

# Appendices

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# Appendix A:

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- Public Comments and Letters of Support
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Insert comments from public hearing and other sources

# Appendix B:

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- Notice of Availability of Delaware Draft FY2018 Annual Action Plan and Public Hearings
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**Notice of Availability and Public Hearing on Delaware Draft FY2018 Annual Action Plan**

The Delaware State Housing Authority (DSHA) announces the availability for public review and comment the Draft FY2018 Annual Action Plan.

The Action Plan serves as the housing planning document of the State, and as an application for funding under the following U.S. Department of Housing and Urban Development (HUD) Community Planning and Development programs: Community Development Block Grant (CDBG), Emergency Solutions Grants (ESG), HOME Investment Partnerships (HOME), Housing Opportunities for Persons With AIDS (HOPWA), and the National Housing Trust Fund (NHTF).

The period for receipt of public comment on the draft FY2018 Annual Action Plan shall be from March 30, 2018 through May 1, 2018. Interested parties can also obtain reasonable access to records of State expenditures for housing during the preceding five years at DSHA's Dover office from 8:00 a.m. to 4:00 p.m., Monday through Friday.

The draft FY2018 Annual Action Plan shall be available for public review on DSHA's website at <http://destatehousing.com/FormsAndInformation/capers.php> and at:

Delaware State Housing Authority  
18 The Green  
Dover, DE 19901

Hard copies are available upon request from [susanm@destatehousing.com](mailto:susanm@destatehousing.com) or 302-739-4263.

A Public Hearing will be held to obtain the views of interested citizens on housing and community development needs and comments on the draft Action Plan. Both oral and written comments will be accepted and recorded at the hearing and a summary of the comments and DSHA's response will be attached to the final Action Plan submitted to HUD.

The schedule for the Public Hearing is:

<u>Date</u>	<u>Time</u>	<u>Location</u>
<b>April 26, 2018</b>	<b>1:30 p.m.</b>	<b>Dover Public Library 35 Loockerman Plaza Dover, DE 19901</b>

Please submit all written comments to Susan Moriarty, Delaware State Housing Authority, 18 The Green, Dover, DE 19901, or via e-mail at [SusanM@destatehousing.com](mailto:SusanM@destatehousing.com) no later than 12:00 p.m., May 1, 2018.

If you have a vision, hearing, or physical impairment that requires accommodation either in the reading of this notice or at the public hearing, DSHA will provide appropriate assistance. To schedule assistance, please call 739-4263, ext. 245 between the hours of 8:00 a.m. and 4:00 p.m.,



The schedule for the Public Hearing is:

<u>Date</u>	<u>Time</u>	<u>Location</u>
<b>April 19, 2017</b>	<b>2:00 p.m.</b>	<b>Dover Public Library 35 Loockerman Plaza Dover, DE 19901</b>

Please submit all written comments to Susan Moriarty, Delaware State Housing Authority, 18 The Green, Dover, DE 19901, or via e-mail at [SusanM@destatehousing.com](mailto:SusanM@destatehousing.com) no later than 12:00 p.m., May 1, 2017.

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## Audiencia Pública del Plan de Acción Anual del Año Fiscal 2018

La Autoridad de la Vivienda del Estado de Delaware (DSHA por sus siglas en inglés) tiene el agrado de invitar a todos los interesados a una **Audiencia Pública** que se realizará con el fin de conocer los puntos de vista acerca de las necesidades y los comentarios sobre vivienda y desarrollo comunitario del borrador del **Plan de Acción Anual del Año Fiscal 2018**. Tanto los comentarios orales como los escritos serán aceptados y registrados en la audiencia, y se adjuntará un resumen de los comentarios y la respuesta de DSHA al Plan de Acción final presentado ante el Departamento de Vivienda y Desarrollo Urbano (HUD).

El Plan de Acción actúa como documento de planificación de la vivienda del Estado y como solicitud de financiación de varios programas del HUD, que incluyen el Subsidio del Bloque para el Desarrollo de la Comunidad (CDBG), el Subsidio para Soluciones de Emergencia (ESG), el Programa de Sociedades de Inversión para VIVIENDA (HOME), las Oportunidades de Vivienda para Personas con SIDA (HOPWA) y el Fondo Fiduciario para la Vivienda Nacional (NHTF).

El cronograma de la audiencia pública es el siguiente:

<u>Fecha</u>	<u>Hora</u>	<u>Lugar</u>
<b>26 de abril de 2018</b>	<b>1:30 p. m.</b>	<b>Dover Public Library 35 Loockerman Plaza Dover, DE 19901</b>

El borrador del Plan de Acción Anual del Año Fiscal 2018 se encuentra disponible para su consulta pública en el sitio web de DSHA en <http://destatehousing.com/FormsAndInformation/capers.php>. Podrá solicitar copias impresas a [susanm@destatehousing.com](mailto:susanm@destatehousing.com).

Si padece una discapacidad visual, auditiva o física que requiera alguna adaptación, ya sea en la lectura de la presente notificación o en la audiencia pública, DSHA le brindará la asistencia adecuada. Para programar la asistencia, comuníquese al 302-739-4263, ext. 245, de lunes a viernes de 8:00 a. m. a 4:00 p. m. Si padece una discapacidad auditiva, el número de TDD de DSHA es 302-739-7428 en ese mismo horario.





## Plan de Acción Anual del Año Fiscal 2018 Disponibles para Consulta Pública

La Autoridad de la Vivienda del Estado de Delaware (DSHA por sus siglas en inglés) tiene el agrado de anunciar que el borrador del **Plan de Acción Anual** del Año Fiscal 2018 se encontrará disponible para consulta pública y comentarios desde el 30 de marzo hasta el 1 de mayo de 2018.

El Plan de Acción actúa como documento de planificación de la vivienda del Estado y como solicitud de financiación de varios programas de financiación del Departamento de Vivienda y Desarrollo Urbano (HUD), que incluyen el Subsidio del Bloque para el Desarrollo de la Comunidad (CDBG), el Subsidio para Soluciones de Emergencia (ESG), el Programa de Sociedades de Inversión para VIVIENDA (HOME), las Oportunidades de Vivienda para Personas con SIDA (HOPWA) y el Fondo Fiduciario para la Vivienda Nacional (NHTF).

El borrador del Plan de Acción Anual del Año Fiscal 2018 se encuentra disponible para su **consulta pública** en el sitio web de DSHA en <http://destatehousing.com/FormsAndInformation/capers.php>. Podrá solicitar copias impresas y consultarlas en:

### Condado de Kent

Delaware State Housing Authority  
18 The Green  
Dover, DE 19901

### Condado de Sussex

Sussex County Administrative Building – West Complex  
22215 DuPont Boulevard  
Georgetown, DE 19947

### Condado de New Castle

Delaware State Housing Authority  
Carvel State Office Building  
820 North French Street, 10<sup>th</sup> Floor  
Wilmington, DE 19801

Se les solicita a los interesados que **envíen sus comentarios públicos** sobre el borrador del Plan de Acción Anual del Año Fiscal 2018 y el Plan de Participación Ciudadana a Susan Moriarty, Delaware State Housing Authority, 18 The Green, Dover, DE 19901, 302-739-0245,

o por correo electrónico a [SusanM@destatehousing.com](mailto:SusanM@destatehousing.com) antes de las 12:00 p. m. del 1 de mayo de 2018. Se permite el acceso razonable a los registros de los gastos estatales en concepto de vivienda durante los últimos cinco años en la oficina de DSHA en Dover de lunes a viernes de 8:00 a. m. a 4:00 p. m.





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**Public Notices**

**Public Notices**



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Para obtener ayuda con la traducción al español de este aviso o servicios de traducción en la audiencia pública, comuníquese con Olga Lezcano al 302-739-4263 o via e-mail [olga@destatehousing.com](mailto:olga@destatehousing.com) por lo menos una semana antes del evento.



State Public -  
Legal Notices

State Public -  
Legal Notices

State Public -  
Legal Notices



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# Appendix C:

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- Citizen Participation Plan, 2017  
Revision
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# State of Delaware Citizen Participation Plan for Housing and Community Development Funding

This plan may be obtained in alternative languages, upon request. Este plan se puede obtener en diferentes language, a pedido.

## Background

The Delaware Citizen Participation Plan (CPP) contains policies and procedures for public involvement in the U.S. Department of Housing and Urban Development's (HUD) Consolidated Plan process in accordance with 24 CFR 91. The following entitlement grant programs of the U.S. Department of Housing and Urban Development (HUD) are consolidated into a single planning and application process:

- Community Development Block Grant (CDBG) covering Kent and Sussex County, except for the City of Dover;
- HOME Investment Partnerships Program (HOME) covering the State of Delaware;
- Emergency Solutions Grant (ESG) covering Kent and Sussex County;
- National Housing Trust Fund (NHTF) covering the State of Delaware; and
- Housing Opportunities for Persons with Aids (HOPWA) covering Kent and Sussex County.

This document contains the following information:

- Citizen participation;
- Public information and assistance;
- Public notices, hearings and comment periods;
- Access to information and records;
- Annual Performance Report and Citizen Participation Evaluation;
- Complaint procedures; and
- Amendment procedures.

## The Consolidated Plan

The Consolidated Plan is a planning document that addresses identified needs in the areas of housing, homelessness, and community and economic development. The plan is developed by the Delaware State Housing Authority and specifies programs and resources to be used to provide access to affordable quality housing, a suitable living environment, and expanded economic opportunities.

DSHA ensures that the Consolidated Planning process conforms to federal and state regulations regarding citizen participation. DSHA encourages public participation in the development and revision of all the included documents (24 CFR § 91.115(a)(2)(i)). The CPP applies to the following documents that are part of the Consolidated Plan process:

- Consolidated Plan, required every five years;
- Assessment of Fair Housing (AFH), required every five years;

- AFH Revisions, as needed;
- Substantial Amendment to Consolidated Plan, as needed;
- Annual Action Plan, required every year; and
- Consolidated Annual Performance Evaluation Report, required every year.

The Consolidated Plan includes:

- Descriptions of the current conditions for housing, living environments, and economic opportunity in the state for low- and moderate-income people;
- Development needs and how grant funds received will address those needs;
- The amount of assistance the state expects to receive from each program;
- Planning and application information;
- The range of activities that may be done;
- Prioritization of the activities to be undertaken;
- Benefits to those who are low to moderate income;
- Plans and assistance to those who might be displaced as a result of any activity funded by these programs; and
- Family income limits determining eligibility, established by HUD on an annual basis and posted at <https://www.huduser.gov/portal/datasets/il.html>.

## Consultation

When preparing the Consolidated Plan or its subsidiary documents, DSHA will actively consult with public and private agencies that provide housing, health, and social services in order to ensure that the interests and needs of all groups are being adequately addressed. This consultation may occur through regional and interest forums, interviews conducted with such organizations (especially those that provide services to special needs populations and those at risk of homelessness), on-line events, and incorporation of data and reports produced by such organizations into the Consolidated Plan. DSHA will actively consult with:

- State, county, and local governmental departments and leadership;
- Public Housing Authorities operating in the State;
- Local , regional and state-based non-profit, philanthropic, and faith-based organizations serving vulnerable populations, including those at risk of homelessness, members of protected class populations, and those working to affirmatively further fair housing;
  - Fair Housing Assistance Program (FHAP);
  - Fair Housing organizations;
  - Non-profit organizations that receive funding under the Fair Housing Initiative Program (FHIP); and
  - Other public and private fair housing service agencies operating in Delaware.
- Industry, business, and civic organizations and leaders; and
- Delaware Continuum of Care.

## Citizen Participation

The State of Delaware's Citizen Participation Plan (CPP) outlines the requirements and incentives for public involvement in the process of identifying needs, priorities, and the allocation of HUD funds in Delaware. The objectives of the CPP are to ensure the timely and accessible involvement of the citizens of Delaware, units of local government, public agencies, and other interested parties in the drafting, implementation, and assessment of the Assessment of Fair Housing (AFH), the Five-Year Consolidated Plan (Consolidated Plan) and the Annual Action Plan, any substantial amendments to the Plan, and the Consolidated Annual Performance Evaluation Report (CAPER). All citizens are encouraged to participate, particularly:

- Persons with disabilities;
- Persons living in public housing or utilizing housing vouchers;
- Communities of color;
- Persons with limited English proficiency and non-English speaking residents;
- Persons of low- to moderate-income;
- Public and private agencies that provide assisted housing, health services, and social services; and
- Households living in slums, areas of blight, and in areas where CDBG funds are proposed to be used.

DSHA shall employ communications means designed to reach the broadest audience possible. Meaningful citizen participation is critical to agencies creating and implementing federally funded programs. These resources represent federal revenue generated by the taxpayers of Delaware. It is through this process that citizens, particularly persons of low- and moderate-income, those living in areas with blight or other disadvantaged conditions, units of local government, and other interested parties express themselves and the needs of their communities to DSHA, which administers the funds.

## **Encouraging Public Participation**

### **Notice of the Process and Public Comment Period**

Notification of the Citizen Participation processes for the Consolidated Plan and related processes and plans is distributed through a broad variety of print, electronic, and personal media. Notification is sent out prior to the public comment period onset, and at least two weeks prior to scheduled hearing dates. Notification shall consist of, but not be limited to:

- Posting dates, times, and locations on the DSHA website at: [www.destatehousing.com](http://www.destatehousing.com);
- Publishing legal ads in newspapers with state-wide circulation;
- Sending emails via DSHA's mass email list (Highlights);
- Postings on social media accounts, such as Facebook or Twitter;
- Sending notifications to local governments, public agencies, participating non-profits, member organizations, and others throughout Delaware ;
- Asking groups serving low-moderate income people, non-English speaking people, or people with disabilities to post or distribute information to their clientele;

- Sending personal invitation emails to public officials and other interested parties in and around the state.

**Table 1: Citizen Participation Requirements**

<b>Activity/Product</b>	<b>Frequency</b>	<b>Due Date</b>	<b>Citizen Participation Period</b>	<b>Public Hearings (minimum)</b>
Consolidated Plan	Every 5 years	May 15	30 days	2: one prior to publishing draft plan and one during public comment period
Assessment of Fair Housing (AFH)	Every 5 years	October 4 (prior to Consolidated Plan due date)	30 days	1
Annual Action Plan	Every year	May 15	30 days	1
Amendments to Consolidated or Annual Action Plan	As needed	--	30 days	1
Consolidated Annual Performance Evaluation Report (CAPER)	Every year	September 30	15 days	--
Amendment to AFH	As needed	--	30 day	--

### **Access to information and records**

The state shall provide adequate information to citizens, public agencies, and interested parties, as well as reasonable access to records on the proposed and actual use of public funds, including, but not limited to:

- The amount of funds expected to be made available for the coming year, including grants and anticipated program income;
- The range of activities that may be undertaken with those funds;
- Information related to the Assessment of Fair Housing (AFH), including HUD-provided data and other supplemental information, summary information, and purpose and content of the AFH;
- The estimated amount of those funds proposed to be used for activities that will benefit low- and moderate-income persons;
- The proposed activities likely to result in displacement and the applicants' plans, consistent with the policies developed under 24 CFR 570.606(b) for minimizing displacement of persons as a result of its proposed activities;
- The types and levels of assistance the applicant plans to make available to persons displaced by funded activities, even if the applicant expects no displacement to occur; and
- The method(s) by which interested parties can learn more about the plan and its impacts, and make comments or complaints prior to its adoption.



DSHA will provide citizens, public agencies, and other interested parties with reasonable and timely access to information and records relating to the Consolidated Plan and associated documents, and the use of assistance under the covered programs during the preceding five years. All access to records produced by these activities is subject to the federal Freedom of Information Act (FOIA) and DSHA's FOIA policy, adopted February 1, 2011. To access program information contact: Deborah Whidden, Public Information Officer, Phone: 888.363.8808 or 302.739.4263, DeborahW@destatehousing.com.

### **Public Meetings/Hearings with Reasonable Accommodation**

Citizen participation in the five-year planning process is encouraged through regional public hearings held in fully-accessible locations at accessible hours of the day convenient to the actual and potential beneficiaries of the program.

DSHA will make reasonable and consistent efforts to publicize local events, and will provide reasonable accommodation in response to requests received prior to each event. For example, in locations where people with hearing impairments or a significant number of non-English speaking residents are planning to attend, appropriate interpreters will be made available subject to at least five working days advance request.

During the public meeting or hearing, the relevant plan or document will be presented by DSHA staff and the public will be encouraged to comment. Supplementary information may also be presented.

Comments collected from public meetings and hearings will be included in an appendix of the plan or document and DSHA will openly consider all comments. DSHA will provide a response to all comments submitted.

### **Other Communication Techniques**

DSHA may employ other participatory techniques to disseminate the plan/document and solicit public comments at the discretion of the planning staff. These techniques may include:

- Surveys - online, paper or intercept surveys may be used;
- Public forums – focus groups, charrettes, small group meetings, etc.;
- Webinars;
- Chatrooms and conference calls; and
- Interactive mapping.

All comments received from such participatory techniques shall be treated in the same manner as comments received during public meetings/hearings.

### **Comments**

Prior to the adoption of the Consolidated Plan or any of the related documents, DSHA will make available the draft plan and Executive Summary for public review and comment. Availability of the draft documents and the public comment period will be announced via the methods stated in the Notice of

the Process section. The Notice will also state the address, e-mail, and phone number to which comments can be submitted.

During the public comment period, the public is encouraged to examine the available document and submit their comments regarding their concerns, disagreements, preferences, or suggestions. DSHA will openly consider any comments from individuals or groups received during the public comment period. A summary of the written and oral comments will be included in the final document, along with the state's response to the comments.

### **Language Access Plan**

In accordance with DSHA's Language Access Plan (LAP), updated October 2016, interpretive services will be made available upon request, with consideration for advance notice of five (5) working days, as needed. These services include:

- Written translation of pertinent documents or segments/summaries of documents, including media releases;
- Access to bi-lingual staff or contracted interpretation services in person, on the phone, and at public meetings; and
- Access via DSHA's primary website, DeStateHousing.com, to relevant brochures, media releases, and document summaries.

### **Complaints**

As a part of the state CPP, DSHA shall inform citizens of the complaint procedure and what constitutes a legitimate complaint. A written complaint or grievance is a formal notification of a concern, allegation, or protest to a proper authority. A formal complaint will be considered filed at the time it is delivered to the appropriate authority's office. Citizens should provide enough information to permit an investigation. The complaint should include the following information:

- Identification of project and project location;
- The reason for the complaint (hearsay and innuendo will not be considered valid);
- Sufficient data to substantiate any claims or charges. If possible, supporting documentation should be included; and
- If desired, citizens may propose a solution or resolution to the problem.

#### **1. Local Activities**

A member of the public with a complaint or grievance regarding a local project that utilized HUD funds shall first file a complaint with an appropriate elected official or local government office. Subgrantees (local governments and non-profits) shall be required to address the complaint and provide DSHA with a copy of the complaint and their response. Subgrantees should attempt to respond within fifteen days where applicable.

If the complainant feels the response from the local jurisdiction is unsatisfactory, he or she may appeal to DSHA to review the complaint for resolution. Additional information may be requested at that time. Every effort will be made to provide a full response within thirty days.

If valid and sufficient data has been provided to substantiate the complaint, an investigation will be conducted. The extent of an investigation depends on the scope and depth of the issues involved. Some investigations may include examining a set of circumstances; others may involve examining local policies and procedures.

## 2. State Programs

If the complaint is more appropriately directed toward a state program issue, the same procedure will be followed except all communications will be between the state and the complainant.

DSHA will work to continuously find ways to encourage participation beyond that of just comments and complaints. Public recommendations and suggestions of possible alternate public involvement techniques that encourage a shared vision of change for the community and the review of program performance are welcome and will be seriously considered. A strategy currently in place is the use of DSHA’s website as an additional forum for notification and information gathering for interested parties.

## **Citizen Participation Requirements for Local Governments Receiving Funds from the State**

Units of general local government must provide for and encourage citizen participation as prescribed in 24 CFR 570.486. All applicants for HUD funds are required to adhere to the requirements in this CPP. In addition, local governments and agencies/organizations that apply for and utilize specific funding programs must adhere to the stipulations in Table 2 below.

**Table 2: Requirements for Local Governments**

Program	Public Hearing	Public Notification Minimum	Other
CDBG	1	7 days	Community Development Survey
HOME			Community Housing Development Organizations (CHDOs) must have and implement Tenant Participation Plan

## **Amendment Procedures**

The AFH, Consolidated Plan, and Annual Action Plan are to be amended any time there is a significant change. The following are considered significant amendments (24 CFR § 91.115(c)(1)):

- The elimination of a goal or activity originally described in the plan;
- The addition of a goal or activity not originally described in the plan;
- Change in criteria used to rate and rank applications;
- Significant changes in funds allocated to program components;

- Receipt of any additional federal funds; and/or
- Change in purpose, scope, location, or beneficiaries of activities described in the plan.

Significant changes to the AFH include (24 CFR § 5.164 (a)(1)):

- A material change in circumstances affecting the information on which the AFH is based, to the extent that the analysis, the fair housing contributing factors, or the priorities and goals of the AFH no longer reflect actual circumstances.
- Written notice from HUD specifying a material change that requires the revision.

The public notification process is the same as the Consolidated Plan, and DSHA will employ communications means designed to reach the broadest audience with the following exceptions:

- An agency may decide a public meeting or hearing is not necessary or practical. A public hearing will be scheduled upon request of 20 or more individuals;
- If a public meeting or hearing is held, notification is made in the same way as a Consolidated Plan hearing;
- If a public meeting or hearing is not conducted, notification to the public of the draft amendment and opportunity for public comment will be made through:
  - Paid advertisements in the newspaper with the largest statewide circulation
  - Press releases sent to state-wide Delaware media outlets
  - Mail (hard copy or electronic) to all persons who previously indicated interest in the planning process or who are affiliated with a business or organization typically involved with programs covered by the Consolidated Plan;
- The affected program, in cases of amendments of a program-specific nature, will be the responsible entity for the public involvement process. However, in every case, amendment information will be posted on the DSHA website;
- A 30-day comment period after the draft plan is complete will be observed. An additional 15-day comment period will be held if significant changes are made as a result of the public process; and/or
- A summary of the comments or views received, and a summary of any comments or views not accepted and the reasons why, will be attached to the substantial amendment of the AFH or Consolidated Plan in accordance with 24 CFR § 91.115 (c)(3).

A minor location change is not a substantial amendment, so long as the purpose, scope and intended beneficiaries remain essentially the same. Capital funds applied to a different portion of a project (i.e. rehabilitation in place of acquisition) do not constitute a substantial amendment.

### **Adoption of the Citizen Participation Plan**

The draft CPP will be made available upon request, for public inspection at DSHA branch offices, county offices in all three counties, and on DSHA's website. Public comment period notification will be provided through legal notices, news releases, and direct mailing to interested parties and consumer

advocates. Comments will be accepted in both written and oral format and may be submitted by mail, fax, or email. Comments received will be considered prior to its adoption. The CPP will be considered adopted if, after publication, comments received were considered and incorporated as necessary. Upon adoption, another notice will be placed in news media with state-wide circulation and the CPP Plan will be made available at Delaware State Housing Authority offices, Policy & Planning Section, 18 The Green, Dover, DE 19901, 302-739-4263 or via the website at [www.destatehousing.com](http://www.destatehousing.com).

This CPP is hereby made a part of the State of Delaware Five-Year Consolidated Plan and is subject to all citizen comments. This CPP may be amended to reflect comments received during the Five-Year Plan hearing process.

**Adopted July 25, 2017**

*Included with DSHA FY 2017 Annual Action Plan as a Substantial Amendment to the DSHA 2015 – 2019 Consolidated Plan, submitted July 25, 2017.*

# Appendix D:

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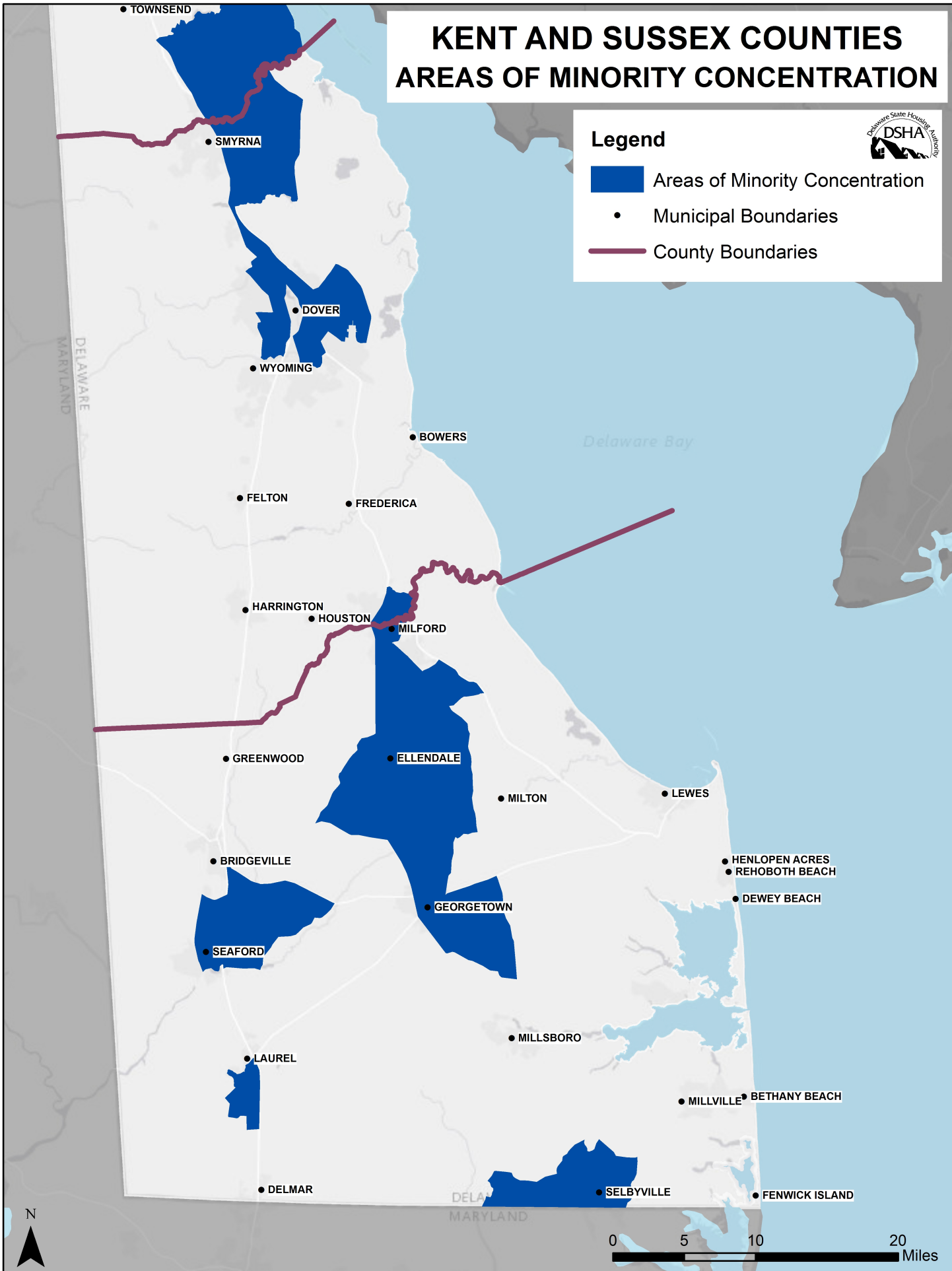
- Balanced Housing Opportunity Maps & Table
-

# KENT AND SUSSEX COUNTIES AREAS OF MINORITY CONCENTRATION



## Legend

- Areas of Minority Concentration
- Municipal Boundaries
- County Boundaries

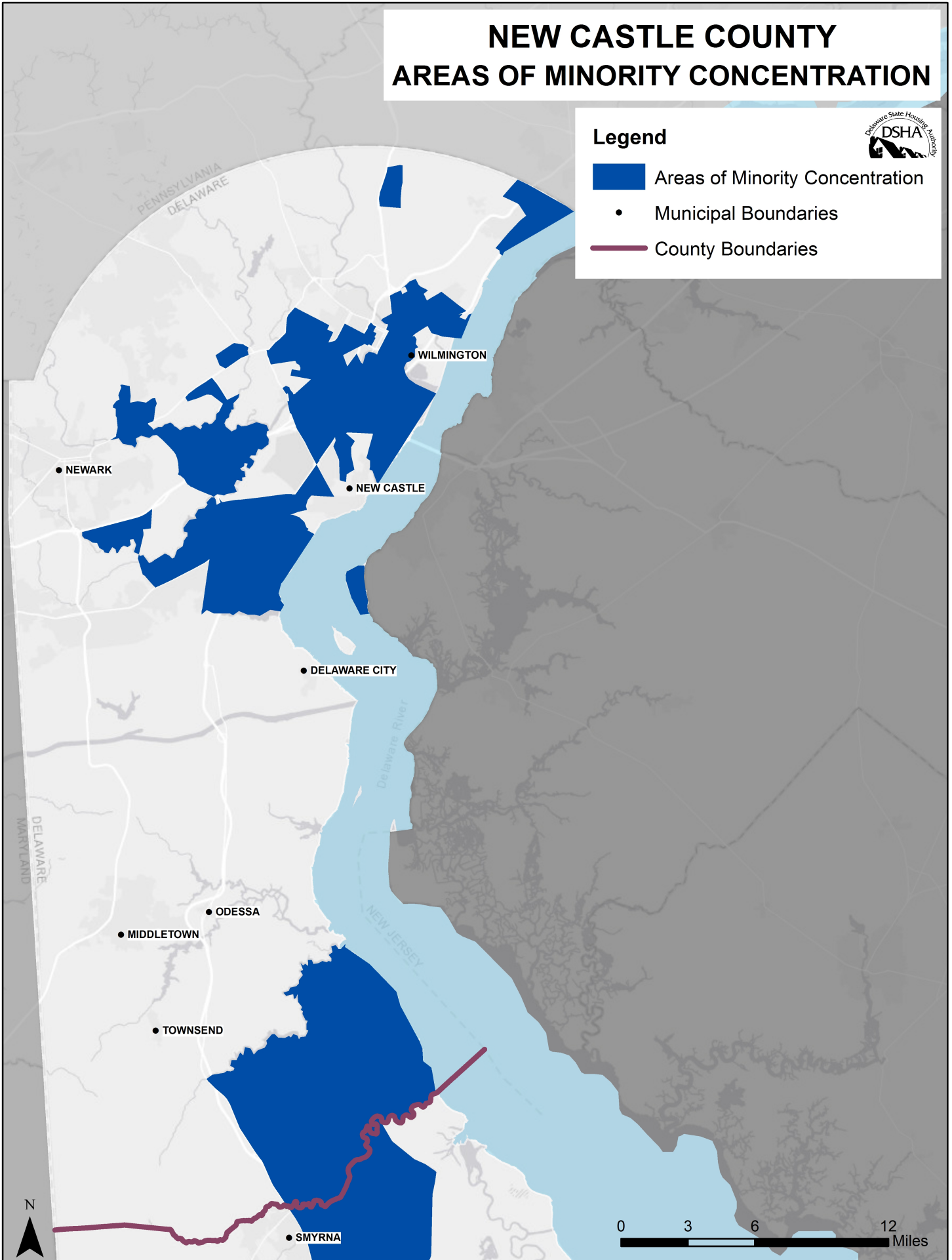


# NEW CASTLE COUNTY AREAS OF MINORITY CONCENTRATION



## Legend

- Areas of Minority Concentration
- Municipal Boundaries
- County Boundaries





County and City	Total Population	White	Minority Residents		Hispanic
			Black	Asian	
		#	#	#	#
Delaware Total	897,934	618,617	191,814	28,549	73,221
New Castle County *	467,628	329,876	86,659	22,615	38,133
Kent County **	126,263	92,606	23,698	2,324	6,984
Sussex County	197,145	155,663	25,115	1,943	16,954
Wilmington city, Delaware	70,851	23,079	41,127	685	8,788
Dover city	36,047	17,393	15,215	982	2,362

County and City	Total Population	White	Minority Residents		Hispanic
			Black	Asian	
		%	%	%	%
Delaware Total	897,934	68.9	21.4	3.2	8.2
New Castle County *	467,628	70.5	18.5	4.8	8.2
Kent County **	126,263	73.3	18.8	1.8	5.5
Sussex County	197,145	79	12.7	1	8.6
Wilmington city	70,851	32.6	58	1	12.4
Dover city	36,047	48.3	42.2	2.7	6.6

\* Excludes the City of Wilmington

\*\* Excludes the City of Dover

Source: U. S. Census Bureau, 2010 Census, Summary File 1

CENSUS TRACT	Total Population	White %	Minority Residents		Hispanic %
			Black %	Asian %	
<b>Delaware Total</b>	<b>897,934</b>	<b>68.9</b>	<b>21.4</b>	<b>3.2</b>	<b>8.2</b>
<b>Wilmington</b>	<b>70,851</b>	<b>32.6</b>	<b>58</b>	<b>1</b>	<b>12.4</b>
2	5438	17.3	78	0.7	2.9
3	3194	15.8	79.5	0.8	3.8
5	3647	7.2	88	0.7	4.1
6.01	2910	6.6	89.4	0.3	4.6
6.02	2649	7.1	88.1	0.5	3.1
9	2223	4.4	90.5	0.3	6.3
16	2387	19.8	69.6	0.5	12
19.02	1918	20.5	71.7	3.2	6.4
21	1847	8.6	79.3	2.3	14.2
22	3271	24.8	51.4	0.6	44.9
23	3197	23.4	55.1	0.6	37
25	3039	58.4	27	1.2	24.9
26	3922	30	49.4	0.5	30.3
29	3570	4.8	90.5	0.4	5.3
30.02	3275	19.8	77.6	0.1	6.9
<b>URBAN New Castle County, Delaware</b>	<b>467,628</b>	<b>70.5</b>	<b>18.5</b>	<b>4.8</b>	<b>8.2</b>
101.01	4573	40.8	43.9	5.7	10.6
101.04	3422	58.7	33.1	3.5	9.1
107.02	4994	55.4	38.9	1.1	5.1
112.01	2246	73.5	6	17.7	2.3
122	4447	71.6	14.4	1	24.3
123	2611	70.5	15.2	3.1	18.8
124	4602	72.6	10	0.9	24.3
125	5410	77.2	8.2	0.9	19.5
129	4720	56.2	22.7	0.8	29.8
132	2697	74.3	9.2	1	24.1
136.14	3132	74.4	9.1	2.3	26.9
137	3904	64	18.7	3.8	21
138	5464	64.6	13.9	17.1	6.5
147.06	2974	48.3	35.9	5.2	11.3
149.03	7133	39.4	41.4	1.3	25.8
149.04	4975	54.4	31.4	8	7.4
149.06	4726	37.5	44.6	7.7	11.6
149.07	4843	46.1	42	2.9	10.7
149.08	2209	28.8	58.5	4	8.8
149.09	6059	39.6	47.2	3.6	13.4
152	5929	61.7	20.5	1.2	22.8
154	3190	6.9	85.9	0	9.8
155.02	2848	30.7	59.6	0.5	12.2
156	2338	36.9	46.7	0.7	24.4
158.02	2416	70.7	14.8	0.9	30.4
160	2801	35.4	54.7	1.1	10.7
163.02	7434	49.5	38.5	5.3	9.8

163.05	7491	36.4	51.8	6	9.1
169.04	4111	56.4	42.5	0.2	0.9

CENSUS TRACT	Total Population	White %	Minority Residents		
			Black %	Asian %	Hispanic %
<b>Delaware Total</b>	<b>897,934</b>	<b>68.9</b>	<b>21.4</b>	<b>3.2</b>	<b>8.2</b>
<b>Dover</b>	<b>36,047</b>	<b>48.3</b>	<b>42.2</b>	<b>2.7</b>	<b>6.6</b>
414 *	3648	39.4	52.4	2.2	7.6
433 *	6131	36.3	57.4	1.1	5.7
<b>Kent County **</b>	<b>126,263</b>	<b>73.3</b>	<b>18.8</b>	<b>1.8</b>	<b>5.5</b>
402.03	5017	62.2	30.5	1.5	5.2
405.01 *	4923	47.3	40.8	2.9	8.4
410 *	5995	48.9	38.2	2.6	11.5
412 *	4206	50.8	35.5	5.3	8.2
414 *	3648	39.4	52.4	2.2	7.6
415 *	3875	55.3	35.1	3.3	5.8
425	3455	46.4	38.2	1.2	17.7
433 *	6131	36.3	57.4	1.1	5.7
<b>Sussex County</b>	<b>197,145</b>	<b>79</b>	<b>12.7</b>	<b>1</b>	<b>8.6</b>
501.04	4311	72.9	13.4	0.4	19.3
501.05	5497	61.2	27.7	0.4	14.6
502	3195	63.8	28.5	0.3	9.6
504.06	4996	51.8	36.6	1.8	10.8
504.07	4738	57.2	35.8	1.6	6
505.03	5329	46.2	12.7	0.6	54.8
505.04	6136	62.2	21.4	0.9	18.7
514	3578	68.1	16	1.9	25
518.02	4190	59.7	30.4	0.9	7.3

\* Starred census tracts are partially contained in another jurisdiction.

Source : U.S. Census Bureau, 2010 Census, Summary File 1

# Appendix E:



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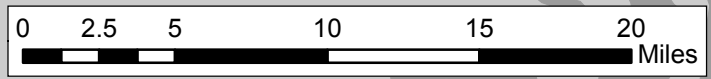
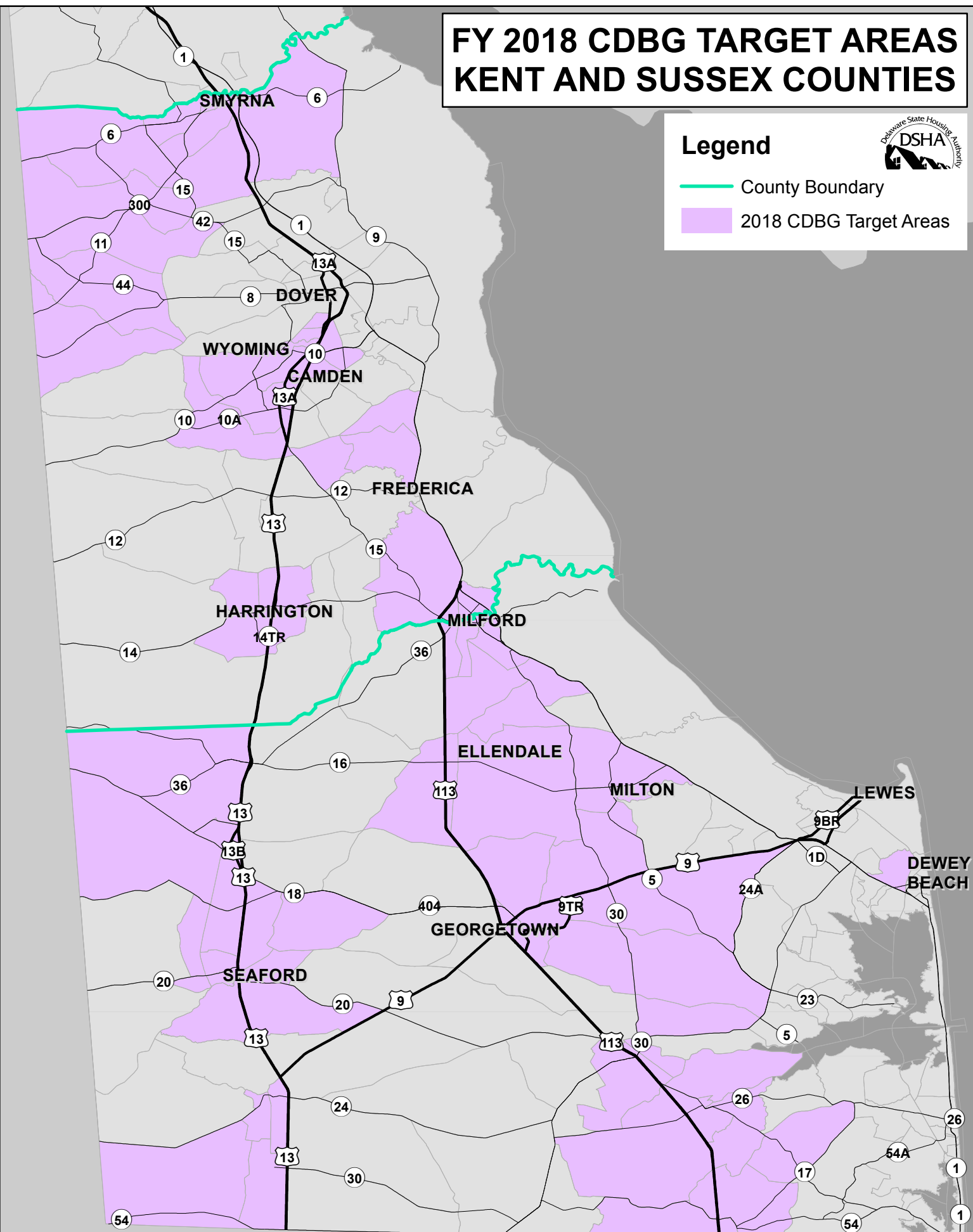
- CDBG Target Area Map
-

# FY 2018 CDBG TARGET AREAS KENT AND SUSSEX COUNTIES



## Legend

-  County Boundary
-  2018 CDBG Target Areas



# Appendix F:

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- Certifications
  - 424 Forms
-

INSERT SIGNED FORMS



# Appendix G:

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- DSHA FAIR HOUSING PLAN
-

Goals	Strategies to Meet Goals	Responsible Entities	Benchmark	Year to be Completed	Proposed Investment	Date Completed
<b>Impediment #1: The Balance of State's increasingly diverse minority population may require language accommodations to ensure that all residents can access programs and services.</b>						
Increase access to DSHA, Kent County, and Sussex County programs for persons with limited English proficiency (LEP)  <b>ADDITIONAL STRATEGIES</b>	A. Conduct four-factor analysis of need for a language access plan in accordance with HUD's LEP guidance.	A. Kent County, Sussex County	A. DSHA conducted a four-factor analysis resulting in adoption of DSHA's initial LEP in 2006 and later updated in 2011. Both Kent and Sussex Counties conducted a four-factor analysis. Kent County adopted a LEP Plan in May 2014. Sussex County developed and is implementing their LEP Plan. The Plan's adoption is still in process.	A. 2013	A. \$0	A. 2013
	B. Continue to provide other language services (i.e. translators, interpreters, etc.) on an as-needed basis.	B. DSHA	B. DSHA provided language assistance to 113 LEP clients and translated 8 documents and publications. Sussex County has translated several key documents to Spanish - and most recently the County's Sewer Assistance Program Application, and Chapter 96 of Sussex County Code and its related documents. May 2015, Sussex County contracted with CTS Language Link to provide 24/7 access to over 200 languages. This service is available to all County staff for over-the-phone interpretations.	B. Ongoing	B. \$0	B. Ongoing
	C. Review 2010 U.S. Census data to determine if any of the individual Indo-European languages exceed 1,000 persons with LEP.	C. DSHA, Kent County, Sussex County	C. DSHA, Kent and Sussex County each reviewed 2010 Census data to determine if any of the individual Indo-European languages exceed 1,000 persons with LEP. They do not.	C. 2013	C. \$0	C. 2013
	D. Provide access to real-time information on availability of housing opportunities to all Delawareans by ensuring service is available in many languages on-line and call center is bilingual. Marketing done in both <b>English and Spanish.</b>	D. DSHA, State, County, and local governments, advocacy organizations and non-profits.	<p>D. In September 2012, an Advisory Group of State, County, local governments, advocacy organizations, and non-profits launched DelawareHousingSearch.org (DEHS) - a free locator service providing real-time, detailed information about rental housing and affordable homes for sale. DEHS currently has an inventory of over 22,500 units and sees approximately 1,450 visitors a week. The Advisory Group meets biennially to ensure it is reaching the public - particularly persons for whom <b>language is a barrier.</b></p> <p>A FY13 collaboration of the DEHS Advisory Group, DSHA, and the Delaware Hispanic Commission to produce a Public Service Announcement (PSA) on DEHS in both English and Spanish continues to have tremendous impact. In FY14, Univision Communications Inc. ran the Spanish version of the PSA on local television channels 941 times reflecting a \$68,604 value. Maxima 95.3, a Spanish-speaking radio station aired the Spanish audio track of the PSA 140 times.</p>	D. Launched 2012 and ongoing.	\$57,500 plus \$68,604 in-kind from Univision Comm., Inc.	D. 2012 and ongoing

Goals	Strategies to Meet Goals	Responsible Entities	Benchmark	Year to be Completed	Proposed Investment	Date Completed
<b>Impediment #2: Minority households have greater difficulty becoming home owners in the Balance of State because of lower incomes.</b>						
Provide home ownership opportunities to minority households throughout the Balance of State through increased employment opportunities, home ownership counseling, and homebuyer education	A. Strengthen partnerships with local lenders that will offer homebuyer education and other incentives to purchase a home in the Balance of State.	A. DSHA, DSCLT, other affordable housing developers	A. In March 2015, DSHA hosted its Annual Homebuyers Fair with over 350 attendees. The majority of attendees were minority. Housing Counseling agencies, non-profit and for-profit developers, realtors, lenders staffed booths to discuss services.  A. In addition, DSHA participated in 8 homebuyer education events reaching 470 attendees.	A. Annual event	A. DSHA \$46,000  A. Sussex County \$4,000	A. Ongoing
	B. Identify effective ways to increase home ownership among minorities, residents of LMI census tracts, and LMI residents.	B. DSHA, non-profits, local lenders, and counseling agencies	A. In September 2014, Sussex County hosted a Homebuyers Fair with 75 attendees and 43 sponsors/exhibitors. A direct mailing was sent to residents of all 14 impacted communities.  B. In FY13, DSHA modified its Housing Development Fund (HDF) to provide \$50,000 for each homeownership unit that is located in severely impacted areas – characterized by low homeownership rates and saturated with subsidized rental units. Most of these areas are also LMI and/or racially and ethnically impacted census tracts. In FY14, of the 33 homeownership units that were funded by the HDF, 22 units were in impacted areas targeted for homeownership.	B. 2013	B. DSHA \$567,492	B. 2013
	C. Map the location (impacted areas vs. non-impacted areas) of all new CDBG- and HOME-assisted housing projects as part of the Consolidated Planning process.	C. DSHA	C. See Maps 1 through 11.	C. Ongoing	C. \$0	C. Ongoing
	<b>ADDITIONAL STRATEGIES</b>	<b>D. Include information on Fair Housing in DSHA outreach to Realtors and Lenders.</b>	<b>D. DSHA Finance Section</b>	<b>D. Fair Housing information was provided in DSHA presentations given at both Realtor and Lender events:</b> <b>- 11 Lender events with over 209 attendees.</b> <b>- 7 Realtor events with over 294 attendees.</b>	<b>D. Ongoing</b>	<b>D. \$0</b>

Goals	Strategies to Meet Goals	Responsible Entities	Benchmark	Year to be Completed	Proposed Investment	Date Completed
<b>Impediment #3: The Balance of State's supply of housing that is affordable to households up to 80% of median housing income is inadequate.</b>						
Increase the supply of affordable housing in the Balance of State available to households making 80% or less of the median household income	A. Kent County should continue to offer its TDR Program.	A. Kent County	A. Kent County continues to offer its TDR program and explore ways to make it more attractive. However, the program is reliant on a strong housing market so while there was growing interest during the housing boom, current economic conditions have acted as an incentive.	A. Ongoing	A. \$0	A. Ongoing
	B. Kent County should enable the development of higher-density single-family and multi-family housing by adopting policies that provide incentives to developers to build affordable housing units.	B. Kent County	B. In May, Levy Court revised its Adequate Public Facilities Ordinance (APFO) so the calculation of the school fee is based on housing type, which significantly lowers the APFO school fee for multi-family and manufactured housing. Kent County staff also encourages developers to consider utilizing DSHA programs to assist in creating a mix of affordable units.	B. Ongoing	B. \$0	B. Ongoing
	C. Sussex County should continue to offer the SCRP and the MPHU Programs to provide incentives to property owners and investors to build affordable housing.	C. Sussex County	C. Sussex County passed an ordinance in 2013 expanding its Moderately Priced Housing Unit (MPHU) Program to homebuyers earning 50% to 120% of the median income.	C. Ongoing	C. \$0	C. Ongoing
	D. Sussex County should play a more proactive role in seeking out and encouraging developers to participate in the MPHU and SCRP programs.	D. Sussex County	C. Sussex County exempts non-profits from property taxes and any sewer impact fee assessments. Community Land Trust homes are also exempt.	D. Ongoing	D. \$0	D. Ongoing
	E. DSHA, Kent County, and Sussex County should expand other incentives to build new affordable rental and owner units in non-concentrated areas of the Balance of State.	E. DSHA, Kent County, Sussex County	D. Sussex County adopted an Affordable and Fair Housing Marketing Plan to more aggressively engage affordable housing developers in county programs as well as market units produced through these programs to more diverse populations.  E. DSHA modified the QAP to encourage new affordable rental in non-concentrated areas in 2012, and modified the HDF to encourage new homeownership in concentrated areas in 2013.  E. Sussex County formulated their Affordable Housing Support Policy for affordable projects in non-concentrated areas seeking a letter of support for approval and funding through non-profit, local, state, or federal housing programs.	E. Ongoing	E. \$0	E. Ongoing

Goals	Strategies to Meet Goals	Responsible Entities	Benchmark	Year to be Completed	Proposed Investment	Date Completed
<b>Impediment #4: The Balance of State's supply of affordable and accessible housing units is inadequate to meet demand.</b>						
Increase the supply of accessible, affordable housing in the Balance of State	A. Complete a Section 504 Self-Evaluation, Needs Assessment, and Transition Plan. Additional research is needed to determine unmet need for accessible housing. Collaborate with special interest groups to determine need throughout the Section 504 planning process.	A. DSHA, Disability advocacy organizations	A. DSHA is preparing to conduct a 504 Self-Evaluation, Needs Assessment and Transition plan in near future. DSHA is reviewing the new AFFH regulations for any new guidance that may be provided on this evaluation.	A. TBD	A. TBD	A. TBD
	B. Continue to apply the minimum set-aside for accessible units and require accessible units in all housing projects.	B. DSHA	B. The FY13 minimum set aside resulted in 29 ADA units.	B. Ongoing	B. \$0	B. Annually
	C. Collaborate with advocacy groups to assist persons with disabilities threatened with eviction.	C. DSHA	C. Evictions only occur due to lease violation or non-payment. However, when a person with a disability is evicted due to one of these reasons, DSHA staff provides information and resources to better assist them with the eviction.	C. Ongoing	C. \$0	C. Ongoing
	D. Continue to require that all new housing sites financed with HOME funds meet visit-ability standards.	D. DSHA	D. For all HOME-financed sites in FY14, 100% of common areas are visitable and 50% of units are visitable.	D. Ongoing	D. \$0	D. Annually
	E. Continue to require that at least 5% of new units developed with HOME funds meet UFAS or other safe harbor accessibility standards.	E. DSHA	E. The 5% requirement of new housing units financed by HOME resulted in 13 ADA units in FY14.	E. Ongoing	E. \$0	E. Annually

Goals	Strategies to Meet Goals	Responsible Entities	Benchmark	Year to be Completed	Proposed Investment	Date Completed
<b>Impediment #4: Continued - The Balance of State's supply of affordable and accessible housing units is inadequate to meet demand.</b>						
Increase the supply of accessible, affordable housing in the Balance of State	F. Conduct a statewide study to determine the supply/demand characteristics of housing for persons with mobility and sensory impairments.	F. DSHA, County governments, advocacy organizations	F. The state's affordable housing and disability communities collaborated to conduct the study, <i>Community and Choice: Housing Needs for People with Disabilities in Delaware</i> , in April 2012. Since then the State Council for Persons with Disabilities (SCPD) has pursued recommendations from the study.	F. 2012	F. \$0	F. Ongoing
	G. Market and provide information and outreach regarding <i>DelawareHousingSearch.org</i> to area service providers and disability advocates.	G. DSHA	F. Through the Neighborhood Stabilization Program (NSP), Kent County rehabilitated two homes to be accessible and granted the homes to United Cerebral Palsy of Delaware. The homes are now occupied by families with disabilities.  G. See response to DSHA Impediment 1. Strategy D. In addition, in FY14, <i>DelawareHousingSearch.org</i> was integrated into the state's Section 811 PRA Demo program that creates an estimated 150 units of project-based rental assistance for people with disabilities in integrated settings with supportive services. A web-based referral system, designed to screen for Section 811 program eligibility, feeds applicant information directly into a centralized waiting list. This list interfaces with <i>DelawareHousingSearch.org</i> , so when landlords update vacancy information on the website, the Section 811 waiting list manager is automatically notified, and can refer an eligible applicant to the available unit. This expedites the process of connecting people with disabilities with affordable, available, community-based housing. Several large trainings were conducted for service providers and case managers. More are scheduled for the second half of calendar year 2015.	G. Ongoing	G. \$45,000	G. Ongoing
	<b>ADDITIONAL STRATEGIES</b>	<b>H. DSHA modified the QAP to encourage applicants to provide more than the required 5% up to 20% of all units be accessible.</b>	<b>H. DSHA</b>	<b>H. This incentive resulted in an additional 73 accessible units over and above the required 29 units that would normally result. This brings the total accessible units to 102 (20% of all units) that were awarded tax credits.</b>	<b>H. Ongoing</b>	<b>H. \$0</b>

Goals	Strategies to Meet Goals	Responsible Entities	Benchmark	Year to be Completed	Proposed Investment	Date Completed
<b>Impediment #5: DSHA's process for allocating and reporting CDBG and HOME funds could be improved from a fair housing perspective.</b>						
Ensure DSHA policies affirmatively further fair housing and meet all applicable HUD requirements	A. Ensure that local communities that receive CDBG or HOME funds understand their individual obligation to AFFH.	A. DSHA	A. Both DSHA's CDBG administrator and Fair Housing Coordinator have elevated local communities' understanding of AFFH: through changes in data collection; coordinating training; and providing outreach to communities in various fair housing issues.	A. Ongoing	A. \$0	A. Ongoing
	B. In the CAPER, map the addresses of all new affordable housing initiatives (i.e. impacted areas vs. non-impacted areas) financed with public funds.	B. DSHA		B. See Maps 1 - 11.	B. Ongoing	B. \$0
	C. Update DSHA's FY2010-2014 CP and FY2010 AP in order to achieve consistency between the AI, CP, AP, HDF, and QAP in terms of the definition of areas of minority concentration.	C. DSHA	C. DSHA achieved consistency between AI, CP, AP, and QAP in 2012, and the HDF in 2013.	C. 2012 and 2013	C. \$0	C. 2012 and 2013
	D. Give first consideration to the use of federal/state funds for new family rental and for-sale housing in non-impacted areas.	D. DSHA, Kent County, Sussex County	D. See response to DSHA Impediment 3. Strategy E. Kent and Sussex Counties both actively encourage developers to consider utilizing various housing programs to assist in creating affordable units.	D. Ongoing	D. \$0	D. Ongoing
	<b><i>E. Modify CDBG application to promote revitalization of areas of minority concentration.</i></b>	<b><i>E. DSHA</i></b>	<b><i>E. Modified CDBG application to provide 5 out of 100 points to applications that target areas of minority concentration.</i></b>	<b><i>E. 2012</i></b>	<b><i>E.\$0</i></b>	<b><i>E. 2012</i></b>
	<b><i>F. Provide technical assistance and support to Sussex County as it fully implements the terms of its agreements between the Court and both DOJ and HUD.</i></b>		<b><i>F. DSHA is providing \$50,000 in CDBG to Sussex County to assist in its evaluation of rural impacted communities, as outlined in the terms of its Voluntary Compliance Agreement with HUD, to assist the County in determining investment strategies, priority designations of infrastructure and community development.</i></b>	<b><i>F. 2014</i></b>	<b><i>F. \$50,000</i></b>	<b><i>F. 2014</i></b>
<b><i>ADDITIONAL STRATEGIES</i></b>						

Goals	Strategies to Meet Goals	Responsible Entities	Benchmark	Year to be Completed	Proposed Investment	Date Completed
<b>Impediment #6: Policy documents utilized by DSHA could be improved from a fair housing perspective.</b>						
Amend DSHA policy documents to be in compliance with all applicable federal laws and authorities	A. Include the AI definition of racially, ethnically, and LMI-concentrated areas in the HDF application package.	A. DSHA	A. Completed for the HDF Loan program.	A. 2013	A. \$0	A. 2013
	B. Include a list and a map of all racially, ethnically, and LMI- concentrated census tracts in the HDF application package.	B. DSHA	B. Completed for the HDF Loan program.	B. 2013	B. \$0	B. 2013
	C. Amend the HDF Project and Neighborhood Standards to encourage developers to provide rental housing for families outside of impacted areas.	C. DSHA	C. Amended HDF to encourage new rental construction outside of impacted areas and encourage affordable homeownership in severely impacted areas.	C. 2013	C. \$0	C. 2013
	D. Amend the ACOP to include a detailed pet policy permitting service or companion animals for persons with disabilities.	D. DSHA	D. Completed pet policy in 2012 which clarified the definition of Assistive Animal to ensure compliance with FH/ADA and that Assistive Animals are not subject to pet policy.	D. 2012	D. \$0	D. 2012



Goals	Strategies to Meet Goals	Responsible Entities	Benchmark	Year to be Completed	Proposed Investment	Date Completed
<b>Impediment #7: Kent County's 2007 Comprehensive Plan does not recognize the County's responsibility to affirmatively further fair housing.</b>						
Establish fair housing as a priority in the County's long-range planning	A. Develop a statement summarizing the County's responsibility to affirmative further fair housing. Include this policy statement in the 2012 Plan Update.	A. Kent County	A. B. D. Delaware Code has been amended to require Comprehensive Plan updates every ten years rather than five years. Therefore adoption of a new plan is not anticipated until 2018. When the County begins to develop the 2018 Comprehensive Plan, the County will include a discussion of the County's commitment to affirmatively further fair housing.	A. 2018	A. \$0	A.
	B. Include detailed strategies for enabling the following in the 2012 Plan Update: increasing the supply of affordable rental housing for families in non-impacted areas, expanding the supply of rental housing accessible to persons with mobility impairments, and expanding the supply of affordable rental housing for families that is in close proximity to jobs.	B. Kent County	In May 2014, Levy Court revised its Adequate Public Facilities Ordinance (APFO) so the calculation of the school fee is based on housing type, which significantly lowers the APFO school fee for multi-family and manufactured housing. The revision also exempts federally-complaint age-restricted communities from the APFO school provision.  Also, Levy Court remains committed to the memorandum of agreement entered into April 2012 with the Delaware Housing Coalition which calls for the County to: - work cooperatively to promote the Coalition's Good Neighborhood Initiative; - foster multi-modal options enabling those without easy access to automobiles to interact meaningfully within their communities;	B. 2014	B. \$0	B. 2014
	C. Facilitate and promote land use policies and regulations that enable an increase in the supply of affordable rental housing in areas with adequate infrastructure.	C. Kent County	- encourage the expansion of housing types, with access to goods and services to serve a diverse population; and, - maintaining or improve existing housing stock without displacement.	C. Ongoing	C. \$0	C. Ongoing
	D. Provide status updates to ongoing affordable housing goals in the tracking table in the Implementation Chapter of the 2012 Plan Update.	D. Kent County	C. The County's TDR program identifies geographic areas suitable for higher density housing where infrastructure exists or is planned and services are available. The 2008 Comprehensive Plan called for several revisions to the program to make it attractive compared to conventional residential development. Staff is working on a backlog of ordinances and hopes to include the TDR revisions soon.	D. TBD	D. \$0	D. TBD

Goals	Strategies to Meet Goals	Responsible Entities	Benchmark	Year to be Completed	Proposed Investment	Date Completed
<b>Impediment #8: While Sussex County's 2007 Comprehensive Plan specifies the County's affordable housing goals, it does not fully recognize the County's responsibility to affirmatively further fair housing.</b>						
Establish fair housing as a priority in the County's long-range planning	<p>A. Develop a statement summarizing the County's responsibility to affirmative further fair housing. Include this policy statement in the 2012 Plan Update.</p> <p>B. Include detailed strategies for enabling the following in the 2012 Plan Update: increasing the supply of affordable rental housing for families in non-impacted areas, expanding the supply of rental housing accessible to persons with mobility impairments, expanding the supply of affordable rental housing for families that is in close proximity to jobs, the County's leadership role, and funding that the County is prepared to provide to area localities for such projects.</p> <p>C. Facilitate and promote land use policies and recommendations that enable an increase in the supply of affordable rental housing in areas with adequate infrastructure.</p>	<p>A. Sussex County</p> <p>B. Sussex County</p> <p>C. Sussex County</p>	<p>A. Delaware Code has been amended to require Comprehensive Plan updates every ten years rather than five years. Adoption of a new plan is not anticipated until 2017. However, Sussex County is actively implementing the terms of its agreements between the County and both DOJ and HUD resulting from the 2010 Diamond State Community Land Trust Fair Housing complaint against Sussex County.</p> <p>DSHA has provided extensive support and technical assistance to Sussex County as it implements the terms of their agreements with HUD and DOJ.</p> <p>B. See response to DSHA Impediment 3. Strategy D. In addition, Sussex County is: encouraging developers to affirmatively market their units to diverse populations via their PLUS comments; incorporating standard language into every residential development plan review subject to PLUS which sets forth the County's policy to affirmatively further fair housing by emphasizing the desire for the creation of racially/ethnically diverse mixed income communities and encouraging developers to affirmatively market their units to diverse populations.</p> <p>B. Sussex County is currently evaluating rural Impacted Communities to determine investment strategies, priority designation of infrastructure and/or community development for those elements of infrastructure over which the County has primary governing authority.</p> <p>B. C. See response to DSHA Impediment 3. Strategy E Sussex County created a policy regarding affordable housing projects seeking support. In addition, the County actively engages developers on the incentives available, such as tax abatement for non-profit properties.</p> <p>C. Sussex County established two methods of reducing lot sizes to 7500 sf. for lots served by central water and central sewer.</p>	<p>A. 2017 is next plan</p> <p>B. Ongoing</p> <p>C. Ongoing</p>	<p>A. \$0</p> <p>B. \$0</p> <p>C. \$0</p>	<p>A.</p> <p>B. Ongoing</p> <p>C. Ongoing</p>

Goals	Strategies to Meet Goals	Responsible Entities	Benchmark	Year to be Completed	Proposed Investment	Date Completed
<b>Impediment #9: Various zoning ordinances throughout the Balance of State should be amended to promote fair housing choice.</b>						
Ensure that local zoning ordinances are in compliance with the Fair Housing Act	A. Both Kent and Sussex Counties should define specific geographic areas that are suitable for multi-family housing and work towards reducing regulatory barriers that impede such development.	A. Kent County, Sussex County	A. See responses to: DSHA Impediment 3, Strategies B and E.; DSHA Impediment 7, Strategy C; and DSHA Impediment 8, Strategy B. and C.  A. DSHA is a key partner in Governor Markell's Downtown Development District (DDD) initiative by administering the DDD grant to encourage redevelopment in economically depressed areas of the State. Participating communities are required to develop and implement plans for these areas as well as corresponding incentives. Wilmington, Dover and Seaford have designated DDDs and have implemented revisions to zoning ordinances and passed incentives to encourage a range of uses including a mix of housing types in these highly distressed areas.	A. 2012-2014	A. \$0	A. Ongoing
	B. Sussex County should amend its zoning ordinance by lowering the minimum site size standards.	B. Sussex County	B. To support the City of Dover in revitalizing its designated DDD, Kent County committed \$200,000 to match DDD grants, up to \$10,000 each, for projects located in Dover's DDD.  B. See response to DSHA Impediment 8, Strategy C.	B. 2013	B. \$0	B. Ongoing
	C. Amend Sussex County's zoning ordinance to include a more modern definition for the term "family."	C. Sussex County	C. Sussex County revised how it defines Occupancy of a Single Unit so it does not discriminate against persons with disabilities and now the definition of "family" emphasizes how the members of the unit function as a cohesive unit.	C. 2013	C. \$0	C. 2013
	D. Amend the Town of Georgetown's zoning ordinance to include a more modern definition for the term "family."	D. Town of Georgetown	D. The Town of Georgetown amended its zoning ordinance in June to adopt a new definition of "family" which emphasizes how the members of the unit function as a cohesive unit.	D. 2012 - 2013	D. \$0	D. 2013
	E. Amend Kent County's zoning ordinance to reflect its current practices related to group homes, which is to allow group homes for the treatment of substance abuse by right in all areas where single-family housing is permitted.	E. Kent County	E. Kent County revised its zoning ordinance in May 2014 regarding group homes to allow group homes for the treatment of substance abuse by right in all areas where single-family housing is permitted.	E. 2014	E. \$0	E. TBD

<b>ADDITIONAL STRATEGIES</b>	<i>F. DSHA to continue participating in Strong Communities planning efforts for rural communities in Sussex County.</i>	<i>F. DSHA</i>	<i>F. DSHA continues to attend Strong Community planning meetings monthly. See response to Impediment 5, Strategy F</i>	<i>F. 2014</i>	<i>F. \$0</i>	<i>F. 2014</i>
	<i>G. DSHA to continue maximizing the state's growth management framework to promote inclusive communities and fair housing choice via participating in and coordinating with state and local planning activities.</i>	<i>G. DSHA</i>	<i>G. DSHA continues to encourage communities to include affordable housing in their planning initiatives and provide technical assistance. This is accomplished through: - Using the State PLUS review process to inform local jurisdictions of impediments identified in the AI for their communities and framing DSHA responses to land use proposals from a fair housing perspective to promote integrated land use patterns. - DSHA's Affordable Housing Resource Center website. - presenting at various workshops promoting inclusive communities. FY14 examples include: April 14<sup>th</sup> "Annual Summit on the Health of Women, Infants, and Children"; and, June 3<sup>rd</sup> "Health Equity Forum" sponsored by Delaware Div. of Health Social Services.</i>	<i>G. Annually</i>	<i>G. \$0</i>	<i>G. Ongoing</i>

Goals	Strategies to Meet Goals	Responsible Entities	Benchmark	Year to be Completed	Proposed Investment	Date Completed
<b>Impediment #10: Members of the protected classes could be more fully represented on boards and commissions dealing with housing issues in Kent and Sussex Counties.</b>						
Ensure that members of the protected classes are represented on appointed volunteer boards	A. Obtain information from current board members to document race, gender, ethnicity, disability status, and familial status.	A. Kent County, Sussex County	A. Since Fall 2012, DSHA requires applications for CDBG and HOME to provide information on race, gender, ethnicity, disability status, and familial status, from current board members of County Council and other Boards/Commissions that make land use decisions. Diversity remains limited in part due to the limited turnover of boards and commissions. With several years of data, DSHA is now including the survey results in CDBG monitoring to recommend making appointments that reflect their population's diversity.	A. Ongoing	A. 0	A. Ongoing

Goals	Strategies to Meet Goals	Responsible Entities	Benchmark	Year to be Completed	Proposed Investment	Date Completed
<b>Impediment #11: Mortgage loan denials and high-cost lending disproportionately affect minority applicants.</b>						
Increase and enhance fair housing outreach and education efforts throughout the County	A. Lenders should undertake initiatives aimed at expanding home ownership opportunities for minorities.	A. Area lenders	A. B. See response to DSHA Impediment 2, Strategy A.	A. Ongoing	A. \$46,000	A. Ongoing
	B. Engage HUD-approved housing counselors to target credit repair education through existing advocacy organizations that work extensively with minorities.	B. Area lenders, DSHA, advocacy organizations	B. DSHA continues to administer a single-contract system with all eleven housing counseling agencies in Delaware. Contract language specifies that services to clients will include counseling sessions covering topics such as rebuilding credit, saving, and reducing debt.	B. Ongoing	B. \$111,000	B. Ongoing
	C. Conduct a more in-depth analysis of HMDA data to determine if discrimination is occurring against minority applicant households.	C. DSHA	B. DSHA expanded their statewide network from three to four housing counseling agencies to apply for funding from the FY2014 HUD Housing Counseling Program. In FY2015 HUD increased the funding for the Delaware Statewide Housing Counseling Network from \$107,000 to \$111,000. DSHA will sub-grant 90% of these funds to housing counseling agencies providing targeted pre-purchase and rental counseling services to low-income and minority households in all three counties.	C. 2013	C. \$0	C. 2013
	D. Engage in a communication campaign that markets home ownership opportunities to all minorities.	D. Area lenders, DSHA, area advocacy organizations, and affordable housing developers	C. In July 2013, DSHA conducted a one-time analysis of the distribution of DSHA's HLP loans and overall home purchase loans (HMDA) by race and ethnicity. The geographic distribution and location of HLP and HMDA loans was also analyzed to determine any disparities.  D. DSHA markets DSHA programs and services to a diverse audience, through several media outlets that reach minority populations including La Exitosa (Delaware's most prominent Hispanic radio station), as well as additional AM and FM Delaware stations. Program information and brochures are provided in English and Spanish, both on our website and in printed materials. DSHA also participates in multiple outreach events each year which target minority and traditionally underserved populations such as El Centro Cultural Festival Hispano, Charlton School Community events, Rodney Village Civic Association events, La Exitosa Hispanic Expo, and the Modern Maturity Center Community Awareness Fair.  D. Sussex County - see DSHA Impediment 8, Strategy B. and C.	D. Ongoing	D. \$8,000 - 10,000	D. Ongoing

Goals	Strategies to Meet Goals	Responsible Entities	Benchmark	Year to be Completed	Proposed Investment	Date Completed
<b>Impediment #12: Foreclosures appear to disproportionately affect minority households in the Balance of State.</b>						
Increase home buyer education, counseling, and other services to mitigate the impacts of foreclosure	A. Mitigate the impacts of foreclosure by supporting the following: increased buyer education, increased credit and buyer counseling, and legislative protections for borrowers to assist them in meeting housing costs.	A. DSHA, area advocacy organizations, area affordable housing developers	A. See response to DSHA Impediment 11, Strategy B. In addition, DSHA continues to financially support housing counseling agencies for providing services to households in mortgage default through five ongoing programs which are supported by a combination of state, Federal, and Multistate Mortgage Settlement funds. As part of the Settlement, DSHA committed \$200,000 to support education and training initiatives to increase the quality and effectiveness of foreclosure prevention counseling services. In FY14, DSHA focused on counseling funding grant administration and supporting the operations of the statewide mandatory foreclosure mediation program by bringing together counselors, attorneys, court mediators, the Department of Justice (DOJ) and others to improve homeowner outcomes during mediation sessions. DSHA is also working with DOJ, housing counselors and the Hope Loan Port to explore technology infrastructure upgrades that will improve communication between parties engaged in foreclosure mediation.	A. Ongoing	A. 200,000	A. Ongoing

Goals	Strategies to Meet Goals	Responsible Entities	Benchmark	Year to be Completed	Proposed Investment	Date Completed
<b>Impediment #1: The State's Qualified Allocation Plan (QAP) and related policies should be revised to reflect Delaware's commitment to affirmatively further fair housing.</b>						
Amend QAP and related documents to more accurately reflect Delaware's commitment to affirmatively further fair housing.	A. Under scoring category 17(B) in the QAP, redefine impacted areas to include census tracts located in areas of racial, ethnic, and/or LMI concentration.	A. DSHA	A. DSHA redefined impacted areas to include census tracts located in areas of racial, ethnic and/or LMI concentration.	A. 2012	A. \$0	A. 2012
	C. Amend the QAP to identify the specific census tracts in Delaware that are impacted (using DSHA's definition) and racially, ethnically and/or LMI concentrated (using definition in the AI).	C. DSHA	C. DSHA modified the QAP to identify the census tracts that are: severely impacted using DSHA's definition; and, impacted using AI's definition.	C. 2012	C. \$0	C. 2012
	D. Eliminate QAP scoring categories 8 and 22.	D. DSHA	D. Category 22 has been removed.	D. 2012	D. \$0	D. 2012
	E. Expand the accessibility language in the QAP to include an explanation of the owner's Section 504 responsibilities.	E. DSHA	E. There were several expansions on accessibility language throughout QAP. The expanded language pertaining to owner's Section 504 responsibilities is found in Attachment 10 of the QAP.	E. 2012	E. \$0	E. 2012

Goals	Strategies to Meet Goals	Responsible Entities	Benchmark	Year to be Completed	Proposed Investment	Date Completed
<b>Impediment #1: The State's Qualified Allocation Plan (QAP) and related policies should be revised to reflect Delaware's commitment to affirmatively further fair housing. (Continued)</b>						
Amend QAP and related documents to more accurately reflect Delaware's commitment to affirmatively further fair housing.	F. Amend the QAP to require specific information on the nature and frequency of fair housing training provided to management staff.	F. DSHA	F. DSHA amended QAP to include specific information on the nature and frequency of fair housing training provided to management staff.	F. 2013	F. \$0	F. 2013
	G. DSHA, in partnership with DHRC and DE NAHRO, should co-sponsor a bi-annual fair housing training to occur every other year.	G. DSHA, DHRC, DE NAHRO	G. DSHA amended QAP requiring management staff to receive fair housing training every two years and to maintain documentation training.	G. 2013	G. \$0	G. 2012
	H. Include the AI definition of racially, ethnically, and LMI-concentrated areas in the HDF application.	H. DSHA	H. Completed for the HDF Loan program.	H. 2013	H. \$0	H. 2013
	I. Include a list and a map of all racially, ethnically, and LMI-concentrated census tracts in the HDF application.	I. DSHA	I. Completed for the HDF Loan program.	I. 2013	I. \$0	I. 2013
	J. Amend the QAP and HDF Project and Neighborhood Standards to encourage developers to provide affordable rental housing for families outside of areas of racial and ethnic concentration.	J. DSHA	J. Major revisions were made to the QAP and HDF Project and Neighborhood Standards to encourage affordable rental housing outside of areas of racial and ethnic concentration.	J. 2012 and 2013	J. \$0	J. 2013



Goals	Strategies to Meet Goals	Responsible Entities	Benchmark	Year to be Completed	Proposed Investment	Date Completed
<b>Impediment #3: A uniform definition of areas of concentration should be adopted and utilized by all entitlement communities throughout the State.</b>						
To ensure statewide consistency and to enhance regional collaboration, adopt a statewide definition of areas of concentration to be utilized by all HUD entitlement communities.	A. DSHA, the City of Dover, and the City of Newark should adopt the City of Wilmington and New Castle County definition of areas of concentration to develop a consistent approach to affirmatively further fair housing.	A. City of Dover, City of Newark, DSHA	A, DSHA adopted a definition for areas of concentration to include: racially, ethnically impacted; and/or, LMI-concentrated. This definition corresponds with the other jurisdictions' definition for areas of concentration.	A. 2012	A. \$0	A. 2012
	B. Statewide affordable housing policies and the related policies of individual entitlement communities should promote a balanced approach to investing in concentrated areas and in communities of opportunity.	B. City of Wilmington, New Castle County, City of Dover, City of Newark, DSHA, State government	B. DSHA reviewed all DSHA programs to determine how and where DSHA should invest resources to promote housing choice in both impacted and non-impacted areas. In 2012, DSHA reviewed and modified the LIHTC QAP to encourage new affordable rental in non-concentrated areas of the State. In 2013, DSHA reviewed the HDF and made changes to encourage new rental in non-impacted areas, and strongly encourage affordable homeownership in severely impacted areas.	B. 2012 and 2013	B. \$0	B. 2013

Goals	Strategies to Meet Goals	Responsible Entities	Benchmark	Year to be Completed	Proposed Investment	Date Completed
<b>Impediment #4: Impact fees, also referred to as sewer and water connection fees, discourage new housing construction, particularly affordable housing projects that are undertaken by non-profit housing developers and community development corporations.</b>						
To promote and encourage the development of affordable rental and owner housing throughout the State	County and local government entities throughout the State of Delaware should reduce and/or waive their respective sewer, water, and/or public facilities and services impact fees for area developers and non-profit organizations seeking to build affordable housing units, both renter and owner units.	Local and county governments throughout the State	<p>-Kent County continues to evaluate the effects of various permits and impact fees. The County determined that one of the fees associated with the County’s Adequate Public Facilities Ordinance for schools may be excessive. Consequently in May 2014, Levy Court revised its Adequate Public Facilities Ordinance (APFO) so the calculation of the school fee is based on housing type, which significantly lowers the APFO school fee for multi-family and manufactured housing.</p> <p>- Sussex County created a policy regarding affordable housing projects seeking support. Conditional letters may be provided upon proof of affordability (i.e. DSHA Tax Credit Program, Habitat for Humanity Deed Restrictions, etc.). The support letter, not only commends affordable housing construction, but also assists the County in satisfying another need - promotion of rental housing in non-impacted areas. In addition, the County actively engages developers on the incentives available, such as tax abatement for non-profit properties</p> <p>- As part of Dover’s Downtown District (DDD) incentives, impact fees will be waived for projects that are undertaken by non-profits and housing developers in the designated DDD area.</p>	Ongoing	TBD	Ongoing

Goals	Strategies to Meet Goals	Responsible Entities	Benchmark	Year to be Completed	Proposed Investment	Date Completed
<b>Impediment #5: The different policies and procedures established by each of the five Section 8 Housing Choice Voucher Programs in the State make it very difficult for a voucher holder to port between the cities and counties, thereby restricting fair housing choice.</b>						
Promote inter-agency collaboration among the various Section 8 Housing Choice Voucher Programs throughout the State to expand fair housing choice.	Initiate inter-agency collaboration between the five Section 8 providers. Create a uniform set of porting requirements that would permit a voucher holder to move freely from one area of the State to another. DSHA's MTW program contains regulatory requirements that will have to be considered during this process.	WHA, NCCHA, NHA, DHA, DSHA	The State Consortium has met several times over the past couple years to discuss how porting requirements across jurisdictions could be modified to facilitate voucher holders who wish to move from one area of the state to the other. However, while the Consortium has not yet identified definitive changes, they are committed to continuing the discussion with the goal of facilitating voucher mobility.	Ongoing	\$0	Ongoing

Goals	Strategies to Meet Goals	Responsible Entities	Benchmark	Year to be Completed	Proposed Investment	Date Completed	
<b>Impediment #6: Regional collaboration among the various entitlement communities throughout the State is needed in order to remedy segregation and concentration issues that persist in the City of Wilmington.</b>							
Develop a regional strategy to address the historic pattern of segregation in Wilmington	A. Adopt local policies across jurisdictional borders that increase the supply of affordable rental housing for families in non-impacted areas outside of Wilmington.	A. City of Wilmington, New Castle County, City of Dover, DSHA	A. See response to Regional Impediment 3, Strategy B. This process also facilitates the reduction of this impediment.  A. FY14, new legislation was drafted to add source of income as a protected class, but would exclude "vouchers". Last year's prime sponsor still supports the legislation and will introduce in 2016.  B. The City of Wilmington continues to work with New Castle County in addressing fair housing and has begun a strategic development plan toward this end.	A. Ongoing	A.\$0	A. Ongoing	
	B. Revitalize neighborhoods within the City of Wilmington so that middle class residents of other jurisdictions will want to move into the City.	D, E, and F. City of Wilmington, New Castle County, City of Dover, DSHA, Kent County, Sussex County	B. The City of Wilmington identified a distressed area that was designated a Downtown Development District (DDD) this past January. DDDs are characterized by high poverty rate, high unemployment, and low homeownership rates. State and City incentives are available to businesses and district investors who invest in real property within the DDD. This includes the DDD Grant program which is administered by DSHA and provides a 20 percent grant on real property investments in commercial, industrial, residential, and mixed-use buildings or facilities. In FY14, \$4,806,137 was awarded to 10 investors leveraging \$102,000,000 of private investment in this DDD. The goal is to promote a variety of development to increase the economic vitality and quality of life in this currently distressed area.  D. The City of Wilmington held a fair housing training for city and county employees and their sub-grantees in July 2015.	B. Ongoing  D. Ongoing	B. \$4,806,137  D. \$0	B. Ongoing  D. Ongoing	
	D. Encourage county planners and elected officials to consider the risks of failing to think and act regionally in terms of deconcentrating poverty in Wilmington. Conduct AFFH workshops with county planners and elected officials.		D. In April, the Delaware Div. of Human Relations (DHR) conducted a series of Fair Housing Community Conversation: "Promoting Resilient and Inclusive Communities" in each county targeted to county planners and elected officials.  D. In April, DHR conducted a Fair Housing Policy Conference: "Realities and Consequences of Housing Segregation", to which public and elected officials were invited. Some attended.	E. Ongoing  F. Ongoing	E. \$0  F. \$0	E. Ongoing  F. Ongoing	

Goals	Strategies to Meet Goals	Responsible Entities	Benchmark	Year to be Completed	Proposed Investment	Date Completed
<b>Impediment #6: Regional collaboration among the various entitlement communities throughout the State is needed in order to remedy segregation and concentration issues that persist in the City of Wilmington. (Continued)</b>						
Develop a regional strategy to address the historic pattern of segregation in Wilmington.	<p>E. Ease zoning and other regulatory barriers to affordable rental housing for families.</p> <p>F. Incentivize the development of mixed income housing in non-impacted areas.</p>	E, and F. City of Wilmington, New Castle County, City of Dover, DSHA, Kent County, Sussex County	<p>E. The City of Wilmington works with developers to reduce the administrative burden as much as possible – particularly in the DDD.</p> <p>E. The City of Dover also has a designated DDD for which the City has identified incentives and impact fees to be waived for projects that are undertaken by non-profits and housing developers in the designated DDD area.</p> <p>E. See DSHA Impediment 9. Strategy G.</p> <p>F. The City of Wilmington has only 4 non-impacted areas, and while the City persists to coordinate development, those areas remain strongly resistant to mixed-income development.</p> <p>F. DHR staff attended the New Castle County Planning Board, November 5<sup>th</sup> Public Hearing to amend Chapter 40 of the New Castle County Code regarding the creation of a Traditional Neighborhood Housing Program. County Council Sponsor: Penrose Hollins.</p> <p>F. DHR staff gave public testimony at the public hearing where the vote was taken in support of New Castle County’s Traditional Neighborhood Housing Program. In addition, DDHR staff provided written support for the amendment and encouraged other stakeholders to submit written support.</p> <p>F. DSHA provided written support for the amendment through the PLUS process.</p>	2012	\$5,000	Ongoing

Goals	Strategies to Meet Goals	Responsible Entities	Benchmark	Year to be Completed	Proposed Investment	Date Completed
<b>Impediment #7: There is an overall lack of data available to support the need for more affordable, accessible housing throughout the State.</b>						
More accurately and efficiently track the number of persons throughout the State that are in need of mobility-accessible housing units.	Conduct a statewide study to determine the supply and demand characteristics of housing for persons with mobility impairments.	DSHA, area advocacy organizations, other entitlement communities.	The state's affordable housing and disability communities collaborated to conduct the study, <i>Community and Choice: Housing Needs for People with Disabilities in Delaware</i> . Since then the State Council for Persons with Disabilities (SCPD) has pursued recommendations from the study including legislation to include source of income as a protected class under Delaware's Fair Housing Act. After three unsuccessful years, new legislation was drafted in FY14 which adds source of income as a protected class, but excludes "vouchers". Last year's prime sponsor is supportive of the legislation and will introduce in January 2016.	2012	\$5,000	Ongoing

Goals	Strategies to Meet Goals	Responsible Entities	Benchmark	Year to be Completed	Proposed Investment	Date Completed
<b>Impediment #8: Public transit service is largely limited to higher density areas and does not accommodate persons working evening, night, and weekend shifts.</b>						
Increase access to public transit in non-concentrated areas.	Identify opportunities for the development of affordable family housing along existing transit routes. Collaborate with DART to adequately serve this area with public transit.	City of Wilmington, New Castle County, City of Dover, City of Newark, DSHA, DART	<p>DSHA collaborated with DART to identify opportunities for the development of affordable housing along existing transit routes. Through this, DSHA modified the QAP to incentivize applications within Transit Services areas, or are transit ready. In FY14, Memorandums of Agreements have been executed by tax credit applicants with DART to ensure 4 affordable rental communities serving 270 households will be served by transit.</p> <p>The Dover Transit Center was completed in December of 2010 and is centrally located in Dover which includes a larger bus depot to accommodate more buses, internal loop road, shelters, parking lot and a storm water system. This new facility is located along the rail line allowing for possible use as a train station in the future if funding for a capital project were available. There are several affordable housing initiatives to develop and preserve affordable housing along the existing transit routes.</p>	Ongoing	\$0	Ongoing

Goals	Strategies to Meet Goals	Responsible Entities	Benchmark	Year to be Completed	Proposed Investment	Date Completed
<b>Impediment #9: Several policies and programs of statewide advocacy organizations could be improved from a fair housing perspective.</b>						
<p>Improve various policies and programs of statewide advocacy organizations such as DHC and DHRC.</p>	<p>B. OHR/DHRC should conduct the four-factor analysis to determine the extent to which the translation of vital documents is necessary to assist persons with LEP in accessing various statewide services.</p> <p>C. OHR/DHRC should be more aggressive in initiating complaints on behalf of Delawareans who feel they have been discriminated against.</p> <p>D. OHR/DHRC should publicize its settlements to deter landlords and property management companies from abusing the current system in place and to encourage residents throughout the State to file fair housing complaints.</p>	<p>B. DHR/DHRC</p> <p>C. DHR/DHRC</p> <p>D. DHR/DHRC</p>	<p>B. DHR increased the number of Spanish language fair housing publications distributed in its outreach and education efforts.</p> <p>B. DHR hired a multi-lingual investigator whose skills have increased DHR's interactions with persons with LEP.</p> <p>B. In October, DHR disseminated fair housing and equal accommodations information (English/Spanish) at Hispanic Heritage Celebration &amp; Community Fair in Georgetown.</p> <p>B. In November, DHR staff participated in the First Delaware Latino Summit in Dover.</p> <p>C. DHR expanded its community outreach and education efforts to enhance Delawareans' awareness of anti-discrimination laws efforts to identify discriminatory practices.</p> <p>C. DHR led dialogue with the Attorney General's Office on Commission initiated complaints.</p> <p>C. DHR reviewed and discussed with the Delaware State Human Relations Commission (DHRC) its authority to investigate and initiate discrimination complaints.</p> <p>D. DHR publicizes examples of case settlements in its Fair Housing 101 workshops; training evaluations indicate case examples are most helpful to participants in recognizing and understanding housing discrimination.</p> <p>D. DHR is developing a dynamic and user-friendly, multi-media fair housing webpage with HUD Partnership grant funds that will provide residents with informational tools to encourage filing of complaints.</p> <p>D. DHR is reviewing case files for website publishing.</p>	<p>B. 2012</p> <p>C. Ongoing</p> <p>D. Ongoing</p>	<p>B. TBD</p> <p>C. TBD</p> <p>D. TBD</p>	<p>B.</p> <p>C.</p> <p>D.</p>

Goals	Strategies to Meet Goals	Responsible Entities	Benchmark	Year to be Completed	Proposed Investment	Date Completed
<b>Impediment #10: There exists a continuing need for quality fair housing education, outreach, training, and real estate testing throughout the State.</b>						
<p>Increase opportunities for fair housing education, outreach, training, and real estate testing throughout Delaware.</p>	<p>A. Continue to provide funds to send housing site management staff to annual fair housing trainings.</p> <p>B. Enlist the support of a local or statewide fair housing advocacy organization to provide real estate discrimination testing throughout the State.</p> <p>C. Localities throughout the State that have rental property registration, licensing, and/or inspection programs should encourage landlords and property management companies to attend fair housing training by providing a calendar of seminars to be provided in each county. This calendar should be updated regularly, provided at time of initial registration, and posted on various jurisdictional websites. Jurisdictions should work collaboratively to facilitate, and market fair housing seminars.</p>	<p>A. DSHA</p> <p>B. DHRC, DHC, DCRAC</p> <p>C. &amp; D. City of Wilmington, New Castle County, City of Dover, City of Newark, Kent County, Sussex County</p>	<p>A. DSHA sent 39 housing managers to FH training in FY14.</p> <p>B. With Partnership Grants from HUD, DHRC collaborated with a non-profit to provide FH education, outreach and training via 31 FH workshops, civic association meetings and community engagement events, reaching more than 700 people in “impacted communities” in Sussex County.</p> <p>C. During FY14, DHR provided FH training to more than 15 property management companies, homeowners associations, landlords, and sub-grantees.</p> <p>C. In July 2015, the City of Wilmington’s held FH training jointly with New Castle County employees. The City will work with the other municipalities to coordinate a calendar of trainings and provide that list to licensing and inspection for distribution to potential developers.</p> <p>D. In March 2015, the City of Wilmington held FH training, provided by DHR, for City/County employees and elected officials. There are scheduled trainings through 2016 and will include City sub-grantees.</p> <p>C. Kent County does not have rental property registration, licensing, and/or inspections program. However, staff stands ready to DSHA or DHR in coordinating and advertising FH training.</p> <p>C. The City of Dover collaborates with the Dept. of Justice and the Dover Police Dept. to sponsor a Crime Free Multi-Family Housing Training which includes fair housing training for landlords of rental property located in the City. The City offers this training twice a year and will be ongoing.</p>	<p>A. Annual</p> <p>C., Bi-annually</p>	<p>A. \$2,145</p> <p>C. \$0</p>	<p>A. Annual</p> <p>C. Ongoing</p>



Goals	Strategies to Meet Goals	Responsible Entities	Benchmark	Year to be Completed	Proposed Investment	Date Completed
<b>Impediment #10: There exists a continuing need for quality fair housing education, outreach, training, and real estate testing throughout the State.</b>						
Increase opportunities for fair housing education, outreach, training, and real estate testing throughout Delaware.	D. Area localities should encourage members of appointed boards and commissions, elected officials, real estate agents, and municipal and county staff that deal with housing, community development, zoning, and code enforcement issues to attend an annual fair housing training.	D. City of Wilmington, New Castle County, City of Dover, City of Newark, Kent County, Sussex County	<p>D. In April, staff members from Kent County, Sussex County, City of Dover, and DSHA attended a portion or all of the DHR series of Fair Housing Community Conversations: “Promoting Resilient and Inclusive Communities” in each county targeted to county planners and elected officials.</p> <p>D. In April, DHR conducted FH training for real estate students.</p> <p>D. In March, DHR conducted FH housing training for Greater Wilmington Housing Partnership.</p> <p>D. In April, DHR collaborated with Housing Opportunities of Northern Delaware (HOND) to conduct FH training as part of HOND’S 19<sup>th</sup> Annual Fair Housing Law Forum.</p> <p>D. In April, City of Wilmington, New Castle County, DSHA, and DHR joined other organizations and government elected and appointed officials at the 32<sup>nd</sup> annual FH proclamation signing ceremony and roundtable.</p> <p>D. In February, DHR conducted fair housing training for members of the Delaware State Human Relations Commission.</p> <p>D. Sussex County held Fair Housing training on July 23, 2015 to educate staff on Fair Housing Requirements. The training was provided by Jeff May by NCRC.</p>	D. Annual	D. \$0	D. Ongoing
<b>ADDITIONAL STRATEGIES</b>	<b><i>E. Ensure that all DSHA employees are sensitive to and educated in fair housing issues.</i></b>	<b><i>E. DSHA</i></b>	<b><i>E. DSHA developed an Internal Fair Housing Training Plan according to each employee’s type and frequency of contact with the public. In FY14, 96 DSHA employees attended Fair Housing training relevant to their job.</i></b>	<b><i>E. Annually</i></b>	<b><i>E. \$4,755</i></b>	<b><i>E. Ongoing</i></b>

Goals	Strategies to Meet Goals	Responsible Entities	Benchmark	Year to be Completed	Proposed Investment	Date Completed
<b>Impediment #11: Mortgage loan denials and high-cost lending disproportionately affect minority applicants.</b>						
Increase and enhance fair housing outreach and education efforts throughout the State.	A. Investigate the feasibility of contracting for mortgage testing in the State. If possible, contract with an experienced firm to conduct such testing.	A. OHR/DHRC, CLASI, DCRAC	A. In 2013 CLASI partnered with the University of Delaware Center for Community Research and Service (CCRS) to develop a methodology to conduct mortgage tests by phone. The methodology was approved by HUD in Fall 2013. This collaboration will include a total of 40 tests. In addition, CCRS will analyze the data and produce a report which assesses whether discriminatory conduct is occurring against African-Americans and include policy recommendations as appropriate.	A. 2013-2015	A. \$36,500 (includes 9,000 CCRS match)	A.
	B. Encourage HUD-approved homebuyer counseling providers to continue this invaluable resource for lower income and minority households.	B. Area lenders, advocacy orgs, all HUD entitlement communities	B. DHR continues its partnership with and support of housing counseling programs and services provided by Housing Opportunities of Northern Delaware (HOND).  B. In September, DHR staffed an exhibit table of information and resources at the Inaugural Sussex County Homebuyer Fair.  B. In April, DHR collaborated with DCRAC to include participation and information sharing by DCRAC staff at each of the fair housing community conversations held statewide.  B. The City of Dover provided a grant to NCALL Research, a HUD-approved housing counseling agency to provide housing counseling directly to at least 51% of low income households to assist in purchasing affordable housing in the City of Dover.	B. Ongoing	B. \$0	B. Ongoing

Goals	Strategies to Meet Goals	Responsible Entities	Benchmark	Year to be Completed	Proposed Investment	Date Completed
<b>Impediment #12: Several newspapers, including <i>The News Journal</i>, <i>Dover Post</i>, <i>Delaware State News - the State Capital Daily</i>, and the <i>Cape Gazette</i>, do not comply with the Federal Fair Housing requirements.</b>						
Eliminate discriminatory language in real estate advertisements.	Recommend to <i>The News Journal</i> , the <i>Dover Post</i> , the <i>Cape Gazette</i> , and <i>Delaware State News - the State Capital Daily</i> to revise their policies to include a statement to the effect of "All advertisements prohibiting or restricting pets shall be made with the understanding that such policies shall not apply to persons with disabilities, as defined by the Fair Housing Act, who require service or companion animals."	City of Wilmington, New Castle County, City of Dover, DSHA, DHRC	The City of Wilmington reached out to the New Journal requesting it add a disclaimer to its website. The City will follow up until this issue is resolved.	2014	\$0	Ongoing

# Appendix H:

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- MINORITY, WOMEN AND VETERAN  
BUSINESS ENTERPRISES OUTREACH  
PROGRAM, 2013
-

## **MINORITY, WOMEN AND VETERAN BUSINESS ENTERPRISES OUTREACH PROGRAM**

### **A. *Statement of Policy***

1. It is the policy of the Delaware State Housing Authority to insure the inclusion, to the maximum extent possible, of minorities, women and/or veterans, 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 DSHA with such persons or entities, public and private, in order to facilitate the activities of DSHA to provide affordable housing authorized under the National Affordable Housing Act or any other federal housing law applicable to DSHA.
2. As part of its MBE/WBE outreach program and in accordance with the requirements of the Governor's Executive Orders No. 14 and No. 29, DSHA and other State agencies have adopted Supplier Diversity Action Plans. DSHA's Plan is attached. The Supplier Diversity Action Plan updates and replaces DSHA's previous Minority and Women Business Enterprise Program and will assist minority, women and/or veteran business enterprises (M/W/VBE) in obtaining opportunities to compete for both DSHA and federal purchasing dollars and contracting opportunities. DSHA has mailed out to contractors solicitations and posted information on its web site encouraging both contractors and subcontractors to become listed as a certified M/W/VBE enterprise in the State's Office of Supplier Diversity (OSD) directory. DSHA utilizes the OSD directory in its own solicitations for work and services and directs HOME project contractors to use the OSD directory for their needs.
3. DSHA coordinates its efforts with the services provided by the OSD. A listing of services available can be found at <http://gss.omb.delaware.gov/osd/> and include, but are not limited to, notification of business events, certification as a M/W/VBE, bid and contracting opportunities and training information.

### **B. *Program Oversight***

The Administration Section (Admin) of DSHA is the office with oversight responsibilities for promoting the M/W/VBE Outreach Program. Mr. Mike Miles, Contract Procurement Officer, has overall direct responsibility for the Program. Admin's duties include the promotion of the M/W/VBE Outreach Program along with the collection, distribution and monitoring of information as necessary for the successful operation of the program.

### **C. *Identifying MBEs/WBEs***

1. Admin conducted surveys at the start of the HOME Program to establish a listing of MBE/WBE contractors/subcontractors, vendors, and professional firms. The survey method included: direct mailings to known MBE/WBE groups and minority and women's organizations, obtaining MBE/WBE listings maintained by local, state and federal agencies and placing advertisements regarding the survey in local media.
2. In June of 2012, the Office of Supplier Diversity was established as the State office responsible for ensuring that minority, women and veteran businesses are afforded full and equal access to State procurement opportunities related to the provision of commodities, services and construction. All firms on the prior listing of DSHA MBE/WBE contractors were contacted and strongly encouraged to contact the OSD and become certified.

3. DSHA may periodically sponsor conferences or seminars and develop informational and documentary materials on contract/subcontract opportunities for M/W/VBEs in order to facilitate their inclusion in contracts for affordable housing.

**D. Monitoring**

1. DSHA shall require all contractors, when entering into contracts to further affordable housing, to submit monitoring forms for themselves and their subcontractors.
2. DSHA shall collect and maintain records and statistical data on the use and participation of M/W/VBEs as contractors/subcontractors in all HUD-assisted program contracting activities.
3. DSHA shall evaluate, on a yearly basis, the contract participation of M/W/VBEs in HUD-assisted program activities and shall take such steps as necessary to assure the participation of M/W/VBEs.

**E. Solicitation Procedures**

1. Whenever DSHA solicits bids or proposals for work involving DSHA or HUD-assisted projects it shall:
  - a. In all bid notices or requests for proposals (RFPs) include language such as, "Bids are especially invited from minority business enterprises, women business enterprises and veteran business enterprises,"
  - b. Advertise in two newspapers of general local circulation of the project area for all bids and RFPs and
  - c. Post all bids and RFPs on the DSHA website and on the State's Bid Solicitation Directory at <http://bids.delaware.gov/>.
2. DSHA shall require all contractors involved in HUD-assisted projects, when soliciting proposals and or bids from subcontractors to include language such as, "Bids are especially invited from minority, women and veteran business enterprises" in solicitations. Contractors shall also keep records of M/W/VBEs participation and solicitation including copies of all advertisements.
3. DSHA shall advise contractors at pre-bid and preconstruction meetings to contact the OSD in order to facilitate the inclusion of M/W/VBEs in the contractors' proposal or bid.

# Appendix I:

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- DSHA's Supplier Diversity Action Plan
-

General Order No. 593 Revising DSHA's  
Supplier Diversity Action Plan

WHEREAS, Governor's Executive Order No. 29, Council on Housing Resolution No. 398, and existing U.S. Department of Housing and Urban Development regulations provide the framework for the Supplier Diversity Action Plan; and

WHEREAS, the Delaware State Housing Authority (DSHA) desires to revise its Supplier Diversity Action Plan to ensure that minority, veteran, and women business enterprises are afforded full, equitable, and fair opportunities to compete for DSHA purchasing dollars; and

WHEREAS, this Supplier Diversity Action Plan updates and replaces DSHA's previous Supplier Diversity Action Plan effective 8/1/10.

NOW THEREFORE BE IT ORDERED AS FOLLOWS:

1. The attached DSHA Supplier Diversity Action Plan is adopted effective 8/27/12.
2. All substantive revision to the Supplier Diversity Action Plan will be accomplished via a subsequent General Order.

  
\_\_\_\_\_  
Anas Ben Addi  
Director

  
\_\_\_\_\_  
Date



Delaware State Housing Authority (DSHA)  
Supplier Diversity Action Plan

Purpose and Definitions

- The purpose of DSHA's Supplier Diversity Action Plan is to ensure that minority, veteran and women owned business enterprises are afforded full, equitable, and fair opportunities to compete for DSHA purchasing dollars.
- A minority, veteran and women owned business enterprise means a for profit business which is at least 51 percent owned and managed by a minority, veteran, or women business enterprise certified by the state Office of Supplier Diversity (OSD)
- The definition of a minority follows that of the U.S. Census Bureau.
- The definition of a veteran is an individual who has served in the United States military or has served in the National Guard of the United States for six months and has received a discharge other than a dishonorable discharge.
- This DSHA Supplier Diversity Action Plan has been drafted in accordance with Governor's Executive Order No. 14, Council on Housing Resolution No. 398, and U.S. Department of Housing and Urban Development (HUD) requirements, as well as, the Governors Executive Order No. 29 which provides the inclusion of Service Disabled Veterans and Veteran Business enterprises is the State of Delaware Supplier Diversity initiatives.

Scope of Plan

- The scope of DSHA's Supplier Diversity Action Plan includes all direct procurement accomplished by the agency, both federal and non-federal. For specific HUD requirements see in particular legislative mandates (Attachment C), including 24 CFR Part 85.36, 24 CFR Part 92.351, and HUD CPD Notice 2010-005.
- It is recognized that DSHA reporting of its supplier diversity efforts will necessarily be a combination of expenditures in both the state system and DSHA's internal accounting system.
- DSHA will also encourage its partners in non-direct assistance programs to also provide opportunities for minority, veteran and women owned business enterprises, consistent with the intent of Council on Housing Resolution No. 398.

- Subcontractor data will be solicited on contracts as applicable.
- For procurements under the competitive spending thresholds, DSHA will solicit at least 1 certified MBE/WBE/VBE as available.

DSHA Liason/Contact

- Michael T. Miles, Contract Procurement Officer, is the appointed liaison/contact for minority, veteran, and women business enterprises contracting.

Attachments

- A: Governor's Executive Order No. 14
- B: Governor's Executive Order No. 29
- C: Council on Housing Resolution No. 398
- D: Federal Requirements

### Supplier Diversity Outreach Efforts

- DSHA will participate in annual state events such as the Governor's Enterprise Conference and the Delaware Economic Development Office's Diversity Summit, and will research the opportunities to organize similar type events to the state's housing providers consistent with the intent of Council on Housing Resolution No. 398.
- DSHA will disseminate information on state supplier diversity initiatives to its contractors, and vendors who contact DSHA seeking business opportunities.
- DSHA will provide links to the Office of Supplier Diversity (OSD) on DSHA's website.
- DSHA will identify and recruit minority veteran, and women business enterprises for certification by the Office of Supplier Diversity (OSD).
- DSHA will also consult the OSD Directory in its own procurement.

### Reporting

- DSHA will track the participation of minority veteran, and women business enterprises, and annually evaluate DSHA's efforts. HUD goals are currently 5 percent participation of Minority and Women Business Enterprises, and 3% participation of service disabled veterans.
- DSHA submits HUD Form 2516 on contractor/subcontractor MBE/WBE activity by federal fiscal year basis in October for HUD Public Housing and Community Planning and Development programs.
- A copy of DSHA's annual evaluation of all DSHA programs will be provided to OSD on a state fiscal year basis.

### Procurement Procedures

- For procurements paid through the state financial system, notices for proposals/bids will be posted on the state central portal [www.bidsdelaware.gov](http://www.bidsdelaware.gov), as well as DSHA's web site [www.destatehousing.com](http://www.destatehousing.com), and qualified MBE/WBE/VBE contractors will be notified using the State MBE/WBE/VBE Directory.
- For procurements paid through DSHA's internal financial system, notices for proposals/bids will be posted on DSHA's web site, and qualified MBE/WBE/VBE contractors will be notified using the State MBE/WBE/VBE Directory.
- Notices for all procurements will encourage proposals from minority, veterans and women business enterprises.

**ATTACHMENT A:**

**GOVERNOR'S EXECUTIVE ORDER NO. 14**

STATE OF DELAWARE



EXECUTIVE DEPARTMENT  
DOVER

**EXECUTIVE ORDER  
NUMBER FOURTEEN**

TO: HEADS OF ALL STATE DEPARTMENTS AND AGENCIES

RE: INCREASING SUPPLIER DIVERSITY INITIATIVES WITHIN STATE  
GOVERNMENT

WHEREAS, the State is committed to assuring that all practices in all areas of State procurement provide suppliers equal access to procurement opportunities; and

WHEREAS, the State benefits from an inclusive business environment that includes the creation and expansion of minority and/or women business enterprises; and

WHEREAS, in a December 2007 report titled Economic Development State Policies for Minority and Women Business Development, the Insight Center for Community Economic Development noted that business inclusive initiatives have been recognized by the Federal Government and a majority of states in our nation as strategic and good for sustained economic growth; and

WHEREAS, the State of Delaware benefits from a successful Women and Minority Business community as a part of the general public, in addition to being a procurer of goods and services from a competitive marketplace wherein successful Women and Minority Businesses prosper; and

WHEREAS, the State has made significant advances in transparency through the online posting of bid opportunities as well as the establishment of the online checkbook; and

WHEREAS, publishing awarded advertised contracts will further increase transparency, accountability and competitiveness in State procurement; and

WHEREAS, the coordinated efforts of the public and private sectors are necessary to significantly increase the participation of minority and/or women business enterprises in all aspects of State contracting and procurement.

NOW THEREFORE, I JACK A. MARKELL, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby DECLARE and ORDER the following:

1. Definition. As used in this order "Minority and/or women business enterprise" means a for profit business which is at least 51 percent owned and at least 51 percent managed by a minority and/or woman certified by the Office of Minority and Women Business Enterprise or DelDOT's Disadvantaged Business Enterprise ("DBE") Program.

2. The Executive Branch will provide leadership and support to ensure that all minority and/or women business enterprises are afforded full, equitable and fair opportunities to compete for State purchasing dollars.

3. The Office of Minority and Women Business Enterprise within the Office of Management and Budget shall have, as its mission, to assist minority and/or women business enterprises in competing for the provision of commodities, services, and construction to State departments, agencies, authorities, school districts, higher education institutions and all businesses.

4. The Office of Minority and Women Business Enterprise shall have the following powers, duties and functions:

(a) The Executive Director of the Office of Minority and Women Business Enterprise will be responsible for providing strategic advice to the Director of the Office of Management and Budget and the Governor pertaining to supplier diversity;

(b) Monitor and evaluate each respective Executive Branch Agency Supplier Diversity Action Plan;

(c) Certify minority and/or women business enterprises and create and maintain a State directory of minority and/or women business enterprises that have been certified; and

(d) Educate minority and/or women business enterprises on how to conduct business with the State of Delaware.

5. Each Department and Agency within the Executive Branch (collectively "Executive Branch Agencies") shall designate, within thirty (30) days of the issuance of this Order, a Minority and Women Business Enterprise Liaison, who shall have direct access to his or her Secretary, department head, or similar cabinet-level official concerning minority and/or women business enterprise program matters.

6. Minority and Women Business Enterprise Liaisons shall:

(a) Assist the Executive Director of the Office of Minority and Women Business Enterprise and the Governor's Supplier Diversity Council, as created in this Executive Order, in their efforts to maximize supplier diversity among State agencies;

(b) Direct and coordinate supplier diversity initiatives within their respective agency, including but not limited to discussing best practices and educating staff;

(c) Assist in the development and implementation of their agency's Supplier Diversity Action Plan, as identified in this Executive Order;

(d) Prepare reports for the Governor's Supplier Diversity Council; and

(e) Undertake such additional tasks relating to this Executive Order as required from time to time by the Governor.

7. The Office of Minority and Women Business Enterprise, in conjunction with Government Support Services of the Office of Management and Budget, shall develop the format and best practices content of a Supplier Diversity Action Plan. The goal of the Supplier Diversity Action Plan shall be to maximize the contracting opportunities for minority and/or women business enterprises, as well as increase transparency for subcontracting opportunities. Each Executive Branch Agency is responsible for expanding upon this framework for agency-specific interests and fulfilling the tasks within its respective finalized plan. Agencies' completed plans shall be submitted to the Office of Minority and Women Business Enterprise and Government Support Services in the Office of Management and Budget for final approval no later than July 30th of each calendar year. Agencies' approved Supplier Diversity Action Plans shall be filed annually with the Governor no later than September 30th of each calendar year.

8. In an effort to further increase transparency in State procurement practices, the Director of the Office of Management and Budget and the Secretary of State shall develop policies and procedures that provide for a central, online publication of all advertised and awarded State contracts, including information on whether such contracts were awarded to minority and/or women owned businesses.

9. The Governor's Public Works and Procurement Opportunity Council is abolished, and the Governor's Supplier Diversity Council (hereinafter "Council") is hereby created.

10. The purpose of the Council shall be to:

(a) Advocate for the State of Delaware's supplier diversity initiatives;

(b) Offer training and information on the tools necessary for successfully doing business with the State of Delaware as a minority and/or women business enterprises;

(c) Help maximize supplier diversity among the State agencies, and help increase contracting opportunities for qualified minority and/or women business enterprises;

(d) Develop criteria for evaluation of supplier diversity initiatives pursuant to this Executive Order.

(e) Identify potential impediments if any, concerning supplier diversity within State government, and develop strategies to eliminate these impediments;

(f) Provide advice and recommendations to the Governor concerning supplier diversity strategies; and

(g) Research and report back to the Governor no later than December 31, 2010 on the feasibility of conducting a disparity study to evaluate the buying practices of the State of Delaware, focusing on the use of minority and/or women business enterprises.

11. The Council shall consist of eleven (11) members who shall be citizens of the State and shall be appointed by the Governor. The Governor shall appoint a Chairperson from among its members who shall serve at the Governor's pleasure. The members of the Council shall be appointed subject to the following qualifications:

(a) Two members of the Council shall be representatives of local, private or federal minority and/or women business assistance programs or community development programs;

(b) Five members of the Council shall be representatives of the minority and/or women private business sector, among whom at least two shall be women and at least two (2) shall be minority persons;

(c) One representative shall be from a private sector company located in the State of Delaware that administers a supplier diversity program;

(d) The Executive Director of the Office of Management and Budget ("OMB") or his/ her designee;

(e) The Executive Director of the Delaware Economic and Development Office ("DEDO") or his/her designee; and

(f) One representative of the Governor's Office.

12. Each appointed Council member shall serve for a term of four (4) years from the date of appointment. Vacancies on the Council for any cause shall be filled by the Governor for the unexpired term and until a successor shall qualify. The Governor may appoint members for terms shorter than four (4) years where that is necessary to ensure that no more than three



Council members' terms expire in one given year. The Council shall adopt internal procedures or bylaws necessary for efficient operations.

13. OMB shall provide technical assistance and strategic support, as may be necessary. OMB shall provide an Executive Director for the Council who shall be the Executive Director for the Office of Minority and Women Business Enterprise.

14. These directives are not intended in any way to limit the application of additional creativity at the agency level. They are designed to promote economic growth and eliminate any potential impediments to an equitable procurement process. Each cabinet secretary shall evaluate the performance of his or her agency in implementing these directives. Accordingly, the Office of Minority and Women Business Enterprise, in cooperation with each cabinet secretary and through the Director of the Office of Management and Budget, shall provide semiannual reports to the Governor regarding the State of Delaware's progress in enhancing opportunities for minority and/or women business enterprises. The reports shall delineate the State of Delaware's spending in detail by gender, ethnicity, industry classification, and agency.

15. Executive Order No. twenty-three (23) dated December 10, 2001 is hereby rescinded.

16. No provision of this Order shall be intended to create any individual right or legal cause of action, which does not currently exist under State or Federal law.

APPROVED this 22 day of December, 2009



Jack Markell  
Governor

ATTEST:

[Signature]  
Secretary of State

**ATTACHMENT B:**  
**GOVERNOR'S EXECUTIVE ORDER NO. 29**

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## Executive Order Number Twenty-Nine

To: Heads Of All State Departments And Agencies

Re: Ensuring Representation Of Veteran-Owned Businesses In Delaware's Supplier Diversity Initiatives And Amending Executive Order No. 14

WHEREAS, the armed services of the United States are the principal vanguard of our nation and the protector of the freedoms we enjoy as Americans, and they do so through the personal sacrifice of servicemen and servicewomen dedicated to protecting our country at home and abroad;

WHEREAS, as Americans and Delawareans, we recognize the debt we owe to our veterans and acknowledge that our former service members should enjoy the same security and opportunities made available to all Americans by their service;

WHEREAS, there are more than 78,000 veterans who call Delaware home, according to the U.S Department of Veterans Affairs, but state government has not historically tracked how it conducts business with the veteran-owned businesses throughout our State;

WHEREAS, Executive Order No. 14, signed on December 22, 2009, created a Supplier Diversity Council, the purpose of which is to advocate for supplier diversity initiatives, particularly as they relate to minority and/or women-owned business enterprises;

WHEREAS, the work of the Supplier Diversity Council can be built upon by expanding its focus to include the study and consideration of how the State of Delaware does business with veteran-owned business enterprises;

WHEREAS, the work of the Supplier Diversity Council on behalf of minority and women business enterprises and veteran-owned business enterprises can and will benefit many small businesses through the development of strategies that will increase small business participation in state contracting;

WHEREAS, in its report to the Governor, the Supplier Diversity Council proposed expanding the membership of the Council to include veteran-owned businesses;

NOW THEREFORE, I, JACK A. MARKELL, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby DECLARE and ORDER the following:

1. The Executive Branch will provide leadership and support to ensure that all veteran-owned business enterprises are afforded full, equitable and fair opportunities to compete for State purchasing dollars.
2. Paragraph Nos. 10, 11 and 12 of Executive Order No. 14, issued December 22, 2009 and creating the Governor's Supplier Diversity Council (hereinafter "Council") are hereby rescinded, and in lieu thereof, the Supplier Diversity Council is hereby reconstituted.
3. The Council shall consist of twelve (12) members who shall be citizens of the State and shall be appointed by the Governor. The Governor shall appoint a Chairperson from among its members who shall serve at the Governor's pleasure. The members of the Council shall be appointed subject to the following qualifications:
  - a. Two members of the Council shall be representatives of local, private or federal minority and/or women business assistance programs or community development programs;
  - b. Five members of the Council shall be representatives of the minority and/or women private business sector, among whom at least two shall be women and at least two (2) shall be minority persons;

- c. One representative shall be from a private sector company located in the State of Delaware that administers a supplier diversity program;
  - d. One member shall be a representative of the veteran-owned private business sector;
  - e. The Executive Director of the Office of Management and Budget ("OMB") or his/her designee;
  - f. The Executive Director of the Delaware Economic and Development Office ("DEDO") or his/her designee; and
  - g. One representative of the Governor.
4. Members of the Council currently serving shall continue to serve their terms without interruption. Each appointed Council member shall serve for a term of four (4) years from the date of appointment. Vacancies on the Council for any cause shall be filled by the Governor for the unexpired term and until a successor shall qualify. The Governor may appoint members for terms shorter than four (4) years where that is necessary to ensure that no more than four Council members' terms expire in one given year. The Council shall adopt internal procedures or bylaws necessary for efficient operations.
5. The purpose of the Council shall be to:
- a. Advocate for the State of Delaware's supplier diversity initiatives;
  - b. Offer training and information on the tools necessary for successfully doing business with the State of Delaware as a minority and/or women business enterprise or a veteran-owned business enterprise;
  - c. Help maximize supplier diversity among the State agencies, and help increase contracting opportunities for qualified minority, women and/or veteran-owned business enterprises;
  - d. Develop criteria for evaluation of supplier diversity initiatives pursuant to this Executive Order;
  - e. Identify potential impediments, if any, concerning supplier diversity within State government, and develop strategies to eliminate these impediments, including the elimination of impediments that limit all small businesses from participating in contracting opportunities; and
  - f. As the Council has done and will continue to do for minority and/or women business enterprises, evaluate how to best serve veteran-owned businesses in the State of Delaware, including but not limited to evaluation of: (1) a definition of veteran-owned business and/or whether certification or other identification of veteran-owned businesses is achievable and advisable, (2) how the Office of Minority and Women Business Enterprise within the Office of Management and Budget might assist veteran-owned businesses, (3) how the State might report contracts awarded to veteran-owned businesses in a manner similar to its disclosure for minority and/or women owned businesses, and (4) how Executive Branch Agencies might assist veteran-owned businesses and the role of Minority and Women Business enterprise Liaisons to that purpose; and
  - g. Provide advice and recommendations to the Governor concerning supplier diversity strategies.
6. No provision of this Order shall be intended to create any individual right or legal cause of action, which does not currently exist under State or Federal law.

APPROVED this 6th day of September, 2011

Share:

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**ATTACHMENT C:**  
**COUNCIL ON HOUSING RESOLUTION NO. 398**

COUNCIL ON HOUSING

RESOLUTION NO. 398

WHEREAS, despite the accelerated growth in the number of minority-owned firms in recent years, minority businesses remain significantly under-represented in the State of Delaware; and

WHEREAS, the State of Delaware's minority and women business enterprise spending for fiscal year 2009 amounted to \$41 million which represents an extremely small amount of the State's procurement budget; and

WHEREAS, minorities now comprise nearly 45% of the Delaware population, but represent only 7% of the State's businesses and receive 2.2% of total sales; and

WHEREAS, the Council on Housing is committed to encouraging equal employment opportunities to all Delawareans; and

WHEREAS, the Council on Housing is committed to maintaining a high quality workforce that draws upon the talents of the state's diverse citizens to participate in the state's economy; and

WHEREAS, the Delaware State Housing Authority (DSHA) is actively engaged in the administration of the American Recovery and Reinvestment Act of 2009 (ARRA) funds as well as other federal and state funds; and

WHEREAS, the Council on Housing's long-term strategy is the promotion of safe and affordable housing, both rental and homeownership, but understands that minority business enterprise development presents an historic and dynamic growth opportunity for the State's economy and should not be marginalized, under-utilized or ignored.

NOW, THEREFORE, the Council on Housing encourages DSHA to do the following:

1. DSHA shall strive through its outreach efforts and coordination with the Council, and the Office of Minority and Women-Owned Business Enterprises to maximize the number of qualified minorities and women as components of its supply chain.
2. Each project administered by DSHA, and being developed by not-for profit and for profit developer partners shall, in accordance with applicable federal and state executive orders and laws, attempt to maximize the participation of women and minority-owned construction firms and professional service firms during the course of a project.
3. Increase diversity of: contractors and their subcontractors, public funding recipients, vendors in the purchasing of materials, non-professional services, professional services or a combination thereof by requesting all contractors and their subcontractors and public funding recipients to actively solicit quotes from minority and/or women business enterprises in a good faith effort to satisfy supplier diversity.

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## OSDBU Legislative Mandates

The Office of Small and Disadvantaged Business Utilization (OSDBU) is governed by and administers a number of laws, regulations and policy directives. A brief summary and of these and their application to OSDBU follows:

 [Information by State](#)

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### 1: Public Law 95-507, The Small Business Act

On October 24, 1978, President Carter signed Public Law 95-507 amending the Small Business Act and the Small Business Investment Act of 1958, making federal procurement contracting more readily accessible to all small businesses. PL 95-507 stipulates that it is the policy of the Government to provide maximum practicable opportunities in its acquisitions to small businesses, small disadvantaged businesses and women-owned businesses. This stipulation also extends to having the maximum practicable opportunity to participate as subcontractors in contracts awarded by any executive agency.

The head of each agency is responsible for effectively implementing the small business programs within his agency, including setting and achieving yearly procurement opportunity program (POP) goals for small and small disadvantaged business contracting.

Office of Federal Procurement Policy (OFPP) Letter No. 79-1, dated March 7, 1979 on the implementation of Section 15(k) of the SBA Act requires each agency with contracting authority to establish an OSDBU, and appoint a director, who reports to the agency head (or deputy), and who will have responsibility for carrying out the purposes of the Act. Specifically the OFPP directs that the position of OSDBU director include the following:

- o Responsibility for the implementation and execution of the functions and duties of Section 8 and 15 of the SBA Act. [Section 15 states that a fair proportion of the total purchases and contracts for property and services for the Government are to be placed with small business concerns. Because the law requires the Government to buy at competitive prices, contracts are set-aside only when at least two qualified small businesses are expected to bid. Section 8(a) of the SBA Act authorizes the SBA to enter into contracts with other Federal agencies to supply needed goods and services. SBA then subcontracts the actual performance of the work to small businesses owned and controlled by socially and economically disadvantaged individuals. The objective of the 8(a) program is to assist eligible small firms to become independently competitive.]
- o Assigning a small business technical advisor who shall be a full time employee of the procuring activity and whose principal duty shall be to assist the SBA procurement representative in his duties related to Section 8 and 15.
- o Cooperate and consult on a regular basis with SBA with respect to carrying out the functions and duties of Sections 8 and 15.
- o Developing systematic procedures for insuring the effective execution of the SBA Act, as amended.
- o Recommending agency goals.
- o Training and education of agency staff whose duties and functions relate to Sections 8 and 15.
- o Conducting outreach, liaison, source listings and seminars for small and disadvantaged business.
- o Publishing required information brochures and documents.
- o Interagency liaison of program procurement activities relating to small and disadvantaged businesses.
- o Oversight of the implementation of Section 223(a) of P.L. 95-507.



[This section requires that for any contract being let by a Federal agency, the agency will provide to any small business upon request a copy of the bid specifications; the name and telephone number of a employee to answer questions with respect to the contract and adequate citations to each major Federal law or agency rule to which the business must comply in performing the contract.

In addition to these duties, Section 211 of P.L. 95-507 requires the OSDBU to review all subcontractor plans submitted by prime contractors to ensure compliance. This Section directs that the successful offeror or bidder on contracts valued at \$500,000 or more must submit, before an award is made, a subcontracting plan setting percentage and dollar goals for the award of subcontracts to small and disadvantaged businesses.

## **2. Public Law 100-656, The Business Opportunity Development Reform Act of 1988**

Public Law 100-656 amends the SBA Act for the purpose of reforming the Capital Ownership Development (Section 8(a) Program). This legislation basically tightened the requirements of the 8(a) program to among other things, reduce the time it took to enter the program, established time frames for staying in the program and established requirements for GAO program reviews and periodic SBA reviews of 8(a) certified firms. The law established civil penalties in response to documented cases of kickbacks, misrepresentation of minority status and manipulation of the program by majority controlled firms participating in the 8(a) program. , P.L. 100-656 refocused the intent of the program as one of making small and disadvantaged firms more competitive in the marketplace as opposed to merely one of facilitating the award of contracts. The law also set \$5 million and \$3 million as thresholds for competitive 8(a) grants, established a requirement that agencies publicize to the small business community their annual contracting forecasts and set government wide contracting goals of 20% for small business (increased to 23% by the SBA Reauthorization Act of 1999) and 5% for small disadvantaged business.

## **3. Federal Acquisition Streamlining Act (FASA)**

The FASA repeals or substantially modifies more than 225 provisions of law to reduce paperwork burdens, facilitate the acquisition of commercial products, enhances the use of simplified procedures for small purchases and introduces an initiative for doing procurement through electronic data interchange. Specific references to small businesses include:

- o An Increased thresholds for small business set-asides. All Federal purchases greater than \$2,500 but not greater than \$100,000 will be reserved for small businesses, unless the contracting officer is unable to obtain offers from two or more capable small firms.
- o A new 5% government wide procurement goal is established for women-owned businesses.
- o The authorization to create a government-wide initiative to give civilian agencies authority to set-aside certain contracts for small disadvantaged businesses (SDB) or to apply a 10% price evaluation for SDBs in unrestricted procurement.
- o Creation of a "Small Business Advisory Council", composed of representatives from Federal agencies to give high level attention and focus to small business procurement issues.

## **4. Executive Order 11625**

President Nixon issued Executive Order 11625 on October 13, 1971 authorizing the Secretary of Commerce to coordinate plans, programs and operations of the Federal government which would affect Minority Business Enterprises (MBE). Heads of Federal agencies are to furnish information, assistance and reports on MBE activity as requested by the Secretary of Commerce as well as develop and implement systematic data collection processes which will provide the Office of Minority Business Enterprise Information Center current data helpful to evaluating and promoting MBE

efforts.

#### 5. Executive Order 12138 (WBE)

On May 18, 1979, President Carter issued Executive Order 1238 creating a National Women's Business Enterprise Policy and prescribing arrangements for developing, coordinating and implementing a national program for Women's Business Enterprise. The Order directs each Federal agency to take appropriate action to facilitate, preserve and strengthen women's business enterprise by ensuring their participation in all business related activities including procurement. The head of each agency is to designate a high level official to have responsibility for the participation and cooperation of that agency in carrying out the Order.

In addition, the Order established the Interagency Committee on Women's Business Enterprise, with a Chairperson to be appointed by the President and members to include a representative of a number of listed Federal agencies, one of which is HUD. The Committee is to meet quarterly to promote, coordinate and monitor the plans, programs and operations of the departments and establish policies and procedures for implementation, interpretation and application of the Order.

In regard to grants making and cooperative agreements, this Executive Order 12138 directs Federal agencies to issue regulations requiring the recipient of such assistance to take appropriate affirmative action in support of Women's Business Enterprise and to prohibit actions or policies which discriminate against women's business enterprise on the basis of sex.

#### 6. Executive Order 12432

President Reagan signed Executive Order 12432 on July 14, 1983 directing each Federal agency having substantial procurement or grant making authority to:

- o develop a minority business development plan and establish programs concerning provision of direct assistance, procurement assistance and management and technical assistance to MBEs.
- o establish MBE programs consistent with Section 211 of P.L. 95-507 to develop and implement incentive techniques to encourage greater minority business subcontracting by Federal prime contractors.
- o encourage recipients of Federal grants and cooperative agreements to achieve reasonable minority business participation in contracts let as a result of its grants and agreements.
- o furnish an annual report regarding the implementation of their program to the Secretary of Commerce.

#### 7. Executive Order 12928

President Clinton signed Executive Order 12928 on September 16, 1994 promoting procurement with small businesses owned and controlled by socially and economically disadvantaged individuals, Historically Black Colleges and Universities (HBCU) and Minority Institutions (MI). Federal agencies are to assist these entities to develop viable, self sustaining businesses capable of competing on an equal basis in the mainstream of the economy. The Executive Order establishes a contracting goal of 5% for these entities but mainly reaffirms existing laws, Executive Orders and regulations relevant to minority participation while chastising some Federal agencies for not aggressively supporting them. The Order devotes an entire Section to OSDBU, reaffirming the legal requirement that it report to the Secretary or Deputy and that agencies comply with OFPP letter No. 79-1 which provides guidance on Sec 15k of the SBA Act and the organizational placement and functions of the OSDBU.

#### 8. Historically Underutilized Business Zone (HUBZone) Program

The HUBZone Act of 1997, Title VI of Public Law 105135, created the

HUBZone Program. This program provides Federal contracting opportunities for qualified small business concerns located in economically distressed communities. The goal of the HUBZone Program is to provide federal contracting assistance for qualified small business concerns located in HUBZone areas in order to increase employment opportunities, stimulate capital investments in those areas, and empower communities through economic leveraging. HUDZone areas, which roughly correspond with the census tracts for which there are low income housing tax credits, are determined by census tract data including income levels, unemployment rates and Native American reservation boundaries. In order to qualify as a HUBZone business, the business must be small; owned by a US citizen; the principal office must be located in a HUBZone; and at least 35% of the employees must reside in a HUBZone. The SBA formally certifies firms as HUBZone businesses. HUBZone businesses can receive sole-source or set-aside federal contracts or receive a price preference up to 10% when competing for full and open competition procurements. A HUBZone firm must have its principal office in the HUBZone. The principal office must be the location where the greatest number of the company's employees works. The HUBZone program is race, ethnicity and gender neutral. The federal goal for HUBZone contracts was 1% for Fiscal Year 1999, rising by one half percent per year to a maximum of 3% in 2003.

#### **9. Veteran-owned Small Businesses**

Public Law 106.50, the Veterans Entrepreneurship and Small Business Development Act of 1999, amended the Small Business Act by adding Small Businesses owned and controlled by service-disabled veterans to the categories of small businesses for which the federal agencies develop prime contract goals. Federal agencies also establish goals and collect data regarding subcontracts awarded by prime contractors to veteran-owned small businesses. Small businesses owned by service-disabled veterans are small businesses that are at least 51 percent owned and controlled by one or more service-disabled veterans or in the case of a veteran with permanent or severe disability, the spouse or permanent caregiver of such veteran. P.L. 106.50 established a 3% goal for government contracting with businesses owned by service disabled veterans. No specific goal is identified for sub contracting with businesses owned by veterans.

#### **10. Federal Acquisition Regulation (FAR)**

The FAR establishes uniform policies and procedures for acquisition (procurement). FAR Part 19 establishes policy regarding small businesses and small disadvantaged businesses including subcontracting requirements for contracts valued at \$500,000 or more and actions necessary to strengthen WBEs. While the FAR elaborates on P.L. 95-507, it cites one significant additional role in discussing OSDBU responsibilities. Specifically, OSDBU is to make recommendations as to whether a particular acquisition should be awarded as a set-aside or 8(a) award. Furthermore, the contracting officers shall consider recommendations of the OSDBU and will document the contract file whenever the OSDBU Director's recommendations are not accepted.

#### **11. HUD Acquisition Regulations (HUDAR)**

HUDAR, dated January 21 2000, Parts 2419 and 2426 describe HUD's procurement policy regarding small and small and disadvantaged businesses, set-asides for small businesses, subcontracting with small businesses and small disadvantaged businesses and contracting opportunities for women-owned businesses. In regard to MBE participation in its procurement programs, the HUDAR describes HUD policy toward voluntary certification by contractors, bidders, or offerors as to their MBE status and the role of the OSDBU.

#### **12. 24 CFR, Part 85 Section 36(e), dated May 1996**

This portion of the CFR provides the required affirmative steps HUD grantees and subgrantees shall take to assure that minority firms are used when possible.

## 85.36 Procurement

(e)"Contracting with small and minority firms, women's business enterprise and labor surplus area firms. (1)The grantee and subgrantee will take all necessary affirmative steps to assure that minority firms, women's business enterprises, and labor surplus area firms are used when possible. (2) Affirmative steps shall include:

- (i)Placing qualified small and minority business enterprises on solicitation lists;
- (ii)Assuring that small and minority businesses are solicited whenever they are potential sources;
- (iii) Dividing total requirements, when economically feasible to permit maximum participation by small and minority business and women's business enterprises;
- (iv) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women's business enterprises.
- (v) Using the services of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce; and
- (vi) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (e) (2)(i) through (v) of this section.

### 13. HUD Handbook 2210.3 Revision 3, "Procurement Policies and Procedures"

Chapter 3 of the Handbook contains implementing policies and procedures regarding socioeconomic procurement programs.

### 14. Minority Media

The Department buys advertising for Fair Housing billboard displays, the Property Disposition Program, Section 202 Housing for the Elderly and other program activities. The total expenditures for advertising under these activities and the portion of total dollars spent with the minority media is reported semi-annually to OSDBU.

### 15. Regulatory Flexibility Act, Public Law 96-354

Congress passed P.L. 96-354 on September 19, 1980. Its purpose is to encourage Federal agencies to utilize innovative administrative procedures in dealing with individuals, small businesses, small organizations and small governmental bodies that would otherwise be unnecessarily adversely affected by Federal regulations. The Act defines "small business" as having the same meaning as is found in the Small Business Act; "small organization" as any not for profit enterprise which is independently owned and not dominant in its field and; "small governmental jurisdiction" as the government of cities, counties, towns, townships, villages, school districts or special districts with a population of less than fifty thousand.

Unless the agency head certifies that the proposed rule will not have a significant impact on any small business or organization or that uniform requirements are mandated by statute, the Act requires Federal agencies to add the following information to that currently required when an agency publishes in the Federal Register general Notice of Proposed Rulemaking:

- o a description of an estimate of the number of individuals, businesses, organizations and governmental jurisdictions to which the proposed rule would apply;
- o a statement that the agency will seek and consider alternatives to the proposed rule which would substantially reduce the economic impact on individuals, small businesses, small organizations and small governmental jurisdictions;
- o an agency prepared analysis of the proposed rule which constitutes a preliminary agency assessment of the impact of the proposed rule on individuals, small businesses, small organizations and small governmental jurisdictions. The analysis must contain a description of alternatives to the proposed rule which accomplish the stated objectives of applicable statutes and which minimize the significant

economic effect of the rule on such individuals, businesses, organizations and governments. [The final rule requires "a description of any alternative proposals to the proposed rule which were considered and a statement of the reasons for adopting the final rule rather than any of the alternative proposals which would have had a lesser adverse economic impact".]

- o a statement as to the record keeping requirements the agency anticipates requiring, including their purpose, form, length, proposed use, the skills necessary to prepare the information and an estimate of the time required to comply.

Congress passed P.L. 96-354 because it felt Executive Order 12044, issued in March 1978 on the subject of "Improving Government Regulations" didn't go far enough to reduce the burden of regulation on small entities since the Order did not improve public participation in the process or provide for an assessment of alternative regulatory strategies in light of their impact on small concerns. regulations.

#### 16. **The Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA)**

On March 29, 1996 President Clinton signed Public Law 104-121, the SBREFA. The Act reinforces the requirements of the Regulatory Flexibility Act (RFA) with the significant addition of the provision that permits judicial review of agencies' compliance with the RFA. Since the RFA's passage, small business advocates have told Congress that many agencies neglected to comply with the law because there were no provisions in the original legislation for enforcement. The SBREFA now provides that if an agency fails to comply with the RFA in its Rulemaking, a small business that is adversely affected or aggrieved may seek review by the courts. The court can invalidate rules with inappropriate regulatory flexibility analyses or rules that have been improperly certified as having no significant effect on small businesses.

To bolster a small business' access to information, agencies are required to establish a program for responding to small business requests for informal guidance on specific rules, and to develop "small entity compliance guides". As the name implies, the guides are intended to explain the actions a small entity is required to take to comply with a rule. The program for informal guidance is to be established by March 29, 1997 with a progress report due to Congress by March 29, 1998. Both the informal guidance and the compliance guides may be considered as evidence of the reasonableness of any proposed fines or penalties in any civil or administrative action challenged by a small entity.

Section 223 of the SBREFA requires each agency regulating the activities of small entities to establish a policy or program by March 29, 1997, to reduce or, where appropriate, waive civil penalties against small entities for violations of a statutory or regulatory requirement. It also requires a progress report to Congress by March 29, 1998 on the scope of the policy or program, the number of enforcement actions that qualified or failed to qualify for the policy or program and the total amount of penalty reductions and waivers. In practice, the programs mostly likely to have a regulatory impact on small business are Manufactured Housing, RESPA, Interstate land sales, Lead Based Paint Abatement and Fair Housing.

#### 17. **Executive Order 12866**

President Clinton signed Executive Order 12866, "Regulatory Planning and Review" on September 30, 1993 with the intent of making the regulatory process more efficient. In addressing the Principles of Regulations, Section 1 (11) states that each agency shall tailor its regulations to impose the least burden on society including individuals, businesses of differing sizes and other entities (including small communities and governmental entities), consistent with obtaining the regulatory objectives, taking into account, among other things, the cost of cumulative regulations.

#### 18. **Section 3 of the Housing and Community Development Act of 1992.**

Section 3 requires that when HUD Federal assistance generates the need for the recipient of HUD funding to increase internal employment or let contracts, the recipient must give preference in hiring to low and very low income persons and must give preference in contracting to businesses owned by these persons or that substantially employ low and very low income persons.

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U.S. Department of Housing and Urban Development  
451 7th Street S.W., Washington, DC 20410  
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- 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
  - 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 85.36(e) of this title 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.

### § 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) and the related authorities listed in HUD's implementing regulations at 24 CFR parts 50 and 58.
- 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.

6. *Program administration records.*
  - i. Records demonstrating compliance with the written agreements required by § 92.504.
  - ii. Records demonstrating compliance with the applicable uniform administrative requirements required by § 92.505.
  - iii. 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 actions undertaken to meet the requirements of 24 CFR Part 135 which implements section 3 of the Housing Development Act of 1968, as amended (12 U.S.C. 1701u).
    - C. Documentation of the actions the participating jurisdiction has taken to affirmatively further fair housing.
  - 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),



**ATTACHMENT D:**  
**FEDERAL REQUIREMENTS**

HUD > Program Description > Small and Disadvantaged Business Utilization

## Small and Disadvantaged Business Utilization

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### Summary:

This program ensures that small and disadvantaged businesses, minority firms, and women-owned businesses can compete for and win a fair share of the contracts that HUD awards.

### Purpose:

HUD's Office of Small and Disadvantaged Business Utilization (OSDBU) serves as an ombudsman for small businesses, minority firms, businesses owned by disadvantaged persons, and women-owned firms ("target businesses") to make sure that they get a fair share of HUD's Federal contract awards—as mandated by the Small Business Act (SBA). Under this Act, every Federal agency must have an OSDBU that pursues this contracting goal.

### Type of Assistance:

The Federal Government's goal under SBA is to award 23 percent of its prime contracts to small businesses. Within this goal, there is a subgoal of 5 percent for small, disadvantaged businesses and minority businesses, and 5 percent for women-owned small businesses.

To meet these SBA goals, HUD's program for small and small disadvantaged businesses and women-owned businesses includes many activities. The program:

- Sets and tracks progress toward HUD's SBA contracting goals.
- Ensures that all contracts over \$500,000 (\$1 million if public facility construction) include subcontracting goals.
- Implements contract set-aside procedures for each HUD program.
- Oversees HUD staff insofar as their duties relate to SBA.
- Serves as a liaison with businesses of all sizes to ensure that target businesses are adequately considered for HUD procurement.
- Coordinates SBA enforcement with HUD procurement staff.
- Serves as a Federal intra- and interagency representative for target business matters.
- Evaluates HUD's performance under SBA and reports to the SBA and other Federal agencies.
- Helps target businesses understand SBA requirements.
- Conducts assertive outreach to the small business community.
- Participates in Government-industry conferences to assist target businesses.
- Helps develop, implement, and review automated contracting systems for SBA compliance.
- Assists HUD's program managers and contracting officers in complying with SBA.
- 1.0 percent of prime contracts for HUBZone small businesses for FY1999 and not less than 1.5 percent for FY2000, 2 percent for FY2001, and 2.5 percent for FY2002 and 3 percent for FY2003 and each year thereafter;
- 3 percent of prime and subcontracts for service-disabled veteran-owned small businesses.

Along with these basic activities, the program also puts a priority on women-owned businesses and coordinates HUD's efforts regarding the Small Business Regulatory Enforcement Act. OSDBU reviews HUD regulations for their potential impact on small businesses and serves as an ombudsman and honest broker for small businesses in clarifying and applying these regulations.

### Eligible Grantees:

Not applicable

### Eligible Customers:

Owners, managers, and staff members of small and disadvantaged businesses, minority firms, and women-owned businesses can benefit from this program's activities.

### Application:

Not applicable.

### Funding Status:

Not applicable.

### Technical Guidance:

This program is authorized by Sections 8 and 15 of the Small Business Act, as amended (15 U.S.C. 637(a)). Program regulations are in 24 CFR 85.36 and Parts 241 and 242b of the HUD Acquisition Regulation. The program is administered by HUD's Office of Small and Disadvantaged Business Utilization. The contact persons are Meishoma Hayes and Arnette McGill-Moore at (202) 708-1428

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U.S. Department of Housing and Urban Development

Los Angeles Field Office, Region IX  
611 W. 6<sup>th</sup> Street, Suite 1100  
Los Angeles, CA 90017

HUD  
Office of Community Planning and Development

Information Bulletin  
Issue No. CPD-2010-015  
Date: November 30, 2009

MEMORANDUM FOR: All Consolidated Plan Coordinators

// s //

FROM: William Vasquez, Director, Office of Community Planning and Development, 9DD

SUBJECT: Minority Business Enterprise Contract and Subcontract Activity  
Report HUD-2516 and Section 3 Reporting  
Due Date: December 30, 2009

The Department of Housing and Urban Development (HUD) is committed to supporting minority business growth and development. By acknowledging our grantees' support of minority business enterprises, we can recognize the importance of a growing number of successful minority entrepreneurs. The Office of Community Planning and Development (CPD) provides data on the amount of minority contracting entered into by grantees to HUD's Office of Small and Disadvantaged Business Utilization (OSDBU). OSDBU consolidates the data on a Department-wide basis for submission to the Minority Business Development Agency of the Department of Commerce. In addition, this information has been valuable to OSDBU when responding to Congressional and interest group inquiries.

#### I. Minority Business Enterprise (MBE) Reporting

Community Planning and Development activities to be reported include public works, economic development, affordable housing, and special needs assistance. Grantees are required to report contract and subcontract activities of \$10,000 or more on the HUD 2516 form. Contracts/subcontracts of less than \$10,000 may be reported only if it represents a significant portion of the grantee's total contracting activity.

The report must cover contracts executed during the recently completed Federal Fiscal Year (October 1, 2008 – September 30, 2009). This report summarizes the racial/ethnic codes, racial/ethnic categories, contract amount and number of contractors identified in the HUD-2516 form. If there has been no contract activity during the reporting period, please submit a negative summary report. This report is required to be completed and submitted to the our Office by December 30, 2009.

Grantees are advised to access the form from the website cited, copy and save the form to their hard drives, complete data input, and then submit the completed forms via e-mail or mail to their local HUD Field Office.

The HUD form 2516 is in excel format to assist grantees in providing accurate calculations of their accomplishments.

<http://www.hud.gov/offices/osdbu/forms.cfm>

Please be aware of the following when completing the HUD 2516 form:

Column 7a – Grantees should use the applicable CPD grant number based on which program year's funds were expended. Grantees are erroneously using all types of numbers like the IDIS project number, FHA or PIH grant numbers, etc.

Column 7b - Grantee should only report the part of the contract amount that reflects CPD funds.

Column 7c - There are only three options to choose from for this category (i.e., education training, new construction and other). The "other" categories include: supply, professional services, rehabilitation, Architectural/ Engineering, and all other activities except construction and educational/training activities.

Column 7d - OMB changed its racial and ethnic categories. In effect, grantees had to collect race *and* ethnic data for Hispanic persons. HUD 2516 does not appear to be updated to reflect the new OMB requirements. The form as it is asks for either race *or* ethnic, but not race *and* ethnic data.

The Office of Small and Disadvantaged Business Utilization has not yet revised form 2516 to reflect racial and ethnic categories. Therefore, grantees must select one of the options provided.

Grantees are reminded that 24CFR Part 85.36 (e) (1) Contracting with small and minority firms, Women's business enterprise and labor surplus area firms states that: The grantee and sub-grantee will take all necessary affirmative steps to assure that minority firms, women's business enterprises, and labor surplus area firms are used when possible, and affirmative steps shall include:

1. Placing qualified small and minority business enterprises on solicitation lists;
2. Assuring that small and minority businesses are solicited whenever they are potential sources;
3. Dividing total requirements, when economically feasible into smaller tasks or quantities to permit maximum participation by small and minority business, and women's business enterprises;

4. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women's business enterprises.
5. Using the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce; and
6. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraph e (2) (i) through (v) of this section.

The completed HUD form 2516 and Summary Report should be submitted to the attention of:

[Frank.Caballero@hud.gov](mailto:Frank.Caballero@hud.gov) or

U.S. Department of Housing and Urban Development  
Los Angeles Field Office  
ATTN: Frank G. Caballero, Senior Financial Analyst,  
Office of Community Planning and Development, 9DD  
611 W. Sixth Street, Suite 1000  
Los Angeles, CA 90017-3127  
Phone 1-213-534-2559

## II. Section 3. Employment and Business Opportunity for Low Income Persons-Reporting requirements.

Section 3 contract reports are required when a grantee's project exceeds \$200,000 and a prime or subcontract exceeds \$100,000. Both thresholds have to be met for the same project. These requirements are in accordance with 24CFR Part 135.3. Grantees using HUD-2516 form to report Section 3 contract data must also use Part I of form HUD-60002, Section 3 Summary Report, for reporting employment and training opportunities data. The Section 3 Summary Report System is an online system designed to simplify the submission of form HUD-60002.

The web site is <http://www.hud.gov/offices/fheo/section3/section3.cfm>

If you do not have access to the Internet or are using a browser other than Netscape 4.x or higher, then a hardcopy of the completed form HUD-60002 must be submitted to HUD Washington D.C. via FAX to 202-708-1286. If you have questions regarding the submission of the Section 3 Summary Report, please contact Anna Gutierrez, Program Compliance, Office of Fair Housing and Equal Opportunity at (213) 534-2594.

J: team 2 , fomula correspondence, MBE information notice 2009

# Contract and Subcontract Activity

U.S. Department of Housing and Urban Development

OMB Approval No.: 2535-0117 (exp. 11/30/2009)

Public Reporting Burden for this collection of Information is estimated to average .50 hours 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 information is voluntary. HUD may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB Control Number.

Executive Order 12421 dated July 14, 1983, directs the Minority Business Development Plans shall be developed by each Federal Agency and that these annual plans shall establish minority business development objectives. The information is used by HUD to monitor and evaluate MBE activities against the total program activity and the designated minority business enterprise (MBE) goals. The Department requires the information to provide guidance and oversight for programs for the development of minority business enterprise concerning Minority Business Development. If the information is not collected HUD would not be able to establish meaningful MBE goals nor evaluate MBE performance against these goals. While no assurances of confidentiality is pledged to respondents, HUD generally discloses this data only in response to a Freedom of Information request.

Privacy Act Notice - The United States Department of Housing and Urban Development, Federal Housing Administration, is authorized to solicit the information requested in this form by virtue of Title 12, United States Code, Section 1701 et seq., and regulations promulgated thereunder at Title 12, Code of Federal Regulations. It will not be disclosed or released outside the United States Department of Housing and Urban Development without your consent, except as required or permitted by law.

1. Grantee/Project Owner/Developer/Sponsor/Builder/Agency Check if: PHA <input type="checkbox"/> IHA <input type="checkbox"/>	2. Location (City, State, ZIP Code)
--	-------------------------------------

3a. Name of Contact Person	3b. Phone Number (Including Area Code)	4. Reporting Period <input type="checkbox"/> Oct. 1 - Sept. 30 (Annual-FY)	5. Program Code (Not applicable for CPD programs.) See explanation of codes at bottom of page. Use a separate sheet for each program code.	6. Date Submitted to Field Office
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Grant/Project Number or HUD Case Number or other identification of property, subdivision, dwelling unit, etc. 7a.	Amount of Contract or Subcontract 7b.	Type of Trade Code (See below) 7c.	Contractor or Subcontractor Business Racial/Ethnic Code (See below) 7d.	Woman Owned Business (Yes or No) 7e.	Prime Contractor Identification (ID) Number 7f.	Sec. 3 7g.	Subcontractor Identification (ID) Number 7h.	Sec. 3 7i.	Contractor/Subcontractor Name and Address 7j.					
									Name	Street	City	State	Zip Code	

- |   |  |  |
|---|--|--|
| <b>7c: Type of Trade Codes:</b><br><b>CPD:</b><br>1 = New Construction<br>2 = Education/Training<br>3 = Other<br><b>Housing/Public Housing:</b><br>1 = New Construction<br>2 = Substantial Rehab.<br>3 = Repair<br>4 = Service<br>5 = Project Managt.<br>6 = Professional<br>7 = Tenant Services<br>8 = Education/Training<br>9 = Arch./Engrg. Appraisal<br>0 = Other | <b>7d: Racial/Ethnic Codes:</b><br>1 = White Americans<br>2 = Black Americans<br>3 = Native Americans<br>4 = Hispanic Americans<br>5 = Asian/Pacific Americans<br>6 = Hasidic Jews | <b>5: Program Codes (Complete for Housing and Public and Indian Housing programs only):</b><br>1 = All Insured, including Section 8<br>2 = Flexible Subsidy<br>3 = Section 8 Noninsured, Non-HFDA<br>4 = Insured (Management)<br>5 = Section 202<br>6 = HUD-Held (Management)<br>7 = Public/Indian Housing |
|---|--|--|

This report is to be completed by grantees, developers, sponsors, builders, agencies, and/or project owners for reporting contract and subcontract activities of \$10,000 or more under the following programs: Community Development Block Grants (entitlement and small cities); Urban Development Action Grants; Housing Development Grants; Multifamily Insured and Noninsured; Public and Indian Housing Authorities; and contracts entered into by recipients of CDBG rehabilitation assistance.

Contracts/subcontracts of less than \$10,000 need be reported only if such contracts represent a significant portion of your total contracting activity. Include only contracts executed during this reporting period.

This form has been modified to capture Section 3 contract data in columns 7g and 7i. Section 3 requires that the employment and other economic opportunities generated by HUD financial assistance for housing and community development programs shall, to the greatest extent feasible, be directed toward low- and very low-income persons, particularly those who are recipients of government assistance for housing. Recipients using this form to report Section 3 contract data must also use Part I of form HUD-60002 to report employment and training opportunities data. Form HUD-2516 is to be

completed for public and Indian housing and most community development programs. Form HUD-60002 is to be completed by all other HUD programs including State administered community development programs covered under Section 3.

A Section 3 contractor/subcontractor is a business concern that provides economic opportunities to low- and very low-income residents of the metropolitan area (or nonmetropolitan county), including a business concern that is 51 percent or more owned by low- or very low-income residents; employs a substantial number of low- or very low-income residents; or provides subcontracting or business development opportunities to businesses owned by low- or very low-income residents. Low- and very low-income residents include participants in Youthbuild programs established under Subtitle D of Title IV of the Cranston-Gonzalez National Affordable Housing Act.

The terms "low-income persons" and "very low-income persons" have the same meanings given the terms in section 3(b)(2) of the United States Housing Act of 1937. Low-income persons mean families (including single persons) whose incomes do not exceed 80 per centum of the median income for the area, as determined by the Secretary, with adjustments for smaller and larger families, except that the Secretary

may establish income ceilings higher or lower than 80 per centum of the median for the area on the basis of the Secretary's findings that such variations are necessary because of prevailing levels of construction costs or unusually high or low-income families. Very low-income persons means low-income families (including single persons) whose incomes do not exceed 50 per centum of the median family income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than 50 per centum of the median for the area on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family incomes.

Submit two (2) copies of this report to your local HUD Office within ten (10) days after the end of the reporting period you checked in item 4 on the front.

Complete item 7h, only once for each contractor/subcontractor on each semi-annual report.

Enter the prime contractor's ID in item 7i for all contracts and subcontracts. Include only contracts executed during this reporting period. PHAs/IHAs are to report all contracts/subcontracts.

#### Community Development Programs

1. **Grantee:** Enter the name of the unit of government submitting this report.
3. **Contact Person:** Enter name and phone of person responsible for maintaining and submitting contract/subcontract data.
- 7a. **Grant Number:** Enter the HUD Community Development Block Grant Identification Number (with dashes). For example: B-32-MC-25-0034. For Entitlement Programs and Small City multi-year comprehensive programs, enter the latest approved grant number.
- 7b. **Amount of Contract/Subcontract:** Enter the dollar amount rounded to the nearest dollar. If subcontractor ID number is provided in 7i, the dollar figure would be for the subcontract only and not for the prime contract.
- 7c. **Type of Trade:** Enter the numeric codes which best indicates the contractor's/subcontractor's service. If subcontractor ID number is provided in 7i, the type of trade code would be for the subcontractor only and not for the prime contractor. The "other" category includes supply, professional services and all other activities except construction and education/training activities.
- 7d. **Business Racial/Ethnic/Gender Code:** Enter the numeric code which indicates the racial/ethnic/gender character of the owner(s) and controller(s) of 51% of the business. When 51% or more is not owned and controlled by any single racial/ethnic/gender category, enter the code which seems most appropriate. If the subcontractor ID number is provided, the code would apply to the subcontractor and not to the prime contractor.
- 7e. **Woman Owned Business:** Enter Yes or No.
- 7f. **Contractor Identification (ID) Number:** Enter the Employer (IRS) Number of the Prime Contractor as the unique identifier for prime recipient of HUD funds. Note that the Employer (IRS) Number must be provided for each contract/subcontract awarded.
- 7g. **Section 3 Contractor:** Enter Yes or No.
- 7h. **Subcontractor Identification (ID) Number:** Enter the Employer (IRS) Number of the subcontractor as the unique identifier for each subcontract awarded from HUD funds. When the subcontractor ID Number is provided, the respective Prime Contractor ID Number must also be provided.
- 7i. **Section 3 Contractor:** Enter Yes or No.

7j. **Contractor/Subcontractor Name and Address:** Enter this information for each

Previous editions are obsolete.

firm receiving contract/subcontract activity only one time on each report for each firm.

#### Multifamily Housing Programs

1. **Grantee/Project Owner:** Enter the name of the unit of government, agency or mortgage entity submitting this report.
3. **Contact Person:** Same as item 3 under CPD Programs.
4. **Reporting Period:** Check only one period.
5. **Program Code:** Enter the appropriate program code.
- 7a. **Grant/Project Number:** Enter the HUD Project Number or Housing Development Grant or number assigned.
- 7b. **Amount of Contract/Subcontract:** Same as item 7b. under CPD Programs.
- 7c. **Type of Trade:** Same as item 7c. under CPD Programs.
- 7d. **Business Racial/Ethnic/Gender Code:** Same as item 7d. under CPD Programs.
- 7e. **Woman Owned Business:** Enter Yes or No.
- 7f. **Contractor Identification (ID) Number:** Same as item 7f. under CPD Programs.
- 7g. **Section 3 Contractor:** Enter Yes or No.
- 7h. **Subcontractor Identification (ID) Number:** Same as item 7h. under CPD Programs.
- 7i. **Section 3 Contractor:** Enter Yes or No.
- 7j. **Contractor/Subcontractor Name and Address:** Same as item 7j. under CPD Programs.

#### Public Housing and Indian Housing Programs

PHAs/IHAs are to report all contracts/subcontracts. Include only contracts executed during this reporting period.

1. **Project Owner:** Enter the name of the unit of government, agency or mortgage entity submitting this report. Check box as appropriate.
3. **Contact Person:** Same as item 3 under CPD Programs.
4. **Reporting Period:** Check only one period.
5. **Program Code:** Enter the appropriate program code.
- 7a. **Grant/Project Number:** Enter the HUD Project Number or Housing Development Grant or number assigned.
- 7b. **Amount of Contract/Subcontract:** Same as item 7b. under CPD Programs.
- 7c. **Type of Trade:** Same as item 7c. under CPD Programs.
- 7d. **Business Racial/Ethnic/Gender Code:** Same as item 7d. under CPD Programs.
- 7e. **Woman Owned Business:** Enter Yes or No.
- 7f. **Contractor Identification (ID) Number:** Same as item 7f. under CPD Programs.
- 7g. **Section 3 Contractor:** Enter Yes or No.
- 7h. **Subcontractor Identification (ID) Number:** Same as item 7h. under CPD Programs.
- 7i. **Section 3 Contractor:** Enter Yes or No.
- 7j. **Contractor/Subcontractor Name and Address:** Same as item 7j. under CPD Programs.



# Appendix J:

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- Combined State and Federal Resources Summary
-

**DSHA Combined State and Federal Resource Summary  
July 2018-June 2019 Annual Action Plan**

Strategy	Program	Anticipated Funding: State	Anticipated Funding: Federal	Proposed Families/ Units Assisted
<b>Activity: Homeownership</b>				
Mortgage Assistance	Homeownership Loan Program (HLP)	\$166,000,000		750
	Second Mortgage Assist. Loan (SMAL)	\$2,750,000		
	Advantage 4	\$3,000,000		
	First Time Homebuyer Tax Credit	\$175,000,000		
	NSP (1-3)			
Foreclosure Prevention	DEMAP, MHAP, WSTAP	\$1,275,000		75
FCL Prevention Counseling	Bank Settlement Funds, FBMD	\$300,000		750
	NFMC		\$45,000	
New Creation Homeownership	HDF	\$875,000		25
Homeownership Counseling	HDF	\$325,000		1500
	HUD Housing Counseling		\$116,071	
<b>Activity: Rental</b>				
Create, Rehab and Preserve Rental Housing	Low Income Housing Tax Credit (LIHTC)		\$2,552,323	325
	HOME		\$1,831,971	
	HOME General Administration		\$285,000	
	HOME Program Income	\$100,000		
	HDF	\$7,500,000		
	National Housing Trust Fund		\$2,100,000	
	National Housing Trust Fund Admin.		\$300,000	
<b>Activity: Community Development</b>				
Rehab Owner Occupied Homes	HDF	\$500,000		200
	HOME		\$900,000	25
	CDBG		\$1,444,929	100
	CDBG Rehab Program Delivery		\$130,000	
Other Community Development	Demolitions		\$40,000	4
	Water or Sewer Hookups		\$40,000	20
	CDBG Program Income		\$100,000	6
	CDBG General Administration		\$360,461	
	Downtown Development Districts	\$8,500,000		130
	SNHF	\$0		0
<b>Activity: Homelessness and Special Populations</b>				
Emergency Shelter	ESG - Emergency Shelter Support		\$103,189	750
Rapid Rehousing	ESG - Housing Relocation & Stabilization Services		\$40,500	100
	ESG - Tenant-based Rental Assistance		\$40,500	
	HDF - RRH	\$250,000		
Prevention	HDF – Homelessness Prevention	\$250,000		100
CMIS & Administration	ESG - DE-CMIS		\$10,000	
	ESG - Administration		\$9,750	
	HDF – Continuum of Care and CMIS Support	\$175,000		
Tenant-based Rental Assistance for Special Pops	Housing Opportunities for Persons With AIDS (HOPWA)		\$238,736	30
	State Rental Assist. Program (SRAP)	\$6,020,000		700
	HomeWorks - School Family Housing Assistance	\$1,225,000		100
	Family Unification Program (FUP & YF)		\$300,000	50
Project-based Rental Assist. for Special Pops	National Housing Trust Fund		\$600,000	10
	Section 811 PRA Demo Program		\$1,000,000	145
<b>Total</b>		<b>\$ 374,045,000</b>	<b>\$ 12,588,430</b>	<b>5,908</b>

# Appendix K:

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- FY2016 CAPER Chart
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Table 1 - Accomplishments – Program Year & Strategic Plan to Date, FY2016 CAPER (modified format)

Goal	Category	Source / Amount	Indicator	Unit of Measure	Expected - Strategic Plan (5 year)	Actual – Strategic Plan (5 year)	Percent Complete	Expected – Program Year	Actual – Program Year	Percent Complete
Affordable rental housing	Affordable Housing	<ul style="list-style-type: none"> <li>HOME: \$5,679,700</li> <li>LIHTC: \$1,908,627</li> <li>Delaware Housing Development Fund (HDF): \$3,231,780</li> </ul>	Rental units constructed	Household Housing Unit	875	296	33.83%	175	158	90.29%
Affordable rental housing	Affordable Housing	<ul style="list-style-type: none"> <li>HOME: \$1,526,640</li> <li>LIHTC: \$1,809,237</li> <li>Delaware Housing Development Fund (HDF): \$4,411,652</li> </ul>	Rental units rehabilitated	Household Housing Unit	875	584	66.74%	175	187	106.86%
Foreclosure Prevention and Recovery	Affordable Housing	<ul style="list-style-type: none"> <li>DEMAP, MHAP, &amp; WSTAP: \$1,336,297</li> <li>NFMC: \$80,936</li> <li>PBMDC: \$294,000</li> <li>Fresh Start: \$79,167</li> </ul>	Financial Assistance and Counseling	Households Assisted	3,500	1,446	41.31%	850	1,192	140.24%
Homebuyer Assistance	Affordable Housing	<ul style="list-style-type: none"> <li>DSHA Homeownership Programs: \$194,118,826</li> <li>Delaware Housing Development Fund (HDF): \$2,000,000</li> <li>HUD NSP: \$4,320</li> </ul>	Direct Financial Assistance to Homebuyers	Households Assisted	3,750	2,982	79.52%	750	1,613	215.07%

Table 1 - Accomplishments – Program Year & Strategic Plan to Date, FY2016 CAPER (modified format)

Goal	Category	Source / Amount	Indicator	Unit of Measure	Expected – Strategic Plan (5 year)	Actual – Strategic Plan (5 year)	Percent Complete	Expected – Program Year	Actual – Program Year	Percent Complete
Homebuyer Assistance	Affordable Housing	<ul style="list-style-type: none"> <li>Delaware Housing Development Fund (HDF): \$250,000</li> <li>HUD Housing Counseling Program: \$100,000</li> <li>StandByMe: \$100,000</li> </ul>	Counseling	Households Assisted	3750	5,595	149.20%	750	3745	499.33%
Homeowner Rehabilitation	Affordable Housing	<ul style="list-style-type: none"> <li>CDBG: \$2,063,710</li> <li>HOME: \$850,817</li> <li>Delaware Housing Development Fund (HDF): \$600,000</li> </ul>	Homeowner Housing Rehabilitated	Household Housing Unit	1000	423	42.30%	250	223	89.20%
Permanent Supportive Housing	Affordable Housing Non-Homeless Special Needs	<ul style="list-style-type: none"> <li>HOPWA: \$209,515</li> <li>FUP: \$320,417</li> <li>Section 811 PRA Demo: \$282,226</li> <li>State Rental Assistance Program: \$6,215,346</li> </ul>	Tenant-based rental assistance / Permanent Supportive Housing	Households Assisted	4,250	1,617	38.05%	850	821	96.59%
Homeless Assistance	Homeless	<ul style="list-style-type: none"> <li>ESG: \$0</li> <li>Delaware Housing Development Fund (HDF): \$270,000</li> </ul>	Tenant-based rental assistance / Rapid Rehousing	Households Assisted	375	297	79.20%	75	153	204.00%
Homeless Assistance	Homeless	<ul style="list-style-type: none"> <li>ESG: \$192,991</li> <li>Delaware Housing Development Fund (HDF): \$0</li> </ul>	Homeless Person Overnight Shelter	Persons Assisted	3,750	2,299	61.33%	750	1,437	149.60%

Table 1 - Accomplishments – Program Year & Strategic Plan to Date, FY2016 CAPER (modified format)

Goal	Category	Source / Amount	Indicator	Unit of Measure	Expected – Strategic Plan (5 year)	Actual – Strategic Plan (5 year)	Percent Complete	Expected – Program Year	Actual – Program Year	Percent Complete
Homeless Assistance	Homeless	<ul style="list-style-type: none"> <li>Second Chance Grant: \$117,170</li> <li>Delaware Housing Development Fund (HDF): \$382,900</li> </ul>	Homelessness Prevention	Persons Assisted	500	628	125.60%	100	344	344.00%
Non-housing Community Development	Non-Housing Community Development	<ul style="list-style-type: none"> <li>CDBG: \$</li> </ul>	Public Facility or Infrastructure Activities for Low/Moderate Income Housing Benefit	Households Assisted	250	21	8.40%	50	0	0%
Non-housing Community Development	Non-Housing Community Development	<ul style="list-style-type: none"> <li>CDBG: \$</li> </ul>	Buildings Demolished	Buildings	25	10	40.00%	10	2	20.00%
Non-housing Community Development	Non-Housing Community Development	<ul style="list-style-type: none"> <li>CDBG: \$</li> </ul>	Housing Code Enforcement /Foreclosed Property Care	Household Housing Unit	100	0	0.00%	20	0	0.00%

# Appendix L:

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- HOME Program Manual – revised  
2/26/2015
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**STATE OF DELAWARE**  
**DELAWARE STATE HOUSING AUTHORITY**



**HOME INVESTMENT**  
**PARTNERSHIPS PROGRAM**  
**PROGRAM MANUAL**

**APRIL 1999**  
**REVISED MARCH 2013**



**The Delaware State Housing Authority does not discriminate on the basis of race, color, creed, national origin, sex, religion, marital status, disability, age, familial status, or sexual orientation in the provision of services.**

**Delaware State Housing Authority is an equal opportunity employer.**



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## **I. INTRODUCTION**

### **A. Purpose**

The HOME Investment Partnerships Program (HOME Program) allocates funds to eligible states and local governments to provide affordable housing. The U.S. Department of Housing and Urban Development (HUD) allocates funds by formula to eligible participating jurisdictions for use in providing affordable rental and homeownership housing through the acquisition, rehabilitation, and new construction of housing, and tenant-based rental assistance. Annually, approximately \$3,000,000 is allocated to the State of Delaware, of which at least 15% is reserved for use by Community Housing Development Organizations (CHDOs) for furthering affordable housing.

### **B. Administration**

The HOME Program for the State of Delaware is administered by the Delaware State Housing Authority (DSHA). The mission of DSHA is to efficiently provide, and to assist others to provide, quality, affordable, housing opportunities and appropriate supportive services to low- and moderate-income Delawareans.

### **C. Program Design**

The Delaware HOME Program is designed to be consistent with the Delaware Consolidated Plan and to benefit very low- and low-income persons and families in obtaining affordable housing through new construction and rehabilitation of existing housing stock. DSHA will conduct a statewide program in the distribution of HOME funds.

## **II. DISTRIBUTION OF HOME FUNDS**

### **A. Eligible Activities**

HOME Program funds will be used to further affordable housing for very low- and low-income persons and families and special population groups. Eligible activities under Delaware's HOME Program are:

1. Permanent and Transitional Housing (no emergency shelters or emergency repair programs) including:
  - a. New construction of single and multi-family housing.
  - b. Rehabilitation, conversion, or reconstruction of single and multi-family housing.
  - c. Acquisition, demolition and other costs related to construction that are eligible under HOME Program regulations.
2. Deferred second (or other loan position as approved by DSHA) mortgage loans to homebuyers subject to the recapture provisions as contained in Attachment A hereto.

- a. Mortgage loans shall be at 0% interest and shall not require payments except in the event of sale, rental or refinancing of the property. The loans shall be forgiven at the end of the period of affordability provided all HOME Program and DSHA requirements have been met.
  - b. The HOME acquired property must remain the principal residence of the assisted family throughout the recapture period and may not be rented. The assisted property shall meet the Property Standards of 24 CFR Part 92, § 92.251 and all applicable State and local housing quality standards and codes.
  - c. The purchase price and appraised value of the assisted property may not exceed the lesser of the Federal Housing Administration's single-family mortgage limits under Section 203(b) of the National Housing Act for the type of assisted housing or other limits as established by HUD.
  - d. The loans may be used for downpayments and closing costs associated with the sale of the property.
  - e. In order to be eligible for a loan, an applicant must have satisfactorily completed a DSHA-approved homeownership counseling program or must be enrolled in such a program and be making satisfactory progress as determined by DSHA in its sole discretion.
  - f. Participants in DSHA's Scattered Site Public Housing Homeownership Program (PHHP) shall receive priority for all HOME Program mortgage loans. If there are no potential PHHP applicants who may utilize available funds, DSHA may allow non-PHHP participants to apply. Other applicants seeking HOME Program mortgages that are not in the PHHP may be required to apply for all other available State second mortgage assistance such as the SMAL Program if funds are available. Participants qualifying for an USDA/Rural Development mortgage may be required to apply for USDA/Rural Development assistance.
  - h. Applications for loans will be made on and in accordance with standard Universal Residential Loan Application forms as provided by Freddie Mac or Fannie Mae.
  - g. Loans shall be approved by the Director of DSHA and may not exceed \$20,000 in HOME Program funding or such other reasonable amount approved by the Director. DSHA may limit the number of loans issued in any fiscal year.
- 3. Administration costs incurred by DSHA subject to a limit of 10% of the total federal fiscal year allocation and 10% of any program income during the fiscal year.
  - 4. Operating expenses of CHDOs up to the maximum allowable under HUD regulations of a federal fiscal year allocation of HOME funds made available to Delaware provided that:
    - a. The CHDO has been designated as a CHDO by DSHA and is not a prospective CHDO, and DSHA has reserved or intends to reserve CHDO set aside funds for the CHDO. A CHDO must reapply for CHDO

certification annually or each time additional CHDO funds are committed to the organization by completing the CHDO Questionnaire in Attachment B. CHDOs must complete and submit an application for an Operational Expense Grant (Attachment C) to DSHA for review and approval for each year of funding requested.

- b. If funds for operating expenses are provided to a CHDO that is not also receiving a portion of the 15% CHDO set aside for developments, then DSHA must enter into a written agreement with the CHDO that provides that the CHDO is expected to receive CHDO set aside funds within 24 months of receiving the funds for operating expenses, and specifies the terms and conditions upon which this expectation is based. DSHA in its sole discretion shall determine if the expectation is reasonable.
- c. The operating expense is incurred in accordance with a written agreement as specified in 24 CFR Part 92, § 92.300 and § 92.504.
- d. Operating expenses are defined as reasonable and necessary costs for the operation of a CHDO. Such costs include salaries, wages, other employee compensation and benefits; employee education, training, and travel; rent; utilities, communication costs; taxes; insurance; and equipment, materials and supplies. No indirect operating expenses may be charged by a CHDO, and no capital expenditures over \$1,000 will be allowed. These funds may not be used to pay operating expenses of a CHDO acting as a subrecipient or contractor under the HOME Program.
- e. A CHDO may not receive HOME Funding from all HOME funding sources for any fiscal year in an amount which provides more than 50% or \$50,000, whichever is greater, of the CHDO's total operating expenses in that fiscal year. DSHA will limit the amount of State of Delaware HOME funding for operating expenses that a CHDO may receive for any fiscal year as follows:
  - i. First Year: A CHDO may receive 100% of the funding for the estimated fiscal year operating expenses up to \$50,000.
  - ii. Second Year: After the first year, DSHA will evaluate the CHDO's performance and use of CHDO set aside funds to determine the amount of future-operating funds that may be reserved for the CHDO. A CHDO must reapply for each fiscal year's funding.
- f. Any reserved operating funds for CHDOs not committed by DSHA within 12 months of HUD signing the grant agreement may be released for other eligible activities.
- g. All funds provided for CHDO operating expenses shall be in the form of a grant and will be approved by the Director. A grant agreement outlining the uses of the operating funds and other HOME Program and DSHA requirements will be executed by the CHDO and DSHA.

**B. Consistency with Consolidated Plan**

Any proposed use of HOME Program funds to further affordable housing activities for the economically disadvantaged and special population groups must be consistent with Delaware's Consolidated Plan.

**C. Method of Distribution**

The distribution of annually allocated HOME Program funds will be directly administered by DSHA through the application, approval, draw, construction and monitoring processes in place for the State's Housing Development Fund (HDF) and Low-Income Housing Tax Credit (LIHTC) programs. DSHA may also utilize HOME Program funding to provide direct downpayment assistance to eligible low-income homebuyers. When sufficient HOME funds are available, subgrants may be made to Kent and Sussex Counties to allow HOME funds to be utilized for single-family homeowner rehabilitation through the State's CDBG application and approval process. The counties via contract may administer homeowner rehabilitation projects. Any in-house application not previously approved for funding and all other applications received for the HDF and LIHTC programs may be reviewed for funding under the HOME Program.

Application for HOME Program funds for multi-family developments shall be made through the application and approval process in place for the HDF and/or LIHTC programs. The following specific items will be taken into consideration when determining the merits of an application for HOME funds:

1. Organization's past performance.
2. Demonstrated need for the development.
3. Suitability of the development location.
4. Cost efficiency of the development.
5. Amount of loan per unit serving very low-/low-income persons:
  - a. Rental units: 80% of HOME funds may benefit persons with incomes  $\leq$  60% of the median income and the remaining 20% of HOME funds must benefit persons with incomes  $\leq$  50% of the median income.
  - b. Owner-occupied units: 100% of HOME funds must benefit person with incomes  $\leq$  80% of the median income.
6. Length of payback period.
7. Position of loan and how it is secured/length of repayment.
8. Source of permanent financing (if appropriate).
9. Percentage of total development cost funded by HOME/DSHA.

10. Cash and non-cash equity participation of developer.
11. Evidence that alternate sources of financing have been utilized/exhausted.
12. Evidence that housing will be provided in neighborhoods where there is little very low-/low-income housing available.
13. Extent to which proposal will assist in revitalization of deteriorating neighborhood.
14. Extent to which current DSHA loans to the applicant or affiliated parties are in good standing.

**D. Forms of Assistance**

DSHA may provide HOME Program funds to developers or sponsors in the forms below:

1. Interest-bearing loans or advances
2. Non-interest-bearing loans or advances
3. Deferred payment loans or grants
4. Other forms of assistance approved by HUD

Grants may be made only to nonprofits and only when a project demonstrates unusually strong very low-income orientation and is cost effective and not financially viable without a grant. The income mix of the persons to be served, as well as the financial viability of the project will influence interest rates and repayment schedules of loans.

**D. Geographic Areas of HOME Program Funding**

DSHA anticipates an equal distribution of HOME Program funds between the three counties in Delaware. The actual commitment of HOME funds will be dependent upon an evaluation of the quality of and timing in which applications are received.

**III Set Aside for CHDOs**

DSHA will reserve a minimum of 15% of Delaware's annual HOME Program allocation for use by CHDOs. The 15% set aside must be used for affordable housing to be developed, owned or sponsored by the CHDOs, and all CHDO activities must be consistent with the State's Consolidated Plan.

**A. Selection of CHDOs**

1. All CHDOs must meet the definition of such agencies as delineated in 24 CFR Part 92, § 92.2.
2. All nonprofit agencies wishing to be designated as a potential CHDO under DSHA's HOME Program must submit the CHDO Questionnaire as contained in

Attachment B and supporting documentation. DSHA will review the application and information and advise the agency if it has met the requirements or additional information is required. DSHA may refer organizations wishing to meet the criteria for becoming a CHDO to HUD designated local Intermediary Technical Assistance Providers as appropriate.

3. Agencies that will qualify as CHDOs will be invited to submit applications for furthering affordable housing. DSHA will then designate one or more agencies as CHDOs for the CHDO set aside of the HOME Program provided the criteria established in the appropriate application are met. Any potential DSHA designated CHDO that has not made application for or utilized the State CHDO set aside for development of affordable housing within two years of designation will be required to reapply for CHDO designation. A CHDO must also reapply for CHDO certification prior to the commitment of subsequent CHDO project funds to the organization by completing the CHDO Questionnaire in Attachment B. DSHA may additionally require any CHDO to reapply for designation upon the event of a material change in the structure of the CHDO or at such other time as required by HUD.
4. Nonprofit agencies based in New Castle County, Delaware, which have been designated as a CHDO by DSHA and have not lost such designation, may remain a CHDO under the State's HOME program provided all other HOME Program requirements are met. DSHA will accept no new applications for CHDO designations from nonprofit agencies based in New Castle County, Delaware.

## **B. Forms of Assistance to CHDOs**

DSHA may provide assistance to CHDOs in any of the following forms:

1. Interest-bearing or non-interest-bearing loans or advances
2. Deferred payment loans or grants
3. Up to 10% of the HOME funds reserved for the use of CHDOs may be used for project specific technical assistance and site control loans or project specific seed money loans consistent with the requirements of 24 CFR Part 92, § 92.301. Loans shall not exceed \$45,000 and will be approved by the Director of DSHA.
4. Other forms of assistance approved by HUD

## **C. Eligible CHDO Activities for Set Aside Funds**

CHDOs may use HOME funds for the new construction of affordable housing and the reconstruction, conversion or rehabilitation of single or multifamily housing for very



low/low-income persons and special population groups and the related costs associated with these activities that are eligible under 24 CFR Part 92, § 92.205 and § 92.206. Acquisition related to these activities will also be considered. CHDO activities undertaken with HOME funds must be project specific and must be consistent with the objectives of the State's Consolidated Plan.

CHDOs may not use HOME funds for homeowner rehabilitation, tenant-based rental assistance, project administration or any other activity prohibited under 24 CFR Part 92, § 92.214. When a CHDO is acting in the capacity of a HOME subrecipient, it may not also receive HOME funds to own, develop, or sponsor housing funded through the sub recipient activity the CHDO administers.

**D. Geographic Distribution of CHDO Set Aside Funds**

It is anticipated that funds reserved for the use of CHDO projects will be mostly utilized in Kent and Sussex counties as the City of Wilmington and New Castle County also have CHDO funding available. However, the actual disbursement of CHDO funds will be based upon an evaluation of the quality of the applications and the timing in which requests for funds are received.

**E. Preferences for CHDOs Utilizing USDA Rural Development Funding**

In competition for HOME Program funds set aside for CHDO developments, DSHA will give a preference to CHDOs who are applying for USDA Rural Development Section 515 financing and/or Rental Assistance.

**IV. Other HOME Requirements**

**A. Affordability Periods**

1. Rental properties shall be retained as affordable housing as set forth in 24 CFR Part 92, § 92.252 and for a period as indicated below:

RENTAL HOUSING ACTIVITY	MINIMUM PERIOD OF AFFORDABILITY IN YEARS
Rehabilitation or acquisition of existing housing per unit amount of HOME funds	

Under \$15,000	5
\$15,000 - \$40,000	10
Over \$40,000 or rehabilitation involving refinancing	15
New construction or acquisition of newly constructed housing	20

2. Owner-occupied housing shall be retained as affordable housing as set forth in 24 CFR Part 92, § 92.254 and for a period as may be determined by DSHA (or such other longer period as determined by HUD) for rehabilitated units not involving purchase.
3. When HOME funds are used in connection with other State, Federal, or private funds, the period of affordability for the HOME funds may be the longest period required by any funding source, but shall be no less than 20 years for HOME funds used in connection with the HDF unless DSHA determines a lesser affordability period is appropriate.

**B. Subsidy Amounts**

The minimum average per unit subsidy per project (except for rental security deposits) shall not be less than \$1,000 per HOME-assisted unit. The maximum average per unit subsidy per project may not exceed 240% of the limits established under Section 221(d)(3)(ii) (nonprofit mortgagors) of the National Housing Act for elevator-type projects.

**C. Site Requirements**

1. New Construction: The site for new construction projects shall:
  - a. Not be located in an area of minority concentration unless,
    - 1). Sufficient, comparable opportunities exist for housing for minority families, in the income range to be served by the proposed project, outside areas of minority concentration; or

- 2). The project is necessary to meet overriding house needs which cannot otherwise feasibly be met in that housing market area;
  - b. Not be located in a racially mixed area, if the project will cause a significant increase in the proportion of minority to non-minority residents in the area; and
  - c. Promote greater choice of housing opportunities and avoid undue concentrations of assisted persons in areas containing a high proportion of low-income persons.
2. Rehabilitation: Sites for multi-family rehabilitation projects shall promote greater choice of housing opportunities and avoid undue concentrations of assisted persons in areas containing a high proportion of low-income persons.

**D. Match Requirements**

1. To the extent that contributions from other resources to a development assisted with HOME funds do not meet matching requirements, DSHA will provide the remainder of the required match from non-federal sources. Contributions that have or will be counted as satisfying a matching requirement of another federal program may not be used to satisfy the matching requirement for the HOME Program.
2. As required, DSHA will make match contributions to housing that qualifies as affordable housing under the HOME Program. Except where the match requirement has been reduced, DSHA will provide match funds totaling not less than 25 percent of the HOME funds drawn from the State of Delaware's HOME Investment Trust Fund Treasury account for the appropriate period. Funds drawn for administration and Community Housing Development Organization (CHDO) operating expenses are not required to be matched.
3. Matching contributions required under the HOME Program may be made as a cash contribution from non-federal sources or may be made as the grant equivalent of a below-market interest rate loan to housing that qualifies as affordable under the HOME Program from either the State of Delaware Housing Development Fund (HDF) or the non-bond portion of the State's Affordable Rental Housing Program (ARHP). The present discounted cash value of the difference in the interest rate for the HDF or ARHP loans, versus the appropriate market rate for that type of development, will be counted as a match. Match contributions made in a federal fiscal year exceeding the match liability for that year will be carried over and applied to future fiscal years' match liability.
4. DSHA will maintain a match log of all HOME Treasury funds drawn and the appropriate match requirement. The log will be updated at least quarterly and will track expenditures and match contributions.

**E. Subsidy Layering**

Prior to commitment of HOME Program funds to a project, DSHA will evaluate the project in accordance with the Subsidy Layering Guidelines as contained in Attachment D and will not invest any more HOME funds in combination with other federal assistance than is necessary to provide affordable housing. These guidelines are designed to ensure the participants in a project do not receive excessive HUD subsidies by combining HOME funds with other federal assistance.

**V. Affirmative Marketing**

- A.** DSHA and the owner of a HOME-assisted project shall follow the affirmative marketing procedures and requirements of this section for projects containing five or more HOME-assisted housing units. The affirmative marketing procedures shall remain in effect for the period of affordability as set forth in 24 CFR, Part 92, § 92.252, and § 92.254.
- B.** Methods for informing the public, owners, and potential tenants about federal fair housing laws and affirmative marketing policies shall include, but not be limited to the use of the equal Housing Opportunity logotype or slogan in press releases, solicitations for owners or tenants, and written communications to fair housing and other groups.

**C. Owner Requirements**

The owner, or any designee of the owner involved in the marketing of housing, shall follow the methods indicated in Section B above and shall:

- 1. Market and rent all housing in accordance with Fair Housing Laws;
- 2. Display Fair Housing posters in all offices involved in the marketing of housing and on the HOME-assisted project site;
- 3. Develop an Affirmative Fair Housing Marketing Plan (AFHMP) using the current Form HUD-935.2A, to be reviewed and accepted by DSHA prior to the issuance of a proceed order for a HOME-assisted project. The affirmative marketing procedures in the plan shall describe the intended use of commercial media, community contacts and any special outreach activities. Where there is another Federal funding source involved in the HOME-assisted project requiring affirmative marketing procedures (HUD, USDA, etc.), then the other Federal agency shall review and approve the AFHMP as required by the other Federal agency. The owner shall provide a copy of the approved AFHMP to DSHA.

**D. Record Keeping**

The owner shall maintain records as indicated below and provide copies to DSHA when requested.

- 1. Copies of all advertisements placed for vacancies;

2. Copies of all brochures and signs advertising the affordable housing;
3. Photographs of all site signs and fair housing posters (on site);
4. Listings of community contacts made as special outreach efforts and copies of letters mailed to community contacts or notes made if a contact involved a site visit or meeting.
5. Records of the owner's nondiscrimination hiring policy and records indicating the composition of the owner's sales staff including race, color, age, sex, and handicapped status.
6. Records of persons occupying the housing before and after construction including family size, race, income, sex of head of household, handicapped status, and rent levels.

#### **E. Monitoring Affirmative Marketing**

1. DSHA shall assess the effectiveness of all owners' affirmative marketing activities on an annual basis after project completion to determine if the objectives of the plans are being met.
2. Records will be kept by DSHA of the assessment and any corrective actions deemed necessary.
3. Owners failing to meet objectives of their AFHMP shall be notified in writing of such failure and what corrective actions are necessary. If, within a reasonable amount of time, but no longer than 180 calendar days, the owner does not take corrective actions as indicated by DSHA, then the owner may be subject to all of the following actions:
  - a. Resubmission of an amended AFHMP;
  - b. Withholding of additional HOME, State, or Federal funds for the HOME-assisted project if the project is incomplete;
  - c. Disbarment from participation in future State administered affordable housing programs;
  - d. Application by the State to HUD to have the owner disbarred from participation in Federal programs, and
  - e. Prosecution under local, State, or Federal fair housing laws.

### **VI. MINORITY, WOMEN AND VETERAN BUSINESS ENTERPRISES OUTREACH PROGRAM**

#### **A. Statement of Policy**

1. It is the policy of the Delaware State Housing Authority to insure the inclusion, to the maximum extent possible, of minorities, women and/or veterans, 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 DSHA with such persons or entities, public and private, in order to facilitate the activities of DSHA to provide

affordable housing authorized under the National Affordable Housing Act or any other federal housing law applicable to DSHA.

2. As part of its MBE/WBE outreach program and in accordance with the requirements of the Governor's Executive Orders No. 14 and No. 29, DSHA and other State agencies have adopted Supplier Diversity Action Plans. DSHA's Plan is included as Attachment E. The Supplier Diversity Action Plan updates and replaces DSHA's previous Minority and Women Business Enterprise Program and will assist minority, women and/or veteran business enterprises (M/W/VBE) in obtaining opportunities to compete for both DSHA and federal purchasing dollars and contracting opportunities. DSHA has mailed out to contractor's solicitations and posted information on its web site encouraging both contractors and subcontractors to become listed as a certified M/W/VBE enterprise in the State's Office of Supplier Diversity (OSD) directory. DSHA utilizes the OSD directory in its own solicitations for work and services and directs HOME project contractors to use the OSD directory for their needs.
3. DSHA coordinates its efforts with the services provided by the OSD. A listing of services available can be found at <http://gss.omb.delaware.gov/osd/> and include, but are not limited to, notification of business events, certification as a M/W/VBE, bid and contracting opportunities and training information.

**B. Program Oversight**

The Administration Section (Admin) of DSHA is the office with oversight responsibilities for promoting the M/W/VBE Outreach Program. Mr. Mike Miles, Contract Procurement Officer, has overall direct responsibility for the Program. Admin's duties include the promotion of the M/W/VBE Outreach Program along with the collection, distribution and monitoring of information as necessary for the successful operation of the program.

**C. Identifying MBEs/WBEs**

1. Admin conducted surveys at the start of the HOME Program to establish a listing of MBE/WBE contractors/subcontractors, vendors, and professional firms. The survey method included: direct mailings to known MBE/WBE groups and minority and women's organizations, obtaining MBE/WBE listings maintained by local, state and federal agencies and placing advertisements regarding the survey in local media.
2. In June of 2012, the Office of Supplier Diversity was established as the State office responsible for ensuring that minority, women and veteran businesses are afforded full and equal access to State procurement opportunities related to the provision of commodities, services and construction. All firms on the prior listing of DSHA MBE/WBE contractors were contacted and strongly encouraged to contact the OSD and become certified.
3. DSHA may periodically sponsor conferences or seminars and develop informational and documentary materials on contract/subcontract opportunities for M/W/VBEs in order to facilitate their inclusion in contracts for affordable housing.

**D. Monitoring**

1. DSHA shall require all contractors, when entering into contracts to further affordable housing, to submit monitoring forms for themselves and their subcontractors.

2. DSHA shall collect and maintain records and statistical data on the use and participation of M/W/VBEs as contractors/subcontractors in all HUD-assisted program contracting activities.
3. DSHA shall evaluate, on a yearly basis, the contract participation of M/W/VBEs in HUD-assisted program activities and shall take such steps as necessary to assure the participation of M/W/VBEs.

**E. Solicitation Procedures**

1. Whenever DSHA solicits bids or proposals for work involving DSHA or HUD-assisted projects it shall:
  - a. In all bid notices or requests for proposals (RFPs) include language such as, "Bids are especially invited from minority business enterprises, women business enterprises and veteran business enterprises,"
  - b. Advertise in two newspapers of general local circulation of the project area for all bids and RFPs and
  - c. Post all bids and RFPs on the DSHA website and on the State's Bid Solicitation Directory at <http://bids.delaware.gov/>.
2. DSHA shall require all contractors involved in HUD-assisted projects, when soliciting proposals and or bids from subcontractors to include language such as, "Bids are especially invited from minority, women and veteran business enterprises" in solicitations. Contractors shall also keep records of M/W/VBEs participation and solicitation including copies of all advertisements.
3. DSHA shall advise contractors at pre-bid and preconstruction meetings to contact the OSD in order to facilitate the inclusion of M/W/VBEs in the contractors' proposal or bid.

**VII. SEVERABILITY**

If any section, subsection, paragraph, phrase or clause of the Program Manual for the State of Delaware HOME Investment Partnerships Program shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of the Program Manual which shall continue in full force and effect; and to this end the provisions of this Program Manual are hereby declared to be severable.

# Appendix M:

- National Housing Trust Fund 2018 Allocation Plan
- 

Allocation Plan to be updated to 2018





# DELAWARE STATE HOUSING AUTHORITY

## National Housing Trust Fund

### 2017 Allocation Plan

7/1/2017

Delaware State Housing Authority  
18 The Green  
Dover, De 19901  
[www.destatehousing.com](http://www.destatehousing.com)

Jack Markell, Governor

Anas Ben Addi, Director

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**STATE OF DELAWARE**  
**DELAWARE STATE HOUSING AUTHORITY**  
**NATIONAL HOUSING TRUST FUND ALLOCATION PLAN AND**  
**SUBSTANTIAL AMENDMENT TO THE 2015-2019 CONSOLIDATED PLAN**  
**AND ANNUAL ACTION PLAN**  
**2017**

**I. Introduction**

**A. Purpose**

The National Housing Trust Fund (NHTF) is a new 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-income (ELI) and very low-income households (VLI), including homeless families. This plan serves as a Substantial Amendment to Delaware State Housing Authority's (DSHA) 2015-2019 Consolidated Plan and 2017 Annual Action Plan.

**B. Background**

The NHTF was established under Title I of the Housing and Economic Recovery Act (HERA) of 2008, Section 1131 (Public Law 110-289). Section 1131 of HERA amended the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501 et seq.) to add a new section 1337, entitled "Affordable Housing Allocation" and a new section 1338 entitled "Housing Trust Fund."

The U.S. Department of Housing and Urban Development (HUD) published the proposed NHTF formula rule (FR-5246-P-01) on December 4, 2009, and the proposed program rule (FR-5246-P-02) on October 29, 2010. On January 30, 2015, HUD published an interim program rule (FR-5246-I-03). The interim rule provides the guidelines for states to implement the NHTF.

On April 26, 2016, HUD issued a notice (CPD-16-07) to provide guidance to NHTF grantees on Fiscal Year 2016 NHTF Allocation Plans. The Fiscal Year 2017 NHTF formula allocation amounts for NHTF were published on June 14, 2017.

HUD plans to issue a final rule for the NHTF after states have had experience administering the program and are able to offer comments regarding the initial implementation. The first year of the program is crucial in demonstrating states' ability to effectively use this new funding source.

**C. Program Design and Funding Source**

Funding for the NHTF comes from an assessment on loans made by Federal Home Loan Mortgage Corporation (Freddie Mac) and Federal National Mortgage Association (Fannie Mae). The amount available for allocation is the amount set aside by Fannie Mae and Freddie Mac for

the NHTF during their fiscal year (January 1-December 31). Allocations will be formula based, but statute requires that each state receive a minimum allocation of \$3 million. If additional funds are available after each state and the District of Columbia (DC) receives the minimum allocation, Puerto Rico and each insular area will receive an allocation. However, if NHTF funds are insufficient to provide the minimum grant to each state and DC, HUD will publish a notice in the federal register for public comment, describing an alternative method for allocating grants. Any amounts that become available for reallocation (i.e. grant reductions, recaptured funds, etc.) shall be added to the amounts for formula allocation in the succeeding fiscal year.

As per the HUD published allocation amount, for Fiscal Year (federal) 2017, Delaware will receive \$3 million.

#### **D. Administration**

The NHTF for the State of Delaware is administered by DSHA. The mission of DSHA is to efficiently provide, and to assist others to provide, quality, affordable housing opportunities and appropriate supportive services to low- and moderate-income Delawareans. As prescribed in the interim rule, DSHA may use up to 10% of the NHTF grant and program income received to cover administrative and planning costs of the NHTF program.

As per 24 CFR §93.400, HUD will reduce or recapture funds in the NHTF Treasury account by the amount of any fiscal year grant funds that are not committed within 24 months after the date of HUD's execution of the NHTF grant agreement and any fiscal year grant funds in the NHTF local account that are not expended within five (5) years after the date of HUD's execution of the NHTF grant agreement.

#### **E. Citizen Participation**

Citizen participation for the NHTF Allocation Plan was coordinated with the Citizen Participation process for the FY2017 Annual Action Plan.

FY 2017 NHTF Allocation Plan and FY2017 Annual Action Plan were made available for public comment from March 31 through May 1, 2017. The draft was posted on DSHA's website, as well as hard copies available at specific locations, at least one in each of Delaware's three counties. The public comment period was advertised in two statewide newspapers and extensively publicized via DSHA's website and mailing lists. During the public comment period, one public hearing was held on April 19, 2017. These events were held to provide a summary of the plan, answer questions, and receive comments on the draft from interested citizens.

## **II. Distribution of Funds**

Funds will be awarded to locally-driven projects that address the criteria outlined in this allocation plan, as well as the priority housing needs as identified in Delaware's Consolidated Plan. Distribution will be made consistently with DSHA's other affordable housing programs, including: Community Development Block Grant (CDBG) program, State Housing Development Fund (HDF), HOME Investment Partnership Program (HOME), and the Low Income Housing

Tax Credit (LIHTC) program. The distribution of annually allocated NHTF funds will be directly administered by DSHA through the application, approval, draw, construction, and monitoring processes in place for the State's HDF and LIHTC programs.

### **III. Geographic Distribution and Diversity**

The Analysis of Impediments to Fair Housing Choice (AI) made several recommendations for policies to expand fair housing choice and break down historic patterns of segregation. For some residents of impacted neighborhoods, exercising fair housing choice means moving to another neighborhood that offers economic opportunity, proximity to their workplace, better schools, and/or a more safe and secure environment. Affirmative moves from impacted neighborhoods to areas of opportunity help to break down patterns of segregation. For other residents that live in impacted neighborhoods, exercising fair housing choice means revitalizing the community into a more attractive and safer place so that they may continue to live in their neighborhood and so that others will want to move into the neighborhood.

DSHA's geographic priorities were developed to 1) encourage new development and preservation of affordable housing, especially affordable rental housing, in areas of opportunity; and 2) target community development investments, particularly sustainable homeownership, in areas of concentration of low-income and/or minority households. These geographies and policies are consistent across the primary programs making funds available for these activities: CDBG, HOME, LIHTC, NHTF, and HDF. The map as it applies to DSHA multifamily housing financing, including NHTF, via the Qualified Allocation Plan is available online at:

<http://delaware.maps.arcgis.com/apps/Viewer/index.html?appid=8bab9ecd370a413191573fe26491c2be> and Reference Guide describing the geographies at [http://www.destatehousing.com/Developers/dv\\_lihtc.php](http://www.destatehousing.com/Developers/dv_lihtc.php)

The geographies are based on Market Areas as identified in the Delaware Market Value Analysis and included in the *Delaware Housing Needs Assessment 2015-2010*, HUD data on Racially/Ethnically Concentrated Areas of Poverty (R/ECAPs), and other sources as described in the Reference Guide. Areas are classified as Areas of Opportunity (where new affordable housing options should be supported); Stable (where a balance of market rate with subsidized housing should be supported) and Distressed (areas where development that furthers concentrated areas of poverty or minority populations should be limited and sustainable homeownership supported). New construction and rehabilitation of affordable rental housing in Areas of Opportunity is incentivized.

DSHA also promotes the use of the State Strategies for Policies and Spending by tailoring programs based on identified investment levels. Proposals for new construction or rehabilitation of affordable rental communities must be located in Investment Levels 1, 2, or 3. Level 4 areas are not targeted for growth or state investment in services and infrastructure.

### **IV. Uses of Funds**

## **A. Forms of Assistance**

DSHA may provide NHTF funds to developers or sponsors in the forms below:

1. Interest-bearing loans or advances;
2. Non-interest bearing loans or advances;
3. Deferred payment loans; and/or
4. Other forms of assistance approved by HUD.

## **B. Allocations and Set-Aside**

1. DSHA will reserve a minimum of 20% of Delaware's annual NHTF allocation for permanent supportive housing projects for chronically homeless persons with disabilities. Funding will be awarded through a request for proposal (RFP) process.

For 2017, the permanent supportive housing set-aside amount will be \$600,000.

2. DSHA will allocate the remainder of NHTF funds to affordable rental, multi-family projects in coordination with the HDF and LIHTC programs. HDF and NHTF may be awarded to permanent housing for special populations.

For 2017, the amount available to multi-family projects will be \$2,100,000.

3. Note: As per the HUD regulations, up to 10% of NHTF funds may be used for homeownership. However, for 2017, DSHA will not be utilizing NHTF for homeownership activities as there are currently various other homeownership products available through DSHA that offer greater flexibility to meet the current homeownership needs.

## **V. Eligible Costs**

### **A. Eligible Project Costs (may include):**

1. Development hard costs;
2. Acquisition costs;
3. Related soft costs;
4. Operating cost assistance and operating cost assistance reserves (less than or equal to one-third of the annual grant amount); and
5. Relocation costs.

### **B. Operating Cost Assistance and Reserves**

NHTF may be used to pay for operating cost assistance and operating cost assistance reserves for rental housing that is acquired, rehabilitated, reconstructed, or newly constructed with NHTF

funds. DSHA may provide up to one-third (33%) of each annual allocation for operating assistance and operating cost assistance reserves. For 2017, a maximum of **\$990,000** can be used for this purpose. Operating Cost Assistance and Reserves may only be provided as part of an eligible NHTF project, not on its own.

The following conditions will apply to Operating Cost Assistance and Reserves:

1. Eligible costs include insurance, utilities, real property taxes, maintenance, and scheduled payments to a reserve for replacement of major systems.
2. Eligible costs must be calculated using the method described in this section.
3. Operating cost assistance must be based on the underwriting of the project and must be specified in the written agreement between DSHA and the recipient.
4. For reserves funded with non-NHTF funds, the assistance must be calculated using HUD methodology and the reserve may be funded for the amount estimated to be necessary for the entire period of affordability at the time of executing the written agreement.
5. For reserves funded with NHTF funds, the assistance must be calculated using HUD methodology and for each grant, assistance is limited to the amount necessary for a period of up to five years.
6. Funding for operating cost assistance may be provided in addition to 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).

**VI. Subsidy Limits**

The maximum per-unit subsidy limits for NHTF will be set at the Section 234 Basic Mortgage Limits established by HUD and also utilized under the HOME Program.

Effective 12/01/2015, the following limits apply:

<u>0 Bedroom</u>	<u>1 Bedroom</u>	<u>2 Bedroom</u>	<u>3 Bedroom</u>	<u>4 Bedroom</u>
\$140,107	\$160,615	\$195,305	\$252,662	\$277,344

DSHA imposes these limits based on previous analysis and experience with LIHTC and HDF programs, including an extensive review of construction costs. Analysis has shown that construction costs are not noticeably different between markets nor do they vary greatly between Delaware’s three counties.

**VII. Periods of Affordability**

NHTF-assisted units must meet the affordability requirements for a period of not less than 30 years, which begins at project completion. DSHA may impose longer periods of affordability.

## **VIII. Income Targeting**

NHTF income targeting requirements will be based on the annual amount of NHTF funds available.

1. In any fiscal years in which the total NHTF funds available are less than \$1 billion, all states must target 100% of the NHTF funds for the benefit of ELI families or families with incomes at or below the poverty line, whichever is greater.
2. When the total NHTF funds available are equal to or exceed \$1 billion, the states must use at least 75% of the NHTF funds for the benefit of ELI families or families with incomes at or below the poverty level, whichever is greater.
3. Any grant funds not used to serve ELI families must be used for the benefit of VLI families.
4. Further income targeting may be required under DSHA's LIHTC, HOME and HDF programs.

For 2017, 100% of the NHTF funds must be used for the benefit of ELI families.

## **IX. Performance Goals and Benchmarks**

This method of distribution will support Delaware's Consolidated Plan goals to create additional affordable housing units. It is estimated that NHTF funds will assist approximately 1-2 supportive housing projects (approximately 10 units); approximately 1-2 LIHTC or HDF multifamily projects (approximately 20 units); and 1-2 group homes or housing for special populations (approximately 5 units).

## **X. Additional Requirements and Conditions**

### **A. HUD Regulations**

This plan is subject to change upon additional regulations and/or guidance from HUD.

### **B. Subsidy Layering Review**

All NHTF projects will be subject to a subsidy layering review administered by DSHA. Prior to the commitment of NHTF funds to a project, DSHA will evaluate the project and will not invest any more NHTF funds in combination with other federal assistance than is necessary to provide affordable housing.

### **C. Underwriting**

All projects will be subject to DSHA's underwriting criteria (found in the Qualified Allocation Plan (QAP) and HDF Supplement).



**D. Site and Neighborhood Standards**

HUD has adopted 24 CFR § 93.150 (see below), with an updated cross-reference to the applicable standard for new construction projects at 24 CFR 983.57(e). As with the HOME program, HUD is not applying site and neighborhood standards to rehabilitation projects under NHTF. However, if project-based vouchers are used in an NHTF rehabilitation unit, the site and neighborhood standards for project based vouchers will apply. In addition, the requirements of 24 CFR part 8 (which implemented section 504 of the Rehabilitation Act of 1973) apply to the NHTF, and specifically address the site selection with respect to accessibility for persons with disabilities.

24 CFR § 93.150 Site and neighborhood standards.

- (a) General. A grantee must administer its NHTF 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 grantee is responsible for making the determination that proposed sites for new construction meet the requirements of 24 CFR 983.57 (e) (2).

**E. Rehabilitation Standards**

First, all buildings and projects that are newly constructed or are rehabilitated with NHTF must first be built to the International Building Code adopted by the local municipality and County. The International Building Codes enforced by each municipality and County include and address disaster mitigation.

The following building codes have been adopted by Delaware’s three counties:

Kent County	New Castle County	Sussex County
2012 International Building Code 2012 International Residential Code	2015 International Building Code 2015 International Residential Code 2015 International Mechanical Code 2015 International Fuel Gas Code 2015 International Plumbing Code 2015 International Energy Conservation Code	2012 International Residential Code (for single-family home construction) 2012 International Building Code (for multi-family and commercial construction projects)
ICC/ANSI A117.1-2009, as amended has been adopted and used by <u>all three counties in Delaware</u> . Its use within a governmental jurisdiction is intended to be accomplished through adoption by reference in accordance with proceedings establishing the jurisdiction’s laws.		

Second, for NHTF projects that will be rehabilitated, at a minimum the HUD’s Rehabilitation Standards - § 91.320(k)(5)(iv) and § 93.301(b) will apply.

Third, all NHTF projects must also meet DSHA's minimum construction/ rehabilitation standards and all state and federal applicable codes. However, where DSHA minimum constructions/rehabilitation standards exceed the HUD standards, the most stringent standard will apply. (See Attachments A-D).

All applicants are responsible for complying with all building codes, rules, ordinances, and laws of all legal entities and authorities having jurisdiction over the project.

DSHA's minimum construction/rehabilitation standards include additional details on what work is required, how that work should be performed (methods), and what materials should be used. DSHA's minimum construction and rehabilitation standards include the following categories: health and safety; major systems; lead-based paint; accessibility; disaster mitigation; state and local codes, ordinances, and zoning requirements; and inspectable areas and observable deficiencies from HUD's Uniform Physical Condition Standards (UPCS) as identified by HUD as applicable to NHTF-assisted housing.

#### **F. Uniform Physical Condition Standards (UPCS)**

All projects funded with NHTF will be required to meet HUD's UPCS to ensure housing will be decent, safe, sanitary, and in good repair as described in 24 CFR 5.703. Standards include the UPCS inspectable items and observable deficiencies for the site, building exterior, building systems, common areas, and units (see Attachment D).

#### **G. Environmental Review**

All new construction, acquisition or acquisition rehabilitation activities must meet the applicable environmental requirements specified in 24 CFR 93.301(f) for historic preservation, archaeological resources, farmland, airport zones, Coastal Barrier Resource System, coastal zone management, floodplains, wetlands, explosives and hazards, contamination, noise, endangered species, wild and scenic rivers, safe drinking water, and sole source aquifers.

Note: NHTF is not subject to 24 CFR part 58, but in the administration of NHTF, HUD is required to comply with the National Environmental Protection Act. Therefore, the interim rule establishes environmental review standards for NHTF which are included in the property standards section. These standards are substantively the same, or very similar to the requirements of 24 CFR part 58. HUD expects to issue guidance on the implementation of these standards.

#### **H. Uniform Relocation Act**

All NHTF financed projects must follow all federal Uniform Relocation Act regulations as applicable and DSHA's Relocation Policy. Relocation assistance must be included as part of construction costs. DSHA must approve all relocation plans and correspondence to residents.

**I. Accessibility (Section 504, etc.)**

All NHTF projects are required by law to meet the handicap accessibility standards outlined in the Americans with Disabilities Act (ADA). The law provides that failure to design and construct certain public accommodations to include certain features of accessible design will be regarded as unlawful discrimination.

Section 504 of the Rehabilitation Act of 1973 states: No otherwise qualified individual with a disability in the United States shall solely by reason of her or his disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program, service or activity receiving federal financial assistance or under any program or activity conducted by any Executive agency or by the United States Postal Service. (29 U.S.C. 794). This means that Section 504 prohibits discrimination on the basis of disability in any program or activity that receives financial assistance from any federal agency, including HUD, as well as in programs conducted by federal agencies, including HUD.

**J. Lead-Based Paint**

Projects assisted with NHTF funds are subject to the regulations at 24 CFR part 35, subparts A, B, J, K, and R.

**K. Section 3**

Documentation must be provided of actions undertaken to meet the requirements of 24 CFR part 135, which implements Section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701u).

**L. Minority, Women and Veteran Business Enterprises Outreach Program (MBE/WBE/VBE)**

It is the policy of DSHA to ensure the inclusion, to the maximum extent possible, of minorities, women, and/or veterans, 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 DSHA with such persons or entities, public and private, in order to facilitate the activities of DSHA to provide affordable housing authorized under the National Affordable Housing Act or any other federal housing law applicable to DSHA.

**M. Affirmative Marketing and Fair Housing**

The federal requirements set forth in 24 CFR §93.350 will apply to participants in the NHTF program. The requirements include: nondiscrimination and equal opportunity; disclosure requirements; debarred, suspended, or ineligible contractor; and drug-free workplace.

For all NHTF projects, an Affirmative Fair Housing Marketing Plan must be reviewed and approved by either DSHA or HUD. This plan must be updated every 5 years.

All NHTF applicants must comply with the provisions of any federal, state or local law prohibiting discrimination in housing on the grounds of race, color, sex, creed, handicap/disability and familial status, sexual orientation, or national origin, including but not limited to: Title VI of the Civil Rights Act of 1964 (Public Law 88 352, 78 Stat. 241), all requirements imposed by or pursuant to the Regulations of HUD 24 CFR Subtitle A, Part 100 issued pursuant to that title; regulations issued pursuant to Executive Order 11063, and Title VII of the 1968 Civil Rights Act, as amended by the Fair Housing Amendment Act (Public Law 100-430)

#### **XI. DSHA Reporting Requirements**

As the administrator of NHTF, DSHA will be required to meet all applicable record-keeping and reporting requirements as outlined in 24 CFR §93.407.

Performance of the NHTF in Delaware will be tracked annually through DSHA's Consolidated Annual Performance and Evaluation Report (CAPER), which is submitted annually to HUD, and the DSHA Annual Assistance Production Report (DAPR), which is submitted to the Governor and State Leadership.

#### **XII. Applicable Fees**

DSHA will charge a \$1,250 application fee for NHTF funds. Waiver requests may be considered for special populations.

#### **XIII. Evaluation Criteria and Priority Funding Factors**

Eligibility to apply for NHTF will be no more restrictive than required by NHTF regulations. Eligible applicants/recipients of NHTF funds may include nonprofit and for-profit developers and public housing agencies.

Applications will be assessed with priority given to the applicants who prove highest proficiency in the following prioritized areas:

##### **A. Applicant Capacity (Priority Factor: Most Important)**

Applicants will be assessed on experience and capacity and any other criteria as applied by DSHA, which may include the following:

1. Applicants must make acceptable assurances to DSHA that they will comply with the requirements of the NHTF program during the entire period that begins upon selection of the applicant to receive NHTF funds, and ending upon the conclusion of all NHTF-funded activities.
2. Applicants must demonstrate their ability and financial capacity to undertake, comply, and manage the eligible activity.
3. Applicants must demonstrate their familiarity with the requirements of other federal, state, or local housing programs that may be used in conjunction with NHTF funds to ensure compliance with all applicable requirements and regulations of such programs.
4. Applicants must demonstrate their experience and capacity to conduct an eligible NHTF activity as evidenced by the ability to own, construct or rehabilitate, and manage and operate affordable multifamily rental housing development.
5. Applicants must demonstrate their ability to enter into a commitment for NHTF funds and undertake eligible activities in a timely manner.

**B. Priority Housing Needs of the State (Priority Factor: Most Important)**

Applicants will be assessed on the merits of the application meeting the priority housing needs established by the State.

Any proposed use of NHTF to further affordable housing activities for the economically disadvantaged and special population groups must be consistent with Delaware's Consolidated Plan.

As noted in the Consolidated Plan for 2015-2019, section SP-25 Priority Needs, affordable rental housing is Delaware's first priority need. The Delaware Housing Needs Assessment and HUD data identify a critical need to develop new affordable rental housing, preserve existing affordable rental housing, and extend affordability restrictions. The Housing Needs Assessment identified affordable rental housing as a critical need for Extremely Low and Low Income populations throughout the state.

Section SP-25 Priority Needs of the Consolidated Plan also cites Permanent Supportive Housing as a high priority need in Delaware. Additional Supportive Housing is needed for persons with Mental, Physical, and Developmental Disabilities, Persons with Alcohol or Other Addictions, and Persons with HIV/AIDS and their families.

As described under III. Geographic Distribution and Diversity, DSHA has identified geographic areas for targeting different types of housing investments. As the NHTF will be used for rental housing, these maps as they apply to rental housing will apply to the NHTF. The new

construction and rehabilitation of affordable rental housing is incentivized in Areas of Opportunity, neutral in Stable areas, and further concentration of subsidized rental housing is not encouraged in distressed areas.

**C. Leveraging (Priority Factor: Somewhat Important)**

Applications will be evaluated on the total sources of permanent financing, percentage of total project costs funded by NHTF and DSHA sources, and the use of any other non-state or federal funding sources.

**D. Geographic Diversity (Priority Factor: Somewhat Important)**

NHTF funds will be available to projects statewide; however, applications will be evaluated for consistency with the State's certification to affirmatively further fair housing, all applicable Analysis of Impediments and compliance with the State Strategies for Policies and Spending (see Section III. Geographic Distribution and Diversity for details).

**E. Project-Based Rental Assistance (Priority Factor: Least Important)**

Applications will be reviewed for the extent to which the project has federal, state, or local project-based rental assistance so that rents are affordable to extremely low-income families. NHTF funds will be distributed consistently with DSHA's other affordable housing programs and administered with the existing LIHTC and HDF programs.

**F. Duration of Affordability Period (Priority Factor: Least Important)**

In accordance with §93.302(d), all rental housing units receiving NHTF funds must have an affordability period of not less than thirty (30) years. Applications may receive additional credit for showing financial feasibility of the project to extend beyond the 30-year period.

**G. Additional Evaluation Criteria (Priority Factor: Somewhat-Least Important)**

The following items will be taken into consideration by DSHA staff when determining the merits of an application for NHTF funds:

1. Demonstrated need for the project.
2. Suitability of the project location.
3. Cost efficiency of the project.
4. Amount of loan per unit serving extremely low and very low-/low-income persons:
  - a. Applications serving extremely low income families will be given priority to the extent possible to comply with statutory requirements. Please note, for 2017, only applications serving extremely low income families will be considered.
  - b. Applications serving very low income families will be considered only if allowed by statutory requirements. Such determination will be announced prior to any announcement of funding opportunity.
5. Length of payback period.

6. Position of loan and how it is secured/length of repayment.
7. Source(s) of permanent financing (if appropriate).
8. Cash and non-cash equity participation of developer.
9. Evidence that alternate sources of financing have been utilized and/or exhausted.
10. Evidence that housing will be provided in neighborhoods where there is little very low-income housing available.
11. Extent to which the proposal will assist in revitalization of deteriorating neighborhood.
12. Extent to which any current DSHA loans to the applicant or affiliated parties are in good standing.

#### **XIV. Application Selection and Screening**

Application for NHTF for multi-family projects shall be made through the application and approval process in place for the HDF and/or LIHTC programs. All applications must contain a description of the eligible activities to be conducted with NHTF funds as required in §93.200. All applications must also contain certification that housing assisted with NHTF funds will comply with NHTF requirements.

Upon application review by DSHA staff, a panel consisting of members of DSHA's Housing Development Section, Policy and Planning Section, and any other DSHA employees with applicable experience will convene. Members of the Council on Housing will also be invited to participate. The panel will discuss each application received and its preliminary ranking. A consensus of all members present will determine the final ranking of the applications, along with funding level recommendations. Applications recommended for funding will be presented to the Director of DSHA for final approval.

**Attachment A – DSHA Minimum Construction and Rehabilitation Standards**

**2017 Minimum Construction/Rehabilitation Standards**

Delaware State Housing Authority ("DSHA") and DSHA staff have specifically relied on the representations contained in the documents provided by the Developer, Borrower and their respective professionals, including but not limited to, their architects, contractors, engineers, surveyors and attorneys (collectively "Developer"). The Developer is responsible for complying with DSHA's minimum construction and rehabilitation standards along with all rules, ordinances and laws of all legal entities and authorities having jurisdiction over the development, and the construction and/or alteration of the development, whether or not such requirements are specifically addressed in the plans and specifications or by DSHA's review.

The Architectural team shall review all State and Federal design requirements and/or building codes for their proposed development to determine which standard(s) shall apply to their project.

**List of Definitions of Federal and State Standards**

The standards will provide the technical requirements and certain amendments to the technical requirements. Each county has adopted the following building code:

**New Castle County** has adopted and enforcing the following codes:

- 2015 International Building Code
- 2015 International Residential Code
- 2015 International Mechanical Code
- 2015 International Fuel Gas Code
- 2015 International Plumbing Code
- 2015 International Energy Conservation Code

**Kent County** has adopted the following codes:

- 2012 International Building Code
- 2012 International Residential Code

**Sussex County** has adopted the following codes:

- 2012 International Residential Code for single-family home construction
- 2012 International Building Code for multi-family and commercial construction projects.

**ICC/ANSI A117.1-2009 as amended** has been adopted and used by the three counties in Delaware. Its use within a governmental jurisdiction is intended to be accomplished through adoption by reference in accordance with proceedings establishing the jurisdiction's laws.



## **Americans with Disabilities Act of 1990/28 CFR 35 for Title II, The Fair Housing Act/24 CFR Part 100 and 24 CFR 100.205**

Refer to <http://www.ADA.gov>

Refer to <http://www.usdoj.gov/crt/housing/title8.htm>

**The Americans with Disabilities Act (ADA):** All projects are required by law to meet the handicap accessibility standards outlined in the ADA. The law provides that failure to design and construct certain public accommodations to include certain features of accessible design will be regarded as unlawful discrimination. ADA Legislation was passed in July 1990 and became effective on July 26, 1992. Title III deals with non-discrimination on the basis of disability by public accommodations and in commercial facilities. Public accommodations includes all new construction effective January 26, 1993 and impacts any rental office, model unit, public bathroom, building entrances, or any other public or common use area. Existing public accommodations must be retrofitted or altered beginning January 26, 1992, unless a financial or administrative burden exists.

The ADA guidelines do not impact residential units, since these are covered under Fair Housing and Section 504 laws.

### **Architectural Accessibility Act (AAA)**

Chapter 73, Title 29, Delaware Code; Purpose; construction, it is the purpose of this chapter to enable handicapped members of society to make use of public facilities with the maximum of safety and independence by providing for the implementation of standards or the elimination of architectural barriers.

### **Architectural Accessibility Board (AAB)**

The Board shall have the following duties and responsibilities: Promulgate rules and regulations which shall contain standards for the design and construction of facilities covered by this chapter to assure that such facilities covered by this chapter are safely accessible to and usable by handicapped persons. Such standards shall be adopted by a majority vote of the Board following public hearings and shall take into account the requirements and standards recommended by the American National Standards Institute (ANSI) and the Building Code Officials and Code Administrators (BOCA) and any amendments thereto, and standards and requirements set out in applicable guidelines of the federal government; provided, that until such time as the regulations containing standards as required by this paragraph are formally adopted by the Board, the standards contained in subsections (1) through (n) of subchapter 6917 {repealed} of this title shall remain in force and effect and shall be applied by the Board.

### **Architectural Accessibility Standards**

The purposed of the document is to implement Section 7306 (a) (1) Title 29, Chapter 73, Delaware Code, the Architectural Accessibility Act, which requires the Architectural Accessibility Board to promulgate rules and regulations which shall contain standards for the design and construction of facilities covered by the Act to Assure that such facilities are safely accessible to and usable by handicapped persons.

All projects are required by law to meet the handicap accessibility standards as outlined in the Delaware State Accessibility Standards. The design and construction guidelines are enforced by state and/or local building code officials. Compliance with these guidelines is mandatory in order to receive a Certificate of Occupancy for your proposed development.

## **Architectural Barriers Act (ABA) of 1968/24 CFR 40 Major Provisions**

Accessibility Standards for Design, Construction and Alterations of Publicly Owned Residential Structures (24 CFR Subchapter 40.4) The Architectural Barriers Act (ABA) provides that residential structures that are (1) constructed or altered by or on behalf of the United States; (2) leased in whole or in part by the United States after August 12, 1968, if constructed or altered in accordance with plans or specifications of the United States; or (3) financed in whole or in part by a grant or loan made by United States after August 12, 1968; shall be constructed to ensure that persons with physical disabilities have access to and use of these structures. Buildings constructed with Federal funds are subject to the ABA. All residential structures designed, constructed or altered that covered by the ABA must comply with the accessibility requirements of the Uniform Federal Accessibility Standards (UFAS). Please note: Because UFAS does not fully address accessibility of units for person with impaired hearing, for the 2% units that are required to be accessible for person with hearing impairments, it is recommended that PHAs follow the 2003 edition of ICC/ANSI A117.1 Standard for Accessible and Usable Buildings and Facilities.

## **Fair Housing Amendments Act**

All projects are required by law to meet the handicap-accessibility standards outlined in the Fair Housing Laws, including the Federal Fair Housing Amendments Act of 1988 (the "Act"). The law provides that failure to design and construct certain residential dwelling units to include certain features of accessible design will be regarded as unlawful discrimination.

## **24 CFR Part 8 (Implementing Section 504 of the Rehabilitation Act of 1973) and Titles II and III of the Americans with Disabilities Act of 1990 (ADA) implemented at 28 CFR Parts 35 and 36**

Refer to <http://www.hud.gov/offices/fheo/disabilities/504keys.cfm>

Section 504 of the Rehabilitation Act of 1973 states: No otherwise qualified individual with a disability in the United States shall solely by reason of her or his disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program, service or activity receiving federal financial assistance or under any program or activity conducted by any Executive agency or by the United States Postal Service. (29 U.S.C. 794). This means that Section 504 prohibits discrimination on the basis of disability in any program or activity that receives financial assistance from any federal agency, including HUD, as well as in programs conducted by federal agencies including HUD.

## **Uniform Federal Accessibility Standards (UFAS)**

Refer to <http://www.access-board/ufas/ufas-html.htm>

This document sets standards for facility accessibility by physically handicapped persons for Federal and federally-funded facilities. These standards are to be applied during the design, construction, and alteration of buildings and facilities to the extent required by the Architectural Barriers Act of 1968, as amended.

The State of Delaware has not elected to adopt UFAS as the State's standard. It has elected to utilize the ICC/ANSI A117.1-2003 as adopted.

## **Universal Design**

Refer to [http://www.ncsu.edu/www/ncsu/design/sod5/cud/about\\_ud/udprinciples.htm](http://www.ncsu.edu/www/ncsu/design/sod5/cud/about_ud/udprinciples.htm)

Universal Design is a design concept that encourages the construction or rehabilitation of housing and elements of the living environment in a manner that makes them usable by all people, regardless of ability, without the need for adaptation or specialized design. The intent of universal design is to simplify life for everyone by making products and the building environment more usable to as many people as possible at little or no extra cost. Universal design should strive for social integration and avoidance of discrimination, stigma and dependence. By designing housing that is accessible to all there will be an increase in the availability of affordable housing for all, regardless of age or ability.

**NOTE:** Universal Design concepts do not typically reach all of the requirements of accessibility laws like Section 504 and the Fair Housing Act and that care must be taken to ensure that the requirements of all applicable laws are met in projects promoting universal design.

## **Visitability Concept**

Refer to [www.huduser.org/publications/pubasst/strategies.html](http://www.huduser.org/publications/pubasst/strategies.html)

Although not a requirement, it is recommended that all design construction and alterations incorporate, whenever practical and economical, the concept of Visitability in addition to the requirements under Section 504, the Architectural Barriers Act, Title II of the Americans with Disabilities Act and the Fair Housing Act. Visitability is a design concept, for very little or no additional cost, that enhances the ability of person with disabilities to interact with their neighbors, friends and associates in the community.

## **Statutory/Regulatory Requirements**

Some statutory and regulatory provisions overlap others. Where there is a conflict, the most stringent provision applies including any state or local laws/regulation/codes which may be more stringent than Federal requirements.

## **General Requirements**

All LIHTC developments must adhere to DSHA's minimum construction standards regardless of financing source(s), including tax-exempt bond financing and DSHA amortized permanent financing. In order to meet minimum threshold requirements, the Rehabilitation Standards Checklist must be fully completed for rehabilitation projects. All units in a Development must receive the same upgrades/modifications or rehab work and be brought up to the same standards. DSHA's agreement to proceed with closing on a loan or other transaction shall not constitute in any manner whatsoever a final approval of the construction/rehabilitation of a development. In cases of conflicts between any design and/or contract documents the more restrictive or expensive requirements will apply.

### **A. Minimum Square Footage for Bedroom Sizes**

#### **1. Minimum Gross Square Footage**

DSHA has established a minimum gross square footage requirement for new construction and conversion developments, as well as, conversion of non-residential units to residential use that is based on bedroom size. The following gross square footage dimensions are the minimum required by bedroom:

- one bedroom- 700 square feet

- two bedrooms- 850 square feet
- three bedroom -1,050 square feet
- four bedroom -1,300 square feet
- efficiencies, which include lofts, -500 sq. ft. and *Single Room Occupancy (SRO)* - 100 sq. ft. <sup>2</sup>

Square footage of units may not be averaged to meet minimum square footage requirements.

**Bedroom** – A bedroom must have adequate light, ventilation and egress to meet all applicable building codes and ordinances. There must be at least one window in each sleeping room, at least two electrical outlets in proper operating condition, and/or meet minimum required by applicable building code and one door which meets all egress requirements. Square footage for bedrooms shall be determined by all applicable building codes and ordinances.

*For City of Wilmington applications, DSHA will follow the 2015 International Building Code, City of Wilmington definition of SRO / Efficiency. An efficiency living unit shall conform to the requirements as follows:*

- 1. The unit shall have a living room of not less than 220 square feet (20.4 m) of floor area. An additional 100 square feet (9.3 m) of floor area shall be provided for each occupant of such unit in excess of two.*
- 2. The unit shall be provided with a separate closet.*
- 3. The unit shall be provided with a kitchen sink, cooking appliance, and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.*
- 4. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.*

#### **A. Energy**

**Builders/Contractors shall be Delaware Energy Star Partners and/or Builders.** Notwithstanding any other energy requirements contained herein, to the greatest extent practicable, new construction and acquisition/rehabilitation projects shall install energy efficiency components, HVAC equipment and appliances that are Energy Star rated.

#### **B. Environmental Site Assessment**

If the Phase I Environmental Site Assessment indicates that the site has environmental issues, the property shall have all remediation work completed to clear site before construction closing. All costs associated with the clean-up shall be paid in full and a certified clearance will be available to all parties. In addition, where there are any environmental remediation costs identified in the Environmental Site Assessment, Environmental Audit, CNA or other application document, and such

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<sup>2</sup> The minimum gross square footage is measured from the face of the exterior sheathing to the center line of the party wall (exclusive of storage and common areas). Storage and common areas are defined as areas contiguous to units but not part of the units' living area such as attached storage sheds, storage rooms, stairs and halls in common areas.

costs were not included in the projected environmental cost line items, any additional costs to remediate the environmental items shall be paid from the Developer Fee and will not be allowed from contingency.

### C. Architect Certification

#### Standards/Requirements

- a. The Architect, Engineer(s), Surveyor and any other consultants to the Architect must be registered in Delaware. All consultants (no exceptions) must have a contractual relationship to the Architect through an AIA consultant agreement.
- b. All documents/specifications shall be prepared by or under the direction of an architect registered in the State of Delaware, stamped with the design of professional's registration seal and accompanied by a statement signed by the professional certifying compliance with DSHA's Minimum Construction/Rehabilitation Standards.
- c. Although most of the above standards are geared to new construction developments, rehabilitation of existing units must follow the same standards. **DSHA requires that a comprehensive Capital Needs Assessment (CNA) shall be submitted with the application if rehabilitation work is to be performed.** (Please verify actual lifespan of all components of existing structure. If not submitted/completed, the application will be considered incomplete and will not be scored.) DSHA will also complete a site inspection **45 days** prior to submission of an application to assure that its standards are being met and reserves the right to require additions and/or amendments to the CNA.
- d. All projects are to provide "AS-BUILTS" drawings and specifications at end of project. These "AS-BUILTS" are to be provided in both paper copy and available on CD's. This is also applicable to the "ALTA-Survey" for permanent closing. All CD's are to be in a .dwg format.
- e. The "Plans/Specifications Review Checklist" is to be used as a guide for various governmental submissions and/or approvals DSHA requires prior to loan approval.
- f. Designs that do not meet current code requirements **will not be considered cause for a change order.**
- g. Waiver requests from DSHA construction standards will require a \$500 waiver fee for each construction standard waiver request after tax credits are awarded or during the construction period.
- h. The first set of plans and specifications submitted should be at least 80% complete. A \$500 redesign fee (per review) will be assessed when DSHA must make multiple reviews upon, but not limited to, the following conditions:
  1. Substantial design change;
  2. Increase and/or decrease in the number of units;
  3. Change of architectural team and/or;
  4. Change in initial concept;

All fees assessed will be upon DSHA's discretion.

### D. General Contractor Requirements

## **1. LIHTC Approved General Contractor List**

- a. All General Contractors must be pre-approved by DSHA through the General Contractor's Certification and Questionnaire process. After DSHA has approved the General Contractor, they will be placed on the LIHTC Approved General Contractor List.

The General Contractor must be listed on the current approved list posted on the website for the 2017 LIHTC Approved General Contractor List round by **March 11, 2017**.

- b. The LIHTC Approved General Contractor List and General Contractor's Certification Process is located at the following link:

[http://www.destatehousing.com/Developers/dv\\_lihtc.php](http://www.destatehousing.com/Developers/dv_lihtc.php)

## **2. Other**

All members of the Development Team including the General Contractor must comply with DSHA's Mortgagor's Draw Requisition and Cost Certification Guide. The Guide is located at the following link:

[http://www.destatehousing.com/services/servicesmedia/mortgagors\\_draw\\_and\\_cost\\_guide.pdf](http://www.destatehousing.com/services/servicesmedia/mortgagors_draw_and_cost_guide.pdf)

## **E. Bidding Protocol/Requirements**

Developers /Applicants of LIHTC and DSHA financed projects may choose between two bidding options for General Contractors in order to arrive at construction costs for the proposed development.

### **1. Option 1**

The Developer/Owner of the development may determine the General Contractor at application and shall disclose the General Contractor as part of the Development Team.

- a. The General Contractor will agree to a maximum of 7% General Requirements of construction hard costs for new construction and rehabilitation projects and 7% Builders Overhead and Profit, including all change orders. DSHA will allow higher percentages for projects with 32 units or less with prior written DSHA approval. After application, no increase in the percentage of general requirements will be allowed (including for Change Orders). For example, if the percentage is established at 7%, the percentage may not exceed 7% for the duration of the project including general requirements added to approved change orders.
- b. DSHA shall review and approve plans and specifications for construction work prior to release for bidding.
- c. The General Contractor will obtain at least three sealed bids from all subcontractors when the General Contractor is self-performing work for trade payment line items. If the General Contractor is not performing work for the trade payment line items, two sealed bids are required from all subcontractors.
- d. The General Contractor will open all bids with their contracted architect, all project costs will be totaled (in a format specified by DSHA) and copies of all bids and the written results forwarded to DSHA and the Developer/Owner for approval. Subcontractor bids shall be awarded to the lowest bidder unless low bid is incomplete.
- e. If the General Contractor proposes to perform any work with his/her own employees, the General Contractor shall obtain three sealed bids for the work and may not charge any more than the lowest bid for the work.

- f. If the Developer, Development Team and/or Applicant, have related party and/or identity of interest sub-contractor firms, they may not bid on the construction work nor perform work on the development.
- g. The Developer/Owner may not pre-bid certain aspects of the work and require the General Contractor to use those subcontractors.

## **Option 2**

Developers/Owners may also choose to add the General Contractor to the Development Team after awards of credits or approval of DSHA financing have been made by DSHA. The work must then be bid as follows:

- a. Developer/Owners shall invite **all** firms on DSHA's LIHTC Approved General Contractor List to bid and obtain a minimum of three bids from the approved list of General Contractors that will provide bid estimates for the proposed projects.
- b. The General Contractor will agree to a maximum 7% General Requirements of construction hard costs for new construction and rehabilitation projects and may not exceed 10% Builder's Overhead and Profit and either 10% (rehabilitation projects) or 8% (new construction projects). DSHA will allow higher percentages for projects with 32 units or less with prior written DSHA approval. After application, no increase in the percentage of general requirements will be allowed (including for Change Orders). For example, if the percentage is established at 7%, the percentage may not exceed 7% for the duration of the project including general requirements added to approved change orders.
- c. DSHA shall review and provide written approval of bid documents prior to release for bidding.
- d. The bids shall be sent to the architect of record in a sealed envelope, clearly marked with the project name and date stamped. Faxed or e-mailed bids shall not be accepted. The bids shall be privately opened, tallied and the results forwarded to DSHA and Developer.
- e. If the General Contractor proposes to perform any work with his/her own employees, the General Contractor shall obtain three sealed bids for the work and may not charge any more than the lowest bid of the work.
- f. If the Developer, Development Team and/or Applicant, have related party and/or identity of interest sub-contractor firms, they may not bid on the work nor perform work on the development.
- g. The Developer/Owner may not pre-bid certain aspects of the work and require the General Contractor to use those subcontractors. No additional bidder requirements may be added to these protocols without written approval from DSHA which may be withheld in their sole discretion (examples include, but are not limited to, additional payment and performance bond requirements, letter of credit for contractors, unrealistic timing demands, construction schedule, liquidated damage requirements, etc.).

**Note:** For any funding sources that require bidding of the construction costs (i.e. USDA, HUD), then option 2 must be followed.

## **F. Site Work**

### **2. General**

- a. All new construction shall be designed to obtain 100% accessible routes to **all** units.

- b. New construction and rehabilitation/conversion developments (includes all common areas, rental offices, *playgrounds*, etc.) shall comply with State Architectural Accessibility Standards, Fair Housing, and ADA. Most stringent requirements will apply.
- c. All projects with below grade habitable space (units, common space, laundry rooms) will require an assessment to determine possible water infiltration/moisture problem, which could directly affect the overall total development budget.
- d. No portable storage buildings allowed. Incorporate into building design as a maintenance area.
- e. All developments consisting of eighteen (18) residential dwelling units or more must have a site office of at least 200 square feet (excluding of handicap toilet facility) and a maintenance room of at least 100 square feet.
- f. Any Multi-Family residential building, new construction or rehabilitation shall follow the Delaware State Fire Prevention Regulations to the fullest extent of the law. Please note Part VI, Chapter 3 for Apartment Buildings/Multi-Dwellings. No exception will be made for rehabilitation which will qualify for the 50% rule for grandfathering of any code. Entire Fire Prevention Regulations can be found at the following web page <http://www.delawarestatefiremarshal.com/>.
- g. Contractor shall verify all existing utility connections. New connections must be included in base bid in order to make all utilities functional (outside 5' of perimeter of building).
- h. Contractor shall make conservative effort to separate all recyclable construction debris, materials and waste.
- i. Project Identification (signage): Development shall provide a temporary project sign of exterior grade plywood and wood frame construction, painted, with exhibit lettering by professional sign painter to Architect/Engineer's design and colors. The sign should list the project name, DSHA, name of Owner, Architect/Engineer, Professional Sub Consultants, Contractor and major subcontractors. Other funding sources and/or partners may also be included. Erect on site at location established by the Architect/Engineer.
- j. A residential guide/manual shall be provided for residents which shall explain the intent, benefits, use and maintenance of their unit features and practices.

### **3. Landscaping**

- a. Minimum landscaping budgets of \$500 per residential dwelling unit are required. This allowance is for installation of mulch beds, plantings and new trees only. It may NOT be used for fine grading, seeding and/or straw and sod. Allowance is not be used for tree removal or trimming. This is for curb appeal and beautification of the property.
- b. All landscaped areas shall have warranted weed barriers (fabric only) installed under mulch and maintain 12" buffer between vinyl siding and grass areas, unless siding is at least 8" above finished grade.
- c. If irrigation system is not provided, hose bibs shall be provided on each front and rear of building with lockable boxes. Depending on building size, additional hose bibs may be required for ease of maintenance for landscape areas.
- d. All condenser units shall be landscaped to avoid mowing and trimming around unit and provided with poured concrete pad.



- e. A grading and landscaping plan shall be provided for all projects, approved by the conservation district for the applicable municipalities or jurisdiction, prior to construction closing.
- f. Preservation of existing trees is required to the greatest extent feasible and in compliance with state and local requirements.
- g. Use of drought resistant, minimal water consumption landscaping is required.
- h. Concrete splash blocks shall be provided for all downspout locations.

#### **4. Storm Water Management Ponds**

- a. Storm water management ponds shall be designed to state standards. If storm water management pond is designed to be wet, it shall have a perimeter fence for safety of tenants. Minimum fence material shall be post and rail with *quality* coated wire fence material on interior of rails. (Minimum height of 48" AFF) Make every effort to match new pond fencing with project fencing.

#### **5. Common Areas**

- a. Tot lots and/or a designated recreation area shall be provided. Family developments must provide playground on site. Designated play areas and playgrounds are considered "common areas" and must be on an accessible route.
- b. Large parking lots shall include planting areas. At a minimum, all parking areas shall be seal coated and striped, if the CNA and/or civil engineer shall determine overall condition of existing pavement, if any grading issues are present, and if any work shall be required in failing areas.
- c. If parking area does not have a curbed sidewalk area adjacent to parking, parking bumpers doweled into pavement shall be provided to maintain safe distance between parking area and tree lawns.
- d. All sites shall provide permanent enclosures for garbage dumpsters or trash receptacles consistent with the appearance of the dwelling units. Refuse collection areas must be on an accessible route. Install concrete filled bollards to protect walls of enclosure.

### **G. Wood and Plastic**

#### **1. Sheathing**

- a. Thermoply exterior sheathing will not be allowed. All exterior wall sheathing shall be solid 7/16" or thicker. Roof sheathing shall be a minimum of 5/8" *plywood* in thickness.

#### **2. Siding**

- a. Vinyl siding must be solid, and shall be a minimum of 0.044 inch in thickness.
- b. Medium density overlay board is not allowed for any development.

#### **3. Miscellaneous**

- a. Exterior grade caulking shall be used.
- b. Existing base molding shall be removed and replaced with taller dimension profile composite trim.

### **H. Thermal and Moisture Protection**

### 1. Insulation

- a. Insulation shall meet all applicable codes for new construction and rehabilitation. Exceeding code standards is permissible if costs are reasonable.

### 2. Roofing

- a. Roofing materials, which exceed 50% of the life expectancy shall be removed; at this time substrate shall be inspected. (No second layers allowed.)
- b. Asphalt shingles shall have a minimum warranty of 30 years, and meet *applicable wind building codes*.
- c. All roofs shall have 3" "T" edging, no smaller than two-foot section, *especially at corner intersections*.

### 3. Miscellaneous

- a. All exterior building surfaces shall be designed to be maintenance-free.
- b. All exterior surfaces shall have house wrap installed as per manufacturer's instructions.
- c. Vinyl siding shall have composite trim installed when within 6" of finished grade.

## I. Doors and Windows

### 1. Doors

- a. Interior doors shall be six-panel Masonite or better. Tops and bottoms of all interior and exterior doors must be painted.
- b. No bi-fold or bi-pass closet doors; all closets to have a hinged door. If code requires metal bi-fold door application, doors to be installed in wood frame with wood trim.
- c. Hardware shall be brushed aluminum or better, no polished brass. Grade two (2) or better, including hinges and door bumpers. All exterior hinge hardware shall be of non-rusting, quality materials.
- d. Entry doors shall have a minimum "U" value of 0.33 or below. *Frame savers shall be used on all exterior applications*. Exceeding DSHA standards is permissible if costs are reasonable.
- e. Entry door shall have either a doorbell or knocker and peep hole (eye viewer), no polished brass.
- f. Peep/viewer to be provided for solid rear door. ADA compliant doors shall have two viewers at required heights.
- g. Patio and/or french doors shall have integral mini-blinds built in between glazing to provide privacy.

### 2. Windows

- a. Windows shall be thermal insulated with a minimum "U" value of 0.33 or below. Exceeding DSHA standard is permissible if costs are reasonable.
- b. **Slider windows will not be allowed.** Single hung should be considered, local codes shall dictate.

### 3. Signage

- a. Exterior signage shall not be polished brass.
- b. Unit numbering and building identification numbers shall be provided and **approved by the Fire Marshal and Post Office.**
- c. Unit numbers shall also be provided on all rear doors.
- d. All emergency exit signs shall be LED.

**J. Finishes**

**1. Flooring**

- a. Solid vinyl (plank or tile) flooring shall be used for entry areas, bathroom, dining areas, and kitchen and utility areas unless prior approval is given by DSHA. (A minimum of two color fields required for solid vinyl tiles). **Seal and wax, per manufacturer’s direction.**
- b. Carpets for the remaining areas of the unit are optional. DSHA encourages other environmentally friendly products as a substitution for carpet. If carpets are utilized, an additional \$150 per unit in replacement reserve funds are required. Carpets may not be installed in baths, kitchens, hallways, dining areas or in front of exterior doors.
- c. Hardwood flooring or other materials may be utilized as approved by DSHA.
- d. Gyp-crete shall be sealed per manufacturer’s specifications.
- e. Carpet to meet minimum weight and grade standard as follows:

Filament	100% smartstrand triexta BCF
Gauge	5/32
Pile Height	.520
Stitches per inch	7.50
Certified Pile Height	29.40 oz
Total Weight	64.47 oz
Density	2035
Primary Backing	Woven polypropylene
Indoor Air Quality	#GLP 1118
Flammability	Pill Test – 16CFR-1630.4 (FF-1-70): PASS

Carpet width shall be 15’ wide to minimize seams in high traffic areas. No Berber allowed. Padding is required and shall be a minimum of 6# density.

Rehab: Contractor shall verify all substrates and/or flooring surfaces for suitability of new VCT and/or carpet installation. If homosote and/or gypcrete is present, expect to remove material prior to installation of new flooring material. All floor preparation for new flooring installation is the responsibility of the General Contractor.

- f. If common hallways are designed, no carpet. Solid vinyl flooring to be installed in common hallways with two colors required, if utilizing VCT.

**2. Drywall/Paint**

- a. Drywall shall be glued and screwed. Moisture resistant drywall shall be used in all locations where plumbing penetrates walls, this includes the entire bathroom, (i.e., ceiling and walls), or building code whichever is more stringent. Mold resistance drywall shall be used for all exterior applications and core wall applications. Grade 4 finishes shall be provided for all drywall finishes. **If ceramic tile is used, cementitious board shall be provided as underlayment.**
- b. All interior paints and primers shall have low or no VOC levels.
- c. Preparation required to obtain level 4 finish.  
For rehabilitation projects, if a level 4 cannot be achieved, overlay of existing wall with 3/8 inch drywall should be used. Rehabilitation properties shall have primer similar to "Kilz" enamel or oil based type sealer/primer for application on existing drywall or approved primer to adhere to existing drywall conditions.
- d. Paint shall be an Egg Shell or low luster semi-gloss. Kitchens and bathrooms shall be semi-gloss. **NO FLAT PAINT WILL BE ALLOWED ON WALLS. (Flat paint will be allowed for ceiling application only).** Other paints must be approved by DSHA. Minimum three (3) coats - one (1) primer and two (2) finish coats. Shall meet requirements of manufacturer.
- e. Lead-Based Paint-Projects assisted with NHTF funds are subject to the regulations of 24 CFR part 35, subparts A, B, J, K, and R.

### 3. Miscellaneous

- a. Kitchen counter top shall be provided with end splash for adjacent or end walls.
- b. No self-edge counter tops. Counter tops shall be Euro edge.
- c. Shelving shall be vinyl coated wire units. Provide all intermediate supports needed.
- d. Doorstops shall be rubber disk type or half-moon type. All other types must be approved by DSHA. All stop finishes to match door hardware. The use of hinge-pin type doorstops is prohibited.

## K. Specialties

### 1. Toilet, Bath, and Laundry Accessories

- a. Reduce water consumption by installing water-conserving fixtures in all units and all common space bathrooms as much as feasible.
- b. Concealed blocking is to be provided for all items such as tissue paper holders, grab bars, and medicine cabinets.
- c. One inch minimum diameter grab bars properly mounted to in-wall blocking shall be used in lieu of standard towel bar.
- d. Cultured marble tops for vanities with slide splashes when adjacent to wall--no laminated tops with drop in bowl type fixtures.
- e. One-piece bathtub unit may be selected. If space constraints will not allow, rigid fiberglass surrounds and/or ceramic tile will be used in conjunction with tub. No plastic surrounds will be allowed. Select style based on adaptability. Base trim at edge of tub shall be composite, rot proof material. If gap is present quarter round **rot proof** moulding to be installed. Tub

liners are acceptable with **full** height wall surrounds. Splash zone shall be protected with waterproof material. (4" adjacent to tub faucet).

- f. Exhaust fans for all bathrooms shall be low speed/low noise **continuous** exhaust fan (hard wired), similar to Panasonic Quiet Whisper model or single switch exhaust fan light combination that meets all applicable building codes and approved by DSHA and the architect. Sone rating < 1.0.
- g. Shower rod to be surface mounted, no tension rods allowed.
- h. 2.0 g.p.m. Showerheads.
- i. 0.5 g.p.m. Faucet aerators.

## 2. Exterior Sun Control Devices

- a. Mini blinds shall be of quality construction. Each window shall be provided with one blind, i.e., twin window shall have (2) two blinds. Install center support brackets provided with blind for all blinds wider than 36". Maximum blind size no wider than 42".

## 3. Fire Extinguishers

- a. Contractor shall supply rechargeable 2.5 #ABC fire extinguishers (minimum size) for each unit, or where code mandates, most stringent shall apply.

## L. Equipment

### 1. Appliances

- a. All appliances will be Energy Star with pre-wired power source.
- b. Refrigerators shall be frost free (minimum of 15 cubic feet).
- c. Ovens shall be self-cleaning. (Utilize U.L. listed code compliant connectors for gas stoves.) **No** glass cooktops allowed.
- d. Exhaust fan, duct to exterior. Re-circulating charcoal filter type model may be used if approved by DSHA.
- e. Back splashguard shall be wall mounted behind range. If range located in corner, install additional splashguard on adjacent wall.
- f. Washer and dryer hook-ups or laundry facilities (either in the community building or other building(s)) are required for the development. Must meet all accessibility requirements. Washer and dryer hook-ups, if chosen, shall be designed for side-by-side set up with a minimum depth of 30" (**vented to exterior per code**).
- g. Garbage disposals are not recommended due to high maintenance. If used, disposal shall be 1/2 hp motor with a stainless steel shank. For ADA units, a lowered switch within reach range shall be provided.
- h. Dishwashers are to be provided. If venting on unit is located adjacent to counter top, underside of counter top edge must be laminated.

## M. Furnishings

### 1. Kitchen and Bathroom

- a. Kitchen cabinets and vanities doors, fronts, and boxes shall be solid wood construction with concealed door hinges. No high-density laminates will be allowed. Provide, at a minimum,

one drawer base for each kitchen layout. **Shelves shall be solid plywood at a minimum of ½” thickness.**

- b. Provide plastic laminate on wall between wall and base cabinet for all areas adjacent to cabinets.
- c. Wet wall at mop sink shall have FRP board on walls.
- d. Hardware shall be provided for all cabinet drawers and doors.  
**NO BRIGHT BRASS FINISHES.**
- e. Provide blocking for fully accessible and adaptable units for both kitchen and bathrooms.

## **N. Fire Suppression, Plumbing and Mechanical**

### **1. Plumbing Piping**

- a. Condensate lines shall drain correctly with exterior grade and/or foundation. (Pumps shall be provided when needed.) Existing condensate lines shall be checked and free flowing if lines will be reused. Contractor to check discharge location and **eliminate** all pooling water.
- b. Floor drains and/or sump holes shall be provided in all basements. The floor shall be pitched to these drains or sumps and the drains or sumps shall be connected to a positive drainage system, or to the exterior of the building. Sump pumps must be installed, ½ Hp minimum. Sump pits shall be provided with cover.
- c. If natural gas is available for site, full gas package to be installed unless otherwise approved by DSHA (i.e. all appliances, hot water heater and furnace). Provide hard wire Carbon Monoxide detector with gas package, per code.
- d. **Existing utility connections shall be field verified to receive new equipment. Existing condensate lines shall be cleaned, tested, and discharge connections verified. (REPLACE IF NECESSARY)**
- e. No polybutylene piping allowed.
- f. Use of ABS plastic in lieu of CPVC.
- g. Provide a main water supply shutoff for each building.
- h. Existing sanitary lines shall be video traced to determine viability for the rehabilitation.
- i. Existing curb stops shall be examined for viability. Inspection date of maintenance shall be provided.

### **2. Plumbing Fixtures**

- a. Hot water heaters shall have a minimum Energy Factor of 0.92EF or better. Minimum warranty period is 10 years. Exceeding DSHA standards is permissible if costs are reasonable.
- b. Provide pans for all hot water heaters. Any heat or coil unit located in attic area shall have a pan and condensate line draining to the exterior.
- c. Tub and shower faucets shall have anti-scald protection provided.

### **3. HVAC System and Equipment**

- a. High efficiency HVAC units. Furnace efficiency = 90AFUE Min. SEER = 13.0 or better.
- b. No through the wall HVAC units (PTAC).

- c. Sealed combustion, direct vent furnace and water heater.
- d. Non-mercury programmable thermostats.
- e. High efficiency air filters for mechanical blower units.

#### **4. Fire Suppression**

- a. Sprinkler systems are required.
- b. All sprinkler systems must be designed and approved by the appropriate fire marshal prior to construction closing.

**Note:** Scattered sites shall be determined on a case by case basis.

### **O. Electrical**

#### **1. General**

- a. All building codes shall be incorporated into each project. Any item to make project code compliant shall not be an extra or a change order. All incidentals shall be included.
- b. Electrical services shall be field verified, service loads shall be calculated prior to any equipment upgrades and all necessary components made a part of the contract price.
- c. Contractor shall verify existing utility conditions and include into base bid of contract.
- d. ARC Fault Circuit Interrupter must be provided on all bedroom circuits or where code mandates, most stringent shall apply.
- e. Automatic openers for ADA compliance, for community center or other public space.
- f. Security and Surveillance systems are required – the security system shall be monitored by the Management Company and have the capability for the local police to tie into the monitoring system.

#### **2. Lights and Fixtures**

- a. Energy Star fluorescent lighting package, LED fixtures where available.
- b. Overhead ceiling fixture for living room/dining area in lieu of swag fixture.
- c. Overhead ceiling fixtures shall be installed in all bedrooms. Wall sconces may be installed due to existing conditions.
- d. Bathrooms shall provide minimum of one ceiling fixture and one wall fixture.
- e. Exterior fixtures shall not have brass finish.
- f. Energy Star fluorescent porch lights with photocell.
- g. Automatic light controls in the community building should minimize energy use.
- h. Ceiling fans shall be Energy Star Rated.

#### **3. Telephone/Cable**

- a. Provide one telephone and cable outlet in each bedroom and one other telephone and cable outlet **if possible use combination box/plate.**

### **P. Miscellaneous**

#### **1. Safety**

- a. Elderly dwelling units shall be provided with medical emergency pull chains in at least two locations that are connected to a central station. The two locations will be in the Master bedroom and full bathroom. The pull chains will be wired to an exterior warning device, which consists of a strobe light and audible alarm.
- b. Elderly dwelling units and fully accessible units shall have grab bars in all tub/shower units and at toilet location per State Architectural Accessible Standards and/or Federal Standard, more stringent will apply.

## **2. Termite Control**

- a. A termite inspection and certificate shall be provided for all rehabilitation projects prior to construction closing.

Termite pre-treat of soils is required for all new construction. **Certificates shall be part of the Operation and Maintenance Manual.**



**Attachment B – Addendum to DSHA Minimum Construction/Rehabilitation Standards for NHTF Projects**

First, all buildings and projects that are newly constructed or are rehabilitated with NHTF must first be built to the International Building Code adopted by the local municipality and county. The International Building Codes enforced by each municipality and County include and address disaster mitigation.

For NHTF projects that will be rehabilitated, at a minimum the HUD’s Rehabilitation Standards - § 91.320(k)(5)(iv) and § 93.301(b) will apply. However, where DSHA’s minimum construction/ rehabilitation standards exceed the HUD standards, the most stringent standard will apply. All applicants are responsible for complying with all building codes, rules, ordinances, and laws of all legal entities and authorities having jurisdiction over the project.

The following building codes have been adopted by Delaware’s three counties:

Kent County	New Castle County	Sussex County
2012 International Building Code 2012 International Residential Code	2015 International Building Code 2015 International Residential Code 2015 International Mechanical Code 2015 International Fuel Gas Code 2015 International Plumbing Code 2015 International Energy Conservation Code	2012 International Residential Code (for single-family home construction) 2012 International Building Code (for multi-family and commercial construction projects)
ICC/ANSI A117.1-2009, as amended has been adopted and used by <u>all three counties in Delaware</u> . Its use within a governmental jurisdiction is intended to be accomplished through adoption by reference in accordance with proceedings establishing the jurisdiction’s laws.		

Second, for NHTF projects that will be rehabilitated, at a minimum the HUD’s Rehabilitation Standards - § 91.320(k)(5)(iv) and § 93.301(b) will apply.

Third, all NHTF projects must also meet DSHA’s minimum construction/ rehabilitation standards and all state and federal applicable codes. However, where DSHA minimum constructions/rehabilitation standards exceed the HUD standards, the most stringent standard will apply. (See Attachments A-D).

All applicants are responsible for complying with all building codes, rules, ordinances, and laws of all legal entities and authorities having jurisdiction over the project.

DSHA’s minimum construction/rehabilitation standards include additional details on what work is required, how that work should be performed (methods), and what materials should be used. DSHA’s minimum construction and rehabilitation standards include the following categories: health and safety; major systems; lead-based paint; accessibility; disaster mitigation; state and local codes, ordinances, and zoning requirements; and inspectable areas and observable deficiencies from HUD’s Uniform Physical Condition Standards (UPCS) as identified by HUD as applicable to NHTF-assisted housing.

**1. Health and Safety**

Any life-threatening deficiencies must be identified and addressed immediately if the NHTF housing units are occupied at the time of rehabilitation.

**2. Major Systems**

As described in previous sections, each NHTF application shall include a CNA to determine the scope of work to be performed and identify the long-term physical needs of the project. The CNA must include an estimate of the useful life of all existing major systems (based on age and condition) and an estimate of the remaining useful life of these systems upon project completion. DSHA requires that systems beyond 50% of their life expectancy be replaced; however, if the remaining useful life of one or more major

system is less than the applicable period of affordability, a replacement reserve will be established with adequate monthly installments paid to repair and replace the systems as needed.

### **3. Disaster Mitigation**

All buildings and projects that are newly constructed or are rehabilitated with NHTF must first be built to the International Building Code adopted by the local municipality and County. The International Building Codes enforced by each municipality and County include and address disaster mitigation.

Where relevant, each recipient will be required to improve the NHTF housing units to mitigate the potential impact of potential disasters (e.g. earthquakes, hurricanes, floods, and wildfires) in accordance with all rules, ordinances, and laws of all legal entities and authorities having jurisdiction over the project, and the construction and/or alteration of the project, or such other requirements that HUD may establish.

### **4. Uniform Physical Condition Standards (UPCS)**

All projects funded with NHTF will be required to meet HUD's UPCS to ensure housing will be decent, safe, sanitary, and in good repair as described in 24 CFR 5.703. Standards include the UPCS inspectable items and observable deficiencies for the site, building exterior, building systems, common areas, and units. A complete list of UPCS standards and observable deficiencies are shown in Attachment D.

These standards can also be found at: <https://www.hudexchange.info/onecpd/assets/File/HTF-FAQ-Appendices-UPCS-for-Multifamily-and-Single-Family-Housing-Rehabilitation.pdf>

**Attachment C – DSHA’s Construction and Rehabilitation Standards Checklists**

<b>REHABILITATION STANDARDS CHECKLIST</b>			
<i>Must be completed by all rehabilitation projects (as Exhibit #40)</i>			
Project Name:			
Date Built:			
Date of Last Rehabilitation (if applicable):			
<b>EXTERIORS</b>	<b>DETAIL/CONDITION</b>		
ROOF	Age (Yrs)		Poor <input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Excellent <input type="checkbox"/>
<i>Roof Type/Pitch/Flat</i>			
<i>Number of Layers</i>			
<i>Substrate Material</i>			
<i>Insulation Type</i>			
<i>Insulation Thickness</i>			
<i>Estimated R-Value</i>			
SIDING	Age (Yrs)		Poor <input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Excellent <input type="checkbox"/>
<i>Type</i>			
WINDOWS	Age (Yrs)		Poor <input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Excellent <input type="checkbox"/>
<i>Meet egress requirements?</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
GUTTERS/DOWNSPOUTS	Age (Yrs)		Poor <input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Excellent <input type="checkbox"/>
<i>Material/Type</i>			
FASCIA/SOFFITS	Age (Yrs)		Poor <input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Excellent <input type="checkbox"/>
<i>Material/Type</i>			
SIDEWALKS	Age (Yrs)		Poor <input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Excellent <input type="checkbox"/>
<i>Meets ADA compliance/ramping/curb cuts?</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
PARKING LOT*	Age (Yrs)		Poor <input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Excellent <input type="checkbox"/>
<i>Curb Cuts</i>			
<i>Space provided/spaces required/grandfathered:</i>			
<i>Handicap parking provided?</i>			
<i>Bumpers provided?</i>			
<i>*NOTE: Any parking lot surface with either fair and/or poor conditions shall have a civil engineer complete a survey as to the remaining lifespan. If determined, contractor shall include quantity in needs assessment to replace pavement and subsurface.</i>			
LIGHTING (Exterior)	Age (Yrs)		Poor <input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Excellent <input type="checkbox"/>
<i>Tied to house panel?</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	

EXTERIORS (Continued)	DETAIL/CONDITION		
SECURITY SYSTEM	Age (Yrs)		Poor <input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Excellent <input type="checkbox"/>
PATIOS/BALCONIES	Age (Yrs)		Poor <input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Excellent <input type="checkbox"/>
<i>Meet current codes?</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
MAINTENANCE-FREE EXTERIOR	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
STORM WATER MANAGEMENT	Yes <input type="checkbox"/>	No <input type="checkbox"/>	<i>Date of Last Preventative Maintenance</i>
ASBESTOS PRESENT?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	<i>NESHAP Environmental Audit</i>
LEAD PAINT PRESENT?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
MOLD PRESENT?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
INTERIORS	DETAIL/CONDITION		
KITCHEN	Age (Yrs)		Poor <input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Excellent <input type="checkbox"/>
<i>Cabinets</i>	Age (Yrs)		Type: <input type="text"/>
<i>Countertop</i>	Age (Yrs)		Type: <input type="text"/>
APPLIANCES			
<i>Refrigerator</i>	Age (Yrs)		Size: <input type="text"/>
<i>Frost-free?</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
<i>Dishwasher</i>	Age (Yrs)		
<i>Stove</i>	Age (Yrs)		Gas <input type="checkbox"/> Electric <input type="checkbox"/> U.L. Gas Conn. <input type="checkbox"/>
<i>Garbage Disposal</i>	Age (Yrs)		HP: <input type="text"/>
<i>Exhaust Hood</i>	Age (Yrs)		Vented to Exterior <input type="checkbox"/> Recirculating <input type="checkbox"/>
<i>Washer</i>	Age (Yrs)		Stack <input type="checkbox"/> Side-by-Side <input type="checkbox"/>
<i>Drain provided?</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
<i>Dryer</i>	Age (Yrs)		
<i>Vent pipe material?</i>			
<i>Adequate venting?</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
BATHROOM			
<i>Bathtub</i>	Age (Yrs)		Poor <input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Excellent <input type="checkbox"/>
<i>Tub Surround</i>	Age (Yrs)		Poor <input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Excellent <input type="checkbox"/>
<i>Anti-scald valve?</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
<i>Sink/Vanity</i>	Age (Yrs)		Type: <input type="text"/>
<i>Toilet</i>	Age (Yrs)		Type: <input type="text"/>
<i>Water-saver?</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
<i>ADA-Compliant?</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
<i>Flange</i>	Age (Yrs)		Poor <input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Excellent <input type="checkbox"/>

INTERIORS (Continued)	DETAIL/CONDITION			
<i>Exhaust Fan</i>	Age (Yrs)		Poor <input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Excellent <input type="checkbox"/>	
<b>FLOORING</b>				
<i>Carpeting</i>	Age (Yrs)		Poor <input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Excellent <input type="checkbox"/>	
<i>Type</i>				
<i>Vinyl Composition</i>	Age (Yrs)		Poor <input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Excellent <input type="checkbox"/>	
<i>Type</i>				
<i>Subflooring Material</i>	Age (Yrs)		Poor <input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Excellent <input type="checkbox"/>	
<i>Any existing soft spots in flooring?</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>		
<i>Base Molding</i>	Age (Yrs)		Poor <input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Excellent <input type="checkbox"/>	
<b>WALLS</b>	Age (Yrs)		Poor <input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Excellent <input type="checkbox"/>	
<i>Type</i>				
<i>Mold or mildew present?</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>		
<b>CEILINGS</b>	Age (Yrs)		Poor <input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Excellent <input type="checkbox"/>	
<i>Type</i>				
<i>Textured?</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Poor <input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Excellent <input type="checkbox"/>	
<i>Active staining present?</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>		
<b>SMOKE DETECTORS</b>	Age (Yrs)		Hard-wired <input type="checkbox"/> Battery <input type="checkbox"/>	
<i>Meet current codes?</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>		
<b>SPRINKLER SYSTEM</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>		
<i>Meet current codes?</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>		
<b>INTERIOR DOORS</b>	Age (Yrs)		Type:	
<i>Sliding doors?</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>		
<i>Patio doors?</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>		
<i>Hardware</i>	Age (Yrs)		Type:	
<b>INSULATION (Inches)</b>	Ceiling:		Walls:	Floor:
<b>SHELVING</b>	Age (Yrs)		Poor <input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Excellent <input type="checkbox"/>	
<b>MINI BLINDS</b>	Age (Yrs)		Poor <input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Excellent <input type="checkbox"/>	
<b>SYSTEMS</b>				
<i>Are utilities paid by the tenants?</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>		
<i>Is there a boiler system?</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>		
<b>HVAC</b>	Age (Yrs)		Poor <input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Excellent <input type="checkbox"/>	
<i>HVAC Type/Electrical Connection</i>	Type:		Amps:	
<i>Meets current codes?</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>		

INTERIORS (Continued)	DETAIL/CONDITION			
<i>Duct System</i>	Age (Yrs)		Poor <input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Excellent <input type="checkbox"/>	
<i>Last Cleaning Date</i>				
<i>Air Conditioning</i>	Age (Yrs)		Type:	
<i>Condensation Lines</i>	Age (Yrs)		Poor <input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Excellent <input type="checkbox"/>	
<i>Water Heater</i>	Age (Yrs)		Poor <input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Excellent <input type="checkbox"/>	
<i>Type</i>				
<i>Pan Present?</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Poor <input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Excellent <input type="checkbox"/>	
<i>Electric Supply</i>	Age (Yrs)		Poor <input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Excellent <input type="checkbox"/>	
<i>Type</i>	GFI:		Amperage Supply:	AMP Service:
<i>ARC Fault Interrupter?</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Poor <input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Excellent <input type="checkbox"/>	
<i>Last Inspection Date</i>				
<b>PLUMBING</b>				
<i>Water Supply Lines: Material _____</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Poor <input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Excellent <input type="checkbox"/>	
<i>Curb Stops</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Poor <input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Excellent <input type="checkbox"/>	
<i>Last Inspection Date:</i>				
<i>Shut-off Valves</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Poor <input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Excellent <input type="checkbox"/>	
<i>Water Meters: Up to Code?</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Poor <input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Excellent <input type="checkbox"/>	
<i>Vent Stacks: Material _____</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Poor <input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Excellent <input type="checkbox"/>	
<b>ELECTRIC</b>				
<i>Underground Transmission Lines</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Poor <input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Excellent <input type="checkbox"/>	
<i>Aboveground Transmission Lines</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Poor <input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Excellent <input type="checkbox"/>	
<i>Meters: Last Inspected _____</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Poor <input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Excellent <input type="checkbox"/>	
<i>Electric Panels:</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Poor <input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Excellent <input type="checkbox"/>	
<i>Amps:</i>				
<i>Brand:</i>				
<i>Service Capacity</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Poor <input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Excellent <input type="checkbox"/>	
<i>Spare Breaker Capacity</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>		
<i>Site Lighting Adequate?</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>		
<b>ANY UNITS FINISHED BELOW GRADE?</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>		
<b>ASBESTOS PRESENT?</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	<i>NESHAP Environmental Audit:</i>	
<b>LEAD PAINT PRESENT?</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Certificate available?	Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>MOLD PRESENT?</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>		

COMMON AREAS	DETAIL/CONDITION			
INTERIOR STAIRS				Poor <input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Excellent <input type="checkbox"/>
<i>Meet code requirements?</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>		
<i>Handrail Height Continuous?</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Meet ADA?	Yes <input type="checkbox"/> No <input type="checkbox"/>
COMMON HALLWAY (Interior)	Age (Yrs)		Poor <input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Excellent <input type="checkbox"/>	
<i>Fire Protection?</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Last Inspection Date: _____	
<i>Adequate Lighting?</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>		
<i>Walls</i>				Poor <input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Excellent <input type="checkbox"/>
ELEVATORS	Age (Yrs)		Poor <input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Excellent <input type="checkbox"/>	
<i>Date of Last Inspection</i>				
LAUNDRY ROOM	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Poor <input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Excellent <input type="checkbox"/>	
<i>ADA Accessible?</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>		
<i>ADA Machines Available?</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>		
COMMUNITY ROOM	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Poor <input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Excellent <input type="checkbox"/>	
<i>Size (Square Footage):</i>				
<i>ADA Accessible?</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>		
UTILITY CONTRACTS				
<i>Cable Contract</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Provider:	_____
<i>Other Utility Contracts?</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Provider(s):	_____
DOORS (Exterior)	Age (Yrs)		Poor <input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Excellent <input type="checkbox"/>	
<i>Type:</i>				
FOUNDATION, CRAWL, & BASEMENT	Age (Yrs)		Poor <input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Excellent <input type="checkbox"/>	
ASBESTOS PRESENT?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	<i>NESHAP Environmental Audit:</i> _____	
LEAD PAINT PRESENT?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Certificate available?	Yes <input type="checkbox"/> No <input type="checkbox"/>
MOLD PRESENT?	Yes <input type="checkbox"/>	No <input type="checkbox"/>		
MAILBOXES	Age (Yrs)		Poor <input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Excellent <input type="checkbox"/>	
<i>Type:</i>				
<i>On Accessible Route?</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>		
PLAYGROUND EQUIPMENT	Age (Yrs)		Poor <input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Excellent <input type="checkbox"/>	
<i>Type:</i>				
<i>Meets Safety Guidelines?</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>		
<i>Is Playground on Accessible Route?</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>		
SWIMMING POOL	Age (Yrs)		Poor <input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Excellent <input type="checkbox"/>	

COMMON AREAS (Continued)	DETAIL/CONDITION		
FENCING	Age (Yrs)		Poor <input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Excellent <input type="checkbox"/>
<i>Type, Material, and Height</i>			
<i>Perimeter/Partial?</i>			
DUMPSTERS			Poor <input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Excellent <input type="checkbox"/>
<i>Locations:</i>			
<i>ADA Accessible?</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
<i>Number:</i>	Existing:		Proposed:
PROJECT SIGN	Age (Yrs)		Poor <input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Excellent <input type="checkbox"/>
<i>Lighted?</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
<i>Sign to be Replaced?</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
<i>ADA/Fair Housing Logos?</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
OTHER			
<i>Support Beams Material</i>			Poor <input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Excellent <input type="checkbox"/>
<i>Joists</i>			Poor <input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Excellent <input type="checkbox"/>
<i>Piers/Columns</i>	Age (Yrs)		Poor <input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Excellent <input type="checkbox"/>
<i>HVAC, Adequate Venting?</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Last Inspection Date:
<i>Common Entries?</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
<i>Supply/Drain Pipes</i>			Poor <input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Excellent <input type="checkbox"/>
GENERAL	DETAIL/CONDITION		
MINIMUM SQAURE FOOTAGE	(If units are to be converted)		
<i>One Bedroom Units (Min. 700 sq. ft.)</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
<i>Two Bedroom Units (Min. 850 sq. ft.)</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
<i>Three Bedroom Units (Min. 1,050 sq. ft.)</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
<i>Site Office?</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
<i>Total Size (sq. ft.):</i>			
<i>ADA Compliant?</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
<i>Maintenance Shop?</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
<i>Total Size (sq. ft.):</i>			
<i>ADA Compliant?</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
LOCATION ON ADA COMPLIANT ROUTE?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
FIRE HISTORY OF PROPERTY:			



## Life Expectancy (Years of Different Products/Items/Materials)

**NOTE:** Items that are beyond 50% of life expectancy shall be replaced. DHSAs reserves the right to add/delete any item to the required rehabilitation.

Item	Life Expectancy (Years)	Item	Life Expectancy (Years)
<b>APPLIANCES</b>		<b>FINISHES</b>	
• Disposal	5	• Exterior paint, plaster, stucco	3-5
• Microwave ovens	5	• Interior, wall paint	3-5
• Ranges, free-standing/built-in, electric/gas	12	• Interior, door/trim paint	5-10
• Refrigerators, Standard	10	<b>FLOORS</b>	
<b>BATHROOMS</b>		• Vinyl sheet or tile	10
• Cast iron bathtub, resurface	25	• Carpeting	5
• Fiberglass bathtub and shower	10	<b>HEATING, VENTILATION, AND AIR CONDITIONING</b>	
• Shower doors (average quality)	5	• Air conditioning, central unit	10
• Toilet	10	• Air conditioning, window unit	5
<b>CABINETRY</b>		• A/C compressor	5-7
• Kitchen cabinets	10	• Rooftop air conditioners	10
• Medicine cabinets/bath vanities	10	• Furnaces, gas or oil fired	15
<b>COUNTERTOPS</b>		• Forced air furnaces, heat pump	10
• Laminate	10	• Unit heaters, gas or electric	10
<b>DOORS</b>		• Radiant heaters	10
• Screen	10	• Ductwork, plastic	15
• Interior, six-panel, Masonite	15	• Air terminals, diffusers, grilles, registers	15
• Exterior, unprotected/exposed	15	• Boilers, hot water, steam	15
• Exterior door trim	5-10		

Item	Life Expectancy (Years)
<b>PLUMBING FIXTURES/PIPING</b>	
• Sinks, enamel, steel	5-10
• Sinks, stainless	10
• Faucets, low quality	5
• Water heater, electric	10
• Water heater, gas	11
• Pumps, sump and well	10
<b>ROOFING</b>	
• Asphalt, wood shingles, and shakes	20
• Built-up roofing, asphalt	10
• Coal and tar	10
<b>SAFETY</b>	
• Sprinkler Systems	12
• Smoke detectors, battery, hardwire	10

Item	Life Expectancy (Years)
<b>SHUTTERS</b>	
• Plastic, vinyl, exterior	7-8
<b>SIDING</b>	
• Wood, T1-11	10
• Aluminum	20
• Vinyl	25
• Gutters, downspouts	20
<b>WINDOWS</b>	
• Wood casement	20
• Wood, single, double hung	15
• Aluminum casement	10
• Window screens	5

## Environmental Review Checklist

Area of Statutory or Regulatory Compliance	References/Notes Providing Documentation, Sources, and Explanation	If Yes, Please Explain	
<b>Historic</b>	Is property known to be in or adjacent to a historic district or on the National Register of Historical Places?	<input type="checkbox"/> Yes	
		<input type="checkbox"/> No	
	Are there, or have there been, any building on property older than 50 years?	<input type="checkbox"/> Yes	
		<input type="checkbox"/> No	
	Are there any known archaeological sites on property?	<input type="checkbox"/> Yes	
		<input type="checkbox"/> No	
<b>Flood Management</b>	Is any of the property in the 100-year flood plain?	<input type="checkbox"/> Yes	
		<input type="checkbox"/> No	
<b>Wetlands</b>	Are there any ponds, wetlands, streams, rivers, or coastlines on or near the property?	<input type="checkbox"/> Yes	
		<input type="checkbox"/> No	
<b>Coastal Zone</b>	Is property located within a coastal management zone?	<input type="checkbox"/> Yes	
		<input type="checkbox"/> No	
<b>Sole Source Aquifers</b>	Is development within 2 miles of the Delaware River and in New Castle County?	<input type="checkbox"/> Yes	
		<input type="checkbox"/> No	
<b>Endangered Species</b>	Are there any endangered species on or near the site?	<input type="checkbox"/> Yes	
		<input type="checkbox"/> No	
<b>Wild and Scenic Rivers</b>	Is development known to be located on a wild and scenic river?	<input type="checkbox"/> Yes	
		<input type="checkbox"/> No	
<b>Air Quality</b>	Will development generate an unusual amount of traffic?	<input type="checkbox"/> Yes	
		<input type="checkbox"/> No	
	Has entrance approval been obtained from DelDOT?	<input type="checkbox"/> Yes	
		<input type="checkbox"/> No	
<b>Farmlands</b>	Does development have agricultural zoning or have currently farmed land?	<input type="checkbox"/> Yes	
		<input type="checkbox"/> No	
<b>Noise</b>	Is development located within 1,000 feet of a major highway or busy roads?	<input type="checkbox"/> Yes	
		<input type="checkbox"/> No	
	Is development located within 3,000 feet of a railroad?	<input type="checkbox"/> Yes	
		<input type="checkbox"/> No	
<b>Airports</b>	Is development located within 5 miles of a civilian airport or 15 miles of a military airport?	<input type="checkbox"/> Yes	
		<input type="checkbox"/> No	
<b>Hazardous Operations</b>	Are there any above ground tanks containing petroleum products or chemicals of an explosive or flammable nature near the site?	<input type="checkbox"/> Yes	
		<input type="checkbox"/> No	

## Attachment D - Uniform Physical Condition Standards (UPCS) for Multifamily Housing Rehabilitation

Inspectable Item	Observable Deficiency	Type and Degree of Deficiency That Must Be Addressed
<b>NOTE: Deficiencies highlighted in orange are life-threatening and must be addressed immediately if the housing is occupied.</b>		
<b>Requirements for the Site:</b>		
Fencing and Gates	Damaged/Falling/Leaning	Fence or gate is missing or damaged to the point it does not function as it should
	Holes	Hole in fence or gate is larger than 6 inches by 6 inches
	Missing Sections	An exterior fence, security fence or gate is missing a section which could threaten safety or security
Grounds	Erosion/Rutting Areas	Runoff has extensively displaced soils which has caused visible damage or potential failure to adjoining structures or threatens the safety of pedestrians or makes the grounds unusable
	Overgrown/Penetrating Vegetation	Vegetation has visibly damaged a component, area or system of the property or has made them unusable or unpassable
	Ponding/Site Drainage	There is an accumulation of more than 5 inches deep and/or a large section of the grounds-more than 20%-is unusable for its intended purpose due to poor drainage or ponding
Health & Safety	Air Quality - Sewer Odor Detected	Sewer odors that could pose a health risk if inhaled for prolonged periods
	Air Quality - Propane/Natural Gas/Methane Gas Detected	Strong propane, natural gas or methane odors that could pose a risk of explosion/ fire and/or pose a health risk if inhaled
	Electrical Hazards - Exposed Wires/Open Panels	Any exposed bare wires or openings in electrical panels (capped wires do not pose a risk)
	Electrical Hazards - Water Leaks on/near Electrical Equipment	Any water leaking, puddling, or ponding on or immediately near any electrical apparatus that could pose a risk of fire, electrocution or explosion
	Flammable Materials - Improperly Stored	Flammable materials are improperly stored, causing the potential risk of fire or explosion
	Garbage and Debris - Outdoors	Too much garbage has gathered-more than the planned storage capacity, or garbage has gathered in an area not sanctioned for staging or storing garbage or debris
	Hazards - Other	Any general defects or hazards that pose risk of bodily injury
	Hazards - Sharp Edges	Any physical defect that could cause cutting or breaking of human skin or other bodily harm
	Hazards - Tripping	Any physical defect in walkways or other travelled area that poses a tripping risk
	Infestation - Insects	Evidence of infestation of insects-including roaches and ants-throughout a unit or room, food preparation or storage area or other area of building substantial enough to present a health and safety risk
	Infestation - Rats/Mice/Vermin	Evidence of rats or mice--sightings, rat or mouse holes, or droppings substantial enough to present a health and safety risk
Mailboxes/Project Signs	Mailbox Missing/Damaged	Mailbox cannot be locked or is missing
	Signs Damaged	The project sign is not legible or readable because of deterioration or damage
Parking Lots/ Driveways/Roads	Cracks	Cracks that are large enough to affect traffic ability over more than 5% of the property's parking lots/driveways/roads or pose a safety hazard

	Ponding	3 inches or more of water has accumulated making 5% or more of a parking lot/driveway unusable or unsafe
	Potholes/Loose Material	Potholes or loose material that have made a parking lot/driveway unusable/unpassable for vehicles and/or pedestrians or could cause tripping or falling
	Settlement/Heaving	Settlement/heaving has made a parking lot/driveway unusable/unpassable or creates unsafe conditions for pedestrians and vehicles
Play Areas and Equipment	Damaged/Broken Equipment	More than 20% of the equipment is broken or does not operate as it should or any item that poses a safety risk
	Deteriorated Play Area Surface	More than 20% of the play surface area shows deterioration or the play surface area could cause tripping or falling and thus poses a safety risk
Refuse Disposal	Broken/Damaged Enclosure-Inadequate Outside Storage Space	A single wall or gate of the enclosure has collapsed or is leaning and in danger of falling or trash cannot be stored in the designated area because it is too small to store refuse until disposal
Retaining Walls	Damaged/Falling/Leaning	A retaining wall is damaged and does not function as it should or is a safety risk
Storm Drainage	Damaged/Obstructed	The system is partially or fully blocked by a large quantity of debris , causing backup into adjacent areas or runoffs into areas where runoff is not intended
Walkways/Steps	Broken/Missing Hand Railing	The hand rail is missing, damaged, loose or otherwise unusable
	Cracks/Settlement/Heaving	Cracks, hinging/tilting or missing sections that affect traffic ability over more than 5% of the property's walkways/steps or any defect that creates a tripping or falling hazard
	Spalling/Exposed rebar	More than 5% of walkways have large areas of spalling--larger than 4 inches by 4 inches--that affects traffic ability
<b>Requirements for Building Exterior:</b>		
Doors	Damaged Frames/Threshold/Lintels/Trim	Any door that is not functioning or cannot be locked because of damage to the frame, threshold, lintel or trim
	Damaged Hardware/Locks	Any door that does not function as it should or cannot be locked because of damage to the door's hardware
	Damaged Surface (Holes/Paint/Rusting/Glass)	Any door that has a hole or holes greater than 1 inch in diameter, significant peeling/cracking/no paint or rust that affects the integrity of the door surface, or broken/missing glass
	Damaged/Missing Screen/Storm/Security Door	Any screen door or storm door that is damaged or is missing screens or glass--shown by an empty frame or frames or any security door that is not functioning or is missing
	Deteriorated/Missing Caulking/Seals	The seals/caulking is missing on any entry door, or they are so damaged that they do not function as they should
	Missing Door	Any exterior door that is missing
Fire Escapes	Blocked Egress/Ladders	Stored items or other barriers restrict or block people from exiting
	Visibly Missing Components	Any of the functional components that affect the function of the fire escape--one section of a ladder or railing, for example--are missing
Foundations	Cracks/Gaps	Large cracks in foundation more than 3/8 inches wide by 3/8 inches deep by 6 inches long that present a possible sign of a serious structural problem, or opportunity for water penetration or sections of wall or floor that are broken apart
	Spalling/Exposed Rebar	Significant spalled areas affecting more than 10% of any foundation wall or any exposed reinforcing material--

		rebar or other
Health and Safety	Electrical Hazards - Exposed Wires/Open Panels	Any exposed bare wires or openings in electrical panels (capped wires do not pose a risk)
	Electrical Hazards - Water Leaks on/near Electrical Equipment	Any water leaking, puddling or ponding on or immediately near any electrical apparatus that could pose a risk of fire, electrocution or explosion
	Emergency Fire Exits - Emergency/Fire Exits Blocked/Unusable	The exit cannot be used or exit is limited because a door or window is nailed shut, a lock is broken, panic hardware is chained, debris, storage, or other conditions block exit
	Emergency Fire Exits - Missing Exit Signs	Exit signs that clearly identify all emergency exits are missing or there is no illumination in the area of the sign
	Flammable/Combustible Materials - Improperly Stored	Flammable materials are improperly stored, causing the potential risk of fire or explosion
	Garbage and Debris - Outdoors	Too much garbage has gathered-more than the planned storage capacity or garbage has gathered in an area not sanctioned for staging or storing garbage or debris
	Hazards - Other	Any general defects or hazards that pose risk of bodily injury
	Hazards - Sharp Edges	Any physical defect that could cause cutting or breaking of human skin or other bodily harm
	Hazards - Tripping	Any physical defect in walkways or other travelled area that poses a tripping risk
	Infestation - Insects	Evidence of infestation of insects-including roaches and ants-throughout a unit or room, food preparation or storage area or other area of building substantial enough to present a health and safety risk
	Infestation - Rats/Mice/Vermin	Evidence of rats or mice--sightings, rat or mouse holes, or droppings substantial enough to present a health and safety risk
Lighting	Broken Fixtures/Bulbs	10% or more of the lighting fixtures and bulbs surveyed are broken or missing
Roofs	Damaged Soffits/Fascia	Soffits or fascia that should be there are missing or so damaged that water penetration is visibly possible
	Damaged Vents	Vents are missing or so visibly damaged that further roof damage is possible
	Damaged/Clogged Drains	The drain is damaged or partially clogged with debris or the drain no longer functions
	Damaged/Torn Membrane/Missing Ballast	Ballast has shifted and no longer functions as it should or there is damage to the roof membrane that may result in water penetration
	Missing/Damaged Components from Downspout/Gutter	Drainage system components are missing or damaged causing visible damage to the roof, structure, exterior wall surface, or interior
	Missing/Damaged Shingles	Roofing shingles are missing or damaged enough to create a risk of water penetration
	Ponding	Evidence of standing water on roof, causing potential or visible damage to roof surface or underlying materials
Walls	Cracks/Gaps	Any large crack or gap that is more than 3/8 inches wide or deep and 6 inches long that presents a possible sign of serious structural problem or opportunity for water penetration
	Damaged Chimneys	Part or all of the chimney has visibly separated from the adjacent wall or there are cracked or missing pieces large enough to present a sign of chimney failure or there is a risk of falling pieces that could create a safety hazard
	Missing/Damaged Caulking/Mortar	Any exterior wall caulking or mortar deterioration that

		presents a risk of water penetration or risk of structural damage
	Missing Pieces/Holes/Spalling	Any exterior wall deterioration or holes of any size that present a risk of water penetration or risk of structural damage
	Stained/Peeling/Needs Paint	More than 20% of the exterior paint is peeling or paint is missing and siding surface is exposed thereby exposing siding to water penetration and deterioration
Windows	Broken/Missing/Cracked Panes	Any missing panes of glass or cracked panes of glass where the crack is either greater than 4" and/or substantial enough to impact the structural integrity of the window pane
	Damaged Sills/Frames/Lintels/Trim	Sills, frames, lintels, or trim are missing or damaged, exposing the inside of the surrounding walls and compromising its weather tightness
	Damaged/Missing Screens	Missing screens or screens with holes greater than 1 inch by 1 inch or tears greater than 2 inches in length
	Missing/Deteriorated Caulking/Seals/Glazing Compound	There are missing or deteriorated caulk or seals--with evidence of leaks or damage to the window or surrounding structure
	Peeling/Needs Paint	More than 20% of the exterior window paint is peeling or paint is missing and window frame surface is exposed thereby exposing window frame to water penetration and deterioration
	Security Bars Prevent Egress	The ability to exit through egress window is limited by security bars that do not function properly and, therefore, pose safety risks
<b>Requirements for Building Systems</b>		
Domestic Water	Leaking Central Water Supply	Leaking water from water supply line is observed
	Missing Pressure Relief Valve	There is no pressure relief valve or pressure relief valve does not drain down to the floor
	Rust/Corrosion on Heater Chimney	The water heater chimney shows evidence of flaking, discoloration, pitting, or crevices that may create holes that could allow toxic gases to leak from the chimney
	Water Supply Inoperable	There is no running water in any area of the building where there should be
Electrical System	Blocked Access/Improper Storage	One or more fixed items or items of sufficient size and weight impede access to the building system's electrical panel during an emergency
	Burnt Breakers	Carbon residue, melted breakers or arcing scars are evident
	Evidence of Leaks/Corrosion	Any corrosion that affects the condition of the components that carry current or any stains or rust on the interior of electrical enclosures, or any evidence of water leaks in the enclosure or hardware
	Frayed Wiring	Any nicks, abrasion, or fraying of the insulation that exposes any conducting wire
	Missing Breakers/Fuses	Any open and/or exposed breaker port
	Missing Outlet Covers	A cover is missing, which results in exposed visible electrical connections
Elevators	Not Operable	The elevator does not function at all or the elevator doors open when the cab is not there
Emergency Power	Auxiliary Lighting Inoperable (if applicable)	Auxiliary lighting does not function
Fire Protection	Missing Sprinkler Head	Any sprinkler head is missing, visibly disabled, painted over, blocked, or capped
	Missing/Damaged/Expired Extinguishers	There is missing, damaged or expired fire extinguisher an any area of the building where a fire extinguisher is

		required
Health & Safety	Air Quality - Mold and/or Mildew Observed	Evidence of mold or mildew is observed that is substantial enough to pose a health risk
	Air Quality - Propane/Natural Gas/Methane Gas Detected	Strong propane, natural gas or methane odors that could pose a risk of explosion/ fire and/or pose a health risk if inhaled
	Air Quality - Sewer Odor Detected	Sewer odors that could pose a health risk if inhaled for prolonged periods
	Electrical Hazards - Exposed Wires/Open Panels	Any exposed bare wires or openings in electrical panels (capped wires do not pose a risk)
	Electrical Hazards - Water Leaks on/near Electrical Equipment	Any water leaking, puddling, or ponding on or immediately near any electrical apparatus that could pose a risk of fire, electrocution or explosion
	Elevator - Tripping	An elevator is misaligned with the floor by more than 3/4 of an inch. The elevator does not level as it should, which causes a tripping hazard
	Emergency Fire Exits - Emergency/Fire Exits Blocked/Unusable	The exit cannot be used or exit is limited because a door or window is nailed shut, a lock is broken, panic hardware is chained, debris, storage, or other conditions block exit
	Emergency Fire Exits - Missing Exit Signs	Exit signs that clearly identify all emergency exits are missing or there is no illumination in the area of the sign
	Flammable Materials - Improperly Stored	Flammable materials are improperly stored, causing the potential risk of fire or explosion
	Garbage and Debris - Indoors	Too much garbage has gathered-more than the planned storage capacity or garbage has gathered in an area not sanctioned for staging or storing garbage or debris
	Hazards - Other	Any general defects or hazards that pose risk of bodily injury
	Hazards - Sharp Edges	Any physical defect that could cause cutting or breaking of human skin or other bodily harm
	Hazards – Tripping Hazards	Any physical defect in walkways or other travelled area that poses a tripping risk
	Infestation - Insects	Evidence of infestation of insects-including roaches and ants-throughout a unit or room, food preparation or storage area or other area of building substantial enough to present a health and safety risk
	Infestation - Rats/Mice/Vermin	Evidence of rats or mice--sightings, rat or mouse holes, or droppings substantial enough to present a health and safety risk
HVAC	Boiler/Pump Leaks	Evidence of water or steam leaking in piping or pump packing
	Fuel Supply Leaks	Evidence of any amount of fuel leaking from the supply tank or piping
	General Rust/Corrosion	Significant formations of metal oxides, significant flaking, discoloration, or the development of a noticeable pit or crevice
	Misaligned Chimney/Ventilation System	A misalignment of an exhaust system on a combustion fuel-fired unit (oil, natural gas, propane, wood pellets etc.) that causes improper or dangerous venting of gases
Roof Exhaust System	Roof Exhaust Fan(s) Inoperable	The roof exhaust fan unit does not function
Sanitary System	Broken/Leaking/Clogged Pipes or Drains	Evidence of active leaks in or around the system components or evidence of standing water, puddles or ponding--a sign of leaks or clogged drains
	Missing Drain/Cleanout/Manhole Covers	A protective cover is missing
<b>Requirements for Common Areas</b>		
Basement/Garage/Carport	Baluster/Side Railings - Damaged	Any damaged or missing balusters or side rails that limit the safe use of an area



Closet/Utility/Mechanical	Cabinets - Missing/Damaged	10% or more of cabinet, doors, or shelves are missing or the laminate is separating
Community Room	Call for Aid - Inoperable	The system does not function as it should
Halls/Corridors/Stairs	Ceiling - Holes/Missing Tiles/Panels/Cracks	Any holes in ceiling, missing tiles or large cracks wider than 1/4 of an inch and greater than 11 inches long
Kitchen	Ceiling - Peeling/Needs Paint	More than 10% of ceiling has peeling paint or is missing paint
Laundry Room	Ceiling - Water Stains/Water Damage/Mold/Mildew	Evidence of a leak, mold or mildew--such as a darkened area--over a ceiling area greater than 1 foot square
Lobby	Countertops - Missing/Damaged	10% or more of the countertop working surface is missing, deteriorated, or damaged below the laminate--not a sanitary surface to prepare food
Office	Dishwasher/Garbage Disposal - Inoperable	The dishwasher or garbage disposal does not operate as it should
Other Community Spaces	Doors - Damaged Frames/Threshold/Lintels/Trim	Any door that is not functioning or cannot be locked because of damage to the frame, threshold, lintel or trim
Patio/Porch/Balcony	Doors - Damaged Hardware/Locks	Any door that does not function as it should or cannot be locked because of damage to the door's hardware
Restrooms	Doors - Damaged Surface (Holes/Paint/Rust/Glass)	Any door that has a hole or holes greater than 1 inch in diameter, significant peeling/cracking/no paint or rust that affects the integrity of the door surface, or broken/missing glass
Storage	Doors - Damaged/Missing Screen/Storm/Security Door	Any screen door or storm door that is damaged or is missing screens or glass--shown by an empty frame or frames or any security door that is not functioning or is missing
	Doors - Deteriorated/Missing Seals (Entry Only)	The seals/caulking is missing on any entry door, or they are so damaged that they do not function as they should
	Doors - Missing Door	Any door that is missing that is required for the functional use of the space
	Dryer Vent - Missing/Damaged/Inoperable	The dryer vent is missing or it is not functioning because it is blocked. Dryer exhaust is not effectively vented to the outside
	Electrical - Blocked Access to Electrical Panel	One or more fixed items or items of sufficient size and weight impede access to the building system's electrical panel during an emergency
	Electrical - Burnt Breakers	Carbon residue, melted breakers or arcing scars are evident
	Electrical - Evidence of Leaks/Corrosion	Any corrosion that affects the condition of the components that carry current or any stains or rust on the interior of electrical enclosures or any evidence of water leaks in the enclosure or hardware
	Electrical - Frayed Wiring	Any nicks, abrasion, or fraying of the insulation that exposes any conducting wire
	Electrical - Missing Breakers	Any open and/or exposed breaker port
	Electrical - Missing Covers	A cover is missing, which results in exposed visible electrical connections
	Floors - Bulging/Buckling	Any flooring that is bulging, buckling or sagging or a problem with alignment between flooring types
	Floors - Floor Covering Damaged	More than 10% of floor covering has stains, surface burns, shallow cuts, small holes, tears, loose areas or exposed seams.
	Floors - Missing Floor/Tiles	More than 5% of the flooring or tile flooring is missing
	Floors - Peeling/Needs Paint	Any painted flooring that has peeling or missing paint on more than 10% of the surface
	Floors - Rot/Deteriorated Subfloor	Any rotted or deteriorated subflooring greater than 6 inches by 6 inches
	Floors - Water Stains/Water Damage/Mold/Mildew	Evidence of a leak, mold or mildew--such as a darkened area--covering a flooring area greater than 1 foot square

	GFI - Inoperable	The GFI does not function
	Graffiti	Any graffiti on any exposed surface greater than 6 inches by 6 inches
	HVAC - Convection/Radiant Heat System Covers Missing/Damaged	Cover is missing or substantially damaged, allowing contact with heating/surface elements or associated fans
	HVAC - General Rust/Corrosion	Significant formations of metal oxides, flaking, or discoloration--or a pit or crevice
	HVAC - Inoperable	HVAC does not function. It does not provide the heating and cooling it should. The system does not respond when the controls are engaged
	HVAC - Misaligned Chimney/Ventilation System	Any misalignment that may cause improper or dangerous venting of gases
	HVAC - Noisy/Vibrating/Leaking	HVAC system shows signs of abnormal vibrations, other noise, or leaks when engaged
	Lavatory Sink - Damaged/Missing	Sink has extensive discoloration or cracks in over 50% of the basin or the sink or associated hardware have failed or are missing and the sink can't be used
	Lighting - Missing/Damaged/Inoperable Fixture	More than 10% of the permanent lighting fixtures are missing or damaged so they do not function
	Mailbox - Missing/Damaged	The U.S Postal Service mailbox cannot be locked or is missing
	Outlets/Switches/Cover Plates - Missing/Broken	Outlet or switch is missing or a cover plate is missing or broken, resulting in exposed wiring
	Pedestrian/Wheelchair Ramp	A walkway or ramp is damaged and cannot be used by people on foot, in wheelchair, or using walkers
	Plumbing - Clogged Drains	Drain is substantially or completely clogged or has suffered extensive deterioration
	Plumbing - Leaking Faucet/Pipes	A steady leak that is adversely affecting the surrounding area
	Range Hood /Exhaust Fans - Excessive Grease/Inoperable	A substantial accumulation of dirt or grease that threatens the free passage of air
	Range/Stove - Missing/Damaged/Inoperable	One or more burners are not functioning or doors or drawers are impeded or on gas ranges pilot is out and/or flames are not distributed equally or oven not functioning
	Refrigerator - Damaged/Inoperable	The refrigerator has an extensive accumulation of ice or the seals around the doors are deteriorated or is damaged in any way which substantially impacts its performance
	Restroom Cabinet - Damaged/Missing	Damaged or missing shelves, vanity top, drawers, or doors that are not functioning as they should for storage or their intended purpose
	Shower/Tub - Damaged/Missing	Any cracks in tub or shower through which water can pass or extensive discoloration over more than 20% of tub or shower surface or tub or shower is missing
	Sink - Missing/Damaged	Any cracks in sink through which water can pass or extensive discoloration over more than 10% of the sink surface or sink is missing
	Smoke Detector - Missing/Inoperable	Smoke detector is missing or does not function as it should
	Stairs - Broken/Damaged/Missing Steps	A step is missing or broken
	Stairs - Broken/Missing Hand Railing	The hand rail is missing, damaged, loose or otherwise unusable
	Ventilation/Exhaust System - Inoperable	exhaust fan is not functioning or window designed for ventilation does not open
	Walls - Bulging/Buckling	Bulging, buckling or sagging walls or a lack of horizontal alignment
	Walls - Damaged	Any hole in wall greater than 2 inches by 2 inches
	Walls - Damaged/Deteriorated Trim	10% or more of the wall trim is damaged

	Walls - Peeling/Needs Paint	10% or more of interior wall paint is peeling or missing
	Walls - Water Stains/Water Damage/Mold/Mildew	Evidence of a leak, mold or mildew--such as a common area--covering a wall area greater than 1 foot square
	Water Closet/Toilet - Damaged/Clogged/Missing	Fixture elements--seat, flush handle, cover etc.--are missing or damaged or the toilet seat is cracked or has a broken hinge or toilet cannot be flushed
	Windows - Cracked/Broken/Missing Panes	Any missing panes of glass or cracked panes of glass where the crack is either greater than 4" and/or substantial enough to impact the structural integrity of the window pane
	Windows - Damaged Window Sill	The sill is damaged enough to expose the inside of the surrounding walls and compromise its weather tightness
	Windows - Inoperable/Not Lockable	Any window that is not functioning or cannot be secured because lock is broken
	Windows - Missing/Deteriorated Caulking/Seals/Glazing Compound	There are missing or deteriorated caulk or seals--with evidence of leaks or damage to the window or surrounding structure
	Windows - Peeling/Needs Paint	More than 10% of interior window paint is peeling or missing
	Windows - Security Bars Prevent Egress	The ability to exit through the window is limited by security bars that do not function properly and, therefore, pose safety risks
Health & Safety	Air Quality - Mold and/or Mildew Observed	Evidence of mold or mildew is observed that is substantial enough to pose a health risk
	Air Quality - Propane/Natural Gas/Methane Gas Detected	Strong propane, natural gas or methane odors that could pose a risk of explosion/ fire and/or pose a health risk if inhaled
	Air Quality - Sewer Odor Detected	Sewer odors that could pose a health risk if inhaled for prolonged periods
	Electrical Hazards - Exposed Wires/Open Panels	Any exposed bare wires or openings in electrical panels (capped wires do not pose a risk)
	Electrical Hazards - Water Leaks on/near Electrical Equipment	Any water leaking, puddling or ponding on or immediately near any electrical apparatus that could pose a risk of fire, electrocution or explosion
	Emergency Fire Exits - Emergency/Fire Exits Blocked/Unusable	The exit cannot be used or exit is limited because a door or window is nailed shut, a lock is broken, panic hardware is chained, debris, storage, or other conditions block exit
	Emergency Fire Exits - Missing Exit Signs	Exit signs that clearly identify all emergency exits are missing or there is no illumination in the area of the sign
	Flammable/Combustible Materials - Improperly Stored	Flammable or combustible materials are improperly stored, causing the potential risk of fire or explosion
	Garbage and Debris - Indoors	Too much garbage has gathered--more than the planned storage capacity or garbage has gathered in an area not sanctioned for staging or storing garbage or debris
	Garbage and Debris - Outdoors	Too much garbage has gathered--more than the planned storage capacity or garbage has gathered in an area not sanctioned for staging or storing garbage or debris
	Hazards - Other	Any general defects or hazards that pose risk of bodily injury
	Hazards - Sharp Edges	Any physical defect that could cause cutting or breaking of human skin or other bodily harm
	Hazards - Tripping	Any physical defect in walkways or other travelled area that poses a tripping risk
	Infestation - Insects	Evidence of infestation of insects--including roaches and ants--throughout a unit or room, food preparation or storage area or other area of building substantial enough to present a health and safety risk
	Infestation - Rats/Mice/Vermin	Evidence of rats or mice--sightings, rat or mouse holes,

		or droppings substantial enough to present a health and safety risk
Pools and Related Structures	Fencing - Damaged/Not Intact	Any damage that could compromise the integrity of the fence
Trash Collection Areas	Chutes - Damaged/Missing Components	Garbage has backed up into chutes, because the collection structure is missing or broken or compactors or components--chute, chute door, and other components--have failed
<b>Requirements for the Units:</b>		
Bathroom	Bathroom Cabinets - Damaged/Missing	Damaged or missing shelves, vanity tops, drawers, or doors that are not functioning as they should for storage or their intended purpose
	Lavatory Sink - Damaged/Missing	Any cracks in sink through which water can pass or extensive discoloration over more than 10% of the sink surface or sink is missing
	Plumbing - Clogged Drains, Faucets	Drain or faucet is substantially or completely clogged or has suffered extensive deterioration
	Plumbing - Leaking Faucet/Pipes	A steady leak that is adversely affecting the surrounding area
	Shower/Tub - Damaged/Missing	Any cracks in tub or shower through which water can pass or extensive discoloration over more than 20% of tub or shower surface or tub or shower is missing
	Ventilation/Exhaust System – Absent/Inoperable	exhaust fan is not functioning or window designed for ventilation does not open
	Water Closet/Toilet - Damaged/Clogged/Missing	Fixture elements--seat, flush handle, cover etc.--are missing or damaged or the toilet seat is cracked or has a broken hinge or toilet cannot be flushed
Call-for-Aid (if applicable)	Inoperable	The system does not function as it should
Ceiling	Bulging/Buckling/Leaking	Bulging, buckling or sagging ceiling or problem with alignment
	Holes/Missing Tiles/Panels/Cracks	Any holes in ceiling, missing tiles or large cracks wider than 1/4 of an inch and greater than 6 inches long
	Peeling/Needs Paint	More than 10% of ceiling has peeling paint or is missing paint
	Water Stains/Water Damage/Mold/Mildew	Evidence of a leak, mold or mildew--such as a darkened area--over a ceiling area greater than 1 foot square
Doors	Damaged Frames/Threshold/Lintels/Trim	Any door that is not functioning or cannot be locked because of damage to the frame, threshold, lintel or trim
	Damaged Hardware/Locks	Any door that does not function as it should or cannot be locked because of damage to the door's hardware
	Damaged/Missing Screen/Storm/Security Door	Any screen door or storm door that is damaged or is missing screens or glass--shown by an empty frame or frames or any security door that is not functioning or is missing
	Damaged Surface - Holes/Paint/Rusting/Glass/Rotting	Any door that has a hole or holes greater than 1 inch in diameter, significant peeling/cracking/no paint or rust that affects the integrity of the door surface, or broken/missing glass
	Deteriorated/Missing Seals (Entry Only)	The seals/caulking is missing on any entry door, or they are so damaged that they do not function as they should
	Missing Door	Any door that is required for security (entry) or privacy (Bathroom) that is missing or any other unit door that is missing and is required for proper unit functionality
Electrical System	Blocked Access to Electrical Panel	One or more fixed items or items of sufficient size and weight impede access to the building system's electrical panel during an emergency
	Burnt Breakers	Carbon residue, melted breakers or arcing scars are evident
	Evidence of Leaks/Corrosion	Any corrosion that affects the condition of the components

		that carry current or any stains or rust on the interior of electrical enclosures or any evidence of water leaks in the enclosure or hardware
	Frayed Wiring	Any nicks, abrasion, or fraying of the insulation that exposes any conducting wire
	GFI - Inoperable	The GFI does not function
	Missing Breakers/Fuses	Any open and/or exposed breaker port
	Missing Covers	A cover is missing, which results in exposed visible electrical connections
Floors	Bulging/Buckling	Any flooring that is bulging, buckling or sagging or a problem with alignment between flooring types
	Floor Covering Damage	More than 10% of floor covering has stains, surface burns, shallow cuts, small holes, tears, loose areas or exposed seams.
	Missing Flooring Tiles	Any flooring or tile flooring that is missing
	Peeling/Needs Paint	Any painted flooring that has peeling or missing paint on more than 10% of the surface
	Rot/Deteriorated Subfloor	Any rotted or deteriorated subflooring greater than 6 inches by 6 inches
	Water Stains/Water Damage/Mold/Mildew	Evidence of a leak, mold or mildew--such as a darkened area--covering a flooring area greater than 1 foot square
Health & Safety	Air Quality - Mold and/or Mildew Observed	Evidence of mold or mildew is observed that is substantial enough to pose a health risk
	Air Quality - Sewer Odor Detected	Sewer odors that could pose a health risk if inhaled for prolonged periods
	Air Quality - Propane/Natural Gas/Methane Gas Detected	Strong propane, natural gas or methane odors that could pose a risk of explosion/ fire and/or pose a health risk if inhaled
	Electrical Hazards - Exposed Wires/Open Panels	Any exposed bare wires or openings in electrical panels (capped wires do not pose a risk)
	Electrical Hazards - Water Leaks on/near Electrical Equipment	Any water leaking, puddling or ponding on or immediately near any electrical apparatus that could pose a risk of fire, electrocution or explosion
	Emergency Fire Exits - Emergency/Fire Exits Blocked/Unusable	The exit cannot be used or exit is limited because a door or window is nailed shut, a lock is broken, panic hardware is chained, debris, storage, or other conditions block exit
	Emergency Fire Exits - Missing Exit Signs	Exit signs that clearly identify all emergency exits are missing or there is no illumination in the area of the sign
	Flammable Materials - Improperly Stored	Flammable materials are improperly stored, causing the potential risk of fire or explosion
	Garbage and Debris - Indoors	Too much garbage has gathered-more than the planned storage capacity or garbage has gathered in an area not sanctioned for staging or storing garbage or debris
	Garbage and Debris - Outdoors	Too much garbage has gathered-more than the planned storage capacity or garbage has gathered in an area not sanctioned for staging or storing garbage or debris
	Hazards - Other	Any general defects or hazards that pose risk of bodily injury
	Hazards - Sharp Edges	Any physical defect that could cause cutting or breaking of human skin or other bodily harm
	Hazards - Tripping	Any physical defect in walkways or other travelled area that poses a tripping risk
	Infestation - Insects	Evidence of infestation of insects-including roaches and ants--throughout a unit or room, food preparation or storage area or other area of building substantial enough to present a health and safety risk
	Infestation - Rats/Mice/Vermin	Evidence of rats or mice--sightings, rat or mouse holes, or droppings substantial enough to present a health and safety risk

Hot Water Heater	Misaligned Chimney/Ventilation System	Any misalignment that may cause improper or dangerous venting of gases
	Inoperable Unit/Components	Hot water from hot water taps is no warmer than room temperature indicating hot water heater is not functioning properly
	Leaking Valves/Tanks/Pipes	There is evidence of active water leaks from hot water heater or related components
	Pressure Relief Valve Missing	There is no pressure relief valve or pressure relief valve does not drain down to the floor
	Rust/Corrosion	Significant formations of metal oxides, flaking, or discoloration--or a pit or crevice
HVAC System	Convection/Radiant Heat System Covers Missing/Damaged	Cover is missing or substantially damaged, allowing contact with heating/surface elements or associated fans
	Inoperable	HVAC does not function. It does not provide the heating and cooling it should. The system does not respond when the controls are engaged
	Misaligned Chimney/Ventilation System	Any misalignment that may cause improper or dangerous venting of gases
	Noisy/Vibrating/Leaking	The HVAC system shows signs of abnormal vibrations, other noise, or leaks when engaged
	Rust/Corrosion	Deterioration from rust or corrosion on the HVAC system in the dwelling unit
Kitchen	Cabinets - Missing/Damaged	10% or more of cabinet, doors, or shelves are missing or the laminate is separating
	Countertops - Missing/Damaged	10% or more of the countertop working surface is missing, deteriorated, or damaged below the laminate -- not a sanitary surface to prepare food
	Dishwasher/Garbage Disposal - Inoperable	The dishwasher or garbage disposal does not operate as it should
	Plumbing - Clogged Drains	Drain is substantially or completely clogged or has suffered extensive deterioration
	Plumbing - Leaking Faucet/Pipes	A steady leak that is adversely affecting the surrounding area
	Range Hood/Exhaust Fans - Excessive Grease/Inoperable	A substantial accumulation of dirt or grease that threatens the free passage of air
	Range/Stove - Missing/Damaged/Inoperable	One or more burners are not functioning or doors or drawers are impeded or on gas ranges pilot is out and/or flames are not distributed equally or oven not functioning
	Refrigerator-Missing/Damaged/Inoperable	The refrigerator has an extensive accumulation of ice or the seals around the doors are deteriorated or is damaged in any way which substantially impacts its performance
	Sink - Damaged/Missing	Any cracks in sink through which water can pass or extensive discoloration over more than 10% of the sink surface or sink is missing
Laundry Area (Room)	Dryer Vent - Missing/Damaged/Inoperable	The dryer vent is missing or it is not functioning because it is blocked. Dryer exhaust is not effectively vented to the outside
Lighting	Missing/Inoperable Fixture	A permanent light fixture is missing or not functioning, and no other switched light source is functioning in the room
Outlets/Switches	Missing	An outlet or switch is missing
	Missing/Broken Cover Plates	An outlet or switch has a broken cover plate over a junction box or the cover plate is missing
Patio/Porch/Balcony	Baluster/Side Railings Damaged	Any damaged or missing balusters or side rails that limit the safe use of an area
Smoke Detector	Missing/Inoperable	Smoke detector is missing or does not function as it should
Stairs	Broken/Damaged/Missing Steps	A step is missing or broken
	Broken/Missing Hand Railing	The hand rail is missing, damaged, loose or otherwise

		unusable
Walls	Bulging/Buckling	Bulging, buckling or sagging walls or a lack of horizontal alignment
	Damaged	Any hole in wall greater than 2 inches by 2 inches
	Damaged/Deteriorated Trim	10% or more of the wall trim is damaged
	Peeling/Needs Paint	10% or more of interior wall paint is peeling or missing
	Water Stains/Water Damage/Mold/Mildew	Evidence of a leak, mold or mildew covering a wall area greater than 1 foot square
Windows	Cracked/Broken/Missing Panes	Any missing panes of glass or cracked panes of glass where the crack is either greater than 4" and/or substantial enough to impact the structural integrity of the window pane
	Damaged Window Sill	The sill is damaged enough to expose the inside of the surrounding walls and compromise its weather tightness
	Missing/Deteriorated Caulking/Seals/Glazing Compound	There are missing or deteriorated caulk or seals--with evidence of leaks or damage to the window or surrounding structure
	Inoperable/Not Lockable	Any window that is not functioning or cannot be secured because lock is broken
	Peeling/Needs Paint	More than 10% of interior window paint is peeling or missing
	Security Bars Prevent Egress	The ability to exit through the window is limited by security bars that do not function properly and, therefore, pose safety risks