Wyoming Community Development Authority

2020

Affordable Housing Allocation Plan

HOME, NHTF, Tax Credit, NSP, TCAP, Tax-Exempt Programs &
Transitional Housing Fund (THF)

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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, under HUD's HOME Investment Partnerships Program at 24 CFR Part 92, under HUD's National Housing Trust Fund (NHTF) program at 24 CFR Part 93, and under the Neighborhood Stabilization Program (NSP) Title III of the Housing and Economic Recovery Act of 2008 (HERA). The four most significant criterions for Tax Credit, HOME, NSP Program Income (PI) and NHTF 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.

The total amount of Tax Credits 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. The HOME Final Rule is codified under 24 CFR 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 **National Housing Trust Fund** (NHTF) was established under Title I of the Housing and Economic Recovery Act of 2008, Section 1131 (Public Law 110-289). Section 1131 of HERA amended the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501 et seq.) (Act) to add a new section 1337, entitled "Affordable Housing Allocation" and a new section 1338, entitled "Housing Trust Fund." The program is codified under 24 CFR Part 93. NHTF is an affordable housing production program that will complement existing Federal, State, and local efforts to increase and preserve the supply of decent, safe, and sanitary affordable housing for extremely low-income (ELI) and very low-income households (VLI), including homeless families.

The **Neighborhood Stabilization Program (NSP)** was established for the purpose of providing emergency assistance to stabilize communities with high rates of abandoned and foreclosed homes, and to assist households whose annual incomes are up to 120 percent of the area median income (AMI). The U.S. Congress appropriated

three rounds of NSP funding. Congress has not allocated any additional funds to NSP since the third round of funding, and WCDA is currently expending program income (PI) received from NSP-funded activities. NSP was established by Section 2301(b) of the Housing and Economic Recovery Act of 2008 (Pub. L.110–289, approved July 30, 2008), also known as HERA.

It is strongly suggested that project sponsors interested in the Tax Credit Program, the HOME program, NSP PI and/or the NHTF program contact their tax accountant and/or attorney before developing projects under any of these programs. While WCDA will endeavor to assist applicants, WCDA personnel are not tax or legal experts and applicants should not rely on WCDA personnel for tax and/or legal advice.

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. This Affordable Housing Allocation Plan is designed to allocate funding based on these priorities to the citizens of Wyoming. Those applying for funding under HOME, NHTF, and/or Tax Credits must consider how their project addresses the needs for the State of Wyoming. See Item 18 in the Current Year Summary, Attachment "A".

All recipients of Tax Credit, HOME, NSP PI and/or NHTF funding must meet the following definition:

Recipient means an organization, agency, or other entity (including a public housing agency, or a for-profit entity or a nonprofit entity) that receives Tax Credit, HOME, NSP PI and/or HTF assistance from a grantee as an owner or developer to carry out a Tax Credit, HOME, NSP PI and/or HTF-assisted project. A recipient must:

1. Make acceptable assurances to the grantee that it will comply with the requirements of the Tax Credit, HOME, NSP PI and/or HTF program during the entire period that begins upon selection of the recipient to receive funds, and ending upon the conclusion of all funded activities;
2. Demonstrate the ability and financial capacity to undertake, comply, and manage the eligible activity;
3. Demonstrate its familiarity with the requirements of other Federal, State, or local housing programs that may be used in conjunction with Tax Credit, HOME, NSP PI and/or HTF funds to ensure compliance with all applicable requirements and regulations of such programs; and
4. Have demonstrated experience and capacity to conduct an eligible activity as evidenced by its ability to:
    a. Own, construct, or rehabilitate, and manage and operate an affordable multifamily rental housing development OR
    b. Design, construct, or rehabilitate, and market affordable housing for homeownership; and
    c. Provide forms of assistance, such as down payments, closing costs, or interest rate reductions for purchasers.

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, the HOME Investment Partnerships Program, the Neighborhood Stabilization Program (NSP), and/or the National Housing Trust Fund Program becomes available, the Authority may modify, supplement or make conforming amendments to this Allocation Plan and all related documents without formal amendment or additional public hearings. WCDA will notify applicants affected by these changes and in addition, information about such subsequent changes will be posted on the Authority's website at *www.wyomingcda.com*.

II. 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) or 501(c)(4) non-profit organizations materially participate in the development and management of the project.

In the event there are insufficient tax credits available to fully fund all projects that meet minimum scoring thresholds, the respective set-aside categories shall be funded in the following order of priority: 1.) Non-Profits; 2.) Acquisition/Rehabilitation; 3.) Open Allocation.

In the event that funds in the Non-Profit Set-Aside have been exhausted, unfunded applications meeting the minimum scoring threshold will compete in the Open Allocation category. In the event that funds in the Acquisition/Rehabilitation Set-Aside have been exhausted, unfunded applications meeting the minimum scoring threshold will be funded by a reallocation from the Open Allocation category.

See Current Year Summary Attachment "A".

Acquisition / Rehabilitation

Approximately twenty-five percent (25%) of the available funding is set aside for the acquisition and rehabilitation of existing multifamily housing. To qualify for this set-aside no additional housing units may be added to the project. The Geographic Distribution scoring criteria does not apply to qualified projects applying for the Acquisition/Rehabilitation Set-Aside.

HOME Program

Open Category

The approximate amount of funding set-aside in this category for Rental Housing Production 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 as determined by WCDA in its sole discretion.

Single-Family Homeownership Development

The approximate amount of funding set-aside in this category for homeownership development 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 cycle(s), WCDA may allocate these funds to eligible multi-family rental projects for which existing allocated funding is

not sufficient. As HOME program income is received throughout the year and available funding increases, such funds may be used under this set-aside.

Community Housing Development Organizations (CHDO)

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 the funds to eligible CHDO projects through a second competitive application process or to projects meeting the minimum ranking criteria on a first-come, first-served basis as determined by WCDA in its sole discretion. 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 Operating Costs

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 General Operating Costs.

Acquisition / Rehabilitation Set-Aside

Approximately twenty-five percent (25%) of the available funding is set aside for the acquisition and rehabilitation of existing multifamily housing. To qualify for this set-aside no additional housing units may be added to the project. The Geographic Distribution scoring criteria does not apply to qualified projects applying for the Acquisition/Rehabilitation Set-Aside.

Administration and Contingency Reserve

Approximately ten percent (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.

NHTF Program

Rental Production and Rehabilitation

The approximate amount of funding set-aside in this category for Rental Housing Production 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 as determined by WCDA in its sole discretion.

Acquisition / Rehabilitation

Approximately twenty-five percent (25%) of the available funding is set aside for the acquisition and rehabilitation of existing multifamily housing. To qualify for this set-aside no additional housing units may be added to the project. See Attachment "A" Item 6 for the amount of funding. The Geographic Distribution scoring criteria does not apply to qualified projects applying for the Acquisition/Rehabilitation Set-Aside.

Administration

Approximately ten percent (10%) of the NHTF 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 at its sole discretion.

Neighborhood Stabilization Program (NSP) Program Income

Single-Family Homeownership Development

The approximate amount of funding set-aside in this category for homeownership development programs is outlined in the Current Year Summary, Attachment "A". These funds will be distributed to through a competitive application process. If through this process, not all of the funds are allocated in the specified funding cycle(s), WCDA may allocate these funds to other NSP-eligible activities. As NSP program income is received throughout the year and available funding increases, such funds may be used under this set-aside.

Administration

Approximately ten percent (10%) of the NSP program income funding received 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 at its sole discretion.

III. MULTIFAMILY RENTAL PROJECTS

A. APPLICATION PROCESS

The WCDA utilizes a single application for all multifamily rental Tax Credit Program, HOME, TCAP, and NHTF funding. Available funding levels and allocations are outlined in the Allocation Plan Current Year Summary Attachment "A". In addition, specific set-asides and their eligibility criteria are outlined in Section II of this document. Please note that if the WCDA deems additional cycles as necessary to obligate funds in a timely manner, WCDA may conduct additional application cycles within the current funding year.

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 (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. Projects applying for **Tax-Exempt Bond Financing** must notify WCDA in writing of their intent to submit an application for Tax-Exempt Bond Financing at least thirty (30) days prior to the formal Letter of Intent, in order for WCDA to reserve the necessary bond capacity.

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

ALL projects applying for NHTF funds must comply with all pertinent aspects of the Wyoming Community Development Authority Affordable Housing Allocation Plan (Allocation Plan). This includes compliance with 24 CFR Part 93 as detailed in the WCDA NHTF Program Description (Allocation Plan Current Year Summary Attachment "I"). The Developer will certify that housing assisted with NHTF funds will comply with all NHTF requirements.

All projects receiving HOME funds, NHTF funds, and/or an allocation of Section 42 Tax Credits 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 $1,000 for projects with twenty-four (24) units or less and $2,000 for projects with over twenty-four (24) units. Projects electing income averaging (IA) must pay an application fee of $2,500. This fee must be included with the application. Applications received without this fee may be returned. The application fees may be subject to change at a later date. There are no application fees for projects which are applying for HOME and/or NHTF funds only.

All required documents will be submitted via the Procorem Workcenter assigned to the Application. For more information about using the Procorem interface, please visit https://help.procorem.com/ to become familiar with your role in the submission process. WCDA will conduct training related to the process during the 2020 QAP Application Training.

Those applying for funding need to submit:

1. Completed Letter of Intent sent to housingdev@wyomingcda.com on or before the submission deadline outlined in Attachment "A", Item 1. A template of the Letter of Intent is available on our website, www.wyomingcda.com. Please contact WCDA's Affordable Housing Development staff for submission requirements or questions regarding the submission.

2. Original signed physical copy of the WCDA 2020 Affordable Housing Programs Multifamily Application (Application), in its entirety plus the following exhibits and the appropriate Application Fee (The most current application **must** be used; no substitutions or changes to any forms will be accepted);
    a. Development Team Experience, including the project sponsor, developer, general contractor, architect, property manager, and key consultants (Application Exhibit A-1);
    b. Previous Participation Statement and Authorization for Release of Information (Application Exhibit A-2);
    c. Self-Scoring (Application Exhibit A-3);
    d. 15-year Projected Cash Flow;
    e. WCDA Non-Profit Participation Questionnaire, if applicable;
    f. WCDA Application for Community Housing Development Organization (CHDO) Status Under the HOME Investment Partnership Program (HOME) as stated in 24 CFR Part 92, if applicable; and,
    g. Application Fee.

    The above Application and exhibits must be received in the WCDA office at 155 N Beech, Casper, Wyoming 82601 by the submission deadline outlined in Attachment "A", Item 1.

The following supporting documents must also be uploaded via Procorem by the submission deadline outlined in Attachment "A", Item 1:

1. Electronic version of the Application in Microsoft Excel format via the Procorem Workcenter assigned to this Application. Make sure it is not locked or a shared file. Do NOT submit all attachments as a single file; each attachment must be a separate file;

2. Supplemental application documentation to be uploaded through the Procorem Workcenter on or before Application due date (available at www.wyomingcda.com):
    a. Affirmative Fair Housing Marketing Agreement;
    b. HUD Environmental Checklist;
    c. WCDA Non-Profit Participation Questionnaire, if applicable;
    d. WCDA Application for Community Housing Development Organization (CHDO) Status Under the HOME Investment Partnership Program (HOME) as stated in 24 CFR Part 92, if applicable;

3. Utility Allowances (including backup documentation);

4. Independent comprehensive, timely, and professional Market Study from a competent, disinterested party. At a minimum, the Market Study must include those items outlined in the Current Year Summary Attachment "A" Item "13" and the Market Study Recap located in the Current Year Summary Attachment "B" Item "1". If the Market Study contradicts current economic statistics on file with WCDA, the project may not rank in the needs category. A Market Study will be accepted by WCDA if it meets the required elements as listed in the Allocation Plan Current Year Summary Attachment "A" Item "13", and includes a

completed Market Study Recap sheet found in the Allocation Plan Current Year Summary Attachment "B" Item "1";

NOTE: WCDA does not approve individual market study providers. Each Developer/Owner is responsible for obtaining a market study from an unaffiliated party which accurately reflects the information necessary for WCDA to evaluate the current and future need for the project being proposed.

5. Current letter of consistency with the Consolidated Plan from the appropriate jurisdiction if the project is located in an entitlement city (required on all projects requesting HOME funding);

6. Documentation showing the local jurisdiction has been notified and given specific information regarding the project;

7. Site Control documentation;

8. Documentation of proper zoning;

9. Flood Plain Documentation;

10. Completed Phase I Environmental Assessment;

11. Estimated tax expense from County Assessor (or current assessment for Rehabilitation projects);

12. Location Map showing location of the site relative to the surrounding neighborhood;

13. City Map showing location of the site;

14. Map showing zoning of the site and adjacent areas;

15. Sketch plan of the site (3-dimensional if possible);

16. Floor plans;

17. Projects built in phases are to complete the application reflecting information on the current phase, and explain each phase and the entire project in the narrative;

18. Narrative Description of Project (Allocation Plan Current Year Summary, Attachment "D" Item "1");

19. Detailed written explanation of how and why the applicant feels the scoring criteria has been met;

20. Copy of Deed showing ownership changes proving 10-year rule requirements (for Acquisition/Rehabilitation projects with Tax Credits);

21. Developer Fee Agreement;

22. Current documentation from the local jurisdiction that the project is in a Community Revitalization Plan (CRP) area (if applicable as stated in Section IV: Initial Allocation Criteria, Secondary Scoring, Item 6: CRP in Qualified Census Tracts);

23. Certification of Compliance Training;

24. Financial Statements of Owner, Developer, General Partner and all Guarantors;

25. All Tax Credit projects must provide a Letter of Intent from a minimum of one syndicator which must include an anticipated date of when a firm commitment will be issued;

26. 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 land cost), costs to address seismic or other unique building requirements, impact on the community, etc.]; and

27. Determination letter from the State Historic Preservation Office (SHPO), clearing the site for improvements or necessary mitigation requirements.

For **Acquisition/Rehabilitation** projects, the project's Capital Needs Assessment must conform with the requirements of the Uniform Physical Condition Standards (UPCS) checklist in Attachment "J". The quality of rehabilitation work performed must meet the Rehabilitation Standards Detail identified in Attachment "J". The following documents must also be submitted in addition to the previously listed submission requirements:

1. Capital Needs Assessment (CNA) by an unaffiliated third party, such as a licensed architect or engineer, including an Economic Feasibility Assessment of Expenses, stating the viability and long-term feasibility of the project (required on all rental rehabilitation projects);

2. All Acquisition/Rental Rehabilitation projects must provide a timely appraisal by an independent 3rd party (generally appraisals are considered timely if less than 6 months old – the acquisition price on which tax credits are allocated will be limited to the lesser of the sales price or the appraised value of the property prior to rehabilitation);

3. Itemized list, by unit, of rehabilitation activities and costs;

4. Relocation Plan for person(s) displaced by the project;

5. Owners and Developers applying for federal funding for all Occupied Acquisition/Rehabilitation projects must provide every tenant with a General Information Notice (GIN) per HUD requirements prior to the application being submitted. A copy of the GIN and proof of delivery must accompany the application; and,

6. Projects with occupied units are eligible for HOME or NHTF funding, however the Developer must address all requirements under Attachment "F", Other Federal Requirements, Section 92.353 Displacement, Relocation and Acquisition.

Tax Credit Initial Allocations, HOME, and/or NHTF funded Initial Allocations are NOT transferable. Once an Initial Allocation is granted, the project may not be changed in any way (including project name) without WCDA's prior written consent, and may result in revocation of the project's allocation(s). In addition, prior to application, it is highly recommended the owner verify the name they intend to use is available by obtaining a Certificate of Good Standing from the State.

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 not all of the individual sites are within city limits, within the same county. *However, the Primary Market Area defined in the Market Study must be sized appropriately and logically consistent.* 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. While separate applications are required for projects located in different cities, projects may be bundled for outside financing and syndication purposes.

All housing that is constructed must meet all applicable local codes, ordinances, and zoning ordinances at the time of project completion. In absence of a local code new construction or rehabilitation must meet, as applicable, the International Building Code (as applicable to the type of housing) of the International Code Council.

Newly constructed housing using HOME funding must also meet the requirements of 24 CFR Part 92.251(a).

Newly constructed housing using NHTF funding must meet requirements of 24 CFR Part 93.301(a).

All 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 civilian 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;
- The site's proximity to above ground storage tanks containing hazardous materials;
- Concentration of environmental impacts on low-income neighborhoods (Environmental Justice);
- Zoning and uses of land surrounding the site; and,
- Proximity to Services.

WCDA will also do a site visit to determine the site's suitability for the type of housing being proposed. All HOME funded projects will have to meet HUD's environmental review process and HUD's site and neighborhood standards requirement at 24 CFR Part 92.202. All NHTF funded projects will have to meet HUD's environmental review process and HUD's site and neighborhood standards requirement at 24 CFR Part 93.150. Site selection is extremely important and is part of the evaluation and ranking process.

Applicants must be current on all fees due and owing WCDA before an application will be accepted. An application may be denied if it is determined that the developer or other key participants have other projects that are not progressing or have not progressed as scheduled in the Development Timetable within WCDA's Application and/or

Agreement. The Development Timetable will be proposed by the Developer and must be approved by WCDA for each Application and/or Agreement (See Column 2 "Application Planned Timetable" of Attachment "D").

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.

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

Projects requesting tax credits from the non-profit set-aside need to submit a Non-Profit Certification 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.

Wyoming has not set specific geographic areas in which assistance will be directed over the coming year. However, as more and more affordable housing units are developed, it is becoming increasingly more important to target these funds to the areas of the greatest need. Applicants for funding will need to show that there is a demand for the type and price of unit they are proposing. WCDA will be utilizing the Wyoming Housing Database Partnership Reports (Semiannual Profiles, Housing Conditions Report & Forecasts) for comparison to the Developers own information. While the WCDA continues to recognize need as the primary driver of housing within any given community and maintains scoring that reflects this principle, a scoring category for geographic distribution is included in the allocation plan. This category will help ensure that affordable housing resources are distributed throughout the state and no one community shall benefit disproportionately to the rest of the state. The WCDA provides a list of funded projects by community on its website for its housing programs.

Developments which need additional Tax Credits, HOME, and/or NHTF funding to be viable must submit a new Application for funding with the Authority during a normal funding round. Said applications will not be considered for substitution of Tax Credits if their Application has substantially changed. In order to receive additional funding the project must successfully compete against other projects in that round. Further, the Authority 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 complete the project.

Notwithstanding anything herein to the contrary, the Authority may, in its sole discretion and in accordance with any such additional guidance or regulatory direction implementing amendments to Section 42 of the Code, 24 CFR Part 92, and/or 24 CFR Part 93 establish alternative, supplemental, or additional processing requirements and deadlines. Any such changes or supplements shall be effective upon written instruction by the Authority to the affected developments.

Physical, signed original Applications must be received by WCDA at the address below on or before the date and time indicated in Current Year Summary, Attachment "A", Item 1:

WCDA
Attn: Affordable Housing Development Department
155 North Beech Street
Casper, WY 82601

The Application and supporting documents must be uploaded to the assigned Procorem Workcenter on or before the date and time indicated in Current Year Summary, Attachment "A", Item 1.

B. INITIAL ALLOCATION PROCESS (MULTIFAMILY)

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, HOME, and/or NHTF funds may be submitted based on the Allocation Cycles outlined in the Current Year Summary Attachment "A".

The WCDA Board of Directors reviews and approves the Allocation Plan on at least an annual basis. Projects are recommended to the WCDA Board of Directors based on scoring criteria detailed in the Affordable Housing Plan. Scoring is completed by staff based on information provided by the applicant in their application. The WCDA Board of Directors may, at their sole discretion, approve or deny an application recommended by staff.

Projects utilizing competitive Low-Income Housing Tax Credits (LIHTC) will be required to pay a reservation fee equal to 3% of the annual LIHTC amount approved by WCDA at time of Reservation. A 10% Certification Fee equal to 2% of the annual LIHTC amount approved by WCDA will be required at time of 10% Certification and a Final Allocation Fee of 2% of the annual LIHTC amount approved by WCDA will be required no later than at time of Final Application prior to issuance of the 8609(s), or a Final Allocation fee of 4% of the annual LIHTC amount approved by WCDA will be required no later than at time of Final Application prior to issuance of the 8609(s) if no Carryover occurs.

Projects utilizing Tax-Exempt Bond Financing will be required to pay a 5% Commitment Fee upon issuance of the WCDA Board Inducement Resolution. A Final Allocation Fee of 2% of the annual LIHTC amount approved by WCDA will be required at time of Final Application. The initial allocation and commitment fees may be subject to change at a later date.

There are no initial application fees for projects that apply for HOME and/or NHTF funds only.

WCDA reserves the right not to allocate LIHTC, HOME, and/or NHTF funding for any project if it determines that an initial allocation for such project does not meet the four most significant criterion set forth in Section I or the available funding is insufficient for all projects that meet primary and secondary scoring minimums. The four most significant criterions for LIHTC, HOME, NSP PI and NHTF approval are:

1. Need;
2. Quality of Construction;
3. The characteristics of the households being served; and
4. Affordability.

WCDA may recapture LIHTC from defunct projects after providing notice and an opportunity to cure deficiencies.

WCDA reserves the right to allocate all or a portion of the available LIHTC, HOME and/or NHTF funds in any of its funding cycles. WCDA reserves the right to issue reservations for future year LIHTC allocations.

In the event of a major natural disaster (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 Low Income Housing Tax Credits (LIHTC), HOME and/or NHTF funds 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 Cycle is to enable WCDA to competitively review applications and to award LIHTC, HOME and/or NHTF funds to those projects that most aggressively address the selection criteria. If another allocation cycle is held, new applications will be accepted and, will be subjected to the review process as outlined in the Allocation Plan.

WCDA may rescind a LIHTC, HOME and/or NHTF Initial Allocation if it is determined that the developer or other key participants have current projects in development that are not progressing as scheduled in the Development Timetable within WCDA's Application and/or Agreement.

If there are insufficient LIHTC, HOME and/or NHTF funds remaining to allocate the minimum necessary to make a project feasible, WCDA, at its sole discretion, may forward allocate or award LIHTC, HOME and/or NHTF funds to the next highest scoring project for which the available LIHTC, HOME and/or NHTF funds are sufficient to meet that project's needs.

LIHTC Initial Allocations, HOME and/or NHTF 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 location, OWNER and other participating parties, and project name) may not be changed in any way without WCDA's prior written consent.

C. INITIAL ALLOCATION CRITERIA (MULTIFAMILY)

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 recent data available to WCDA. Although projects may rank, WCDA reserves the right to add requirements to address any concerns to the Initial Allocation Document, which it may have for the long-term viability of the project. When scoring applications, WCDA will utilize data at the Primary Market Area level.

Primary Criteria	Negative Points	Minimum Required*	Maximum Points
1) Housing Needs Characteristics		120	
a) Need	-100		192
b) Vacancy in Community	-16		48
c) Vacancy in Subsidized Projects	- 10		10
d) Geographic Distribution	-200		0
SUB TOTAL HOUSING NEEDS CHARACTERISTICS	-326	120	250
2) Quality of Construction			
a) Minimum Construction Standards		1	1
b) Construction Standards Exceeded			45
c) Energy Efficiency and/or Sustainability Certification			32
d) HERS Rating			5
SUB TOTAL QUALITY OF CONSTRUCTION	0	1	83
3) Income Levels			
a) Meeting Market Study		10	10
b) Lower Income Targeting			5
c) Deep Income Targeting			10
d) Extreme NHTF Income Targeting			15
SUB TOTAL LOWER INCOME TARGETING	0	10	40
4) Affordability Levels (monthly housing costs)		8	38
5) Extended Low-Income Use		2	35
6) Community Revitalization in Qualified Census Tracts			5
PRIMARY TOTAL	-326	141	451

Wyoming Community Development Authority
III. Initial Allocation Criteria - Multifamily

*All applications must score the Minimum Required points under each individual Primary Criterion as well as the Minimum Required points under the Primary Total or the application will be rejected.

Secondary Criteria	Negative Points	Minimum Required+	Maximum Points
1) Project Location			
a) Appropriate Location			35
b) Concentration of Low-Income Housing			15
c) Inappropriate Location	-200		
d) Developer not at site visit	-200		
SUBTOTAL PROJECT LOCATION	- 400	0	50
2) Project Characteristics			
a) Project Design			51
b) Private-Public Partnerships			10
c) Site Control			3
d) Proper Zoning			3
e) Subsidy	-200		
f) Other Supportive Financing			5
g) Community Revitalization Plan			5
SUBTOTAL PROJECT CHARACTERISTICS	-200	0	77
3) Sponsor/Applicant Characteristics			
a) Experience and Credibility			40
b) Poor Performance	-200		0
c) Financial Capacity		5	10
SUBTOTAL SPONSOR/APPLICANT CHARACTERISTICS	-200	5	50
4) Public Housing Waiting Lists	0	2	2
5) Families or Individuals with Children	0	0	4
6) Financial Support from Local Sources			35
7) Management Capacity			
Poor Performance	-200		
SUBTOTAL MANAGEMENT CAPACITY	-200	0	0
8) Total Project Costs	-1000	0	0
9) Owner/General Partner Equity in Project	0	0	20
SECONDARY TOTAL	-2000	55+	238

+ Applications must score the Minimum Required points under each Secondary Criterion as well as the Minimum Required points under the Secondary Total or the application will be rejected. (Does not add, minimum 55 is required across Secondary Criteria.)

Tie Breaker Criteria	Negative Points	Minimum Required+	Maximum Points
1) Total Project Costs	0	0	40
2) Reduced Fees	0	0	30
Tie Breaker TOTAL	0	0	70

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.

Information in the developer-provided Market Study, the Wyoming Profile of Demographics, Economics and Housing and other publications are used extensively in the Scoring analysis. However, WCDA reserves the right to consider any other information available or known to us.

Primary Criteria

1. HOUSING NEEDS CHARACTERISTICS (Up to 250 **points** – **Must score a minimum 120**)

a. **Need** (Maximum 192 points; up to negative 100 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 tenants are currently residing [in town, out of town, relatives, subsidized housing, and/or substandard housing]).

Income Levels (28 points)
Income Levels being served vs. Income Levels identified in the Market Study as defined by the Capture Rate in the Market Study.

Capture Rate	Points	Capture Rate	Points
0.0 - 5.0	28	40.1 - 45.0	12
5.1 - 10.0	26	45.1 - 50.0	10
10.1 - 15.0	24	50.1 - 55.0	8
15.1 - 20.0	22	55.1 - 60.0	6
20.1 - 25.0	20	60.1 - 65.0	4
25.1 - 30.0	18	65.1 - 70.0	2
30.1 - 35.0	16	70.1 - 75.0	0
35.1 - 40.0	14	75.1 +	0

Affordability (48 points)
Income vs. Rent Limit meets variance (8 points)
Proposed monthly housing expense (rent and utilities) vs. monthly average Market Rate Rents by bedroom size as defined in the Market Study. (40 points)

Concentration of Low Income Households (28 points)
As concentration of Low-Income/Affordable housing units increase in the vicinity, fewer points are awarded. WCDA will consider data available for comparable and market rate units in the area, such as visual observation, market study information, HUD Community Planning and Development (CPD) maps, etc.

Appropriate Housing (10 Points)
Appropriate housing for need identified in Market Study i.e. Family, elderly, special needs.

Type of housing and quality of construction (16 Points)
Apartment (2 points), duplex/four-plex (4 points), single family (6 points) stick built (10 points), modular (5 points), manufactured (1 point) etc.

Saturation prorated by the number of units needed vs. proposed as defined in the Market Study (48 Points)

Absorption Rate as defined in the Market Study (14 Points)

b. **Vacancy in Community** (Maximum 48 points; up to negative 16 points)
The project will be awarded points as follows, using vacancy rates from both the Market Study and the most recently published Wyoming Demographics Profile:

Vacancy Rate	Market Study (Primary Market Area)	WY Demographics Profile (County Data)
0% - 1%	30 points	18 points
1.01% - 2%	27	16
2.01% - 3%	24	14
3.01% - 4%	21	12
4.01% - 5%	18	10
5.01% - 6%	13	7
6.01% - 8%	8	4
8.01% - 10%	3	1
10.01% - 12%	-5	-3
12.01% +	-10	-6

For Preservation projects, WCDA will consider the property's historical vacancy rates on a case-by-case basis and award points in this category accordingly. Please provide detail regarding reasons for vacancy rates in Project Narrative and Self-Scoring Narrative.

c. **Vacancy in Subsidized Projects** (Maximum 10 points; up to negative 10 points)
If a project is placed in a community with substantiated vacancy rates in subsidized projects based on the Market Study, the following points will be awarded:

Vacancy Rate	Market Study (Primary Market Area)
0% - 1%	10
1.01% - 2%	9
2.01% - 3%	8
3.01% - 4%	6
4.01% - 5%	4
5.01% - 6%	2
6.01% - 8%	0
8.01% - 10%	-2
10.01% - 12%	-5
12.01% +	-10

For Preservation projects, WCDA will consider the property's historical vacancy rates on a case-by-case basis and award points in this category accordingly. Please provide detail regarding reasons for vacancy rates in Project Narrative and Self-Scoring Narrative.

*Projects located in a city which contains a comparable property (e.g. similar age, size, condition, etc.) with a vacancy rate of greater than 10% will receive up to a negative 100 points.

d. **Geographic Distribution** (Up to negative 200 points)
In an effort to equitably distribute funding throughout the state, negative points will be assessed based on the number of affordable units (regardless of source) awarded funding in the last four years, as well as projects awarded funding or scoring higher during the current year, compared to the population of the city where the proposed project will be located. Projects proposing newly constructed units will be assessed 150 negative points for every one percent (1%) of affordable units the proposed community has received in relation to their population the previous four (4) years in relation to their population. (Example: Total units funded in last 4 years = 200; population of community 50,000 = 200/50,000 = .4%; .4X 150 = 60 negative points.)

Projects located within federally-designated Opportunity Zones are EXEMPT from this requirement.

2. QUALITY OF CONSTRUCTION (Maximum 83 points)

a. **Minimum Construction Standards** (Must score a minimum of 1 point, with a 1 point maximum)
A project will receive 1 point if it meets the International Building Code (as applicable to the type of housing) of the International Code Council, the local code adopted by the presiding jurisdiction, the Minimum Property Standards for HOME at 24 CFR Part 92.251(a)(2)(i) through (V) or for NHTF at 24 CFR Part 93.301(a), as amended, and meets Accessibility Requirements under the Americans with Disabilities Act (ADA) and the Fair Housing Act (FHA). 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 the applicable Code of the International Code Council.

b. **Construction Standards Exceeded** (Maximum 45 points)
To obtain additional points, applications must clearly demonstrate that the project undisputedly exceeds the minimum specified in Section 2, "A". See Property Development Standards Attachment "J" for more information on this category.

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

Floor coverings	Durability roofing/siding materials
Natural lighting	Quality and design of windows
Negative Air Flow vents in Crawl Space	Bedroom size
Items proven to reduce mold	Other cost-effective maintenance reduction

These criteria are scored on a competitive basis between all qualified projects received during the application round. To receive points in this area, you must provide details in the Project Narrative section that clearly demonstrates how construction standards are exceeded.

c. **Energy Efficiency and/or Sustainability Certification** (Maximum 32 points)
One point will be awarded for each of the following sustainable building strategies implemented. Must be certified by project architect AND product/warranty information must be provided.

- Built above 100-year floodplain defined by FEMA – must provide documentation

- Locate trees/planting to provide shade for 50% of hardscapes – must provide specific plant information, including # of each plant to be provided.
- Drought resistant plants and landscaping – must provide specific species and documentation supporting drought resistance
- Keep all exterior wood at least 12" above soil
- Seal external cracks, joints, etc. with caulking and install pest proof screens
- Include no wood to concrete connections, or separate connections with dividers
- Average flow rate of lavatory faucets is < 2.00 gpm
- Average flow rate for all showers is <2.00 gpm per stall
- Average flow rate for all toilets is <1.30 gpf
- Toilets are dual flush or toilets meet the EPA water sense specification
- Investigate local options for waste diversion and document diversion rate for construction waste
- No unvented combustion appliances
- Carbon monoxide monitors in each unit
- Space water heating equipment designed with closed combustion or space and water heating equipment has power vented exhaust or space and water heating equipment located in detached or open-air facility
- Active fan radon venting system
- Intermittent or Passive ventilation
- Install heat recovery system
- Energy Star labeled bathroom exhaust fans
- Permanent walk-off mats at each entry
- Insulation meets R-value requirements of IECC – must provide exact R value
- Insulation meets HERS Grade II specifications
- Insulation exceeds R-value requirements of IECC by 5% – must provide exact R value
- Insulation meets HERS Grade I specifications
- At least R-6 insulation around ducts in unconditioned spaces – must provide exact R value
- At least R-3 insulation around pipes in unconditioned spaces – must provide exact R value
- Design and size HVAC equipment using ACCA Manual J or equivalent
- Install Energy Star programmable thermostat
- Energy Star lighting throughout the project
- Motion controlled exterior lighting
- Energy Star Refrigerator, dishwasher, ceiling fans (if applicable) and washer and dryer (if applicable)

- Low VOC paints, stains, finishes adhesives and sealants and carpet
- Formaldehyde free shelves, cabinets, countertops and insulation

d. **HERS Rating** (Maximum 5 points)
Up to 5 points will be awarded if the developer commits to obtaining an Energy Star Certification from a HERS rater for every unit.

3. INCOME LEVELS (Maximum 40 points – must score a minimum 10 points)
A proposal will receive points for eligible low-income units with income restricted to the percentage of HUD Median Income as stated below.

a. **Meeting Market Study** (Must score a minimum 10 points)
Where income levels proposed meet those substantiated in the Market **Study** for the project, it will receive 10 points.

b. **Lower Income Targeting** (Maximum 5 points)
Where income levels proposed meet those substantiated in the Market Study for income levels between 41-50% of HUD Median Income.

c. **Deep Income Targeting** (Maximum 10 points)
Where income levels proposed meet those substantiated in the Market Study for income levels at or below 40% of HUD Median Income.

d. **Extremely Low Income Targeting** (Maximum 15 points)
Where income levels proposed meet those substantiated in the Market Study for income levels at or below 30% of HUD Median Income. These income targets are suitable for NHTF funding.

4. AFFORDABILITY LEVELS (Maximum 38 points - Must score a minimum 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.

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.]

A proposal will receive 2 points if 4% or more of the units are 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.

In order to receive points in this category, rents must be limited to the percentages chosen. Projects will be underwritten at the maximum 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. If using NHTF funds,

the maximum rent level must be at or below the Low NHTF Rent as defined in the NHTF Program Application.

5. **EXTENDED LOW-INCOME USE** (Maximum 35 points - Must score a minimum 2 points)
A proposal will receive the following points for committing to a WCDA Compliance Period over and above HUD's Affordability or IRS' Compliance Period where the owner waives the right to a Qualified Contract and agrees to follow the restrictions as set forth in their Application:

Example for LIHTC Project				
IRS Required Years	Additional Initial Years	Additional IRS Extended Use Period	Total Years Restricted	Points
15	5+	15	35	2
15	10+	15	40	3
15	15+	15	45	5
15	20+	15	50	10
15	25+	15	55	17
15	35+	15	65	35

Example for HOME Rental Rehab Projects Less than $15,000 per unit			
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 between $15,000 - $40,000 per unit			
HOME Required Years	Additional Initial Years	Total Years Restricted	Points
10	5+	10	2
10	10+	15	3
10	15+	20	5
10	20+	25	10
10	25+	30	17
10	35+	40	35

Example for Home Rental Rehab Projects Over $40,000 per unit			
HOME 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 New Construction Projects, All Amounts			
HOME Required 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 NHTF Rental, New Construction or Rental Rehab Projects, All Amounts			
NHTF Required Years	Additional Initial Years	Total Years Restricted	Points
30	5+	35	5
30	10+	40	10
30	15+	45	17
30	25+	55	35

Projects with mixed financing will receive a prorated score based on their respective percentages of funding.

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

LIHTC 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, HOME and/or NHTF Agreement shall be executed between the applicant and WCDA to define the terms and length of the affordability period.

6. <u>COMMUNITY REVITALIZATION IN QUALIFIED CENSUS TRACTS</u> (5 points)

A proposal will receive 5 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.

Secondary Criteria

1. **PROJECT LOCATION** (Maximum 50 points, and/or up to negative 400 points). As project location is an integral part of the scoring process Developers must attend the site visit scheduled by WCDA.

   a. **Appropriate Location** (Maximum 33 points)
   A project may receive up to 35 points for being within a proximity of 2 miles (1 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).

Distance from other locations			
	Points		Points
Employment opportunities	3	Elementary School	2
Fire	2	Junior or Middle School	2
Police	2	High School	2
Proximity to Public Transit	3	College	1
Hospital	2	Convenience Store	1
Senior Center	3	Church	1
Bank	2	Post Office	1
Doctor Offices	2	Park	1
Laundry Mat - if facilities not on site	1	Recreation	1
Grocery Store and/or Delivery	3	Library	1
Pharmacy and/or Delivery	2	Discount Store	1
		Walk/Bike Path	1

   b. **Concentration of Low-Income Housing** (Maximum 15 points)
   A project may receive up to 15 points if it is demonstrated that the project will not contribute to an above-average concentration of Low-Income housing established within the site's Primary Market Area as defined in the Market Study. WCDA will consider available data for comparable units in the area, such as visual observation, market study information, HUD Community Planning and Development (CPD) maps, etc.

   c. **Inappropriate Location** (Up to a Negative 200 points)
   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, other hazards outlined by HUD in their Environmental Review Requirements and other items of concern such as topography of the

site or surrounding area and other issues that may require an abnormal amount of land to be purchased

or amount of land to be purchased or an unusual amount of site work 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
-150	Mitigation required which has been addressed but not budgeted
-50	Mitigation May be required, not addressed and not budgeted (each item)
0	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

d. **Developer not at site visit** (Negative 200 points)
A negative 200 points may be assessed if the developer fails to be present for the site visit. WCDA may waive this negative assessment if a proposed project was visited within the past 12 months.

2. PROJECT CHARACTERISTICS (Maximum 77 points, or up to negative 200 points)

a. **Project Design** (Maximum 51 points)
A project may receive up to 51 points for the design of the project provided it addresses the need outlined in the Market Study for the appropriate unit size, project size and type.

Project Amenities (Maximum 31 points)

PROJECT AMENITIES	POINTS
Laundry-open 24/7 (only)	1
Tot lot	1
Historic Character	2
Security Cameras	4
Covered Parking	2
Preserves Project Based Assistance at Risk of Going Market Rate	2
UNIT AMENITIES	POINTS
Dishwasher	1
Garbage Disposal	1
Microwave	1
Energy Star Appliances	1
Wall unit air conditioning	1
Self-Cleaning Stove	1

Washer/Dryer provided In Unit	3
Washer/Dryer hook-ups (only) in Unit	2
Central HVAC System	3
Emergency Call	1
Wired high speed internet	2
Frost Free Refrigerator	1
Cable/Satellite Hookup	1
LVT Flooring	3

Project Financing (Maximum 20 points)
Points will also be awarded taking into consideration the type and amount of financing (conventional vs. subsidized) and evaluating the present value of subsidies used.

b. **Private-Public Partnerships** (Maximum 10 points)
To encourage private sector financing up to 10 points will be awarded for projects that have non-WCDA and non-subsidized private financing as a portion of the permanent financing package. Applications will be awarded 0.5 points for every percentage of private financing in the deal (not counting developer contribution). For example, an application with 10% private financing will receive 5 points in this category.

c. **Site Control** (Maximum 3 points)
A proposal will receive up to 3 points for having control of the site.

STATUS	POINTS
Own	3
Option to Buy/WCDA-Approved 99+ year lease	2
Letter of Intent	1

d. **Proper Zoning** (Maximum 3 points)
A proposal will receive up to 3 points for having the proper zoning and all other necessary approvals (i.e. PUD's etc.).

STATUS	POINTS
Zoning in Place, No Approval Required	3
Zoning in Place, Other Approvals Required	2
Re-zoning in Process	1

e. **Subsidy** (Up to a Negative 200 points)
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 subsidy exceeding limits will receive negative 10 pts per every 1% over subsidy limit.

f. **Other Supportive Financing** (Maximum 5 points)
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 private financing, etc.)

g. **Community Revitalization Plan** (Maximum 5 points)

- A proposal will receive up to 5 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; or,
- A proposal will receive up to 5 points if the community is actively reducing barriers associated with Affordable Housing i.e.:
    1. Reducing or waiving fees or real estate tax concessions for Affordable Housing.
    2. Within the last year 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.
    3. Within the last year the Jurisdiction has initiated regulatory reforms as a result of the above.
    4. 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.
    5. Reduction or waiver of parking or green space requirements for all affordable housing developments.
    6. 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.
    7. 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 (Maximum 50 points to negative 200 points)

a. **Experience and Credibility** (Maximum of 40 points)
A proposal will receive up to 40 points based on the developer's experience, financial stability and credibility in developing the proposed housing. Items considered include, but are not limited to, number of projects successfully completed, like projects completed with like sources, experience with WCDA or other allocating agencies (must provide contact person to verify experience with other allocating agencies). A proposal will receive up to the following points if the sponsor has had experience developing housing which resulted in successful, compliant projects:

- With no Federally imposed Restrictions — 10 Points
- With Federally imposed Rent and Income Restrictions and cross cutting federal regulations — 30 Points
- Using LIHTC, HOME, and/or NHTF funds — 40 Points

Developers will be classified by amount of experience and experience relevant to the type of project proposed. Based on this experience, developers will be classified as Tier 1, Tier 2 or Tier 3 defined as follows:

Tier 1 - Any developer who receives 35-40 points for Sponsor/Applicant Characteristics shall be classified as a Tier 1 developer and will only have to meet minimum requirements as set forth in the Affordable Allocation Plan for construction progress reporting throughout the construction period.

Tier 2 - Any developer who receives 20-34 points for Sponsor/Applicant Characteristics shall be classified as a Tier 2 developer and will be required to submit monthly progress reports and quarterly site visits will be performed throughout the construction period by the Wyoming Community Development Authority. Tier 2 developers will be required to engage a property management firm that has successful experience in managing projects under Low Income Housing Tax Credit (LIHTC), HOME Investment Partnerships, and/or NHTF programs within the State of Wyoming and has no outstanding compliance issues.

Tier 3 - Any developer who receives 0-19 points for Sponsor/Applicant Characteristics shall be classified as a Tier 3 developer and will be required to partner with a Tier 1 developer, or a consultant experienced with LIHTC, HOME and/or NHTF.

b. **Development Team Capacity/Experience** (Up to a Negative 200 points)
WCDA will consider the capabilities of the entire development team, including at minimum the project sponsor, developer, general contractor, architect, property manager, and key consultants. Up to a negative 200 points will be assessed for any or all of the following:

- Non-compliance with WCDA restrictions with no effort to correct will be assessed the full negative points.
- 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 development team members, 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.
- Number of returned or recaptured allocations or awards
- Number of cleared and/or outstanding compliance issues.
- Development team members with projects in the process of or in foreclosure, receivership, or similar legal action
- Financial stability of developer including, but not limited to, analysis of liquidity, short and long-term liabilities and total assets and cross-collateralization.
- If any material participant has ever been removed from a project or given a project back to a Syndicator, Investor or other financial source.
- Inconsistent information in the application and attachments.
- Excessive line item variances between original budget and actual costs on prior projects.

c. **Financial Capacity** (Maximum 10 points – Must score a minimum of 5 points)

Developer must be able to substantiate financial capacity to the Authority's satisfaction. WCDA will examine key financial factors and ratios, including but not limited to liquidity, net worth, leveraging, etc., to assess adequate financial capacity.

4. PUBLIC HOUSING WAITING LISTS (Maximum 2 points – Must score a minimum of 2 points)

Proposals that commit to giving preference to individuals and families on the public housing waiting lists, will receive 2 points.

5. 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.

6. SUPPORT OR CONTRIBUTIONS FROM LOCAL SOURCES (Maximum 35 points)

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 8 below and are above any required amounts from other sources (i.e. HOME Match requirement). 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).

7. PROPERTY MANAGEMENT CAPACITY (Up to negative 200 points)

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

a. Physical condition of any and all existing projects
b. Frequency, conditions and type of waivers requested from WCDA on previously funded projects
c. Managers associated with any project that has a history of poor performance
d. Number of cleared compliance issues
e. Number of outstanding compliance issues
f. Ongoing maintenance issues
g. Managers who have had a project placed or in the process of being placed in foreclosure, receivership, or similar legal action

For applicants without existing WCDA-funded projects, please submit letters of good standing from all LIHTC agencies the applicant has done business with for the last 5 years.

8. 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.

9. OWNER/GENERAL PARTNER EQUITY IN PROJECT (Maximum 20 points)

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 8 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).

Tie Breaker

1. TOTAL PROJECT COSTS (Maximum 40 points)

a. **New Construction**
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
10-14%	5
15-19%	15
20-24%	30
25%+	40

b. **Rehabilitation Project**
Rehabilitation projects will receive up to 40 points for amenities and/or cost-effective upgrades incorporated into the rehabilitation.

2. REDUCED FEES (Maximum 30 points)

a. For Projects in which the **combined** Developer and Builder fees are less than 15%, tie breaker points will be awarded as follows:

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

D. MAXIMUM ALLOCATIONS

The following outlines the WCDA's allocation priorities to maximize state-wide impact and responsible utilization of federal resources.

1. WCDA in its sole discretion reserves the right to limit funding to no more than 60% of available credits, HOME, NSP PI and/or NHTF funds to any one project. WCDA reserves the right to redirect funds within a project between LIHTC, HOME, NHTF and/or other resources available to WCDA which best utilizes the available resources.

2. 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.

3. 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 needs the increase to be financially feasible. See definition of Difficult Development Area in the Current Year Summary Attachment "A" Item "17".

4. 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. Projects needing the Subsidy Layering Review may need to be submitted to HUD.

5. WCDA will evaluate each proposed LIHTC 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. 15 Year Projected Cash Flow;
    g. Vacancy rate;
    h. Total project costs;
    i. All projects will be underwritten and the calculation of the amount of LIHTC awarded shall not exceed the Anticipated Eligible Basis multiplied by the lesser of the 3 month or the 6 month average published IRS Applicable Percentage; and,
    j. Any other relevant factors.

6. 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.

7. HOME, and NHTF funding is evaluated in much the same manner as LIHTC with the exclusion of the proceeds expected to be generated from the sale of tax credits. 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, NSP PI and/or NHTF funds may change at any of these evaluation times.

E. PROGRAM REQUIREMENTS (MULTI-FAMILY)

Projects must adhere to the following programmatic requirements. Pay particular attention to the specific guidelines related to the type of project by funding source being considered.

ALL PROJECTS MUST ADHERE TO THE FOLLOWING:

1. All Projects must provide a Narrative as outlined in the Current Year Summary Attachment "D" Item "1" with every application.

2. WCDA reserves the right to negotiate lower Developer and Builder fees on projects when there is an identity of interest among parties.

3. A Quarterly/Monthly Progress Report (See Current Year Summary Attachment "D" Item "2") must be filed with the WCDA outlining progress toward completion. Quarterly reports must be received by the 1st day of March, June, September, and December, until 8609's are issued (for Tax Credits) or HOME and/or NHTF project completion reports have been completed. Tier 2 and 3 Developers will be required to submit Monthly Progress Reports in lieu of Quarterly Progress Reports.

4. All parties must sign a release form allowing WCDA to check their references.

5. The land purchased for the project must be of appropriate size for the proposed project. (i.e. additional land may not be purchased in hopes of a second phase or for other purposes.) Partial Releases will not be granted by WCDA for unused land. If WCDA, in its sole discretion, approves in writing additional land to be purchased, an appraisal must be obtained outlining the value for each separate parcel. The amount of Land cost allowed in the application will be the lesser of the appraised value and/or the pro-rata share by square footage of the original cost.

6. All projects must meet or exceed the requirements published in the Current Year Summary Attachment "A".

7. The Allocation, HOME and/or NHTF funds may be pulled if any violations are found and the participants may be banned from participating in the program.

8. Once the project is completed and placed in service the architect 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")

9. As-built plans and specifications must be provided before final allocation and release of final funding. Projects must provide a full-size plan set to WCDA upon request.

10. Copies of Federal Cost Certifications for Rural Development, FHA, and Tax-Exempt bond financed projects must be submitted at final cost certification.

11. 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.)

12. 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, projects must meet as applicable, the International Building Code (as applicable to the type of housing) of the International Code Council, the local code adopted by the presiding jurisdiction, the requirements of HOME's 24 CFR Part 92.251(a)(2)(i) through (V), NSP (Section 2301, Title III of the Housing and Economic Recovery Act of 2008) and/or NHTF's 24 CFR Part 93.301(a), and 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 the above.

13. All projects must submit proof the project will not be located in a 100-year flood plain.

14. Projects returning a current allocation of funding (HOME, NHTF, and/or LIHTC) must return funding from ALL sources allocated to the project.

15. The purchase price of land and/or improvements thereupon, where there is an identity of interest or is not considered an arm's length transaction, is restricted to the lesser of:

    i. the appraised value of the land and or buildings to be owned by the project, as determined by an appraisal that is less than 6 months old; 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 party which was provided subsidy, the land acquisition price shall be zero.

16. 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.

17. If at any time WCDA becomes aware of a Fair Housing violation it will be reported to the appropriate officials which will include but may not be limited to HUD, and/or the Department of Justice.

18. WCDA staff, or their delegate, will conduct periodic site visits. A final inspection will be conducted upon notice of project completion before 10% retainage and 8609's are released.

19. Restricted Budget Differential – Developer must make every effort to have costs allocated to the appropriate categories from the first initial application. Variances in cost categories (e.g. Land, Site Work, Rehabilitation/New Construction, Professional Fees, Soft Costs, etc.) in excess of 10% must be justified when submitting the Progress Reports, 10% Cost Certifications, and Final Cost Certifications, and may result in negative points in future applications.

20. All Project Owners must attend Fair Housing training by a nationally-recognized firm as approved by WCDA, prior to the project applying for an award of funding, or provide a Certification showing they have completed the training in the past 5 years.

21. A Representative of the Management Company for all projects must attend Fair Housing training by a nationally-recognized firm as approved by WCDA, prior to the project beginning Lease-up, or provide a Certification showing they have completed the training in the past 3 years.

ALL RENTAL PROJECTS MUST ADHERE TO THE FOLLOWING:

1. When underwriting a project, the Annual Operating Expenses that will be used are published in the Current Year Summary Attachment "A".

2. When underwriting a project, the Debt Coverage Ratio, using rent at the committed amount, must be between 1.20 [1.15 for Rural Housing Service (RHS)] and 1.25 for foreclosable debt plus HOME and/or NHTF loans. Projects with 12 units or less, at the sole discretion of WCDA, may be allowed to achieve a Debt Coverage Ratio of 1.3 in order to insure long term financial viability.

3. When underwriting a project, the following vacancy rate shall be used:

	Units	Vacancy Rate
i.	Units	Vacancy Rate
ii.	1 - 24	10%
iii.	25 - 35	8%
iv.	36>	7%

4. Initial Project Reserves to be equal to four to six months of projected operating expenses, debt service payments, annual reserve payments, escrows, marketing, rent-up reserves, or other specified reserves. 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 Initial Project Reserve in the event the higher reserve is required by another agency providing financing.

5. 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. The required contributions must be placed in a restricted access Reserve Account which would require prior authorization from WCDA for any withdrawals which equal 15% or greater of the total account balance. WCDA requires that reserves are kept with the development through the Total Compliance/Affordability Period as to facilitate preservation of and continued compliance in the Housing Credit portfolio.

6. For projects with HOME funding committed prior to August 23, 2013, utility allowance requirements must be followed according to §1.42-10 using:
   a. the methods outlined in §1.41-10 for projects with other funding sources,
   b. local Public Housing Authority Estimate,
   c. Energy Consumption Model as defined in §1.42-10 by a properly licensed engineer,
   d. Utility Company Estimate, or
   e. HUD Utility Schedule Model.

7. Projects with HOME funding committed on or after August 23, 2013, must follow the utility allowance requirement at §92.252(d) in the HOME Final Rule. These projects may calculate utility allowances using one of the following methods:
   a. HUD Utility Schedule Model;
   b. Multifamily Housing Utility Analysis;
   c. Utility Company Estimate; or,
   d. Energy Consumption Model (Engineer Model).

8. Projects with only LIHTC funding must calculate utility allowances in accordance with IRC§1.42-10. The local Public Housing Authority Estimate may be used on a Tax Credit project IF no HOME or NHTF funds are utilized.

9. If a project is anticipating the use of HOME, NHTF, and/or LIHTC funding, the HUD Utility Schedule Model MUST be used during the application process. Once the project is built and has an energy consumption history it may utilize the Energy Consumption Model as defined in §1.42-10 by a properly licensed engineer. However, the same method must be used for every unit in the project.

10. Preference must be given to individuals and families on the public housing waiting lists.

11. Rental Rehabilitation projects
    a. Rehabilitation projects must have a minimum expenditure of thirty thousand dollars ($30,000) per unit of actual rehabilitation hard costs (not including General Requirements, Contractor Overhead or Profit) in Life, Safety, Health, or Code Requirements which includes required major systems repairs or replacements of:
        i. Electrical
        ii. Heating
        iii. Roofing
        iv. Foundation/Structural
        v. Major energy upgrades

    Creation of additional units and/or common space (i.e. community room, laundry room, or an office) is considered new construction, not rehabilitation.

12. No more than 30% of rehabilitation costs can fund required General Property Improvements, (non-Life, Safety, Health, or Code Requirements).

13. A Capital Needs Assessment (CNA) must be provided by unaffiliated third party, such as a licensed architect or engineer, and must include a unit by unit breakdown and budget at time of application. The CNA must conform with the requirements of the Uniform Physical Condition Standards checklist in Attachment "J". The quality of rehabilitation work performed must meet the Rehabilitation Standards Detail identified in Attachment "J". The CNA must include an estimate of the remaining useful life of major systems and estimates of replacement costs. Major systems include: structural support, roofing, cladding, weather proofing (windows, doors, siding, gutters), plumbing, electrical and heating, ventilations, and air conditioning.

    a. The assessment should include an opinion as to the proposed budget for recommended improvements and should identify critical building systems or components that have reached or exceeded their expected useful lives. The Project's on-site work and rehabilitation budget must not exceed 110% of the CNA proposed budget for recommended improvements. **Rehabilitation may include adding rooms outside the existing walls of a structure, but adding a housing unit is considered new construction.**

    b. 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:

i. Site, including topography, drainage, pavement, curbing, sidewalks, parking, ingress and egress, landscaping, amenities, water, sewer, storm drainage, and gas and electric utilities and lines;
ii. Structural systems, both substructure and superstructure, including exterior walls and balconies, exterior doors and windows, roofing system, and drainage;
iii. 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
iv. Mechanical systems, including plumbing and domestic hot water, HVAC, electrical, lighting fixtures, fire protection, and elevators.

14. Financial Statements from the property to be acquired including Income and Expense statements for the past 3 years must be provided.

15. 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.

16. When calculating maximum rents, all rents must be rounded down to the next dollar.

17. Projects still in the first 15-year credit period must submit Audited Financial Statements including a copy of the Management Letter to WCDA by March 31 of each year.

18. All projects submitted with an interest rate, for the permanent financing, above the market rate will be underwritten at the average market rate.

19. 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.

20. There may be no more than a 5% differential between rent and income levels.

21. Rental projects will be monitored for compliance by WCDA. A Compliance Manual, including submission requirements and forms is located on our web site, or you may obtain a copy by contacting Judy Koski at WCDA at 307-265-0603. 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 policy forbids any inspector from going into any unit or part thereof unaccompanied. Monitoring time at each property is limited and we request that you help WCDA in maintaining its monitoring schedule. Failure to provide assistance will result in a failed unit, possible loss of credit, and/or a re-inspection that will be 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 cannot be completed until after the close of that correction period, an IRS form 8823 will be issued.

22. The definition of a Qualifying Staff Unit (e.g. Manager's Unit) for a LIHTC project is:
    a. If the staff person is full-time (35+ hours per week) – the unit will be considered part of Common Space.
    b. If the staff person is part-time – the unit is a restricted unit and the household must income qualify and sign a Lease like any other qualifying tenant.

ALL HOME, NHTF AND/OR TCAP FUNDED PROJECTS MUST ADHERE TO THE FOLLOWING:

1. 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.

2. Final plans for the project must be filed with the local jurisdiction within 60 days of notification of funding.

3. All zoning and PUD approvals must be secured within 120 days of notification of funding.

4. Construction must be scheduled to start within 6 months from notification of funding award.

5. Final HOME, NHTF and/or TCAP Award documents cannot be executed until firm financing is in place for ALL other funding sources. Thus, firm commitments from all funding sources must be provided to WCDA within 90 days of notification of award of funding.

6. The owner/applicant must secure appropriate title prior to funding. Appropriate title includes fee simple title or 99+ year lease. All lease forms of ownership must be Pre-approved by WCDA **PRIOR** to Application.

7. HOME, NHTF and/or TCAP funds can only be used for reimbursement of Acquisition Costs and Hard Construction Costs. No Interim Costs, Financing Costs, Syndication Costs, Developer Fees, or Reserves will be funded with HOME and/or NHTF funds.

8. The Title Company will act as disbursement agent for all construction funds.

9. For HOME, NHTF and/or TCAP projects, a construction loan promissory note will be executed with a maturity date of ninety (90) days after the Placed-in-Service date identified in the Application and bearing interest at zero percent (0%). At maturity, the note will be on a monthly amortization not to exceed the lesser of the HOME, NHTF and/or TCAP affordability period or 480 months; and bearing interest, when placed on permanent repayment, as follows:
    a. three percent (3%) for all TCAP projects;
    b. two percent (2%) for HOME new construction; or
    c. one percent (1%) for HOME acquisition/rehabilitation; or,
    d. zero percent (0%) for NHTF.

    WCDA at its sole discretion may waive or modify the required terms on the HOME, NHTF and/or TCAP repayment.

10. The amortization period and term of the HOME, NHTF and/or TCAP loan must be equal to or less than the affordability period.

11. Projects located in the entitlement cities of Cheyenne and Casper must provide a current (no older than 6 months) signed letter of consistency with the Consolidated Plan from the applicable Jurisdiction.

12. All HOME Match must be documented at time of application by the 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. Final HOME Match documentation must be provided at the time of Final Application.

13. All projects seeking funding from the HOME CHDO set-aside, must submit a CHDO application and supporting documentation with each application.

14. 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.

15. The following Alta endorsements will be required on Title Policies:

    a. Zoning (3.1 Improved or 3.2 Land Under Development)
    b. Environmental Protection Lien (8.1)
    c. Restrictions, Encroachments, Minerals (9.06)
    d. Access and Entry (17)
    e. Tax Parcels (18 Single Tax Parcel, 18.1 Multiple Tax Parcels)
    f. Contiguity (19 Multiple Parcels, 19.1 Single Parcel)
    g. Minerals Surface Damage (100.29)
    h. Location (22)

16. HOME, NHTF and/or TCAP funds may NOT be used for the cost of constructing Manager's unit(s). Other sources of funds must pay for the cost of developing the Manager's unit.

ALL HOME AND NHTF RENTAL PROJECTS MUST ADHERE TO THE FOLLOWING:

1. For HOME and/or NHTF projects, a construction loan promissory note will be executed with a maturity date of ninety (90) days after the Placed-in-Service date identified in the Application and bearing interest at zero percent (0%). At maturity, the note will be on a monthly amortization not to exceed the lesser of the HOME and/or NHTF affordability period or 480 months; and bearing interest at placed on permanent repayment as follows:
    a. two percent (2%) for HOME new construction; or
    b. one percent (1%) for HOME acquisition/rehabilitation; or,
    c. zero percent (0%) for NHTF.

    WCDA at its sole discretion may waive or modify the required terms on the HOME and/or NHTF repayment.

2. When utilizing NHTF funds and/or HOME funds only, deferred and/or forgivable loans may be considered. Please contact WCDA for consideration prior to finalizing your application.

3. Rental Projects must restrict rents on HOME and/or NHTF units to not exceed the Low-HOME and/or NHTF rent.

4. Maximum rents for HOME and/or NHTF units are outlined in each project's HOME and/or NHTF 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, and the project cannot have had any outstanding compliance issues within the previous year.

5. HOME and/or NHTF 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 times throughout the compliance period. As such, projects with multiple rent and or income levels must recertify every household on an annual basis, and the lease for every unit (HOME, NHTF and non-HOME) must include all of HUD's required provisions.

6. The Affordability Period for HOME and/or NHTF projects does not begin until all documentation, sufficient to close out the project, has been reviewed by WCDA. Project completion means that all necessary title transfer requirements and construction work have been performed, the project complies with the requirements of 24 CFR Part 92.2 for HOME and 24 CFR Part 93.2 for NHTF, the final drawdown has been disbursed for the project, and the project completion information has been entered in the disbursement and information system established by HUD, except that with respect to rental housing project completion, for the purposes of 24 CFR 93.402(d), project completion occurs upon completion of construction before occupancy.

7. All HOME and/or NHTF Rental Project Owners must attend and pass the required testing to obtain a Compliance Certification by a nationally recognized firm as approved by WCDA, prior to the project

applying for an award of HOME and/or NHTF funds or provide a Certification showing they have completed the training in the past 5 years.

8. A Representative of the Management Company for all HOME and/or NHTF rental projects must attend and pass the required testing to obtain a Compliance Certification by a nationally recognized firm as approved by WCDA, prior to the project beginning Lease-up or provide a Certification showing they have completed the training in the past 3 years.

9. Violations of the HOME and/or NHTF Agreement or the WCDA Compliance Manual are considered non-compliance issues and reportable to HUD. (See Compliance Monitoring Package)

10. WCDA will consider, in regards to HOME and/or NHTF funds, being in a subordinate lien position to other private financing on a case-by-case basis. Subordination requests must be submitted to the Director of Affordable Housing Development for review.

11. The HOME and/or NHTF Agreement will not be subordinated to existing or future financing.

12. During construction, all projects receiving HOME and/or NHTF funding, must supply both a Performance and a Payment Bond, or an acceptable Irrevocable Letter of Credit in the amount of the HOME and/or NHTF funding.

ALL LIHTC PROJECTS MUST ADHERE TO THE FOLLOWING:

1. IRS Section 42(g)(1) requires developers to elect an irrevocable minimum set-aside percentage:
    a. 20% of the units are to be occupied by households at or below 50% of AMI;
    b. 40% of the units are to be occupied by households at or below 60% of AMI; or,
    c. income averaging (IA), with the average income of all units at or below 60% AMI.

    As of the date of this document, the IRS has issued no regulations or formal guidance on the implementation or administration of the income averaging (IA) minimum set-aside. WCDA strongly encourages applicants considering the use of IA to review all available industry guidance, including materials prepared by recognized industry experts on LIHTC.

    Developers who select IA as their minimum set-aside shall comply with the following restrictions and requirements, in addition to any IRS requirements under 42(g)(1)(C):
    a. only current-year applications are eligible for income averaging, prior applications are not eligible;

    b. the project cannot involve a resyndication of a property previously developed or preserved using allocation of tax credits or is subject to an existing LURA;

    c. projects with fewer than 25 units will not be approved for IA absent compelling circumstances which WCDA will review on a case-by-case basis, prior to the submission of the Letter of Intent;

    d. all projects must satisfy all criteria applicable to projects under WCDA's QAP and federal law and regulations;

    e. the minimum set-aside election made at time of WCDA application is irrevocable;

    f. all buildings in the project shall be included as one multiple building project; as referenced on line 8b of IRS Form 8609;

    g. income averaging is not allowed in any project with funding from other federal sources (i.e., NHTF, HOME, RD, CDBG). All units within the project must be LITHC units;

    h. the project requesting tax credits shall maintain the average income as presented in the application for scoring through the entire compliance period, as defined in the LURA. Failure to do so shall result in the project to be considered out of compliance until the average is restored to level represented in the application;

    i. developer will pay an increased application fee of $2,500, to cover the cost of additional project underwriting;

    j. owners will be required to pay an additional $10 per unit per year for LIHTC monitoring fees, to cover the additional costs of monitoring compliance across multiple income tiers;

k. income and rent levels shall be limited to four (4) income set-asides, and must be delineated in 10% increments (e.g. 20% of AMI; 30% of AMI; 40% of AMI; 50% of AMI; 60% of AMI; 70% of AMI; 80% of AMI);

l. developer will provide a written statement from all construction and permanent lenders, syndicators and the project's equity investor, approving the selection of the IA set-aside;

m. when requesting approval for IA, an applicant must submit a market study analyzing project rents at the determined income tiers relative to the market rents that show adequate demand for all combination of unit sizes and percentage limits selected, including evidence that proposed tenant paid rents for each affordable unit type at each income tier will be at least 10% below the weighted average rent for the same unit in comparable market rate rental properties. Market study must also show sufficient demand for all unit designations and rent levels proposed in application;

n. applicants must demonstrate that units at different incomes tiers will be equitable distributed across the project, and among bedroom sizes and unit types;

o. developers electing IA must provide written acknowledgement to WCDA that subsequent guidance from the IRS may result in changes to IA policy;

p. projects will be required to float the units within the project but the number of units within each imputed income designation must remain the same, as outlined in the LURA;

q. owners must comply with Fair Housing Laws, and owners may want to consult with an attorney experienced in Fair Housing Law to ensure compliance with applicable laws;

r. if the project fails to meet the 60% AMI average set-aside, the non-compliance will be reported on IRS form 8823;

s. disclosure of any non-corrected 8823 findings currently outstanding on properties in manager's portfolio as well as all open Management and Occupancy reviews with an unsatisfactory of failing compliance score

t. provide evidence that the owner and owner's property management company are in good standing with WCDA;

u. provide documentation regarding the capacity of the applicant's management company to effectively manage properties subject to the federal housing compliance requirements in order to handle the additional burdens associated with income averaging including:
    1. a clean track record of timely reporting to WCDA; and,
    2. a statement from the management company committing to annual income averaging training for on-site managers.

WCDA reserves the right to deny the implementation of IA at its discretion, solely based on previous compliance related performance of the property manager.

v. WCDA reserves the right to require additional third-party compliance monitoring at developers' expense, for the first three (3) years following placement in service.

w. in addition to other reporting required by the IRS and/or by WCDA under the QAP, an owner electing to satisfy the minimum set-aside through IA must prepare a special annual report documenting income averaging outcomes, in a format to be provided by WCDA; and,

x. developers may not reject the tenancy of a person holding a Section 8 Housing Choice Voucher regardless of income target.

WCDA does not allow developers to change their set-aside election after applications have been submitted.

2. For LIHTC 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 or 99+ year lease. All lease forms of ownership must be pre-approved by WCDA prior to submitting an Application.

3. 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.

4. IRS Rules and Regulations outline costs which are not allowed in Eligible Basis. This Allocation Plan will also not allow the following costs in Eligible basis:
   a. Appraisals;
   b. Construction interest on new construction after the Placed-in-Service Date;
   c. Demolition;
   d. Off-site Improvements; or,
   e. 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.

5. LIHTC 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.

6. Extended Initial Compliance Period - Federal law requires a 15-year initial compliance period and a 15-year extended use period with an option to sell the project at the end of the initial period. 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.

7. Violations of the WCDA Land Use Restrictive Covenant or the WCDA Compliance Manual are considered non-compliance issues and reportable to the IRS (see Compliance Monitoring Package).

8. 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 WCDA 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 WCDA to the Internal Revenue Service.

9. 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. Developer's accounting fees, other than cost certification fees, must be included in the Developer fee limitation. (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 2.5% on projects with over 36 units. Special consideration may be given for project size, project characteristics, and/or project location.

10. Developers fees may not be increased above amount originally requested and approved in the Original Application (Cannot have additional Developer fees on cost overruns).

11. 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.

12. Builder's fees will be limited as follows:
    a. Builder's Profit will be limited to no more than 6% of the construction costs.
    b. Builder's Overhead will be limited to no more than 2% of the construction costs.
    c. General Requirements/Conditions 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.

13. When combining the LIHTC program with HOME and/or NHTF funds, neither the retention funds for the HOME and/or NHTF financing nor the IRS form(s) 8609 will be released until a site visit occurs, and all required documentation is received and accepted for both programs.

14. All LIHTC project owners must attend and pass the required testing to obtain a compliance certification by a nationally recognized firm as approved by WCDA, prior to applying for an allocation of Tax Credits or provide a certification showing they have completed the training successfully in the past 5 years.

15. A representative of the management company for all LIHTC projects must attend and pass the required testing to obtain a compliance certification by a nationally recognized firm as approved by WCDA, prior to the project beginning lease-up or provide a certification showing they have completed the training successfully in the past 3 years.

16. The Placed in Service date is determined by the date of the Certification of Occupancy for new construction or cleared building permit inspection performed by the appropriate jurisdiction for rehabilitation.

17. All projects will be underwritten and the calculation of the amount of Tax Credits awarded shall not exceed the Anticipated Eligible Basis multiplied by the lesser of the average of the last 3 months or the last six months published IRS Applicable Percentage.

18. WCDA will include in the Low-Income Housing Tax Credit (LIHTC) Land Use Restrictive Covenants, a commitment to re-underwrite the project using the current Affordable Housing Allocation Plan requirements in the event the Project Based Rental Assistance is not renewed. Rents would be increased to the lesser of LIHTC Maximum Rents and the minimum amount necessary to meet the Allocation plan requirements.

19. The Land Use Restrictive Covenants will not be subordinated to any existing or future financing.

20. Projects already restricted by a LIHTC Land Use Restrictive Covenants or an affordability period under a HOME and/or NHTF Agreement, are not eligible for competitive 9% Low Income Housing Tax Credits. Projects seeking resyndication may utilize tax exempt bond financing and apply for 4% Low Income Housing Tax Credits.

21. Resyndication – WCDA will consider resyndication on a case-by-case basis upon an "arm's length" transfer or sale of the property.

LIHTC EVALUATION AND ALLOCATION

1. In addition to adopting a qualified allocation plan, housing credit agencies must also evaluate each LIHTC project to ensure 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.

2. 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.

3. The LIHTC 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).

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

5. WCDA will provide a 10% Test Allocation package to applicants upon request through the original Procorem procedure. 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.

6. WCDA will provide a Final Allocation Package to applicants upon request. A Final Allocation Package 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 by the Developer, there will be a fee of $500 per 8609, unless it was an error by WCDA.

7. 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.

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

TAX CREDIT ASSISTANCE PROGRAM (TCAP) ALLOCATIONS

The Tax Credit Assistance Program (TCAP) was established in the American Recovery and Reinvestment Act of 2008 (ARRA). All Program Funds have been allocated and expended on eligible projects. No additional Program Funds are anticipated. However, Program Income will be received from the original projects awarded TCAP funding.

1. **Program Income from TCAP**
    a. Program Income received from TCAP projects (TCAP PI) will be administered following the established HOME Program Rules and Regulations.

2. **Description of Competitive Selection Criteria**
    a. TCAP PI will follow the Competitive Selection Criteria as outlined for HOME projects.

3. **Commitment and Expenditure Deadlines**
    a. Commitment and Expenditure Deadlines, if not established by other guidance, will follow the Commitment and Expenditure Deadlines established for the HOME program.

4. **TCAP Compliance Monitoring**
    a. TCAP projects will be monitored utilizing the same rules and regulations as projects funded under the Low-Income Housing Tax Credit (LIHTC) Program.

IV. SINGLE-FAMILY HOMEOWNERSHIP PROJECTS

A. APPLICATION PROCESS (SINGLE-FAMILY)

The WCDA utilizes a single application for all single-family homeownership HOME and NSP PI funding. Available funding levels and allocations are outlined in the Allocation Plan Current Year Summary Attachment "A". In addition, specific set-asides and their eligibility criteria are outlined in Section II of this document. Please note that if the WCDA deems additional cycles as necessary to obligate funds in a timely manner, WCDA may conduct additional application cycles within the current funding year.

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

ALL projects applying for NSP PI funds must comply with all pertinent aspects of the Wyoming Community Development Authority Affordable Housing Allocation Plan (Allocation Plan). This includes compliance with Title III of the Housing and Economic Recovery Act of 2008 as detailed in the WCDA NSP1 Substantial Amendment (Allocation Plan Current Year Summary Attachment "G"). The Developer will certify that housing assisted with NSP PI funds will comply with all NSP requirements.

All projects receiving HOME NSP PI funds will be responsible for indemnifying WCDA in the event HUD enforces any type of recapture or other penalties on the project.

There are no application fees for projects which are applying for Single-family Homeownership funding only.

All required documents will be submitted via the Procorem Workcenter assigned to the Application. For more information about using the Procorem interface, please visit https://help.procorem.com/ to become familiar with your role in the submission process. WCDA will conduct training related to the process during the 2020 QAP Application Training.

Those applying for funding need to submit:

1. Completed Letter of Intent sent to housingdev@wyomingcda.com on or before August 30, 2019. This is available on our website, www.wyomingcda.com. Please contact WCDA's Affordable Housing Development staff for submission requirements or questions regarding the submission.

2. Original signed physical copy of the WCDA 2020 Affordable Housing Programs Single-family Project Application (Single-family Application), in its entirety (The most current application **must** be used; no substitutions or changes to any forms will be accepted);
    a. Development Team Experience, including the project sponsor, developer, general contractor, architect, property manager, and key consultants (Application Exhibit A-1);
    b. Previous Participation Statement and Authorization for Release of Information (Application Exhibit A-2);

c. Self-Scoring (Application Exhibit A-3);
d. WCDA Non-Profit Participation Questionnaire, if applicable;
e. WCDA Application for Community Housing Development Organization (CHDO) Status Under the HOME Investment Partnership Program (HOME) as stated in 24 CFR Part 92, if applicable;

The above Application and exhibits must be received in the WCDA office at 155 N Beech, Casper, Wyoming 82601 by the submission deadline outlined in Attachment "A" Item 1.

The following supporting documents must also be uploaded via Procorem:

1. Electronic version of the Application in Microsoft Excel format via the Procorem Workcenter assigned to this Application. Make sure it is not locked or a shared file. Do NOT submit all attachments as a single file; each attachment must be a separate file;

2. Supplemental application documentation to be uploaded through the Procorem Workcenter on or before Application due date (available at www.wyomingcda.com):
   a. Affirmative Fair Housing Marketing Agreement;
   b. HUD Environmental Checklist;
   c. WCDA Non-Profit Participation Questionnaire, if applicable;
   d. WCDA Application for Community Housing Development Organization (CHDO) Status Under the HOME Investment Partnership Program (HOME) as stated in 24 CFR Part 92, if applicable;

3. Provide a Written Sales Plan that includes the following components:
   a. Development timeline (acquisition, rehab/construction, for sale)
   b. Method and types of advertising, marketing, and outreach
   c. Method(s) of outreach/advertising
   d. Section 3, MBE/WBE and Affirmative Marketing Outreach
   e. Proximity to area schools, major employers, essential services, standard amenities
   f. Homeownership Project Market Analysis: see Attachment "A" Current Year Summary for additional market analysis requirements specific to Homeownership projects.
   g. Affirmative Marketing Plan (see Attachment "E")
   h. Section 3 and MBE/WBE Outreach Activities (see Attachment "E")

4. Current letter of consistency with the Consolidated Plan from the appropriate jurisdiction if the project is located in an entitlement city (required on all projects requesting HOME funding);

5. Site Control documentation. All Homeownership Project applications must have all proposed assisted properties identified at time of submission. For purposes of single-family homeownership projects, "identified" means:
   a. Acquired and owned by developer;
   b. Under contract for purchase;
   c. Under purchase option; or,
   d. Listed with addresses and corresponding legal descriptions.

6. Provide an estimated site development budget for each individual unit to be acquired/rehabilitated or constructed. These individual site development budgets combined with the total number of proposed units

will determine the total amount requested. Individual site development budgets MUST contain all line items present in Exhibit "L" Single-family Development Budget Template, even if the amount budgeted for a particular site budget is zero.

7. Documentation of proper zoning;

8. Flood Plain Documentation;

9. WCDA Single-family Project Environmental Checklist (See Attachment "K");

10. Estimated tax expense from County Assessor (or current assessment for Rehabilitation projects);

11. Location Map showing location of the site(s) relative to the surrounding neighborhood(s);

12. City Map showing location of the site(s);

13. Map showing zoning of the site(s) and adjacent areas;

14. Interior and exterior photos, and floor plan sketch (for acquisition/rehabilitation); or, renderings, a floor plan set and elevations (for new construction);

15. Narrative Description of Project;

16. Detailed written explanation of how and why the applicant feels the scoring criteria has been met;

17. Developer Fee Agreement;

18. Current documentation from the local jurisdiction that the project is in a Community Revitalization Plan (CRP) area;

19. Certification of Compliance Training; and,

20. Financial Statements of Owner, Developer, General Partner and all Guarantors.

For **Acquisition/Rehabilitation** projects, the project's Capital Needs Assessment must conform with the requirements of the Uniform Physical Condition Standards checklist in Attachment "J". The quality of rehabilitation work performed must meet the Rehabilitation Standards Detail identified in Attachment "J". The following documents must also be submitted in addition to the previously listed submission requirements:

1. Capital Needs Assessment by an unaffiliated third party, such as a licensed general contractor, architect or engineer, bringing the proposed property into compliance with the Rehabilitation Standards Detail identified in Attachment "J";

2. All proposed acquisition/rehabilitation projects must provide a timely broker's price opinion by an independent 3rd party (generally considered timely if less than 4 months old);

3. Any property proposed for acquisition must be vacant. No tenant-occupied properties will be considered and no individuals may be displaced as a result of a potential contract for sale. All applicants for single-family acquisition/rehabilitation projects will be required to sign a certification that their proposed properties comply with this requirement;

4. Itemized list, by unit, of rehabilitation activities and costs; and,

5. All housing rehabilitated using HOME funding must also meet the property standards requirements of 24 CFR Part 92.251(b). All applicants for single-family acquisition/rehabilitation projects will be required to sign a certification that their proposed properties comply with this requirement.

Once an application has been submitted, HOME, and/or NSP PI-funded Single-family Homeownership proposed project sites can only be modified upon written approval of WCDA. Proposed project sites may be amended only if they are demonstrated to be financially infeasible to complete within the program guidelines and/or required timeframe(s).

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 not all of the individual sites are within city limits, within the same county. While separate applications are required for projects located in different cities, projects may be bundled for outside financing and syndication purposes.

All housing that is constructed must meet all applicable local codes, ordinances, and zoning ordinances at the time of project completion. In absence of a local code new construction or rehabilitation must meet, as applicable, the International Building Code (as applicable to the type of housing) of the International Code Council.

For **New Construction** projects, all newly constructed housing using HOME funding must also meet the property standards requirements of 24 CFR Part 92.251(a).

All 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 civilian 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;
- The site’s proximity to above ground storage tanks containing hazardous materials;
- Concentration of environmental impacts on low-income neighborhoods (Environmental Justice);
- Zoning and uses of land surrounding the site; and,
- Proximity to Services.

WCDA may also do a site visit to determine the site's suitability for the type of housing being proposed. All HOME funded projects will have to meet HUD's environmental review process and HUD's site and neighborhood standards requirement at 24 CFR Part 92.202. All NSP PI funded projects will have to meet HUD's environmental review process at 24 CFR Part 58. Site selection is extremely important and is part of the evaluation and ranking process.

Applicants must be current on all fees due and owing WCDA before an application will be accepted. An application may be denied if it is determined that the developer or other key participants have other projects that are not progressing or have not progressed as scheduled in the Development Timetable within WCDA's Application and/or Agreement. The Development Timetable will be proposed by the Developer and must be approved by WCDA for each Application and/or Agreement (See Column 2 "Application Planned Timetable" of Attachment "D").

Incomplete applications may be returned. Applications once submitted are considered final and may not be revised.

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

Wyoming has not set specific geographic areas in which assistance will be directed over the coming year. However, it is important to target these funds to the areas of the greatest need. Applicants for funding will need to show that there is a demand for the type and price of unit they are proposing. WCDA will be utilizing the Wyoming Housing Database Partnership Reports (Semiannual Profiles, Housing Conditions Report & Forecasts) for comparison to the Developers own information. While the WCDA continues to recognize need as the primary driver of housing within any given community and maintains scoring that reflects this principle, a scoring category for geographic distribution is included in the allocation plan. This category will help ensure that affordable housing resources are distributed throughout the state and no one community shall benefit disproportionately to the rest of the state. The WCDA provides a list of funded projects by community on its web-site for its housing programs.

Projects which need additional HOME and/or NSP PI funding to be viable must submit a new Application for funding with the Authority during a normal funding round. Said applications will not be considered for additional funding if their Application has substantially changed. In order to receive additional funding, the project must successfully compete against other projects in that round.

Notwithstanding anything herein to the contrary, WCDA may, in its sole discretion and in accordance with any such additional guidance or regulatory direction implementing amendments to 24 CFR Part 92, and/or Title III of HERA, establish alternative, supplemental, or additional processing requirements and deadlines. Any such changes or supplements shall be effective upon written instruction by WCDA to the affected developments.

Physical, signed original Applications must be received by WCDA on the date and time indicated in Current Year Summary, Attachment "A":

WCDA
Attn: Affordable Housing Development
155 North Beech Street (82601)
P.O. Box 634 (82602)

Casper, WY

The Application and supporting documents must be uploaded to the assigned Procorem Workcenter on or before the date and time indicated in Current Year Summary, Attachment “A”.

B. INITIAL ALLOCATION PROCESS (SINGLE-FAMILY)

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 HOME and/or NSP PI funds may be submitted based on the Allocation Cycles outlined in the Current Year Summary Attachment "A".

The WCDA Board of Directors reviews and approves the Allocation Plan on an annual basis. Projects are recommended to the WCDA Board of Directors based on scoring criteria detailed in the Affordable Housing Plan. Scoring is completed by staff based on information provided by the applicant in their application. The WCDA Board of Directors may, at their sole discretion, approve or deny an application recommended by staff.

There are no application fees for projects that apply for Single-family Homeownership projects only.

WCDA reserves the right not to allocate HOME or NSP PI funding for any single-family project if it determines that an initial allocation for such project does not meet the four most significant criterion set forth in Section I or the available funding is insufficient for all projects that meet primary and secondary scoring minimums. The four most significant criterions for HOME and/or NSP PI approval are:

1. Need;
2. Quality of Construction;
3. The characteristics of the households being served; and
4. Affordability.

WCDA reserves the right to allocate all or a portion of the available HOME and/or NSP PI funds in any of its funding cycles.

In the event of a major natural disaster (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 and/or NSP PI funds to any eligible project in such area that can meet the minimum point criterion.

The purpose of the Initial Allocation Cycle is to enable WCDA to competitively review applications and to award HOME and/or NSP PI funds to those projects that most aggressively address the selection criteria. If another allocation cycle is held, new applications will be accepted and, will be subjected to the review process as outlined in the Allocation Plan.

WCDA may rescind a HOME and/or NSP PI Initial Allocation if it is determined that the developer or other key participants have current projects in development that are not progressing as scheduled in the Development Timetable within WCDA's Application and/or Agreement.

HOME and/or NSP PI Initial Allocations are NOT transferable.

C. INITIAL ALLOCATION CRITERIA (SINGLE-FAMILY)

Proposed projects will be ranked based on primary and secondary criteria. Although projects may rank, WCDA reserves the right to add requirements to address any 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		0	68
b) Geographic Distribution of Prior Awards	-200		0
SUB TOTAL HOUSING NEEDS CHARACTERISTICS	-200	15	68
2) Quality of Construction			
a) Minimum Construction Standards		1	1
b) Construction Standards Exceeded			45
c) Energy Efficiency and/or Sustainability Certification			32
d) HERS Rating			5
SUB TOTAL QUALITY OF CONSTRUCTION	0	1	83
3) Income Levels			
a) Meeting Market Analysis			10
SUB TOTAL LOWER INCOME TARGETING	0		10
4) Community Revitalization in Qualified Census Tracts	0	0	5
PRIMARY TOTAL	-200	16	166

*All applications must score the Minimum Required points under each individual Primary Criterion as well as the Minimum Required points under the Primary Total or the application will be rejected.

Secondary Criteria	Negative Points	Minimum Required+	Maximum Points
1) Project Location			
a) Appropriate Location			35
b) Concentration of Low-Income Housing			15
c) Inappropriate Location	-200		0
SUBTOTAL PROJECT LOCATION	- 200		50

2) Project Characteristics			
a) Individual Unit Design			26
b) Unit Amenities			22
c) Private-Public Partnerships			10
d) Site Control		2	8
e) Proper Zoning			3
f) Community Revitalization Plan			5
SUBTOTAL PROJECT CHARACTERISTICS	0	2	74

3) Sponsor/Applicant Characteristics			
a) Experience and Credibility	0		40
b) Developer Team Capacity/Experience	-200		0
c) Financial Capacity	0		10
SUBTOTAL SPONSOR/APPLICANT CHARACTERISTICS	-200	5	50

4) Housing Needs for Families or Individuals with Children	0	0	4
5) Financial Support from Local Sources	0	0	35
6) Total Project Costs	-1000	0	10
7) Owner/General Partner Equity in Project	0	0	20
SECONDARY TOTAL	-1800	10	243

+ Applications must score the Minimum Required points under each Secondary Criterion as well as the Minimum Required points under the Secondary Total or the application will be rejected. (Does not add, minimum 55 is required across Secondary Criteria.)

Tie Breaker Criteria	Negative Points	Minimum Required+	Maximum Points
1) Total Project Costs	0	0	40
2) Reduced Fees	0	0	30
Tie Breaker TOTAL	0	0	70

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.

Information in the developer-provided Market Analysis, the Wyoming Profile of Demographics, Economics and Housing and other publications are used extensively in the Scoring analysis. However, WCDA reserves the right to consider any other information available or known to us.

PRIMARY CRITERIA

1. **HOUSING NEEDS CHARACTERISTICS** (Up to 68 **points** – **Must score a minimum 15**)

   a. **Need** (Maximum 68 points)
   A Project will receive up to 68 points if the applicant can substantiate need for the specific housing for which it is proposing to build or rehab.

   Appropriate Housing (Maximum 10 Points)
   Appropriate size, configuration, and sales prices of housing for demands identified in Market Analysis

   Type of Housing
   (an application may only include ONE type of housing; submit separate applications for each type of housing)
   Duplex (4 points);
   Four-plex (6 points);
   Townhouse or row-house (12 points);
   Single-family detached (16 points).

   Concentration of Low-Income Households (Maximum 28 points)
   As concentration of Low-Income/Affordable housing units increase in the vicinity, fewer points are awarded. WCDA will consider data available for concentration of low-income households in the area proposed, such as visual observation, Wyoming Profile of Demographics, Economics and Housing, HUD Community Planning and Development (CPD) maps, etc.

   Absorption Rate as defined in the Market Analysis (Maximum 14 Points)

   b. **Geographic Distribution of Prior Awards** (Up to negative 200 points)
   In an effort to equitably distribute funding throughout the state, negative points will be assessed based on the number of affordable units (regardless of source, rental or homeownership) awarded WCDA funding in the last four years, as well as projects awarded funding or scoring higher during the current year, compared to the population of the city where the proposed project will be located.

   Projects located within federally-designated Opportunity Zones are EXEMPT from this requirement.

2. **QUALITY OF CONSTRUCTION** (Maximum 126 points)

   a. **Minimum Construction Standards** (Must score a minimum of 1 point, with a 1 point maximum)
   A project will receive 1 point if it meets the International Building Code (as applicable to the type of housing) of the International Code Council, the local code adopted by the presiding jurisdiction, the Minimum Property Standards for HOME at 24 CFR Part 92.251(a)(2)(i) through (V), or for NSP PI the HUD Handbook 4910.1, Minimum Property Standards for Housing, 1994 Edition. 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 the applicable Code of the International Code Council.

b. **Construction Standards Exceeded** (Maximum 45 points)
To obtain additional points, applications must clearly demonstrate that the project undisputedly exceeds the minimum specified in Section 2(a). See Property Development Standards Attachment "J" for more information on this category.

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

Floor coverings	Durability roofing/siding materials
Natural lighting	Quality and design of windows
Negative Air Flow vents in Crawl Space	Bedroom size
Items proven to reduce mold	Other cost-effective maintenance reduction

These criteria are scored on a competitive basis between all qualified projects received during the application round. To receive points in this area, you must provide details in the Project Narrative section that clearly demonstrates how construction standards are exceeded.

c. **Energy Efficiency and/or Sustainability Certification** (Maximum 32 points)
One point will be awarded for each of the following sustainable building strategies implemented. Must be certified by project architect AND product/warranty information must be provided.

- Built above 100-year floodplain defined by FEMA – must provide documentation
- Locate trees/planting to provide shade for 50% of hardscapes – must provide specific plant information, including # of each plant to be provided.
- Drought resistant plants and landscaping – must provide specific species and documentation supporting drought resistance
- Keep all exterior wood at least 12” above soil
- Seal external cracks, joints, etc. with caulking and install pest proof screens
- Include no wood to concrete connections, or separate connections with dividers
- Average flow rate of lavatory faucets is < 2.00 gpm
- Average flow rate for all showers is <2.00 gpm per stall
- Average flow rate for all toilets is <1.30 gpf
- Toilets are dual flush or toilets meet the EPA water sense specification
- Investigate local options for waste diversion and document diversion rate for construction waste
- No unvented combustion appliances
- Carbon monoxide monitors in each unit

- Space water heating equipment designed with closed combustion or space and water heating equipment has power vented exhaust or space and water heating equipment located in detached or open-air facility
- Active fan radon venting system (if radon levels require mitigation)
- Intermittent or Passive ventilation
- Install heat recovery system
- Energy Star labeled bathroom exhaust fans
- Permanent walk-off mats at each entry
- Insulation meets R-value requirements of IECC – must provide exact R value
- Insulation meets HERS Grade II specifications
- Insulation exceeds R-value requirements of IECC by 5% – must provide exact R value
- Insulation meets HERS Grade I specifications
- At least R-6 insulation around ducts in unconditioned spaces – must provide exact R value
- At least R-3 insulation around pipes in unconditioned spaces – must provide exact R value
- Design and size HVAC equipment using ACCA Manual J or equivalent
- Install Energy Star programmable thermostat
- Energy Star lighting throughout the project
- Motion controlled exterior lighting
- Energy Star Refrigerator, dishwasher, ceiling fans (if applicable) and washer and dryer (if applicable)
- Low VOC paints, stains, finishes adhesives and sealants and carpet
- Formaldehyde free shelves, cabinets, countertops and insulation

d. **HERS Rating** (Maximum 5 points)
Up to 5 points will be awarded if the developer commits to obtaining an Energy Star Certification from a HERS rater for every house.

3. INCOME LEVELS (Maximum 10 points)
A proposal will receive points for eligible low-income units with income restricted to the percentage of HUD Median Income as stated below.

a. **Meeting Market Study** (Maximum 10 points)
Where income levels proposed meet those substantiated in the Market Analysis for the project, it will receive 10 points.

4. COMMUNITY REVITALIZATION IN QUALIFIED CENSUS TRACTS (5 points)

A proposal will receive 5 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.

SECONDARY CRITERIA

1. **PROJECT LOCATION** (Maximum 50 points, and/or up to negative 200 points). As project location is an integral part of the scoring process Developers must attend the site visit scheduled by WCDA.

a. **Appropriate Location** (Maximum 35 points)
A project may receive up to 35 points for being within a proximity of 2 miles (1 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).

Distance from other locations			
	Points		Points
Employment opportunities	3	Elementary School	2
Fire	2	Junior or Middle School	2
Police	2	High School	2
Proximity to Public Transit	3	College	1
Hospital	2	Convenience Store	1
Senior Center	3	Church	1
Bank	2	Post Office	1
Doctor Offices	2	Park	1
Laundry Mat - if facilities not on site	3	Recreation	1
Grocery Store and/or Delivery	3	Library	1
Pharmacy and/or Delivery	2	Discount Store	1
		Walk/Bike Path	1

b. **Concentration of Low-Income Housing** (Maximum 15 points)
A project may receive up to 15 points if it is demonstrated that the project will not contribute to an above-average concentration of Low-Income housing established within the site's Primary Market Area as defined in the Market Analysis. WCDA will consider available data for comparable units in the area, such as visual observation, market study information, HUD Community Planning and Development (CPD) maps, etc.

c. **Inappropriate Location** (Up to a Negative 200 points)
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, other hazards outlined by HUD in their Environmental Review Requirements and other items of concern such as topography of the

site or surrounding area and other issues that may require an abnormal amount of land to be purchased or an unusual amount of site work 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
-150	Mitigation required which has been addressed but not budgeted
-50	Mitigation May be required, not addressed and not budgeted (each item)
0	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

2. PROJECT UNITS CHARACTERISTICS (Maximum 72 points, or up to negative 200 points)

a. **Inidvidual Housing Unit Design** (Maximum 26 points)
A project may receive up to 26 points for the design of (for new construction), or acquisition of (for acq/rehab) housing units that address the need outlined in the Market Analysis (i.e. addressing the number of bedrooms/bathrooms identified in the analysis).

b. **Unit Amenities** (Maximum 22 points)

EXTERIOR AMENITIES	POINTS
Composite Siding	1
Alarm System	1
Preservation of Historic Character	3
Video Doorbell	2
Electronic Door locks	2
INTERIOR AMENITIES	**POINTS**
Energy Star Appliances	1
Ceramic Stove Top	1
Self-Cleaning Stove	1
Central HVAC	3
Smart Thermostat	2
Wired high speed internet	2
Frost Free Refrigerator	1
Cable/Satellite Hookup	1
Fabric Window Covering	1

c. **Private-Public Partnerships** (Maximum 10 points)

To encourage leveraging, up to 10 points will be awarded for projects that have non-WCDA financial contributions as a portion of the developer's overall budget. Applications will be awarded 0.5 points for every percentage of non-WCDA financing in the deal (not counting developer contribution). For example, an application with 10% of its financing coming from a private or public grant source will receive 5 points in this category.

d. **Site Control** (Maximum 8 points; must score minimum 2)
A proposal will receive up to 8 points for having control of the site. All projects must score a minimum of 2 points.

STATUS	POINTS
Own	8
Under Contract	6
Option to Purchase	4
Proposed Sites/Market Areas Identified	2

e. **Proper Zoning** (Maximum 3 points)
A proposal will receive up to 3 points for having the proper zoning and all other necessary approvals (i.e. PUD's etc.).

STATUS	POINTS
Zoning in Place, No Approval Required	3
Zoning in Place, Other Approvals Required	2
Re-zoning in Process	1

f. **Community Revitalization Plan** (Maximum 5 points)

d. A proposal will receive up to 5 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; or,

e. A proposal will receive up to 5 points if the community is actively reducing barriers associated with Affordable Housing i.e.:

1. Reducing or waiving fees or real estate tax concessions for Affordable Housing.
2. Within the last year 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.
3. Within the last year the Jurisdiction has initiated regulatory reforms as a result of the above.
4. 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.
5. Reduction or waiver of parking or green space requirements for all affordable housing developments.

6. 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.
7. 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. <u>SPONSOR/APPLICANT CHARACTERISTICS</u> (Maximum 50 points to negative 200 points)

a. **<u>Experience and Credibility</u>** (Maximum of 40 points)
A proposal will receive up to 40 points based on the developer's experience, financial stability and credibility in developing the proposed housing. Items considered include, but are not limited to, number of projects successfully completed, like projects completed with like sources, experience with WCDA or other allocating agencies (must provide contact person to verify experience with other allocating agencies). A proposal will receive up to the following points if the sponsor has had experience developing housing which resulted in successful, compliant projects:

- With no Federally-imposed Restrictions — 10 Points
- Using HOME and/or NSP funds — 40 Points

Developers will be classified by amount of experience and experience relevant to the type of project proposed. Based on this experience, developers will be classified as Tier 1, Tier 2 or Tier 3 defined as follows:

Tier 1 - Any developer who receives 35-40 points for Sponsor/Applicant Characteristics shall be classified as a Tier 1 developer and will only have to meet minimum requirements as set forth in the Affordable Allocation Plan for construction progress reporting throughout the construction period.

Tier 2 - Any developer who receives 20-34 points for Sponsor/Applicant Characteristics shall be classified as a Tier 2 developer and will be required to submit monthly progress reports and quarterly site visits will be performed throughout the construction period by the Wyoming Community Development Authority.

Tier 3 - Any developer who receives 0-19 points for Sponsor/Applicant Characteristics shall be classified as a Tier 3 developer and will be required to partner with a Tier 1 developer, or a consultant experienced with HOME and/or NSP.

b. **<u>Development Team Capacity/Experience</u>** (Up to a Negative 200 points)
WCDA will consider the capabilities of the entire development team, including at minimum the project sponsor, developer, general contractor, architect, property manager, and key consultants. Up to a negative 200 points will be assessed for any or all of the following:

- Non-compliance with WCDA restrictions with no effort to correct will be assessed the full negative points.
- 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 development team members, 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.
- Number of returned or recaptured allocations or awards
- Number of cleared and/or outstanding compliance issues.
- Development team members with projects in the process of or in foreclosure, receivership, or similar legal action
- Financial stability of developer including, but not limited to, analysis of liquidity, short and long-term liabilities and total assets and cross-collateralization.
- If any material participant has ever been removed from a project or given a project back to a Syndicator, Investor or other financial source.
- Inconsistent information in the application and attachments.
- Excessive line item variances between original budget and actual costs on prior projects.

c. **Financial Capacity** (Maximum 10 points – Must score a minimum of 5 points)
Developer must be able to substantiate financial capacity to the Authority's satisfaction. WCDA will examine key financial factors and ratios, including but not limited to liquidity, net worth, leveraging, etc., to assess adequate financial capacity.

4. 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.

5. SUPPORT OR CONTRIBUTIONS FROM LOCAL SOURCES (Maximum 35 points)
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 8 below and are above any required amounts from other sources (i.e. HOME Match requirement). 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).

6. TOTAL PROJECT COSTS (Maximum 10 points, or up to negative 1,000 points)
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.

7. DEVELOPER EQUITY IN PROJECT (Maximum 20 points)
A proposal will receive up to 20 points for financial support or contributions from the Developer 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. In order to receive points, documentation must be provided to support value of donation (i.e. appraisal for land donation).

Tie Breaker

1. **TOTAL PROJECT COSTS** (Maximum 40 points)

a. **New Construction**

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

b. **Rehabilitation Project**

Rehabilitation projects will receive up to 40 points for amenities and/or cost-effective upgrades incorporated into the rehabilitation.

2. **REDUCED FEES** (Maximum 30 points)

a.For Projects in which the **combined** Developer and Builder fees are less than 15%, tie breaker points will be awarded as follows:

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

D. MAXIMUM ALLOCATIONS (SINGLE-FAMILY)

The following outlines the WCDA's allocation priorities to maximize state-wide impact and responsible utilization of federal resources:

1. WCDA in its sole discretion reserves the right to limit funding to no more than 60% of available credits, HOME, NSP PI and/or NHTF funds to any one project. WCDA reserves the right to redirect funds within a project between HOME, NSP PI, NHTF and/or other resources available to WCDA which best utilizes the available resources.

2. 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. Projects needing the Subsidy Layering Review may need to be submitted to HUD.

3. WCDA will evaluate each proposed project's financial feasibility and its viability at three different times; time of application, the completion of construction or rehabilitation of each building, and the date of project completion. This financial evaluation will take into consideration:

   a. Sources and uses of funds;
   b. Total financing planned for the project;
   c. Total project costs; and,
   d. Any other relevant factors.

Projects must meet the limitations and restrictions as outlined in the Allocation Plan. The terms of the HOME and/or NSP PI funds may change at each evaluation time.

E. PROGRAM REQUIREMENTS (SINGLE-FAMILY)

ALL HOMEOWNERSHIP PROJECTS MUST ADHERE TO THE FOLLOWING:

1. All Projects must provide a Narrative containing no less than the following information:
    a. Overall project description, which completely describes the proposed program activities
    b. Number of proposed units to be developed
    c. Type of proposed units (single-unit, duplex, triplex, fourplex)
    d. Primary market area (census tracts, neighborhoods, city, etc.)
    e. Identify the project as contiguous or scattered sites, and provide a map
    f. Proposed homebuyer income ranges/targets
    g. Are proposed properties listed/identified, under option, or under contract?
    h. 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.), and identifying sources of gap financing.
    i. List and describe all resources that will be leveraged by the project.

The narrative should describe the proposed program activities:

a. Does the project involve the use of existing property;
b. is demolition involved;
c. what are the sitework requirements (slope, detention ponds etc.);
d. what work has already been completed on the site and/or building;
e. is the property privately or publicly owned; standard or substandard;
f. occupied or vacant;
g. 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;
h. 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;
i. outline the relationship of this proposal to established local housing and community development plans, policies, and strategies and cite date of adoption;
j. provide any evidence of local support that will add to the assurance of successful program implementation;
k. describe any known community or neighborhood opposition to this proposal;
l. give enough detail to clearly illustrate all activities associated with the proposed project;
m. 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; and,
n. discuss the magnitude and duration of the project, and its impact on the community-at-large.

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

unfair advantage over other applicants.

2. WCDA reserves the right to negotiate lower Developer and Builder fees on projects when there is an identity of interest among parties.

3. A Quarterly Progress Report must be filed with the WCDA outlining progress toward completion. Quarterly reports must be received by the 1st day of March, June, September, and December, until HOME and/or NSP PI project completion reports have been completed. Developers may be required to submit Monthly Progress Reports in lieu of Quarterly Progress Reports at WCDA's sole discretion.

4. All parties must sign a release form allowing WCDA to check their references.

5. The land purchased for the project must be of appropriate size for the proposed project (i.e. additional land may not be purchased in hopes of a second phase or for other purposes). Partial releases will not be granted by WCDA for unused land. If WCDA, in its sole discretion, approves in writing additional land to be purchased, an appraisal must be obtained outlining the value for each separate parcel. The amount of land cost allowed in the application will be the lesser of the appraised value and/or the pro-rata share by square footage of the original cost.

6. All projects must meet or exceed the applicable requirements published in the Current Year Summary Attachment "A".

7. HOME and/or NSP PI funds may be pulled if any violations are found, and the participants may be banned from participating in the program.

8. Once project rehabilitation or construction is complete, and prior to sale to income-qualified homebuyer, the architect (if applicable) 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 "A").

9. For new construction, as-built plans and specifications must be provided before release of final funding. Projects must provide a full-size plan set to WCDA upon request.

10. 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, projects must meet as applicable, the International Building Code (as applicable to the type of housing) of the International Code Council, the local code adopted by the presiding jurisdiction, the requirements of HOME's 24 CFR Part 92.251(a) and/or NSP (Section 2301, Title III of the Housing and Economic Recovery Act of 2008). 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 the above.

11. All projects must submit proof the project will not be located in a 100-year flood plain.

12. Projects returning a current allocation of funding (HOME and/or NSP PI) without completion of the proposed project may jeopardize any future awards.

13. The purchase price of land and/or improvements thereupon, where there is an identity of interest or is not considered an arm's length transaction, is restricted to the lesser of:
    a. the appraised value of the land and or buildings to be owned by the project, as determined by an appraisal that is less than 6 months old; or
    b. the pro-rata share of the original purchase price, if the original purchase was within one year of application; or
    c. if owned by a related party which was provided subsidy, the land acquisition price shall be zero.

14. All projects must meet the minimum and maximum levels (i.e. income, 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.

15. If at any time WCDA becomes aware of a Fair Housing violation it will be reported to the appropriate officials which will include but may not be limited to HUD, and/or the Department of Justice.

16. HOME and/or NSP PI funding is disbursed on a reimbursement basis. After costs have been incurred and paid by the project, a reimbursement request may be submitted for land/property acquisition and/or costs as outlined below. A 10% retainage will be withheld from each draw request until the ENTIRE project is completed and all documentation sufficient to WCDA is submitted to close out the project. All draws will be processed once a month, following an inspection by WCDA's Director of Construction Management or his/her designee.

17. WCDA staff, or their designee, will conduct periodic site visits. A final inspection will be conducted upon notice of project completion, and before release of 10% retainage.

18. Restricted Budget Differential – Developer must make every effort to have costs allocated to the appropriate categories from the first initial application. Variances in cost categories (e.g. Land, Site Work, Rehabilitation/New Construction, Professional Fees, Soft Costs, etc.) in excess of 10% must be justified when submitting the Progress Reports.

19. A representative of the Developer must attend Fair Housing training by a nationally-recognized firm as approved by WCDA, prior to the completion of construction or rehabilitation, or provide a certification showing they have completed the training in the past 3 years.

20. All homebuyers must complete HUD-approved homebuyer education and counseling prior to purchase in accordance with 24CFR92.254(a)(3).

21. Eligible Activities include acquisition/rehabilitation or new construction of HOME or NSP PI-funded Single-family properties to be sold to income-eligible households. Single-family properties are defined as 1-4 dwelling units per site. Sites may be grouped (i.e. subdivisions or blocks) or geographically scattered sites. Please note that your market analysis must cover ALL geographic areas under consideration for scattered-site projects.
22. Environmental review is required for all projects prior to the commitment of any federal funding, and will be conducted by WCDA staff upon identification of specific proposed project sites. Please allow for 30-45 days in your acquisition and/or development timeline for the completion of the environmental review. Applicants must submit a WCDA project environmental checklist (Attachment "K") for each individual

site.

23. Eligible geographic locations are as follows:
    a. HOME funds may be used statewide;
    b. NSP Program Income (PI) funds may be used only in Approved Census Tracts
        i. See attached NSP1 Substantial Amendment, Attachment "F"

24. All plans and standards adopted by WCDA and the Affordable Housing Development Department must be adhered to, and include the following:
    a. 2018-22 State of Wyoming Consolidated Plan
    b. 2018 Annual Action Plan
    c. 2017 NSP Substantial Amendment
    d. 2020 Affordable Housing Allocation Plan (a/k/a Qualified Allocation Plan, or QAP)
    e. WCDA Federal Programs Rehabilitation Standards for Housing

    The above documents may be retrieved at the WCDA website, http://www.wyomingcda.com.

25. Developer Fees are calculated as follows:
    a. Minor Rehabilitation (defined as rehabilitation costs ≤ 10% of the purchase price) – 10% of total project development
    b. Moderate Rehabilitation (defined as rehabilitation costs are >10% but ≤25% of the purchase price) – 15% of total project development costs
    c. Substantial Rehabilitation (defined as rehabilitation costs >25% of the purchase price) – 20% of total project development costs. Rehab costs cannot exceed 50% of purchase price without prior approval by WCDA.
    d. New Construction – 15% of total development costs

    50% payable at completion of acquisition and rehabilitation or completion of new construction;
    50% payable at sale of unit to income-qualified homebuyer.

    Progress inspections are required prior to the disbursement of any draw requests, including developer fee requests.

26. Restricted Budget Differential – Developer must make every effort to have costs allocated to the appropriate categories from the first initial application. Variances in cost categories per individual unit (e.g. Land, Site Work, Rehabilitation/New Construction, Professional Fees, Soft Costs, etc.) in excess of 10% must be justified when submitting the Progress Reports. Total amount allocated will not be increased due to cost overruns; developer will be responsible for securing gap financing for any costs in excess of allocated amount.

27. Builder's fees will be limited as follows:
    a. Builder's Profit will be limited to no more than 6% of the construction costs.
    b. Builder's Overhead will be limited to no more than 2% of the construction costs.
    c. General Requirements/Conditions 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.

28. Rehabilitation Procedures, Materials and Workmanship:
    a. Housing that is rehabilitated with federal funds through WCDA must meet the WCDA Federal Programs Rehabilitation Standards for Housing, the Uniform Physical Condition Standards (UPCS) prescribed by the US Department of Housing and Urban Development (HUD), as well as all applicable codes, rehabilitation standards, ordinances, and zoning ordinances at the time of completion of the rehabilitation. In the absence of a local code for rehabilitation, the housing must meet the UPCS as well as state and national building codes.
    b. All scopes of rehabilitation work must be developed from a Capital Needs Assessment (CNA) provided by unaffiliated third party, such as a licensed architect or engineer, and must include a site-specific breakdown and budget at time of application.
    c. The CNA must conform with the requirements of the Uniform Physical Condition Standards checklist in Attachment "J".
    d. Components that must be included in the CNA include:
        i. Site, includes topography, drainage, pavement, curbing, sidewalks, parking, landscaping, amenities, water, storm drainage, gas and electric utilities;
        ii. Where relevant, assess and document potential impact of natural disasters, (e.g. earthquake, flooding, wildfires) in accordance with State and local codes/ordinance;
        iii. Evaluate and estimate the useful remaining life of all Major Systems (mechanical, electrical, plumbing and structural) based on their age and condition;
        iv. Major Components: Structural support, roofing, cladding and weatherproofing, plumbing, electrical, heating, and air conditioning;
        v. All major components must have a useful remaining life of at least 5 years or be repaired or replaced (definition of Major Components found in WCDA Federal Programs Rehabilitation Standards);
        vi. Exterior walls, balconies, exterior doors and windows, roofing system and drainage;
        vii. Interior of all individual units, include kitchen finishes and appliances, unit bathroom finishes and fixtures; and,
        viii. Common area lobbies and corridors (if applicable).
    e. Scope of work, workmanship quality and materials must adhere to the WCDA Federal Programs Rehabilitation Standards, and are subject to inspection and approval by the WCDA Director of Construction and Facilities, or his/her designee.
    f. All items identified in the CNA or by a professional's follow-up, must be included in the scope of rehabilitation, according to WCDA Federal Programs Rehabilitation Standards
    g. Any cost item not identified in the CNA (except LBP, asbestos, mold, illegal drug residue, and site contamination inspections, clearance, and interim control costs) may be deemed unnecessary, and therefore ineligible for reimbursement.

29. Housing originally constructed prior to 1978 requires additional procedures to address lead paint issues:
    a. Property must receive a lead-based paint inspection from an EPA-certified lead-based paint inspector; any lead paint identified as part of the inspection must be remediated/mitigated by a certified lead-based paint abatement contractor.
    b. General contractor must be an EPA-Certified Renovation Firm at the time the sales contract is signed.
    c. Subcontractors must be EPA-Certified Renovation Worker(s) working under the EPA-Certified Renovation Firm.

30. Federally-funded acquisition, holding costs, hard and soft construction costs, disposition/closing costs, and developer fees (excluding hazard reduction activities [LBP, asbestos, mold, illegal drug residue] i.e. inspection, interim controls, clearance, etc.) cannot exceed the applicable HOME or NSP PI per unit subsidy maximum. The applicable HOME/NSP PI Maximum Per-Unit Subsidy Limits are those in effect at the time funds are committed to each individual activity. Current limits are available at Attachment "A".

31. New Construction Requirements
    a. All projects must follow applicable State and local laws, current applicable Residential Building Code, local codes, zoning, and other requirements relating to construction, housing safety, quality, and habitability.
    b. A complete or partial plan set for all newly developed units must be provided to WCDA upon request.

32. Section 504 of the Rehabilitation Act of 1973 requires a developer to comply with a homebuyer's request for reasonable modification to the maximum extent feasible. Developer will establish a written procedure for if/when requests for reasonable accommodation/modification from a homebuyer are feasible.

36. Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), as amended, prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, because of race, color, religion, sex, familial status, national origin, and disability. It also requires that all federal programs relating to housing and urban development be administered in a manner that affirmatively furthers fair housing.

37. Appraisals are required for all projects. Both an "as-is" appraisal and "as-built" appraisal are required for acquisition rehabilitation projects prior to acquisition. An "as-built" appraisal is required for all new construction projects prior to site acquisition (or the commencement of construction if the site is already under developer control at the time of application). All appraisals must be received and approved by WCDA prior to acquisition or construction, and must be no more than 6 months old at the time of receipt by WCDA.

38. Maximum Homebuyer Sales Price Limits:
    a. Fair Market Value is defined as the negotiated sales price between a qualified buyer and willing seller, and is initially established by means of an appraisal
    b. NSP- Property must be sold to an eligible homebuyer at the lesser of Fair Market Value or the cost to acquire and develop the unit.
    c. HOME- Must be sold to HOME eligible homebuyer at the lesser of Fair Market Value or the HOME Maximum Homeownership Sales Price Limit (see Attachment "A")

ALL HOME AND NSP PI HOMEOWNERSHIP PROJECTS MUST ADHERE TO THE FOLLOWING:

1. HOME Program
   a. Estimated Fair Market Value: HOME-assisted unit will be sold at Fair Market Value not to exceed current Maximum Homebuyer Sales Price limits that are in effect at the time the sales contract is signed or when funds are committed to the activity
   b. 60-Day Rule: Any unit not under contract after 60 days on the market requires an updated property valuation and marketing consultation with WCDA
   c. For acquisition/rehabilitation projects, hard and soft rehabilitation costs cannot exceed 50% of acquisition price unless requested in writing and approved by WCDA

2. NSP Program
   a. Eligible Types of Homebuyer properties are:
      i. Residential properties that have been abandoned or foreclosed upon
      ii. Demolition of blighted structures for redevelopment
      iii. Redevelopment (new construction) of demolished or vacant residential properties
   b. For acquisition/rehabilitation projects, hard and soft rehabilitation costs cannot exceed 50% of acquisition price unless requested in writing and approved by WCDA
   c. 25% of the NSP award must be used to target households whose incomes are ≤50% AMI

3. Funds are awarded to developer as a below market-rate loan, with interest only payments due monthly, with principal and interest due upon sale or transfer, at the following rates:
   a. New Construction – 2%
   b. Acquisition/Rehabilitation – 1%

   Upon acquisition of a specific site, a construction loan deed of trust and promissory note will be executed with a maturity date of ninety (90) days after the estimated date of completion of construction or rehabilitation.

4. Upon completion of rehabilitation (or construction), liens will be assigned to the income-qualified homebuyer A percentage of each loan will be forgiven upon assignment to income-eligible homebuyers to insure long-term affordability. The WCDA lien may be subordinated to a first mortgage obtained by the homebuyer.

   If other private/public equity is contributed to the project, the distribution of any proceeds (profit) will be on a proportionate basis.

5. WCDA may, at its sole discretion, waive or modify any of the required terms of the HOME or NSP assistance.

6. Projects located in the entitlement cities of Cheyenne or Casper must provide a current (no older than 6 months) signed letter of consistency with the Consolidated plan from the applicable jurisdiction

7. All HOME Match must be documented at time of application by the 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. Final HOME Match documentation must be provided at the time of Final Application.

8. 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.

9. The following Alta endorsements will be required on Title Policies:
   a. Zoning (3.1 Improved or 3.2 Land Under Development)
   b. Environmental Protection Lien (8.1)
   c. Restrictions, Encroachments, Minerals (9.06)
   d. Access and Entry (17)
   e. Tax Parcels (18 Single Tax Parcel, 18.1 Multiple Tax Parcels)
   f. Contiguity (19 Multiple Parcels, 19.1 Single Parcel)
   g. Minerals Surface Damage (100.29)
   h. Location (22)

V. TRANSITIONAL HOUSING

1. The WCDA Transitional Housing Fund (THF)

In response to the need for housing to assist Wyoming's homeless and formerly homeless individuals transitioning to permanent housing, the WCDA Board of Directors voted at their June 2017 to allocate $4 million towards the construction of supportive housing facilities for this population. The Transitional Housing Fund is a revolving loan fund, with proceeds from project loan repayments returned to the Fund for use on future projects.

> **2020 Available Funding:**
> The WCDA Board approved the first Transitional Housing project in September 2017, and a balance of approximately $2.1 million remains unallocated in the THF.

The intent of the THF is to provide funding for short-term, temporary financing needs to assist community-supported fundraising projects with up-front capital, which is to then be repaid with subsequent donations, other charitable gifts, or permanent lender financing. Assistance will be provided in the form of a 0% interest bridge loan with a one-year maturity, which may be extended upon maturity at the sole discretion of the Authority. The funding will be secured by a mortgage recorded against the property. The Authority may also consider taking a security interest in other company assets, such as pledged receivables, on a case by case basis.

The THF is comprised entirely of non-federal dollars from the WCDA Housing Trust Fund, and therefore is not subject to HUD or IRS requirements regarding federally-funded projects. Therefore, no cross-cutting or funding-specific federal regulatory requirements apply to projects financed from this source. For that reason, the evaluation criteria and ranking procedures of proposals requesting funding from the THF will be separate and distinct from that of all other funding in this QAP.

Combining this funding source with other federal funding is permissible, but will result in the application of all federal requirements to the entirety of the project.

2. Supportive Services

All projects applying for funding from the THF must clearly articulate and document how the project will provide supportive services to the target households. Supportive services are a critical element in the delivery of homeless assistance in a community, and are what distinguish THF projects from other housing development projects submitted under this QAP. In order to qualify for funding, the transitional housing project proposal must bring the homeless individual into a comprehensive system intended to assess their needs and provide them with a full range of services to permit independent living.

The supportive services description must outline the method by which a target household will transition into permanent housing, with services when necessary, at any stage of need along the continuum. It should include a balanced inventory of services – substance abuse, domestic violence, mental health, educational gaps, child care, employment and employment training, healthcare, life skills, emergency shelter needs,

transitional housing facilities (including those to be funded by the THF request), and permanent housing -- all integrated into a single system. The supportive services should establish a framework for communities to coordinate housing and other services for homeless persons. Ultimately, the THF request must reflect a strategy that works best to meet locally-identified community needs and resources.

3. Contents of THF Proposals

All proposals for funding from the THF shall include the following information:

a. Statement of Qualifications:
   i. The organization's name, address, phone number, and contact person; basic organizational information, including professional history, and/or company information.
   ii. Identify the key individuals and firms who will be the contacts for this project. Describe professional qualifications and availability for this project.
   iii. Financial Statements for the three most recently completed fiscal years, and year-to-date.

b. Community Support: If repayment of the loan obtained through this funding source will be from the collection of pledges and donations, provide a detailed fundraising plan including timeframes for the capital campaign. 25% of the cost of the project must be collected in the form of cash or real estate donations up front, and documentation must be provided. These resources must be committed to be used in the project prior to any WCDA proceeds.

c. Need Analysis: Evaluate and document the extent of need for transitional housing in the organization's target area, using estimates of homeless or at-risk homeless households.

d. Supportive Services: Provide a detailed description of the supportive services to be provided by the project that meets the requirements laid out in Paragraph B. of this section, including staff bios and funding sources.

e. Schematic Design: Provide a description of the capital improvements to be funded, including a schematic design for new construction and a complete capital needs assessment for rehabilitation projects.

f. Cost Estimate/Scope of Work: Provide a cost proposal for all work to be performed from a licensed, certified general contractor currently in good standing and not debarred, suspended, or otherwise excluded from doing business with any Federal Agency government-wide. The cost proposal should be broken down by tasks.

g. Pro Forma: Provide a 5 Year Operating Pro Forma for the project, showing positive cash flows and adequate operating reserves.

4. Selection Process and Scoring Criteria

a. WCDA will consider the following factors during the proposal evaluation process:
   i. Ability to Repay (30%);
   ii. Cost (25% weight);
   iii. Project and Service Design (25% weight);

iv. Management Capacity and Experience with Similar Projects (10% weight); and,
v. Demonstrated Need (10%).

Additional criteria may be applied at the discretion of the WCDA Board of Directors. Applications my be submitted by the deadline identified in Attachment "A". Recommendations for funding of THF projects will be made at the same time as all other QAP submittals, tentatively scheduled for January 23, 2020.

All inquiries regarding the THF, current projects, and potential applications should be directed to:

Ms. Tammy Krei, Housing Project Specialist I
Wyoming Community Development Authority
155 N. Beech Street
Casper, WY 82601
(307) 265-0603
krei@wyomingcda.com

VI. COMPLIANCE MONITORING

1. Introduction

The Wyoming Community Development Authority "WCDA" is required by HUD's HOME Investment Partnership Program at 24 CFR Part 92 and HUD's NHTF program at 24 CFR Part 93 to monitor HOME and NHTF 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 Authority becomes aware. In addition, the WCDA will monitor the projects during the remaining term of the Land Use Restrictive Covenants Agreement, as all restrictions continue for the full term of affordability.

WCDA has established certain Compliance requirements that are more restrictive than the IRS, the HOME Investment Partnerships Program, NSP and the NHTF program. Project owners agree to follow these more restrictive requirements when they apply for funding. Non-compliance with any of these restrictions may be reported to IRS, may be reported to HUD, may be taken into account when ranking any future projects for funding, and WCDA has the right to enforce any of these restrictions as allowed by law.

WCDA may delegate the compliance monitoring function to an Authorized Delegate. WCDA has prepared this Compliance Monitoring Plan (the "plan"), and has prepared a Compliance Monitoring Manual (the "Manual"), which sets forth the procedures that WCDA shall follow, and those procedures that an owner of a HOME, NSP, NHTF, 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, 2008 HERA regulations for NSP, 24 CFR Part 93 for NHTF projects, and Section 42 of the Internal Revenue Code of 1986 and the Treasury Regulations there under 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 project. 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/or 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.

As a condition to the allocation of HOME funds, NSP funds, NHTF funds, 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. The Owner also agrees to abide by all WCDA Compliance Requirements, which can be found in the Wyoming Affordable Housing Compliance Manual located on the WCDA website at www.wyomingcda.com.

VII. 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, THE HOME PROGRAM, AND/OR THE NHTF PROGRAM.

The Tax Credit, HOME, NSP PI, and NHTF amounts allocated shall be made solely at the discretion of the Wyoming Community Development 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, NHTF 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 24 CFR Part 92 HOME Investment Partnerships Program, or under 24 CFR Part 93 NHTF 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, the HOME Investment Partnerships Program funds, and/or the NHTF 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 website (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 or use such information in underwriting the feasibility of their project or assessing local demand.

Wyoming Community Development Authority

2020

Current Year Summary

ATTACHMENT "A"

Item 1 – Initial Allocation Cycles for the year 2020
Applications must be received in the WCDA office at 155 N. Beech, Casper, Wyoming on or before 5:00 p.m. local time on the dates listed below. Late applications will not be ranked.

Submission Deadline
Letter of Intent no later than 5:00 p.m. local time Friday, August 30, 2019.*
Application and supporting documentation no later than 5:00 p.m. local time Monday, September 30, 2019.*

*Additional rounds may be opened if funding is available.

Anticipated Funding

Available funding in all categories is subject to change based upon 2019 Round 2 awards. A Notice of Funding Availability with final funding amounts will be issued in early August following WCDA Board approval of 2019 Round 2 awards.

Item 2 – Anticipated HOME Funding
Based on previous year's allocations and carryover funds, the WCDA **anticipates** $3,506,687 in new FY20 HOME funding, $2,606,217 in carryover funds (CHDO), and $2,230,000 in anticipated Program Income (PI), to be distributed as follows:

Open Category	$ 1,947,016
Acquisition / Rehabilitation	1,590,000
Single-family Homeownership	1,000,000
Community Housing Development Organizations (CHDO)	3,132,220
(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	100,000
Administration and Contingency Reserve	573,668
TOTAL AVAILABLE	$ **8,342,904**

Item 3 – Anticipated Tax Credit allocation
In the event there are insufficient tax credits available to fully fund all projects that meet minimum scoring thresholds, the respective set-aside categories shall be funded in the following order of priority: 1.) Non-Profits; 2.) Acquisition/Rehabilitation Set Aside; 3.) Open Allocation.

In the event that funds in the Non-Profit Set-Aside have been exhausted, unfunded applications meeting the minimum scoring threshold will compete in the Open Allocation category. In the event that funds in the Acquisition/Rehabilitation Set-Aside have been exhausted, unfunded applications meeting the minimum scoring threshold will be funded by a reallocation from the Open Allocation category.

The total amount of credit available in Wyoming for 2020 is estimated as follows:

*Per Capita Credits	3,105,000

Carryforward Credits		0
Return Credits		0
Forward Commitments from 2019		0
TOTAL AVAILABLE	$	**3,105,000**

SET ASIDES

Non-profits (10%)	$	310,500
Acquisition / Rehabilitation	$	698,750
Open Allocation	$	2,095,750
TOTAL	**$**	**3,105,000**

* Based on 2019 Tax Credit authority.

Item 4 – Anticipated NSP Funding

The total amount of NSP funding available in Wyoming for 2020 is estimated as follows:

NSP Allocation		0
Program Income	$	2,400,000
TOTAL ESTIMATED AVAILABILITY	$	2,400,000
Estimated Disbursement:		
Single-family Homeownership	$	2,160,000
Rental Opportunities (ReOpp)		0
Administrative Fees		240,000
Total Estimated Disbursement	$	2,400,000

Item 5 – Tax Credit Assistance Program (TCAP) Program Income

The total amount of TCAP PI available in Wyoming for 2020 is estimated as follows:

TCAP Allocation		0
Program Income	$	0
TOTAL ESTIMATED AVAILABILITY		0
Estimated Disbursement:	$	0

Item 6 – Anticipated National Housing Trust Fund Funding

Based on previous year's allocations, the WCDA anticipates $3 million in FY20 NHTF funding and $250,000 of carryover 2018 and 2019 NHTF funding. NHTF funding and Program Income to be distributed as follows:

Estimated Disbursement:

Open Allocation	$	2,210,000
Acquisition Rehabilitation		740,000
Administration		300,000
TOTAL ESTIMATED DISBURSEMENT	$	3,250,000

Item 7 – Transitional Housing Fund
In response to the need for housing to assist Wyoming's homeless and formerly homeless individuals transitioning to permanent housing, the WCDA Board of Directors voted at their June 2017 to allocate $4 million towards the construction of supportive housing facilities for this population. The Transitional Housing Fund is a revolving loan fund, with proceeds from project loan repayments returned to the Fund for use on future projects.

2020 Available Funding:

Initial Allocation	$4,000,000
Obligated in 2018	$1,900,000
Estimated available	$2,100,000

Item 8 – Total per unit Project Costs for RENTAL projects:
For underwriting, the Total per unit Project Costs for projects will be limited to the following:

# of Bedrooms	24 units or less	25 units or more
0	$161,000	$153,000
1	$182,000	$173,000
2	$203,000	$199,000
3	$235,000	$218,000
4+	$268,000	$255,000

In Senior Projects only, Community Rooms with a Kitchen and Bathroom are allowed an additional **$135,000** and Community Rooms without a Kitchen and Bathroom are allowed an additional **$52,000**. The project is allowed the additional cost allowance only if the Community Room is made available to the tenants 24 hours every day and has a minimum 750 square feet.

Item 9 – Operating Expenses Limitations for RENTAL projects:
The Annual Operating Expenses used for underwriting will be as follows:

# of Units	Maximum per unit per month
≤ 24	$420.00
25-35	$410.00
36-47	$400.00
≥ 48	$380.00

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. 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 10 – Maximum HOME/NHTF Subsidy Per Unit

Rental Units

# Bedroom	Per Unit Limit
0	$100,000
1	$115,000
2	$140,000
3	$180,000
4	$199,000

Homeownership Units

# Bedroom	Per Unit Limit
0	$147,074
1	$168,600
2	$205,018
3	$265,229
4	$291,137

Item 11 – Maximum HOME/NHTF Homeownership Value Limits (effective 4/15/2019)

County	Existing	New Construction
Natrona County	$180,000	$247,000
Laramie County	$213,000	$247,000
Albany County	$213,000	$247,000
Big Horn County	$152,000	$247,000
Campbell County	$201,000	$247,000
Carbon County	$181,000	$247,000
Converse County	$209,000	$247,000
Crook County	$198,000	$247,000
Fremont County	$204,000	$247,000
Goshen County	$152,000	$247,000
Hot Springs County	$162,000	$247,000
Johnson County	$218,000	$247,000
Lincoln County	$200,000	$247,000
Niobrara County	$152,000	$247,000
Park County	$233,000	$247,000
Platte County	$174,000	$247,000

Sheridan County	$226,000	$247,000
Sublette County	$233,000	$247,000
Sweetwater County	$236,000	$247,000
Teton County	$508,000	$508,000
Uinta County	$185,000	$247,000
Washakie County	$157,000	$247,000
Weston County	$152,000	$247,000

Item 12 – HOME Match Requirements

HUD Match Requirement for program: 25.0%
WCDA Minimum Match Requirement for each RENTAL project: 5.0%
WCDA Minimum Match Requirement for each HOMEOWNERSHIP project: 0.0%

Item 13 - Market Study Requirements

Minimum Market Study requirements (RENTAL):

A. a statement of the competence of the market analyst that details education and experience of the primary author and including a statement of non-interest;
B. a description of the proposed site and neighborhood, including physical attributes of site, surrounding land uses, and proximity to community amenities or neighborhood features including shopping, healthcare, schools, and transportation;
C. a map and photos of the subject site and surroundings showing location of community services;
D. evaluation of the project's suitability for the local market (design, unit composition, physical characteristics and mix, amenities etc.);
E. an overview of local economic conditions, including employment by sector, list of major employers, and labor force employment and unemployment trends over the past 5 years;
F. statement of reasonableness of proposed rent for the area;
G. Comparative analysis of Net Adjusted Market Rent;
H. 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, rent tenure, ownership tenure, and the number of units currently available to serve these households;
I. Family projects may NOT use senior household population to justify need unless each unit can be accessed (e.g. elevators in multi-story buildings);
J. 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;
K. 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;
L. forecast of housing needs in the future;
M. geographic definition and analysis of the market area;

N. statement of reasonableness of Primary Market Area boundaries (Must make sense) Do Not Use the Entire County;
O. analysis of practically available operating expenses and turnover rates of comparable properties in the market area;
P. analysis of household sizes and types in the City and the Primary Market Area;
Q. analysis of the homeownership alternative and the effect it will have on the project;
R. a description of comparable developments in the City and the Primary Market Area Primary Market Area;
S. if there are Market Rate units at the same rent levels in the Market Area, provide a narrative of why these units are or are not meeting the needs of the households that the project is trying to serve;
T. a description of where the households are moving from (substandard housing, other communities, relatives homes etc.);
U. 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;
V. map with proposed Site and location of all competitive units, both Market and Subsidized.
W. vacancy analysis of ALL housing;
X. vacancy analysis of ALL rental housing in the city and the Primary Market Area;
Y. vacancy analysis of ALL subsidized rental housing in the city and the Primary Market Area;
Z. 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 tenure (renters vs. homeowners), and the number of units currently available to serve these households;
AA. current market saturation level (Units Needed vs. Proposed);
BB. capture rate;
CC. absorption period and absorption rate with a comparative analysis and/or a detailed description and support of how arrived at (this should include lease-up rate of all newly constructed multifamily housing gained through market participant interviews and/or local multi-family information database systems);
DD. projected operating funds and expenses, when available at the time of the study;
EE. expected market absorption of the proposed housing
FF. a description of the effect on the market area, including the impact on Housing Credit and other existing affordable rental housing;
GG. If the project will include larger than average households that there be an analysis of the number of larger households, and their incomes, in the City and PMA who would qualify for the units;
HH. 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);
II. Analysis of Primary Market Area drivers, jobs and potential volatility of tenant base as a result of these factors.
JJ. Calculation of Income Level with highest need in PMA.
KK. Number of non-student, income eligible and size eligible households for the proposed project
LL. Proportion of housing made up of rental vs. single family home ownership within the census tract per project size as defined in the "Avoiding Concentration of Low Income Households" category.
MM. Proportion of rental stock made up of subsidized housing within the census tract per project size as defined in the "Concentration of Low Income Housing" category.
NN. Market Study Recap (Attachment "B" Item "1"); and,
OO. any other pertinent information that may be available.

Minimum Market Analysis Requirements (HOMEOWNERSHIP):

A. Project market area maps, census data, local economy, growth rate, net in-migration, and net out-migration;
B. Socioeconomic conditions, predictions, demographics, of potential buyers, and number of income-eligible households in market area;
C. Discussion of potential competition for the project;
D. Physical condition and age of current housing stock in the proposed market area;
E. Sales activity information for the previous 6 months that clearly indicates if the comparable housing market has grown or contracted;
F. The analysis must also include the following information:
    1. the overall supply of comparable housing to overall housing in the market and how many months of supply;
    2. the average number of listing days of comparable housing;
    3. the percentage of low-income households compared to overall population;
    4. other homeownership options already available in the area (including your current projects in the pipeline); and,
    5. the price, location, amenities, and financing of units in the area that are most directly comparable to the proposed housing (Project pricing needs to be competitive, but are there factors that could offset your program advantages); and,
G. Absorption Rate, defined as the average number of sales per month, divided by the total number of available homes for sale.

Item 14 –Tax Credit Total per unit Eligible Basis

For underwriting the allocation of Tax Credits, the total per unit Eligible Basis for projects will be limited to the following:

# of Bedrooms	24 units or less	25 units or more
0	$144,900	$137,700
1	$163,800	$155,700
2	$182,700	$179,100
3	$211,500	$196,200
4+	$241,200	$229,500

*Senior projects only are allowed to receive an additional cost allowance for a Community Room if the Community Room is made available to the tenants 24 hours every day and has a minimum 750 square feet.

Item 15 – 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. The average rate obtained on all applications submitted will be taken into consideration when evaluating reasonableness of the Syndication Rate.

Item 16 – 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 in 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 Tract Numbers (effective 10/22/2018)						
Metropolitan Areas		Non-Metropolitan Areas				
Cheyenne	Casper	Albany County	Fremont County	Platte County	Uinta County	Washakie County
2.00	2.00	9630.00	1.00	9594.00	9754.00	3.01
7.00	11.00	9631.00				
15.02	12.00	9634.00				
		9635.00				
		9637.00				

HUD DIFFICULT DEVELOPMENT AREAS
None

WCDA DIFFICULT DEVELOPMENT AREAS
WCDA has exercised its option to designate a project as being in a Difficult Development Area, allowing up to a 30% increase in eligible basis if all of the following requirements are met:

- The project needs the increase to be financially feasible.
- No other affordable housing projects in the area show an annual vacancy rate in excess of a standard turnover rate.
- The average rents for all proposed units are at or below 45% of the Area Median Income.
- The project is being developed in a community with a population of 15,000 or less and there are no communities with a population over 15,000 within 20 miles of the project.
- The project must not be done in conjunction with a separate project in the same locale.

Item 17 – Priority Target Populations

The following populations are considered priorities for the State of Wyoming per the 2018-2022 Consolidated Plan:

Extremely Low Income Low Income Large Families Families with Children Elderly Public Housing Residents Rural Chronic Homelessness Individuals Families with Children Mentally Ill Chronic Substance Abuse Veterans	Victims of Domestic Violence Unaccompanied Youth Frail Elderly Persons with Mental Disabilities Persons with Physical Disabilities Persons with Developmental Disabilities Persons with Alcohol or Other Addictions Persons with HIV/AIDS and their Families

ATTACHMENT "B" Item "1"

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	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)
		Average Market Rate rents for 5-bedroom units (with utility adjustments if appropriate)

*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	INCOME LEVEL WITH HIGHEST NEED
		Level of Income with highest need in the community

	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 Economic Stabilization

PMA Physical	PMA Economic	CITY Physical	CITY Economic	VACANCY RATE
				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		Elementary School
	Fire		Junior or Middle School
	Police		High School
	Proximity to Public Transit		College
	Hospital		Convenience Store
	Senior Center		Church
	Bank		Post Office
	Doctor Offices		Park
	Laundry Mat - if facilities not on site		Recreation
	Grocery Store		Library
	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

No Modifications are allowed to this Contractor's Certification.

ATTACHMENT "B" ITEM "2"

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, HOME funding under Title II of the Home Investment Partnerships Act of the National Affordable Housing Act of 1990, and/or NHTF funding under the Housing and Economic Recovery Act of 2008 in the Federal Housing Finance Regulatory Reform Act of 2008, Division A, Title I Section 1338. 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's 24 CFR Part 92.251(a)(2)(i) through (V) and/or NHTF's 24 CFR Part 93.301(a).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.

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: _____ Date: _____

ATTACHMENT "B" ITEM "3

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, and/or NHTF funding under the Housing and Economic Recovery Act of 2008 in the Federal Housing Finance Regulatory Reform Act of 2008, Division A, Title I Section 1338, 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 HOME's 24 CFR Part 92.251(a)(2)(i) through (V) and/or NHTF's 24 CFR Part 93.301(a).
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:

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 pre-empt 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.

Dated: _____, 20___

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. A LIST OF SUSTAINABLE STRATEGIES INCORPORATED IN THE PROJECT, AS COMMITTED TO IN THE APPLICATION MUST BE INCLUDED WITH BOTH ORIGINAL COPIES OF THIS CERTIFICATION.)

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).

ARCHITECT SIGNATURE: _____Date: _____

Name of Company: _____

ATTACHMENT "C" ITEM "1"

TAX CREDIT INCOME AND RENT LIMITS - The Tax Credit income and rent limits are available on the WCDA website:
https://www.wyomingcda.com/multifamily/ Select LIHTC, then Income and Rent Limits

HOME PROGRAM INCOME AND RENT LIMITS - The HOME income and rent limits are available on the WCDA website:
https://www.wyomingcda.com/multifamily/ Select HOME, then Income and Rent Limits

NHTF PROGRAM INCOME AND RENT LIMITS - The NHTF income and rent limits will be posted when available on the WCDA website:
https://www.wyomingcda.com/multifamily/ Select NHTF, then Income and Rent Limits

WCDA posts the income and rent limits as a courtesy. For verification purposes, they may also be accessed on the HUD website:
http://www.huduser.org/portal/datasets/il.html

ATTACHMENT "D" ITEM "1"

Narrative Required with Rental Applications

This is your opportunity to describe your project and give us information that may be contained elsewhere in the application. In other words, draw us a picture, brag about your project, tell us things about your project you feel we should know.

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 demolition involved; what are the sitework requirements (slope, detention ponds etc.); what work has already been completed on the site and/or building; 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 establish 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 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.

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. For FY 2019, applicants will only be required to provide a match of 5% because WCDA has been able to accumulate banked match over the past several years.

The match obligations can be met with:

a. Cash from a non-federal source
b. Value of waived taxes, fees or charges

c. Value of donated land or real property
d. Cost of infrastructure improvements associated with HOME projects
e. Below market interest rate loans.
f. 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, NHTF, and/or 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 a General Information Notice should already have been sent to each tenant per HUD requirements and you must discuss this process and provide proof of delivery to each tenant. You will need to 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 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. If Davis Bacon and other Labor Laws, or Uniform Relocation Act apply, include experience with meeting these requirements.

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

Briefly summarize why HOME, NHTF, and/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, NHTF, and/or Tax Credit resources. Discuss whether the project could be implemented at a lower level or smaller scale without the HOME, NHTF, and/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:

Based on criteria outlined in Attachment "E", HOME Program Description, Section XIII, Item "A" and/or Attachment "I", NHTF Program Description, Section VIII, Item "A", describe how you will market your project to minority populations, special needs, or hard-to-reach very-low income households.

NOTE: HOME and NHTF funds as described in this application are anticipated funding. Final HOME allocation amounts are subject to change based upon the receipt of Federal Award which is anticipated in March of 2019. Final NHTF allocation amounts are subject to change and are contingent upon approval from HUD of WCDA's NHTF Allocation Plan. Receipt of the NHTF Federal Award is anticipated sometime in the 2018 Program Year. **Inconsistent information between the core application, Narrative Attachment, Market Study or other documents may result in the application being rejected.**

Attachment "D" Item "2" Quarterly/Monthly Progress Report

Project Name: _____

Quarterly/Monthly 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 (or Monthly) until 8609(s) are issued (for Tax Credits) or HOME and/or NHTF project completion reports have been completed. If additional quarters/months are needed please make a copy of the form.

Activity	**Application**	**Quarterly/Monthly Progress Reports**			
	Planned Timetable	Quarter/Month Ending _____	Quarter/Month Ending _____	Quarter/Month Ending _____	Quarter/Month Ending
1. Site	Scheduled Month/Day/Year	Actual or Scheduled Month/Day/Year	Actual or Scheduled Month/Day/Year	Actual or Scheduled Month/Day/Year	Actual or Scheduled Month/Day/Year
Acquisition					
Zoning Approval					
Tax Abatement					
Environmental Review Completed					
2. Construction Financing					
Loan Application					
Conditional Commitment					
Firm Commitment					
Closing and Disbursement					
3. Local Permits					
Conditional Use Permit					
Variance					
Site Plan Review					
Building Permit					
Other (specify)					
4. Other Loans and Grants					
Type & Source:					
Application					
Closing or Award					
5. Equity Syndication					
Letter of Commitment					
Partnership Closing					
6. Other					
10% of Project Costs Incurred					
Tax Credit Carryover Allocation					
Final Plans/Specs					
Construction Start					
Construction Completion					
Placed in Service					
Occupancy of All Low-Income Units					
Final Cost Certification					

Amount of material change orders for current period (please attach change order report) _____

Total Amount of material change order to date:_____

Estimation of total contractor/subcontractor labor hours for period:_____

Any other significant issues should be outlined on a separate sheet of paper and attached to the report

_____

Signature Date

Attachment "E" HOME Program Description

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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 and 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 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 (entitlement cities) projects must be developed pursuant to their respective local Consolidated 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 IDIS System for specific projects.
- Four years to actually expend 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.

II. ALLOCATION OF FUNDS

1. CHDOs - Community Housing Development Organizations

A. CHDO ELIGIBLE ACTIVITIES

Approximately 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. For actual funding levels, see WCDA Allocation Plan, Current Year Summary Attachment "A". Activities that are not eligible under the CHDO set aside are; HOME/WRAP, tenant based rental assistance, brokering or other real estate transactions.

B. CHDO TECHNICAL ASSISTANCE-

Ten percent of the CHDO 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. Applicants who anticipate using the technical assistance and site control loans should apply to WCDA before any project costs are incurred in order to ensure eligibility for the funding.

2. CHDO General Operating Costs (not project specific)

A 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. enter into a written agreement with WCDA that states the CHDO is expected to own, sponsor or develop a project which will 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.
7. submit a report or narrative of accomplishments achieved through prior HOME CHDO Operating funds received.

Requests for funding will generally be accepted once a year and should be submitted to WCDA on or before September 30th. No more than $150,000 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.

3. **Single-family Homeownership –**The approximate amount of funding set-aside in this category for Single-family Homeownership programs is outlined in the current Year Summary, Attachment "A". These funds will be made available for both new construction and acquisition/rehabilitation activities. If all the HOME funds are not allocated in the first funding cycle, WCDA may retain any funds under any of the set asides for this eligible activity. In addition, as Program income is received and the available funding is increased, such funds may also be used under this set-aside.

4. **Acquisition / Rehabilitation –** Approximately twenty-five percent (25%) of the available funding is set aside for the acquisition and rehabilitation of existing multifamily housing. To qualify for this set-aside no additional housing units may be added to the project.

5. **Open Category – WCDA** – The approximate amount of funding set-aside for Direct Administration is outlined in the current Year Summary, Attachment "A". This set aside is available for Rental Housing Production 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 Allocation Plan. For actual funding levels, see WCDA's Allocation Plan, Current Year Summary Attachment "A".

6. **Administration and Contingency Reserve -**
Approximately 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.

III. RENTAL HOUSING PRODUCTION PROVISIONS

A. **Rental Housing Production** - can be accomplished in the following ways:

1. Rehabilitation
    a. Rehabilitation
    b. Conversion
    c. Reconstruction
    d. Rehabilitation and Refinance
2. Acquisition and/or Rehabilitation
3. New Construction

There are three important things to remember about HOME-assisted rental housing:

1. Rents are strictly controlled
2. 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).
3. 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.

B. **Eligible Property Types**

1. One or more buildings on a single site that are under common ownership, management and financing.
2. Scattered sites are eligible as one project as long as the sites are under common ownership, management and financing within the same market area as defined in the Market Study, and receive HOME assistance as part of a single undertaking.
3. There are no limits on the number of units per project.
4. There are no preferences for unit size and style except for what is identified in the applicable Consolidated Plan.
5. Properties may be privately or publicly owned.
6. A letter of notification for proposed development will be sent to the local jurisdiction. Please note, local jurisdiction approval is not required.

C. **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.

The Low HOME Rent is available on HUD's website as disclosed in the Affordable Housing Plan Current Year Summary Attachment "C" Item "1".

The maximum allowable HUD HOME Rents must be reduced if the tenant pays for utilities. Utility adjustments are made in accordance with the HOME program Rules and Regulations. Utility adjustments proposed by owners/developers for specific projects must be approved by WCDA.

D. Affordability Period

HUD requires HOME-assisted Rental units be rent controlled for varying lengths of time depending upon the average amount of HOME funds invested per unit:

Rental Housing Activity	Minimum per unit HOME $	Affordability Period
Rehab or Acquisition of Existing	<$15,000/unit	5 years
Rehab or Acquisition of Existing	$15,000-$40,000	10 years
Rehab or Acquisition of Existing	>$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.

E. 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.

   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.

F. Determining the Initial Income Eligibility of HOME Tenants/Homeowners

The HOME Program beneficiaries under Rental Housing Production are tenants with incomes at or below 50% of the Area Median Income. The income of each tenant/homeowner must be determined initially in accordance with 24 CFR 92.203 by using Annual Income as defined under the Section 8 Housing Assistance Payments programs in 24 CFR Part 5.609.

G. 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 by utilizing third party source documents evidencing annual income.

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

H. 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. However, the next available unit of comparable size must be rented to a HOME eligible household, at which time the 80% unit will be re-classified as a Tax Credit unit at the appropriate income and rent level. The rent on the 80% unit may not be increased until the unit is replaced with a qualifying HOME unit.

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 the HOME Investment Partnerships Programs Property Standards cited at 92.251 which includes that the housing be maintained as decent, safe, and sanitary housing in good repair, meet all applicable State and local code requirement and ordinances and in absence of State or local code requirements and ordinances, property must meet HUD's Uniform Physical Condition Standards (UPCS) prescribed by HUD pursuant to 24 CFR 5.705 (except for the scoring, item weight and level of criticality) at least once every three years.

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

I. 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; and

Rehabilitation and Refinancing to permit or continue affordability under 24 CFR 92.252.

Rehabilitation must be the primary eligible activity requiring at least $30,000 of required rehabilitation costs per unit. A CNA must be provided by an unaffiliated third party, such as a licensed architect or engineer to include a unit by unit breakdown and budget at time of application. The CNA must include an estimate of the remaining useful life of major systems and estimates of replacement costs. Major systems include: structural support, roofing, cladding, weather proofing (windows, doors, siding, and gutters), plumbing, electrical and heating, ventilations, and air conditioning. **The Project's on-site work and rehabilitation budget must not exceed 110% of the CNA proposed budget for recommended improvements.** Rehabilitation may include adding rooms outside the existing walls of a structure, but adding a housing unit is considered new construction.

- 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 population over an extended affordability period can be demonstrated.
- Refinancing must be made for the purposes of maintaining current affordable units or creating additional affordable units and the rehabilitation cost must be greater than the amount of debt that is refinanced.
- The minimum required period of affordability would be 15 years.
- Refinancing is an eligible activity throughout the State of Wyoming under the HOME Program.
- 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.

If all HOME-assisted units are not rented within 5 months from project completion, Owner must provide WCDA information about current marketing efforts and an enhanced plan for marketing the units so that it is leased as quickly as possible. If efforts to market the units are unsuccessful and the unit is not occupied by an eligible tenant, Owner will be required to repay all HOME fund invested in the unit.

J. Eligible Costs

HOME funding is disbursed on a reimbursement basis. After costs have been incurred and paid by the project, a reimbursement request may be submitted for Land acquisition and/or Costs as outlined below. A 10% retainage will be withheld from each draw request until the project is completed, placed in service and all documentation sufficient to WCDA is submitted to close out the project. All draws will be processed once a month.

1. **Land Acquisition Costs**

2. **Development Hard Costs** - The actual construction and/or rehabilitation costs including:
   a. Costs of actual material and labor
   b. Costs to meet the International Residential Code or International Building Code (as applicable to the type of housing) of the International Code Council
   c. Costs to meet rehabilitation standards
   d. Essential improvements
   e. Energy-related improvements
   f. Costs to contain or abate Lead-based paint hazards
   g. Costs to mitigate hazards including but not limited to mold, asbestos, radon, and drugs
   h. Improvements for handicapped persons
   i. Repair or replacement of major systems in danger of failure
   j. Incipient repairs and general property improvements of a non-luxury nature

3. **Demolition Costs** but only when part of a rehabilitation project.

4. **Site Improvements** and utility connections can be funded with HOME funds only when conducted in conjunction with HOME eligible activities.

5. **Related Soft Costs** - reasonable and necessary costs, including:
   1. Architectural, engineering or related professional services (inspection, work write-ups) to a third party.
   2. Financing costs such as loan points, credit and title costs, recordation fees, building permits, legal fees, appraisals, developer fees.
   3. Relocation costs (permanent and temporary), affirmative marketing, and fair housing information services.

IV. HOME SINGLE-FAMILY HOMEOWNERSHIP

WCDA allows for single-family homeownership programs focusing on either new construction, or acquisition/rehabilitation similar to the Neighborhood Stabilization Program.

A. **The Eligible Homebuyer**

The homebuyer 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. Other requirements must be met in order to meet credit worthiness and financial capacity.

B. **The Eligible Property Type**

An eligible property is any single-family property which the value of the property, after rehabilitation, does not exceed the HOME Single Family limits in effect at the time of HOME funds commitment.

All properties must also meet HUD's site and environmental requirements summarized below in Section VII Site and Neighborhood Requirements.

C. **Affordability Period**

Minimum Affordability Periods are as follows:

Amount of HOME Investment			Minimum Affordability Period
$0	-	$ 15,000	5 years
$ 15,001	-	$40,000	10 years
$ 40,001	-	or more	15 years

D. **Conversion to rental -** If the home is not sold with 9 months after rehabilitation is completed it must be converted to a rental property. If units are not occupied within 18 months from completion of rehabilitation all HOME funds must be paid back to HUD.

Should a property be sold or cease to be occupied by a qualified household during the period of time specified, Recapture provisions as outlined in Section XIV HOME Program Definitions will apply.

V. PROPERTY STANDARDS

Housing that is constructed or rehabilitated with HOME funds must meet all applicable local building codes, 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 Residential Code or International Building Code (as applicable to the type of housing) of the International Code Council. All new construction project must all meet the requirements in 24 CFR Part 92.251 (a)(2)(i) through (v). All rehabilitation projects must comply with Attachment "J", WCDA Property Development Standards.

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.

VI. ELIGIBLE REHABILITATION COSTS

A. Development Hard Costs - The actual rehabilitation costs including:

1. Costs to meet the International Residential Code or International Building Code (as applicable to the type of housing) of the International Code Council. All rehabilitation projects must comply with Attachment "J", WCDA Property Development Standards.
2. Costs to meet rehabilitation standards
3. Essential improvements
4. Energy-related improvements
5. Costs to contain or abate Lead-based paint hazards
6. Costs to mitigate hazards including but not limited to mold, asbestos, radon, and drugs
7. Improvements for handicapped persons
8. Repair or replacement of major housing systems in danger of failure
9. 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:

1. Architectural, engineering or related professional services (inspection, work write-ups) to a third party.
2. Financing costs such as loan points, credit and title costs, recordation fees, building permits, legal fees, appraisals, and developer fees.
3. Relocation costs (permanent and temporary), affirmative marketing, and fair housing information services.

E. Refinancing Costs – only when cost of rehabilitation exceeds cost of refinancing.

VII. 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:

A. The site's proximity to noise sources such as railroads, highways or busy streets, and airports or military airfields.
B. The site and the project must have a clearance from the state historic preservation office.
C. The site cannot be in a 100-year flood plain.
D. Lead-based paint and asbestos are concerns and must be dealt with in accordance with HUD and state requirements.
E. The site's proximity (within 3,000 feet) to a hazardous waste site listed on the CERCLIS list.
F. The site's proximity to above ground storage tanks with hazardous materials.
G. Zoning and Uses of land surrounding site (Commercial, Business, and Industrial uses are not appropriate).
H. Proximity to Services

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 process and HUD's site and neighborhood standards requirement at 24 CFR Part 983.57(e)(2) and (3).

Projects with sites that do not meet the cited site and neighborhood standards or do not promote compliance with civil rights laws, or promote greater choice of housing opportunities will be denied funding regardless of ranking or scoring. Site selection is extremely important and is part of the evaluation and ranking process.

VIII. ELIGIBLE FORMS OF FINANCIAL ASSISTANCE

HOME funds can be structured as follows:

A. Interest-bearing loans
B. Non-interest-bearing loans
C. Interest subsidies that leverage other monies
D. Deferred payment loans
E. Forgivable loans
F. Alternative forms must be approved by HUD

IX. 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:

1. Cash from a non-federal source (owner's cash is not eligible as match)
2. Value of waived taxes, fees or charges
3. Value of donated land or real property
4. Cost of infrastructure improvements not made with federal resources associated with HOME projects
5. 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
6. Reasonable value of donated site-preparation and construction materials not acquired with Federal resources
7. Reasonable rental value of the donated use of site preparation or construction equipment
8. The value of donated or voluntary labor or professional services
9. The value of sweat equity
10. The direct cost of supportive services provided to families residing in HOME-assisted units during the period of affordability
11. The direct cost of homebuyer counseling services provided to families that acquire a property with HOME assistance

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 2019, applicants will only be required to provide a minimum match of at least 5.0%.

C. Match Pool Funding

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 contact WCDA for additional information on funding alternatives.

D. Sources of Match

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

1. Local tax funded initiatives
2. Tax assessing offices
3. Water and sewer departments
4. Streets and sidewalk departments
5. Redevelopment agencies
6. Public housing agencies
7. State agencies

8. State tax funded initiatives
9. Charitable organizations/foundations
10. Private sector organizations
11. Lending institutions
12. Corporate donations/commitments

X. DOUBLE DIPPING ON HOME-ASSISTED PROJECTS

Except for within 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.

XI. HOME INVESTMENT PER UNIT

The maximum, average subsidy per HOME-assisted unit is established by HUD. Maximum Subsidy limits for Wyoming can be found in the WCDA 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.

XII. 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 social-service agencies (e.g. the Department of Family Services, the Salvation Army, housing authorities, senior centers, Climb Wyoming, etc.).

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.

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. 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. On-site monitoring will be performed as required by HUD HOME Regulations.

13. Homebuyer's Education courses, made available through the Wyoming Housing Network, Inc. (WHN), will provide for a discussion of fair housing.

14. Information on fair housing can be obtained from the regional Fair Housing Office in Denver. The mailing address for this office is Office of Fair Housing, US-HUD, 1670 Broadway, 23rd floor, Denver, CO 80202-4801 and the phone number for Fair Housing complaints is 800-877-7353.

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

If awarded HOME funds, WCDA will require general contractors on projects being funded with HOME to solicit bids from minority-owned (MBE) and female-owned (WBE) businesses to the extent practicable. Documentation and data on the steps taken to reach out to MBE/WBE businesses will be required to be submitted to WCDA. WCDA will maintain project records on the use and participation of MBE and WBE.

Davis Bacon and other Labor Laws - If Davis Bacon and other labor laws apply, include experience with meeting these requirements.

C. COMPLIANCE TRAINING REQUIREMENTS

All Project Owners must attend and pass the required testing to obtain a Compliance Certification by a nationally-recognized firm 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 must attend and pass the required testing to obtain a Compliance Certification by a nationally recognized firm 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.

XIII. HOME PROGRAM DEFINITIONS

Adjusted Income
Adjusted income is used in HOME to compute actual tenant rent 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%).

Acquisition / Rehabilitation
Approximately twenty-five percent (25%) of the available funding is set aside for the acquisition and rehabilitation of existing multifamily housing. To qualify for this set-aside no additional housing units may be added to the project.

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).

Annual (Gross) Income
The HOME Program allows for the use of one of two "Annual Income" definitions as described in 24 CFR Part 92.203. Annual Income is used for homeowner, homebuyer and tenant eligibility and targeting purposes. Changes to the HOME Final Rule published in the Federal Register July 24, 2013 eliminates the definition that is based on income reported on the U.S. Census Long Form.

CDBG
CDBG means the Community Development Block Grant program under 24 CFR Part 570.

Commitment
The written, legally binding agreement that includes the date of the signature of each person signing the agreement, between the Participating Jurisdiction (or other entity) and the project owner providing a specific amount of HOME funds for an identifiable project for which all necessary financing has secured a firm commitment, a budget and schedule have been established, and underwriting has been completed and under which construction is scheduled to start within twelve months of the agreement date.

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. Changes to the HOME Final Rule published in the Federal Register July 24, 2013 amended the qualifications to become a CHDO. The most significant changes include the requirement that the CHDO have demonstrated capacity for carrying out housing projects assisted with HOME funds. This requirement may NOT be met with a consultant, volunteer or board members. The CHDO must have paid staff with the demonstrated capacity. For complete qualification requirements see 24 CFR Part 92.2

Consolidated Plan
Consolidated plan means the plan submitted and approved in accordance with 24 CFR Part 91.

Deferred Loan
A HOME loan issued by WCDA with no amortization or repayment for the term of the loan, with the balance due upon sale or transfer of the property, or generally forgiven if the property meets the full affordability period.

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.

Homeownership
Homeownership is defined as ownership in fee simple title in a 1- to 4-unit dwelling or in a condominium unit, or equivalent form of ownership approved by HUD. Changes to the HOME Final Rule published in the Federal Register July 24, 2013 clarified when a long term ground lease is acceptable and elucidated Contract for Deeds are not an acceptable form of ownership. For further information see 24 CFR Part 92.2.

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. **CAUTION:** Changes to the HOME Final Rule published in the Federal Register July 24, 2013 amended the definition of a low-income family as it relates to students.

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.

Program Income
Changes to the HOME Final Rule published in the Federal Register July 24, 2013 clarified HUD's long standing position that Gross income from the use or rental of real property that was acquired, rehabilitated, or constructed

with HOME funds, less costs incidental to generation of the income (Program income does NOT include gross income from the use, rental or sale of real property received by the project owner, unless the funds are paid by the project owner to the PJ.

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 by the owner, as a single undertaking. If there is more than one site associated with the project, the sites must be within the primary market area defined in the Market Study.

Project Completion
All necessary title transfer requirements and construction work have been performed; the project complies with the requirements of 24 CFR Part 92 including the property standards under §92.251; the final drawdown of HOME funds has been disbursed for the project; and the project completion information has been entered into IDIS.

Purchase Price
See Acquisition Cost.

Recapture
Any HOME homeownership activity available under the Wyoming HOME Program is subject to Resale or Recapture provisions. To ensure a fair return to the homebuyer based on economic conditions as well as the condition of the home, the homebuyer will receive the balance of the Net Available Proceeds after the entire HOME Investment has been paid.

The Recapture requirement must be stipulated in a lien document separate from the mortgage which must be recorded. These recapture provisions will be achieved by having the following language in the Note and separate lien document, which is recorded in county records; "In the event of a sale (whether voluntary or involuntary) of the Property subject to the Mortgage, Borrower may be relieved from the obligation to pay a portion of amount due under this NOTE, including Principal, only if the deficiency from the sale results from an economic condition or factors beyond the Borrower's control and not caused by the Borrower, such as unforeseen destruction or damage to the property and in the following, limited circumstance: If the net proceeds from the sale (net proceeds means the sale price minus closing costs of the sale) are not sufficient to pay all late charges, expenses, fees (including attorney's fees) and any other charges plus the entire Interest and Principal amount then due, payment of the net proceeds resulting from the sale to Lender will constitute payment in full of this NOTE and borrower shall be released from liability for any further payment. Provided, however, that if the sale is voluntary, the amount of the sale price must be equivalent to a price that unrelated, willing buyers and sellers would agree upon according to real estate market conditions that exist at the time and place of sale, otherwise Borrower shall not be released from liability for any further payment, unless otherwise agreed by Lender."

Reconstruction
Reconstruction means the rebuilding, on the same lot, of housing standing on a site at the time of project commitment, except that housing that was destroyed may be rebuilt on the same lot if HOME funds are committed

within 12 months of the date of destruction. 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.

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.

Sub-recipient
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 sub-recipient.

Substandard Condition
Any residence that does not comply with the standards noted in the most currently adopted edition of the Uniform Housing Code.

Substandard Condition but Suitable for Rehabilitation
Any residence which does not comply with the standards noted in the most currently adopted edition of the Uniform Housing Code, yet is economically practical to rehabilitate. Thus, the cost of acquisition and rehabilitation does not exceed after rehabilitation value of the structure.

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

Uniform Physical Condition Standards (UPCS)
Uniform national standards established by HUD pursuant to 24 CFR 5.703 for housing that is decent, safe, sanitary, and in good repair. Standards are established for inspection items for each of the following areas: site, building exterior, building systems, dwelling units and common areas.

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. An individual does not qualify as a very low-income family if the individual is a student who is not eligible to received Section 8 assistance under 24 CFR 5.612.

Attachment "F" Other Federal Requirements

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.

Subpart H -- Other Federal Requirements under NHTF:

§ 93.301(f) Environmental review.
§ 93.350 Other Federal requirements and nondiscrimination; Affirmative Marketing.
§ 93.351 Lead-based paint.
§ 93.352 Displacement, relocation, and acquisition.
§ 93.353 Conflict of Interest.
§ 93.354 Funding Accountability and Transparency Act.
§ 93.355 Eminent domain.

Additional Federal Requirements:

Executive Order 11246 Equal Employment Opportunity
Violence Against Women Act of 2013 (VAWA)
Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity

§ 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.**

Affirmative marketing.

A. 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 without 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.)

B. The affirmative marketing requirements and procedures adopted must include:

1. 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);

2. 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);

3. 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);

4. 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,

5. 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.

C. 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.

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.

General. The environmental effects of each activity carried out with HOME funds must be assessed in accordance with the provisions of the National Environmental Policy Act of 1969 (NEPA) and the related authorities listed in HUD's implementing regulations at 24 CFR parts 50 and *58.*

Responsibility for review.

A. 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.

B. A State participating jurisdiction must also assume responsibility for approval of requests for release of HOME funds submitted by State recipients.

C. 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

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.

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:

A. 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.

B. Appropriate advisory services, including reasonable advance written notice of:

1. The date and approximate duration of the temporary relocation;

2. The location of the suitable, decent, safe, and sanitary dwelling to be made available for the temporary period;

3. 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

4. The provisions of paragraph (b)(1) of this section.

WCDA requires that a plan to show the process of relocation for residential tenants be submitted with the application.

Relocation assistance for displaced persons.

A. *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.

B. *Displaced Person.* 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:

1. After notice by the owner to move permanently from the property, if the move occurs on or after:

   a. 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

      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 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:

a. 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:

b. The tenant's monthly rent before such agreement and estimated average monthly utility costs; or

c. 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

d. The tenant is required to relocate temporarily, does not return to the building/complex, and either

- The tenant is not offered payment for all reasonable out-of-pocket expenses incurred in connection with the temporary relocation; or

- Other conditions of the temporary relocation are not reasonable; or

- 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.

e. Notwithstanding paragraph (c)(2)(i) of this section, a person does not qualify as a displaced person if:

- 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.

- 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;

- The person is ineligible under 49 CFR 24.2(g)(2); or

- HUD determines that the person was not displaced as a direct result of acquisition, rehabilitation, or demolition for the project.

The jurisdiction may, at any time, ask HUD to determine whether a displacement is or would be covered by this rule.

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.

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.

Residential anti-displacement and relocation assistance plan. The participating jurisdiction shall comply with the requirements of 24 CFR part 42, subpart C.

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.

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.

General

A. 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).

B. 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.

C. Participating jurisdictions, contractors, subcontractors, and other participants must comply with regulations issued under these acts and with other Federal laws and 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.

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.

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

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.

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 there under, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter.

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.

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:

A. 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

B. 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.

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:

A. 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;

B. 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;

C. 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;

D. Whether the interest or benefit was present before the affected person was in a position as described in paragraph (c) of this section;

E. 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

F. Any other relevant considerations.

Owners and Developers

A. 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 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.

B. *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:

1. 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:

2. 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:

3. Whether the tenant protection requirements of § 92.253 are being observed:

4. Whether the affirmative marketing requirements of § 92.351 are being observed and followed; and

5. Any other factor relevant to the participating jurisdiction's determination, including the timing of the requested exception.

§ 92.357 Executive Order 12372

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.

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.

Subpart H – Other Federal Requirements under NHTF

§93.301(f) Environmental Review.

NHTF is not currently subject to 24 CFR part 58 but in the administration of the NHTF, HUD is committed to the principles of National Environmental Protection Act and insuring decent, safe, sanitary and affordable for extremely low and very low income families. Therefore, NHTF environmental rule establishes environmental review standards for NHTF for new construction and rehabilitation, which are included in the property standards section of the 24 CFR 93.301(f) for historic preservation, archaeological resources, farmland, airport zones, Coastal Barrier Resource System, coastal zone management, floodplains, wetlands, explosives and hazards, contamination, noise, endangered species, wild and scenic rivers, sale drinking water, and sole source aquifers.

These standards are substantially the same or very similar to the requirements of 24 CFR Part 58.
When combining HTF with HOME, a Part 50 or 58 Environmental Review and also meet the HTF environmental provisions.

§93.350 Other federal requirements and nondiscrimination; affirmative marketing.

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

Affirmative marketing.

A. Each grantee must adopt and follow affirmative marketing procedures and requirements for rental projects containing five or more NHTF-assisted housing units and for homeownership assistance programs. Affirmative marketing steps consist of actions to provide information and otherwise attract eligible persons in the housing market area to the available housing without regard to race, color, national origin, sex, religion, familial status, or disability. If a grantee's written agreement with the project owner permits the rental housing project to limit tenant eligibility or to have a tenant preference in accordance with §93.303(d)(3), the grantee must have affirmative marketing procedures and requirements that apply in the context of the limited/preferred tenant eligibility for the project.

B. The affirmative marketing requirements and procedures adopted must include:

    1. Methods for informing the public, owners, and potential tenants about Federal fair housing laws and the grantee'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);

2. Requirements and practices the grantee and owner must adhere to in order to carry out the grantee's affirmative marketing procedures and requirements (*e.g.,* use of commercial media, use of community contacts, use of the Equal Housing Opportunity logotype or slogan, and display of fair housing poster);
3. Procedures to be used by the grantee and owners to inform and solicit applications from persons in the housing market area who are not likely to apply for the rental housing or homeownership assistance program without special outreach (*e.g.,* through the use of community organizations, places of worship, employment centers, fair housing groups, or housing counseling agencies);
4. Records that will be kept describing actions taken by the grantee and owners to affirmatively market rental housing units and homeownership assistance program and records to assess the results of these actions; and
5. A description of how the grantee will annually assess the success of affirmative marketing actions and what corrective actions will be taken where affirmative marketing requirements are not met.

C. A grantee that sub-grants NHTF funds to sub-grantees must require each sub-grantee to either follow the grantee's procedures and requirements or adopt its own affirmative marketing procedures and requirements that meet this section.

§93.351 Lead-based paint.

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

§93.352 Displacement, relocation, and acquisition.

A. *Minimizing displacement.* Consistent with the other goals and objectives of this part, the grantee 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 NHTF funds. To the extent feasible, displaced 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:
3. The date and approximate duration of the temporary relocation;
4. The location of the suitable, decent, safe, and sanitary dwelling to be made available for the temporary period;
5. 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
6. 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.

D. *Displaced person.* For purposes of this paragraph, 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 HTF funds. This includes any permanent, involuntary move for an assisted project, including any permanent move from the real property that is made:

1. After notice by the owner to move permanently from the property, if the move occurs on or after:
    a. The date of the submission of an application to the grantee or HUD, if the applicant has site control and the application is later approved; or
    b. The date the grantee approves the applicable site, if the applicant does not have site control at the time of the application; or
    c. Before the date described in paragraph (c)(2)(i)(A) of this section, if the grantee or HUD determines that the displacement resulted directly from acquisition, rehabilitation, or demolition for the project; or
    d. By a tenant-occupant of a dwelling unit, if any one of the following three situations occurs:

E. 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:

1. The tenant's monthly rent before such agreement and estimated average monthly utility costs; or
2. The total tenant payment, as determined under 24 CFR 5.628, if the tenant is low-income, or 30 percent of gross household income, if the tenant is not low-income;
3. (*2*) The tenant is required to relocate temporarily, does not return to the building/complex, and either:

    a. The tenant is not offered payment for all reasonable out-of-pocket expenses incurred in connection with the temporary relocation; or
    b. Other conditions of the temporary relocation are not reasonable; or
    c. 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.

Notwithstanding paragraph (c)(2)(i) of this section, a person does not qualify as a "displaced person" if:

1. 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 grantee 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 calendar days advance written notice to the tenant specifying the grounds for the action.
2. 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;
3. The person is ineligible under 49 CFR 24.2(g)(2); or
4. HUD determines that the person was not displaced as a direct result of acquisition, rehabilitation, or demolition for the project.

F. The grantee may, at any time, ask HUD to determine whether a displacement is or would be covered by this rule.

Initiation of negotiations. For purposes of determining the formula for computing replacement housing assistance to be provided under this paragraph (c) 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.

Optional relocation assistance. The grantee may provide relocation payments and other relocation assistance to families, individuals, businesses, nonprofit organizations, and farms displaced by a project assisted with NHTF funds where the displacement is not subject to paragraph (c) of this section. The grantee 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 grantee 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.

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.

Appeals. A person who disagrees with the grantee'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 grantee.

§93.353 Conflict of interest.

Applicability of 2 CFR 200.318. In the procurement of property and services by grantees and sub-grantees, the conflict of interest provisions in 2 CFR 200.318 apply. In all cases not governed by 2 CFR 200.318, the provisions of this section apply.

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 NHTF 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 financial benefit from a NHTF-assisted activity, or have a financial interest in any contract, subcontract, or agreement with respect to the NHTF-assisted activity, or the proceeds from such activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for one year thereafter. Immediate family ties include (whether by blood, marriage, or adoption) the spouse, parent (including a stepparent), child (including a stepchild), brother, sister (including a stepbrother or stepsister), grandparent, grandchild, and in-laws of a covered person.

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 grantee or sub-grantee.

Exceptions: Threshold requirements. Upon the written request of the grantee, 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 NHTF and the effective and efficient administration of the grantee's program or project. An exception may be considered only after the grantee has provided the following:

A. 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
B. An opinion of the grantee's attorney that the interest for which the exception is sought would not violate State or local law.
C. *Factors to be considered for exceptions.* In determining whether to grant a requested exception after the grantee 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 income eligible 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 grantee or the person affected when weighed against the public interest served by avoiding the prohibited conflict; and
    6. Any other relevant considerations.

Recipient—(1) *General*. No recipient assisted with NHTF funds (or officer, employee, agent, elected or appointed official, or consultant of recipient or immediate family member or immediate family member of an officer, employee, agent, elected or appointed official, or consultant of a recipient) whether private, for-profit or nonprofit, may occupy a NHTF-assisted affordable housing unit in a project during the required period of affordability specified in §93.302(e) or §93.304. This provision does not apply to an employee or agent of the recipient who occupies a housing unit as the project manager or maintenance worker.

Exceptions. Upon written request of a recipient, the grantee (or subgrantee, if authorized by the grantee) 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 NHTF program and the effective and efficient administration of the recipient's NHTF-assisted project. In determining whether to grant a requested exception, the grantee shall consider the following factors:

A. 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;
B. 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;
C. Whether the tenant protection requirements of §93.303 are being observed;
D. Whether the affirmative marketing requirements of §93.350 are being observed and followed; and
E. Any other factor relevant to the grantee's determination, including the timing of the requested exception.

§93.354 Funding Accountability and Transparency Act.

The NHTF grant to the grantee and all assistance provided to sub-grantees and recipients shall be considered a Federal award for purposes of the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note).

§93.355 Eminent domain.

No NHTF funds may be used in conjunction with property taken by eminent domain, unless eminent domain is employed only for a public use, except that, public use shall not be construed to include economic development that primarily benefits any private entity.

Executive Order 11246 Equal Employment Opportunity

Executive Order 11246 signed July 21, 2014 prohibits federal contractors from discriminating against employees based on gender identity and sexual orientation. Specifically, the Executive Order amends Executive Order 11246 to add gender identity and sexual orientation to the protected categories.

Violence Against Women Act of 2013 (VAWA)

The Violence Against Women Act of 2013 (VAWA) continues many of the housing protections that had been provided by the Violence Against Women Act of 2005 and further expands these safeguards in several crucial ways.

VAWA prohibits the denial of housing or rental assistance based on the fact that the applicant is/has been a victim of domestic violence, dating violence, sexual assault, or stalking.

Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity
Located at 24 CFR 5.105(a)(2), HUD implemented this policy to ensure that its core programs are open to all eligible individuals and families regardless of sexual orientation, gender identity, or marital status. This regulation makes explicit that eligibility determinations for HUD-assisted or -insured housing must be made without regard to actual or perceived sexual orientation, gender identity, or marital status.

Attachment "G" NSP 1 Program Description

THE NSP1 SUBSTANTIAL AMENDMENT

(AS AMENDED JULY 2017)

Jurisdiction(s): *(identify lead entity in case of joint agreements)* Wyoming Community Development Authority Jurisdiction Web Address: *(URL where NSP Substantial Amendment materials are posted)*www.wyomingcda.com	NSP Contact Person: John R. Batey Address: Wyoming Community Development Authority 155 North Beech Street Casper, WY 82601 Telephone: 307-265-0603 Fax: 307-266-5414 Email: batey@wyomingcda.com

The Wyoming Community Development Authority (WCDA) is the state housing finance agency for Wyoming. WCDA administers several housing programs in the State of Wyoming, the largest of which is the Single Family Mortgage Purchase Program under which WCDA Participating Lenders are provided permanent loan financing at below market interest rates for first time homebuyers meeting the requirements of the federal Mortgage Revenue Bond Program.

The Wyoming Community Development Authority will be responsible agency for the administration of the Disaster Reporting Grant Recovery System (DRGR) and the quarterly reporting submissions to the HUD field office in Denver.

2017-18 NSP Program Income (PI) assisted activities for the State of Wyoming - $1,560,000

- **Wyoming Rehabilitation and Acquisition Program (WRAP), $ 1,404,000** – WCDA will acquire and rehabilitate foreclosed properties which will be sold to low and moderate income eligible buyers. The trgeted locations include the following counties:
  - Big Horn, Campbell, Converse, Carbon, Fremont, Goshen, Laramie, Lincoln, Natrona, Sweetwater, Uinta
  - Counties may be added or removed in the future depending on the foreclosure market.
- **NSP Allowable Administrative Fees, $156, 000** – The NSP program allows an amount up to ten percent (10%) of the NSP grant amount to be used for general administration and planning activities as defined at 24 CFR 570.205 and 206. The NSP program also allows 10% of program income earned to be used for administrative fees.

A. Areas of Greatest Need

Provide summary needs data identifying the geographic areas of greatest need in the grantee's jurisdiction.

Note: An NSP substantial amendment must include the needs of the entire jurisdiction(s) covered by the program; states must include the needs of communities receiving their own NSP allocation. To include the needs of an entitlement community, the State may either incorporate an entitlement jurisdiction's consolidated plan and NSP needs by reference and hyperlink on the Internet, or state the needs for that jurisdiction in the State's own plan. The lead entity for a joint program may likewise incorporate the consolidated plan and needs of other participating entitlement jurisdictions' consolidated plans by reference and hyperlink or state the needs for each jurisdiction in the lead entity's own plan.

HUD has developed a foreclosure and abandonment risk score to assist grantees in targeting the areas of greatest need within their jurisdictions. Grantees may wish to consult this data, in developing this section of the Substantial Amendment.

Response:

Neighborhood Stabilization Program (NSP) Needs Assessment

Anticipated Distribution of NSP Funds

The NSP Program requires states to distribute NSP funds to the areas of greatest need including those areas with the greatest number of home foreclosures, those areas with the highest percentage of homes financed by a subprime mortgage and to those areas identified by the grantee as likely to face a significant rise in the rate of home foreclosures. For the period of 2010-15, approximately 72% of the foreclosed homes in the state of Wyoming can be found in the eleven counties of:

Big Horn
Campbell
Converse
Carbon
Fremont
Goshen
Laramie
Lincoln
Natrona
Sweetwater
Uinta

The above-listed counties have the highest rates of foreclosures per capita, along with the highest NSP foreclosure risk abandonment score (excluding three counties with populations below 10,000). Therefore, the state of Wyoming's NSP funds will be used in these eleven counties of greatest need.

Summary of Needs

The counties that have the highest estimated number of foreclosures per capita are Campbell and Natrona with a combined average of over 1.4 foreclosures per 1,000 residents, or 70 and 109 respectively. Sweetwater County has fewer foreclosures per capita, but is tied with Fremont County for the fourth highest total foreclosure number statewide at 47. Converse, Goshen, Uinta, and Lincoln Counties have per capita foreclosure rates that together average approximately 1.2 per 1,000 residents. Laramie, Converse, Campbell and Fremont have estimated numbers of foreclosures ranging from 19 to 111. Big Horn County has an unusually high NSP foreclosure/abandonment risk score of 5.5.

Summary of Data

The data, tables and maps described in the Summary of Data can be found in Appendix A (which can be viewed by visiting http://www.wyomingcda.com/index.php/multifamily/C87). All data is sourced from 2010-2015 Home Mortgage Disclosure Act (HMDA) data.

Table 1 presents the combined NSP statistics for Wyoming broken down by census tract, including: the percent of population at or below 120% of Area Median Income (AMI), HUD's Estimated Foreclosure/Abandonment Risk Score, the percentage of High Annual Percentage Rate Loans (HAL), the Predicted Foreclosure Rate, and the 5 year Vacancy Rate. The statewide averages show that 62% of Wyoming's population is at or below 120% of AMI. Foreclosure risks are low to moderate, with a 3.3 Foreclosure/Abandonment Risk Score statewide, a modest 1.2% HAL loan rate, and a Predicted Foreclosure Rate of just 0.67%. The 5-Year Vacancy Rate statewide average is at 7.9%.

Table 2 breaks down the information summarized in Table 1 by the number of HALs per census tract and county.

Table 2 shows 226,144 loan applications were originated over the six year period of the HMDA data. Table 2 also separates these into High Annual Percentage Rate Loans (HALs), and non-HALs. The former represents loans originated more than three percentage points higher than comparable treasury instruments, and five percentage points for refinance loans. Over the six year period there were 2,689 such loans throughout Wyoming.

Table 3 summarizes the estimated number of mortgages issued from 2010-2015, broken down by county and census tract. This table also provides the number of foreclosures and the computed foreclosure rate by county and census tract.

Table 4 summarizes the two key indicators used to determine the state of Wyoming's NSP eligible counties: foreclosures per capita, and the NSP Foreclosure/Abandonment Risk Score. By averaging and ranking these two scores for each county, a list of fourteen counties accounts for more than 75% of all foreclosures in the state. Three small counties (Johnson, Platte, and Washakie) are removed due to populations below 10,000, which complicates attempts to identify qualified contractors for rehabilitation work, and qualified buyers for the post-rehab property. When these three small counties are excluded, a list of eleven NSP eligible counties remain. Within these eleven counties, the NSP-eligible census tracts (i.e. those tracts with a majority of the population at or below 120% of AMI) are identified, as well.

Map I illustrates NSP income qualifying and non-qualifying census tracts. To help you identify where the tracts actually are located, this map contains the tract number. Maps II through V depict each of the concepts presented in Table 1.

Maps VI through XI graphically-depict data contained in Tables 2-3.

Maps XII and XIII depict the number of foreclosures statewide, by both census tract and county.

B. Distribution and Uses of Funds

Provide a narrative describing how the distribution and uses of the grantee's NSP funds will meet the requirements of Section 2301(c)(2) of HERA that funds be distributed to the areas of greatest need, including those with the greatest percentage of home foreclosures, with the highest percentage of homes financed by a subprime mortgage related loan, and identified by the grantee as likely to face a significant rise in the rate of home foreclosures. ***Note***: The grantee's narrative must address these three stipulated need categories in the NSP statute, but the grantee may also consider other need categories.

Response:

Summary of Needs

The NSP Program requires states to distribute NSP funds to the areas of greatest need including those areas with the greatest percentage of home foreclosures, those areas with the highest percentage of homes financed by a subprime mortgage and to those areas identified by the grantee as likely to face a significant rise in the rate of home foreclosures. HUD puts the highest priority on the areas with the greatest number of foreclosures.

The majority of the funding for the NSP eligible activities will be distributed in the Counties of: Big Horn, Campbell, Converse, Carbon, Fremont, Goshen, Laramie, Lincoln, Natrona, Sweetwater, and Uinta due to the larger number of foreclosed homes in these counties. Over 72% of the estimated foreclosures for the State of Wyoming are in these eleven counties. All eleven counties have foreclosure per capita rates of 1.1 per 1,000 residents or higher, with the exception of Big Horn County. However, Big Horn County possesses the state's highest foreclosure/abandonment risk score of 5.5.

The percent of HAL loans has dropped significantly statewide, however, the eleven counties selected for NSP funding have an average of 2.12% HAL loans, which is well above the statewide average of 1.2%.

WCDA is anticipating also using some of the NSP funds as a financing mechanism providing low interest financing to purchase foreclosed and abandoned homes. This funding will be available in the eleven selected counties through WCDA Participating Lenders.

The Tables and Maps located in Appendix A (which can be viewed by visiting http://www.wyomingcda.com/index.php/multifamily/C87) illustrate the areas of greatest need for Wyoming.

All recipients need to be aware that due to the environmental review requirements and specifically 24 CFR Part 58.22, neither a recipient nor any participant in the development process, including public or private nonprofit or for-profit entities, or any of their contractors, may commit HUD assistance under a program listed in Sec. 58.1(b) on an activity or project until HUD or the state has approved the recipient's Request for Release of Funds (RROF) and the related certification from the responsible entity. In addition, until the RROF and the related certification have been approved, neither a recipient nor any participant in the development process may commit non-HUD funds on or undertake an activity or project under a program listed in Sec. 58.1(b) if the activity or project would have an adverse environmental impact or limit the choice of reasonable alternatives.

This means that once a decision has been made to use federal money for the project no action can be taken on the property by either the recipient, sub-recipient or a third party (such as a contractor or developer) until after the project has received environmental clearance. This rule is triggered by intent rather than when application is made. For acquisition the environmental review must be completed prior to the use of NSP funds. For rehabilitation, no activity can be started until after environmental clearance is received.

C. Definitions and Descriptions

(1) Definition of "blighted structure" in context of state or local law.

Response:

The definition of "blighted structure" for the State of Wyoming was derived from the statutory definition of blighted area in W.S. 15-9-103.

"Blighted structure" means a structure which may be located in a slum area, a deteriorated or deteriorating structure, a structure which may have inadequate legal access, a structure with a faulty floor plan or room layout in relation to size, adequacy, accessibility or usefulness, unsanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessments, delinquency exceeding the fair value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or any combination of those factors, substantially impairs or arrests the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, morals or welfare in its present condition and use.

"Slum area" means an area in which there is a predominance of buildings or improvements, whether residential or nonresidential, which by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of those factors is conducive to ill health and is detrimental to the public safety, morals or welfare.

(2) Definition of "affordable rents." ***Note:*** Grantees may use the definition they have adopted for their CDBG program but should review their existing definition to ensure compliance with NSP program –specific requirements such as continued affordability.

Response:

Affordable rent is determined to be the HUD Low HOME Rents or fair market rent whichever is less. Fair market rent is determined by HUD guidelines and includes tenant paid utilities. Please refer to the HUD website for the current rents.

https://www.hudexchange.info/resource/reportmanagement/published/HOME_RentLimits_State_WY_2017.pdf

(3) Describe how the grantee will ensure continued affordability for NSP assisted housing.

Response:

All residential properties will have a 30-year mortgage placed upon them. The property may also have a soft second mortgage triggered by the sale of the property, transfer of title, or when the property is no longer owner occupied.

(4) Describe housing rehabilitation standards that will apply to NSP assisted activities.

Response:

At minimum, all properties financed utilizing NSP funds must meet FHA Housing Quality Standards. In addition, all properties to be rehabilitated must meet the WCDA Rehabilitation Standards as outlined in Appendix B, and ensure local, state or national building codes will be followed.

Properties financed under the Foreclosure Financing Option and the Mortgage Principal Buydown must meet FHA Property Standards, as defined in HUD Handbook 4910.1, Minimum Property Standards for Housing, 1994 Edition.

Properties under the Wyoming Acquisition & Rehabilitation Program (WRAP) will be visited by WCDA staff and evaluated for participation in the WRAP program prior to any offers being submitted. All properties must be structurally sound or have the ability to be made structurally sound. In the event that a property is not structurally sound and/or the cost of rehabilitation would exceed the after rehabilitation value it would be possible under the WRAP program to demolish the current structure and place a new structure on the existing site. New properties may be stick built or modular construction. Properties must be attached to a permanent foundation. A preliminary inspection, including photographs, will be completed at that time using at minimum the FHA Housing Quality Standards, which will note all health and safety violations along with other potential concerns which may require specialized inspection at a later date, and the Property Rehabilitation Standards as outlined in Appendix B. The property will also be evaluated for environmental concerns. All properties selected for the WRAP program will be brought up to local, state, or national building code (whichever is more restrictive). The major systems of the property, such as electrical, plumbing, heating, roofing, and foundation, will be addressed first. It is the intent of the WRAP program to bring the properties to a standard of substantially rehabilitated.

D. Low Income targeting

Identify the estimated amount of funds appropriated or otherwise made available under the NSP to be used to purchase and redevelop abandoned or foreclosed upon homes or residential properties for housing individuals or families whose incomes do not exceed 50 percent of area median income: $390,000

Note: At least 25% of funds must be used for housing individuals and families whose incomes do not exceed 50 percent of area median income.

Response:

As required under the NSP Program at least 25% of the NSP PI must benefit individuals or families whose income does not exceed 50 percent of area median income. Lower interest rates or a preference within the program design will be available in an effort to encourage homeownership or benefit to households at or below 50% of AMI. The Rental Opportunities Program, the Redevelopment Program, and the WRAP Program will be used to meet the set-aside requirements.

E. *Acquisitions & Relocation*

Indicate whether grantee intends to demolish or convert any low- and moderate-income dwelling units (i.e., ≤ 80% of area median income).

If so, include:

- The number of low- and moderate-income dwelling units—i.e., ≤ 80% of area median income—reasonably expected to be demolished or converted as a direct result of NSP-assisted activities.
- The number of NSP affordable housing units made available to low- , moderate-, and middle-income households—i.e., ≤ 120% of area median income—reasonably expected to be produced by activity and income level as provided for in DRGR, by each NSP activity providing such housing (including a proposed time schedule for commencement and completion).
- The number of dwelling units reasonably expected to be made available for households whose income does not exceed 50 percent of area median income.

Response:

Demolition is an eligible activity. Any structure that is demolished must meet the requirement of being a blighted structure. If a structure is demolished there must be a benefit to low, moderate and middle income persons.

It is anticipated that properties selected under the WRAP and the ReOpp programs may include demolition of a previously foreclosed property. If a structure is demolished under the Demolition for Housing Program and the NSP Redevelopment Program, a housing unit must be produced following the demolition of the existing structure. It is noted that the NSP Program regulations waived the One-for-One Replacement requirement; however, Wyoming is in serious need of affordable, quality housing so the replacement of any demolished housing unit will be required. Demolition under the NSP Program will only be funded if it is part of an affordable housing activity. A replacement dwelling must be constructed and the property made available to a low income (50% AMI) or moderate income (80%) persons. Preference under this option will be for low income persons. The

estimate for demolition under the WRAP program, the ReOpp Program, Demolition for Housing Program, and the NSP Redevelopment Program is ten (10) units.

F. PUBLIC COMMENT

Provide a summary of public comments received to the proposed NSP Substantial Amendment.

Note: proposed NSP Substantial Amendment must be published via the usual methods and posted on the jurisdiction's website for no less than 15 calendar days for public comment.

Response:

A Notice of Public Comment was published in the Casper Star-Tribune and the Wyoming Eagle Tribune on June 30, 2017. The draft Substantial Amendment is available on the WCDA website at www.wyomingcda.com from July 10, 2017 through July 25, 2017. The final Substantial Amendment with all comments received will be posted on www.wyomingcda.com following the comment period.

Summary of comments received during the public comment period:

Comment 1: (TBD)

Response 1: (TBD)

Comments on the NSP programs are welcome at any time and may be directed to Dr. John R. Batey, AICP at batey@wyomingcda.com or WCDA – NSP Comments, P.O. Box 634, Casper, WY 82602. Please note that official plan changes can only be made as part of a substantial amendment or during the annual consolidated plan process. Comments received outside of an official comment period will be included in the next official public comment period. If you have questions at any time please contact WCDA at 307-265-0603.

G. *NSP INFORMATION BY ACTIVITY (COMPLETE FOR EACH ACTIVITY)*

(1) Activity Name: **Wyoming Rehabilitation and Acquisition Program (WRAP)**

(2) Activity Type: (include NSP eligible use & CDBG eligible activity)

NSP Eligible Use

§2301(c)(3)(B) purchase and rehabilitate homes and residential properties that have been abandoned or foreclosed upon, in order to sell, rent, or redevelop such homes and properties.

CDBG Eligible Activity

PP. 24 CFR 570.201
QQ. (a) Acquisition
RR. (b) Disposition
SS. (i) Relocation

TT. (n) Direct homeownership assistance to persons whose incomes do not exceed 120% of median income

UU. 24 CFR 570.202 Eligible rehabilitation and preservation acquisition activities for homes and other residential properties.

(3) National Objective: (Must be a national objective benefiting low, moderate and middle income persons, as defined in the NSP Notice—i.e., ≤ 120% of area median income).

All activities will meet the national objective of benefiting low, moderate and middle income persons.

(4) Activity Description:
Include a narrative describing the area of greatest need that the activity addresses; the expected benefit to income-qualified persons; and whether funds used for this activity will be used to meet the low income housing requirement for those below 50% of area median income.

The WRAP program may be used to meet the low income housing requirement for those at or below 50% of AMI.

Under the WRAP program WCDA will use NSP funding to purchase foreclosed properties from the Department of Housing and Urban Development (HUD), the Veterans Administration (VA), Rural Development (RD), Wyoming lending institutions, Private Mortgage Insurance (PMI) companies, and from public foreclosure proceedings. The foreclosed properties will be rehabilitated and sold to low and moderate income eligible buyers via a drawing system in order to provide homeownership opportunities while preserving existing housing stock and revitalizing neighborhoods.

Under the Wyoming Rehabilitation and Acquisition Program, WCDA intends to use the NSP funds to purchase foreclosed properties. In order to be eligible for the NSP Program, the mortgage insurer/guarantor must be willing to sell the property for not more than 99% of the current appraised value as defined in the NSP regulations.

WCDA will provide a complete paper trail for each of these transactions. Among the documents to be provided in WCDA's NSP files will be current appraisals, purchase agreements, rehabilitation costs and complete resell documents for the sale of the property to the homebuyer.

WRAP Program Eligibility

Basic applicant eligibility requirements include:

A. The applicant must be a Wyoming resident.
B. The applicant must be a United States citizen or a resident alien.
C. The property must be the applicant's primary residence for the term of the loan.
D. The applicant must pay a $20.00 credit report fee.
E. The applicant must have a minimum 620 FICO score and meet FHA credit underwriting standards.
F. All household members' anticipated income will be considered, this includes anyone who will be occupying the property, and any family members not living in the household ie.(Military families)

G. The applicant must be able to contribute a minimum of 25%-30% of their gross income towards the principal, interest, taxes, and insurance payment, and not exceed a total debt to income ratio of 43%.
H. No current judgments, collections or bankruptcy.
I. The applicant must be able to make a down payment at closing of $2,500.
J. Applicants must complete Homebuyer Education and One on One Counseling classes.

The applicant must attend and complete a HUD approved homebuyer education program prior to closing on an NSP assisted property. The Wyoming Housing Network, Inc. offers an in-person class. All eligible candidates will be required to participate in a one-on-one counseling session with the Wyoming Housing Network in addition to the in-person class. If an applicant who is successful in a property drawing cannot or chooses not to attend the homebuyer education class prior to the scheduled closing on the property then the applicant will forfeit all rights to the property and the sale will be cancelled and the home will be made available at the next scheduled drawing.

Preference will be given to applicants, who currently work or reside in the city, town, or county of the NSP assisted foreclosed property. WCDA employees, members of the WCDA Board of Directors, and their immediate family members are not eligible to participate in the Program if a direct conflict of interest exists.

Homeownership opportunities for households at or below 80% of the area median income (AMI) are limited. Therefore, the WRAP program will target appropriate properties for those households at or below 80% AMI. If it is determined that an eligible property is accessible or is easily rehabilitated to be accessible the household selected must demonstrate a need for the accommodations and the household income must be at or below 100% of AMI. The program may, at the administrators' discretion, open the WRAP program to participants with household income between 101% AMI and 120% AMI.

The program may, at the administrators' discretion, make the WRAP properties available for sale to income eligible homebuyers (up to 120% AMI) outside of the WRAP program. Properties will generally be listed through the WRAP program for at least six months before being considered for general sale. All homebuyers will be required to complete the homebuyer education prior to closing. The homebuyers will also be responsible for arranging their own financing. WCDA may sell the properties directly or realtor services may be procured. All proceeds from the sale of the WRAP properties will be returned to the NSP program.

Property Selection

All properties selected must have been foreclosed upon and WCDA, through the WRAP program, must be the first purchaser following said foreclosure proceedings. All properties must have an appraisal completed within 60 days of the offer date and the purchase price cannot exceed 99% of the current market value. It is WCDA's intent to purchase the properties at the lowest reasonable price possible. Properties will be visited by WCDA staff and evaluated for participation in the program prior to any offers being submitted. All properties must be structurally sound or have the ability to be made structurally sound. In the event that a property is not structurally sound and/or the cost of rehabilitation would greatly exceed the after rehabilitation value WCDA has the option to demolish the current structure and place a new structure on the existing site. New properties may be stick built or modular construction. Properties must be attached to a permanent foundation. A preliminary inspection, including photographs, will be completed using at minimum the FHA Housing Quality Standards which will note all health and safety violations along with other potential concerns which may require specialized inspection at a

later date. The property will also be evaluated for environmental concerns. All properties selected for the program will be brought up to local, state, or national building code (whichever is more restrictive). The major systems of the property, such as electrical, plumbing, heating, roofing, and foundation, will be addressed first. It is the intent of the WRAP program to bring the properties to a standard of substantially rehabilitated. However, that does not mean that the property will automatically receive a cosmetic update.

Properties will also be evaluated based on the economic feasibility and the affordability of the as repaired home for low and moderate income homeowners. The maximum amount of NSP funds to be expended on any one property is $254,000, which includes the cost of acquisition, rehabilitation, and carrying costs. Properties requiring environmental mitigation such as lead-based paint remediation or illegal drug residue remediation may have additional costs associated and such costs are not subject to the $254,000 cap. The location of the properties is subject to the availability of foreclosed properties and therefore specific neighborhoods cannot be targeted for improvement using NSP funds. However, the program will generally target older properties that have fallen into a state of disrepair. It is the intent of the program to increase the economic life of the properties.

A HUD Environmental Review is required of all assisted properties. All properties constructed prior to 1978 will also require a lead based paint inspection. If lead based paint is present then lead safe work practices must be used and the contractors must be certified. All properties will also be tested for illegal drug usage. Properties that test positive will be remediated prior to any rehabilitation work being completed. All properties will be tested for Radon and will be remediated if necessary.

The Davis-Bacon Act will apply to all projects with 8 or more units. It is anticipated each property will be a single contract and therefore would not trigger Davis-Bacon. The rehabilitation contract will include one property. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, the Fair Housing Act, Title VI of the Civil Rights Act of 1964, and the Lead Safe Housing Rule will also apply.

Property Rehabilitation

Once a property has been selected for the WRAP program WCDA staff will prepare a detailed work write-up and cost estimate for the property. All properties built prior to 1978 will be tested for lead-based paint and any rehabilitation required will be completed in accordance with lead safe work practices and all contractors must be lead certified. All properties will be tested for illegal drug residue. Any property that tests positive will require mitigation prior to any rehabilitation work being completed. An environmental review must be completed for all properties prior to purchase and the start of any rehabilitation. All property will be rehabilitated to the standards of Attachment "J", WCDA Property Standards.

Properties will be evaluated for health, safety, and code violations. Repair of those items will be completed for all properties using NSP funds. Once the health, safety and code violations have been address the property will be evaluated for cosmetic and general wear and tear items. Cosmetic and general wear and tear items will be addressed if the budget allows. At a minimum, all properties will receive a thorough cleaning, both inside and out. The appliances will only be considered for replacement if they are not functioning properly, economic life is unknown, and/or repair is not economically feasible, or if appliances are not currently present in the property.

Application for Properties

Application packets for the WRAP program will be made available at the WCDA office, via the internet, and by U.S. Postal Service, by request. WCDA will also market and provide outreach in the eligible counties in order to solicit participation in the program from persons with household incomes at or below 80% of AMI. Households with incomes in excess of 80% AMI will not be eligible to participate in the drawing unless:

- There are no households at or below 80% of AMI interested in the specific property.
- The households at or below 80% of AMI who are interested in the specific property cannot meet minimum underwriting standards.
- The property is considered accessible and then households up to 100% of AMI are eligible to participate in the drawing, however, preference will not be given to either income group.
- The property following rehabilitation exceeds an affordable amount for a 80% or less AMI household. Keep in mind that while the mortgage may be written to an affordable level the cost of the taxes and insurance and general property maintenance on a more expensive home will be higher and may not be considered affordable for a 80% or less AMI household.

Applications will be accepted at any time from households at or below 100% of AMI.

The application packet will contain an initial application, the WRAP program description, applicant responsibilities if awarded a property, and a listing of selected properties (if available). The applicant should return the completed initial application along with all verification information at least 45 days prior to any property drawing to ensure eligibility for said drawing. All initial applications will be reviewed by WCDA staff to determine if the applicant meets the basic eligibility requirements. Applicants may be referred for credit counseling to assist them in repairing credit in order to be "mortgage ready". The review will include verification of data relating to income, employment, financial/banking/investment information, rental history, and credit report. If an applicant is not eligible they will receive notification in writing of said determination. All applicants who meet the basic eligibility requirements will be contacted by telephone to discuss the program requirements and to make sure that the applicant understands the process and the requirements. If the applicant confirms that they are in fact interested in the program and agree to the conditions, their name will be entered into a drawing for the homes they have selected within their eligibility level.

In addition to having to meet income and credit requirements the applications will also be reviewed and a determination will be made as to the appropriateness of the size of the property to prevent overcrowding or over housing. The standards are as follows:

- A single or two person household is eligible to apply for a house with one (1) or two (2) bedrooms. A household must have three or more persons to apply for a three (3) + bedroom home.
- Families shall be housed with no more than two persons per bedroom.
- Exceptions may be made to the occupancy requirements for unusual circumstances and will be made on a case by case basis.

Those who are successful in the drawing will be required to have a meeting with WCDA staff within 1 week of the drawing to discuss the terms and to collect additional information in order to determine if they meet the full underwriting criteria. FHA underwriting standards will be used. WCDA will originate all WRAP program loans. The loan underwriting must take place within 4 weeks of the drawing date and the applicant must be approved before they are officially awarded a home. If an applicant fails to meet the underwriting criteria or it is determined that they did not meet the basic eligibility requirements the property will be returned to the pool or offered to the second place designee (if drawn). Applicants who were determined to be eligible but who were not selected during the initial drawing will be notified of future drawings, and if said drawing takes place more than six months from the date of the original application an update to the application must be made to verify current eligibility before the applicant may be entered in future drawings.

Notification of Open House and Three-Day Cooling Off Period

Eligible applicants will be notified of the open house date and times on the properties for which they are eligible. They will also have a "three-day cooling off period" in which they can make the decision whether or not they wish to participate in the WRAP program. The cooling off period also gives the applicants time to gauge their interest in a particular property therefore avoiding buyer's remorse should they be selected to purchase the property.

Mortgage Loan Financing Structure

b. The amount of the mortgage will be based on the applicant's income and their ability to qualify for a loan covering the cost of the purchase, rehabilitation and carrying costs. The difference between the actual cost of purchase, rehabilitation and carrying costs and the amount the borrower can qualify for will be recaptured as a deferred loan which will be part of the mortgage and will be recaptured upon sale of the property, transfer of title, or when the property ceases to be the primary residence of the mortgage holder. No more than 50% of the purchase price will be deferred.
c. When a homeowner decides to sell a property WCDA will have the first right of refusal on all WRAP properties.
d. If, in the future, market conditions are such that the mortgage holder cannot sell the property for enough to repay the mortgage (both the amortized and deferred portions) in full then the balance remaining after the Net Proceeds are used to retire the debt on both the amortized portion and the deferred portion, will be forgiven. (Net Proceeds are the sales price minus superior loan repayments and any closing costs). To document if a fair market price is obtained, WCDA has the right to purchase an appraisal to be used to determine the Net Proceeds.

Applicants will be required to contribute at least 25% of their gross monthly income towards the first mortgage payment. Their housing debt to income ratio cannot exceed 31% and their total debt to income ratio cannot exceed 43%. FHA credit underwriting standards will be used to underwrite the loan.

All loans will have a 30 year term. The interest rate of the loan is fixed and based upon household income.

Percentage of Area Median Income	Interest Rate
Up to 50%	1.00%
51% to 80%	2.00%
81% to 120%	3.00%

The monthly payments collected on the loans (program income) will be returned to the general NSP program and recycled for future use by any and all NSP eligible activities. All mortgages will be serviced by the WCDA.

- Location Description: (Description may include specific addresses, blocks or neighborhoods to the extent known.)

The counties identified as having the highest number and percentages of foreclosed homes include Campbell, Fremont, Laramie, Natrona, Sweetwater and Converse. Additional locations may be added depending on the foreclosure market.

The specific location of the properties will vary depending on where the foreclosures take place, who owns the foreclosed properties, and if the owner is willing to sell the property to WCDA and the WRAP program at a discounted rate. Properties located in areas identified as higher risk may be given priority evaluation for selection into the program. It is likely that several properties, if available, may be selected in a community at one time to encourage economies of scale in the rehabilitation process and also to allow some choice for the applicants. The initial selection of Campbell, Fremont, Laramie, Natrona, Sweetwater and Converse Counties is based on the estimated number of foreclosures as listed in Table 6 of Appendix A (which can be viewed by visiting http://www.wyomingcda.com/index.php/multifamily/C87). These counties have been identified as ranging between 19 and 70 foreclosures. Laramie and Natrona counties have 111 and 109 foreclosures respectively.

(6) Performance Measures (e.g., units of housing to be acquired, rehabilitated, or demolished for the income levels of households that are 50 percent of area median income and below, 51-80 percent, and 81-120 percent).

We hope to be able to acquire and rehabilitate 83 homes at an average price of $150,000. The estimated income levels of households benefiting are:

≤ 50% AMI	2 units (to meet the 25% at or below 50% of AMI requirement)
51% to 80%	1 units
81% to 120%	3 units

(7) Total Budget: (Include public and private components)

$1,404,000 of NSP Program Income (PI) has been allocated to assist households participating in the WRAP Program. It is estimated that 2 homes can be acquired, rehabilitated and sold to income eligible borrowers who are at or below 50% AMI. It is estimated that 1 home can be acquired, rehabilitated and sold to income eligible borrowers who are at 51% or below 80% of AMI. It is estimated that 3 homes can be acquired, rehabilitated and sold to income eligible borrowers who are at 81% or below 120% of AMI.

Funds may be reallocated on a first come first serve basis for other eligible NSP activities.

(8) Responsible Organization: (Describe the responsible organization that will implement the NSP activity, including its name, location, and administrator contact information)

Wyoming Community Development Authority
155 North Beech Street
Casper WY 82601
307-265-0603
Dr. John R. Batey, AICP

(9) Projected Start Date: March 20, 2009

(10) Projected End Date: None. All NSP monies must be allocated to a specific property by September 30, 2010. However, the program has continued beyond September 30, 2010 through the use of program income.

(11) Specific Activity Requirements:

For acquisition activities, include:

a. discount rate – all properties must be acquired at a minimum discount of 1% provided that each property is evaluated individually to determine an appropriate discount taking into account the estimated carrying costs and holding period if the property were not purchased with NSP funds. WCDA will attempt to acquire properties at a greater discount if possible.

For financing activities, include:

b. range of interest rates

Percentage of Area Median Income	Interest Rate
Up to 50%	1.00%
51% to 80%	2.00%
81% to 120%	3.00%

For housing related activities, include:

c. duration or term of assistance;
d. tenure of beneficiaries--rental or homeownership;
e. a description of how the design of the activity will ensure continued affordability

Duration – 30 year mortgage
Tenure – homeownership
Affordability – A 30 year mortgage will be placed on all properties. The amount of the mortgage will be equal to the purchase price of the property, the rehabilitation cost, and any carrying costs. The mortgage will most likely consist of an amortized portion and a deferred portion of the loan. The deferred portion will be a second mortgage executed to recapture the outstanding balance between the amount of the first mortgage and the after rehabilitation appraisal. The second mortgage will become due and payable at the time the homeowner sells the property, transfers title to the property, or the property ceases to be the homeowner's primary residence. The funds will be returned to the NSP Program as program income and will be used for NSP eligible activities. Program income, regardless of the NSP program it originated from must be used to fund the next eligible NSP program draw. The payment of principal and interest becomes program income to the NSP Program and will be recycled for NSP eligible activities.

Attachment "H" NSP 3 Program Description

NSP3 Grantee Information

NSP3 Program Administrator Contact Information	
Name (Last, First)	Batey, John
Email Address	batey@wyomingcda.com
Phone Number	307-265-0603
Mailing Address	PO Box 634, Casper, WY 82602

Areas of Greatest Need

Determination of Areas of Greatest Need and Applicable Tiers

Describe how the areas of greatest need were established and whether a tiered approach is being utilized to determine the distribution of funding.
Currently all NSP3 Program funds are allocated. It is not anticipated there will be sufficient Program Income to fund a project in the year 2016. If sufficient funds do become available, all the rules outlined in the 2013 Program Description will be utilized.

Attachment "I" National Housing Trust Fund Program Description

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I. EXECUTIVE SUMMARY

The National Housing Trust Fund (NHTF) was created under The Housing and Economic Recovery Act of 2008 in the Federal Housing Finance Regulatory Reform Act of 2008, Division A, Title I Section 1338 entitled "Housing Trust Fund" and codified under 24 CFR Part 93. The stated purposes of the NHTF include:

- Increasing and preserving the supply of rental housing for extremely low-income (ELI) families with incomes between 0 and 30 percent of area median Income and very low-income (VLI) families with incomes between 30 and 60 percent of area median income, including homeless families, and
- Increasing homeownership for ELI and VLI families.

A minimum of 80% of the funding must be used for rental housing; up to 10 % MAY be used for homeownership; and up to 10 percent may be used for the grantee's administrative and planning costs. The State of Wyoming **anticipates** receiving an annual allocation in NHTF funds of approximately $3,000,000, the minimum grant amount. See the WCDA Allocation Plan, Attachment "A" for actual funding levels.

These NHTF funds will be allocated to local governments, 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 Plans. Projects located in entitlement cities (Cheyenne and Casper) must have a current letter of consistency with the Consolidated Plan from the appropriate Jurisdiction.

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

- 24 months to enter into written agreements with an Owner/Developer to reserve NHTF funds.
- 24 months to commit funds in the NHTF HUD System for specific projects.
- 4 years to expend funds.

In an effort to quickly allocate NHTF funds prior to the construction season, WCDA's application period for NHTF funding runs prior to WCDA's receipt of NHTF funds from HUD. Therefore no funding can be allocated until after WCDA signs an NHTF contract with HUD. The final allocation may be different from the anticipated amount.

Davis-Bacon Act wage requirements do not apply to NHTF.

II. ALLOCATION OF FUNDS

The NHTF is primarily a production program meant to add units to the supply of affordable housing for ELI and VLI households. As such the funds will be allocated as follows:

A. **Rental Production and Rehabilitation -** The approximate amount of funding set-aside for Rental Production and Rehabilitation is 90 % of the Total Funding –This set aside is available for Rental Housing Production 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 Allocation Plan. For actual funding levels, see WCDA Allocation Plan, Current Year Summary Attachment "A".

B. **Administration -** Approximately 10% of Fiscal Year NHTF allocation will be set-aside for WCDA administrative costs.

III. RENTAL HOUSING PRODUCTION

A. **Rental Housing Production** - can be accomplished in the following ways:

1. **Rehabilitation**
    a. Rehabilitation
    b. Conversion
    c. Reconstruction
    d. Rehabilitation and Refinance
2. **Acquisition and/or Rehabilitation**
3. **New Construction**

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

1. Rents are strictly controlled
2. Tenants must be extremely low-income (30% of Area Median Income adjusted for family size as determined by HUD).
3. Both occupancy and rents must be maintained and monitored for a minimum affordability period of not less than 30 years

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

B. **Eligible Property Types**

1. One or more buildings on a single site that are under common ownership, management and financing.
2. Scattered sites are eligible as one project as long as the sites are under common ownership, management and financing, and receive NHTF assistance as part of a single undertaking.
3. There are no limits on the number of units per project.
4. There are no preferences for unit size and style except for what is identified in the applicable Consolidated Plan.
5. Properties may be privately or publicly owned.
6. A letter of notification for proposed development will be sent to the local jurisdiction.

C. **Initial NHTF Rents**

Every NHTF-Assisted unit is subject to rent controls designed to make sure that rents are affordable to extremely low-income households. These maximum rents may be referred to as NHTF RENTS. NHTF RENTS are subject to change annually, are published by HUD and will be made available to applicants by WCDA.

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

The NHTF income and rent limits will be posted when available on the WCDA website as disclosed in the Affordable Housing Plan Current Year Summary Attachment "C" Item "1".

The maximum allowable HUD NHTF rents must be reduced if the tenant pays for utilities. Utility adjustments are made in accordance with the NHTF program Rules and Regulations. Utility adjustments proposed by owners/developers for specific projects must be approved by WCDA.

D. Affordability Period

HUD requires NHTF-assisted **Rental** units be rent controlled for not less than 30 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.

E. Occupancy of NHTF-Assisted Rental Units

Owners of rental housing funded with NHTF funds are required to have a written occupancy policy in place prior to the occupancy of the NHTF-assisted units. This policy should outline who is eligible for the units and be consistent with Fair Housing laws. The NHTF 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.

F. Determining the Initial Income Eligibility of NHTF Tenants

The NHTF Program beneficiaries under Rental Housing Production are tenants with incomes at the greater of 30% of the Area Median Income, or the federal poverty guideline. The income of each tenant must be determined initially in accordance with 24 CFR 93.151(d)(1) by using Annual Income as defined under the Section 8 Housing Assistance Payments programs in 24 CFR Part 5.609.

G. Annual Recertification of Income

The annual incomes of tenants in NHTF projects must be re-examined each year during the period of affordability. The project owner must re-examine each tenant's annual income by utilizing third party source documents evidencing annual income.

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

H. Increases in Tenant Income

Tenants occupying NHTF-assisted units whose annual incomes exceed the published NHTF Income Limit (that is, they are no longer extremely low-income) may stay in their NHTF-assisted apartments. However, the next available unit of comparable size must be rented to an NHTF eligible household, at which time the first unit will be re-classified at the appropriate income and rent level as appropriate for other restrictions on the property.

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 the NHTF Property Standards cited at 24 CFR 93.301 which includes that the housing be maintained as decent, safe, and sanitary

housing in good repair, meet all applicable State and local code requirements and ordinances and in absence of State or local code requirements and ordinances, property must meet the International Residential Code or International Building Code (as applicable to the type of housing) of the International Code Council at least once every three years.

WCDA will review the owner's compliance with written agreements annually.

I. Eligible Activities for Rental Housing Production

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

1. REHABILITATION –

   a. Rehabilitation of existing structures, and Rehabilitation and Refinancing to permit or continue affordability under 24 CFR 93.201(b).

   - Rehabilitation must be the primary eligible activity requiring at least $30,000 of required rehabilitation costs per unit.
   - A CNA must be provided by an unrelated Professional CNA provider to include a unit by unit breakdown and budget at time of application. The CNA must include an estimate of the remaining useful life of major systems and estimates of replacement costs. Major systems include: structural support, roofing, cladding, weather proofing (windows, doors, siding, and gutters), plumbing, electrical and heating, ventilations, and air conditioning.
   - 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 population over an extended affordability period can be demonstrated.
   - The refinancing must be made for the purposes of maintaining current affordable units or creating additional affordable units and the rehabilitation cost must be greater than the amount of debt that is refinanced.
   - The minimum required period of affordability would be the greater of 30 years or the term of loan.
   - Refinancing of non-federally insured debt is an eligible activity in the State of Wyoming under the NHTF Program.
   - NHTF 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 NHTF funds.

J. <u>Eligible Costs</u> -

NHTF funding is disbursed on a reimbursement basis. After costs have been incurred and paid by the project, a reimbursement request may be submitted for land acquisition and/or costs as outlined below. A 10% retainage will be withheld from each draw request until the project is completed, placed in service and all documentation sufficient to WCDA is submitted to close out the project. All draws will be processed once a month.

1. **Land Acquisition Costs**

2. **Development Hard Costs** - The actual construction and/or rehabilitation costs including:
   a. Costs of actual material and labor;
   b. Costs to meet the International Residential Code or International Building Code (as applicable to the type of housing) of the International Code Council. All rehabilitation projects must comply with Attachment "J", WCDA Property Development Standards;
   c. Costs to meet rehabilitation standards;
   d. Essential improvements;
   e. Energy-related improvements;
   f. Costs to contain or abate Lead-based paint hazards;
   g. Costs to mitigate hazards including but not limited to mold, asbestos, radon and drugs;
   h. Improvements for handicapped persons;
   i. Repair or replacement of major systems in danger of failure; and,
   j. Incipient repairs and general property improvements of a non-luxury nature.

3. **Demolition Costs** but only when part of a rehabilitation project.

4. **Site improvements** and utility connections can be funded with NHTF funds only when conducted in conjunction with NHTF eligible activities.

5. **Related Soft Costs** – reasonable and necessary costs, including:
   a. Architectural, engineering or related professional services (inspection, work write-ups) to a third party;
   b. Financing costs such as loan points, credit and title costs, recordation fees, building permits, legal fees, appraisals, and developer fees; and,
   c. Relocation costs (permanent and temporary), affirmative marketing, and fair housing information services.

IV. PROPERTY STANDARDS

Housing that is constructed or rehabilitated with NHTF funds must meet all applicable local building codes, ordinances, and zoning ordinances at the time of project completion. In absence of a local code for new construction or rehabilitation, NHTF-assisted new construction or rehabilitation must meet: as applicable, the International Residential Code or International Building Code (as applicable to the type of housing) of the International Code Council. All new construction project must all meet the requirements in 24 CFR Part 93.301(a), which addresses HUD requirements in Accessibility, Energy efficiency, and Disaster mitigation All rehabilitation projects must meet all the requirements in 24 CFR Part 93.301(b), which addresses HUD Requirements in Health and Safety, Major Systems, Lead-based paint, Accessibility, Disaster mitigation, Uniform Physical Condition Standards, and Capital Needs Assessments. All rehabilitation projects must comply with Attachment "J", WCDA Property Development Standards.

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

NHTF is not currently subject to 24 CFR part 58 but in the administration of the NHTF, HUD is committed to the principles of National Environmental Protection Act and insuring decent, safe, sanitary and affordable for extremely low and very low income families. Therefore, NHTF environmental rule establishes environmental review standards for NHTF for new construction and rehabilitation, which are included in the property standards section of the 24 CFR 93.301(f) for historic preservation, archaeological resources, farmland, airport zones, Coastal Barrier Resource System, coastal zone management, floodplains, wetlands, explosives and hazards, contamination, noise, endangered species, wild and scenic rivers, safe drinking water, and sole source aquifers.

These standards are substantially the same or very similar to the requirements of 24 CFR Part 58. When combining HTF with HOME, a Part 50 or 58 Environmental Review will be required, and the Environmental Review must also meet the HTF environmental requirements.

V. ELIGIBLE REHABILITATION COSTS

The following are eligible costs for rehabilitation only when conducted in conjunction with NHTF eligible activities.

A. Development Hard Costs - The actual rehabilitation costs including:

1. Costs of actual materials and labor;
2. Costs to meet the International Residential Code or International Building Code (as applicable to the type of housing) of the International Code Council;
3. Costs to meet rehabilitation standards;
4. Essential improvements;
5. Energy-related improvements;
6. Costs to contain or abate Lead-based paint hazards;
7. Costs to mitigate hazards including but not limited to mold, asbestos, radon and drugs;
8. Improvements for handicapped persons;
9. Repair or replacement of major housing systems in danger of failure; and,
10. 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 NHTF funds.

D. Related Soft Costs - reasonable and necessary costs, including:

1. Architectural, engineering or related professional services (inspection, work write-ups) to a third party.
2. Financing costs such as loan points, credit and title costs, recordation fees, building permits, legal fees, appraisals, and developer fees.
3. Relocation costs (permanent and temporary), affirmative marketing, and fair housing information services.

E. Refinancing Costs – only when cost of rehabilitation exceeds cost of refinancing.

VI. SITE AND NEIGHBORHOOD REQUIREMENTS

All NHTF projects must be developed in a manner that provides housing that is suitable from the standpoint of facilitating and furthering full compliance with the applicable provisions of title VI of the Civil Rights Act of 1964, the Fair Housing Act and HUD regulations issued pursuant thereto; and promotes greater choice of housing opportunities.

A. NHTF 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:
B. The site's proximity to noise sources such as railroads, highways or busy streets, and airports or military airfields.
C. The site and the project must have a clearance from the state historic preservation office.
D. The site cannot be in a 100-year flood plain.
E. Lead-based paint and asbestos are concerns and must be dealt with in accordance with HUD and state requirements.
F. The site's proximity (within 3,000 feet) to a hazardous waste site listed on the CERCLIS list.
G. The site's proximity to above ground storage tanks with hazardous materials.
H. Zoning and Uses of land surrounding site (Commercial, Business, and Industrial uses are not appropriate).
I. Proximity to services

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 process and HUD's site and neighborhood standards requirement at 24 CFR Part 983.57(e)(2) and (3).

Projects with sites that do not meet the cited site and neighborhood standards or do not promote compliance with civil rights laws, or promote greater choice of housing opportunities will be denied funding regardless of ranking or scoring. Site selection is extremely important and is part of the evaluation and ranking process.

VII. ELIGIBLE FORMS OF FINANCIAL ASSISTANCE

NHTF funds can be structured as follows:

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

VIII. DOUBLE DIPPING ON NHTF ASSISTED PROJECTS

Except for within the first year after project completion, no further NTHF funds can be used during the relevant period of affordability.

IX. NHTF INVESTMENT PER UNIT

The maximum subsidy per NHTF-assisted unit for Wyoming can be found in the WCDA Allocation Plan Current Year Summary, Attachment “A”.

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

X. 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 NHTF project, the owner will be notified of Equal Opportunity requirements.

3. All advertising and literature used for the NHTF program will carry the Equal Housing Opportunity logo or slogan.

4. Copies of media releases, advertisements and announcements where the NHTF 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 social-service agencies (e.g. the Department of Family Services, the Salvation Army, housing authorities, senior centers, Climb Wyoming, etc.).

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

7. Throughout the year, WCDA has opportunities to affirmatively market the NHTF 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 NHTF 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 NHTF-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 NHTF Regulations.

13. Homebuyer's Education courses, made available through the Wyoming Housing Network, Inc. (WHN), will provide for a discussion of fair housing.

14. Information on Fair Housing can be obtained from the regional Fair Housing Office in Denver. The mailing address for this office is Office of Fair Housing, US-HUD, 1670 Broadway, 23rd floor, Denver, CO 80202-4801 and the phone number for fair housing complaints is 800-877-7353.

B. MINORITY BUSINESS ENTERPRISE & WOMEN - OWNED BUSINESS ENTERPRISE (MBE & WBE) OUTREACH PROGRAM (24 CFR 93.407)

If awarded NHTF funds, WCDA will require general contractors on projects being funded with NHTF to solicit bids from minority-owned (MBE) and female-owned (WBE) businesses to the extent practicable. Documentation and data on the steps taken to reach out to MBE/WBE businesses will be required to be submitted to WCDA. WCDA will maintain project records on the use and participation of MBE and WBE.

C. <u>Compliance Training Requirements</u>

All Project Owners must attend and pass the required testing to obtain a Compliance Certification by a nationally-recognized firm 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 must attend and pass the required testing to obtain a Compliance Certification by a nationally recognized firm 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.

XI. NHTF PROGRAM DEFINITIONS

Affordability
Affordability requirements can be found at 24 CFR Part 93.302(d) where in it states that NHTF-assisted units must meet the affordability requirement for not less than 30 years, beginning after project completion. The grantee may impose longer periods.

Annual (Gross) Income
The income of each tenant must be determined initially in accordance with 24 CFR 93.151(d)(1) by using Annual Income as defined under the Section 8 Housing Assistance Payments programs in 24 CFR Part 5.609.

Commitment
The written, legally binding agreement that includes the date of the signature of each person signing the agreement, between the Grantee and the eligible recipient for a specific local project where the property title will be transferred to the recipient within 6 months and which construction can reasonably be expected to start within 12 months of the agreement date.

Consolidated Plan
Consolidated plan means the plan submitted and approved in accordance with 24 CFR part 91.

Deferred Loan
A NHTF loan issued by WCDA with no amortization or repayment for the term of the loan, with the balance due upon sale or transfer of the property, or generally forgiven if the property meets the full affordability period.

Displaced homemaker
An individual who is an adult, has not worked full-time full-year in the labor force for a number of years, but has, during such years, worked primarily without remuneration to care for the home and family; AND is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

Extremely Low-Income families
Extremely Low-income families whose annual incomes do not exceed 30 percent of the median family income of a geographic area, as determined by HUD with adjustments for smaller and larger families.

Family
Family includes, but is not limited to, the following, regardless of actual or perceived sexual orientation, gender identity, or marital status:

A. A single person, who may be an elderly person, displaced person, disabled person, near-elderly person, or any other single person; or
B. A group of persons residing together, and such group includes, but is not limited to:
    1. A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family);
    2. An elderly family;
    3. A near-elderly family;
    4. A disabled family;

5. A displaced family; and
6. The remaining member of a tenant family.

Grantee
The State or State-designated entity that receives the NHTF from HUD. Wyoming Community Development Authority (WCDA)

Household
One or more persons occupying a housing unit.

Housing
Housing DOES NOT include emergency shelters (including shelters for disaster victims) or facilities such as nursing home, convalescent homes, hospitals, residential treatment facilities, correctional facilities, halfway houses, housing for student, or dormitories (including farmworker dormitories).

Income-eligible
A family, or household (as appropriate given the context of the specific regulatory provision) that is very low-income, extremely low-income, or both depending on the income-targeting requirements set forth in 24 CFR 93.250.

NHTF funds
Funds made available under the NHTF formula allocations and reallocations, plus program income.

Poverty Line/Guideline/Level
Is defined in Section 673 of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902).

Very Low-Income Families
Families whose annual incomes are in excess of 30 percent but not greater than 50 percent of the median income of a geographic area, as determined by HUD with adjustments for smaller and larger families. "Very low-income family" also includes any family that resides in a non-metropolitan area that does not exceed the poverty line applicable to the family size involved.

Project
A site or sites together with any building or buildings located on the site(s), that are under common ownership, management and financing and are to be assisted with NHTF funds as single undertaking under the NHTF. The project includes all activities associated with the site and building.

Project Completion
All necessary title transfer requirements and construction work have been performed; the project complies with the requirements of 24 CFR Part 93 including the property standards under §93.301; the final drawdown of NHTF funds has been disbursed for the project; and the project completion information has been entered into IDIS.

Recipient
An organization, agency, or other entity (including a public housing agency, or a for-profit entity or a non-profit entity) that receives NHTF assistance from a grantee as an owner or developer to carry out an NHTF-assisted project. A recipient must:

A. Make acceptable assurances to the grantee that it will comply with the requirement of the NHTF program during the entire period that begins upon selection of the recipient to receive NHTF funds, and ending upon the conclusion of all NHTF funded activities;
B. Demonstrate the ability and financial capacity to undertake, comply, and manage the eligible activity;
C. Demonstrate its familiarity with the requirements of other Federal, State, or local housing programs that may be used in conjunction with NHTF funds to ensure compliance with all applicable requirements and regulations of such programs; and
D. Have demonstrated experience and capacity to conduct an eligible NHTF activity as evidenced by its ability to Own, construct, or rehabilitee, and manage and operate an affordable multifamily rental housing development.

Reconstruction
Reconstruction means the rebuilding, on the same lot, of housing standing on a site at the time of project commitment, except that housing that was destroyed may be rebuilt on the same lot if NHTF funds are committed within 12 months of the date of destruction. 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.

Single Family Housing
A one to four-family residence, condominium unit, or cooperative unit.

Single parent
An individual who:

A. Is unmarried or legally separated from a spouse; and
B. Has one or more minor children of whom the individual has custody or joint custody, or is pregnant.

State-designated entity
Wyoming Community Development Authority (WCDA)

Very Low-Income Renter Households
A household whose income is in excess of 30 percent but not greater than 50 percent of the median income of the area median income, with adjustments for smaller and larger families, as determined by HUD.

Very Low-Income Families
Low-Income families whose incomes are in excess of 30 percent but not greater than 50 percent of the median income of the geographic area, as determined by HUD with adjustments for smaller and larger families. "Very low-income family" also includes any family that resides in a nonmetropolitan area that does not exceed the poverty line applicable to the family size involved.

Attachment "J" Property Development Standards

REHABILITATION STANDARDS DETAIL

At a minimum, applicants must demonstrate their projects meet all applicable codes and regulations for new construction or rehabilitation, including but not limited to: All housing that is constructed or rehabilitated must meet all applicable local codes, rehabilitation standards, ordinances, and zoning ordinances at the time of project completion. In absence of a local code new construction or rehabilitation must meet: as applicable, the International Building Code (as applicable to the type of housing) of the International Code and Accessibility Requirements under the American with Disabilities Act (ADA). Newly constructed housing must also meet the requirements of HOME's 24 CFR Part 92.251(a)(2)(i) through (V) and NHTF's 24 CFR Part 93.301(a). 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.

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.

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

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

This section of WCDA's Federal Programs Rehabilitation Standards for Housing is intended to provide additional detail for the minimum acceptable standards for existing household dwelling units rehabilitated in whole or in part with HOME, NSP or National Housing Trust Fund (NHTF) program funds in Wyoming. Any reference in this document to "rehabilitation" is meant to include rehabilitation of existing housing and redevelopment of existing non-residential building(s) which create new multifamily or single family housing. These standards are not intended to reduce or exclude the requirements of any local or state building or housing codes, standards, or ordinances that may apply. In the event of any conflicting code(s), the more restrictive code(s) will apply. Housing rehabilitated with HOME, NSP, or NHTF assistance must meet all applicable State and local codes, ordinances, and requirements or, in the absence of a State or local building code, the International Existing Building Code of the International Code Council.

These standards were designed to assist in achieving consistency throughout the state for all rehabilitation activities funded with HOME, NSP, or NHTF funds. These standards assume that a knowledgeable inspector will thoroughly inspect each dwelling to verify the presence and condition of all components, systems, and equipment within the dwelling. All components, systems, and equipment of a dwelling referenced in this document shall be in good working order and condition and be capable of being used for the purpose for which they were intended and/or designed. Components, systems and/or equipment that are not in good working order and condition shall be repaired or replaced. When it is necessary to replace items (systems, components, or equipment), the replacement items must conform to these standards. These standards also assume that the inspector will consider any extraordinary circumstances of the occupants of the dwelling (e.g., physical disabilities) and reflect a means to address such circumstances in their inspection and in the preparation of project specifications for that dwelling.

All interior ceilings, walls, and floors must not have any serious defects such as severe bulging or leaning, large holes, loose surface materials, severe buckling, missing components or other serious damage. The roof must be structurally sound and weather-resistant. All exterior walls (including foundation walls) must not have any serious defects such as leaning, buckling, sagging, large holes, or defects that may result in the structure not being weather-resistant or that may result in air infiltration or vermin infestation. The condition of all interior and exterior stairs, halls, porches, walkways, etc. must not present a danger of tripping or falling. If an inspector determines that the specific individual standards of this document cannot be achieved on any single dwelling due to it being structurally impossible and/or cost prohibitive, the inspector shall document the specific item(s) as non-conforming with these standards.

Rehabilitation projects must address any and all deficiencies identified in Exhibit A to Attachment #1 of this document (UPCS Inspection Checklist) as part of the project's scope of work so that, upon completion, all such deficiencies are cured. For projects which include acquisition and/or rehabilitation of occupied housing, any Level 3 deficiencies identified as life threatening (i.e. "LT") on the UPCS Inspection Checklist must be addressed and corrected immediately. All life threatening Level 3 deficiencies must be identified in the UPCS Inspection Checklist. Level 1, 2 and 3 deficiencies for each inspectable item on the UPCS Inspection Checklist are defined in detail in HUD's Revised Dictionary of Deficiency Definitions, available on WCDA's website (http://www.wyomingcda.com). WCDA inspectors will follow these definitions when evaluating the project.

Energy Star rated systems, components, equipment, fixtures and appliances are required.

Lead

Lead. For all homes built prior to 1978, have a qualified professional conduct a lead based paint inspection and risk assessment. Follow the lead based paint abatement regulations, as required by 24 CFR Part 35 (HUD Lead Safe Housing Rule).

Asbestos

Asbestos. A certified environmental professional should perform the inspection and make the decision whether to enclose, coat, encapsulate or remove deteriorated asbestos containing products. Follow the EPA regulations.

Site Drainage

Ground Drainage. Observe the drainage pattern of the entire property, as well as that of adjacent properties. The ground should slope away from all sides of the building. The ground should also slope away from window wells, outside basement stairs, and other walkways. Bring the ground up to a slope if it is not draining away from these items.

Downspout Drainage. Because downspouts create concentrated sources of water in the landscape, where they discharge is important. Downspouts should not discharge where water will flow directly on or over a walk, drive, or stairs. The downspouts on a hillside building should discharge on the downhill side of the building. Move the downspouts or install extensions if they discharge in these areas.

Site Improvements

Plantings. Remove any plantings that trap water and edging around planting beds. Note the location and condition of all trees and shrubbery. Those that are overgrown may need pruning or trimming; in some cases they may be so overgrown that they will have to be removed. Have trees or shrubbery that exhibit disease or infestation removed.

Trees. Check where overhanging branches may interfere with the chimney's draft, damage utility wires, or deposit leaves and twigs in roof gutters and drains. Trees and shrubbery that are very close to exterior walls or roofs can cause damage that is sometimes severe, and they can make it difficult to make inspections, do maintenance, and make repairs. Branches in these locations will need to be pruned back.

Cut back any tree roots exposed near the surface. If tree roots are under a footing, cutting down the tree can lead to rotting of the roots and subsequent settling of the foundation.

Lighting. Examine outdoor lighting elements to determine their condition and functional safety. Turn site lighting on, preferably at night, to check its operation and to determine if the light is adequate for its purpose. Replace any inadequate or nonfunctional lighting.

Exposed wiring that is not UV and moisture resistant should be replaced. Underground wiring should be type UF. Replace any fixtures, switches, and outlets that are not protected from moisture penetration.

Aerial Utility. Inspect the electrical service between the street and the main panel board. Follow the electrical guidelines on page 36.

Paved areas. Asphalt, such as driveways or patios, that are not sloped to drain water away from a building should be replaced or removed and area repaired to eliminate negative drainage. Replace any asphalt that has cracks, broken sections, high areas, low areas that trap water, and tripping hazards.

Failed or sunken areas of asphalt drives and walks should be resurfaced or replaced. Check asphalt drives and walks for low areas that hold water and freeze in cold climates. Low areas in asphalt paving should be brought to level with an asphalt overlay.

Concrete areas. Concrete areas; such as sidewalks, stoops, driveways, and walkways; that are not sloped to drain water away from a building should be replaced or removed and area repaired to eliminate negative drainage. Concrete should not be repaired by resurfacing with a thin layer of more concrete.

Concrete cracks greater than one inch thick: Remove and replace entire section.

Concrete cracks smaller than one inch thick: Cut open and seal with flexible sealant compound.

Where there is a difference in elevation in a walk or drive that creates a tripping hazard, the higher portion of concrete may be ground down to the level of the lower portion.

Brick or stone patio. Reset loose bricks or stones in a new mortar bed.

Uneven patio stones set in sand should be taken up, sand added or removed, and the pavers replaced.

Curbs and sidewalks. The maintenance, repair, and replacement of sidewalks, drive aprons, and curb cuts at the street may be the responsibility of the local jurisdiction. Check the property's deed or consult local authorities.

Stairs. Inspect the condition of exterior stairs and railings using the current building code as a guide. Every stair with more than three steps should have a handrail located 34 to 38 inches above the edges of the stair tread. Shake all railings vigorously to check their stability and inspect their fastenings. Stairs that are more than 30 inches above the adjacent grade and walks located more than 30 inches above the grade immediately below should have guards not less than 36 inches high and intermediate rails that will not allow the passage of a sphere 4 inches in diameter. Check wooden steps for proper support and strength and for rot and insect infestation. Inspect steel stairs for rust, strength, and attachment. Deteriorated stairs should be repaired or replaced. Stair treads should be as level as possible without holding water. It is preferable that stairs in walks on site that are accessible to the general public have at least three risers. Stair riser heights and tread depths should be respectively uniform.

Retaining walls. Inspect the construction and condition of retaining walls. Retaining walls more than two feet in height should be backed with drainage material, such as gravel. There should be drains at the bottom of the drainage material. The drains should discharge water either at the end of the wall or through pipes set in the wall itself. Check for bowing (vertical bulges), sweeping (horizontal bulges), and cracking in retaining walls that can be caused by water pressure and insufficient drainage. Failure to drain should be remedied by excavating behind the wall, replacing the drainage material and damaged drainage piping, and backfilling. Significant failure of any kind usually requires rebuilding or replacing all or part of a wall. Failing retaining walls more than two feet in height should be inspected by a structural engineer.

Outbuildings Examine detached garages, storage sheds, and other outbuildings for their condition in the same way that the primary building is inspected. Check also that all doors function properly and that doors and windows provide adequate weather protection and security for the building. Repair or replace all doors and windows that do not provide adequate weather protection or security. Make sure that small outbuildings have sufficient structural strength to sustain the applicable wind loads or seismic forces. Demo any outbuilding that does not have sufficient structural strength.

Building Exterior

Foundation Walls and Piers Foundation walls, including block foundation walls, and piers should be inspected for cracking, deterioration, moisture penetration, and structural adequacy. Repair any minor cracks. If there is significant cracking and failing, have a professional structural engineer inspect the property and perform their recommendations.

Exterior wood elements. Inspect all painted surfaces for peeling, chipping, blistering, and checking. If more than 15% of the wood needs replaced, apply new siding material. If less than 15% of the wood needs replaced, scrape and touch up the areas that are peeling or chipping in accordance with Lead Based Paint Standards if built prior to 1978.

Aluminum and vinyl siding. Check for loose, bent, cracked or broken pieces. Inspect all caulked joints, particularly around window and door trim. If 15% or more of the siding need repaired or replaced, apply new siding to the entire house. If less than 15% of the siding needs repaired or replaced, repair or replace those areas and match the color as closely as possible to the existing color.

Stucco. Check stucco for cracks, crumbling sections, and areas of water infiltration. It is difficult to match the color of stucco repairs to the original stucco, so plan to repaint entire stucco area if repair is needed. If the repairs are less than 3 sf, try to blend/feather the paint. Try to feather and blend the paint for small repairs less than 3 sf.

Brick or stone veneers. Inspect veneers for cracking, mortar deterioration, and spalling. Replace any missing brick or stone. Repair all cracks with mortar of the same type as existing.

Exterior insulation and finish systems (EIFS). Where mildew and mold are evident on exterior cladding or where interior walls are damp, there is the possibility that condensation is occurring in the walls. Use a trained specialist to check for concealed water damage and rot. Refer to their recommendation.

Exterior Windows and Doors

Exterior doors should be examined for their condition, overall operation and fit, and for the functionality of their hardware. Replace any missing weather stripping. If the door is damaged or non-operational install a new exterior door with a 1-5/8" solid core, exterior fiberglass door. Install entrance lock set, and mortised dead bolt keyed alike. Include three 3"x4" butt hinges, interlocking threshold, and weather stripping.

Windows should be examined for their condition, overall operation and fit, and for the functionality of their hardware. Replace any missing weather stripping. Remove and replace any deteriorated weather stripping. Replace any broken panes of glass. If the window is damaged beyond repair, not weather tight, or non-operational without repair install a new energy efficient double glazed window and jamb including screen, caulk, interior casing and exterior trim. Replace any missing screens.

Garage doors should be examined for operation, weather tightness, overall condition, and fit. Replace any broken panes of glass. Replace any missing weather stripping. If the garage door is damaged beyond repair install a steel overhead door with insulation.

Deck, Porches should be plumb and stable. Make sure that structural connections to the building are secure and protected against corrosion or decay. Inspect the condition of all exterior stairs and railings. Every stair with more than three steps should have a handrail located 34 to 38 inches above the edges of the stair tread. Shake all railings vigorously to check their stability, and inspect their fastenings. Check wooden steps for proper support and strength and for rot and insect infestation. Inspect steel stairs for rust, strength, and attachment. Deteriorated stairs should be repaired or replaced.

Roofing

Asphalt shingles. Replace any missing or torn shingles. Replace the entire roof if it is leaking. If the roof is not leaking but the granular covering is coming off and/or they are starting to curl or crack consult a roofing contractor. If he/she suggests the roof has less than 5 years remaining, replace the entire roof. When installing a new roof remove the existing roof down to the sheathing and replace all defective sheathing. Use new architectural asphalt shingles with at least a 30 year warranty. The underlayment should be at least a single layer of 15-pound asphalt saturated felt.

No asphalt shingle roof should be less steep than 3 in 12. Replace low-slope roofs with at least two felt layers. If ice dam flashing at overhanging eaves is needed or present, make sure it extends three feet beyond the plane of the interior face of the exterior wall below for a low-slope roof and two feet for a normal-slope roof.

Wood shingles or shakes Replace the entire roof when more than one quarter of the shingles show signs of deterioration or are loose. When replacing wood shingles replace with new architectural asphalt shingles with at least a 30 year warranty.

Metal roofing. Inspect metal roofs for signs of rusting or pitting, corrosion due to galvanic action, and loose, open, or leaking seams and joints. If more than one quarter of the roof shows signs of deterioration replace the entire roof with new metal roofing and trim with at least a 50 year warranty.

Gutters and Downspouts

If the roof has no gutters and downspouts install new gutters to roof. Seal all leaks with mastic. Hangers should be placed no more than 18 inches apart. Wherever a gutter is exposed, check the strength of its fastening to the roof fascia or building exterior. Rusted fasteners, rusted and deteriorated gutters and missing hangers should be replaced.

Downspouts should be checked for size. Seven square inches is generally the minimum except for small roofs or canopies. Check downspout attachments; there should be attachments or straps at the top, at the bottom, and at each intermediate joint. Check straps for rust, deformation, and failed or loose fasteners. Check the capacity of the drainage system. At least one downspout is usually needed for each 40 feet of gutter. For roofs with gutters, make sure that downspouts are clear and that they discharge so water will drain away from the foundation. If the roof has no downspouts or they are deteriorated install new downspouts.

Chimneys

Chimneys should project at least two feet above the highest part of a pitched roof and anything else that is within 10 feet. A chimney should project at least three feet from its penetration from the roof (required minimum heights may vary slightly). Flues should not be smaller in size than the discharge of the appliance they serve. The minimum flue area for a chimney connected to a fireplace is normally 50 square inches for round linings, 64 square inches for rectangular linings, and 100 square inches for an unlined chimney. Flues should extend a minimum of four inches above the top of a masonry chimney.

If a masonry chimney is not in use and more than 25% of the brick is deteriorated, remove the chimney to at least 6" below the roof line. Install a permanent cap on remaining portion of chimney. Resheet the hole where chimney is removed with 1/2" CDX plywood. Finish using roofing materials to match existing as closely as possible.

If less than 25% of the chimney is deteriorated, repair the existing chimney

Basement or Crawl Space

Crawl Space Ventilation. Check the ventilation. By measurement and calculation, compare the free area of vents with the plan area of the crawl space. The free vent area to crawl space area ratio should conform to the current International Residential Code or local building code.

Termites. Inspect all foundation walls, piers, columns, joists, beams, and sill plates for signs of termites and other wood inhabiting insects. Have a professional conduct a termite inspection and complete his/her recommended repairs.

Radon. Have a professional conduct a radon inspection and complete his/her recommended repairs.

Thermal Insulation. Add insulation, if missing, in basements and crawl spaces according to the local, state and national building code. Add additional insulation if the existing amount does not meet all local, state, and national building codes.

Structural, electrical, plumbing and HVAC systems. Inspect the following items in the crawl space:

Locate main support columns and posts, major beams and bearing walls. Foundation walls, including block foundation walls, and piers should be inspected for cracking, deterioration, moisture penetration, and structural adequacy. Repair any minor cracks. If there is significant cracking and/or failing, have a professional structural engineer inspect the property and perform their recommendations.
If the electrical panel box is in the basement, inspect how the branch circuits are distributed and the type of wiring used. Follow the electrical guidelines on page 36.
Inspect the path of the main water supply line and check all piping materials. Follow the plumbing guidelines on page 38.
Inspect the HVAC distribution system, including the ductwork, and follow the guidelines on page 39.

Building Interior

In addition to all interior items below, inspect the plumbing, electrical and HVAC.

Walls and ceilings. Ignoring cosmetic imperfections, look for cracks and peeling paint or wallpaper. Repair cracks with paintable sealant. Repaint walls that are cracking and peeling after sealing the cracks and determining the cause of the cracks.

Exterior walls. Try to determine if the walls are insulated. Add insulation if missing

Wall Paneling. Securely reattach any paneled walls. If more than 25% of the paneled wall is not attached remove paneling and install, hang, tape and texture 1/2" drywall if it is missing.

Suspended Ceilings. If suspended ceiling panels are damaged or discolored, remove panels and grid and hang, tape and texture 1/2" drywall.

Drywall. Repair any holes cracks, nail popping, deteriorated or damaged corner beads in drywall.

For drywall repairs larger than 6" cut back defective gypsum to expose half of the studs on each side of the hole. Cut and tightly fit drywall patch.

For drywall repairs smaller than 6" clean out and expand hole to allow the insertion of a 1/2" gypsum backer board coated with construction adhesive. Screw through drywall face to secure.

Plaster. Replaster or repair all damaged, cracked, loose, or bulging plaster by cutting back damaged plaster. If more than ¼ of the wall is to be disturbed, remove entire plaster surface and replace with ½" drywall.

Floors. Replace any flooring that is a tripping hazard, stained, worn out or contaminated. Replace any carpet that is over twenty years old. If the flooring is to be replaced, check that the underlayment is in good condition, if not replace it.

Interior doors. Check door and hardware for finish, wear, and proper functioning. If the door is not damaged make any repairs for proper functioning. If the door is damaged install a hollow core masonite door. Include lockset and hinges.

Outlets and Lighting. Replace any missing, damaged, or unsafe receptacles and switches. Repair or replace light fixtures that are not securely attached, non-functional, inadequate or missing shades.

Egress. Every sleeping room and habitable basement room should have at least one operable window or exterior door for emergency egress or rescue. Check with the local building authority if an egress window needs installed in an existing window.

Closets. Inspect all closets for condition and usability. It is best that they have a clear depth of at least 24 inches. Check all shelving and hanging rods for adequate bracing. Repair or replace any items that are damaged or unsecure.

Trim and finishes. Examine baseboards, sills, moldings, cornices, and other trim. Replace any missing or damaged sections or pieces. Replacement trim may no longer be readily obtainable, so determine if trim can be salvaged from more obscure locations in the building.

HVAC. Inspect the heat source for each room and make sure it is functioning. Replace any damaged or missing registers or grills. Clean out all debris from ductwork. Follow HVAC guidelines on page 39.

Fireplaces. Repair or replace the fireplace if it is deteriorated or damaged. Repair any inoperable dampers. Repair or replace all items, including flues and pipe connections, that do not meet local, state and national building codes.

Bathrooms

Examine bathrooms in accordance with the procedures for other interior rooms, and additionally inspect:

Electrical service. Wherever possible, switches and outlets should not be within arm's reach of the tub or shower, if they are have them moved. Install ground fault interrupters (GFIs) in the outlets if there are none.

Ceramic tile. Look for damaged or missing tiles, or tiles that have been scratched, pitted, or dulled by improper cleaning. Check the condition of all grouted and caulked joints. If a portion of the tile is defective or missing, all tile may have to be replaced since finding additional tiles of matching size, color, and texture may be impossible.

Ventilation. The bathroom should be ventilated by a window, an exhaust fan, or a recirculation fan. If there is an exhaust fan, check its operation. It should be properly ducted to an attic vent or the building's exterior.

Plumbing. Examine all exposed plumbing parts for leaking or signs of trouble or deterioration. Inspect the lavatory for secure attachment and support. Check the operation of all fixtures any leaking faucets that cannot be repaired or nonoperational fixtures should be replaced with a metal bodied, dual control faucet with a 15 year drip-free warranty. Include shut-off valve. Replace trap if required to complete installation. Repair or replace any caulking around the tub or sink.

Tub/Shower Enclosures. Replace any surround that is damaged, loose, or contaminated. Repair any chips if possible. Recaulk any deteriorated or cracked caulking.

Tubs. Repair any chips if possible. Recaulk any deteriorated or cracked caulking. Repair or replace any damaged, leaking, or cracking tubs.

Toilets. Repair or replace any damaged, leaking, cracking or nonfunctional toilets.

Kitchens

Examine kitchens in accordance with the inspection procedures for other interior rooms, and additionally inspect:

Counters and cabinetry. Check countertops for cracks or food traps and examine kitchen cabinets carefully for signs of vermin infestation. Look for missing, broken, or damaged hardware and cabinet parts. Check doors and drawers for fit and smooth operation, and wall cabinets for secure attachment. If the cost of replacement is less than the cost of reconditioning the countertop or cabinets then replace them.

Electrical service. A ground fault interrupter (GFI) of at least one 20 amp/120 volt circuit in all outlets over a countertop used for portable kitchen appliances. Separate circuits are also required for each major appliance as follows: Refrigerator

20 amp/120 volt, Dishwasher 20 amp/120 volt, Garbage 20 amp/120 volt disposal, Range 40 to 50 amp/ 240 volt. Follow electrical guidelines on page 36.

Ventilation. See that exhaust fans and range hoods are ducted to the outside and not to a cupboard, attic, crawl space, or wall. If they are not ducted to the outside, vent them so they are. A recirculation range hood fan is acceptable. Check the filter medium. Ducts, hoods, and filters should be free of grease buildup.

Plumbing. Examine all exposed plumbing parts for leaking or signs of trouble or deterioration. Inspect the sink for secure attachment and support. Check the operation of all fixtures any leaking faucets that cannot be repaired or nonoperational fixtures should be replaced with a pull out, single lever, metal bodied faucet with 15 year drip-free guarantee and maximum flow of 2 gallons per minute.

Appliances. Replace any nonoperational appliances with energy efficient appliances if available. Appliances must be permanently affixed to the house. No clothes washers and dryers, swamp coolers, etc.

Storage Spaces

Storage Spaces. Inspect all closets and other storage spaces for cleanliness, functionality and proper lighting.

Stairs and Hallways

Stair handrails and guardrails. Replace a missing or damaged handrail with new handrail on stairs with three or more risers. Repair or replace any missing or unstable guardrails. Guardrails are required on open sides of stairways and should have intermediate rails that will not allow the passage of an object 4 inches in diameter. Shake all railings vigorously to check their stability and inspect their fastenings. Check that all treads are level and secure. Riser heights and tread depths should be, respectively, as uniform as possible. As a guide, stairs in new residential buildings must have a maximum riser of 7-3/4 inches and a minimum tread of 10 inches. Inspect the condition and fastening of all stair coverings. Reattach any stair covering that is loose.

Stair width and clearance. Check that all stairs are structurally sound. Stairs should normally have a minimum headroom of 6'-8" and width of 3'-0".

Lighting. Repair or replace any nonfunctional or missing light fixtures. Stairs and hallways should have 3 way light controls.

Smoke Detectors. Repair or replace any nonfunctional or missing smoke detectors. They should be located at the head of the stairs or in the hallways.

Laundry Rooms

Laundries. Repair any venting that does not exhaust to the outside, clogged or restricted.

Water lines. Follow plumbing guidelines on page 38.

Attic

Roof Leaks. Look for signs of water leakage from the attic and try to locate the source. Follow the roof guidelines on page 32.

Attic Ventilation. Install additional venting if the existing ventilation does not meet local, state and national codes. If additional vents cannot be added economically, consider adding mechanical ventilation. Install new bird screen that is in poor condition. Remove debris from vent openings.

Insulation. Check the local, state and national building codes for thermal resistance and add additional to meet those requirements.

Exhaust ducts and plumbing stacks. Repair or replace any damaged or broken ducts and stacks.

Electrical System

This assessment should be conducted only by a qualified electrician who is experienced in residential electrical work.

All work must meet the requirements of the current City, County, State and National Electric Code.

Main Panel board

Condition. Repair any unsecure covers. Repair or replace any damaged panel boards.

Amperage rating. The amperage rating of the main disconnect should not be higher than the amperage capacity of the service entrance conductor or the panel board. If the rating is higher (indicating unapproved work has been done), more branch circuits may be connected to it than the service entrance conductor is capable of supplying and it needs replacement.

Voltage rating. The voltage rating of the panel board (as marked on the manufacturer's data plate) should match the voltage of the incoming electrical service. If not replace it.

Grounding. Verify that the panel board is properly grounded. Its grounding conductor should run to an exterior grounding electrode or be clamped to the metal water service inlet pipe between the exterior wall and the water meter. If it is attached on the house side of the meter, the meter should be jumpered to ensure proper electrical continuity to the earth. Make sure that the ground conductor is securely and properly clamped to the pipe often it is not, and occasionally it is disconnected altogether. Ensure also that the grounding conductor is not attached to a natural gas pipe, to an inactive pipe that may be cut off on the exterior side of the wall, or to a pipe that is connected to a plastic water service entry line. If the grounding conductor is attached to an exterior grounding electrode driven into the earth, verify that the electrode is installed in accordance with local code. Many older buildings will have the ground connected to the cold water pipe.
If this is the case and the building needs to conform to the current code, an alternate ground is required.

Overcurrent protection. Check the rating of the fuse or circuit breaker for each branch circuit. The amperage of the fuse or circuit breaker should not exceed the capacity of the wiring in the branch circuit it protects. Most household circuits use #14 copper wire, which should have 15 amp protection. There may be one or more circuits with #12 cop-per wire, which should have 20 amp protection. Large appliances, such as electric water heaters and central air conditioners, may require 30 amp service, which is normally sup-plied by #10 copper wire. If there is an electric range, it would require a 40 or 50 amp service with #6 copper wire. Central air conditioning equipment will have an overcurrent protection requirement on the nameplate. Aluminum wire must be one size larger than copper wire in each case (e.g., #14 to #12), but it should not be used for 15 and 20 amp circuits.

Overhead Wires. Reattach any wires that are not securely attached to the house. Raise any wires that are lower than 10 feet above the ground. Cut back all tree branches or other items that are in close contact with overhead wires. Spliced connections at the service entrance should be WRAPped and bare wires from the street should be replaced by the Utility Company.

Electric Meter. Advise the utility company if the meter is non functional, tampered with, unsecure or other concerns.

Service Entrance Conductor. Repair any splices or insulation. When replacing an overhead service entry, have it replaced with an underground service entry.

Branch Circuits. Replace any knob and tube wiring with new wiring that meets the City, County, State and National Electric Codes.

Receptacles. Do not assume that three-prong plug convenience outlets are connected to ground. Remove each one to observe the presence of a connected ground wire. Check to see whether GFI (ground fault interruption) type receptacles have been installed in laundries, kitchens, and bathrooms, and test their operation. Replace any damaged or missing cover plates.

Wiring. Check for surface mounted lamp cord extension wiring. It is dangerous and must be removed. It is best to remove all unused wiring or wiring that will be abandoned during rehabilitation work to avoid future confusion or misuse.

Smoke Detectors. Check to see if areas have functioning smoke detectors. Detectors should be wired to a power source, and also should contain a battery. Replace any nonfunctional or missing smoke detectors with a UL approved, ceiling mounted smoke and heat detector permanently wired into a receptacle box. Install a battery operated smoke detector in each bedroom if missing.

Assessing Electrical Service Capacity (Ampacity)
To determine the capacity (measured in amperes) of the building's existing electrical service at the main panel board, check the following:
The ampacity of the service entry conductor, which may be determined by noting the markings (if any) on the conductor cable and finding its rated ampacity in the **National Electrical Code**, Table 310-16, or applicable local code. If the service entry conductor is in conduit, look for markings on the conductor wires as they emerge from the conduit into the panel board. If all conductors are unmarked, have an electrician evaluate them.
The ampere rating on the panel board or service disconnect switch, as listed on the manufacturer's data plate.
The ampere rating marked on the main circuit breaker or main building fuse(s). This rating should never be higher than the above two ratings; if it is, the system should not be used until it is evaluated by an electrician.
The building's service capacity is the lowest of the above three figures. Once the service ampacity has been determined, compare it to the estimated ampacity the building will require after rehabilitation. If the estimated ampacity exceeds the existing ampacity, the building's electrical service will need upgrading. The method for estimating required ampacity is found in the **National Electrical Code**, Article 220.

Plumbing

This assessment should be conducted only by a qualified plumber who is experienced in residential electrical work.

Piping. All piping, regardless of composition, should be checked for wet spots, discoloration, pitting, mineral deposits, and leaking or deteriorated fittings. Pressure test any piping suspected of having leaks. Repair or replace all leaks and deteriorated fittings. Replace all lead or galvanized steel piping throughout the house. If there are signs of deterioration, leakage or restriction of flow to copper piping replace those areas. Replace any brass piping that has signs of deterioration such as white mineral deposits.

Replace any undersized piping, partially closed valves, kinks in the piping or clogs of rust or mineral deposits.

If new fixtures are to be added to the distribution system, have a plumber determine whether the existing piping can carry the additional load by checking the size and condition of the piping and calculating the water demands of the fixtures to be added.

Main Shutoff. Replace the main if it is more than 40 years old.

Main shut off valve. Repair or replace the valve if it is corroded or damaged.

Traps. Replace S-Traps that can cause the loss of the water seal.

Vents. Repair or replace any vents that are obstructed or damaged.

Drain Lines. Replace any undersized drain lines. Secure any runs that are inadequately supported.

Hot Water Heater
Dates of tank manufacture are usually listed on the data plate (often in a simple 1995 code in the serial number; 0595, for instance, would mean manufactured in May 1995), and since water heaters are usually installed within several months of manufacture, the age of the tank often can be approximated. Replace a tank if there are three or less years of life expectancy remaining. Heavy mineral or rust deposits around the tank fittings are usually a sign that the tank is nearing the end of its service life and should be replaced. Replace any leaking tanks.

Water heater capacity is determined by the heater's storage capacity and its recovery rate, or the time it takes to reheat the water in its tank. Recovery rates vary with the type of fuel used. Generally, gas or oil fired heaters have a high recovery rate and electric heaters have a low recovery rate. Low recovery rates can be compensated for by the provision of larger storage capacity.

Water heaters are sized according to the number of people living in the house and the type of heat source used:

Gas

30 gallon (115 L)	3 to 4 people
40 gallon (150 L)	4 to 5 people
50 gallon (190 L)	5 and more people

Electric

40 to 42 gallon (115 to 160 L)	3 to 4 people
50 to 52 gallon (190 to 200 L)	4 to 5 people
65 gallon (250 L)	5 and more people

A qualified plumber or mechanical engineer should determine the size of replacement units based on rehabilitation plans.

If a spa or whirlpool bath is in the house and the water is heated by either gas or electricity, an additional capacity of 10 gallons (40 L) is needed.

HVAC

This assessment should be conducted only by a qualified HVAC contractor who is experienced in residential electrical work.

Thermostats. Repair or replace any un-operational thermostat.

Venting. Repair or replace any items that do not meet the local, state, and national building codes.

HVAC Systems.
Replace any gravity system with at least a 90% efficiency forced air system.

If a steam or hot water system needs replaced, replace with at least a 90% efficiency forced air system.

If a gas or electric wall heater or electric baseboard heater needs replaced, replace with a new or upgraded heater of the same function.

Replace any system if there are three or less years of life expectancy remaining with at least a 90% efficiency forced air system.

Replace nonoperational electric wall/baseboard heaters with new updated electric wall/baseboard heaters.

Replace nonoperational gas wall heaters with new updated gas wall heaters.

Design calculation. An HVAC system's capacity can be more accurately determined by noting its heating or cooling output (in tons or BTUs) from information on the manufacturer's data plate and comparing it to the building's heating and cooling loads. These loads can be calculated using the Air Conditioning Contractors of America's Manual J or similar load calculation guide. A rough estimate of a building's required heating equipment size in BTUs per hour (BTUH) can be obtained by using the following formula:
BTUH = .33 x [square footage of building to be heated] x [difference between outside and inside design temperatures] The factor of .33 in this formula is based on R11 exterior walls, an R19 ceiling at the top floor or roof, and double-glazed windows.

Central Air Conditioning Systems. If there is an existing air conditioning system that needs repaired, repair it. This program does not cover costs to install a new air conditioning system or replace an existing system.

Uniform Physical Condition Standards - Comprehensive Listing **Page:_____of**

Inspectable Area: Site

Property ID / Name:_____ **Inspection Date: __**

			Level				
Inspectable Item	**Observable Deficiency**	**NOD**	**1**	**2**	**3**	**NA**	**H&S**
Fencing and Gates	Damaged/Falling/Leaning						NLT
	Holes						NLT
	Missing Sections						NLT
Grounds	Erosion/Rutting Areas						NLT
	Overgrown/Penetrating Vegetation						
	Ponding/Site Drainage						
Health & Safety	Air Quality - Sewer Odor Detected						NLT
	Air Quality - Propane/Natural Gas/Methane Gas Detected						LT
	Electrical Hazards - Exposed Wires/Open Panels						LT
	Electrical Hazards - Water Leaks on/near Electrical Equipment						LT
	Flammable Materials - Improperly Stored						NLT
	Garbage and Debris - Outdoors						NLT
	Hazards - Other						NLT
	Hazards - Sharp Edges						NLT
	Hazards - Tripping						NLT
	Infestation - Insects						NLT
	Infestation - Rats/Mice/Vermin						NLT
Mailboxes/Project Signs	Mailbox Missing/Damaged						
	Signs Damaged						
Market Appeal	Graffiti						
	Litter						
Parking Lots/Driveways/Roads	Cracks						
	Ponding						
	Potholes/Loose Material						
	Settlement/Heaving						
Play Areas and Equipment	Damaged/Broken Equipment						NLT
	Deteriorated Play Area Surface						
Refuse Disposal	Broken/Damaged Enclosure-Inadequate Outside Storage Space						
Retaining Walls	Damaged/Falling/Leaning						NLT
Storm Drainage	Damaged/Obstructed						
Walkways/Steps	Broken/Missing Hand Railing						NLT
	Cracks/Settlement/Heaving						
	Spalling						

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- Additional clarification to these definitions is contained in the REAC PASS Compilation Bulletin which can be found at "http://www.hud.gov/offices/reac/pdf/pass_bulletin.pdf" (24 Pages, 275 KB)
- Only level 3 is applied to independent Health & Safety deficiencies.
- In the H&S column, NLT is a "Non-Life Threatening" Health & Safety concern whereas LT is a "Life Threatening" concern which calls for immediate attention or remedy and will show up on the Exigent Health and Safety Report at the end of an inspection.

Uniform Physical Condition Standards - Comprehensive Listing **Page:_____ of _____**

Inspectable Area: Building Exterior

Property ID / Name:_____ **Inspection Date: _____**

Building Number: _____

			Level				
Inspectable Item	**Observable Deficiency**	**NOD**	**1**	**2**	**3**	**NA**	**H&S**
Doors	Damaged Frames/Threshold/Lintels/Trim						NLT
	Damaged Hardware/Locks						
	Damaged Surface (Holes/Paint/Rusting/Glass)						
	Damaged/Missing Screen/Storm/Security Door						NLT
	Deteriorated/Missing Caulking/Seals						
	Missing Door						
Fire Escapes	Blocked Egress/Ladders						LT
	Visibly Missing Components						LT
Foundations	Cracks/Gaps						
	Spalling/Exposed Rebar						
Health and Safety	Electrical Hazards - Exposed Wires/Open Panels						LT
	Electrical Hazards - Water Leaks on/near Electrical Equipment						LT
	Emergency Fire Exits - Emergency/Fire Exits Blocked/Unusable						LT
	Emergency Fire Exits - Missing Exit Signs						NLT
	Flammable/Combustible Materials - Improperly Stored						NLT
	Garbage and Debris - Outdoors						NLT
	Hazards - Other						NLT
	Hazards - Sharp Edges						NLT
	Hazards - Tripping						NLT
	Infestation - Insects						NLT
	Infestation - Rats/Mice/Vermin						NLT
Lighting	Broken Fixtures/Bulbs						
Roofs	Damaged Soffits/Fascia						
	Damaged Vents						
	Damaged/Clogged Drains						
	Damaged/Torn Membrane/Missing Ballast						
	Missing/Damaged Components from Downspout/Gutter						
	Missing/Damaged Shingles						
	Ponding						
Walls	Cracks/Gaps						
	Damaged Chimneys						NLT
	Missing/Damaged Caulking/Mortar						
	Missing Pieces/Holes/Spalling						
	Stained/Peeling/Needs Paint						
Windows	Broken/Missing/Cracked Panes						NLT
	Damaged Sills/Frames/Lintels/Trim						
	Damaged/Missing Screens						
	Missing/Deteriorated Caulking/Seals/Glazing Compound						
	Peeling/Needs Paint						
	Security Bars Prevent Egress						LT

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Uniform Physical Condition Standards - Comprehensive Listing **Page:** _____ of _____

Inspectable Area: Building Systems

Property ID / Name:_____ **Inspection Date:** _____

Building Number: _____

			Level				
Inspectable Item	**Observable Deficiency**	**NOD**	**1**	**2**	**3**	**NA**	**H&S**
Domestic Water	Leaking Central Water Supply						
	Misaligned Chimney/Ventilation System						LT
	Missing Pressure Relief Valve						NLT
	Rust/Corrosion on Heater Chimney						NLT
	Water Supply Inoperable						NLT
Electrical System	Blocked Access/Improper Storage						NLT
	Burnt Breakers						NLT
	Evidence of Leaks/Corrosion						NLT
	Frayed Wiring						
	Missing Breakers/Fuses						LT
	Missing Covers						LT
Elevators	Not Operable						NLT
Emergency Power	Auxiliary Lighting Inoperable						
	Run-Up Records/Documentation Not Available						
Fire Protection	Missing Sprinkler Head						NLT
	Missing/Damaged/Expired Extinguishers						LT
Health & Safety	Air Quality - Mold and/or Mildew Observed						NLT
	Air Quality - Propane/Natural Gas/Methane Gas Detected						LT
	Air Quality - Sewer Odor Detected						NLT
	Electrical Hazards - Exposed Wires/Open Panels						LT
	Electrical Hazards - Water Leaks on/near Electrical Equipment						LT
	Elevator - Tripping						NLT
	Emergency Fire Exits - Emergency/Fire Exits Blocked/Unusable						LT
	Emergency Fire Exits - Missing Exit Signs						NLT
	Flammable Materials - Improperly Stored						NLT
	Garbage and Debris - Indoors						NLT
	Hazards - Other						NLT
	Hazards - Sharp Edges						NLT
	Hazards - Tripping						NLT
	Infestation - Insects						NLT
	Infestation - Rats/Mice/Vermin						NLT
HVAC	Boiler/Pump Leaks						
	Fuel Supply Leaks						NLT
	General Rust/Corrosion						NLT
	Misaligned Chimney/Ventilation System						LT
Roof Exhaust System	Roof Exhaust Fan(s) Inoperable						
Sanitary System	Broken/Leaking/Clogged Pipes or Drains						NLT
	Missing Drain/Cleanout/Manhole Covers						

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				Level				
X	Inspectable Item Location	Observable Deficiency	NOD	1	2	3	NA	H&S
	Basement/Garage/Carport	Baluster/Side Railings - Damaged						
	Closet/Utility/Mechanical	Cabinets - Missing/Damaged						
	Community Room	Call for Aid - Inoperable						NLT
	Day Care	Ceiling - Bulging/Buckling						
	Halls/Corridors/Stairs	Ceiling - Holes/Missing Tiles/Panels/Cracks						
	Kitchen	Ceiling - Peeling/Needs Paint						
	Laundry Room	Ceiling - Water Stains/Water Damage/Mold/Mildew						
	Lobby	Countertops - Missing/Damaged						
	Office	Dishwasher/Garbage Disposal - Inoperable						
	Other Community Spaces	Doors - Damaged Frames/Threshold/Lintels/Trim						NLT
	Patio/Porch/Balcony	Doors - Damaged Hardware/Locks						
	Restrooms/Pool Structures	Doors - Damaged Surface (Holes/Paint/Rust/Glass)						
	Storage	Doors - Damaged/Missing Screen/Storm/Security Door						NLT
		Doors - Deteriorated/Missing Seals (Entry Only)						
		Doors - Missing Door						
		Dryer Vent -Missing/Damaged/Inoperable						
		Electrical - Blocked Access to Electrical Panel						NLT
		Electrical - Burnt Breakers						NLT
		Electrical - Evidence of Leaks/Corrosion						NLT
		Electrical - Frayed Wiring						
		Electrical - Missing Breakers						LT
		Electrical - Missing Covers						LT
		Floors - Bulging/Buckling						
		Floors - Floor Covering Damaged						
		Floors - Missing Floor/Tiles						
		Floors - Peeling/Needs Paint						
		Floors - Rot/Deteriorated Subfloor						
		Floors - Water Stains/Water Damage/Mold/Mildew						
		GFI - Inoperable						NLT
		Graffiti						
		HVAC - Convection/Radiant Heat System Covers Missing/Damaged						
		HVAC - General Rust/Corrosion						
		HVAC - Inoperable						
		HVAC - Misaligned Chimney/Ventilation System						LT
		HVAC - Noisy/Vibrating/Leaking						
		Lavatory Sink - Damaged/Missing						NLT
		Lighting - Missing/Damaged/Inoperable Fixture						
		Mailbox - Missing/Damaged						
		Outlets/Switches/Cover Plates - Missing/Broken						LT
		Pedestrian/Wheelchair Ramp						
		Plumbing - Clogged Drains						NLT
		Plumbing - Leaking Faucet/Pipes						NLT
		Range Hood /Exhaust Fans - Excessive Grease/Inoperable						
		Range/Stove - Missing/Damaged/Inoperable						
		Refrigerator - Damaged/Inoperable						
		Restroom Cabinet - Damaged/Missing						
		Shower/Tub - Damaged/Missing						
		Sink - Missing/Damaged						NLT
		Smoke Detector - Missing/Inoperable						LT
		Stairs - Broken/Damaged/Missing Steps						NLT
		Stairs - Broken/Missing Hand Railing						NLT
		Ventilation/Exhaust System - Inoperable						
		Walls - Bulging/Buckling						
		Walls - Damaged						
		Walls - Damaged/Deteriorated Trim						
		Walls - Peeling/Needs Paint						
		Walls - Water Stains/Water Damage/Mold/Mildew						
		Water Closet/Toilet - Damaged/Clogged/Missing						
		Windows - Cracked/Broken/Missing Panes						NLT
		Windows - Damaged Window Sill						

	Windows - Missing/Deteriorated Caulking/Seals/Glazing Compound						
	Windows - Peeling/Needs Paint						
	Windows - Security Bars Prevent Egress						LT
Health & Safety	Air Quality - Mold and/or Mildew Observed						NLT
	Air Quality - Propane/Natural Gas/Methane Gas Detected						LT
	Air Quality - Sewer Odor Detected						NLT
	Electrical Hazards - Exposed Wires/Open Panels						LT
	Electrical Hazards - Water Leaks on/near Electrical Equipment						LT
	Emergency Fire Exits - Emergency/Fire Exits Blocked/Unusable						LT
	Emergency Fire Exits - Missing Exit Signs						NLT
	Flammable/Combustible Materials - Improperly Stored						NLT
	Garbage and Debris - Indoors						NLT
	Garbage and Debris - Outdoors						NLT
	Hazards - Other						NLT
	Hazards - Sharp Edges						NLT
	Hazards - Tripping						NLT
	Infestation - Insects						NLT
	Infestation - Rats/Mice/Vermin						NLT
Pools and Related Structures	Fencing - Damaged/Not Intact						
	Pool - Not Operational						
Trash Collection Areas	Chutes - Damaged/Missing Components						

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Property ID / Name:

Wyoming Community Development Authority
Attachment "J"

			Level				
Inspectable Item	**Observable Deficiency**	**NOD**	**1**	**2**	**3**	**NA**	**H&S**
Bathroom	Bathroom Cabinets - Damaged/Missing						
	Lavatory Sink - Damaged/Missing						NLT
	Plumbing - Clogged Drains						NLT
	Plumbing - Leaking Faucet/Pipes						NLT
	Shower/Tub - Damaged/Missing						NLT
	Ventilation/Exhaust System - Inoperable						
	Water Closet/Toilet - Damaged/Clogged/Missing						NLT
Call-for-Aid	Inoperable						NLT
Ceiling	Bulging/Buckling						
	Holes/Missing Tiles/Panels/Cracks						
	Peeling/Needs Paint						
	Water Stains/Water Damage/Mold/Mildew						
Doors	Damaged Frames/Threshold/Lintels/Trim						NLT
	Damaged Hardware/Locks						
	Damaged/Missing Screen/Storm/Security Door						NLT
	Damaged Surface - Holes/Paint/Rusting/Glass						
	Deteriorated/Missing Seals (Entry Only)						
	Missing Door						NLT
Electrical System	Blocked Access to Electrical Panel						NLT
	Burnt Breakers						NLT
	Evidence of Leaks/Corrosion						NLT
	Frayed Wiring						
	GFI - Inoperable						NLT
	Missing Breakers/Fuses						LT
	Missing Covers						LT
Floors	Bulging/Buckling						
	Floor Covering Damage						
	Missing Flooring Tiles						
	Peeling/Needs Paint						
	Rot/Deteriorated Subfloor						
	Water Stains/Water Damage/Mold/Mildew						
Health & Safety	Air Quality - Mold and/or Mildew Observed						NLT
	Air Quality - Sewer Odor Detected						NLT
	Air Quality - Propane/Natural Gas/Methane Gas Detected						LT
	Electrical Hazards - Exposed Wires/Open Panels						LT
	Electrical Hazards - Water Leaks on/near Electrical Equipment						LT
	Emergency Fire Exits - Emergency/Fire Exits Blocked/Unusable						LT
	Emergency Fire Exits - Missing Exit Signs						NLT
	Flammable Materials - Improperly Stored						NLT
	Garbage and Debris - Indoors						NLT
	Garbage and Debris - Outdoors						NLT
	Hazards - Other						NLT
	Hazards - Sharp Edges						NLT
	Hazards - Tripping						NLT
	Infestation - Insects						NLT
	Infestation - Rats/Mice/Vermin						NLT
Hot Water Heater	Misaligned Chimney/Ventilation System						LT
	Inoperable Unit/Components						NLT
	Leaking Valves/Tanks/Pipes						
	Pressure Relief Valve Missing						NLT
	Rust/Corrosion						NLT
HVAC System	Convection/Radiant Heat System Covers Missing/Damaged						
	Inoperable						
	Misaligned Chimney/Ventilation System						LT

	Noisy/Vibrating/Leaking						
	Rust/Corrosion						
Kitchen	Cabinets - Missing/Damaged						NLT
	Countertops - Missing/Damaged						NLT
	Dishwasher/Garbage Disposal - Inoperable						
	Plumbing - Clogged Drains						NLT
	Plumbing - Leaking Faucet/Pipes						NLT
	Range Hood/Exhaust Fans - Excessive Grease/Inoperable						
	Range/Stove - Missing/Damaged/Inoperable						
	Refrigerator-Missing/Damaged/Inoperable						NLT
	Sink - Damaged/Missing						NLT
Laundry Area (Room)	Dryer Vent - Missing/Damaged/Inoperable						
Lighting	Missing/Inoperable Fixture						NLT
Outlets/Switches	Missing						LT
	Missing/Broken Cover Plates						LT
Patio/Porch/Balcony	Baluster/Side Railings Damaged						
Smoke Detector	Missing/Inoperable						LT
Stairs	Broken/Damaged/Missing Steps						NLT
	Broken/Missing Hand Railing						NLT
Walls	Bulging/Buckling						
	Damaged						
	Damaged/Deteriorated Trim						
	Peeling/Needs Paint						
	Water Stains/Water Damage/Mold/Mildew						
Windows	Cracked/Broken/Missing Panes						NLT
	Damaged Window Sill						
	Missing/Deteriorated Caulking/Seals/Glazing Compound						
	Inoperable/Not Lockable						NLT
	Peeling/Needs Paint						
	Security Bars Prevent Egress						LT

- In order to accurately categorize a deficiency as a "Level 1", "Level 2" or "Level 3" (including independent Health & Safety items), you must refer to the Final Dictionary of Deficiency Definitions (PASS) Version 2.3, dated 03/08/2000. This document can be found at "http://www.hud.gov/offices/reac/pdf/pass_dict2.3.pdf" (325 Pages, 343 KB)
- Additional clarification to these definitions is contained in the REAC PASS Compilation Bulletin which can be found at "http://www.hud.gov/offices/reac/pdf/pass_bulletin.pdf" (24 Pages, 275 KB)
- Only level 3 is applied to independent Health & Safety deficiencies.
- In the H&S column, NLT is a "Non-Life Threatening" Health & Safety concern whereas LT is a "Life Threatening" concern which calls for immediate attention or remedy and will show up on the Exigent Health and Safety Report at the end of an inspection.

Attachment "K"
Single-family Program Environmental Review Checklist

ENVIRONMENTAL REVIEW RECORD

Sample Format for the Determination of a Categorical Exclusion for Projects/Activities Found at 24 CFR Part 58.35(a), Which Are Subject to the Federal Laws and Authorities Found at 24 CFR Part 58.5

Project/Activity Information:

Project Name and Description: ____

New Construction □ or,
Acquisition/Rehabilitation □
…of single family properties that will be rehabilitated and sold to low, moderate, and middle income persons:

(Property Address(es))

HUD Program and Grant Number: _____
HOME or Neighborhood Stabilization Program_____

(Use the questions below to classify the proposed project/activity in compliance with HUD regulations found at 24 CFR Part 58.35(a).)

*(**NOTE:** A proposed project/activity must comply with the Federal laws and authorities found at 24 CFR Part 58.5 and a "Statutory Worksheet" (ERR Guide #5) must be completed and attached.)*

*(**NOTE:** 24 CFR Part 58.32 discusses that a responsible entity must group together and evaluate **as a single project** all individual activities which are related either on a geographical or functional basis, or are logical parts of a composite of contemplated actions. This is termed, "project aggregation", and its purpose is to address adequately and analyze, in a single environmental review, the separate and combined impacts of activities that are similar, connected, and closely related, or that are dependent upon other activities and actions. When attempting to classify projects/activities as categorically excluded, environmental reviewers should be cautious that the provisions of 24 CFR Part 58.32 should be considered and the end result may be the required type of environmental review should actually be the preparation of an environmental assessment pursuant to 24 CFR Parts 58.36 and Subpart E.)*

Classification of Project/Activity:

_____ 24 CFR Part 58.35(a)(1): Acquisition, repair, improvement, reconstruction, or rehabilitation of public facilities and improvements (other than buildings) when the facilities and improvements are in place and will be retained in the same use without change in size or capacity of more than 20 percent (e.g., replacement of

water or sewer lines, reconstruction of curbs and sidewalks, repaving of streets)

_____ **24 CFR Part 58.35(a)(2): Special projects directed to the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and handicapped persons**

____ **24 CFR Part 58.35(a)(3): Rehabilitation of buildings and improvements when the following conditions are met:**

- 1 to 4 unit building for residential use, when density is not increased beyond 4 units; land use is not changed; and the footprint of the building is not increased in a floodplain or in a wetland area
- Multifamily residential buildings, when:
  - Unit density is not changed more than 20 percent;
  - The project does not involve changes in land use from residential to non-residential; and
  - The estimated cost of rehabilitation is less than 75 percent of the total estimated cost of replacement after rehabilitation
- Non-residential structures, including commercial, industrial, and public buildings, when:
  - Facilities and improvement are in place and will not be changed in size or capacity by more than 20 percent; and
  - The activity does not involve a change in land use, such as from non-residential to residential, commercial to industrial, or from one industrial use to another

_____ **24 CFR Part 58.35(a)(4):**

- An individual action (non-rehabilitation) on up to 4 dwelling units where there are maximum 4 units on any one site. The units can be 4 one-unit buildings or 1 four-unit building or any combination in between
- An individual action (non-rehabilitation) on a project of 5 or more housing units developed on scattered sites when the sites are more than 2,000 feet apart and there are not more than 4 housing units on any one site

_____ ***24 CFR Part 58.35(a)(5):***

- Acquisition (including leasing) or disposition of, or equity loans on, an existing structure
- Acquisition (including leasing) of vacant land provided the structure or land acquired, financed, or disposed of will be retained for the same use

_____ **24 CFR Part 58.35(a)(6): Combinations of the above activities**

Environmental Reviewer's Name (printed or typed): _____

Environmental Reviewer's Signature: _____

Responsible Entity (printed or typed): Wyoming Community Development Authority

Date: _____

(Complete and attach ERR Guide #5.)

ENVIRONMENTAL REVIEW RECORD

Sample Format for the *"Statutory Worksheet"* for Projects/Activities Found at 24 CFR Part 58.35(a), Which Are Subject to the Federal Laws and Authorities Found at 24 CFR Part 58.5

Project/Activity Information:

Project Name and Description: _____ Wyoming Rehabilitation and Acquisition Program, acquisition of single family properties that will be rehabilitated and sold to low, moderate, and middle income persons

(Property Address(es))

HUD Program and Grant Number: _____
HOME or Neighborhood Stabilization Program_____

(Use this worksheet only for HUD projects/activities determined Categorically Excluded pursuant to HUD regulations found at 24 CFR Part 58.35(a).)

24 CFR PART 58.5 STATUTES, EXECUTIVE ORDERS, AND REGULATIONS

DIRECTIONS: *Write **"A"** in the Status Column when the project, by its nature, does not affect the resources under consideration, OR write **"B"** if the project triggers formal compliance consultation procedures with the oversight agency, or requires mitigation (see the attached "Statutory Worksheet Instructions"). Compliance documentation must contain verifiable source documents and relevant base data. Attach reviews, consultations, and special studies as needed.*

Compliance Factors (Statutes, Executive Orders, and regulations listed at 24 CFR Part 58.5)	Status (A or B)	Compliance Finding and Documentation
Historic Properties ▪ 36 CFR Part 800 regulations ▪ National Historic Preservation Act of 1966 ▪ Executive Order 11593, Protection and Enhancement of the Cultural Environment		
Floodplain Management ▪ Executive Order 11988 ▪ 24 CFR Part 55 regulations		
Wetland Protection ▪ Executive Order 11990		
Coastal Zone Management ▪ Coastal Zone Management Act of 1972		Not applicable for the States of CO, MT, ND, NE, SD, UT, & WY
Sole Source Aquifers ▪ Safe Drinking Water Act of 1974 ▪ 40 CFR Part 149 regulations		

Endangered Species Endangered Species Act of 1973		
Wild and Scenic Rivers ▪ Wild and Scenic Rivers Act of 1968		
Air Quality ▪ Clean Air Act of 1970 ▪ 40 CFR Parts 6, 51, & 93 regulations		
Farmland Protection Policy Act ▪ Farmland Protection Policy act of 1981 ▪ 7 CFR Part 658 regulations		
Environmental Justice Executive Order 12898		
HUD ENVIRONMENTAL STANDARDS **Noise Abatement and Control** ▪ 24 CFR Part 51B regulations		
Explosive and Flammable Operations *24 CFR Part 51B regulations*		
Toxic Chemicals and Gases, Hazardous Materials, Contamination, and Radioactive Substances ▪ 24 CFR Part 58.5(i)(2)(i) regulation		
Airport Clear Zones and Accident Potential Zones ▪ 24 CFR Part 51B regulations		

DETERMINATION:

( ) This project converts to Exempt status, per 24 CFR Part 58.34(a)(12), because it does not require any mitigation for compliance with any listed statutes, executive orders, or regulations, nor requires any formal permit or license (Status "A" has been determined in the status column for all authorities). **Funds may be drawn down** for this (now) EXEMPT project; OR

( ) This project cannot convert to Exempt status because one or more of the listed statutes, executive orders, or regulations require(s) consultation or mitigation. Environmental consultation/mitigation requirements, pursuant to 24 CFR Part 58 must be completed/determined to the point of reaching closure. A Notice of Intent to Request a Release of Funds must be published with its associated public comment periods pursuant to 24 CFR Part 58.45 and Subpart H in coordination with HUD/State government (as applicable). Form HUD 7015.15, *"Request for Release of Funds and Certification"*, must be properly executed pursuant to 24 CFR Part 58, Subpart H and forwarded to HUD/State government (as applicable).

Appropriate authority to use grant funds must be obtained from HUD/State government (as applicable) before drawing down funds; OR

( ) The unusual circumstances of this project may result in a significant environmental impact. This project requires preparation of an Environmental Assessment (EA). An EA should be prepared pursuant to 24 CFR Part 58, Subpart E.

Environmental Review Preparer's Information:

Environmental Reviewer's Name (printed or typed):

Environmental Reviewer's Signature: _____

Date: _____

Responsible Entity, Certifying Official's Information/Certification:

Responsible Entity, Certifying Official's name and title (printed or typed):

Wyoming Community Development Authority

Responsible Entity, Certifying Official's Signature: _____

Date: _____

(Attach to ERR GUIDE #4.)

EXHIBIT "L"
SINGLE-FAMILY HOUSING DEVELOPMENT
Site Development Budget Template

Project Address:

Developer:

DEVELOPMENT BUDGET ITEM	Cost	% Total
ACQUISITION		
Building/Site Acquisition (Acq/Rehab)		
Land Acquisition (New Construction)		
UNIT CONSTRUCTION/REHABILITATION		
OTHER CONSTRUCTION		
Landscaping		
Permits		
Clearance and Demolition		
Utility Connections & Tap Fees		
Contingency		
INFRASTRUCTURE		
Streets and Sidewalks		
Water and Sewer		
Stormwater & Drainage		
Impact Fees		
PROFESSIONAL FEES		
Site Planning		
Architecture & Engineering		
Real Estate Attorney		
Consultant		
Survey		
Market Study		
Environmental		
Organization Expense		
FINANCE COSTS		
Construction Loan Interest		
Construction Origination		
Appraisal		
Construction Insurance		
Property Taxes		
SOFT COSTS		
Marketing		
Other		
DEVELOPER FEE		
TOTAL UNIT DEVELOPMENT COST		