

2021

National Housing Trust Fund

GRANTEE WORKSHOP

Community Programs Division
Tennessee Housing Development Agency

July 9, 2021

Congratulations!!!



FY2021 Application Round

Scoring Matrix:

- \$8.76M available for program activities
- \$4.9M in eligible applications for program activities from 7 qualified applicants across TN
- \$4.9M awarded to 7 applicants to build or renovate 111 NHTF qualified rental units
- Total development value of \$122.5M
- Total units developed 494

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
 - Year one financial review
 - 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
 - Disputes will be settled with the grantee not the limited partner or Developer.
 - The **Grantee** 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, 2021 through June 30, 2024**
- Expenses or commitments incurred prior to July 1, 2021 will not be eligible
- **60 days** after July 30, 2024 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 units constructed or rehabilitated with NHTF funds must meet all of the below;

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

EFT (Electronic File Transfer)

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
 - No draws can be processed until all funding sources for the project have 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
- 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

| Fields Reserved for THDA | | | |
|---|---------------|---|----------------|
| Grantee: | Test | | |
| Contract Number: | Test | 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 this 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/0! |
| Units are fixed or floating: | Floating | Number of units in floating stock: | 0 |
| Total Number of buildings in project: | 0 | Number of buildings with NHTF eligible units: | 0 |
| Percentage of eligible buildings: | #DIV/0! | | |
| Number of units in eligible buildings: | 0 | Number of NHTF committed units in project: | 0 |
| Percentage of eligible units: | #DIV/0! | | |
| Actual eligible costs this draw: | | | #DIV/0! |
| Has 50% Progress Inspection been passed: | | | |
| NOTE: Monitoring Fees must be paid in full before any Developer Fees can be paid. | | | |
| Have Monitoring Fees Been paid? | NO | If Yes date Fees Paid | |
| Eligible developer fees: | 0% | | #DIV/0! |
| Total Eligible Amount Billed: | | | #DIV/0! |
| Maximum Draw Based on Subsidy Limit, % completion and previous draws: | | | \$0.00 |
| I hereby certify that I have attached all required documentation to support this request. I have satisfied all related terms and conditions of the above cited contract. I also state that the data reported above is true and correct. | | | |
| Signature: | Date: | | |
| 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 not been newly constructed or rehabilitated less than 12 months before the commitment of HTF funds – 24 CFR § 93.301 (f)(1)(3)(i)(B) and (4).

NHTF Environmental Provisions Cover-

- 
- 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 2021 Income Limits applicable for your county

- www.thda.org -> Government & Nonprofit Partners -> National Housing Trust Fund -> Reference Materials at the bottom of the page - > NHTF Income Limits

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

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

Other Federal Requirements

Lead-Based Paint Hazards

For all units that are pre-1978

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

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

Promoting Fair Housing and the ADA

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



Fair Housing and Equal Opportunity

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 **Fair Housing: Equal Opportunity for All** brochure as part of the application process

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

Fair Housing Activities

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 step-sister), grandparent, grandchild, and in-laws of a covered person

Appearance of a Conflict of Interest

- 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

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

Section 3 Resident

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

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- <https://thda.org/government-nonprofit-partners/national-housing-trust-fund>
 - Scroll down to the bottom of the page under “Resource Links”
 - We strongly recommend you **READ** the relevant chapters before starting your program

Contacts

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Remaining Questions

