



**2007 HOME Rental Housing Development Application
(Rural Job Creation)**

Texas Department of Housing and Community Affairs (TDHCA)

Mailing Address: P.O. Box 13941, Austin, Texas 78711-3941

Physical Address: 221 East 11th Street, Austin, TX 78701

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VOLUME 7 TAB 1 DEVELOPMENT CERTIFICATION

DEVELOPMENT CERTIFICATION

On behalf of the Applicant and all affiliates of the Applicant (hereinafter “Applicant”), I (We) hereby certify that the Applicant is familiar with the provisions of the federal HOME Final Rule, as published in 24 CFR Part 92, the state HOME Rules, as published in 10 TAC Part 53, and other related administrative rules and regulations and court rulings issued by the Federal government or state of Texas with respect to the HOME Investment Partnerships Program and will comply with such rules during the application process and in the event of award, for the duration of the proposed development.

I (We) hereby make application to the Texas Department of Housing and Community Affairs (the “Department”) for an award of HOME Investment Partnerships (HOME) Rental Development Funds. The undersigned hereby acknowledges that an award by the Department does not warrant that the development is deemed qualified to receive such award. I (We) agree that the Department or any of its directors, officers, employees, and agents will not be held responsible or liable for any representations made to the undersigned or its investors relating to the HOME Program; therefore, I (We) assume the risk of all damages, losses, costs, and expenses related thereto and agree to indemnify and save harmless the Department and any of its officers, employees, and agents against any and all claims, suits, losses, damages, costs, and expenses of any kind and of any nature that the Department may hereinafter suffer, incur, or pay arising out of its decision concerning this application for HOME Rental Development Funds or the use of information concerning the HOME Program

I (We) hereby acknowledge that this Application is subject to disclosure under Chapter 552, Texas Government Code, the Texas Public Information Act, unless a valid exception exists.

I (We) acknowledge all representations, undertakings, and commitments made by Applicant in the application process for a development, whether with respect to Threshold Criteria, Selection Criteria or otherwise, shall be deemed to be a condition to any Commitment Notice, Determination Notice, Loan Commitment or Contract for such development, the violation of which shall be cause for cancellation of such Commitment Notice, Determination Notice, loan commitment or Contract by the Department and if concerning the ongoing features or operation of the development, shall be enforceable even if not reflected in the Land Use Restriction Agreement (LURA). All such representations are enforceable by the Department and the tenants of the Development, including enforcement by administrative penalties for failure to perform, in accordance with the LURA.

I (We) certify I (We) have disclosed in the Application all instances in which the Developer or Principal of the Applicant has been removed by a lender, equity provider, or limited partners in the past five years for its failure to perform obligations under loan documents or limited partnership agreements. I (We) understand that if the Department learns at a later date that a removal did take place as described and was not disclosed, the Application may be terminated and any award made will be rescinded.

I (We) agree the Department may, at its discretion, request additional information and/or documentation in its evaluation of this Application.

I (We) hereby assert that the information contained in this application as required or deemed necessary by the materials governing the HOME Program are true and correct and the I (We) have undergone sufficient investigation to affirm the validity of the statements made. Further, I (We) hereby assert that I (We) have read and understand all the information contained in the application. By signing this document,

I (We) affirm that all statements made in this government document are true and correct under penalty of Chapter 37 of the Texas Penal Code titled Perjury and Other Falsification and subject to criminal penalties as defined by the State of Texas. TEX. PENAL CODE ANN. §§37.01 et seq. (Vernon 2003 & Supp.)

I (We) shall not, in the provision of services, or in any other manner discriminate against any person on the basis of race, color, religion, sex, national origin, familial status, or handicap. Verification of any of the information contained in this application may be obtained from any source named herein.

I (We) will at all times indemnify and hold the Department harmless against all losses, costs, damages, expenses, and liabilities of any nature directly or indirectly resulting from, arising out of or relating to the Department's acceptance, consideration, approval, or disapproval of this request and the issuance or non-issuance of HOME funds herewith.

I (We) have written below the name of the individual authorized to execute the TDHCA HOME agreement and any and all future HOME commitments and contracts related to this application. If this individual is replaced by the organization, I (We) must inform the Department within 30 days of the person authorized to execute agreements, commitment and/or contracts on behalf of the Applicant.

I (We) certify that no person or entity that would benefit from the award of HOME funds has provided a source of match or has satisfied the Applicant's cash reserve obligation or made promises in connection therewith, pursuant to 10 TAC §53.53 (k).

I (We) certify that I (We) will meet Section 8 Housing Quality Standards detailed under 24 CFR §982.401, Texas Minimum Construction Standards, as well as the Fair Housing Accessibility Standards and Section 504 of the Rehabilitation Act of 1973. I (We) certify that the development will meet all local building codes or standards that may apply. If the development is located within a jurisdiction that does not have building codes, I (We) will meet the most current International Building Code.

I (We) certify that if refinancing is a component of the proposed development the applicant must confirm that HOME funds will not be used to replace loans, grants or other financing by any other Federal program.

Print Name

Title

By: _____
Signature of Applicant/Owner

Date

Its: _____

VOLUME 7 TAB 2 DAVIS-BACON CERTIFICATION

PART A. DAVIS-BACON CERTIFICATION

24 CFR §92.354, Davis-Bacon Act (40 U.S.C. §§276(a)-276(a)(5), the Davis-Bacon Related Acts, the Contract Work Hours and Safety Standards Act, and the Copeland (Anti-Kickback) Act (40 U.S.C. §276(c)) apply to developments being assisted with HOME funds if: (check box if applicable)

- Twelve (12) or more HOME assisted units will be rehabilitated or constructed under one construction contract or twelve (12) or more HOME assisted units are in one Development.
- Community Development Block Grant (CDBG) funds are being used to support the development, which requires a lower number of units (8) be used as a threshold.
- The construction includes commercial/community space and the cost for such space will exceed \$2,000.
- Mortgage insurance under §223(f) of the National Housing Act is obtained on the Development, and the construction costs exceed \$6,500 per dwelling unit.

If Davis-Bacon is applicable to this project, a Labor Standards Officer must be appointed. Please complete the Appointment of Labor Standards Officer section of this tab.

I (We), hereby certify that I (We) will appoint _____, as the Labor Standards Officer for the aforementioned contract. The appointed Labor Standards Officer is assigned to oversee the labor portion of the contract and will be responsible for assuring compliance with all Labor Standards requirements.

I acknowledge the appointment and duties of Labor Standards Officer.

Print Name Title

By: _____ Its: _____
Signature of Labor Standards Officer Date

Appointed Labor Standards Officer: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone Number: (____) ____ - ____

Print Name Title

By: _____ Its: _____
Signature of Applicant/Owner Date

VOLUME 7 TAB 3 DUNS NUMBER

PART A. DUNS NUMBER

The Office of Management and Budget (OMB) issued a directive to implement the requirement for grant applicants to provide a Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS) number when applying for Federal grants, including HOME funds, on or after October 1, 2003. The DUNS number will supplement other identifiers required by statute or regulation, such as tax identification numbers. To apply for a DUNS number applicants must contact Dun & Bradstreet by phone at 1.888.333.0505 or via the internet at <http://smallbusiness.dnb.com>. All applicants will be required to have their DUNS number before commitment.

I (We) certify that I (We) will comply with 68 FR 38403.

DUNS number: _____

Print Name

Title

By: _____
Signature of Applicant/Owner

Date

Its: _____

VOLUME 7 TAB 4 ENVIRONMENTAL CLEARANCE CERTIFICATION

PART A. ENVIRONMENTAL CLEARANCE CERTIFICATION

The Department as the Responsible Entity must ensure that Environmental effects of the Property are assessed in accordance with the provisions of the National Environmental Policy Act of 1969 and the related authorities listed in HUD's implementing regulations at 24 CFR. Parts 50 and 58.

I (We) certify that all parties involved in any aspect of the development process began the project with no intention of using Federal assistance.

I (We) certify that as of the date of the HOME application all project work has ceased.

I (We) must certify that no choice limiting actions will continue until the site has achieved Environmental Clearance.

Print Name

Title

By: _____
Signature of Applicant/Owner

Date

Its: _____

VOLUME 7 TAB 5 UNIFORM RELOCATION CERTIFICATION

PART A. UNIFORM RELOCATION ACT CERTIFICATION

I (We) certify that all information in this application and all information provided in support of this application is given for the purpose of obtaining financial assistance from the Department HOME Investment Partnerships Program and is true and correct to the best of their knowledge and belief. Representations made in the application will be the basis of the written HOME agreement in the event of award.

I (We) understand and agree that if false information is provided in this application which has the effect of increasing the Applicant’s competitive advantage, the Department will disqualify the Applicant and may hold the Applicant ineligible to apply for HOME funds or until any issue of restitution is resolved.

If false information is discovered after the award of HOME funds, the Department may terminate the Applicant’s written agreement and recapture all HOME funds expended.

I (We) shall not, in the provision of services, or in any other manner discriminate against any person on the basis of race, color, religion, sex, national origin, familial status, or handicap. Verification of any of the information contained in this application may be obtained from any source named herein.

I (We) will at all times indemnify and hold the Department harmless against all losses, costs, damages, expenses, and liabilities of any nature directly or indirectly resulting from, arising out of or relating to the Department’s acceptance, consideration, approval, or disapproval of this request and the issuance or non-issuance of HOME funds herewith.

Section I. Consistent with the goals and objectives of 49 CFR Part 24 Federal Uniform Relocation Act (URA), TDHCA must ensure that it has taken all reasonable steps to minimize the displacement of persons (families, individuals, businesses, nonprofit organizations, and farms) as a result of a project assisted with HOME funds. To the extent feasible, residential tenants must be provided a reasonable opportunity to lease and occupy a suitable, decent, safe, sanitary, and affordable dwelling unit in the building/complex upon completion of the project.

The provisions of the URA may add substantially to the cost of the proposed project. Also, in areas with an insufficient affordable and decent housing stock, the Applicant may find compliance difficult.

Check the applicable box listed below:

I (We) certify that this application **does not** involve the acquisition, construction or rehabilitation of occupied residential units, businesses or land that may cause the displacement of protected Persons as a result of any construction activities.

I (We) certify that this application **does** involve the acquisition, construction or rehabilitation of occupied residential units, businesses or land that may cause the displacement of protected Persons as a result of construction activities. The Relocation Plan for the proposed development will, at a minimum, encompass the items listed below, as applicable.

Section II. All applications involved in the rehabilitation of occupied residential units, or that may cause the displacement of persons as a result of any construction activity, must maintain a file that contains a complete relocation plan describing:

- Applicant’s capacity to administer the relocation process
- The relocation plan
- List of Tenants to be relocated
- Estimated Cost per unit of relocation
- Available units in the market area properties where the displaced persons will be relocated
- Post the proposed relocation plan at the rehabilitation site
- Send a copy of the relocation plan and a letter notifying each tenant or person of their rights under the Uniform Relocation Act.

I (We) certify that I will am in compliance with the requirements of 49 CFR Part 24 Federal Uniform Relocation Act (URA). I (We) certify that I (We) have complied with the requirements listed in Part II of the URA certification*.

Print Name

Title

By: _____
Signature of Applicant/Owner

Date

Its: _____

- Sample guide forms are attached in the Appendix.

VOLUME 7 TAB 6 MANAGEMENT PLAN CERTIFICATION

PART A. MANAGEMENT PLAN CERTIFICATION

I (We) certify that the Management Plan used at the development site will include, at a minimum, the information listed below. The management plan will be maintained on-site of the development. The Management Plan should be organized and subtitled in a manner consistent with the list below, and signed by the Applicant.

- Roles and responsibilities - the plan must detail roles and responsibilities of the owner, management agent and tenants;
- Location of Management Office - the plan must detail whether the office is on or off site;
- Staffing - identify management staff for the project and specific duties, salaries, wages, fringe benefits, and qualifications are described;
- Equal Opportunity and Fair Housing - the plan must include a policy statement regarding equal opportunity and fair housing that complies with HUD guidelines is created and posted at the site;
- Rents, security deposits, and other charges - the plan must identify the initial rents, amount of security deposits that must be paid, and any other charges such as parking fees and utility and maintenance charges;
- Maintenance and Repair Procedures – the plan must detail the procedures for ensuring acceptable upkeep of the project, including those related to the purchase of maintenance equipment, servicing of appliances, annual Housing Quality Standards (HQS) inspection of units to assess their condition, preparation of vacated units for occupancy, billing and collection for tenant damage, and handling emergency repairs;
- Rent Collection Policies and Procedures – the plan must detail procedures that the management agent will follow in the collection of rents and other charges;
- Rent Changes – the plan must describe procedures for implementing rent increases or decreases for tenants; include information about HUD policies for changes to High and Low HOME rents;
- General Administration – the plan must include a description of services to be provided to tenants such as the forming of a tenant’s association, laundry and trash services, exterminating services and day care;
- Recordkeeping – the plan must include a description of record keeping policies and procedures with respect to construction and management history;
- Rental Application & Lease Agreement – the plan must include a copy of both the proposed tenant application and lease agreement; Lease agreements should not contain any prohibited provisions such as the provisions listed in the HOME Final Rule;
- Management Plan Addendum- The plan must include the TDHCA required, “Management Plan Addendum”. **The addendum must be on the letter head of the applicant and contain the exact language.**

Print Name

Title

By: _____
Signature of Applicant/Owner

Date

Its: _____

VOLUME 7 TAB 7 LOCAL OPPORTUNITY PLAN CERTIFICATION

PART A. LOCAL OPPORTUNITY PLAN CERTIFICATION

I (We) _____, hereby agree to implement the following specific affirmative action steps to increase the utilization of business concerns located within its boundaries.

1. Identify eligible business concerns for HOME assisted contracts through; the Chamber of Commerce, the Urban League, local advertising median including public signage; project area committees, citizen advisory boards; lists available through the local HUD program official; and all other appropriate referral sources.
2. Maintain a list of eligible business concerns for utilization in the HOME funded procurements to insure that all appropriate project area business concerns are notified of pending contractual opportunities, and to make available this list for general city/county procurement needs.
3. Insure that the contracts which are typically let on a negotiated rather than bid basis in areas other than the project area, area also let on a negotiated basis, whenever feasible, when let in the project area.
4. Maintain records, including copies of correspondence, memoranda, etc., which document that all of the above affirmative action steps have been taken.
5. Appoint or recruit a qualified individual as Equal Opportunity Officer to coordinate the implementation of this plan.

I/We, the officer (s) and representative (s) of _____, have read and fully agree to this plan, and become a party to the full implementation of this program.

IN WITNESS WHEREOF, the undersigned, being duly authorized, has caused this document to be executed

in its name on the _____ day of _____, 20_____.

Printed Name

Title of Authorized Signatory

By: _____
Signature of Applicant/Owner

Date

Its: _____

VOLUME 7 TAB 8 IRS DETERMINATION LETTER
NON-PROFIT AND CHDO APPLICANTS ONLY

PART A. IRS DETERMINATION LETTER

All nonprofit applicants and applicants for the HOME CHDO set-aside must submit a current tax exemption ruling from the Internal Revenue Service (IRS) under §501(c)(3), or §501(c)(4) of the Internal Revenue Code. The exemption ruling must be effective on the date of the application and must continue to be effective throughout the length of any contract agreements with the Department; or classification as a subordinate of a central organization non-profit under the Internal Revenue Code, as evidenced by a current group exemption letter, that is dated 1986 or later, from the IRS that includes the Applicant. The group exemption letter must specifically list the Applicant. Note: Advanced ruling letters due to expire prior to 90 days following the submission date of this application will not be accepted. Failure to submit a valid active determination letter may result in termination of the application.

VOLUME 7 TAB 9 LOCAL GOVERNMENT SUPPORT

PART A. LOCAL GOVERNMENT SUPPORT

Applicant requesting HOME funds must attach a letter from an authorized local official or a resolution from the local political jurisdiction (City, County, Municipal Utility District, etc.) supporting the proposed project. Letters must be on the official letterhead of the local political jurisdiction.

VOLUME 7 TAB 10 CORPORATE RESOLUTION

PART A. CORPORATE RESOLUTION

All applicants must submit evidence in the form of a Corporate Resolution, or written letter in the case of single entity applicants, of the individual authorized to execute the HOME agreement. The corporate resolution must also include a valid signature and title block for the Department to use in creating loan commitments or contracts. Please have your organization's legal counsel review the title block before submission of the resolution.

VOLUME 7 TAB 11 FORM 424

PART A. FORM 424

Applicants applying for Federal funds, including HOME, are also required to submit Form 424, Application for Federal Assistance. Applicants may request one from HUD at: <http://www.whitehouse.gov/omb/grants/sf424.pdf>.

VOLUME 7 TAB 12 LEAD-SAFE HOUSING

PART A. LEAD-SAFE HOUSING RULE CHECKLIST

As appropriate, the following documents should be maintained in CPD-assisted project files for properties constructed before January 1, 1978, in order to demonstrate general knowledge and compliance with basic Lead Safe Housing Rule requirements. Standard forms are available in the Federal Register (FR), as indicated by the sources noted below. Citations from 24 CFR Part 35 are also provided as additional references.

- Applicability Form 24 CFR part 35.115 – A copy of a statement indicating that the property is covered by or exempt from Lead Safe Housing Rule. Note: (A) If the property is exempt, the file should include the reason for the exemption and no further documentation is required; (B) if the property is covered by the Rule, the file should include the appropriate documentation to indicate basic compliance, as listed below.
- Summary Paint Testing Report or Presumption Notice 24 CFR 35.930(a) – A copy of any report to indicate the presence of lead-based paint (LBP) for projects receiving up to \$5,000 per unit in rehabilitation assistance. If no testing was performed, then LBP is presumed to be on all disturbed surfaces.
- Risk Assessment Report 24 CFR §35.930(c) (2) – A copy of a report (in addition to the requirements of §35.930(a)) to indicate any presence of lead-based paint hazards for projects receiving more than \$5,000 per unit in rehabilitation assistance. Note: If the property receives more than \$25,000 in assistance, more stringent requirements apply, including compliance with applicable state requirements, as appropriate. [See 24 CFR 35.930(d)].
- Notice of Evaluation 24 CFR 35.125(a) – A copy of a notice demonstrating that an evaluation summary was provided to residents following a lead-based-paint inspection, risk assessment or paint testing.
- Clearance Report 24 CFR 35.930(b) (3) – A report indicating a “clearance examination” was performed of the work-site upon completion.
- Notice of Hazard Reduction Completion 24 CFR 35.125(b) – Upon completion, a copy of a notice to show that a LBP remediation summary was provided to residents.

Source: Federal Register (FR), 64 FR 50139-50231, published September 15, 1999 -- Requirements for Notification, Evaluation and Reduction of Lead-Based Paint Hazards in Federally Owned Residential Property and Housing Receiving Federal Assistance. The appendices are on pages 50230-50231.

VOLUME 7 TAB 13 AFFIRMATIVE MARKETING PLAN

PART A. AFFIRMATIVE MARKETING PLAN

An Affirmative Marketing Plan that describes the procedure the applicant will take to market and make available housing units to the full range of potential clients. All applicants for HOME funds must establish an Affirmative Marketing Policy and show through a corporate resolution that the policy will be enforced by the applicant. The plan should be attached behind this tab and must include:

- The use of equal opportunity language shall be included in advertising and literature stating that participants will not discriminate based on race, color, religion, disability, familial status, and national origin, etc..
- The Fair Housing logo must be included on the property sign and Fair Housing posters with the logo must be posted in the leasing office, model units and other common areas typically viewed by prospective tenants.
- The creation of literature that is understandable to clients (with easy to read and straightforward information about the development) with key information available in other languages.
- An assurance that copies of the Program Design, Relocation Plan, Management Plan and Affirmative Marketing Plan will be made available in multiple languages according to the population characteristics where the development is located.
- Management must incorporate a program specifically for marketing to holders of rental assistance vouchers and certificates, including annual communication in the first quarter of each year with the administrator of each rental assistance program which has jurisdiction within the geographic area where the development is located.
- Such communication shall include information on the unit characteristics and rents, and shall advise the administrating agency that the property accepts rental assistance vouchers and certificates, and will treat referrals in a fair and equal manner.
- Copies of such correspondence must be available during on-site reviews conducted by the Department.
- All staff must demonstrate by appearance and action that prospective applicants who hold rental assistance vouchers or certificates are welcome to apply and will be provided the same consideration for occupancy as any other prospective tenants.

Applicant must provide and attach, behind this tab, an Affirmative Marketing Plan that fulfills the requirements included in this section. Please note, this is only a minimum requirement.

VOLUME 7 TAB 14 SITE AND NEIGHBORHOOD

PART A. SITE AND NEIGHBORHOOD STANDARDS

All Applicants requesting HOME funds for **new construction** or **reconstruction** activities must be approved by the regional HUD field office for compliance with the following Site and Neighborhood Standards. Applicants proposing acquisition or rehabilitation activities are not required to complete this tab.

- The site must be adequate in size, exposure, and contour to accommodate the number and type of units proposed. Applicant's proposing new construction activities must attach a letter from a third party engineer or architect certifying the site characteristics are adequate.
- Letters from local utility providers stating the availability of adequate utilities and streets.
- The site and neighborhood must be suitable from the standpoint of facilitating and furthering full compliance with the applicable provisions of Title VI of the Civil Rights Act of 1964, the Fair Housing Act, Executive Order 11063, and implementing HUD regulations.
- The site must not be located in an area of minority concentration, and must 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. The neighborhood must not be one which is seriously detrimental to family life or in which substandard dwellings or other undesirable conditions predominate, unless there is actively in progress a concerted program to remedy the undesirable conditions.
- The site must promote greater choice of housing opportunities and avoid undue concentration of assisted persons in areas containing a high proportion of low-income persons. Census Data must be provided showing the site avoids undue concentration of assisted persons in low income areas.
- The housing must be accessible to social, recreational, educational, commercial, and health facilities and services, and other municipal facilities and services that are at least equivalent to those typically found in neighborhoods consisting largely of unassisted, standard housing of similar market rents. A project description may be provided to address access to services.
- Except for new construction housing designed for elderly person, travel time and cost via public transportation or private automobile, from the neighborhood to places of employment providing a range of jobs for lower-income workers, must not be excessive. Please provide an estimate of distances to local employers.

VOLUME 7 TAB 15 APPLICANT SELF SCORE

Instructions: Complete the following form and indicate self score for this application. All evidence must be submitted as outlined in the NOFA Selection and the *Application Submission Procedures Manual (ASPM)*.

NOFA Section§9(b)	Vol. 7 Tab #	Point Category	Self Score
(i)	16	New Job Creation - per Unit Proposed (20 points max.)	
(ii)	17	New Job Creation – Total Jobs (15 points max.)	
(iii)	18	New Job Creation –Community Support (10 points max.)	
(iv)	19	Leveraging of Public and Private Financing (10 points max.)	
(v)	20	Extremely Low-Income Targeting (10 points max.)	
(vi)	21	Matching Funds (7 points max.)	
(vii)	22	Location of Development (5 points max.)	
(viii)	23	Cost-Effectiveness of a Proposed Development: (10 points max.)	
(ix)	24	Program Design. (10 points max.)	
(x)	25	Capability of Applicant (6 points max.)	
TOTAL POINTS SELF SCORED (Note: Applications must score a minimum of points to be eligible for an allocation of HOME)			

The Applicant may not make any changes to the application score or submitted materials unless specifically requested to do so by the Department in an administrative deficiency, pursuant to 10 TAC §53.58 (F)(c).

*** These items require no materials to be submitted or are regarding items found on other areas of the application.**

VOLUME 7 TAB 16 NEW JOB CREATION PER UNIT PROPOSED

Applications will be awarded points for the number of positions per units of housing for persons currently earning at or below 60% AMFI. To receive points, the activity must provide one new full-time paid position for each unit proposed. **(20 points max.)**

- For activities that create at least 1 new position per unit proposed but less than 1.5 positions per unit propose.**(10 points)**
- For activities that create at least 1.5 new positions per unit proposed. **(20 points)**

VOLUME 7 TAB 17 NEW JOB CREATION-TOTAL JOBS

Applications will be awarded points for the number of new full-time paid positions created. One point will be awarded for every 5 new positions over the minimum 15 new positions required. **(15 points max.)**

- 1 point 5 new positions over the 15 minimum new positions.
- 2 point 10 new positions over the 15 minimum new positions.
- 3 point 15 new positions over the 15 minimum new positions.
- 4 point 20 new positions over the 15 minimum new positions.
- 5 point 25 new positions over the 15 minimum new positions.
- 6 point 30 new positions over the 15 minimum new positions.
- 7 point 35 new positions over the 15 minimum new positions.
- 8 point 40 new positions over the 15 minimum new positions.
- 9 point 45 new positions over the 15 minimum new positions.
- 10 point 50 new positions over the 15 minimum new positions.
- 11 point 55 new positions over the 15 minimum new positions.
- 12 point 60 new positions over the 15 minimum new positions.
- 13 point 65 new positions over the 15 minimum new positions.
- 14 point 70 new positions over the 15 minimum new positions.
- 15 point 75 new positions over the 15 minimum new positions.

VOLUME 7 TAB 18 JOB CREATION-COMMUNITY SUPPORT

5 points will be awarded to applicants that can provide a memorandum of understanding between the business entity and a local economic development corporation that indicates the commitment of the economic development corporation to the business entity and 5 points will be awarded for a resolution from the local government endorsing both the housing and the business entity. **(10 points max.)**

- 5 points - Memorandum of understanding between the business entity and a local economic development corporation that indicates the commitment of the economic development corporation to the business entity.

- 5 points - resolution from the local government endorsing both the housing and the business entity.

VOLUME 7 TAB 19 LEVERAGING OF PUBLIC AND PRIVATE FINANCING

To encourage the involvement of other public agencies and private entities in affordable housing, applicants will receive 5 points if their HOME request represents greater than 25% but less than 50% of the total development costs, or will receive 10 points if their HOME request represents less than 25% of the total development costs. Applications requesting 50% or more of the total development costs through a HOME award will receive no points. Applicants may use the estimated equity value of Housing Tax Credits in the calculation of leveraged financing. **(10 points max.)**

HOME Request _____ (Vol., Tab 1, Part C)
Total Residential Development Costs (Vol. 1, Tab3)

- 5 Points -HOME request is greater than 25% but less than or equal to 50% of the total development costs.

- 10 Points- HOME request is less than 25% of the total development costs.

VOLUME 7 TAB 20 EXTREMELY LOW-INCOME TARGETING

To encourage the inclusion of families and individuals with the highest need for affordable housing, applicants will receive 5 points for proposed developments that provide at least 5% of units to families or individuals earning 30% or less * of the area medium income for the development site. Applicants will receive 10 points for proposed developments that provide at least 10% of units to families or individuals earning 30% or less of the area medium income for the development site. Rents for these units targeting families or individuals earning 30% or less of the area medium income may not exceed the Department’s 30% rent limits for the Housing Trust Fund and Housing Tax Credit programs. **(10 points max.)**

*** Pleae note to be awarded points Part B of the Rent Schedule must list 30% units as well as designate low-home and high-home units.**

- 5 points - 5% of units serve households earning 30% or less of the area medium income.
- 10 points - 10% of units serve households earning 30% or less of the area medium income.

Total Number of units below 30% AMFI (Vol., Tab 2, Part B)
Total Number of Units (Vol. 1, Tab2, Part B)

VOLUME 7 TAB 21 MATCH

Applicants should attach firm commitment letters from the match provider detailing the type of match, the source and the amount of the match to be provided. These amounts should also be reflected in the applicant’s sources and uses statement.

Match Type	Source of Match	Match Amount
		\$
		\$
		\$
		\$
		\$
TOTAL OF ALL MATCH PROVIDED		\$

NOTE: Cash or other forms of contributions from applicants for, or recipients of, HOME assistance or contracts, or investors who own, are working on, or are proposing to apply for assistance for a HOME-assisted project is **not** an eligible form of match. Applicants should refer to 24 CFR 92.220 and the TDHCA “Match Guide” for guidance. <http://www.tdhca.state.tx.us/pmcdocs/05-MatchGuide-051005.pdf>

VOLUME 7 TAB 22 LOCATION OF DEVELOPMENT

To encourage the creation of rental housing in communities where affordable units may not already exist, applicants will receive 5 points for developments that are located in Cities or Places that have no other affordable rental developments that have received funding from the Department. **(5 points max.)**

- Applicants should use all sources available to them to ensure that no other affordable units are located in the proposed City/Place such as the Department Property Inventory List and other links below:
- Development will be located in _ ._____(Name of City or Place)_____
- (<http://www.tdhca.state.tx.us/multifamily/htc/index.htm>).
- <http://hrc-ic.tdhca.state.tx.us/hrc/VacancyClearinghouseSearch.m> NOTE: This link includes non-TDHCA properties.

VOLUME 7 TAB 23 COST-EFFECTIVENESS

To encourage reasonable and cost effective building strategies, Applicants will receive 10 points for Developments that do not exceed \$70 per square foot for new construction and \$38 per square foot for rehabilitation. This figure will be calculated by dividing the total residential development costs by the total net rentable area.

$$\frac{\$ \text{ Total Residential Development Cost}}{\text{Net Rentable Area (Sq./Ft.)}} = \$ \underline{\hspace{2cm}} \text{ cost/per square foot}$$

- \$70 per square foot for new construction award 10 points
- \$38 per square foot for rehabilitation award 10 points

VOLUME 7 TAB 24 PROGRAM DESIGN

Pursuant to 10 TAC §53.60(2), applicants will receive 10 points if evidence is provided that the proposed development meets the needs identified in the needs assessment, whether the design is complete and whether the development fits within the community setting. Information required includes, but is not limited to: community involvement; support services and resources; scope of program; income and population targeting; marketing, fair housing and relocation plans, as applicable. **(10 points max.)**

Minimum Program Design Requirements

- Community Involvement
- Support Services
- Scope of Program
- Population and Income targeting
- Affirmative Marketing Plan
- Fair Housing Plan
- Relocation Plan

VOLUME 7 TAB 25 CAPABILITY OF APPLICANT

Pursuant to 10 TAC §53.60(3), applicants will receive 6 points if evidence is provided that the Applicant has the capacity to administer and manage the proposed development, demonstrated through previous experience either by the applicant, cooperating entity or key staff (including other contracted service providers), in program management, property management, acquisition, rehabilitation, construction, real estate finance counseling and training or other activities relevant to the proposed program, and the extent to which applicant has the capability to manage financial resources, as evidenced by previous experience, documentation of the applicant or key staff, and existing financial control procedures. (**6 points max.**)

Examples Include:

- **Past Participation Certification**
- **An inventory of properties and detail of management responsibilities**
- **Detail of counseling and training programs offered**

APPENDICES - SAMPLE FORMS

APPENDIX I: RESIDENTIAL TENANT THAT WILL NOT BE DISPLACED

(Grantee or Agency Letterhead)

(Date)

Dear _____:

On _____ (date) _____, _____ (property owner) _____ submitted an application to the (Grantee) __ for financial assistance to rehabilitate the building which you occupy at _____ (address) _____.

This notice is to inform you that, if the assistance is provided and the building is rehabilitated, you will not be displaced. Therefore, we urge you not to move anywhere at this time. (If you do elect to move for reasons of your choice, you will not be provided relocation assistance.)

If the application is approved and Federal assistance is provided for the rehabilitation, you will be able to lease and occupy your present apartment (or another suitable, decent, safe and sanitary apartment in the same building) upon completion of the rehabilitation. Of course, you must comply with standard lease terms and conditions.

After the rehabilitation, your initial rent, including the estimated average monthly utility costs, will not exceed the greater of (a) your current rent/average utility costs, or (b) 30 percent of your average monthly gross household income. If you must move temporarily so that the rehabilitation can be completed, suitable housing will be made available to you for the temporary period, and you will be reimbursed for all reasonable extra expenses, including all moving costs and any increase in housing costs.

Again, we urge you not to move. If the project is approved, you can be sure that we will make every effort to accommodate your needs. Because Federal assistance would be involved, you would be protected by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

This letter is important and should be retained. You will be contacted soon. In the meantime, if you have any questions about our plans, please contact _____ (name) _____, _____ (title) _____, at _____ (phone) _____.

(Address)

Sincerely,

(Name and title) _____

Notes: 1. This is a guide form. It should be revised to reflect individual circumstances.

APPENDIX II: GENERAL INFORMATION NOTICE RESIDENTIAL TENANT TO BE DISPLACED

Grantee or Agency Letterhead
(Date)

Dear _____:

The City of _____ is interested in acquiring the property you occupy at _____ (address) _____ for the _____ (project) _____. This notice is to inform you of your rights under Federal law. If the City acquires the property and you are displaced for the project, you will be eligible for relocation assistance under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. However, do not move now. This is not a notice to vacate the premises. You should continue to pay your monthly rent to your landlord because a failure to pay rent and meet your other obligations as a tenant may be cause for eviction and loss of relocation assistance. You are urged not to move or sign any agreement to purchase or lease a new unit before receiving formal notice of your eligibility for relocation assistance. If you move or are evicted before receiving such notice, you may not receive any assistance. Please contact us before you make any moving plans.

If the City acquires the property and you are eligible for relocation assistance, you will be given advisory services, including referrals to replacement housing, and at least 90 days advance written notice of the date you will be required to move. You would also receive a payment for moving expenses and may be eligible for financial assistance to help you rent or buy a replacement house. This assistance is more fully explained in the enclosed brochure, "Relocation Assistance to Tenants Displaced from their homes."

If for any reason any other persons move into this unit with you after this notice, your assistance may be reduced. If you have any questions, please contact _____ (name) _____, _____ (title) _____, at _____ (phone) _____, _____ (address) _____.

Again, this is not a notice to vacate and does not establish eligibility for relocation payments or other relocation assistance. If the City decides not to purchase the property, you will be notified in writing.

Sincerely,

(Name and title) _____

Enclosure

NOTES.

1. This is a guide form. It should be revised to reflect individual circumstances.

APPENDIX III: NOTICE OF NON-DISPLACEMENT TO RESIDENTIAL TENANT

Grantee or Agency Letterhead

(Date)

Dear _____:

On _____ date) _____, we notified you that the owner of your building had applied for assistance to make extensive repairs to the building. On _____ (date) _____, the owner's request was approved, and the repairs will begin soon.

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

1. You will be able to lease and occupy your present apartment or another suitable, decent, safe and sanitary apartment in the same building/complex upon completion of the rehabilitation. Your monthly rent will remain the same or, if increased, your new rent and estimated average utility costs will not exceed 30% of the gross income of all adult members of your household. Of course, you must comply with the reasonable terms and conditions of your lease.
2. If you must move temporarily so that the repairs can be completed, you will be reimbursed for all of your extra expenses, including the cost of moving to and from the temporarily occupied unit and any additional housing costs. The temporary unit will be decent, safe and sanitary, and all other conditions of the temporary move will be reasonable.

Since you will have the opportunity to occupy a newly rehabilitated apartment, I urge you not to move. (If you do elect to move for your own reasons, you will not receive any relocation assistance.) We will make every effort to accommodate your needs. Because Federal assistance is involved, you are protected by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

If you have any questions, please contact _____ (name) _____, _____ (title) _____ at _____ (phone) _____, _____ (address) _____. Remember, do not move before we have a chance to discuss your eligibility for assistance. This letter is important to you and should be retained.

Sincerely,

(Name and title)_____

NOTES.

1. This is a guide form. It should be revised to reflect individual circumstances.

APPENDIX IV: TENANT PROFILE FORM

Development Name:

Address:

City:

A. UNIT CHARACTERISTICS

Name of Landlord or Rental Agent: _____

Property Address: _____

How long at this address? _____

Number of habitable rooms? _____

Number of bedrooms? _____

Monthly rent paid by tenant? _____

Monthly rent subsidized? _____

By whom? _____

Average monthly utilities (electric, gas, water and sewer)? _____

Are utilities included in rent? _____

B. TENANT CHARACTERISTICS

List all Persons Living in Unit:

Name	Relationship	Sex (Male or Female)	Date of Birth	Age

APPENDIX V: SAMPLE LANGUAGE FOR THE AFFIRMATIVE MARKETING PLAN

Statement of Plan

In accordance with the regulations of the HOME Investment Partnership Program and in furtherance of (Name of Development)'s commitment to non-discrimination and equal opportunity in housing; the (Name of Development) has established the following procedures to affirmatively market its programs. These procedures are intended to further the objectives of Title VIII of the Civil Rights Act of 1968 known as the "Fair Housing Act", and as amended in 1988, as well as, Executive Order 11063.

The stated policy of (Name of Development) is that individuals and families will not be discriminated against, in their housing choices or in access to housing services, on the basis of race, color, sex, religion, handicap, national origin or familial status.

Furthermore, (Name of Development) is committed to the goals of affirmative marketing which will be implemented in the specific steps outlined as follows:

1. Ensuring that all potential Applicants and the general public have access to Federal Fair Housing Laws and Affirmative Marketing Procedures through the following outreach methods:
 - a. Informing the general public and potential Applicants through news releases, print ads, Public Service Announcements (PSA) or other means throughout the target area served by (Name of Development). (All program advertising and other advertising such as job postings should contain required fair housing or equal opportunity language when appropriate.)
 - b. Posting available information in public places including application centers. (All publications or other materials should contain required fair housing or equal opportunity language when appropriate.)
 - c. Communication in the first quarter of each year with the administrator of each Section 8 program which has jurisdiction within the geographic area where the development is located.
2. Ensure that all persons, including persons covered by the Fair Housing Act and its amendments, have access to information about program services and available units.

This might include information targeting home bound disabled, non-English speaking persons, neighborhood based organizations in minority neighborhoods and/or any other group which might not have access to information.

When (Name of Development) learns of vacancies, it will make information about them known by:

- a. Maintaining a list of units at the (Name of Development) business office. This list should be available to the general public during regular business hours. The availability of this list should be regularly advertised in the local newspaper.
- b. As part of a special outreach effort, the (Name of Development) will work cooperatively with local organizations which serve the needs of persons protected by the Fair Housing Act. Such organizations might include minority churches, housing agencies, nonprofits which serve disabled persons or displaced homemakers, eldercare organizations or any other specific organization which provides services in the target area of (Name of Development).

These organizations include:

(Organizational Contact #1)
(NAME)
(ADDRESS)
(CONTACT PERSON)

(SERVICE TO BE PROVIDED) (i.e. information and referrals, workshops, etc.)
Attach Memorandum of Agreement (MOA)

(Organizational Contact #2)
(NAME)
(ADDRESS)
(CONTACT PERSON)

(SERVICE TO BE PROVIDED) (i.e. information and referrals, workshops, etc.)
Attach Memorandum of Agreement (MOA)

3. Record keeping

The (Name of Development) will keep records of the following:

- a. Demographic information of Applicants for services. This information is included on HUD and TDHCA set-up and close-out forms.
- b. Copies of advertisements, scripts of Public Service Agreement's (PSA) and schedules. (All program advertising as well as other advertising such as job postings should contain required fair housing or equal opportunity language when appropriate.)
- c. Copies of brochures, flyers, and other program materials which reference the HOME program. (All publications or other materials should contain required fair housing or equal opportunity language when appropriate.)
- d. Dates, notices and attendance records from public outreach meetings, if any.
- e. Copies of Memorandum of Agreement's (MOA) with any organization enlisted to provide outreach services.
- f. Identification of special outreach population(s) and procedures utilized to inform this group(s).
- g. Copies of communication with the administrator of each Section 8 program which has jurisdiction within the geographic area where the development is located.

4. Assessment and reporting requirements.

The (Name of Development) will assess its outreach and affirmative marketing efforts and report results to TDHCA at the close of the contract period.

This will include:

- a. A list of outreach methods.
- b. An assessment of success or failure of these methods. This can be made by comparing the demographic data of clients served and those who applied for services with the demographics of the target area.
- c. Corrective action to improve affirmative marketing if unsuccessful. This might include additional steps to further market the program to those groups which have not been served.

Signed and notarized or adopted in board or council minutes.

Signed (Executive Officer)

Date

Notary Public

Date

APPENDIX VI: MANAGEMENT PLAN ADDENDUM

REQUIREMENTS AND GUIDELINES FOR A MANAGEMENT PLAN ADDENDUM

Include the exact language below on letterhead as the Management Addendum in the HOME Application:

- (1) Management will ensure that tenants are income eligible under the rules and regulations of the program or activity funded.
- (2) Management must apply all other screening criteria, including employment policies or procedures and other leasing criteria (such as rental history, credit history, criminal history, etc.) uniformly and in a manner consistent with the Texas and Federal Fair Housing Acts, program guidelines, and the Department rules.
- (3) Income determination must be made in a manner consistent with Section 8 of the United States Housing Act of 1937 (42 U.S.C. Section 1437f) and the guidelines established in Handbook 4350.3, as amended and promulgated by the U.S. Department of Housing and Urban Development (HUD).
- (4) Management shall not exclude an individual or family from admission to the development because the individual or family participates in the housing choice voucher program under Section 8, United States Housing Act of 1937 (42 U.S.C. Section 1437f).
- (5) Management shall not use a financial or minimum income standard for an individual or family participating in the voucher program that requires the individual or family to have a monthly income that exceeds 2.5 times the individual or family's share of the total monthly rent payable to the owner of the development.
- (6) Management must maintain a written management plan that is available for review upon request and states the intention of the development owner to comply with state and federal fair housing and antidiscrimination laws.
- (7) Property management and on-site staff must have received and read a written management and affirmative marketing plan.
- (8) The Department shall require a land use restriction agreement providing for enforcement of the restrictions by the Department, tenants of the development, or by a private party that includes the right to recover reasonable attorney's fees if the party seeking enforcements of the restrictions is successful.
- (9) Any minimum income requirements for Section 8 voucher and certificate holders will only be applied to the portion of the rent the prospective tenant would pay, provided, however, that if Section 8 pays 100% of the rent for the unit, the housing sponsor may establish other reasonable minimum income requirements to establish other reasonable minimum income requirements to ensure that the tenant has the financial resources to meet daily living expenses. Minimum income requirements for Section 8 voucher and certificate holders will not exceed 2.5 times the portion of rent the tenant pays; and
- (10) All other screening criteria, including employment policies or procedures and other leasing criteria (such as rental history, credit history, criminal history, etc.) must be applied to the prospective tenants uniformly and in a manner consistent with the Texas and Federal Fair Housing Acts and with Department requirements.