

National Housing Trust Fund Allocation Plan

Community Economic Development Association
of Michigan

June 14, 2016

Ed Gramlich

National Low Income Housing Coalition

A Very Brief Overview National Housing Trust Fund



Before getting into the NHTF Allocation Plan,
first a very short description of the NHTF
to make sure we are all on same page.

Getting to Know the NHTF Program

(Five Minute Overview)

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What Is the National Housing Trust Fund?



- The National Housing Trust Fund (NHTF) is a federal program with dedicated sources of funding not subject to the annual Congressional appropriations process.
- The NHTF became law as part of the Housing and Economic Recovery Act of 2008 (HERA).

What Is the National Housing Trust Fund? *(continued)*



The primary purpose of the NHTF is to increase and preserve the supply of **rental** housing for **extremely low income** (ELI) households, those earning less than 30% of area median income (AMI).

How Is the NHTF Funded?

The NHTF is to be funded with dedicated sources of revenue.

- HERA requires annual assessment of 0.042% on new business of Fannie Mae and Freddie Mac.
- 65% to go to the NHTF.
- Due to banking crisis of 2008, this source of money was put on hold.

How Is the NHTF Funded?

(continued)

- On December 11, 2014 the hold was removed.
- Fannie and Freddie began to set aside funds on January 1, 2015
- Funds had to be transferred to HUD by March 1, 2016.
- On April 4, HUD announced nearly \$174 million for 2016.
- On May 5, *Federal Register* notice announces how much NHTF each state will get for 2016.
- HUD published interim regulations on January 30, 2015.

How Can NHTF Be Used?

- The law requires at least 90% of the funds be used for the production, preservation, rehabilitation, or operation of **rental** housing.
- Up to 10% can be used for homeownership activities that include constructing, rehabilitating, or preserving housing for first-time homebuyers, as well as providing down payment and closing cost assistance.

Who Is Served by the NHTF?

- The law requires at least 75% of the funds for rental housing benefit **extremely low income** (ELI) households or households with income below the federal poverty line.
- Up to 25% of the funds for rental housing may benefit very low income (VLI) households (earning less than 50% of area median income).
- All homeowner activities must benefit ELI or VLI.
- When there is less than \$1 billion, 100% must benefit ELI.

How Is NHTF Money Distributed?

- The NHTF law requires money to be distributed as block grants to states by formula with four factors.
- 75% of the formula's value goes to two factors reflecting the **shortage of rental housing** affordable and available to ELI households, and the extent ELI renter households pay **more than half of their income** for rent and utilities.
- Other two factors also based on renter needs, those of very low income households.

How Is NHTF Money Administered?

- The law requires states to select a state agency (such as a housing finance agency or a housing department) to receive and administer NHTF resources.
- Each state must prepare an annual Allocation Plan showing how it will distribute NHTF money based on priority housing needs in state Consolidated Plan.
- The Allocation Plan must be inserted as a component of a state's Consolidated Plan that requires public input.

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NHTF Is Block Grant to States (Part 1)

There are two conditions that each state must meet in order to receive its NHTF allocation:

- State must designate entity to administer NHTF and notify HUD Secretary of the administering entity.
- State must prepare and submit NHTF Allocation Plan to HUD.

NHTF Is Block Grant to States (Part 2)

Michigan selected

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Timeline (part 1)



- April 4: HUD announces nearly \$174 million for NHTF for 2016.
- April 26: HUD publishes NHTF Allocation Plan guidance, Notice CPD-16-07.
- May 5: HUD publishes NHTF allocations to states in *Federal Register*. Michigan will receive **\$3,522,622**.

Timeline (part 2)



- June 9: Michigan State Housing Development Authority (MSHDA) posted draft NHTF Allocation Plan as an amendment to the 2016 ConPlan Annual Action Plan.
- June 28: Public hearing at 10 am. In person in Lansing, simultaneous videoconferencing in Detroit.
- July 11: Comments due.
- End of July: MSHDA submits NHTF Allocation Plan. HUD has 45 days to review.
- Early September: Michigan and HUD sign Grant Agreement, funds now available.

Statute, Regulation, or Suggestion?



Information in this presentation is based on:

- NHTF statute is **ST**.
- NHTF regulation is **REG**.
- NLIHC suggestion is **SUG**.

NHTF Allocation Plan and Michigan ConPlan



- NHTF Allocation Plan is part of Annual Action Plan Michigan submits as update to Consolidated Plan(ConPlan).
- MSHDA is lead entity for submitting ConPlan and Annual Action Plan.
- Advocates need to be familiar with state ConPlan and state's public participation process.

Definitions

- **Grantee (ST).**
State entity that prepares NHTF Allocation Plan, receives NHTF dollars, administers NHTF.
For Michigan the grantee is MSHDA.
- **Subgrantee (REG).**
State may choose to designate local jurisdiction to administer NHTF in a city or urban county.
- **Eligible Recipient (ST).** Organization or agency that applies to grantee for NHTF money to carry out NHTF project.

NLIHC Suggestions (Part 1)

ALL SUGGESTIONS

- Advocates should seek **deepest possible affordability** for rents in NHTF-assisted units and **longest possible affordability periods**.
- All funds in first year should be used for **rental housing**.
- All funds should be distributed by state to eligible recipients (no subgrantees).
 - Michigan draft Allocation Plan:
Will not use subgrantees.

NLIHC Suggestions (Part 2)

ALL SUGGESTIONS

- All funds first year should be used to expand ELI housing.
 - Prevent supplanting.
 - Minimize use for preservation of existing federally assisted housing.
- Maximize affordability,
 - Projects should have as little debt service as possible.
 - Grants or no interest loans preferred (be careful if LIHTC).
- Given small amount of money first year, focus on projects with most impact.
 - Don't give small amounts of money to many projects.

14 Elements of NHTF Allocation Plan

(those in **bold** covered here) Part 1



- 1. Description of distribution of funds (ST)**
- 2. Application requirements (REG)**
- 3. Criteria for selecting applications submitted by recipients (ST)**
- 4. State's maximum per-unit development subsidy limit for NHTF-assisted housing (REG)**
5. If funds used for first-time homebuyers, identify resale or recapture provisions (REG)
6. Whether state will distribute funds directly, and/or use subgrantees (REG)
- 7. Funding priority based on six factors (ST)**

14 Elements of NHTF Allocation Plan

(those in **bold** covered here) Part 2



8. **Description of eligible activities and recipient eligibility requirements (ST)**
9. Recipient certification, NHTF-assisted units will comply with NHTF requirements (ST)
10. **Performance goals and benchmarks consistent with state's proposed accomplishments (ST)**
11. Rehabilitation standards NHTF-assisted projects must meet (REG)
12. NHTF affordable homeownership limits (REG)
13. **Preferences or limitations to a particular segment of ELI population (REG)**
14. Refinancing requirements and conditions (REG)

1. Description, Distribution of Funds

All SUGGESTIONS

- MSHDA will use **Request for Proposals (RFPs)** describing: eligible applicant, eligible activities, what must be included in an application, when and where applications are to be submitted, application evaluation criteria, who will review applications, and when grant awards are to be made.
- RFP will indicate ConPlan **priority housing need(s)** Michigan intends to address based on NHTF public participation process.
- MSHDA will convene application review panel composed of:
 - state officials
 - at least two private housing and homeless advocates.

2. Application Requirements (Part 1)



NLIHC suggests MSHDA detail 9 application requirements in RFPs. They include (SUGGESTIONS):

- Project information similar to LIHTC applications.
- How project responds to Michigan's priority housing needs.
- How project responds to statute's six priority factors.
- Plan and methods for achieving affordability (rent at no more than 30% of household income) for households at 30% AMI, 20% AMI, and 10% AMI.
- How NHTF-assisted units will be integrated with units having higher income targeting. www.nlihc.org/issues/nhtf

2. Application Requirements (Part 2)



NLIHC suggests MSHDA detail 9 application requirements in RFPs. They include (SUGGESTIONS):

- How project affirmatively furthers fair housing.
- Description of tenant recruitment and selection process.
- Definition of a successful resident; description of services and subsidies to be provided to maximize resident success.
- Evidence of applicant's successful completion and operation of similar projects.

3. Criteria for Selecting Applications



(Part 1)

NLIHC suggests (SUGGESTIONS):

a. Threshold criteria:

- Responsiveness to application requirements.
- Project reflects priority housing need(s) in ConPlan.

b. Final criteria, rating based on:

- Six priority factors in statute.
- Creativity and innovation.
- Feasibility.
- Potential for resident success.
- Applicant's credentials.

3. Criteria for Selecting Applications



(Part 2)

Michigan's 2015-2019 ConPlan general housing needs:

"Based on the data, small related households and the elderly under 50% AMI with a cost burden are the most in need of rental and owner-occupied housing assistance." [page 30]

"In Michigan, by far the most common housing problem is high housing cost burden. Predictably, the proportion of households experiencing this problem increases as household income levels decrease: about 70% of all renter households reporting severe cost burdens earn less than 30% of AMI."

[page 31]

3. Criteria for Selecting Applications

(Part 3)



Michigan's 2015-2019 ConPlan Housing Market Analysis:

“A significant portion of Michigan's population is aging and therefore, additional rental unit choices and accessible units will be needed. Single family safe, decent, and affordable housing units both owner-occupied and rental are also needed.”

[page 59]

3. Criteria for Selecting Applications

(Part 4)



Michigan's 2015-2019 ConPlan priority housing needs:

Michigan's ConPlan lists as "high" priority:

- Extremely Low, Low, and Moderate Income
- Large Families, Families with Children, and Elderly

[page 84]

4. Michigan's Maximum Per-Unit Subsidy Limit



Michigan must set maximum limits on total amount of NHTF funds that can be invested per-unit:

- Adjustments based on number of bedrooms and location.
- Limits must be reasonable and based on actual costs. REG

HUD issued guidance as an FAQ on May 12.

- These are not prescriptive, compared to HOME limits.
- HUD recognizes that deeper targeting for NHTF units will require more subsidy.

Michigan's draft NHTF Allocation Plan will use HOME maximums.

- Advocates should assess whether HOME maximum per-unit subsidy amounts are too restrictive. www.nlihc.org/issues/nhtf

7. Six Priority Factors (Part 1)

State must give priority in awarding funds to applications based on six factors (ST, REG).

Statute and regulation do not weigh factors.

Michigan draft Allocation Plan gives equal weight to 7 areas.

NLIHC suggests awarding NHTF to applicants based on applicant's total points, up to 100 points (SUGGESTIONS).

a. Geographic diversity. **(Maximum points = 0)**

b. Applicant's ability to obligate funds and undertake activities in a timely manner.

(Maximum points = 10)

7. Six Priority Factors (Part 2)

c. For rental housing:

- “extent to which rents...are affordable, especially for ELI households” (ST);
- “extent to which the project has federal, state, or local project-based rental assistance so that rents are affordable to extremely low income families (REG).

(Maximum points = 40)

d. For rental housing, duration of unit’s affordability period. **(Maximum points = 15)**

7. Six Priority Factors (Part 3)

- e. Merits of application in meeting state's priority housing needs. **(Maximum points = 25)**
- f. Extent application makes use of non-federal funding sources. **(Maximum points = 10)**

Factor a: Geographic Diversity

Geographic diversity (ST). **(Maximum points = 0)**

Given relatively small amount of money
available first year,

NLIHC suggests focusing on projects with most impact,
rather than distributing small amounts of money
to many projects (SUGGESTION).

Michigan draft Allocation Plan:
“Distribution will be statewide.”

Factor b: Ability to Obligate Funds



Applicant's ability to obligate funds and undertake activities in a timely manner (ST). (Maximum points = 10)

Michigan draft Allocation Plan has two factors for this.

- Regulation defines “commitment” for recipients as:
 - For new construction or rehabilitation, starting construction within 12 months of date of contract between recipient and state (REG).
 - For acquisition of existing housing, receipt of title within 6 months of date of contract between recipient and state (REG).

Factor c: Rent Affordability (Part 1)



- *Extent to which rents are affordable, especially to extremely low income families (ST).*
 - *For states, rule is extent to which project has federal, state, or local project-based rental assistance so rents are affordable to extremely low income families (REG).*
- {No basis in statute for narrowing to
“federal, state, local project-based assistance.”}

(Maximum points = 40)

Michigan draft Allocation Plan: “Availability of project based subsidy for extremely low income tenants.”

Factor c: Rent Affordability (Part 2)



- “Affordable” should be defined as not paying more than 30% of household income for housing costs, including utilities (SUGGESTION).
- “Project-based rental assistance” should include, unit-based rental assistance, operating subsidies, or cross-subsidization of rents within project (SUGGESTION).
- 33% of state’s NHTF allocation may be used for operating cost assistance and/or operating cost assistance reserves for NHTF-assisted units (REG).
 - NOTE: HUD intends to issue guidance on operating costs for NHTF in the next year.

Factor d: Duration of Affordability



For rental housing, duration of the units' affordability period (ST). (Maximum points = 15)

- Minimum affordability period is 30 years (REG).
- Extent project exceeds 30 year minimum determines duration points, to maximum of 15 points for projects that commit to affordability in perpetuity (SUGGESTION).

Michigan draft Allocation Plan: “No less than 30 years”.

Factor e: Merits of the Application

(Part 1)



Merits (ST) of application in meeting state's priority housing needs (REG). (Maximum points = 25)

- Extent project meets needs of lowest income households within state's priority housing needs (SUGGESTION).
- Examples (SUGGESTIONS):
 - Projects serving special needs populations, homeless, individuals leaving correctional institutions.
 - Projects affordable to households with income less than 15% of AMI.
 - Projects proposed by nonprofits.
 - Projects that do not cause displacement.

Factor e: Merits of the Application

(Part 2)



Merits (ST) of application in meeting state's priority housing needs (REG). (Maximum points = 25)

Projects affordable to households with incomes less than 15% AMI or whose sole income is SSI.

- Michigan has shortage of 112,000 rental units affordable and available to households with income less than 15% of AMI.
- For every 100 renter households with income less than 15% AMI, are only 16 units affordable and available to them.
- 91% paying more than half of their income for rent and utilities.

Factor e: Merits of the Application

(Part 3)



Michigan 2015-2019 ConPlan priority housing needs:

Michigan's ConPlan lists as "high" priority:

- Extremely Low, Low, and Moderate Income
- Large Families, Families with Children, and Elderly [page 84]

Michigan draft Allocation Plan:

- "Proximity to appropriate amenities including compliance with site selection criteria and state place based priorities."
- Availability of support services."

Factor f: Use of Non-Federal Resources

Extent application makes use of non-federal funding (ST).
(Maximum points = 10)

Michigan draft Allocation Plan: “Leveraging of non-federal sources”.

- Extent application makes use of:
 - State and local publicly-controlled funds and/or land donated by state or local government to achieve deep affordability for ELI households (SUG).
 - Private funds or in-kind commitments, including donation of land, for production, preservation, or operation to achieve deep affordability for ELI households (SUG).

Michigan Adds a Factor

Michigan draft HTF Allocation Plan adds a factor that is to receive “equal consideration”

“Need for the funds to complete the development – including whether all other sources of subsidy have been sought and an analysis of whether the transaction can proceed without HTF.”

8a. Eligible Activities

NLIHC suggests eligible activities be limited to:

- Production and rehabilitation of rental housing affordable to extremely low income households (SUGGESTION).
- Up to 33% may be used for operating cost assistance and/or operating cost assistance reserves (SUG allowed by REG).

SUGGESTION:

“Michigan does not intend to permit NHTF funds to be used for homeownership activities or for new construction, rehabilitation, or preservation of federally assisted housing in the 2016 funding cycle.”

Michigan's draft NHTF Allocation Plan indicates that all funds for new construction or rehab of rental units.

8b. Eligible Recipients (Part 1)

Eligible recipient is organization, agency, including nonprofit or for-profit (ST), or public housing agency (REG).

Consider limiting recipients to nonprofits first year, or to for-profits that have a proven track record of providing and operating rental housing for ELI households (SUGGESTION).

Michigan draft Allocation Plan: “Eligible recipients will include a non-profit or for-profit organization, or a public housing authority that will serve as the owner or developer of affordable rental housing.”

8b. Eligible Recipients (Part 2)

Recipient must:

- Have demonstrated experience and capacity to conduct NHTF activity, evidenced by ability to:
 - Own, construct, or rehabilitate, and manage and operate affordable multifamily rental housing (ST); and
 - Serve extremely low income households and special needs populations, such as homeless families and people with disabilities (SUGGESTION);

10. Performance Goals and Benchmarks (Part 1)



Refers to proposed accomplishments in affordable housing section of Strategic Plan part of ConPlan.

State must specify number of extremely low income, low income, and moderate income families, and homeless persons for whom state will provide affordable rental housing (ConPlan REG).

Affordable rents defined as not exceeding greater of 30% of federal poverty line or 30% of 30% AMI (REG).

- Use of 30% of poverty line will cause cost burden.
- No basis in statute for it.

10. Performance Goals and Benchmarks (Part 2)

NLIHC suggests, to achieve maximum affordability, NHTF Allocation Plan should set performance goals about:

- How many extremely low income families and homeless people will have affordable housing, with affordability defined as 30% of household income (SUGGESTION), or
- How many households will have rents set at 30% of 20% AMI or 30% of 10% AMI (SUGGESTION).

10. Performance Goals and Benchmarks (Part 3)

Michigan's 2015-2019 ConPlan does not provide goals for extremely low income households even though ConPlan regulations require such a breakdown by income categories.

“The State's annual affordable housing goals are subject to change, based on funding award decisions made, based on product demand and availability of funds.”

[page 101]

General Goals [page 95]:

- Construct 150 rental units and rehab 600 rental units with HOME.
- Construct 10 rental units and rehab 100 rental units with HOME and CDBG.

14. Preference or Limitation to Particular Segment of ELI Population (Part 1)



Michigan can limit or give preference to particular segment of ELI population based on ConPlan priority housing needs. Preference or limitation must be in written agreement between state and recipient (REG).

Michigan 2015-2019 ConPlan does not give explicit high priority to extremely low income population.

Michigan's ConPlan lists as "high" priority:

- Extremely Low, Low, and Moderate Income
- Large Families, Families with Children, and Elderly

[page 84]

14. Preference or Limitation to Particular Segment of ELI Population (Part 2)



Michigan's draft Allocation Plan:

Preference for projects that create units for veterans.

Developments that screen for veteran status when establishing wait lists for available units will offer units to veterans first.

14. Preferences or Limitations to Particular Segment of ELI Population (Part 3)



Any limitation or preference must not violate nondiscrimination requirements.

Fair housing requirements, including affirmatively further fair housing, apply to NHTF program.

Limitation does not violate nondiscrimination requirements if housing also receives funding from federal program that limits eligibility to particular segment of population (e.g. Housing Opportunity for Persons Living with AIDS, Section 202, and Section 811) (REG).

For More Information



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Become an NLIHC Member

- Members are essential in helping NLIHC advocate on behalf of low income people in need of safe and affordable housing.
- Membership is open to individuals, organizations, corporations, and government agencies.
- Join NLIHC at <http://nlihc.org/membership>
- Questions?
- Contact Joey Lindstrom, jlindstrom@nlihc.org, or call 202-662-1530 x 222

Questions?



Questions?