

# 2018

# National Housing Trust Fund

## GRANTEE WORKSHOP

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Community Programs Division  
Tennessee Housing Development Agency

June 20, 2019

# Congratulations!!!



# FY2018 Application Round

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## Scoring Matrix:

- \$3.3M available for program activities
- \$5.4M in eligible applications for program activities from Middle and East TN
- \$3.17M awarded to four applicants to build or renovate 39 rental units
- Total development value of \$59.3M
- Total units developed 243

# Now the real work begins



# The Contract

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The National Housing Trust Fund Program is a performance contract....

- THDA has a contract with HUD to perform....
- Each grantee has a contract with THDA to perform....

...those recipients that meet the terms of the THDA National Housing Trust Fund program will receive funds to cover eligible costs based on your specific project and application criteria.

# General Requirements

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- Income restricted at 30% < of AMI (HUD) or Federal Poverty Guideline
  - Rents restricted to be affordable at 30% of AMI (HUD)
  - 30 year affordability period
  - Ongoing monitoring for property condition and compliance
  - Environmental Review: similar to HUD Part 58, but a separate process

# General Requirements (cont)

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- Maximum per-unit subsidy will follow current NHTF program limits as published
  - Tenant protections: Lease required, Prohibited lease terms, Termination only for cause
  - Fair Housing, ADA and other applicable laws apply

# Role of the Grantee

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- Ultimate responsibility for the grant lies with the Grantee
  - An Administrator contact or consultant is a grant management resource, not a substitute for the Grantee's hands-on involvement with the project and full responsibility for oversight of the grant implementation
  - You will be 100% responsible for providing all required project information including progress reports, pay requests and all requested documentation as the project matures.



# Written Agreements

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- September 1, 2018 through August 31, 2021
  - Expenses or commitments incurred prior to September 1, 2018 will not be eligible
  - **60 days** after August 31, 2021 to submit final draws
  - The applicant must sign BOTH copies and return BOTH to THDA with all required Start-up Forms.
  - **Written Agreements are due at THDA within 30 days of receiving them.**

# Level of Subsidy

## Minimum and maximum NHTF investment per unit:

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- Minimum NHTF Funds: \$1,000 per unit
- Maximum NHTF Funds Per Unit:
  - \$61,281            0-Bedroom (Efficiency) Limit
  - \$70,250            1-Bedroom Limit
  - \$85,424            2-Bedroom Limit
  - \$110,512           3-Bedroom Limit
  - \$121,307           4-Bedroom Limit

# Design Standards

**All rental housing constructed or rehabilitated with NHTF funds must meet all;**

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- THDA Design Standards
- Have Broadband Access
- Applicable local, county and state codes
- Rehabilitation standards
- Uniform Property Condition Standards (UPCS)
- All zoning ordinances

# Other Requirements

## All projects must also meet other federal requirements

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- Uniform Relocation Act
- 2 CFR 200 (Uniform Administrative Requirements, cost principals, and audit requirements for federal awards)
- Affirmative Fair Housing Marketing
- Conflict of Interest
- MBE/WBE reporting
- FFATA (Federal Funding Accountability and Transparency Act)
- Violence against Women Act (VAWA)

# EFT (Electronic File Transfer)

## Required method of sending documents to THDA:

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- All work write-ups and estimates, pay requests, and ERRs
- Your THDA Senior Housing Program Specialists will assist you with getting your account set up.
- <https://edt.thda.org/EFTClient/Account/Login.htm>

# Start-up Forms

## Return the following forms to THDA at Start Up

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- Signed Written Agreement
- W-9 – Request for Taxpayer Identification Number and Certification (Must be latest Rev.)
- Authorized Signature Form
- Supplier Direct Deposit Authorization Form
- Remittance Advice Form

### **PLEASE PAY SPECIAL ATTENTION:**

Return the original (Supplier Direct Deposit Authorization) Form, completed and signed by bank official **DIRECTLY** to the **State of Tennessee Finance and Administration**

# Set-up Forms

**All Project Set up Forms MUST be submitted prior to requesting any draws**

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- Phase One Environmental Review
- THDA Approved Policies and Procedures
- Project Set-Up Form
- Lead Based Paint Compliance Form
- Copy of LBP Inspection/ Risk Assessment (if applicable)
- Copy of the final project budget indicating all funding sources and costs
- Commitment letter for ALL non-NHTF funding in the project
- Copy of Legal Description for Legal Doc Prep

# Submitting Draw Requests to THDA



# Drawing Funds....

## Prior to first draw, THDA must have:

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- All Start-Up documents and information
- All Set-Up documents and information
- Firm commitment letters for ALL other funding for the project
- Completed and approved NHTF specific Environmental Review
- Copy of the construction contract between the grantee and the general contractor (needed for 1st draw request only)

# Pay Request

## For 25%, 50% and 75% Draws THDA Must Have:

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- Completed NHTF Request for Payment Form
- Copy of the construction contract between the grantee and the general contractor (needed for 1st draw request only);
- All supporting documentation for the project expenses being paid with this draw;
- General Contractor's Sworn Construction Statement of percentage of completion; (NHTF Interim Draw Request Form)

# Pay Request (Cont)

## For 25%, 50% and 75% Draws THDA Must Have:

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- Mechanics Lien Waivers for all subcontractor expenses representing final payment and;
- AIA inspection report signed by a licensed architect in support of the draw request indicating that all work and materials to be paid for with this disbursement have been furnished in accordance with the plans and specifications.
- **50% Draw** must also have a completed and approved **THDA** Progress Review and passed rough in code inspection reports for all electrical, mechanical and plumbing work.

# Pay Request

## For Final Draw THDA Must Have:

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- Same elements required for the initial and interim draws **plus**;
- Completed and approved THDA Final Progress Review
- Passed final codes inspection reports
- Lead based paint hazard clearance report (if applicable)
- Certificate of Occupancy
- General Contractor's Sworn Construction Statement of completion; (Certification of Completion and Final Inspection) form



# HTF Environmental Reviews


**They are different from Part 58 ...**



# What's different from Part 58?



When a project is only using NHTF funds-

- No Level of Review (CEST / EA)
  - No Public Comment
  - No request for Release of Funds and Certification
  - No Authority to Use Grant Funds
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# NHTF Environmental Provisions



## New Construction

- **24 CFR § 93.301 (f) (1)**
- Including acquisition of existing housing that has been newly constructed or rehabilitated less than 12 months before the commitment of HTF funds – 24 CFR § 93.301 (f)(1)(3)(i)(A) and (4).

# NHTF Environmental Provisions





## Rehabilitation



- **24 CFR § 93.301 (f) (2)**
- Including acquisition of existing housing that has not been newly constructed or rehabilitated less than 12 months before the commitment of HTF funds – 24 CFR § 93.301 (f)(1)(3)(i)(B) and (4).



# NHTF Environmental Provisions Cover-

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- Historic Preservation
  - Farmlands
  - Airport Zones
  - Coastal Barrier Resources System
  - Coastal Zone Management
  - Floodplains
  - Wetlands
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# NHTF Environmental Provisions Cover-

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- Explosives and Hazards
  - Contamination
  - Noise
  - Endangered Species
  - Wild and Scenic Rivers
  - Safe Drinking Water
  - Sole Source Aquifers
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# Income Eligibility

**NHTF funds must only benefit households at or below 30% of area median income as adjusted for household size**

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See 2018 Income Limits applicable for your county

- [www.thda.org](http://www.thda.org) -> Business partners -> Grant Administrators -> NHTF Program -> Resource Links at the bottom of the page

# Income Determination

## Section 8 Rental Assistance definition is used for the NHTF program

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- Gross annual income *anticipated* to be received by **all persons in the household** during the next 12 months.
- Income must be verified prior to entering a lease and not be older than 6 months.
- Must examine a minimum of 2 months of source documentation for all persons in the household.
- Documentation of income verification and how the income was calculated must be maintained in the project file.
- Household income must be re-verified annually.

# Income Determination

## Acceptable source documents may include:

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- Wage statement for the past 2 months
- Interest statements
- Unemployment compensation statements
- 3<sup>rd</sup> party verification from employer, bank, etc.
- Self-certification is an acceptable form of income verification **ONLY** *if no other source(s) are possible*

# Construction Issues

# Codes

**All construction must comply with all applicable federal, state, county, and local codes**

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## **You must also comply with:**

- Planning and zoning requirements
- Local authorities' rules and regulations
- Federal regulations such as;
  - The Fair Housing Amendment Act of 1988;
  - Section 504 of the Rehabilitation Act of 1973 and;
  - Americans with Disabilities Act of 2010, as amended

# Codes

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In the absence of local codes, the Tennessee State adopted ICC codes and the Existing Building Code as published by the International Code Congress (ICC) and the Uniform Physical Condition Standards (a comprehensive list which can be found on the HUD.Gov website below) shall apply.

[http://portal.hud.gov/hudportal/documents/huddoc?id=DOC\\_26481.pdf](http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_26481.pdf)



# Permits

**THDA requires that all applicable permits be obtained by the contractor before performing the work.**

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All construction shall require a permit. All construction shall also comply with applicable federal, state, county, and local codes, planning and zoning requirements, local authorities' rules and regulations.



# Permits

**THDA requires that all applicable permits be obtained by the contractor before performing the work.**

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In the event a project is in a opt out jurisdiction or does not participate in the State Building Codes program the contractor must obtain the proper permits from the State Fire Marshalls Office.



# Record Retention

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Records must be maintained for 5 years after the NHTF affordability period has expired

- **Example**: If project was reconstructed with NHTF funds, project records must be maintained for 35 years following the completion of the project
- Remember, “completion” is based on the date the units receive a certificate of occupancy or equal.

# Other Federal Requirements

# Lead-Based Paint Hazards

## For all units that are pre-1978

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- All families must receive a copy of LBP-1 (Protect Your Family from Lead in Your Home)
  - The family must sign verifying that they did receive the information
- HUD designates three categories of rehabilitation based on the level of investment in the unit:
  - Less than \$5,000
  - \$5,000 - \$25,000
  - More than \$25,000

**Follow instructions in NHTF Manual based on level of investment in the unit**

# Promoting Fair Housing and the ADA

All program material must include the fair housing and ADA logos:



# Fair Housing and Equal Opportunity

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FHEO laws are designed to protect individuals and groups against discrimination and to provide equal opportunities in housing, employment and contracting with federal funds.

- No person shall on the grounds of race, color, religion, sex, familial status, national origin or disability be excluded from participation, denied benefits or subjected to discrimination under any program funded in whole or in part by NHTF.

# Fair Housing Activities

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The Grantee must provide each applicant with a copy of **Fair Housing: Equal Opportunity for All** brochure as part of the application process

- **Maintain documentation in your files that all potential tenants have received the brochure – Prospective tenant to acknowledge receipt**



# Fair Housing Activities

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The Grantee must take steps outlined in their Policies and Procedures to encourage the application for assistance of those who are least likely to apply for assistance

- To accomplish, the Grantee may advertise for assistance availability at public places including but not limited to:
  - Churches
  - Convenience stores
  - Libraries
  - Senior centers
  - Local offices of the TN Department of Human Services

# Limited English Proficiency

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- Each Grantee must have policies and procedures to assist non-English speaking applicants
  - Each Grantee must also have a process that notifies LEP persons of language assistance available (i.e. notices, signs) and that is accessible to individuals seeking assistance
  - Grantee staff should be knowledgeable of all procedures and processes

# Americans with Disabilities Act (ADA)

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- Title II requires that State and local governments give people with disabilities an equal opportunity to benefit from all of their programs, services, and activities
- State and local governments must relocate programs or otherwise provide access in older buildings that are inaccessible and communicate effectively with people who have hearing, vision, or speech disabilities
- Grantees must take steps to promote the availability of NHTF assistance at locations that are accessible to individuals with disabilities, including any web sites that are used to publicize the program

# Conflict of Interest

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**The NHTF Conflict of Interest policy applies to any person who is an employee, agent, consultant, elected or appointed official of THDA, a State Recipient (Grantee) receiving NHTF funds.**

No person listed above who exercises or has exercised any function or responsibility with respect to activities assisted with NHTF Funds or are in a position to participate in a decision-making process or gain inside information may obtain a financial interest or benefit from any NHTF activity or the proceeds of such activity either for themselves or for those who they have business or immediate family ties.

# Conflict of Interest

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Covered familial relationships are limited to immediate family members:

- Immediate family ties include (whether by blood, marriage or adoption) the spouse (including a step-parent), child (including step-child), sister, brother (including step-brother or step-sister), grandparent, grandchild, and in-laws of a covered person

# Appearance of a Conflict of Interest

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- All Grantees must also take steps to avoid the appearance of a conflict of interest.
- Grantees must notify THDA of the Appearance of any Conflict of Interest before taking any action.

# Procurement

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Any contract over \$3,500 must be advertised for bid to insure an open and competitive process

- Maintain copies of bid advertisements in your files
- There must be at least 3 valid bids
- If less than 3 bids are received, the project must be re-bid
- Grantees **may not** negotiate with the lowest bidder
- If the scope of the project changes, all bidders must be given an opportunity to amend their bid

# Section 3

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- All grantees with a contract of over \$200,000 must take steps, *to the greatest extent feasible*, to provide employment and other economic opportunities to low and very low income individuals within the project area
  - Also applies to all contracts and subcontracts over \$100,000
  - A grantee is obligated to direct, to the greatest extent feasible, new hires and contracts to Section 3 businesses and residents.
  - Section 3 applies to the entire project regardless if the project is fully or partially funded with NHTF resources.



# Section 3 Resident

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A Section 3 Resident is:

- A Public Housing Resident
- A resident of the metropolitan area or non-metro county in which the Section 3 covered assistance is expended and who qualifies as a low or very low income person.

# Section 3 Business Concern

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- 51% or More Owned by Section 3 Residents
  - OR
  - 30% of Employed Staff are Section 3 Residents
  - OR
  - 25% of subcontracts committed to Section 3 Businesses

# Section 3 Qualifications

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- A Section 3 Resident must meet the qualifications of the position to be filled
- A Section 3 Business Concern must have the ability and capacity to perform under the contract

# Section 3 Responsibilities

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- Provide a hiring preference to Section 3 Residents
  - Provide an award preference to Section 3 Business Concerns
  - Assist with achieving compliance among contractors

# Section 3 Preference

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- Section 3 is race and gender neutral
- Section 3 is not Minority Business Enterprise (MBE) or Woman Business Enterprise (WBE)
- Hiring preference is based on:
  - Income (80% or less of AMI) and;
  - Location (project area)

# Section 3 Responsibility

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- Notify Section 3 residents and business concerns about hiring and contract bids
  - Post job/contract notices at public housing sites
  - Form partnerships with organizations working with low income job seekers
  - Work with local trade unions to identify businesses that qualify as Section 3 business concerns
  - Incorporate Section 3 clause into all contracts. - 24 CFR §135.38

# Tell Your Story

# Highlight Your Successes

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- Tell the story of your program and the investment of federal resources into your community
  - Take before and after photos of each unit assisted and submit to THDA
  - Telling Your Story – Communications Guide
  - Faces Behind the Funding Questionnaire and Photo Release



# NHTF Manual

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- [www.thda.org](http://www.thda.org) -> business partners -> grant administrators -> NHTF Program -> scroll down to the bottom of the page under “Resource Links”
  - We recommend you **READ** the relevant chapters before starting your program

# Contacts

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# Remaining Questions

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