

2020 National Housing Trust Fund

GRANTEE WORKSHOP

Community Programs Division
Tennessee Housing Development Agency

July 16, 2020

Congratulations!!!







Non-Discrimination in Services Requirements

FOR THDA SUB-RECIPIENTS



New Online Training

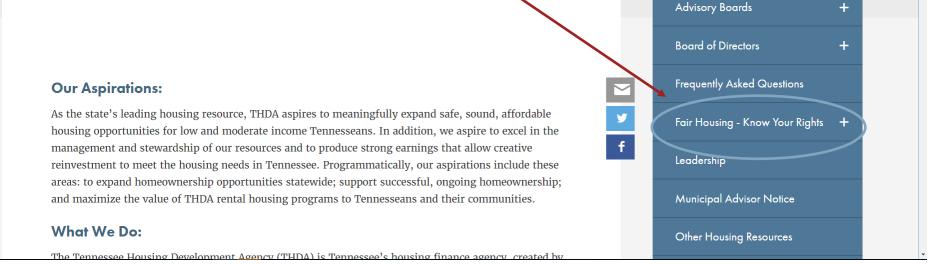
- New online training modules posted to THDA's website.
- Recommended that sub-recipients view the training "Non-Discrimination in Federally Funded Activities" training, which includes the compliance requirements (in handout).
- To access the training, go to THDA website: "About THDA" from top thread; "Fair Housing-Know your Rights" from sidebar; page down to bottom of page for "Resources."



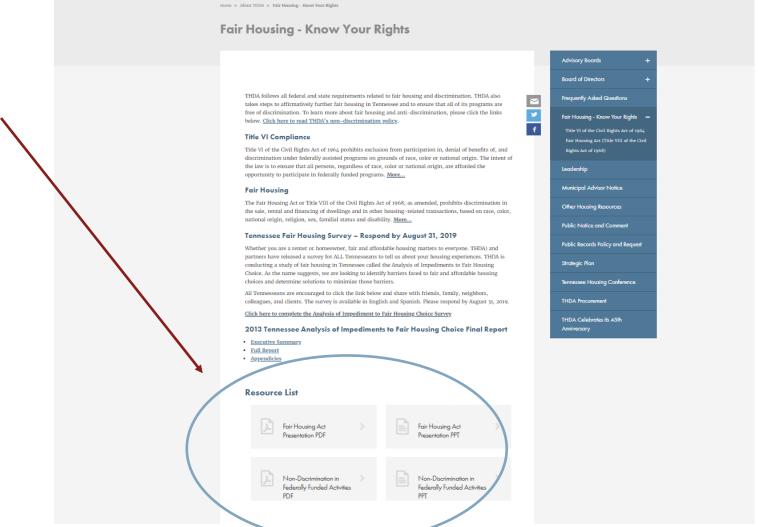


Home » About THDA

About THDA









Non-discrimination in Services Self Survey

- Non-discrimination in Services Self Survey form due to THDA by July 31 each year.
- The non-discrimination activities reported are not new; the form is a new method of collecting information on your activities.
- To access form, go to THDA website: "About THDA" from top thread; "Fair Housing-Know your Rights" from sidebar; "Title VI of the Civil Rights Act of 1964" from sidebar; on Title VI page, page down to "Resources."



to participate in federally funded programs. To learn more about Title VI from the Tennessee Human Rights Commission, click here.

Title VI Compliance

The Tennessee Human Rights Commission is responsible for monitoring Title VI compliance among Tennessee State Agencies. THDA develops and submits the Title VI Compliance Implementation Plan annually to THRC. The Plan To read the plan and learn more about THDA's procedures and monitoring of Title VI compliance activities, click here.

Title VI & Fair Housing Questions?

For questions about THDA's Title VI procedures, please contact <u>Laura Swanson</u>, Title VI Coordinator at 615-815-2127, or for questions regarding Title VI or Fair Housing and THDA programs, contact THDA Assistant Legal Counsel, <u>Charity Williams</u>.

Discrimination Complaints

Participants in any of THDA's programs may submit a complaint regarding discrimination directly to THDA. Click here for THDA's Discrimination Complaint form. Your complaint may be investigated and answered internally or may be forwarded to the <u>Tennessee Human Rights Commission</u> (THRC) or the <u>Department of Housing and Urban Development</u> for investigation and response. To file a complaint directly with THRC, <u>click here</u>. To file a complaint directly with the Department of Housing and Urban Development, click here.

Tennessee Fair Housing Survey – Respond by August 31, 2019

Whether you are a renter or homeowner, fair and affordable housing matters to everyone. THDA) and partners have released a survey for ALL Tennesseans to tell us about your housing experiences. THDA is conducting a study of fair housing in Tennessee called the Analysis of Impediments to Fair Housing Choice. As the name suggests, we are looking to identify barriers faced to fair and affordable housing choices and determine solutions to minimize those barriers.

All Tennesseans are encouraged to click the link below and share with friends, family, neighbors, colleagues, and clients. The survey is available in English and Spanish. Please respond by August 31, 2019.

Click here to complete the Analysis of Impediment to Fair Housing Choice Survey

Resource Links

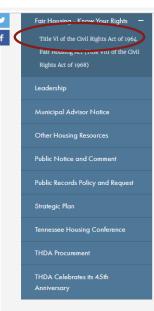
To fill out and sign the Non-Discrimination in Service Survey download the file and open it in Adobe Acrobat.



Title VI Implementation Plan



Non-Discrimination in Service Survey





Questions

Call or email Laura Swanson, THDA Civil Rights Advisor:

615-815-2127 or Iswanson@thda.org

FY2020 Application Round



Scoring Matrix:

- \$5.2M available for program activities
- \$6.2M in eligible applications for program activities from 7 qualified applicants across TN
- \$5.2M awarded to six applicants to build or renovate 133 rental units
- Total development value of \$117.4M
- Total units developed 606







The Contract



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

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

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

General Requirements



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

General Requirements (cont)



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

Role of the Grantee



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

Written Agreements



- July 1, 2020 through June 30, 2023
- Expenses or commitments incurred prior to July 1, 2020 will not be eligible
- 60 days after July 30, 2023 to submit final draws
- The applicant must sign BOTH copies and return BOTH to THDA with all required Start-up Forms.
- Written Agreements are due at THDA within 30 days of receiving them.

Level of Subsidy



Minimum and maximum NHTF investment per unit:

- Minimum NHTF Funds: \$1,000 per unit
- Maximum NHTF Funds Per Unit:
 - \$63,881 0-Bedroom (Efficiency) Limit
 - \$73,230
 1-Bedroom Limit
 - \$89,049
 2-Bedroom Limit
 - \$115,201 3-Bedroom Limit
 - \$126,454 4-Bedroom Limit
 - Effective June 4, 2020

Design Standards



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

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

Other Requirements



All projects must also meet other federal requirements

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





Required method of sending documents to THDA:

- All work write-ups and estimates, pay requests, and ERRs
- Your THDA Senior Housing Program Specialists will assist you with getting your account set up.

https://edt.thda.org/EFTClient/Account/Login.htm

Start-up



Confirm the budget and funding sources from the application.

- Provide documentation that all funding has been secured
- If there have been changes to the funding stack or development budget at any time during the project you must complete the development, operating and proforma update
- If the funds are being loaned from the Grantee to a development entity
 - The intent to create the loan must be disclosed prior to payment of any draws
 - The loan must not have any principal or interest payments due during the period of affordability (30 years).

Start-up Forms



Return the following forms to THDA at Start Up

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

PLEASE PAY SPECIAL ATTENTION:

Return the original (W-9 and Supplier Direct Deposit Authorization) Form, completed and signed by bank official **DIRECTLY** to the **State of Tennessee Finance and Administration**

Set-up Forms



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

- Phase One Environmental Review
- THDA Approved Policies and Procedures
- Project Set-Up Form
- Lead Based Paint Compliance Form
- Copy of LBP Inspection/ Risk Assessment (if applicable)
- Copy of the final project budget indicating all funding sources and costs
- Commitment letter for ALL non-NHTF funding in the project
- Copy of Legal Description for Legal Doc Prep
- NHTF Environmental Review (Must be submitted prior to 1st Draw Request)



Submitting Draw Requests to THDA

Drawing Funds....



Prior to first draw, THDA must have:

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

NOTE: All Monitoring Fees must be paid prior to drawing any of the developer fee.

Pay Request



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

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

Pay Request (Cont)



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

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

Pay Request



For Final Draw THDA Must Have:

- Same elements required for the initial and interim draws plus;
- Completed and approved THDA Final Progress Review
- Passed final codes inspection reports
- Lead based paint hazard clearance report (if applicable)
- Certificate of Occupancy
- General Contractor's Sworn Construction Statement of completion;
 (Certification of Completion and Final Inspection) form
- Monitoring Fees must be paid prior to drawing any of the developer fee.

Eligible Draw Calculation



NHTF Eligible Expense Calculator - Request for Payment

Grantee:	Test			
Contract Number:	Test	Grant Award Amoun	Grant Award Amount: \$0.00	
Project Name:	Test	•		
Project Address:	Test			
Draw Number:	1	Interim or Final	interim	
Start Date Working Agreement	7/1/2020	Percentage of Completion ths Draw:	25%	
Start Date Planning Expenses	7/3/2018	End Date Working Agreement	6/30/2023	
Total Itemized Potential Billing	Amount	Potential Eligible Billing		
Development Hard Costs	\$0.00	#DIV/0!		
Site Development Costs	\$0.00	#DIV/0!		
Acquisition Costs	\$0.00	#DIV/0!		
Architectural and Engineering	\$0.00	#DIV/0!		
Related Soft Costs	\$0.00	#DIV/0!		
Related Relocation Costs	\$0.00	#DIV/0!		
Total Expenses Billed:	\$0.00	#DIV/0!		
Potential eligible costs this draw:			#DIV/	
Units are fixed or floating:	Floating	Number of units in floating stock:		
Total Number of buildings in project:	0	Number of buildings with NHTF eligible units	:	
Percentage of eligible buildings:	#DIV/0!			
Number of units in eligible buildings:	0	Number of NHTF committed units in project:		
Percentage of eligible units:	#DIV/0!			
Actual eligible costs this draw:			#DIV/	
Has 50% Progress Inspection bee passe				
NOTE: Monitoring Fees must be paid in				
Have Monitoring Fees Been paid?	NO	If Yes date Fees Paid		
Eligible developer fees:	0%		#DIV/	
Total Eligible Amont Billed:			#DIV/	
Maximum Draw Based on Subsidy Lim	it, % completion and	previous draws:	\$0.	
hereby ceditify that I have attached a	I required document	ation to support this request. I have satisfied al	related terms ar	
conditions of the above sited contrcat.			related terms at	
Conditions of the above sited Control.	and state that the t	acta reported above is true and correct.		
F				
Signature:		Date:		

Each Draw Request Must Have This Worksheet Attached:

Eligible Draw Calculation



Information Needed to Complete the Calculation

If FLOATING Units:

- Number of units in floating stock
- Total Number of Buildings in the Project
- Number of Buildings with NHTF Eligible Units
- = % of Eligible Buildings
- Number of Units in Eligible Buildings
- Number of NHTF Committed Units in Project
- = % of Eligible Units Billable to NHTF

If FIXED Units:

- Total Number of Buildings in the Project
- Number of Buildings with NHTF Eligible
 Units
- = % of Eligible Buildings
- Number of Units in Eligible Buildings
- Number of NHTF Committed Units in Project
- = % of Eligible Units Billable to NHTF



HTF Environmental Reviews

NOTE: They are different from Part 58 ...



What's different from Part 58?

When a project is only using NHTF funds-

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



NHTF Environmental Provisions

New Construction

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



NHTF Environmental Provisions

Rehabilitation

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



NHTF Environmental Provisions Cover-

- Historic Preservation
- Farmlands
- Airport Zones
- Coastal Barrier Resources System
- Coastal Zone Management
- Floodplains
- Wetlands



NHTF Environmental Provisions Cover-

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

Income Eligibility



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

See 2020 Income Limits applicable for your county

<u>www.thda.org</u> -> Business partners -> Grant Administrators ->
 NHTF Program -> Resource Links at the bottom of the page

Income Determination



Section 8 Rental Assistance definition is used for the NHTF program

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

Income Determination



Acceptable source documents may include:

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



Construction Issues

Codes



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

You must also comply with:

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

Codes



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

http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_26481.pdf

Permits



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

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



Permits



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

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



Record Retention



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

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



Other Federal Requirements

Lead-Based Paint Hazards



For all units that are pre-1978

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

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

Promoting Fair Housing and the ADA



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









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

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

Fair Housing Activities



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

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

Fair Housing Activities



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

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

Limited English Proficiency



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



Americans with Disabilities Act (ADA)

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

Conflict of Interest



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

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

Conflict of Interest



Covered familial relationships are limited to immediate family members:

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





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

Procurement



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

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

Section 3



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

Section 3 Resident



A Section 3 Resident is:

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

Section 3 Business Concern



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

Section 3 Qualifications



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

Section 3 Responsibilities



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

Section 3 Preference



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

Section 3 Responsibility



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



Tell Your Story

Highlight Your Successes



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

NHTF Manual



- <u>www.thda.org</u> -> business partners -> grant administrators -> NHTF Program -> scroll down to the bottom of the page under "Resource Links"
- We recommend you **READ** the relevant chapters before starting your program

Contacts



Cynthia Peraza, Director, Community Programs Division

cperaza@thda.org or (615) 815-2112

Bill Lord, Housing Program Manager

blord@thda.org or (615) 815-2018

Craig Stevens, Senior Housing Coordinator

cstevens@thda.org or (615) 815-2035

Allison Moore, Senior Housing Coordinator

aemoore@thda.org or (615) 815-2040

Mia Billingsley, Senior Housing Coordinator – Compliance

mbillingsley@thda.org or (615) 815-2033

Dwayne Hicks, Senior Housing Coordinator - Construction

dhicks@thda.org or (615) 815-2044

Remaining Questions



