 FR 55162, Sept. 12, 2000]

Subpart H - Where Family Can Live and Move

Source: 60 FR 34695, July 3, 1995, unless otherwise noted.

§ 982.351 Overview.

This subpart describes what kind of housing is eligible for leasing, and the areas where a family can live with tenant-based assistance. The subpart covers:

(a) Assistance for a family that rents a dwelling unit in the jurisdiction of the PHA that originally selected the family for tenant-based assistance.

(b) "Portability" assistance for a family PHA rents a unit outside the jurisdiction of the initial PHA.

§ 982.352 Eligible housing.

(a) ***Ineligible housing.*** The following types of housing may not be assisted by a PHA in the tenant-based programs:

(1) A public housing or Indian housing unit;

(2) A unit receiving project-based assistance under section 8 of the 1937 Act (42 U.S.C. 1437f);

(3) Nursing homes, board and care homes, or facilities providing continual psychiatric, medical, or nursing services;

(4) College or other school dormitories;

(5) Units on the grounds of penal, reformatory, medical, mental, and similar public or private institutions;

(6) A unit occupied by its owner or by a person with any interest in the unit.

(7) For provisions on PHA disapproval of an owner, see § 982.306.

(b) ***PHA-owned housing.***

(1) A unit that is owned by the PHA that administers the assistance under the consolidated ACC (including a unit owned by an entity substantially controlled by the PHA) may only be assisted under the tenant-based program if all the following conditions are satisfied:

(i) The PHA must inform the family, both orally and in writing, that the family has the right to select any eligible unit available for lease, and a PHA-owned unit is freely selected by the family, without PHA pressure or steering.

(ii) The unit is not ineligible housing.

(iii) During assisted occupancy, the family may not benefit from any form of housing subsidy that is prohibited under paragraph (c) of this section.

(iv)

(A) The PHA must obtain the services of an independent entity to perform the following PHA functions as required under the program rule:

(*1*) To determine rent reasonableness in accordance with § 982.507. The independent agency shall communicate the rent reasonableness determination to the family and the PHA.

(*2*) To assist the family negotiate the rent to owner in accordance with § 982.506.

(*3*) To inspect the unit for compliance with the HQS in accordance with § 982.305(a) and § 982.405 (except that § 982.405(e) is not applicable). The independent agency shall communicate the results of each such inspection to the family and the PHA.

(B) The independent agency used to perform these functions must be approved by HUD. The independent agency may be the unit of general local government for the PHA jurisdiction (unless the PHA is itself the unit of general local government or an agency of such government), or may be another HUD-approved independent agency.

(C) The PHA may compensate the independent agency from PHA ongoing administrative fee income for the services performed by the independent agency. The PHA may not use other program receipts to compensate the independent agency for such services. The PHA and the independent agency may not charge the family any fee or charge for the services provided by the independent agency.

(c) ***Prohibition against other housing subsidy.*** A family may not receive the benefit of tenant-based assistance while receiving the benefit of any of the following forms of other housing subsidy, for the same unit or for a different unit:

(1) Public or Indian housing assistance;

(2) Other Section 8 assistance (including other tenant-based assistance);

(3) Assistance under former Section 23 of the United States Housing Act of 1937 (before amendment by the Housing and Community Development Act of 1974);

(4) Section 101 rent supplements;

(5) Section 236 rental assistance payments;

(6) Tenant-based assistance under the HOME Program;

(7) Rental assistance payments under Section 521 of the Housing Act of 1949 (a program of the Rural Development Administration);

(8) Any local or State rent subsidy;

(9) Section 202 supportive housing for the elderly;

(10) Section 811 supportive housing for persons with disabilities;

(11) Section 202 projects for non-elderly persons with disabilities (Section 162 assistance); or

(12) Any other duplicative federal, State, or local housing subsidy, as determined by HUD. For this purpose, “housing subsidy” does not include the housing component of a welfare payment, a social security payment received by the family, or a rent reduction because of a tax credit.

(Approved by the Office of Management and Budget under control number 2577–0169)

[60 FR 34695, July 3, 1995, as amended at 60 FR 45661, Sept. 1, 1995; 63 FR 23860, Apr. 30, 1998; 64 FR 13057, Mar. 16, 1999; 64 FR 26645, May 14, 1999; 65 FR 55162, Sept. 12, 2000]

§ 982.353 Where family can lease a unit with tenant-based assistance.

(a) ***Assistance in the initial PHA jurisdiction.*** The family may receive tenant-based assistance to lease a unit located anywhere in the jurisdiction (as determined by State and local law) of the initial PHA. HUD may nevertheless restrict the family's right to lease such a unit anywhere in such jurisdiction if HUD determines that limitations on a family's opportunity to select among available units in that jurisdiction are appropriate to achieve desegregation goals in accordance with obligations generated by a court order or consent decree.

(b) ***Portability: Assistance outside the initial PHA jurisdiction.*** Subject to paragraph (c) of this section, and to § 982.552 and § 982.553, a voucher-holder or participant family has the right to receive tenant-based voucher assistance, in accordance with requirements of this part, to lease a unit outside the initial PHA jurisdiction, anywhere in the United States, in the jurisdiction of a PHA with a tenant-based program under this part. The initial PHA must not provide such portable assistance for a participant if the family has moved out of the assisted unit in violation of the lease except as provided for in this subsection. If the family moves out in violation of the lease in order to protect the health or safety of a person who is or has been the victim of domestic violence, dating violence, sexual assault, or stalking and who reasonably believes him- or herself to be threatened with imminent harm from further violence by remaining in the dwelling unit (or any family member has been the victim of a sexual assault that occurred on the premises during the 90-calendar-day period preceding the family's move or request to move), and has otherwise complied with all other obligations under the Section 8 program, the family may receive a voucher from the initial PHA and move to another jurisdiction under the Housing Choice Voucher Program.

(c) ***Nonresident applicants.***

(1) This paragraph (c) applies if neither the household head nor spouse of an assisted family already had a "domicile" (legal residence) in the jurisdiction of the initial PHA at the time when the family first submitted an application for participation in the program to the initial PHA.

(2) The following apply during the 12 month period from the time when a family described in paragraph (c)(1) of this section is admitted to the program:

(i) The family may lease a unit anywhere in the jurisdiction of the initial PHA;

(ii) The family does not have any right to portability;

(iii) The initial PHA may choose to allow portability during this period.

(3) If the initial PHA approves, the family may lease a unit outside the PHA jurisdiction under portability procedures.

(4) Paragraph (c) of this section does not apply when the family or a member of the family is or has been the victim of domestic violence, dating violence, sexual assault, or stalking, as provided in 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking), and the move is needed to protect the health or safety of the family or family member, or any family member who has been the victim of a sexual assault that occurred on the premises during the 90-calendar-day period preceding the family's request to move.

(d) ***Income eligibility.***

(1) For admission to the program, a family must be income eligible in the area where the family initially leases a unit with assistance under the program.

(2) If a family is a participant in the initial PHA's voucher program, income eligibility is not redetermined when the family moves to the receiving PHA program under portability procedures.

(e) ***Freedom of choice.*** The PHA may not directly or indirectly reduce the family's opportunity to select among available units, except as provided in paragraph (a) of this section, or elsewhere in this part 982 (e.g., prohibition on the use of ineligible housing, housing not meeting HQS, or housing for which the rent to owner exceeds a reasonable rent). However, the PHA must provide families the information required in § 982.301 for both the oral briefing and the information packet to ensure that they have the information they need to make an informed decision on their housing choice.

[60 FR 34695, July 3, 1995, as amended at 61 FR 27163, May 30, 1996; 61 FR 42131, Aug. 13, 1996; 64 FR 26646, May 14, 1999; 73 FR 72344, Nov. 28, 2008; 75 FR 66264, Oct. 27, 2010; 80 FR 50573, Aug. 20, 2015; 81 FR 80816, Nov. 16, 2016]

§ 982.354 Move with continued tenant-based assistance.

(a) ***Applicability.*** This section states when a participant family may move to a new unit with continued tenant-based assistance:

(b) ***When family may move.*** A family may move to a new unit if:

(1) The assisted lease for the old unit has terminated. This includes a termination because:

(i) The PHA has terminated the HAP contract for the owner's breach; or

(ii) The lease has terminated by mutual agreement of the owner and the tenant.

(2) The owner has given the tenant a notice to vacate, or has commenced an action to evict the tenant, or has obtained a court judgment or other process allowing the owner to evict the tenant.

(3) The tenant has given notice of lease termination (if the tenant has a right to terminate the lease on notice to the owner, for owner breach, or otherwise).

(4) The family or a member of the family, is or has been the victim of domestic violence, dating violence, sexual assault, or stalking, as provided in 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking), and the move is needed to protect the health or safety of the family or family member, or if any family member has been the victim of a sexual assault that occurred on the premises during the 90-calendar-day period preceding the family's request to move. A PHA may not terminate assistance if the family, with or without prior notification to the PHA, moves out of a unit in violation of the lease, if such move occurs to protect the health or safety of a family member who is or has been the victim of domestic violence, dating violence, sexual assault, or stalking and who reasonably believed he or she was threatened with imminent harm from further violence if he or she remained in the dwelling unit. However, any family member that has been the victim of a sexual assault that occurred on the premises during the 90-calendar-day period preceding the family's move or request to move is not required to believe that he or she was threatened with imminent harm from further violence if he or she remained in the dwelling unit.

(c) ***How many moves.***

(1) A participant family may move with continued assistance under the program, either inside the PHA jurisdiction, or under the portability procedures (See § 982.353) in accordance with the PHA's policies.

(2) Consistent with applicable civil rights laws and regulations, the PHA may establish policies that:

(i) Prohibit any move by the family during the initial lease term;

(ii) Prohibit more than one move by the family during any one-year period; and

(iii) The above policies do not apply when the family or a member of the family is or has been the victim of domestic violence, dating violence, sexual assault, or stalking, as provided in 24 CFR part 5, subpart L, and the move is needed to protect the health or safety of the family or family member, or any family member has been the victim of a sexual assault that occurred on the premises during the 90-calendar-day period preceding the family's request to move.

(d) ***Notice that family wants to move.*** If the family wants to move to a new unit, the family must notify the PHA and the owner before moving from the old unit. If the family wants to move to a new unit that is located outside the initial PHA jurisdiction, the notice to the initial PHA must specify the area where the family wants to move. See portability procedures in subpart H of this part.

(e) ***When the PHA may deny permission to move.***

(1) The PHA may deny permission to move if the PHA does not have sufficient funding for continued assistance. The PHA must provide written notification to the local HUD Office within 10 business days of determining it is necessary to deny moves to a higher-cost unit based on insufficient funding.

(2) At any time, the PHA may deny permission to move in accordance with § 982.552 (grounds for denial or termination of assistance).

[60 FR 34695, July 3, 1995, as amended at 64 FR 56913, Oct. 21, 1999; 75 FR 66263, Oct. 27, 2010. Redesignated and amended at 80 FR 50573, Aug. 20, 2015; 81 FR 80817, Nov. 16, 2016]

§ 982.355 Portability: Administration by initial and receiving PHA.

(a) ***General.*** When a family moves under portability (in accordance with § 982.353(b)) to an area outside the initial PHA jurisdiction, the receiving PHA must administer assistance for the family if a PHA with a HCV program has jurisdiction in the area where the unit is located.

(b) ***Requirement to administer assistance.*** A receiving PHA cannot refuse to assist incoming portable families or direct them to another neighboring PHA for assistance. If there is more than one such PHA, the initial PHA provides the family with the contact information for the receiving PHAs that serve the area, and the family selects the receiving PHA. The family must inform the initial PHA which PHA it has selected as the receiving PHA. In cases where the family prefers not to select the receiving PHA, the initial PHA selects the receiving PHA on behalf of the family. HUD may determine in certain instances that a PHA is not required to accept incoming portable families, such as a PHA in a declared disaster area. However, the PHA must have approval in writing from HUD before refusing any incoming portable families.

(c) ***Portability procedures.*** The following portability procedures must be followed:

(1) When the family decides to use the voucher outside of the PHA jurisdiction, the family must notify the initial PHA of its desire to relocate and must specify the location where it wants to live.

(2) The initial PHA must determine the family's eligibility to move in accordance with §§ 982.353 and 982.354.

(3) Once the receiving PHA is determined in accordance with paragraph (b) of this section, the initial PHA must contact the receiving PHA, via email or other confirmed delivery method, prior to approving the family's request to move in order to determine whether the voucher will be absorbed or billed by the receiving PHA. The receiving PHA must advise the initial PHA in writing, via email or other confirmed delivery method, of its decision.

(4) If the receiving PHA notifies the initial PHA that it will absorb the voucher, the receiving PHA cannot reverse its decision at a later date without consent of the initial PHA.

(5) If the receiving PHA will bill the initial PHA for the portability voucher and the cost of the HAP will increase due to the move, the initial PHA may deny the move if it does not have sufficient funding for continued assistance in accordance with § 982.354 (e)(1).

(6) If a billing arrangement is approved by the initial PHA or if the voucher is to be absorbed by the receiving PHA, the initial PHA must issue the family a voucher to move, if it has not already done so, and advise the family how to contact and request assistance from the receiving PHA.

(7) The initial PHA must promptly notify the receiving PHA to expect the family. The initial PHA must give the receiving PHA the form HUD–52665, the most recent form HUD 50058 (Family Report) for the family, and all related verification information.

(8) The family must promptly contact the receiving PHA in order to be informed of the receiving PHA's procedures for incoming portable families and comply with these procedures. The family's failure to comply may result in denial or termination of the receiving PHA's voucher.

(9) The receiving PHA does not redetermine eligibility for a participant family. However, for a family that was not already receiving assistance in the PHA's HCV program, the initial PHA must determine whether the family is eligible for admission to the receiving PHA's HCV program. In determining income eligibility, the receiving PHA's income limits are used by the initial PHA.

(10) When a receiving PHA assists a family under portability, administration of the voucher must be in accordance with the receiving PHA's policies. This requirement also applies to policies of Moving to Work agencies. The receiving PHA procedures and preferences for selection among eligible applicants do not apply to the family, and the receiving PHA waiting list is not used.

(11) If the receiving PHA opts to conduct a new reexamination for a current participant family, the receiving PHA may not delay issuing the family a voucher or otherwise delay approval of a unit.

(12) The receiving PHA must determine the family unit size for the family, and base its determination on the subsidy standards of the receiving PHA.

(13) The receiving PHA must issue a voucher to the family. The term of the receiving PHA voucher may not expire before 30 calendar days from the expiration date of the initial PHA voucher. If the voucher expires before the family arrives at the receiving PHA, the receiving PHA must contact the initial PHA to determine if it will extend the voucher.

(14) Once the receiving PHA issues the portable family a voucher, the receiving PHA's policies on extensions of the voucher term apply. The receiving PHA must notify the initial PHA of any extensions granted to the term of the voucher.

(15) The family must submit a request for tenancy approval to the receiving PHA during the term of the receiving PHA voucher. As required in § 982.303, if the family submits a request for tenancy approval during the term of the voucher, the PHA must suspend the term of that voucher.

(16) The receiving PHA must promptly notify the initial PHA if the family has leased an eligible unit under the program, or if the family fails to submit a request for tenancy approval for an eligible unit within the term of the voucher.

(17) At any time, either the initial PHA or the receiving PHA may make a determination to deny or terminate assistance to the family in accordance with § 982.552 and 982.553.

(d) ***Absorption by the receiving PHA.***

(1) If funding is available under the consolidated ACC for the receiving PHA's HCV program, the receiving PHA may absorb the family into the receiving PHA's HCV program. After absorption, the family is assisted with funds available under the consolidated ACC for the receiving PHA's HCV program.

(2) HUD may require that the receiving PHA absorb all, or a portion of, incoming portable families. Under circumstances described in a notice published in the FEDERAL REGISTER, HUD may determine that receiving PHAs, or categories of receiving PHAs, should absorb all or a portion of incoming portable families. If HUD makes such a determination, HUD will provide an opportunity for public comment, for a period of no less than 60 calendar days, on such policy and procedures. After consideration of public comments, HUD will publish a final notice in the FEDERAL REGISTER advising PHAs and the public of HUD's final determination on the subject of mandatory absorption of incoming portable families.

(3) HUD may provide financial or nonfinancial incentives (or both) to PHAs that absorb portability vouchers.

(e) ***Portability billing.***

(1) To cover assistance for a portable family that was not absorbed in accordance with paragraph (d) of this section, the receiving PHA may bill the initial PHA for housing assistance payments and administrative fees.

(2) The initial PHA must promptly reimburse the receiving PHA for the full amount of the housing assistance payments made by the receiving PHA for the portable family. The amount of the housing assistance payment for a portable family in the receiving PHA program is determined in the same manner as for other families in the receiving PHA program.

(3) The initial PHA must promptly reimburse the receiving PHA for the lesser of 80 percent of the initial PHA ongoing administrative fee or 100 percent of the receiving PHA's ongoing administrative fee for each program unit under HAP contract on the first day of the month for which the receiving PHA is billing the initial PHA under this section. If administrative fees are prorated for the HCV program, the proration will apply to the amount of the administrative fee for which the receiving PHA may bill under this section (e.g., the receiving PHA may bill for the lesser of 80 percent of the initial PHA's prorated ongoing administrative fee or 100 percent of the receiving PHA's prorated ongoing administrative fee). If both PHAs agree, the PHAs may negotiate a different amount of reimbursement.

(4) When a portable family moves out of the HCV program of a receiving PHA that has not absorbed the family, the PHA in the new jurisdiction to which the family moves becomes the receiving PHA, and the first receiving PHA is no longer required to provide assistance for the family.

(5) In administration of portability, the initial PHA and the receiving PHA must comply with financial procedures required by HUD, including the use of HUD-required billing forms. The initial and receiving PHA must also comply with billing and payment deadlines under the financial procedures.

(6) A PHA must manage the PHA HCV program in a manner that ensures that the PHA has the financial ability to provide assistance for families that move out of the PHA's program under the portability procedures, and that have not been absorbed by the receiving PHA, as well as for families that remain in the PHA's program.

(7) HUD may reduce the administrative fee to an initial or receiving PHA if the PHA does not comply with HUD portability requirements.

(f) ***Portability funding.***

(1) HUD may transfer units and funds for assistance to portable families to the receiving PHA from funds available under the initial PHA ACC.

(2) HUD may provide additional funding (e.g., funds for incremental units) to the initial PHA for funds transferred to a receiving PHA for portability purposes.

(3) HUD may provide additional funding (e.g., funds for incremental units) to the receiving PHA for absorption of portable families.

(4) HUD may require the receiving PHA to absorb portable families.

(g) ***Special purpose vouchers.***

(1) The initial PHA must submit the codes used for special purpose vouchers on the form HUD–50058, Family Report, and the receiving PHA must maintain the codes on the Family Report, as long as the Receiving PHA chooses to bill the initial PHA.

(2) Initial and receiving PHAs must administer special purpose vouchers, such as the HUD-Veterans Affairs Supportive Housing vouchers, in accordance with HUD-established policy in cases where HUD has established alternative program requirements of such special purpose vouchers.

[80 FR 50573, Aug. 20, 2015]

Subpart I - Dwelling Unit: Housing Quality Standards, Subsidy Standards, Inspection and Maintenance

Source: 60 FR 34695, July 3, 1995, unless otherwise noted.

§ 982.401 Housing quality standards (HQS).

(a) ***Performance and acceptability requirements.***

(1) This section states the housing quality standards (HQS) for housing assisted under the HCV program.

(2)

(i) The HQS consist of:

(A) Performance requirements; and

(B) Acceptability criteria or HUD approved variations in the acceptability criteria.

(ii) This section states performance and acceptability criteria for these key aspects of housing quality:

(A) Sanitary facilities;

(B) Food preparation and refuse disposal;

(C) Space and security;

(D) Thermal environment;

(E) Illumination and electricity;

(F) Structure and materials;

(G) Interior air quality;

(H) Water supply;

(I) Lead-based paint;

(J) Access;

(K) Site and neighborhood;

(L) Sanitary condition; and

(M) Smoke detectors.

(3) All program housing must meet the HQS performance requirements both at commencement of assisted occupancy, and throughout the assisted tenancy.

(4)

(i) In addition to meeting HQS performance requirements, the housing must meet the acceptability criteria stated in this section, unless variations are approved by HUD.

(ii) HUD may approve acceptability criteria variations for the following purposes:

(A) Variations which apply standards in local housing codes or other codes adopted by the PHA; or

(B) Variations because of local climatic or geographic conditions.

(iii) Acceptability criteria variations may only be approved by HUD pursuant to paragraph (a)(4)(ii) of this section if such variations either:

(A) Meet or exceed the performance requirements; or

(B) Significantly expand affordable housing opportunities for families assisted under the program.

(iv) HUD will not approve any acceptability criteria variation if HUD believes that such variation is likely to adversely affect the health or safety of participant families, or severely restrict housing choice.

(b) *Sanitary facilities* —

(1) ***Performance requirements.*** The dwelling unit must include sanitary facilities located in the unit. The sanitary facilities must be in proper operating condition, and adequate for personal cleanliness and the disposal of human waste. The sanitary facilities must be usable in privacy.

(2) ***Acceptability criteria.***

(i) The bathroom must be located in a separate private room and have a flush toilet in proper operating condition.

(ii) The dwelling unit must have a fixed basin in proper operating condition, with a sink trap and hot and cold running water.

(iii) The dwelling unit must have a shower or a tub in proper operating condition with hot and cold running water.

(iv) The facilities must utilize an approvable public or private disposal system (including a locally approvable septic system).

(c) ***Food preparation and refuse disposal*** —

(1) ***Performance requirement.***

(i) The dwelling unit must have suitable space and equipment to store, prepare, and serve foods in a sanitary manner.

(ii) There must be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage where necessary (e.g., garbage cans).

(2) ***Acceptability criteria.***

(i) The dwelling unit must have an oven, and a stove or range, and a refrigerator of appropriate size for the family. All of the equipment must be in proper operating condition. The equipment may be supplied by either the owner or the family. A microwave oven may be substituted for a tenant-supplied oven and stove or range. A microwave oven may be substituted for an owner-supplied oven and stove or range if the tenant agrees and microwave ovens are furnished instead of an oven and stove or range to both subsidized and unsubsidized tenants in the building or premises.

(ii) The dwelling unit must have a kitchen sink in proper operating condition, with a sink trap and hot and cold running water. The sink must drain into an approvable public or private system.

(iii) The dwelling unit must have space for the storage, preparation, and serving of food.

(iv) There must be facilities and services for the sanitary disposal of food waste and refuse, including temporary storage facilities where necessary (e.g., garbage cans).

(d) ***Space and security*** —

(1) ***Performance requirement.*** The dwelling unit must provide adequate space and security for the family.

(2) ***Acceptability criteria.***

(i) At a minimum, the dwelling unit must have a living room, a kitchen area, and a bathroom.

(ii) The dwelling unit must have at least one bedroom or living/sleeping room for each two persons. Children of opposite sex, other than very young children, may not be required to occupy the same bedroom or living/sleeping room.

(iii) Dwelling unit windows that are accessible from the outside, such as basement, first floor, and fire escape windows, must be lockable (such as window units with sash pins or sash locks, and combination windows with latches). Windows that are nailed shut are acceptable only if these windows are not needed for ventilation or as an alternate exit in case of fire.

(iv) The exterior doors of the dwelling unit must be lockable. Exterior doors are doors by which someone can enter or exit the dwelling unit.

(e) ***Thermal environment*** —

(1) ***Performance requirement.*** The dwelling unit must have and be capable of maintaining a thermal environment healthy for the human body.

(2) ***Acceptability criteria.***

(i) There must be a safe system for heating the dwelling unit (and a safe cooling system, where present). The system must be in proper operating condition. The system must be able to provide adequate heat (and cooling, if applicable), either directly or indirectly, to each room, in order to assure a healthy living environment appropriate to the climate.

(ii) The dwelling unit must not contain unvented room heaters that burn gas, oil, or kerosene. Electric heaters are acceptable.

(f) ***Illumination and electricity*** —

(1) ***Performance requirement.*** Each room must have adequate natural or artificial illumination to permit normal indoor activities and to support the health and safety of occupants. The dwelling unit must have sufficient electrical sources so occupants can use essential electrical appliances. The electrical fixtures and wiring must ensure safety from fire.

(2) ***Acceptability criteria.***

(i) There must be at least one window in the living room and in each sleeping room.

(ii) The kitchen area and the bathroom must have a permanent ceiling or wall light fixture in proper operating condition. The kitchen area must also have at least one electrical outlet in proper operating condition.

(iii) The living room and each bedroom must have at least two electrical outlets in proper operating condition. Permanent overhead or wall-mounted light fixtures may count as one of the required electrical outlets.

(g) ***Structure and materials*** —

(1) ***Performance requirement.*** The dwelling unit must be structurally sound. The structure must not present any threat to the health and safety of the occupants and must protect the occupants from the environment.

(2) ***Acceptability criteria.***

(i) Ceilings, walls, and floors must not have any serious defects such as severe bulging or leaning, large holes, loose surface materials, severe buckling, missing parts, or other serious damage.

(ii) The roof must be structurally sound and weathertight.

(iii) The exterior wall structure and surface must not have any serious defects such as serious leaning, buckling, sagging, large holes, or defects that may result in air infiltration or vermin infestation.

(iv) The condition and equipment of interior and exterior stairs, halls, porches, walkways, etc., must not present a danger of tripping and falling. For example, broken or missing steps or loose boards are unacceptable.

(v) Elevators must be working and safe.

(h) ***Interior air quality*** —

(1) ***Performance requirement.*** The dwelling unit must be free of pollutants in the air at levels that threaten the health of the occupants.

(2) ***Acceptability criteria.***

(i) The dwelling unit must be free from dangerous levels of air pollution from carbon monoxide, sewer gas, fuel gas, dust, and other harmful pollutants.

(ii) There must be adequate air circulation in the dwelling unit.

(iii) Bathroom areas must have one openable window or other adequate exhaust ventilation.

(iv) Any room used for sleeping must have at least one window. If the window is designed to be openable, the window must work.

(i) ***Water supply*** —

(1) ***Performance requirement.*** The water supply must be free from contamination.

(2) ***Acceptability criteria.*** The dwelling unit must be served by an approvable public or private water supply that is sanitary and free from contamination.

(j) ***Lead-based paint performance requirement.*** The Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821–4846), the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851–4856), and implementing regulations at part 35, subparts A, B, M, and R of this title apply to units assisted under this part.

(k) ***Access performance requirement.*** The dwelling unit must be able to be used and maintained without unauthorized use of other private properties. The building must provide an alternate means of exit in case of fire (such as fire stairs or egress through windows).

(l) ***Site and Neighborhood*** —

(1) ***Performance requirement.*** The site and neighborhood must be reasonably free from disturbing noises and reverberations and other dangers to the health, safety, and general welfare of the occupants.

(2) ***Acceptability criteria.*** The site and neighborhood may not be subject to serious adverse environmental conditions, natural or manmade, such as dangerous walks or steps; instability; flooding, poor drainage, septic tank back-ups or sewage hazards; mudslides; abnormal air pollution, smoke or dust; excessive noise, vibration or vehicular traffic; excessive accumulations of trash; vermin or rodent infestation; or fire hazards.

(m) ***Sanitary condition*** —

(1) ***Performance requirement.*** The dwelling unit and its equipment must be in sanitary condition.

(2) ***Acceptability criteria.*** The dwelling unit and its equipment must be free of vermin and rodent infestation.

(n) ***Smoke detectors performance requirement*** —

(1) Except as provided in paragraph (n)(2) of this section, each dwelling unit must have at least one battery-operated or hard-wired smoke detector, in proper operating condition, on each level of the dwelling unit, including basements but excepting crawl spaces and unfinished attics. Smoke detectors must be installed in accordance with and meet the requirements of the National Fire Protection Association Standard (NFPA) 74 (or its successor standards). If the dwelling unit is occupied by any hearing-impaired person, smoke detectors must have an alarm system, designed for hearing-impaired persons as specified in NFPA 74 (or successor standards).

(2) For units assisted prior to April 24, 1993, owners who installed battery-operated or hard-wired smoke detectors prior to April 24, 1993 in compliance with HUD's smoke detector requirements, including the regulations published on July 30, 1992, (57 FR 33846), will not be required subsequently to comply with any additional requirements mandated by NFPA 74 (i.e., the owner would not be required to install a smoke detector in a basement not used for living purposes, nor would the owner be required to change the location of the smoke detectors that have already been installed on the other floors of the unit).

[60 FR 34695, July 3, 1995, as amended at 61 FR 27163, May 30, 1996; 63 FR 23861, Apr. 30, 1998; 64 FR 26646, May 14, 1999; 64 FR 49658, Sept. 14, 1999; 64 FR 50230, Sept. 15, 1999; 80 FR 8246, Feb. 17, 2015]

§ 982.402 Subsidy standards.

(a) ***Purpose.***

(1) The PHA must establish subsidy standards that determine the number of bedrooms needed for families of different sizes and compositions.

(2) For each family, the PHA determines the appropriate number of bedrooms under the PHA subsidy standards (family unit size).

(3) The family unit size number is entered on the voucher issued to the family. The PHA issues the family a voucher for the family unit size when a family is selected for participation in the program.

(b) ***Determining family unit size.*** The following requirements apply when the PHA determines family unit size under the PHA subsidy standards:

(1) The subsidy standards must provide for the smallest number of bedrooms needed to house a family without overcrowding.

(2) The subsidy standards must be consistent with space requirements under the housing quality standards (See § 982.401(d)).

(3) The subsidy standards must be applied consistently for all families of like size and composition.

(4) A child who is temporarily away from the home because of placement in foster care is considered a member of the family in determining the family unit size.

(5) A family that consists of a pregnant woman (with no other persons) must be treated as a two-person family.

(6) Any live-in aide (approved by the PHA to reside in the unit to care for a family member who is disabled or is at least 50 years of age) must be counted in determining the family unit size;

(7) Unless a live-in-aide resides with the family, the family unit size for any family consisting of a single person must be either a zero or one-bedroom unit, as determined under the PHA subsidy standards.

(8) In determining family unit size for a particular family, the PHA may grant an exception to its established subsidy standards if the PHA determines that the exception is justified by the age, sex, health, handicap, or relationship of family members or other personal circumstances. (For a single person other than a disabled or elderly person or remaining family member, such PHA exception may not override the limitation in paragraph (b)(7) of this section.)

(c) ***Effect of family unit size-maximum subsidy in voucher program.*** The family unit size as determined for a family under the PHA subsidy standard is used to determine the maximum rent subsidy for a family assisted in the voucher program. For a voucher tenancy, the PHA establishes payment standards by number of bedrooms. The payment standard for a family shall be the lower of:

(1) The payment standard amount for the family unit size; or

(2) The payment standard amount for the unit size of the unit rented by the family.

(3) ***Voucher program.*** For a voucher tenancy, the PHA establishes payment standards by number of bedrooms. The payment standards for the family must be the lower of:

(i) The payment standards for the family unit size; or

(ii) The payment standard for the unit size rented by the family.

(d) ***Size of unit occupied by family.***

(1) The family may lease an otherwise acceptable dwelling unit with fewer bedrooms than the family unit size. However, the dwelling unit must meet the applicable HQS space requirements.

(2) The family may lease an otherwise acceptable dwelling unit with more bedrooms than the family unit size. However, utility allowances must follow § 982.517(d).

[60 FR 34695, July 3, 1995, as amended at 63 FR 23861, Apr. 30, 1998; 64 FR 26646, May 14, 1999; 81 FR 12375, Mar. 8, 2016]

§ 982.403 Terminating HAP contract when unit is too small.

(a) ***Violation of HQS space standards.***

(1) If the PHA determines that a unit does not meet the HQS space standards because of an increase in family size or a change in family composition, the PHA must issue the family a new voucher, and the family and PHA must try to find an acceptable unit as soon as possible.

(2) If an acceptable unit is available for rental by the family, the PHA must terminate the HAP contract in accordance with its terms.

(b) ***Termination.*** When the PHA terminates the HAP contract under paragraph (a) of this section:

(1) The PHA must notify the family and the owner of the termination; and

(2) The HAP contract terminates at the end of the calendar month that follows the calendar month in which the PHA gives such notice to the owner.

(3) The family may move to a new unit in accordance with § 982.354.

(Approved by the Office of Management and Budget under control number 2577–0169)

[60 FR 34695, July 3, 1995, as amended at 60 FR 45661, Sept. 1, 1995; 64 FR 26647, May 14, 1999; 80 FR 8246, Feb. 17, 2015; 80 FR 50575, Aug. 20, 2015]

§ 982.404 Maintenance: Owner and family responsibility; PHA remedies.

(a) ***Owner obligation.***

(1) The owner must maintain the unit in accordance with HQS.

(2) If the owner fails to maintain the dwelling unit in accordance with HQS, the PHA must take prompt and vigorous action to enforce the owner obligations. PHA remedies for such breach of the HQS include termination, suspension or reduction of housing assistance payments and termination of the HAP contract.

(3) The PHA must not make any housing assistance payments for a dwelling unit that fails to meet the HQS, unless the owner corrects the defect within the period specified by the PHA and the PHA verifies the correction. If a defect is life threatening, the owner must correct the defect within no more than 24 hours. For other defects, the owner must correct the defect within no more than 30 calendar days (or any PHA-approved extension).

(4) The owner is not responsible for a breach of the HQS that is not caused by the owner, and for which the family is responsible (as provided in § 982.404(b) and § 982.551(c)). (However, the PHA may terminate assistance to a family because of HQS breach caused by the family.)

(b) ***Family obligation.***

(1) The family is responsible for a breach of the HQS that is caused by any of the following:

(i) The family fails to pay for any utilities that the owner is not required to pay for, but which are to be paid by the tenant;

(ii) The family fails to provide and maintain any appliances that the owner is not required to provide, but which are to be provided by the tenant; or

(iii) Any member of the household or guest damages the dwelling unit or premises (damages beyond ordinary wear and tear).

(2) If an HQS breach caused by the family is life threatening, the family must correct the defect within no more than 24 hours. For other family-caused defects, the family must correct the defect within no more than 30 calendar days (or any PHA-approved extension).

(3) If the family has caused a breach of the HQS, the PHA must take prompt and vigorous action to enforce the family obligations. The PHA may terminate assistance for the family in accordance with § 982.552.

(Approved by the Office of Management and Budget under control number 2577–0169)

[60 FR 34695, July 3, 1995, as amended at 60 FR 45661, Sept. 1, 1995]

§ 982.405 PHA initial and periodic unit inspection.

(a) The PHA must inspect the unit leased to a family prior to the initial term of the lease, at least biennially during assisted occupancy, and at other times as needed, to determine if the unit meets the HQS. (See § 982.305(b)(2) concerning timing of initial inspection by the PHA.)

(b) The PHA must conduct supervisory quality control HQS inspections.

(c) In scheduling inspections, the PHA must consider complaints and any other information brought to the attention of the PHA.

(d) The PHA must notify the owner of defects shown by the inspection.

(e) The PHA may not charge the family for an initial inspection or reinspection of the unit.

(f) The PHA may not charge the owner for the inspection of the unit prior to the initial term of the lease or for a first inspection during assisted occupancy of the unit. The PHA may establish a reasonable fee to owners for a reinspection if an owner notifies the PHA that a repair has been made or the allotted time for repairs has elapsed and a reinspection reveals that any deficiency cited in the previous inspection that the owner is responsible for repairing pursuant to § 982.404(a) was not corrected. The owner may not pass this fee along to the family. Fees collected under this paragraph will be included in a PHA's administrative fee reserve and may be used only for activities related to the provision of Section 8 Tenant-Based Rental Assistance.

(g) If a participant family or government official reports a condition that is life-threatening (*i.e.,* the PHA would require the owner to make the repair within no more than 24 hours in accordance with § 982.404(a)(3)), then the PHA must inspect the housing unit within 24 hours of when the PHA received the notification. If the reported condition is not life-threatening (*i.e.,* the PHA would require the owner to make the repair within no more than 30 calendar days in accordance with § 982.404(a)(3)), then the PHA must inspect the unit within 15 days of when the PHA received the notification. In the event of extraordinary circumstances, such as if a unit is within a Presidentially declared disaster area, HUD may waive the 24-hour or the 15-day inspection requirement until such time as an inspection is feasible.

[60 FR 34695, July 3, 1995, as amended at 64 FR 26647, May 14, 1999; 64 FR 56914, Oct. 21, 1999; 81 FR 12375, Mar. 8, 2016]

§ 982.406 Use of alternative inspections.

(a) ***In general.***

(1) A PHA may comply with the inspection requirement in § 982.405(a) by relying on an alternative inspection (*i.e.,* an inspection conducted for another housing assistance program) only if the PHA is able to obtain the results of the alternative inspection.

(2) If an alternative inspection method employs sampling, then a PHA may rely on such alternative inspection method to comply with the requirement in § 982.405(a) only if HCV units are included in the population of units forming the basis of the sample.

(3) Units in properties that are mixed-finance properties assisted with project-based vouchers may be inspected at least triennially pursuant to 24 CFR 983.103(g).

(b) ***Administrative plans.*** A PHA relying on an alternative inspection to fulfill the requirement in § 982.405(a) must identify the alternative inspection method being used in the PHA's administrative plan. Such a change may be a significant amendment to the plan, in which case the PHA must follow its plan amendment and public notice requirements, in addition to meeting the requirements in § 982.406(c)(2), if applicable, before using the alternative inspection method.

(c) ***Eligible inspection methods.***

(1) A PHA may rely upon inspections of housing assisted under the HOME Investment Partnerships (HOME) program or housing financed using Low-Income Housing Tax Credits (LIHTCs), or inspections performed by HUD, with no action other than amending its administrative plan.

(2) If a PHA wishes to rely on an inspection method other than a method listed in paragraph (c)(1) of this section, then, prior to amending its administrative plan, the PHA must submit to the Real Estate Assessment Center (REAC) a copy of the inspection method it wishes to use, along with its analysis of the inspection method that shows that the method "provides the same or greater protection to occupants of dwelling units" as would HQS.

(i) A PHA may rely upon such alternative inspection method only upon receiving approval from REAC to do so.

(ii) A PHA that uses an alternative inspection method approved under this paragraph must monitor changes to the standards and requirements applicable to such method. If any change is made to the alternative inspection method, then the PHA must submit to REAC a copy of the revised standards and requirements, along with a revised comparison to HQS. If the PHA or REAC determines that the revision would cause the alternative inspection to no longer meet or exceed HQS, then the PHA may no longer rely upon the alternative inspection method to comply with the inspection requirement at § 982.405(a).

(d) ***Results of alternative inspection.***

(1) In order for a PHA to rely upon the results of an alternative inspection to comply with the requirement at § 982.405(a), a property inspected pursuant to such method must meet the standards or requirements regarding housing quality or safety applicable to properties assisted under the program using the alternative inspection method. To make the determination of whether such standards or requirements are met, the PHA must adhere to the following procedures:

(i) If a property is inspected under an alternative inspection method, and the property receives a "pass" score, then the PHA may rely on that inspection to demonstrate compliance with the inspection requirement at § 982.405(a).

(ii) If a property is inspected under an alternative inspection method, and the property receives a "fail" score, then the PHA may not rely on that inspection to demonstrate compliance with the inspection requirement at § 982.405(a).

(iii) If a property is inspected under an alternative inspection method that does not employ a pass/fail determination—for example, in the case of a program where deficiencies are simply identified—then the PHA must review the list of deficiencies to determine whether any cited deficiency would have resulted in a "fail" score under HQS. If no such deficiency exists, then the PHA may rely on the inspection to demonstrate compliance with the inspection requirement at § 982.405(a); if such a deficiency does exist, then the PHA may not rely on the inspection to demonstrate such compliance.

(2) Under any circumstance described above in which a PHA is prohibited from relying on an alternative inspection method for a property, the PHA must, within a reasonable period of time, conduct an HQS inspection of any units in the property occupied by voucher program participants and follow HQS procedures to remedy any identified deficiencies.

(e) ***Records retention.*** As with all other inspection reports, and as required by § 982.158(f)(4), reports for inspections conducted pursuant to an alternative inspection method must be obtained by the PHA. Such reports must be available for HUD inspection for at least three years from the date of the latest inspection.

[81 FR 12375, Mar. 8, 2016]

§ 982.407 Enforcement of HQS.

Part 982 does not create any right of the family, or any party other than HUD or the PHA, to require enforcement of the HQS requirements by HUD or the PHA, or to assert any claim against HUD or the PHA, for damages, injunction or other relief, for alleged failure to enforce the HQS.

(Approved by the Office of Management and Budget under control number 2577–0169)

[60 FR 34695, July 3, 1995, as amended at 60 FR 45661, Sept. 1, 1995; 80 FR 8246, Feb. 17, 2015. Redesignated at 81 FR 12375, Mar. 8, 2016]

Subpart J - Housing Assistance Payments Contract and Owner Responsibility

Source: 60 FR 34695, July 3, 1995, unless otherwise noted.

§ 982.451 Housing assistance payments contract.

(a)

(1) The HAP contract must be in the form required by HUD.

(2) The term of the HAP contract is the same as the term of the lease.

(b)

(1) The amount of the monthly housing assistance payment by the PHA to the owner is determined by the PHA in accordance with HUD regulations and other requirements. The amount of the housing assistance payment is subject to change during the HAP contract term.

(2) The monthly housing assistance payment by the PHA is credited toward the monthly rent to owner under the family's lease.

(3) The total of rent paid by the tenant plus the PHA housing assistance payment to the owner may not be more than the rent to owner. The owner must immediately return any excess payment to the PHA.

(4)

(i) The part of the rent to owner which is paid by the tenant may not be more than:

(A) The rent to owner; minus

(B) The PHA housing assistance payment to the owner.

(ii) The owner may not demand or accept any rent payment from the tenant in excess of this maximum, and must immediately return any excess rent payment to the tenant.

(iii) The family is not responsible for payment of the portion of rent to owner covered by the housing assistance payment under the HAP contract between the owner and the PHA. See § 982.310(b).

(5)

(i) The PHA must pay the housing assistance payment promptly when due to the owner in accordance with the HAP contract.

(ii)

(A) The HAP contract shall provide for penalties against the PHA for late payment of housing assistance payments due to the owner if all the following circumstances apply:

(*1*) Such penalties are in accordance with generally accepted practices and law, as applicable in the local housing market, governing penalties for late payment of rent by a tenant;

(*2*) It is the owner's practice to charge such penalties for assisted and unassisted tenants; and

(*3*) The owner also charges such penalties against the tenant for late payment of family rent to owner.

(B) The PHA is not obligated to pay any late payment penalty if HUD determines that late payment by the PHA is due to factors beyond the PHA's control. The PHA may add HAP contract provisions which define when the housing assistance payment by the PHA is deemed received by the owner (*e.g.,* upon mailing by the PHA or actual receipt by the owner).

(iii) The PHA may only use the following sources to pay a late payment penalty from program receipts under the consolidated ACC: administrative fee income for the program; or the administrative fee reserve for the program. The PHA may not use other program receipts for this purpose.

[60 FR 34695, July 3, 1995, as amended at 61 FR 27163, May 30, 1996; 63 FR 23861, Apr. 30, 1998; 64 FR 26647, May 14, 1999; 64 FR 56914, Oct. 21, 1999]

§ 982.452 Owner responsibilities.

(a) The owner is responsible for performing all of the owner's obligations under the HAP contract and the lease.

(b) The owner is responsible for:

(1) Performing all management and rental functions for the assisted unit, including selecting a voucher-holder to lease the unit, and deciding if the family is suitable for tenancy of the unit. The fact that an applicant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking is not an appropriate basis for denial of tenancy if the applicant otherwise qualifies for tenancy.

(2) Maintaining the unit in accordance with HQS, including performance of ordinary and extraordinary maintenance. For provisions on family maintenance responsibilities, see § 982.404(a)(4).

(3) Complying with equal opportunity requirements.

(4) Preparing and furnishing to the PHA information required under the HAP contract.

(5) Collecting from the family:

(i) Any security deposit.

(ii) The tenant contribution (the part of rent to owner not covered by the housing assistance payment).

(iii) Any charges for unit damage by the family.

(6) Enforcing tenant obligations under the lease.

(7) Paying for utilities and services (unless paid by the family under the lease).

(c) For provisions on modifications to a dwelling unit occupied or to be occupied by a disabled person, see 24 CFR 100.203.

(Approved by the Office of Management and Budget under control number 2577–0169)

[60 FR 34695, July 3, 1995, as amended at 60 FR 45661, Sept. 1, 1995; 63 FR 23861, Apr. 30, 1998; 64 FR 26647, May 14, 1999; 73 FR 72345, Nov. 28, 2008; 75 FR 66264, Oct. 27, 2010; 80 FR 8246, Feb. 17, 2015; 81 FR 80817, Nov. 16, 2016]

§ 982.453 Owner breach of contract.

(a) Any of the following actions by the owner (including a principal or other interested party) is a breach of the HAP contract by the owner:

(1) If the owner has violated any obligation under the HAP contract for the dwelling unit, including the owner's obligation to maintain the unit in accordance with the HQS.

(2) If the owner has violated any obligation under any other HAP contract under Section 8 of the 1937 Act (42 U.S.C. 1437f).

(3) If the owner has committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing program.

(4) For projects with mortgages insured by HUD or loans made by HUD, if the owner has failed to comply with the regulations for the applicable mortgage insurance or loan program, with the mortgage or mortgage note, or with the regulatory agreement; or if the owner has committed fraud, bribery or any other corrupt or criminal act in connection with the mortgage or loan.

(5) If the owner has engaged in drug-related criminal activity.

(6) If the owner has committed any violent criminal activity.

(b) The PHA rights and remedies against the owner under the HAP contract include recovery of overpayments, abatement or other reduction of housing assistance payments, termination of housing assistance payments, and termination of the HAP contract.

[60 FR 34695, July 3, 1995, as amended at 64 FR 26647, May 14, 1999; 64 FR 56914, Oct. 21, 1999; 65 FR 16821, Mar. 30, 2000]

§ 982.454 Termination of HAP contract: Insufficient funding.

The PHA may terminate the HAP contract if the PHA determines, in accordance with HUD requirements, that funding under the consolidated ACC is insufficient to support continued assistance for families in the program.

[60 FR 34695, July 3, 1995, as amended at 64 FR 26647, May 14, 1999]

§ 982.455 Automatic termination of HAP contract.

The HAP contract terminates automatically 180 calendar days after the last housing assistance payment to the owner.

[64 FR 26647, May 14, 1999]

§ 982.456 Third parties.

(a) Even if the family continues to occupy the unit, the PHA may exercise any rights and remedies against the owner under the HAP contract.

(b)

(1) The family is not a party to or third party beneficiary of the HAP contract. Except as provided in paragraph (b)(2) of this section, the family may not exercise any right or remedy against the owner under the HAP contract.

(2) The tenant may exercise any right or remedy against the owner under the lease between the tenant and the owner, including enforcement of the owner's obligations under the tenancy addendum (which is included both in the HAP contract between the PHA and the owner; and in the lease between the tenant and the owner.)

(c) The HAP contract shall not be construed as creating any right of the family or other third party (other than HUD) to enforce any provision of the HAP contract, or to assert any claim against HUD, the PHA or the owner under the HAP contract.

[60 FR 34695, July 3, 1995, as amended at 64 FR 26647, May 14, 1999]

Subpart K - Rent and Housing Assistance Payment

Source: 63 FR 23861, Apr. 30, 1998, unless otherwise noted.

§ 982.501 Overview.

This subpart describes program requirements concerning the housing assistance payment and rent to owner under the HCV program.

[80 FR 8246, Feb. 17, 2015]

§ 982.503 Payment standard amount and schedule.

(a) ***Payment standard schedule.***

(1) HUD publishes the fair market rents for each market area in the United States (see part 888 of this title). The PHA must adopt a payment standard schedule that establishes voucher payment standard amounts for each FMR area in the PHA jurisdiction. For each FMR area, the PHA must establish payment standard amounts for each "unit size." Unit size is measured by number of bedrooms (zero-bedroom, one-bedroom, and so on).

(2) The payment standard amounts on the PHA schedule are used to calculate the monthly housing assistance payment for a family (§ 982.505).

(3) The PHA voucher payment standard schedule shall establish a single payment standard amount for each unit size. For each unit size, the PHA may establish a single payment standard amount for the whole FMR area, or may establish a separate payment standard amount for each designated part of the FMR area.

(b) ***Establishing payment standard amounts.***

(1)

(i) The PHA may establish the payment standard amount for a unit size at any level between 90 percent and 110 percent of the published FMR for that unit size. HUD approval is not required to establish a payment standard amount in that range ("basic range"). The PHA must revise the payment standard amount no later than 3 months following the effective date of the published FMR if a change is necessary to stay within the basic range.

(ii) The PHA may establish a separate payment standard amount within the basic range for a designated part of an FMR area.

(iii) A PHA that is not in a designated Small Area FMR area or has not opted to voluntarily implement Small Area FMRs under 24 CFR 888.113(c)(3) may establish exception payment standards for a ZIP code area above the basic range for the metropolitan FMR based on the HUD published Small Area FMRs. The PHA may establish an exception payment standard up to 110 percent of the HUD published Small Area FMR for that ZIP code area. The PHA must notify HUD if it establishes an exception payment standard based on the Small Area FMR. The exception payment standard must apply to the entire ZIP code area.

(iv) At the request of a PHA administering the HCV program under Small Area FMRs under § 888.113(c)(3), HUD may approve an exception payment standard for a Small Area FMR area above the 110 percent of the published FMR in accordance with conditions set forth by Notice in the FEDERAL REGISTER. The requirements of paragraph (c) of this section do not apply to these exception payment standard requests and approvals.

(v) The PHA may establish an exception payment standard of not more than 120 percent of the published FMR if required as a reasonable accommodation in accordance with 24 CFR part 8 for a family that includes a person with a disability. Any unit approved under an exception payment standard must still meet the reasonable rent requirements found at § 982.507.

(vi) The PHA may establish an exception payment standard of more than 120 percent of the published FMR if required as a reasonable accommodation in accordance with 24 CFR part 8 for a family that includes a person with a disability after approval from HUD. Any unit approved under an exception payment standard must still meet the reasonable rent requirements found at § 982.507.

(2) Except as described in paragraphs (b)(1)(iii) through (v) of this section, the PHA must request HUD approval to establish a payment standard amount that is higher or lower than the basic range. HUD has sole discretion to grant or deny approval of a higher or lower payment standard amount. Paragraphs (c) and (e) of this section describe the requirements for approval of a higher payment standard amount ("exception payment standard amount").

(c) ***HUD approval of exception payment standard amount*** —

(1) ***HUD discretion.*** At HUD's sole discretion, HUD may approve a payment standard amount that is higher than the basic range for a designated part of the fair market rent area (called an "exception area"). HUD may approve an exception payment standard amount in accordance with this paragraph (c) of this section for all units, or for all units of a given unit size, leased by program families in the exception area. Any PHA with jurisdiction in the exception area may use the HUD-approved exception payment standard amount.

(2) ***Above 110 percent of FMR to 120 percent of published FMR.*** The HUD Field Office may approve an exception payment standard amount from above 110 percent of the published FMR to 120 percent of the published FMR (upper range) if the HUD Field Office determines that approval is justified by the median rent method or the 40th percentile rent or the Small Area FMR method as described in paragraph (c)(2)(ii) of this section (and that such approval is also supported by an appropriate program justification in accordance with paragraph (c)(4) of this section).

(i) ***Median rent method.*** In the median rent method, HUD determines the exception payment standard amount by multiplying the FMR times a fraction of which the numerator is the median gross rent of the exception area and the denominator is the median gross rent of the entire FMR area. In this method, HUD uses median gross rent data from the most recent decennial United States census, and the exception area may be any geographic entity within the FMR area (or any combination of such entities) for which median gross rent data is provided in decennial census products.

(ii) ***40th percentile rent or Small Area FMR method.*** In this method, HUD determines that the area exception payment standard amount equals application of the 40th percentile of rents for standard quality rental housing in the exception area or the Small Area FMR. HUD determines whether the 40th percentile rent or Small Area FMR applies in accordance with the methodology described in 24 CFR 888.113 for determining FMRs. A PHA must present statistically representative rental housing survey data to justify HUD approval.

(3) ***Above 120 percent of FMR.***

(i) At the request of a PHA, the Assistant Secretary for Public and Indian Housing may approve an exception payment standard amount for the total area of a county, PHA jurisdiction, or place if the Assistant Secretary determines that:

(A) Such approval is necessary to prevent financial hardship for families;

(B) Such approval is supported by statistically representative rental housing survey data to justify HUD approval in accordance with the methodology described in § 888.113 of this title; and

(C) Such approval is also supported by an appropriate program justification in accordance with paragraph (c)(4) of this section.

(ii) For purposes of paragraph (c)(3) of this section, the term "place" is an incorporated place or a U.S. Census designated place. An incorporated place is established by State law and includes cities, boroughs, towns, and villages. A U.S. Census designated place is the statistical counterpart of an incorporated place.

(4) ***Program justification.***

(i) HUD will only approve an exception payment standard amount (pursuant to paragraph (c)(2) or paragraph (c)(3) of this section) if HUD determines that approval of such higher amount is needed either:

(A) To help families find housing outside areas of high poverty, or

(B) Because voucher holders have trouble finding housing for lease under the program within the term of the voucher.

(ii) HUD will only approve an exception payment standard amount (pursuant to paragraph (c)(3) of this section) after six months from the date of HUD approval of an exception payment standard pursuant to paragraph (c)(2) of this section for the area.

(5) ***Population.*** The total population of HUD-approved exception areas in an FMR area may not include more than 50 percent of the population of the FMR area, except when applying Small Area FMR exception areas under paragraph (b)(1)(iii) of this section.

(6) ***Withdrawal or modification.*** At any time, HUD may withdraw or modify approval to use an exception payment standard amount.

(d) ***HUD approval of payment standard amount below the basic range.*** HUD may consider a PHA request for approval to establish a payment standard amount that is lower than the basic range. At HUD's sole discretion, HUD may approve PHA establishment of a payment standard lower than the basic range. In determining whether to approve the PHA request, HUD will consider appropriate factors, including rent burden of families assisted under the program. HUD will not approve a lower payment standard if the family share for more than 40 percent of participants in the PHA's voucher program exceeds 30 percent of adjusted monthly income. Such determination may be based on the most recent examinations of family income.

(e) ***HUD approval of success rate payment standard amounts.*** In order to increase the number of voucher holders who become participants, HUD may approve requests from PHAs whose FMRs are computed at the 40th percentile rent to establish higher, success rate payment standard amounts. A success rate payment standard amount is defined as any amount between 90 percent and 110 percent of the 50th percentile rent, calculated in accordance with the methodology described in § 888.113 of this title.

(1) A PHA may obtain HUD Field Office approval of success rate payment standard amounts provided the PHA demonstrates to HUD that it meets the following criteria:

(i) Fewer than 75 percent of the families to whom the PHA issued rental vouchers during the most recent 6 month period for which there is success rate data available have become participants in the voucher program;

(ii) The PHA has established payment standard amounts for all unit sizes in the entire PHA jurisdiction within the FMR area at 110 percent of the published FMR for at least the 6 month period referenced in paragraph (e)(1)(i) of this section and up to the time the request is made to HUD; and

(iii) The PHA has a policy of granting automatic extensions of voucher terms to at least 90 days to provide a family who has made sustained efforts to locate suitable housing with additional search time.

(2) In determining whether to approve the PHA request to establish success rate payment standard amounts, HUD will consider whether the PHA has a SEMAP overall performance rating of "troubled". If a PHA does not yet have a SEMAP rating, HUD will consider the PHA's SEMAP certification.

(3) HUD approval of success rate payment standard amounts shall be for all unit sizes in the FMR area. A PHA may opt to establish a success rate payment standard amount for one or more unit sizes in all or a designated part of the PHA jurisdiction within the FMR area.

(f) ***Payment standard protection for PHAs that meet deconcentration objectives.*** Paragraph (f) of this section applies only to a PHA with jurisdiction in an FMR area where the FMR had previously been set at the 50th percentile rent to provide a broad range of housing opportunities throughout a metropolitan area, pursuant to § 888.113(i)(3), but is now set at the 40th percentile rent.

(1) Such a PHA may obtain HUD Field Office approval of a payment standard amount based on the 50th percentile rent if the PHA scored the maximum number of points on the deconcentration bonus indicator in § 985.3(h) in the prior year, or in two of the last three years.

(2) HUD approval of payment standard amounts based on the 50th percentile rent shall be for all unit sizes in the FMR area that had previously been set at the 50th percentile rent pursuant to § 888.113(i)(3). A PHA may opt to establish a payment standard amount based on the 50th percentile rent for one or more unit sizes in all or a designated part of the PHA jurisdiction within the FMR area.

(g) ***HUD review of PHA payment standard schedules.***

(1) HUD will monitor rent burdens of families assisted in a PHA's voucher program. HUD will review the PHA's payment standard for a particular unit size if HUD finds that 40 percent or more of such families occupying units of that unit size currently pay more than 30 percent of adjusted monthly income as the family share. Such determination may be based on the most recent examinations of family income.

(2) After such review, HUD may, at its discretion, require the PHA to modify payment standard amounts for any unit size on the PHA payment standard schedule. HUD may require the PHA to establish an increased payment standard amount within the basic range.

[64 FR 26648, May 14, 1999; 64 FR 49658, Sept. 14, 1999, as amended at 64 FR 56914, Oct. 21, 1999; 65 FR 16822, Mar. 30, 2000; 65 FR 58874, Oct. 2, 2000; 66 FR 30568, June 6, 2001; 67 FR 56688, Sept. 4, 2002; 80 FR 8246, Feb. 17, 2015; 81 FR 12376, Mar. 8, 2016; 81 FR 80582, Nov. 16, 2016]

§ 982.504 Payment standard for family in restructured subsidized multifamily project.

(a) This section applies to HCV assistance if all the following conditions are applicable:

(1) Such HCV assistance is provided to a family pursuant to 24 CFR 401.421 when HUD has approved a restructuring plan, and the participating administrative entity has approved the use of tenant-based assistance to provide continued assistance for such families. Such tenant-based voucher assistance is provided for a family previously receiving project-based assistance in an eligible project (as defined in § 401.2 of this title) at the time when the project-based assistance terminates.

(2) The family chooses to remain in the restructured project with HCV assistance under the program and leases a unit that does not exceed the family unit size;

(3) The lease for such assisted tenancy commences during the first year after the project-based assistance terminates.

(b) The initial payment standard for the family under such initial lease is the sum of the reasonable rent to owner for the unit plus the utility allowance for tenant-paid utilities. (Determination of such initial payment standard for the family is not subject to paragraphs (c)(1) and (c)(2) of § 982.505. Except for determination of the initial payment standard as specifically provided in paragraph (b) of this section, the payment standard and housing assistance payment for the family during the HAP contract term shall be determined in accordance with § 982.505.)

[64 FR 26649, May 14, 1999, as amended at 80 FR 8247, Feb. 17, 2015]

§ 982.505 How to calculate housing assistance payment.

(a) ***Use of payment standard.*** A payment standard is used to calculate the monthly housing assistance payment for a family. The "payment standard" is the maximum monthly subsidy payment.

(b) ***Amount of monthly housing assistance payment.*** The PHA shall pay a monthly housing assistance payment on behalf of the family that is equal to the *lower* of:

(1) The payment standard for the family minus the total tenant payment; or

(2) The gross rent minus the total tenant payment.

(c) ***Payment standard for family.***

(1) The payment standard for the family is the lower of:

(i) The payment standard amount for the family unit size; or

(ii) The payment standard amount for the size of the dwelling unit rented by the family.

(2) If the PHA has established a separate payment standard amount for a designated part of an FMR area in accordance with § 982.503 (including an exception payment standard amount as determined in accordance with § 982.503(b)(2) and § 982.503(c)), and the dwelling unit is located in such designated part, the PHA must use the appropriate payment standard amount for such designated part to calculate the payment standard for the family. The payment standard for the family shall be calculated in accordance with this paragraph and paragraph (c)(1) of this section.

(3) ***Decrease in the payment standard amount during the HAP contract term.*** If the amount on the payment standard schedule is decreased during the term of the HAP contract, the PHA is not required to reduce the payment standard amount used to calculate the subsidy for the families under HAP contract for as long as the HAP contract remains in effect.

(i) If the PHA chooses to reduce the payment standard for the families currently under HAP contract during the HAP contract term in accordance with their administrative plan, the initial reduction to the payment standard amount used to calculate the monthly housing assistance payment for the family may not be applied any earlier than the effective date of the family's second regular reexamination following the effective date of the decrease in the payment standard amount.

(ii) The PHA may choose to reduce the payment standard amount for families that remain under HAP contract to the current payment standard amount in effect on the PHA voucher payment standard schedule, or may reduce the payment standard amount to an amount that is higher than the normally applicable payment standard amount on the PHA voucher payment standard schedule. The PHA may further reduce the payment standard amount for the families during the term of the HAP contract, provided the subsequent reductions continue to result in a payment standard amount that meets or exceeds the normally applicable payment standard amount on the PHA voucher payment standard schedule.

(iii) The PHA must provide the family with at least 12 months' notice that the payment standard is being reduced during the term of the HAP contract before the effective date of the change.

(iv) The PHA shall administer decreases in the payment standard amount during the term of the HAP contract in accordance with the PHA policy as described in the PHA administrative plan. The PHA may establish different policies for designated areas within their jurisdiction (*e.g.,* for different zip code areas), but the PHA administrative policy on decreases to payment standards during the term of the HAP contract applies to all families under HAP contract at the time of the effective date of decrease in the payment standard within that designated area. The PHA may not limit or otherwise establish different protections or policies for certain families under HAP contract.

(4) ***Increase in the payment standard amount during the HAP contract term.*** If the payment standard amount is increased during the term of the HAP contract, the increased payment standard amount shall be used to calculate the monthly housing assistance payment for the family beginning at the effective date of the family's first regular reexamination on or after the effective date of the increase in the payment standard amount.

(5) ***Change in family unit size during the HAP contract term.*** Irrespective of any increase or decrease in the payment standard amount, if the family unit size increases or decreases during the HAP contract term, the new family unit size must be used to determine the payment standard amount for the family beginning at the family's first regular reexamination following the change in family unit size.

(d) ***PHA approval of higher payment standard for the family as a reasonable accommodation.*** If the family includes a person with disabilities and requires a payment standard above the basic range, as a reasonable accommodation for such person, in accordance with part 8 of this title, the PHA may establish a payment standard for the family of not more than 120 percent of the FMR. A PHA may establish a payment standard greater than 120 percent of the FMR by submitting a request to HUD.

[64 FR 26649, May 14, 1999, as amended at 64 FR 56914, Oct. 21, 1999; 65 FR 16822, Mar. 30, 2000; 65 FR 42509, July 10, 2000; 66 FR 30568, June 6, 2001; 67 FR 56689, Sept. 4, 2002; 80 FR 8247, Feb. 17, 2014; 81 FR 12376, Mar. 8, 2016; 81 FR 80582, Nov. 16, 2016]

§ 982.506 Negotiating rent to owner.

The owner and the family negotiate the rent to owner. At the family's request, the PHA must help the family negotiate the rent to owner.

[63 FR 23861, Apr. 30, 1998. Redesignated at 64 FR 26648, May 14, 1999]

§ 982.507 Rent to owner: Reasonable rent.

(a) ***PHA determination.***

(1) Except as provided in paragraph (c) of this section, the PHA may not approve a lease until the PHA determines that the initial rent to owner is a reasonable rent.

(2) The PHA must redetermine the reasonable rent:

(i) Before any increase in the rent to owner;

(ii) If there is a 10 percent decrease in the published FMR in effect 60 days before the contract anniversary (for the unit size rented by the family) as compared with the FMR in effect 1 year before the contract anniversary.

(iii) If directed by HUD.

(3) The PHA may also redetermine the reasonable rent at any other time.

(4) At all times during the assisted tenancy, the rent to owner may not exceed the reasonable rent as most recently determined or redetermined by the PHA.

(b) ***Comparability.*** The PHA must determine whether the rent to owner is a reasonable rent in comparison to rent for other comparable unassisted units. To make this determination, the PHA must consider:

(1) The location, quality, size, unit type, and age of the contract unit; and

(2) Any amenities, housing services, maintenance and utilities to be provided by the owner in accordance with the lease.

(c) ***Units assisted by low-income housing tax credits or assistance under HUD's HOME Investment Partnerships (HOME) program.***

(1) ***General.*** For a unit receiving low-income housing tax credits (LIHTCs) pursuant to section 42 of the Internal Revenue Code of 1986 or receiving assistance under HUD's HOME Program (for which the regulations are found in 24 CFR part 92), a rent comparison with unassisted units is not required if the voucher rent does not exceed the rent for other LIHTC- or HOME-assisted units in the project that are not occupied by families with tenant-based assistance.

(2) ***LIHTC.*** If the rent requested by the owner exceeds the LIHTC rents for non-voucher families, the PHA must perform a rent comparability study in accordance with program regulations and the rent shall not exceed the lesser of the:

(i) Reasonable rent as determined pursuant to a rent comparability study; and

(ii) The payment standard established by the PHA for the unit size involved.

(3) ***HOME Program.*** [Reserved]

(d) ***Owner certification of rents charged for other units.*** By accepting each monthly housing assistance payment from the PHA, the owner certifies that the rent to owner is not more than rent charged by the owner for comparable unassisted units in the premises. The owner must give the PHA information requested by the PHA on rents charged by the owner for other units in the premises or elsewhere.

[63 FR 23861, Apr. 30, 1998. Redesignated at 64 FR 26648, May 14, 1999; 79 FR 36164, June 25, 2014; 81 FR 80583, Nov. 16, 2016]

§ 982.508 Maximum family share at initial occupancy.

At the time the PHA approves a tenancy for initial occupancy of a dwelling unit by a family with tenant-based assistance under the program, and where the gross rent of the unit exceeds the applicable payment standard for the family, the family share must not exceed 40 percent of the family's adjusted monthly income. The determination of adjusted monthly income must be based on verification information received by the PHA no earlier than 60 days before the PHA issues a voucher to the family.

[64 FR 59622, Nov. 3, 1999]

§ 982.509 Rent to owner: Effect of rent control.

In addition to the rent reasonableness limit under this subpart, the amount of rent to owner also may be subject to rent control limits under State or local law.

[63 FR 23861, Apr. 30, 1998. Redesignated and amended at 64 FR 26648, May 14, 1999]

§ 982.510 Other fees and charges.

(a) The cost of meals or supportive services may not be included in the rent to owner, and the value of meals or supportive services may not be included in the calculation of reasonable rent.

(b) The lease may not require the tenant or family members to pay charges for meals or supportive services. Non-payment of such charges is not grounds for termination of tenancy.

(c) The owner may not charge the tenant extra amounts for items customarily included in rent in the locality, or provided at no additional cost to unsubsidized tenants in the premises.

[63 FR 23861, Apr. 30, 1998. Redesignated at 64 FR 26648, May 14, 1999]

§ 982.514 Distribution of housing assistance payment.

The monthly housing assistance payment is distributed as follows:

(a) The PHA pays the owner the lesser of the housing assistance payment or the rent to owner.

(b) If the housing assistance payment exceeds the rent to owner, the PHA may pay the balance of the housing assistance payment ("utility reimbursement") either to the family or directly to the utility supplier to pay the utility bill on behalf of the family. If the PHA elects to pay the utility supplier directly, the PHA must notify the family of the amount paid to the utility supplier.

(c) The PHA may elect to establish policies regarding the frequency of utility reimbursement payments for payments made to the family.

(1) The PHA will have the option of making utility reimbursement payments not less than once per calendar-year quarter, for reimbursements totaling $45 or less per quarter. In the event a family leaves the program in advance of its next quarterly reimbursement, the PHA would be required to reimburse the family for a prorated share of the applicable reimbursement. PHAs exercising this option must have a hardship policy in place for tenants.

(2) If the PHA elects to pay the utility supplier directly, the PHA must notify the family of the amount paid to the utility supplier.

[63 FR 23861, Apr. 30, 1998, as amended at 64 FR 56914, Oct. 21, 1999; 65 FR 16822, Mar. 30, 2000; 81 FR 12376, Mar. 8, 2016]

§ 982.515 Family share: Family responsibility.

(a) The family share is calculated by subtracting the amount of the housing assistance payment from the gross rent.

(b) The family rent to owner is calculated by subtracting the amount of the housing assistance payment to the owner from the rent to owner.

(c) The PHA may not use housing assistance payments or other program funds (including any administrative fee reserve) to pay any part of the family share, including the family rent to owner. Payment of the whole family share is the responsibility of the family.

[63 FR 23861, Apr. 30, 1998, as amended at 64 FR 56915, Oct. 21, 1999]

§ 982.516 Family income and composition: Annual and interim examinations.

Link to an amendment published at 88 FR 9675, Feb. 14, 2023.

(a) ***PHA responsibility for reexamination and verification.***

(1) The PHA must conduct a reexamination of family income and composition at least annually.

(2) Except as provided in paragraph (a)(3) of this section, the PHA must obtain and document in the tenant file third-party verification of the following factors, or must document in the tenant file why third-party verification was not available:

(i) Reported family annual income;

(ii) The value of assets;

(iii) Expenses related to deductions from annual income; and

(iv) Other factors that affect the determination of adjusted income.

(3) For a family with net assets equal to or less than $5,000, a PHA may accept a family's declaration that it has net assets equal to or less than $5,000, without taking additional steps to verify the accuracy of the declaration.

(i) The declaration must state the amount of income the family expects to receive from such assets; this amount must be included in the family's income.

(ii) A PHA must obtain third-party verification of all family assets every 3 years.

(b) ***Streamlined income determination*** —

(1) ***General.*** A PHA may elect to apply a streamlined income determination to families receiving fixed income as described in paragraph (b)(3) of this section.

(2) ***Definition of "fixed income".*** For purposes of this section, "fixed income" means periodic payments at reasonably predictable levels from one or more of the following sources:

(i) Social Security, Supplemental Security Income, Supplemental Disability Insurance.

(ii) Federal, state, local, or private pension plans.

(iii) Annuities or other retirement benefit programs, insurance policies, disability or death benefits, or other similar types of periodic receipts.

(iv) Any other source of income subject to adjustment by a verifiable COLA or current rate of interest.

(3) ***Method of streamlined income determination.*** A PHA using the streamlined income determination must adjust a family's income according to the percentage of a family's unadjusted income that is from fixed income.

(i) When 90 percent or more of a family's unadjusted income consists of fixed income, PHAs using streamlined income determinations must apply a COLA or COLAs to the family's fixed-income sources, provided that the family certifies both that 90 percent or more of their unadjusted income is fixed income and that their sources of fixed income have not changed from the previous year. For non-fixed income, the PHA is not required to make adjustments pursuant to paragraph (a) of this section.

(ii) When less than 90 percent of a family's unadjusted income consists of fixed income, PHAs using streamlined income determinations must apply a COLA to each of the family's sources of fixed income individually. The PHA must determine all other income pursuant to paragraph (a) of this section.

(4) ***COLA rate applied by PHAs.*** PHAs using streamlined income determinations must adjust a family's fixed income using a COLA or current interest rate that applies to each specific source of fixed income and is available from a public source or through tenant-provided, third-party-generated documentation. If no public verification or tenant-provided documentation is available, then the owner must obtain third-party verification of the income amounts in order to calculate the change in income for the source.

(5) ***Triennial verification.*** For any income determined pursuant to a streamlined income determination, a PHA must obtain third-party verification of all income amounts every 3 years.

(c) ***Interim reexaminations.***

(1) At any time, the PHA may conduct an interim reexamination of family income and composition.

(2) At any time, the family may request an interim determination of family income or composition because of any changes since the last determination. The PHA must make the interim determination within a reasonable time after the family request.

(3) Interim examinations must be conducted in accordance with policies in the PHA administrative plan.

(d) ***Family reporting of change.*** The PHA must adopt policies prescribing when and under what conditions the family must report a change in family income or composition.

(e) ***Effective date of reexamination.***

(1) The PHA must adopt policies prescribing how to determine the effective date of a change in the housing assistance payment resulting from an interim redetermination.

(2) At the effective date of a regular or interim reexamination, the PHA must make appropriate adjustments in the housing assistance payment in accordance with § 982.505.

(f) ***Accuracy of family income data.*** The PHA must establish procedures that are appropriate and necessary to assure that income data provided by applicant or participant families is complete and accurate.

(g) ***Execution of release and consent.***

(1) As a condition of admission to or continued assistance under the program, the PHA shall require the family head, and such other family members as the PHA designates, to execute a HUD-approved release and consent form (including any release and consent as required under § 5.230 of this title) authorizing any depository or private source of income, or any Federal, State or local agency, to furnish or release to the PHA or HUD such information as the PHA or HUD determines to be necessary.

(2) The PHA and HUD must limit the use or disclosure of information obtained from a family or from another source pursuant to this release and consent to purposes directly in connection with administration of the program.

(Information collection requirements contained in this section have been approved by the Office of Management and Budget under control number 2577–0169.)

[63 FR 23861, Apr. 30, 1998, as amended at 64 FR 13057, Mar. 16, 1999; 64 FR 26649, May 14, 1999; 64 FR 56915, Oct. 21, 1999; 65 FR 16822, Mar. 30, 2000; 80 FR 8247, Feb. 17, 2015; 81 FR 12376, Mar. 8, 2016; 82 FR 58341, Dec. 12, 2017; 85 FR 27139, May 7, 2020]

Editorial Note: At 64 FR 26649, May 14, 1999, § 982.516 was amended in paragraph (e) by removing the reference to "and family unit size"; however paragraph (e) does not contain this phrase.

§ 982.517 Utility allowance schedule.

(a) ***Maintaining schedule.***

(1) The PHA must maintain a utility allowance schedule for all tenant-paid utilities (except telephone), for cost of tenant-supplied refrigerators and ranges, and for other tenant-paid housing services (e.g., trash collection (disposal of waste and refuse)).

(2) The PHA must give HUD a copy of the utility allowance schedule. At HUD's request, the PHA also must provide any information or procedures used in preparation of the schedule.

(b) ***How allowances are determined.***

(1) The utility allowance schedule must be determined based on the typical cost of utilities and services paid by energy-conservative households that occupy housing of similar size and type in the same locality. In developing the schedule, the PHA must use normal patterns of consumption for the community as a whole and current utility rates.

(2)

(i) A PHA's utility allowance schedule, and the utility allowance for an individual family, must include the utilities and services that are necessary in the locality to provide housing that complies with the housing quality standards. However, the PHA may not provide any allowance for non-essential utility costs, such as costs of cable or satellite television.

(ii) In the utility allowance schedule, the PHA must classify utilities and other housing services according to the following general categories: space heating; air conditioning; cooking; water heating; water; sewer; trash collection (disposal of waste and refuse); other electric; refrigerator (cost of tenant-supplied refrigerator); range (cost of tenant-supplied range); and other specified housing services. The PHA must provide a utility allowance for tenant-paid air-conditioning costs if the majority of housing units in the market provide centrally air-conditioned units or there is appropriate wiring for tenant-installed air conditioners.

(3) The cost of each utility and housing service category must be stated separately. For each of these categories, the utility allowance schedule must take into consideration unit size (by number of bedrooms), and unit types (e.g., apartment, row-house, town house, single-family detached, and manufactured housing) that are typical in the community.

(4) The utility allowance schedule must be prepared and submitted in accordance with HUD requirements on the form prescribed by HUD.

(c) ***Revisions of utility allowance schedule.***

(1) A PHA must review its schedule of utility allowances each year, and must revise its allowance for a utility category if there has been a change of 10 percent or more in the utility rate since the last time the utility allowance schedule was revised. The PHA must maintain information supporting its annual review of utility allowances and any revisions made in its utility allowance schedule.

(2) At HUD's direction, the PHA must revise the utility allowance schedule to correct any errors, or as necessary to update the schedule.

(d) ***Use of utility allowance schedule.*** The PHA must use the appropriate utility allowance for the lesser of the size of dwelling unit actually leased by the family or the family unit size as determined under the PHA subsidy standards. In cases where the unit size leased exceeds the family unit size as determined under the PHA subsidy standards as a result of a reasonable accommodation, the PHA must use the appropriate utility allowance for the size of the dwelling unit actually leased by the family.

(e) ***Higher utility allowance as reasonable accommodation for a person with disabilities.*** On request from a family that includes a person with disabilities, the PHA must approve a utility allowance which is higher than the applicable amount on the utility allowance schedule if a higher utility allowance is needed as a reasonable accommodation in accordance with 24 CFR part 8 to make the program accessible to and usable by the family member with a disability.

(Information collection requirements contained in this section have been approved by the Office of Management and Budget under control number 2577–0169.)

[63 FR 23861, Apr. 30, 1998, as amended at 80 FR 8247, Feb. 17, 2015; 81 FR 12377, Mar. 8, 2016]

§ 982.521 Rent to owner in subsidized project.

(a) ***Applicability to subsidized project.*** This section applies to a program tenancy in any of the following types of federally subsidized project:

(1) An insured or non-insured Section 236 project;

(2) A Section 202 project;

(3) A Section 221(d)(3) below market interest rate (BMIR) project; or

(4) A Section 515 project of the Rural Development Administration.

(b) ***How rent to owner is determined.*** The rent to owner is the subsidized rent as determined in accordance with requirements for the applicable federal program listed in paragraph (a) of this section. This determination is not subject to the prohibition against increasing the rent to owner during the initial lease term (see § 982.309).

[65 FR 16822, Mar. 30, 2000, as amended at 80 FR 8247, Feb. 17, 2015]

Subpart L - Family Obligations; Denial and Termination of Assistance

Source: 60 FR 34695, July 3, 1995, unless otherwise noted.

§ 982.551 Obligations of participant.

(a) ***Purpose.*** This section states the obligations of a participant family under the program.

(b) ***Supplying required information*** —

(1) The family must supply any information that the PHA or HUD determines is necessary in the administration of the program, including submission of required evidence of citizenship or eligible immigration status (as provided by 24 CFR part 5). "Information" includes any requested certification, release or other documentation.

(2) The family must supply any information requested by the PHA or HUD for use in a regularly scheduled reexamination or interim reexamination of family income and composition in accordance with HUD requirements.

(3) The family must disclose and verify social security numbers (as provided by part 5, subpart B, of this title) and must sign and submit consent forms for obtaining information in accordance with part 5, subpart B, of this title.

(4) Any information supplied by the family must be true and complete.

(c) ***HQS breach caused by family.*** The family is responsible for an HQS breach caused by the family as described in § 982.404(b).

(d) ***Allowing PHA inspection.*** The family must allow the PHA to inspect the unit at reasonable times and after reasonable notice.

(e) ***Violation of lease.*** The family may not commit any serious or repeated violation of the lease. Under 24 CFR 5.2005(c), an incident or incidents of actual or threatened domestic violence, dating violence, sexual assault, or stalking will not be construed as a serious or repeated lease violation by the victim, or threatened victim, of the domestic violence, dating violence, sexual assault, or stalking, or as good cause to terminate the tenancy, occupancy rights, or assistance of the victim.

(f) ***Family notice of move or lease termination.*** The family must notify the PHA and the owner before the family moves out of the unit, or terminates the lease on notice to the owner. See § 982.354(d).

(g) ***Owner eviction notice.*** The family must promptly give the PHA a copy of any owner eviction notice.

(h) ***Use and occupancy of unit*** —

(1) The family must use the assisted unit for residence by the family. The unit must be the family's only residence.

(2) The composition of the assisted family residing in the unit must be approved by the PHA. The family must promptly inform the PHA of the birth, adoption or court-awarded custody of a child. The family must request PHA approval to add any other family member as an occupant of the unit. No other person [i.e., nobody but members of the assisted family] may reside in the unit (except for a foster child or live-in aide as provided in paragraph (h)(4) of this section).

(3) The family must promptly notify the PHA if any family member no longer resides in the unit.

(4) If the PHA has given approval, a foster child or a live-in-aide may reside in the unit. The PHA has the discretion to adopt reasonable policies concerning residence by a foster child or a live-in-aide, and defining when PHA consent may be given or denied.

(5) Members of the household may engage in legal profitmaking activities in the unit, but only if such activities are incidental to primary use of the unit for residence by members of the family.

(6) The family must not sublease or let the unit.

(7) The family must not assign the lease or transfer the unit.

(i) ***Absence from unit.*** The family must supply any information or certification requested by the PHA to verify that the family is living in the unit, or relating to family absence from the unit, including any PHA-requested information or certification on the purposes of family absences. The family must cooperate with the PHA for this purpose. The family must promptly notify the PHA of absence from the unit.

(j) ***Interest in unit.*** The family must not own or have any interest in the unit.

(k) ***Fraud and other program violation.*** The members of the family must not commit fraud, bribery or any other corrupt or criminal act in connection with the programs.

(l) ***Crime by household members.*** The members of the household may not engage in drug-related criminal activity or violent criminal activity or other criminal activity that threatens the health, safety, or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises (see § 982.553). Under 24 CFR 5.2005(b)(2), criminal activity directly related to domestic violence, dating violence, sexual assault, or stalking, engaged in by a member of a tenant's household, or any guest or other person under the tenant's control, shall not be cause for termination of tenancy, occupancy rights, or assistance of the victim, if the tenant or an affiliated individual of the tenant, as defined in 24 CFR 5.2003, is the victim.

(m) ***Alcohol abuse by household members.*** The members of the household must not abuse alcohol in a way that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises.

(n) ***Other housing assistance.*** An assisted family, or members of the family, may not receive Section 8 tenant-based assistance while receiving another housing subsidy, for the same unit or for a different unit, under any duplicative (as determined by HUD or in accordance with HUD requirements) federal, State or local housing assistance program.

(Approved by the Office of Management and Budget under control number 2577–0169)

[60 FR 34695, July 3, 1995, as amended at 60 FR 45661, Sept. 1, 1995; 61 FR 11119, Mar. 18, 1996; 61 FR 13627, Mar. 27, 1996; 61 FR 27163, May 30, 1996; 64 FR 26650, May 14, 1999; 66 FR 28805, May 24, 2001; 73 FR 72345, Nov. 28, 2008; 75 FR 66264, Oct. 27, 2010; 80 FR 50575, Aug. 20, 2015; 81 FR 80817, Nov. 16, 2016]

§ 982.552 PHA denial or termination of assistance for family.

Link to an amendment published at 88 FR 9676, Feb. 14, 2023.

(a) ***Action or inaction by family.***

(1) A PHA may deny assistance for an applicant or terminate assistance for a participant under the programs because of the family's action or failure to act as described in this section or § 982.553. The provisions of this section do not affect denial or termination of assistance for grounds other than action or failure to act by the family.

(2) Denial of assistance for an applicant may include any or all of the following: denying listing on the PHA waiting list, denying or withdrawing a voucher, refusing to enter into a HAP contract or approve a lease, and refusing to process or provide assistance under portability procedures.

(3) Termination of assistance for a participant may include any or all of the following: refusing to enter into a HAP contract or approve a lease, terminating housing assistance payments under an outstanding HAP contract, and refusing to process or provide assistance under portability procedures.

(4) This section does not limit or affect exercise of the PHA rights and remedies against the owner under the HAP contract, including termination, suspension or reduction of housing assistance payments, or termination of the HAP contract.

(b) ***Requirement to deny admission or terminate assistance.***

(1) For provisions on denial of admission and termination of assistance for illegal drug use, other criminal activity, and alcohol abuse that would threaten other residents, see § 982.553.

(2) The PHA must terminate program assistance for a family evicted from housing assisted under the program for serious violation of the lease.

(3) The PHA must deny admission to the program for an applicant, or terminate program assistance for a participant, if any member of the family fails to sign and submit consent forms for obtaining information in accordance with part 5, subparts B and F of this title.

(4) The family must submit required evidence of citizenship or eligible immigration status. See part 5 of this title for a statement of circumstances in which the PHA must deny admission or terminate program assistance because a family member does not establish citizenship or eligible immigration status, and the applicable informal hearing procedures.

(5) The PHA must deny or terminate assistance if any family member fails to meet the eligibility requirements concerning individuals enrolled at an institution of higher education as specified in 24 CFR 5.612.

(c) ***Authority to deny admission or terminate assistance*** —

(1) ***Grounds for denial or termination of assistance.*** The PHA may at any time deny program assistance for an applicant, or terminate program assistance for a participant, for any of the following grounds:

(i) If the family violates any family obligations under the program (see § 982.551). See § 982.553 concerning denial or termination of assistance for crime by family members.

(ii) If any member of the family has been evicted from federally assisted housing in the last five years;

(iii) If a PHA has ever terminated assistance under the program for any member of the family.

(iv) If any member of the family has committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program (see also § 982.553(a)(1));

(v) If the family currently owes rent or other amounts to the PHA or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act.

(vi) If the family has not reimbursed any PHA for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.

(vii) If the family breaches an agreement with the PHA to pay amounts owed to a PHA, or amounts paid to an owner by a PHA. (The PHA, at its discretion, may offer a family the opportunity to enter an agreement to pay amounts owed to a PHA or amounts paid to an owner by a PHA. The PHA may prescribe the terms of the agreement.)

(viii) If a family participating in the FSS program fails to comply, without good cause, with the family's FSS contract of participation.

(ix) If the family has engaged in or threatened abusive or violent behavior toward PHA personnel.

(x) If a welfare-to-work (WTW) family fails, willfully and persistently, to fulfill its obligations under the welfare-to-work voucher program.

(xi) If the family has been engaged in criminal activity or alcohol abuse as described in § 982.553.

(2) ***Consideration of circumstances.*** In determining whether to deny or terminate assistance because of action or failure to act by members of the family:

(i) The PHA may consider all relevant circumstances such as the seriousness of the case, the extent of participation or culpability of individual family members, mitigating circumstances related to the disability of a family member, and the effects of denial or termination of assistance on other family members who were not involved in the action or failure.

(ii) The PHA may impose, as a condition of continued assistance for other family members, a requirement that other family members who participated in or were culpable for the action or failure will not reside in the unit. The PHA may permit the other members of a participant family to continue receiving assistance.

(iii) In determining whether to deny admission or terminate assistance for illegal use of drugs or alcohol abuse by a household member who is no longer engaged in such behavior, the PHA may consider whether such household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program, or has otherwise been rehabilitated successfully (42 U.S.C. 13661). For this purpose, the PHA may require the applicant or tenant to submit evidence of the household member's current participation in, or successful completion of, a supervised drug or alcohol rehabilitation program or evidence of otherwise having been rehabilitated successfully.

(iv) If the family includes a person with disabilities, the PHA decision concerning such action is subject to consideration of reasonable accommodation in accordance with part 8 of this title.

(v) ***Nondiscrimination limitation and protection for victims of domestic violence, dating violence, sexual assault, or stalking.*** The PHA's admission and termination actions must be consistent with fair housing and equal opportunity provisions of 24 CFR 5.105, and with the requirements of 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking).

(d) ***Information for family.*** The PHA must give the family a written description of:

(1) Family obligations under the program.

(2) The grounds on which the PHA may deny or terminate assistance because of family action or failure to act.

(3) The PHA informal hearing procedures.

(e) ***Applicant screening.*** The PHA may at any time deny program assistance for an applicant in accordance with the PHA policy, as stated in the PHA administrative plan, on screening of applicants for family behavior or suitability for tenancy.

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[60 FR 34695, July 3, 1995, as amended at 60 FR 45661, Sept. 1, 1995; 61 FR 13627, Mar. 27, 1996; 63 FR 23865, Apr. 30, 1998; 64 FR 26650, May 14, 1999; 64 FR 49659, Sept. 14, 1999; 64 FR 56915, Oct. 21, 1999; 65 FR 16823, Mar. 30, 2000; 66 FR 28805, May 24, 2001; 70 FR 77744, Dec. 30, 2005; 73 FR 72345, Nov. 28, 2008; 75 FR 66264, Oct. 27, 2010; 80 FR 8247, Feb. 17, 2015; 81 FR 80817, Nov. 16, 2016]

§ 982.553 Denial of admission and termination of assistance for criminals and alcohol abusers.

(a) ***Denial of admission*** —

(1) ***Prohibiting admission of drug criminals.***

(i) The PHA *must* prohibit admission to the program of an applicant for three years from the date of eviction if a household member has been evicted from federally assisted housing for drug-related criminal activity. However, the PHA may admit the household if the PHA determines:

(A) That the evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by the PHA; or

(B) That the circumstances leading to eviction no longer exist (for example, the criminal household member has died or is imprisoned).

(ii) The PHA must establish standards that prohibit admission if:

(A) The PHA determines that any household member is currently engaging in illegal use of a drug;

(B) The PHA determines that it has reasonable cause to believe that a household member's illegal drug use or a pattern of illegal drug use may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents; or

(C) Any household member has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing.

(2) ***Prohibiting admission of other criminals—***

(i) ***Mandatory prohibition.*** The PHA *must* establish standards that prohibit admission to the program if any member of the household is subject to a lifetime registration requirement under a State sex offender registration program. In this screening of applicants, the PHA must perform criminal history background checks necessary to determine whether any household member is subject to a lifetime sex offender registration requirement in the State where the housing is located and in other States where the household members are known to have resided.

(ii) ***Permissive prohibitions.***

(A) The PHA *may* prohibit admission of a household to the program if the PHA determines that any household member is currently engaged in, or has engaged in during a reasonable time before the admission:

(1) Drug-related criminal activity;

(2) Violent criminal activity;

(3) Other criminal activity which may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity; or

(4) Other criminal activity which may threaten the health or safety of the owner, property management staff, or persons performing a contract administration function or responsibility on behalf of the PHA (including a PHA employee or a PHA contractor, subcontractor or agent).

(B) The PHA may establish a period before the admission decision during which an applicant must not have engaged in the activities specified in paragraph (a)(2)(i) of this section ("reasonable time").

(C) If the PHA previously denied admission to an applicant because a member of the household engaged in criminal activity, the PHA may reconsider the applicant if the PHA has sufficient evidence that the members of the household are not currently engaged in, and have not engaged in, such criminal activity during a reasonable period, as determined by the PHA, before the admission decision.

(1) The PHA would have "sufficient evidence" if the household member submitted a certification that she or he is not currently engaged in and has not engaged in such criminal activity during the specified period and provided supporting information from such sources as a probation officer, a landlord, neighbors, social service agency workers and criminal records, which the PHA verified.

(2) For purposes of this section, a household member is "currently engaged in" criminal activity if the person has engaged in the behavior recently enough to justify a reasonable belief that the behavior is current.

(3) ***Prohibiting admission of alcohol abusers.*** The PHA must establish standards that prohibit admission to the program if the PHA determines that it has reasonable cause to believe that a household member's abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

(b) ***Terminating assistance*** —

(1) ***Terminating assistance for drug criminals.***

(i) The PHA *must* establish standards that allow the PHA to terminate assistance for a family under the program if the PHA determines that:

(A) Any household member is currently engaged in any illegal use of a drug; or

(B) A pattern of illegal use of a drug by any household member interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.

(ii) The PHA must immediately terminate assistance for a family under the program if the PHA determines that any member of the household has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing.

(iii) The PHA must establish standards that allow the PHA to terminate assistance under the program for a family if the PHA determines that any family member has violated the family's obligation under § 982.551 not to engage in any drug-related criminal activity.

(2) ***Terminating assistance for other criminals.*** The PHA must establish standards that allow the PHA to terminate assistance under the program for a family if the PHA determines that any household member has violated the family's obligation under § 982.551 not to engage in violent criminal activity.

(3) ***Terminating assistance for alcohol abusers.*** The PHA must establish standards that allow termination of assistance for a family if the PHA determines that a household member's abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

(c) ***Evidence of criminal activity.*** The PHA may terminate assistance for criminal activity by a household member as authorized in this section if the PHA determines, based on a preponderance of the evidence, that the household member has engaged in the activity, regardless of whether the household member has been arrested or convicted for such activity.

(d) ***Use of criminal record*** —

(1) ***Denial.*** If a PHA proposes to deny admission for criminal activity as shown by a criminal record, the PHA must provide the subject of the record and the applicant with a copy of the criminal record. The PHA must give the family an opportunity to dispute the accuracy and relevance of that record, in the informal review process in accordance with § 982.554. (See part 5, subpart J for provision concerning access to criminal records.)

(2) ***Termination of assistance.*** If a PHA proposes to terminate assistance for criminal activity as shown by a criminal record, the PHA must notify the household of the proposed action to be based on the information and must provide the subject of the record and the tenant with a copy of the criminal record. The PHA must give the family an opportunity to dispute the accuracy and relevance of that record in accordance with § 982.555.

(3) ***Cost of obtaining criminal record.*** The PHA may not pass along to the tenant the costs of a criminal records check.

(e) The requirements in 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking) apply to this section.

[66 FR 28805, May 24, 2001, as amended at 73 FR 72345, Nov. 28, 2008; 75 FR 66264, Oct. 27, 2010; 80 FR 8247, Feb. 17, 2015; 81 FR 80817, Nov. 16, 2016]

§ 982.554 Informal review for applicant.

(a) ***Notice to applicant.*** The PHA must give an applicant for participation prompt notice of a decision denying assistance to the applicant. The notice must contain a brief statement of the reasons for the PHA decision. The notice must also state that the applicant may request an informal review of the decision and must describe how to obtain the informal review.

(b) ***Informal review process.*** The PHA must give an applicant an opportunity for an informal review of the PHA decision denying assistance to the applicant. The administrative plan must state the PHA procedures for conducting an informal review. The PHA review procedures must comply with the following:

(1) The review may be conducted by any person or persons designated by the PHA, other than a person who made or approved the decision under review or a subordinate of this person.

(2) The applicant must be given an opportunity to present written or oral objections to the PHA decision.

(3) The PHA must notify the applicant of the PHA final decision after the informal review, including a brief statement of the reasons for the final decision.

(c) ***When informal review is not required.*** The PHA is not required to provide the applicant an opportunity for an informal review for any of the following:

(1) Discretionary administrative determinations by the PHA.

(2) General policy issues or class grievances.

(3) A determination of the family unit size under the PHA subsidy standards.

(4) A PHA determination not to approve an extension of the voucher term.

(5) A PHA determination not to grant approval of the tenancy.

(6) An PHA determination that a unit selected by the applicant is not in compliance with HQS.

(7) An PHA determination that the unit is not in accordance with HQS because of the family size or composition.

(d) ***Restrictions on assistance for noncitizens.*** The informal hearing provisions for the denial of assistance on the basis of ineligible immigration status are contained in 24 CFR part 5.

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[60 FR 34695, July 3, 1995, as amended at 60 FR 45661, Sept. 1, 1995; 61 FR 13627, Mar. 27, 1996; 64 FR 26650, May 14, 1999; 80 FR 50575, Aug. 20, 2015]

§ 982.555 Informal hearing for participant.

(a) ***When hearing is required.***

(1) A PHA must give a participant family an opportunity for an informal hearing to consider whether the following PHA decisions relating to the individual circumstances of a participant family are in accordance with the law, HUD regulations and PHA policies:

(i) A determination of the family's annual or adjusted income, and the use of such income to compute the housing assistance payment.

(ii) A determination of the appropriate utility allowance (if any) for tenant-paid utilities from the PHA utility allowance schedule.

(iii) A determination of the family unit size under the PHA subsidy standards.

(iv) A determination to terminate assistance for a participant family because of the family's action or failure to act (see § 982.552).

(v) A determination to terminate assistance because the participant family has been absent from the assisted unit for longer than the maximum period permitted under PHA policy and HUD rules.

(2) In the cases described in paragraphs (a)(1) (iv), (v) and (vi) of this section, the PHA must give the opportunity for an informal hearing before the PHA terminates housing assistance payments for the family under an outstanding HAP contract.

(b) ***When hearing is not required.*** The PHA is not required to provide a participant family an opportunity for an informal hearing for any of the following:

(1) Discretionary administrative determinations by the PHA.

(2) General policy issues or class grievances.

(3) Establishment of the PHA schedule of utility allowances for families in the program.

(4) A PHA determination not to approve an extension of the voucher term.

(5) A PHA determination not to approve a unit or tenancy.

(6) A PHA determination that an assisted unit is not in compliance with HQS. (However, the PHA must provide the opportunity for an informal hearing for a decision to terminate assistance for a breach of the HQS caused by the family as described in § 982.551(c).)

(7) A PHA determination that the unit is not in accordance with HQS because of the family size.

(8) A determination by the PHA to exercise or not to exercise any right or remedy against the owner under a HAP contract.

(c) ***Notice to family.***

(1) In the cases described in paragraphs (a)(1) (i), (ii) and (iii) of this section, the PHA must notify the family that the family may ask for an explanation of the basis of the PHA determination, and that if the family does not agree with the determination, the family may request an informal hearing on the decision.

(2) In the cases described in paragraphs (a)(1) (iv), (v) and (vi) of this section, the PHA must give the family prompt written notice that the family may request a hearing. The notice must:

(i) Contain a brief statement of reasons for the decision,

(ii) State that if the family does not agree with the decision, the family may request an informal hearing on the decision, and

(iii) State the deadline for the family to request an informal hearing.

(d) ***Expeditious hearing process.*** Where a hearing for a participant family is required under this section, the PHA must proceed with the hearing in a reasonably expeditious manner upon the request of the family.

(e) ***Hearing procedures*** —

(1) ***Administrative plan.*** The administrative plan must state the PHA procedures for conducting informal hearings for participants.

(2) ***Discovery*** —

(i) ***By family.*** The family must be given the opportunity to examine before the PHA hearing any PHA documents that are directly relevant to the hearing. The family must be allowed to copy any such document at the family's expense. If the PHA does not make the document available for examination on request of the family, the PHA may not rely on the document at the hearing.

(ii) ***By PHA.*** The PHA hearing procedures may provide that the PHA must be given the opportunity to examine at PHA offices before the PHA hearing any family documents that are directly relevant to the hearing. The PHA must be allowed to copy any such document at the PHA's expense. If the family does not make the document available for examination on request of the PHA, the family may not rely on the document at the hearing.

(iii) ***Documents.*** The term “documents” includes records and regulations.

(3) ***Representation of family.*** At its own expense, the family may be represented by a lawyer or other representative.

(4) ***Hearing officer: Appointment and authority.***

(i) The hearing may be conducted by any person or persons designated by the PHA, other than a person who made or approved the decision under review or a subordinate of this person.

(ii) The person who conducts the hearing may regulate the conduct of the hearing in accordance with the PHA hearing procedures.

(5) ***Evidence.*** The PHA and the family must be given the opportunity to present evidence, and may question any witnesses. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

(6) ***Issuance of decision.*** The person who conducts the hearing must issue a written decision, stating briefly the reasons for the decision. Factual determinations relating to the individual circumstances of the family shall be based on a preponderance of the evidence presented at the hearing. A copy of the hearing decision shall be furnished promptly to the family.

(f) ***Effect of decision.*** The PHA is not bound by a hearing decision:

(1) Concerning a matter for which the PHA is not required to provide an opportunity for an informal hearing under this section, or that otherwise exceeds the authority of the person conducting the hearing under the PHA hearing procedures.

(2) Contrary to HUD regulations or requirements, or otherwise contrary to federal, State, or local law.

(3) If the PHA determines that it is not bound by a hearing decision, the PHA must promptly notify the family of the determination, and of the reasons for the determination.

(g) ***Restrictions on assistance to noncitizens.*** The informal hearing provisions for the denial of assistance on the basis of ineligible immigration status are contained in 24 CFR part 5.

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[60 FR 34695, July 3, 1995, as amended at 60 FR 45661, Sept. 1, 1995; 61 FR 13627, Mar. 27, 1996; 64 FR 26650, May 14, 1999; 65 FR 16823, Mar. 30, 2000; 80 FR 8247, Feb. 17, 2015; 80 FR 50575, Aug. 20, 2015]

Subpart M - Special Housing Types

Source: 63 FR 23865, Apr. 30, 1998, unless otherwise noted.

§ 982.601 Overview.

(a) ***Special housing types.*** This subpart describes program requirements for special housing types. The following are the special housing types:

(1) Single room occupancy (SRO) housing;

(2) Congregate housing;

(3) Group home;

(4) Shared housing;

(5) Manufactured home;

(6) Cooperative housing (excluding families that are not cooperative members); and

(7) Homeownership option.

(b) ***PHA choice to offer special housing type.***

(1) The PHA may permit a family to use any of the following special housing types in accordance with requirements of the program: single room occupancy (SRO) housing, congregate housing, group home, shared housing, manufactured home when the family owns the home and leases the manufactured home space, cooperative housing or homeownership option.

(2) In general, the PHA is not required to permit families (including families that move into the PHA program under portability procedures) to use any of these special housing types, and may limit the number of families using special housing types.

(3) The PHA must permit use of any special housing type if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities in accordance with 24 CFR part 8.

(4) For occupancy of a manufactured home, see § 982.620(a).

(c) ***Program funding for special housing types.***

(1) HUD does not provide any additional or designated funding for special housing types, or for a specific special housing type (e.g., the homeownership option). Assistance for special housing types is paid from program funding available for the PHA's tenant-based program under the consolidated annual contributions contract.

(2) The PHA may not set aside program funding or program slots for special housing types or for a specific special housing type.

(d) ***Family choice of housing and housing type.*** The family chooses whether to use housing that qualifies as a special housing type under this subpart, or as any specific special housing type, or to use other eligible housing in accordance with requirements of the program. The PHA may not restrict the family's freedom to choose among available units in accordance with § 982.353.

(e) ***Applicability of requirements.***

(1) Except as modified by this subpart, the requirements of other subparts of this part apply to the special housing types.

(2) Provisions in this subpart only apply to a specific special housing type. The housing type is noted in the title of each section.

(3) Housing must meet the requirements of this subpart for a single special housing type specified by the family. Such housing is not subject to requirements for other special housing types. A single unit cannot be designated as more than one special housing type.

[63 FR 23865, Apr. 30, 1998, as amended at 65 FR 55162, Sept. 12, 2000; 67 FR 64493, Oct. 18, 2002; 80 FR 8247, Feb. 17, 2015]

SINGLE ROOM OCCUPANCY (SRO)

§ 982.602 SRO: Who may reside in an SRO?

A single person may reside in an SRO housing unit.

[64 FR 26650, May 14, 1999]

§ 982.603 SRO: Lease and HAP contract.

For SRO housing, there is a separate lease and HAP contract for each assisted person.

§ 982.604 SRO: Voucher housing assistance payment.

(a) For a person residing in SRO housing, the payment standard is 75 percent of the zero-bedroom payment standard amount on the PHA payment standard schedule. For a person residing in SRO housing in an exception area, the payment standard is 75 percent of the HUD-approved zero-bedroom exception payment standard amount.

(b) The utility allowance for an assisted person residing in SRO housing is 75 percent of the zero bedroom utility allowance.

[64 FR 26650, May 14, 1999]

§ 982.605 SRO: Housing quality standards.

(a) ***HQS standards for SRO.*** The HQS in § 982.401 apply to SRO housing. However, the standards in this section apply in place of § 982.401(b) (sanitary facilities), § 982.401(c) (food preparation and refuse disposal), and § 982.401(d) (space and security). Since the SRO units will not house children, the housing quality standards in § 982.401(j), concerning lead-based paint, do not apply to SRO housing.

(b) ***Performance requirements.***

(1) SRO housing is subject to the additional performance requirements in this paragraph (b).

(2) Sanitary facilities, and space and security characteristics must meet local code standards for SRO housing. In the absence of applicable local code standards for SRO housing, the following standards apply:

(i) ***Sanitary facilities.***

(A) At least one flush toilet that can be used in privacy, lavatory basin, and bathtub or shower, in proper operating condition, must be supplied for each six persons or fewer residing in the SRO housing.

(B) If SRO units are leased only to males, flush urinals may be substituted for not more than one-half the required number of flush toilets. However, there must be at least one flush toilet in the building.

(C) Every lavatory basin and bathtub or shower must be supplied at all times with an adequate quantity of hot and cold running water.

(D) All of these facilities must be in proper operating condition, and must be adequate for personal cleanliness and the disposal of human waste. The facilities must utilize an approvable public or private disposal system.

(E) Sanitary facilities must be reasonably accessible from a common hall or passageway to all persons sharing them. These facilities may not be located more than one floor above or below the SRO unit. Sanitary facilities may not be located below grade unless the SRO units are located on that level.

(ii) ***Space and security.***

(A) No more than one person may reside in an SRO unit.

(B) An SRO unit must contain at least one hundred ten square feet of floor space.

(C) An SRO unit must contain at least four square feet of closet space for each resident (with an unobstructed height of at least five feet). If there is less closet space, space equal to the amount of the deficiency must be subtracted from the area of the habitable room space when determining the amount of floor space in the SRO unit. The SRO unit must contain at least one hundred ten square feet of remaining floor space after subtracting the amount of the deficiency in minimum closet space.

(D) Exterior doors and windows accessible from outside an SRO unit must be lockable.

(3) ***Access.***

(i) Access doors to an SRO unit must have locks for privacy in proper operating condition.

(ii) An SRO unit must have immediate access to two or more approved means of exit, appropriately marked, leading to safe and open space at ground level, and any means of exit required by State and local law.

(iii) The resident must be able to access an SRO unit without passing through any other unit.

(4) ***Sprinkler system.*** A sprinkler system that protects all major spaces, hard wired smoke detectors, and such other fire and safety improvements as State or local law may require must be installed in each building. The term "major spaces" means hallways, large common areas, and other areas specified in local fire, building, or safety codes.

CONGREGATE HOUSING

§ 982.606 Congregate housing: Who may reside in congregate housing.

(a) An elderly person or a person with disabilities may reside in a congregate housing unit.

(b)

(1) If approved by the PHA, a family member or live-in aide may reside with the elderly person or person with disabilities.

(2) The PHA must approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities in accordance with 24 CFR part 8. See § 982.316 concerning occupancy by a live-in aide.

§ 982.607 Congregate housing: Lease and HAP contract.

For congregate housing, there is a separate lease and HAP contract for each assisted family.

§ 982.608 Congregate housing: Voucher housing assistance payment.

(a) Unless there is a live-in aide:

(1) For a family residing in congregate housing, the payment standard is the zero-bedroom payment standard amount on the PHA payment standard schedule. For a family residing in congregate housing in an exception area, the payment standard is the HUD-approved zero-bedroom exception payment standard amount.

(2) However, if there are two or more rooms in the unit (not including kitchen or sanitary facilities), the payment standard for a family residing in congregate housing is the one-bedroom payment standard amount.

(b) If there is a live-in aide, the live-in aide must be counted in determining the family unit size.

[63 FR 23865, Apr. 30, 1998, as amended at 64 FR 26650, May 14, 1999]

§ 982.609 Congregate housing: Housing quality standards.

(a) ***HQS standards for congregate housing.*** The HQS in § 982.401 apply to congregate housing. However, the standards in this section apply in place of § 982.401(c) (food preparation and refuse disposal). Congregate housing is not subject to the HQS acceptability requirement in § 982.401(d)(2)(i) that the dwelling unit must have a kitchen area.

(b) ***Food preparation and refuse disposal: Additional performance requirements.*** The following additional performance requirements apply to congregate housing:

(1) The unit must contain a refrigerator of appropriate size.

(2) There must be central kitchen and dining facilities on the premises. These facilities:

(i) Must be located within the premises, and accessible to the residents;

(ii) Must contain suitable space and equipment to store, prepare, and serve food in a sanitary manner;

(iii) Must be used to provide a food service that is provided for the residents, and that is not provided by the residents; and

(iv) Must be for the primary use of residents of the congregate units and be sufficient in size to accommodate the residents.

(3) There must be adequate facilities and services for the sanitary disposal of food waste and refuse, including facilities for temporary storage where necessary.

GROUP HOME

§ 982.610 Group home: Who may reside in a group home.

(a) An elderly person or a person with disabilities may reside in a State-approved group home.

(b)

(1) If approved by the PHA, a live-in aide may reside with a person with disabilities.

(2) The PHA must approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities in accordance with 24 CFR part 8. See § 982.316 concerning occupancy by a live-in aide.

(c) Except for a live-in aide, all residents of a group home, whether assisted or unassisted, must be elderly persons or persons with disabilities.

(d) Persons residing in a group home must not require continual medical or nursing care.

(e) Persons who are not assisted under the tenant-based program may reside in a group home.

(f) No more than 12 persons may reside in a group home. This limit covers all persons who reside in the unit, including assisted and unassisted residents and any live-in aide.

§ 982.611 Group home: Lease and HAP contract.

For assistance in a group home, there is a separate HAP contract and lease for each assisted person.

§ 982.612 Group home: State approval of group home.

A group home must be licensed, certified, or otherwise approved in writing by the State (e.g., Department of Human Resources, Mental Health, Retardation, or Social Services) as a group home for elderly persons or persons with disabilities.

§ 982.613 Group home: Rent and voucher housing assistance payment.

(a) ***Meaning of pro-rata portion.*** For a group home, the term "pro-rata portion" means the ratio derived by dividing the number of persons in the assisted household by the total number of residents (assisted and unassisted) residing in the group home. The number of persons in the assisted household equals one assisted person plus any PHA-approved live-in aide.

(b) ***Rent to owner: Reasonable rent limit.***

(1) The rent to owner for an assisted person may not exceed the pro-rata portion of the reasonable rent for the group home.

(2) The reasonable rent for a group home is determined in accordance with § 982.507. In determining reasonable rent for the group home, the PHA must consider whether sanitary facilities, and facilities for food preparation and service, are common facilities or private facilities.

(c) ***Payment standard*** —

(1) ***Family unit size.***

(i) Unless there is a live-in aide, the family unit size is zero or one bedroom.

(ii) If there is a live-in aide, the live-in aide must be counted in determining the family unit size.

(2) The payment standard for a person who resides in a group home is the lower of:

(i) The payment standard amount on the PHA payment standard schedule for the family unit size; or

(ii) The pro-rata portion of the payment standard amount on the PHA payment standard schedule for the group home size.

(iii) If there is a live-in aide, the live-in aide must be counted in determining the family unit size.

(d) ***Utility allowance.*** The utility allowance for each assisted person residing in a group home is the pro-rata portion of the utility allowance for the group home unit size.

[63 FR 23865, Apr. 30, 1998, as amended at 64 FR 26651, May 14, 1999]

§ 982.614 Group home: Housing quality standards.

(a) ***Compliance with HQS.*** The PHA may not give approval to reside in a group home unless the unit, including the portion of the unit available for use by the assisted person under the lease, meets the housing quality standards.

(b) ***Applicable HQS standards.***

(1) The HQS in § 982.401 apply to assistance in a group home. However, the standards in this section apply in place of § 982.401(b) (sanitary facilities), § 982.401(c) (food preparation and refuse disposal), § 982.401(d) (space and security), § 982.401(g) (structure and materials) and § 982.401(l) (site and neighborhood).

(2) The entire unit must comply with the HQS.

(c) ***Additional performance requirements.*** The following additional performance requirements apply to a group home:

(1) ***Sanitary facilities.***

(i) There must be a bathroom in the unit. The unit must contain, and an assisted resident must have ready access to:

(A) A flush toilet that can be used in privacy;

(B) A fixed basin with hot and cold running water; and

(C) A shower or bathtub with hot and cold running water.

(ii) All of these facilities must be in proper operating condition, and must be adequate for personal cleanliness and the disposal of human waste. The facilities must utilize an approvable public or private disposal system.

(iii) The unit may contain private or common sanitary facilities. However, the facilities must be sufficient in number so that they need not be shared by more than four residents of the group home.

(iv) Sanitary facilities in the group home must be readily accessible to and usable by residents, including persons with disabilities.

(2) ***Food preparation and service.***

(i) The unit must contain a kitchen and a dining area. There must be adequate space to store, prepare, and serve foods in a sanitary manner.

(ii) Food preparation and service equipment must be in proper operating condition. The equipment must be adequate for the number of residents in the group home. The unit must contain the following equipment:

(A) A stove or range, and oven;

(B) A refrigerator; and

(C) A kitchen sink with hot and cold running water. The sink must drain into an approvable public or private disposal system.

(iii) There must be adequate facilities and services for the sanitary disposal of food waste and refuse, including facilities for temporary storage where necessary.

(iv) The unit may contain private or common facilities for food preparation and service.

(3) ***Space and security.***

(i) The unit must provide adequate space and security for the assisted person.

(ii) The unit must contain a living room, kitchen, dining area, bathroom, and other appropriate social, recreational or community space. The unit must contain at least one bedroom of appropriate size for each two persons.

(iii) Doors and windows that are accessible from outside the unit must be lockable.

(4) ***Structure and material.***

(i) The unit must be structurally sound to avoid any threat to the health and safety of the residents, and to protect the residents from the environment.

(ii) Ceilings, walls, and floors must not have any serious defects such as severe bulging or leaning, loose surface materials, severe buckling or noticeable movement under walking stress, missing parts or other significant damage. The roof structure must be firm, and the roof must be weathertight. The exterior or wall structure and exterior wall surface may not have any serious defects such as serious leaning, buckling, sagging, cracks or large holes, loose siding, or other serious damage. The condition and equipment of interior and exterior stairways, halls, porches, walkways, etc., must not present a danger of tripping or falling. Elevators must be maintained in safe operating condition.

(iii) The group home must be accessible to and usable by a resident with disabilities.

(5) ***Site and neighborhood.*** The site and neighborhood must be reasonably free from disturbing noises and reverberations and other hazards to the health, safety, and general welfare of the residents. The site and neighborhood may not be subject to serious adverse environmental conditions, natural or manmade, such as dangerous walks or steps, instability, flooding, poor drainage, septic tank back-ups, sewage hazards or mud slides, abnormal air pollution, smoke or dust, excessive noise, vibrations or vehicular traffic, excessive accumulations of trash, vermin or rodent infestation, or fire hazards. The unit must be located in a residential setting.

SHARED HOUSING

§ 982.615 Shared housing: Occupancy.

(a) ***Sharing a unit.*** An assisted family may reside in shared housing. In shared housing, an assisted family shares a unit with the other resident or residents of the unit. The unit may be a house or an apartment.

(b) ***Who may share a dwelling unit with assisted family?***

(1) If approved by the PHA, a live-in aide may reside with the family to care for a person with disabilities. The PHA must approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities in accordance with 24 CFR part 8. See § 982.316 concerning occupancy by a live-in aide.

(2) Other persons who are assisted under the tenant-based program, or other persons who are not assisted under the tenant-based program, may reside in a shared housing unit.

(3) The owner of a shared housing unit may reside in the unit. A resident owner may enter into a HAP contract with the PHA. However, housing assistance may not be paid on behalf of an owner. An assisted person may not be related by blood or marriage to a resident owner.

[63 FR 23865, Apr. 30, 1998, as amended at 80 FR 8247, Feb. 17, 2015]

§ 982.616 Shared housing: Lease and HAP contract.

For assistance in a shared housing unit, there is a separate HAP contract and lease for each assisted family.

§ 982.617 Shared housing: Rent and voucher housing assistance payment.

(a) ***Meaning of pro-rata portion.*** For shared housing, the term "pro-rata portion" means the ratio derived by dividing the number of bedrooms in the private space available for occupancy by a family by the total number of bedrooms in the unit. For example, for a family entitled to occupy three bedrooms in a five bedroom unit, the ratio would be 3/5.

(b) ***Rent to owner: Reasonable rent.***

(1) The rent to owner for the family may not exceed the pro-rata portion of the reasonable rent for the shared housing dwelling unit.

(2) The reasonable rent is determined in accordance with § 982.507.

(c) ***Payment standard.*** The payment standard for a family that resides in a shared housing is the lower of:

(1) The payment standard amount on the PHA payment standard schedule for the family unit size; or

(2) The pro-rata portion of the payment standard amount on the PHA payment standard schedule for the size of the shared housing unit.

(d) ***Utility allowance.*** The utility allowance for an assisted family residing in shared housing is the pro-rata portion of the utility allowance for the shared housing unit.

[63 FR 23865, Apr. 30, 1998, as amended at 64 FR 26651, May 14, 1999]

§ 982.618 Shared housing: Housing quality standards.

(a) ***Compliance with HQS.*** The PHA may not give approval to reside in shared housing unless the entire unit, including the portion of the unit available for use by the assisted family under its lease, meets the housing quality standards.

(b) ***Applicable HQS standards.*** The HQS in § 982.401 apply to assistance in shared housing. However, the HQS standards in this section apply in place of § 982.401(d) (space and security).

(c) ***Facilities available for family.*** The facilities available for the use of an assisted family in shared housing under the family's lease must include (whether in the family's private space or in the common space) a living room, sanitary facilities in accordance with § 982.401(b), and food preparation and refuse disposal facilities in accordance with § 982.401(c).

(d) ***Space and security: Performance requirements.***

(1) The entire unit must provide adequate space and security for all its residents (whether assisted or unassisted).

(2)

(i) Each unit must contain private space for each assisted family, plus common space for shared use by the residents of the unit. Common space must be appropriate for shared use by the residents.

(ii) The private space for each assisted family must contain at least one bedroom for each two persons in the family. The number of bedrooms in the private space of an assisted family may not be less than the family unit size.

(iii) A zero or one bedroom unit may not be used for shared housing.

COOPERATIVE

§ 982.619 Cooperative housing.

(a) ***Assistance in cooperative housing.*** This section applies to rental assistance for a cooperative member residing in cooperative housing. However, this section does not apply to:

(1) Assistance for a cooperative member under the homeownership option pursuant to §§ 982.625 through 982.641; or

(2) Rental assistance for a family that leases a cooperative housing unit from a cooperative member (such rental assistance is not a special housing type, and is subject to requirements in other subparts of this part 982).

(b) ***Rent to owner.***

(1) The reasonable rent for a cooperative unit is determined in accordance with § 982.507. For cooperative housing, the rent to owner is the monthly carrying charge under the occupancy agreement/lease between the member and the cooperative.

(2) The carrying charge consists of the amount assessed to the member by the cooperative for occupancy of the housing. The carrying charge includes the member's share of the cooperative debt service, operating expenses, and necessary payments to cooperative reserve funds. However, the carrying charge does not include down-payments or other payments to purchase the cooperative unit, or to amortize a loan to the family for this purpose.

(3) Gross rent is the carrying charge plus any utility allowance.

(4) Adjustments are applied to the carrying charge as determined in accordance with this section.

(5) The occupancy agreement/lease and other appropriate documents must provide that the monthly carrying charge is subject to Section 8 limitations on rent to owner.

(c) ***Housing assistance payment.*** The amount of the housing assistance payment is determined in accordance with subpart K of this part.

(d) ***Maintenance.***

(1) During the term of the HAP contract between the PHA and the cooperative, the dwelling unit and premises must be maintained in accordance with the HQS. If the dwelling unit and premises are not maintained in accordance with the HQS, the PHA may exercise all available remedies, regardless of whether the family or the cooperative is responsible for such breach of the HQS. PHA remedies for breach of the HQS include recovery of overpayments, abatement or other reduction of housing assistance payments, termination of housing assistance payments and termination of the HAP contract.

(2) The PHA may not make any housing assistance payments if the contract unit does not meet the HQS, unless any defect is corrected within the period specified by the PHA and the PHA verifies the correction. If a defect is life-threatening, the defect must be corrected within no more than 24 hours. For other defects, the defect must be corrected within the period specified by the PHA.

(3) The family is responsible for a breach of the HQS that is caused by any of the following:

(i) The family fails to perform any maintenance for which the family is responsible in accordance with the terms of the cooperative occupancy agreement between the cooperative member and the cooperative;

(ii) The family fails to pay for any utilities that the cooperative is not required to pay for, but which are to be paid by the cooperative member;

(iii) The family fails to provide and maintain any appliances that the cooperative is not required to provide, but which are to be provided by the cooperative member; or

(iv) Any member of the household or guest damages the dwelling unit or premises (damages beyond ordinary wear and tear).

(4) If the family has caused a breach of the HQS for which the family is responsible, the PHA must take prompt and vigorous action to enforce such family obligations. The PHA may terminate assistance for violation of family obligations in accordance with § 982.552.

(5) Section 982.404 does not apply to assistance for cooperative housing under this section.

(e) ***Live-in aide.***

(1) If approved by the PHA, a live-in aide may reside with the family to care for a person with disabilities. The PHA must approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities in accordance with 24 CFR part 8. See § 982.316 concerning occupancy by a live-in aide.

(2) If there is a live-in aide, the live-in aide must be counted in determining the family unit size.

[63 FR 23865, Apr. 30, 1998, as amended at 64 FR 26651, May 14, 1999; 65 FR 55162, Sept. 12, 2000; 80 FR 8247, Feb. 17, 2015]

MANUFACTURED HOME

§ 982.620 Manufactured home: Applicability of requirements.

(a) ***Assistance for resident of manufactured home.***

(1) A family may reside in a manufactured home with assistance under the program.

(2) The PHA must permit a family to lease a manufactured home and space with assistance under the program.

(3) The PHA may provide assistance for a family that owns the manufactured home and leases only the space. The PHA is not required to provide such assistance under the program.

(b) ***Applicability.***

(1) The HQS in § 982.621 always apply when assistance is provided to a family occupying a manufactured home (under paragraph (a)(2) or (a)(3) of this section).

(2) Sections 982.622 to 982.624 only apply when assistance is provided to a manufactured home owner to lease a manufactured home space.

(c) ***Live-in aide.***

(1) If approved by the PHA, a live-in aide may reside with the family to care for a person with disabilities. The PHA must approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities in accordance with 24 CFR part 8. See § 982.316 concerning occupancy by a live-in aide.

(2) If there is a live-in aide, the live-in aide must be counted in determining the family unit size.

§ 982.621 Manufactured home: Housing quality standards.

A manufactured home must meet all the HQS performance requirements and acceptability criteria in § 982.401. A manufactured home also must meet the following requirements:

(a) ***Performance requirement.*** A manufactured home must be placed on the site in a stable manner, and must be free from hazards such as sliding or wind damage.

(b) ***Acceptability criteria.*** A manufactured home must be securely anchored by a tie-down device that distributes and transfers the loads imposed by the unit to appropriate ground anchors to resist wind overturning and sliding.

MANUFACTURED HOME SPACE RENTAL

§ 982.622 Manufactured home space rental: Rent to owner.

(a) ***What is included.***

(1) Rent to owner for rental of a manufactured home space includes payment for maintenance and services that the owner must provide to the tenant under the lease for the space.

(2) Rent to owner does not include the costs of utilities and trash collection for the manufactured home. However, the owner may charge the family a separate fee for the cost of utilities or trash collection provided by the owner.

(b) ***Reasonable rent.***

(1) During the assisted tenancy, the rent to owner for the manufactured home space may not exceed a reasonable rent as determined in accordance with this section. Section 982.503 is not applicable.

(2) The PHA may not approve a lease for a manufactured home space until the PHA determines that the initial rent to owner for the space is a reasonable rent. At least annually during the assisted tenancy, the PHA must redetermine that the current rent to owner is a reasonable rent.

(3) The PHA must determine whether the rent to owner for the manufactured home space is a reasonable rent in comparison to rent for other comparable manufactured home spaces. To make this determination, the PHA must consider the location and size of the space, and any services and maintenance to be provided by the owner in accordance with the lease (without a fee in addition to the rent).

(4) By accepting each monthly housing assistance payment from the PHA, the owner of the manufactured home space certifies that the rent to owner for the space is not more than rent charged by the owner for unassisted rental of comparable spaces in the same manufactured home park or elsewhere. The owner must give the PHA information, as requested by the PHA, on rents charged by the owner for other manufactured home spaces.

§ 982.623 Manufactured home space rental: Housing assistance payment.

(a) There is a separate fair market rent for a manufactured home space. The FMR for a manufactured home space is determined in accordance with § 888.113(e) of this title. The FMR for a manufactured home space is generally 40 percent of the published FMR for a two-bedroom unit.

(b) The payment standard shall be determined in accordance with § 982.505.

(c) The PHA shall pay a monthly housing assistance payment on behalf of the family that is equal to the lower of:

(1) The payment standard minus the total tenant payment; or

(2) The rent paid for rental of the real property on which the manufactured home owned by the family is located ("space rent") minus the total tenant payment.

(d) The space rent is the sum of the following as determined by the PHA:

(1) Rent to owner for the manufactured home space;

(2) Owner maintenance and management charges for the space;

(3) The utility allowance for tenant-paid utilities.

[64 FR 26651, May 14, 1999; 64 FR 49659, Sept. 14, 1999; 64 FR 56915, Oct. 21, 1999; 80 FR 8247, Feb. 17, 2015]

§ 982.624 Manufactured home space rental: Utility allowance schedule.

The PHA must establish utility allowances for manufactured home space rental. For the first twelve months of the initial lease term only, the allowances must include a reasonable amount for utility hook-up charges payable by the family if the family actually incurs the expenses because of a move. Allowances for utility hook-up charges do not apply to a family that leases a manufactured home space in place. Utility allowances for manufactured home space must not cover costs payable by a family to cover the digging of a well or installation of a septic system.

HOMEOWNERSHIP OPTION

Source: 65 FR 55163, Sept. 12, 2000, unless otherwise noted.

§ 982.625 Homeownership option: General.

(a) The homeownership option is used to assist a family residing in a home purchased and owned by one or more members of the family.

(b) A family assisted under the homeownership option may be a newly admitted or existing participant in the program.

(c) ***Forms of homeownership assistance.***

(1) A PHA may provide one of two forms of homeownership assistance for a family:

(i) Monthly homeownership assistance payments; or

(ii) A single downpayment assistance grant.

(2) ***Prohibition against combining forms of homeownership assistance.*** A family may only receive one form of homeownership assistance. Accordingly, a family that includes a person who was an adult member of a family that previously received either of the two forms of homeownership assistance may not receive the other form of homeownership assistance from any PHA.

(d) ***PHA choice to offer homeownership options.***

(1) The PHA may choose to offer either or both forms of homeownership assistance under this subpart, or choose not to offer either form of assistance. However, the PHA must offer either form of homeownership assistance if necessary as a reasonable accommodation for a person with disabilities in accordance with § 982.601(b)(3).

(2) It is the sole responsibility of the PHA to determine whether it is reasonable to implement a homeownership program as a reasonable accommodation. The PHA will determine what is reasonable based on the specific circumstances and individual needs of the person with a disability. The PHA may determine that it is not reasonable to offer homeownership assistance as a reasonable accommodation in cases where the PHA has otherwise opted not to implement a homeownership program.

(e) ***Family choice.***

(1) The family chooses whether to participate in the homeownership option if offered by the PHA.

(2) If the PHA offers both forms of homeownership assistance, the family chooses which form of homeownership assistance to receive.

(f) The PHA must approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and useable by persons with disabilities in accordance with part 8 of this title. (See § 982.316 concerning occupancy by a live-in aide.)

(g) The PHA must have the capacity to operate a successful Section 8 homeownership program. The PHA has the required capacity if it satisfies either paragraph (g)(1), (g)(2), or (g)(3) of this section.

(1) The PHA establishes a minimum homeowner downpayment requirement of at least 3 percent of the purchase price for participation in its Section 8 homeownership program, and requires that at least one percent of the purchase price come from the family's personal resources;

(2) The PHA requires that financing for purchase of a home under its Section 8 homeownership program:

(i) Be provided, insured, or guaranteed by the state or Federal government;

(ii) Comply with secondary mortgage market underwriting requirements; or

(iii) Comply with generally accepted private sector underwriting standards; or

(3) The PHA otherwise demonstrates in its Annual Plan that it has the capacity, or will acquire the capacity, to successfully operate a Section 8 homeownership program.

(h) ***Recapture of homeownership assistance.*** A PHA shall not impose or enforce any requirement for the recapture of voucher homeownership assistance on the sale or refinancing of a home purchased with assistance under the homeownership option.

(i) ***Applicable requirements.*** The following specify what regulatory provisions (under the heading "homeownership option") are applicable to either or both forms of homeownership assistance (except as otherwise specifically provided):

(1) ***Common provisions.*** The following provisions apply to both forms of homeownership assistance:

(i) Section 982.625 (General);

(ii) Section 982.626 (Initial requirements);

(iii) Section 982.627 (Eligibility requirements for families);

(iv) Section 982.628 (Eligible units);

(v) Section 982.629 (Additional PHA requirements for family search and purchase);

(vi) Section 982.630 (Homeownership counseling);

(vii) Section 982.631 (Home inspections, contract of sale, and PHA disapproval of seller);

(viii) Section 982.632 (Financing purchase of home; affordability of purchase);

(ix) Section 982.636 (Portability);

(x) Section 982.638 (Denial or termination of assistance for family); and

(xi) Section 982.641 (Applicability of other requirements).

(2) ***Monthly homeownership assistance payments.*** The following provisions only apply to homeownership assistance in the form of monthly homeownership assistance payments:

(i) Section 982.633 (Continued assistance requirements; family obligations);

(ii) Section 982.634 (Maximum term of homeownership assistance);

(iii) Section 982.635 (Amount and distribution of monthly homeownership assistance payment);

(iv) Section 982.637 (Move with continued tenant-based assistance); and

(v) Section 982.639 (Administrative fees).

(3) ***Downpayment assistance grant.*** The following provision only applies to homeownership assistance in the form of a downpayment assistance grant: Section 982.643 (Downpayment assistance grants).

[65 FR 55163, Sept. 12, 2000, as amended at 67 FR 64493, Oct. 18, 2002; 80 FR 8247, Feb. 17, 2015]

§ 982.626 Homeownership option: Initial requirements.

(a) ***List of initial requirements.*** Before commencing homeownership assistance for a family, the PHA must determine that all of the following initial requirements have been satisfied:

(1) The family is qualified to receive homeownership assistance (see § 982.627);

(2) The unit is eligible (see § 982.628); and

(3) The family has satisfactorily completed the PHA program of required pre-assistance homeownership counseling (see § 982.630).

(b) ***Additional PHA requirements.*** Unless otherwise provided in this part, the PHA may limit homeownership assistance to families or purposes defined by the PHA, and may prescribe additional requirements for commencement of homeownership assistance for a family. Any such limits or additional requirements must be described in the PHA administrative plan.

(c) ***Environmental requirements.*** The PHA is responsible for complying with the authorities listed in § 58.6 of this title requiring the purchaser to obtain and maintain flood insurance for units in special flood hazard areas, prohibiting assistance for acquiring units in the coastal barrier resources system, and requiring notification to the purchaser of units in airport runway clear zones and airfield clear zones. In the case of units not yet under construction at the time the family enters into the contract for sale, the additional environmental review requirements referenced in § 982.628(e) of this part also apply, and the PHA shall submit all relevant environmental information to the responsible entity or to HUD to assist in completion of those requirements.

[63 FR 23865, Apr. 30, 1998, as amended at 72 FR 59938, Oct. 22, 2007]

§ 982.627 Homeownership option: Eligibility requirements for families.

(a) ***Determination whether family is qualified.*** The PHA may not provide homeownership assistance for a family unless the PHA determines that the family satisfies all of the following initial requirements at commencement of homeownership assistance for the family:

(1) The family has been admitted to the Section 8 Housing Choice Voucher program, in accordance with subpart E of this part.

(2) The family satisfies any first-time homeowner requirements (described in paragraph (b) of this section).

(3) The family satisfies the minimum income requirement (described in paragraph (c) of this section).

(4) The family satisfies the employment requirements (described in paragraph (d) of this section).

(5) The family has not defaulted on a mortgage securing debt to purchase a home under the homeownership option (see paragraph (e) of this section).

(6) Except for cooperative members who have acquired cooperative membership shares prior to commencement of homeownership assistance, no family member has a present ownership interest in a residence at the commencement of homeownership assistance for the purchase of any home.

(7) Except for cooperative members who have acquired cooperative membership shares prior to the commencement of homeownership assistance, the family has entered a contract of sale in accordance with § 982.631(c).

(8) The family also satisfies any other initial requirements established by the PHA (see § 982.626(b)). Any such additional requirements must be described in the PHA administrative plan.

(b) ***First-time homeowner requirements.*** At commencement of homeownership assistance for the family, the family must be any of the following:

(1) A first-time homeowner (defined at § 982.4);

(2) A cooperative member (defined at § 982.4); or

(3) A family of which a family member is a person with disabilities, and use of the homeownership option is needed as a reasonable accommodation so that the program is readily accessible to and usable by such person, in accordance with part 8 of this title.

(c) ***Minimum income requirements.***

(1) At commencement of monthly homeownership assistance payments for the family, or at the time of a downpayment assistance grant for the family, the family must demonstrate that the annual income, as determined by the PHA in accordance with § 5.609 of this title, of the adult family members who will own the home at commencement of homeownership assistance is not less than:

(i) In the case of a disabled family (as defined in § 5.403(b) of this title), the monthly Federal Supplemental Security Income (SSI) benefit for an individual living alone (or paying his or her share of food and housing costs) multiplied by twelve; or

(ii) In the case of other families, the Federal minimum wage multiplied by 2,000 hours.

(2)

(i) Except in the case of an elderly family or a disabled family (see the definitions of these terms at § 5.403(b) of this title), the PHA shall not count any welfare assistance received by the family in determining annual income under this section.

(ii) The disregard of welfare assistance income under paragraph (c)(2)(i) of this section only affects the determination of minimum annual income used to determine if a family initially qualifies for commencement of homeownership assistance in accordance with this section, but does not affect:

(A) The determination of income-eligibility for admission to the voucher program;

(B) Calculation of the amount of the family's total tenant payment (gross family contribution); or

(C) Calculation of the amount of homeownership assistance payments on behalf of the family.

(iii) In the case of an elderly or disabled family, the PHA shall include welfare assistance for the adult family members who will own the home in determining if the family meets the minimum income requirement.

(3) A PHA may establish a minimum income standard that is higher than those described in paragraph (c)(1) of this section for either or both types of families. However, a family that meets the applicable HUD minimum income requirement described in paragraph (c)(1) of this section, but not the higher standard established by the PHA shall be considered to satisfy the minimum income requirement if:

(i) The family demonstrates that it has been pre-qualified or pre-approved for financing;

(ii) The pre-qualified or pre-approved financing meets any PHA established requirements under § 982.632 for financing the purchase of the home (including qualifications of lenders and terms of financing); and

(iii) The pre-qualified or pre-approved financing amount is sufficient to purchase housing that meets HQS in the PHA's jurisdiction.

(d) ***Employment requirements.***

(1) Except as provided in paragraph (d)(2) of this section, the family must demonstrate that one or more adult members of the family who will own the home at commencement of homeownership assistance:

(i) Is currently employed on a full-time basis (the term "full-time employment" means not less than an average of 30 hours per week); and

(ii) Has been continuously so employed during the year before commencement of homeownership assistance for the family.

(2) The PHA shall have discretion to determine whether and to what extent interruptions are considered to break continuity of employment during the year. The PHA may count successive employment during the year. The PHA may count self-employment in a business.

(3) The employment requirement does not apply to an elderly family or a disabled family (see the definitions of these terms at § 5.403(b) of this title). Furthermore, if a family, other than an elderly family or a disabled family, includes a person with disabilities, the PHA shall grant an exemption from the employment requirement if the PHA determines that an exemption is needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities in accordance with part 8 of this title.

(4) A PHA may not establish an employment requirement in addition to the employment standard established by this paragraph.

(e) ***Prohibition against assistance to family that has defaulted.*** The PHA shall not commence homeownership assistance for a family that includes an individual who was an adult member of a family at the time when such family received homeownership assistance and defaulted on a mortgage securing debt incurred to purchase the home.

[65 FR 55163, Sept. 12, 2000, as amended at 67 FR 64493, Oct. 18, 2002; 80 FR 8247, Feb. 17, 2015]

§ 982.628 Homeownership option: Eligible units.

(a) ***Initial requirements applicable to the unit.*** The PHA must determine that the unit satisfies all of the following requirements:

(1) The unit is eligible. (See § 982.352. Paragraphs (a)(6), (a)(7) and (b) of § 982.352 do not apply.)

(2) The unit is either a one-unit property (including a manufactured home) or a single dwelling unit in a cooperative or condominium.

(3) The unit has been inspected by a PHA inspector and by an independent inspector designated by the family (see § 982.631).

(4) The unit satisfies the HQS (see § 982.401 and § 982.631).

(b) ***Purchase of home where family will not own fee title to the real property.*** Homeownership assistance may be provided for the purchase of a home where the family will not own fee title to the real property on which the home is located, but only if:

(1) The home is located on a permanent foundation; and

(2) The family has the right to occupy the home site for at least forty years.

(c) ***PHA disapproval of seller.*** The PHA may not commence homeownership assistance for occupancy of a home if the PHA has been informed (by HUD or otherwise) that the seller of the home is debarred, suspended, or subject to a limited denial of participation under 2 CFR part 2424.

(d) ***PHA-owned units.*** Homeownership assistance may be provided for the purchase of a unit that is owned by the PHA that administers the assistance under the consolidated ACC (including a unit owned by an entity substantially controlled by the PHA), only if all of the following conditions are satisfied:

(1) The PHA must inform the family, both orally and in writing, that the family has the right to purchase any eligible unit and a PHA-owned unit is freely selected by the family without PHA pressure or steering;

(2) The unit is not ineligible housing;

(3) The PHA must obtain the services of an independent agency, in accordance with § 982.352(b)(1)(iv)(B) and (C), to perform the following PHA functions:

(i) Inspection of the unit for compliance with the HQS, in accordance with § 982.631(a);

(ii) Review of the independent inspection report, in accordance with § 982.631(b)(4);

(iii) Review of the contract of sale, in accordance with § 982.631(c); and

(iv) Determination of the reasonableness of the sales price and any PHA provided financing, in accordance with § 982.632 and other supplementary guidance established by HUD.

(e) ***Units not yet under construction.*** Families may enter into contracts of sale for units not yet under construction at the time the family enters into the contract for sale. However, the PHA shall not commence homeownership assistance for the family for that unit, unless and until:

(1) Either:

(i) The responsible entity completed the environmental review procedures required by 24 CFR part 58, and HUD approved the environmental certification and request for release of funds prior to commencement of construction; or

(ii) HUD performed an environmental review under 24 CFR part 50 and notified the PHA in writing of environmental approval of the site prior to commencement of construction;

(2) Construction of the unit has been completed; and

(3) The unit has passed the required Housing Quality Standards (HQS) inspection (see § 982.631(a)) and independent inspection (see § 982.631(b)).

[65 FR 55163, Sept. 12, 2000, as amended at 67 FR 64494, Oct. 18, 2002; 67 FR 65865, Oct. 28, 2002; 67 FR 67522, Nov. 6, 2002; 72 FR 59938, Oct. 22, 2007; 72 FR 73496, Dec. 27, 2007]

§ 982.629 Homeownership option: Additional PHA requirements for family search and purchase.

(a) The PHA may establish the maximum time for a family to locate a home, and to purchase the home.

(b) The PHA may require periodic family reports on the family's progress in finding and purchasing a home.

(c) If the family is unable to purchase a home within the maximum time established by the PHA, the PHA may issue the family a voucher to lease a unit or place the family's name on the waiting list for a voucher.

§ 982.630 Homeownership option: Homeownership counseling.

(a) Before commencement of homeownership assistance for a family, the family must attend and satisfactorily complete the pre-assistance homeownership and housing counseling program required by the PHA (pre-assistance counseling).

(b) Suggested topics for the PHA-required pre-assistance counseling program include:

(1) Home maintenance (including care of the grounds);

(2) Budgeting and money management;

(3) Credit counseling;

(4) How to negotiate the purchase price of a home;

(5) How to obtain homeownership financing and loan preapprovals, including a description of types of financing that may be available, and the pros and cons of different types of financing;

(6) How to find a home, including information about homeownership opportunities, schools, and transportation in the PHA jurisdiction;

(7) Advantages of purchasing a home in an area that does not have a high concentration of low-income families and how to locate homes in such areas;

(8) Information on fair housing, including fair housing lending and local fair housing enforcement agencies; and

(9) Information about the Real Estate Settlement Procedures Act (12 U.S.C. 2601 *et seq.*) (RESPA), state and Federal truth-in-lending laws, and how to identify and avoid loans with oppressive terms and conditions.

(c) The PHA may adapt the subjects covered in pre-assistance counseling (as listed in paragraph (b) of this section) to local circumstances and the needs of individual families.

(d) The PHA may also offer additional counseling after commencement of homeownership assistance (ongoing counseling). If the PHA offers a program of ongoing counseling for participants in the homeownership option, the PHA shall have discretion to determine whether the family is required to participate in the ongoing counseling.

(e) If the PHA is not using a HUD-approved housing counseling agency to provide the counseling for families participating in the homeownership option, the PHA should ensure that its counseling program is consistent with the homeownership counseling provided under HUD's Housing Counseling program.

§ 982.631 Homeownership option: Home inspections, contract of sale, and PHA disapproval of seller.

(a) HQS inspection by PHA. The PHA may not commence monthly homeownership assistance payments or provide a downpayment assistance grant for the family until the PHA has inspected the unit and has determined that the unit passes HQS.

(b) ***Independent inspection.***

(1) The unit must also be inspected by an independent professional inspector selected by and paid by the family.

(2) The independent inspection must cover major building systems and components, including foundation and structure, housing interior and exterior, and the roofing, plumbing, electrical, and heating systems. The independent inspector must be qualified to report on property conditions, including major building systems and components.

(3) The PHA may not require the family to use an independent inspector selected by the PHA. The independent inspector may not be a PHA employee or contractor, or other person under control of the PHA. However, the PHA may establish standards for qualification of inspectors selected by families under the homeownership option.

(4) The independent inspector must provide a copy of the inspection report both to the family and to the PHA. The PHA may not commence monthly homeownership assistance payments, or provide a downpayment assistance grant for the family, until the PHA has reviewed the inspection report of the independent inspector. Even if the unit otherwise complies with the HQS (and may qualify for assistance under the PHA's tenant-based rental voucher program), the PHA shall have discretion to disapprove the unit for assistance under the homeownership option because of information in the inspection report.

(c) ***Contract of sale.***

(1) Before commencement of monthly homeownership assistance payments or receipt of a downpayment assistance grant, a member or members of the family must enter into a contract of sale with the seller of the unit to be acquired by the family. The family must give the PHA a copy of the contract of sale (see also § 982.627(a)(7)).

(2) The contract of sale must:

(i) Specify the price and other terms of sale by the seller to the purchaser.

(ii) Provide that the purchaser will arrange for a pre-purchase inspection of the dwelling unit by an independent inspector selected by the purchaser.

(iii) Provide that the purchaser is not obligated to purchase the unit unless the inspection is satisfactory to the purchaser.

(iv) Provide that the purchaser is not obligated to pay for any necessary repairs.

(3) In addition to the requirements contained in paragraph (c)(2) of this section, a contract for the sale of units not yet under construction at the time the family is to enter into the contract for sale must also provide that:

(i) The purchaser is not obligated to purchase the unit unless an environmental review has been performed and the site has received environmental approval prior to commencement of construction in accordance with 24 CFR 982.628.

(ii) The construction will not commence until the environmental review has been completed and the seller has received written notice from the PHA that environmental approval has been obtained. Conduct of the environmental review may not necessarily result in environmental approval, and environmental approval may be conditioned on the contracting parties' agreement to modifications to the unit design or to mitigation actions.

(iii) Commencement of construction in violation of paragraph (c)(3)(ii) of this section voids the purchase contract and renders homeownership assistance under 24 CFR part 982 unavailable for purchase of the unit.

(d) ***PHA disapproval of seller.*** In its administrative discretion, the PHA may deny approval of a seller for any reason provided for disapproval of an owner in § 982.306(c).

[65 FR 55163, Sept. 12, 2000, as amended at 67 FR 64494, Oct. 18, 2002; 72 FR 59938, Oct. 22, 2007; 72 FR 73497, Dec. 27, 2007; 80 FR 8247, Feb. 17, 2015]

§ 982.632 Homeownership option: Financing purchase of home; affordability of purchase.

(a) The PHA may establish requirements for financing purchase of a home to be assisted under the homeownership option. Such PHA requirements may include requirements concerning qualification of lenders (for example, prohibition of seller financing or case-by-case approval of seller financing), or concerning terms of financing (for example, a prohibition of balloon payment mortgages, establishment of a minimum homeowner equity requirement from personal resources, or provisions required to protect borrowers against high cost loans or predatory loans). A PHA may not require that families acquire financing from one or more specified lenders, thereby restricting the family's ability to secure favorable financing terms.

(b) If the purchase of the home is financed with FHA mortgage insurance, such financing is subject to FHA mortgage insurance requirements.

(c) The PHA may establish requirements or other restrictions concerning debt secured by the home.

(d) The PHA may review lender qualifications and the loan terms before authorizing homeownership assistance. The PHA may disapprove proposed financing, refinancing or other debt if the PHA determines that the debt is unaffordable, or if the PHA determines that the lender or the loan terms do not meet PHA qualifications. In making this determination, the PHA may take into account other family expenses, such as child care, unreimbursed medical expenses, homeownership expenses, and other family expenses as determined by the PHA.

(e) All PHA financing or affordability requirements must be described in the PHA administrative plan.

[65 FR 55163, Sept. 12, 2000, as amended at 66 FR 33613, June 22, 2001]

§ 982.633 Homeownership option: Continued assistance requirements; Family obligations.

(a) ***Occupancy of home.*** Homeownership assistance may only be paid while the family is residing in the home. If the family moves out of the home, the PHA may not continue homeownership assistance after the month when the family moves out. The family or lender is not required to refund to the PHA the homeownership assistance for the month when the family moves out.

(b) ***Family obligations.*** The family must comply with the following obligations.

(1) ***Ongoing counseling.*** To the extent required by the PHA, the family must attend and complete ongoing homeownership and housing counseling.

(2) ***Compliance with mortgage.*** The family must comply with the terms of any mortgage securing debt incurred to purchase the home (or any refinancing of such debt).

(3) ***Prohibition against conveyance or transfer of home.***

(i) So long as the family is receiving homeownership assistance, use and occupancy of the home is subject to § 982.551(h) and (i).

(ii) The family may grant a mortgage on the home for debt incurred to finance purchase of the home or any refinancing of such debt.

(iii) Upon death of a family member who holds, in whole or in part, title to the home or ownership of cooperative membership shares for the home, homeownership assistance may continue pending settlement of the decedent's estate, notwithstanding transfer of title by operation of law to the decedent's executor or legal representative, so long as the home is solely occupied by remaining family members in accordance with § 982.551(h).

(4) ***Supplying required information.***

(i) The family must supply required information to the PHA in accordance with § 982.551(b).

(ii) In addition to other required information, the family must supply any information as required by the PHA or HUD concerning:

(A) Any mortgage or other debt incurred to purchase the home, and any refinancing of such debt (including information needed to determine whether the family has defaulted on the debt, and the nature of any such default), and information on any satisfaction or payment of the mortgage debt;

(B) Any sale or other transfer of any interest in the home; or

(C) The family's homeownership expenses.

(5) ***Notice of move-out.*** The family must notify the PHA before the family moves out of the home.

(6) ***Notice of mortgage default.*** The family must notify the PHA if the family defaults on a mortgage securing any debt incurred to purchase the home.

(7) ***Prohibition on ownership interest on second residence.*** During the time the family receives homeownership assistance under this subpart, no family member may have any ownership interest in any other residential property.

(8) ***Additional PHA requirements.*** The PHA may establish additional requirements for continuation of homeownership assistance for the family (for example, a requirement for post-purchase homeownership counseling or for periodic unit inspections while the family is receiving homeownership assistance). The family must comply with any such requirements.

(9) ***Other family obligations.*** The family must comply with the obligations of a participant family described in § 982.551. However, the following provisions do not apply to assistance under the homeownership option: § 982.551(c), (d), (e), (f), (g) and (j).

(c) ***Statement of homeowner obligations.*** Before commencement of homeownership assistance, the family must execute a statement of family obligations in the form prescribed by HUD. In the statement, the family agrees to comply with all family obligations under the homeownership option.

§ 982.634 Homeownership option: Maximum term of homeownership assistance.

(a) ***Maximum term of assistance.*** Except in the case of a family that qualifies as an elderly or disabled family (see paragraph (c) of this section), the family members described in paragraph (b) of this section shall not receive homeownership assistance for more than:

(1) Fifteen years, if the initial mortgage incurred to finance purchase of the home has a term of 20 years or longer; or

(2) Ten years, in all other cases.

(b) ***Applicability of maximum term.*** The maximum term described in paragraph (a) of this section applies to any member of the family who:

(1) Has an ownership interest in the unit during the time that homeownership payments are made; or

(2) Is the spouse of any member of the household who has an ownership interest in the unit during the time homeownership payments are made.

(c) ***Exception for elderly and disabled families.***

(1) As noted in paragraph (a) of this section, the maximum term of assistance does not apply to elderly and disabled families.

(2) In the case of an elderly family, the exception only applies if the family qualifies as an elderly family at the start of homeownership assistance. In the case of a disabled family, the exception applies if at any time during receipt of homeownership assistance the family qualifies as a disabled family.

(3) If, during the course of homeownership assistance, the family ceases to qualify as a disabled or elderly family, the maximum term becomes applicable from the date homeownership assistance commenced. However, such a family must be provided at least 6 months of homeownership assistance after the maximum term becomes applicable (provided the family is otherwise eligible to receive homeownership assistance in accordance with this part).

(d) ***Assistance for different homes or PHAs.*** If the family has received such assistance for different homes, or from different PHAs, the total of such assistance terms is subject to the maximum term described in paragraph (a) of this section.

§ 982.635 Homeownership option: Amount and distribution of monthly homeownership assistance payment.

(a) ***Amount of monthly homeownership assistance payment.*** While the family is residing in the home, the PHA shall pay a monthly homeownership assistance payment on behalf of the family that is equal to the *lower of:*

(1) The payment standard minus the total tenant payment; or

(2) The family's monthly homeownership expenses minus the total tenant payment.

(b) ***Payment standard for family.***

(1) The payment standard for a family is the lower of:

(i) The payment standard for the family unit size; or

(ii) The payment standard for the size of the home.

(2) If the home is located in an exception payment standard area, the PHA must use the appropriate payment standard for the exception payment standard area.

(3) The payment standard for a family is the greater of:

(i) The payment standard (as determined in accordance with paragraphs (b)(1) and (b)(2) of this section) at the commencement of homeownership assistance for occupancy of the home; or

(ii) The payment standard (as determined in accordance with paragraphs (b)(1) and (b)(2) of this section) at the most recent regular reexamination of family income and composition since the commencement of homeownership assistance for occupancy of the home.

(4) The PHA must use the same payment standard schedule, payment standard amounts, and subsidy standards pursuant to §§ 982.402 and 982.503 for the homeownership option as for the rental voucher program.

(c) ***Determination of homeownership expenses.***

(1) The PHA shall adopt policies for determining the amount of homeownership expenses to be allowed by the PHA in accordance with HUD requirements.

(2) Homeownership expenses for a homeowner (other than a cooperative member) may only include amounts allowed by the PHA to cover:

(i) Principal and interest on initial mortgage debt, any refinancing of such debt, and any mortgage insurance premium incurred to finance purchase of the home;

(ii) Real estate taxes and public assessments on the home;

(iii) Home insurance;

(iv) The PHA allowance for maintenance expenses;

(v) The PHA allowance for costs of major repairs and replacements;

(vi) The PHA utility allowance for the home;

(vii) Principal and interest on mortgage debt incurred to finance costs for major repairs, replacements or improvements for the home. If a member of the family is a person with disabilities, such debt may include debt incurred by the family to finance costs needed to make the home accessible for such person, if the PHA determines that allowance of such costs as homeownership expenses is needed as a reasonable accommodation so that the homeownership option is readily accessible to and usable by such person, in accordance with part 8 of this title; and

(viii) Land lease payments (where a family does not own fee title to the real property on which the home is located; see § 982.628(b)).

(3) Homeownership expenses for a cooperative member may only include amounts allowed by the PHA to cover:

(i) The cooperative charge under the cooperative occupancy agreement including payment for real estate taxes and public assessments on the home;

(ii) Principal and interest on initial debt incurred to finance purchase of cooperative membership shares and any refinancing of such debt;

(iii) Home insurance;

(iv) The PHA allowance for maintenance expenses;

(v) The PHA allowance for costs of major repairs and replacements;

(vi) The PHA utility allowance for the home; and

(vii) Principal and interest on debt incurred to finance major repairs, replacements or improvements for the home. If a member of the family is a person with disabilities, such debt may include debt incurred by the family to finance costs needed to make the home accessible for such person, if the PHA determines that allowance of such costs as homeownership expenses is needed as a reasonable accommodation so that the homeownership option is readily accessible to and usable by such person, in accordance with part 8 of this title.

(4) If the home is a cooperative or condominium unit, homeownership expenses may also include cooperative or condominium operating charges or maintenance fees assessed by the condominium or cooperative homeowner association.

(d) ***Payment to lender or family.*** The PHA must pay homeownership assistance payments either:

(1) Directly to the family or;

(2) At the discretion of the PHA, to a lender on behalf of the family. If the assistance payment exceeds the amount due to the lender, the PHA must pay the excess directly to the family.

(e) ***Automatic termination of homeownership assistance.*** Homeownership assistance for a family terminates automatically 180 calendar days after the last homeownership assistance payment on behalf of the family. However, a PHA has the discretion to grant relief from this requirement in those cases where automatic termination would result in extreme hardship for the family.

[65 FR 55163, Sept. 12, 2000, as amended at 67 FR 64494, Oct. 18, 2002]

§ 982.636 Homeownership option: Portability.

(a) ***General.*** A family may qualify to move outside the initial PHA jurisdiction with continued homeownership assistance under the voucher program in accordance with this section.

(b) ***Portability of homeownership assistance.*** Subject to § 982.353(b) and (c), § 982.552, and § 982.553, a family determined eligible for homeownership assistance by the initial PHA may purchase a unit outside of the initial PHA's jurisdiction, if the receiving PHA is administering a voucher homeownership program and is accepting new homeownership families.

(c) ***Applicability of Housing Choice Voucher program portability procedures.*** In general, the portability procedures described in §§ 982.353 and 982.355 apply to the homeownership option and the administrative responsibilities of the initial and receiving PHA are not altered except that some administrative functions (e.g., issuance of a voucher or execution of a tenancy addendum) do not apply to the homeownership option.

(d) ***Family and PHA responsibilities.*** The family must attend the briefing and counseling sessions required by the receiving PHA. The receiving PHA will determine whether the financing for, and the physical condition of the unit, are acceptable. The receiving PHA must promptly notify the initial PHA if the family has purchased an eligible unit under the program, or if the family is unable to purchase a home within the maximum time established by the PHA.

(e) ***Continued assistance under § 982.637.*** Such continued assistance under portability procedures is subject to § 982.637.

[65 FR 55163, Sept. 12, 2000, as amended at 80 FR 8247, Feb. 17, 2015]

§ 982.637 Homeownership option: Move with continued tenant-based assistance.

(a) ***Move to new unit.***

(1) A family receiving homeownership assistance may move to a new unit with continued tenant-based assistance in accordance with this section. The family may move either with voucher rental assistance (in accordance with rental assistance program requirements) or with voucher homeownership assistance (in accordance with homeownership option program requirements).

(2) The PHA may not commence continued tenant-based assistance for occupancy of the new unit so long as any family member owns any title or other interest in the prior home. However, when the family or a member of the family is or has been the victim of domestic violence, dating violence, sexual assault, or stalking, as provided in 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking), and the move is needed to protect the health or safety of the family or family member (or any family member has been the victim of a sexual assault that occurred on the premises during the 90-calendar-day period preceding the family's request to move), such family or family member may be assisted with continued tenant-based assistance even if such family or family member owns any title or other interest in the prior home.

(3) The PHA may establish policies that prohibit more than one move by the family during any one-year period. However, these policies do not apply when the family or a member of the family is or has been the victim of domestic violence, dating violence, sexual assault, or stalking, as provided in 24

CFR part 5, subpart L, and the move is needed to protect the health or safety of the family or family member, or any family member has been the victim of a sexual assault that occurred on the premises during the 90-calendar-day period preceding the family's request to move.

(b) ***Requirements for continuation of homeownership assistance.*** The PHA must determine that all initial requirements listed in § 982.626 (including the environmental requirements with respect to a unit not yet under construction) have been satisfied if a family that has received homeownership assistance wants to move to such a unit with continued homeownership assistance. However, the following requirements do not apply:

(1) The requirement for pre-assistance counseling (§ 982.630) is not applicable. However, the PHA may require that the family complete additional counseling (before or after moving to a new unit with continued assistance under the homeownership option).

(2) The requirement that a family must be a first-time homeowner (§ 982.627) is not applicable.

(c) ***When PHA may deny permission to move with continued assistance.*** The PHA may deny permission to move to a new unit with continued voucher assistance as follows:

(1) ***Lack of funding to provide continued assistance.*** The PHA may deny permission to move with continued rental or homeownership assistance if the PHA determines that it does not have sufficient funding to provide continued assistance. The PHA must provide written notification to the local HUD Office within 10 business days of determining it is necessary to deny moves based on insufficient funding.

(2) ***Termination or denial of assistance under § 982.638.*** At any time, the PHA may deny permission to move with continued rental or homeownership assistance in accordance with § 982.638.

[63 FR 23865, Apr. 30, 1998, as amended at 72 FR 59938, Oct. 22, 2007; 80 FR 50575, Aug. 20, 2015; 81 FR 80817, Nov. 16, 2016]

§ 982.638 Homeownership option: Denial or termination of assistance for family.

(a) ***General.*** The PHA shall terminate homeownership assistance for the family, and shall deny voucher rental assistance for the family, in accordance with this section.

(b) ***Denial or termination of assistance under basic voucher program.*** At any time, the PHA may deny or terminate homeownership assistance in accordance with § 982.552 (Grounds for denial or termination of assistance) or § 982.553 (Crime by family members).

(c) ***Failure to comply with family obligations.*** The PHA may deny or terminate assistance for violation of participant obligations described in § 982.551 or § 982.633.

(d) ***Mortgage default.*** The PHA must terminate voucher homeownership assistance for any member of family receiving homeownership assistance that is dispossessed from the home pursuant to a judgment or order of foreclosure on any mortgage (whether FHA-insured or non-FHA) securing debt incurred to purchase the home, or any refinancing of such debt. The PHA, in its discretion, may permit the family to move to a new unit with continued voucher rental assistance. However, the PHA must deny such permission, if:

(1) The family defaulted on an FHA-insured mortgage; and

(2) The family fails to demonstrate that:

(i) The family has conveyed, or will convey, title to the home, as required by HUD, to HUD or HUD's designee; and

(ii) The family has moved, or will move, from the home within the period established or approved by HUD.

[65 FR 55163, Sept. 12, 2000, as amended at 66 FR 33613, June 22, 2001]

§ 982.639 Homeownership option: Administrative fees.

The ongoing administrative fee described in § 982.152(b) is paid to the PHA for each month that homeownership assistance is paid by the PHA on behalf of the family.

§ 982.641 Homeownership option: Applicability of other requirements.

(a) ***General.*** The following types of provisions (located in other subparts of this part) do not apply to assistance under the homeownership option:

(1) Any provisions concerning the Section 8 owner or the HAP contract between the PHA and owner;

(2) Any provisions concerning the assisted tenancy or the lease between the family and the owner;

(3) Any provisions concerning PHA approval of the assisted tenancy;

(4) Any provisions concerning rent to owner or reasonable rent; and

(5) Any provisions concerning the issuance or term of voucher.

(b) ***Subpart G requirements.*** The following provisions of subpart G of this part do not apply to assistance under the homeownership option:

(1) Section 982.302 (Issuance of voucher; Requesting PHA approval of assisted tenancy);

(2) Section 982.303 (Term of voucher);

(3) Section 982.305 (PHA approval of assisted tenancy);

(4) Section 982.306 (PHA disapproval of owner) (except that a PHA may disapprove a seller for any reason described in paragraph (c), see § 982.631(d)).

(5) Section 982.307 (Tenant screening);

(6) Section 982.308 (Lease and tenancy);

(7) Section 982.309 (Term of assisted tenancy);

(8) Section 982.310 (Owner termination of tenancy);

(9) Section 982.311 (When assistance is paid) (except that § 982.311(c)(3) is applicable to assistance under the homeownership option);

(10) Section 982.313 (Security deposit: Amounts owed by tenant); and

(11) Section 982.354 (Move with continued tenant-based assistance).

(c) ***Subpart H requirements.*** The following provisions of subpart H of this part do not apply to assistance under the homeownership option:

(1) Section 982.352(a)(6) (Prohibition of owner-occupied assisted unit);

(2) Section 982.352(b) (PHA-owned housing); and

(3) Those provisions of § 982.353 (Where family can lease a unit with tenant-based assistance) and § 982.355 (Portability: Administration by receiving PHA) that are inapplicable per § 982.636;

(d) ***Subpart I requirements.*** The following provisions of subpart I of this part do not apply to assistance under the homeownership option:

(1) Section 982.403 (Terminating HAP contract when unit is too small);

(2) Section 982.404 (Maintenance: Owner and family responsibility; PHA remedies); and

(3) Section 982.405 (PHA initial and periodic unit inspection).

(e) ***Subpart J requirements.*** The requirements of subpart J of this part (Housing Assistance Payments Contract and Owner Responsibility) (§§ 982.451–456) do not apply to assistance under the homeownership option.

(f) ***Subpart K requirements.*** Except for those sections listed below, the requirements of subpart K of this part (Rent and Housing Assistance Payment) (§§ 982.501–521) do not apply to assistance under the homeownership option:

(1) Section 982.503 (Voucher tenancy: Payment standard amount and schedule);

(2) Section 982.516 (Family income and composition: Regular and interim reexaminations); and

(3) Section 982.517 (Utility allowance schedule).

(g) ***Subpart L requirements.*** The following provisions of subpart L of this part do not apply to assistance under the homeownership option:

(1) Section 982.551(c) (HQS breach caused by family);

(2) Section 982.551(d) (Allowing PHA inspection);

(3) Section 982.551(e) (Violation of lease);

(4) Section 982.551(g) (Owner eviction notice); and

(5) Section 982.551(j) (Interest in unit).

(h) ***Subpart M requirements.*** The following provisions of subpart M of this part do not apply to assistance under the homeownership option:

(1) Sections 982.602–982.619; and

(2) Sections 982.622–982.624.

[65 FR 55163, Sept. 12, 2000, as amended at 67 FR 64494, Oct. 18, 2002; 80 FR 8247, Feb. 17, 2015; 80 FR 50575, Aug. 20, 2015]

§ 982.642 Homeownership option: Pilot program for homeownership assistance for disabled families.

(a) ***General.*** This section implements the pilot program authorized by section 302 of the American Homeownership and Economic Opportunity Act of 2000. Under the pilot program, a PHA may provide homeownership assistance to a disabled family residing in a home purchased and owned by one or more members of the family. A PHA that administers tenant-based assistance has the choice whether to offer homeownership assistance under the pilot program (whether or not the PHA has also decided to offer the homeownership option).

(b) ***Applicability of homeownership option requirements.*** Except as provided in this section, all of the regulations applicable to the homeownership option (as described in §§ 982.625 through 982.641) are also applicable to the pilot program.

(c) ***Initial eligibility requirements.*** Before commencing homeownership assistance under the pilot program for a family, the PHA must determine that all of the following initial requirements have been satisfied:

(1) The family is a disabled family (as defined in § 5.403 of this title);

(2) The family annual income does not exceed 99 percent of the median income for the area;

(3) The family is not a current homeowner;

(4) The family must close on the purchase of the home during the period starting on July 23, 2001 and ending on July 23, 2004; and

(5) The family meets the initial requirements described in § 982.626; however, the following initial requirements do not apply to a family seeking to participate in the pilot program:

(i) The income eligibility requirements of § 982.201(b)(1);

(ii) The first-time homeowner requirements of § 982.627(b); and

(iii) The mortgage default requirements of § 982.627(e), if the PHA determines that the default is due to catastrophic medical reasons or due to the impact of a federally declared major disaster or emergency.

(d) ***Amount and distribution of homeownership assistance payments.***

(1) While the family is residing in the home, the PHA shall calculate a monthly homeownership assistance payment on behalf of the family in accordance with § 982.635 and this section.

(2) A family that is a low income family (as defined at 24 CFR 5.603(b)) as determined by HUD shall receive the full amount of the monthly homeownership assistance payment calculated under § 982.635.

(3) A family whose annual income is greater than the low income family ceiling but does not exceed 89 percent of the median income for the area as determined by HUD shall receive a monthly homeownership assistance payment equal to 66 percent of the amount calculated under § 982.635.

(4) A family whose annual income is greater than the 89 percent ceiling but does not exceed 99 percent of the median income for the area as determined by HUD shall receive a monthly homeownership assistance payment equal to 33 percent of the amount calculated under § 982.635.

(5) A family whose annual income is greater than 99 percent of the median income for the area shall not receive homeownership assistance under the pilot program.

(e) ***Assistance payments to lender.*** The PHA must make homeownership assistance payments to a lender on behalf of the disabled family. If the assistance payment exceeds the amount due to the lender, the PHA must pay the excess directly to the family. The provisions of § 982.635(d), which permit the PHA to make monthly homeownership assistance payments directly to the family, do not apply to the pilot program.

(f) ***Mortgage defaults.*** The requirements of § 982.638(d) regarding mortgage defaults are applicable to the pilot program. However, notwithstanding § 982.638(d), the PHA may, in its discretion, permit a family that has defaulted on its mortgage to move to a new unit with continued voucher homeownership assistance if the PHA determines that the default is due to catastrophic medical reasons or due to the impact of a federally declared major disaster or emergency. The requirements of §§ 982.627(a)(5) and 982.627(e) do not apply to such a family.

[66 FR 33613, June 22, 2001]

§ 982.643 Homeownership option: Downpayment assistance grants.

(a) ***General.***

(1) A PHA may provide a single downpayment assistance grant for a participant that has received tenant-based or project-based rental assistance in the Housing Choice Voucher Program.

(2) The downpayment assistance grant must be applied toward the downpayment required in connection with the purchase of the home and/or reasonable and customary closing costs in connection with the purchase of the home.

(3) If the PHA permits the downpayment grant to be applied to closing costs, the PHA must define what fees and charges constitute reasonable and customary closing costs. However, if the purchase of a home is financed with FHA mortgage insurance, such financing is subject to FHA mortgage insurance requirements, including any requirements concerning closing costs (see § 982.632(b) of this part regarding the applicability of FHA requirements to voucher homeownership assistance and § 203.27 of this title regarding allowable fees, charges and discounts for FHA-insured mortgages).

(b) ***Maximum downpayment grant.*** A downpayment assistance grant may not exceed twelve times the difference between the payment standard and the total tenant payment.

(c) ***Payment of downpayment grant.*** The downpayment assistance grant shall be paid at the closing of the family's purchase of the home.

(d) ***Administrative fee.*** For each downpayment assistance grant made by the PHA, HUD will pay the PHA a one-time administrative fee in accordance with § 982.152(a)(1)(iii).

(e) ***Return to tenant-based assistance.*** A family that has received a downpayment assistance grant may apply for and receive tenant-based rental assistance, in accordance with program requirements and PHA policies. However, the PHA may not commence tenant-based rental assistance for occupancy of the new unit so long as any member of the family owns any title or other interest in the home purchased with homeownership assistance. Further, eighteen months must have passed since the family's receipt of the downpayment assistance grant.

(f) ***Implementation of downpayment assistance grants.*** A PHA may not offer downpayment assistance under this paragraph until HUD publishes a notice in the FEDERAL REGISTER.

[67 FR 64494, Oct. 18, 2002]

ATTACHMENT 19

Exhibit II

Miami-Dade SFD

Allowances for Tenant-Furnished Utilities And Other Services

U.S. Department of Housing and Urban Development

Office of Public and Indian Housing

Locality: **Miami-Dade County, FL (Exc. Homestead)**		**Single Family Detached**								Date: **1/1/2022**
		Monthly Dollar Allowances; Number of Bedrooms								
Utility or Service		0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6BR	7BR	8BR
Heating	a. Natural Gas	$1	$1	$2	$2	$2	$3	$3	$3	$4
	b. Electric Resistance	$1	$1	$2	$2	$3	$3	$4	$4	$5
	c. Heat Pump	$0	$0	$1	$1	$1	$1	$1	$1	$2
	d. Propane/LPG	$2	$3	$4	$5	$6	$7	$7	$8	$9
Cooking	a. Natural Gas	$5	$7	$8	$10	$11	$13	$14	$16	$18
	b. Electric	$5	$7	$9	$10	$12	$14	$15	$17	$19
	c. Propane/LPG	$12	$16	$19	$23	$27	$31	$35	$39	$44
Other Electric/Lighting		$33	$43	$53	$63	$74	$84	$94	$105	$118
Air Conditioning		$11	$26	$44	$66	$88	$107	$119	$134	$150
Water Heating	a. Natural Gas	$8	$15	$23	$31	$38	$46	$52	$58	$65
	b. Electric	$6	$14	$21	$28	$36	$43	$48	$54	$61
	c. Propane/LPG	$18	$37	$55	$74	$92	$110	$123	$138	$155
Water	a. Miami	$4	$7	$18	$34	$51	$89	$100	$112	$125
	b. Hialeah	$16	$20	$30	$45	$60	$76	$85	$95	$106
	c. Opa Locka	$15	$20	$31	$49	$103	$176	$198	$221	$248
Sewer	a. Miami	$7	$13	$35	$67	$100	$133	$149	$167	$187
	b. Hialeah	$29	$40	$63	$99	$136	$172	$193	$216	$242
	c. Opa Locka	$37	$44	$61	$93	$159	$229	$257	$287	$322
Range/Microwave		$7	$7	$7	$7	$7	$7	$8	$9	$10
Refrigerator		$7	$7	$7	$7	$7	$7	$8	$9	$10
Gas Fixed Charge	Add for **any** use of natural gas	$17	$17	$17	$17	$17	$17	$19	$22	$24
Trash	a1. Miami City	$32	$32	$32	$32	$32	$32	$35	$40	$44
	a2. Unincorporated Dade County	$40	$40	$40	$40	$40	$40	$45	$51	$57
	b. Hialeah	$69	$69	$69	$69	$69	$69	$77	$87	$97
	c. Opa Locka	$0	$0	$0	$0	$0	$0	$0	$0	$0

Actual Family Allowances To be used by the family to compute allowance. Complete below for the actual unit rented.	**Utility or Service**	**Monthly Cost**
Name of Family	Heating	
	Cooking	
	Other Electric	
Address of Unit	Air Conditioning	
	Water Heating	
	Water & Sewer	
	Trash Collection	
	Range/Microwave	
Number of Bedrooms	Refrigerator	
	Gas fixed charge	
	Total	$

Exhibit II

Miami-Dade Duplex, TH, Garden (low rise)

Allowances for Tenant-Furnished Utilities And Other Services

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

Locality: **Miami-Dade County, FL (Exc. Homestead)**		**Duplex; Attached; Apartment With 2-4 Units; Garden Apartment**							Date: **1/1/2022**	
		Monthly Dollar Allowances; Number of Bedrooms								
Utility or Service		0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6BR	7BR	8BR
Heating	a. Natural Gas	$1	$1	$1	$2	$2	$3	$3	$3	$4
	b. Electric Resistance	$1	$1	$1	$2	$3	$3	$4	$4	$4
	c. Heat Pump	$0	$0	$0	$1	$1	$1	$1	$1	$1
	d. Propane/LPG	$2	$3	$3	$4	$5	$6	$7	$8	$9
Cooking	a. Natural Gas	$5	$7	$8	$10	$11	$13	$14	$16	$18
	b. Electric	$5	$7	$9	$10	$12	$14	$15	$17	$19
	c. Propane/LPG	$12	$16	$19	$23	$27	$31	$35	$39	$44
Other Electric/Lighting		$25	$35	$45	$55	$65	$75	$84	$94	$105
Air Conditioning		$10	$23	$38	$57	$78	$95	$107	$120	$134
Water Heating	a. Natural Gas	$8	$15	$23	$31	$38	$46	$52	$58	$65
	b. Electric	$6	$14	$21	$28	$36	$43	$48	$54	$61
	c. Propane/LPG	$18	$37	$55	$74	$92	$110	$123	$138	$155
Water	a. Miami	$4	$4	$11	$23	$36	$48	$54	$60	$68
	b. Hialeah	$13	$17	$24	$35	$46	$57	$64	$72	$81
	c. Opa Locka	$13	$17	$24	$37	$50	$93	$104	$117	$131
Sewer	a. Miami	$7	$7	$21	$46	$70	$95	$106	$119	$133
	b. Hialeah	$24	$32	$49	$75	$102	$129	$145	$162	$182
	c. Opa Locka	$33	$39	$50	$72	$95	$147	$165	$184	$206
Range/Microwave		$7	$7	$7	$7	$7	$7	$8	$9	$10
Refrigerator		$7	$7	$7	$7	$7	$7	$8	$9	$10
Gas Fixed Charge	Add for **any** use of natural gas	$17	$17	$17	$17	$17	$17	$19	$22	$24
Trash	a1. Miami City	$32	$32	$32	$32	$32	$32	$35	$40	$44
	a2. Unincorporated Dade County	$40	$40	$40	$40	$40	$40	$45	$51	$57
	b. Hialeah	$69	$69	$69	$69	$69	$69	$77	$87	$97
	c. Opa Locka	$0	$0	$0	$0	$0	$0	$0	$0	$0

Actual Family Allowances To be used by the family to compute allowance. Complete below for the actual unit rented.	**Utility or Service**	**Monthly Cost**
Name of Family	Heating	
	Cooking	
	Other Electric	
Address of Unit	Air Conditioning	
	Water Heating	
	Water & Sewer	
	Trash Collection	
	Range/Microwave	
Number of Bedrooms	Refrigerator	
	Gas fixed charge	
	Total	$

Exhibit II

Miami-Dade High Rise

Allowances for Tenant-Furnished Utilities And Other Services

U.S. Department of Housing and Urban Development

Office of Public and Indian Housing

Locality: **Miami-Dade County, FL (Exc. Homestead)**		**Apartment With 5+ Units; High Rise**							Date: **1/1/2022**	
		Monthly Dollar Allowances; Number of Bedrooms								
Utility or Service		0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6BR	7BR	8BR
Heating	a. Natural Gas	$1	$1	$1	$2	$2	$2	$2	$3	$3
	b. Electric Resistance	$1	$1	$1	$2	$2	$3	$3	$3	$4
	c. Heat Pump	$0	$0	$0	$0	$1	$1	$1	$1	$1
	d. Propane/LPG	$2	$2	$3	$4	$5	$5	$6	$7	$7
Cooking	a. Natural Gas	$5	$7	$8	$10	$11	$13	$14	$16	$18
	b. Electric	$5	$7	$9	$10	$12	$14	$15	$17	$19
	c. Propane/LPG	$12	$16	$19	$23	$27	$31	$35	$39	$44
Other Electric/Lighting		$26	$33	$40	$48	$55	$62	$70	$78	$87
Air Conditioning		$8	$18	$29	$42	$58	$74	$82	$92	$103
Water Heating	a. Natural Gas	$8	$15	$23	$31	$38	$46	$52	$58	$65
	b. Electric	$6	$14	$21	$28	$36	$43	$48	$54	$61
	c. Propane/LPG	$18	$37	$55	$74	$92	$110	$123	$138	$155
Water	a. Miami	$4	$4	$11	$23	$36	$48	$54	$60	$68
	b. Hialeah	$13	$17	$24	$35	$46	$57	$64	$72	$81
	c. Opa Locka	$13	$17	$24	$37	$50	$93	$104	$117	$131
Sewer	a. Miami	$7	$7	$21	$46	$70	$95	$106	$119	$133
	b. Hialeah	$24	$32	$49	$75	$102	$129	$145	$162	$182
	c. Opa Locka	$33	$39	$50	$72	$95	$147	$165	$184	$206
Range/Microwave		$7	$7	$7	$7	$7	$7	$8	$9	$10
Refrigerator		$7	$7	$7	$7	$7	$7	$8	$9	$10
Gas Fixed Charge	Add for **any** use of natural gas	$17	$17	$17	$17	$17	$17	$19	$22	$24
Trash	a1. Miami City	$32	$32	$32	$32	$32	$32	$35	$40	$44
	a2. Unincorporated Dade County	$40	$40	$40	$40	$40	$40	$45	$51	$57
	b. Hialeah	$69	$69	$69	$69	$69	$69	$77	$87	$97
	c. Opa Locka	$0	$0	$0	$0	$0	$0	$0	$0	$0

Actual Family Allowances To be used by the family to compute allowance. Complete below for the actual unit rented.	**Utility or Service**	**Monthly Cost**
Name of Family	Heating	
	Cooking	
	Other Electric	
Address of Unit	Air Conditioning	
	Water Heating	
	Water & Sewer	
	Trash Collection	
	Range/Microwave	
Number of Bedrooms	Refrigerator	
	Gas fixed charge	
	Total	$

ATTACHMENT 20

ADDITIONAL HOUSING INFORMATION

The Developer shall report to the Department the name, purpose, and any other relevant information in connection with any related party transaction. A Related Party means any person, corporation, partnership, or other business entity (a) which has overlapping boards of directors, (b) which has a direct or indirect ownership interest in Developer, (b) which has a parent or principal thereof which has a direct or indirect ownership interest in Developer, (c) whose members were appointed by Developer, or (d) which the County deems in its sole discretion to be a Related or Affiliated Party of the Developer. The Developer shall report this information to the Department upon forming the relationship or if already formed, shall report it immediately. Any supplemental information shall be reported quarterly in the required Progress Report. This provision shall be construed broadly to the benefit of the County.

The Developer shall submit to the Department, within five (5) business days of execution of contract, all updated Conflict of Interest affidavits, Related Party Disclosure statements, list of current Board members, and list of all business associations with the following documents:

- Original contract or its subsequent amendments.
- Requests for budget revisions.
- Requests for approval of subcontracts.

The Developer agrees to abide by Chapter II-A, Code of Miami-Dade County ("County Code"), as amended, applicable to non-discrimination in employment, housing and public accommodation.

The Developer agrees that it is in compliance with the Domestic Violence Leave, codified as 11A-60 et. seq. Code of Miami-Dade County, which requires an employer, who in the regular course of business has fifty (50) or more employees working in Miami-Dade County for each working day during each of twenty (20) or more calendar work weeks to provide domestic violence leave to its employees. Failure to comply with this local law may be grounds for voiding or terminating this Contract or for commencement of debarment proceedings against Provider.

Domestic Violence Leave Affidavit: Prior to entering into any contract with the County, a firm desiring to do business with the County shall, as a condition of award, certify that it is in compliance with the Domestic Leave Ordinance, 99-5 and Section 11A-60 of the Miami-Dade County Code. This Ordinance applies to employers that have, in the regular course of business, fifty (50) or more employees working in Miami Dade County for each working day during each of twenty (20) or more calendar work weeks in the current or preceding calendar year. In accordance with Resolution R-185-00, the obligation to provide domestic violence leave to employees shall be a contractual obligation. The County shall not enter into a contract with any firm that has not certified its compliance with the Domestic Leave Ordinance. Failure to comply with the requirements of Resolution R-185-00, as well as the Domestic Leave Ordinance may result in the contract being declared void, the contract being terminated and/or the firm being debarred.

Code of Business Ethics: In accordance with Section 2-8.1(i) Code of Miami-Dade County, each person or entity that seeks to do business with Miami-Dade County shall adopt a Code of Business Ethics ("Code") and shall, prior to execution of any contract between the contractor and the County, submit an affidavit stating that the contractor has adopted a Code that complies with the requirement of Section 2-B.1(l) Code of Miami-Dade County (Form A-12). Any person or entity that fails to submit the required affidavit shall be ineligible for contract award.

Pursuant to Section 287.133(2)(a) Florida Statutes, a person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a contract to provide any goods or services to a public entity, may not submit a contract with a public entity for the construction or repair of a public building or public work, may not submit leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier,

subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017 Florida Statutes, for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list.

Where applicable, the Developer agrees to abide and be governed by Titles VI and VII, Civil Rights Act of 1964 (42 USC 2000 D and E) and Title VIII of the Civil Rights Act of 1968, as amended, which provides in part that there will not be discrimination of race, color, sex, religious background, ancestry or national origin in performance of this Contract, in regard to persons served, or in regard to employees or applicants for employment. It is expressly understood that upon receipt of evidence of such discrimination, the County shall have the right to terminate said Contract.

The Developer agrees to abide and be governed by the Age Discrimination Act of 1975, 42 USC, as amended, which provides in part that there shall be no discrimination against persons in any area of employment because of age.

The Developer agrees to abide and be governed by Section 504, of the Rehabilitation Act of 1973, as amended, 29 USC 794, which prohibits discrimination on the basis of handicap.

The Developer agrees to abide and be governed by the requirements of the Americans with Disabilities Act (ADA).

Americans with Disabilities Act (ADA) of 1990 - The Developer shall attest to and submit the required Disability Non-Discrimination Affidavit assuring compliance with all applicable requirements of the laws listed below, including but not limited to, those provisions pertaining to employment, provision and program services, transportation, communications, access to facilities, renovations, and new construction.

If any attesting firm, or any owner, subsidiary, or other firm affiliated with or related to the attesting firm, is found by the responsible enforcement agency, the Courts or the County to be in violation of the Acts, the County will conduct no further business with such attesting firm. Any contract entered into based upon a false affidavit, as listed below, and submitted pursuant to this resolution shall be voidable by the County:

- Code of Business Ethics Affidavit
- Miami-Dade County Affidavits
- State Public Entity Crimes Affidavit

If any attesting firm violates any of the Acts below during the term of any Contract such firm has with the County, such Contract shall be voidable by the County, even if the attesting firm was not in violation at the time it submitted its affidavit.

The applicable Acts are as follows:

1. The Americans with Disabilities Act of 1990 (ADA), Pub. L. 101-336, 104 Stat 327, 42 U.S.C. 12101-12213 and 47 U.S.C. Sections 225 and 611 including Title I, Employment; Title II, Public Services; Title III, Public Accommodations and Services Operated by Private Entities; Title IV, Telecommunications; and Title V, Miscellaneous Provisions.

2. The Rehabilitation Act of 1973, 29 U.S.C. Section 794;

3. The Federal Transit Act, as amended 49 U.S.C. Section 1612;

4. The Fair Housing Act as amended, 42 U.S.C. Section 3601-3631.

Reporting on Financial Status, Bankruptcy, Real Property, or Personal Property

Developer shall notify the County in writing within ten (10) days of the occurrence of any of the following as to Developer or any Related or Affiliated Parties:

a. Any anticipated or pending lis pendens, foreclosure action, arrearage, default, late payment regarding any property of Developer or Related or Affiliated Parties, including properties not related to this Agreement. Developer shall also provide the County with a copy of all court filings, notices of default, arrearage or late payment, or any other documents relevant to the disclosures required herein.

b. Any legal encumbrance on the Property not permitted in writing by the County.

c. Any default or arrearage on any loan, Note or other debt or obligation for which the Property is security.

d. Any anticipated or pending bankruptcy, restructuring, dissolution, reorganization, appointment of a trustee or receiver.

e. Any action, activity, facts, or circumstances that would materially impair performance by Developer of all the terms and conditions of the Agreement.

Method of Payment:

The Developer shall be paid as described below:

1. Reimbursements shall be made upon successful submission of a Request for Draw, in the manner stipulated by the County. All draws will be paid based on a percentage of work completed. In no event shall the County provide advance funding to the Developer. Advanced funding is defined as paying for work that has not occurred. Payment will only be made when evidence exists that the work has performed or for cost incurred for services rendered. Evidence shall be in the form of a certified AIA document and the County's Construction Manager sign-off and approval.

2. A Request for Draw must be submitted to the County not more than monthly, no later than ninety (90) days following the month in which the expenses were incurred.

3. Project "Soft Costs" are eligible for reimbursement as stipulated in Article XIII of this Agreement.

4. If a Developer is unable to submit a Request for Draw by the quarterly deadline, a written request for an extension, which may be granted or denied in the sole and absolute discretion of the County, and which shall include a justification indicating the reason for the delay and expected submission date is required to be submitted by the deadline. Failure to comply with this requirement shall render the Developer in non-compliance with this Agreement and may result in reduction or forfeiture of payment, at the discretion of the County.

1. Developers shall complete, sign, and submit to the County a Request for Draw form as necessary. All Draw Requests must be accompanied by the following supporting documentation:

    - copies of invoices and receipts
    - copies of front and back of cancelled checks or wire transfer confirmations for work performed and certified by an architect in AIA G(702) &G(703) in a prior

draw request must be submitted in the subsequent draw request package to demonstrate payment to the General Contractor (GC) of the prior payment(s)

- payment of one (1%) percent Commitment Fee and executed RFA Agreement or proof of non-applicability status (not-for-profit corporation with fifty one (51%) percent ownership)
- payment of $650.00 Signage Fee
- payment of $20.00 Loan Servicing Set-up Fee
- Disbursement Request Letter on corporation official stationery for Request for Draw amount
- Developer and General Contractor's corporate seal or notary seal on Progress Payment Authorization form
- AIA G(702) & G(703) Application Request for Work-In-Place
- Current Project Consultant Report (provided to First Lender)
- General Contractor's Lien Affidavit Release

6. With the initial Request for Draw, the Developer must submit relevant certificate(s) of insurance as supporting documentation of effective coverage and is not required for subsequent requests unless the certificate is due to expire within sixty (60) days of the Request. Documentation must be submitted for each type of insurance stipulated in Article II and Attachment A of this agreement.

7. The initial Request for Draw shall include supporting documentation of the required signage as stipulated in Article XXII of this agreement.

8. A Developer has one hundred and twenty (120) calendar days after the expiration or termination of the Contract, or completion of the project, to submit its final Request for Draw. Failure to comply with this requirement shall render the Developer in non-compliance with the Agreement and may result in reduction or forfeiture of payment, at the discretion of the County.

9. Ten percent (10%) Retainage: Ten (10%) percent of the value of the loan for a given Project shall be retained by the County from each draw until the Project is completed and all close-out documents have been received by the County. When construction reaches seventy-five percent (75%) completion, the retainage will be reduced to five percent (5%). The following documents must be presented for release of the retainage amount:

    - Certificate of Completion (CC) or Temporary Certificate of Completion (TCC) for rehabilitation projects, or when the rehabilitation work receives final permits and the work is determined by the County to be at 100% completion.
    - Certificate of Occupancy (CO) or Temporary Certificate of Occupancy (TCO) for new construction projects
    - Certified Cost Control Report
    - General Contractor's Final Release of Lien
    - Title Endorsement
    - As-Built Survey certified Miami-Dade County
    - Project Consultant Final Report (provided to First Lender)

10. No funds shall be paid to Developer until such time as the Developer executes and records, at the Developer's expense, all of the loan documents required by the County. Required loan documents shall include but not be limited to a mortgage, loan agreement, promissory note, UCC financing statement, a rental regulatory agreement if the Project is a rental, and a restrictive covenant if the Project is homeownership.

11. In the event the County determines that the Developer has breached the terms of this Contract and that the County is entitled to the return of any or all of the funds awarded

under this Contract, the Developer agrees to and shall assign any proceeds to the County from any contract between the County, its agencies or instrumentalities and the Developer or any firm, corporation, partnership or joint venture in which the Developer has a controlling financial interest in order to secure repayment of this award. "Controlling financial interest" shall mean ownership, directly or indirectly to ten percent or more of the outstanding capital stock in any corporation or a direct or indirect interest of ten percent (10%) or more in a firm, partnership or other business entity.

Restriction on the Use of Funds

The funds received under this Contract will not be used to supplant other funds; however, a maximum of five percent (5%) of the funding award may be expended for the Development's predevelopment expenses, including but not limited to, architectural costs, legal fees, and survey and zoning charges.

A. Adverse Actions or Proceedings. The Developer shall not utilize County funds to retain legal counsel for any action or proceeding against the County or any of its agents, instrumentalities, employees or officials. The Developer shall not utilize County funds to provide legal representation, advice or counsel to any client in any action or proceeding against the County or any of its agents, instrumentalities, employees or officials.

B. Religious Purposes. County funds shall not be used for religious purposes.

C. Commingling Funds. The Developer shall not commingle funds provided under this Contract with funds received from any other funding sources, but may be included in a Development Bank Account permitted by the first mortgage lender at the discretion of the County.

The Developer shall receive from the Department written prior approval for any subcontract engaging any party who agrees to carry out any substantive programmatic activities as may be determined by the Department as described in this Contract. The Department's approval shall be obtained prior to the release of any funds for the subcontractor.

1. The Developer shall receive written approval from the Department prior to either assigning or transferring any obligations or responsibility set forth in this Contract or the right to receive benefits or payments resulting from this Contract.

2. Approval by the Department of any subcontract or assignment shall not under any circumstance be deemed to provide for the incurrence of any obligation by the Department in excess of the total dollar amount agreed upon in this Contract.

3. Fair Subcontracting Policies (Ordinance 97-35). All Developers on County contracts in which subcontractors may be used shall be subject to and comply with Ordinance 97-35 as amended, requiring Developers to provide a detailed statement of their policies and procedures for awarding subcontracts which:

   a) notifies the broadest number of local subcontractors of the opportunity to be awarded a subcontract;

   b) invites local subcontractors to submit bids/proposals in a practical, expedient way;

   c) provides local subcontractors access to information necessary to prepare and formulate a subcontracting bid/proposal;

d) allows local subcontractors to meet with appropriate personnel of the Developer to discuss the Developer's requirements; and

awards subcontractors The Developer shall provide the County with a complete set of permitted plans and permits on each unit model upon approval by the appropriate controlling municipality prior to commencing construction.

DEVELOPER OBLIGATIONS AND DUTIES

The Developer shall submit all proposals in the legal name of the limited partnership, corporation or agency at the time of the submission of the application. Additional parties or entities will not be added to the RFA contract, the Construction Loan Agreement or any other documents or agreements unless and until the inclusion of these parties is approved by the Miami-Dade County Board of County Commissioners (BCC).

The Developer shall provide to the County for approval prior to awarding the construction contract for the Development, the name of the General Contractor.

The Developer shall provide to the County the General Contractor Payment Performance Bond (PP&B). At the County's discretion, based on the Developer's organizational capacity and track records and experience, an irrevocable Stand by Letter of Credit issued by a Florida chartered bank or national bank operating in Florida in an amount of ten percent (10%) of the construction contract total cost in US funds with Miami-Dade County listed as the beneficiary, may be accepted in lieu of the PP&B, prior to the commencement of construction.

The Developer shall schedule a Pre-Construction Conference with the County at least sixty (60) days prior to the commencement of construction.

The Developer shall provide the County with a written commitment for construction financing from a financial institution(s) at the time of construction loan closing.

The Developer agrees to notify the County in writing within fourteen (14) days of any personnel or location changes in the management company.

During the Design Stage the Developer shall obtain Professional Liability Insurance in the name of the Developer or the licensed design professional employed by the Developer in an amount of not less than $250,000 and shall furnish to the Department's Housing Development and loan Administration Division (HDLAD), 701 N.W. 1 Court, 14th Floor, Miami, Florida 33136, relevant certificate(s) of insurance evidencing insurance coverage.

During the Construction Phase, and/or at the time of Construction Loan closing, which is defined as the date on which the loan agreement is executed by both the Miami-Dade County Mayor and the Developer, the Developer shall furnish to the Department's Housing Development and Loan Administration Division (HDLAD), 701 N.W. 1 Court, 14th Floor, Miami, Florida 33136, relevant certificate(s) of Insurance indicating the following types of insurance coverage upon the commencement of construction:

1. Worker's Compensation Insurance for all employees of the Developer pursuant to Chapter 440, Florida Statutes.

2. Public Liability Insurance on a comprehensive basis in an amount not less than $500,000 combined single limit per occurrence for Bodily Injury and Property Damage. Miami-Dade County must be shown as an additional insured with respect to this coverage.

3. Automobile Liability Insurance covering all owned, non-owned and hired vehicles used in connection with the agreement, in an amount not less than $500,000 combined single limit per occurrence for bodily injury and property damage.

4. Completed Value Builder's Risk Insurance on an "All Risk" basis policy shall be in the name of Miami-Dade County and the Developer A.T.I.M.A.

5. Flood Insurance for properties found in flood zone A or V, in an amount not less than the full replacement value(s) of the completed structure(s) or the maximum amount of coverage available through the National Flood Insurance Program (NFIP), whichever is greater. The policy will show Miami-Dade County as a Loss Payee A.T.I.M.A and the policy must be provided at such time that the buildings' walls and roofs exist.

Upon the completion of the Construction Phase and the operation/management phase for occupancy commences, the following insurance must be kept in full force throughout the duration of the loan and/or contract:

1. Public Liability Insurance on a comprehensive basis in an amount not less than $500,000 combined single limit per occurrence for Bodily Injury and Property Damage with Miami-Dade County shown as an additional insured.

2. Property Insurance Coverage on an "All Risk" basis. Miami-Dade County must be shown as a Loss Payee A.T.I.M.A.

3. Flood Insurance coverage shall be provided for properties located within a flood hazard zone, in an amount not less than the full replacement value(s) of the completed structure(s) or the maximum amount of coverage available through the National Flood Insurance Program (NFIP) whichever is greater. Miami-Dade County must be shown as a Loss Payee with respect to this coverage A.T.I.M.A.

The Developer shall ensure that all applicable insurance certificates required in conjunction with the construction of this project remain in force and effect for the duration of the construction loan term, including any and all option years, if applicable. If the insurance certificate(s) is scheduled to expire during the construction loan term, the Developer shall submit a new and/or renewed insurance certificate to the County at a minimum of thirty (30) calendar days prior to the expiration of the insurance certificates. If a new and/or renewed certificate of insurance is not timely submitted to the County in the manner herein prescribed, the County shall call the loan due and payable.

All required insurance policies shall be issued by companies authorized to do business under the laws of the State of Florida, with the following qualifications:

1. Insurance Rating. The Insurance Company must be rated no less than "B" as to management, and no less than "Class V" as to financial strength, according to the latest edition of Best's Insurance Guide, published by A.M. Best Company, Oldwick, New Jersey, or its equivalent, subject to the approval of the County Risk Management Division.

   or

   The Company must hold a valid Florida Certificate of Authority as shown in the latest "List of All Insurance Companies Authorized or Approved to Do Business in Florida" issued by the State of Florida Department of Insurance and are members of the Florida Guaranty Fund.

Certificates will show that no modification or change in insurance shall be made without thirty (30) days written advance notice to the certificate holder.

If the Developer fails to furnish to the County the Certificate of Insurance or written verification required under this section or as determined by the County's Risk Management Division after review of the Scope of Services, the County shall not disburse any funds until the necessary Certificates of Insurance or written verification is submitted.

The Developer agrees that this Contract is contingent upon receipt of the required insurance certificates at the construction loan closing. If an Insurance Certificate is received within the specified period, but not in the manner described herein, the Developer shall be verbally notified of the deficiency and shall submit the certificate(s) to the County within five (5) calendar days of the deficiency notification.

Compliance with a portion of the foregoing requirements shall not relieve the Developer any liability or obligation under any section of Scope of Services.

e) based on full and complete consideration of all submitted proposals and in accordance with the Developer's stated objectives.

ATTACHMENT 21

Fair Market Rents

Share:

Fair Market Rents Effective March 13, 2023

	Single Room Occupancy (SRO)	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Fair Market Rent	$1,022	$1,362	$1,546	$1,923	$2,530	$2,997	$3,447	$3,964
Payment Standard	$1,124	$1,498	$1,700	$2,115	$2,783	$3,296	$3,791	$4,285
Moderate Rehabilitation	$1,226	$1,634	$1,855	$2,307	$3,036			

Fair Market Rents Effective March 1, 2023

	Single Room Occupancy (SRO)	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Fair Market Rent	$1,022	$1,362	$1,546	$1,923	$2,530	$2,997	$3,447	$3,964
Payment Standard	$958	$1,278	$1,465	$1,839	$2,442	$2,894	$3,328	$3,762
Moderate Rehabilitation	$1,226	$1,634	$1,855	$2,308	$3,036			

ATTACHMENT 22

Public Housing and Community Development
Development and Loan Administration Division
701 N.W. 1st Ct 14 floor
Miami, Florida 33136
(786) 469-2188 Fax: (786) 469-2230

DEVELOPER: _____

DEVELOPER ADDRESS: _____

PROJECT NAME: _____

PROJECT ADDRESS: _____

CONTACT PERSON: _____

TELEPHONE: _____ **FAX:** _____

E-mail address: _____

PROJECT TYPE: **New Const.____ Rehab.____ Acquisition. ____**

COUNTY COMMISSION RESOLUTION(S): _____

The following items must be submitted to the Development and Loan Administration Division (DLAD) to the Construction Lending Unit on or before expiration date of your awarded Fiscal Year allocation(s) by the Board of County Commissioner. DLAD close US HUD Federal and State as well as Local County funding sources on behalf of OCED. The following items are typical requirements. Additional documentation may be required depending upon the specifics of the transaction. Please submit (3) three ring binders for HOME, HDG, CDBG, RRP and (2) two three ring binders for SURTAX and SHIP funding sources clearly tabbed or labeled. Please do not submit closing binders unless you are ready to proceed with closing.

Section 1: Principal Loan Closing Documents

Item	Item Description	Rec'd	Apprvd.
1	Current survey, showing all easements and rights of ways certified to Miami-Dade County.		
2	Site plan showing existing and/or proposed structures, with proposed finished floor elevations.		
3	Fully executed Owner/Architect contract.		
4	Copy of BCC Resolution(s).		
5	Fully executed Owner/Contractor contract.		
6	Executed Affordable Housing or HOME Contract & Budget.		

Item	Item Description	Rec'd	Apprvd.
7	Original executed set of Dade County Affidavits.		
8	Current Phase I Environmental Assessment, certified to Miami-Dade County.		
9	Other Environmental Reports: Soils____;Asbestos____; Lead Based Paint_____; Termite_____; Physical Needs Assessment_____; HUD Environmental Clearance letter (HOME AND CHDO) _____.		
10	Copies of Commitment for Title Insurance, with Miami Dade County as proposed insured.		
11	Letter assignments of contracts agreements and plans from Architect, Engineer and General Contractor.		
12	Certificate of General Liability Insurance with Miami Dade County as additional insured.		
12(a)	Certificate of your Agency Worker's Compensation Insurance.		
12(b)	Binder/Certificate for Builders Risk Insurance with Miami-Dade County as named insured and/or loss payee, with 30-day cancellation clause.		
12(c)	Certificate for Flood Insurance (or letter of availability from insurance broker for new projects).		
12(d)	Certificate of insurance for all owned, hired or non-owned auto.		
12(e)	Professional Liability from G.C. or Architect.		
13	MAI appraisal of land and improvements utilizing identical working plans and specifications, and appropriate financial projections. (certified to Miami-Dade County)		
14	Fully executed commitment letters from all project lenders.		
15	Syndication Agreement (if applicable).		
16	Final Commitment (Check compliance for special condition)		
17	Rental Regulatory Agreement (# of set aside units must be identified)		
18	List of subordinations and other junior liens		
19	Promissory Note and Mortgage Agreement		
20	Settlement Statement		

21	Fully executed original or certified copy of multiple oblige Payment & Performance Bond, including power of attorney for agent		
22	Final Budget Approved by Borrower and PHCD		
23	Sources and Uses Statement.		
24	Income & Expense Proforma with debt service coverage for the first year.		
25	30 years Proforma.		
26	Property Deed or long-term lease agreement		
27	Authorized Condominium Documents (if applicable).		
28	Release Price Schedule (Homeownership only)		
29	Copy of cancelled check for loan commitment fee. (for profit developers only.)		
30	Other lender's loan documents. Notes		
31	Document Correction Agreement		
32	One set of Draft proposed loan closing documents (blacklined)		
33	A diskette containing all loan documents (blacklined) in Word		

SECTION 2: ORGANIZATIONAL DOCUMENTS

Item	Item Description	Rec'd	Apprvd.
34	Developer Joint Venture Agreement (if applicable)		
35	Copy of General Contractor's current State General license.		
36	Copy of General Contractor's current City and /or County Occupational license.		
37	General Contractor's Qualification Statement (such a AIA Form 305)		
38	Copies of Borrower's corporate documentation, including certificate of good standing, by-laws and borrowing resolution.		

SECTION 3: CONSTRUCTION DOCUMENTATION

Item	Item Description	Rec'd	Apprvd.
39	Floor plans for all typical units with measurements (81/2" X 11") and project specifications, and One Full Set (Copy) of Final Plans		
40	Copies of current building permits. /utility letters		
	Copy of recorded Notice of Commencement		
41	Construction Progress Schedule (Bar Chart, C.P.M. or		

	similar)		
42	Construction Schedule of Values, with subcontractors identified (such as AIA forms G702 and G703)		
43	Signage compliance, Memo from County's Construction Manager confirming compliance.		
44	Construction Loan Agreement		
45	Scope of Work for Rehab Project		
46	Disbursement Plans		
47	Evidence of prevailing wage rates paid during construction		
48	Architects Certificates of ADA Compliance for Rehab Projects		

SECTION 4: PROPERTY MANAGEMENT APPROVALS

Item	Item Description	Rec'd	Apprvd.
49	Property Management Contract		
50	Current Affirmative Fair Housing Marketing Plan		
51	Relocation Plan with evidence of compliance (if applicable)		

SECTION 5: FINANCIAL REPORTING REQUIREMENTS

Item	Item Description	Rec'd	Apprvd.
52	W-9's forms for all applicable payees.(must be original)		

SECTION 6: CONTACT INFORMATION

Please provide us with the contacts of all parties involved in closing this project.

Borrower information:

Company/Agency Name:_____
Sponsor/Contact:_____ Phone #:_____
Email:_____ Fax #:_____
Address:_____

Attorney:_____ Fax #:_____
Email:_____ Phone #:_____
Address:_____

Title Information

Title Officer:_____ Phone #:_____
Title company:_____ Fax #:_____
Address:_____ Policy #:_____
_____ Email:_____

Escrow Officer:_____ Phone #:_____
Escrow Company:_____ Fax #:_____
Address:_____ Escrow #:_____
_____ Email:_____

Construction Lender
Company/Agency Name:_____
Sponsor/Contact:_____ Phone #:_____
Email:_____ Fax #:_____
Address:_____

Attorney:_____ Fax #:_____
Email:_____ Phone #:_____
Address:_____

All Locality Contacts/Subordinate Financing (i.e. City/State/Federal) Attach separate sheet if needed)

Agency Name:_____
Contact:_____ Phone #:_____
Email:_____ Fax #:_____
Address:_____

Attorney:_____ Fax #:_____
Email:_____ Phone #:_____
Address:_____

Agency Name:_____
Contact:_____ Phone #:_____
Email:_____ Fax #:_____
Address:_____

Attorney:_____ Fax #:_____
Email:_____ Phone #:_____
Address:_____

ATTACHMENT 23

Development Costs

Cost	Amount	Cost Per Unit	Cost Per Square Foot	Other Information
Acquisition Costs				
Land	$ -	need data	need data	per unit
Existing Structures	$ -	need data	need data	per unit
Other Acquisition Costs	$ -	need data	need data	per unit
Site Work Costs ***(not included in construction contract)***				
Demolition/Clearance	$ -	need data	need data	
Site Remediation	$ -	need data	need data	
Improvements	$ -	need data	need data	
Other Site Work Costs	$ -	need data	need data	
Construction / Rehabilitation Costs (construction contract costs)				
Other Site Work	$ -	need data	need data	
New Construction	$ -	need data	need data	
Rehabilitation	$ -	need data	need data	
General Requirements	$ -	need data	need data	
Builder's Overhead	$ -	need data	need data	
Builder Profit	$ -	need data	need data	
Performance Bond Premium	$ -	need data	need data	of construction costs
Construction Contingency	$ -	need data	need data	
Other Construction / Rehabilitation Costs	$ -	need data	need data	of construction costs
Architectural and Engineering Fees				of construction costs
Architect Fee -- Design	$ -	need data	need data	of construction costs
Architect Fee -- Construction Supervision	$ -	need data	need data	of construction costs
Engineering Fees	$ -	need data	need data	of construction costs
Other Architectural and Engineering Fees	$ -	need data	need data	of construction costs
Other Owner Costs				
Project Consultant Fees	$ -	need data	need data	
Legal and Organizational Expenses	$ -	need data	need data	
Syndication Fees	$ -	need data	need data	-- of tax credit equity
Market Study	$ -	need data	need data	
Survey	$ -	need data	need data	
Appraisal Fees	$ -	need data	need data	
Soil Boring/Environmental Survey/Lead-Based Paint Evaluation	$ -	need data	need data	
Tap Fees and Impact Fees	$ -	need data	need data	
Permitting Fees	$ -	need data	need data	
Real Estate Attorney Fees	$ -	need data	need data	
Construction Loan Legal Fees	$ -	need data	need data	
Other Owner Costs	$ -	need data	need data	
Interim Financing Costs				
Construction Insurance	$ -	need data	need data	
Construction Interest	(see below)			
Construction Loan Origination Fee	$ -	need data	need data	
Title and Recording Costs (for the construction loan)	$ -	need data	need data	
Other Interim Financing Costs	$ -	need data	need data	
Permanent Financing Fees and Expenses				
Credit Report	$ -	need data	need data	
Permanent Loan Origination Fees (Points)	(calculated separately)			
Mortgage Broker Fees	$ -	need data	need data	
Title and Recording Costs (for permanent financing)	$ -	need data	need data	
Counsel's Fee	$ -	need data	need data	
Lender's Counsel Fee	$ -	need data	need data	
Other Permanent Financing Fees and Expenses	$ -	need data	need data	
Developer's Fee	$ -	need data	need data	of total development costs
Initial Project Reserves				
Initial Rent-Up Reserve	$ -	need data	need data	of gross potential rents
Initial Operating Reserve	$ -	need data	need data	of gross potential rents
Initial Replacement Reserve	$ -	need data	need data	of gross potential rents
Other Initial Project Reserves Costs	$ -	need data	need data	of gross potential rents
Tenant Relocation Costs	$ -	need data	need data	
Project Administration and Management Costs ***(during construction only)***				
Marketing/Management	$ -	need data	need data	
Operating Expenses	$ -	need data	need data	
Taxes	$ -	need data	need data	
Insurance	$ -	need data	need data	
Other Project Administration & Management Costs	$ -	need data	need data	
Other Development Costs				
Other Development Cost 1	$ -	need data	need data	
Other Development Cost 2	$ -	need data	need data	
Other Development Cost 3	$ -	need data	need data	
Other Development Cost 4	$ -	need data	need data	
Other Development Cost 5	$ -	need data	need data	
Other Development Cost 6	$ -	need data	need data	

Construction Interest Calculation	
Construction Loan Amount	$ -
Interest Rate	0.0%
Months of Construction	-
Average Outstanding Balance	0.0%
Construction Interest	$ -

Total Development Costs (excluding points)	$ -

* Permanent loan origination fees (points) are calculated on the Financing Sources tab.

Upon completing this tab, proceed to the *Operating Expenses* tab.

Operating Expenses

Expense	Annual Cost	Monthly Cost	Additional Information
Management Expenses			
Management Fee	$ -	$ -	of monthly GPR
Management Administrative Payroll Costs	$ -	$ -	per unit per year
Legal Fees	$ -	$ -	per unit per year
Accounting / Audit Fees	$ -	$ -	per unit per year
Advertising / Marketing	$ -	$ -	per unit per year
Telephone	$ -	$ -	per unit per year
Office Supplies	$ -	$ -	per unit per year
Other Administrative Expenses	$ -	$ -	per unit per year
Other Management Expenses	$ -	$ -	per unit per year
Operations and Maintenance Expenses			
Security	$ -	$ -	per unit per year
Operations and Maintenance Administrative Payroll Costs	$ -	$ -	per unit per year
Elevator (if any)	$ -	$ -	per unit per year
Other Mechanical Equipment	$ -	$ -	per unit per year
Interior Painting	$ -	$ -	per unit per year
Routine Repairs and Supplies	$ -	$ -	per unit per year
Exterminating	$ -	$ -	per unit per year
Lawn and Landscaping	$ -	$ -	per unit per year
Garbage Removal	$ -	$ -	per unit per year
Snow Removal	$ -	$ -	per unit per year
Resident Service Cost	$ -	$ -	per unit per year
Other Maintenance Costs	$ -	$ -	per unit per year
Operations and Maintenance Expenses	$ -	$ -	per unit per year
Utilities Paid by the Property			
Electricity	$ -	$ -	per unit per year
Natural Gas, Oil, Other Fuel	$ -	$ -	per unit per year
Sewer and Water	$ -	$ -	per unit per year
Other Utilities Paid by the Property	$ -	$ -	per unit per year
Taxes / Insurance / Reserves / Other Expenses			
Real Estate Taxes	$ -	$ -	of EGI (Year 2)
Other Taxes and Licenses	$ -	$ -	of EGI (Year 2)
Property Insurance	$ -	$ -	per unit per year
Reserve for Replacement	$ -	$ -	per unit per year
Operating Reserve	$ -	$ -	per unit per year
Other Operating Expense 1	$ -	$ -	per unit per year
Other Operating Expense 2	$ -	$ -	per unit per year
Other Operating Expense 3	$ -	$ -	per unit per year
Other Operating Expense 4	$ -	$ -	per unit per year
Other Operating Expense 5	$ -	$ -	per unit per year
Other Operating Expense 6	$ -	$ -	per unit per year
TOTAL	$ -	$ -	of EGI (Year 2)

Operating Expense Increase per Year	0.0%

Rent Increase per Year*

	HOME Units	Market-Rate Units	Affordable Units
Rent Increase per Year	0%	0%	0%

* NOTE: Rent increase information is entered on the Rents and Income tab. The information is presented here to allow users to compare increases in rent to increases in operating expenses.

Tests of the Adequacy of Reserve for Replacement**

Average Capital Needs for Operations per Year	$ -
Reserve for Replacement per Year	$ -

Average Capital Needs Test: need data

$720 per Unit, per Year Test: need data

** NOTE: This information is presented for informational purposes only. If the reserve for replacement is insufficient to cover average annual capital needs or meet the $720 per unit per year benchmark, increase contributions toward the reserve for replacement.

Additional Reserve for Replacement Funds (Years 1-5)***

Year 1	$ -
Year 2	$ -
Year 3	$ -
Year 4	$ -
Year 5	$ -

*** Some properties may draw larger-than-average amounts from their reserve for replacement during the first few years of operations. If this will be the case for this project, enter the additional amounts you expect to withdraw from the reserve for replacement for Years 1-5.

Upon completing this tab, proceed to the *Financing Sources* tab.

Financing Sources

First Mortgage Characteristics

Minimum Debt Service Coverage	0.00
Maximum Loan to Value	0.0%
Points	0.0%
Interest Rate	0.0%
Loan Term (years)	0
First Mortgage Source (e.g., HOME, Private Lender)	Enter Source

For financing with complex or atypical payment schedules, enter information on the 'Custom Loans' tab.

Junior Loan Characteristics

Amortizing Second Mortgage	$0
Amortizing Second Mortgage Source	Enter Source
Points	0.0%
Interest Rate	0.0%
Loan Term (years)	0

Deferred Payment Loan 1	$0
Deferred Payment Loan 1 Source	Enter Source
Deferred Payment Loan 1 Interest Rate	0.0%
Deferred Payment Loan 1 Year of Pay-Out*	0

Deferred Payment Loan 2	$0
Deferred Payment Loan 2 Source	Enter Source
Deferred Payment Loan 2 Interest Rate	0.0%
Deferred Payment Loan 2 Year of Pay-Out*	0

* Deferred loan years of payout should not occur after the project is sold.

Equity

Developer Investment	$0

Other Funding Sources

Tax Credit Equity	$0
Grant or Donated Land 1	$0
Grant or Donated Land 1 Source	Enter Source
Grant or Donated Land 2	$0
Grant or Donated Land 2 Source	Enter Source
Other Financing (not amortized)	$0
Other Financing Source	Enter Source

Project Characteristics

Years to Sale*	0

* Years to Sale is used by the Template to determine the final year of the Pro-Forma.

Lender's Appraised Value for the Project	$0
Capitalization Rate	0.0%
Value of Project at Sale**	$0

** If Value of Project at Sale is left blank, the Template will use the Capitalization Rate to determine the project's value wh

FIRST MORTGAGE CONSTRAINTS	Amount	
Maximum Loan by Debt Service Coverage	$0	(Uses Year 2 NOI.)
Maximum Loan by Loan to Value	$0	(Based on Lender's Appraised Value for the Project.)
Amount of First Mortgage (lowest of abov	**$0**	

FUNDING SOURCES SUMMARY	Amount	Percent of Total Funding	Funding Source
First Mortgage	$0	0%	Enter Source
Amortizing Second Mortgage	$0	0%	Enter Source
Deferred Payment Loan 1	$0	0%	Enter Source
Deferred Payment Loan 2	$0	0%	Enter Source
Developer Investment	$0	0%	Private
Tax Credit Equity	$0	0%	Tax Credit
Grant or Donated Land 1	$0	0%	Enter Source
Grant or Donated Land 2	$0	0%	Enter Source
Other Financing (not amortized)	$0	0%	Enter Source
Custom Loan 1***	$0	0%	Enter Source
Custom Loan 2***	$0	0%	Enter Source
Total	$0		

*** For financing with complex or atypical payment schedules, enter information on the 'Custom Loans' tab.

Upon completing this tab, proceed to the *Custom Loans* tab.

Custom Loans

Custom Loan 1

Custom Loan 1 Name	Custom Loan 1
Custom Loan 1 Source	Enter Source
Custom Loan 1 Amount	$ -

Custom Loan 1 Payment Schedule

Project Year	1	2	3	4	5	6	7	8
Payments on Custom Loan 1**	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -

Custom Loan 2

Custom Loan 2 Name	Custom Loan 2
Custom Loan 2 Source	Enter Source
Custom Loan 2 Amount	$ -

Custom Loan 2 Payment Schedule*

Project Year	1	2	3	4	5	6	7	8
Payments on Custom Loan 2**	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -

** Enter payments as positive numbers. Payments should not occur after the year the project is sold.

Upon completing this tab, proceed to the *Operating Pro-Forma* tab.

Custom Loans

Custom Loan 1

Custom Loan 1 Name	
Custom Loan 1 Source	
Custom Loan 1 Amount	

Custom Loan 1 Payment Schedule

Project Year	9	10	11	12	13	14	15	16	17
Payments on Custom Loan 1**	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -

Custom Loan 2

Custom Loan 2 Name	
Custom Loan 2 Source	
Custom Loan 2 Amount	

Custom Loan 2 Payment Schedule*

Project Year	9	10	11	12	13	14	15	16	17
Payments on Custom Loan 2**	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -

** Enter payments as positive numbers. Paymer

Upon completing this tab, proceed to the *Operating Pro-Forma* tab.

Custom Loans

Custom Loan 1

Custom Loan 1 Name	
Custom Loan 1 Source	
Custom Loan 1 Amount	

Custom Loan 1 Payment Schedule

Project Year	18	19	20	21	22	23	24	25	26
Payments on Custom Loan 1**	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -

Custom Loan 2

Custom Loan 2 Name	
Custom Loan 2 Source	
Custom Loan 2 Amount	

Custom Loan 2 Payment Schedule*

Project Year	18	19	20	21	22	23	24	25	26
Payments on Custom Loan 2**	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -

** Enter payments as positive numbers. Paymer

Upon completing this tab, proceed to the *Operating Pro-Forma* tab.

Custom Loans

Custom Loan 1

Custom Loan 1 Name	
Custom Loan 1 Source	
Custom Loan 1 Amount	

Custom Loan 1 Payment Schedule

Project Year	27	28	29	30
Payments on Custom Loan 1**	$ -	$ -	$ -	$ -

Custom Loan 2

Custom Loan 2 Name	
Custom Loan 2 Source	
Custom Loan 2 Amount	

Custom Loan 2 Payment Schedule*

Project Year	27	28	29	30
Payments on Custom Loan 2**	$ -	$ -	$ -	$ -

** Enter payments as positive numbers. Paymer

Upon completing this tab, proceed to the *Operating Pro-Forma* tab.

Operating Pro-Forma

This tab contains calculations based on data entered on previous tabs and does not contain data entry cells.

PROJECT TIMELINE

Project Year	1	2	3	4	5	6	7	8	9
Gross Potential Rent (GPR) Projections									
HOME Rents	$0	$0	$0	$0	$0	$0	$0	$0	$0
Market Rents	$0	$0	$0	$0	$0	$0	$0	$0	$0
"Other" Affordable Rents	$0	$0	$0	$0	$0	$0	$0	$0	$0
Gross Potential Rent	$0	$0	$0	$0	$0	$0	$0	$0	$0
Effective Gross Income (EGI) Projections									
Vacancy Loss	$0	$0	$0	$0	$0	$0	$0	$0	$0
Other Revenue	$0	$0	$0	$0	$0	$0	$0	$0	$0
Effective Gross Income	$0	$0	$0	$0	$0	$0	$0	$0	$0
Expense and Net Operating Income (NOI) Projections									
Management Expenses	$0	$0	$0	$0	$0	$0	$0	$0	$0
Operations and Maintenance Expenses	$0	$0	$0	$0	$0	$0	$0	$0	$0
Utilities Paid by Property	$0	$0	$0	$0	$0	$0	$0	$0	$0
Taxes/Insurance/Reserves/Other Expenses	$0	$0	$0	$0	$0	$0	$0	$0	$0
Additional Reserve for Replacement	$0	$0	$0	$0	$0	$0	$0	$0	$0
Total Expenses	$0	$0	$0	$0	$0	$0	$0	$0	$0
Net Operating Income	$0	$0	$0	$0	$0	$0	$0	$0	$0
Debt Service									
First Mortgage Debt Service	$0	$0	$0	$0	$0	$0	$0	$0	$0
Second Mortgage Debt Service	$0	$0	$0	$0	$0	$0	$0	$0	$0
Deferred Payment 1 Loan Payoff	$0	$0	$0	$0	$0	$0	$0	$0	$0
Deferred Payment 2 Loan Payoff	$0	$0	$0	$0	$0	$0	$0	$0	$0
Custom Loan 1 Debt Service	$0	$0	$0	$0	$0	$0	$0	$0	$0
Custom Loan 2 Debt Service	$0	$0	$0	$0	$0	$0	$0	$0	$0
Cash Flow (After Debt Service)									
Cash Flow	$0	$0	$0	$0	$0	$0	$0	$0	$0
Proceeds from Property Sale	$0	$0	$0	$0	$0	$0	$0	$0	$0
Net Cash Return	$0	$0	$0	$0	$0	$0	$0	$0	$0
Developer Return on Equity									
Cash on Cash	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Project Value based on Capitalization Rate	$0	$0	$0	$0	$0	$0	$0	$0	$0

NOTE: Value equals $0 if income is negative.

	IRR
IRR (Year 1 through sale of project)	no investment

Debt at Year End									
First Mortgage Remaining	$0	$0	$0	$0	$0	$0	$0	$0	$0
Second Mortgage Remaining	$0	$0	$0	$0	$0	$0	$0	$0	$0
Deferred Payment Loan 1 Remaining	$0	$0	$0	$0	$0	$0	$0	$0	$0
Deferred Payment Loan 2 Remaining	$0	$0	$0	$0	$0	$0	$0	$0	$0

Upon completingreview of this tab, proceed to the *Gap Analysis* tab.

Operating Pro-Forma

PROJECT TIMELINE

Project Year	10	11	12	13	14	15	16	17	18
Gross Potential Rent (GPR) Projections									
HOME Rents	$0	$0	$0	$0	$0	$0	$0	$0	$0
Market Rents	$0	$0	$0	$0	$0	$0	$0	$0	$0
"Other" Affordable Rents	$0	$0	$0	$0	$0	$0	$0	$0	$0
Gross Potential Rent	$0	$0	$0	$0	$0	$0	$0	$0	$0
Effective Gross Income (EGI) Projection									
Vacancy Loss	$0	$0	$0	$0	$0	$0	$0	$0	$0
Other Revenue	$0	$0	$0	$0	$0	$0	$0	$0	$0
Effective Gross Income	$0	$0	$0	$0	$0	$0	$0	$0	$0
Expense and Net Operating Income (NO									
Management Expenses	$0	$0	$0	$0	$0	$0	$0	$0	$0
Operations and Maintenance Expenses	$0	$0	$0	$0	$0	$0	$0	$0	$0
Utilities Paid by Property	$0	$0	$0	$0	$0	$0	$0	$0	$0
Taxes/Insurance/Reserves/Other Expenses	$0	$0	$0	$0	$0	$0	$0	$0	$0
Additional Reserve for Replacement	$0	$0	$0	$0	$0	$0	$0	$0	$0
Total Expenses	$0	$0	$0	$0	$0	$0	$0	$0	$0
Net Operating Income	$0	$0	$0	$0	$0	$0	$0	$0	$0
Debt Service									
First Mortgage Debt Service	$0	$0	$0	$0	$0	$0	$0	$0	$0
Second Mortgage Debt Service	$0	$0	$0	$0	$0	$0	$0	$0	$0
Deferred Payment 1 Loan Payoff	$0	$0	$0	$0	$0	$0	$0	$0	$0
Deferred Payment 2 Loan Payoff	$0	$0	$0	$0	$0	$0	$0	$0	$0
Custom Loan 1 Debt Service	$0	$0	$0	$0	$0	$0	$0	$0	$0
Custom Loan 2 Debt Service	$0	$0	$0	$0	$0	$0	$0	$0	$0
Cash Flow (After Debt Service)									
Cash Flow	$0	$0	$0	$0	$0	$0	$0	$0	$0
Proceeds from Property Sale	$0	$0	$0	$0	$0	$0	$0	$0	$0
Net Cash Return	$0	$0	$0	$0	$0	$0	$0	$0	$0
Developer Return on Equity									
Cash on Cash	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Project Value based on Capitalization Rate	$0	$0	$0	$0	$0	$0	$0	$0	$0

NOTE: Value equals $0 if income is negative.

Debt at Year End									
First Mortgage Remaining	$0	$0	$0	$0	$0	$0	$0	$0	$0
Second Mortgage Remaining	$0	$0	$0	$0	$0	$0	$0	$0	$0
Deferred Payment Loan 1 Remaining	$0	$0	$0	$0	$0	$0	$0	$0	$0
Deferred Payment Loan 2 Remaining	$0	$0	$0	$0	$0	$0	$0	$0	$0

Upon completingreview of this tab, proceed to the *Gap Analysis* tab.

Operating Pro-Forma

PROJECT TIMELINE

Project Year	19	20	21	22	23	24	25	26	27	28
Gross Potential Rent (GPR) Projections										
HOME Rents	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
Market Rents	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
"Other" Affordable Rents	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
Gross Potential Rent	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
Effective Gross Income (EGI) Projection										
Vacancy Loss	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
Other Revenue	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
Effective Gross Income	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
Expense and Net Operating Income (NO										
Management Expenses	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
Operations and Maintenance Expenses	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
Utilities Paid by Property	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
Taxes/Insurance/Reserves/Other Expenses	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
Additional Reserve for Replacement	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
Total Expenses	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
Net Operating Income	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
Debt Service										
First Mortgage Debt Service	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
Second Mortgage Debt Service	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
Deferred Payment 1 Loan Payoff	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
Deferred Payment 2 Loan Payoff	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
Custom Loan 1 Debt Service	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
Custom Loan 2 Debt Service	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
Cash Flow (After Debt Service)										
Cash Flow	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
Proceeds from Property Sale	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
Net Cash Return	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
Developer Return on Equity										
Cash on Cash	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Project Value based on Capitalization Rate	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0

NOTE: Value equals $0 if income is negative.

Debt at Year End										
First Mortgage Remaining	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
Second Mortgage Remaining	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
Deferred Payment Loan 1 Remaining	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
Deferred Payment Loan 2 Remaining	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0

Upon completingreview of this tab, proceed to the *Gap Analysis* tab.

Operating Pro-Forma

PROJECT TIMELINE		
Project Year	29	30
Gross Potential Rent (GPR) Projections		
HOME Rents	$0	$0
Market Rents	$0	$0
"Other" Affordable Rents	$0	$0
Gross Potential Rent	$0	$0
Effective Gross Income (EGI) Projection		
Vacancy Loss	$0	$0
Other Revenue	$0	$0
Effective Gross Income	$0	$0
Expense and Net Operating Income (NO		
Management Expenses	$0	$0
Operations and Maintenance Expenses	$0	$0
Utilities Paid by Property	$0	$0
Taxes/Insurance/Reserves/Other Expenses	$0	$0
Additional Reserve for Replacement	$0	$0
Total Expenses	$0	$0
Net Operating Income	$0	$0
Debt Service		
First Mortgage Debt Service	$0	$0
Second Mortgage Debt Service	$0	$0
Deferred Payment 1 Loan Payoff	$0	$0
Deferred Payment 2 Loan Payoff	$0	$0
Custom Loan 1 Debt Service	$0	$0
Custom Loan 2 Debt Service	$0	$0
Cash Flow (After Debt Service)		
Cash Flow	$0	$0
Proceeds from Property Sale	$0	$0
Net Cash Return	$0	$0
Developer Return on Equity		
Cash on Cash	0.00%	0.00%
Project Value based on Capitalization Rate	$0	$0

NOTE: Value equals $0 if income is negative.

Debt at Year End	
First Mortgage Remaining	$0
Second Mortgage Remaining	$0
Deferred Payment Loan 1 Remaining	$0
Deferred Payment Loan 2 Remaining	$0

Upon completingreview of this tab, proceed to the *Gap Analysis* tab.

Gap Analysis

This tab contains calculations based on data entered on previous tabs and does not contain data entry cells.

FUNDING SOURCES SUMMARY	Amount	Funding Source
First Mortgage	$ -	Enter Source
Amortizing Second Mortgage	$ -	Enter Source
Deferred Payment Loan 1	$ -	Enter Source
Deferred Payment Loan 2	$ -	Enter Source
Developer Investment	$ -	Private
Tax Credit Equity	$ -	Tax Credit
Grant or Donated Land 1	$ -	Enter Source
Grant or Donated Land 2	$ -	Enter Source
Other financing (not amortized)	$ -	Enter Source
Custom Loan 1	$ -	Enter Source
Custom Loan 2	$ -	Enter Source
Total	**$ -**	

DEVELOPMENT USES SUMMARY	Amount
Acquisition Costs	$ -
Site Work Costs	$ -
Construction / Rehabilitation Costs	$ -
Architectural and Engineering Fees	$ -
Other Owner Costs	$ -
Interim Financing Costs	$ -
Permanent Financing Fees and Expenses	$ -
Developer's Fee	$ -
Initial Project Reserves	$ -
Tenant Relocation Costs	$ -
Project Administration and Management Costs	$ -
Other Development Costs	$ -
Total	**$ -**

GAP IN FINANCING*	$ -

* Positive values indicate inadequate financing. Negative Values for the Gap in Financing indicate that the project is oversubsidized using HOME funds and should reallocate financing, accordingly.

Upon completing this tab, proceed to the *Summary* tab.

PROJECT SUMMARY

Project Name:	Your Project
Address	Your Project Address
Developer:	Your Developer
Date of Analysis:	01/01/04
City:	Your City
State:	Your State
Development Type:	Your Development Type

DEVELOPMENT SOURCES SUMMARY

Funding Sources	Amount	Funding Source	Percentage of Total Funding
First Mortgage	$ -	Enter Source	0%
Amortizing Second Mortgage	$ -	Enter Source	0%
Deferred Payment Loan 1	$ -	Enter Source	0%
Deferred Payment Loan 2	$ -	Enter Source	0%
Developer Investment	$ -	Private	0%
Tax Credit Equity	$ -	Tax Credit	0%
Grant or Donated Land 1	$ -	Enter Source	0%
Grant or Donated Land 2	$ -	Enter Source	0%
Other Financing (not amortized)	$ -	Enter Source	0%
Custom Loan 1	$ -	Enter Source	0%
Custom Loan 2	$ -	Enter Source	0%
Total	$ -		

Total Development Costs	$ -

DEVELOPMENT USES SUMMARY

Development Uses	Amount	Percent of Total Funding
Acquisition Costs	$ -	0%
Site Work Costs	$ -	0%
Construction / Rehabilitation Costs	$ -	0%
Architectural and Engineering Fees	$ -	0%
Other Owner Costs	$ -	0%
Interim Financing Costs	$ -	0%
Permanent Financing Fees and Expenses	$ -	0%
Developer's Fee	$ -	0%
Initial Project Reserves	$ -	0%
Tenant Relocation Costs	$ -	0%
Project Administration and Management Costs	$ -	0%
Other Development Costs	$ -	0%
Total	$ -	0%

UNIT SUMMARY

Unit Type	Number of Units	Total Rents (Year 1 without vacancy)
High HOME Units	-	$ -
Low HOME Units	-	$ -
Market Rate Units	-	$ -
"Other" Affordable Units	-	$ -
Total	-	$ -

OPERATIONS SUMMARY

Project Income	Year 1	Year 2	Year 5	Year 10	Year 15	Year 30
HOME Rents	$ -	$ -	$ -	$ -	$ -	$ -
Market Rents	$ -	$ -	$ -	$ -	$ -	$ -
"Other" Affordable Rents	$ -	$ -	$ -	$ -	$ -	$ -
Gross Potential Rent	$ -	$ -	$ -	$ -	$ -	$ -
Vacancy Loss	$ -	$ -	$ -	$ -	$ -	$ -
Other Revenue	$ -	$ -	$ -	$ -	$ -	$ -
Effective Gross Income	$ -	$ -	$ -	$ -	$ -	$ -
Total Expenses	$ -	$ -	$ -	$ -	$ -	$ -
Net Operating Income	$ -	$ -	$ -	$ -	$ -	$ -
Total Debt Service	$ -	$ -	$ -	$ -	$ -	$ -
Cash Flow (After Debt Service)	$ -	$ -	$ -	$ -	$ -	$ -

RETURNS SUMMARY

Developer Returns on Equity	Year 1	Year 2	Year 5	Year 10	Year 15	Year 30
Cash on Cash	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%

IRR (Year 1 through sale of project)	no investment

ATTACHMENT 24

U.S. Department of Housing and Urban Development
Community Planning and Development

Special Attention of:

Notice: CPD 12-007

All State/Area Coordinators
Regional Directors for CPD
CPD Division Directors
All HOME Coordinators
All HOME Participating Jurisdictions

Issued: 5/8/2012
Expires: 5/8/2013

Cross References:

Subject: Operating Guidance for Implementing FY 2012 HOME Appropriation Requirements

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I. BACKGROUND

The *Consolidated and Further Continuing Appropriations Act of 2012* (P.L 112-55) imposed new requirements on projects that receive FY 2012 funds from the HOME Investment Partnerships Program (HOME). The purpose of these requirements is to improve project and developer selection by participating jurisdictions (PJs) and ensure that there is adequate market demand for FY 2012 HOME projects.

The law requires that:

1) PJs must repay any HOME funds invested in projects that are not completed within four years of the commitment date, as determined by a signature of each party to the written agreement. HUD may grant a one year extension upon determination that the failure to complete the project is beyond the control of the PJ.

2) PJs may only commit FY 2012 HOME funds to a project after it has underwritten the project, assessed the developer capacity and fiscal soundness of the developer being funded, and examined the neighborhood market conditions to ensure that there is an adequate need for the HOME project. The PJ must certify, at the time HOME funds are committed, that these actions have been taken for each project.

3) PJs must convert any FY 2012 HOME homeownership unit that has not been sold to an eligible homebuyer within six months of construction completion to a HOME-assisted rental unit.

4) PJs may only provide FY 2012 HOME funds for development activities to Community Housing Development Organizations (CHDOs) that have demonstrated that they have staff with demonstrated development experience.

HUD has incorporated these requirements as special conditions attached to the FY 2012 Funding Agreement (HUD Form 40093). A copy of the conditions is included in Attachment A.

These requirements are applicable to all projects that receive FY 2012 HOME funds, including all 2012 CHDO set-aside funds. For the purposes of this Notice, a ***FY 2012 HOME-funded project*** is defined as any HOME activity set up in Integrated Disbursement and Information System (IDIS) under a 2012 Consolidated Plan/Annual Action Plan Project. A Consolidated Plan/Annual Action Plan Project may consist of one or more HOME projects set up as HOME activities in IDIS. HOME projects are set up in IDIS as HOME activities.

This Notice explains how these new requirements apply to PJs' FY 2012 HOME projects, how PJs must comply with the requirements, and how HUD will determine PJ compliance with these requirements using data entered into IDIS. Please note that these requirements are separate from changes published in the December 16, 2011 HOME proposed rule. Although there are similarities between the law and proposed regulatory changes, the *Consolidated and Further Continuing Appropriations Act of 2012* requires HUD to immediately implement these

requirements on all FY-2012 HOME-funded activities.

II. IMPLEMENTATION OF FY2012 HOME APPROPRIATION LAW

1) Four-Year Project Completion

Requirement: FY 2012 HOME funds used for projects not completed within four years of the commitment date, as determined by a signature of each party to the written agreement, must be repaid to the HOME Investment Trust Fund. HUD may grant a one-year extension if it determines that the circumstances that led to the failure to complete the project by the deadline were beyond the PJ's control.

For the purpose of complying with this requirement, ***completion*** shall mean that all necessary construction work has been completed and the project has received a certificate of occupancy or other local certification indicating that construction or rehabilitation has been completed and the project is ready for occupancy. For owner-occupied rehabilitation projects, completion means that all rehabilitation work has been completed, the PJ or its designee has performed a final inspection, and the homeowner has accepted the work, as indicated by a final sign-off.

Applicability to HOME Projects: This requirement is applicable to all HOME activities set up in IDIS under a 2012 Consolidated Plan/Annual Action Plan, regardless of the grant year from which the funds are disbursed.

HUD Implementation: Using IDIS data, HUD will generate monthly, PJ-specific reports that will assist PJs in identifying any HOME activities set up in IDIS under 2012 Consolidated Plan/Annual Action Plan Projects that may fail to reach the four-year completion deadline. The reports will use an activity's initial IDIS funding date to identify HOME projects that may be approaching the four-year deadline and are not yet complete. For the purpose of tracking compliance with this requirement, the IDIS initial funding date is an adequate approximation of the commitment date of each HOME project. Since the *Consolidated and Furthering Appropriations Act of 2012* ties this requirement to the date a written agreement is executed, PJs should establish their own tracking process and use this report to assist in identifying possible incomplete projects.

Should a PJ request a one-year extension to the four-year deadline, HUD will require the PJ to submit the written agreement for the project to establish the date that the written agreement was executed by the parties. If granted, the one-year extension will be based on the date the agreement was executed. For example, if an activity's initial funding date in IDIS is two months after the execution date of the written agreement, HUD will use the date of the written agreement as the official project start date, and will only grant the PJ an additional 10 months to complete the project.

HUD will post the reports on the HOME Reports website: (http://www.hud.gov/offices/cpd/affordablehousing/reports/).

PJ Compliance: PJs should evaluate the readiness of each project before setting it up in IDIS as a HOME activity under a 2012 Consolidated Plan/Annual Action Plan Project to ensure compliance with the four-year completion requirement. PJs should establish a process to track a project's four-year completion deadline based on the date of the executed written agreement. Reviewing the reports HUD posts each month on the HOME Reports website will also assist in determining when PJs may need to take action. HUD may grant a one-year extension of the completion deadline to HOME projects that have not progressed due to circumstances beyond the PJ's control. The PJ must submit the extension request to its local HUD Field Office at least 90 days before the project's four-year deadline. All extension requests must include the following:

- Documentation supporting the PJ's claim that the project will not be completed by the four-year deadline due to circumstances beyond the PJ's control.
- A signed and dated copy of the written agreement committing funds to the project.
- A detailed project completion schedule, with milestones, that will ensure the project is completed within one year or less.
- Proof that adequate financing has been secured to ensure project completion.

2) Assessment of Project Underwriting, Developer Capacity, and Market Need

Requirement: Before entering into a legally binding written agreement to provide HOME funds to a HOME activity set up in IDIS under a 2012 Consolidated Plan/Annual Action Plan Project, a PJ must:

- Underwrite the project or evaluate the underwriting of another funder;
- Assess the development capacity and fiscal soundness of the developer; and
- Examine neighborhood market conditions to ensure adequate need for each project.

Applicability to PJ Activities: This requirement applies to all HOME activities set up in IDIS under 2012 Consolidated Plan/Annual Action Plan Projects, and must be completed before entering into a legally binding written agreement to provide HOME funds.

HUD Implementation: When committing funds to a HOME activity set up in IDIS under a 2012 Consolidated Plan/Annual Action Plan Project, the PJ must certify in IDIS that it has conducted an underwriting review, assessed developer capacity and fiscal soundness, and examined neighborhood market conditions to ensure adequate need for the project. This certification (see bullet (iv) below) is included as part of a broader certification required for all HOME activities in IDIS.

Since the Project Underwriting, Developer Capacity, and Market Need certification (bullet (iv)) is included with other certifications required for all HOME activities, it will appear in IDIS regardless of whether the project involves development activities that

necessitate project underwriting, assessing developer capacity and financial soundness, and an examination of neighborhood market conditions. This certification will also appear for IDIS activities *not* identified as HOME FY 2012 Action Plan projects.

Certification (iv) below is not applicable to an activity that does *not* involve development activities that necessitate project underwriting, assessing developer capacity and financial soundness, and an examination of neighborhood market conditions (e.g., this certification is not applicable to tenant based rental assistance, homeowner rehabilitation, CHDO operating expenses), *or* if the PJ is committing HOME funds to an activity *not* set up in IDIS under a 2012 Consolidated Plan/Annual Action Plan Project. However, the remaining sections of the certification (i.e., (i), (ii), (iii), and (v)) are applicable to all HOME IDIS activities.

HOME Activity Funding Certification

By requesting the disbursement of Federal funds, the representative of the Participating Jurisdiction using this system certifies that he/she is authorized to execute the certifications set forth herein, and, on behalf of the Participating Jurisdiction, further certifies that, in accordance with the requirements in 24 CFR Part 92:

(i) the Participating Jurisdiction has fully executed a written agreement that meets the requirements of the regulations applicable to the IDIS activity for which the funds are to be used;

(ii) the IDIS activity for which the funds are to be used meets the definition of a commitment and the requirements of the definition of a commitment pursuant to the regulations applicable to the IDIS activity;

(iii) the Participating Jurisdiction has not drawn and will not draw funds for the IDIS activity unless it has fully executed a written agreement committing the funds;

(iv) ***for HOME projects identified as 2012 Action Plan activities in IDIS, if the activity involves acquisition, construction, or rehabilitation of rental or homebuyer projects, including downpayment assistance, the Participating Jurisdiction has conducted an underwriting review, assessed developer capacity and fiscal soundness, and examined neighborhood market conditions to ensure adequate need for the project for which these funds are to be used;*** and

(v) All of the statements and claims made herein are true and correct. Pursuant to 18 USC § 1001, 31 USC § 3729, et seq., and 24 CFR Part 28, false or fraudulent statements or claims are subject to up to 5 years imprisonment and civil penalties up to $10,000 plus up to 3 times the amount of damages sustained by the Government for each fraudulent act committed.

While bullet (iv) of the certification, which HUD will implement in April 2012, will only be required for HOME activities set up in IDIS under 2012 Consolidated Plan/Annual Action Plan Projects, HUD has proposed a similar requirement in the recently published HOME proposed rule. If that provision is made effective in a HOME final rule,

certification (iv) will apply to all HOME activities funded from all allocations in the future, not just HOME activities set up in IDIS under 2012 Consolidated Plan/Annual Action Plan Projects.

PJ Compliance: PJs must develop and implement written policies and procedures for underwriting projects, evaluating the development and fiscal capacity of developers, and ensuring that there is adequate need for projects based on neighborhood market conditions. PJs may procure the services of a third party to undertake these evaluations. However, the PJ is ultimately responsible for the day-to-day management and oversight of its HOME program in accordance with §92.504(a). Consequently, the PJ must ensure that individuals responsible for entering data in IDIS have the appropriate documentation or written approval from the appropriate staff responsible for compliance to confirm that these reviews have been conducted. The IDIS certification will require the PJ to enter the name of the person responsible for ensuring compliance with these requirements. PJs should be aware that false or fraudulent statements or claims made in IDIS in regard to the PJ's certification that these assessments have been conducted are subject to criminal or civil penalties.

3) Conversion of Homebuyer Units to Rental Units

Requirement: Any FY 2012 HOME homebuyer units that have not been sold to an eligible homebuyer within six months of completion must be converted to a HOME rental unit that complies with all HOME requirements for the period of affordability applicable to such rental units.

Applicability to PJ Activities: This requirement is applicable to all HOME activities set up in IDIS under 2012 Consolidated Plan/Annual Action Plan Projects.

HUD Implementation: HUD will consider a homebuyer unit "sold" if the PJ has a ratified sales contract for the unit within six months of completing project construction. For the purpose of complying with this requirement, ***completing project construction*** shall mean that all necessary construction work has been completed and the project has received a certificate of occupancy or other local certification indicating that construction or rehabilitation has been completed and the project is ready for occupancy. (Using IDIS data, HUD will identify HOME homebuyer activities set up under 2012 Consolidated Plan/Annual Action Plan Projects in IDIS that are in final draw and those HOME homebuyer activities with more than 90 percent of the HOME funds drawn yet no draws in the past six months. Reports identifying these activities will be posted monthly on the HOME Reports website (http://www.hud.gov/offices/cpd/affordablehousing/reports/). The FY 2012 HOME appropriation language does not provide HUD with the authority to waive or otherwise make exceptions to this requirement.

PJ Compliance: PJs must monitor all HOME homebuyer activities set up under 2012 Consolidated Plan/Annual Action Plan Projects in IDIS to ensure that there is a ratified contract for sale within six months of completing construction. Units in HOME homebuyer projects that do not have a ratified contract for sale within six months of

construction completion must be converted to HOME rental units and operated in compliance with all applicable rules. Accordingly, HUD recommends that PJs develop or modify existing policies and procedures that take this possibility into account, and identify potential partners in the community with the capacity to manage rental units if this conversion becomes necessary.

4) CHDO Development Capacity

Requirement: PJs may not reserve FY 2012 HOME funds to a CHDO for development activities unless the PJ has determined that the CHDO has staff with demonstrated development experience. The PJ must ensure that the current CHDO staff has experience developing projects of the same size, scope and level of complexity as the activities for which HOME funds are being reserved or committed.

Applicability to PJ Activities: This requirement applies to all reservations and commitments of CHDO set-aside funds made from a PJ's FY 2012 HOME allocation in which the CHDO is acting as the developer.

HUD Implementation: Any time a PJ subgrants HOME funds from its 2012 CHDO set-aside (CR) subfund to a CHDO for a project, the PJ must certify in IDIS that it has carefully evaluated the development capacity of the CHDO staff, and has determined that the CHDO staff has the knowledge, skills, and experience necessary to undertake eligible CHDO set-aside projects. .

HOME CHDO Reservation Certification

By reserving these Federal funds, the representative of the Participating Jurisdiction using this system certifies that he/she is authorized to execute the certification, and, on behalf of the Participating Jurisdiction, further certifies that, in accordance with the requirements in Public Law 112-55:

For 2012 CHDO set-aside funds that will be committed to a CHDO project, these funds are being reserved for development activities that are to be carried out by the designated community housing development organization and the organization has demonstrated that it has staff with demonstrated development experience.

PJ Compliance: PJs must develop and implement written policies and procedures for assessing CHDO staff capacity, and ensure that adequate documentation of the assessment is included in the appropriate files. HUD defines CHDO staff as paid employees who are responsible for the day-to-day operations of the CHDO. Staff does not include volunteers, board members, or consultants.

The PJ must ensure that individuals responsible for entering data in IDIS have the appropriate documentation or written approval from the staff responsible for compliance

to confirm that a CHDO has demonstrated development experience. The IDIS certification will require the PJ to enter the name of the person responsible for ensuring compliance with this requirement. PJs should be aware that false or fraudulent statements or claims made in IDIS in regard to the PJ's certification that this assessment has been conducted are subject to criminal or civil penalties.

HUD will issue supplemental guidance with respect to these requirements as necessary, as well as specific instructions for implementing these requirements in IDIS. Any questions on this guidance should be addressed to the local HUD Field Office.

Attachment A

Funding Approval and HOME Investment Partnerships Agreement

Title II of the National Affordable Housing Act

U.S. Department of Housing and Urban Development
Office of Community Planning and Development

OMB Approval No. 2506-0171
(Exp. 12/31/2012)

Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number.

The HOME statute imposes a significant number of data collection and reporting requirements. This includes information on assisted properties, on the owners or tenants of the properties, and on other programmatic areas. The information will be used: 1) to assist HOME participants in managing their programs; 2) to track performance of participants in meeting fund commitment and expenditure deadlines; 3) to permit HUD to determine whether each participant meets the HOME statutory income targeting and affordability requirements; and 4) to permit HUD to determine compliance with other statutory and regulatory program requirements. This data collection is authorized under Title II of the Cranston-Gonzalez National Affordable Housing Act or related authorities. Access to Federal grant funds is contingent on the reporting of certain project-specific data elements. Records of information collected will be maintained by the recipients of the assistance. Information on activities and expenditures of grant funds is public information and is generally available for disclosure. Recipients are responsible for ensuring confidentiality when public disclosure is not required.

1. Participant Name and Address	2. Participant Number	
	3. Tax Identification Number	4. DUNS Number
	4. Appropriation Number	5. FY (yyyy)

6. Previous Obligation (Enter "0" for initial FY allocation)		$
a. Formula Funds	$	
b. Community Housing Development Org. (CHDO) Competitive	$	
7. Current Transaction (+ or -)		$
a. Formula Funds	$	
1. CHDO (For deobligations only)	$	
2. Non- CHDO (For deobligations only)	$	
b. CHDO Competitive Reallocation or Deobligation (see #18 below)	$	
8. Revised Obligation		$
a. Formula Funds	$	
b. CHDO Competitive Reallocation	$	

9. Special Conditions (check applicable box)	10. **Date of Obligation (Congressional Release Date)**
☐ Not applicable ☒ Attached	(m/d/yyyy)

This Agreement between the Department of Housing and Urban Development (HUD) and the Participating Jurisdiction/Entity is made pursuant to the authority of the HOME Investment Partnerships Act (42 U.S.C. 12701 et seq.). The Participating Jurisdiction's /Entity's approved Consolidated Plan submission/Application and the HUD regulations at 24 CFR Part 92 (as is now in effect and as may be amended from time to time) and this HOME Investment Partnership Agreement, form HUD-40093, including any special conditions*, constitute part of this Agreement. Subject to the provisions of this Agreement, HUD will make the funds for the Fiscal Year specified, available to the Participating Jurisdiction/Entity upon execution of this Agreement by the parties. All funds for the specified Fiscal Year provided by HUD by formula reallocation are covered by this Agreement upon execution of an amendment by HUD, without the Participating Jurisdiction's execution of the amendment or other consent. HUD's payment of funds under this Agreement is subject to the Participating Jurisdiction's/Entity's compliance with HUD's electronic funds transfer and information reporting procedures issued pursuant to 24 CFR 92.502. To the extent authorized by HUD regulations at 24 CFR Part 92, HUD may, by its execution of an amendment, deobligate funds previously awarded to the Participating Jurisdiction/Entity without the Participating Jurisdiction's/Entity's execution of the amendment or other consent. The Participating Jurisdiction/Entity agrees that funds invested in affordable housing under 24 CFR Part 92 are repayable when the housing no longer qualifies as affordable housing. Repayment shall be made as specified in 24 CFR Part 92. The Participating Jurisdiction agrees to assume all of the responsibility for environmental review, decision making, and actions, as specified and required in regulation at 24 CFR 92.352 and 24 CFR Part 58.

The Grantee shall comply with requirements established by the Office of Management and Budget (OMB) concerning the Dun and Bradstreet Data Universal Numbering System (DUNS), the Central Contractor Registration (CCR) database, and the Federal Funding Accountability and Transparency Act, including Appendix A to Part 25 of the Financial Assistance Use of Universal Identifier and Central Contractor Registration, 75 Fed. Reg. 55671 (Sept. 14, 2010) (to be codified at 2 CFR part 25) and Appendix A to Part 170 of the Requirements for Federal Funding Accountability and Transparency Act Implementation, 75 Fed. Reg. 55663 (Sept. 14, 2010) (to be codified at 2 CFR part 170).

11. For the U.S. Department of HUD (Name and Title of Authorized Official)	12. Signature	13. Date / /
14. For the Participating Jurisdiction/Entity (Name and Title of Authorized Official)	15. Signature	16. Date / /

17. Check one:

☐ Initial Agreement ☐ Amendment # _____

18. Funding Information: *HOME*

Source of Funds	Appropriation Code	PAS Code	Amount
			$
			$
			$

*Special Conditions

HOME funds used for projects not completed within 4 years of the commitment date, as determined by a signature of each party to the agreement shall be repaid, except that the Secretary may extend the deadline for 1 year if the Secretary determines that the failure to complete the project is beyond the control of the participating jurisdiction.

No HOME funds may be committed to any project unless each participating jurisdiction certifies that it has conducted an underwriting review, assessed developer capacity and fiscal soundness, and examined neighborhood market conditions to ensure adequate need for each project.

Any homeownership units funded with HOME funds which cannot be sold to an eligible homeowner within 6 months of project completion shall be rented to an eligible tenant.

No HOME funds may be awarded for development activities to a community housing development organization that cannot demonstrate that it has staff with demonstrated development experience.

ATTACHMENT 25

FY 2022 Income Limits Documentation System

FY 2022 Income Limits Summary

Selecting any of the buttons labeled "Click for More Detail" will display detailed calculation steps for each of the various parameters.

FY 2022 Income Limit Area	Median Family Income	FY 2022 Income Limit Category	Persons in Family 1	2	3	4	5	6	7	8
Miami-Miami Beach-Kendall, FL HUD Metro FMR Area	$68,300	Very Low (50%) Income Limits ($) Click for More Detail	34,150	39,000	43,900	**48,750**	52,650	56,550	60,450	64,350
		Extremely Low Income Limits ($)* Click for More Detail	20,500	23,400	26,350	**29,250**	32,470	37,190	41,910	46,630
		Low (80%) Income Limits ($) Click for More Detail	54,600	62,400	70,200	**78,000**	84,250	90,500	96,750	103,000

NOTE: Miami-Dade County is part of the **Miami-Miami Beach-Kendall, FL HUD Metro FMR Area**, so all information presented here applies to all of the **Miami-Miami Beach-Kendall, FL HUD Metro FMR Area**. HUD generally uses the Office of Management and Budget (OMB) area definitions in the calculation of income limit program parameters. However, to ensure that program parameters do not vary significantly due to area definition changes, HUD has used custom geographic definitions for the **Miami-Miami Beach-Kendall, FL HUD Metro FMR Area**.

The **Miami-Miami Beach-Kendall, FL HUD Metro FMR Area** contains the following areas: Miami-Dade County, FL;

* The FY 2014 Consolidated Appropriations Act changed the definition of extremely low-income to be the greater of 30/50ths (60 percent) of the Section 8 very low-income limit or the poverty guideline as established by the Department of Health and Human Services (HHS), provided that this amount is not greater than the Section 8 50% very low-income limit. Consequently, the extremely low income limits may equal the very low (50%) income limits.

Income Limit areas are based on FY 2022 Fair Market Rent (FMR) areas. For information on FMRs, please see our associated FY 2022 Fair Market Rent documentation system.

For last year's Median Family Income and Income Limits, please see here:

FY2021 Median Family Income and Income Limits for Miami-Miami Beach-Kendall, FL HUD Metro FMR Area

Select a different county or county equivalent in Florida:

Liberty County
Madison County
Manatee County
Marion County
Martin County
Miami-Dade County

Select any FY2022 HUD Metropolitan FMR Area's Income Limits:

Miami-Miami Beach-Kendall, FL HUD Metro FMR Area

Select HMFA Income Limits Area

Select county or county equivalent

Or press below to start over and select a different state:

Select a new state

Update URL For bookmarking or E-Mailing

Prepared by the Program Parameters and Research Division, HUD.

ATTACHMENT 26

Note: The general hold harmless provisions of IRC Section 142(d)(2)(E) mean that projects with at least one building placed in service on or before the end of the 45-day transition period for newly-released limits use whichever limits are greater, the current-year limits or the limits in use the preceding year.

HUD release: 4/18/2022
Effective: 4/18/2022
Implement on/before: 6/1/2022
FHFC Posted: 4/25/2022

2022 Income Limits and Rent Limits
Florida Housing Finance Corporation
Multifamily Rental Programs and CWHIP Homeownership Program
NOTE: Does not pertain to CDBG-DR, HHRP, HOME, NHTF or SHIP

County (Metro)	Percentage Category	Income Limit by Number of Persons in Household										Rent Limit by Number of Bedrooms in Unit					
		1	2	3	4	5	6	7	8	9	10	0	1	2	3	4	5
Miami-Dade County	**20%**	**13,660**	**15,600**	**17,560**	**19,500**	**21,060**	**22,620**	**24,180**	**25,740**	**27,300**	**28,860**	**341**	**365**	**439**	**507**	**565**	**624**
(Miami-Miami Beach-	25%	17,075	19,500	21,950	24,375	26,325	28,275	30,225	32,175	34,125	36,075	426	457	548	633	706	780
Kendall HMFA)	**28%**	**19,124**	**21,840**	**24,584**	**27,300**	**29,484**	**31,668**	**33,852**	**36,036**	**38,220**	**40,404**	**478**	**512**	**614**	**709**	**791**	**873**
	30%	20,490	23,400	26,340	29,250	31,590	33,930	36,270	38,610	40,950	43,290	512	548	658	760	848	936
	33%	**22,539**	**25,740**	**28,974**	**32,175**	**34,749**	**37,323**	**39,897**	**42,471**	**45,045**	**47,619**	**563**	**603**	**724**	**836**	**933**	**1,029**
	35%	23,905	27,300	30,730	34,125	36,855	39,585	42,315	45,045	47,775	50,505	597	640	768	887	989	1,092
	40%	**27,320**	**31,200**	**35,120**	**39,000**	**42,120**	**45,240**	**48,360**	**51,480**	**54,600**	**57,720**	**683**	**731**	**878**	**1,014**	**1,131**	**1,248**
	45%	30,735	35,100	39,510	43,875	47,385	50,895	54,405	57,915	61,425	64,935	768	822	987	1,140	1,272	1,404
	50%	**34,150**	**39,000**	**43,900**	**48,750**	**52,650**	**56,550**	**60,450**	**64,350**	**68,250**	**72,150**	**853**	**914**	**1,097**	**1,267**	**1,413**	**1,560**
	60%	40,980	46,800	52,680	58,500	63,180	67,860	72,540	77,220	81,900	86,580	1,024	1,097	1,317	1,521	1,696	1,872
	70%	**47,810**	**54,600**	**61,460**	**68,250**	**73,710**	**79,170**	**84,630**	**90,090**	**95,550**	**101,010**	**1,195**	**1,280**	**1,536**	**1,774**	**1,979**	**2,184**
Median: 68,300	80%	54,640	62,400	70,240	78,000	84,240	90,480	96,720	102,960	109,200	115,440	1,366	1,463	1,756	2,028	2,262	2,496
	120%	**81,960**	**93,600**	**105,360**	**117,000**	**126,360**	**135,720**	**145,080**	**154,440**	**163,800**	**173,160**	**2,049**	**2,194**	**2,634**	**3,042**	**3,393**	**3,744**
	140%	95,620	109,200	122,920	136,500	147,420	158,340	169,260	180,180	191,100	202,020	2,390	2,560	3,073	3,549	3,958	4,368

Florida Housing Finance Corporation (FHFC) income and rent limits are based upon figures provided by the United States Department of Housing and Urban Development (HUD) and are subject to change. Updated schedules will be provided when changes occur.

ATTACHMENT 27

U.S. DEPARTMENT OF HUD

STATE:FLORIDA ---------- 2022 ADJUSTED HOME INCOME LIMITS ----------

PROGRAM	1 PERSON	2 PERSON	3 PERSON	4 PERSON	5 PERSON	6 PERSON	7 PERSON	8 PERSON
Cape Coral-Fort Myers, FL MSA								
30% LIMITS	16900	19300	21700	24100	26050	28000	29900	31850
VERY LOW INCOME	28150	32200	36200	40200	43450	46650	49850	53100
60% LIMITS	33780	38640	43440	48240	52140	55980	59820	63720
LOW INCOME	45050	51450	57900	64300	69450	74600	79750	84900
Crestview-Fort Walton Beach-Destin, FL HUD Metro FMR Area								
30% LIMITS	18450	21100	23750	26350	28500	30600	32700	34800
VERY LOW INCOME	30800	35200	39600	43950	47500	51000	54500	58050
60% LIMITS	36960	42240	47520	52740	57000	61200	65400	69660
LOW INCOME	49250	56250	63300	70300	75950	81550	87200	92800
Walton County, FL HUD Metro FMR Area								
30% LIMITS	16350	18700	21050	23350	25250	27100	29000	30850
VERY LOW INCOME	27250	31150	35050	38900	42050	45150	48250	51350
60% LIMITS	32700	37380	42060	46680	50460	54180	57900	61620
LOW INCOME	43600	49800	56050	62250	67250	72250	77200	82200
Deltona-Daytona Beach-Ormond Beach, FL HUD Metro FMR Area								
30% LIMITS	15400	17600	19800	21950	23750	25500	27250	29000
VERY LOW INCOME	25600	29250	32900	36550	39500	42400	45350	48250
60% LIMITS	30720	35100	39480	43860	47400	50880	54420	57900
LOW INCOME	40950	46800	52650	58500	63200	67900	72550	77250
Palm Coast, FL HUD Metro FMR Area								
30% LIMITS	15700	17950	20200	22400	24200	26000	27800	29600
VERY LOW INCOME	26150	29850	33600	37300	40300	43300	46300	49250
60% LIMITS	31380	35820	40320	44760	48360	51960	55560	59100
LOW INCOME	41800	47800	53750	59700	64500	69300	74050	78850
Levy County, FL HUD Metro FMR Area								
30% LIMITS	12750	14600	16400	18200	19700	21150	22600	24050
VERY LOW INCOME	21250	24300	27350	30350	32800	35250	37650	40100
60% LIMITS	25500	29160	32820	36420	39360	42300	45180	48120
LOW INCOME	34000	38850	43700	48550	52450	56350	60250	64100
Gainesville, FL HUD Metro FMR Area								
30% LIMITS	17200	19650	22100	24550	26550	28500	30450	32450
VERY LOW INCOME	28700	32800	36900	40950	44250	47550	50800	54100
60% LIMITS	34440	39360	44280	49140	53100	57060	60960	64920
LOW INCOME	45850	52400	58950	65500	70750	76000	81250	86500

U.S. DEPARTMENT OF HUD
STATE:FLORIDA

PROGRAM	1 PERSON	2 PERSON	3 PERSON	4 PERSON	5 PERSON	6 PERSON	7 PERSON	8 PERSON
2022 ADJUSTED HOME INCOME LIMITS								
Homosassa Springs, FL MSA								
30% LIMITS	13000	14850	16700	18550	20050	21550	23050	24500
VERY LOW INCOME	21700	24800	27900	30950	33450	35950	38400	40900
60% LIMITS	26040	29760	33480	37140	40140	43140	46080	49080
LOW INCOME	34650	39600	44550	49500	53500	57450	61400	65350
Jacksonville, FL HUD Metro FMR Area								
30% LIMITS	17600	20100	22600	25100	27150	29150	31150	33150
VERY LOW INCOME	29300	33450	37650	41800	45150	48500	51850	55200
60% LIMITS	35160	40140	45180	50160	54180	58200	62220	66240
LOW INCOME	46850	53550	60250	66900	72300	77650	83000	88350
Baker County, FL HUD Metro FMR Area								
30% LIMITS	17050	19500	21950	24350	26300	28250	30200	32150
VERY LOW INCOME	28450	32500	36550	40600	43850	47100	50350	53600
60% LIMITS	34140	39000	43860	48720	52620	56520	60420	64320
LOW INCOME	45500	52000	58500	64950	70150	75350	80550	85750
Lakeland-Winter Haven, FL MSA								
30% LIMITS	14200	16200	18250	20250	21900	23500	25150	26750
VERY LOW INCOME	23650	27000	30400	33750	36450	39150	41850	44550
60% LIMITS	28380	32400	36480	40500	43740	46980	50220	53460
LOW INCOME	37800	43200	48600	54000	58350	62650	67000	71300
Fort Lauderdale, FL HUD Metro FMR Area								
30% LIMITS	19050	21800	24500	27200	29400	31600	33750	35950
VERY LOW INCOME	31750	36300	40850	45350	49000	52650	56250	59900
60% LIMITS	38100	43560	49020	54420	58800	63180	67500	71880
LOW INCOME	50800	58050	65300	72550	78400	84200	90000	95800
Miami-Miami Beach-Kendall, FL HUD Metro FMR Area								
30% LIMITS	20500	23400	26350	29250	31600	33950	36300	38650
VERY LOW INCOME	34150	39000	43900	48750	52650	56550	60450	64350
60% LIMITS	40980	46800	52680	58500	63180	67860	72540	77220
LOW INCOME	54600	62400	70200	78000	84250	90500	96750	103000
West Palm Beach-Boca Raton, FL HUD Metro FMR Area								
30% LIMITS	19350	22100	24850	27600	29850	32050	34250	36450
VERY LOW INCOME	32200	36800	41400	46000	49700	53400	57050	60750
60% LIMITS	38640	44160	49680	55200	59640	64080	68460	72900
LOW INCOME	51550	58900	66250	73600	79500	85400	91300	97200

U.S. DEPARTMENT OF HUD
STATE:FLORIDA

2022 ADJUSTED HOME INCOME LIMITS

PROGRAM	1 PERSON	2 PERSON	3 PERSON	4 PERSON	5 PERSON	6 PERSON	7 PERSON	8 PERSON
Naples-Immokalee-Marco Island, FL MSA								
30% LIMITS	19850	22650	25500	28300	30600	32850	35100	37400
VERY LOW INCOME	33050	37750	42450	47150	50950	54700	58500	62250
60% LIMITS	39660	45300	50940	56580	61140	65640	70200	74700
LOW INCOME	52850	60400	67950	75450	81500	87550	93600	99600
North Port-Sarasota-Bradenton, FL MSA								
30% LIMITS	18150	20750	23350	25900	28000	30050	32150	34200
VERY LOW INCOME	30250	34550	38850	43150	46650	50100	53550	57000
60% LIMITS	36300	41460	46620	51780	55980	60120	64260	68400
LOW INCOME	48350	55250	62150	69050	74600	80100	85650	91150
Ocala, FL MSA								
30% LIMITS	13100	14950	16800	18650	20150	21650	23150	24650
VERY LOW INCOME	21800	24900	28000	31100	33600	36100	38600	41100
60% LIMITS	26160	29880	33600	37320	40320	43320	46320	49320
LOW INCOME	34850	39800	44800	49750	53750	57750	61700	65700
Orlando-Kissimmee-Sanford, FL MSA								
30% LIMITS	17400	19900	22400	24850	26850	28850	30850	32850
VERY LOW INCOME	29050	33200	37350	41450	44800	48100	51400	54750
60% LIMITS	34860	39840	44820	49740	53760	57720	61680	65700
LOW INCOME	46450	53050	59700	66300	71650	76950	82250	87550
Palm Bay-Melbourne-Titusville, FL MSA								
30% LIMITS	17050	19500	21950	24350	26300	28250	30200	32150
VERY LOW INCOME	28450	32500	36550	40600	43850	47100	50350	53600
60% LIMITS	34140	39000	43860	48720	52620	56520	60420	64320
LOW INCOME	45500	52000	58500	64950	70150	75350	80550	85750
Panama City, FL MSA								
30% LIMITS	15800	18050	20300	22550	24400	26200	28000	29800
VERY LOW INCOME	26300	30050	33800	37550	40600	43600	46600	49600
60% LIMITS	31560	36060	40560	45060	48720	52320	55920	59520
LOW INCOME	42100	48100	54100	60100	64950	69750	74550	79350
Pensacola-Ferry Pass-Brent, FL MSA								
30% LIMITS	16250	18600	20900	23200	25100	26950	28800	30650
VERY LOW INCOME	27100	30950	34800	38650	41750	44850	47950	51050
60% LIMITS	32520	37140	41760	46380	50100	53820	57540	61260
LOW INCOME	43300	49500	55700	61850	66800	71750	76700	81650

U.S. DEPARTMENT OF HUD
STATE:FLORIDA

2022 ADJUSTED HOME INCOME LIMITS

PROGRAM	1 PERSON	2 PERSON	3 PERSON	4 PERSON	5 PERSON	6 PERSON	7 PERSON	8 PERSON
Port St. Lucie, FL MSA								
30% LIMITS	16800	19200	21600	24000	25950	27850	29800	31700
VERY LOW INCOME	28000	32000	36000	40000	43200	46400	49600	52800
60% LIMITS	33600	38400	43200	48000	51840	55680	59520	63360
LOW INCOME	44800	51200	57600	64000	69150	74250	79400	84500
Punta Gorda, FL MSA								
30% LIMITS	15250	17400	19600	21750	23500	25250	27000	28750
VERY LOW INCOME	25400	29000	32650	36250	39150	42050	44950	47850
60% LIMITS	30480	34800	39180	43500	46980	50460	53940	57420
LOW INCOME	40600	46400	52200	58000	62650	67300	71950	76600
Sebastian-Vero Beach, FL MSA								
30% LIMITS	16800	19200	21600	23950	25900	27800	29700	31650
VERY LOW INCOME	28000	32000	36000	39950	43150	46350	49550	52750
60% LIMITS	33600	38400	43200	47940	51780	55620	59460	63300
LOW INCOME	44750	51150	57550	63900	69050	74150	79250	84350
Sebring, FL MSA								
30% LIMITS	13000	14850	16700	18550	20050	21550	23050	24500
VERY LOW INCOME	21700	24800	27900	30950	33450	35950	38400	40900
60% LIMITS	26040	29760	33480	37140	40140	43140	46080	49080
LOW INCOME	34650	39600	44550	49500	53500	57450	61400	65350
Tallahassee, FL HUD Metro FMR Area								
30% LIMITS	17050	19500	21950	24350	26300	28250	30200	32150
VERY LOW INCOME	28450	32500	36550	40600	43850	47100	50350	53600
60% LIMITS	34140	39000	43860	48720	52620	56520	60420	64320
LOW INCOME	45500	52000	58500	64950	70150	75350	80550	85750
Wakulla County, FL HUD Metro FMR Area								
30% LIMITS	16600	18950	21300	23650	25550	27450	29350	31250
VERY LOW INCOME	27600	31550	35500	39400	42600	45750	48900	52050
60% LIMITS	33120	37860	42600	47280	51120	54900	58680	62460
LOW INCOME	44150	50450	56750	63050	68100	73150	78200	83250
Tampa-St. Petersburg-Clearwater, FL MSA								
30% LIMITS	17300	19750	22200	24650	26650	28600	30600	32550
VERY LOW INCOME	28750	32850	36950	41050	44350	47650	50950	54200
60% LIMITS	34500	39420	44340	49260	53220	57180	61140	65040
LOW INCOME	46000	52600	59150	65700	71000	76250	81500	86750

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	PROGRAM	1 PERSON	2 PERSON	3 PERSON	4 PERSON	5 PERSON	6 PERSON	7 PERSON	8 PERSON
		---------- 2022 ADJUSTED HOME INCOME LIMITS ----------							
The Villages, FL MSA									
	30% LIMITS	15850	18100	20350	22600	24450	26250	28050	29850
	VERY LOW INCOME	26400	30150	33900	37650	40700	43700	46700	49700
	60% LIMITS	31680	36180	40680	45180	48840	52440	56040	59640
	LOW INCOME	42200	48200	54250	60250	65100	69900	74750	79550
Bradford County, FL									
	30% LIMITS	12750	14600	16400	18200	19700	21150	22600	24050
	VERY LOW INCOME	21250	24300	27350	30350	32800	35250	37650	40100
	60% LIMITS	25500	29160	32820	36420	39360	42300	45180	48120
	LOW INCOME	34000	38850	43700	48550	52450	56350	60250	64100
Calhoun County, FL									
	30% LIMITS	13000	14850	16700	18550	20050	21550	23050	24500
	VERY LOW INCOME	21700	24800	27900	30950	33450	35950	38400	40900
	60% LIMITS	26040	29760	33480	37140	40140	43140	46080	49080
	LOW INCOME	34650	39600	44550	49500	53500	57450	61400	65350
Columbia County, FL									
	30% LIMITS	13800	15750	17700	19650	21250	22800	24400	25950
	VERY LOW INCOME	22950	26200	29500	32750	35400	38000	40650	43250
	60% LIMITS	27540	31440	35400	39300	42480	45600	48780	51900
	LOW INCOME	36700	41950	47200	52400	56600	60800	65000	69200
DeSoto County, FL									
	30% LIMITS	12750	14600	16400	18200	19700	21150	22600	24050
	VERY LOW INCOME	21250	24300	27350	30350	32800	35250	37650	40100
	60% LIMITS	25500	29160	32820	36420	39360	42300	45180	48120
	LOW INCOME	34000	38850	43700	48550	52450	56350	60250	64100
Dixie County, FL									
	30% LIMITS	12750	14600	16400	18200	19700	21150	22600	24050
	VERY LOW INCOME	21250	24300	27350	30350	32800	35250	37650	40100
	60% LIMITS	25500	29160	32820	36420	39360	42300	45180	48120
	LOW INCOME	34000	38850	43700	48550	52450	56350	60250	64100
Franklin County, FL									
	30% LIMITS	13000	14850	16700	18550	20050	21550	23050	24500
	VERY LOW INCOME	21650	24750	27850	30900	33400	35850	38350	40800
	60% LIMITS	25980	29700	33420	37080	40080	43020	46020	48960
	LOW INCOME	34650	39600	44550	49450	53450	57400	61350	65300

	PROGRAM	1 PERSON	2 PERSON	3 PERSON	4 PERSON	5 PERSON	6 PERSON	7 PERSON	8 PERSON
		---------- 2022 ADJUSTED HOME INCOME LIMITS ----------							
Glades County, FL									
	30% LIMITS	12750	14600	16400	18200	19700	21150	22600	24050
	VERY LOW INCOME	21250	24300	27350	30350	32800	35250	37650	40100
	60% LIMITS	25500	29160	32820	36420	39360	42300	45180	48120
	LOW INCOME	34000	38850	43700	48550	52450	56350	60250	64100
Gulf County, FL									
	30% LIMITS	12950	14800	16650	18500	20000	21500	22950	24450
	VERY LOW INCOME	21600	24650	27750	30800	33300	35750	38200	40700
	60% LIMITS	25920	29580	33300	36960	39960	42900	45840	48840
	LOW INCOME	34550	39450	44400	49300	53250	57200	61150	65100
Hamilton County, FL									
	30% LIMITS	12750	14600	16400	18200	19700	21150	22600	24050
	VERY LOW INCOME	21250	24300	27350	30350	32800	35250	37650	40100
	60% LIMITS	25500	29160	32820	36420	39360	42300	45180	48120
	LOW INCOME	34000	38850	43700	48550	52450	56350	60250	64100
Hardee County, FL									
	30% LIMITS	12750	14600	16400	18200	19700	21150	22600	24050
	VERY LOW INCOME	21250	24300	27350	30350	32800	35250	37650	40100
	60% LIMITS	25500	29160	32820	36420	39360	42300	45180	48120
	LOW INCOME	34000	38850	43700	48550	52450	56350	60250	64100
Hendry County, FL									
	30% LIMITS	12750	14600	16400	18200	19700	21150	22600	24050
	VERY LOW INCOME	21250	24300	27350	30350	32800	35250	37650	40100
	60% LIMITS	25500	29160	32820	36420	39360	42300	45180	48120
	LOW INCOME	34000	38850	43700	48550	52450	56350	60250	64100
Holmes County, FL									
	30% LIMITS	12750	14600	16400	18200	19700	21150	22600	24050
	VERY LOW INCOME	21250	24300	27350	30350	32800	35250	37650	40100
	60% LIMITS	25500	29160	32820	36420	39360	42300	45180	48120
	LOW INCOME	34000	38850	43700	48550	52450	56350	60250	64100
Jackson County, FL									
	30% LIMITS	12750	14600	16400	18200	19700	21150	22600	24050
	VERY LOW INCOME	21250	24300	27350	30350	32800	35250	37650	40100
	60% LIMITS	25500	29160	32820	36420	39360	42300	45180	48120
	LOW INCOME	34000	38850	43700	48550	52450	56350	60250	64100

	PROGRAM	1 PERSON	2 PERSON	3 PERSON	4 PERSON	5 PERSON	6 PERSON	7 PERSON	8 PERSON
		---------- 2022 ADJUSTED HOME INCOME LIMITS ----------							
Lafayette County, FL									
	30% LIMITS	13450	15350	17250	19150	20700	22250	23750	25300
	VERY LOW INCOME	22350	25550	28750	31900	34500	37050	39600	42150
	60% LIMITS	26820	30660	34500	38280	41400	44460	47520	50580
	LOW INCOME	35750	40850	45950	51050	55150	59250	63350	67400
Liberty County, FL									
	30% LIMITS	12750	14600	16400	18200	19700	21150	22600	24050
	VERY LOW INCOME	21250	24300	27350	30350	32800	35250	37650	40100
	60% LIMITS	25500	29160	32820	36420	39360	42300	45180	48120
	LOW INCOME	34000	38850	43700	48550	52450	56350	60250	64100
Madison County, FL									
	30% LIMITS	12750	14600	16400	18200	19700	21150	22600	24050
	VERY LOW INCOME	21250	24300	27350	30350	32800	35250	37650	40100
	60% LIMITS	25500	29160	32820	36420	39360	42300	45180	48120
	LOW INCOME	34000	38850	43700	48550	52450	56350	60250	64100
Monroe County, FL									
	30% LIMITS	21550	24600	27700	30750	33250	35700	38150	40600
	VERY LOW INCOME	35900	41000	46150	51250	55350	59450	63550	67650
	60% LIMITS	43080	49200	55380	61500	66420	71340	76260	81180
	LOW INCOME	57400	65600	73800	82000	88600	95150	101700	108250
Okeechobee County, FL									
	30% LIMITS	12750	14600	16400	18200	19700	21150	22600	24050
	VERY LOW INCOME	21250	24300	27350	30350	32800	35250	37650	40100
	60% LIMITS	25500	29160	32820	36420	39360	42300	45180	48120
	LOW INCOME	34000	38850	43700	48550	52450	56350	60250	64100
Putnam County, FL									
	30% LIMITS	12750	14600	16400	18200	19700	21150	22600	24050
	VERY LOW INCOME	21250	24300	27350	30350	32800	35250	37650	40100
	60% LIMITS	25500	29160	32820	36420	39360	42300	45180	48120
	LOW INCOME	34000	38850	43700	48550	52450	56350	60250	64100
Suwannee County, FL									
	30% LIMITS	12750	14600	16400	18200	19700	21150	22600	24050
	VERY LOW INCOME	21250	24300	27350	30350	32800	35250	37650	40100
	60% LIMITS	25500	29160	32820	36420	39360	42300	45180	48120
	LOW INCOME	34000	38850	43700	48550	52450	56350	60250	64100

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2022 ADJUSTED HOME INCOME LIMITS

	PROGRAM	1 PERSON	2 PERSON	3 PERSON	4 PERSON	5 PERSON	6 PERSON	7 PERSON	8 PERSON
Taylor County, FL									
	30% LIMITS	12750	14600	16400	18200	19700	21150	22600	24050
	VERY LOW INCOME	21250	24300	27350	30350	32800	35250	37650	40100
	60% LIMITS	25500	29160	32820	36420	39360	42300	45180	48120
	LOW INCOME	34000	38850	43700	48550	52450	56350	60250	64100
Union County, FL									
	30% LIMITS	12750	14600	16400	18200	19700	21150	22600	24050
	VERY LOW INCOME	21250	24300	27350	30350	32800	35250	37650	40100
	60% LIMITS	25500	29160	32820	36420	39360	42300	45180	48120
	LOW INCOME	34000	38850	43700	48550	52450	56350	60250	64100
Washington County, FL									
	30% LIMITS	12750	14600	16400	18200	19700	21150	22600	24050
	VERY LOW INCOME	21250	24300	27350	30350	32800	35250	37650	40100
	60% LIMITS	25500	29160	32820	36420	39360	42300	45180	48120
	LOW INCOME	34000	38850	43700	48550	52450	56350	60250	64100

ATTACHMENT 28

U.S. DEPARTMENT OF HUD
STATE:FLORIDA

---------- 2022 HOME PROGRAM RENTS ----------

	PROGRAM	EFFICIENCY	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Cape Coral-Fort Myers, FL MSA								
	LOW HOME RENT LIMIT	703	754	905	1045	1166	1286	1407
	HIGH HOME RENT LIMIT	895	960	1154	1325	1459	1591	1723
	For Information Only:							
	FAIR MARKET RENT	976	979	1231	1603	1820	2093	2366
	50% RENT LIMIT	703	754	905	1045	1166	1286	1407
	65% RENT LIMIT	895	960	1154	1325	1459	1591	1723
Crestview-Fort Walton Beach-Destin, FL HUD Metro FMR Area								
	LOW HOME RENT LIMIT	770	825	990	1143	1275	1406	1538
	HIGH HOME RENT LIMIT	981	987	1172	1452	1600	1747	1894
	For Information Only:							
	FAIR MARKET RENT	981	987	1172	1542	1997	2297	2596
	50% RENT LIMIT	770	825	990	1143	1275	1406	1538
	65% RENT LIMIT	981	1053	1264	1452	1600	1747	1894
Walton County, FL HUD Metro FMR Area								
	LOW HOME RENT LIMIT	681	730	876	1011	1128	1245	1361
	HIGH HOME RENT LIMIT	786	885	1008	1280	1409	1536	1663
	For Information Only:							
	FAIR MARKET RENT	786	885	1008	1326	1456	1674	1893
	50% RENT LIMIT	681	730	876	1011	1128	1245	1361
	65% RENT LIMIT	865	928	1116	1280	1409	1536	1663
Deltona-Daytona Beach-Ormond Beach, FL HUD Metro FMR Area								
	LOW HOME RENT LIMIT	640	685	822	950	1060	1170	1279
	HIGH HOME RENT LIMIT	754	871	1047	1201	1320	1438	1557
	For Information Only:							
	FAIR MARKET RENT	754	931	1135	1505	1580	1817	2054
	50% RENT LIMIT	640	685	822	950	1060	1170	1279
	65% RENT LIMIT	811	871	1047	1201	1320	1438	1557
Palm Coast, FL HUD Metro FMR Area								
	LOW HOME RENT LIMIT	653	700	840	970	1082	1194	1305
	HIGH HOME RENT LIMIT	800	889	1069	1227	1350	1471	1592
	For Information Only:							
	FAIR MARKET RENT	800	925	1193	1575	1809	2080	2352
	50% RENT LIMIT	653	700	840	970	1082	1194	1305
	65% RENT LIMIT	829	889	1069	1227	1350	1471	1592
Levy County, FL HUD Metro FMR Area								
	LOW HOME RENT LIMIT	531	569	683	789	881	971	1062
	HIGH HOME RENT LIMIT	572	575	757	992	1088	1181	1275
	For Information Only:							
	FAIR MARKET RENT	572	575	757	1021	1136	1306	1477
	50% RENT LIMIT	531	569	683	789	881	971	1062
	65% RENT LIMIT	671	721	867	992	1088	1181	1275

For all HOME projects, the maximum allowable rent is the HUD calculated High HOME Rent Limit and/or Low HOME Rent Limit.

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---------- 2022 HOME PROGRAM RENTS ----------

PROGRAM	EFFICIENCY	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Gainesville, FL HUD Metro FMR Area							
LOW HOME RENT LIMIT	717	768	922	1065	1188	1311	1433
HIGH HOME RENT LIMIT	784	864	1038	1351	1408	1619	1758
For Information Only:							
FAIR MARKET RENT	784	864	1038	1369	1408	1619	1830
50% RENT LIMIT	717	768	922	1065	1188	1311	1433
65% RENT LIMIT	913	979	1177	1351	1488	1622	1758
Homosassa Springs, FL MSA							
LOW HOME RENT LIMIT	542	581	697	805	898	991	1083
HIGH HOME RENT LIMIT	685	717	884	1013	1110	1207	1303
For Information Only:							
FAIR MARKET RENT	695	717	943	1316	1614	1856	2098
50% RENT LIMIT	542	581	697	805	898	991	1083
65% RENT LIMIT	685	735	884	1013	1110	1207	1303
Jacksonville, FL HUD Metro FMR Area							
LOW HOME RENT LIMIT	732	784	941	1086	1212	1338	1463
HIGH HOME RENT LIMIT	827	995	1188	1379	1519	1657	1796
For Information Only:							
FAIR MARKET RENT	827	995	1188	1542	1948	2240	2532
50% RENT LIMIT	732	784	941	1086	1212	1338	1463
65% RENT LIMIT	931	999	1202	1379	1519	1657	1796
Baker County, FL HUD Metro FMR Area							
LOW HOME RENT LIMIT	565	617	812	1055	1177	1299	1421
HIGH HOME RENT LIMIT	565	617	812	1091	1390	1599	1742
For Information Only:							
FAIR MARKET RENT	565	617	812	1091	1390	1599	1807
50% RENT LIMIT	711	761	913	1055	1177	1299	1421
65% RENT LIMIT	905	971	1167	1339	1474	1608	1742
Lakeland-Winter Haven, FL MSA							
LOW HOME RENT LIMIT	591	633	760	877	978	1080	1181
HIGH HOME RENT LIMIT	749	804	967	1108	1216	1323	1431
For Information Only:							
FAIR MARKET RENT	830	836	1056	1418	1807	2078	2349
50% RENT LIMIT	591	633	760	877	978	1080	1181
65% RENT LIMIT	749	804	967	1108	1216	1323	1431
Fort Lauderdale, FL HUD Metro FMR Area							
LOW HOME RENT LIMIT	793	850	1021	1179	1316	1451	1587
HIGH HOME RENT LIMIT	1013	1086	1306	1499	1653	1805	1957
For Information Only:							
FAIR MARKET RENT	1127	1240	1556	2207	2663	3062	3462
50% RENT LIMIT	793	850	1021	1179	1316	1451	1587
65% RENT LIMIT	1013	1086	1306	1499	1653	1805	1957

For all HOME projects, the maximum allowable rent is the HUD calculated High HOME Rent Limit and/or Low HOME Rent Limit.

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---------- 2022 HOME PROGRAM RENTS ----------

	PROGRAM	EFFICIENCY	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Miami-Miami Beach-Kendall, FL HUD Metro FMR Area								
	LOW HOME RENT LIMIT	853	914	1097	1267	1413	1560	1706
	HIGH HOME RENT LIMIT	1090	1169	1406	1615	1781	1947	2113
	For Information Only:							
	FAIR MARKET RENT	1162	1332	1672	2220	2631	3026	3420
	50% RENT LIMIT	853	914	1097	1267	1413	1560	1706
	65% RENT LIMIT	1090	1169	1406	1615	1781	1947	2113
West Palm Beach-Boca Raton, FL HUD Metro FMR Area								
	LOW HOME RENT LIMIT	805	862	1035	1196	1335	1472	1610
	HIGH HOME RENT LIMIT	1028	1102	1324	1521	1678	1832	1987
	For Information Only:							
	FAIR MARKET RENT	1049	1274	1578	2120	2575	2961	3348
	50% RENT LIMIT	805	862	1035	1196	1335	1472	1610
	65% RENT LIMIT	1028	1102	1324	1521	1678	1832	1987
Naples-Immokalee-Marco Island, FL MSA								
	LOW HOME RENT LIMIT	826	885	1061	1226	1367	1509	1650
	HIGH HOME RENT LIMIT	1054	1130	1358	1560	1721	1881	2040
	For Information Only:							
	FAIR MARKET RENT	1106	1295	1583	2078	2153	2476	2799
	50% RENT LIMIT	826	885	1061	1226	1367	1509	1650
	65% RENT LIMIT	1054	1130	1358	1560	1721	1881	2040
North Port-Sarasota-Bradenton, FL MSA								
	LOW HOME RENT LIMIT	756	810	971	1122	1252	1381	1510
	HIGH HOME RENT LIMIT	920	1033	1241	1425	1570	1714	1858
	For Information Only:							
	FAIR MARKET RENT	920	1081	1385	1835	2185	2513	2841
	50% RENT LIMIT	756	810	971	1122	1252	1381	1510
	65% RENT LIMIT	963	1033	1241	1425	1570	1714	1858
Ocala, FL MSA								
	LOW HOME RENT LIMIT	545	583	700	808	902	996	1088
	HIGH HOME RENT LIMIT	688	738	888	1017	1115	1211	1308
	For Information Only:							
	FAIR MARKET RENT	740	806	995	1285	1418	1631	1843
	50% RENT LIMIT	545	583	700	808	902	996	1088
	65% RENT LIMIT	688	738	888	1017	1115	1211	1308
Orlando-Kissimmee-Sanford, FL MSA								
	LOW HOME RENT LIMIT	726	778	933	1078	1202	1326	1450
	HIGH HOME RENT LIMIT	924	991	1192	1368	1506	1643	1781
	For Information Only:							
	FAIR MARKET RENT	1152	1237	1422	1827	2211	2543	2874
	50% RENT LIMIT	726	778	933	1078	1202	1326	1450
	65% RENT LIMIT	924	991	1192	1368	1506	1643	1781

For all HOME projects, the maximum allowable rent is the HUD calculated High HOME Rent Limit and/or Low HOME Rent Limit.

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2022 HOME PROGRAM RENTS

	PROGRAM	EFFICIENCY	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Palm Bay-Melbourne-Titusville, FL MSA								
	LOW HOME RENT LIMIT	711	761	913	1055	1177	1299	1421
	HIGH HOME RENT LIMIT	815	971	1167	1339	1474	1608	1742
	For Information Only:							
	FAIR MARKET RENT	815	984	1196	1596	1921	2209	2497
	50% RENT LIMIT	711	761	913	1055	1177	1299	1421
	65% RENT LIMIT	905	971	1167	1339	1474	1608	1742
Panama City, FL MSA								
	LOW HOME RENT LIMIT	657	704	845	976	1090	1202	1314
	HIGH HOME RENT LIMIT	835	896	1077	1235	1359	1481	1602
	For Information Only:							
	FAIR MARKET RENT	903	1010	1170	1613	1983	2280	2578
	50% RENT LIMIT	657	704	845	976	1090	1202	1314
	65% RENT LIMIT	835	896	1077	1235	1359	1481	1602
Pensacola-Ferry Pass-Brent, FL MSA								
	LOW HOME RENT LIMIT	677	725	870	1005	1121	1237	1352
	HIGH HOME RENT LIMIT	844	877	1012	1272	1399	1525	1651
	For Information Only:							
	FAIR MARKET RENT	844	877	1012	1424	1732	1992	2252
	50% RENT LIMIT	677	725	870	1005	1121	1237	1352
	65% RENT LIMIT	859	922	1108	1272	1399	1525	1651
Port St. Lucie, FL MSA								
	LOW HOME RENT LIMIT	700	750	900	1040	1160	1280	1400
	HIGH HOME RENT LIMIT	890	955	1148	1319	1451	1582	1714
	For Information Only:							
	FAIR MARKET RENT	980	987	1275	1711	1962	2256	2551
	50% RENT LIMIT	700	750	900	1040	1160	1280	1400
	65% RENT LIMIT	890	955	1148	1319	1451	1582	1714
Punta Gorda, FL MSA								
	LOW HOME RENT LIMIT	635	680	816	942	1051	1160	1268
	HIGH HOME RENT LIMIT	805	864	1038	1191	1309	1426	1543
	For Information Only:							
	FAIR MARKET RENT	832	928	1142	1622	1955	2248	2542
	50% RENT LIMIT	635	680	816	942	1051	1160	1268
	65% RENT LIMIT	805	864	1038	1191	1309	1426	1543
Sebastian-Vero Beach, FL MSA								
	LOW HOME RENT LIMIT	700	750	900	1038	1158	1278	1398
	HIGH HOME RENT LIMIT	754	941	1135	1317	1450	1581	1712
	For Information Only:							
	FAIR MARKET RENT	754	941	1135	1480	1889	2172	2456
	50% RENT LIMIT	700	750	900	1038	1158	1278	1398
	65% RENT LIMIT	890	955	1148	1317	1450	1581	1712

For all HOME projects, the maximum allowable rent is the HUD calculated High HOME Rent Limit and/or Low HOME Rent Limit.

U.S. DEPARTMENT OF HUD
STATE:FLORIDA

---------- 2022 HOME PROGRAM RENTS ----------

	PROGRAM	EFFICIENCY	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Sebring, FL MSA								
	LOW HOME RENT LIMIT	542	581	697	805	898	991	1083
	HIGH HOME RENT LIMIT	642	709	884	1013	1110	1207	1303
	For Information Only:							
	FAIR MARKET RENT	642	709	933	1178	1329	1528	1728
	50% RENT LIMIT	542	581	697	805	898	991	1083
	65% RENT LIMIT	685	735	884	1013	1110	1207	1303
Tallahassee, FL HUD Metro FMR Area								
	LOW HOME RENT LIMIT	711	761	913	1055	1177	1299	1421
	HIGH HOME RENT LIMIT	837	941	1124	1339	1474	1608	1742
	For Information Only:							
	FAIR MARKET RENT	837	941	1124	1470	1596	1835	2075
	50% RENT LIMIT	711	761	913	1055	1177	1299	1421
	65% RENT LIMIT	905	971	1167	1339	1474	1608	1742
Wakulla County, FL HUD Metro FMR Area								
	LOW HOME RENT LIMIT	690	739	887	1025	1143	1261	1379
	HIGH HOME RENT LIMIT	767	863	1025	1267	1428	1557	1686
	For Information Only:							
	FAIR MARKET RENT	767	863	1025	1267	1754	2017	2280
	50% RENT LIMIT	690	739	887	1025	1143	1261	1379
	65% RENT LIMIT	876	941	1131	1297	1428	1557	1686
Tampa-St. Petersburg-Clearwater, FL MSA								
	LOW HOME RENT LIMIT	718	770	923	1067	1191	1314	1436
	HIGH HOME RENT LIMIT	914	981	1179	1354	1490	1626	1761
	For Information Only:							
	FAIR MARKET RENT	1044	1110	1347	1732	2133	2453	2773
	50% RENT LIMIT	718	770	923	1067	1191	1314	1436
	65% RENT LIMIT	914	981	1179	1354	1490	1626	1761
The Villages, FL MSA								
	LOW HOME RENT LIMIT	660	706	847	979	1092	1205	1317
	HIGH HOME RENT LIMIT	751	756	995	1239	1349	1485	1607
	For Information Only:							
	FAIR MARKET RENT	751	756	995	1344	1349	1551	1754
	50% RENT LIMIT	660	706	847	979	1092	1205	1317
	65% RENT LIMIT	838	899	1081	1239	1363	1485	1607
Bradford County, FL								
	LOW HOME RENT LIMIT	531	569	683	789	881	971	1062
	HIGH HOME RENT LIMIT	654	665	758	992	1088	1181	1275
	For Information Only:							
	FAIR MARKET RENT	654	665	758	1077	1297	1492	1686
	50% RENT LIMIT	531	569	683	789	881	971	1062
	65% RENT LIMIT	671	721	867	992	1088	1181	1275

For all HOME projects, the maximum allowable rent is the HUD calculated High HOME Rent Limit and/or Low HOME Rent Limit.

U.S. DEPARTMENT OF HUD
STATE:FLORIDA

2022 HOME PROGRAM RENTS

	PROGRAM	EFFICIENCY	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Calhoun County, FL								
	LOW HOME RENT LIMIT	542	581	697	805	898	991	1083
	HIGH HOME RENT LIMIT	653	664	757	1013	1076	1207	1303
	For Information Only:							
	FAIR MARKET RENT	653	664	757	1075	1076	1237	1399
	50% RENT LIMIT	542	581	697	805	898	991	1083
	65% RENT LIMIT	685	735	884	1013	1110	1207	1303
Columbia County, FL								
	LOW HOME RENT LIMIT	573	614	737	851	950	1048	1146
	HIGH HOME RENT LIMIT	614	663	873	1074	1179	1282	1385
	For Information Only:							
	FAIR MARKET RENT	614	663	873	1105	1184	1362	1539
	50% RENT LIMIT	573	614	737	851	950	1048	1146
	65% RENT LIMIT	726	779	937	1074	1179	1282	1385
DeSoto County, FL								
	LOW HOME RENT LIMIT	531	569	683	789	881	971	1062
	HIGH HOME RENT LIMIT	653	664	757	992	1027	1181	1275
	For Information Only:							
	FAIR MARKET RENT	653	664	757	1023	1027	1181	1335
	50% RENT LIMIT	531	569	683	789	881	971	1062
	65% RENT LIMIT	671	721	867	992	1088	1181	1275
Dixie County, FL								
	LOW HOME RENT LIMIT	531	569	683	789	881	971	1062
	HIGH HOME RENT LIMIT	653	664	757	992	1088	1181	1275
	For Information Only:							
	FAIR MARKET RENT	653	664	757	1031	1176	1352	1529
	50% RENT LIMIT	531	569	683	789	881	971	1062
	65% RENT LIMIT	671	721	867	992	1088	1181	1275
Franklin County, FL								
	LOW HOME RENT LIMIT	541	580	696	803	896	989	1081
	HIGH HOME RENT LIMIT	653	664	757	1010	1108	1203	1299
	For Information Only:							
	FAIR MARKET RENT	653	664	757	1075	1296	1490	1685
	50% RENT LIMIT	541	580	696	803	896	989	1081
	65% RENT LIMIT	684	734	882	1010	1108	1203	1299
Glades County, FL								
	LOW HOME RENT LIMIT	531	569	683	789	881	971	1062
	HIGH HOME RENT LIMIT	671	706	821	992	1088	1181	1275
	For Information Only:							
	FAIR MARKET RENT	702	706	821	1015	1167	1342	1517
	50% RENT LIMIT	531	569	683	789	881	971	1062
	65% RENT LIMIT	671	721	867	992	1088	1181	1275

For all HOME projects, the maximum allowable rent is the HUD calculated High HOME Rent Limit and/or Low HOME Rent Limit.

	PROGRAM	EFFICIENCY	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
		---------- 2022 HOME PROGRAM RENTS ----------						
Gulf County, FL								
	LOW HOME RENT LIMIT	540	578	693	801	893	986	1078
	HIGH HOME RENT LIMIT	681	731	879	1008	1105	1201	1296
	For Information Only:							
	FAIR MARKET RENT	775	780	1026	1268	1716	1973	2231
	50% RENT LIMIT	540	578	693	801	893	986	1078
	65% RENT LIMIT	681	731	879	1008	1105	1201	1296
Hamilton County, FL								
	LOW HOME RENT LIMIT	531	569	683	789	881	971	1062
	HIGH HOME RENT LIMIT	572	575	757	992	1088	1181	1275
	For Information Only:							
	FAIR MARKET RENT	572	575	757	1075	1144	1316	1487
	50% RENT LIMIT	531	569	683	789	881	971	1062
	65% RENT LIMIT	671	721	867	992	1088	1181	1275
Hardee County, FL								
	LOW HOME RENT LIMIT	531	569	683	789	881	971	1062
	HIGH HOME RENT LIMIT	591	595	783	971	1088	1181	1275
	For Information Only:							
	FAIR MARKET RENT	591	595	783	971	1202	1382	1563
	50% RENT LIMIT	531	569	683	789	881	971	1062
	65% RENT LIMIT	671	721	867	992	1088	1181	1275
Hendry County, FL								
	LOW HOME RENT LIMIT	531	569	683	789	881	971	1062
	HIGH HOME RENT LIMIT	653	664	757	992	1088	1181	1275
	For Information Only:							
	FAIR MARKET RENT	653	664	757	1075	1244	1431	1617
	50% RENT LIMIT	531	569	683	789	881	971	1062
	65% RENT LIMIT	671	721	867	992	1088	1181	1275
Holmes County, FL								
	LOW HOME RENT LIMIT	531	569	683	789	881	971	1062
	HIGH HOME RENT LIMIT	581	585	757	985	1088	1181	1275
	For Information Only:							
	FAIR MARKET RENT	581	585	757	985	1296	1490	1685
	50% RENT LIMIT	531	569	683	789	881	971	1062
	65% RENT LIMIT	671	721	867	992	1088	1181	1275
Jackson County, FL								
	LOW HOME RENT LIMIT	531	569	683	789	881	971	1062
	HIGH HOME RENT LIMIT	607	610	757	992	1086	1181	1275
	For Information Only:							
	FAIR MARKET RENT	607	610	757	993	1086	1249	1412
	50% RENT LIMIT	531	569	683	789	881	971	1062
	65% RENT LIMIT	671	721	867	992	1088	1181	1275

For all HOME projects, the maximum allowable rent is the HUD calculated High HOME Rent Limit and/or Low HOME Rent Limit.

	PROGRAM	EFFICIENCY	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
		---------- 2022 HOME PROGRAM RENTS ----------						
Lafayette County, FL								
	LOW HOME RENT LIMIT	558	598	718	830	926	1021	1116
	HIGH HOME RENT LIMIT	706	719	820	1030	1145	1245	1345
	For Information Only:							
	FAIR MARKET RENT	707	719	820	1030	1166	1341	1516
	50% RENT LIMIT	558	598	718	830	926	1021	1116
	65% RENT LIMIT	706	758	912	1044	1145	1245	1345
Liberty County, FL								
	LOW HOME RENT LIMIT	531	569	683	789	881	971	1062
	HIGH HOME RENT LIMIT	653	664	757	936	1058	1181	1275
	For Information Only:							
	FAIR MARKET RENT	653	664	757	936	1058	1217	1375
	50% RENT LIMIT	531	569	683	789	881	971	1062
	65% RENT LIMIT	671	721	867	992	1088	1181	1275
Madison County, FL								
	LOW HOME RENT LIMIT	531	569	683	789	881	971	1062
	HIGH HOME RENT LIMIT	653	664	757	992	1088	1181	1275
	For Information Only:							
	FAIR MARKET RENT	653	664	757	1041	1296	1490	1685
	50% RENT LIMIT	531	569	683	789	881	971	1062
	65% RENT LIMIT	671	721	867	992	1088	1181	1275
Monroe County, FL								
	LOW HOME RENT LIMIT	897	961	1153	1332	1486	1640	1793
	HIGH HOME RENT LIMIT	1148	1231	1478	1699	1876	2051	2227
	For Information Only:							
	FAIR MARKET RENT	1333	1370	1759	2261	2993	3442	3891
	50% RENT LIMIT	897	961	1153	1332	1486	1640	1793
	65% RENT LIMIT	1148	1231	1478	1699	1876	2051	2227
Okeechobee County, FL								
	LOW HOME RENT LIMIT	531	569	683	789	881	971	1062
	HIGH HOME RENT LIMIT	659	663	867	992	1088	1181	1275
	For Information Only:							
	FAIR MARKET RENT	659	663	873	1096	1241	1427	1613
	50% RENT LIMIT	531	569	683	789	881	971	1062
	65% RENT LIMIT	671	721	867	992	1088	1181	1275
Putnam County, FL								
	LOW HOME RENT LIMIT	531	569	683	789	881	971	1062
	HIGH HOME RENT LIMIT	581	585	770	987	1088	1181	1275
	For Information Only:							
	FAIR MARKET RENT	581	585	770	987	1095	1259	1424
	50% RENT LIMIT	531	569	683	789	881	971	1062
	65% RENT LIMIT	671	721	867	992	1088	1181	1275

For all HOME projects, the maximum allowable rent is the HUD calculated High HOME Rent Limit and/or Low HOME Rent Limit.

	PROGRAM	EFFICIENCY	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
		---------- 2022 HOME PROGRAM RENTS ----------						
Suwannee County, FL								
	LOW HOME RENT LIMIT	531	569	683	789	881	971	1062
	HIGH HOME RENT LIMIT	653	664	757	987	1088	1181	1275
	For Information Only:							
	FAIR MARKET RENT	653	664	757	987	1115	1282	1450
	50% RENT LIMIT	531	569	683	789	881	971	1062
	65% RENT LIMIT	671	721	867	992	1088	1181	1275
Taylor County, FL								
	LOW HOME RENT LIMIT	531	569	683	789	881	971	1062
	HIGH HOME RENT LIMIT	653	664	757	984	1076	1181	1275
	For Information Only:							
	FAIR MARKET RENT	653	664	757	984	1076	1237	1399
	50% RENT LIMIT	531	569	683	789	881	971	1062
	65% RENT LIMIT	671	721	867	992	1088	1181	1275
Union County, FL								
	LOW HOME RENT LIMIT	531	569	683	789	881	971	1062
	HIGH HOME RENT LIMIT	653	664	757	940	1088	1181	1275
	For Information Only:							
	FAIR MARKET RENT	653	664	757	940	1296	1490	1685
	50% RENT LIMIT	531	569	683	789	881	971	1062
	65% RENT LIMIT	671	721	867	992	1088	1181	1275
Washington County, FL								
	LOW HOME RENT LIMIT	531	569	683	789	881	971	1062
	HIGH HOME RENT LIMIT	572	575	757	992	1088	1181	1275
	For Information Only:							
	FAIR MARKET RENT	572	575	757	1062	1296	1490	1685
	50% RENT LIMIT	531	569	683	789	881	971	1062
	65% RENT LIMIT	671	721	867	992	1088	1181	1275

For all HOME projects, the maximum allowable rent is the HUD calculated High HOME Rent Limit and/or Low HOME Rent Limit.

ATTACHMENT 29

HUD release: 4/18/2022
Effective: 4/18/2022

2022 Income Limits and Rent Limits
Florida Housing Finance Corporation
SHIP and HHRP Programs

County (Metro)	Percentage Category	Income Limit by Number of Persons in Household										Rent Limit by Number of Bedrooms in Unit					
		1	2	3	4	5	6	7	8	9	10	0	1	2	3	4	5
Alachua County	30%	17,200	19,650	23,030	27,750	32,470	37,190	41,910	46,630	Refer to HUD		430	460	575	752	929	1,106
(Gainesville HMFA)	**50%**	**28,700**	**32,800**	**36,900**	**40,950**	**44,250**	**47,550**	**50,800**	**54,100**	**57,330**	**60,606**	**717**	**768**	**922**	**1,065**	**1,188**	**1,311**
	80%	45,850	52,400	58,950	65,500	70,750	76,000	81,250	86,500	91,728	96,970	1,146	1,228	1,473	1,703	1,900	2,096
Median: 85,600	**120%**	**68,880**	**78,720**	**88,560**	**98,280**	**106,200**	**114,120**	**121,920**	**129,840**	**137,592**	**145,454**	**1,722**	**1,845**	**2,214**	**2,556**	**2,853**	**3,147**
	140%	80,360	91,840	103,320	114,660	123,900	133,140	142,240	151,480	160,524	169,697	2,009	2,152	2,583	2,982	3,328	3,671
Baker County	30%	17,050	19,500	23,030	27,750	32,470	37,190	41,910	46,630	Refer to HUD		426	456	575	752	929	1,106
(Baker County HMFA)	**50%**	**28,450**	**32,500**	**36,550**	**40,600**	**43,850**	**47,100**	**50,350**	**53,600**	**56,840**	**60,088**	**711**	**761**	**913**	**1,055**	**1,177**	**1,299**
	80%	45,500	52,000	58,500	64,950	70,150	75,350	80,550	85,750	90,944	96,141	1,137	1,218	1,462	1,688	1,883	2,078
Median: 81,200	**120%**	**68,280**	**78,000**	**87,720**	**97,440**	**105,240**	**113,040**	**120,840**	**128,640**	**136,416**	**144,211**	**1,707**	**1,828**	**2,193**	**2,533**	**2,826**	**3,118**
	140%	79,660	91,000	102,340	113,680	122,780	131,880	140,980	150,080	159,152	168,246	1,991	2,133	2,558	2,955	3,297	3,638
Bay County	30%	15,800	18,310	23,030	27,750	32,470	37,190	41,910	46,630	Refer to HUD		395	426	575	752	929	1,106
(Panama City MSA)	**50%**	**26,300**	**30,050**	**33,800**	**37,550**	**40,600**	**43,600**	**46,600**	**49,600**	**52,570**	**55,574**	**657**	**704**	**845**	**976**	**1,090**	**1,202**
	80%	42,100	48,100	54,100	60,100	64,950	69,750	74,550	79,350	84,112	88,918	1,052	1,127	1,352	1,563	1,743	1,923
Median: 78,100	**120%**	**63,120**	**72,120**	**81,120**	**90,120**	**97,440**	**104,640**	**111,840**	**119,040**	**126,168**	**133,378**	**1,578**	**1,690**	**2,028**	**2,344**	**2,616**	**2,886**
	140%	73,640	84,140	94,640	105,140	113,680	122,080	130,480	138,880	147,196	155,607	1,841	1,972	2,366	2,735	3,052	3,367
Bradford County	30%	13,590	18,310	23,030	27,750	32,470	35,250	37,650	40,100	Refer to HUD		339	398	575	752	881	971
	50%	**21,250**	**24,300**	**27,350**	**30,350**	**32,800**	**35,250**	**37,650**	**40,100**	**42,490**	**44,918**	**531**	**569**	**683**	**789**	**881**	**971**
	80%	34,000	38,850	43,700	48,550	52,450	56,350	60,250	64,100	67,984	71,869	850	910	1,092	1,262	1,408	1,554
Median: 60,600	**120%**	**51,000**	**58,320**	**65,640**	**72,840**	**78,720**	**84,600**	**90,360**	**96,240**	**101,976**	**107,803**	**1,275**	**1,366**	**1,641**	**1,894**	**2,115**	**2,332**
	140%	59,500	68,040	76,580	84,980	91,840	98,700	105,420	112,280	118,972	125,770	1,487	1,594	1,914	2,210	2,467	2,721
Brevard County	30%	17,050	19,500	23,030	27,750	32,470	37,190	41,910	46,630	Refer to HUD		426	456	575	752	929	1,106
(Palm Bay-Melbourne-	**50%**	**28,450**	**32,500**	**36,550**	**40,600**	**43,850**	**47,100**	**50,350**	**53,600**	**56,840**	**60,088**	**711**	**761**	**913**	**1,055**	**1,177**	**1,299**
Titusville MSA)	80%	45,500	52,000	58,500	64,950	70,150	75,350	80,550	85,750	90,944	96,141	1,137	1,218	1,462	1,688	1,883	2,078
Median: 82,300	**120%**	**68,280**	**78,000**	**87,720**	**97,440**	**105,240**	**113,040**	**120,840**	**128,640**	**136,416**	**144,211**	**1,707**	**1,828**	**2,193**	**2,533**	**2,826**	**3,118**
	140%	79,660	91,000	102,340	113,680	122,780	131,880	140,980	150,080	159,152	168,246	1,991	2,133	2,558	2,955	3,297	3,638
Broward County	30%	19,050	21,800	24,500	27,750	32,470	37,190	41,910	46,630	Refer to HUD		476	510	612	752	929	1,106
(Fort Lauderdale HMFA)	**50%**	**31,750**	**36,300**	**40,850**	**45,350**	**49,000**	**52,650**	**56,250**	**59,900**	**63,490**	**67,118**	**793**	**850**	**1,021**	**1,179**	**1,316**	**1,451**
	80%	50,800	58,050	65,300	72,550	78,400	84,200	90,000	95,800	101,584	107,389	1,270	1,360	1,632	1,886	2,105	2,322
Median: 82,100	**120%**	**76,200**	**87,120**	**98,040**	**108,840**	**117,600**	**126,360**	**135,000**	**143,760**	**152,376**	**161,083**	**1,905**	**2,041**	**2,451**	**2,830**	**3,159**	**3,484**
	140%	88,900	101,640	114,380	126,980	137,200	147,420	157,500	167,720	177,772	187,930	2,222	2,381	2,859	3,302	3,685	4,065

Florida Housing Finance Corporation (FHFC) income and rent limits are based upon figures provided by the United States Department of Housing and Urban Development (HUD) and are subject to change. Updated schedules will be provided when changes occur.

HUD release: 4/18/2022
Effective: 4/18/2022

2022 Income Limits and Rent Limits
Florida Housing Finance Corporation
SHIP and HHRP Programs

County (Metro)	Percentage Category	Income Limit by Number of Persons in Household										Rent Limit by Number of Bedrooms in Unit					
		1	2	3	4	5	6	7	8	9	10	0	1	2	3	4	5
Calhoun County	30%	13,590	18,310	23,030	27,750	32,470	35,950	38,400	40,900	Refer to HUD		339	398	575	752	898	991
	50%	**21,700**	**24,800**	**27,900**	**30,950**	**33,450**	**35,950**	**38,400**	**40,900**	**43,330**	**45,806**	**542**	**581**	**697**	**805**	**898**	**991**
	80%	34,650	39,600	44,550	49,500	53,500	57,450	61,400	65,350	69,328	73,290	866	928	1,113	1,287	1,436	1,584
Median: 63,600	**120%**	**52,080**	**59,520**	**66,960**	**74,280**	**80,280**	**86,280**	**92,160**	**98,160**	**103,992**	**109,934**	**1,302**	**1,395**	**1,674**	**1,932**	**2,157**	**2,379**
	140%	60,760	69,440	78,120	86,660	93,660	100,660	107,520	114,520	121,324	128,257	1,519	1,627	1,953	2,254	2,516	2,775
Charlotte County	30%	15,250	18,310	23,030	27,750	32,470	37,190	41,910	46,630	Refer to HUD		381	419	575	752	929	1,106
(Punta Gorda MSA)	**50%**	**25,400**	**29,000**	**32,650**	**36,250**	**39,150**	**42,050**	**44,950**	**47,850**	**50,750**	**53,650**	**635**	**680**	**816**	**942**	**1,051**	**1,160**
	80%	40,600	46,400	52,200	58,000	62,650	67,300	71,950	76,600	81,200	85,840	1,015	1,087	1,305	1,508	1,682	1,856
Median: 76,000	**120%**	**60,960**	**69,600**	**78,360**	**87,000**	**93,960**	**100,920**	**107,880**	**114,840**	**121,800**	**128,760**	**1,524**	**1,632**	**1,959**	**2,262**	**2,523**	**2,784**
	140%	71,120	81,200	91,420	101,500	109,620	117,740	125,860	133,980	142,100	150,220	1,778	1,904	2,285	2,639	2,943	3,248
Citrus County	30%	13,590	18,310	23,030	27,750	32,470	35,950	38,400	40,900	Refer to HUD		339	398	575	752	898	991
	50%	**21,700**	**24,800**	**27,900**	**30,950**	**33,450**	**35,950**	**38,400**	**40,900**	**43,330**	**45,806**	**542**	**581**	**697**	**805**	**898**	**991**
	80%	34,650	39,600	44,550	49,500	53,500	57,450	61,400	65,350	69,328	73,290	866	928	1,113	1,287	1,436	1,584
Median: 68,600	**120%**	**52,080**	**59,520**	**66,960**	**74,280**	**80,280**	**86,280**	**92,160**	**98,160**	**103,992**	**109,934**	**1,302**	**1,395**	**1,674**	**1,932**	**2,157**	**2,379**
	140%	60,760	69,440	78,120	86,660	93,660	100,660	107,520	114,520	121,324	128,257	1,519	1,627	1,953	2,254	2,516	2,775
Clay County	30%	17,600	20,100	23,030	27,750	32,470	37,190	41,910	46,630	Refer to HUD		440	471	575	752	929	1,106
(Jacksonville HMFA)	**50%**	**29,300**	**33,450**	**37,650**	**41,800**	**45,150**	**48,500**	**51,850**	**55,200**	**58,520**	**61,864**	**732**	**784**	**941**	**1,086**	**1,212**	**1,338**
	80%	46,850	53,550	60,250	66,900	72,300	77,650	83,000	88,350	93,632	98,982	1,171	1,255	1,506	1,740	1,941	2,141
Median: 86,500	**120%**	**70,320**	**80,280**	**90,360**	**100,320**	**108,360**	**116,400**	**124,440**	**132,480**	**140,448**	**148,474**	**1,758**	**1,882**	**2,259**	**2,608**	**2,910**	**3,211**
	140%	82,040	93,660	105,420	117,040	126,420	135,800	145,180	154,560	163,856	173,219	2,051	2,196	2,635	3,043	3,395	3,746
Collier County	30%	19,850	22,650	25,500	28,300	32,470	37,190	41,910	46,630	Refer to HUD		496	531	637	759	929	1,106
(Naples-Immokalee-	**50%**	**33,050**	**37,750**	**42,450**	**47,150**	**50,950**	**54,700**	**58,500**	**62,250**	**66,010**	**69,782**	**826**	**885**	**1,061**	**1,226**	**1,367**	**1,509**
Marco Island MSA)	80%	52,850	60,400	67,950	75,450	81,500	87,550	93,600	99,600	105,616	111,651	1,321	1,415	1,698	1,961	2,188	2,415
Median: 98,600	**120%**	**79,320**	**90,600**	**101,880**	**113,160**	**122,280**	**131,280**	**140,400**	**149,400**	**158,424**	**167,477**	**1,983**	**2,124**	**2,547**	**2,943**	**3,282**	**3,622**
	140%	92,540	105,700	118,860	132,020	142,660	153,160	163,800	174,300	184,828	195,390	2,313	2,478	2,971	3,433	3,829	4,226
Columbia County	30%	13,800	18,310	23,030	27,750	32,470	37,190	40,650	43,250	Refer to HUD		345	401	575	752	929	1,048
	50%	**22,950**	**26,200**	**29,500**	**32,750**	**35,400**	**38,000**	**40,650**	**43,250**	**45,850**	**48,470**	**573**	**614**	**737**	**851**	**950**	**1,048**
	80%	36,700	41,950	47,200	52,400	56,600	60,800	65,000	69,200	73,360	77,552	917	983	1,180	1,362	1,520	1,677
Median: 65,500	**120%**	**55,080**	**62,880**	**70,800**	**78,600**	**84,960**	**91,200**	**97,560**	**103,800**	**110,040**	**116,328**	**1,377**	**1,474**	**1,770**	**2,044**	**2,280**	**2,517**
	140%	64,260	73,360	82,600	91,700	99,120	106,400	113,820	121,100	128,380	135,716	1,606	1,720	2,065	2,385	2,660	2,936

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2022 Income Limits and Rent Limits
Florida Housing Finance Corporation
SHIP and HHRP Programs

County (Metro)	Percentage Category	Income Limit by Number of Persons in Household										Rent Limit by Number of Bedrooms in Unit					
		1	2	3	4	5	6	7	8	9	10	0	1	2	3	4	5
DeSoto County	30%	13,590	18,310	23,030	27,750	32,470	35,250	37,650	40,100	Refer to HUD		339	398	575	752	881	971
	50%	**21,250**	**24,300**	**27,350**	**30,350**	**32,800**	**35,250**	**37,650**	**40,100**	**42,490**	**44,918**	**531**	**569**	**683**	**789**	**881**	**971**
	80%	34,000	38,850	43,700	48,550	52,450	56,350	60,250	64,100	67,984	71,869	850	910	1,092	1,262	1,408	1,554
Median: 46,600	**120%**	**51,000**	**58,320**	**65,640**	**72,840**	**78,720**	**84,600**	**90,360**	**96,240**	**101,976**	**107,803**	**1,275**	**1,366**	**1,641**	**1,894**	**2,115**	**2,332**
	140%	59,500	68,040	76,580	84,980	91,840	98,700	105,420	112,280	118,972	125,770	1,487	1,594	1,914	2,210	2,467	2,721
Dixie County	30%	13,590	18,310	23,030	27,750	32,470	35,250	37,650	40,100	Refer to HUD		339	398	575	752	881	971
	50%	**21,250**	**24,300**	**27,350**	**30,350**	**32,800**	**35,250**	**37,650**	**40,100**	**42,490**	**44,918**	**531**	**569**	**683**	**789**	**881**	**971**
	80%	34,000	38,850	43,700	48,550	52,450	56,350	60,250	64,100	67,984	71,869	850	910	1,092	1,262	1,408	1,554
Median: 50,400	**120%**	**51,000**	**58,320**	**65,640**	**72,840**	**78,720**	**84,600**	**90,360**	**96,240**	**101,976**	**107,803**	**1,275**	**1,366**	**1,641**	**1,894**	**2,115**	**2,332**
	140%	59,500	68,040	76,580	84,980	91,840	98,700	105,420	112,280	118,972	125,770	1,487	1,594	1,914	2,210	2,467	2,721
Duval County	30%	17,600	20,100	23,030	27,750	32,470	37,190	41,910	46,630	Refer to HUD		440	471	575	752	929	1,106
(Jacksonville HMFA)	**50%**	**29,300**	**33,450**	**37,650**	**41,800**	**45,150**	**48,500**	**51,850**	**55,200**	**58,520**	**61,864**	**732**	**784**	**941**	**1,086**	**1,212**	**1,338**
	80%	46,850	53,550	60,250	66,900	72,300	77,650	83,000	88,350	93,632	98,982	1,171	1,255	1,506	1,740	1,941	2,141
Median: 86,500	**120%**	**70,320**	**80,280**	**90,360**	**100,320**	**108,360**	**116,400**	**124,440**	**132,480**	**140,448**	**148,474**	**1,758**	**1,882**	**2,259**	**2,608**	**2,910**	**3,211**
	140%	82,040	93,660	105,420	117,040	126,420	135,800	145,180	154,560	163,856	173,219	2,051	2,196	2,635	3,043	3,395	3,746
Escambia County	30%	16,250	18,600	23,030	27,750	32,470	37,190	41,910	46,630	Refer to HUD		406	435	575	752	929	1,106
(Pensacola-Ferry Pass-	**50%**	**27,100**	**30,950**	**34,800**	**38,650**	**41,750**	**44,850**	**47,950**	**51,050**	**54,110**	**57,202**	**677**	**725**	**870**	**1,005**	**1,121**	**1,237**
Brent MSA)	80%	43,300	49,500	55,700	61,850	66,800	71,750	76,700	81,650	86,576	91,523	1,082	1,160	1,392	1,608	1,793	1,979
Median: 79,500	**120%**	**65,040**	**74,280**	**83,520**	**92,760**	**100,200**	**107,640**	**115,080**	**122,520**	**129,864**	**137,285**	**1,626**	**1,741**	**2,088**	**2,412**	**2,691**	**2,970**
	140%	75,880	86,660	97,440	108,220	116,900	125,580	134,260	142,940	151,508	160,166	1,897	2,031	2,436	2,814	3,139	3,465
Flagler County	30%	15,700	18,310	23,030	27,750	32,470	37,190	41,910	46,630	Refer to HUD		392	425	575	752	929	1,106
(Palm Coast HMFA)	**50%**	**26,150**	**29,850**	**33,600**	**37,300**	**40,300**	**43,300**	**46,300**	**49,250**	**52,220**	**55,204**	**653**	**700**	**840**	**970**	**1,082**	**1,194**
	80%	41,800	47,800	53,750	59,700	64,500	69,300	74,050	78,850	83,552	88,326	1,045	1,120	1,343	1,552	1,732	1,911
Median: 74,600	**120%**	**62,760**	**71,640**	**80,640**	**89,520**	**96,720**	**103,920**	**111,120**	**118,200**	**125,328**	**132,490**	**1,569**	**1,680**	**2,016**	**2,328**	**2,598**	**2,866**
	140%	73,220	83,580	94,080	104,440	112,840	121,240	129,640	137,900	146,216	154,571	1,830	1,960	2,352	2,716	3,031	3,344
Franklin County	30%	13,590	18,310	23,030	27,750	32,470	35,850	38,350	40,800	Refer to HUD		339	398	575	752	896	989
	50%	**21,650**	**24,750**	**27,850**	**30,900**	**33,400**	**35,850**	**38,350**	**40,800**	**43,260**	**45,732**	**541**	**580**	**696**	**803**	**896**	**989**
	80%	34,650	39,600	44,550	49,450	53,450	57,400	61,350	65,300	69,216	73,171	866	928	1,113	1,286	1,435	1,583
Median: 61,800	**120%**	**51,960**	**59,400**	**66,840**	**74,160**	**80,160**	**86,040**	**92,040**	**97,920**	**103,824**	**109,757**	**1,299**	**1,392**	**1,671**	**1,929**	**2,151**	**2,374**
	140%	60,620	69,300	77,980	86,520	93,520	100,380	107,380	114,240	121,128	128,050	1,515	1,624	1,949	2,250	2,509	2,770

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2022 Income Limits and Rent Limits
Florida Housing Finance Corporation
SHIP and HHRP Programs

County (Metro)	Percentage Category	Income Limit by Number of Persons in Household										Rent Limit by Number of Bedrooms in Unit					
		1	2	3	4	5	6	7	8	9	10	0	1	2	3	4	5
Gadsden County	30%	17,050	19,500	23,030	27,750	32,470	37,190	41,910	46,630	Refer to HUD		426	456	575	752	929	1,106
(Tallahassee HMFA)	**50%**	**28,450**	**32,500**	**36,550**	**40,600**	**43,850**	**47,100**	**50,350**	**53,600**	**56,840**	**60,088**	**711**	**761**	**913**	**1,055**	**1,177**	**1,299**
	80%	45,500	52,000	58,500	64,950	70,150	75,350	80,550	85,750	90,944	96,141	1,137	1,218	1,462	1,688	1,883	2,078
Median: 81,200	**120%**	**68,280**	**78,000**	**87,720**	**97,440**	**105,240**	**113,040**	**120,840**	**128,640**	**136,416**	**144,211**	**1,707**	**1,828**	**2,193**	**2,533**	**2,826**	**3,118**
	140%	79,660	91,000	102,340	113,680	122,780	131,880	140,980	150,080	159,152	168,246	1,991	2,133	2,558	2,955	3,297	3,638
Gilchrist County	30%	17,200	19,650	23,030	27,750	32,470	37,190	41,910	46,630	Refer to HUD		430	460	575	752	929	1,106
(Gainesville HMFA)	**50%**	**28,700**	**32,800**	**36,900**	**40,950**	**44,250**	**47,550**	**50,800**	**54,100**	**57,330**	**60,606**	**717**	**768**	**922**	**1,065**	**1,188**	**1,311**
	80%	45,850	52,400	58,950	65,500	70,750	76,000	81,250	86,500	91,728	96,970	1,146	1,228	1,473	1,703	1,900	2,096
Median: 85,600	**120%**	**68,880**	**78,720**	**88,560**	**98,280**	**106,200**	**114,120**	**121,920**	**129,840**	**137,592**	**145,454**	**1,722**	**1,845**	**2,214**	**2,556**	**2,853**	**3,147**
	140%	80,360	91,840	103,320	114,660	123,900	133,140	142,240	151,480	160,524	169,697	2,009	2,152	2,583	2,982	3,328	3,671
Glades County	30%	13,590	18,310	23,030	27,750	32,470	35,250	37,650	40,100	Refer to HUD		339	398	575	752	881	971
	50%	**21,250**	**24,300**	**27,350**	**30,350**	**32,800**	**35,250**	**37,650**	**40,100**	**42,490**	**44,918**	**531**	**569**	**683**	**789**	**881**	**971**
	80%	34,000	38,850	43,700	48,550	52,450	56,350	60,250	64,100	67,984	71,869	850	910	1,092	1,262	1,408	1,554
Median: 54,200	**120%**	**51,000**	**58,320**	**65,640**	**72,840**	**78,720**	**84,600**	**90,360**	**96,240**	**101,976**	**107,803**	**1,275**	**1,366**	**1,641**	**1,894**	**2,115**	**2,332**
	140%	59,500	68,040	76,580	84,980	91,840	98,700	105,420	112,280	118,972	125,770	1,487	1,594	1,914	2,210	2,467	2,721
Gulf County	30%	13,590	18,310	23,030	27,750	32,470	35,750	38,200	40,700	Refer to HUD		339	398	575	752	893	986
	50%	**21,600**	**24,650**	**27,750**	**30,800**	**33,300**	**35,750**	**38,200**	**40,700**	**43,120**	**45,584**	**540**	**578**	**693**	**801**	**893**	**986**
	80%	34,550	39,450	44,400	49,300	53,250	57,200	61,150	65,100	68,992	72,934	863	925	1,110	1,281	1,430	1,578
Median: 61,600	**120%**	**51,840**	**59,160**	**66,600**	**73,920**	**79,920**	**85,800**	**91,680**	**97,680**	**103,488**	**109,402**	**1,296**	**1,387**	**1,665**	**1,923**	**2,145**	**2,367**
	140%	60,480	69,020	77,700	86,240	93,240	100,100	106,960	113,960	120,736	127,635	1,512	1,618	1,942	2,243	2,502	2,761
Hamilton County	30%	13,590	18,310	23,030	27,750	32,470	35,250	37,650	40,100	Refer to HUD		339	398	575	752	881	971
	50%	**21,250**	**24,300**	**27,350**	**30,350**	**32,800**	**35,250**	**37,650**	**40,100**	**42,490**	**44,918**	**531**	**569**	**683**	**789**	**881**	**971**
	80%	34,000	38,850	43,700	48,550	52,450	56,350	60,250	64,100	67,984	71,869	850	910	1,092	1,262	1,408	1,554
Median: 56,400	**120%**	**51,000**	**58,320**	**65,640**	**72,840**	**78,720**	**84,600**	**90,360**	**96,240**	**101,976**	**107,803**	**1,275**	**1,366**	**1,641**	**1,894**	**2,115**	**2,332**
	140%	59,500	68,040	76,580	84,980	91,840	98,700	105,420	112,280	118,972	125,770	1,487	1,594	1,914	2,210	2,467	2,721
Hardee County	30%	13,590	18,310	23,030	27,750	32,470	35,250	37,650	40,100	Refer to HUD		339	398	575	752	881	971
	50%	**21,250**	**24,300**	**27,350**	**30,350**	**32,800**	**35,250**	**37,650**	**40,100**	**42,490**	**44,918**	**531**	**569**	**683**	**789**	**881**	**971**
	80%	34,000	38,850	43,700	48,550	52,450	56,350	60,250	64,100	67,984	71,869	850	910	1,092	1,262	1,408	1,554
Median: 54,900	**120%**	**51,000**	**58,320**	**65,640**	**72,840**	**78,720**	**84,600**	**90,360**	**96,240**	**101,976**	**107,803**	**1,275**	**1,366**	**1,641**	**1,894**	**2,115**	**2,332**
	140%	59,500	68,040	76,580	84,980	91,840	98,700	105,420	112,280	118,972	125,770	1,487	1,594	1,914	2,210	2,467	2,721

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2022 Income Limits and Rent Limits
Florida Housing Finance Corporation
SHIP and HHRP Programs

County (Metro)	Percentage Category	Income Limit by Number of Persons in Household										Rent Limit by Number of Bedrooms in Unit					
		1	2	3	4	5	6	7	8	9	10	0	1	2	3	4	5
Hendry County	30%	13,590	18,310	23,030	27,750	32,470	35,250	37,650	40,100	Refer to HUD		339	398	575	752	881	971
	50%	**21,250**	**24,300**	**27,350**	**30,350**	**32,800**	**35,250**	**37,650**	**40,100**	**42,490**	**44,918**	**531**	**569**	**683**	**789**	**881**	**971**
	80%	34,000	38,850	43,700	48,550	52,450	56,350	60,250	64,100	67,984	71,869	850	910	1,092	1,262	1,408	1,554
Median: 50,100	**120%**	**51,000**	**58,320**	**65,640**	**72,840**	**78,720**	**84,600**	**90,360**	**96,240**	**101,976**	**107,803**	**1,275**	**1,366**	**1,641**	**1,894**	**2,115**	**2,332**
	140%	59,500	68,040	76,580	84,980	91,840	98,700	105,420	112,280	118,972	125,770	1,487	1,594	1,914	2,210	2,467	2,721
Hernando County	30%	17,300	19,750	23,030	27,750	32,470	37,190	41,910	46,630	Refer to HUD		432	463	575	752	929	1,106
(Tampa-St.Petersburg-	**50%**	**28,750**	**32,850**	**36,950**	**41,050**	**44,350**	**47,650**	**50,950**	**54,200**	**57,470**	**60,754**	**718**	**770**	**923**	**1,067**	**1,191**	**1,314**
Clearwater MSA)	80%	46,000	52,600	59,150	65,700	71,000	76,250	81,500	86,750	91,952	97,206	1,150	1,232	1,478	1,708	1,906	2,103
Median: 82,100	**120%**	**69,000**	**78,840**	**88,680**	**98,520**	**106,440**	**114,360**	**122,280**	**130,080**	**137,928**	**145,810**	**1,725**	**1,848**	**2,217**	**2,562**	**2,859**	**3,154**
	140%	80,500	91,980	103,460	114,940	124,180	133,420	142,660	151,760	160,916	170,111	2,012	2,156	2,586	2,989	3,335	3,680
Highlands County	30%	13,590	18,310	23,030	27,750	32,470	35,950	38,400	40,900	Refer to HUD		339	398	575	752	898	991
	50%	**21,700**	**24,800**	**27,900**	**30,950**	**33,450**	**35,950**	**38,400**	**40,900**	**43,330**	**45,806**	**542**	**581**	**697**	**805**	**898**	**991**
	80%	34,650	39,600	44,550	49,500	53,500	57,450	61,400	65,350	69,328	73,290	866	928	1,113	1,287	1,436	1,584
Median: 63,500	**120%**	**52,080**	**59,520**	**66,960**	**74,280**	**80,280**	**86,280**	**92,160**	**98,160**	**103,992**	**109,934**	**1,302**	**1,395**	**1,674**	**1,932**	**2,157**	**2,379**
	140%	60,760	69,440	78,120	86,660	93,660	100,660	107,520	114,520	121,324	128,257	1,519	1,627	1,953	2,254	2,516	2,775
Hillsborough County	30%	17,300	19,750	23,030	27,750	32,470	37,190	41,910	46,630	Refer to HUD		432	463	575	752	929	1,106
(Tampa-St.Petersburg-	**50%**	**28,750**	**32,850**	**36,950**	**41,050**	**44,350**	**47,650**	**50,950**	**54,200**	**57,470**	**60,754**	**718**	**770**	**923**	**1,067**	**1,191**	**1,314**
Clearwater MSA)	80%	46,000	52,600	59,150	65,700	71,000	76,250	81,500	86,750	91,952	97,206	1,150	1,232	1,478	1,708	1,906	2,103
Median: 82,100	**120%**	**69,000**	**78,840**	**88,680**	**98,520**	**106,440**	**114,360**	**122,280**	**130,080**	**137,928**	**145,810**	**1,725**	**1,848**	**2,217**	**2,562**	**2,859**	**3,154**
	140%	80,500	91,980	103,460	114,940	124,180	133,420	142,660	151,760	160,916	170,111	2,012	2,156	2,586	2,989	3,335	3,680
Holmes County	30%	13,590	18,310	23,030	27,750	32,470	35,250	37,650	40,100	Refer to HUD		339	398	575	752	881	971
	50%	**21,250**	**24,300**	**27,350**	**30,350**	**32,800**	**35,250**	**37,650**	**40,100**	**42,490**	**44,918**	**531**	**569**	**683**	**789**	**881**	**971**
	80%	34,000	38,850	43,700	48,550	52,450	56,350	60,250	64,100	67,984	71,869	850	910	1,092	1,262	1,408	1,554
Median: 56,800	**120%**	**51,000**	**58,320**	**65,640**	**72,840**	**78,720**	**84,600**	**90,360**	**96,240**	**101,976**	**107,803**	**1,275**	**1,366**	**1,641**	**1,894**	**2,115**	**2,332**
	140%	59,500	68,040	76,580	84,980	91,840	98,700	105,420	112,280	118,972	125,770	1,487	1,594	1,914	2,210	2,467	2,721
Indian River County	30%	16,800	19,200	23,030	27,750	32,470	37,190	41,910	46,630	Refer to HUD		420	450	575	752	929	1,106
(Sebastian-Vero Beach MSA)	**50%**	**28,000**	**32,000**	**36,000**	**39,950**	**43,150**	**46,350**	**49,550**	**52,750**	**55,930**	**59,126**	**700**	**750**	**900**	**1,038**	**1,158**	**1,278**
	80%	44,750	51,150	57,550	63,900	69,050	74,150	79,250	84,350	89,488	94,602	1,118	1,198	1,438	1,661	1,853	2,045
Median: 79,900	**120%**	**67,200**	**76,800**	**86,400**	**95,880**	**103,560**	**111,240**	**118,920**	**126,600**	**134,232**	**141,902**	**1,680**	**1,800**	**2,160**	**2,493**	**2,781**	**3,069**
	140%	78,400	89,600	100,800	111,860	120,820	129,780	138,740	147,700	156,604	165,553	1,960	2,100	2,520	2,908	3,244	3,580

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2022 Income Limits and Rent Limits
Florida Housing Finance Corporation
SHIP and HHRP Programs

County (Metro)	Percentage Category	Income Limit by Number of Persons in Household										Rent Limit by Number of Bedrooms in Unit					
		1	2	3	4	5	6	7	8	9	10	0	1	2	3	4	5
Jackson County	30%	13,590	18,310	23,030	27,750	32,470	35,250	37,650	40,100	Refer to HUD		339	398	575	752	881	971
	50%	**21,250**	**24,300**	**27,350**	**30,350**	**32,800**	**35,250**	**37,650**	**40,100**	**42,490**	**44,918**	**531**	**569**	**683**	**789**	**881**	**971**
	80%	34,000	38,850	43,700	48,550	52,450	56,350	60,250	64,100	67,984	71,869	850	910	1,092	1,262	1,408	1,554
Median: 58,000	**120%**	**51,000**	**58,320**	**65,640**	**72,840**	**78,720**	**84,600**	**90,360**	**96,240**	**101,976**	**107,803**	**1,275**	**1,366**	**1,641**	**1,894**	**2,115**	**2,332**
	140%	59,500	68,040	76,580	84,980	91,840	98,700	105,420	112,280	118,972	125,770	1,487	1,594	1,914	2,210	2,467	2,721
Jefferson County	30%	17,050	19,500	23,030	27,750	32,470	37,190	41,910	46,630	Refer to HUD		426	456	575	752	929	1,106
(Tallahassee HMFA)	**50%**	**28,450**	**32,500**	**36,550**	**40,600**	**43,850**	**47,100**	**50,350**	**53,600**	**56,840**	**60,088**	**711**	**761**	**913**	**1,055**	**1,177**	**1,299**
	80%	45,500	52,000	58,500	64,950	70,150	75,350	80,550	85,750	90,944	96,141	1,137	1,218	1,462	1,688	1,883	2,078
Median: 81,200	**120%**	**68,280**	**78,000**	**87,720**	**97,440**	**105,240**	**113,040**	**120,840**	**128,640**	**136,416**	**144,211**	**1,707**	**1,828**	**2,193**	**2,533**	**2,826**	**3,118**
	140%	79,660	91,000	102,340	113,680	122,780	131,880	140,980	150,080	159,152	168,246	1,991	2,133	2,558	2,955	3,297	3,638
Lafayette County	30%	13,590	18,310	23,030	27,750	32,470	37,050	39,600	42,150	Refer to HUD		339	398	575	752	926	1,021
	50%	**22,350**	**25,550**	**28,750**	**31,900**	**34,500**	**37,050**	**39,600**	**42,150**	**44,660**	**47,212**	**558**	**598**	**718**	**830**	**926**	**1,021**
	80%	35,750	40,850	45,950	51,050	55,150	59,250	63,350	67,400	71,456	75,539	893	957	1,148	1,327	1,481	1,634
Median: 64,900	**120%**	**53,640**	**61,320**	**69,000**	**76,560**	**82,800**	**88,920**	**95,040**	**101,160**	**107,184**	**113,309**	**1,341**	**1,437**	**1,725**	**1,992**	**2,223**	**2,452**
	140%	62,580	71,540	80,500	89,320	96,600	103,740	110,880	118,020	125,048	132,194	1,564	1,676	2,012	2,324	2,593	2,861
Lake County	30%	17,400	19,900	23,030	27,750	32,470	37,190	41,910	46,630	Refer to HUD		435	466	575	752	929	1,106
(Orlando-Kissimmee-	**50%**	**29,050**	**33,200**	**37,350**	**41,450**	**44,800**	**48,100**	**51,400**	**54,750**	**58,030**	**61,346**	**726**	**778**	**933**	**1,078**	**1,202**	**1,326**
Sanford MSA)	80%	46,450	53,050	59,700	66,300	71,650	76,950	82,250	87,550	92,848	98,154	1,161	1,243	1,492	1,724	1,923	2,122
Median: 80,100	**120%**	**69,720**	**79,680**	**89,640**	**99,480**	**107,520**	**115,440**	**123,360**	**131,400**	**139,272**	**147,230**	**1,743**	**1,867**	**2,241**	**2,587**	**2,886**	**3,184**
	140%	81,340	92,960	104,580	116,060	125,440	134,680	143,920	153,300	162,484	171,769	2,033	2,178	2,614	3,018	3,367	3,715
Lee County	30%	16,900	19,300	23,030	27,750	32,470	37,190	41,910	46,630	Refer to HUD		422	452	575	752	929	1,106
(Cape Coral-Fort Myers MSA)	**50%**	**28,150**	**32,200**	**36,200**	**40,200**	**43,450**	**46,650**	**49,850**	**53,100**	**56,280**	**59,496**	**703**	**754**	**905**	**1,045**	**1,166**	**1,286**
	80%	45,050	51,450	57,900	64,300	69,450	74,600	79,750	84,900	90,048	95,194	1,126	1,206	1,447	1,671	1,865	2,058
Median: 83,200	**120%**	**67,560**	**77,280**	**86,880**	**96,480**	**104,280**	**111,960**	**119,640**	**127,440**	**135,072**	**142,790**	**1,689**	**1,810**	**2,172**	**2,509**	**2,799**	**3,088**
	140%	78,820	90,160	101,360	112,560	121,660	130,620	139,580	148,680	157,584	166,589	1,970	2,112	2,534	2,927	3,265	3,603

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2022 Income Limits and Rent Limits
Florida Housing Finance Corporation
SHIP and HHRP Programs

County (Metro)	Percentage Category	Income Limit by Number of Persons in Household										Rent Limit by Number of Bedrooms in Unit					
		1	2	3	4	5	6	7	8	9	10	0	1	2	3	4	5
Leon County	30%	17,050	19,500	23,030	27,750	32,470	37,190	41,910	46,630	Refer to HUD		426	456	575	752	929	1,106
(Tallahassee HMFA)	**50%**	**28,450**	**32,500**	**36,550**	**40,600**	**43,850**	**47,100**	**50,350**	**53,600**	**56,840**	**60,088**	**711**	**761**	**913**	**1,055**	**1,177**	**1,299**
	80%	45,500	52,000	58,500	64,950	70,150	75,350	80,550	85,750	90,944	96,141	1,137	1,218	1,462	1,688	1,883	2,078
Median: 81,200	**120%**	**68,280**	**78,000**	**87,720**	**97,440**	**105,240**	**113,040**	**120,840**	**128,640**	**136,416**	**144,211**	**1,707**	**1,828**	**2,193**	**2,533**	**2,826**	**3,118**
	140%	79,660	91,000	102,340	113,680	122,780	131,880	140,980	150,080	159,152	168,246	1,991	2,133	2,558	2,955	3,297	3,638
Levy County HMFA	30%	13,590	18,310	23,030	27,750	32,470	35,250	37,650	40,100	Refer to HUD		339	398	575	752	881	971
	50%	**21,250**	**24,300**	**27,350**	**30,350**	**32,800**	**35,250**	**37,650**	**40,100**	**42,490**	**44,918**	**531**	**569**	**683**	**789**	**881**	**971**
	80%	34,000	38,850	43,700	48,550	52,450	56,350	60,250	64,100	67,984	71,869	850	910	1,092	1,262	1,408	1,554
Median: 51,900	**120%**	**51,000**	**58,320**	**65,640**	**72,840**	**78,720**	**84,600**	**90,360**	**96,240**	**101,976**	**107,803**	**1,275**	**1,366**	**1,641**	**1,894**	**2,115**	**2,332**
	140%	59,500	68,040	76,580	84,980	91,840	98,700	105,420	112,280	118,972	125,770	1,487	1,594	1,914	2,210	2,467	2,721
Liberty County	30%	13,590	18,310	23,030	27,750	32,470	35,250	37,650	40,100	Refer to HUD		339	398	575	752	881	971
	50%	**21,250**	**24,300**	**27,350**	**30,350**	**32,800**	**35,250**	**37,650**	**40,100**	**42,490**	**44,918**	**531**	**569**	**683**	**789**	**881**	**971**
	80%	34,000	38,850	43,700	48,550	52,450	56,350	60,250	64,100	67,984	71,869	850	910	1,092	1,262	1,408	1,554
Median: 46,700	**120%**	**51,000**	**58,320**	**65,640**	**72,840**	**78,720**	**84,600**	**90,360**	**96,240**	**101,976**	**107,803**	**1,275**	**1,366**	**1,641**	**1,894**	**2,115**	**2,332**
	140%	59,500	68,040	76,580	84,980	91,840	98,700	105,420	112,280	118,972	125,770	1,487	1,594	1,914	2,210	2,467	2,721
Madison County	30%	13,590	18,310	23,030	27,750	32,470	35,250	37,650	40,100	Refer to HUD		339	398	575	752	881	971
	50%	**21,250**	**24,300**	**27,350**	**30,350**	**32,800**	**35,250**	**37,650**	**40,100**	**42,490**	**44,918**	**531**	**569**	**683**	**789**	**881**	**971**
	80%	34,000	38,850	43,700	48,550	52,450	56,350	60,250	64,100	67,984	71,869	850	910	1,092	1,262	1,408	1,554
Median: 53,500	**120%**	**51,000**	**58,320**	**65,640**	**72,840**	**78,720**	**84,600**	**90,360**	**96,240**	**101,976**	**107,803**	**1,275**	**1,366**	**1,641**	**1,894**	**2,115**	**2,332**
	140%	59,500	68,040	76,580	84,980	91,840	98,700	105,420	112,280	118,972	125,770	1,487	1,594	1,914	2,210	2,467	2,721
Manatee County	30%	18,150	20,750	23,350	27,750	32,470	37,190	41,910	46,630	Refer to HUD		453	486	583	752	929	1,106
(North Port-Sarasota-	**50%**	**30,250**	**34,550**	**38,850**	**43,150**	**46,650**	**50,100**	**53,550**	**57,000**	**60,410**	**63,862**	**756**	**810**	**971**	**1,122**	**1,252**	**1,381**
Bradenton MSA)	80%	48,350	55,250	62,150	69,050	74,600	80,100	85,650	91,150	96,656	102,179	1,208	1,295	1,553	1,795	2,002	2,210
Median: 90,400	**120%**	**72,600**	**82,920**	**93,240**	**103,560**	**111,960**	**120,240**	**128,520**	**136,800**	**144,984**	**153,269**	**1,815**	**1,944**	**2,331**	**2,694**	**3,006**	**3,316**
	140%	84,700	96,740	108,780	120,820	130,620	140,280	149,940	159,600	169,148	178,814	2,117	2,268	2,719	3,143	3,507	3,869
Marion County	30%	13,590	18,310	23,030	27,750	32,470	36,100	38,600	41,100	Refer to HUD		339	398	575	752	902	996
(Ocala MSA)	**50%**	**21,800**	**24,900**	**28,000**	**31,100**	**33,600**	**36,100**	**38,600**	**41,100**	**43,540**	**46,028**	**545**	**583**	**700**	**808**	**902**	**996**
	80%	34,850	39,800	44,800	49,750	53,750	57,750	61,700	65,700	69,664	73,645	871	933	1,120	1,293	1,443	1,592
Median: 65,200	**120%**	**52,320**	**59,760**	**67,200**	**74,640**	**80,640**	**86,640**	**92,640**	**98,640**	**104,496**	**110,467**	**1,308**	**1,401**	**1,680**	**1,941**	**2,166**	**2,391**
	140%	61,040	69,720	78,400	87,080	94,080	101,080	108,080	115,080	121,912	128,878	1,526	1,634	1,960	2,264	2,527	2,789

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2022 Income Limits and Rent Limits
Florida Housing Finance Corporation
SHIP and HHRP Programs

County (Metro)	Percentage Category	Income Limit by Number of Persons in Household										Rent Limit by Number of Bedrooms in Unit					
		1	2	3	4	5	6	7	8	9	10	0	1	2	3	4	5
Martin County	30%	16,800	19,200	23,030	27,750	32,470	37,190	41,910	46,630	Refer to HUD		420	450	575	752	929	1,106
(Port Saint Lucie MSA)	**50%**	**28,000**	**32,000**	**36,000**	**40,000**	**43,200**	**46,400**	**49,600**	**52,800**	**56,000**	**59,200**	**700**	**750**	**900**	**1,040**	**1,160**	**1,280**
	80%	44,800	51,200	57,600	64,000	69,150	74,250	79,400	84,500	89,600	94,720	1,120	1,200	1,440	1,664	1,856	2,048
Median: 84,500	**120%**	**67,200**	**76,800**	**86,400**	**96,000**	**103,680**	**111,360**	**119,040**	**126,720**	**134,400**	**142,080**	**1,680**	**1,800**	**2,160**	**2,496**	**2,784**	**3,072**
	140%	78,400	89,600	100,800	112,000	120,960	129,920	138,880	147,840	156,800	165,760	1,960	2,100	2,520	2,912	3,248	3,584
Miami-Dade County	30%	20,500	23,400	26,350	29,250	32,470	37,190	41,910	46,630	Refer to HUD		512	548	658	771	929	1,106
(Miami-Miami Bch-Kendall HMFA)	**50%**	**34,150**	**39,000**	**43,900**	**48,750**	**52,650**	**56,550**	**60,450**	**64,350**	**68,250**	**72,150**	**853**	**914**	**1,097**	**1,267**	**1,413**	**1,560**
	80%	54,600	62,400	70,200	78,000	84,250	90,500	96,750	103,000	109,200	115,440	1,365	1,462	1,755	2,028	2,262	2,496
Median: 68,300	**120%**	**81,960**	**93,600**	**105,360**	**117,000**	**126,360**	**135,720**	**145,080**	**154,440**	**163,800**	**173,160**	**2,049**	**2,194**	**2,634**	**3,042**	**3,393**	**3,744**
	140%	95,620	109,200	122,920	136,500	147,420	158,340	169,260	180,180	191,100	202,020	2,390	2,560	3,073	3,549	3,958	4,368
Monroe County	30%	21,550	24,600	27,700	30,750	33,250	37,190	41,910	46,630	Refer to HUD		538	576	692	800	929	1,106
	50%	**35,900**	**41,000**	**46,150**	**51,250**	**55,350**	**59,450**	**63,550**	**67,650**	**71,750**	**75,850**	**897**	**961**	**1,153**	**1,332**	**1,486**	**1,640**
	80%	57,400	65,600	73,800	82,000	88,600	95,150	101,700	108,250	114,800	121,360	1,435	1,537	1,845	2,132	2,378	2,624
Median: 100,500	**120%**	**86,160**	**98,400**	**110,760**	**123,000**	**132,840**	**142,680**	**152,520**	**162,360**	**172,200**	**182,040**	**2,154**	**2,307**	**2,769**	**3,198**	**3,567**	**3,936**
	140%	100,520	114,800	129,220	143,500	154,980	166,460	177,940	189,420	200,900	212,380	2,513	2,691	3,230	3,731	4,161	4,592
Nassau County	30%	17,600	20,100	23,030	27,750	32,470	37,190	41,910	46,630	Refer to HUD		440	471	575	752	929	1,106
(Jacksonville hmfa)	**50%**	**29,300**	**33,450**	**37,650**	**41,800**	**45,150**	**48,500**	**51,850**	**55,200**	**58,520**	**61,864**	**732**	**784**	**941**	**1,086**	**1,212**	**1,338**
	80%	46,850	53,550	60,250	66,900	72,300	77,650	83,000	88,350	93,632	98,982	1,171	1,255	1,506	1,740	1,941	2,141
Median: 86,500	**120%**	**70,320**	**80,280**	**90,360**	**100,320**	**108,360**	**116,400**	**124,440**	**132,480**	**140,448**	**148,474**	**1,758**	**1,882**	**2,259**	**2,608**	**2,910**	**3,211**
	140%	82,040	93,660	105,420	117,040	126,420	135,800	145,180	154,560	163,856	173,219	2,051	2,196	2,635	3,043	3,395	3,746
Okaloosa County	30%	18,450	21,100	23,750	27,750	32,470	37,190	41,910	46,630	Refer to HUD		461	494	593	752	929	1,106
(Crestview-Fort Walton Beach-	**50%**	**30,800**	**35,200**	**39,600**	**43,950**	**47,500**	**51,000**	**54,500**	**58,050**	**61,530**	**65,046**	**770**	**825**	**990**	**1,143**	**1,275**	**1,406**
Destin HMFA)	80%	49,250	56,250	63,300	70,300	75,950	81,550	87,200	92,800	98,448	104,074	1,231	1,318	1,582	1,828	2,038	2,250
Median: 90,600	**120%**	**73,920**	**84,480**	**95,040**	**105,480**	**114,000**	**122,400**	**130,800**	**139,320**	**147,672**	**156,110**	**1,848**	**1,980**	**2,376**	**2,743**	**3,060**	**3,376**
	140%	86,240	98,560	110,880	123,060	133,000	142,800	152,600	162,540	172,284	182,129	2,156	2,310	2,772	3,200	3,570	3,939
Okeechobee County	30%	13,590	18,310	23,030	27,750	32,470	35,250	37,650	40,100	Refer to HUD		339	398	575	752	881	971
	50%	**21,250**	**24,300**	**27,350**	**30,350**	**32,800**	**35,250**	**37,650**	**40,100**	**42,490**	**44,918**	**531**	**569**	**683**	**789**	**881**	**971**
	80%	34,000	38,850	43,700	48,550	52,450	56,350	60,250	64,100	67,984	71,869	850	910	1,092	1,262	1,408	1,554
Median: 53,900	**120%**	**51,000**	**58,320**	**65,640**	**72,840**	**78,720**	**84,600**	**90,360**	**96,240**	**101,976**	**107,803**	**1,275**	**1,366**	**1,641**	**1,894**	**2,115**	**2,332**
	140%	59,500	68,040	76,580	84,980	91,840	98,700	105,420	112,280	118,972	125,770	1,487	1,594	1,914	2,210	2,467	2,721

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Effective: 4/18/2022

2022 Income Limits and Rent Limits
Florida Housing Finance Corporation
SHIP and HHRP Programs

County (Metro)	Percentage Category	Income Limit by Number of Persons in Household										Rent Limit by Number of Bedrooms in Unit					
		1	2	3	4	5	6	7	8	9	10	0	1	2	3	4	5
Orange County	30%	17,400	19,900	23,030	27,750	32,470	37,190	41,910	46,630	Refer to HUD		435	466	575	752	929	1,106
(Orlando-Kissimmee-	**50%**	**29,050**	**33,200**	**37,350**	**41,450**	**44,800**	**48,100**	**51,400**	**54,750**	**58,030**	**61,346**	**726**	**778**	**933**	**1,078**	**1,202**	**1,326**
Sanford MSA)	80%	46,450	53,050	59,700	66,300	71,650	76,950	82,250	87,550	92,848	98,154	1,161	1,243	1,492	1,724	1,923	2,122
Median: 80,100	**120%**	**69,720**	**79,680**	**89,640**	**99,480**	**107,520**	**115,440**	**123,360**	**131,400**	**139,272**	**147,230**	**1,743**	**1,867**	**2,241**	**2,587**	**2,886**	**3,184**
	140%	81,340	92,960	104,580	116,060	125,440	134,680	143,920	153,300	162,484	171,769	2,033	2,178	2,614	3,018	3,367	3,715
Osceola County	30%	17,400	19,900	23,030	27,750	32,470	37,190	41,910	46,630	Refer to HUD		435	466	575	752	929	1,106
(Orlando-Kissimmee-	**50%**	**29,050**	**33,200**	**37,350**	**41,450**	**44,800**	**48,100**	**51,400**	**54,750**	**58,030**	**61,346**	**726**	**778**	**933**	**1,078**	**1,202**	**1,326**
Sanford MSA)	80%	46,450	53,050	59,700	66,300	71,650	76,950	82,250	87,550	92,848	98,154	1,161	1,243	1,492	1,724	1,923	2,122
Median: 80,100	**120%**	**69,720**	**79,680**	**89,640**	**99,480**	**107,520**	**115,440**	**123,360**	**131,400**	**139,272**	**147,230**	**1,743**	**1,867**	**2,241**	**2,587**	**2,886**	**3,184**
	140%	81,340	92,960	104,580	116,060	125,440	134,680	143,920	153,300	162,484	171,769	2,033	2,178	2,614	3,018	3,367	3,715
Palm Beach County	30%	19,350	22,100	24,850	27,750	32,470	37,190	41,910	46,630	Refer to HUD		483	518	621	752	929	1,106
(W Palm Bch-Boca Raton HMFA)	**50%**	**32,200**	**36,800**	**41,400**	**46,000**	**49,700**	**53,400**	**57,050**	**60,750**	**64,400**	**68,080**	**805**	**862**	**1,035**	**1,196**	**1,335**	**1,472**
	80%	51,550	58,900	66,250	73,600	79,500	85,400	91,300	97,200	103,040	108,928	1,288	1,380	1,656	1,913	2,135	2,356
Median: 90,300	**120%**	**77,280**	**88,320**	**99,360**	**110,400**	**119,280**	**128,160**	**136,920**	**145,800**	**154,560**	**163,392**	**1,932**	**2,070**	**2,484**	**2,871**	**3,204**	**3,534**
	140%	90,160	103,040	115,920	128,800	139,160	149,520	159,740	170,100	180,320	190,624	2,254	2,415	2,898	3,349	3,738	4,123
Pasco County	30%	17,300	19,750	23,030	27,750	32,470	37,190	41,910	46,630	Refer to HUD		432	463	575	752	929	1,106
(Tampa-St.Petersburg-	**50%**	**28,750**	**32,850**	**36,950**	**41,050**	**44,350**	**47,650**	**50,950**	**54,200**	**57,470**	**60,754**	**718**	**770**	**923**	**1,067**	**1,191**	**1,314**
Clearwater MSA)	80%	46,000	52,600	59,150	65,700	71,000	76,250	81,500	86,750	91,952	97,206	1,150	1,232	1,478	1,708	1,906	2,103
Median: 82,100	**120%**	**69,000**	**78,840**	**88,680**	**98,520**	**106,440**	**114,360**	**122,280**	**130,080**	**137,928**	**145,810**	**1,725**	**1,848**	**2,217**	**2,562**	**2,859**	**3,154**
	140%	80,500	91,980	103,460	114,940	124,180	133,420	142,660	151,760	160,916	170,111	2,012	2,156	2,586	2,989	3,335	3,680
Pinellas County	30%	17,300	19,750	23,030	27,750	32,470	37,190	41,910	46,630	Refer to HUD		432	463	575	752	929	1,106
(Tampa-St.Petersburg-	**50%**	**28,750**	**32,850**	**36,950**	**41,050**	**44,350**	**47,650**	**50,950**	**54,200**	**57,470**	**60,754**	**718**	**770**	**923**	**1,067**	**1,191**	**1,314**
Clearwater MSA)	80%	46,000	52,600	59,150	65,700	71,000	76,250	81,500	86,750	91,952	97,206	1,150	1,232	1,478	1,708	1,906	2,103
Median: 82,100	**120%**	**69,000**	**78,840**	**88,680**	**98,520**	**106,440**	**114,360**	**122,280**	**130,080**	**137,928**	**145,810**	**1,725**	**1,848**	**2,217**	**2,562**	**2,859**	**3,154**
	140%	80,500	91,980	103,460	114,940	124,180	133,420	142,660	151,760	160,916	170,111	2,012	2,156	2,586	2,989	3,335	3,680
Polk County	30%	14,200	18,310	23,030	27,750	32,470	37,190	41,850	44,550	Refer to HUD		355	406	575	752	929	1,080
(Lakeland-Winter Haven MSA)	**50%**	**23,650**	**27,000**	**30,400**	**33,750**	**36,450**	**39,150**	**41,850**	**44,550**	**47,250**	**49,950**	**591**	**633**	**760**	**877**	**978**	**1,080**
	80%	37,800	43,200	48,600	54,000	58,350	62,650	67,000	71,300	75,600	79,920	945	1,012	1,215	1,404	1,566	1,728
Median: 67,500	**120%**	**56,760**	**64,800**	**72,960**	**81,000**	**87,480**	**93,960**	**100,440**	**106,920**	**113,400**	**119,880**	**1,419**	**1,519**	**1,824**	**2,106**	**2,349**	**2,592**
	140%	66,220	75,600	85,120	94,500	102,060	109,620	117,180	124,740	132,300	139,860	1,655	1,772	2,128	2,457	2,740	3,024

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2022 Income Limits and Rent Limits
Florida Housing Finance Corporation
SHIP and HHRP Programs

County (Metro)	Percentage Category	Income Limit by Number of Persons in Household										Rent Limit by Number of Bedrooms in Unit					
		1	2	3	4	5	6	7	8	9	10	0	1	2	3	4	5
Putnam County	30%	13,590	18,310	23,030	27,750	32,470	35,250	37,650	40,100	Refer to HUD		339	398	575	752	881	971
	50%	**21,250**	**24,300**	**27,350**	**30,350**	**32,800**	**35,250**	**37,650**	**40,100**	**42,490**	**44,918**	**531**	**569**	**683**	**789**	**881**	**971**
	80%	34,000	38,850	43,700	48,550	52,450	56,350	60,250	64,100	67,984	71,869	850	910	1,092	1,262	1,408	1,554
Median: 54,700	**120%**	**51,000**	**58,320**	**65,640**	**72,840**	**78,720**	**84,600**	**90,360**	**96,240**	**101,976**	**107,803**	**1,275**	**1,366**	**1,641**	**1,894**	**2,115**	**2,332**
	140%	59,500	68,040	76,580	84,980	91,840	98,700	105,420	112,280	118,972	125,770	1,487	1,594	1,914	2,210	2,467	2,721
Saint Johns County	30%	17,600	20,100	23,030	27,750	32,470	37,190	41,910	46,630	Refer to HUD		440	471	575	752	929	1,106
(Jacksonville HMFA)	**50%**	**29,300**	**33,450**	**37,650**	**41,800**	**45,150**	**48,500**	**51,850**	**55,200**	**58,520**	**61,864**	**732**	**784**	**941**	**1,086**	**1,212**	**1,338**
	80%	46,850	53,550	60,250	66,900	72,300	77,650	83,000	88,350	93,632	98,982	1,171	1,255	1,506	1,740	1,941	2,141
Median: 86,500	**120%**	**70,320**	**80,280**	**90,360**	**100,320**	**108,360**	**116,400**	**124,440**	**132,480**	**140,448**	**148,474**	**1,758**	**1,882**	**2,259**	**2,608**	**2,910**	**3,211**
	140%	82,040	93,660	105,420	117,040	126,420	135,800	145,180	154,560	163,856	173,219	2,051	2,196	2,635	3,043	3,395	3,746
Saint Lucie County	30%	16,800	19,200	23,030	27,750	32,470	37,190	41,910	46,630	Refer to HUD		420	450	575	752	929	1,106
(Port Saint Lucie MSA)	**50%**	**28,000**	**32,000**	**36,000**	**40,000**	**43,200**	**46,400**	**49,600**	**52,800**	**56,000**	**59,200**	**700**	**750**	**900**	**1,040**	**1,160**	**1,280**
	80%	44,800	51,200	57,600	64,000	69,150	74,250	79,400	84,500	89,600	94,720	1,120	1,200	1,440	1,664	1,856	2,048
Median: 84,500	**120%**	**67,200**	**76,800**	**86,400**	**96,000**	**103,680**	**111,360**	**119,040**	**126,720**	**134,400**	**142,080**	**1,680**	**1,800**	**2,160**	**2,496**	**2,784**	**3,072**
	140%	78,400	89,600	100,800	112,000	120,960	129,920	138,880	147,840	156,800	165,760	1,960	2,100	2,520	2,912	3,248	3,584
Santa Rosa County	30%	16,250	18,600	23,030	27,750	32,470	37,190	41,910	46,630	Refer to HUD		406	435	575	752	929	1,106
(Pensacola-Ferry Pass-	**50%**	**27,100**	**30,950**	**34,800**	**38,650**	**41,750**	**44,850**	**47,950**	**51,050**	**54,110**	**57,202**	**677**	**725**	**870**	**1,005**	**1,121**	**1,237**
Brent MSA)	80%	43,300	49,500	55,700	61,850	66,800	71,750	76,700	81,650	86,576	91,523	1,082	1,160	1,392	1,608	1,793	1,979
Median: 79,500	**120%**	**65,040**	**74,280**	**83,520**	**92,760**	**100,200**	**107,640**	**115,080**	**122,520**	**129,864**	**137,285**	**1,626**	**1,741**	**2,088**	**2,412**	**2,691**	**2,970**
	140%	75,880	86,660	97,440	108,220	116,900	125,580	134,260	142,940	151,508	160,166	1,897	2,031	2,436	2,814	3,139	3,465
Sarasota County	30%	18,150	20,750	23,350	27,750	32,470	37,190	41,910	46,630	Refer to HUD		453	486	583	752	929	1,106
(North Port-Sarasota-	**50%**	**30,250**	**34,550**	**38,850**	**43,150**	**46,650**	**50,100**	**53,550**	**57,000**	**60,410**	**63,862**	**756**	**810**	**971**	**1,122**	**1,252**	**1,381**
Bradenton MSA)	80%	48,350	55,250	62,150	69,050	74,600	80,100	85,650	91,150	96,656	102,179	1,208	1,295	1,553	1,795	2,002	2,210
Median: 90,400	**120%**	**72,600**	**82,920**	**93,240**	**103,560**	**111,960**	**120,240**	**128,520**	**136,800**	**144,984**	**153,269**	**1,815**	**1,944**	**2,331**	**2,694**	**3,006**	**3,316**
	140%	84,700	96,740	108,780	120,820	130,620	140,280	149,940	159,600	169,148	178,814	2,117	2,268	2,719	3,143	3,507	3,869
Seminole County	30%	17,400	19,900	23,030	27,750	32,470	37,190	41,910	46,630	Refer to HUD		435	466	575	752	929	1,106
(Orlando-Kissimmee-	**50%**	**29,050**	**33,200**	**37,350**	**41,450**	**44,800**	**48,100**	**51,400**	**54,750**	**58,030**	**61,346**	**726**	**778**	**933**	**1,078**	**1,202**	**1,326**
Sanford MSA)	80%	46,450	53,050	59,700	66,300	71,650	76,950	82,250	87,550	92,848	98,154	1,161	1,243	1,492	1,724	1,923	2,122
Median: 80,100	**120%**	**69,720**	**79,680**	**89,640**	**99,480**	**107,520**	**115,440**	**123,360**	**131,400**	**139,272**	**147,230**	**1,743**	**1,867**	**2,241**	**2,587**	**2,886**	**3,184**
	140%	81,340	92,960	104,580	116,060	125,440	134,680	143,920	153,300	162,484	171,769	2,033	2,178	2,614	3,018	3,367	3,715

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2022 Income Limits and Rent Limits
Florida Housing Finance Corporation
SHIP and HHRP Programs

County (Metro)	Percentage Category	Income Limit by Number of Persons in Household										Rent Limit by Number of Bedrooms in Unit					
		1	2	3	4	5	6	7	8	9	10	0	1	2	3	4	5
Sumter County	30%	15,850	18,310	23,030	27,750	32,470	37,190	41,910	46,630	Refer to HUD		396	427	575	752	929	1,106
	50%	**26,400**	**30,150**	**33,900**	**37,650**	**40,700**	**43,700**	**46,700**	**49,700**	**52,710**	**55,722**	**660**	**706**	**847**	**979**	**1,092**	**1,205**
	80%	42,200	48,200	54,250	60,250	65,100	69,900	74,750	79,550	84,336	89,155	1,055	1,130	1,356	1,566	1,747	1,928
Median: 83,300	**120%**	**63,360**	**72,360**	**81,360**	**90,360**	**97,680**	**104,880**	**112,080**	**119,280**	**126,504**	**133,733**	**1,584**	**1,696**	**2,034**	**2,350**	**2,622**	**2,892**
	140%	73,920	84,420	94,920	105,420	113,960	122,360	130,760	139,160	147,588	156,022	1,848	1,979	2,373	2,742	3,059	3,374
Suwannee County	30%	13,590	18,310	23,030	27,750	32,470	35,250	37,650	40,100	Refer to HUD		339	398	575	752	881	971
	50%	**21,250**	**24,300**	**27,350**	**30,350**	**32,800**	**35,250**	**37,650**	**40,100**	**42,490**	**44,918**	**531**	**569**	**683**	**789**	**881**	**971**
	80%	34,000	38,850	43,700	48,550	52,450	56,350	60,250	64,100	67,984	71,869	850	910	1,092	1,262	1,408	1,554
Median: 59,100	**120%**	**51,000**	**58,320**	**65,640**	**72,840**	**78,720**	**84,600**	**90,360**	**96,240**	**101,976**	**107,803**	**1,275**	**1,366**	**1,641**	**1,894**	**2,115**	**2,332**
	140%	59,500	68,040	76,580	84,980	91,840	98,700	105,420	112,280	118,972	125,770	1,487	1,594	1,914	2,210	2,467	2,721
Taylor County	30%	13,590	18,310	23,030	27,750	32,470	35,250	37,650	40,100	Refer to HUD		339	398	575	752	881	971
	50%	**21,250**	**24,300**	**27,350**	**30,350**	**32,800**	**35,250**	**37,650**	**40,100**	**42,490**	**44,918**	**531**	**569**	**683**	**789**	**881**	**971**
	80%	34,000	38,850	43,700	48,550	52,450	56,350	60,250	64,100	67,984	71,869	850	910	1,092	1,262	1,408	1,554
Median: 55,800	**120%**	**51,000**	**58,320**	**65,640**	**72,840**	**78,720**	**84,600**	**90,360**	**96,240**	**101,976**	**107,803**	**1,275**	**1,366**	**1,641**	**1,894**	**2,115**	**2,332**
	140%	59,500	68,040	76,580	84,980	91,840	98,700	105,420	112,280	118,972	125,770	1,487	1,594	1,914	2,210	2,467	2,721
Union County	30%	13,590	18,310	23,030	27,750	32,470	35,250	37,650	40,100	Refer to HUD		339	398	575	752	881	971
	50%	**21,250**	**24,300**	**27,350**	**30,350**	**32,800**	**35,250**	**37,650**	**40,100**	**42,490**	**44,918**	**531**	**569**	**683**	**789**	**881**	**971**
	80%	34,000	38,850	43,700	48,550	52,450	56,350	60,250	64,100	67,984	71,869	850	910	1,092	1,262	1,408	1,554
Median: 59,700	**120%**	**51,000**	**58,320**	**65,640**	**72,840**	**78,720**	**84,600**	**90,360**	**96,240**	**101,976**	**107,803**	**1,275**	**1,366**	**1,641**	**1,894**	**2,115**	**2,332**
	140%	59,500	68,040	76,580	84,980	91,840	98,700	105,420	112,280	118,972	125,770	1,487	1,594	1,914	2,210	2,467	2,721
Volusia County	30%	15,400	18,310	23,030	27,750	32,470	37,190	41,910	46,630	Refer to HUD		385	421	575	752	929	1,106
(Deltona-Daytona Beach-	**50%**	**25,600**	**29,250**	**32,900**	**36,550**	**39,500**	**42,400**	**45,350**	**48,250**	**51,170**	**54,094**	**640**	**685**	**822**	**950**	**1,060**	**1,170**
Ormond Beach MSA)	80%	40,950	46,800	52,650	58,500	63,200	67,900	72,550	77,250	81,872	86,550	1,023	1,096	1,316	1,521	1,697	1,872
Median: 73,300	**120%**	**61,440**	**70,200**	**78,960**	**87,720**	**94,800**	**101,760**	**108,840**	**115,800**	**122,808**	**129,826**	**1,536**	**1,645**	**1,974**	**2,281**	**2,544**	**2,808**
	140%	71,680	81,900	92,120	102,340	110,600	118,720	126,980	135,100	143,276	151,463	1,792	1,919	2,303	2,661	2,968	3,276
Wakulla County	30%	16,600	18,950	23,030	27,750	32,470	37,190	41,910	46,630	Refer to HUD		415	444	575	752	929	1,106
(Wakulla County HMFA)	**50%**	**27,600**	**31,550**	**35,500**	**39,400**	**42,600**	**45,750**	**48,900**	**52,050**	**55,160**	**58,312**	**690**	**739**	**887**	**1,025**	**1,143**	**1,261**
	80%	44,150	50,450	56,750	63,050	68,100	73,150	78,200	83,250	88,256	93,299	1,103	1,182	1,418	1,639	1,828	2,018
Median: 78,800	**120%**	**66,240**	**75,720**	**85,200**	**94,560**	**102,240**	**109,800**	**117,360**	**124,920**	**132,384**	**139,949**	**1,656**	**1,774**	**2,130**	**2,460**	**2,745**	**3,028**
	140%	77,280	88,340	99,400	110,320	119,280	128,100	136,920	145,740	154,448	163,274	1,932	2,070	2,485	2,870	3,202	3,533

Florida Housing Finance Corporation (FHFC) income and rent limits are based upon figures provided by the United States Department of Housing and Urban Development (HUD) and are subject to change. Updated schedules will be provided when changes occur.

HUD release: 4/18/2022
Effective: 4/18/2022

2022 Income Limits and Rent Limits
Florida Housing Finance Corporation
SHIP and HHRP Programs

County (Metro)	Percentage Category	Income Limit by Number of Persons in Household										Rent Limit by Number of Bedrooms in Unit					
		1	2	3	4	5	6	7	8	9	10	0	1	2	3	4	5
Walton County HMFA	30%	16,350	18,700	23,030	27,750	32,470	37,190	41,910	46,630	Refer to HUD		408	438	575	752	929	1,106
	50%	**27,250**	**31,150**	**35,050**	**38,900**	**42,050**	**45,150**	**48,250**	**51,350**	**54,460**	**57,572**	**681**	**730**	**876**	**1,011**	**1,128**	**1,245**
	80%	43,600	49,800	56,050	62,250	67,250	72,250	77,200	82,200	87,136	92,115	1,090	1,167	1,401	1,618	1,806	1,992
Median: 85,300	**120%**	**65,400**	**74,760**	**84,120**	**93,360**	**100,920**	**108,360**	**115,800**	**123,240**	**130,704**	**138,173**	**1,635**	**1,752**	**2,103**	**2,428**	**2,709**	**2,988**
	140%	76,300	87,220	98,140	108,920	117,740	126,420	135,100	143,780	152,488	161,202	1,907	2,044	2,453	2,833	3,160	3,486
Washington County	30%	13,590	18,310	23,030	27,750	32,470	35,250	37,650	40,100	Refer to HUD		339	398	575	752	881	971
	50%	**21,250**	**24,300**	**27,350**	**30,350**	**32,800**	**35,250**	**37,650**	**40,100**	**42,490**	**44,918**	**531**	**569**	**683**	**789**	**881**	**971**
	80%	34,000	38,850	43,700	48,550	52,450	56,350	60,250	64,100	67,984	71,869	850	910	1,092	1,262	1,408	1,554
Median: 52,300	**120%**	**51,000**	**58,320**	**65,640**	**72,840**	**78,720**	**84,600**	**90,360**	**96,240**	**101,976**	**107,803**	**1,275**	**1,366**	**1,641**	**1,894**	**2,115**	**2,332**
	140%	59,500	68,040	76,580	84,980	91,840	98,700	105,420	112,280	118,972	125,770	1,487	1,594	1,914	2,210	2,467	2,721

The HUD definition for extremely low income (30%) takes into consideration, and is limited by, the federal poverty guidelines which have fixed dollar amount adjustments by member count and are the same throughout the 48 contiguous states. The federal poverty guidelines are constrained by the limits for very low income (50%). Consequently, the extremely low income limits may equal the very low income limits.

Within its Income Limits Documentation system, HUD provides a method to calculate the extremely low income limit for families with more than 8 members.

https://www.huduser.gov/portal/datasets/il.html#2022_query

In the "Access Individual Income Limits Areas" section, click "Click Here for FY 2022 IL Documentation" then select the state and select the county then click "View County Calculations". In the Extremely Low Income Limits portion of the table, click "Explanation" and redirect to a new page. Scroll to the bottom of the page and select the number of household members (from 9 to 20).

ATTACHMENT 30

MIAMI-DADE COUNTY HOMELESS TRUST
HOMELESS FUNDING APPLICATION CERTIFICATION FORM

Name of Housing Project for which this certification is made: _____ (Project).

Support of a local Continuum of Care (CoC) Plan and its priorities for permanent supportive housing includes not only production of new housing with supportive services consistent with the established local priorities, but also participation in the CoC's system and processes in order to promote the goals and objectives of the CoC for effective assistance of homeless persons. Therefore, a proposed housing project must meet the following criteria and the Applicant, defined as the entity which will own and operate the Project, must make the following commitments to receive a Certification of Consistency with a local Continuum of Care's Homeless Plan and Priorities for Permanent Supportive Housing:

1. Project will serve the CoC's established priority(ies) for the development of permanent supportive housing.
2. Project has a plan in place to provide the supportive services for the targeted population(s) to be served, either directly or documented through a MOU, MOA or other agreement provided at the time of submission for the request for a certification.
3. Project rents must be ELI or lower for set-aside units identified to help the homeless.
4. Project's admission criteria is responsive to the placement needs targeted, with minimal barriers to placement. For projects servicing the homeless, the admission criteria cannot restrict admission based on a positive drug screen, non-violent criminal history, and poor credit history.
5. Project will participate in the CoC's coordinated intake and assessment process, including for acceptance of all referrals to the homeless units.
6. Project will participate in the Homeless Management Information System, as well as ensure meeting the minimum data quality standards.
7. Project will provide housing and services consistent with the CoC's established Standards of Care for Permanent Supportive Housing and Housing First, as may be amended from time to time.
8. Project will be required to meet minimum performance measures, including those USHUD-required performance measures for permanent supportive housing (e.g. housing retention, income growth, etc.).
9. In the event that Project fails to comply with the above requirements, the CoC will place Project on a corrective plan to cure non-compliance. Until such non-compliance is cured, the CoC will not approve requests for CoC Certifications for new projects proposed by any party within the ownership and/or management structure of Project's Applicant.

I certify that the Applicant and proposed Project will comply with the above requirements of the Continuum of Care if the project is funded, as requested.

Name: _____ _____
Signature *Print*

Title: _____

Entity Represented by Signatory: _____

Date: _____

(MD CoC Form 4-10-15)

ATTACHMENT 31

MIAMI-DADE COUNTY
HOMELESS TRUST

MIAMI-DADE COUNTY HOMELESS TRUST
GAPS AND NEEDS ASSESSMENT REPORT ON HOMELESSNESS

Introduction
The goal of the gaps analysis is to help the Miami-Dade County Homeless Trust, the lead agency for Miami-Dade's homeless Continuum of Care, update its understanding of the needs of persons experiencing homelessness. The gaps analysis identifies key unmet needs in the housing and services system, focusing on overall needs as well as specific sub-population and geographic needs. It also considers the overall functioning of the system as a whole and identifies strategies to improve system-level effectiveness and efficiency.

About Miami-Dade County
Miami-Dade County is the most populous county in the State of Florida and home to 34 incorporated municipalities, cities, towns and villages, as well as unincorporated communities and neighborhoods. The City of Miami is the largest municipality, followed by Hialeah, Miami Gardens, Miami Beach, North Miami and Coral Gables. The areas of the county that do not fall within municipal boundaries comprise the unincorporated area of Miami-Dade. With a population exceeding one million people, the unincorporated area, if declared a city, would form the largest city in Florida.

Miami-Dade County encompasses more than 2,000 square miles. The community is located along the southeast tip of the Florida peninsula. It is bounded by Biscayne Bay and the Atlantic Ocean to the east, Everglades National Park to the west, the Florida Keys to the south, and Broward County to the North.

Miami-Dade County has a population of more than 2.7 million people and is the fourth largest public school district in the United States.

About the Miami-Dade County Homeless Trust
The Miami-Dade County Homeless Trust serves as the lead agency for Miami-Dade County's homeless Continuum of Care (CoC) and is responsible for the oversight, planning and operations of the entire CoC including:

- Administering proceeds of a one percent (1%) Food and Beverage Tax. Miami-Dade had the first dedicated funding source for homelessness in the United States – a unique 1

percent Food and Beverage Tax which is foundational to the funding of the Homeless Trust today.

- Implementing the *Miami-Dade County Community Homeless Plan: Priority Home* which provides a framework for preventing and ending homelessness in Miami-Dade County.
- Serving as the collaborative applicant for federal and state funding opportunities.
- Administering grants and overseeing operations and fiscal activities for over 120 housing and services programs operated by more than 20 competitively selected non-profit and for-profit providers and government entities.
- Managing Miami-Dade County's Homeless Management Information System (HMIS), the local technology system used to collect client-level data on the provision of housing and services to homeless individuals and families and persons at risk of homelessness.
- Developing policy and serving in an advisory capacity to the Board of County Commissioners on issues involving homelessness.

Miami-Dade County Homeless Plan: Priority Home

The Miami-Dade County Homeless Plan: Priority Home provides a framework for Miami-Dade County to prevent and end homelessness. The plan is reviewed annually to ensure it continues to serve the local needs of those experiencing and at-risk of homelessness in our community, and to ensure it aligns with ALL IN: The Federal Strategic Plan to Prevent and End Homelessness, U.S. HUD's System Performance Measures and U.S. HUD Policy Priorities contained within the most recent U.S. HUD CoC Program Competition. As gaps and needs are identified, additional implementation measures and strategies, as well as the status of those strategies, is updated yearly as part of CoC Subcommittee meetings which take place beginning each January.

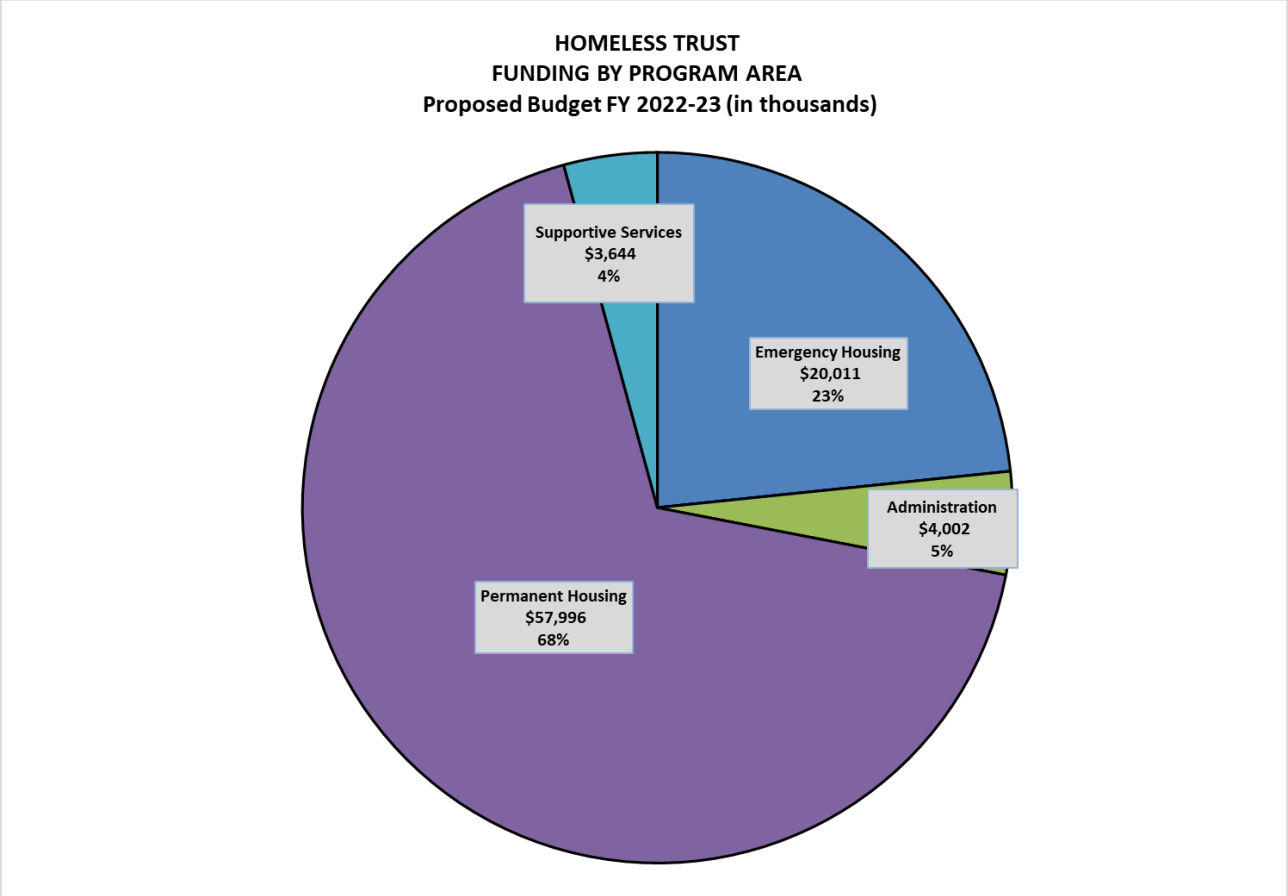
Information provided to the CoC Subcommittee to assist in identifying gaps and needs includes an analysis of annual Point-in-Time Count data and summer census count data; information from the Housing Inventory Count; analysis of U.S. HUD Systems Performance Measures and Stella Performance modules, including an assessment of racial disparities; and feedback from the public, providers and consumers at publicly noticed meetings and through client satisfaction surveys.

The CoC Subcommittee also helps to develop the Scoring, Ranking and Reallocation Process for the annual U.S. HUD CoC Program Competition and funding priorities for the competition, as well as CoC systemwide training needs.

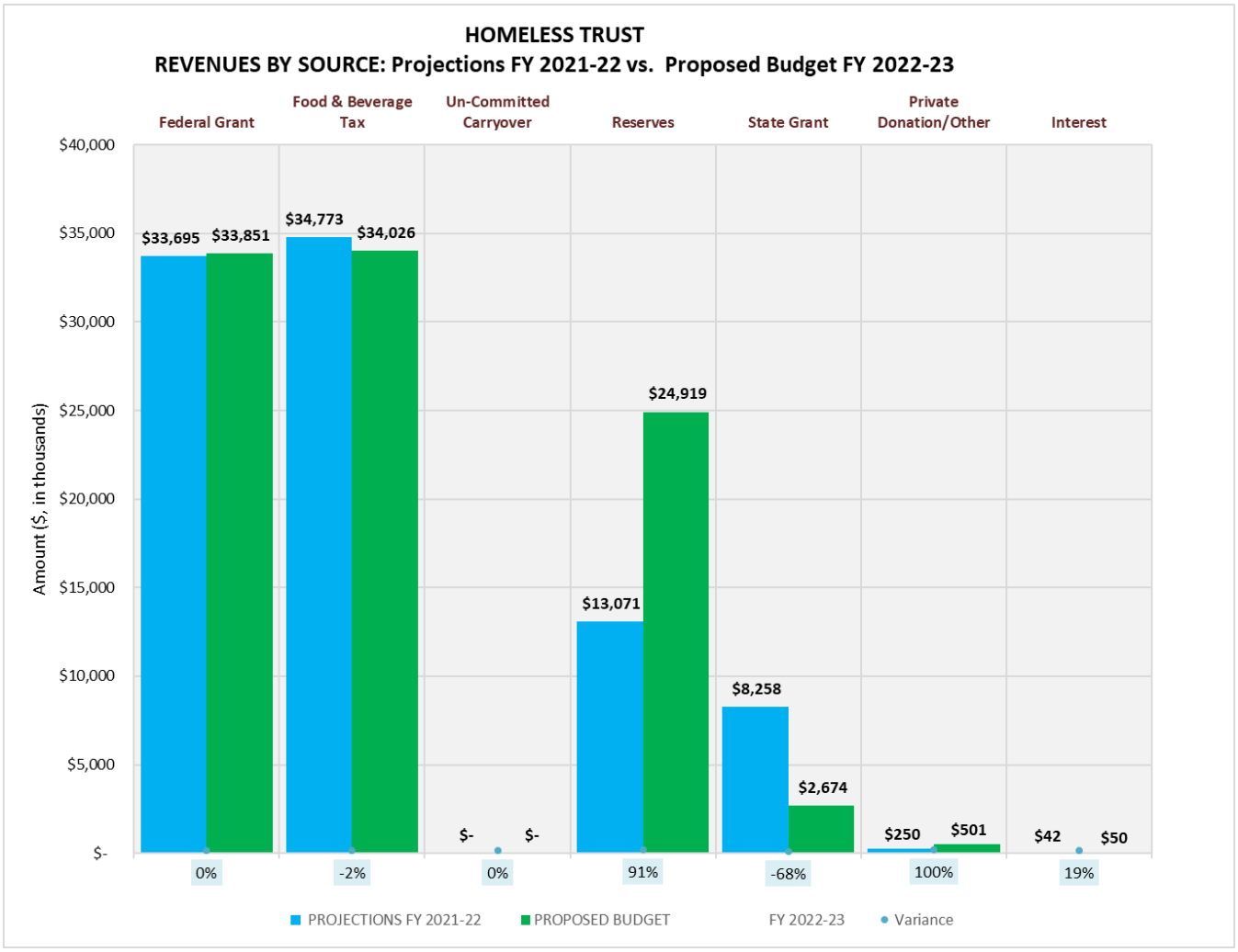
The Homeless Trust, which is led by a 27-member Board of Trustees that includes representation from the city and business community, elected officials, formerly homeless persons, religious leaders, homeless advocates and others, is responsible for the implementation of the plan.

Funding

The Homeless Trust staff oversees the daily administration of more than 120 contracts with more than two dozen local providers for the provision of housing and services for the homeless. The charts below demonstrate 1) funding by program area, and 2) by revenue source.



The vast majority of the Trust budget is focused on Permanent Housing, followed by our crisis response. Administration is lean with 21 positions, which are almost completely covered by HUD Planning and State Staffing grants.



Point-in-Time Count

Miami-Dade County's most recent published Point-in-Time (PIT) count took place on January 27, 2022. The data for the 2023 PIT performed on January 26, 2023 will not be official until it is reported to HUD. Outreach teams and staff, with support from lead agency staff, canvassed the entire geographic area of Miami-Dade County. Results were as follows:

HOMELESS TRUST CENSUS RESULTS & COMPARISON:
JANUARY 21, 2021 to JANUARY 27, 2022

UNSHELTERED HOMELESS COUNT	# ON 1/21/21	# ON 1/27/22	Difference +/-	%
City of Miami-City of Miami, City Limits	555	591	36	**6%**
City of Miami Beach- Miami Beach	101	171	70	**69%**
Miami-Dade County-South Dade**,** South of Kendall Drive to Monroe County Line	66	62	-4	**-6%**
Miami-Dade County-Unincorporated Miami-Dade County, North of Kendall Drive to Broward County Line	170	146	-24	**-14%**
Subtotal- # of UNSHELTERED Homeless:	**892**	**970**	**78**	**9%**

SHELTERED HOMELESS COUNT	# ON 1/21/21	# ON 1/27/22	Difference +/-	%
Total Homeless in Emergency Shelter	1,815	1,935	120	**7%**
Emergency Weather Placements	0	0	0	**0%**
Hotel/Motel	112	142	30	**27%**
Total Homeless in Transitional Housing	393	377	-16	**-4%**
Safe Haven	12	16	4	**33%**
Subtotal-SHELTERED Homeless:	**2332**	**2470**	**138**	**6%**

TOTAL - SHELTERED AND UNSHELTERED HOMELESS:	**3224**	**3440**	**216**	**7%**

# ON 1/21/21	# ON 1/27/22

Weather Conditions:	Mostly Clear, High in the upper 60's	Partly Cloudy, High in the upper 60's

The 2021 PIT count was the lowest unsheltered count since 2014 and the lowest homeless totals (unsheltered and sheltered) since the continuum began counting in 1996.

Thi 2022 PIT Count yielded increases in the sheltered and unsheltered count as compared to2021, 7% (n=216). The sheltered count is up 6% (n=138) as shelters have started to increase occupancy and loosen social distancing requirements post pandemic. The unsheltered count is up 9% (n=78). The City of Miami Beach represents the largest increase, 69% (n=70), compared to the previous year.

As part of the PIT Count, the CoC also looks at homeless subpopulations, including youth, veterans, households with and without children, adults with serious mental illness, substance use disorders, HIV, survivors of domestic violence and chronically homeless households. An analysis over the past two years demonstrates the following as it pertains to these subpopulations:

a) There was a 4% decrease in adults with a serious mental illness (n=50%)
b) There was a 15% increase in adults with a substance abuse disorder (n=22%)
c) There was a 2% increase in adults with HIV/AIDS (n=5%)
d) There was a 4% increase in DV survivors (n=19%)
e) There was an 1% increase in number of total veterans (n=6%)
f) There was a 2% increase in total number of unaccompanied youth (n=6%)

Summer Census

The Homeless Trust also conducts a summer census each August with the most recent one conducted on August 18, 2022. The summer census showed 23% uptick in unsheltered counts when compared to the previous summer census, with a total homeless increase of 11%.

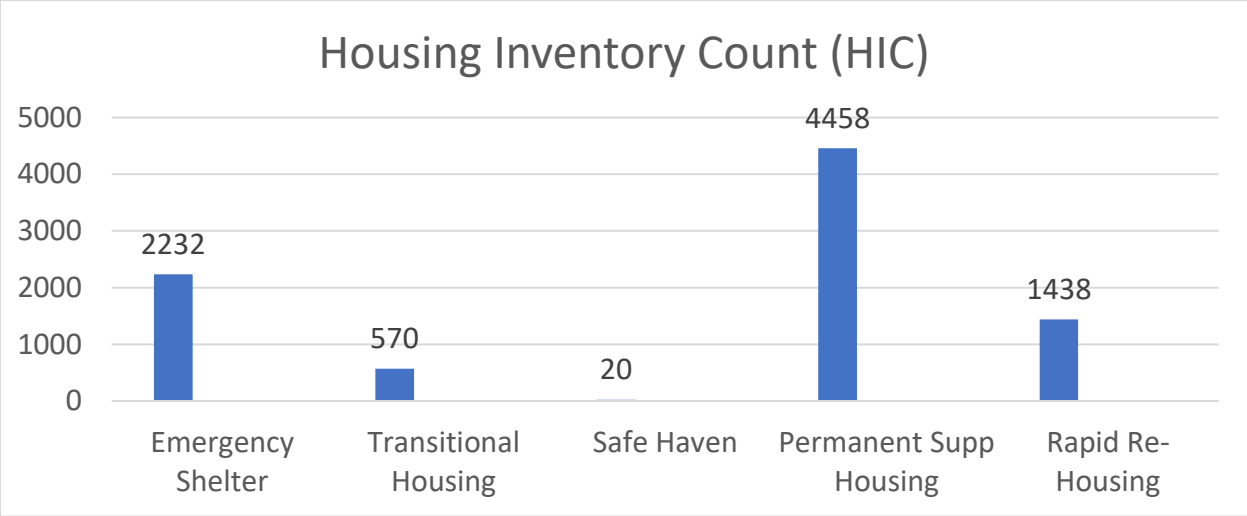
HOMELESS TRUST CENSUS RESULTS &
COMPARISON: August 19, 2021 to August 18, 2022

UNSHELTERED HOMELESS COUNT	# ON 8/19/21	# ON 8/18/22	Difference +/-	%
City of Miami-City of Miami, City Limits	510	640	130	**25%**
City of Miami Beach- Miami Beach	183	167	-16	**-9%**
Miami-Dade County-South Dade**,** South of Kendall Drive to Monroe County Line	64	93	29	**45%**
Miami-Dade County-Unincorporated Miami-Dade County, North of Kendall Drive to Broward County Line	172	240	68	**40%**
Subtotal- # of UNSHELTERED Homeless:	**929**	**1140**	**211**	**23%**
SHELTERED HOMELESS COUNT	**# ON 8/19/21**	**# ON 8/18/22**	**Difference +/-**	**%**
Total Homeless in Emergency Shelter	1,876	2,038	162	**9%**
Emergency Weather Placements	0	0	0	**0%**
Hotel/Motel	128	174	46	**36%**
Total Homeless in Transitional Housing	411	369	-42	**-10%**
Safe Haven	11	17	6	**55%**
Subtotal-SHELTERED Homeless:	**2426**	**2598**	**172**	**7%**
TOTAL - SHELTERED AND UNSHELTERED HOMELESS:	**3355**	**3738**	**383**	**11%**

There was a 11% (383) overall increase in homelessness countywide when comparing the 2021 and 2022 PIT counts. The unsheltered count increased 23% (211), and the sheltered count increased 7% (172).

	# ON 8/19/21	# ON 8/18/22
Weather Conditions:	Partly Cloudy with Showers and Thunderstorms, High in the low 80s.	Partly Cloudy with Scatter Thunderstorms, High in the low 80s.

Housing Inventory

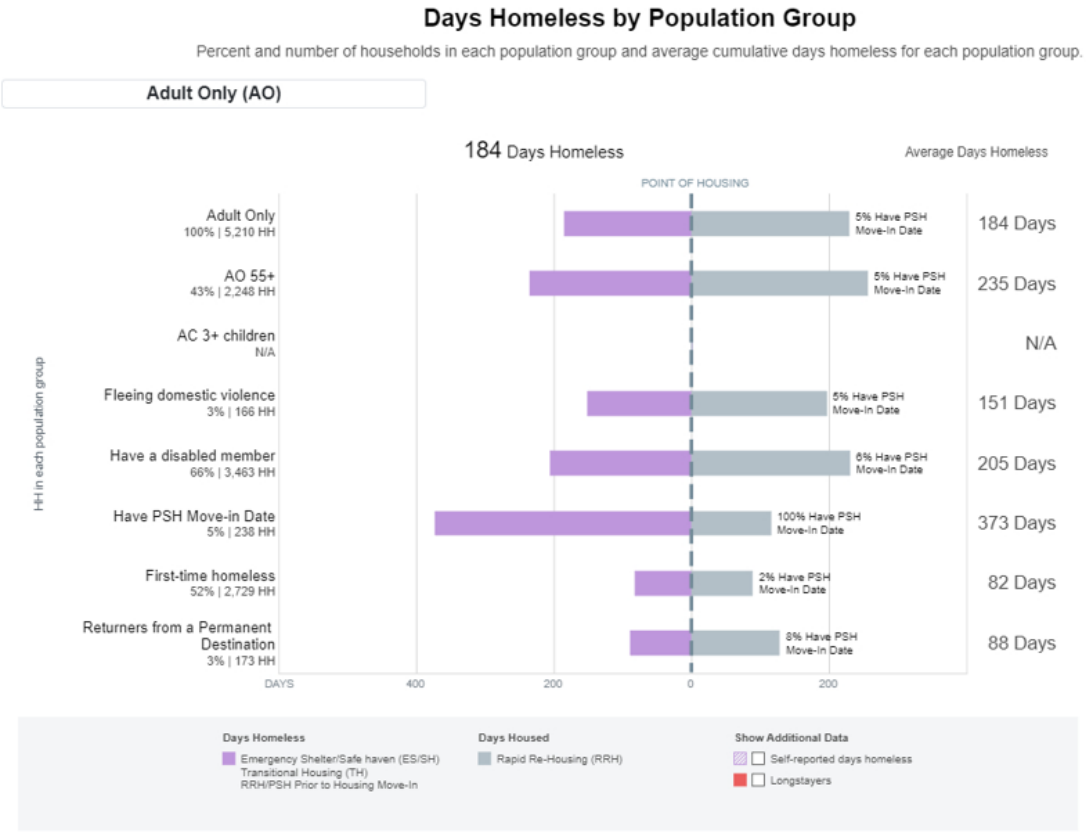


Stella P

The Homeless Trust also uses the Stella performance module to isolate areas of concern and plan improvements. According to the population characteristics of persons who remain homeless the longest, they are less likely to obtain permanent housing and when they do exit into a permanent destination are more likely to move in with family or friends, or rent on their own, and therefore, more likely to return to homelessness. The data suggests our focus should be on understanding what works for adult only (AO) households, where the head of household is disabled and over 55 years old. Once we better understand the keys to success with this subpopulation, we must develop strategies to improve measures among this group.

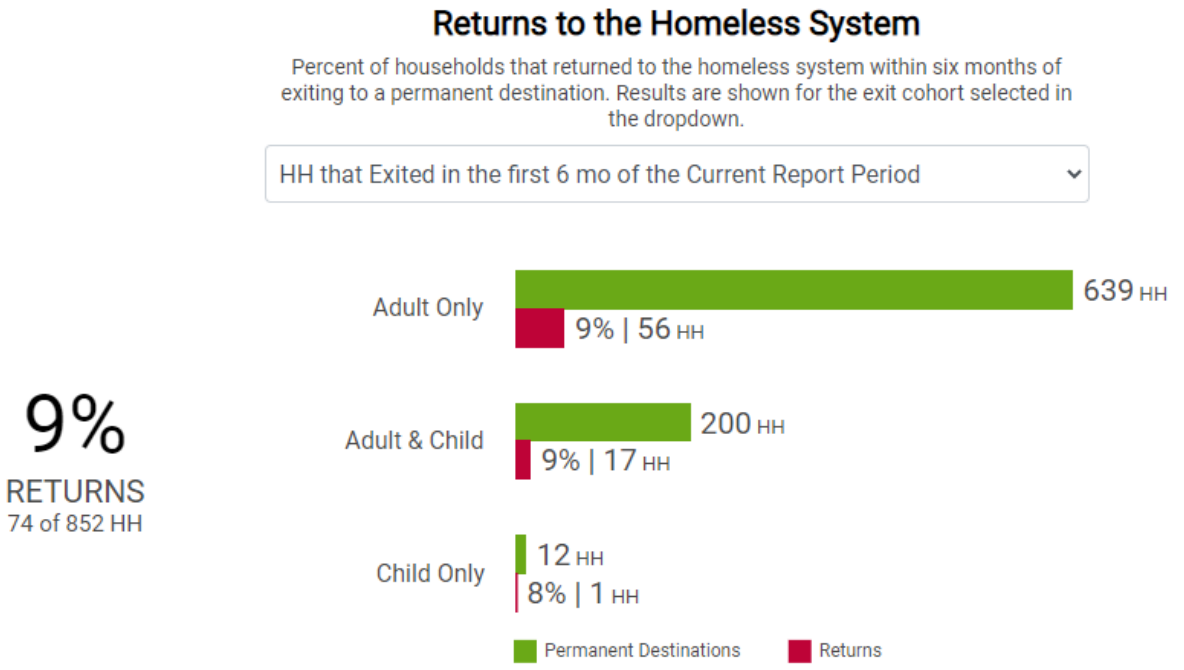
Length of Time Homeless

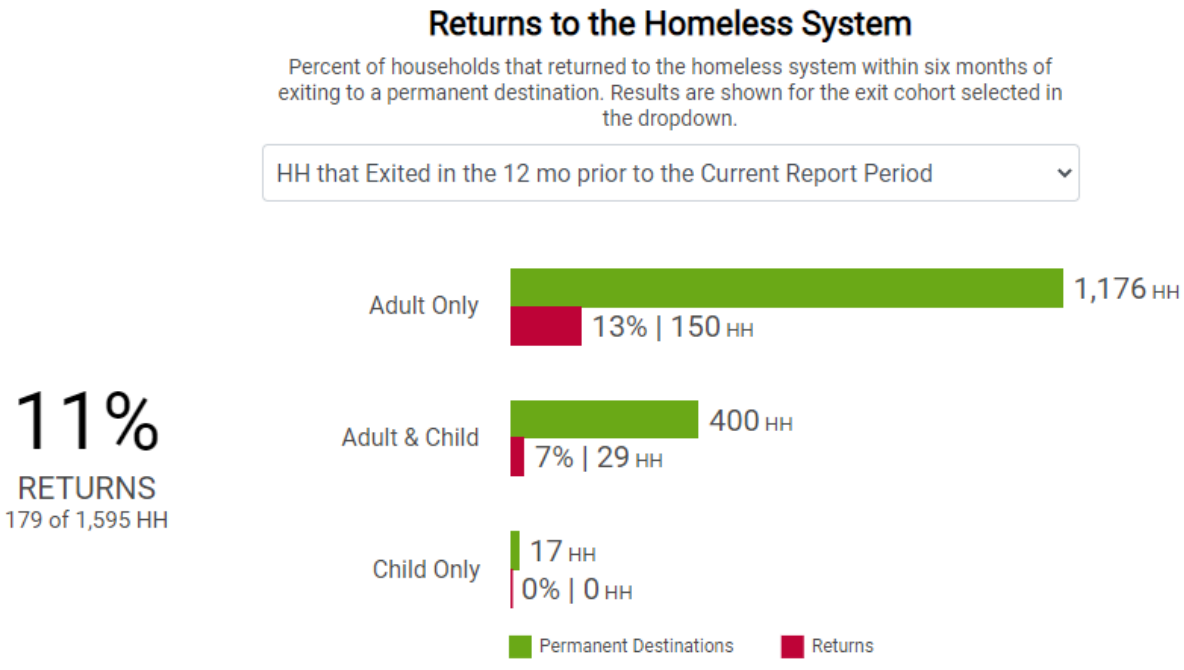
CoC Code: FL-600 **Name**: 2022 LSA #7.2 **Report Period**: 10/01/2021 - 09/30/2022 **Submission Type**: official



Exits to Permanent Destinations

Returns to homelessness after exit to Permanent Destinations



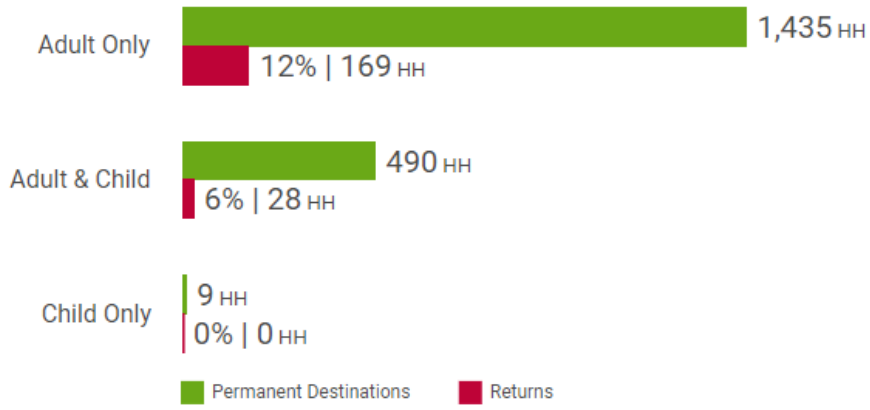


Returns to the Homeless System

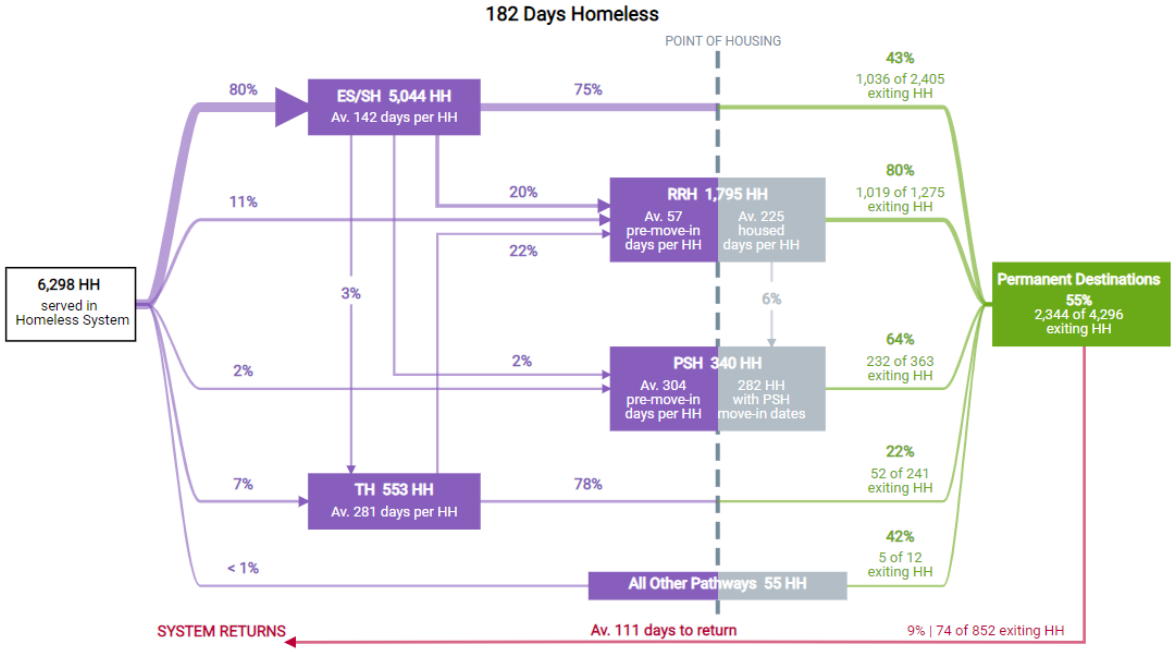
Percent of households that returned to the homeless system within six months of exiting to a permanent destination. Results are shown for the exit cohort selected in the dropdown.

HH that Exited between 12 and 24 mo prior to the Current Report Period

10%
RETURNS
197 of 1,938 HH



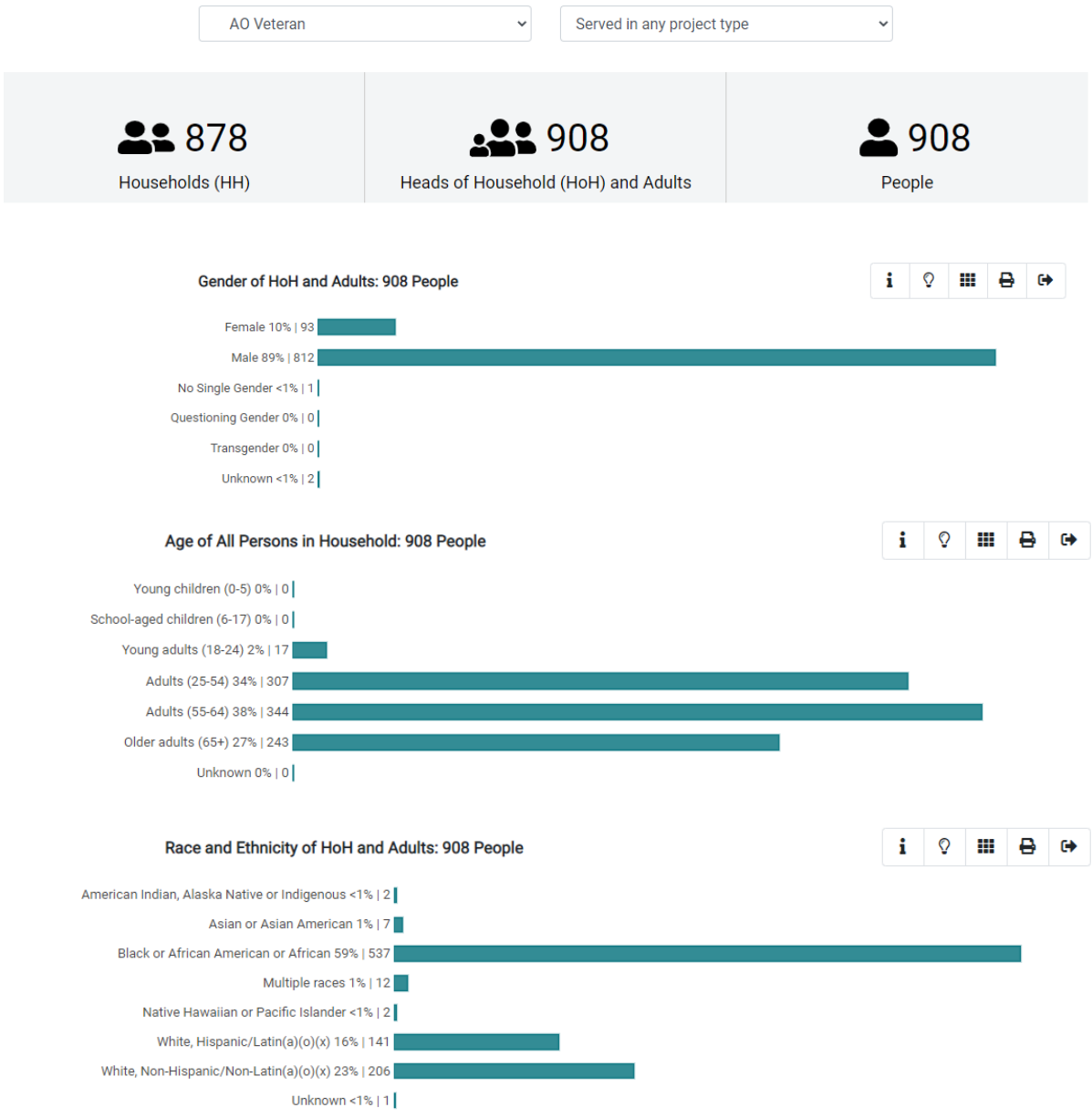
System map



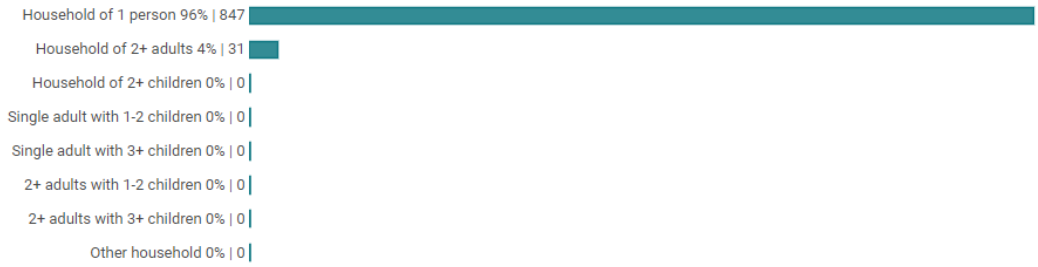
Compared to last year's Stella map, days homeless for all system users is down 8 days from 190 days.

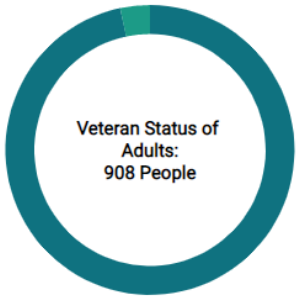
Stella P subpopulation characteristics

Veterans



Household Composition: 878 HH

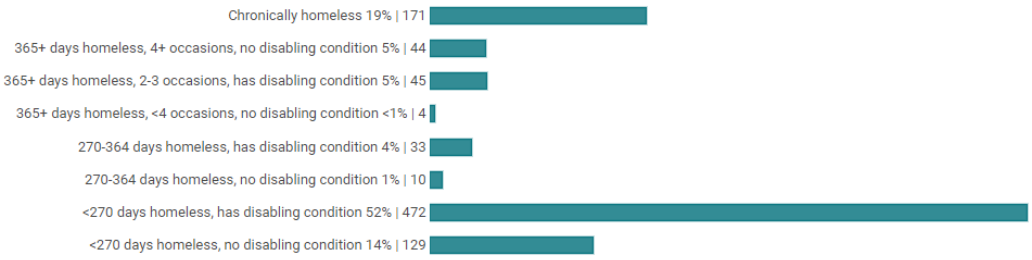


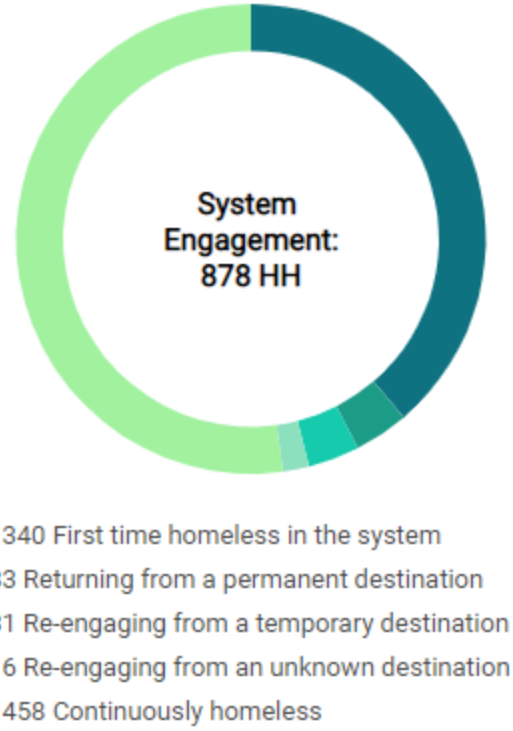


97% | 878 Veterans
3% | 30 Non-veterans
0% | 0 Unknown

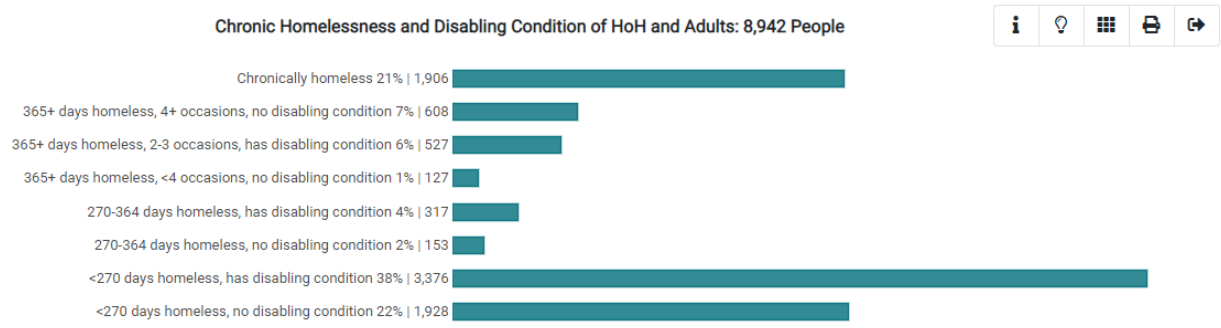
93% | 840 Not a DV survivor
1% | 11 DV survivor and currently fleeing
5% | 42 DV survivor and not currently fleeing or unknown fleeing status
2% | 15 DV status unknown

Chronic Homelessness and Disabling Condition of HoH and Adults: 908 People



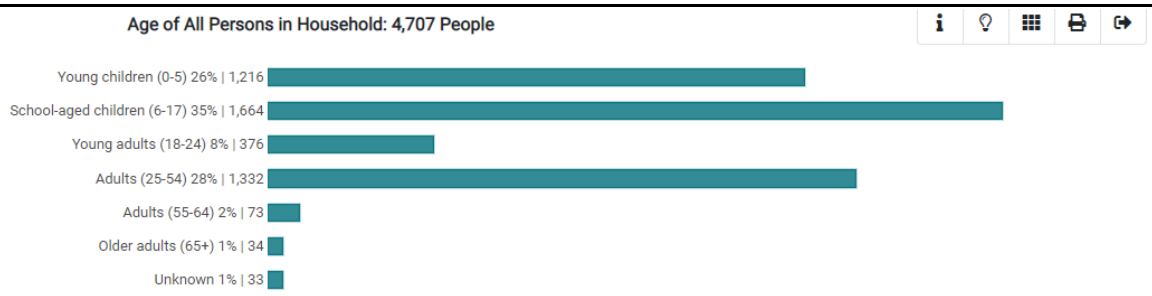

System Engagement: 878 HH
39% | 340 First time homeless in the system
4% | 33 Returning from a permanent destination
4% | 31 Re-engaging from a temporary destination
2% | 16 Re-engaging from an unknown destination
52% | 458 Continuously homeless

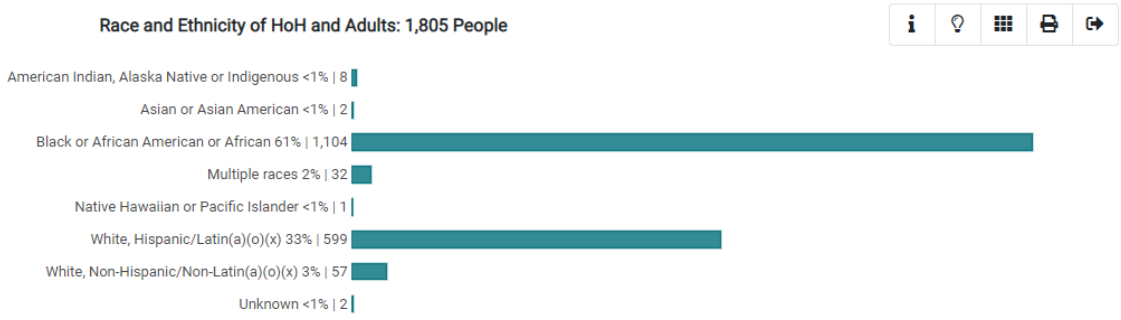
Chronic


Chronic Homelessness and Disabling Condition of HoH and Adults: 8,942 People
Chronically homeless 21% | 1,906
365+ days homeless, 4+ occasions, no disabling condition 7% | 608
365+ days homeless, 2-3 occasions, has disabling condition 6% | 527
365+ days homeless, <4 occasions, no disabling condition 1% | 127
270-364 days homeless, has disabling condition 4% | 317
270-364 days homeless, no disabling condition 2% | 153
<270 days homeless, has disabling condition 38% | 3,376
<270 days homeless, no disabling condition 22% | 1,928

Families

1,377	1,805	4,707
Households (HH)	Heads of Household (HoH) and Adults	People

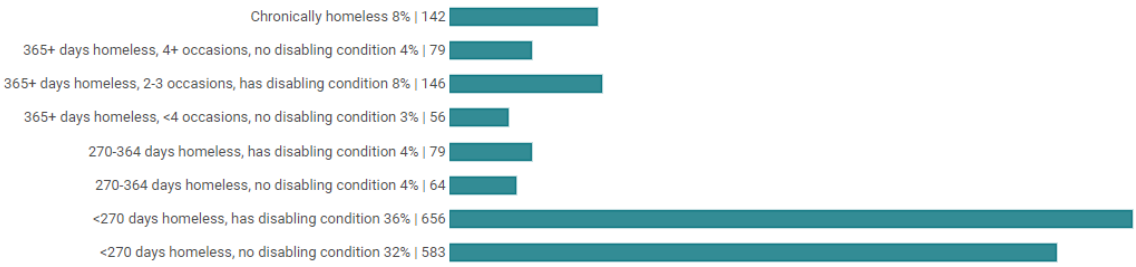


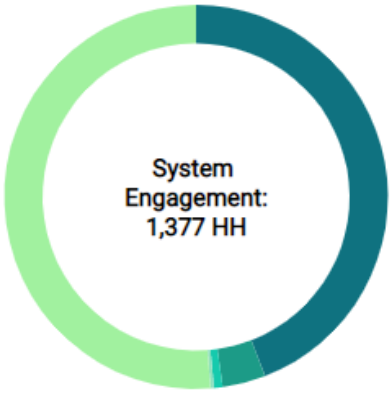


- 3% | 48 Veterans
- 96% | 1,737 Non-veterans
- 1% | 18 Unknown

- 64% | 1,147 Not a DV survivor
- 10% | 179 DV survivor and currently fleeing
- 26% | 462 DV survivor and not currently fleeing or unknown fleeing status
- 1% | 17 DV status unknown

Chronic Homelessness and Disabling Condition of HoH and Adults: 1,805 People

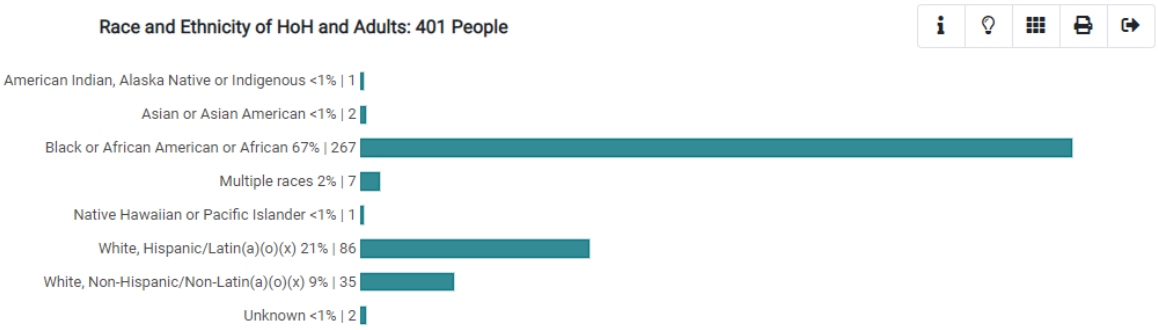


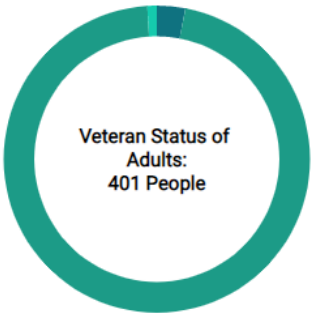


- 44% | 608 First time homeless in the system
- 4% | 50 Returning from a permanent destination
- 1% | 10 Re-engaging from a temporary destination
- <1% | 4 Re-engaging from an unknown destination
- 51% | 705 Continuously homeless

Youth

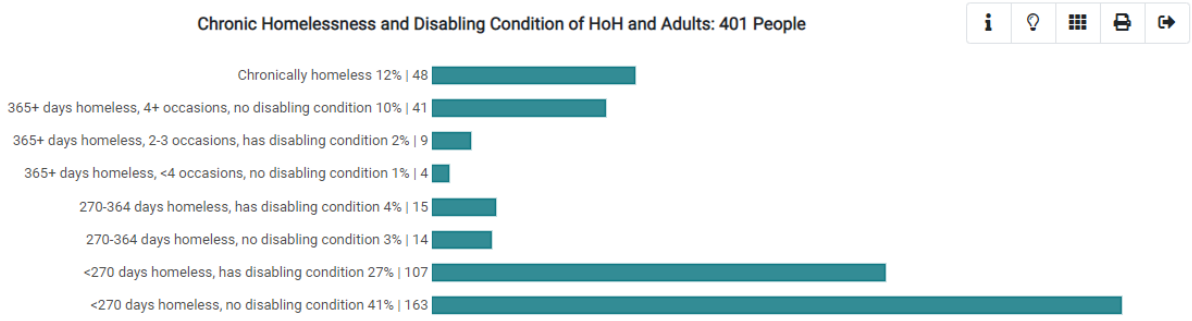
393	401	401
Households (HH)	Heads of Household (HoH) and Adults	People

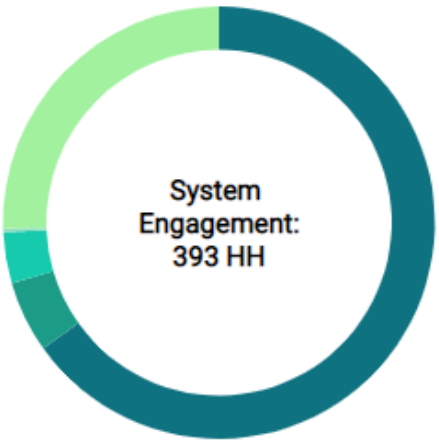




- 3% | 12 Veterans
- 96% | 385 Non-veterans
- 1% | 4 Unknown

- 77% | 307 Not a DV survivor
- 8% | 34 DV survivor and currently fleeing
- 15% | 59 DV survivor and not currently fleeing or unknown fleeing status
- <1% | 1 DV status unknown





- 65% | 256 First time homeless in the system
- 5% | 21 Returning from a permanent destination
- 4% | 15 Re-engaging from a temporary destination
- <1% | 1 Re-engaging from an unknown destination
- 25% | 100 Continuously homeless

System Performance Measures

In line with the McKinney-Vento Homeless Assistance Act, the Homeless Trust views the local homeless response as a coordinated system rather than a collection of individual programs operating independently in our community. As such, we measure our system's performance collectively, in addition to analyzing performance by specific projects and project types. Below is a comparison of U.S. HUD System Performance Measures for 2021-2022.

Reporting Period

FY 2022 (10/1/2021 - 9/30/2022)

Print Errors Save

This measures the number of clients active in the report date range across ES, SH (Metric 1.1) and then ES, SH and TH (Metric 1.2) along with their average and median length of time homeless. This includes time homeless **during** the report date range as well as **prior** to the report start date, going back no further than October, 1, 2012.

***Metric 1.1*: Change in the average and median length of time persons are homeless in ES and SH projects.**
***Metric 1.2*: Change in the average and median length of time persons are homeless in ES, SH, and TH projects.**

a. This measure is of the client's entry, exit, and bed night dates strictly as entered in the HMIS system.

		Universe (Persons)		Average LOT Homeless (bed nights)			Median LOT Homeless (bed nights)		
		Submitted FY 2021	FY 2022	Submitted FY 2021	FY 2022	Difference	Submitted FY 2021	FY 2022	Difference
1.1	Persons in ES and SH	6752	6546	128	129	1	73	78	5
1.2	Persons in ES, SH, and TH	7132	6970	141	145	4	78	82	4

b. This measure is based on data element 3.17

This measure includes data from each client's Living Situation (Data Standards element 3.917) response **as well as time spent in permanent housing projects between Project Start and Housing Move-In.** This information is added to the client's entry date, effectively extending the client's entry date backward in time. This "adjusted entry date" is then used in the calculations just as if it were the client's actual entry date.

		Universe (Persons)		Average LOT Homeless (bed nights)			Median LOT Homeless (bed nights)		
		Submitted FY 2021	FY 2022	Submitted FY 2021	FY 2022	Difference	Submitted FY 2021	FY 2022	Difference
1.1	Persons in ES, SH, and PH (prior to "housing move in")	6939	7512	273	301	28	151	158	7
1.2	Persons in ES, SH, TH, and PH (prior to "housing move in")	7344	10515	309	331	22	176	186	10

Measure 2: The Extent to which Persons who Exit Homelessness to Permanent Housing Destinations Return to Homelessness

	Total # of Persons who Exited to a Permanent Housing Destination (2 Years Prior)	Returns to Homelessness in Less than 6 Months (0 - 180 days)		Returns to Homelessness from 6 to 12 Months (181 - 365 days)		Returns to Homelessness from 13 to 24 Months (366 - 730 days)		Number of Returns in 2 Years	
		# of Returns	% of Returns	# of Returns	% of Returns	# of Returns	% of Returns	# of Returns	% of Returns
Exit was from SO	79	4	5%	4	5%	5	6%	13	16%
Exit was from ES	2531	280	11%	119	5%	226	9%	625	25%
Exit was from TH	190	20	11%	8	4%	11	6%	39	21%
Exit was from SH	26	1	4%	1	4%	2	8%	4	15%
Exit was from PH	1875	88	5%	59	3%	68	4%	215	11%
TOTAL Returns to Homelessness	4701	393	8%	191	4%	312	7%	896	19%

Metric 3.2 – Change in Annual Counts

This measures the change in annual counts of sheltered homeless persons in HMIS.

	Submitted FY 2021	FY 2022	Difference
Universe: Unduplicated Total sheltered homeless persons	7497	7218	-279
Emergency Shelter Total	7035	6710	-325
Safe Haven Total	38	41	3
Transitional Housing Total	585	597	12

Metric 4.3 – Change in total income for adult system stayers during the reporting period

	Submitted FY 2021	FY 2022	Difference
Universe: Number of adults (system stayers)	1631	1691	60
Number of adults with increased total income	754	776	22
Percentage of adults who increased total income	46%	46%	0%

Metric 4.6 – Change in total income for adult system leavers

	Submitted FY 2021	FY 2022	Difference
Universe: Number of adults who exited (system leavers)	553	677	124
Number of adults who exited with increased total income	194	268	74
Percentage of adults who increased total income	35%	40%	5%

Metric 5.1 – Change in the number of persons entering ES, SH, and TH projects with no prior enrollments in HMIS

	Submitted FY 2021	FY 2022	Difference
Universe: Person with entries into ES, SH or TH during the reporting period.	6371	5588	-783
Of persons above, count those who were in ES, SH, TH or any PH within 24 months prior to their entry during the reporting year.	1863	1085	-778
Of persons above, count those who did not have entries in ES, SH, TH or PH in the previous 24 months. (i.e. Number of persons experiencing homelessness for the first time)	4508	4503	-5

Metric 5.2 – Change in the number of persons entering ES, SH, TH, and PH projects with no prior enrollments in HMIS

	Submitted FY 2021	FY 2022	Difference
Universe: Person with entries into ES, SH, TH or PH during the reporting period.	8050	6887	-1163
Of persons above, count those who were in ES, SH, TH or any PH within 24 months prior to their entry during the reporting year.	3194	1786	-1408
Of persons above, count those who did not have entries in ES, SH, TH or PH in the previous 24 months. (i.e. Number of persons experiencing homelessness for the first time.)	4856	5101	245

Metric 7a.1 – Change in SO exits to temporary destinations, some institutional destinations, and permanent housing destinations

	Submitted FY 2021	FY 2022	Difference
Universe: Persons who exit Street Outreach	3789	5403	1614
Of persons above, those who exited to temporary & some institutional destinations	2521	2417	-104
Of the persons above, those who exited to permanent housing destinations	152	560	408
% Successful exits	71%	55%	-16%

Metric 7b.1 – Change in ES, SH, TH, and PH-RRH exits to permanent housing destinations

	Submitted FY 2021	FY 2022	Difference
Universe: Persons in ES, SH, TH and PH-RRH who exited, plus persons in other PH projects who exited without moving into housing	5169	4816	-353
Of the persons above, those who exited to permanent housing destinations	2328	2958	630
% Successful exits	45%	61%	16%

Metric 7b.2 – Change in PH exits to permanent housing destinations or retention of permanent housing

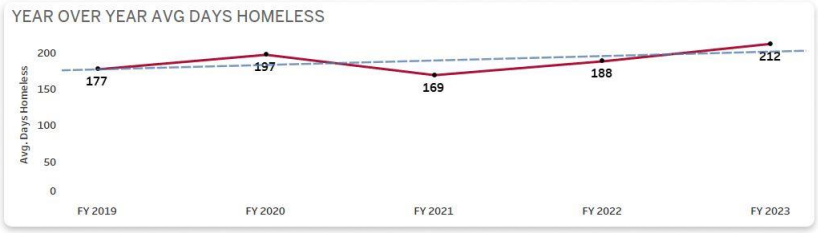
	Submitted FY 2021	FY 2022	Difference
Universe: Persons in all PH projects except PH-RRH who exited after moving into housing, or who moved into housing and remained in the PH project	4425	4139	-286
Of persons above, those who remained in applicable PH projects and those who exited to permanent housing destinations	4365	4054	-311
% Successful exits/retention	99%	98%	-1%

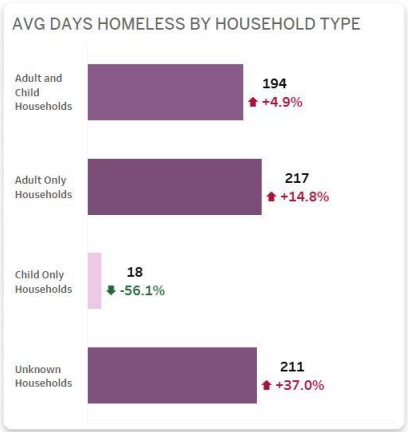
Strategies to improve system performance in 2023 include adding a Business Analyst to the Trust staff budget to use a thoughtful, proven process, to understand causality by population and provider characteristics. To learn from high performing providers who are moving a significant number of people quickly into permanent housing, especially those working with unaccompanied, disabled, seniors which are less like to have positive outcomes. The Business Analyst will also evaluate policies and practices for providers performing less competitively and pilot new strategies designed to yield improved outcomes.

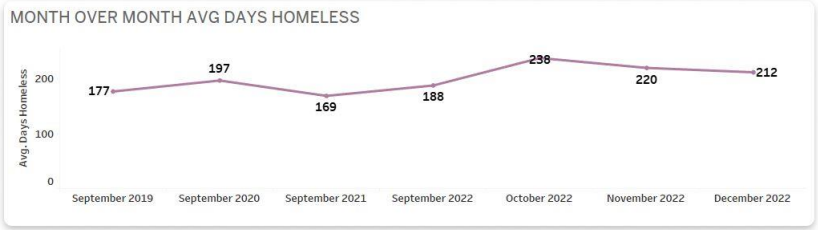
Levels	Sample Questions Applying Different 'Types' of Analysis	Data Sources
System	Is performance improving, staying the same, or getting worse from year to year?	Stella P, SPMs
Household	Are certain household types achieving relatively better or worse outcomes?	Stella P
Pathways	Which pathways have the greatest impact on overall performance?	Stella P
Project	Are certain projects within the same project type achieving relatively better/worse outcomes?	APR, CAPER, Local reports
Population	What are characteristics of participants served by the system or by projects? How do these characteristics correspond with outcomes?	Stella P, Local reports

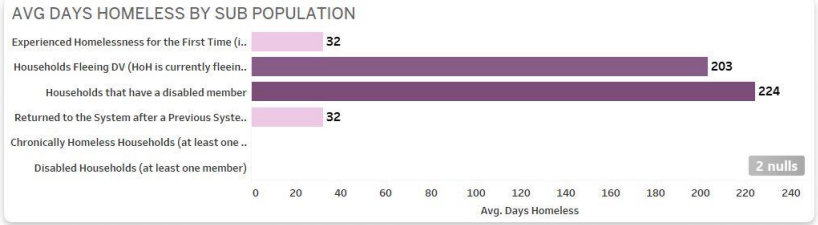
The Homeless Trust has also developed dashboards using the Stella P logic that can narrow household types which are contributing to poor outcomes, and then review with the board, Performance Evaluation Committee, people with lived experiences and other stakeholders more regularly.

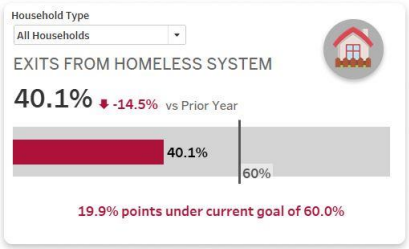
The dashboard tracks month-to-month trends for the three core measures (1) length of time homeless, (2) exits to permanent destinations and (3) returns to homelessness.

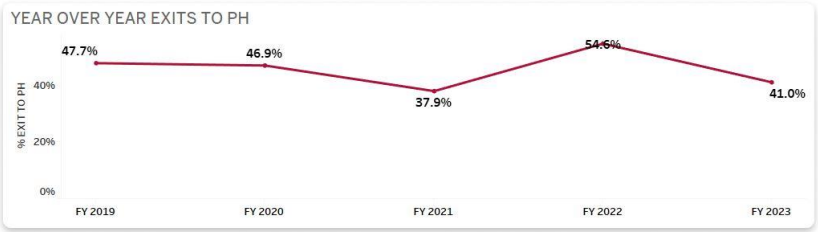


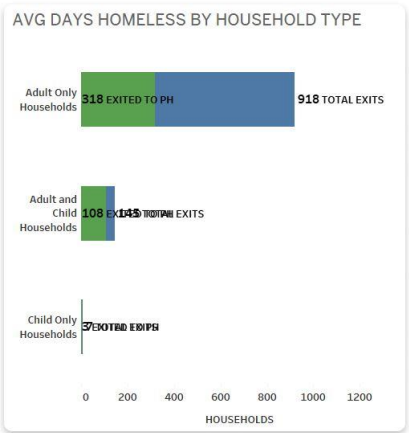


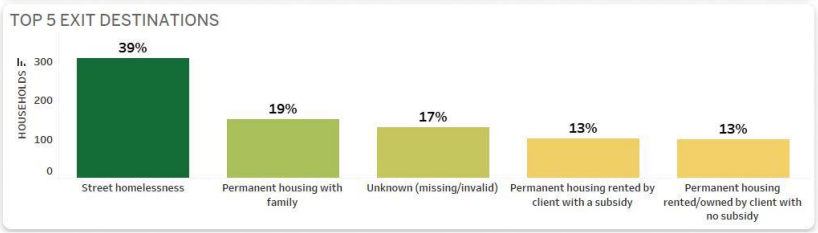


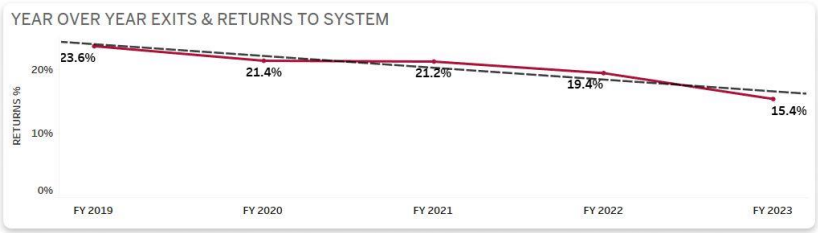


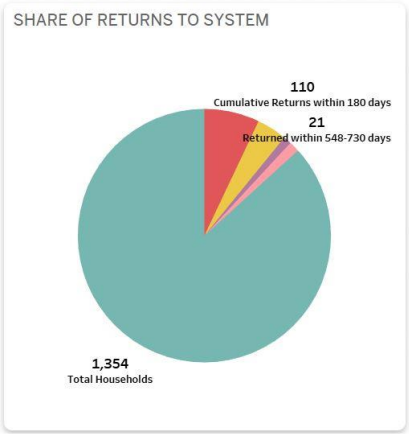


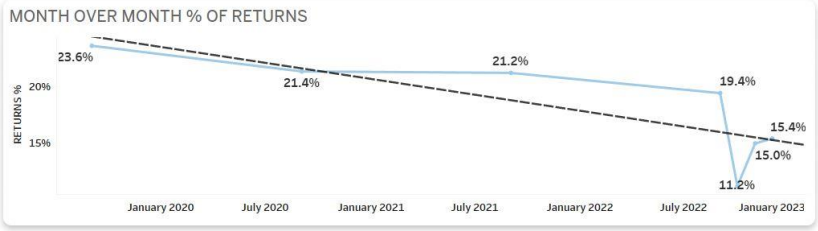










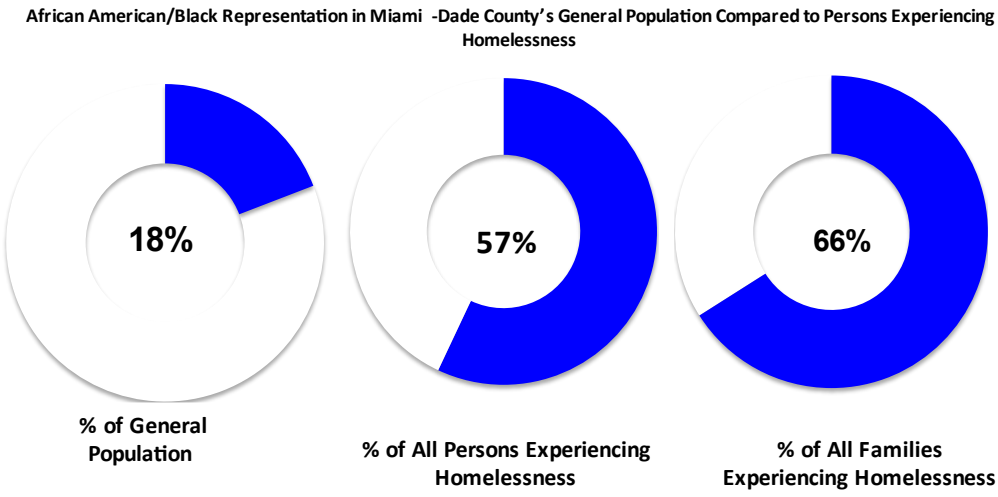


We will continue competitive solicitations that reward providers with better performance.

Racial Disparities Assessment

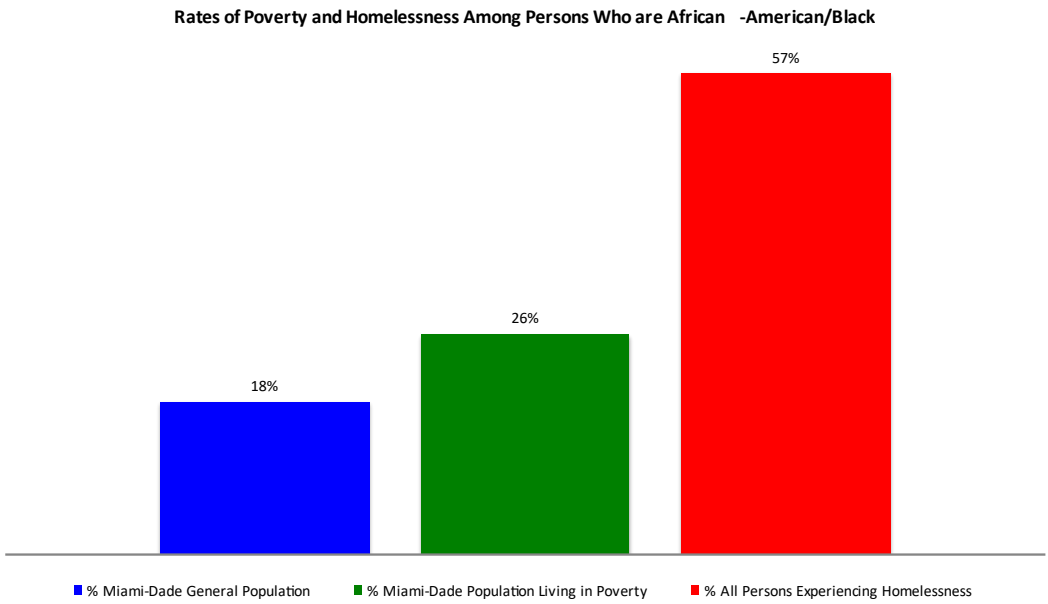
In 2022-2023, the CoC partnered with Racial Equity Partners (REP) to conduct a series of trainings for providers and committee members and help develop and implement a racial equity action plan and further numerous strategies already underway. The last training will be held on February 7, 2023. Historic review of our data suggests that less than 18% of Miami-Dade County's general population and 26% of all persons living in poverty in Miami-Dade are Black/African-American, while persons who are Black/African-American make up 57% of all persons and 66% of all families experiencing homelessness in Miami-Dade.

Extreme Racial Disparity Among Persons and Families Experiencing Homelessness in Miami-Dade County



Data Sources: HUD CoC Racial Equity Tool V2.1 with US Census ACS 2013-2017; Miami-Dade CoC HMIS Reporting Period October 1, 2018 through September 30, 2019

Poverty Does Not Directly Correlate with Experience of Homelessness



Data Sources: HUD CoCRacial Equity Tool V2.1 with US Census ACS 2013-2017; Miami-Dade CoCHMIS Reporting Period October 1, 2018through September 30, 2019

Racial Representation within Miami-Dade County Homeless Trust Continuum of Care

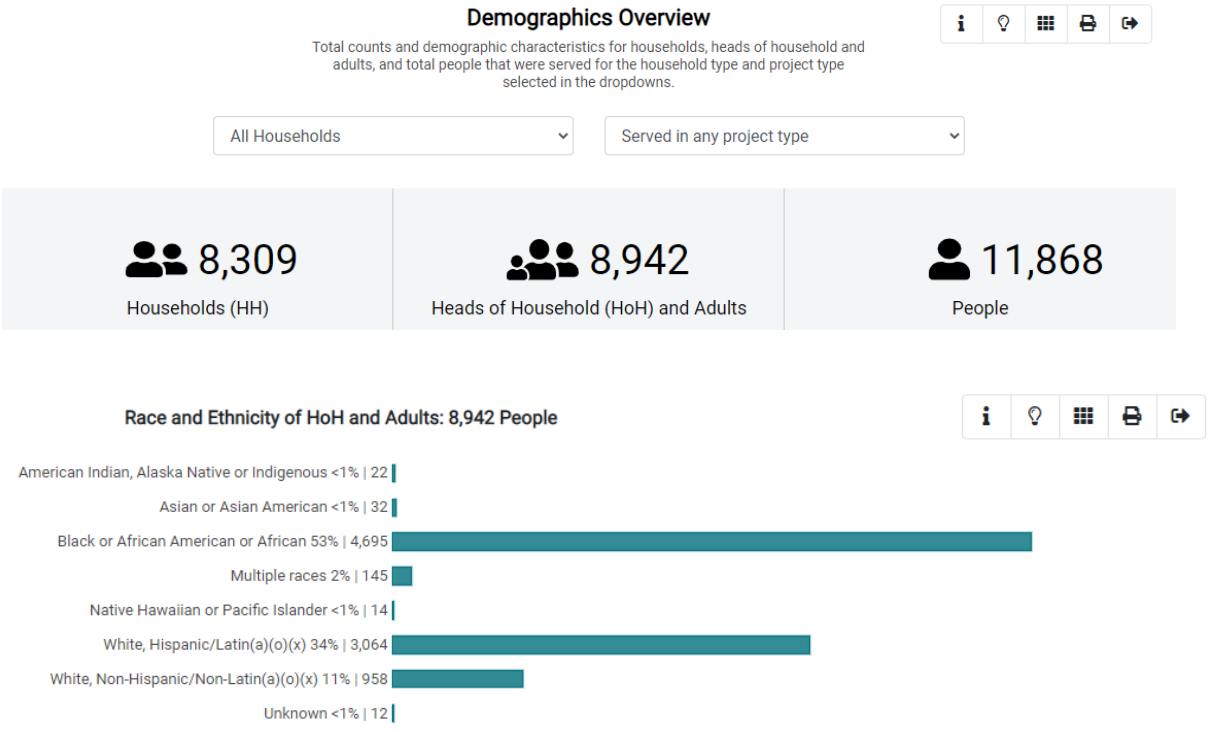
	African - American/Black	White Non-Hispanic [1]	White Hispanic [2]
All CoC Components	57%	11%	30%
CoC Component			
Emergency Shelter & Transitional Housing	58%	12%	28%
Rapid Re-Housing	66%	11%	21%
Permanent Supportive Housing (PSH)	53%	9%	35%
Successful Exits to Permanent Housing	58%	13%	27%

Percentage of Miami-Dade County General Population:
1. 13% White, non-Hispanic (US Census Quick Facts, V2019)
2. 71% Hispanic of which 90% are White (Miami Matters Dashboard)

Following the Racial Disparity quantitative assessment the Homeless Trust

- Amended Coordinated Entry System (CES) process after comparing racial equity pre- and 6 & 12 months-post to ensure the new CES process was not having an adverse effect on providing people of color access to permanent housing
- Reviewed CoC Standards, policies and procedures for racial bias and embedded new language addressing equity
- Adopted procurement and contract monitoring practices designed to promote racial equity, including diversity requirements for selection committees
  - Included bonus points in solicitations for proposers that have racial equity goals/statements and reviewed composition of their board/staff
  - Required a agency Racial Equity Plan prior to contracting
- Conducted agency risk assessments with contracted providers asking about adopted racial equity statements, racial composition of Board and staff, and steps taken to identify/understand underlying causes of disparities
- Partnered with an all-woman, black-owned boutique hotel in Overtown resulting in national recognition with the owner receiving the 2020 TripSavvy Editors' Choice Award in the Community Leaders category. This partnership furthered efforts to address procurement barriers experienced by small organizations and those led by people of color.
- Introduced a Racial Equity section on the Homeless Trust's website

A review of the most recent Stella P data for FY2022 shows a slight decrease in the percentage of Black/African-American persons served.



It is equally important for us to ensure LGBTQ+ and other under-represented individuals are receiving equitable services and outcomes. New Universal Data Elements in HMIS will allow us to better understand the pathways and population characteristics for persons who identify as LGBTQ+.

Public Comment, Listening Session and Consumer Feedback

The CoC solicits additional feedback on gaps and needs through the Lived Experience Working Group, Youth Action Board, countywide budget meetings, CoC Board meetings, committees and sub-committees, client satisfaction surveys and feedback received through a survey that is accessible year-round through our website and posted via QR code at social service offices, shelters, Project-Based Permanent Housing, etc.

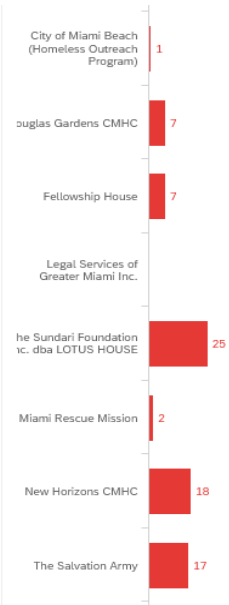
A recurring theme in all these discussions is a lack of affordable housing, including Extremely Low Income (ELI) Housing, as well as Permanent Supportive Housing for persons with Special Needs. Lack of transportation, health care, mental health care, and employment opportunities are also recurring themes.

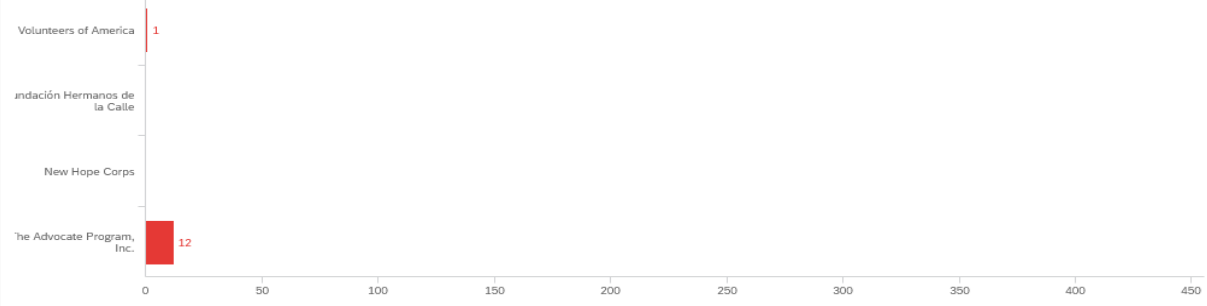
Client Satisfaction

HT - Customer Satisfaction Survey

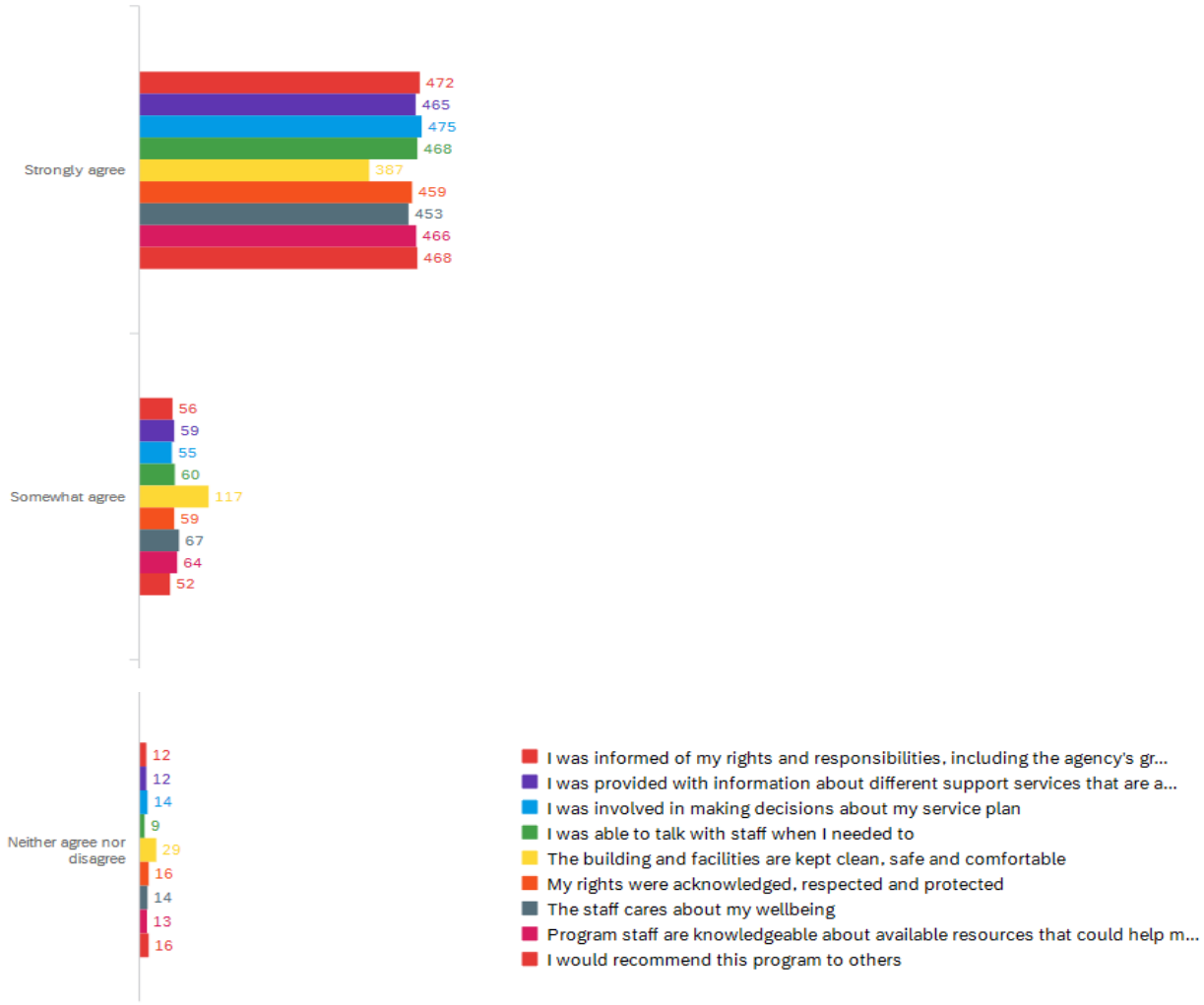
January 19th 2023, 10:04am EST

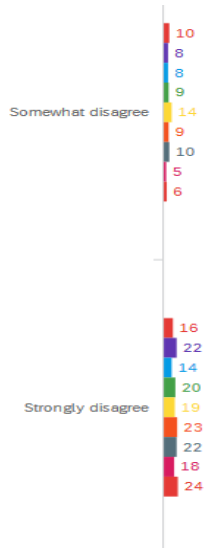
Q2 - What is the name of the agency you are rating?



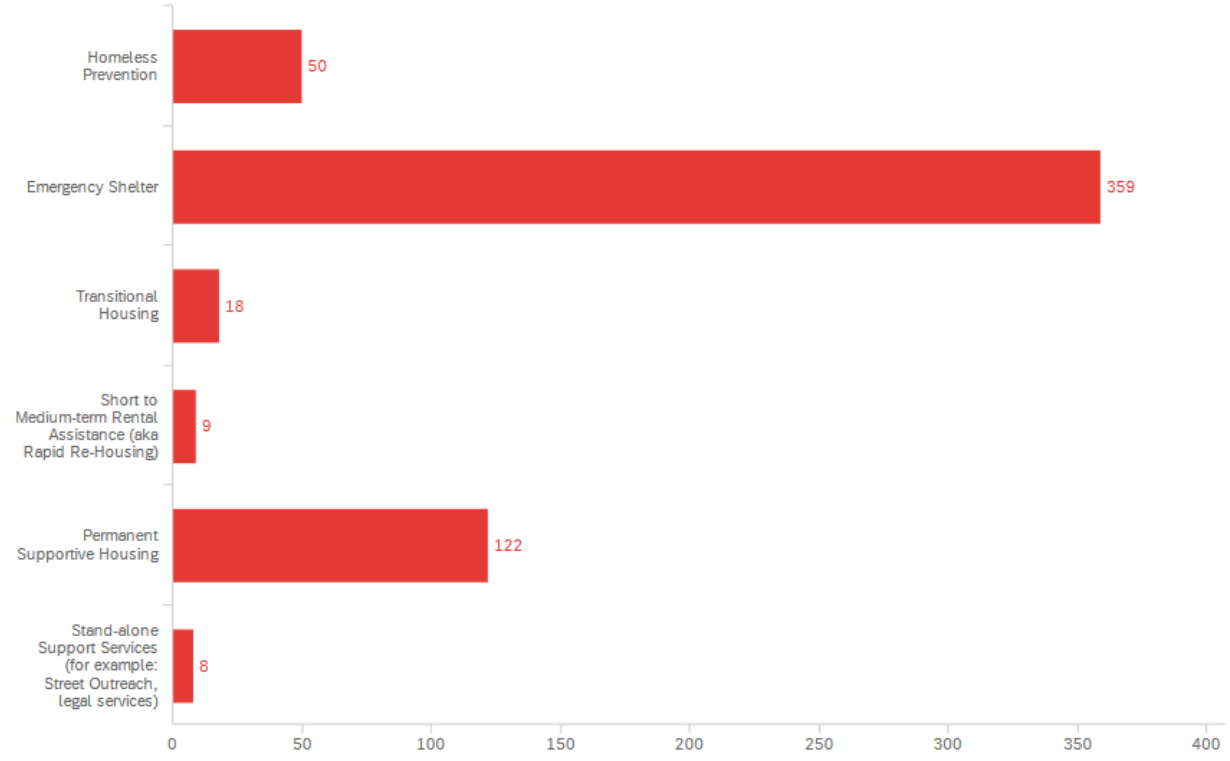


Q4 - Please evaluate EACH of the following statements and provide a response for EACH of the statements. (We ask that you provide a response to ALL of the statements below, indicating whether you Agree or Disagree)

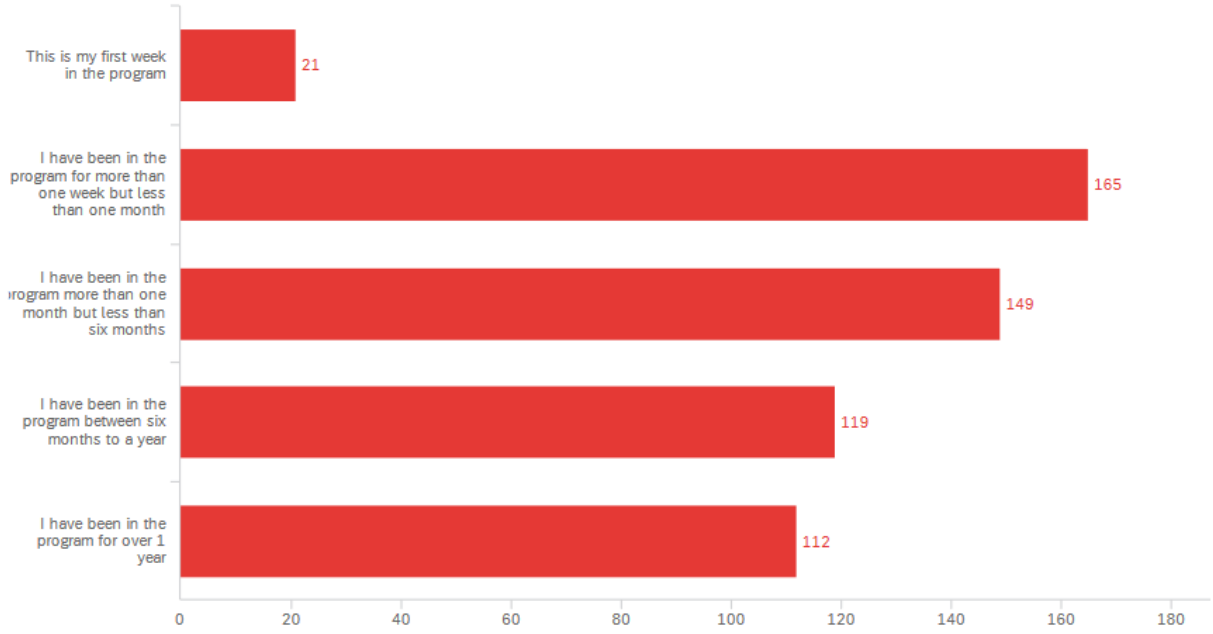




Q6 - What category best describes the current level of care you are receiving? (Select one option from the drop-down list)



Q7 - How long have you been a client of the agency you are rating here?



Accomplishments for FY 2022

Housing Acquisition/Rehabilitation

Secured funding commitments to add and expedite the acquisition and renovation to facilitate no fewer than 550 permanent housing placements dedicated to dedicated to persons experiencing homelessness.

- $1.75 million State of Florida Department of Children and Families
- $5 million in HOME ARPA committed by Miami-Dade County
- $20 million committed by Miami-Dade County
- $15 million committed by City of Miami, which includes $12.8M HOME-ARPA
- $30,000 in recurring revenue from the City of North Miami Beach
- At least $1M from the City of Miami Beach
- $127,430 Miami Foundation

Projects are as follows:

1) Mia Casa – 12221 Harriet Tubman Highway, North Miami

Mia Casa is serving as a COVID-19 quarantine and isolation site for senior citizens 65 and over experiencing homelessness. More than 500 intakes have occurred over the past 2 ½ years. The Homeless Trust is finalizing the acquisition of this site, a former Assisted Living Facility, to serve as permanent housing for senior citizens. Currently, 97 seniors are at Mia Casa, but that number will increase to 120 once the sale is complete. The acquisition utilizes $5 million in HOME

Investments Partnership Program funding made available through Miami-Dade Public Housing and Community Development and a $1.75 million special appropriation from the State of Florida. The site will be operated using local Food and Beverage proceeds dedicated to homelessness. As portions of this facility were built in the 1970's, $3 million in capital funds is set aside to ensure the property is maintained appropriately.

2) Blue Village -- 18201 SW 12TH Street, Miami

The buyout of a deed restriction on a 114.8 acre parcel in west Miami-Dade was finalized with the General Services Administration, and improvements commenced on a 15-acre facility on the property to provide specialized housing and services for unsheltered single adult men with special needs, including persons with co-occurring disorders (mental illness and substance use disorders); tri-morbidity which includes co-occurring disorders with a chronic medical condition, and the reentry population. More than a decade ago, this facility served as a forensic facility for youth. A competitively selected design firm will help to re-envision the space to provide permanent housing for no fewer than 180 persons. Undeveloped land around the facility also presents an opportunity for future development.

New Hope CORPS, a CARF accredited, private nonprofit Community Behavioral Health Care Center was competitively selected to manage and operate the property. The organization has a proven track record of helping clients achieve successful recovery providing best practice services in the areas of substance abuse and mental health residential treatment, including intensive inpatient and outpatient services.

3) Undisclosed Site #2

The Homeless Trust is working to acquire a 105-room facility in south Miami-Dade capable of housing a minimum of 125 individuals. As part of a hotel to affordable housing conversion, kitchenettes are to be added to all guest rooms by the owner as part of a turn-key acquisition.

4) Undisclosed Site #3

A second hotel to housing conversion providing an estimated 125 units is contemplated. Final funding/financing is being secured. Hotel to housing conversions provide a means to quickly expand the supply of permanent affordable housing.

New Unit Development in the Pipeline

The Homeless Trust worked with area Public Housing Agencies, Florida Housing Finance Corporation and private developers set-aside 269 new units dedicated to persons experiencing homelessness.

	NUMBER OF UNITS BY PROJECT TYPE	AVAILABILITY DATE
RENTAL HOUSING VOUCHERS		
Housing Choice Vouchers – Housing Authority of the City of Miami Beach	25	10/01/22
Project Based Vouchers – Miami-Dade County Public Housing and Community Development	100	10/01/23
PRIVATE DEVELOPMENT - COMMITTED SET-ASIDE UNITS		
Tax Credit/HOME ARP Private Development	42	Q3 of 2024
State Housing Credit (LIHTC) Multi-Family LINK Units ([ELI Special Needs Set-Aside] Residences at SoMi Parc (15 units; Q1 of 2024) Eleven44 (2 units; Q4 of 2024) Citadelle Village (5 units; Q4 of 2024) Cutler Manor II (10 units: Q1 of 2025) Liberty Square IV (14 units; Q4 of 2024) Northside Transit Village III (15 units; Q3 of 2023) Wynwood Works (15 units; Q3 2024) Residences at Dr. King Boulevard (12 units; October 1, 2022)	88	
State Housing Credit (LIHTC) Special Need Development	4	Q2 of 2024
Multi-Family Private Development	10	Q3 of 2023
TOTAL NEW UNITS DEDICATED TO PERSONS EXPERIENCIG HOMELESSNESS IN COC PIPELINE (available between 10/01/22 and 03/31/2025)	269	

US HUD Continuum of Care Program Competition

The Homeless Trust was awarded more than $41,000,000 by the U.S. Department of Housing and Urban Development (US HUD) as part of its FY 2021 Continuum of Care (CoC) Competition. CoC grants provide funding for street outreach and housing with supportive services to help individuals and families experiencing homelessness. Included in the award is funding for three (3) new projects totaling more than $3.8 million which will provide housing for an estimated 135 households, or 284 people, including new units for survivors of domestic violence.

Northside Commons

Carrfour Supportive Housing's Northside Commons is permanent housing for individuals and families experiencing homelessness. The project, which includes both scattered site and project-based units, will assist 41 households, or 51 people, with rent and supportive services, including financial stability services, behavioral health services and peer support. The Northside Commons project includes 25 Housing Choice Vouchers (HCV) committed by the Housing Authority of the City of Miami Beach in partnership with the Homeless Trust.

Miami-Dade County Rapid Rehousing and Domestic Violence Project

Miami-Dade County Community Action and Human Service's Rapid Rehousing and Domestic Violence Project will serve 57 households, or 105 people, fleeing domestic violence, dating violence, sexual assault, stalking and human trafficking, including 32 families, 20 unaccompanied adult and 5 unaccompanied youth. The project will provide short- to medium-term rental assistance with supportive services, including safety planning.

Transitions to Homeownership Expansion (THOP Expansion)

Carrfour Supportive Housing's THOP Expansion is a rapid rehousing program to provide persons fleeing domestic violence, dating violence, sexual assault and stalking. The project will serve 37 households, or 128 people, fleeing domestic violence with rental assistance allowing them to move quickly and safely to housing in the community with support services to address their needs and enable them to rebuild their lives.

In June 2022, US HUD Secretary Marcia Fudge visited Miami-Dade and toured the Homeless Trust's Homeless Assistance Center operated by Chapman Partnership. During a news conference immediately following, Secretary Fudge described Miami-Dade's Continuum of Care as a "model for the nation".

Emergency Housing Vouchers

The CoC began lease-up after entering into Memorandums of Agreement with four (4) Public Housing Agencies and referring homeless and formerly homeless persons to 770 new Emergency Housing Vouchers made available through the American Rescue Plan Act (ARPA).

As of October 2022, lease up rates were strong despite a countywide housing crisis.

PHA	Total Vouchers
Miami-Dade	481
Hialeah	150
Miami Beach	88
Homestead	51
Total	770

The Homeless Trust led the **House America** initiative championed by Miami-Dade County Mayor Daniella Levine Cava. Launched on September 20, 2021, the national initiative is designed to address the nation's homelessness crisis. In support of the House America initiative, local goals were set in Miami-Dade to rehouse 824 individuals and create 466 new units of extremely low income and supportive housing for people experiencing homelessness by December 31, 2022.

By September 2022, Miami-Dade County:

- Exited 1,198 people experiencing homelessness to permanent housing between (exceeding its goal by 45%).
- Added 544 units to the development pipeline for people experiencing homelessness (exceeding its goal by 17%).

Local Food and Beverage Funding

The Homeless Trust issued a solicitation for Food and Beverage funded activities to house and serve persons experiencing and at-risk of homelessness. Among the items funded:

- 622 Emergency Shelter beds for single adults, families with minor children, and unaccompanied youth 18-24, including parenting youth
- Three (3) specialized outreach teams with expertise in substance use disorders, severe mental illness and engaging hard to serve individuals on the streets
- Dedicated staff to facilitating discharge planning for persons experiencing homelessness existing institutions, such as jail, hospitals, crisis units.
- Landlord recruitment and retention services
- Enhanced case management staffing for households experiencing and at-risk of homelessness to better serve unsheltered persons and customers calling the Homeless Helpline

- The Village of Bal Harbour also continued its commitment of $50,000 annually to the Trust to support homeless housing and services.

Special Presentations

- The family of Jerome Price presented a $3,000 check to the Homeless Trust in honor of their slain family member who was murdered while experiencing homelessness. Mr. Price was fatally shot on December 21, 2021 in Wynwood as he slept on the sidewalk.
- The Homeless Trust celebrated and commemorated the life and work of beloved and longtime board member Rabbi Solomon Schiff who passed away in 2020. His wife and children accepted Andy Menéndez Pioneer Award on his behalf. Rabbi Schiff, like Mr. Menendez, were champions of our community's lost, forgotten and voiceless population experiencing homelessness.

State of Florida Funding

The State of Florida funded important initiatives for the Homeless Trust, including:

Brother Bill Bridge - $562,000

Program providing rapid housing placement opportunities for hard to serve persons experiencing homelessness. Clients are placed by specialized outreach teams into safe, stable, single-site permanent housing. Service offerings and connections to services are voluntary and client driven and those things that help to improve the health and well-being of the individuals. Services can include, but are not limited to, health and behavioral health care, basic living skills, cooking and budgeting.

Social Enterprise Academy - $250,000

Local Support Grant to expand workforce development apprenticeships. The Social Enterprise Academy currently offers short-term (no more than 15 weeks), high quality training in in-demand industries with low worker supply and paying a living wage. Apprenticeships currently include construction, healthcare (Certified Nursing Assistant and Phlebotomy) and Information Technology. Funding will help transform a warehouse at the Trust's Homeless Assistance Center operated by Chapman Partnership.

Migrant Relocation and Support Services

The Homeless Trust worked with specialized outreach team Hermanos de la Calle to assist newly arriving migrants with relocation assistance and other services. From January-September 2022, 435 migrants experiencing homelessness, including 124 children were served. Nearly 300 persons were relocated to housing and supports. Countries of origin included Venezuela, Colombia, Brazil, Nicaragua, Cuba and others.

Homeless Prevention

Proactively mailed homeless prevention postcards to more than 28,000 households with a court-filed eviction to provide action steps to prevent eviction/homelessness.

In FY 2022-2022:

- 14,061 homeless adults and children were placed into emergency, transitional or permanent housing.

- 5,957 homeless adults and children were placed into emergency housing
- 469 homeless adults were placed into transitional housing
- 7,635 formerly homeless adults and children were placed into permanent housing
- 43,251 contacts were made by HT contracted outreach teams

Homelessness and Eviction Prevention
The Homeless Trust proactively mailed homeless prevention postcards to more than 28,000 households with a court-filed eviction to provide action steps to prevent eviction/homelessness.

Compliance Monitoring
During FY2022, 1/3 of providers with over 50 projects were monitored utilizing Homeless Trust (HT) Monitoring Tools that utilize HUD's compliance guidance and additional local factors.

Lived Experiencing Working Group
The Homeless Trust expanded on its efforts to collect feedback from people with lived experiences. The Homeless Formerly Homeless Forum appoints people with lived experienced to two board seats. Two years ago, the board created a subcommittee comprised of youth with lived experiences. This year the Trust created a Lived Experience Working Group so that people 25 and older, who have experienced homelessness recently can share their perspectives on how social, economic, and political situations affect homelessness, make recommendations on how to better serve persons who have or are experiencing homelessness, and review the priorities in the CoC's Plan pertaining to persons experiencing homelessness with severe service needs – with the goal of improving the delivery of CoC housing and services.

Racial Equity Working Group
The Homeless Trust established a **Racial Equity Working Group** to better identify and address the needs of subpopulations who are disproportionally more likely to experience homelessness. The CoC gathered surveys, convened focus groups and commenced a four-part training series on equity, inclusion and diversity for both leadership and frontline staff.

Training
The Homeless Trust hosted and/or led a number of training opportunities for CoC providers, including:

- Critical Time Intervention (CTI) and Pre-CTI training to contracted outreach, shelter and permanent housing providers. CTI is a time limited evidenced-based practice that mobilizes support for vulnerable individuals during periods of transition, facilitating housing stability, community integration and continuity of care.
- Prevention, diversion and assessment training to improve the CoC's Coordinated Entry System and better meet the unique needs of individuals and families at risk of and experiencing homelessness
- Social Security Administration Online Services
- Equal Access to Housing in HUD Programs Regardless to Sexual Orientation, Gender Identity or Marital Status
- Legal Services of Greater Miami New Tenants Rights' Ordinances Training

- Florida Department of Children and Families Refugee Services
- Hope Florida

Summary

Implementation measures and strategies are incorporated into the Homeless Trust Community Plan to End Homelessness: Priority Home, topline initiatives and priorities for the CoC include:

- Focus American Rescue Plan resources on further reducing homelessness
  - Prioritize those experiencing chronic homelessness; those at risk for serious illness/death; seniors; youth; families; veterans; persons fleeing DV or human trafficking; persons with high utilization of other systems like the public hospital, CSU, jail/prison and foster care for new permanent housing
  - Focus on unsheltered persons and enhance specialized outreach with a focus on persons with disabilities
  - Partner with Emergency Rental Assistance programs to assist those at-risk of homelessness and prevent eviction
  - Further coordinate resources allocation with Emergency Solutions Grant (ESG) Entitlement Jurisdictions
  - Acquire, rehab or construct properties designated for persons experiencing homelessness
  - Utilize Move-Up strategies to move on PSH clients no longer in need to intensive supports, freeing up PSH for the most acute chronically homeless households

- Increase Extremely Low Income and Affordable Housing
  - Increase partnerships with area Public Housing Agencies (4) to secure preference and set asides for special needs populations
  - Partner with Affordable Housing Developers/Owners through tax credit developments and other affordable housing opportunities
  - Enhance landlord relationships; develop a local landlord partner program/database; use incentives as available/needed
  - Coordinate and provide expedited advanced care housing options for persons who need assistance with activities of daily living

- Increase coordination and capacity to better serve victims of Domestic Violence
  - Increase shelter capacity exclusive to victims of domestic violence
  - Enhance permanent housing opportunities dedicated to victims of domestic violence

- Increase opportunities for clients to increase income/employment for persons experiencing homelessness enabling them to secure and retain permanent housing
  - Enhance partnerships with public/private employers, including on the job training and apprenticeship programs

- Create educational and training platforms that combine critical life skill education with practical training to prepare individuals experiencing homelessness to re-enter the workforce within high-demand industries (workforce trades)
- Enhance partnership with vocational training/education facilities and other job development partners (Miami Job Corps, CareerSource South Florida, Miami Community Ventures)
- Expedite SOAR disability claims; ensure clients are systematically connected to mainstream benefits (public health care, Medicaid, SSI, TANF, substance abuse programs, etc.)
- Develop guidelines to promote and support volunteerism and community service among people experiencing homelessness

- Enhance year over year U.S. HUD System Performance Measures by 5%
  - Utilize HUD Technical Assistance and Performance Evaluation Committee to further analyze system performance and outcomes, including project-level performance issues
  - Improve data quality (dedicated provider staffing; ongoing reviews; monthly mandatory meetings to troubleshoot issues and highlight changes/updates); host one-on-one meetings with agencies as needed
  - Work to coordinate and integrate data collection across systems (health, behavioral health, criminal justice, etc.)

- Further develop CoC plan and action steps to address racial equity, identify resources to support plan, conduct annual CoC racial disparity assessment and coordinate efforts with the Miami-Dade Office on Equity and Inclusion and other community-based efforts to address racial equity

- Expand local Food & Beverage Tax in municipalities which currently do not participate (Miami Beach, Surfside, Bal Harbour)

- Partner with other emergency and long-term recovery agencies to develop a comprehensive, communitywide approach to deal with unsafe structure condemnations which were prompted by the Surfside condominium collapse; consider additional legislation, policy and funding to ensure support for the displaced, and increase accountability on multifamily property owners

ATTACHMENT 32

HOME MAXIMUM SUBSIDY PER UNIT

Applicant must not exceed HOME subsidy-per-unit maximums as to HOME funds:

Bedrooms	Home Maximum Per-Unit Subsidy*
0 BR	$172,479
1 BR	$197,721
2 BR	$240,432
3 BR	$311,043
4+ BR	$341,426

***Note:** The 2020 limits are provided above, and the 2023 limits to be confirmed by the U.S. HUD Miami Field Office, and may be subject to change.

Applicants must utilize the annually amended HOME subsidy-per-unit maximums provided by PHCD.

ATTACHMENT 33

List of Miami-Dade County Entitlement Jurisdictions and Participating Municipalities

Entitlement Jurisdictions

City of Hialeah	City of Miami Gardens
City of Homestead	City of North Miami
City of Miami	Florida City
City of Miami Beach	Miami-Dade County

Participating Municipalities

Biscayne Park	Opa-Locka
Coral Gables	Pinecrest
Doral	South Miami
El Portal	Sweetwater
Hialeah Gardens	Virginia Gardens
North Bay Village	West Miami
North Miami Beach	

ATTACHMENT 34

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Amended
Agenda Item No. 11(A)(1)

TO:	Honorable Chairwoman Rebeca Sosa and Members, Board of County Commissioners	**DATE:**	July 16, 2013
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Resolution requiring a detailed project budget, sources and uses statement, certifications as to past defaults on agreements with non-county funding sources, and due diligence check prior to the County Mayor recommending a commitment of County funds to social services, economic development, community development, and affordable housing agencies and providers Resolution No. R-630-13

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Vice Chair Lynda Bell and Co-Sponsors Commissioner Esteban L. Bovo, Jr., Commissioner Sally A. Heyman and Chairwoman Rebeca Sosa.

R. A. Cuevas, Jr.
County Attorney

RAC/smm

/

MEMORANDUM

(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: July 16, 2013

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Amended Agenda Item No. 11(A)(1)

Please note any items checked.

_____ **"3-Day Rule" for committees applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Ordinance creating a new board requires detailed County Mayor's report for public hearing**

_____ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Amended
Agenda Item No. 11(A)(1)
7-16-13

RESOLUTION NO. R-630-13

RESOLUTION REQUIRING A DETAILED PROJECT BUDGET, SOURCES AND USES STATEMENT, CERTIFICATIONS AS TO PAST DEFAULTS ON AGREEMENTS WITH NON-COUNTY FUNDING SOURCES, AND DUE DILIGENCE CHECK PRIOR TO THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE RECOMMENDING A COMMITMENT OF COUNTY FUNDS TO SOCIAL SERVICES, ECONOMIC DEVELOPMENT, COMMUNITY DEVELOPMENT, AND AFFORDABLE HOUSING AGENCIES AND PROVIDERS; REQUIRING CERTAIN TERMS TO BE INCLUDED IN CONTRACTS

WHEREAS, Miami-Dade County provides funding from state, local and federal sources for the provision of economic development, community development, and affordable housing activities as well as social services throughout the County, which include but are not limited to general revenue funds, local Documentary Surtax funds, State Housing Initiative Partnership funds, Home Investment Partnerships funds, Emergency Services Grant funds, and Community Development Block Grant funds, and funds awarded through the County's Community-Based Organization ("CBO") funding process (hereinafter together referred to as "Housing and Community Development Funds"); and

WHEREAS, the County's need is great but its resources are limited, making the efficient and transparent use of these Housing and Community Development Funds imperative; and

WHEREAS, this Board desires to ensure that for-profit and non-profit agencies which receive Housing and Community Development Funds ("Agency" or "Agencies") are ready to proceed with the project, are limiting the amount spent on administrative costs, are properly leveraging the Housing and Community Development Funds with other available funds, and are using Housing and Community Development Funds to provide much-needed services to the County's residents; and

WHEREAS, past instances of poor performance and lack of accountability on the part of agencies receiving Housing and Community Development Funds have caused the Board to institute reform and tighten County procedures; and

WHEREAS, this Board desires to ensure that the County Mayor or County Mayor's designee includes certain protections for the County in contracts negotiated and executed between the County and the Agencies,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. The Board directs the County Mayor or County Mayor's designee, prior to making a recommendation for funding, awarding, entering into a contract for, or otherwise issuing any form of commitment of Housing and Community Development Funds, require that Agencies submit to the County Mayor or County Mayor's designee: (A) an affidavit certifying that, within the past five (5) years, neither the Agency nor its directors, partners, principals, members or board members (i) have been sued by a funding source for breach of contract or failure to perform obligations under a contract; (ii) have been cited by a funding source for non-compliance or default under a contract; or (iii) have been a defendant in a lawsuit based upon a contract with a funding source; and (B) a detailed project budget and Sources and Uses Statement which shall be sufficiently detailed to show (i) the total project cost; (ii) the amount of funds to be used for administrative and overhead costs; (iii) whether the Housing and Community Development Funds will be "gap" funds, meaning that they would be the last remaining funds needed to ensure funding for the total project cost; (iv) any profit to be made by the person or agency; and (v) amount of funds devoted toward the provision of the desired services or activities. The County Mayor or County Mayor's designee is directed to create a form of the affidavit described above in subsection (A), which shall include a section for the Agency

to explain any matters which prohibit the Agency from making the certifications required and a section to explain if and how any of the matters disclosed are being resolved.

Section 2. Prior to the County Mayor or County Mayor's designee making a recommendation for funding, entering into a contract for, or otherwise issuing any form of commitment of Housing and Community Development Funds to any person or entity, the County Mayor or County Mayor's designee shall engage in a due diligence effort which includes checking all sources listed on Exhibit 1, attached hereto, and ensuring that the Agency is not in non-compliance on other contracts involving Housing and Community Development Funds, including but not limited to inquiring of other County departments, including inquiring of other County departments.

Section 3. The County Mayor or County Mayor's designee is directed to incorporate the policies espoused in Sections 1 and 2, above, into its competitive and non-competitive processes for selecting persons or agencies to receive Housing and Community Development Funds, including but not limited to the annual Request for Application (RFA) process administered by the Public Housing and Community Development Department, or its successor department, and the annual Community-Based Organization funding process. The Mayor or Mayor's designee is not required by this resolution to recommend against funding or contracting with any Agency based upon the matters disclosed in the affidavit described in Section 1(A), above. Rather, the County Mayor or County Mayor's designee is directed to include with any recommendation for funding or award of any contract for Housing and Community Development Funds a description of the due diligence investigation performed in a section of the justification memorandum called "Due Diligence" and to report to the Board any instance where the research conducted pursuant to Sections 1 and 2, herein, revealed information which affected, either positively or negatively, the County Mayor or County Mayor's designee's decision to

recommend a particular agency for funding or which may adversely affect the Board's decision to approve said recommendations.

Section 4. The County Mayor or County Mayor's designee is directed to include a provision in contracts negotiated and executed between the County and Agencies receiving Housing and Community Development Funds to permit the County Mayor or County Mayor's designee to make unannounced, on-site visits during normal working hours to the Agency's headquarters and/or any location or site where the services contracted for are performed.

Section 5. This resolution is intended to apply only to contracts or recommendations by the County Mayor or County Mayor's designee which are submitted to the Board after the adoption date of this resolution.

The Prime Sponsor of the foregoing resolution is Vice Chair Lynda Bell and the Co-Sponsors are Commissioner Esteban L. Bovo, Jr., Commissioner Sally A. Heyman and Chairwoman Rebeca Sosa. It was offered by Commissioner **Lynda Bell**, who moved its adoption. The motion was seconded by Commissioner **José "Pepe" Diaz** and upon being put to a vote, the vote was as follows:

Rebeca Sosa, Chairwoman	**aye**		
Lynda Bell, Vice Chair	**aye**		
Bruno A. Barreiro	**aye**	Esteban L. Bovo, Jr.	**aye**
Jose "Pepe" Diaz	**aye**	Audrey M. Edmonson	**absent**
Sally A. Heyman	**aye**	Barbara J. Jordan	**aye**
Jean Monestime	**aye**	Dennis C. Moss	**aye**
Sen. Javier D. Souto	**absent**	Xavier L. Suarez	**aye**
Juan C. Zapata	**aye**		

The Chairperson thereupon declared the resolution duly passed and adopted this 16th day of July, 2013. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: Christopher Agrippa
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Brenda Kuhns Neuman

Exhibit 1
Due Diligence Checklist

Miami-Dade County Office of Inspector General searchable website
Vendor Registration documents, affidavits, and applicable licenses (ADPICS, BTS, and the Florida Department of Business and Professional Regulation (http://www.myfloridalicense.com/dbpr/)
Insurance, and/or bonds, as applicable
SBD Violations Report (http://www.miamidade.gov/sba/reports-history-of-violations.asp)
Florida Convicted Vendor List (http://dms.myflorida.com/business_operations/state_purchasing/vendor_information/convicted_suspended_discriminatory_complaints_vendor_lists/convicted_vendor_list)
Contractor Debarment Report (http://www.miamidade.gov/sba/reports-debarment.asp)
Delinquent Contractors (http://wasiap.miamidade.gov/ARI/menu_1_0.do)
Goal Deficit Make-Up Report (http://www.miamidade.gov/sba/reports-goal-deficit.asp)
Suspended Contractors (http://egvsys.metro-dade.com:1608/wwwserv/ggvt/bnzawbcc.dia)
Florida Suspended Contractors (http://dms.myflorida.com/business_operations/state_purchasing/vendor_information/convicted_suspended_discriminatory_complaints_vendor_lists/suspended_vendor_list)
Federal Excluded Parties List System (https://www.epls.gov/)
Sudan-Iran Affidavit (http://www.sbafla.com/fsb/LinkClick.aspx?fileticket=iePW9X7I3-E%3D&tabid=751&mid=2409)
State of Florida Corporations (Sun Biz) (http://www.sunbiz.org/search.html) (or State of Corporate Registration)
Capital Improvements Information System (CIIS) database, if applicable (http://intra.miamidade.gov/CIIS/CIIS_Menu_Main.asp) (*Construction only*)
A&E Technical Certification Report (http://www.miamidade.gov/procurement/technical-certification.asp) (*Design and Professional Services only*)
Pre-Qualification Report (http://www.miamidade.gov/procurement/pre-qualification-certification.asp) (*Design and Professional Services only*)
Web search for compliance and performance record (including Better Business Bureau and other jurisdictions)
Reference checks for contracts similar in scope (including County departments, other agencies, and companies/firms). *If a contractor has performance or compliance issues on another contract, the scope of that contract must be compared with the subject contract.*
Tax returns, Financial Statements (Audited), Pro Forma statements, and other financial documents/statements
Local public records search (including the Miami-Dade Clerk of Courts http://www2.miami-dadeclerk.com/public-records/)
Dunn & Bradstreet financial reports*
Public Access to Court Electronic Records (PACER) litigation reports*

* These are subscription-based services. Please contact Procurement Management Services if a project warrants access to these services.

AFFIDAVIT

Applicant Name: _____

Address: _____

Telephone Number: _____

Pursuant to Miami-Dade County Resolution No. R-630-13, the undersigned certifies, to the best of his or her knowledge and belief, that:

1. Within the past five (5) years, neither the Agency nor its directors, partners, principals, members or board members:
   - (i) have been sued by a funding source for breach of contract or failure to perform obligations under a contract;
   - (ii) have been cited by a funding source for non-compliance or default under a contract;
   - (iii) have been a defendant in a lawsuit based upon a contract with a funding source.

Please list any matters which prohibit the Agency from making the certifications required and explain how the matters are being resolved (use separate sheet if necessary):

_____

_____

_____

_____

This is certified by my signature:

_____	_____	_____
Applicant's Signature	Print Applicant's Name	Date

Subscribed and sworn to (or affirmed) before me this _____ day of _____, 20___ by _____. He/she is personally known to me or has presented ____ _____ as identification number: _____

(Print or Stamp of Notary):

Expiration Date: _____

Notary Seal:

Notary Public – State of _____

ATTACHMENT 35

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 11(A)(1)

TO:	Honorable Chairwoman Rebeca Sosa and Members, Board of County Commissioners	**DATE:**	September 4, 2013
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Resolution establishing a policy that any allocations of Housing and Community Development funds and Building Better Communities General Obligation Bond Program funds for the purpose of acquiring or improving real property or for paying off secured debts on real property in excess of $25,000.00 shall be in the form of a secured loan or grant with restriction on future use of the property Resolution No. R-697-13

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Vice Chair Lynda Bell.

R. A. Cuevas, Jr.
County Attorney

RAC/smm

/

MEMORANDUM

(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: September 4, 2013

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 11(A)(1)

Please note any items checked.

_____ "3-Day Rule" for committees applicable if raised

_____ 6 weeks required between first reading and public hearing

_____ 4 weeks notification to municipal officials required prior to public hearing

_____ Decreases revenues or increases expenditures without balancing budget

_____ Budget required

_____ Statement of fiscal impact required

_____ Ordinance creating a new board requires detailed County Mayor's report for public hearing

_____ No committee review

_____ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve

_____ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(1)
9-4-13

RESOLUTION NO. R-697-13

RESOLUTION ESTABLISHING A POLICY THAT ANY ALLOCATIONS OF HOUSING AND COMMUNITY DEVELOPMENT FUNDS AND BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM FUNDS FOR THE PURPOSE OF ACQUIRING OR IMPROVING REAL PROPERTY OR FOR PAYING OFF SECURED DEBTS ON REAL PROPERTY IN EXCESS OF $25,000.00 SHALL BE IN THE FORM OF A SECURED LOAN OR GRANT WITH RESTRICTION ON FUTURE USE OF THE PROPERTY; AND DIRECTING THE MAYOR OR MAYOR'S DESIGNEE TO INCORPORATE THIS POLICY INTO SELECTION PROCESSES AND CONTRACTS FOR HOUSING AND COMMUNITY DEVELOPMENT FUNDS AND BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM FUNDS

WHEREAS, Miami-Dade County provides funding from state, local and federal sources for the provision of economic development, community development, and affordable housing activities throughout the County, which include but are not limited to local Documentary Surtax funds, State Housing Initiative Partnership funds, Home Investment Partnerships funds, Emergency Services Grant funds, and Community Development Block Grant funds (hereinafter "Housing and Community Development Funds") and Building Better Communities General Obligation Program ("the Bond Program") funds; and

WHEREAS, Housing and Community Development Funds and Bond Program funds are often granted to private for-profit and not-for-profit entities and governmental entities for the purpose of acquiring or improving real property or for paying off secured debts on real property; and

WHEREAS, the County's need is great but its resources are limited; and

WHEREAS, the Board desires to protect the County's limited Housing and Community Development Funds and Bond Program funds from fraud, misuse, or waste,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. The Board hereby establishes the policy that any allocations of Housing and Community Development Funds made to non-governmental entities for the purpose of acquiring or improving real property or for paying off debts secured by real property in excess of $25,000 shall be in the form of a loan. These loans shall be secured by a mortgage or other security instrument which shall immediately be recorded in the public records of Miami-Dade County and may be forgivable and/or defer interest and payments so long as the obligations of the recipient are fully performed. Additionally, in the event that Housing and Community Development Funds will be allocated to a person or agency leasing real property for the purpose of improving the property, the owner of the property shall be requested to secure the loan by a mortgage or other security instrument on the subject property and upon agreement such mortgage or security interest shall immediately be recorded in the public records of Miami-Dade County. If the property owner does not agree to the securing of the loan by a mortgage or other security instrument on the subject property, the Mayor or Mayor's designee may secure the loan with a leasehold mortgage upon a determination that such a security is in the best interest of the County.

Section 2. Notwithstanding any provision of Section 1 above, in the event that a mortgage is deemed by the Mayor or Mayor's designee not to be in the best interest of the County due to prior encumbrances on the real property or other factors, the Mayor or Mayor's designee shall select an alternative form of security/collateral or restriction on the future use of the property in consultation with the County Attorney's Office. If the Mayor or Mayor's designee determines that it is not possible for the County to obtain a form of security/collateral or restriction on the future use of the property sufficient to protect the County's interest in the

Housing and Community Development Funds allocated toward a particular project, the Mayor or Mayor's designee shall submit a recommendation to the Board to either proceed with the allocation, which shall require a two-thirds (2/3) vote of the Board members present, or to rescind or otherwise modify the allocation.

Section 3. The Board hereby establishes the policy that any allocations of Bond Program Funds to a non-governmental entity for the purpose of acquiring real property, improving real property owned by the recipient, or paying off debts secured by real property in excess of $25,000 shall be in the form of a grant, conditioned upon the execution and recordation of a restrictive convenant with a right of reverter or other restriction on the future use of the property in the public records of Miami-Dade County, and County approval of any further encumbrances of the real property.

Section 4. The Mayor or Mayor's designee is directed to incorporate the policy set forth in Sections 1 and 2, above, into the County's competitive and other processes for the selection of recipients of Housing and Community Development Funds and into contracts and agreements for Housing and Community Development Funds. The Mayor or Mayor's designee is directed to incorporate the policy set forth in Section 3 above into the County's competitive and other processes for the selection of recipients of Bond Program funds, if any, and into contracts and agreements for Bond Program funds.

Section 5. This resolution is intended to apply only to grant agreements for allocations of Bond Program Funds to a non-governmental entity for the purpose of acquiring real property, improving real property owned by the recipient, or paying off debts secured by real property in excess of $25,000 that are entered into by the County after the effective date of this resolution, and recommendations by the Mayor or Mayor's designee for allocations of Housing and Community Development Funds for the purpose of acquiring or improving real property or

for paying off debts secured by real property in excess of $25,000 which are submitted to the Board after the effective date of this resolution.

The Prime Sponsor of the foregoing resolution is Vice Chair Lynda Bell. It was offered by Commissioner **Lynda Bell**, who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** and upon being put to a vote, the vote was as follows:

Rebeca Sosa, Chairwoman			aye
Lynda Bell, Vice Chair			aye
Bruno A. Barreiro	aye	Esteban L. Bovo, Jr.	aye
Jose "Pepe" Diaz	absent	Audrey M. Edmonson	absent
Sally A. Heyman	aye	Barbara J. Jordan	aye
Jean Monestime	aye	Dennis C. Moss	aye
Sen. Javier D. Souto	aye	Xavier L. Suarez	aye
Juan C. Zapata	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of September, 2013. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: ***Christopher Agrippa***
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Brenda Kuhns Neuman

ATTACHMENT 36

HOME Rehabilitation Standards

The Units shall include the following services to each unit:

i. All federally assisted construction housing developments with 5 or more units must design and construct the common areas and at least 5 percent of the total dwelling units in the Project (not just the HOME-assisted Units), or at least one unit, whichever is greater, to be accessible for persons with mobility disabilities. These units must be constructed in accordance with the UFAS or a standard that is equivalent or stricter. An additional 2 percent of the total dwelling units in the Project (not just the HOME-assisted Units), or at least one unit, whichever is greater, must be accessible for persons with hearing or visual disabilities.

ii. Termite prevention and pest control throughout the entire affordability period; Minimum 15 year expected life and warranty on new roofs; Central heating, ventilation and air conditioning (HVAC) system in all units, interior hallways and common areas with a minimum SEER rating of 16 (excluding buildings with central chiller system); Window air conditioning units are not allowed; Energy Star qualified water heater in all units; Code compliant impact windows and exterior doors for all new construction units and for all rehabilitation units, if replacing; Marble windowsills in all units; Replacement of all jalousie (louvered) windows and exterior doors with code compliant impact windows and exterior doors in all rehabilitation units; Window treatment/covering for each window, including tinted, screens and blinds; UFAS entrance door must have two peepholes, one at standing eye level and one at seated eye level, not more than 43 inches from bottom of door; Ceramic and/or porcelain tiles throughout each entire unit, hallways, and common areas; New kitchen cabinets with granite counter top(s) or comparable in all units-new or rehab, new bathroom cabinet(s), excluding medicine cabinet, in all units new or rehab. All cabinets must be wood; Energy Star qualified refrigerator, dishwasher, and full-size range and oven in all units; Over the range microwave, except in the UFAS units where the microwaves are counter top; At least two full bathrooms in all three bedroom or larger construction units; Bathtub with a shower in at least one bathroom of at least 90% of the new construction non-Elderly units; New plumbing fixtures in kitchen and bathroom(s) in all rehabilitation units [minimum of new sink and faucets in kitchen and minimum of new tub, sink and faucets in bathroom(s)]; Water Sense certified faucets, toilets, and showerheads with flow of 2.2 gallons per minute or less in all bathrooms for all new construction units and for all rehabilitation units, if replacing; Double Bowl kitchen sink in all units – must be 9 inches deep, undermount if granite countertops are Used; Garbage disposal in all units; Low-VOC paint for all interior walls (50 grams per liter or less for flat paint; 150 grams per liter or less for non-flat paint); Programmable thermostat in each unit; Energy Star qualified ceiling fans with lighting fixtures in all bedrooms; Cable or satellite

TV hook-up in each unit and, if the Development offers cable or satellite TV service to the residents, the price cannot exceed the market rate for service of similar quality available to the Development's residents from a primary provider of cable or satellite TV; Laundry hook-ups and space for full-size washer and dryer inside each unit; Exterior lighting in open and common areas with daylight sensors, timer or motion detectors. Resident Programs included: Employment Assistance Program, Financial Management Program and Literacy Training.

The Project's features and amenities will include a clubhouse, resort style pool, business center, fitness center and social room.

The Project must meet all federal and state building code requirements, including but not limited to the following Federal and State Building Code Requirements: (i) 2012 Florida Accessibility Code for Building Construction as adopted pursuant to Section 553.503, F.S.; (ii) The Fair Housing Act as implemented by 24 CFR 100; (iii) Titles II and III of the Americans with Disabilities Act of 1990 as implemented by 28 CFR35, incorporating the most recent amendments, regulations and rules.

ATTACHMENT 37

MIAMI-DADE COUNTY
PUBLIC HOUSING AND COMMUNITY DEVELOPMENT (PHCD)

ENVIRONMENTAL REVIEW REQUEST FORM

INSTRUCTIONS: Per 24 CFR Part 58, the purpose of the environmental review procedures is to foster the implementation of environmentally compatible activities. As a grant or loan recipient, Miami-Dade County will not fund projects that will negatively impact clients, communities, or the environment.

Part I. AGENCY AND PROJECT DETAIL

1. Indicate federal funding source/s being used:
   - ☐ CDBG - Community Development Block Grant
   - ☐ CDBG-CV - Community Development Block Grant – CARES Act
   - ☐ CDBG–R - Community Development Block Grant, Recovery
   - ☐ EDI – Economic Development Initiative
   - ☐ ESG – Emergency Solutions Grant
   - ☐ ESG-CV - Emergency Solutions Grant – CARES Act
   - ☐ HOME – Home Investment Partnerships Program
   - ☐ HOME - American Rescue Plan Act(ARPA)
   - ☐ HOPE VI – Public and Indian Housing
   - ☐ NSP – Neighborhood Stabilization Program
   - ☐ RAD – Rental Assistance Demonstration program
   - ☐ Section 8 Project Based Voucher – Public and Indian Housing
   - ☐ Section 18 Demolition/Disposition – Public and Indian Housing
   - ☐ Other: Specify _____

2. Indicate Fiscal Year: **FY 20**____

3. Name of Subrecipient/Agency: _____

4. Name of Proposed Activity: _____

5. Location (**Address with City, ST and Zip**) of Activity or Project:

6. Site Folio Number(s):

7. Commission District(s): _____

8. Direct Contact information of loan/grant recipient:

Name:		
Address:		
City:	State:	Zip:
Phone:	Fax:	

9. Detailed description of activity or project:

10. What is the purpose of the activity or project? For example, Public Service, Economic Development, Historic Preservation, Capital Improvement, Housing, etc.

11. What is the status of activity or project? For example, Pre-Development Phase, Rehab/Construction Underway, Rehab/Construction Completed, etc.

Part II. PROJECT OUTCOME

Will the activity or project result in the following?

YES	NO	Answer each question below with 'Y' or 'N' in the blanks at left
		1. Change in use
		2. Sub-surface alteration (i.e. excavations)
		3. New construction
		4. Renovation or demolition
		5. Site improvements (utilities, sidewalk, landscaping, storm drainage, parking areas, drives, etc.)
		6. Building improvements (windows, doors, etc.)
		7. Displacement of persons, households or business
		8. Increase in population working or living on site
		9. Land acquisition
		10. Activity in 100-year floodplain
		11. A new nonresidential use generating at least 1,375,000 gallons of water or 687,500 gallons of sewage per day.
		12. Use requiring operating permit (i.e. for hazardous waste, pretreatment of sewage, etc.)
		13. A sanitary landfill or hazardous waste disposal site
		14. Tree removal or relocation
		15. Street improvements
		16. The impounding of more than 10 acre feet of water (e.g. digging a lake or diverting or deepening of a body of water).

Part III. SITE SPECIFIC INFORMATION

1. Land Use:

   Describe the existing and proposed land use:

   - Existing?

_____
_____
_____
_____
_____

   - Proposed?

_____
_____
_____
_____
_____

- Does the site have any known contaminants?

☐ YES ☐ NO

- If there are known contaminants, has a Phase I audit been completed? If yes, a copy of Phase I Environmental Audit certified to Miami-Dade County must be submitted to determine the likely presence of either a release or threatened release of hazardous substance.

☐ YES ☐ NO

2. Site Plan:

Does the proposed activity include a new structure(s) or site improvements on a site of one (1) acre or more?

☐ YES ☐ NO

If yes, a site plan must be provided. Project(s) will not be environmentally reviewed without a site plan.

3. Photographs:

Does the activity include new construction, renovation or rehabilitation?

☐ YES ☐ NO

If yes, photographs must be provided of each side (front, rear and sides) of the structure(s) proposed for assistance and the buildings on the adjacent lots. The photographs shall be identified by address. In addition, provide for each existing structure on the site, the following information:

- Existing structure(s) on site? ☐ YES ☐ NO
- Estimated age of structure(s)? _____

4. Value of Improvements:

Does the proposed activity include rehabilitation or renovation of structure(s)?

☐ YES ☐ NO

If yes, what is the estimated cost of rehabilitation or renovation? _____

What is the amount sought for funding? _____

In addition, indicate if the estimated value of the improvement represents:

- ☐ 0 to 39.9 percent of the market value of the structure(s)
- ☐ 40 to 49.9 percent of the market value of the structure(s)
- ☐ 50 to 74.9 percent of the market value of the structure(s)
- ☐ 75 percent or more of the market value of the structure(s)

5. Phase I Environmental Audits:

   Does the proposed activity involve the transfer of any property, new construction, major renovations of 75% or more of the structures' market value, or a securing of a loan for nonresidential parcel?

   ☐ YES ☐ NO

   If yes, a copy of Phase I Environmental Audit certified to Miami-Dade County must be submitted to determine the likely presence of either a release or threatened release of hazardous substance.

   An audit is a review of a site and adjacent properties and involves preparing a history of ownership, land use and zoning for the last 50 years; researching environmental records for information on hazardous waste sites, hazardous facilities, solid waste/landfill facilities and underground storage tanks (available through the Department of Regulatory and Economic Resources (RER), Florida Department of Environmental Protection (FDEP) and U.S. Environmental Protection Agency (EPA)); and site inspection for physical evidence of contamination such as damaged vegetation or stains in the soil.

   Has a Phase I been performed? ☐ YES ☐ NO

6. Environmental Health Information:

   - If a residential site, and the activity includes or involves rehabilitation, has it been inspected for defective paint surfaces?

     ☐ YES ☐ NO

     If yes, please submit the results.

   - Have any child under the age of six at the site been tested for elevated levels of lead in the body?

     ☐ YES ☐ NO

     If yes, please submit the results.

7. Other Site Information:

	YES	NO
1. Flood insurance required?		
2. Public water available on site?		
3. Public sewer available on site?		
4. Children under 6 years of age residing on site or relocating to site (including day care facility)?		
5. Hazardous waste disposal facility?		
6. Storage of hazardous materials on site?		
7. Abandoned structure(s) on site?		

Part IV. SUPPLEMENTAL REQUIRED DOCUMENTS

Required Submittal Documents:

1. For **all projects**: **Submit** street/plat maps that depict location of property in the County and/or City with the location or lot clearly pointed out.

2. For **new construction** projects: **Submit** a scope of service, an itemized budget, and a site plan.

3. For **housing/building rehabilitation projects only**: **Submit** a scope of service, an itemized budget describing the major components of the rehabilitation program planned, and a photograph of the property.

4. For **historic proprieties**, include: **Submit** photographs of the property, and a description of any adjacent historic properties that may be affected by your activity.

Part V. CERTIFICATION

I certify to the accuracy of the information provided. I understand that all funded activities must have an approved environmental review clearance prior to the commencement of projects. I clearly understand that any omitted and/or incorrect information will delay the initiation of the environmental review process by the PHCD staff. As such, I am aware that omitted information could delay the commencement of my organization's project. I understand all approved environmental reviews are valid for one (1) year maximum.

Print Name	Signature	Title
Name of Organization or Corporation		Date

Unless otherwise indicated, return completed form and attachments to:

Project Management Division
Public Housing and Community Development
701 NW 1st Court - 14th Floor
Miami, Florida 33136

TYPES OF ACTIVITIES AND ENVIRONMENTAL GUIDELINES TRIGGERED:

Type of Activity	EXEMPT*	CENST**	CEST***	EA****
Economic Development				
New Construction				X
Rehab			X[1]	X[2]
Non-Construction/Expansion		X		
Housing				
Single Family Rehab			X	
Multi-Family Rehab			X[1]	X[2]
New Construction				X
Homeownership Assistance		X		
Affordable Housing Pre-Dev.		X		
Capital Improvement				
Handicapped Access			X	
Public Facilities			X[1]	X[2]
Infrastructure			X[1]	X[2]
Public Services				
Employment	X			
Crime Prevention	X			
Child Care	X			
Youth or Senior Services	X			
Supportive Services		X		

Type of Publication	No Public Notice/No RROF	No Public Notice/No RROF	No Public Notice/No RROF *(No Statutory Requirement Triggered)* <u>*Or*</u> Publish NOI/RROF *(Statutory Requirement Triggered)*	Publish FONSI and NOI/RROF

Estimated Time Frame *(Excluding Triggered Statutes)*	30-45 Days	30-45 Days	45-90 Days	90 Days Minimum

X[1] If for continued use and change in density (or size) of less than 20%
X[2] Change in density (or size) of more than 20%

*	Exempt	Exempt Activities
**	CENST	Categorically Excluded and Not Subject to 58.5
***	CEST	Categorically Excluded Subject to 58.5
****	EA	Environmental Assessment (Format II)

MIAMI-DADE COUNTY

DEPARTMENT OF PUBLIC HOUSING AND COMMUNITY DEVELOPMENT

MINIMUM REQUIREMENTS FOR PHASE I ENVIRONMENTAL AUDITS

- The scope of service
- The reason for performing the study
- Certification of the report to Miami-Dade County
- Ownership and site location
- Site description and characterization
    - A physical description including the acreage of the property, the percentage of the site occupied by building and paved areas, site layout, groundwater flow and direction of surface runoff plus the location of surface waters and any ditches
    - Description of current site activities
    - An inventory of those characteristics of the site which may cause environmental problems
- A site history showing the prior uses of the property during the past 50 years. The site should be investigated for prior industrial, commercial, and agricultural activities on the property.
- Current and past use (for 50 years) of neighboring properties.
- The characteristics of the vegetation, soil and surface water at the site.
- A review of regulatory compliance records of all appropriate federal, state and local agencies for the site
- The HUD circular on subsurface soil contaminations states that the inquiry into government records include properties located within the following radii of the site:
    - Within one mile of the site for properties on the National Priorities List (NPL), the list of RCRA TSD facilities, and the state equivalent to NPL; and
    - Within 0.5 miles of the site for properties on the CERCLIS List, the state agency equivalent to CERCLIS list, the Leaking Underground Storage List and the List of Solid Waste or Landfill facilities
- Summary of findings
- Recommendations
- Description of study limitation including caveats

Valid Phase I Environmental Audits can not exceed more than one (1) year from the original report completion date. If the audit is older than one (1) year, agencies must submit an updated Phase I Environmental Audit or a certified letter validating the accuracy of the Phase I Environmental Audit, from the original Environmental Engineering Consulting firm, and a copy the original Phase I Environmental Audit.

Fact Sheet #ASTM

Updates on the applicability of recently adopted ASTM E 1527-13 Phase I ESA standard to HUD environmental reviews

Authority: 24 CFR Part 50.3(i), and 58.5 (i)

Purpose: To provide specific guidance on the updates to the recently adopted ASTM Phase I ESA standard that are most relevant for HUD environmental reviews, and to explain how those updates apply to HUD environmental reviews.

A Phase I ESA studies previous uses of the property:

- **Chain of title**
- **Aerial photographs**
- **Reviews government records**
- **Visual site inspection**
- **Identifies environmental concerns**
- **Makes recommendations**

Updates from previous Phase I E-1527-05

- *Recognized environmental condition* was simplified and clarified to help bring greater consistency to the identification of RECs
- *Historical REC* was clarified to exclude any REC. Under the E 1527-13 version, an HREC is a condition that was in the past, but is not now, a REC.
- *Controlled REC* definition was developed to categorize certain RECs as currently managed to a regulatory standard that does not permit unrestricted property use. This is designed to replace the use of HREC for conditions that require continued management or restrict possible uses.
- *De minimis condition* was clarified to make clear that RECs that require management or restrictions on use are still RECs.
- *Migration* was defined, clarifying that hazardous waste or petroleum products in vapor form must be evaluated as part of the Phase I ESA.

Applicability to HUD Environmental Reviews

HUD requires the performance of a Phase I ESA in accordance with ASTM E 1527 as part of environmental reviews in many of its programs, including all Federal Housing Administration (FHA) programs. ASTM International recently adopted ASTM E 1527-13, an updated version of ASTM E 1527-05. The updated version incorporates a few items which are significant for HUD's environmental reviews.

The identification of Controlled Recognized Environmental Conditions in the Phase I ESA will alert HUD staff and RE's to sites which have controlled contamination on site but may need further remediation to reach residential standards.

The migration definition includes hazardous waste or petroleum products in vapor form. This change will not impact program requirements in the FHA as most FHA programs already require that a Vapor Encroachment Survey be performed in accordance with ASTM E2600-10 and that it be included in the Phase I ESA. However, it does change the context of that requirement in that a Vapor Encroachment Survey is now required to also satisfy the ASTM E1527-13 Phase I ESA requirements. The migration definition may result in changes to the information submitted in a Phase I ESA in other HUD Offices where a Vapor Encroachment Survey was not already a program requirement.

Fact Sheet #ASTM

NEED ADDITIONAL HELP?
CONTACT YOUR LOCAL HUD ENVIRONMENTAL OFFICER,
https://www.onecpd.info/environmental-review/hud-environmental-staff-contacts/.

ATTACHMENT 38

Miami-Dade County
Conditional Loan Commitment

Date
To: Name of Agency/Developer
Address of Developer
City, State / Zip Code

Re: Name of Project
Address of the Project
Type of Project (Ex., Multi-Family New Construction)

Dear Developer:

We are pleased to advise you that on_____, the Board of County Commissioners (BCC) approved a Conditional Loan Commitment for development activity at the above-listed property (the "Property"). The loan is conditionally committed for the MAYOR or MAYOR'S DESIGNEE-CHOOSE AS APPLICABLE [[payment of hard construction costs]] [[acquisition of the property]] as a portion of the development costs to [[construct]] [[rehabilitate]] the affordable housing units on the Property. This Conditional Loan Commitment is made based upon the request submitted by Borrower in response to the FY 2023 Home Investment Partnerships Program (HOME) Request for Applications (the "RFA") and is subject to the following terms and conditions:

Borrower: [["NAME OF AGENCY/DEVELOPER"]]

Project: [[NAME OF THE PROJECT, # OF UNITS AND TYPE OF PROJECT]]

Loan Amount: The loan shall be in an amount of not-to-exceed **$_____**as approved by the BCC in Resolution No. R-XXX and includes all terms and conditions of such BCC approval, including project scope, activity type and, for federal funds, national objective to be achieved (the "Loan"). The loan amount may be decreased as determined by the Mayor or the Mayor's designee, based upon Underwriting (defined below) and information and documentation provided by Borrower.

Conditions: The Loan is conditioned upon the terms, conditions and requirements set forth below (the "Conditions"). The County shall not issue a final unconditional loan commitment, enter into a funding contract, close on the Loan or disburse the Loan funds until all the Conditions are met.

Collateral: Upon satisfaction of the Conditions, Miami-Dade County (County) and Borrower will enter into a funding contract and loan agreement. The Loan shall be evidenced by a promissory note and secured by a construction/permanent mortgage with assignment of leases and rents, a collateral assignment of leases and rents, a collateral assignment of construction documents, a rental regulatory agreement (where applicable), and any other security or collateral as deemed appropriate by the Mayor or Mayor's designee, in his or her sole discretion, with approval of the County Attorney's Office. Borrower shall additionally be required to provide the County with an environmental indemnification agreement, a UCC-1, title affidavit, partnership affidavit (if applicable), corporate resolution approving the loan documents, opinion of counsel, certification of borrower to borrower's counsel, and title policy making the County an insured. The Collateral shall be determined based upon financial feasibility and subsidy layering underwriting to be performed by County staff in an internal process and by an independent underwriter and paid for by Borrower

("Underwriting") following review of a current title search. Additional forms of security may be required if liens, encumbrances, restrictions or covenants exist on the Property which the Mayor or Mayor's designee determines, in his or her sole discretion, threaten the County's Collateral. The Mayor or Mayor's designee shall determine, in his or her sole discretion and in consultation with the County Attorney's Office, whether the Collateral provided by Borrower is sufficient to close and disburse the Loan.

Interest Rate: Loan terms, including the interest rate, are those set forth in pages 32 and 33 of the 2023 Home Investment Partnerships RFA terms for HOME CHDO multi-family rental projects. Those terms are **0%** interest during construction for years 1 and 2, and 1.00% or 1.50% interest only payments for years 3 - 30 from development cash flow (depending on the Option chosen). Full principal is due at maturity; and as modified prior to closing by the Mayor or Mayor's designee in accordance with the results of Underwriting.

Repayable: There will be no penalty for prepayment of the Loan (payment of Loan balance before the end of the repayment term). Repayment terms are those set forth in the FY 2023 HOME Request for Applications for repaid loan funds in accordance with Section 17-02 of the Code. All terms may be modified prior to closing by the Mayor or Mayor's designee in accordance with the results of Underwriting. The prepayment of any Loan shall not affect the term of affordability set forth in the Rental Regulatory Agreement or in any of the other Loan Documents.

Term: The Loan will be for 30 years, or as may be established prior to closing by the Mayor or Mayor's designee in accordance with the results of Underwriting.

Conditions:

1. Underwriting, as explained above, shall include financial feasibility review, subsidy layering review, and credit review. Underwriting is performed to protect the County's scarce affordable housing funds and is performed to ensure that the Project has sufficient financing to be completed timely and that the Project is not over-subsidized, meaning the Loan is not needed or the Loan Amount is too high. The County reserves the right to reduce the Loan Amount subject to Underwriting. The County further reserves the right to refuse to issue a final, unconditional loan commitment to Borrower or to enter into a contract for the Loan or to close on the Loan in the event that Underwriting determines that the project is financially unfeasible or otherwise is unfeasible. The costs of Underwriting are to be paid by Borrower.
2. Borrower must prove control of the Property through purchase or lease, as evidenced by a deed or lease and recorded memorandum of lease in Borrower's name. Absence of any threat of foreclosure, taking by eminent domain, or pending bankruptcy are additionally required.
3. Borrower must provide the County with written financing commitments showing committed financing for the entire Development Cost of the Project, including any gaps between the Loan and the overall costs to develop the Project. The Development Cost of the Project means the total cost of completing the entire Project, from acquisition to the issuance of Certificate of Occupancy, including but not limited to the costs for acquisition, design and planning, zoning and variances, financing costs, legal costs, construction, and permitting. In the event of a dispute as to what amount constitutes the actual Development Cost, Borrower and County will use the amount determined by Underwriting to be the Development Cost.
4. Conformance of the Project with the County legislation approving the Loan.
5. Complete plans and specifications of the Project.
6. Payment and performance bond in the amount of the entire construction budget or otherwise in conformance with applicable law. Where a payment and performance bond is not required by law, the Mayor or Mayor's designee may alternatively accept – at the Mayor or Mayor's designee's sole discretion – a letter of credit in an amount acceptable to the Mayor or Mayor's designee.
7. Appraisal of the Property showing that the value of the Project and Property, when completed, exceeds the total amount of debt from all sources to be secured by the Project, unless waived by the Mayor or Mayor's designee.

8. A Phase I environmental report requiring no further action.
9. Such other conditions which are customary and reasonable for a loan of this nature, such as adhering to all Federal, State and local regulations, ordinances, codes and standards.
10. Meeting all requirements of the State Housing Initiatives Partnership ("SHIP"), Documentary Surtax or Home Investment Partnerships Program ("HOME") program, as applicable, and County resolutions and ordinances governing affordable housing development.
11. The Loan, if HOME or CDBG funds, may only be used for the development of affordable housing for residents with household incomes not greater than 80% of AMI.
12. Pursuant to the Miami-Dade Board of County Commissioners' Resolution No. R-34-15, Developers, its agents and/or representatives, shall provide written notice to the County related to the availability of rental opportunities, including, but not limited to, the number of available units, bedroom size, and rental prices of such rental units at the start of any leasing activity; requiring the developer advertise the information described in newspapers of general circulation.

This Conditional Loan Commitment will expire in six (6) months if not extended by Miami-Dade County. An extension of this Conditional Loan Commitment may be granted at the sole and absolute discretion of Miami-Dade County. Any extension granted will be contingent upon compliance with and in accordance with Resolution No. R-232-14, as applicable and must be signed by the Mayor or Mayor's Designee to be valid. If the loan does not close prior to the expiration or extension of this Conditional Loan Commitment, the funds will be subject to recapture and allocated to other projects. This Conditional Loan Commitment is not assignable. This Conditional Loan Commitment is the sole and complete agreement between the parties as to the terms of the Loan described herein. The terms of this Conditional Loan Commitment may only be changed in writing in a document signed by the Mayor or the Mayor's designee. No representations, written or verbal, of Miami-Dade County employees, or others purporting to act on behalf of Miami-Dade County, may change the terms of this Commitment.

Miami-Dade County wishes to thank you for your proposal and the opportunity to provide financing for this development, and we look forward to closing this transaction.

Sincerely,

Miami-Dade County

_____
County Mayor or County
Mayor's designee

Date: _____

c: Clarence Brown, Interim Director, PHCD

Approved as to Form and Legal Sufficiency

_____
Melissa Gallo, Assistant County Attorney

Date _____

ATTACHMENT 39

PROMISSORY NOTE
[Insert Type of Loan] Loan

$ Miami, Florida

FOR VALUE RECEIVED the undersigned , a Florida ("Maker"), promises to pay to the order of **MIAMI-DADE COUNTY**, Florida, a political subdivision of the State of Florida, together with any other holder hereof ("Holder"), at 111 N.W. 1st Street, Miami, Florida 33128, Attention: County Mayor, or such other place as Holder may from time to time designate in writing, the principal sum of and NO/100 DOLLARS($) (the "Principal"), plus interest on the outstanding principal balance at the rate of percent (%) per annum) ("Interest or Interest Rate"), to be paid in lawful money of the United States of America in accordance with the terms of this Promissory Note.

This Promissory Note is made to evidence the loan made to the undersigned by PHCD to provide Community Development Block Grant ("CDBG") funds to the Borrower as reflected in the _____ Contract between the parties dated _____, (hereinafter "Contract"). Stated monthly principal payments of $_____ are to begin on the 1st day of the month following the execution of this Note, for a period of three (3) years. If Borrower complies strictly with all terms of the Contract, interest shall accrue at zero (0%) for the term of this Note and the aforementioned monthly principal payments shall be waived and the principal sum shall be forgiven. Pursuant to the Contract, in the event the Property tied to the Activity is sold during the contract period or if the construction has not been completed within three (3) years of the date of execution of this Note, or if the requirements set forth in the Contract are not strictly complied with or Borrower fails to properly perform under said Contract, Miami-Dade County shall be entitled to the reimbursement of its $_____ contribution to the project, plus twelve percent (12%) compound interest until the County's principal is fully repaid.

Pursuant to 24 C.F.R. 570.503(b)(7)(i) or to 24 C.F.R. 570.505, as applicable, funds in excess of $25,000 used by Maker to improve or acquire real property shall be used to meet a national objective (as defined in 24 C.F.R. § 570.208) until five (5) years after expiration of the Contract or Project Completion, whichever is later. IN NO EVENT SHALL THIS NOTE BE FORGIVEN BEFORE MAKER COMPLIES WITH THIS REQUIREMENT. In the event this provision conflicts with any provision of any other Contract or Loan Document, this provision shall prevail.

This Note is secured by a Mortgage and Security Agreement (the "Mortgage") encumbering certain real property located in Miami-Dade County, Florida (the "Premises"). The foregoing, the Contract, and all other agreements, instruments and documents delivered in connection with this Note are collectively referred to as the "Loan Documents."

This Note has been executed and delivered in, and is to be governed by and construed under the laws of, the State of Florida, as amended, except as modified by the laws and regulations of the United States of America.

Maker shall have no obligation to pay interest or payments in the nature of interest in excess of the maximum rate of interest allowed to be contracted for by law, as changed from time to time, applicable to this Note (the "Maximum Rate"). Any interest in excess of the Maximum Rate paid by Maker ("Excess Sum") shall be credited as a payment of principal, or, if Maker so requests in writing, returned to Maker, or, if the indebtedness and other obligations evidenced by this Note have been paid in full, returned to Maker together with interest at the same rate as was paid by Maker during such period. Any Excess Sum credited to Principal shall be credited as of the date paid to Holder. The Maximum Rate varies from time to time and from time to time there may be no specific maximum rate. Holder may, without such action constituting a breach of any obligations to Maker, seek judicial determination of the Maximum Rate of interest, and its obligation to pay or credit any proposed excess sum to Maker.

The "Default Interest Rate" and, in the event no specific maximum rate is applicable, the Maximum Rate shall be eighteen percent (18%) per annum.

Holder shall have the right to declare the total unpaid balance of this Note to be immediately due and payable in advance of the Maturity Date upon the failure of Maker to pay when due, taking into account applicable grace periods, any payment of Principal or Interest or other amount due under the Loan Documents; or upon the occurrence of an event of default, which is not cured prior to the expiration of any applicable cure periods, pursuant to any other Loan Documents now or hereafter evidencing, securing or guarantying payment of this Note. Exercise of this right shall be without notice to Maker or to any other person liable for payment hereof, notice of such exercise being hereby expressly waived.

Any payment under this Note or the Loan Documents not paid when due (at maturity, upon acceleration or otherwise) taking into account applicable grace periods shall bear interest at the Default Interest Rate from the due date until paid.

Provided Holder has not accelerated this Note, Maker shall pay Holder a late charge of five percent (5%) of any required payment which is not received by Holder within ten (10) days of the due date of said payment. The parties agree that said charge is a fair and reasonable charge for the late payment and shall not be deemed a penalty.

Time is of the essence. In the event that this Note is collected by law or through attorneys at law, or under their advice, Maker agrees, to pay all reasonable costs of collection, including reasonable attorneys' fees, whether or not suit is brought, and whether incurred in connection with collection, trial, appeal, bankruptcy or other creditors proceedings or otherwise.

This Note may be paid in whole or in part at any time by Maker without penalty. Acceptance of partial payments or payments marked "payment in full" or "in satisfaction" or words to similar effect shall not affect the duty of Maker to pay all obligations due, and shall not affect the right of Holder to pursue all remedies available to it under any Loan Documents.

Maker agrees to assign any proceeds to the county from any contract between the county, its agencies or instrumentalities and the Maker or any firm, corporation, partnership or joint venture in which the Maker has a controlling financial interest in order to secure repayment of the loan. "Controlling financial interest" shall mean ownership, directly or indirectly to ten percent or more of the outstanding capital stock in any corporation or a direct or indirect interest of ten percent or more in a firm, partnership or other business entity.

The remedies of Holder shall be cumulative and concurrent, and may be pursued singularly, successively or together, at the sole discretion of Holder, and may be exercised as often as occasion therefor shall arise. No action or omission of Holder, including specifically any failure to exercise or forbearance in the exercise of any remedy, shall be deemed to be a waiver or release of the same, such waiver or release to be effected only through a written document executed by Holder and then only to the extent specifically recited therein. A waiver or release with reference to any one event shall not be construed as continuing or as constituting a course of dealing, nor shall it be construed as a bar to, or as a waiver or release of, any subsequent remedy as to a subsequent event.

Any notice to be given or to be served upon any party in connection with this Note, whether required or otherwise, may be given in any manner permitted under the Loan Documents.

The term "other person liable for payment of this Note" shall include any endorser, guarantor, surety or other person now or subsequently primarily or secondarily liable for the payment of this Note, whether by signing this Note or any other instrument.

This Note is a full recourse Note and Holder shall have all remedies available to it at law and at equity.

Whenever the context so requires, the neuter gender includes the feminine and/or masculine, as the case may be, and the singular number includes the plural, and the plural number includes the singular.

This Note shall be the joint and several obligation of all makers, endorsers, co-signers, guarantors, and sureties, and shall be binding upon them and their successors and assigns. All makers, endorsers, co-signers, guarantors, and sureties hereof agree jointly and severally to pay all costs of collection and of suit and foreclosure, including reasonable attorneys' fees. The Note Holder may enforce its rights under this Note against each party individually or jointly, and may enforce its rights against any party in any order. Any party under this Note may be required to pay all amounts owed.

Maker and any other person liable for the payment of this Note respectively, hereby (a) expressly waive any valuation and appraisal, presentment, demand for payment, notice of dishonor, protest, notice of nonpayment or protest, all other forms of notice whatsoever, and diligence in collection; (b) consent that Holder may, from time to time and without notice to any of them or demand, (i) extend, rearrange, renew or postpone any or all payments, (ii) release, exchange, add to or substitute all or any part of the collateral for this Note, and/or (iii) release Maker (or any co-maker) or any other person liable for payment of this Note, without in any way modifying,

altering, releasing, affecting or limiting their respective liability or the lien of any security instrument; and (c) agree that Holder, in order to enforce payment of this Note against any of them, shall not be required first to institute any suit or to exhaust any of its remedies against Maker (or any co-maker) or against any other person liable for payment of this Note or to attempt to realize on any collateral for this Note.

BY EXECUTING THIS NOTE, MAKER KNOWINGLY, VOLUNTARILY AND INTENTIONALLY WAIVES ITS RIGHTS OR THE RIGHTS OF ITS HEIRS, ASSIGNS, SUCCESSORS OR PERSONAL REPRESENTATIVES TO A TRIAL BY JURY, IF ANY, IN ANY ACTION, PROCEEDING OR SUIT, WHETHER ARISING IN CONTRACT, TORT OR OTHERWISE, AND WHETHER ASSERTED BY WAY OF COMPLAINT, ANSWER, CROSSCLAIM, COUNTERCLAIM, AFFIRMATIVE DEFENSE OR OTHERWISE, BASED ON, ARISING OUT OF, UNDER OR IN CONNECTION WITH, THIS NOTE OR ANY OTHER INSTRUMENT, DOCUMENT OR AGREEMENT TO BE EXECUTED IN CONNECTION HEREWITH OR WITH THE INDEBTEDNESS OR THE RENEWAL, MODIFICATION OR EXTENSION OF ANY OF THE FOREGOING OR ANY FUTURE ADVANCE THEREUNDER. THIS PROVISION IS A MATERIAL INDUCEMENT FOR LENDER'S EXTENDING CREDIT TO A BORROWER AND NO WAIVER OR LIMITATION OF LENDER'S RIGHTS HEREUNDER SHALL BE EFFECTIVE UNLESS IN WRITING AND MANUALLY SIGNED ON LENDER'S BEHALF.

Maker acknowledges that the above paragraph has been expressly bargained for by Miami-Dade County, Florida as part of the transaction with Borrower and that, but for Maker's agreement, Miami-Dade County, Florida would not have agreed to lend the Borrower the Principal on the terms and at the Interest Rate.

WHEREFORE, Maker has executed this Note on the _____ day of _____, 20__.

a Florida

By:
a Florida

By:_____
_____ President

By:
a Florida

By: _____
_____ President

PROMISSORY NOTE

CDBG Loan

$ Miami, Florida

FOR VALUE RECEIVED the undersigned , a Florida ("Maker"), promises to pay to the order of **MIAMI-DADE COUNTY**, Florida, a political subdivision of the State of Florida, together with any other holder hereof ("Holder"), at 111 N.W. 1st Street, Miami, Florida 33128, Attention: County Mayor, or such other place as Holder may from time to time designate in writing, the principal sum of and NO/100 DOLLARS($) (the "Principal"), plus interest on the outstanding principal balance at the rate of twelve percent (12%) per annum) ("Interest or Interest Rate"), to be paid in lawful money of the United States of America in accordance with the terms of this Promissory Note.

This Promissory Note ("Note") is made to evidence the loan made to the undersigned by Holder to provide Community Development Block Grant ("CDBG") funds to the Borrower as reflected in the [EXACT TITLE OF CONTRACT] Contract between the parties dated , 20 (the "Contract").

Terms of Forgiveness

If Maker complies strictly with all terms of the Contract, interest shall accrue at zero percent (0%) for the term of this Note. If Maker successfully meets a national objective, as set forth in 24 C.F.R. Part 570 ("CDBG Regulations") and complies with the terms of the Contract, then interest shall accrue at zero percent (0%) for the term of this Note and no payments shall be due. The term of this Note shall be for the duration of the Contract or until Maker successfully meets a national objective as set forth in the CDBG Regulations. (This means that Maker is not required to make payments of Principal or interest unless notified by Holder that Maker is not complying with the terms of the Contract or CDBG Regulations.) If the terms of the Contract are not complied with or Maker fails to meet a national objective as set forth in the CDBG Regulations, Holder shall be entitled, at its sole discretion, to accelerate this loan and demand from Maker the repayment of the entire Principal, plus twelve percent (12%) compound interest until the entire balance of Principal plus interest is fully repaid.

Payments will be applied first to interest and then to principal.

This Note, the Contract, and all other agreements, instruments and documents delivered in connection with this Note are collectively referred to as the "Loan Documents."

This Note has been executed and delivered in, and is to be governed by and construed under the laws of, the State of Florida. Any dispute arising under or in connection with this Agreement or related to any matter which is the subject of this Agreement shall be subject to the exclusive jurisdiction of the state and/or federal courts located in Miami-Dade County, Florida.

Maker shall have no obligation to pay interest or payments in the nature of interest in excess of the maximum rate of interest allowed to be contracted for by law, as changed from time to time, applicable to this Note (the "Maximum Rate"). Any interest in excess of the Maximum Rate paid by

Maker ("Excess Sum") shall be credited as a payment of principal, or, if Maker so requests in writing, returned to Maker, or, if the indebtedness and other obligations evidenced by this Note have been paid in full, returned to Maker together with interest at the same rate as was paid by Maker during such period. Any Excess Sum credited to Principal shall be credited as of the date paid to Holder. The Maximum Rate varies from time to time and from time to time there may be no specific maximum rate. Holder may, without such action constituting a breach of any obligations to Maker, seek judicial determination of the Maximum Rate of interest, and its obligation to pay or credit any proposed excess sum to Maker.

The "Default Interest Rate" and, in the event no specific maximum rate is applicable, the Maximum Rate shall be eighteen percent (18%) per annum.

Holder shall have the right to declare the total unpaid balance of this Note to be immediately due and payable upon the occurrence of an event of default, which is not cured prior to the expiration of any applicable cure periods, pursuant to any other Loan Documents now or hereafter evidencing, securing or guarantying payment of this Note. Exercise of this right shall be without notice to Maker or to any other person liable for payment hereof, notice of such exercise being hereby expressly waived.

Any payment under this Note or the Loan Documents not paid when due (at maturity, upon acceleration or otherwise) taking into account applicable grace periods shall bear interest at the Default Interest Rate from the due date until paid.

Provided Holder has not accelerated this Note, Maker shall pay Holder a late charge of five percent (5%) of any required payment which is not received by Holder within ten (10) days of the due date of said payment. The parties agree that said charge is a fair and reasonable charge for the late payment and shall not be deemed a penalty.

Time is of the essence. In the event that this Note is collected by law or through attorneys at law, or under their advice, Maker agrees, to pay all reasonable costs of collection, including reasonable attorneys' fees, whether or not suit is brought, and whether incurred in connection with collection, trial, appeal, bankruptcy or other creditors proceedings or otherwise.

This Note may be paid in whole or in part at any time by Maker without penalty. Acceptance of partial payments or payments marked "payment in full" or "in satisfaction" or words to similar effect shall not affect the duty of Maker to pay all obligations due, and shall not affect the right of Holder to pursue all remedies available to it under any Loan Documents.

Maker agrees to assign any proceeds to the Holder from any contract between Miami-Dade County, its agencies or instrumentalities and the Maker or any firm, corporation, partnership or joint venture in which the Maker has a controlling financial interest in order to secure repayment of the loan. "Controlling financial interest" shall mean ownership, directly or indirectly to ten percent or more of the outstanding capital stock in any corporation or a direct or indirect interest of ten percent or more in a firm, partnership or other business entity.

The remedies of Holder shall be cumulative and concurrent, and may be pursued singularly, successively or together, at the sole discretion of Holder, and may be exercised as often as occasion therefor shall arise. No action or omission of Holder, including specifically any failure to exercise or forbearance in the exercise of any remedy, shall be deemed to be a waiver or release of the same, such waiver or release to be effected only through a written document executed by Holder and then only to the extent specifically recited therein. A waiver or release with reference to any one event shall not be construed as continuing or as constituting a course of dealing, nor shall it be construed as a bar to, or as a waiver or release of, any subsequent remedy as to a subsequent event.

Any notice to be given or to be served upon any party in connection with this Note, whether required or otherwise, may be given in any manner permitted under the Loan Documents.

The term "other person liable for payment of this Note" shall include any endorser, guarantor, surety or other person now or subsequently primarily or secondarily liable for the payment of this Note, whether by signing this Note or any other instrument.

This Note is a full recourse Note and Holder shall have all remedies available to it at law and at equity.

Whenever the context so requires, the neuter gender includes the feminine and/or masculine, as the case may be, and the singular number includes the plural, and the plural number includes the singular.

This Note shall be the joint and several obligation of all makers, endorsers, co-signers, guarantors, and sureties, and shall be binding upon them and their successors and assigns. All makers, endorsers, co-signers, guarantors, and sureties hereof agree jointly and severally to pay all costs of collection and of suit, including reasonable attorneys' fees. The Note Holder may enforce its rights under this Note against each party individually or jointly, and may enforce its rights against any party in any order. Any party under this Note may be required to pay all amounts owed.

Maker and any other person liable for the payment of this Note respectively, hereby (a) expressly waive any valuation and appraisal, presentment, demand for payment, notice of dishonor, protest, notice of nonpayment or protest, all other forms of notice whatsoever, and diligence in collection; (b) consent that Holder may, from time to time and without notice to any of them or demand, (i) extend, rearrange, renew or postpone any or all payments, (ii) release, exchange, add to or substitute all or any part of the collateral for this Note, and/or (iii) release Maker (or any co-maker) or any other person liable for payment of this Note, without in any way modifying, altering, releasing, affecting or limiting their respective liability or the lien of any security instrument; and (c) agree that Holder, in order to enforce payment of this Note against any of them, shall not be required first to institute any suit or to exhaust any of its remedies against Maker (or any co-maker) or against any other person liable for payment of this Note or to attempt to realize on any collateral for this Note.

BY EXECUTING THIS NOTE, MAKER KNOWINGLY, VOLUNTARILY AND INTENTIONALLY WAIVES ITS RIGHTS OR THE RIGHTS OF ITS HEIRS, ASSIGNS, SUCCESSORS OR PERSONAL REPRESENTATIVES TO A TRIAL BY JURY, IF ANY, IN

ANY ACTION, PROCEEDING OR SUIT, WHETHER ARISING IN CONTRACT, TORT OR OTHERWISE, AND WHETHER ASSERTED BY WAY OF COMPLAINT, ANSWER, CROSSCLAIM, COUNTERCLAIM, AFFIRMATIVE DEFENSE OR OTHERWISE, BASED ON, ARISING OUT OF, UNDER OR IN CONNECTION WITH, THIS NOTE OR ANY OTHER INSTRUMENT, DOCUMENT OR AGREEMENT TO BE EXECUTED IN CONNECTION HEREWITH OR WITH THE INDEBTEDNESS OR THE RENEWAL, MODIFICATION OR EXTENSION OF ANY OF THE FOREGOING OR ANY FUTURE ADVANCE THEREUNDER. THIS PROVISION IS A MATERIAL INDUCEMENT FOR LENDER'S EXTENDING CREDIT TO A BORROWER AND NO WAIVER OR LIMITATION OF LENDER'S RIGHTS HEREUNDER SHALL BE EFFECTIVE UNLESS IN WRITING AND MANUALLY SIGNED ON LENDER'S BEHALF.

Maker acknowledges that the above paragraph has been expressly bargained for by Miami-Dade County, Florida as part of the transaction with Borrower and that, but for Maker's agreement, Miami-Dade County, Florida would not have agreed to lend the Borrower the Principal on the terms and at the Interest Rate.

WHEREFORE, Maker has executed this Note on the ____ of _____, 20__.

a Florida

By:
a Florida

By:_____
President

By:
a Florida

By: _____
President

STATE OF FLORIDA)
) ss:
COUNTY OF DADE)

The foregoing instrument was acknowledged before me this ____ day of _____, 20__ by _____, as President of _____, a Florida _____, on behalf of the _____.

Personally Known ☐
Produced Identification ☐ Type of Identification:
☐ *Did* ☐ *Did Not* Take an Oath

_____
NOTARY PUBLIC, STATE OF FLORIDA
AT LARGE

NOTARY STAMP

THIS INSTRUMENT WAS PREPARED BY:

_____, ESQ.
Assistant County Attorney
Miami-Dade County, Florida
111 N.W. First Street, Suite 2810
Miami, Florida 33128

MORTGAGE AND SECURITY AGREEMENT AND ASSIGNMENT OF LEASES, RENTS AND PROFITS

THIS MORTGAGE AND SECURITY AGREEMENT AND ASSIGNMENT OF LEASES, RENTS AND PROFITS ("the "Mortgage"), dated this _____ day of _____, 20___ by _____, a Florida _____ with an address of _____, Florida 33___ ("Mortgagor") in favor of MIAMI-DADE COUNTY, a political subdivision of the State of Florida with an address of 111 N.W. First Street, Miami, FL 33128, Attn: County Manager ("Mortgagee").

WITNESSETH

That for good and valuable consideration, and to secure the payment of the Promissory Note executed by the Mortgagor in favor of the Mortgagee in the original principal amount of _____ DOLLARS and no/100 (U.S. $_____.00), as the same may be renewed, extended or amended, from time to time, and together with all accrual interest, including, without limitation, such interest as may be added to the principal amount under the terms of such instrument (referred to as the "Note" or the "Promissory Note"), the final payment of which is due on or before the due date provided in the Promissory Note and to secure any other indebtedness owed by Mortgagor to Mortgagee, now or hereafter arising under the terms of this Mortgage or in any other instrument constituting additional security for the Note, and all other sums of money secured as provided under this Mortgage, the Mortgagor does grant, bargain, sell, remise, release, and convey unto the Mortgagee, its successors and assigns, the real estate described in Exhibit A, which is attached and made a part of this Mortgage, which, together with the property hereinafter described, is referred to herein as the "Property";

TOGETHER WITH:

(a) All buildings and improvements, now or hereafter located on the Property, all privileges and other rights now or hereafter made appurtenant thereto, including, without limitation, all right, title and interest of Mortgagor in and to all streets, roads and public places, opened or proposed, and all easements and rights-of-way, public or private, now or hereafter used in connection with the Property; and

(b) All fixtures, fittings, furnishings, appliances, apparatus, goods, equipment, and machinery, including, without limitation, all gas and electric fixtures, radiators, heaters, engines

and machinery, boilers, ranges, ovens, elevators and motors, escalators, bathtubs, sinks, water closets, basins, pipes, faucets and other ventilating and air-conditioning, plumbing, lighting and heating fixtures, mirrors, mantels, refrigerating plants, refrigerators, iceboxes, dishwashers, carpeting, furniture, laundry equipment, cooking apparatus and appurtenances, washing machines, dryers, trash compactors, TV antennas, phone systems, incinerators, trash receptacles, sprinklers and fire extinguishing systems, smoke detectors and other fire alarm devices, door bell and alarm systems, screens, awnings, doors, storm and other detachable doors and windows, built-in cases, counters, trees, hardy shrubs and perennial flowers, interior and exterior cleaning, plowing, lawn care, maintenance and repair machinery, vehicles or equipment, and all building material, supplies and equipment now or hereafter delivered to the Property and installed or used in the Property, all other fixtures and personal property of whatever kind and nature owned by the Mortgagor on the date of this Mortgage contained in or hereafter placed in any building standing on the Property; such other goods, equipment, chattels and personal property as are usually furnished by landlords in letting premises of the character hereby conveyed, and all renewals or replacements thereof or articles in substitution thereof, all of the estate, right, title and interest of the Mortgagor in and to all property of any nature whatsoever, now or hereafter situated on the Premises or intended to be used in connection with the operation thereof, all of which shall be deemed to be fixtures and accessions to the freehold and a part of the realty as between the parties hereto, and all persons claiming by, through or under them, and shall be deemed to be a portion of the security for the indebtedness herein mentioned and secured by the Mortgage. If the lien of this Mortgage on any fixtures or personal property is or becomes subject to a lease agreement, conditional sale agreement or chattel mortgage of the Mortgagor, any and all deposits made thereof or therefor are hereby assigned to the Mortgagee, together with the benefit of any payments now or hereafter made thereon. There is also transferred, set over, and assigned hereby Mortgage to Mortgagee, its successors and assigns, all leases and use agreements of machinery, equipment and other personal property of Mortgagor in the categories hereinabove set forth, under which Mortgagor is the lessee of, or entitled to use, such items, and Mortgagor agrees to execute and deliver to Mortgagee specific separate assignments to Mortgagee of such leases and agreements when requested by Mortgagee, but nothing herein constitutes Mortgagee's consent to any financing of any fixture or personal property, and nothing herein shall obligate Mortgagee to perform any obligations of Mortgagor under any such leases or agreements unless it so chooses, which obligations Mortgagor hereby covenants and agrees to well and punctually perform. The items set forth in this paragraph (b) are sometimes hereinafter separately referred to as "Collateral"; and

(c) All rents, royalties, issues, profits, revenue, income and other benefits from the property described in paragraph (a) and (b) hereof to be applied against the indebtedness and other sums secured hereby, provided, however, that permission is hereby given to Mortgagor so long as no default has occurred hereunder, to collect, receive, take, use and enjoy such rents, royalties, issues, profits, revenue, income and other benefits as they become due and payable, but not in advance thereof. The foregoing assignment shall be fully operative without any further action on the part of either party and specifically Mortgagee shall be entitled, at its option upon the occurrence of a default hereunder, to all rents, royalties, issues, profits, revenue, income and other benefits from the property described in paragraphs (a) and (b) hereof whether or not

Mortgagee takes possession of such property. Upon any such default hereunder, the permission hereby given to Mortgagor to collect such rents, royalties, issues, profits, revenue, income and other benefits from the property described in paragraphs (a) and (b) hereof shall terminate and such permission shall be reinstated upon a cure of the default upon Mortgagee's specific consent. Neither the exercise of any rights under this paragraph by Mortgagee nor the application of any such rents, royalties, issues, profits, revenue, income or other benefits to the indebtedness and other sums secured hereby, shall cure or waive any default or notice of default hereunder or invalidate any act done pursuant hereto or to any such notice, but shall be cumulative of all other rights and remedies.

(d) All right, title and interest of Mortgagor in and to all leases now or hereafter on or affecting the property described in paragraphs (a) and (b) hereof, together with all security therefor and all monies payable thereunder, subject, however, to the conditional permission hereinabove given to Mortgagor to collect the rentals under any such lease. The foregoing assignment of any lease shall not be deemed to impose upon Mortgagee any of the obligations or duties of Mortgagor provided in any such lease, and, Mortgagor agrees to fully perform all obligations of the lessor under all such leases. Upon Mortgagee's request, Mortgagor agrees to send to Mortgagee a list of all leases covered by the foregoing assignment and as any such lease shall expire or terminate or as any new lease shall be made, Mortgagor shall so notify Mortgagee in order that at all times Mortgagee shall have a current list of all leases affecting the property described in paragraphs (a) and (b) hereof. Mortgagee shall have the right, at any time and from time to time, to notify any lessee of the rights of Mortgagee as provided by this paragraph. From time to time, upon request of Mortgagee, Mortgagor shall specifically assign to Mortgagee as additional security hereunder, by an instrument in writing in such form as may be approved by Mortgagee, all right, title and interest of Mortgagor in and to any and all leases now or hereafter on or affecting the Premises, together with all security therefor and all monies payable hereunder, subject to the conditional permission hereinabove given to Mortgagor to collect the rentals under any such lease. Mortgagor shall execute and deliver to Mortgagee any notification, financing statement or other document reasonably required by Mortgagee to perfect the foregoing assignment as to any such lease.

(e) To the extent of the indebtedness secured herein, all judgments, awards of damages and settlements hereafter made as a result of or in lieu of any taking of the Property or any part thereof or interest therein under the power of eminent domain, or for any damage (whether caused by such taking or otherwise) to the Property or the improvements thereon or any part thereof or interest therein, including any award for change of grade of streets.

(f) To the extent of the indebtedness secured herein, all insurance policies covering all or any portion of the Property and all blueprints, plans, maps, documents, books and records relating to the Property.

(g) To the extent of the indebtedness secured herein, all proceeds of the conversion, voluntary or involuntary, of any of the foregoing into cash or liquidated claims.

TO HAVE AND TO HOLD the above granted Property, with all the privileges and appurtenances to the same belonging to the said Mortgagee, its successors and assigns, to its and their use and behoof forever.

PROVIDED, HOWEVER, that if the Mortgagor shall pay or cause to be paid to the Holder of the Note principal and interest under the Note, at the time and in the manner stipulated therein, and shall pay or cause to be paid all other sums payable hereunder and all indebtedness hereby secured, then, in such case, the estate, right, title and interest of the Mortgagee in the Property shall cease, determine and become void and the Mortgagee shall, cancel, release and discharge this Mortgage.

ARTICLE ONE

Mortgagor's Covenants

Mortgagor covenants and agrees with Mortgagee that:

1.01 Title.

a. The Mortgagor warrants that: it has good and marketable title to an indefeasible fee simple estate in the Property, subject to no liens, charges or encumbrances other than the lien of this Mortgage and of any encumbrances, if any, described on Exhibit B hereto ("Permitted Encumbrances"); that it has good right and lawful authority to mortgage the Property in the manner and form herein provided; that Mortgagor has full power and authority to mortgage the Property in the manner and form herein done or intended hereafter to be done; that this Mortgage is and shall remain a valid and enforceable lien on the Property, subject only to those of the Permitted Encumbrances which are stated on Exhibit B hereto to constitute "Prior Encumbrances"; that Mortgagor and its successors and assigns shall warrant and defend the same and priority of this lien forever against the lawful claims and demands of all persons whomsoever (other than the Prior Encumbrances); and, that this covenant shall not be extinguished by any foreclosure hereof but shall run with the land.

b. Mortgagor shall maintain the property free of all security interests, liens and encumbrances, other than Permitted Encumbrances, the security interest hereunder or any lien or encumbrance disclosed to and approved by Mortgagee in writing.

c. The Mortgagor shall do, execute, acknowledge and deliver all and every such further acts, deeds, conveyances, mortgages, assignments, notices of assignments, transfers and assurances as the Mortgagee shall from time to time require, for the better assuring, conveying, assigning, transferring and confirming unto the Mortgagee the property and rights hereby conveyed or assigned or intended now or hereafter so to be, or which the Mortgagor may be or may hereafter become bound to convey or assign to the Mortgagee, or for carrying out the intention of facilitating the performance of the terms of this Mortgage, or for filing, registering or recording this Mortgage and, on demand, shall execute and deliver, and hereby authorizes the

Mortgagee to execute in the name of the Mortgagor to the extent it may lawfully do so, one or more financing statements, chattel mortgages or comparable security instruments, to evidence more effectively the lien hereof upon the Collateral.

d. The Mortgagor shall, upon the execution of this Mortgage, the Rental Regulatory Agreement, and the Note (the "Loan Documents"), cause all recordable Loan Documents, to be filed, registered or recorded in such manner and in such places as may be required by any present or future law in order to publish notice of and fully to protect the lien hereof upon, and the interest of the Mortgagee in the Property.

e. The Mortgagor shall pay for all filing, registration or recording fees, and all expenses incident to the preparation, execution and acknowledgment of this Mortgage, any mortgage supplemental hereto, any security instrument with respect to the Collateral, and any instrument of further assurance, and all federal, state, county and municipal stamp taxes and other taxes, duties, imposts, assessments and charges arising out of or in connection with the execution and delivery of the Note, this Mortgage, any mortgage supplemental hereto, any security instrument with respect to the Collateral or any instrument of further assurance.

f. The Mortgagor, so long as all or part of the indebtedness secured hereby is outstanding shall preserve in its present form and keep in full force and effect its existence, as a legal entity under the laws of the state of its formation and shall comply with all regulations, rules, ordinances, statutes, orders and decrees of any governmental authority or court applicable to the Premises or any part thereof.

1.02 Payment of Note and Escrow Account.

a. The Mortgagor shall promptly and punctually pay principal, interest, and all other sums due or to become due pursuant to the terms of the Note, in the time and manner set forth therein. On the first day of each month until said Note is fully paid, a sum, as estimated by the Mortgagee, equal to the total rental payments due under any ground leases which have not been subordinated to this Mortgage, if any, and the taxes and special assessments next due on the Property encumbered by this Mortgage, plus the premiums that will next become due and payable on insurance policies as may be required under section 1.05 hereof, less all sums already paid for each divided by the number of months to elapse before one (1) month prior to the date when such ground rents, premiums, taxes and special assessments will become delinquent, shall be segregated by the Mortgagor to pay said ground rents, taxes, special assessments and insurance premiums. Such segregated sums shall be held by Mortgagor in interest bearing accounts and shall be kept separate and apart from other funds of the Mortgagor. Mortgagor shall, at the written request of the Mortgagee, furnish any information requested by Mortgagee concerning such accounts. The Mortgagor shall pay the ground rents, taxes, special assessments and insurance premiums when each is due (the "Reserve Payments") and before they become delinquent. In the event the Mortgagor is late in making any of the Reserve Payments, the Mortgagee may require the Mortgagor to deposit the Reserve Payments with the Mortgagee on the first of each month until the Note is paid in full. The Reserve Payments should

be held by the Mortgagee without any allowance of interest to the Mortgagor and need not be kept separate and apart of other funds of the Mortgagee. All payments mentioned in this paragraph and all payments to be made under the Note secured hereby shall be added together and the aggregate amount thereof shall be paid by the Mortgagee to the following items in the order set forth: (i) said ground rents, if any, taxes, special assessments, fire and other hazard insurance premiums, (ii) interest on the Note secured hereby; and (iii) amortization of the principal of said Note. Notwithstanding the foregoing escrow requirements, the Mortgagor shall not be obligated to segregate, or to pay to the Mortgagee, ground rents, if any, taxes, special assessments, fire and other hazard insurance premiums if the Mortgagor is required to pay such sums to the Holder of a Permitted Encumbrance.

b. The arrangement provided for in the section 1.02 is solely for the added protection of the Mortgagee and entails no responsibility on the Mortgagee's part beyond the allowing of due credit, without interest, for the sums actually received by it. Upon assignment of the Mortgage by the Mortgagee, any funds on hand shall be turned over to the new mortgagee and any responsibility of the Mortgagee for such funds shall terminate.

c. If the total of any Reserves described in section 1.02(a) hereof shall exceed the amount of payments actually applied by Mortgagee as set forth in section 1.02(a) any excess Escrow Funds may be credited by Mortgagee to subsequent Escrow payments coming due or, at the option of the Mortgagee, refunded to the Mortgagor. Any deficiency in the Escrow Account shall be paid by the Mortgagor within five (5) business days from receipt of written notification from the Mortgagee that the deficiency has occurred. If there shall be a default under any of the provisions of this Mortgage, the Mortgagee may apply any excess Escrowed Funds against the amounts due and payable under the Loan Documents.

1.03 Maintenance and Repair. The Mortgagor shall keep the Property in good condition and operating order and shall not commit or permit any waste thereof. Mortgagor shall diligently maintain the Property and make any needed repairs, replacements, renewals, additions and improvements, and complete and restore promptly and in a good workmanlike manner. Mortgagor shall not remove any part of the Collateral from the Property or demolish any part of the Property or materially alter any part of the Property without the prior written consent of the Mortgagee. Mortgagor shall permit Mortgagee or its agents the opportunity to inspect the Property, including the interior of any structures, at any reasonable time.

1.04 Compliance with Laws. The Mortgagor shall comply with all laws, ordinances, regulations, covenants, conditions and restrictions affecting the Property or the operation thereof, and shall pay all fees or charges of any kind in connection therewith.

1.05 Insurance.

a. The Mortgagor shall keep all buildings and improvements now or hereafter situated on the Property insured against loss or damage by fire and other hazards as may reasonably be required by Mortgagee, including, without limitation: (i) rent loss or business interruption insurance whenever in the opinion of Mortgagee such protection reasonably is necessary; and (ii) flood and earthquake insurance whenever in the opinion of Mortgagee such protection is reasonably necessary. Mortgagor shall also provide liability insurance with such limits for personal injury and death and property damage as Mortgagee may require.

b. The Mortgagor shall initially maintain, until Mortgagee shall otherwise indicate in writing, fire and extended coverage insurance in an amount of not less than the full replacement cost of the Property in accordance with HUD's requirements. The policy shall be written by a company or companies having a Best's rating of at least A. Public liability insurance shall be provided on a comprehensive basis in an amount of Five Hundred Thousand and 00/100 Dollars ($500,000.00) per occurrence for bodily injury and property damage and rental or business interruption insurance in an amount sufficient to cover any loss of rents or income for the Property suffered by the Mortgagor for a period of up to six (6) months.

c. All policies of insurance to be furnished hereunder shall be in a form satisfactory to Mortgagee, with Standard Mortgagee Clauses attached to all policies in favor of the Mortgagee, including a provision requiring that the coverage evidenced thereby shall not be terminated or materially modified without thirty (30) days' prior written notice to the Mortgagee. Mortgagor shall deliver all policies, including additional and renewal policies, to Mortgagee and shall deliver renewal policies not less than ten (10) days prior to their expiration date except that if the originals of such policies are at any time held by the holder of a Prior Encumbrance, then Mortgagor shall deliver to Mortgagee certified copies of such policies together with original certificates hereof. The Mortgagee shall be shown as additional insured with respect to this coverage.

d. No separate insurance shall be taken out by the Mortgagor without the prior written approval of the Mortgagee. In the event the Mortgagee approves additional insurance, the Mortgagor shall immediately notify Mortgagee whenever any separate insurance is issued and shall promptly deliver to Mortgagee certified copies of the policy or policies of such insurance. All additional insurance policies shall be in the form required by Paragraph (c) above. In the event of a foreclosure, or other transfer of title to the Property in lieu of foreclosure or by purchase at the foreclosure sale all interest in any insurance policies in force shall pass to Mortgagee, transferee or purchaser as the case may be, and to the holders of the Permitted Encumbrances as their interests may appear.

1.06 Casualty. Mortgagor shall promptly notify Mortgagee of any loss whether covered by insurance or not. In case of loss or damage by fire or other casualty, Mortgagee shall have the

right to approve the settlement of any claim made under insurance policies covering the Property or to allow Mortgagor to agree with the insurance company or companies on the amount to be paid in regard to such loss. Provided that there is no default hereunder, such insurance proceeds shall be paid to the Mortgagee to the extent of the indebtedness held by the Mortgagee without any allowance of rebuilding or restoration of buildings or improvements on said Property. Such proceeds shall be used to retire the indebtedness unless the Mortgagor demonstrates to the satisfaction of the Mortgagee that the Property may be restored to at least equal value and substantially the same character in which case the proceeds shall be made available to the Mortgagor for rebuilding or restoration of buildings or improvements on said Property. In that event, such proceeds shall be made available in the manner and under the conditions that the Mortgagee may require, including without limitation: (i) approval of plans and specifications of such work before such work shall be commenced; (ii) suitable completion or performance bonds and Builder's All Risk insurance; and (iii) no insurer claims any rights of participation and/or assignment of rights with respect to the indebtedness secured hereby. The buildings and improvements shall be so restored or rebuilt so as to be of at least equal value and substantially the same character as prior to such damage or destruction. Any surplus which may remain out of said insurance proceeds after payment of such cost of rebuilding or restoration shall, at the sole option of the Mortgagee, be applied on account of the indebtedness secured hereby or be paid to Mortgagor. Any insurance proceeds received by Mortgagor pursuant to the provisions of this section 1.06 shall remain subject to the lien of this Mortgage, and no holder of any Permitted Encumbrance shall attach, garnish, execute or otherwise attempt to compel payment or delivery of such sums to it or to any other person so long as such sums are used or are to be used for the purposes set forth in this paragraph 1.06.

1.07 Condemnation. The Mortgagor, immediately upon obtaining knowledge of the institution of any proceeding for the condemnation of the Property or any portion thereof, shall notify Mortgagee in writing of the pendency thereof. The Mortgagor hereby assigns, transfers and sets over unto the Mortgagee to the extent of the indebtedness secured herein, all compensation, rights of action, proceeds of any award and any claim for damages for any of the Property taken or damaged under the power of eminent domain or by condemnation or by sale of the Property in lieu thereof. Mortgagee may, at its option, commence, appear in and prosecute, in its own name, and for its own account, any action or proceeding, or make any compromise or settlement, in connection with the condemnation, taking under the power of eminent domain, or sale in lieu thereof. After deducting therefrom all of its reasonable expenses, including attorneys' fees, the Mortgagee shall apply the proceeds of the award to the reduction of the indebtedness secured by this Mortgage unless Mortgagor demonstrates to the satisfaction of the Mortgagee that the value and character of the Property shall be maintained, in which case, the Mortgagee shall hold said proceeds without any allowance of interest and make them available for restoration or rebuilding of the Property. In the event that the Mortgagee elects to make said proceeds available to reimburse Mortgagor for the cost of the rebuilding or restoration of the buildings or improvements on said Property, such proceeds shall be made available in the manner and under the conditions that the Mortgagee may require provided under Section 1.06 above. If the proceeds are made available by the Mortgagee to reimburse the Mortgagor for the cost of said rebuilding or restoration, any surplus which may remain out of said award after payment of such cost of

rebuilding or restoration shall at the option of the Mortgagee be applied on account of the indebtedness secured hereby or be paid to Mortgagor. Mortgagor agrees to execute such further assignments of any compensation, award, damages, right of action and proceeds, as Mortgagee may require. Any sums received by Mortgagor pursuant to the provisions of this paragraph 1.07 shall remain subject to the lien of this Mortgage, and no holder of any Permitted Encumbrance shall attach, garnish, execute or otherwise attempt to compel payment or delivery of such sums to it or to any other person so long as such sums are used or are to be used for the purposes set forth in this paragraph 1.07.

1.08 Liens and Encumbrances. The Mortgagor shall not, without the Mortgagee's express written consent, permit the creation of any liens or encumbrances on the Property other than the lien of this Mortgage and of any Permitted Encumbrances, and shall pay when due all obligations, lawful claims or demands of any person, which, if unpaid, might result in, or permit the creation of, a lien or encumbrance on the Property or on the rents, issues, income and profits arising therefrom, whether such lien would be senior or subordinate hereto, including all claims of mechanics, materialmen, laborers and others for work or labor performed, or materials or supplies furnished in connection with any work done in and to the Property and the Mortgagor will do or cause to be done everything necessary so that the lien of this Mortgage is fully preserved, at no cost to the Mortgagee.

1.09 Taxes and Assessments. The Mortgagor shall pay in full when due, and in any event before any penalty or interest attaches, all general taxes and assessments, special taxes, special assessments, water charges, sewer service charges, and all other charges against the Property and shall furnish to Mortgagee official receipts evidencing the payment thereof.

1.10 Indemnification. Mortgagor shall indemnify and hold harmless the Lender from any liability, claims or losses incurred by Lender in favor of third parties resulting from the disbursement of the Loan proceeds to Mortgagor or from the condition of the Premises, whether arising during or after the term of the Loan, whether as a result of a claim made under this Agreement, by the Lender under the Contracts or otherwise. The Mortgagor shall indemnify and hold harmless the County and its officers, employees, agents and instrumentalities from any and all liability, losses or damages, including attorneys' fees and costs of defense, which the County or its officers, employees, agents or instrumentalities may incur as a result of claims, demands, suits, causes of actions or proceedings of any kind or nature arising out of, relating to or resulting from the performance of this Contract by the Mortgagor or its employees, agents, servants, partners principals or subcontractors. Mortgagor shall pay all claims and losses in connection therewith and shall investigate and defend all claims, suits or actions of any kind or nature in the name of the County, where applicable, including appellate proceedings, and shall pay all costs, judgments, and attorney's fees which may issue thereon. Mortgagor expressly understands and agrees that any insurance protection required by this Contract or otherwise provided by Mortgagor shall in no way limit the responsibility to indemnify, keep and save harmless and defend the County or its officers, employees, agents and instrumentalities as herein provided. This provision shall survive the repayment of the Loan and shall continue in full force and effect so long as the possibility of

such liability, claims, or losses exists.

1.11 Sale of Property.

a. In order to induce Mortgagee to make the loan evidenced by the Note, Mortgagor agrees that if the Property or any part thereof or interest therein is sold, assigned, transferred, conveyed, further mortgaged, encumbered, or otherwise alienated by Mortgagor, whether voluntarily, involuntarily or by operation of law, or that if the person(s) managing the Property is replaced, in either or any case without the prior written consent of Mortgagee, Mortgagee, at its option, may declare the Note secured hereby and all other obligations hereunder to be forthwith due and payable within fifteen (15) days of written notice, provided, however, Mortgagee shall not withhold its consent unless such mortgaging or encumbering of the Property, or change to its ownership or management will have a material adverse affect on the Mortgagee's security for the indebtedness secured by this Mortgage. The Mortgagee may condition its consent upon an increase in the interest rate of the Note to the then current market rate for new loans secured by property similar to the Property, and the Mortgagor shall pay all costs incurred thereby, including any costs of amending the Note and Mortgage and of obtaining a title insurance endorsement. In addition, the Mortgagee may charge a fee for processing any application seeking the consent of Mortgagee.

b. Any change in the legal or equitable title of the Property or in the beneficial ownership of the Property, whether or not of record and whether or not for consideration, or sale or other disposition of the stock of the borrowing entity except by devise or descent, shall be deemed a transfer of an interest in the Property. In connection herewith, the financial stability and managerial and operational ability of Mortgagor are a substantial and material consideration to Mortgagee in its agreement to make the loan to Mortgagor secured the Mortgage. The Mortgagor acknowledges that the transfer of an interest in the Property or change in the person or entity operating and managing the Property may significantly or materially alter and reduce Mortgagee's security for the indebtedness secured hereby.

c. In the event that ownership of the Property, or any part thereof, becomes vested in any person or persons other than Mortgagor, without the prior written approval of Mortgagee, the Mortgagee may waive such default and substitute the Mortgagor with the Mortgagor's successor or successors in interest in the same manner as with Mortgagor, without in any way releasing, discharging or otherwise affecting the liability of Mortgagor hereunder, or the Mortgage indebtedness hereby secured. No sale of the Property, no forbearance on the part of Mortgagee, no extension of the time for the payment of the Mortgage indebtedness or any change in the terms thereof consented to by Mortgagee shall in any way whatsoever operate to release, discharge, modify, change or affect the original liability of Mortgagor herein, either in whole or in part, nor shall the full force and effect of this lien be altered thereby. Any deed conveying the Property, or any part thereof, shall provide that the grantee thereunder assumes all of the grantor's obligations under this Mortgage, the Note and all other instruments or agreements evidencing or securing the repayment of the Mortgage indebtedness. In the event such deed shall not contain such provisions, the grantee under such deed shall be deemed to assume, by its

acquisitions of the Property all the obligations established by the Loan Documents.

d. Mortgagor shall not sell, assign, transfer or otherwise dispose of the Collateral or any interest therein and shall not do or permit anything to be done that may impair the Collateral without the prior consent of the Mortgagee, unless the Mortgagor is not in default under the terms of this Mortgage and the Collateral which is to be disposed is fully depreciated or unnecessary for use in the operation of the Property.

1.12 Management. The Mortgagor agrees that the Mortgagee shall have the right to employ professional management for the Property at any time that the Mortgagor is in default under any provision of this Mortgage for a period of more than forty-five (45) days. Such employment shall be at the sole discretion of the Mortgagee and NOTHING herein shall obligate the Mortgagee to exercise its right to install professional management. The cost of such management shall be borne by Mortgagor and shall be treated as an advance under Section 1. 13.

1.13 Advances. If Mortgagor shall fail to perform any of the covenants herein contained or contained in any instrument constituting additional security for the Note, the Mortgagee may, without creating an obligation to do so, make advances on its behalf. Any and all sums so advanced shall be a lien upon the Property and shall become secured by this Mortgage. The Mortgagor shall repay on demand all sums so advanced in its behalf with interest at the rate of eightenn (18%) percent per annum in excess of the rate of the Note at the time of such advance. Nothing herein contained shall prevent any such failure to perform on the part of Mortgagor from constituting an event of default as defined below.

1.14 Financial Statements. The Mortgagor shall deliver to Mortgagee, within ninety (90) days after the end of each of Mortgagor's fiscal years, a balance sheet and statement of profit and loss with respect to the operation of the Property for the fiscal year just completed and beginning with the second such fiscal year after the recordation of the Loan Documents, a comparison of the just completed fiscal year with the preceding fiscal year's balance sheet and statement of profit and loss, all in reasonable detail and certified as complete and correct, by the Mortgagor and a Certified Public Accountant.

1.15 Time. The Mortgagor agrees that time is of the essence hereof in connection with all obligations of the Mortgagor herein or in said Note or any other instruments constituting additional security for said Note.

1.16 Estoppel Certificates. The Mortgagor within ten (10) days from receipt of written request, shall furnish a duly acknowledged written statement setting forth the amount of the debt secured by this Mortgage, and stating either that no set-offs or defenses exist against the Mortgage debt, or if any such setoffs or defenses are alleged to exist, the nature thereof.

1.17 Records. The Mortgagor agrees to keep adequate books and records of account in accordance with generally accepted accounting principles and shall permit the Mortgagee, and

its agents, accountants and attorneys, to visit and inspect the Property and examine its books and records of account, and to discuss its affairs, finances and accounts with the Mortgagor, at such reasonable times as Mortgagee may request.

1.18 Assignment of Rents and Leases. Mortgagor agrees to execute and deliver to Mortgagee such assignments of the leases and rents applicable to the Property as the Mortgagee may from time to time request while this Mortgage and the Note and indebtedness secured by this Mortgage are outstanding.

1.19 Subordination to Prior Encumbrances. Notwithstanding anything herein which is or which may appear to be to the contrary, the lien of this Mortgage and Mortgagee's rights hereunder are subordinate and inferior to the lien of those Permitted Encumbrances (if any) whether now existing or hereafter created which are stated on Exhibit B. Mortgagee agrees, by its acceptance hereof, that no action required to be taken by Mortgagor under the express terms of any Prior Encumbrance shall constitute a default or any Event of Default hereunder, provided however, that such actions are not inconsistent with Mortgagor's obligations set forth in the Note or in paragraph 1.20(c) below.

1.20 Leases Affecting Mortgaged Property.

a. Mortgagor shall comply with and observe its obligations as landlord under all leases affecting the Property or any part thereof. Upon request, Mortgagor shall furnish promptly to Mortgagee executed copies of all such leases now existing or hereafter created. Mortgagor shall not, without the express written consent of Mortgagee, enter any lease except upon forms approved by Mortgagee. Mortgagor shall not accept payment of rent more than one (1) month in advance without prior written consent of Mortgagee. Nothing contained in this Section 1.20 or elsewhere in this Mortgage shall be construed to make Mortgagee a mortgagee in possession unless and until Mortgagee actually takes possession of the Mortgaged Property either in person or through an agent or receiver.

b. To the extent allowable by applicable law, each lease of the Mortgaged Property, shall be entered into in a form provided by the Mortgagee and shall provide that, in the event of the enforcement by Mortgagee of the remedies provided for by law or by this Mortgage, the lessee thereunder will, if requested by Mortgagee or by any person succeeding to the interest of Mortgagor as the result of said enforcement, automatically become the lessee of Mortgagee or any such successor in interest, without any change in the terms or other provisions of the respective lease, provided, however, that Mortgagee or said successor in interest shall not be bound by (i) any payment of rent or additional rent for more than one (1) month in advance, except prepayments in the nature of security for the performance by said lessee of its obligations under said lease, or (ii) any amendment or modification in the lease made without the consent of Mortgagee or any successor in interest. Each lease shall also provide that, upon request by said successor in interest, the lessee shall execute and deliver an instrument or instruments confirming its attornment.

c. Mortgagor covenants and agrees that, until the Note and the other obligations secured hereby are satisfied in full, Mortgagor shall comply with the terms of that certain Rental Regulatory Agreement (if applicable) executed simultaneously herewith by and among Mortgagor and the Mortgagee, which Rental Regulatory Agreement is by this reference made a part hereof to the same extent as if set out in full herein.

1.21 Reserved

1.22 Incorporation of Contract. Mortgagor agrees and covenants to abide by all the terms and conditions of the CDBG Contract. The CDBG Contract is incorporated herein by reference as if fully set forth herein. A default of any provision of the CDBG Contract shall be deemed an Event of Default under this Mortgage.

ARTICLE TWO

Default

2.01 Events of Default. The following shall be deemed to be Events of Default hereunder:

a. Failure to make any payment when due in accordance with the terms of the Note secured by this Mortgage or failure to make any additional payments required by this Mortgage within fifteen days (15) of the date on which such payments were due.

b. Failure to keep or perform any of the other terms, covenants and conditions in this Mortgage provided that such failure shall have continued for a period of thirty (30) days after written notice of such failure from the Mortgagee.

c. After written notice from Mortgagee and an opportunity to cure of thirty (30) days from such written notice, continued breach of any warranties or representations given by Mortgagor to Mortgagee in connection with the Loan Documents.

d. An event of default under or institution of foreclosure or other proceedings to enforce any Permitted Encumbrance or any other mortgage or security interest, lien or encumbrance of any kind upon the Property or any portion thereof.

e. The Mortgagor, or any successor or assign including, without limitation, the current owners of any interest in the Property shall:

(i) file a petition under the Federal Bankruptcy Code or any similar law, state or federal, whether now or hereafter existing (hereafter referred to as a "Bankruptcy Proceeding"); or

(ii) file any answer admitting insolvency or inability to pay debts, or

(iii) fail to obtain a vacation or stay of any Insolvency Bankruptcy Proceeding within forty-five (45) days, as hereinafter provided; or

(iv) be the subject of an order for relief against it in any Bankruptcy Proceeding; or

(v) have a custodian or a trustee or receiver appointed for or have any court take jurisdiction of its property, or the major part thereof, in any involuntary proceeding for the purpose of reorganization, arrangement, dissolution, or liquidation if such receiver or trustee shall not be discharged or if such jurisdiction relinquished, vacated or stayed on appeal or otherwise within forty-five (45) days; or

(vi) make an assignment for the benefit of its creditors; or

(vii) admit in writing its inability to pay its debts generally as they become due; or

(viii) consent to an appointment of custodian or receiver or trustee of all of its property, or the major part thereof.

f. Failure without good cause of the Mortgagor to accept any referral from Miami-Dade County of eligible applicants for housing if space is available at the time of the referral.

g. Failure of the Mortgagor to comply with the requirements of the OCED Contract.

h. After the applicable grace periods have expired, failure to comply with the terms of the Loan Agreement between the Mortgagor, as Borrower, and Miami-Dade County as Lender; the Rental Regulatory Agreement (if applicable) between the Owner and Miami-Dade County, the Note, and any other instruments, now or hereafter executed by Owner in favor of Miami-Dade County, which in any manner constitute additional security for the Note.

i. The event of any default on any other Contract, Note or Mortgage between Mortgagor and Mortgagee.

j. The institution of any proceeding for foreclosure on any property where the County is also Mortgagee.

2.02 Remedies.

a. Upon and after any such Event of Default, the Mortgagee, by written notice

given to the Mortgagor, may declare the entire principal of the Note then outstanding (if not then due and payable), and all accrued and unpaid interest thereon, all premium payable thereunder, and all other obligations of Mortgagor hereunder, to be due and payable immediately, and upon any such declaration the principal of the Note and said accrued and unpaid interest shall become and be immediately due and payable, anything in the Note or in this Mortgage to the contrary notwithstanding.

b. Upon and after any such Event of Default, the Mortgagee or by its agents or attorneys, may enter into and upon all or any part of the Property, and each and every part thereof, and may exclude the Mortgagor, its agents and servants wholly therefrom; and having and holding the same, may use, operate, manage and control the Property and conduct the business thereof, either personally or by its superintendents, managers, agents, servants, attorneys or receivers and upon every such entry, the Mortgagee, at the expense of the Property, from time to time, either by purchase, repairs or construction, may maintain and restore the Property, whereof it shall become possessed as aforesaid, and, from time to time, at the expense of the Property, the Mortgagee may make all necessary or proper repairs, renewals and replacements and such useful alterations, additions, betterments and improvements thereto and thereon as to it may seem advisable, and in every such case the Mortgagee shall have the right to manage and operate the Property and to carry on the business thereof and exercise all rights and powers of the Mortgagor with respect thereto either in the name of the Mortgagor or otherwise as it shall deem best, and the Mortgagee shall be entitled to collect and receive all earnings, revenues, rents, issues, profits and income of the Property and every part thereof, all of which shall for all purposes constitute property of the Mortgagor; and after deducting the expenses of conducting the business thereof and of all maintenance, repairs, renewals, replacements, alterations, additions, betterments and improvements and amounts necessary to pay for taxes, assessments, insurance and prior or other proper charges upon the Property or any part thereof, as well as just and reasonable compensation for the services of the Mortgagee its attorneys, counsel, agents, clerks, servants and other employees by it properly and reasonably engaged and employed, the Mortgagee shall apply the moneys arising as aforesaid, first, to the payment of the principal of the Note and the interest thereon, when and as the same shall become payable, and second, to the payment of any other sums required to be paid by the Mortgagor under this Mortgage.

c. Upon and after any such Event of Default, the Mortgagee shall have all of the remedies of a Secured Party under the Uniform Commercial Code of Florida, Sec. 671-689 et al. F.S., as amended from time to time, including without limitation the right and power to sell, or otherwise dispose of the Collateral or any part thereof, and for that purpose may take immediate and exclusive possession of the Collateral, or any part thereof, and with or without judicial process, enter upon any Property on which the Collateral, or any part thereof, may be situated and remove the same therefrom without being deemed guilty of trespass and without liability for damages thereby occasioned, or at Mortgagee's option Mortgagor shall assemble the Collateral and make it available to the Mortgagee at the place and at the time designated in the demand. Mortgagee shall be entitled to hold, maintain, preserve and prepare the Collateral for sale. Mortgagee without removal may render the Collateral unusable and dispose of the Collateral on

the Property. To the extent permitted by law, Mortgagor expressly waives any notice of sale or other disposition of the Collateral and any other right or remedy of Mortgagee existing after default hereunder, and to the extent any such notice is required and cannot be waived, Mortgagor agrees that, as it relates to, this paragraph c. only, if such notice is marked, postage prepaid, to the Mortgagor at the above address with copies of said notice mailed in the same fashion to the president of the Mortgagor, at least fifteen (15) days before the time of the sale or disposition, such notice shall be deemed reasonable and shall fully satisfy any requirement for giving of said notice.

d. Upon and after any such Event of Default, the Mortgagee, with or without entry, or by its agents or attorneys, insofar as applicable, may:

(i) sell the Property to the extent permitted and pursuant to the procedures provided by law, and all estate, right, title and interest, claim and demand therein, and right of redemption thereof, at one or more sales as an entity or in parcels, and at such time and place upon such terms and after such terms and after such notice thereof as may be required, or

(ii) institute proceedings for the complete or partial foreclosure of this Mortgage, or

(iii) apply to any court of competent jurisdiction for the appointment of a receiver or receivers for the Property and of all the earnings, revenues, rents, issues, profits and income thereof, or

(iv) take such steps to protect and enforce its rights whether by action, suit or proceeding in equity or at law for the specific performance of any covenant, condition or agreement in the Note, or in this Mortgage, or in aid of the execution of any power herein granted, or for any foreclosure hereunder, or for the enforcement of any other appropriate legal or equitable remedy or otherwise as the Mortgagee shall elect.

e. The Mortgagee may adjourn from time to time any sale by it to be made under or by virtue of this Mortgage by announcement at the time and place appointed for such sale or for such adjourned sale or sales; and, except as otherwise provided by any applicable provision of law, the Mortgagee, without further notice or publication, other than that provided in sub-paragraph 2.02(c) above may make such sale at the time and place to which the same shall be so adjourned.

f. Upon the completion of any sale or sales made by the Mortgagee under or by virtue of this Section, the Mortgagor, or an officer of any court empowered to do so, shall execute and deliver to the accepted purchaser or purchasers a good and sufficient instrument, or good and sufficient instruments, conveying, assigning and transferring, all estate, right, title and interest in and to the property and rights sold. The Mortgagee is hereby appointed the true and lawful attorney irrevocable of the Mortgagor, in its name and stead, to make all necessary conveyances, assignments, transfers and deliveries of the Property and rights so sold, and for

that purpose the Mortgagee may execute all necessary instruments of conveyance, assignment and transfer, and may substitute one or more persons with like power, the Mortgagor hereby ratifying and confirming all that its said attorney or such substitute or substitutes shall lawfully do by virtue hereof. This power of attorney shall be deemed to be a power coupled with an interest and not subject to revocation. Nevertheless, the Mortgagor, if so requested by the Mortgagee, shall ratify and confirm any such sale or sales by executing and delivering to the Mortgagee or to such purchaser or purchasers all such instruments as may be advisable, in the judgment of the Mortgagee, for the purpose, and as may be designated in such request. Any such sale or sales made under or by virtue of this Section whether made under the power of sale herein granted or under or by virtue of judicial proceedings or of a judgment or decree of foreclosure and sale, shall operate to divest all the estate, right, title, interest, claim and demand whatsoever, whether at law or in equity, of the Mortgagor in and to the properties and rights so sold, and shall be a perpetual bar both at law and in equity against the Mortgagor and against any and all persons claiming or who may claim the same, or any part thereof from, through or under the Mortgagor.

g. In the event of any sale made under or by virtue of this Section (whether made under the power of sale herein granted or under or by virtue of judicial proceedings or of a judgment or decree of foreclosure and sale), the entire principal of, and interest on, the Note, if not previously due and payable, and all other sums required to be paid by the Mortgagor pursuant to this Mortgage, immediately thereupon shall, anything in the Note or in this Mortgage to the contrary notwithstanding, become due and payable.

h. The purchase money proceeds or avails of any sale made under or by virtue of this Section, together with any other sums which then may be held by the Mortgagee under the provisions of this Section or otherwise, shall be applied as follows:

First: To the payment of the costs and expenses of such sale, including reasonable compensation to the Mortgagee, its agents and counsel, and of any judicial proceedings wherein the same may be made, and of all expenses, liabilities and advances made or incurred by the Mortgagee under this Mortgage, together with interest at the rate for advances hereunder in Section 1. 13.

Second: To the payment of any other sums required to be paid by the Mortgagor pursuant to any provisions of this Mortgage or of the Note.

Third: To the payment of the whole amount then due, owing or unpaid upon the Note for principal and interest, with interest on the unpaid principal and accrued interest at the rate specified in the Note, from and after the happening of any Event of Default described above from the due date of any such payment of principal until the same is paid.

Fourth: To the payment of the surplus, if any, to the Mortgagor or whomsoever is lawfully entitled to receive the same, subject to federal law which may prohibit such payment. In the event that payment of surplus to Mortgagor is prohibited by federal law or a determination by U.S. HUD, Mortgagee shall follow the direction of U.S. HUD and shall use the

surplus as required by U.S. HUD and federal law.

Subject to federal law and U.S. HUID, upon any sale made under or by virtue of this Section, whether made under the power of sale herein granted or under or by virtue of judicial proceedings or of a judgment or decree of foreclosure and sale, the Mortgagee may bid for and acquire the Property or any part thereof and in lieu of paying cash therefor may make settlement for the purchase price by crediting upon the indebtedness of the Mortgagor secured by this Mortgage the net sales price after deducting therefrom the expenses of the sale and the cost of the action and any other sums which the Mortgagee is authorized to deduct under this Mortgage. The Mortgagee, upon so acquiring the Property, or any part thereof shall be entitled to hold, lease, rent, operate, manage and sell the same in any manner provided by applicable laws.

ARTICLE THREE

Miscellaneous Terms and Conditions

3.01 Leases. In the event the Mortgagee shall institute judicial proceedings to foreclose the lien hereof, and shall be appointed as a mortgagee in possession of the Property, the Mortgagee during such time as it shall be the Mortgagee in possession of the Property pursuant to an order or decree entered in such judicial proceedings, shall have, and the Mortgagor hereby gives and grants to the Mortgagee, the right, power and authority to make and enter into leases of the Property or the portions thereof for such rents and for such periods of occupancy and upon such conditions and provisions as mortgagee in possession may deem desirable, and Mortgagor expressly acknowledges and agrees that the term of any such lease may extend beyond the date of any sale of the Property pursuant to a decree rendered in such judicial proceedings; it being the intention of the Mortgagor that while the Mortgagee is a Mortgagee in possession of the Property pursuant to an order or decree entered in such judicial proceedings, such Mortgagee shall be deemed to be and shall be the attorney-in-fact of the Mortgagor for the purpose of making and entering into leases of parts or portions of the Property for the rents and upon the terms, conditions and provisions deemed desirable to such Mortgagee and with like effect as if such leases had been made by the Mortgagor as the owner in fee simple of the Property free and clear of any conditions or limitations established by this Mortgage. The power and authority hereby given and granted by the Mortgagor to Mortgagee shall be deemed to be coupled with an interest and shall not be revocable by Mortgagor. Nothing herein shall be construed to affect the Mortgagee's rigts under Section 2.02(b) above.

3.02 Taxation of Note and Mortgage. If at any time before the debt hereby secured is fully paid, any law be enacted, deducting from the value of said real estate, for the purposes of taxation, any lien thereon, or revising or changing in any way the laws now in force for the taxation of mortgages or bonds, or the debts secured thereby, for state or local purposes, or the manner of collection of such taxes, so as to affect adversely this Mortgage or the debt hereby secured, or the owner and holder thereof in respect thereto, then this Mortgage and the Note hereby secured shall, at the option of Mortgagee and without notice to any party, become immediately due and payable. If any law should be enacted and to the extent permitted by such law, Mortgagor shall have the opportunity of paying to the Mortgagee the amount of any additional cost or taxes to the Mortgage from such law.

3.03 Marshalling of Assets. Mortgagor on its own behalf and on behalf of its successors and assigns hereby expressly waives all rights to require a marshalling of assets by Mortgagee or to require Mortgagee, upon a foreclosure, to first resort to the sale of any portion of the Property which might have been retained by Mortgagor before foreclosing upon and selling any other portion as may be conveyed by Mortgagor subject to this Mortgage.

3.04 Partial Release. Without affecting the liability of any other person for the payment of an indebtedness herein mentioned (including Mortgagor should it convey said Property) and without affecting the priority of the lien hereof upon any property not released, Mortgagee may,

without notice, release any person so liable, extend the maturity or modify the terms of any such obligation, or grant other indulgences, release or reconvey or cause to be released or reconveyed at any time all or any part of the Property described herein, or take or release any other security or make compositions or other arrangements with debtors. Mortgagee may also accept additional security, either concurrently herewith or hereafter, and sell the same or otherwise realized thereon either before, concurrently with, or after sale hereunder.

3.05 Non-Waiver.

a. By accepting payment of any sum secured hereby after its due date or altered performance of any obligation secured hereby, Mortgagee shall not waive its right against any person obligated directly or indirectly hereunder or with respect to any indebtedness hereby secured, either to require prompt payment when due of all other sums so secured or take remedy for failure to make such prompt payment or full performance. No exercise of any right or remedy by Mortgagee hereunder shall constitute a waiver of any other right or remedy herein contained or provided by law.

b. No delay or omission of the Mortgagee in the exercise of any right, power or remedy accruing hereunder or arising otherwise shall impair any such right, power or remedy, or be construed to be a waiver of any default or acquiescence therein.

c. Receipt of rents, awards, and any other monies or evidences thereof, pursuant to the provisions of this Mortgage and any disposition of the same by Mortgagee shall not constitute a waiver of the right of foreclosure by Mortgagee in the event of default or failure of performance by Mortgagor of any covenant or agreement contained herein or in any note secured hereby.

3.06 Protection of Security. Should Mortgagor fail to make any payment or to perform any covenant as herein provided, Mortgagee (but without obligation so to do and without notice to or demand upon Mortgagor and without releasing Mortgagor from any obligation hereof) may make or do the same in the manner and to such extent as Mortgagee may deem reasonably necessary to protect the security hereof, Mortgagee being authorized to enter upon the Property for such purposes, commence, appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of Mortgagee; pay, purchase, contest, or compromise any encumbrance, charge or lien which in the judgment of Mortgagee is prior or superior hereto; and, in exercising any such power, incur any liability and expend whatever amounts in its absolute discretion it may deem necessary therefor, including cost of evidence of title and reasonable counsel fee. Any expenditures in connection herewith shall constitute an advance hereunder.

3.07 Rules of Construction. When the identity of the parties hereto or other circumstances make it appropriate, the masculine gender shall include the feminine and/or neuter, plural and the singular number shall include the plural. The headings of each paragraph are for information and convenience only and do not limit or construe the contents of any provision hereof

3.08 Severability. If any term of this Mortgage, or the application thereof to any person or circumstances, shall, to any extent, be invalid or unenforceable, the remainder of this Mortgage, or the application of such term to persons or circumstances other than those as to which it is invalid or unenforceable, shall not be affected thereby, and each term of this Mortgage shall be valid and enforceable to the fullest extent permitted by law.

3.09 Successors in Interest. This Mortgage applies to, inures to the benefit of, and is binding not only on the parties hereto, but on their heirs, executors, administrators, successors and assigns. All obligations of Mortgagor hereunder are joint and several. The term "Mortgagee" shall mean the holder and owner, including pledges, of the Note secured hereby, whether or not named as Mortgagee herein.

3.10 Notices. All notices to be given pursuant to this Mortgage shall be sufficient if mailed postage prepaid, certified or registered mail, return receipt requested, to the above described addresses of the parties hereto, or to such other address as a party may request in writing. All notices to Mortgagor shall be sent to the attention of the Executive Director. All notices to the Mortgagee shall be sent to the attention of the County Manager. Any time period provided in the giving of any notice shall commence upon the date such notice is deposited in the mail.

3.11 Modifications. This Mortgage may not be amended, modified or changed, nor shall any waiver of any provision be effective, except only by an instrument in writing and signed by the party against whom enforcement of any waiver, amendment, change, modification or discharge is sought.

3.12 Governing Law. This Mortgage shall be construed according to and governed by the laws of the State of Florida, provided, however, that nothing herein shall limit or impair any right which Holder has under applicable federal laws of the United States of America to charge a rate of interest on the sums evidenced hereby at a rate which exceeds the maximum rate allowed under the laws of Florida.

ARTICLE FOUR

Lending Provisions

4.01 Breach of Loan Agreement and Other Documents. Notwithstanding anything to the contrary contained in this Mortgage, in the Note, or in any other instrument securing the loan evidenced by the Note, Mortgagee may at its option declare the entire indebtedness secured hereby, and all interest thereon and all advances made by Mortgagee hereunder, immediately due and payable and/or exercise all additional rights accruing to it under this Mortgage upon an Event of Default, or in the event of a breach by Mortgagor of any covenant contained in this Mortgage following expiration of all notice and cure periods set forth therein.

4.02 Future Advances. This Mortgage is given to secure not only existing

indebtedness, but also such future advances, whether such advances are obligatory or are to be made at the option of the Mortgagee, or otherwise, as are made within twenty years from the date hereof, to the same extent as if such future advances were made on the date of the execution of this Mortgage. The total amount of indebtedness that may be so secured may decrease or increase from time to time, but the total unpaid balance so secured at one time shall not exceed four times the face amount of the Note, plus interest thereon, and any disbursements made for the payment of taxes, levies or insurance on the Property with interest on such disbursements at the rate designated in the Note to apply following a default thereunder. Mortgagor hereby agrees that it shall not execute or file for record any notice limiting the maximum principal amount that may be so secured, and that no such notice shall be of any force and effect whatsoever unless Mortgagee shall have consented thereto in writing signed by Mortgagee and recorded in the public records of Miami-Dade County, Florida.

4.03 Rights under Prior Encumbrances.

a. Mortgagor hereby covenants and agrees (i) to promptly observe and perform all of the covenants and conditions contained in any Permitted Encumbrance or any other lien upon the Property, and which are required to be observed or performed by Mortgagor and to do all things necessary to preserve and keep unimpaired its rights thereunder; (ii) to promptly notify Mortgagee in writing of any default by the Mortgagor in the performance and the observance of any of the terms, covenants or conditions on part of Mortgagor to be performed or observed under such instrument or of the occurrence of any event which, regardless of the lapse of time, would constitute a default under such instrument and promptly to cause a copy of each such notice given by the Mortgagee thereunder to the Mortgagor to be delivered to Mortgagee.

b. In the event Mortgagor fails to make any payment required under such a Permitted Encumbrance or any other lien upon the Property or to do any act set forth in the preceding subparagraph herein provided, then Mortgagee may, but without obligation, and without notice to or demand upon Mortgagor, and without releasing Mortgagor from any obligation hereof, make or do the same in such manner and to such extent as Mortgagee may deem necessary to protect its interest under this Mortgage. Mortgagee's rights hereunder shall specifically include, but without limitation thereof, the right to pay any and all payments of interest and principal, insurance premiums, taxes and assessments and other sums due or to become due thereunder.

c. In the event Mortgagor fails to perform any of the terms, covenants and conditions required to be performed or observed by Mortgagor under such a Permitted Encumbrance or any other lien upon the Property, then Mortgagee may, but without obligation, and without notice or demand upon Mortgagor and without relieving Mortgagor from any obligation hereof, take any action Mortgagee deems necessary or desirable to prevent or cure any such default by Mortgagor. Upon receipt by Mortgagee from Mortgagor of any written notice of default by Mortgagor under such instrument, Mortgagee may rely thereon and take any action it deems necessary to cure such default event though the existence of such default or the nature thereof may be questioned or denied by the Mortgagor or by any party on behalf of the Mortgagor. Mortgagor hereby expressly grants to Mortgagee, and agrees that Mortgagee shall have, the

absolute and immediate right to enter upon the Property or any part thereof to such extent and as often as the Mortgagee in its sole discretion deems necessary or desirable in order to prevent or cure any such default by the Mortgagor. Mortgagee may pay and expend such sums of money as Mortgagee in its sole discretion deems necessary for any such purpose and may pay expenses, employ counsel and pay reasonable attorney's fees. All costs, charges and expenses so incurred or paid by Mortgagee shall become due and payable immediately, whether or not there by notice, demand, attempt to collect or suit pending. The amount so incurred or paid by Mortgagee, together with interest thereon at the rate of interest set forth in the Note to accrue following default thereunder, from the date incurred until paid by Mortgagor, shall be added to the indebtedness secured by the lien of this Mortgage to the same extent as if paid or expended on the date hereof.

d. Mortgagor agrees that it will not surrender any of its rights under such a Permitted Encumbrance or other lien upon the Property, and will not, without the prior written consent of Mortgagee, consent to any modification, change or any alteration or amendment of such instrument of the obligations secured thereby, either orally or in writing, and no release or forbearance of any of Mortgagor's obligations under such instrument whether pursuant to such instrument or otherwise, shall release Mortgagor from any of its obligations under this Mortgage.

e. Any default by Mortgagor or any event of default under a Permitted Encumbrance or other lien upon the Property, to which this Mortgage may be subject shall constitute an Event of Default under this Mortgage.

4.04 Limitation of Interest. All agreements between Mortgagor and Mortgagee are expressly limited so that in no contingency or event whatsoever, whether by reason of advancement of the principal amount of the Note, acceleration of maturity of the unpaid principal amount of the Note, acceleration of maturity of the unpaid principal balance thereof, or otherwise, or advancement of any sums under the provisions of this Mortgage, shall the amount paid or agreed to be paid to the holder of the Note for the use, forbearance or detention of the money to be advanced thereunder or hereunder exceed the highest lawful rate permissible. If, from any circumstances whatsoever, fulfillment of any provisions of this Mortgage or the Note or any other agreement referred to herein, at the time performance of such provision shall be due, shall involve transcending the limit of validity prescribed by law which a court of competent jurisdiction may deem applicable thereto or hereto, then ipso facto, the obligations to be fulfilled shall be reduced to the limit of such validity, and if from any circumstances the holder of the Note or Mortgage shall ever receive as interest an amount which would exceed the highest lawful rate, such amount which would be excessive interest shall be applied to the reduction of the unpaid principal balance due hereunder and not the payment of interest. These provisions shall control every other provision of all agreements between Mortgagor and Mortgagee.

4.05 Waiver of Jury Trial: **MORTGAGOR WAIVES ITS RIGHTS TO A TRIAL BY JURY IN ANY ACTION, WHETHER ARISING IN CONTRACT OR TORT, BY STATUTE OR OTHERWISE, IN ANY WAY RELATED TO THE TERMS OF THIS MORTGAGE. THIS PROVISION IS A MATERIAL INDUCEMENT FOR THE MORTGAGEE'S EXTENDING CREDIT TO MORTGAGOR AND NO WAIVER OF LIMITATION OF THE MORTGAGEE'S RIGHTS**

UNDER THIS PARAGRAPH SHALL BE EFFECTIVE UNLESS IN WRITING AND MANUALLY SIGNED ON THE LENDER'S BEHALF.

IN WITNESS WHEREOF, the said Mortgagor caused this instrument to be signed and sealed as of the date first above written.

Witnesses:

_____

_____

Mortgagor:

_____, a Florida
_____

By: _____
Print Name:_____
Title:_____

(SEAL)

STATE OF FLORIDA)
) SS.
COUNTY OF MIAMI-DADE)

I HEREBY CERTIFY that on this day, before me, a Notary Public duly authorized in the State and County named above to take acknowledgments, personally appeared _____ as _____ of _____, a Florida _____, ( ) who is personally known to me or ( ) who presented _____ as identification, to me known to be a representative of the person described as the Mortgagor in and who executed the foregoing Mortgage and Security Agreement and Assignment of Leases, Rents and Profits, and acknowledged before me that said person executed that Mortgage and Security Agreement and Assignment of Leases, Rents and Profits and who ( ) did ( ) did not take an oath.

WITNESSETH my hand and official seal in the State and County above, this ____ day of _____, 20__.

_____
NOTARY PUBLIC, State of Florida

My Commission Expires:

EXHIBIT A

LEGAL DESCRIPTION

(Insert legal description here)

EXHIBIT B

PERMITTED ENCUMBRANCES

ATTACHMENT 40

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 7(E)

TO:	Honorable Chairwoman Rebeca Sosa and Members, Board of County Commissioners	**DATE:**	March 4, 2014
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Ordinance amending Chapter 2, Article I, Section 2-11.17 of the Code; establishing Residents First Training and Employment Program to expand skills training and employment opportunities for County residents Ordinance No. 14-26

This item was amended at the 2-13-14 Economic Development & Port Miami Committee to require that all solicitations for County Construction Contracts and the resulting contracts include the requirements of the Residents First Training and Employment Program.

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Jean Monestime and Co-Sponsor Commissioner Barbara J. Jordan.

R. A. Cuevas, Jr.
County Attorney

RAC/smm

Memorandum

MIAMI-DADE COUNTY

Date: March 4, 2014

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Ordinance Amending Section 2-11.1 of Miami-Dade County Establishing the Residents First Training and Employment Program

---

The proposed Ordinance amends the Residents First Training and Employment Program to require contractors on construction projects over $1 million to submit a Responsible Contractor Affidavit; to provide the OSHA 10 Hour Safety Program training to all persons employed by the contractor; and achieve an aspirational goal of 51 percent of the local workforce.

There will be additional costs incurred by County staff in the construction management and contract oversight activities necessary to monitor these additional requirements. For example, it is expected that at least one new Contract Compliance Officer, at an annualized, recurring cost of approximately $70,000, will be necessary in the Internal Services Department, Small Business Development Division, to monitor this program. Additionally, while difficult to estimate at this time, there may be additional monitoring costs within County departments overseeing capital projects affected by this Ordinance.

Edward Marquez
Deputy Mayor

Fls4114

MEMORANDUM

(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: March 4, 2014

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 7(E)

Please note any items checked.

_____	**"3-Day Rule" for committees applicable if raised**
_____	**6 weeks required between first reading and public hearing**
_____	**4 weeks notification to municipal officials required prior to public hearing**
_____	**Decreases revenues or increases expenditures without balancing budget**
_____	**Budget required**
_____	**Statement of fiscal impact required**
_____	**Ordinance creating a new board requires detailed County Mayor's report for public hearing**
_____	**No committee review**
_____	**Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**
_____	**Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(E)
3-4-14

ORDINANCE NO. 14-26

ORDINANCE AMENDING CHAPTER 2, ARTICLE I, SECTION 2-11.17 OF THE CODE OF MIAMI-DADE COUNTY FLORIDA; ESTABLISHING RESIDENTS FIRST TRAINING AND EMPLOYMENT PROGRAM TO EXPAND SKILLS TRAINING AND EMPLOYMENT OPPORTUNITIES FOR COUNTY RESIDENTS ON BUILDINGS OR PUBLIC WORKS PROJECTS FUNDED COMPLETELY OR PARTIALLY BY MIAMI-DADE COUNTY, OR PRIVATELY FUNDED PROJECTS ON COUNTY OWNED LAND; REQUIRING GREATER ACCOUNTABILITY OF PUBLIC CONTRACTORS AND SUBCONTRACTORS REGARDING EFFORTS TO PROMOTE LOCAL HIRING AND TRAINING; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, Section 2-11.16 of the Code of Miami-Dade County establishes the requirements for construction contractors bidding on public projects or private projects located on Miami-Dade County (the "County") owned land (collectively referred to as ">>County<< [[~~Capital~~]] Construction Contracts"); and

WHEREAS, the County has a strong interest in promoting employment and skill training opportunities for County residents through ">>County<< [[~~Capital~~]] Construction Contracts as such efforts help ensure a reliable source of local labor, provide economic benefits to residents and local communities, and stimulate future revenue for the County from residents through the payment of local taxes; and

WHEREAS, Miami-Dade County also has a vested interest in ensuring that >>County<< [[~~Capital~~]] Construction Contracts are successfully executed and that work on such projects is performed in a timely, safe and cost-effective manner; and

WHEREAS, major >>County<< [[~~Capital~~]] Construction Contracts require large pools of craft labor who require skill and safety training in multiple construction crafts to ensure the successful execution and delivery of such projects,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 2-11.17 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:[1]

Sec. 2-11.17. [[~~**Reserved.**~~]]>>**Residents First Training and Employment Program.**

(1) *Title.* This section shall be referred to as the Miami-Dade County Residents First Training and Employment Program.

(2) *Definitions.* For purposes of this section the following definitions shall be effective:

(a) County<< [[~~Capital~~]]>>*Construction Contracts* means (i) a County contract valued in excess of $1,000,000 for the construction, demolition, alteration and/or repair of public buildings or public works, or (ii) a contract or lease valued in excess of $1,000,000 which provides for privately funded construction, demolition, alteration or repair of buildings or improvements located on County-owned land.

(b) *Department* means the department, agency or other party responsible for awarding a County<< [[~~Capital~~]] >>Construction Contract as designated by the County.

(c) *Implementing Order* ("IO") means the implementing order developed by the Mayor or Mayor's designee and approved by this Board of

[1] Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

County Commissioners (the "Board") to give effect to the provisions of this section.

(3) Program Scope:

(a) The provisions of this ordinance shall apply to County<< [[~~Capital~~]]>>Construction Contracts which are subject to Section 2-11.16 of the Code of Miami-Dade County, Florida (the "Code"), entered into after the effective date of the ordinance by the County, and its Departments.

(b) The provisions of this Section shall be applied to reinforce and complement the provisions of Sections 2-11.16 and 2-1701 of the Code.

(4) *General Program Requirements:*

(a) Except where state or federal laws or regulations mandate to the contrary, all contractors and subcontractors of any tier performing on a County<< [[~~Capital~~]]>>Construction Contract shall satisfy the requirements of this Section.

(b) As a condition of submitting a bid or proposal for a County<< [[~~Capital~~]]>>Construction Contract, a general contractor, construction manager or other contractor seeking award of a contract shall submit a Responsible Contractor Affidavit with its bid or proposal.

(c) The Responsible Contractor Affidavit shall be completed on a standard form prepared by the County and shall reference the County<< [[~~Capital~~]]>>Construction Contract for which a bid or proposal is being submitted by name and contract or project number. Any agency, department, or other party responsible for awarding a County<< [[~~Capital~~]]>>Construction Contract shall require contractors to use the standard form prepared by the County.

(d) A County<< [[~~Capital~~]]>>Construction Contract shall not be executed until all requirements of this Section have been fulfilled.

(e) Prior to awarding or approving future County<< [[~~Capital~~]]>>Construction Contracts, the County shall review prior work performed by proposed contractors and subcontractors, including their compliance with the terms of the Responsible Contractor Affidavit.

(f) The County shall provide notice to any contractor who fails to submit a Responsible Contractor Affidavit, that said contractor has forty-eight (48) hours from the time of notification to submit a Responsible Contractor Affidavit or its bid or proposal will be deemed nonresponsive and disqualified.

(5) *Responsible Contractor Affidavit:*

(a) Required Affidavit: A construction manager, general contractor or other contractor submitting a bid or proposal for a County<< [[~~Capital~~]] >>Construction Contract shall verify the following information on its Responsible Contractor Affidavit form:

(i) Prior to working on the project, all persons employed by the contractor to perform construction shall have completed, the OSHA 10 Hour safety training course established by the Occupational Safety & Health Administration of the United States Department of Labor. Such training does not need to be completed at the time of bidding but shall be completed prior to the date persons are employed on the project.

(ii) The contractor will make its best reasonable efforts to promote employment opportunities for local residents and seek to achieve a project goal of having fifty-one percent (51%) of all Construction Labor hours performed by Miami-Dade County residents. To verify workers' residency, firms shall require each worker to produce a valid driver's license or other form of government-issued identification. County

residents employed in furtherance of the goal set forth in the County's Community Workforce Program shall be counted towards the fifty-one percent (51%) goal.

(b) Subcontractor Affidavits. After the contractor has received the Notice of Award of the contract but prior to the issuance by the County of the Notice to Proceed, the contractor shall also submit (i) a list of all subcontractors that will be used on the project, and (ii) provide Responsible Subcontractor Affidavits for all such subcontractors to the County. Responsible Subcontractor Affidavits shall be executed by the respective subcontractors on forms prepared by the County and shall contain the same information required in Responsible Contractor Affidavits.

(c) Construction Workforce Plan. Documentation regarding a contractor's construction workforce plan (the "Plan") shall be provided. The Plan shall specify the total number of persons that will be used by the contractor (as well as by all subcontractors) to perform all of the construction trades and labor work of the contract, broken down by trade and labor category, minimum qualifications for each category, and the number of persons to be utilized in each category. The Plan shall identify by name, address and trade category of all persons proposed to perform work under the contract currently on the contractor's (or on any proposed subcontractor's) payroll who reside in Miami-Dade County. The Plan shall also indicate the number of positions shown on the work, trade categories and minimum qualifications therefore of the positions to be hired by the contractor (or by any proposed subcontractors) to perform the construction trades and labor work under the contract.

(6) *Workforce Performance Reports:*

(a) Within thirty (30) days of completion of a County<<[[~~Capital~~]] >>Construction Contract, the contractor responsible for the project shall submit a Workforce Performance Report to the County,

which shall include the following information on the workforce employed in the execution of the contract:

(i) the total number of Construction Labor work hours performed on the project, and the number and percentage of such work hours performed by Miami-Dade County residents;

(ii) supporting documentation verifying Construction Labor work hours performed by Miami-Dade County Residents;

(iii) the total amount of funds the contractor expended during the course of the project on other related skill and safety training programs; and

(iv) supporting documentation verifying reasonable efforts to promote employment opportunities for local residents.

(b) No contractor shall receive final payment for completion of a County<<[[~~Capital~~]] >>Construction Contract until the County receives a completed workforce performance report submitted pursuant to this Section.

(c) When evaluating a prospective contractor's bids or proposals for future County<<[[~~Capital~~]] >>Construction Contracts, the Department shall review past Contractor's Workforce Reports, as well as other performance evaluations and reports on the contractor's work, to ensure it meets appropriate qualification and contractor responsibility standards.

(7) *Implementation.* The Mayor or Mayor's designee shall prepare and submit to the Board for approval, an Implementing Order within ninety (90) days of the effective date of this ordinance, which shall at a minimum:

(a) Set forth procedures to determine contractor compliance with the requirement to make its best reasonable efforts to promote employment

opportunities for local residents and seek to achieve a project goal of having fifty-one percent (51%) of all Construction Labor hours performed by Miami-Dade County residents.

(b) Establish a procedure for review and investigation of allegations of noncompliance with the provisions of this ordinance and IO.

(c) Establish a procedure to determine appropriate sanctions for failure to comply with the terms of this ordinance and IO.<<

>>(d) Require that all solicitations for County Construction Contracts and the resulting contracts, include the requirements of the Residents First Training and Employment Program.<<[2]

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

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[2] Committee amendments are indicated as follows: Words double stricken through and/or [[double bracketed]] are deleted, words double underlined and/or >>double arrowed<< are added.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED: March 4, 2014

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

David Stephen Hope

Prime Sponsor: Commissioner Jean Monestime
Co-Sponsor: Commissioner Barbara J. Jordan

ATTACHMENT 41

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 11(A)(1)

TO: Honorable Chairman Jean Monestime and Members, Board of County Commissioners

DATE: January 21, 2015

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Resolution directing the County Mayor to include in all affordable housing funding agreements, grant agreements and rental regulatory agreements requirements for notice of availability of rental and homeownership opportunities

Resolution No. R-34-15

This item was amended at the December 8, 2014 Health and Social Services Committee to (1) include owners and their appropriate agents and representatives who are required to provide notice of the availability of affordable rental and homeownership units; (2) to require developers, owners or their representatives or agents to provide the County with their contact information; and (3) to require Public Housing and Community Development to include on their web page information that informs the public that such available affordable rental and homeownership units can be acquired by contacting the developer, owner or their representatives or agents directly.

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Bruno A. Barreiro.

R. A. Cuevas, Jr.
County Attorney

RAC/smm

MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime and Members, Board of County Commissioners

DATE: January 21, 2015

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 11(A)(1)

Please note any items checked.

_____ **"3-Day Rule" for committees applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Ordinance creating a new board requires detailed County Mayor's report for public hearing**

_____ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(1)
1-21-15

RESOLUTION NO. R-34-15

RESOLUTION DIRECTING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO (I) INCLUDE IN ALL AFFORDABLE HOUSING FUNDING AGREEMENTS, GRANT AGREEMENTS AND RENTAL REGULATORY AGREEMENTS TERMS AND CONDITIONS REQUIRING AFFORDABLE HOUSING DEVELOPERS TO PROVIDE WRITTEN NOTICE TO MIAMI-DADE COUNTY OF THE AVAILABILITY OF RENTAL OR HOMEOWNERSHIP OPPORTUNITIES; (II) INCLUDE TERMS AND CONDITIONS IN SUCH AGREEMENTS REQUIRING AFFORDABLE HOUSING DEVELOPERS TO ADVERTISE THE INFORMATION DESCRIBED HEREIN IN NEWSPAPERS OF GENERAL CIRCULATION; AND (III) POST THE INFORMATION CONTAINED IN SUCH WRITTEN NOTICE ON THE COUNTY'S WEBSITE

WHEREAS, there is a severe housing shortage which exists within Miami-Dade County with respect to the supply of housing for residents with low and moderate incomes; and

WHEREAS, the Housing Element of the Miami-Dade Comprehensive Plan sets as one of its goals that the County ensure the provision of affordable housing products that will meet the spatial and economic necessities of all current and future Miami-Dade County residents, regardless of household type and income; and

WHEREAS, the County relies heavily on its partnerships with the private sector to acquire, construct and/or rehabilitate affordable housing developments through programs such as Affordable Housing Surtax, State Housing Initiatives Partnership, HOME Investment Partnership Program, Community Development Block Grant and the Building Better Communities General Obligation Bond Program and any other affordable housing programs ("Housing Programs"); and

WHEREAS, without the private sector's assistance and involvement in the County's Housing Programs, many low and moderate income residents of Miami-Dade County would not and could not be housed; and

WHEREAS, the Board desires that the residents of Miami-Dade County be given every opportunity to apply for affordable housing funded in part through one or more of the Housing Programs; and

WHEREAS, many residents of Miami-Dade County may not be aware of the availability of such affordable housing; and

WHEREAS, the Board wishes to ensure that the public is made aware of affordable housing opportunities when they become available,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Incorporates and approves the foregoing recitals as if fully set forth herein.

Section 2. Directs the County Mayor or the County Mayor's designee to include in all Affordable Housing Surtax, State Housing Initiatives Partnership, HOME Investment Partnership Program, Community Development Block Grant, the Building Better Communities General Obligation Bond Program and any other affordable housing program funding agreements, grant agreements and rental regulatory agreements, terms and conditions requiring affordable housing developers >>and/or owners or appropriate agents and representatives<<[1] to provide written notice to the County related to the availability of rental or homeownership opportunities, including, but not limited to, the number of available units, bedroom size, and rental or sales prices of such rental or homeownership units >>at the start of any sales or leasing

[1] Committee amendments are indicated as follows: Words stricken through and/or [[double bracketed]] are deleted, words underscored and/or >>double arrowed<< are added.

activity<< [[~~both prior to~~]] and after issuance of certificate of occupancy >>as well as contact information for the developer, owner or their appropriate agents and representatives<<.

Section 3. Further directs the County Mayor or the County Mayor's designee to also include terms and conditions in all Housing Programs' funding and grant agreements a requirement that each affordable housing developer advertise the information described in Section 2 this resolution in newspapers of general circulation.

Section 4. Directs the County Mayor or the County Mayor's designee to post the information received from each affordable housing developer >>or owner<<, as described in Section 2 of this resolution, on the County's website, such as on the Public Housing and Community Development Department's web page >>and that such information on the Public Housing and Community Development web page will inform the public that current sales, rental and availability can be acquired directly from the developer, owner or their appropriate agents and representatives using the contact information provided in Section 2<<.

The Prime Sponsor of the foregoing resolution is Commissioner Bruno A. Barreiro. It was offered by Commissioner **Esteban L. Bovo, Jr.**, who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman	**aye**		
Esteban L. Bovo, Jr., Vice Chairman	**aye**		
Bruno A. Barreiro	**aye**	Daniella Levine Cava	**aye**
Jose "Pepe" Diaz	**aye**	Audrey M. Edmonson	**absent**
Sally A. Heyman	**absent**	Barbara J. Jordan	**aye**
Dennis C. Moss	**aye**	Rebeca Sosa	**aye**
Sen. Javier D. Souto	**aye**	Xavier L. Suarez	**aye**
Juan C. Zapata	**aye**		

The Chairperson thereupon declared the resolution duly passed and adopted this 21st day of January, 2015. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: Christopher Agrippa
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Terrence A. Smith