

**WYOMING COMMUNITY
DEVELOPMENT AUTHORITY**

(WCDA)

2010

AFFORDABLE

HOUSING

ALLOCATION PLAN

**(HOME, TAX CREDIT & TAX-EXEMPT
PROGRAMS)**

ALLOCATION PLAN INDEX

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I. OVERVIEW

This Allocation Plan was designed to select those developments which satisfy the most pressing housing needs of the state, within the guidelines established by Section 42 (m)(1)(B) of the Internal Revenue Code or under HUD's HOME Investment Partnership Program at 24CFR Part 92. The four most significant criteria for HOME and Tax Credit approval are:

- Need,
- Quality of Construction,
- The characteristics of the households being served, and
- Affordability

The **Low-Income Housing Tax Credit** was created by the Tax Reform Act of 1986 to encourage the construction and rehabilitation of housing for very low, low, and moderate-income individuals and families. Congress mandated that housing credit agencies adopt an "Allocation Plan" which defines the process used to distribute the Credit among projects.

The Tax Credit Program is a regulated and highly complicated program. Final interpretations of certain rules and regulations governing various facets of the program have not yet been issued by the U.S. Department of Treasury; consequently, additional requirements or conditions applying to the tax credit may be forthcoming. **It is strongly suggested that project sponsors interested in the Tax Credit Program contact their tax accountant and/or attorney before developing projects under the Tax Credit Program. While WCDA will endeavor to assist those persons applying for an allocation of tax credits, WCDA personnel are not tax or legal experts and applicants should not rely on WCDA for tax and/or legal advice.**

The total amount of Tax Credit available in Wyoming is disclosed in the Current Year Summary Attachment "A".

The **HOME Investment Partnership Program (HOME)** was created under Title II (the Home Investment Partnerships Act) of the National Affordable Housing Act of 1990, and is codified under 24CFR Part 92 (HOME Investment Partnerships Program). The general purposes of HOME include: 1.) the expansion of the supply of decent and **affordable** housing, particularly rental housing, for low and very-low-income Americans, 2.) strengthening the abilities of State and local governments to design and implement strategies for achieving adequate supplies of decent, affordable housing and 3.) extending and strengthening partnerships among all levels of government and the private sector, including for-profit and non-profit organizations, in the production and operation of affordable housing.

The **Consolidated Plans** for Housing and Community Development for the City of Casper, the City of Cheyenne, and the State of Wyoming ("Consolidated Plans") identify several priorities for housing.

In the event there are changes in federal law subsequent to the adoption of this Allocation Plan or additional regulatory guidance or clarifications regarding the Tax Credit Program and/or the HOME Investment Partnership Program become available, the Agency may modify, supplement or make conforming amendments to this Allocation Plan and all related documents without formal

I. OVERVIEW

amendment or additional public hearings. In addition to notifying affected Tax Credit Program applicants, information about such subsequent changes will be posted on the Agency's website at www.wyomingcda.com.

II. APPLICATION PROCESS

ALL projects applying for **Tax Credits or Tax Exempt Bond Financing** must comply with all aspects of the Wyoming Community Development Authority Affordable Housing Allocation Plan. This includes, but is not limited to, those projects applying for credits under the state Tax Credit Cap, and those projects applying for credits when utilizing Tax-Exempt Bond financing, whether or not WCDA is the Bond Issuer.

ALL projects applying for HOME funds must comply with all pertinent aspects of the Wyoming Community Development Authority Affordable Housing Allocation Plan. This includes compliance with 24CFR Part 92 as detailed in the WCDA HOME Program Description (Allocation Plan Current Year Summary Attachment "E").

All project receiving HOME, Tax Credit Assistance Program (TCAP), and/or Section 1602 Tax Credit Exchange Program funding will be responsible for indemnifying WCDA in the event HUD and/or Treasury enforce any type of recapture or other penalties on the project.

The application fee for **Tax Credits** is \$250 for projects with twenty units or less and \$750 for projects with over twenty units. This fee **must** be included with the application. Applications received without this fee will be returned. The application fees may be subject to change at a later date.

There is no application fee for projects which are only applying for HOME funds.

Those applying for funding under either program need to submit:

- a completed WCDA Application Form including all supplements and appropriate Exhibits (The most **current** application must be used, no substitutions or changes to any forms will be accepted),
- an Affirmative Fair Housing Marketing Agreement (See Application Exhibit A-1),
- a Previous Participation Statement and Authorization for Release of Information (See Application Exhibit A-3),
- Determination letter from the State Historic Preservation Office (SHPO) clearing the site for improvement or necessary mitigation requirements,
- HUD Environmental checklist,
- an independent comprehensive, timely, and professional Market Study. (Generally Market Studies are considered timely if less than 6 months old.) At a minimum, the Market Study must include those items outlined in the Current Year Summary Attachment "A" Item "7" and the Market Study Recap located in the Current Year Summary Attachment "B" Item "1a or 1b". (Those projects utilizing only HOME funding for rental housing and under 12 units will not be required to use a professional Market Study firm if they can provide the

II. APPLICATION PROCESS

same type of information through other methods. This exception does not apply to Homebuyer Assistance Programs. Market Studies are required for all Homebuyer Assistance Programs.) If the Market Study contradicts current economic statistics on file with WCDA, the project may not rank in the needs category. A Market Study provider will be approved by WCDA if it can demonstrate to the Developer that it can meet the required elements as listed in the Affordable Housing Allocation Plan Current Year Summary Attachment “A” Item “7”, AND provide a completed Market Study Recap sheet found in the Affordable Housing Allocation Plan Current Year Summary Attachment “B” Item “1a” or “1b”. WCDA DOES NOT APPROVE INDIVIDUAL MARKET STUDIES. EACH DEVELOPER/OWNER IS RESPONSIBLE FOR PROVIDING A MARKET STUDY WHICH ACCURATELY REFLECTS THE INFORMATION NECESSARY FOR WCDA TO EVALUATE THE CURRENT AND FUTURE NEED FOR THE PROJECT BEING PROPOSED.

- all projects receiving an allocation are bound by the limits in place as stated in the plan for the year in which the project received its allocation,
- Scattered Site projects are acceptable under this plan only if all units are covered under the same financing, and are located within the same city, or if none of the individual sites are within city limits, within the same county *However, the Primary Market Area defined in the Market Study must make sense.* To receive the 130% increase in basis allowed under Section 42 the **entire** project must also be located within a Qualified Census Tract or Difficult Development Area,
- documentation showing the CEO of the local jurisdiction has been notified and given specific information about the project,
- all rental rehabilitation projects must provide a Capital Needs Assessment (including an Economic Feasibility Assessment of Expenses), stating the viability and long term feasibility of the project,
- all Acquisition/Rental Rehabilitation projects must provide an appraisal by an independent 3rd party. The acquisition price on which tax credits are allocated will be limited to the lesser of the sale price or the appraised value of the property prior to rehabilitation,
- all projects requesting credits that exceed the Total per unit Eligible Basis published by WCDA in the Current Year Summary Attachment “A”, must include documentation, satisfactory to WCDA, justifying the higher costs, and thus the higher Eligible Basis. [E.g. Three or more bids for construction items, current Real Estate listings for like properties in the area (to help justify high land costs), costs to address seismic or other unique building requirements, impact on the community, etc.], and
- the appropriate application fee.

II. APPLICATION PROCESS

Applicants must be current on **ALL** fees due and owing WCDA before an application will be accepted. Also, an application may be denied if it is determined that the developer or other key participants have other projects that are not progressing in a timely manner.

Incomplete applications may be returned. Applications once submitted are considered final and may not be revised. WCDA has the right not to fund a draw or issue IRS form(s) 8609 if the project is not progressing or has not been completed according to the original application. However, WCDA may ask for additional information and updates as needed.

In addition, projects requesting tax credits from the non-profit set-aside need to submit a Non-Profit Certification (See Application Exhibit A-4) as to the non-profit's involvement in the project. This certification must be submitted with the application and updated annually throughout the compliance period.

WCDA reserves the right to reject an application, or assess negative points, if there are outstanding non-compliance issues, or if an applicant has a history of poor performance, under any program administered by WCDA, or under comparable programs in other states or jurisdictions.

WCDA reserves the right, in its sole discretion to provide an allocation of Year 2009 or 2010 Tax Credits to a development, without requiring re-ranking under the Year 2009 or 2010 Allocation Plan. The development must be currently holding a valid allocation of Tax Credits and, due to circumstances beyond its control or other reason as outlined herein, unable to meet Tax Credit program 10% Test requirements. The Year 2009 or 2010 Tax Credits will be allocated upon release and return of the prior allocation. Such circumstances may include delays caused by local government's opposition to affordable housing; delays due to the failure of the federal government to release program guidelines or regulations in a timely manner or due to temporary freezes in federal government budget authority for program activity; or similar extraordinary and compelling basis (and but for such circumstance, Agency program deadlines and requirements would have been met.) In addition WCDA may award 2009 and/or 2010 tax credits outside of the normal process to projects that: a) assist the Agency to comply with HUD regulations regarding timely commitment of funds, b) prevent the loss of state or federal investment, or c) provide housing for underserved populations. Notwithstanding the above, Developments which need additional Tax Credits to be viable for their equity closing must submit a new Application for funding with the Agency during a normal funding round. Said developments will not be considered for substitution of Tax Credits because their Application has substantially changed. Further, the Agency may not consider any other Applications for Tax Credits, in its sole discretion for a new development submitted by the same applicant (or related entity or material participant) during the same or following funding round for Tax Credits if it provides this extraordinary relief due to the Developer's inability to meet the 10% Test deadline.

Notwithstanding anything herein to the contrary, the Agency may, in its sole discretion and in accordance with any such additional guidance or regulatory direction implementing amendments to Section 42 of the Code, establish alternative, supplemental, or additional processing requirements and deadlines for developments receiving Year 2009 and/or 2010 Tax Credits. Any such changes or supplements shall be effective upon written instruction by the Agency to the affected Tax Credit developments.

Applications (one copy) should be mailed or delivered to:

WCDA

II. APPLICATION PROCESS

Gayle S. Brownlee
Director of Multi-Family Housing
155 North Beech (82601)
P.O. Box 634 (82602)
Casper, WY

III. SET-ASIDES

Tax Credit Program

Non-Profit Set-aside. Ten percent (10%) of the total annual credit available is required to be set aside for projects in which 501(c)(3) and 501(c)(4) non-profit organizations materially participate in the development and management of the project. In the event that funds in the Set-Aside pool have been exhausted, applicants requesting an allocation under a specific set-aside will compete in the open pool. See Current Year Summary Attachment “A”.

HOME Program

The anticipated amount of HOME Program and American Dream Down Payment Initiative (ADDI) funding available is disclosed in the current Year Summary, Attachment “A”.

Direct Administration Category – The approximate amount of funding set-aside in this category for Rental Housing Production, Homebuyer Assistance Programs for homeownership (Down Payment Assistance, Gap financing etc.), and Homeowner Rehabilitation programs is outlined in the Current Year Summary, Attachment “A”. These funds will be distributed through a competitive application process. If through this process, not all of the funds are allocated in the specified funding cycles, WCDA will allocate them to eligible projects through a second competitive application process or to projects meeting the minimum ranking criteria on a first-come, first-served basis depending on the amount of available funds.

Community Housing Development Organizations (CHDOs) - Fifteen percent (15%) of the Fiscal Year HOME funding allocation will be set aside for CHDO's. Applications will be accepted from certified CHDO's for CHDO eligible activities through a competitive application process. If through this process, not all of the funds are allocated in the specified funding cycles, WCDA will allocate them to eligible projects through a second competitive application process or to projects meeting the minimum ranking criteria on a first-come, first-served basis depending on the amount of available funds. Ten percent of this set aside may be available for which CHDOs may apply for Project Specific Technical Assistance and Site Control Loans.

CHDO General (not project) Operating costs and Capacity Building Reserve – Approximate funding as disclosed in the Current Year Summary Attachment “A” will be set-aside in this category. CHDO's may apply to WCDA on an annual basis, prior to September 1st of each year, for Operating Costs and/or Capacity building funds.

HOME Run Program (New Construction Homeownership Program) – All of the American Dream Down Payment Initiative (ADDI) funding plus HOME funding in an amount necessary to equal the approximate amount outlined in the Current Year Summary Attachment “A” will be set aside for this program. These funds will be utilized to provide an interest subsidy in the form of a 10 year step rate mortgage program on a pool of funds under the WCDA Single Family Mortgage Purchase Program. This lower interest rate program will be available only to low-income

III. SET-ASIDES

households to purchase newly constructed homes meeting certain purchase price limits by county. At WCDA's sole discretion Program Income and Administration and Contingency Reserve may be used to augment the HOME Run Program if there is not sufficient funding for the program to continue until next year's allocation.

Administration and Contingency Reserve - Approximately 10% of the HOME funding allocation will be set aside for this account. WCDA Administrative costs, and a reserve for project over-runs that cannot be met from other funding sources, are all authorized uses for this set-aside.

If it appears that not all funds under any set-aside will be committed or utilized, the funding may revert to other set-asides as determined by WCDA in its sole discretion.

IV. INITIAL ALLOCATION PROCESS

WCDA will review all applications in each cycle for completeness and eligibility based on federal requirements and selection criteria. Applications will be selected for initial allocation based on the selection criteria outlined in this Allocation Plan.

Applications for initial allocation of Tax Credits and HOME funds may be submitted in the Initial Allocation Cycles outlined in the Current Year Summary Attachment "A".

An initial allocation fee equal to 3% of the annual **Tax Credit** amount approved by WCDA will be required at time of initial allocation. Projects utilizing tax-exempt financing will be required to pay a 3% commitment fee upon issuance of the intent letter. The initial allocation and commitment fees may be subject to change at a later date. There is no initial allocation fee for projects that apply for **HOME** funds only.

WCDA reserves the right not to allocate Tax Credits or HOME funding for any project, regardless of ranking under the project selection criteria, if it determines that an initial allocation for such project does not further the purpose and goals set forth in this plan. WCDA may recapture credits from defunct projects after providing notice and conducting an administrative hearing.

WCDA reserves the right to allocate all or a portion of the available Tax Credits or HOME funds in any of its funding cycles. WCDA reserves the right to issue reservations for future year Tax Credit allocations.

In the event of a major natural disaster, whereas the area has been declared a disaster area by federal, state, or local elected officials, or disruption in the financial markets, the WCDA may disregard any section of the Plan, including point scoring and evaluation criteria, that interferes with an appropriate response. This may include but is not limited to the right to immediately allocate HOME or Low Income Housing Tax Credits to any eligible project in such area that can meet the minimum point criterion. This may be done without opening a competitive application cycle and funding may be allocated even to the extent of forward allocating.

The purpose of the Initial Allocation Cycles is to enable WCDA to competitively review applications and to award Tax Credits and/or HOME funds to those projects that most aggressively address the selection criteria. Upon the close of any cycle, any application(s) not funded that meet at least the minimum ranking criteria will be held on a waiting list. If another allocation cycle is held, additional applications will be accepted and, along with those applications held on the waiting list, will be subjected to the review process as outlined in the Allocation Plan. All applications not funded in the current year will expire on December 31.

WCDA may rescind a Tax Credit or HOME Initial Allocation if it is determined that the developer or other key participants have other projects that are not progressing in a reasonable time frame as determined by WCDA in its sole discretion.

IV. INITIAL ALLOCATION PROCESS

If there are insufficient Tax Credits or HOME funds remaining to allocate the minimum necessary to make the next project feasible, WCDA may award Tax Credits or HOME funds to the next highest scoring project for which the available Tax Credits or HOME funds are sufficient to meet that project's needs.

Tax Credit Initial Allocations and HOME funded Initial Allocations are NOT transferable. Once an Initial Allocation is granted, the project (as presented in the application, including but not limited to the project OWNER and other participating parties) may not be changed in any way without WCDA's prior written consent.

V. INITIAL ALLOCATION CRITERIA

Proposed projects will be ranked based on primary and secondary criteria. Where an applicant's Market Study differs from the current economic statistics available to WCDA, the project may be ranked using the most significant data available to WCDA. Although projects may rank, WCDA reserves the right to add financial and other concerns to the Initial Allocation Document, which it may have for the long-term viability of the project.

Primary Criteria	Negative Points	Minimum Required*	Maximum Points
1) Housing Needs Characteristics			
a) Need		140	192
b) Vacancy in Community	- 40		56
c) Vacancy in Subsidized Projects	- 7		10
SUB TOTAL HOUSING NEEDS CHARACTERISTICS	- 47	140	258
2) Quality of Construction			
a) Minimum Construction Standards		10	10
b) Construction Standards Exceeded			115
SUB TOTAL QUALITY OF CONSTRUCTION	0	10	125
3) Income Levels			
a) Meeting Market Study		10	10
b) Lower Income Targeting			5
c) Deep Income Targeting			10
SUB TOTAL LOWER INCOME TARGETING	0	10	25
4) Affordability Levels (monthly housing costs)			
		8	36
5) Extended Low-Income Use			
		2	35
6) Community Revitalization in Qualified Census Tracts			
			25
PRIMARY TOTAL			
	- 47	170	504

*All applications must meet the total Primary minimum and each individual Primary Criteria minimum or the application will be rejected.

V. INITIAL ALLOCATION CRITERIA

Secondary Criteria	Negative Points	Minimum Required+	Maximum Points
1) Project Location			
a) Appropriate Location			10
b) Concentration of Low-Income Housing			15
c) Inappropriate Location	- 200		
SUBTOTAL PROJECT LOCATION	- 200	0	25
2) Project Characteristics			
a) Project Design	- 75		75
b) Energy Efficient / Green Building Features*			10
c) Site Control*			3
d) Proper Zoning*			3
e) Purchase Price Limits**			(11)
f) Tiering Income and Rents	-200		
g) Subsidy	-200		
h) Other Supportive Financing			5
i) Community Revitalization Plan			20
SUBTOTAL PROJECT CHARACTERISTICS	-275	0	111
* Not Available for Homebuyer Assistance Projects.			
** Available only to Homebuyer Assistance Projects			
3) Sponsor/Applicant Characteristics			
Poor Performance	-200		
SUBTOTAL SPONSOR/APPLICANT CHARACTERISTICS	-200	0	0
4) Special Needs Housing			
	0	0	4
5) Public Housing Waiting Lists			
	0	2	2
6) Families or Individuals with Children			
	0	0	4
7) Support from Local Sources			
a) Support			20
b) Financial Support			35
SUBTOTAL FINANCIAL SUPPORT FROM LOCAL SOURCES		0	65
8) Management Capacity			

V. INITIAL ALLOCATION CRITERIA

Poor Performance	-200		
SUBTOTAL MANAGEMENT CAPACITY	-200	0	0

9) Total Project Costs	-1,000	0	0
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10) Owner/General Partner Equity in Project	0	0	20
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SECONDARY TOTAL	-1,875	55+	271
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+All applications must meet a 55 point minimum in the Secondary Criteria or the application will be rejected.

Tie Breaker Criteria	Negative Points	Minimum Required+	Maximum Points
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1) Total Project Costs	0	0	40
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2) Reduced Fees	0	0	30
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Tie Breaker TOTAL	0	0	70
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In order to be considered for points in any category, sufficient documentation must be included and applications must include a detailed written explanation of how and why the applicant feels the criteria has been met.

V. INITIAL ALLOCATION CRITERIA

A. Primary Criteria

1. HOUSING NEEDS CHARACTERISTICS

(Maximum 258 points - Must score a minimum of 140 points)

a. **NEED** (Maximum 192 points)

A Project will receive up to 192 points if the applicant can substantiate need for the specific housing for which it is applying: (must include where tenant/homebuyer is currently residing [in town, out of town, relatives, subsidized housing, and/or substandard housing])

Income levels 32 Points

Income Levels being served vs. Income Levels identified in the Market Study.

Affordability levels (Monthly Housing costs) 48 Points

Proposed monthly housing expense (Rents or monthly mortgage payments, utilities and any HOA dues) vs. monthly housing expense being charged in the community.

Concentration of Low Income Households 16 Points

As concentration of Low-Income/Affordable housing units increase in the vicinity fewer points are awarded.

Appropriate Housing 16 Points

Appropriate housing for the need identified in the Market Study i.e. Family vs. elderly vs. special needs.

Type of housing construction 16 Points

Apartment, duplex, stick built, modular, manufactured etc.)

Saturation (Units needed vs. Proposed) 48 Points

Absorption Rate 16 Points

b. **VACANCY IN COMMUNITY** (Maximum 56 points)

If a project is placed in a community, aka Primary Market Area (PMA) with substantiated vacancy rates in that community, the following points will be awarded:

0% = 56 points	6% = 10 points
1% = 50 points	7% = 5 points
2% = 45 points	8% = 0 points
3% = 35 points	9% – 12% = -20 points
4% = 25 points	13%+ = -40 points
5% = 15 points	

Under the **HOME** program, for Homeowner Rehabilitation Projects, applicants may receive up to 66 points by demonstrating:

V. INITIAL ALLOCATION CRITERIA

Homeowner Rehabilitation - number of low and moderate income families in community, number of owner-occupied units in community which are substandard, and average age of housing stock.

c. VACANCY IN SUBSIDIZED PROJECTS (Maximum 10 points)

If a project is placed in a community with substantiated vacancy rates in subsidized projects, the following points will be awarded:

0%	=	10	points	4%	=	0	points
1%	=	7	points	5%	=	-2	points
2%	=	5	points	6%	=	-5	points
3%	=	2	points	7%+	=	-7	points

2. QUALITY OF CONSTRUCTION

(Maximum 125 points)

a. MINIMUM CONSTRUCTION STANDARDS (Must score a minimum of

10 points) A project will receive 10 points if it, meets the applicable edition of the International Building Code and National Electric Code and the local code adopted by the presiding jurisdiction and the Minimum Property Standards (MPS) in 24 CFR 200.925 or 200.926, meets the Model Energy Code (MEC), and meets Accessibility Requirements under ADA. More restrictive codes or regulations may be required by local cities, counties or towns, but in no case may new construction projects (and to the maximum extent feasible for rehabilitation projects) fail to meet IBC, National Electric Code, MPS, MEC, and ADA.

b. CONSTRUCTION STANDARDS EXCEEDED - To obtain additional points, applications must clearly demonstrate that the project undisputedly exceeds the minimum specified in Section 2, "a". The project may receive up to an additional 115 points in this area (See Current Year Summary Attachment "A" Item "6" for more information on this category).

3. INCOME LEVELS (Maximum 25 points)

A proposal will receive points for eligible low-income units with income restricted to the percentage of HUD Median Income as stated below. Due to the complexity involved throughout the compliance period, it is recommended no more than 2 income levels are used.

a. MEETING MARKET STUDY (Must score a minimum of 10 points)

Where income levels proposed meet those substantiated in the Market Study for the project, it will receive 10 points.

V. INITIAL ALLOCATION CRITERIA

- b. LOWER INCOME TARGETING - Projects whose Market Study substantiates need for income levels between 41-50% of HUD Median Income will receive a pro rata share of 5 points.
- c. DEEP INCOME TARGETING - Projects whose Market Study substantiates need for income levels at or below 40% of HUD Median Income will receive a pro rata share of 10 points.

4. **AFFORDABILITY LEVELS**

(Maximum 36 points - Must score a minimum of 8 points)

A proposal will receive a proportionate percentage of points for eligible low-income units where rent is restricted to 30% of the HUD Area Median Income as stated in the chart below. Due to the complexity involved throughout the compliance period, it is recommended no more than 2 rent levels are used.

30% and below	=	36 points
35% and below	=	30 points
40% and below	=	24 points
45% and below	=	18 points
50% and below	=	12 points
60% and below	=	8 points

[Example – 50% of the units restricted at 30% or less (50% of 36 points = 18), and 50% of the units restricted at 50% or less (50% of 12 points = 6). Thus 18 + 6 = 24 total points.]

In order to receive points in this category, rents including any subsidy, must be limited to the percentages chosen. Projects will be underwritten at the rent level chosen. If using HOME funds, the maximum rent level must be at or below the Low HOME Rent as defined in the HOME Program Application.

Rent restrictions float within the project. When a household's income increases above the limit for that unit, the next available unit must be rented at the lower level. Every effort must be made to insure the income and rent levels are attained at all time throughout the compliance period. As such projects with multiple rent and or income levels must recertify each household on an annual basis.

A proposal will receive 2 points if 4% or more of the units set aside for transitioning homeless households. This would include Gross rent under \$200.00 a month and working with other organizations to provide payment of utilities.

Under the HOME program, for Homeowner Rehabilitation Projects, the application must demonstrate how the proposed project meets the needs of the homeowners on a monthly cost basis. Max points = 36.

- 5. **EXTENDED LOW-INCOME USE** (Maximum 35 points - Must score a minimum of 2 points Projects with less than 12 total units are not required to score a minimum of 2 points.)

V. INITIAL ALLOCATION CRITERIA

- a.) A proposal will receive the following points for extending the federally required initial compliance and/or affordability period where the owner waives the option to sell and agrees to follow the restrictions as set forth in their Application:

Example for Tax Credit Project			
IRS Required Years	Additional Initial Years	Total Years Restricted	Points
15	5+	20	2
15	10+	25	3
15	15+	30	5
15	20+	35	10
15	25+	40	17
15	35+	50	35

Example for HOME Rental Rehab. Projects, Homebuyer Assistance Programs, and HOME Homeowner Rehab <u>Projects Less than \$15,000/unit</u>			
HOME Required Years	Additional Initial Years	Total Years Restricted	Points
5	5+	10	2
5	10+	15	3
5	15+	20	5
5	20+	25	10
5	25+	30	17
5	35+	40	35

Example for HOME Rental Rehab. Projects, and Homebuyer Assistance Programs, \$15,000 - \$40,000/unit			
HOME Req. Years	Additional Initial Years	Total Years Restricted	Points
10	5+	15	2
10	10+	20	3
10	15+	25	5
10	20+	30	10
10	25+	35	17
10	35+	45	35

V. INITIAL ALLOCATION CRITERIA

Example for HOME Homeowner Rehabilitation Projects, \$15,000 - \$19,999/unit			
HOME Req. Years	Additional Initial Years	Total Years Restricted	Points
10	5+	15	2
10	10+	20	3
10	15+	25	5
10	20+	30	10
10	25+	35	17
10	35+	45	35

Example for HOME Homeowner Rehabilitation Projects, \$20,000 - \$25,000/unit			
HOME Req. Years	Additional Initial Years	Total Years Restricted	Points
20	5+	25	2
20	10+	30	3
20	15+	35	5
20	20+	40	10
20	25+	45	17
20	35+	55	35

Example for HOME Rental Rehab. Projects Over \$40,000/unit			
HOME Req. Years	Additional Initial Years	Total Years Restricted	Points
15	5+	20	2
15	10+	25	3
15	15+	30	5
15	20+	35	10
15	25+	40	17
15	35+	50	35

Example for HOME Rental New Construction Projects All Amounts			
HOME Req. Years	Additional Initial Years	Total Years Restricted	Points
20	5+	25	2
20	10+	30	3
20	15+	35	5
20	20+	40	10
20	25+	45	17
20	35+	55	35

V. INITIAL ALLOCATION CRITERIA

Affordability Period must be equal to or greater than the term and amortization period of HOME financing.

Tax Credit Projects requesting credits that exceed the total per unit Eligible Basis published by WCDA in the Current Year Summary Attachment “A”, must score a minimum of 35 points in the Extended Use Category.

At the time of allocation, a Restrictive Land Use Covenant or HOME Agreement for rental projects or Deed Restrictions for home ownership projects shall be executed between the applicant and WCDA to define the terms and length of the affordability period.

6. COMMUNITY REVITALIZATION IN QUALIFIED CENSUS TRACTS

(Maximum 25 points)

A proposal will receive up to 25 points if the project being developed, is located in a Qualified Census Tract and contributes to a concerted Community Revitalization Plan. Until “Community Revitalization Plan” (CRP) has been formally defined by HUD or the IRS, a Developer may provide a letter from the local jurisdiction, or the state, that the project sits in a CRP area.

B. Secondary Criteria

1. PROJECT LOCATION (Maximum 25 points, and/or up to negative 200 points)

a. APPROPRIATE LOCATION - A project may receive up to 10 points for being within a proximity of 1 ½ miles (½ mile for elderly) of appropriate services needed by the residents occupying the units (must list services and distance from project to be eligible to receive points).

b. CONCENTRATION OF LOW-INCOME HOUSING – A project may receive up to 15 points if it is demonstrated that the project will not contribute to a concentration of Low-Income housing.

c. INAPPROPRIATE LOCATIONS - Inappropriate locations such as locations in 100-year flood areas, noise areas, areas of concentrated low-income, near hazardous site areas (above ground storage tanks of hazardous materials), airport clear zones, those sites listed in the EPA CERCLIS data base, and other hazards outlined by HUD in their Environmental Review Requirements or known or discovered by WCDA, etc., may receive up to a negative 200 points. The points will be assigned as follows (more than one category may apply):

Points Location contains:

-200 Items that can NOT be mitigated

-175 Mitigation required, but not addressed or budgeted in the application

V. INITIAL ALLOCATION CRITERIA

- 150 Mitigation required which has been addressed but not budgeted
- 50 Mitigation May be required, not addressed and not budgeted (each item)
- 20 Mitigation required which has been addressed and cost is included in the budget (each item)
- 100 Located in a commercial area
- 150 Located in a light industrial area
- 200 Located in an industrial area

Location or Site has issues relating to or lacks close proximity to:

- 75 basic living needs
- 50 services
- 25 conveniences (parking etc.)

Under the **HOME** program, for Homeowner Rehabilitation projects, where proximity of project(s) is not within the specified radius, the application needs to detail particular strategy or necessity, which makes non-conforming project location vital to the community.

2. **PROJECT CHARACTERISTICS**

(Maximum 111 points, and/or up to negative 275 points)

a. PROJECT DESIGN (Maximum 75 points, or up to negative 75 points)

A project may receive up to 75 points, or up to negative 75 points, for the design of the project provided it addresses the need outlined in the Market Study for the appropriate unit size and type.

For rental projects applicants must describe the amenities that promote or enhance the quality of life for the tenants.

Examples:	Community Room	Computer Room
Exercise Room	Laundry	Playground
Garages	Swimming Pool	Frost Free Refrigerator
Garbage Disposal	Microwave	Stove Exhaust Fan
Dishwasher	Self Clean Oven	2 bath in 2 bedroom units
Air conditioning	Emergency Call	Energy Efficient Appliances
Patio/Balconies	Exterior Storage	Wash/Dry Hookups in units

Examples cont:

High speed internet access in each unit Historic Character preserved

Preserves Project Based Rental Assistance

Points will also be awarded taking into consideration the type of financing (conventional vs. subsidized), total amount of subsidy, and cost reduction items (i.e. substantiated lower lot costs, value engineering etc.).

V. INITIAL ALLOCATION CRITERIA

- b. ENERGY EFFICIENT AND OR GREEN BUILDING FEATURES
(Maximum 10 points)
- i) A proposal may receive up to 5 points for energy efficient and or green building features committed to above and beyond code requirements and normal construction practices (Unit Efficiency Rating must be provided) i.e.
- | | |
|-------------------------------|-----------------------------------|
| Low water flow fixtures | T8 vs. T12 lighting fixtures |
| Programmable thermostats | Energy Star Appliances |
| Efficient Heating and Cooling | Site configuration (sun and wind) |
- ii) Up to 5 points will be awarded if the developer commits to obtaining an Energy Star Certification from a HERS rater for every unit.
- c. PROJECT SITE CONTROL (Maximum 3 points)*
A proposal will receive up to 3 points for having control of the site.
- d. PROPER ZONING – (Maximum 3 points)*
A proposal will receive up to 3 points for having the proper zoning.
- e. TIERING INCOME AND RENTS
If more than two income/rent levels are proposed a negative 5 points will be assessed for each income/rent category over the limit of 2 in each bedroom size.
- g. SUBSIDY - Projects requesting tax credits that exceed the total per unit Eligible Basis or projects where all subsidy sources exceed the limits published by WCDA in the Current Year Summary Attachment “A”, will receive a negative 10 to 200 points. Projects with HOME, CDBG and/or WCDA Housing Trust Fund as the only or majority of the sources will receive up to a negative 200 points.
- h. OTHER SUPPORTIVE FINANCING* – Projects with other committed Below Market Interest Rate Permanent Financing will receive up to 5 points. (i.e. USDA Rural Development – Rural Housing Service, other first mortgage financing)
- i. REVITALIZATION AREA OR REDUCTION OF BARRIERS IN COMMUNITY (Maximum 20 points)
- 1) A proposal will receive up to 20 points if the current project involves use of existing housing as part of a community revitalization plan. Until “Community Revitalization Plan” (CRP) has been formally defined by HUD or the IRS, a Developer may provide a letter from the local jurisdiction, or the state, that the project sits in a CRP area and/or

V. INITIAL ALLOCATION CRITERIA

- 2) A proposal will receive up to 20 points if the community is actively reducing barriers associated with Affordable Housing i.e.:
 - (a) Reducing or waiving fees or real estate tax concessions for Affordable Housing.
 - (b) Within the last five years the Jurisdiction has convened or funded comprehensive studies, commissions, or hearings, or has established a formal ongoing process, to review, the rules, regulations, development standards and processes of the jurisdiction to assess their impact on the supply of Affordable Housing.
 - (c) Within the last five years the Jurisdiction has initiated regulatory reforms as a result of the above.
 - (d) Jurisdiction has a single consolidated permit application process for housing development that includes building, zoning, engineering, environmental and related permits or “fast track” permitting and approvals for all affordable housing projects.
 - (e) Reduction or waiver of unit size, parking or green space requirements for all affordable housing developments.
 - (f) The jurisdiction has funded, directly or through partnerships, comprehensive studies of current and estimated housing needs taking into account the anticipated growth of the region, for existing and future residents, including low-, moderate-, and middle-income families for at least the next five years.
 - (g) Lower cost land development requirements for Affordable Housing developments, i.e. higher density, narrower streets, sidewalks on only one side of the street etc.

3. SPONSOR/APPLICANT CHARACTERISTICS

(Up to negative 200 points)

POOR PERFORMANCE – Up to a negative 200 points will be assessed for any or all of the following:

- Physical and/or Financial condition of any and all existing projects
- Frequency, conditions and type of waivers requested from WCDA or other allocating agencies on previously funded projects
- Poor performance by Sponsors and developers, including but not limited to failure to provide all close out documents within 6 months of being placed in service, liens filed against projects, etc.

V. INITIAL ALLOCATION CRITERIA

- Number of returned or recaptured allocations or awards
- Number of cleared and/or outstanding compliance issues.
- Sponsors or Developers with projects in the process of or in foreclosure, receivership, or similar legal action

4. **SPECIAL NEEDS (SPECIFIC GROUP) HOUSING** - (Maximum 4 points)
A proposal will receive up to four points for restricting occupancy of all units to a special needs (Specific Group) population, as described below:
? homeless ? chronically mentally ill ? physically disabled
? frail elderly ? developmentally disabled ? long term transitional housing
? Preservation of Project Based Rental Assistance
The only Specific Groups allowed are those listed above.
5. **PUBLIC HOUSING WAITING LISTS** - (Maximum 2 pts. Must score a minimum of 2 pts.)
Proposals that commit to giving preference to individuals and families on the public housing waiting lists, and commit to limiting the gross rent accepted from all sources to not exceed the maximum percentage as presented in the application, will receive 2 points. Homebuyer Assistance proposals that commit to giving preference to individuals and families on the public housing waiting list should they qualify for purchasing a home will receive 2 points.
6. **HOUSING NEEDS FOR FAMILIES OR INDIVIDUALS WITH CHILDREN**
(Maximum 4 points)
A proposal will receive up to 4 points for targeting unit occupancy to Families or Individuals with Children.
7. **SUPPORT OR CONTRIBUTIONS FROM LOCAL SOURCES**
(Maximum 65 points, measured on significance and overall impact to the project.)
- a. **SUPPORT** – a proposal will receive up to 20 points for a letter of **support** signed by the Chief Executive Officer from the applicable jurisdiction.
- b. **FINANCIAL SUPPORT** - A proposal will receive up to 35 points for financial support or contributions from local sources derived from non-federal sources (i.e. donated real estate, labor, materials, cash, or waiver of local fees etc.), which results in reduced project costs and reduced federal subsidy only to the extent that the project costs do not exceed the maximum costs outlined in Section 9 below. In order to receive points, documentation from the provider of the Financial Support must be provided showing award and specifics of the Financial Support (i.e. Grant award notification, **firm** commitment of Below Market Interest Rate loan).

V. INITIAL ALLOCATION CRITERIA

8. **MANAGEMENT CAPACITY** (Up to a negative 200 points)
POOR PERFORMANCE - Up to a negative 200 points will be assessed for any or all of the following:
- Physical condition of any and all existing projects
 - Frequency, conditions and type of waivers requested from WCDA on previously funded projects
 - managers associated with any project that has a history of poor performance
 - Number of cleared compliance issues
 - Number of outstanding compliance issues
 - Ongoing maintenance issues
 - Managers who have had a project placed or in the process of being placed in foreclosure, receivership, or similar legal action
9. **TOTAL PROJECT COSTS** - Projects submitted with Total Project Costs above the tolerance level published in the Current Year Summary Attachment “A”, will receive up to a negative 10 points for every 1% over the tolerance level. WCDA reserves the right to waive, all or a portion of the assessment of negative points, if in WCDA’s sole discretion, high project costs are justifiable from information provided by the applicant.
10. **OWNER/GENERAL PARTNER EQUITY IN PROJECT**
(Maximum 20 points, measured on significance and overall impact to the project)
A proposal will receive up to 20 points for financial support or contributions from the Owner or General Partner derived from non-federal sources (i.e. donated real estate, labor, materials, cash, or waiver of local fees etc.), which results in reduced project costs and reduced federal subsidy only to the extent that the project costs do not exceed the maximum costs outlined in Section 9 above less the donated equity. In order to receive points, documentation must be provided to support value of donation (i.e. appraisal for land donation).

C. **Tie Breaker Criteria** – Tie Breaker Criteria will only be used in the event of a tie.

1. **TOTAL PROJECT COSTS** (Maximum 40 points)
- a. New Construction rental projects submitted with Development costs below the tolerance level published in the Current Year Summary Attachment “A”, will receive the following points:

below tolerance	Points	below tolerance	Points
10% -14%	5	15% -19%	15
20% -24%	30	25% +	40

V. INITIAL ALLOCATION CRITERIA

- b. **COST EFFECTIVE UPGRADES AND AMENITIES** (Maximum 40 points)
 Rehabilitation projects will receive up to 40 points for amenities and/or cost-effective upgrades incorporated into the rehabilitation.

3. REDUCED FEES
 (Maximum 30 points)

- a. For Rental Production Projects (excluding Cities, Counties and Towns), where the **combined** Developer and Builder fees are less than 15%, there will be bonus points awarded as follows:

Combined fees		Combined fees	
at or below	Points	at or below	Points
13%	1	7%	15
11%	3	5%	30
9%	5		

- b. For Cities, Counties and Towns applying for eligible HOME Projects, and Homebuyer Assistance Programs who request less than the maximum administrative fee of 10% of the total project, there will be bonus points awarded as follows:

Admin fee at or below	Points	Admin fee at or below	Points
8%	10	2%	25
6%	15	0%	30
4%	20		

VI. MAXIMUM ALLOCATIONS

WCDA in its sole discretion reserves the right to limit funding to 60% of available credits or HOME funds to any one project. WCDA reserves the right to redirect funds within a project between HOME, Tax Credit Assistance Program (TCAP), Tax Credits, Section 1602 Tax Credit Exchange Program, CDBG, and/or other resources available to WCDA which best utilizes the available resources.

Federal law mandates that, although a proposed development may be eligible for a 9% or a 4% tax credit amount, WCDA may not allocate more credit than is necessary for the financial feasibility of the project and its viability as a qualified low-income housing project throughout the compliance period. Accordingly, WCDA may designate a lesser amount of credits than otherwise permissible, as it solely determines.

WCDA may designate a project as being in a difficult development area, thereby receiving up to a 30% increase in the Eligible Basis, if the project is located in a HUD designated difficult Development Area or Qualified Census Tract, or if the average rents for all units are at or below 45% Area Median Income, and the project needs the increase to be financially feasible. This is only available to projects which receive an allocation of Tax Credits on or after 2009.

Section 102(d) of the 1989 HUD Reform Act requires HUD to certify that any new or additional HUD assistance for a project is "not more than is necessary to provide affordable housing" after taking into account any other governmental support. Therefore, WCDA reserves the right to disclose a project's application information to appropriate Federal, State or Local authorities and take the necessary actions to accomplish the intent of the subsidy layering rules. WCDA does not perform the Subsidy Layering Review. Projects needing the Subsidy Layering Review must be submitted to HUD.

WCDA will evaluate each proposed Tax Credit project's financial feasibility and its viability at three different times; time of application, time of allocation, and the date the building is placed in service. This financial evaluation will take into consideration:

- A. Sources and uses of funds;
- B. Total financing planned for the project;
- C. Proceeds expected to be generated from the sale of tax credits;
- D. Annual operating expenses;
- E. Debt coverage ratio;
- F. Vacancy rate;
- G. Total project costs;
- H. Projects will be underwritten at 9% or 4% Applicable Rate unless election to lock the rate is made, in which case the locked in Applicable Rate will be used.
- I. Any other relevant factors.

Projects must meet the limitations and restrictions as outlined in the Allocation Plan at each underwriting. Thus, the amount of credit allocated to a project may change at any of these evaluation times.

VI. MAXIMUM ALLOCATIONS

HOME funding is evaluated in much the same manner as Tax Credits (with the exclusion of item C. above). This evaluation occurs at the time of application and continues during the course of project construction. Projects must meet the limitations and restrictions as outlined in the Allocation Plan at each underwriting. Thus, the terms of the HOME funds may change at any of these evaluation times

VII. LIMITATIONS AND REQUIREMENTS

All projects must adhere to the following limitations and/or requirements:

- A. All Projects must provide a Narrative as outlined in the Current Year Summary Attachment “D-1”.
- B. WCDA reserves the right to negotiate lower Developer and Builder fees on projects when there is an identity of interest among parties.
- C. A Quarterly Progress Report (See Current Year Summary Attachment “D” Item “2.a. or 2.b.”) must be filed with the WCDA outlining progress toward completion. These reports must be received by the 1st day of March, June, September, and December, until 8609’s are issued (for Tax Credits) or HOME project completion reports have been completed.
- D. All parties must sign a release form allowing WCDA to check their references.
- E. All projects must meet or exceed the Minimum Specifications as published in the Current Year Summary Attachment “A”. The Tax Credit Allocation and/or HOME funds may be pulled if any violations are found and the participants may be banned from participating in the program.
- F. All projects must supply both a Performance and a Payment Bond.
- G. Once the project is completed and placed in service the architect (if utilized) and the developer must sign a certification and acknowledgement that the project meets or exceeds all specifications, and they have read and understand consequences of violating these minimums. (See Current Year Summary Attachment “B”)
- H. Copies of Federal Cost Certifications for Rural Development, FHA, and Tax-Exempt financed projects must be submitted at final cost certification.
- I. All projects that exceed the Total per unit Costs published by WCDA in the Current Year Summary Attachment “A”, must include documentation, satisfactory to WCDA, justifying the higher costs. (E.g. three or more bids for construction items, current Real Estate listings for like properties in the area, impact on the community, etc.)
- J. Project Design and Materials must comply with all applicable codes, rules and regulations, including but not limited to; zoning, building, and energy codes, accessibility requirements, and other local, state and federal requirements. At a minimum, all new construction projects must meet a national building code (UBC, CABO, or BOCA) or International Building Code (IBC), must meet the Model Energy Code, and must meet Accessibility Requirements under ADA. More restrictive codes or regulations may be required by local cities, counties, or towns, but in no case may new construction projects fail to meet UBC or IBC, MEC and ADA.

VII. LIMITATIONS AND REQUIREMENTS

All projects must adhere to the following limitations and/or requirements (cont.):

- K. All projects must submit proof project will not be located in a 100-year flood plain.
- L. Projects returning a current allocation of funding (CDBG, HOME, HTF and/or Tax Credits) and submitting a new application for any type of funding, may jeopardize the allocation of the other WCDA funding sources and WCDA may, in its sole discretion, rescind the allocation of the other funding sources if a new allocation is not awarded.
- M. The Purchase Price of Land and or projects, which are not considered arms length transactions, or are from related parties is restricted to the lesser of:
 - i. the appraised value of the land and or buildings to be owned by the project; or
 - ii. the pro-rata share of the **Original Purchase Price**, if the Original purchase was within one year of application; or
 - iii. if owned by a related project which was provided subsidy, the land acquisition price shall be zero.
- N. All projects must meet the minimum and maximum levels (i.e. income, rent, Purchase Price, etc.) in effect and published as of 30 days prior to the application deadline date. These minimums and maximums will be used by WCDA when underwriting the project.

VII. LIMITATIONS AND REQUIREMENTS

All **Rental** projects must adhere to the following limitations and/or requirements:

- A. When underwriting a project, the Annual Operating Expenses that will be used is published in the Current Year Summary Attachment "A".
- B. When underwriting a project, the Debt coverage ratio, using rent at the committed amount, must be between 1.20 [1.15 for RHS] and 1.25 for foreclosable debt plus HOME Investment Partnerships Program loans and Deferred Developer Fee. (Deferred Developer fee will be included in the Debt Coverage Ratio at 0% with a 12 year amortization.)
- C. When underwriting a project, the vacancy rate shall be 7%.
- D. Operating Reserves to be equal to four to six months of projected operating expenses, plus debt service payments, and annual reserve payments. Operating reserves in excess of six months will not be considered when calculating eligible basis or performing the gap calculation. WCDA may in its sole discretion allow a higher Operating Reserve in the event the higher reserve is required by another Agency providing financing.
- E. Minimum replacement Reserves must equal \$250.00 per unit annually for New Construction developments for seniors and \$300.00 per unit annually for new construction for families and developments involving rehabilitation.
- F. Preference must be given to individuals and families on the public housing waiting lists, and projects must commit to limiting the gross rent accepted from all sources to not exceed the maximum as presented in the application.
- G. Rental Rehabilitation projects
 1. Rehabilitation projects must have a minimum expenditure of fifteen thousand dollars (\$15,000) of actual rehabilitation hard costs (not including General Requirements, Contractor Overhead or Profit) per unit in Life, Safety, Health, or Code Requirements which includes required major systems repairs or replacements of
 - Electrical
 - Heating
 - Roofing
 - Foundation/Structural
 - Major energy upgradesCreation of additional units and/or common space (i.e. community room, laundry room, or an office) is considered new construction, not rehabilitation.
 2. No more than 30% of rehabilitation costs can go for required General Property Improvements, (non-Life, Safety, Health, or Code Requirements).

A Capital Needs Assessment must be provided by an unrelated Professional Capital Needs Assessment provider to include a unit by unit breakdown and budget at time of application. The assessment should include an opinion as to the proposed budget

VII. LIMITATIONS AND REQUIREMENTS

All **Rental** projects must adhere to the following limitations and/or requirements (Cont.):

for recommended improvements and should identify critical building systems or components that have reached or exceeded their expected useful lives. The Assessment should also include a projection of recurring probable expenditures for significant systems and components impacting use and tenancy, which are not considered operation or maintenance expenses, to determine the appropriate replacement reserve deposits on a per unit per year basis. The assessment should examine and analyze the following:

- Site, including topography, drainage, pavement, curbing, sidewalks, parking, landscaping, amenities, water, sewer, storm drainage, and gas and electric utilities and lines;
 - Structural systems, both substructure and superstructure, including exterior walls and balconies, exterior doors and windows, roofing system, and drainage;
 - Interiors, including unit and common area finishes, carpeting, tile, plaster walls, paint condition, etc.), unit kitchen finishes, cabinets and appliances, unit bathroom finishes and fixtures, and common area lobbies and corridors; and
 - Mechanical systems, including plumbing and domestic hot water, HVAC, electrical, lighting fixtures, fire protection, and elevators.
3. Financial Statements including Income and Expense statements for at least the past 10 years must be provided.
4. The acquisition price on which Housing Credits are allocated will be limited to the lesser of the sale price or the appraised value of the property prior to rehabilitation.
- H. When calculating maximum rents, all rents must be rounded **down** to the next dollar.
- I. Projects must submit Financial Statements to WCDA by March 31 of each year during the compliance period. (Audited if available)
- J. All projects submitted with an interest rate, for the permanent financing, above the market rate will be underwritten at the average market rate.
- K. Rents committed to as a percentage of Area Median Income will be used in the Land Use Restrictive Covenants Agreement, cash flows, and ranking criteria.
- L. There may be **no** more than a 5% differential between rent and income levels.

VII. LIMITATIONS AND REQUIREMENTS

All **Rental** projects must adhere to the following limitations and/or requirements (Cont.):

- M. The Utility Allowance source may not change from what is disclosed in the original Application throughout the compliance period without prior written permission from WCDA. (The project will be re-underwritten to verify it still meets the Allocation Plan requirements and if additional restrictions would be required.) The Utility Allowance Sources allowed are:
- 1) Local Public Housing Authority Estimate
 - 2) HUD Utility Schedule Model
 - 3) Utility Company Estimate
 - 4) Energy Consumption Model as defined in §1.42-10 by a properly licensed engineer

Sub-metering is NOT allowed.

- N. Rental projects will be monitored for compliance by Spectrum Enterprises. A Manual, including submission requirements and forms is located on their web site at <http://www.spectrumlihtc.com/>, or you may obtain a copy by contacting them at 207-767-8000. Failure to provide information, and in the format as required in the Manual, will be considered non-compliance and reported to the IRS. It is important to note that an owner's representative must be present during all times during the inspection, preferably a maintenance staff person familiar with the building systems and an administrative person familiar to the residents WCDA and SPECTRUM policy forbids any inspector going into any unit or part thereof unaccompanied. Monitoring time at each property is limited and we request that you help monitors in maintaining their schedule. Failure to provide assistance will result in a failed unit, possible loss of credit, and/or a re-inspection billed to the owner. The IRS now requires that unit inspections be performed on the same units that are selected for file review. Units where admittance is not possible for any reason will be failed and/or subject to re-inspection at the owner's expense. Any unit issue corrected before the inspector leaves the property will be cleared. If an owner chooses to have a re-inspection done the owner will be responsible for any additional fees and/or costs associated with the re-inspection. And if it can not be completed until after the close of that compliance period IRS form 8823 will be issued.

VII. LIMITATIONS AND REQUIREMENTS

All **HOME Program** projects must adhere to the following limitations and/or requirements:

- A. Projects must be prepared to provide WCDA, within 30 days of notification of funding, the exact legal description of property and other information necessary to conduct an Environmental Review.
- B. The owner/applicant must secure appropriate title prior to funding. Appropriate title includes Fee Simple Title. All Lease forms of ownership must be Pre-approved by WCDA **PRIOR** to Application.
- C. Extended Title Insurance must be provided including lien, survey and easement coverage, coverage for rights, interests or claims not shown of public record, and a foundation endorsement.
- D. The Title Company will act as disbursement agent for all construction funds.
- E. No HOME funds will be disbursed until firm commitments are received from all funding sources.
- F. WCDA will determine the HOME repayment terms in accordance with the Allocation Plan limits and restrictions when the HOME documents are prepared for closing after the first mortgage rate and term have been set.
- G. The amortization period and term of the HOME loan must be equal to or less than the Affordability Period.
- H. Project located in entitlement cities, Cheyenne and Casper, must provide a current (no older than 6 months) signed letter of consistency with the Consolidated Plan from the applicable Jurisdiction.
- I. All HOME Match must be documented at time of application by Source providing the Match that Grant has been awarded or Fee Reduction has been approved, or by lending institution providing a firm commitment of a Below Market Interest Rate Loan in order to receive allowable points.

VII. LIMITATIONS AND REQUIREMENTS

All **HOME Program Rental Projects** must adhere to the following limitations and/or requirements:

- A. When combining HOME funds with the Tax Credit program, HOME funds must be amortized at no less than 3% for no more than 40 years and debt service on the HOME funds must start no later than six months after the date the project is Placed-In-Service.
- B. Rental Projects must restrict rents on HOME units to not exceed the Low-HOME rent.
- C. Maximum rents for HOME units are outlined in each project's HOME Agreement. These limits do not automatically change when HUD Income Limits change. Increases must be approved in writing by WCDA. Requests for increases will be reviewed no more than once a year.
- D. HOME units in Rental Projects are floating within the project. When a household's income increases above the limit for that unit, the next available unit must be rented at the lower level. Every effort must be made to insure the income and rent levels are attained at all time throughout the compliance period. As such projects with multiple rent and or income levels must recertify each household on an annual basis.
- E. All HOME Rental Project Owners must attend Compliance Training by a nationally recognized firm; Spectrum Enterprises, Housing Credit College by Elizabeth Mooreland Consulting, or other firms as approved by WCDA, prior to the project being placed in service or provide a Certification showing they have completed the training in the past 5 years.
- F. A Representative of the Management Company for all HOME rental projects must attend Compliance Training by a nationally recognized firm; Spectrum Enterprises, Housing Credit College by Elizabeth Mooreland Consulting, or other firms as approved by WCDA, prior to the project being placed in service or provide a Certification showing they have completed the training in the past 3 years.

VII. LIMITATIONS AND REQUIREMENTS

All **HOME Program Homeowner Rehabilitation** projects must adhere to the following limitations and/or requirements:

- A. Homeowner Rehabilitation projects must request reimbursement from WCDA at a minimum on a quarterly basis.
- B. For All Homeowner Rehabilitation Programs – Once HOME funds are invested in a home, additional HOME funds may not be invested in the same home for 15 years.
- C. For All Homeowner Rehabilitation Programs – Administration fees can only be drawn as a percentage of each draw.
- D. For All Homeowner Rehabilitation Programs the maximum amount of HOME subsidy may not exceed \$25,000.00
- E. The value of the HOME assisted property after rehabilitation must not exceed the “Maximum Single Family HOME Limit” listed in Attachment “A”.
- F. Should a property be sold or cease to be occupied by a qualified household during the period of time specified, all original HOME funds must be returned to the WCDA HOME Investment Partnerships Program plus the “Allocated Pro-Rata Share” of the Net Proceeds, (aka Shared Appreciation). The “Allocated Pro-Rata Share” shall equal the Minimum Affordability Period committed to in the application for funding (but not less than the minimum years specified above) less the number of years the Homeowner occupied the property after the rehabilitation was completed, divided the Minimum Affordability Period committed to in the application for funding (but not less than the minimum years specified above). The “Net Proceeds” shall equal the Gross Sales Price less the appraised value prior to the rehabilitation, and Closing Costs approved by WCDA. (Federal Regulations prohibit anyone from profiting from the use of Federal Funds.) This requirement must be stipulated in the lien document (mortgage) which must be recorded.
- G. At application Homeowner Rehabilitation projects must submit a complete program description. This must contain the rules in which applicants apply to you for funding and must include:
 - a. Minimum amount of HOME funding in each unit
 - b. Maximum amount of HOME funding in each unit
 - c. Maximum income limits for each household
 - d. Affordable Period requirements, must be equal to or greater than Affordability Requirements as stated in the HOME Program Description
 - e. How the determination will be made on amortized vs. deferred loans
 - f. How the determination will be made on how much is to be paid back and how the monthly payments will be calculated
 - g. How program will meet the Lead Safe requirements, including testing and Certified Contractors
 - h. List of items eligible as rehabilitation expenses

VII. LIMITATIONS AND REQUIREMENTS

All **HOME Program Homeowner Rehabilitation** projects must adhere to the following limitations and/or requirements (Cont.):

This criteria is part of the scoring and can not change at any time during implementation of the program.

VII. LIMITATIONS AND REQUIREMENTS

All **Tax Credit** projects must adhere to the following limitations and/or requirements:

- A. For Tax Credit projects, owners must have appropriate title to the Real Property at time of 10% Test and must submit documentation of such with the 10% Test Package. Appropriate Title is Fee Simple Title. All Lease forms of ownership must be Pre-approved by WCDA PRIOR to Application.
- B. The Land Use Restrictive Covenants must be recorded and the Original recorded document must be submitted with the Carryover/10% Test Package. This document must be recorded prior to **ANY** other encumbering documents, including but not limited to construction loan and bridge loan documents.
- C. IRS Rules and Regulations outline costs, which are not allowed in Eligible Basis. In addition to those, WCDA does not allow the following costs in Eligible basis:
 - 1. Appraisals
 - 2. Construction interest after the Placed in Service Date
 - 3. Demolition
 - 4. Off-site Improvements
 - 5. Donated Services (such as cost reductions for HOME Match). Donated Services are also not included in the Gap calculation for total costs or sources of funds.
- D. Tax Credit projects submitted with a syndication rate below the published tolerance level in the Current Year Summary Attachment "A", will be underwritten at the average rate published.
- E. Extended Initial Compliance Period - Federal law requires a 15-year initial low income use and a 15 year extended use period with an option to sell the project at the end of the initial period. WCDA requires the initial compliance period to be a minimum of 20 years, unless converting to Homeownership as outlined in the federal statute and this Allocation Plan. Projects with plans to convert to Homeownership will have a Land Use Restrictive Agreement recorded on the property with a 50-year initial low income use period, which will be released as units are sold to eligible Homeowners. Projects requesting credits that exceed the total per unit Eligible Basis published by WCDA in the Current Year Summary Attachment "A", must score a minimum of 35 points in the Extended Use Category.
- F. Violations of the WCDA Restrictive Land Use Covenant are considered non-compliance issues and reportable to the IRS. (See Compliance Monitoring Package)
- G. "Within thirty days of your completion of Part II of the Form 8609 and filing same with the Internal Revenue Service, a completed copy must be mailed to the compliance monitoring staff at the Agency for its records. Failure to return the completed form to the compliance monitoring staff within the required timeframe is a form of noncompliance which will be reported by the Agency to the Internal Revenue Service."

VII. LIMITATIONS AND REQUIREMENTS

All **Tax Credit** projects must adhere to the following limitations and/or requirements (Cont.):

- H. Developer fees will be limited to no more than 15% of development costs up to a maximum of \$1,000,000.00. Development costs are defined as total project costs minus all acquisition costs, off-site improvement costs, developer's fees, syndication costs, reserves and consultant's fees. (Total Project Costs are out of pocket money and do not include donated services, donated materials, and/or waived fees.) For Acquisition / Rehabilitation and Rehabilitation projects, the Developer's fee on acquisition costs is limited to 15% on projects with 12 units or less; 10% on projects with 13 to 24 units; 5% on projects with 25 to 36 units; and 0% on projects with over 36 units. Special Consideration may be given for project size, project characteristics, and/or project location.
- I. Eligible consultant fees are defined as Architect's Fee and Engineer's Fee. All other consultant fees, including accounting fees, will be permitted only within the Developer's Fee limit.
- J. Builder's fees will be limited as follows:
 - 1. Builder's Profit will be limited to no more than 6% of the construction costs.
 - 2. Builder's Overhead will be limited to no more than 2% of the construction costs.
 - 3. General Requirements will be limited to no more than 6% of the construction costs.Construction costs equal, On-Site Work plus New Structures, Rehabilitation, and Accessory Structures.
- K. When combining the Tax Credit program with HOME funds, the HOME funds must be amortized at no less than 3% for no more than 40 years and debt service on the HOME funds must start no later than six months after the date the project is Placed-In-Service. (WCDA at its sole discretion may waive or modify the required terms on the HOME repayment.)
- L. When combining the Tax Credit program with HOME funds, neither the retention funds for the HOME financing nor the IRS form(s) 8609 will be released until all required documentation is received for both programs.
- M. All Tax Credit Project Owners must attend and pass the required testing to obtain a Compliance Certification by a nationally recognized firm; Spectrum Enterprises, Housing Credit College by Elizabeth Mooreland Consulting or other firms as approved by WCDA, prior to the project being placed in service or provide a Certification showing they have completed the training successfully in the past 5 years.
- N. A Representative of the Management Company for all Tax Credit Projects must attend and pass the required testing to obtain a Compliance Certification by a nationally recognized firm; Spectrum Enterprises, Housing Credit College by Elizabeth Mooreland

VII. LIMITATIONS AND REQUIREMENTS

Consulting or other firms as approved by WCDA, prior to the project being placed in service or provide a Certification showing they have completed the training successfully in the past 3 years.

All **Tax Credit** projects must adhere to the following limitations and/or requirements (Cont.):

- O. The Placed in Service Date is determined by the date of the Certification of Occupancy.

VIII. EVALUATION & ALLOCATION

Tax Credit Program

In addition to adopting a qualified allocation plan, housing credit agencies must also evaluate each Tax Credit project to insure that the project receives only the amount of credit necessary to assure project feasibility and viability throughout the credit period. Therefore, evaluations will be performed by WCDA at the following times: 1) when the initial application is received, 2) when the 10% test application is received, and 3) when the project is placed-in-service and an application for Final Allocation is made.

WCDA will make allocations of tax credits at the time an eligible project or portion of a project, which has received an Initial Allocation, is placed-in-service (available for rental occupancy), or when an application has been received, reviewed, and approved for an Initial Allocation.

The Tax Credit amount allocated is based on WCDA's determination of the qualified basis for the project or portion of the project, the gap calculation, and costs per unit. A Cost Certification, a certification of sources of funds (financing, grants, etc.), the amount of funds received from the syndication of the credits, and the percentage of the housing credit dollar amount used for project costs other than the costs of intermediaries, by an independent qualified professional is required for a 10% Test Allocation (See 10% Test Allocation Package) and a Final Allocation (See Final Allocation Package of Tax Credits).

The Tax Credit allocation may be reduced to comply with federal law based on WCDA's final review of the project.

WCDA will provide a 10% Test Allocation package to applicants upon request. 10% Test allocations may be requested as soon as an eligible project has met the 10% requirement. Projects must supply a 10% Test Package and all required supporting documentation no later than as described in the project's Carryover document or within 11 months from the date of the Carryover document, whichever is less. Projects will be assessed a penalty-fee of \$500.00 per day for 10% Test Allocation packages received after the deadline. WCDA may establish different deadlines prior to year-end for allocation requests in order to permit timely processing of documents.

WCDA will provide a Final Allocation package to applicants upon request. Final allocations may be requested as soon as an eligible building is placed-in-service. Applications for Final allocation must be received by WCDA not later than December 1 of the applicable year. Projects will be assessed a penalty-fee of \$500.00 per day for Final Allocation packages received after December 1. WCDA may establish different deadlines prior to year-end for allocation requests in order to permit timely processing of documents. Should "corrected" 8609's be requested there will be a fee of \$500 per 8609, unless it was an error by WCDA.

WCDA will provide the accountant's cost certificate form for the 10% Test and the Final Allocation. This form must be used without alteration to obtain a 10% test acknowledgement and/or IRS form 8609.

VIII. EVALUATION & ALLOCATION

Applicants must be current on all fees before IRS form 8609 will be issued.

IX. SECTION 1602 – TAX CREDIT EXCHANGE PROGRAM

Provisions under this section will become effective immediately upon final approval.

A. ELIGIBILITY - In order to be eligible for Section 1602 – Tax Credit Exchange (TCX) funding, projects must meet all of the following criteria:

- have received a Low-Income Housing Tax Credit (LIHTC) award under section 42 (h) of the Internal Revenue Code during federal fiscal years 2007, 2008 or 2009, and;
- have not obtained a Temporary or Final Certificate of Occupancy, and;
- have not closed both the syndication of the LIHTC and their construction financing.

The following projects were awarded Tax Credits in 2007, 2008 or 2009:

Wyoming National Flats	Antelope Ridge Apartments
Woodridge Apartments Homes	Legacy Senior Residences
Prairie Sage Apartments	Cottonwood Terrace 2
Rocky Point Apartments	Aspen Creek Apartments
Cornerstone Apartments	Cobblestone
Elkhorn Apartments	Windridge Apartments
The Meadows Senior Housing	Foothills Family Apartments
Northside Apartments	Bighorn Apartments

Of these projects, the following projects have not closed both the syndication and the construction financing and have not received temporary or final Certificates of Occupancy and thus, are eligible for TCX funding:

Rocky Point Apartments	Aspen Creek Apartments
Cornerstone Apartments	Elkhorn Apartments
Windridge Apartments	The Meadows Senior Housing
Foothills Family Apartments	Northside Apartments
Bighorn Apartments	

In addition, eligible projects would include any other projects which are awarded Low-Income Housing Tax Credit Allocations prior to September 30, 2009.

If after good-faith efforts have been made, a project listed above is unable to secure syndication, to make the project financially feasible and viable, participation in the TCX program may be allowed as follows:

- 1) Projects must retain the maximum amount of syndicated tax credits in the project as possible.
- 2) No projects will be granted TCX without a reasonable portion (to be determined by WCDA) of the Tax Credits syndicated and sold to an investor and the active participation of the syndicator/investor.
- 3) Projects which can show financial feasibility, by August 28, 2009 with 50% or less of their Tax Credit award exchanged for TCX will be given priority and allowed to move forward without being placed on a waiting list.

IX. SECTION 1602 – TAX CREDIT EXCHANGE PROGRAM

- 4) Projects which can show financial feasibility by August 28, 2009 but needing more than 50% but less than 65% of their Tax Credit award exchanged for TCX will be placed on a waiting list until September 30, 2009.

Projects on the waiting list will be evaluated on the following criteria:

- i. Amount of TCX needed
- ii. Project readiness and estimated completion date
- iii. Original project scoring

This evaluation will allow WCDA to provide TCX funding to the greatest number of projects that have demonstrated the highest demand for the housing and can be completed within the required program time frames.

- 5) Projects which can show financial feasibility by August 28, 2009 but need more than 65% of the Tax Credit exchanged for TCX and projects which fail to show financial feasibility by August 28, 2009, will be deemed infeasible and the Tax Credits will be recaptured.
- 6) In order to effectively manage the program requirements, the percentages listed in paragraphs 3), 4), and 5) above may be amended at any time by WCDA without a Public Hearing or without soliciting Public Comments.

Projects which do not continue to progress in a timely fashion risk being deemed infeasible and the Tax Credits will be subject to recapture.

X. TAX CREDIT ASSISTANCE PROGRAM (TCAP)

A. Statement of Intent to Accept TCAP Funds

- 1) Wyoming Community Development Authority intends to accept the entire amount of its TCAP formula allocation of \$4,846,908.00.
- 2) Wyoming Community Development Authority currently administers the following federal grant funds:
 - a. HOME Investment Partnerships Program
 - b. As a sub recipient of a portion of the Community Development Block Grant funding (eligible project must be related to housing)
- 3) Applications for 2009 LIHTC projects were due January 30, 2009. Projects were presented to the WCDA Board of Director's and approved on March 25, 2009. All credits available through 2009 have been awarded to projects. An additional round may be held prior to September 30, 2009 to award any returned LIHTC and/or 2010 LIHTC.
- 4) Wyoming Community Development Authority's contact person for the TCAP is as follows:

Gayle S. Brownlee
Director of Multifamily Housing
155 North Beech (82601)
P.O. Box 634 (82602)
Casper, WY
307-265-0603 (phone)
307-266-5414 (facsimile)
brownlee@wyomingcda.com

X. TAX CREDIT ASSISTANCE PROGRAM (TCAP)

B. Description of Competitive Selection Criteria

In order to be eligible to receive TCAP funding, projects must meet all of the following criteria:

- have received a Low-Income Housing Tax Credit (LIHTC) award under section 42 (h) of the Internal Revenue Code during federal fiscal years 2007, 2008 or 2009, and;
- have not obtained a Temporary or Final Certificate of Occupancy, and;
- have not closed both the syndication of the LIHTC and their construction financing.

The following projects were awarded Tax Credits in 2007, 2008 or 2009

Wyoming National Flats	Antelope Ridge Apartments
Woodridge Apartments Homes	Legacy Senior Residences
Prairie Sage Apartments	Cottonwood Terrace 2
Rocky Point Apartments	Aspen Creek Apartments
Cornerstone Apartments	Cobblestone
Elkhorn Apartments	Windridge Apartments
The Meadows Senior Housing	Foothills Family Apartments
Northside Apartments	Bighorn Apartments

Of these projects the following projects have not closed both the syndication and the construction financing and have not received temporary or final Certificates of Occupancy; thus, are eligible for TCAP funding. An estimate of the amount of TCAP funding needed is also included.

Rocky Point Apartments	\$ 950,000.00
Aspen Creek Apartments	\$ 1,850,000.00
Cornerstone Apartments	\$ 950,000.00
Elkhorn Apartments	\$ 1,250,000.00
Windridge Apartments	\$ 1,000,000.00
The Meadows Senior Housing	\$ 1,110,000.00
Foothills Family Apartments	\$ 1,220,000.00
Northside Apartments	\$ 1,200,000.00
Bighorn Apartments	\$ 1,250,000.00
TOTAL	\$ 10,780,000.00

In addition, eligible projects would include any other projects which are awarded Low-Income Housing Tax Credit Allocations prior to September 30, 2009.

The following scoring criteria will be used to determine which projects will receive TCAP funding:

X. TAX CREDIT ASSISTANCE PROGRAM (TCAP)

B. Description of Competitive Selection Criteria (cont.)

Estimated Completion Date - Projects with an estimated completion date will receive the following points.

<u>Points</u>	<u>Estimated Completion Date</u>
25	Before December 1, 2009
20	Before June 1, 2010
15	Before December 1, 2010
10	Before June 1, 2011
5	Before December 1, 2011

All projects will be ranked according their estimated completion date and placed on a list with the highest ranking projects listed first. **All** eligible projects will be required to follow all TCAP and HOME Investments Partnerships (HOME) Rules and Regulations. WCDA will contact all eligible projects to set up a meeting (in-person or telephone conference) with the Owner, Tax Credit Syndicator, WCDA and if possible the lender(s). Said meeting shall occur on or before November 1, 2009. If a meeting can not be arranged with the required parties the next eligible project on the list will be contacted and a meeting scheduled within 2 weeks. The purpose of the meeting will be to discuss and assess the feasibility of the project, the time frames and the amount of funding needed from all funding sources including; TCAP funding, HOME funding, Tax Credits, Exchange Credits, and Permanent financing. All projects must maintain an allocation of LIHTC under Section 42 (h) to the maximum extent possible and have an equity investor.. Projects will then be awarded TCAP funding, starting with the highest ranking project until all TCAP funding is committed, according to the Affordable Housing Allocation Plan with adjustments as listed below. In order to most expeditiously expend the TCAP funding, projects which were awarded HOME funding, which do not have signed and recorded loan documents, will be required to follow the TCAP rules as well as the LIHTC and HOME rules.

WCDA will then be able to draw from either funding source (TCAP or HOME), whichever source yields the greatest benefit and gives WCDA the best opportunity to use the entire amount available under each HUD grant.

The following limits will be in effect for projects with an award of TCAP funding:

- 1) When underwriting a project, the following Annual Operating Expenses will be used:

<u># of Units</u>	<u>Maximum Operating Expense</u> <u>per unit per month</u>
< 24	\$370.00
25 – 36	\$350.00
37 – 48	\$330.00
> 48	\$320.00

X. TAX CREDIT ASSISTANCE PROGRAM (TCAP)

B. Description of Competitive Selection Criteria (cont.)

- 2) TCAP funds will be amortized at no less than 2% for no less than 40 years. The term eligible basis (as such term is defined in Internal Revenue Code Section 42) of a qualified low-income housing tax credit building receiving TCAP assistance shall not be reduced by the amount of any TCAP assistance.

TCAP funding will be distributed pursuant to the Affordable Housing Allocation Plan including the requirements outlined therein for LIHTC and HOME Investment Partnerships Program. These requirements will apply to TCAP funding, including but not limited to:

- 1) Quarterly Progress Reports
- 2) Architect Certification
- 3) Income and Rent Requirements
- 4) Debt coverage ratio
- 5) Vacancy rate

In addition to these requirements, all TCAP funded projects must meet all requirements outlined in the American Recovery and Reinvestment Act of 2009.

To ensure compliance with section 42 of the IRC of 1986, and the long term viability of the buildings funded by TCAP, and to meet compliance with the Act, WCDA shall perform asset management functions, or shall contract for the performance of such services, in either case, at the owner's expense.

“Award” is defined by WCDA to mean the date WCDA signs a Reservation letter for a specific project.

X. TAX CREDIT ASSISTANCE PROGRAM (TCAP)

C. Commitment and Expenditure Deadlines

Time is of the essence. The American Recovery and Reinvestment Act of 2009 requires “That housing credit agencies in each State shall commit not less than 75 percent of such funds within one year of the date of enactment of this Act, and shall demonstrate that the project owners shall have expended 75 percent of the funds made available under this heading within two years of the date of enactment of this Act, and shall have expended 100 percent of the funds within 3 years of the date of enactment of this Act.”

All projects will be required to adhere to the following deadlines:

Firm Commitment of Tax Credit Syndication	December 1, 2009
Execute TCAP funding documents	January 15, 2010
Tax Credit Syndication closed	January 31, 2010
Construction Start	April 1, 2010
90% of TCAP funds expended	August 30, 2010
100% of TCAP funds expended	October 30, 2010

The Act further requires “That failure by an owner to expend funds within the parameters required within the previous proviso shall result in a redistribution of these funds by a housing credit agency to a more deserving project in such State, except any funds not expended after 3 years from enactment shall be redistributed by the Secretary to other States that have fully utilized the funds made available to them.” Thus, if a project fails to meet a deadline WCDA will de-obligate any remaining funding, leaving the existing funding in place if the project remains TCAP eligible, and award the TCAP funding to the next eligible project on the list. WCDA may in its sole discretion extend a deadline if a reasonable explanation and proof that the project can meet the next deadline and/or the program deadline is supplied. These deadlines will be reiterated in the written agreements between the owners and WCDA for all projects. WCDA in its sole discretion may substitute HOME funding for any TCAP funding de-obligated if the project is HOME eligible.

All projects listed above as being eligible for TCAP funding, which also requested funding from the HOME Investment Partnership program, shall follow the TCAP rules as well as the LIHTC and HOME rules. This will allow funding to be quickly redistributed if a project specifically designated as a TCAP project fails to meet the expenditure requirements.

X. TAX CREDIT ASSISTANCE PROGRAM (TCAP)

D. Recovery Act Accountability and Transparency Requirements

The TCAP Implementation Plan has been drafted and has been posted on the web at: www.wyomingcda.com as of today May 21, 2009. It is posted for the purpose of accepting public comment. Public comments will be accepted through May 26, 2009. This same web site will be used to report TCAP Accountability and Transparency requirements including but not limited to the following information on each project awarded TCAP funding:

- Project name
- Description of the project
- Amount of award
- An evaluation of the completion status of the project
- Estimated number of jobs created and the number of jobs retained by the project

The following information will also be posted in aggregate:

- Total amount of TCAP Funds received
- The amount of TCAP funds expended or obligated to projects or activities, including unobligated balances.

XI. COMPLIANCE MONITORING

A. Introduction

The Wyoming Community Development Authority “WCDA” is required by HUD’s HOME Investment Partnership Program at 24 CFR Part 92 to monitor HOME projects for noncompliance. WCDA is also required by Section 42 of the Internal Revenue Code of 1986, as amended (“IRC 42”), to monitor Low-Income Housing Tax Credit (“LIHTC”) projects for noncompliance with the provisions of IRC 42, and to notify the Internal Revenue Service (“IRS”) of such noncompliance of which the Agency becomes aware. In addition, the WCDA will monitor the projects during the remaining term of the Land Use Restrictive Covenants Agreement.

WCDA has delegated the compliance monitoring function to an Authorized Delegate. WCDA has prepared this Compliance Monitoring Plan (the “plan”), and the Authorized Delegate has prepared a Compliance Monitoring Manual (the “Manual”), which sets forth the procedures that WCDA and the Authorized Delegate—shall follow, and those procedures that an owner of a HOME and/or LIHTC project (the “Project Owner”) is required to follow. It is important to note, however, that the Plan and Manual are to be used only as a supplement to compliance with 24 CFR Part 92 for HOME projects and Section 42 of the Internal Revenue Code of 1986 and the Treasury Regulations thereunder for Tax Credit projects. The Plan and Manual should not be considered a complete guide on compliance. The responsibility for compliance lies with the owner of the building(s). Because of the complexity of these Programs and the necessity to consider its applicability to specific circumstances, owners are urged to seek competent professional legal and accounting advice regarding compliance issues. WCDA’s and the Authorized Delegate’s obligation to monitor for compliance with the requirements of the Regulations does not make WCDA and/or the Authorized Delegate liable for an owner’s noncompliance.

The Compliance Monitoring Manual is available through a link on WCDA’s web site at http://www.wyomingeda.com/Housing_Dev/Housing_Low_Income.html

As a condition to the allocation of HOME Program Funding and/or Low-Income Housing Tax Credits, Project Owners are required to enter into a binding agreement to comply with the terms and conditions of the Plan and do so upon submission of an application. The Plan is part of the Agency’s Affordable Housing Allocation Plan for the State of Wyoming.

B. Owner’s Responsibilities

1. Recordkeeping and Retention Requirements

Each owner of a low-income rental housing project must keep records for each qualified low-income building in the project that show for each year in the compliance period

- a. The total number of residential rental units in the building (including the number of bedrooms and the size in square feet of each residential rental unit);

XI. COMPLIANCE MONITORING

- b. The percentage of residential rental units in the building that are rent restricted units;
- c. Designation of each unit as “Market”, “HOME”, and/or “Tax Credit”;
- d. The rent charged to each tenant on each residential rental unit in the building (including any utility allowances);
- e. The rent subsidy and source received on each residential rental unit in the building;
- f. The number of occupants in each restricted unit;
- g. The restricted unit vacancies in the building and information that shows when, and to whom, the next available units were rented;
- h. The annual income certification of each tenant in restricted units;
- i. Documentation to support each tenant’s income certification;
- j. The Ethnicity of Head of Household for each restricted unit;
- k. Type of Household (Single/non-elderly, Elderly, Related/Single Parent, Related/Two Parent, Other, or Vacant Unit);
- l. The Character and use of the nonresidential portion of the building; and
- m. The eligible basis and qualified basis of the building at the end of the first year of the credit period (applies to Tax Credit project only);
- n. Any other information required, now or in the future, by any Federal or State Agency.

Forms to meet these requirements are available in the Compliance Monitoring Manual.

Owners must retain the original local health, safety, or building code violation reports or notices that were issued by the State or local government unit and copies of all documents pertaining to fair housing complaints which have been filed for WCDA’s and/or the Authorized Delegate’s inspection. Retention of the original violation reports or notices is not required once the Authorized Delegate reviews the violation reports or notices and completes its inspection, unless the violation remains uncorrected.

Under the record retention provision for HOME funded Projects, the owner must retain the general records for five years after project completion. Tenant income, rent and inspection information must be kept for the most recent five years, until five years after the affordability period ends.

Under the record retention provision for tax credit projects, the owner must retain the records described above for at least 6 years after the due date (with extensions) for filing the federal income tax return for that year. The records for the first year of the credit period however, must be retained for at least 6 years beyond the due date (with extensions) for filing the federal income tax return for the last year of the compliance period of the building.

XI. COMPLIANCE MONITORING

The IRS Code allows for various options in calculating the Utility Allowances. An owner may request a change in the option used for a project only once during the compliance period. Projects may not vacillate back and forth between options.

Owners must provide tenant data annually including **but not limited to** tenant race, ethnicity, family composition, age, income, use of rental assistance or other similar assistance, disability status, and monthly rental payments on the WCDA prescribed form as required by the Housing Tax Credit Coordination Act of 2008.

2. Certification

The owner of a HOME funded project is required to submit an Annual Re-Certification Form for each project.

All projects are required once each year to re-examine and recertify the income eligibility of all tenants. 100% tax credit projects must also re-examine and recertify the income eligibility of all tenants annually unless ALL units in the project are restricted at the same income and rent restrictions. These projects must re-examine and recertify the income eligibility of all tenants the first year no later than the anniversary of the effective date of the tenants original certification. Future recertifications are not required for 100% Tax Credit projects with 100% of the units restricted at the same rent and income levels provided the project has had no compliance findings or outstanding compliance issues in the last year. Projects which have more than one (1) rent or income level must continue to recertify the income eligibility of all tenants annually throughout the compliance period. **This is effective for all projects, regardless of the year the tax credits were awarded.** The owner of a low-income housing Tax Credit project is required to submit to the Authorized Delegate, a Certification as required by IRC §1.42-5(c)(1).

The required Certification forms are available in the Compliance Monitoring Manual.

3. Submission of Reports to WCDA

- a. Each year during the Compliance period, every project must submit the following documents as required by the Authorized Delegate:
 - Copies of any and all local/state/other health, safety, or building code violation reports, stating whether the violation has been corrected
 - Copies of all documents pertaining to fair housing complaints which have been filed
 - Any other reports required by the Authorized Delegate in the Compliance Monitoring Manual

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- HOME Funded Projects must also submit:
 - Annual Re-certification form
 - Tax Credit Projects must also submit:
 - Owner's Certificate of Continuing Program Compliance
 - Compliance Monitoring Fees
 - Executed IRS Form 8821 (Tax Information Authorization)
 - Any other IRS forms necessary for compliance monitoring
- b. All projects must submit Year End Financial Statements to WCDA by March 31 of each year during the compliance period. (Audited if available)
- c. "Within thirty days of your completion of Part II of the Form 8609 and filing same with the Internal Revenue Service, a completed copy must be mailed to the compliance monitoring staff at the Agency for its records. Failure to return the completed form to the compliance monitoring staff within the required time frame is a form of noncompliance which will be reported by the Agency to the Internal Revenue Service."

C. Additional Requirements

- 1.) Rent restrictions float within the project. When a household's income increases above the limit for that unit, the next available unit must be rented at the lower level. Every effort must be made to insure the income and rent levels are maintained at all time throughout the compliance period. As such projects with multiple rent and or income levels must recertify each household on an annual basis.
- 3.) Foster Care exemption may only be used until the individual reaches 25 years old.
- 4.) When calculating maximum rents, all rents must be rounded **down** to the next dollar.
- 5.) Projects must submit Financial Statements to WCDA by March 31 of each year during the compliance period. (Audited if available)
- 6.) Sub-metering is NOT allowed.
- 7.) The Utility Allowance source may not change from what is disclosed in the original Application throughout the compliance period without prior written permission from WCDA. (The project will be re-underwritten to verify it still meets the Allocation Plan requirements and if additional restrictions would be required.) The Utility Allowance Sources allowed are:
 - a. Local Public Housing Authority Estimate
 - b. HUD Utility Allowance Schedule/Calculator
 - c. Utility Company Estimate
 - d. Energy Consumption Model as defined in §1.42-10 by a properly licensed engineer

Sub-metering is NOT allowed.

XI. COMPLIANCE MONITORING

D. Review and Inspections

As a condition of HOME funding or the allocation of Tax Credits, WCDA and/or the Authorized Delegate has the right to perform on-site inspections of any restricted building or project.

An on-site review of tenant certifications including the applications, third-party verifications and supporting documentation of income, and physical inspections will be conducted in accordance with the applicable regulations. WCDA and the Authorized Delegate shall have access to all official project records, including IRS reporting forms, upon reasonable notification. All official project records or complete copies of such records must be made available to WCDA and/or the Authorized Delegate upon request.

1. HOME PROJECTS

The Authorized Delegate will conduct on-site inspections of all buildings in the project no less than:

- a. every three years for a project of one to four units,
- b. every two years for a project with five to 25 units, and
- c. annually for projects with 26 or more units.

The Authorized Delegate will physically inspect at least 20 percent of the project's restricted units and review the low-income certifications, the documentation supporting the certifications, and the rent records for the tenants in those units; and

The Authorized Delegate will randomly select which restricted units and tenant records are to be inspected and reviewed by the Authorized Delegate. The unit and tenant records to be inspected and reviewed will be chosen in a manner that will not give owners of restricted projects advance notice that a unit and tenant records for a particular year will or will not be inspected and reviewed. However, the Authorized Delegate may give an owner reasonable notice that an inspection of the building and restricted units or tenant record review will occur so that the owner may notify tenants of the inspection or assemble tenant records for review.

2. TAX CREDIT PROJECTS

- a. The Authorized Delegate will review annually the Certification submitted under paragraph "B" for compliance.
- b. The Authorized Delegate will conduct on-site inspections of all buildings in the project by the end of the second calendar year following the year the last building in the project is placed in service and at least once every 3 years thereafter. The Authorized Delegate will physically inspect at least 20 percent of the project's restricted units and review the low-income certifications, the documentation supporting the certifications, and the rent records for the tenants in those units; and

The Authorized Delegate will randomly select which restricted units and tenant records are to be inspected and reviewed by the Authorized Delegate. The unit and tenant records to be inspected and reviewed will be chosen in a manner that will

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not give owners of restricted projects advance notice that a unit and tenant records for a particular year will or will not be inspected and reviewed. However, the Authorized Delegate may give an owner reasonable notice that an inspection of the building and restricted units or tenant record review will occur so that the owner may notify tenants of the inspection or assemble tenant records for review.

E. Notification of Noncompliance Requirements

The Authorized Delegate will give notification to owners within 90 days of any findings of noncompliance. The owner will be allowed a correction period which will be determined by The Authorized Delegate on an individual basis. The owner must notify The Authorized Delegate of any and all corrections. If non-compliance is not corrected during the Correction Period, the owner is responsible for paying any fees necessary to conduct an audit and/or re-inspection to obtain a corrected 8823.

For Tax Credit projects, WCDA will promptly notify the IRS of any project noncompliance within its responsibility as contained in the Code. Neither the Authorized Delegate nor WCDA have jurisdiction to interpret or administer the Code, except in those instances where specific delegation has been authorized.

Violations of the WCDA Extended Use Agreement are non-compliance issues and reportable to the IRS.

F. Modification of the Compliance Monitoring Procedure

This Compliance Monitoring Procedure is subject to modifications by WCDA in order to comply with Section 42 of the Code, all regulations, rules, rulings, policies, procedures and any other official comments promulgated and issued by the Internal Revenue Service, or the Treasury Department (including currently existing and future promulgations and issuances) in the case of Low Income Housing Tax Credit projects, or 24 CFR Part 92 in the case of projects under the HOME Investment Partnerships Program. Further, this Compliance Monitoring Procedure is also subject to any other modifications that WCDA in its sole discretion considers necessary.

G. Compliance Training

All Tax Credit Project Owners must attend and pass the required testing to obtain a Compliance Certification by a nationally recognized firm; Spectrum Enterprises, Housing Credit College by Elizabeth Mooreland Consulting or other firms as approved by WCDA, prior to the project being placed in service or provide a Certification showing they have completed the training successfully in the past 5 years.

A Representative of the Management Company for all Tax Credit Projects must attend and pass the required testing to obtain a Compliance Certification by a nationally recognized firm; Spectrum Enterprises, Housing Credit College by Elizabeth Mooreland Consulting or other firms as approved by WCDA, prior to the project being placed in

XI. COMPLIANCE MONITORING

service or provide a Certification showing they have completed the training successfully in the past 3 years.

All HOME Rental Project Owners must attend Compliance Training by a nationally recognized firm; Spectrum Enterprises, Housing Credit College by Elizabeth Mooreland Consulting, or other firms as approved by WCDA, prior to the project being placed in service or provide a Certification showing they have completed the training in the past 5 years.

A Representative of the Management Company for all HOME rental projects must attend Compliance Training by a nationally recognized firm; Spectrum Enterprises, Housing Credit College by Elizabeth Mooreland Consulting, or other firms as approved by WCDA, prior to the project being placed in service or provide a Certification showing they have completed the training in the past 3 years.

Due to lack of entities offering testing on HOME only projects, testing is not a requirement for projects which only contain HOME funding. However if any project has a history of non-compliance, WCDA may require successful completion of a Compliance Seminar/Schooling etc. which may include passing the required testing for Certification.

H. Compliance Fees

A Tax Credit Project Owner is required to submit to WCDA the compliance fees annually on or before the 31st of March with Year End Financial Statements. The compliance fee is \$35.00 per unit due annually during the compliance period. The compliance period is defined as the IRS Initial compliance period, plus the extended compliance period agreed to in the application, plus the IRS required Extended Use period, plus the 3 year vacancy de-control period. In addition, if an 8823 has been issued with continuing non-compliance, a fee of \$50.00 will be assessed for reviewing each non-compliance issue in order to provide a corrected 8823. These fees may be adjusted from time to time as WCDA deems necessary.

I. Liability

COMPLIANCE WITH THE REQUIREMENTS OF THE HOME PROGRAM AND/OR THE TAX CREDIT PROGRAM IS THE RESPONSIBILITY OF THE OWNER OF THE BUILDING FOR WHICH THE FUNDING AND/OR CREDIT IS ALLOWABLE. WCDA'S OBLIGATION TO MONITOR FOR COMPLIANCE WITH THE REQUIREMENTS DOES NOT MAKE WCDA LIABLE FOR THE OWNER'S NONCOMPLIANCE.

XII. DISCLAIMER

WCDA's review of documents submitted in connection with this allocation is for its own purposes. **WCDA MAKES NO REPRESENTATIONS TO THE OWNER OR ANYONE ELSE AS TO COMPLIANCE WITH THE INTERNAL REVENUE CODE, TREASURY REGULATIONS, OR ANY OTHER LAWS OR REGULATIONS GOVERNING LOW-INCOME HOUSING TAX CREDITS OR HOME PROGRAM.**

The Tax Credit and HOME amounts allocated shall be made solely at the discretion of the Authority, but in no way represents or warrants to any sponsor, investor, lender or others that the project is, in fact, feasible or viable.

The Allocation Plan, Current Year Summary, Application Form, Tax Credit Carryover/10% Test Allocation package and Tax Credit Final Allocation Package, Compliance Monitoring Procedure Plan, HOME Program Description and Consolidated Plan may be amended, from time to time, as guidelines and regulations are issued under Section 42 of the Internal Revenue Code, or under 24CFR Part 92 HOME Investment Partnerships Program, or as WCDA deems necessary to carry out the goals of these programs.

No board member, agent or employee of WCDA shall be personally liable concerning any matters arising out of, or in relation to, the allocation of the Low-Income Housing Tax Credit, or the allocation of HOME Investment Partnerships Program funds.

The information concerning housing needs in the State of Wyoming published in A Profile of Wyoming Demographics, Economics and Housing, is currently being used as a guide by the WCDA in its review of applications; however, applicants must provide their own information concerning housing needs to support their applications. An electronic copy of A Profile of Wyoming Demographics, Economics and Housing is available on WCDA's web site (www.wyomingcda.com) or by contacting WCDA. WCDA makes no representations about the accuracy of its information, which was provided by a third party source. Developers should not rely on nor use such information in underwriting the feasibility of their project or assessing local demand.

**WYOMING COMMUNITY
DEVELOPMENT AUTHORITY
(WCDA)
2010 DRAFT
CURRENT YEAR
SUMMARY**

ATTACHMENT "A"

Item 1 – Initial Allocation Cycles for the year 2010.

Applications must be received in the WCDA office at 155 N. Beech, Casper, Wyoming on or before 5:00 p.m. on the dates listed below. Late applications will not be ranked.

<u>Cycle Number</u>	<u>Submission Deadline</u>
1	<u>RECEIVED</u> by 5:00 p.m. January 29, 2010
2	Additional rounds may be opened if funding is available.
*	An earlier funding round may be opened prior to January 29, 2010 if WCDA deems necessary in order to utilize the TCAP and or Tax Credit Exchange funding, or any other funding which may become available.

Item 2– Anticipated HOME Funding:

Based on previous year's allocations, the WCDA **anticipates** approximately \$3.5 million in available HOME funding to be distributed as follows:

Direct Administration Category	\$ 1,450,000
Community Housing Development Organizations (CHDO)	525,000*
(A Maximum of \$52,500 is available from the CHDO set-aside for Project Specific Technical Assistance and site Control Loans.)	
CHDO General (not project) Operating costs and Capacity Building Reserve	175,000
WCDA HOMERUN Program (Homeownership set a-side)	1,000,000
Administration and Contingency Reserve	350,000
TOTAL AVAILABLE	\$ 3,500,000

* The 15% CHDO set-aside requirement has been met for 2010.

Item 3 – Tax Credit Availability Estimation

The total amount of credit available in Wyoming for 2010 is estimated as follows:

*Per Capita Credits	\$ 2,435,000
Carryforward Credits	372,020
Return Credits	-0-
Forward Commitments from 2009	737,413
TOTAL AVAILABLE	\$ 2,069,607

Set-aside for non-profits (10%) \$ 280,702

* Based on 2009 Tax Credit authority.

Item 4 –Total per unit Project Costs for RENTAL projects:

For underwriting, the Total per unit Project Costs will be limited to the following:

Managers	0-Bdrm	1-Bdrm	2-Bdrm	3-Bdrm	4-Bdrm
0	\$106,400	\$123,200	\$148,400	\$186,200	\$203,000

ATTACHMENT “A”

Item 5 – Operating Expenses Limitations

The Annual Operating Expenses used for underwriting will be as follows:

<u># of Units</u>	<u>Maximum Operating Expense per unit per month</u>
< 24	\$370.00
25 – 36	\$350.00
37 – 48	\$330.00
> 48	\$320.00

The numbers above assume owners pay water, sewer and trash, and tenants pay heating, hot water, lights, cooking. Adjustments will be made if different parties pay above listed utilities. (Managers unit(s) not counted in total number of units.) WCDA reserves the right to adjust this amount to reflect current market conditions. Group homes under one roof are considered ONE unit. i.e. a 3-bedroom group home is considered ONE 3-bedroom unit, **not** three 1-bedroom units for Operating Expense Limitations.

Item 6 - Property Development Standards

At a minimum, applicants must demonstrate their projects meet all applicable codes and regulations for new construction or rehabilitation, including but not limited to: Model Energy Code (MEC), Uniform Building Code (UBC) and Accessibility Requirements under the American with Disabilities Act (ADA). In order to receive significant ranking points for project quality, the application must demonstrate in a narrative form, those steps the applicant has taken to create a project above and beyond the minimums.

Project components that significantly improve the Life, Safety and Health of occupants will be considered for additional points. Further, facets of the project that contribute to ease of maintenance, long term viability, and appeal of the project will be considered to be significant.

The applicant must clearly, concisely and undisputedly demonstrate that the project is significantly higher in quality than the minimums. This can be accomplished through straight narration, as well as with the addition of pertinent site plans, building elevations, and exhibits of similar types of developments. It must include ratings of products/materials used, i.e. Energy Star ratings, warranty information etc. to be considered.

Significant ranking upgrades include, but are not limited to, upgraded or unique features in categories such as:

Floor coverings	Garages	Durability roofing/siding materials
Natural lighting	Negative Air flow vents in crawl space	
Bedroom Size	Washer/Dryer Hookups	Items proven to reduce possible mold
	Quality and design of windows	Other maintenance reducing features
Storage Units	Low maintenance Landscaping	
Amenities (i.e.) Dishwashers, Garbage Disposals, Stove hood fan, air-conditioning, self-clean ovens, frost free refrigerator/freezer etc.		

ATTACHMENT “A”

Item 7 - Market Study Requirements

Minimum Market Study requirements:

- a statement of the competence of the market analyst;
- a description of the proposed site;
- evaluation of the project’s suitability for the local market (design, unit composition, physical characteristics and mix, amenities etc.);
- statement of reasonableness of proposed rent for the area (Not applicable for Homebuyer Assistance Programs);
- Comparative analysis of Net Adjusted Market Rent;
- demographic analysis of the **current** number of households in the City and the Primary Market Area which are income eligible and can afford to pay the proposed rent (or mortgage payment), rent tenure, ownership tenure, and the number of units currently available to serve these households;
- Each unit composition (income and rent makeup) must have a breakdown of income eligibility, rent tenure, size appropriate households the above demographic analysis must be provided, **for each income and rent level** proposed in the application;
- Unit compositions which are less than 15% of the total number of units are not to be included in the overall total project needs recap;
- forecast of housing needs in the future;
- geographic definition and analysis of the market area;
- statement of reasonableness of Primary Market Area boundaries (Must make sense)
Do Not Use the Entire County;
- analysis of practically available operating expenses and turnover rates of comparable properties in the market area (Not applicable for Homebuyer Assistance Programs);
- analysis of household sizes and types in the City and the Primary Market Area;
- analysis of the homeownership alternative and the effect it will have on the project;
- a description of comparable developments in the City and the Primary Market Area Primary Market Area (Not applicable for Homebuyer Assistance Programs);
- a description of where the households are moving from (substandard housing, other communities, relatives homes etc.);
- a description of rent levels, amenities, concessions offered, vacancy rates and number of households on waiting lists by unit size of **all** projects in the city and the Primary Market Area;
- map with proposed Site and location of all competitive units, both Market and Subsidized.
- vacancy analysis of ALL housing;
- vacancy analysis of ALL rental housing in the city and the Primary Market Area;
- vacancy analysis of ALL subsidized rental housing in the city and the Primary Market Area (Not applicable for Homebuyer Assistance Programs);
- number of units needed, showing number of households in the market area which are income eligible, type eligible (senior vs. family vs. special needs populations, rent

ATTACHMENT “A”

tenure (renters vs. homeowners), and the number of units currently available to serve these households;

- current market saturation level (Units Needed vs. Proposed);
- capture rate;
- absorption period and absorption rate with a comparative analysis and/or a detailed description of how arrived at (this should include lease-up rate of all newly constructed multifamily housing);
- projected operating funds and expenses, when available at the time of the study (Not applicable for Homebuyer Assistance Programs);
- expected market absorption of the proposed housing
- a description of the effect on the market area, including the impact on Housing Credit and other existing affordable rental housing;
- calculations based on household size over the average for the Primary Market Area (such as 4-8 member households) must include analysis of number of larger households and incomes for said households;
- for the calculation of number of eligible households, the maximum net rent a household will pay must NOT exceed 30% of their household income (Acceptable Rent Burden) and for Homebuyer Assistance Programs the maximum PITI payment must not exceed 30% of gross household income;
- Analysis of purchase price, square footage, quality and number of units for sale for both New Construction and Existing Single Family units (For Homebuyer Assistance Programs only);
- Market Study Recap below (Attachment B Item 1a or 1b); and
- any other pertinent information that may be available.

Item 8 – Maximum HOME Subsidy per unit

Rental Units

The maximum, average subsidy per HOME assisted unit is established by HUD. Maximum Subsidy limits for Wyoming are as follows:

<u>0-Bdrm</u>	<u>1-Bdrm</u>	<u>2-Bdrm</u>	<u>3-Bdrm</u>	<u>4-Bdrm</u>
\$84,000	\$94,000	\$115,000	\$147,000	\$162,000

These maximum per unit subsidies may go higher in some areas of the state. Contact WCDA for those areas.

Homeowner Rehabilitation Programs – The Maximum HOME subsidy per unit is \$25,000.00.

Only units receiving HOME monies are considered "HOME Assisted Units". HOME expenditure limits, rent and occupancy rules only apply to HOME Assisted Units. The minimum HOME expenditure per HOME Assisted Unit cannot be less than an average of \$1,000 per unit.

ATTACHMENT “A”

Item 9 – Maximum Single Family HOME Limit (for HOME homeowner rehab.)

Teton County Only	All Other Counties
One-Family	One-Family
\$362,790	\$200,160

Item 10 – Match Requirements

HUD Match Requirement for program	25.0%
WCDA Match Requirement for each project	4.5%

Item 11 – HOME Run Purchase Price Limits by County (as of April 2009)

\$160,000 – All Counties

Item 12 – HOME Run Income Limits by County (as of March 2009): The Total Annual Family Income cannot exceed 80% of HUD’s median income by family size and county. The Income Limits are as follows:

County	Maximum Income Allowable							
	Family Size							
	1	2	3	4	5	6	7	8
Campbell	\$43,850	\$50,100	\$56,400	\$62,650	\$67,650	\$72,650	\$77,700	\$82,700
Converse	35,950	41,100	46,200	51,350	55,450	59,550	63,650	67,800
Natrona	36,000	41,150	46,300	51,450	55,550	59,700	63,800	67,900
Sweetwater	42,550	48,650	54,700	60,800	65,650	70,550	75,400	80,250
Teton	44,800	51,200	57,600	64,000	69,100	74,250	79,350	84,500
Uinta	38,800	44,350	49,900	55,450	59,900	64,300	68,750	73,200
All others	35,650	40,700	45,800	50,900	54,950	59,050	63,100	67,200

Item 13 – Total per unit Eligible Basis

For underwriting the allocation of Tax Credits; the Total per unit Eligible Basis will be limited to the following per unit subsidy limits.

Managers	0-Bdrm	1-Bdrm	2-Bdrm	3-Bdrm	4-Bdrm
0	\$100,000	\$117,000	\$141,000	\$177,000	\$192,800

ATTACHMENT “A”

Item 14 – Tax Credit Syndication Tolerance Level

The tolerance level for the Syndication rate is currently suspended. WCDA reserves the right to negotiate with the Owner and the Syndicator to obtain the best rate available taking into account the current market conditions.

Item 15 – Qualified Census Tract (QCT) Numbers and Difficult to Develop Areas (DDA) (For Tax Credit Projects Only).

As a result of recent changes in the federal tax law, the definition of Qualified Census Tract has been expanded to include areas with a poverty rate of 25% or greater. HUD should be issuing new QCT's in the future. For the purposes of this Allocation Plan the following QCT's apply until modified by HUD.

QUALIFIED CENSUS TRACK NUMBERS METROPOLITAN AREAS

Casper
2.00

QUALIFIED CENSUS TRACK NUMBERS NON-METROPOLITAN AREAS

Albany	Fremont
9630.00	9401.00
9634.00	
9635.00	

DIFFICULT DEVELOPMENT AREAS

Teton County

In addition WCDA may designate a project as being in a Difficult Development Area, thereby receiving up to a 30% increase in the Eligible Basis, if the average rents for all units are at or below 45% Area Median Income, and the project needs the increase to be financially feasible. **This is only available to projects which receive an allocation of Tax Credits on or after 2009.**

ATTACHMENT “B” Item “1b”

MARKET STUDY RECAP FOR RENTAL PROJECTS

PROJECT NAME: _____

PMA	CITY	ELIGIBLE HOUSEHOLDS
		Population
		Number of Households (HH)
		X Percent of HH Income Eligible and can afford to pay the rent without assistance*
		= Number of Income Eligible households
		X Percentage Rent Tenure
		= Number of Renter, Income Eligible households
		X Percentage Household Size Appropriate
		= Number of Renter, Income Eligible, Household Size Appropriate households
		X Percentage Households with special needs being targeted (i.e. elderly, handicapped etc, If applicable)
		= Number of Qualified Households
		- Existing Subsidized units meetings needs of Qualified Households
		- Existing Market Rate units meetings needs of Qualified Households
		= Number of units needed
		- units planned and/or under construction
		= NEW UNITS NEEDED

PMA	CITY	CURRENT CAPTURE RATE OF UNITS
		Number of Units Proposed
		/ Number of Qualified Households (from above)
		= Current Capture Rate

PMA	CITY	ON GOING CAPTURE RATE OF UNITS
		Number of Units Proposed
		/ Number of Units in Community serving Qualified Households
		= On-going Capture Rate

PMA	CITY	SATURATION
		Number of Units Proposed
		/ Number of New Units Needed (from above)
		= Saturation

PMA	CITY	AVERAGE RENTS
		Average Market Rate rents for 1-bedroom units (with utility adjustments if appropriate)
		Average Market Rate rents for 2-bedroom units (with utility adjustments if appropriate)
		Average Market Rate rents for 3-bedroom units (with utility adjustments if appropriate)
		Average Market Rate rents for 4-bedroom units (with utility adjustments if appropriate)

ATTACHMENT “B” Item “1b”

	Average Market Rate rents for 5-bedroom units (with utility adjustments if appropriate)
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*omit “without assistance” on projects with Project Based Rental Assistance.

MARKET STUDY RECAP FOR RENTAL PROJECTS (cont.)

PROJECT NAME: _____

PMA	CITY	AVERAGE RENTS (SUBSIDIZED = LIHTC, HUD, RD ETC.)
		Average rents for SUBSIDIZED 1-bedroom units (with utility adjustments if appropriate)
		Average rents for SUBSIDIZED 2-bedroom units (with utility adjustments if appropriate)
		Average rents for SUBSIDIZED 3-bedroom units (with utility adjustments if appropriate)
		Average rents for SUBSIDIZED 4-bedroom units (with utility adjustments if appropriate)
		Average rents for SUBSIDIZED 5-bedroom units (with utility adjustments if appropriate)
		Average rents for COMPARABLE 1-bedroom units (with utility adjustments if appropriate)
		Average rents for COMPARABLE 2-bedroom units (with utility adjustments if appropriate)
		Average rents for COMPARABLE 3-bedroom units (with utility adjustments if appropriate)
		Average rents for COMPARABLE 4-bedroom units (with utility adjustments if appropriate)
		Average rents for COMPARABLE 5-bedroom units (with utility adjustments if appropriate)
		must include explanation of why COMPARABLE

PMA	CITY	AVERAGE SQUARE FOOTAGE
		Average square footage of 1-bedroom units in the community
		Average square footage of 2-bedroom units in the community
		Average square footage of 3-bedroom units in the community
		Average square footage of 4-bedroom units in the community
		Average square footage of 5-bedroom units in the community
		Average square footage of 1-bedroom COMPARABLE units in the community
		Average square footage of 2-bedroom COMPARABLE units in the community
		Average square footage of 3-bedroom COMPARABLE units in the community
		Average square footage of 4-bedroom COMPARABLE units in the community
		Average square footage of 5-bedroom COMPARABLE units in the community
		must include explanation of why COMPARABLE

PMA	CITY	ABSORPTION RATE
		Number of months anticipated from Placed in Service Date to occupancy of all units
		Number of months from Placed in Service Date to Stabilization

PMA	PMA	CITY	CITY	VACANCY RATE
Physical	Economic	Physical	Economic	

ATTACHMENT "B" Item "1b"

		Vacancy rate of ALL units – Include chart showing vacancy by project
		Vacancy rate of Subsidized units – Include chart showing vacancy by project
		Vacancy Rate of Comparable Properties – Include chart showing vacancy by project & explanation of why "Comparable"

MARKET STUDY RECAP FOR RENTAL PROJECTS (cont.)

PROJECT NAME: _____

Distance from other locations (List distance from project to the following locations)		
Employment opportunities		Bank
Fire		Church
Police		Post Office
Elementary School		Hospital
Junior or Middle School		Doctor Offices
High School		Park
College		Recreation
Convenience Store		Library
Discount Store		Senior Center
Grocery Store		Laundry Mat - if facilities not on site
Is there a Grocery Store that delivers?		
Pharmacy		
Is there a Pharmacy that delivers?		

ENVIRONMENTAL ISSUES
Please list any and all environmental issues noted during site visit
Flood Plain / Wetlands
Proximity to Railroad Tracks
Proximity to 4-lane thorough fares
Proximity to above ground storage tanks
Endangered species / animal habitat
Proximity to Airport

ATTACHMENT “B” ITEM “2”

Contractor’s Certification

No Modifications are allowed to this Contractor’s Certification.

Project: _____

Property Legal Description: _____

Owners Name, and Address: _____

The undersigned has served as the general contractor of the real property constructed at _____ (the “Premises”) for _____ (“Project Owner”) for which the undersigned acknowledges is to receive or has received Low Income Housing Tax Credits under Section 42 of the Internal Revenue Code and/or HOME funding under Title II of the Home Investment Partnerships Act of the National Affordable Housing Act of 1990. Accordingly, the undersigned hereby certifies to Owner and the Wyoming Community Development Authority that the Premises is in compliance with all requirements and restrictions of all applicable zoning, environmental, building, fire, health and other governmental ordinances, rules and regulations and the requirements of the appropriate board of fire underwriters or other similar body acting in and for the locality in which the Premises is located. Further, the Premises complies with the applicable edition of the International Building Code and National Electric Code, the local code adopted by the presiding jurisdiction and the Minimum Property Standards [MPS] in 24 CFR 200.926. This newly constructed housing meets the current edition of the Model Energy Code Published by the Council of American Building Officials and handicapped accessibility requirements under the Fair Housing Act (42 U.S.C. 3601-3620), where applicable. The Premises also meets all applicable State and local housing quality standards and code requirements and if there are no such standards or code requirements, the housing meets the housing property standards under the HOME Investment Program in 24 CFR 982.401. The undersigned further certifies that Premises were built to specifications of architectural drawings for _____ dated _____.

If this project consists of manufactured housing it meets the Manufactured Home Construction and Safety Standards established in 24 CFR Part 3280. These standards pre-empt State and local codes covering the same aspects of performance for such housing. The project complies with applicable State and local laws or codes governing installation. In the absence of such laws or codes, the project complies with the manufacturer’s written instructions for installation of manufactured housing units and is connected to permanent utility hook-ups.

Dated _____, 200__.

Name of Contractor’s Company or Contractor’s Agent: _____

Name and Title of Contractor or Contractor’s Agent: _____

Street Address: _____

City, State, Zip Code: _____

Telephone Number (including area code): _____

Signature of Contractor or Contractor’s Agent: _____

ATTACHMENT "B" ITEM "2"

ARCHITECT'S CERTIFICATE

Part I

The undersigned, an architect duly licensed and registered in the State of Wyoming, has prepared for _____, Project Owner, final plans, working drawings and detailed specifications (and addenda) dated _____, 20____ (collectively, the "Plans and Specifications") in connection with certain real property located at _____ (the "Premises") for which the undersigned acknowledges will receive low income housing tax credits under Section 42 of the Internal Revenue Code and/or HOME funding under Title II of the Home Investment Partnerships Act of the National Affordable Housing Act of 1990 to finance or refinance the costs to acquire, rehabilitate, or construct the Project.

Accordingly, the undersigned hereby certifies to Project Owner and the Wyoming Community Development Authority that:

- A) The Plans and Specifications comply with and conform in all respects to the requirements of existing law, have been duly filed with and have been approved by all governmental and municipal authorities having jurisdiction there over, and the Plans and Specifications are in compliance with all requirements and restrictions of all applicable zoning, environmental, building, fire, health and other governmental ordinances, rules and regulations and the requirements of the appropriate board of fire underwriters or other similar body acting in and for the locality in which the Premises is located. Further, the Plans and Specifications comply with:
- 1) the applicable edition of the International Building Code and National Electric Code; and
the local code adopted by the presiding jurisdiction; and
the Minimum Property Standards [MPS] in 24 CFR 200.925 or 200.926.
 - 2) If this is a newly constructed housing project it meets the current edition of the Model Energy Code Published by the Council of American Building Officials.
 - 3) The Plan and Specifications also meet all applicable State and local housing quality standards and code requirements and if there are no such standards or code requirements, the housing meets the housing quality standards in 24 CFR 982.401.
 - 4) the accessibility requirement at 24 CFR part 8, which implements Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and covered multifamily dwellings, as defined at 24 CFR 100.201, it also meets the design and construction requirement at 24 CFR 100.205, which implements Title III of the Americans with Disabilities Act of 1990 and the Fair Housing Act (42 U.S.C. 3601-3619), as it relates to the following:

Accessible Building Entrance on an Accessible Route:

Covered multifamily dwellings must have at least one building entrance on an accessible route, unless it is impractical to do so because of terrain or unusual characteristics of the site. For all such dwellings with a building entrance on an accessible route the following six requirements apply:

ATTACHMENT “B” ITEM “2”

Accessible and Usable Public and Common Use Areas:

Public and common use areas must be readily accessible to and usable by people with disabilities.

Usable Doors:

All doors designed to allow passage into and within all premises must be sufficiently wide to allow passage by persons in wheelchairs.

Accessible Route Into and Through the Covered Dwelling Units:

There must be an accessible route into and through the dwelling units, providing access for people with disabilities throughout the unit.

Light Switches, Electrical Outlets, Thermostats and Other Environmental Controls in Accessible Locations:

All premises within the dwelling units must contain light switches, electrical outlets, thermostats and other environmental controls in accessible locations.

Reinforced Walls for Grab Bars:

All premises within dwelling units must contain reinforcements in bathroom walls to allow later installation of grab bars around toilet, tub, shower stall and shower seat, where such facilities are provided.

Usable Kitchens and Bathrooms:

Dwelling units must contain usable kitchens and bathrooms such that an individual who uses a wheelchair can maneuver about the space.

These Fair Housing Act requirements can be found in the Fair Housing Act Design Manual.

- B) The Plans and Specifications are in compliance with Standards so that ____ units in the project meet Energy Star Standards and ____ fully accessible and ____ sensory units meet Section 504 accessibility Standards.
- C) The Plans and Specifications do not require the installation or use of any asbestos containing materials in connection with the construction or use of the Premises.
- D) If this project consists of manufactured housing, it meets the Manufactured Home Construction and Safety Standards established in 24 CFR part 3280. These standards preempt state and local codes covering the same aspects of performance for such housing.
- E) All of the preconditions have been met justifying the issuance of all necessary approvals, certificates, permits and licenses that may be required from such governmental authorities having jurisdiction over the construction of the Premises.

ATTACHMENT "B" ITEM "2"

Dated: _____, 200__

ARCHITECT SIGNATURE: _____

Name of Company: _____

(APPLICANT MUST RETURN TWO ORIGINALS WHICH HAVE BEEN EXECUTED ABOVE BY THE ARCHITECT. ONE OF WHICH WILL BE RETURNED TO THE DEVELOPER AFTER COMPLETION OF THE PROJECT FOR EXECUTION BELOW BY THE ARCHITECT IN REGARD TO THE ITEMS LISTED BELOW.)

Part II

The project now being completed, the undersigned, an architect duly licensed and registered as stated above, certifies to Project Owner and the Wyoming Community Development Authority that:

- A) There are no building code or other violations of municipal ordinances or county codes filed or noted against the Premises.
- B) All necessary gas, steam, telephone, electric, water and sewer services and other utilities required to adequately service the Premises are now available to the Premises. All street drainage, water distribution and sanitary sewer systems have been accepted for perpetual maintenance by the appropriate governmental authority or utility.
- C) If this project consists of manufactured housing, the project complies with applicable state and local laws or codes governing installation. In the absence of such laws or codes, the project complies with the manufacturer's written instructions for installation of manufactured housing units.

Furthermore, in the professional opinion of the undersigned, the Premises is constructed in a good and workmanship-like manner substantially in accordance with the Plans and Specifications and is free and clear of any damage or structural defects that would, in any material respect, affect the value of the Premises. In the further opinion of the undersigned, all of the preconditions have been met justifying the issuance of the permanent certificate or certificates of occupancy for the Premises (or the letter or certificate of compliance or completion stating that the construction complies with all requirements and restrictions of all governmental ordinances, rules and regulations).

Dated: _____, 200__

ARCHITECT SIGNATURE: _____

Name of Company: _____

CURRENT YEAR SUMMARY ATTACHMENT "C" ITEM 2 – RENT LIMITS

STATE:WYOMING	PROGRAM	INCOME LIMITS							
		1 PERSON	2 PERSON	3 PERSON	4 PERSON	5 PERSON	6 PERSON	7 PERSON	8 PERSON
Casper, WY MSA FY 2009 MFI: 64300	30% OF MEDIAN	13500	15450	17350	19300	20850	22400	23950	25500
	VERY LOW INCOME	22500	25700	28950	32150	34700	37300	39850	42450
	LOW-INCOME	36000	41150	46300	51450	55550	59700	63800	67900
Cheyenne, WY MSA FY 2009 MFI: 63700	30% OF MEDIAN	13350	15300	17200	19100	20650	22150	23700	25200
	VERY LOW INCOME	22300	25500	28650	31850	34400	36950	39500	42050
	LOW-INCOME	35650	40750	45850	50950	55050	59100	63200	67250
Albany County, WY FY 2009 MFI: 63200	30% OF MEDIAN	13350	15300	17200	19100	20650	22150	23700	25200
	VERY LOW INCOME	22250	25450	28600	31800	34350	36900	39450	42000
	LOW-INCOME	35650	40700	45800	50900	54950	59050	63100	67200
Big Horn County, WY FY 2009 MFI: 53500	30% OF MEDIAN	13350	15300	17200	19100	20650	22150	23700	25200
	VERY LOW INCOME	22250	25450	28600	31800	34350	36900	39450	42000
	LOW-INCOME	35650	40700	45800	50900	54950	59050	63100	67200
Campbell County, WY FY 2009 MFI: 78300	30% OF MEDIAN	16450	18800	21150	23500	25400	27250	29150	31000
	VERY LOW INCOME	27400	31300	35250	39150	42300	45400	48550	51700
	LOW-INCOME	43850	50100	56400	62650	67650	72650	77700	82700
Carbon County, WY FY 2009 MFI: 58800	30% OF MEDIAN	13350	15300	17200	19100	20650	22150	23700	25200
	VERY LOW INCOME	22250	25450	28600	31800	34350	36900	39450	42000
	LOW-INCOME	35650	40700	45800	50900	54950	59050	63100	67200
Converse County, WY FY 2009 MFI: 64200	30% OF MEDIAN	13500	15400	17350	19250	20800	22350	23850	25400
	VERY LOW INCOME	22450	25700	28900	32100	34650	37250	39800	42350
	LOW-INCOME	35950	41100	46200	51350	55450	59550	63650	67800
Crok County, WY FY 2009 MFI: 60200	30% OF MEDIAN	13350	15300	17200	19100	20650	22150	23700	25200
	VERY LOW INCOME	22250	25450	28600	31800	34350	36900	39450	42000
	LOW-INCOME	35650	40700	45800	50900	54950	59050	63100	67200
Fremont County, WY FY 2009 MFI: 53700	30% OF MEDIAN	13350	15300	17200	19100	20650	22150	23700	25200
	VERY LOW INCOME	22250	25450	28600	31800	34350	36900	39450	42000
	LOW-INCOME	35650	40700	45800	50900	54950	59050	63100	67200
Goshen County, WY FY 2009 MFI: 56400	30% OF MEDIAN	13350	15300	17200	19100	20650	22150	23700	25200
	VERY LOW INCOME	22250	25450	28600	31800	34350	36900	39450	42000
	LOW-INCOME	35650	40700	45800	50900	54950	59050	63100	67200
Hot Springs County, WY FY 2009 MFI: 55100	30% OF MEDIAN	13350	15300	17200	19100	20650	22150	23700	25200
	VERY LOW INCOME	22250	25450	28600	31800	34350	36900	39450	42000
	LOW-INCOME	35650	40700	45800	50900	54950	59050	63100	67200
Johnson County, WY FY 2009 MFI: 59200	30% OF MEDIAN	13350	15300	17200	19100	20650	22150	23700	25200
	VERY LOW INCOME	22250	25450	28600	31800	34350	36900	39450	42000
	LOW-INCOME	35650	40700	45800	50900	54950	59050	63100	67200

CURRENT YEAR SUMMARY ATTACHMENT "C" ITEM 2 - RENT LIMITS

STATE:WYOMING	PROGRAM	INCOME LIMITS							
		1 PERSON	2 PERSON	3 PERSON	4 PERSON	5 PERSON	6 PERSON	7 PERSON	8 PERSON
Lincoln County, WY FY 2009 MFI: 62900	30% OF MEDIAN	13350	15300	17200	19100	20650	22150	23700	25200
	VERY LOW INCOME	22250	25450	28600	31800	34350	36900	39450	42000
	LOW-INCOME	35650	40700	45800	50900	54950	59050	63100	67200
Niobrara County, WY FY 2009 MFI: 47100	30% OF MEDIAN	13350	15300	17200	19100	20650	22150	23700	25200
	VERY LOW INCOME	22250	25450	28600	31800	34350	36900	39450	42000
	LOW-INCOME	35650	40700	45800	50900	54950	59050	63100	67200
Park County, WY FY 2009 MFI: 57900	30% OF MEDIAN	13350	15300	17200	19100	20650	22150	23700	25200
	VERY LOW INCOME	22250	25450	28600	31800	34350	36900	39450	42000
	LOW-INCOME	35650	40700	45800	50900	54950	59050	63100	67200
Platte County, WY FY 2009 MFI: 58000	30% OF MEDIAN	13350	15300	17200	19100	20650	22150	23700	25200
	VERY LOW INCOME	22250	25450	28600	31800	34350	36900	39450	42000
	LOW-INCOME	35650	40700	45800	50900	54950	59050	63100	67200
Sheridan County, WY FY 2009 MFI: 59700	30% OF MEDIAN	13350	15300	17200	19100	20650	22150	23700	25200
	VERY LOW INCOME	22250	25450	28600	31800	34350	36900	39450	42000
	LOW-INCOME	35650	40700	45800	50900	54950	59050	63100	67200
Sublette County, WY FY 2009 MFI: 63000	30% OF MEDIAN	13350	15300	17200	19100	20650	22150	23700	25200
	VERY LOW INCOME	22250	25450	28600	31800	34350	36900	39450	42000
	LOW-INCOME	35650	40700	45800	50900	54950	59050	63100	67200
Sweetwater County, WY FY 2009 MFI: 76000	30% OF MEDIAN	15950	18250	20500	22800	24600	26450	28250	30100
	VERY LOW INCOME	26600	30400	34200	38000	41050	44100	47100	50150
	LOW-INCOME	42550	48650	54700	60800	65650	70550	75400	80250
Teton County, WY FY 2009 MFI: 89500	30% OF MEDIAN	18800	21500	24150	26850	29000	31150	33300	35450
	VERY LOW INCOME	31350	35800	40300	44750	48350	51900	55500	59050
	LOW-INCOME	44800	51200	57600	64000	69100	74250	79350	84500
Uinta County, WY FY 2009 MFI: 69300	30% OF MEDIAN	14550	16650	18700	20800	22450	24150	25800	27450
	VERY LOW INCOME	24250	27700	31200	34650	37400	40200	42950	45750
	LOW-INCOME	38800	44350	49900	55450	59900	64300	68750	73200
Washakie County, WY FY 2009 MFI: 59600	30% OF MEDIAN	13350	15300	17200	19100	20650	22150	23700	25200
	VERY LOW INCOME	22250	25450	28600	31800	34350	36900	39450	42000
	LOW-INCOME	35650	40700	45800	50900	54950	59050	63100	67200
Weston County, WY FY 2009 MFI: 56600	30% OF MEDIAN	13350	15300	17200	19100	20650	22150	23700	25200
	VERY LOW INCOME	22250	25450	28600	31800	34350	36900	39450	42000
	LOW-INCOME	35650	40700	45800	50900	54950	59050	63100	67200

CURRENT YEAR SUMMARY ATTACHMENT "C" ITEM 2 - RENT LIMITS

U.S. DEPARTMENT OF HUD 03/2009

STATE:WYOMING

2009 HOME PROGRAM RENTS

PROGRAM	EFFICIENCY	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Casper, WY MSA							
LOW HOME RENT LIMIT	461	505	638	835	932	1028	1125
HIGH HOME RENT LIMIT	461	505	638	928	1118	1256	1357
For Information Only:							
FAIR MARKET RENT	461	505	638	928	1118	1286	1453
50% RENT LIMIT	562	602	723	835	932	1028	1125
65% RENT LIMIT	711	764	918	1053	1155	1256	1357
Cheyenne, WY MSA							
LOW HOME RENT LIMIT	530	559	709	828	923	1019	1114
HIGH HOME RENT LIMIT	530	559	709	965	1143	1243	1343
For Information Only:							
FAIR MARKET RENT	530	559	709	965	1243	1429	1616
50% RENT LIMIT	557	597	716	828	923	1019	1114
65% RENT LIMIT	705	756	909	1042	1143	1243	1343
Albany County, WY							
LOW HOME RENT LIMIT	483	553	702	826	922	1018	1113
HIGH HOME RENT LIMIT	483	553	702	964	1021	1174	1327
For Information Only:							
FAIR MARKET RENT	483	553	702	964	1021	1174	1327
50% RENT LIMIT	556	596	715	826	922	1018	1113
65% RENT LIMIT	704	756	908	1041	1141	1241	1341
Big Horn County, WY							
LOW HOME RENT LIMIT	479	501	599	782	922	1018	1113
HIGH HOME RENT LIMIT	479	501	599	782	936	1076	1217
For Information Only:							
FAIR MARKET RENT	479	501	599	782	936	1076	1217
50% RENT LIMIT	556	596	715	826	922	1018	1113
65% RENT LIMIT	704	756	908	1041	1141	1241	1341
Campbell County, WY							
LOW HOME RENT LIMIT	537	579	648	877	956	1099	1243
HIGH HOME RENT LIMIT	537	579	648	877	956	1099	1243
For Information Only:							
FAIR MARKET RENT	537	579	648	877	956	1099	1243
50% RENT LIMIT	685	733	881	1018	1135	1253	1370
65% RENT LIMIT	871	934	1123	1289	1419	1547	1676

CURRENT YEAR SUMMARY ATTACHMENT "C" ITEM 2 - RENT LIMITS

U.S. DEPARTMENT OF HUD 03/2009

STATE: WYOMING

2009 HOME PROGRAM RENTS

PROGRAM	EFFICIENCY	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Carbon County, WY							
LOW HOME RENT LIMIT	376	449	577	723	879	1011	1113
HIGH HOME RENT LIMIT	376	449	577	723	879	1011	1143
For Information Only:							
FAIR MARKET RENT	376	449	577	723	879	1011	1143
50% RENT LIMIT	556	596	715	826	922	1018	1113
65% RENT LIMIT	704	756	908	1041	1141	1241	1341
Converse County, WY							
LOW HOME RENT LIMIT	376	464	577	787	931	1026	1123
HIGH HOME RENT LIMIT	376	464	577	787	1014	1166	1318
For Information Only:							
FAIR MARKET RENT	376	464	577	787	1014	1166	1318
50% RENT LIMIT	561	601	722	834	931	1026	1123
65% RENT LIMIT	711	763	918	1052	1154	1254	1355
Crook County, WY							
LOW HOME RENT LIMIT	479	501	599	782	922	1018	1113
HIGH HOME RENT LIMIT	479	501	599	782	936	1076	1217
For Information Only:							
FAIR MARKET RENT	479	501	599	782	936	1076	1217
50% RENT LIMIT	556	596	715	826	922	1018	1113
65% RENT LIMIT	704	756	908	1041	1141	1241	1341
Fremont County, WY							
LOW HOME RENT LIMIT	473	475	604	757	922	1018	1113
HIGH HOME RENT LIMIT	473	475	604	757	965	1110	1255
For Information Only:							
FAIR MARKET RENT	473	475	604	757	965	1110	1255
50% RENT LIMIT	556	596	715	826	922	1018	1113
65% RENT LIMIT	704	756	908	1041	1141	1241	1341
Goshen County, WY							
LOW HOME RENT LIMIT	478	479	577	711	922	1018	1113
HIGH HOME RENT LIMIT	478	479	577	711	979	1126	1273
For Information Only:							
FAIR MARKET RENT	478	479	577	711	979	1126	1273
50% RENT LIMIT	556	596	715	826	922	1018	1113
65% RENT LIMIT	704	756	908	1041	1141	1241	1341

CURRENT YEAR SUMMARY ATTACHMENT "C" ITEM 2 - RENT LIMITS

U.S. DEPARTMENT OF HUD 03/2009

STATE:WYOMING

2009 HOME PROGRAM RENTS

PROGRAM	EFFICIENCY	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Hot Springs County, WY							
LOW HOME RENT LIMIT	479	501	599	782	922	1018	1113
HIGH HOME RENT LIMIT	479	501	599	782	936	1076	1217
For Information Only:							
FAIR MARKET RENT	479	501	599	782	936	1076	1217
50% RENT LIMIT	556	596	715	826	922	1018	1113
65% RENT LIMIT	704	756	908	1041	1141	1241	1341
Johnson County, WY							
LOW HOME RENT LIMIT	481	500	617	784	922	1018	1113
HIGH HOME RENT LIMIT	481	500	617	784	937	1078	1218
For Information Only:							
FAIR MARKET RENT	481	500	617	784	937	1078	1218
50% RENT LIMIT	556	596	715	826	922	1018	1113
65% RENT LIMIT	704	756	908	1041	1141	1241	1341
Lincoln County, WY							
LOW HOME RENT LIMIT	529	560	637	826	922	1018	1113
HIGH HOME RENT LIMIT	529	560	637	850	1006	1157	1308
For Information Only:							
FAIR MARKET RENT	529	560	637	850	1006	1157	1308
50% RENT LIMIT	556	596	715	826	922	1018	1113
65% RENT LIMIT	704	756	908	1041	1141	1241	1341
Niobrara County, WY							
LOW HOME RENT LIMIT	479	501	599	782	922	1018	1113
HIGH HOME RENT LIMIT	479	501	599	782	936	1076	1217
For Information Only:							
FAIR MARKET RENT	479	501	599	782	936	1076	1217
50% RENT LIMIT	556	596	715	826	922	1018	1113
65% RENT LIMIT	704	756	908	1041	1141	1241	1341
Park County, WY							
LOW HOME RENT LIMIT	448	515	606	761	922	1018	1113
HIGH HOME RENT LIMIT	448	515	606	761	1003	1153	1304
For Information Only:							
FAIR MARKET RENT	448	515	606	761	1003	1153	1304
50% RENT LIMIT	556	596	715	826	922	1018	1113
65% RENT LIMIT	704	756	908	1041	1141	1241	1341

CURRENT YEAR SUMMARY ATTACHMENT "C" ITEM 2 - RENT LIMITS

U.S. DEPARTMENT OF HUD 03/2009

STATE: WYOMING

2009 HOME PROGRAM RENTS

PROGRAM	EFFICIENCY	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Platte County, WY							
LOW HOME RENT LIMIT	479	501	599	782	922	1018	1113
HIGH HOME RENT LIMIT	479	501	599	782	936	1076	1217
For Information Only:							
FAIR MARKET RENT	479	501	599	782	936	1076	1217
50% RENT LIMIT	556	596	715	826	922	1018	1113
65% RENT LIMIT	704	756	908	1041	1141	1241	1341
Sheridan County, WY							
LOW HOME RENT LIMIT	482	519	638	816	922	1018	1113
HIGH HOME RENT LIMIT	482	519	638	816	966	1145	1295
For Information Only:							
FAIR MARKET RENT	482	519	638	816	966	1145	1295
50% RENT LIMIT	556	596	715	826	922	1018	1113
65% RENT LIMIT	704	756	908	1041	1141	1241	1341
Sublette County, WY							
LOW HOME RENT LIMIT	532	560	650	826	922	1018	1113
HIGH HOME RENT LIMIT	532	560	650	851	1008	1159	1310
For Information Only:							
FAIR MARKET RENT	532	560	650	851	1008	1159	1310
50% RENT LIMIT	556	596	715	826	922	1018	1113
65% RENT LIMIT	704	756	908	1041	1141	1241	1341
Sweetwater County, WY							
LOW HOME RENT LIMIT	460	559	701	980	1017	1170	1322
HIGH HOME RENT LIMIT	460	559	701	980	1017	1170	1322
For Information Only:							
FAIR MARKET RENT	460	559	701	980	1017	1170	1322
50% RENT LIMIT	665	712	855	988	1102	1215	1330
65% RENT LIMIT	845	906	1089	1250	1375	1499	1623
Teton County, WY							
LOW HOME RENT LIMIT	783	839	1007	1163	1297	1431	1566
HIGH HOME RENT LIMIT	824	918	1155	1479	1567	1780	1931
For Information Only:							
FAIR MARKET RENT	824	918	1155	1522	1567	1802	2037
50% RENT LIMIT	783	839	1007	1163	1297	1431	1566
65% RENT LIMIT	999	1071	1288	1479	1630	1780	1931

Attachment “D” Item 1 - Narrative

Narrative Required with ALL Applications

A. Project Description

1. Problem to be solved.
2. Completely describe the proposed program activities: Does the project involve the use of existing property; is the property privately or publicly owned; standard or substandard; occupied or vacant? For special needs housing projects, describe in detail the services that will be provided or coordinated for the property's residents and how client outreach will occur. Describe how the housing units and/or services proposed will be marketed to eligible participants and what kind of screening procedure, if any will be used. Outline the relationship of this proposal to established local housing and community development plans, policies, and strategies and cite date of adoption. Provide any evidence of local support that will add to the assurance of successful program implementation. Describe any known opposition to this proposal. Give enough detail to clearly illustrate all activities associated with the proposed project.
3. State the number of persons who will benefit and their income levels. (Indicate data sources.)
4. State the percentage of the funds that will benefit low income and very low-income households.

B. A Study of Needs - (Indicate data sources.)

Given the nature of the proposed project, provide as much measurable/objective information as needed to adequately describe the problem or need this project is designed to address. Describe the target population and discuss the magnitude and duration of the problem and its impact on the target population and the community-at-large. Examples of data that may be used are housing needs studies, the State's Consolidated Plan for Housing and Community Development, condition surveys, market studies, agency service records, census data, and information from local housing and community development plans.

Data used to support an application must be cited in the application. Applicants may use data derived at the city or county level if they can satisfy WCDA that the data is accurate and will not give the applicant an unfair advantage over other applicants. The methodology used, sample size, data sources, etc., must be submitted to WCDA with the application if other than federal or state information is used.

Attachment “D” Item 1 - Narrative

C. MATCH REQUIREMENTS - list your match sources for HOME funds.

Match funds are the local contribution to the partnership. 25% of the HOME dollars requested must be matched with non-federal funds.

1. The match obligations can be met with:

- Cash from a non-federal source
- Value of waived taxes, fees or charges
- Value of donated land or real property
- Cost of infrastructure improvements associated with HOME projects
- Below market interest rate loans.
- Banked Match from WCDA (this is not actual cash)

Owner's cash or equity in the project is not an eligible source of match.

D. LEVERAGING: List and describe all resources that will be leveraged by the requested HOME and Tax Credit funding.

Describe and quantify all resources that will assist with project implementation and management. Include a discussion that identifies whether commitments are firm or tentative and when and under what circumstances tentative commitments will become actualized. Briefly describe the general terms and conditions of other sources and give their expiration date. Explain the organization's ability to access other funds or in-kind contributions and the overall attempts to obtain additional resources. For non-cash contributions, please detail how dollar amounts were calculated.

E. RESULTS: Describe the results you expect to achieve.

Explain how the proposed activities are directly related to the problem and need described and what the anticipated direct and indirect results of the program will be. Include information on length of commitment to the original target population, the continued affordability of the assisted housing in terms of monthly rent or mortgage costs, and other program results that help illustrate the overall benefit of the proposal. If permanent or temporary displacement or relocation will occur, describe the process used for relocation, the availability of comparable replacement units, and how and with what source these activities will be funded. Quantify whenever possible.

F. PROJECT MANAGEMENT: Describe your organization's management ability and management plan for this project.

Describe the mission, management structure and staffing of your organization. Provide a detailed description of your organization's experience and ability in implementing and

Attachment “D” Item 1 - Narrative

managing low-income or special needs housing assistance programs or related activities. Explain any past or current experience with federal or state award or loan programs. Provide an organizational chart showing the staffing and line of authority for the key personnel to be used in the project. Give a brief job description of the overall duties of the staff assigned to manage the program during each phase, a description of related experience, and how the management plan will be structured. If staff has not been hired, provide a job description for each vacant position. If a third party will be involved in management, describe their role.

G. STATEMENT: Explain why HOME or Tax Credit dollars are critical to the implementation of this proposal.

Briefly summarize why HOME or Tax Credit dollars, are necessary for project implementation and why the proposed activities cannot occur without the award of funds. List unsuccessful requests your organization has made for other resources for this project, including source, amount, and if known, reason for rejection. Explain why no other source of funds can replace HOME or Tax Credit resources. Discuss whether the project could be implemented at a lower level or smaller scale without the HOME or Tax Credit award. Describe known public and private projects that address a similar need in your area and explain how this project differs from each of the others.

H. Affirmative Marketing Plan:

Describe how you will market your project to minorities or hard-to-reach very low-income households. Explain in detail.

NOTE: HOME funds as described in this application are anticipated funding. Final allocation amounts are subject to change based upon the receipt of Federal Award which is anticipated in March of 2009.

Attachment "D" Item 2a

QUARTERLY PROGRESS REPORT FOR RENTAL PROJECTS

Quarterly progress reports must be filed with the WCDA outlining progress toward completion. These reports must be received by the 1st day of March, June, September, and December, until 8609's are issued (for Tax Credits) or HOME project completion reports have been completed.

Indicate the actual or expected date by which the following activities have or will have been completed.

Mo./Year

	<u>Site</u>		<u>Local Permits</u>
___/___	Acquisition	___/___	Conditional Use Permit
___/___	Survey	___/___	Variance
___/___	Zoning Approval	___/___	Site Plan Review
___/___	Plat Design Approval	___/___	Building Permit
___/___	Environmental Phase I	___/___	Other (specify) _____
___/___	Environmental Review Completed		
	<u>Construction Financing</u>	___/___	<u>Equity Syndication</u>
___/___	Loan Application	___/___	Letter of Commitment
/	Conditional Commitment		Partnership Closing
/	Firm Commitment		Other
/	Closing and Disbursement	/	Final Plans/Specs
	Permanent Financing	/	Tax Credit Carryover Allocation
/	Loan Application	/	10% of Project Costs Incurred
___/___	Conditional	_____	Construction Start
___/___	Firm Commitment	___/___	% complete as of report date
___/___	Closing and Disbursement	___/___	Construction Completion
		___/___	Landscape Completion
		___/___	Placed in Service (Certificate of Occupancy)
	<u>Other Loans and Grants</u>	___/___	Occupancy of All Low-Income Units
___/___	Type & Source: _____	___/___	Submission of Placed in Service Application
___/___	Commitment	___/___	Submission of Minority & Business Women
___/___	Closing or Award		Enterprise information

Any other significant issues not mentioned above, should be outlined below or on a separate sheet of paper and attached to the report.

Project Name

Signature

Date

Attachment ‘D’ Item 2b

QUARTERLY PROGRESS REPORT FOR HOMEOWNER REHABILITATION PROGRAMS

Quarterly progress reports must be filed with the WCDA outlining progress toward completion. These reports must be received by the 1st day of March, June, September, and December, until all HOME project completion reports have been completed.

Quarterly / Accumulative

_____ / _____	Number of applications received
_____ / _____	Number of households pre-qualified
_____ / _____	Number of loans closed
_____ / _____	Total Amount of funding Allocated from WCDA
_____ / _____	Amount of funding disbursed to Homebuyers/Homeowners

Current

_____	Number of loans scheduled to close in next 30 days
_____	Number of loans scheduled to close in next 60 days
_____	Number of loans scheduled to close in next 90 days
_____	Number of loans scheduled to close in next 120 days
_____	Number of loans scheduled to close in next 150 days
_____	Number of loans scheduled to close in next 180 days
_____	Number of loans scheduled to close in more than 180 days

Any other significant issues not mentioned above, should be outlined below or on a separate sheet of paper and attached to the report.

Project Name

Signature

Date

Attachment “E” HOME Program Description

HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME)

For Federal Fiscal Year 2010, the State of Wyoming through the Wyoming Community Development Authority (WCDA) is **anticipating** a \$3,500,000 allocation of HOME funds. In an effort to quickly allocate HOME funds prior to the construction season, WCDA’s application period for HOME funding runs prior to WCDA’s receipt of HOME funds from HUD. Therefore no funding can be allocated until after WCDA signs a HOME contract with HUD. The final allocation may be different from the anticipated amount.

I. EXECUTIVE SUMMARY

The HOME Program was created under Title II (the Home Investment Partnerships Act) of the National Affordable Housing Act of 1990. The general purposes of HOME include:

- Expansion of the supply of decent and affordable housing, particularly rental housing, for low and very-low-income Americans.
- Strengthening the abilities of State and local governments to design and implement strategies for achieving adequate supplies of decent, affordable housing.
- Extending and strengthening partnerships among all levels of government and the private sector, including for-profit and non-profit organizations, in the production and operation of affordable housing.

HOME provides funding to meet both the short-term goal of increasing the supply and availability of affordable housing and long-term goals of building partnerships between State and local governments, private and non-profit organizations, while strengthening their capacity to meet the housing needs of low and very low-income residents.

For FY 1994 and subsequent years, there are match requirements that must be met under the HOME Program. Matching funds are the local contribution to the partnership. Match obligations must be met in the fiscal year they occur.

The State of Wyoming **anticipates** receiving an annual allocation in HOME funds of approximately \$3,500,000. See the WCDA Affordable Housing Allocation Plan, Attachment A for actual funding levels. These HOME funds will be allocated to local governments, Community Housing Development Organizations (CHDOs), Public Housing Authorities, Non-profit Organizations and for-profit developers of Low-income housing as described below. All projects outside of Casper and Cheyenne must be developed pursuant to the State’s Consolidated Plan for Housing and Community Development. Casper and Cheyenne projects must be developed pursuant to their respective local Consolidated

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Plans. Projects located in entitlement cities (Cheyenne and Casper) must have a current letter of consistency with the Consolidated Plan from the appropriate Jurisdiction.

HOME funds must be spent quickly. The time frames for committing and expending funds are very short. From the time WCDA signs a HOME Investment Partnerships Agreement for HOME funds with the Department of Housing and Urban Development, the following **CRITICAL** time frames apply:

- 24 months to enter into written agreements with an Owner/Developer to reserve HOME funds.
- 24 months to commit funds in the HOME IDIS System for specific projects.
- Five years to actually expend funds.

II. ELIGIBLE PROGRAM BENEFICIARIES

The HOME Program beneficiaries are homeowners, homebuyers and tenants with very-low and low-incomes. No HOME funds can be used to benefit property owners or tenants with gross annual incomes greater than 80 percent of HUD's median income. Specific participant eligibility criteria vary depending upon the category of assistance being provided. Program Beneficiary Requirements will be defined within each eligible category listed below.

III. DISTRIBUTION OF FUNDS

The State of Wyoming, through the Wyoming Community Development Authority, will use HOME funds for the following major activities:

- A. Rental Housing Production**
 - 1. Rehabilitation
 - Rehabilitation
 - Conversion
 - Reconstruction
 - Rehab and refinance
 - 2. Acquisition and/or Rehabilitation
 - 3. New Construction

- B. Homeowner Rehabilitation**
 - 1. Rehabilitation
 - 2. Rehabilitation and refinance

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C. Homeownership Opportunities

1. HOME Run Program

IV. RENTAL HOUSING PRODUCTION PROVISIONS

There are three important things to remember about HOME assisted Rental Housing:

- Rents are **strictly** controlled
- Tenants must be low-income (80% of Area Median Income adjusted for family size as determined by HUD). In fact, most tenants in HOME assisted units must be very low-income (50% of Area Median Income adjusted for family size as determined by HUD).
- Both occupancy and rents must be maintained and monitored for a minimum affordability period of 5 to 20 years depending upon the amount of HOME funds provided per unit and the type of project (new or existing). Actual project affordability may exceed 20 years.

Both the rent and income targeting requirements are enforced by deed restrictions and specify remedies for breach of the provisions.

A. ELIGIBLE PROPERTY TYPES

- One or more buildings on a single site that are under common ownership, management and financing.
- Scattered sites are eligible as one project as long as the sites are under common ownership, management and financing, and receive HOME assistance as part of a single undertaking.
- There are no limits on the number of units per project.
- There are no preferences for unit size and style except for what is identified in the applicable Consolidated Plan.
- Properties may be privately or publicly owned.

B. INITIAL HOME RENTS

Every HOME assisted unit is subject to rent controls designed to make sure that rents are affordable to very low-income households. These maximum rents may be referred to as HOME RENTS. HOME RENTS are subject to change annually and will be made available to applicants by WCDA.

LOW HOME RENT - 100% of HOME assisted units must have rents that are at or below the LOW HOME RENT. This requirement may be modified on a case by case basis at the discretion of WCDA and within the limits of the Federal Regulations.

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The Low Home Rent is shown in the Affordable Housing Plan Current Year Summary Attachment “C” Item “2”.

The maximum allowable HOME RENTS must be reduced if the tenant pays for utilities. Utility adjustments are made in accordance with the utility allowances prepared by the local Public Housing Authority. Utility adjustments proposed by owners/developers for specific projects must be approved by WCDA.

C. AFFORDABILITY PERIOD

HOME assisted **Rental** units are rent controlled for varying lengths of time depending upon the average amount of HOME funds invested per unit:

<u>RENTAL HOUSING ACTIVITY</u>	<u>PER UNIT HOME \$</u>	<u>MINIMUM AFFORDABILITY PERIOD</u>
Rehab or Acquisition of Existing	<\$15,000/unit	5 years
	\$15,000 - \$40,000	10 years
	>\$40,000	15 years
New Construction	all amounts	20 years

Maximum monthly rents and utility allowances must be recalculated annually by the owner. They are reviewed and approved by WCDA. Rent increases may be permitted, but tenants must be given at least 30 days written notice before increases are implemented. Any increases are also subject to other provisions of the lease agreements and subject to approval by WCDA.

D. OCCUPANCY OF HOME ASSISTED RENTAL UNITS

There are two Federal constraints on occupancy:

1. **INCOME TARGETING:**
90% of the units assisted with HOME Funds for rental housing must be used to assist tenants who have annual incomes that are 60% or less of the area median income. The remaining dwelling units assisted with such funds may be used to assist families with household incomes between 60% and 80% of median.
2. **PROJECT REQUIREMENT:**
In projects with five or more rental units, or in the case of an owner of multiple one or two unit projects with a total of five or more rental units, not less than 20% of the rental units must be occupied by very low-income families (50% of area median income) bearing rents not greater than the low HOME rents determined by HUD, less any tenant paid utilities.

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Owners of rental housing funded with HOME funds are required to have a written occupancy policy in place prior to the occupancy of HOME-assisted units. This policy should outline who is eligible for the units and be consistent with Fair Housing Laws. The HOME regulations list a number of prohibited lease provisions and some required lease provisions with which owners should become familiar. WCDA has a Suggested Occupancy Policy and a list of these provisions that owners can adapt for their project.

E. DETERMINING THE INITIAL INCOME ELIGIBILITY OF HOME TENANTS

The income of each tenant must be determined initially in accordance with 24 CFR 92.203. One of the following three definitions of "annual income" must be used:

1. Annual Income as defined under the Section 8 Housing Assistance Payments programs in 24 CFR Part 5.609.
2. Annual Income as reported under the Census long-form for the most recent available decennial Census.
3. Adjusted Gross Income as defined for purposes of reporting under IRS Form 1040 for individual Federal annual income tax purposes.

For most projects, WCDA will require the definition of Annual Income as defined under Section 8 Housing Assistance Payments Program (HAP)(24CFR Part 5.609).

F. ANNUAL RECERTIFICATION OF INCOME

The annual incomes of tenants in HOME projects must be re-examined each year during the period of affordability. The project owner must re-examine each tenant's annual income in accordance with one of the following three options:

1. Examine third party source documents evidencing annual income.
2. Obtain from the family a written statement of the amount of the family's annual income and family size, along with a certification that the information is complete and accurate.
3. Obtain a written statement from the administrator of a government program under which the family receives benefits and which examines each year the annual income of the family. The statement must indicate the tenant's family size and state the amount of the family's annual income.

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WCDA will require that the owner of HOME assisted rental units report at least once a year on the annual income of all tenants.

G. INCREASES IN TENANT INCOME

Tenants occupying HOME assisted units whose annual incomes exceed 80% of median (that is, they are no longer low-income) may stay in their HOME assisted apartments. Over income tenants (those who no longer qualify as low income) in HOME assisted units must pay no less than 30% of their adjusted monthly income for rent and utilities. Adjusted income is calculated according to the rules for the Section 8 Program. In general, adjustments are made by deducting from the annual income certain allowances.

For rental housing with Low-Income Housing Tax Credits and for units under local rent controls, when a tenant's income increases above 80 percent of the area median income, that tenant's rent will not have to be adjusted to 30 percent of the family's income.

WCDA will review the owner's recertification of tenant income annually. WCDA will review rent and utility allowances annually. WCDA will perform on-site inspection for compliance with Section 8 Housing Quality Standards:

- Annually for projects with more than 25 units.
- Once every two years for projects containing 5 - 25 units
- Once every three years for projects containing 1-4 units.

WCDA will review the owner's compliance with Written Agreements annually.

H. ELIGIBLE ACTIVITIES FOR RENTAL HOUSING PRODUCTION

The following activities are eligible for rental housing production with HOME funds:

1. REHABILITATION -
 - a. Rehabilitation of existing structures.
Rehabilitation and Refinancing to permit or continue affordability under 24 CFR 92.252.
 - i. Rehabilitation must be the primary eligible activity requiring at least \$15,000 of required rehabilitation costs per unit.
 - ii. A review of the owner's management practices will be made in order to determine that disinvestment in the property has not occurred, that the long term needs of the project can be met and that the feasibility of serving the targeted

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population over an extended affordability period can be demonstrated.

- iii. The refinancing must be made for the purposes of maintaining current affordable units or creating additional affordable units.
 - iv. The minimum required period of affordability would be 15 years.
 - v. Refinancing is an eligible activity throughout the State of Wyoming under the HOME Program.
 - vi. HOME funds cannot be used to refinance multifamily loans made or insured by any Federal program, including CDBG.
- b. Conversion - Conversion of an existing structure from an alternative use to affordable, residential housing is an eligible activity and is considered rehabilitation. If conversion involves additional units beyond the walls of an existing structure, the project will be deemed new construction.
 - c. Reconstruction - Reconstruction is defined as the rebuilding, on the same lot, of housing standing on a site at the time of project commitment. The number of housing units on the lot may not be decreased or increased as part of a reconstruction project, but the number of rooms per unit may be increased or decreased. Reconstruction also includes replacing an existing substandard unit of manufactured housing with a new or standard unit of manufactured housing.
2. ACQUISITION - Acquisition of an eligible property is eligible as part of a rental housing project.
 3. NEW CONSTRUCTION - New Construction is an eligible use of HOME funds. New Construction is also defined as housing that has received an initial certificate of occupancy or equivalent document within a one-year period before the commitment of HOME funds to the project.

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V. HOMEOWNER REHABILITATION

City or County governments, Public Housing Authorities, and non-profits may apply for HOME Funds for Homeowner Rehabilitation programs. The maximum administration fee which can be applied for is 10%. This administration fee will be funded as a percentage of each draw.

A. THE ELIGIBLE PROPERTY OWNER

The owner must have a gross annual income that does not exceed 80 percent of HUD's median income for the area. Third party written verification of income will be required. The owner must own the property. A family or individual owns the property if they: **1)** have fee simple title to the property; or **2)** maintain a 99 year leasehold interest (50 year leasehold on reservation lands) in the property; All Lease forms of ownership must be PRE-approved by WCDA PRIOR to Application or **3)** have ownership or membership in a cooperative; **and 4)** do not have any restrictions or encumbrances that would unduly restrict the good and marketable nature of the ownership interest. The owner must occupy the property as a principal residence.

B. THE ELIGIBLE PROPERTY TYPE

An eligible property is any single family property, occupied as a principal residence by the owner in which the value of the property, after rehabilitation, does not exceed the FHA 203 (b) Single Family Mortgage limits in effect at the time of HOME funds commitment. See the WCDA Affordable Housing Allocation Plan, Current Year Summary Attachment “A”, Item “9”.

Manufactured housing units must be connected to permanent utility hookups and be located on land that is owned by the manufactured housing unit owner.

All properties must also meet HUD's site and environmental requirements summarized in Section 10 of the Affordable Housing Allocation Plan.

C. AFFORDABILITY PERIOD

Minimum Affordability Periods are as follows:

Amount of HOME Investment	Minimum Affordability Period
\$0 - \$ 15,000	5 years
\$ 15,001 - \$19,999	10 years
\$ 20,000 - 25,000	20 years

Should a property be sold or cease to be occupied by a qualified household during the period of time specified, all original HOME funds must be returned to the WCDA HOME Investment Partnerships Program plus the “Allocated Pro-Rata Share” of the Net Proceeds, (aka Shared Appreciation). The “Allocated Pro-Rata Share” shall equal the Minimum Affordability Period committed to in the

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application for funding (but not less than the minimum years specified above) less the number of years the Homeowner occupied the property after the rehabilitation was completed, divided the Minimum Affordability Period committed to in the application for funding (but not less than the minimum years specified above). The “Net Proceeds” shall equal the Gross Sales Price less the appraised value prior to the rehabilitation and Closing Costs approved by WCDA. (Federal Regulations prohibit anyone from profiting from the use of Federal Funds.) This requirement must be stipulated in the lien document (mortgage) which must be recorded.

After an initial investment of HOME funds, additional HOME funds may not be invested in HOME assisted Homeowner Rehabilitation units for varying lengths of time as described above depending upon the amount of the initial HOME investment as described above.

VI. HOMEOWNERSHIP OPPORTUNITIES

- A. HOME RUN PROGRAM – See Section VII E. below.

VII. ALLOCATION OF FUNDS

- A. **DIRECT ADMINISTRATION CATEGORY--WCDA**
Approximately \$1,450,000 - available for Rental Housing Production, and Homeowner Rehab. programs under which non-profit developers, for-profit developers, Local Governments, and public housing authorities may apply. Applications are anticipated to be accepted in January of each year. Projects are ranked competitively against the Ranking Criteria listed in the WCDA Affordable Housing Allocation Plan. For actual funding levels, see WCDA Affordable Housing Allocation Plan, Current Year Summary Attachment “A”.

- C. **CHDOs - COMMUNITY HOUSING DEVELOPMENT ORGANIZATIONS**
Community Housing Development Organizations (CHDOs). Approximately \$525,000, fifteen percent (15%) of the Fiscal Year HOME funding allocation will be set aside for CHDO's*. Applications for CHDO Eligible Activities will be accepted through a competitive application process during the initial application period at the beginning of each year. If funds are remaining, WCDA will open an additional competitive application process or, depending on the amount of remaining funds, accept applications on a first-come, first-serve basis to projects meeting the minimum ranking criteria until all funds are allocated to eligible projects. Ten percent of this set aside may be available to CHDOs for Project Specific Technical Assistance and Site Control Loans for items such as feasibility studies, consulting fees, architectural and engineering fees, etc. No administrative fees are eligible. For actual funding levels, see WCDA Affordable Housing Allocation Plan, Current Year Summary Attachment “A”.

* The 15% CHDO set-aside requirement has been met for 2010.

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D. CHDO General Operating Costs and Capacity Building Reserve (not project specific)

A Certified Community Housing Development Organization (CHDO) may apply to WCDA for HOME funding for any fiscal year for organizational operating funds in an amount that provides not more than \$50,000 or fifty percent (50%) of the CHDO’s organization’s total operating expenses, whichever is less, in that fiscal year. No CHDO may receive funding for more than 3 years. To apply for this set-aside a CHDO may apply on an annual basis prior to September 1st of each year.

In order to receive CHDO operating funds a CHDO must:

- 1) a) currently have a CHDO allocation for housing that is to be owned, sponsored or developed by the CHDO, or
- b) enter into a written agreement with WCDA that states the CHDO is expected to receive funds under the CHDO set-aside within 24 months of receiving funds for operating expenses
- 2) submit a Development Plan outlining the CHDO’s proposed housing projects, type of housing, number of units, and populations to be served, over the next 5 years
- 3) submit a timeline under which these projects will be developed
- 4) submit a list of anticipated funding sources for the projects in the Development Plan
- 5) submit a five year operating budget with all sources of operating income listed, designating which sources are firmly committed and which sources are tentative
- 6) submit a list of staff, experience of each staff member and their job description.

Applications will generally be accepted once a year and should be submitted to WCDA on or before September 1st. No more than \$175,000 of HOME funds may be allocated as Operating Funds in any given program year. Applications will be reviewed and funded according to the feasibility of the projects proposed in the Development plan and an assessment by WCDA staff of the CHDO’s capacity to successfully complete the Development Plan.

E. WCDA HOME RUN PROGRAM

In an effort to encourage new construction for homeownership and increase the supply and availability of affordable homeownership units, WCDA will be utilizing HOME funding of approximately \$1,000,000.00 to provide an interest subsidy in the form of a 10-year step rate mortgage program on approximately a \$6,500,000 pool of funds under the WCDA Single Family Mortgage Purchase Program. This lower interest rate program will be available only to households to purchase a newly constructed home meeting the following requirements:

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- The Total Annual Family Income cannot exceed the lesser of 80% of HUD’s median income by family size and County or WCDA’s Published Program Requirements as amended from time to time. (See Current Year Summary Attachment “A” Item “12”.)
- The home must be newly constructed and never previously occupied
- The Acquisition Cost of the home may not exceed the lesser of the Maximum Single Family HOME Limit outlined in Schedule “A” or WCDA’s Published HOME Run Purchase Price Limits as amended from time to time. (See Current Year Summary Attachment “A”.)
- The home must be built in accordance with local codes and must meet the requirements of the most recent addition of the Model Energy Code.

The funds will be made available through WCDA Participating Lenders through the Lender on Line Loan Reservation System.

1. The Standard WCDA Program Rules apply to this program:
 - a. Three Year Requirement - Each mortgagor must have had no “present ownership interest” in a principal Residence at any time during the three-year period prior to the date on which the Mortgage Loan is executed. For purposes of the preceding sentence, the mortgagor's interest in the Residence with respect to which the financing is being provided shall not be taken into account. In the event that there is more than one mortgagor with respect to a particular Residence, each of such mortgagors must meet the Three-Year Requirement.
 - b. New Mortgage Requirement - A Mortgage Loan meeting the New Mortgage requirement must be made to mortgagors who did not have a Mortgage (whether or not paid off) on the Residence securing the Mortgage Loan at any time prior to the execution of the Mortgage Loan.
 - c. Purchase Price Requirement - In general, the Acquisition Cost, of each Residence secured by a Mortgage Loan must not exceed the Maximum Single Family HOME Limit set forth in the WCDA Affordable Housing Allocation Plan – Current Year Summary.
 - d. Residence Requirement - For purposes of this Requirement, the term "Residence" shall mean a one unit, single-family, owner-occupied home located in the State, and shall include a condominium unit in a structure containing multiple dwelling units. The term does not include personal property such as an appliance, a piece of furniture, a radio, etc., which, under applicable Wyoming law is not a fixture.
 - e. Due on Sale Clause - A Mortgage Loan may only be assumed if the Residence Requirement, the Three-Year Requirement,

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the Purchase Price Requirement, and the Income Requirement is met at the time of assumption. Due to the administrative difficulties likely to be encountered, the Tax-Exempt Financing Rider contains a broad "due on sale" clause which precludes all assumptions that occur without the **prior written consent** of the Authority. Present WCDA policy is to grant assumption requests only if the applicable federal eligibility requirements are met.

2. HUD Requirements that must be met for this program:
 - a. Affordability Requirements based on a per unit subsidy.

The program will meet the HUD established affordability requirements under the Homeownership Rules 24 CFR Part 92.254. The affordability period will be 10 years. The maximum average per unit subsidy will be approximately 35,000 per unit, which requires a minimum affordability period of 10 years.

In order to determine the amount of upfront subsidy that this program requires, WCDA made a present value calculation. This calculation was made based on the following assumptions:

- 1) WCDA will be placing the entire HOME subsidy into the MRB Program fund upfront
- 2) The subsidy will be utilized on a minimum pool of 4,800,000 in mortgage funds
- 3) The Step – Rate Subsidy Program
 - *3.00% subsidy for years 1 through 4
 - *2.25% subsidy for years 5 and 6
 - *1.50% subsidy for years 7 and 8
 - * 0.75% subsidy for years 9 and 10
 - *MRB fixed rate in the remaining 11th through 30th year
- 4) The current average life of a loan in WCDA’s portfolio is 10 years. If a loan pays off prior to 10 years, the unused subsidy will either be recycled and used for a new borrower or returned to the HOME program as program income.
- 5) The reinvestment rate for the funds is reviewed monthly and adjusted as necessary based on the average Money Market rate received by WCDA from its Trustee on other Money Market accounts.

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Recapture/ Resale Provisions

If the home is sold or if the owner ceases to occupy the property as their principal residence anytime during the 10-year subsidy period, the loan will be called due and payable. The recapture will be treated like a forgivable loan. The subsidy will be forgiven in the same proration as it is expended. This is not in equal amounts as the interest subsidy is higher in the beginning years,

The loan may be assumed by an income – eligible buyer.

- b. Environmental Review – According to Notice CPD-01-11 issued July 17, 2001, HUD has determined that certain categorically excluded activities would not alter any conditions that would require an environmental review or compliance determination under Federal laws and authorities cited in 24CFR 58.5. Examples of activities that are categorical exclusions not subject to §58.5 include activities to assist homebuyers to purchase existing dwelling units or dwelling units under construction, including closing costs and down payment assistance, interest buydowns, and similar activities that result in the transfer of title. As the HOME funds will be used as an interest subsidy, similar to an interest buydown, it has been determined these properties will be Categoricaly excluded and not subject to §58.5 authorities.
 - c. Uniform Real Property Acquisition and Relocation Act –
 - i. Relocation – New construction – not applicable
 - ii. Acquisition – Seller (builder) is voluntarily selling the property.
 - d. Davis Bacon –Not applicable, no construction financing.
 - e. Flood Insurance – Flood Insurance will be required on properties located in a FEMA designated 100-year flood plain. This will probably not occur in new construction as the majority of the homes will be in new subdivisions.
 - m. Lead-Based Paint – Not applicable as all units will be new construction.
3. New Construction Requirements
- a. Homes built to the International Building Code, the National Electric Code and the Model Energy Code

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- b. Ownership will be fee simple title or other HUD approved forms of ownership
 - c. Appraised value will not exceed the Maximum Single Family HOME Limit (See attached Schedule “A”)
4. Homebuyer Income
Household income will be at or below 80% of HUD’s area median income as adjusted for family size.

F. ADMINISTRATION AND CONTINGENCY RESERVE -

Approximately \$350,000 (10%) of Fiscal Year HOME allocation will be set-aside for WCDA administrative costs, and for a reserve for project over-runs that cannot be met from other funding sources.

After the first round of funding, WCDA reserves the right to re-allocate funds between categories as needed to most expeditiously commit and spend the funding, provided the minimum CHDO set aside is maintained.

VIII. PROPERTY STANDARDS

Housing that is constructed or rehabilitated with HOME funds must meet all applicable local codes, rehabilitation standards, ordinances, and zoning ordinances at the time of project completion. In absence of a local code for new construction or rehabilitation, HOME-assisted new construction or rehabilitation must meet: as applicable, the International Building Code, the National Electric Code, or the Minimum Property Standards in 24 CFR 200.925 or 200.926.

Newly constructed housing must meet the current edition of the Model Energy Code published by the Council of American Building Officials.

Construction of all manufactured housing must meet the Manufactured Home Construction and Safety Standards established in 24 CFR Part 3280. These standards preempt State and local codes covering the same aspects of performance for such housing. Applicants providing HOME assistance to install manufactured housing units must comply with applicable State and local laws or codes. In the absence of such laws or codes, the applicant must comply with the manufacturer’s written instructions for manufactured housing units.

Since HOME regulations require that HOME-assisted units meet a minimum property standard, HOME funds **cannot** be used for emergency repair programs.

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IX. ELIGIBLE REHABILITATION COSTS

- A. Development Hard Costs** - The actual rehabilitation costs including:
- Costs to meet the International Building Code and the National Electric Code
 - Costs to meet rehabilitation standards
 - Essential improvements
 - Energy-related improvements
 - Costs to contain or abate Lead-based paint hazards
 - Improvements for handicapped persons
 - Repair or replacement of major housing systems in danger of failure
 - Incipient repairs and general property improvements of a non-luxury nature
- B. Demolition Costs** when part of a rehabilitation project.
- C. Site improvements** and utility connections can be funded with HOME funds only when conducted in conjunction with HOME eligible activities.
- D. Related Soft Costs** - reasonable and necessary costs, including:
- Architectural, engineering or related professional services (inspection, work write-ups) to a third party.
 - Financing costs such as loan points, credit and title costs, recordation fees, building permits, legal fees, appraisals, developer fees.
 - Relocation costs (permanent and temporary), affirmative marketing, and fair housing information services.

XI. SITE AND NEIGHBORHOOD REQUIREMENTS

HOME projects must be located on a site eligible for federal financial assistance. The types of items that are reviewed when looking at a site are listed below:

- The site's proximity to noise sources such as railroads, highways or busy streets, and airports or military airfields.
- The site and the project must have a clearance from the state historic preservation office.
- The site cannot be in a 100-year flood plain.
- Lead-based paint and asbestos are concerns and must be dealt with in accordance with HUD and state requirements.
- The site's proximity (within 3,000 feet) to a hazardous waste site listed on the CERCLIS list.
- The site's proximity to above ground storage tanks with hazardous materials.

WCDA will also do a site visit to determine the site's suitability for the type of housing being proposed. All funded projects will have to meet HUD's environmental review

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process and HUD’s site and neighborhood standards requirement at 24 CFR Part 92.202. Site selection is extremely important and is part of the evaluation and ranking process.

XII. ELIGIBLE FORMS OF FINANCIAL ASSISTANCE

- Interest-bearing loans
- Non-interest-bearing loans
- Interest subsidies that leverage other monies
- Deferred payment loans
- Forgivable loans
- Grants
- Alternative forms must be approved by HUD

XIII. MATCHING REQUIREMENTS

HUD requires that 25% of the HOME funds are matched by a non-federal eligible matching contribution. Matching funds are the local contribution to the partnership. Match obligations must be met in the fiscal year they occur.

A. Forms of matching contribution.

The match obligations can be met with:

- Cash from a non-federal source (**owner's cash is not eligible as match**)
- Value of waived taxes, fees or charges
- Value of donated land or real property
- Cost of infrastructure improvements not made with federal resources associated with HOME projects
- Proceeds from multifamily and single family affordable housing project bond financing validly issued by a State or local government or an agency or instrumentality of the State or local government
- Reasonable value of donated site-preparation and construction materials not acquired with Federal resources
- Reasonable rental value of the donated use of site preparation or construction equipment
- The value of donated or voluntary labor or professional services
- The value of sweat equity
- The direct cost of supportive services provided to families residing in HOME-assisted units during the period of affordability
- The direct cost of homebuyer counseling services provided to families that acquire a property with HOME assistance

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B. Size of the Match

Every HOME project requires a 25% match contribution meaning that 25% of the HOME funds in a project must be matched by non-federal funds. For FY 2010, applicants will only be required to provide a match of 4.5% because WCDA has been able to accumulate banked match over the past several years.

This also means there will not be WCDA Match Pool funding available for this year as there has been in previous years. However, if projects require an additional financing source, they may apply to WCDA for funding from the WCDA Housing Trust Fund.

C. Sources of Match

Match providers will include a wide array of local providers, both public and private. These may include:

- Local tax funded initiatives
- Tax assessing offices
- Water and sewer departments
- Streets and sidewalk departments
- Redevelopment agencies
- Public housing agencies
- State agencies
- State tax funded initiatives
- Charitable Organizations/Foundations
- Private sector organizations
- Lending institutions
- Corporate donations/commitments

XIV. DOUBLE DIPPING ON HOME ASSISTED PROJECTS

Except for the first year after project completion, no further HOME funds can be used during the relevant period of affordability. The period of affordability will vary depending on the type of HOME activity.

XV. HOME INVESTMENT PER UNIT--Maximum/Minimum HOME Expenditure

The maximum, average subsidy per HOME assisted unit is established by HUD. Maximum Subsidy limits for Wyoming can be found in the WCDA Affordable Housing Allocation Plan Current Year Summary, Attachment A.

Only units receiving HOME monies are considered "HOME Assisted Units". HOME expenditure limits, rent and occupancy rules only apply to HOME Assisted Units.

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Project developers using the **Federal Low-Income Housing Tax Credit** need to contact WCDA for special limitations when applying for HOME funds.

XVI. RESERVATION CRITERIA

See Affordable Housing Allocation Plan

XVII. POLICIES & PROCEDURES

A. AFFIRMATIVE MARKETING

It is the affirmative marketing policy of WCDA to inform the public, homeowners, landlords and potential tenants about the Federal Fair Housing laws and the affirmative marketing goals by:

1. Making this program available for public review. An overview of the marketing policy is included.
2. Upon qualification and selection of a HOME project, the owner will be notified of Equal Opportunity requirements.
3. All advertising and literature used for the HOME program will carry the Equal Housing Opportunity logo or slogan.
4. Copies of media releases, advertisements, and announcements where the HOME program was presented, will be maintained.
5. Affirmative marketing to the general public, landlords, tenants and homeowners will be done by the placement of Public Notices in the applicable local newspapers. The Casper Star-Tribune is considered the major Wyoming newspaper having statewide circulation.

As projects are completed, owners will send written notices containing information about the project (size of units, rent, etc.) to agencies such as the Department of Family Services and the local Salvation Army.

6. WCDA has a housing program brochure that briefly describes WCDA's housing programs. This brochure will be used to affirmatively market the HOME Program to the general public, tenants, and owners.

Attachment “E” HOME Program Description

7. Throughout the year, WCDA has opportunities to affirmatively market the HOME Program on a statewide basis to REALTORS®, lenders, and other housing and redevelopment officials at meetings and seminars in which WCDA participates.
8. Landlords will be advised that they must comply with Equal Housing Opportunity laws and their literature must contain the Equal Housing Opportunity logo. All projects will be required to display a fair housing poster when advertising vacancies. If it is found that a landlord is failing to follow the affirmative marketing requirements and blatantly ignoring fair housing laws, WCDA may enforce the default section of the HOME Agreement and Promissory Note.
9. If landlords are seeking tenants to fill vacant units, they will be provided assistance by WCDA in outreach methods for contacting groups and ethnic organizations to ensure equal access is provided. Landlords will be required to send written notices of vacancies to employment centers, places of worship or other community organizations that work with low-income persons.
10. Landlords of HOME assisted units will be required to keep records of families who apply for housing and document those cases where someone was denied housing. At a minimum, these records will contain data regarding income, family size, and minority status. Landlords will be required to keep copies of all media releases and advertisements for vacancies.
11. Any alleged housing discrimination complaints will be forwarded to the U.S. Department of Housing and Urban Development.
12. WCDA will monitor units of general local government to encourage their adoption of affirmative marketing procedures. On-site monitoring will be performed as required by HUD HOME Regulations.
13. Homebuyer Education Courses, made available through the Wyoming Partners in Homebuyer Education Inc., will provide for a discussion of Fair Housing.
14. Information on Fair Housing can be obtained from Wyoming Fair Housing, which opened an office in Casper in the year 2000. The organization may be reached by calling 307-266-6362, 1-866-255-6362, TTY 1-800-877-9965.

Attachment “E” HOME Program Description

B. MINORITY BUSINESS ENTERPRISE & WOMEN - OWNED BUSINESS ENTERPRISE (MBE & WBE) OUTREACH PROGRAM (24 CFR 92.350 & 92.351)

WCDA will keep on file the names of agencies that have lists of MBE and WBE businesses that have been identified in source documents developed by agencies such as the Wyoming Business Council, and the Wyoming Highway Department. HOME applicants may request copies of these documents as they are updated.

WCDA will encourage general contractors on projects being funded with HOME funds to solicit bids from MBE/WBE businesses. WCDA will maintain project records on the use and participation of WBE and MBE. Cheryl G. Gillum, WCDA Director of Housing Programs has been assigned the oversight responsibilities of the MBE/WBE program.

XVIII. HOME PROGRAM DEFINITIONS

Adjusted Income

Adjusted income is used in HOME to compute actual tenant payment for tenants who are required to pay 30% of their Adjusted Income for rent and utilities. Adjusted income is annual (gross) income reduced by deductions for dependents, elderly households, medical expenses, handicap assistance expenses and childcare.

Acquisition Cost/Purchase Price

Acquisition Cost is defined to mean the cost of acquiring the residence from the seller as a complete residential unit. Acquisition Cost includes the following; (1) All amounts paid, either in cash or in kind, by the mortgagor (or a related party for the benefit of the mortgagor) to the seller (or a related party for the benefit of the seller) as consideration for the residence; (2) If a residence is incomplete, the reasonable cost of completing the residence, including construction loan interest and fees, whether or not the cost of completing construction is to be financed from the mortgage loan; and (3) Where a residence is purchased subject to a ground rent (leased land), the capitalized value of the ground rent, using a discount rate provided by WCDA based on the related bond yield (currently between 5% and 7%).

Affordability

Affordability requirements are the HOME regulations at 24 CFR Part 92 that relate to the cost of housing both at initial occupancy and over established timeframes, as prescribed in the HOME Final Rule. Affordability requirements vary depending upon the nature of the HOME assisted activity (i.e. homeownership or rental housing; new construction vs. rehabilitation).

Attachment “E” HOME Program Description

Annual (Gross) Income

The HOME Program allows for the use of one of three "Annual Income" definitions as described in Section 4 E. Annual Income is used for homeowner, homebuyer and tenant eligibility and targeting purposes.

Commitment

The written, legally binding agreement between the Participating Jurisdiction (or other entity) providing HOME funds to a project, and the project owner. Once a commitment occurs HUD expects construction to start or a purchase to occur within six months.

HUD recognizes the commitment when the project is entered in the Integrated, Disbursement and Information System.

Community Housing Development Organization (CHDO)

A Community Housing Development Organization (CHDO) is a private, non-profit organization that meets a series of qualifications prescribed in the HOME Regulations. CHDOs must receive at least 15 percent of a participating jurisdiction's annual allocation of HOME funds.

HOME Assisted Units

A term that refers to units within a HOME project where HOME funds are used and rent, occupancy, or resale/recapture restrictions apply.

HOME Funds

HOME funds include all appropriations for the HOME Program, plus all repayments and interest or other return on the investment of these funds.

Low-Income Families

Families whose annual incomes do not exceed 80 percent of the median income for the area (adjusted for family size). HUD may establish income ceilings higher or lower than 80 percent of median income for an area on an exception basis.

New Construction

For purposes of the HOME Program, new construction is any project with commitment of HOME funds made within one year of the date of initial certificate of occupancy. Any project that includes the creation of additional dwelling units outside the existing walls of a structure is also considered new construction.

Project

A site or an entire building or two or more buildings, together with the site or sites on which the building or buildings is/are located, that are under common ownership, management and financing and are to be assisted with HOME funds, under a commitment

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by the owner, as a single undertaking. If there is more than one site associated with the project, the sites must be within a four (4) block area.

Purchase Price

See Acquisition Cost.

State Recipient

Any unit of local government designated by a state to receive HOME funds. The state is responsible for ensuring the HOME funds allocated to State Recipients are used in accordance with the HOME regulations and other applicable laws.

Subrecipient

Means a public agency or non-profit organization selected by a participating jurisdiction to administer all or a portion of the participating jurisdiction's HOME Program. A public agency or non-profit organization that receives HOME funds solely as a developer or owner of housing is not a subrecipient.

Targeting

Requirements of the HOME Program relating to the income or other characteristics of households that may occupy HOME assisted units.

Very Low-Income

Families whose incomes (adjusted for family size) does not exceed 50 percent of the median income for the area. HUD may establish income ceilings higher or lower than 50 percent of median income for an area on an exception basis.

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Subpart H -- Other Federal Requirements under HOME

- § 92.350 Other Federal requirements.
- § 92.351 Affirmative marketing; minority outreach program.
- § 92.352 Environmental review.
- § 92.353 Displacement, relocation, and acquisition.
- § 92.354 Labor.
- § 92.355 Lead-based paint.
- § 92.356 Conflict of interest.
- § 92.357 Executive Order 12372.

§ 92.350 Other Federal requirements.

(a) The Federal requirements set forth in 24 CFR part 5, subpart A, are applicable to participants in the HOME program. The requirements of this subpart include: nondiscrimination and equal opportunity; disclosure requirements; debarred, suspended or ineligible contractors; and drug-free workplace.

(b) The nondiscrimination requirements at section 282 of the Act are applicable. These requirements are waived in connection with the use of HOME funds on lands set aside under the Hawaiian Homes Commission Act, 1920 (42 Stat. 108).

§ 92.351 Affirmative Marketing; Minority Outreach Program.

(a) *Affirmative marketing.*

- (1) Each participating jurisdiction must adopt affirmative marketing procedures and requirements for rental and homebuyer projects containing 5 or more HOME-assisted housing units. Affirmative marketing steps consist of actions to provide information and otherwise attract eligible persons in the housing market area to the available housing with out regard to race, color, national origin, sex, religion, familial status or disability. (The affirmative marketing procedures do not apply to families with Section 8 tenant-based rental housing assistance or families with tenant-based rental assistance provided with HOME funds.)
- (2) The affirmative marketing requirements and procedures adopted must include:
 - (i) Methods for informing the public, owners, and potential tenants about Federal fair housing laws and the participating jurisdiction's affirmative marketing policy (e.g., the use of the Equal Housing Opportunity logotype or slogan in press releases and solicitations for owners, and written communication to fair housing and other groups):

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- (ii) Requirements and practices each owner must adhere to in order to carry out the participating jurisdiction's affirmative marketing procedures and requirements (e.g. use of commercial media, use of community contacts, use of the Equal Housing Opportunity logotype, and display of fair housing poster):
 - (iii) Procedures to be used by owners to inform and solicit applications from persons in the housing market area who are not likely to apply for the housing without special outreach (e.g., use of community organizations, places of worship, employment centers, fair housing groups, or housing counseling agencies);
 - (iv) Records that will be kept describing actions taken by the participating jurisdiction and by owners to affirmatively market units and records to assess the results of these actions; and
 - (v) A description of how the participating jurisdiction will annually assess the success of affirmative marketing actions and what corrective actions will be taken where affirmative marketing requirements are not met.
- (3) A State that distributes HOME funds to units of general local government must require each unit of general local government to adopt affirmative marketing procedures and requirements that meet the requirement in paragraphs (a) and (b) of this section.
- (b) *Minority outreach.* A participating jurisdiction must prescribe procedures acceptable to HUD to establish and oversee a minority outreach program within its jurisdiction to ensure the inclusion, to the maximum extent possible, of minorities and women, and entities owned by minorities and women, including, without limitation, real estate firms, construction firms, appraisal firms, management firms, financial institutions, investment banking firms, underwriters, accountants, and providers of legal services, in all contracts entered into by the participating jurisdiction with such persons or entities, public and private, in order to facilitate the activities of the participating jurisdiction to provide affordable housing authorized under this Act or any other Federal housing law applicable to such jurisdiction. Section 85.36(e) of this title describes actions to be taken by a participating jurisdiction to assure that minority business enterprises and women business enterprises are used when possible in the procurement of property and services.

§ 92.352 Environmental Review.

- (a) *General.* The environmental effects of each activity carried out with HOME funds must be assessed in accordance with the provisions of the National Environmental Policy Act of

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1969 (NEPA) and the related authorities listed in HUD's implementing regulations at 24 CFR parts 50 and 58.

- (b) *Responsibility for review.*
 - (1) The jurisdiction (e.g., the participating jurisdiction or State recipient) or insular area must assume responsibility for environmental review, decision-making, and action for each activity that it carries out with HOME funds, in accordance with the requirements imposed on a recipient under 24 CFR part 58. No funds may be committed to a HOME activity or project before the completion of the environmental review and approval of the request for release of funds and related certification, except as authorized by 24 CFR part 58.
 - (2) A State participating jurisdiction must also assume responsibility for approval of requests for release of HOME funds submitted by State recipients.
 - (3) HUD will perform the environmental review, in accordance with 24 CFR part 50, for a competitively awarded application for HOME funds submitted to HUD by an entity that is not a jurisdiction.

§ 92.353 Displacement, relocation, and acquisition

- (a) *Minimizing displacement.* Consistent with the other goals and objectives of this part, the participating jurisdiction must ensure that it has taken all reasonable steps to minimize the displacement of persons (families, individuals, businesses, nonprofit organizations, and farms) as a result of a project assisted with HOME funds. To the extent feasible, residential tenants must be provided a reasonable opportunity to lease and occupy a suitable, decent, safe, sanitary, and affordable dwelling unit in the building/complex upon completion of the project.
- (b) *Temporary relocation.* The following policies cover residential tenants who will not be required to move permanently but who must relocate temporarily for the project. Such tenants must be provided:
 - (1) Reimbursement for all reasonable out-of-pocket expenses incurred in connection with the temporary relocation, including the cost of moving to and from the temporarily occupied housing and any increase in monthly rent/utility costs.
 - (2) Appropriate advisory services, including reasonable advance written notice of:
 - (i) The date and approximate duration of the temporary relocation;
 - (ii) The location of the suitable, decent, safe, and sanitary dwelling to be made available for the temporary period;

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- (iii) The terms and conditions under which the tenant may lease and occupy a suitable, decent, safe, and sanitary dwelling in the building/complex upon completion of the project; and
 - (iv) The provisions of paragraph (b)(1) of this section.
- (c) *Relocation assistance for displaced persons.*
 - (1) *General.* A displaced person (defined in paragraph (c)(2) of this section) must be provided relocation assistance at the levels described in, and in accordance with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA) (42 U.S.C. 4201-4655) and 49 CFR part 24. A "displaced person" must be advised of his or her rights under the Fair Housing Act and, if the comparable replacement dwelling used to establish the amount of the replacement housing payment to be provided to a minority person is located in an area of minority concentration, the minority person also must be given, if possible, referrals to comparable and suitable, decent, safe, and sanitary replacement dwellings not located in such areas.
 - (2) *Displaced Person.*
 - (i) For purposes of paragraph (c) of this section, the term displaced person means a person (family individual, business, nonprofit organization, or farm, including any corporation, partnership or association) that moves from real property or moves personal property from real property, permanently, as a direct result of acquisition, rehabilitation, or demolition for a project assisted with HOME funds. This includes any permanent, involuntary move for an assisted project, including any permanent move from the real property that is made:
 - (A) After notice by the owner to move permanently from the property, if the move occurs on or after:
 - (1) The date of the submission of an application to the participating jurisdiction or HUD, if the applicant has site control and the application is later approved; or
 - (2) The date the jurisdiction approves the applicable site, if the applicant does not have site control at the time of the application; or
 - (B) Before the date described in paragraph (c)(2)(i)(A) of this section, if the jurisdiction or HUD determines that the displacement resulted

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directly from acquisition, rehabilitation, or demolition for the project; or

- (C) By a tenant-occupant of a dwelling unit, if any one of the following three situations occurs:
 - (1) The tenant moves after execution of the agreement covering the acquisition, rehabilitation, or demolition and the move occurs before the tenant is provided written notice offering the tenant the opportunity to lease and occupy a suitable, decent, safe, and sanitary dwelling in the same building/complex upon completion of the project under reasonable terms and conditions. Such reasonable terms and conditions must include a term of at least one year at a monthly rent and estimated average monthly utility costs that do not exceed the greater of:
 - (i) The tenant's monthly rent before such agreement and estimated average monthly utility costs; or
 - (ii) The total tenant payment, as determined under 24 CFR 5.613, if the tenant is low-income, or 30 percent of gross household income, if the tenant is not low-income; or
 - (2) The tenant is required to relocate temporarily, does not return to the building/complex, and either
 - (i) The tenant is not offered payment for all reasonable out-of-pocket expenses incurred in connection with the temporary relocation; or
 - (ii) Other conditions of the temporary relocation are not reasonable; or
 - (3) The tenant is required to move to another dwelling unit in the same building/complex but is not offered reimbursement for all reasonable out-of-pocket expenses incurred in connection with the move, or other conditions of the move are not reasonable.
- (ii) Notwithstanding paragraph (c)(2)(i) of this section, a person does not qualify as a displaced person if:

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- (A) The person has been evicted for cause based upon a serious or repeated violation of the terms and conditions of the lease or occupancy agreement, violation of applicable federal, State or local law, or other good cause, and the participating jurisdiction determines that the eviction was not undertaken for the purpose of evading the obligation to provide relocation assistance. The effective date of any termination or refusal to renew must be preceded by at least 30 days advance written notice to the tenant specifying the grounds for the action.
 - (B) The person moved into the property after the submission of the application but, before signing a lease and commencing occupancy, was provided written notice of the project, its possible impact on the person (e.g., the person may be displaced, temporarily relocated, incur a rent increase), and the fact that the person would not qualify as a "displaced person" (or for any assistance under this section) as a result of the project;
 - (C) The person is ineligible under 49 CFR 24.2(g)(2); or
 - (D) HUD determines that the person was not displaced as a direct result of acquisition, rehabilitation, or demolition for the project.
- (iii) The jurisdiction may, at any time, ask HUD to determine whether a displacement is or would be covered by this rule.
- (3) *Initiation of negotiations.* For purposes of determining the formula for computing replacement housing assistance to be provided under paragraph (c) of this section to a tenant displaced from a dwelling as a direct result of private-owner rehabilitation, demolition or acquisition of the real property, the term initiation of negotiations means the execution of the agreement covering the acquisition, rehabilitation, or demolition.
- (d) *Optional relocation assistance.* The participating jurisdiction may provide relocation payments and other relocation assistance to families, individuals, businesses, nonprofit organizations, and farms displaced by a project assisted with HOME funds where the displacement is not subject to paragraph (c) of this section. The jurisdiction may also provide relocation assistance to persons covered under paragraph (c) of this section beyond that required. For any such assistance that is not required by State or local law, the jurisdiction must adopt a written policy available to the public that describes the optional relocation assistance that it has elected to furnish and provides for equal relocation assistance within each class of displaced persons.

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- (e) *Residential anti-displacement and relocation assistance plan.* The participating jurisdiction shall comply with the requirements of 24 CFR part 42, subpart C.
- (f) *Real property acquisition requirements.* The acquisition of real property for a project is subject to the URA and the requirements of 49 CFR part 24, subpart B.
- (g) *Appeals.* A person who disagrees with the participating jurisdiction's determination concerning whether the person qualifies as a displaced person, or the amount of relocation assistance for which the person may be eligible, may file a written appeal of that determination with the jurisdiction. A low-income person who is dissatisfied with the jurisdiction's determination on his or her appeal may submit a written request for review of that determination to the HUD Field Office.

§ 92.354 Labor.

- (a) *General*
 - (1) Every contract for the construction (rehabilitation or new construction) of housing that includes 12 or more units assisted with HOME funds must contain a provision requiring the payment of not less than the wages prevailing in the locality, as predetermined by the Secretary of Labor pursuant to the Davis-Bacon Act (40 U.S.C. 276a - 276a-5), to all laborers and mechanics employed in the development of any part of the housing. Such contracts must also be subject to the overtime provisions, as applicable, of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327 - 332).
 - (2) The contract for construction must contain these wage provisions if HOME funds are used for any project costs in § 92.206, including construction or non-construction costs, of housing with 12 or more HOME-assisted units. When HOME funds are only used to assist homebuyers to acquire single-family housing, and not for any other project costs, the wage provisions apply to the construction of the housing if there is a written agreement with the owner or developer of the housing that HOME funds will be used to assist homebuyers to buy the housing and the construction contract covers 12 or more housing units to be purchased with HOME assistance. The wage provisions apply to any construction contract that includes a total of 12 or more HOME-assisted units, whether one or more than one project is covered by the construction contract. Once they are determined to be applicable, the wage provisions must be contained in the construction contract so as to cover all laborers and mechanics employed in the development of the entire project, including portions other than the assisted units. Arranging multiple construction contracts within a single project for the purpose of avoiding the wage provisions is not permitted.
 - (3) Participating jurisdictions, contractors, subcontractors, and other participants must comply with regulations issued under these acts and with other Federal laws and

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regulations pertaining to labor standards and HUD Handbook 1344.1 (Federal Labor Standards Compliance in Housing and Community Development Programs), as applicable. Participating jurisdictions must require certification as to compliance with the provisions of this section before making any payment under such contract.

- (b) *Volunteers.* The prevailing wage provisions of paragraph (a) of this section do not apply to an individual who receives no compensation or is paid expenses, reasonable benefits, or a nominal fee to perform the services for which the individual volunteered and who is not otherwise employed at any time in the construction work. See 24 CFR part 70.
- (c) *Sweat equity.* The prevailing wage provisions of paragraph (a) of this section do not apply to members of an eligible family who provide labor in exchange for acquisition of a property for homeownership or provide labor in lieu of, or as a supplement to, rent payments.

§ 92.355 Lead-based paint

Housing assisted with HOME funds is subject to the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821-4846), the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42U.S.C. 4851-4856), and implementing regulations at part 35, subparts A, B, J, K, M and R of this title.

[64 FR 50224, Sept. 15, 1999]

§ 92.356 Conflict of Interest

- (a) *Applicability.* In the procurement of property and services by participating jurisdictions, State recipients, and sub-recipients, the conflict of interest provisions in 24 CFR 85.36 and 24 CFR 84.42, respectively, apply. In all cases not governed by 24 CFR 85.36 and 24 CFR 84.42, the provisions of this section apply.
- (b) *Conflicts prohibited.* No persons described in paragraph (c) of this section who exercise or have exercised any functions or responsibilities with respect to activities assisted with HOME funds or who are in a position to participate in a decision-making process or gain inside information with regard to these activities, may obtain a financial interest or benefit from a HOME-assisted activity, or have an interest in any contract, subcontract or agreement with respect thereto, or the proceeds thereunder, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter.
- (c) *Persons covered.* The conflict of interest provisions of paragraph (b) of this section apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the participating jurisdiction, State recipient, or sub-recipient which are receiving HOME funds.

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- (d) *Exceptions: Threshold requirements.* Upon the written request of the participating jurisdiction, HUD may grant an exception to the provisions of paragraph (b) of this section on a case-by-case basis when it determines that the exception will serve to further the purposes of the HOME Investment Partnerships Program and the effective and efficient administration of the participating jurisdiction's program or project. An exception may be considered only after the participating jurisdiction has provided the following:
- (1) A disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict and a description of how the public disclosure was made; and
 - (2) An opinion of the participating jurisdiction's or State recipient's attorney that the interest for which the exception is sought would not violate State or local law.
- (e) *Factors to be considered for exceptions.* In determining whether to grant a requested exception after the participating jurisdiction has satisfactorily met the requirements of paragraph (d) of this section, HUD will consider the cumulative effect of the following factors, where applicable:
- (1) Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project which would otherwise not be available;
 - (2) Whether the person affected is a member of a group or class of low-income persons intended to be the beneficiaries of the assisted activity, and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class;
 - (3) Whether the affected person has withdrawn from his or her functions or responsibilities, or the decision-making process with respect to the specific assisted activity in question;
 - (4) Whether the interest or benefit was present before the affected person was in a position as described in paragraph (c) of this section;
 - (5) Whether undue hardship will result either to the participating jurisdiction or the person affected when weighed against the public interest served by avoiding the prohibited conflict; and
 - (6) Any other relevant considerations.
- (f) *Owners and Developers*
- (1) No owner, developer or sponsor of a project assisted with HOME funds (or officer, employee, agent, or consultant of the owner, developer or sponsor) whether private, for profit or non-profit (including a community housing

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development organization (CHDO) when acting as an owner, developer or sponsor) may occupy a HOME-assisted affordable housing unit in a project. This provision does not apply to an individual who receives HOME funds to acquire or rehabilitate his or her principal residence or to an employee or agent of the owner or developer of a rental housing project who occupies a housing unit as the project manager or maintenance worker.

- (2) *Exceptions.* Upon written request of a housing owner or developer, the participating jurisdiction (or State recipient, if authorized by the State participating jurisdiction) may grant an exception to the provisions of paragraph (f)(1) of this section on a case-by-case basis when it determines that the exception will serve to further the purposes of the HOME program and the effective and efficient administration of the owner's or developer's HOME-assisted project. In determining whether to grant a requested exception, the participating jurisdiction shall consider the following factors:
- (i) Whether the person receiving the benefit is a member of a group or class of low-income persons intended to be the beneficiaries of the assisted housing, and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class:
 - (ii) Whether the person has withdrawn from his or her functions or responsibilities, or the decision-making process with respect to the specific assisted housing in question:
 - (iii) Whether the tenant protection requirements of § 92.253 are being observed:
 - (iv) Whether the affirmative marketing requirements of § 92.351 are being observed and followed; and
 - (v) Any other factor relevant to the participating jurisdiction's determination, including the timing of the requested exception.

§ 92.357 Executive Order 12372

- (a) *General.* Executive Order 12372, as amended by Executive Order 12416 (3 CFR, 1982 Comp., p. 197 and 3 CFR, 1983 Comp., p. 186) (Intergovernmental Review of Federal Programs) and HUD's implementing regulations at 24 CFR part 52, allow each State to establish its own process for review and comment on proposed Federal financial assistance programs.

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- (b) *Applicability.* Executive Order 12372 applies to applications submitted with respect to HOME funds being competitively reallocated under subpart J of this part to units of general local government.

§ 92.358 Consultant activities

No person providing consultant services in an employer-employee type relationship shall receive more than a reasonable rate of compensation for personal services paid with HOME funds. In no event, however, shall such compensation exceed the limits in effect under the provisions of any applicable statute (e.g., annual HUD appropriations acts which have set the limit at the equivalent of the daily rate paid for Level IV of the Executive Schedule, see the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997, Pub. L. 104-204 (September 26, 1996)). Such services shall be evidenced by written agreements between the parties which detail the responsibilities, standards, and compensation. Consultant services provided under an independent contractor relationship are not subject to the compensation limitation of Level IV of the Executive Schedule.