

# Application : Community Housing Development Organization (CHDO) HOME Investment Partnership Program (HOME)



## Program Overview

The HOME Investment Partnerships Program (HOME) provides formula grants to states and localities, including the City of Racine, through the U.S. Department of Housing and Urban Development (HUD). It is the largest Federal block grant to state and local governments designed exclusively to create affordable housing for low-income households.

A CHDO (Community Housing Development Organization). A CHDO is a private nonprofit, community-based organization that has staff with the capacity to develop affordable housing for the community it serves. In order to qualify for designation as a CHDO, the organization must meet certain requirements pertaining to their legal status, organizational structure, and capacity and experience.

*The attached CHDO Application must be submitted to the City of Racine with any HOME funding request for certification of CHDO status on a per-project basis.*

## Contact

Veronica Seymour, Interim Manager of Housing

730 Washington

City Hall, Room 102

Racine, WI 53403

Phone: (262) 636-9471

Email: [Veronica.Seymour@cityofracine.org](mailto:Veronica.Seymour@cityofracine.org)

City Development Website: <http://www.cityofracine.org/Development.aspx>

## REQUESTS FOR REASONABLE ACCOMMODATION

The City of Racine's Department of City Development (hereafter referred to as the "City") will provide reasonable accommodation to allow for equal participation in the CHDO certification process. To request a reasonable accommodation, please contact Veronica Seymour at (262) 636-9471 (Voice) or via e-mail at [veronica.seymour@cityofracine.org](mailto:veronica.seymour@cityofracine.org). This document will be provided in alternate formats, upon request.

## DESCRIPTION OF SOLICITED SERVICES

---

The City may certify qualified non-profit organizations as Community Housing Development Organizations (CHDO) to develop permanent or transitional affordable housing projects within the City of Racine's boundaries in accordance with Title II of the National Affordable Housing Act (NAHA) of 1990 and the HOME Investment Partnership Act (HOME) created as a result of NAHA.

The City will certify CHDOs within the City of Racine on a per-project basis. Organizations who wish to qualify as a CHDO for projects outside of the City of Racine must receive funding and certification from the area-specific HOME Participating Jurisdiction (PJ).

At least 15 percent of HOME Investment Partnerships Program (HOME) funds must be set aside by the City of Racine for specific activities to be undertaken by CHDOs. However, in order to count towards the 15 percent set-aside, a CHDO must act as the owner, developer, or sponsor of a project that is an eligible set-aside activity.

Preference will be given to projects that can be completed within a 24 month time period. Priority will also be given to projects that preserve high-quality mixed-income housing, leverage additional resources, and further redevelopment goals of the City. Evidence of site control will be required at the time of application for rental projects.

The definition of a HOME Project is one or more buildings on a single site, or multiple sites that are under common ownership, management, and financing that is done as a single undertaking.

## ELIGIBLE APPLICANTS

---

A CHDO is a specific type of private nonprofit entity. CHDOs must meet certain requirements pertaining to their legal status, organizational structure, and capacity and experience.

For regulatory information on Community Housing Development Organizations, see [24 CFR 92 Subpart G](#):

- [24 CFR 92.208](#) - Eligible community housing development organization (CHDO) operating expenses and capacity building costs.
- [24 CFR 92.300](#) - Set-aside for community housing development organizations
- [24 CFR 92.301](#) - Project-specific assistance to community housing development organizations

Legal Status: Organized under state/local law: CHDOs must be organized under state and local law.

Purpose of organization: Provision of decent housing that is affordable to low- and moderate-income persons must be among the purposes of the organization. This commitment must be evidenced in the CHDO's:

- Charter
- Articles of Incorporation
- By-laws; or
- A resolution of the CHDO's board of directors.

No individual benefit: No part of the CHDO's earnings (profits) may benefit any members, founders, contributors or individuals.



Clearly defined service area: A CHDO should have a clearly defined geographic service area.

- CHDOs do not need to represent a single neighborhood.
- For urban areas like Racine, a CHDO may include in its service area a neighborhood or neighborhoods, city, county, or metropolitan area.
- Nonprofits serving special populations must also define the geographic boundaries of their service areas in order to qualify as CHDOs.

Nonprofit status: A CHDO must have received a tax-exempt ruling from the IRS under Section 501(c) of the Internal Revenue Code of 1986 in order to be designated by the PJ as a CHDO. The 501(c) designations permissible under HOME are:

- 501(c)(3) status -- a charitable, nonprofit corporation;
- 501(c)(4) status -- a community or civic organization;
- Section 905 status -- a subordinate organization of a 501(c) organization.

Organizational Structure: The CHDO is intended to respond to a particular community's needs. Therefore, the structure of the board of directors of a CHDO is viewed as the main indicator of community control over the CHDO.

The CHDO board must be composed as follows:

- At least one-third must be representatives of the low-income community.
- No more than one-third may be public officials or employees of the PJ or State Recipient.
- The balance is unrestricted, and may include people such as human and social service providers, lenders, individuals with access to philanthropic resources, or others willing to contribute their professional expertise.

Capacity and Experience: A CHDO must demonstrate that it has at least *one year* of experience serving the community where it intends to develop the HOME-assisted housing. Newly created organizations wishing to become CHDOs can meet this requirement if the parent (or sponsoring) organization is a nonprofit and has provided services to the community for at least one year.

CHDO capacity: CHDOs must demonstrate the capacity of their key staff to carry out the HOME-assisted activities they are planning. This means that CHDOs must have:

- Experienced key staff who have successfully completed projects similar to those proposed by the CHDO; or
- Key staff with limited or no experience, and who will use experienced consultants for the planning and development activities, as long as there is a plan in place for the consultant to train the key staff.

### **Eligible Projects:**

CHDOs may engage in other HOME-eligible activities in which they are not the owners, developers or sponsors of the housing. However, the HOME funds committed to those activities will not count toward the City's CHDO set-aside. The nonprofit group may also engage in for-profit or non-housing activities according to its bylaws.

- Affordable Rental Housing: HOME funds can be used for the development of permanent or transitional affordable rental housing serving tenants at or below 60% of the area median income at initial occupancy and 80% of the area median income thereafter. Note: HOME funds can be used in mixed-income projects, see the section "HOME Funded Unit Allocation" section below.



If the project includes more than five (5) HOME-assisted rental units, 20% of the HOME-assisted rental units must serve tenants at or below 50% of the area median income as published by HUD. HOME funded rental housing units must be leased within twelve (12) months after project completion and close out. If units are not leased within that time period the loan would be subject to default.

- **Affordable Homeownership:**

HOME funds can be used for the development of affordable homeownership housing for resale to homebuyers at or below 80% of the area median income, or direct homebuyer assistance for homebuyers at or below 80% of the area median income. NOTE: Based on 2012 HOME regulations, homeowner projects that do not sell within six (6) months after completion must be converted to rental housing.

In order for a CHDO to develop affordable housing under the CHDO set-aside, it must act in one of the following capacities:

1. **Owner:** When the CHDO holds title to the property being developed as fee simple title or has a long-term lease. The CHDO may own in a partnership or other similar legal entity provided they retain control over the property. Per HOME guidelines, a CHDO may not own the property in a Limited Liability Corporation (LLC), nor can the CHDO form an LLC to be the managing general partner of a partnership.
2. **Developer:** When the CHDO owns the property and develops the project or has a contractual obligation to a property owner to develop a project. If the CHDO does not own the property, a written contractual obligation between the CHDO and owner of the property detailing the CHDO obligation must be made. The CHDO must be obligated to obtain financing and contract for construction.
3. **Sponsor:** When the CHDO owns the property, develops the project, and then agrees to convey ownership to a second non-profit at a pre-determined time. The second non-profit must be identified prior to commitment of funds.

Note that for homeownership activities, the CHDO must be the owner (in fee simple absolute) and developer of new housing that will be constructed or substandard housing that will be rehabilitated. To be the "developer," the CHDO must arrange financing for the project and be in sole charge of construction. As part of its set-aside funds, the CHDO can provide direct downpayment assistance to a buyer of the housing it has developed with HOME funds in an amount not to exceed 10 percent of the amount of HOME development funds.

### **Eligible Project Costs:**

HOME funds awarded to an eligible project as a result of this application may be used for the following associated project costs:

- **Acquisition of Property:** Acquisition of an existing standard property, or a substandard property in need of rehabilitation.
- **Acquisition of Vacant Land:** Acquisition of vacant land to be used for the new construction of rental and/or homebuyer housing. *Note: Applicant must demonstrate that construction will begin on the HOME project within (12) months of the purchase.*



- New Construction: New construction of rental and/or homebuyer housing.
- Rehabilitation: The alteration, improvement, or modification of an existing structure. *Note: If additional housing units are added to an existing structure, it is then considered new construction.*
- Conversion: Conversion of an existing structure from another use to affordable rental or homebuyer housing.
- On-Site Improvements: This can include sidewalks, utility connections, sewer and water line connections where none are present. *Note: Off-site infrastructure is not eligible as a HOME expense but may be a part of the overall project.*
- Demolition: Demolition of an existing structure only if construction will begin on the HOME project within twelve (12) months.
- Project Related Soft Costs: Reasonable and necessary project related costs, including but not limited to: financing costs, architectural, engineering and related professional services, audit costs, affirmative marketing, insurance, legal fees, market studies, permits, environmental studies, and other related soft costs approved by the City.
- Developer Fee: Up to twelve (12)% of the project costs depending on the size of the project. The developer fees can be provided only upon the completion of milestones as outlined in the HOME written agreement. Developer fee will be based upon complexity of the project and completion of performance measures.

### **Ineligible Project Costs:**

HOME funds awarded to an eligible project as a result of this application shall not be used to support or pay for the following:

- Off-site infrastructure costs not related to utility hookups.
- Ongoing operating and maintenance funding.
- Rental assistance (project or tenant-based)
- Funding for public housing units.
- Delinquent taxes or fees.
- Equipment purchases.
- Refinancing (payoff of bridge financing is allowable if costs are eligible).
- A project already assisted with HOME funds.
- Capitalization of operating or replacement reserves.
- Relocation payments.
- Other ineligible costs as defined by the HOME guidelines.

All reimbursements will be disbursed in accordance with the schedule as outlined in the HOME Program written agreement.



## PROJECT TIMELINE

---

### Proposal submission (CHDO Application, HOME Application and Workbook)



Community Development Committee Meeting for proposal presentation



City Council Approval/Denial



One Month from City Council Approval: Deadline execution of HOME Program written agreement.



One Year from HOME Written Agreement: Deadline for commencement of construction. (If Acquisition/Demolition is involved)



24 Months from HOME Written Agreement: Deadline for project completion.  
(Rehabilitation/Construction Complete)



Nine Months from Completion: Deadline for sale to eligible homebuyers (if homebuyer).

Twelve Months from Completion: Deadline for full lease up to eligible tenants (if rental).

## PROPOSAL EVALUATION PROCEDURE AND CRITERIA

---

In order to be considered for funding, the following conditions must be met:

- The applicant must have site control as evidenced by a signed purchase agreement or vesting title to the property for Rental projects.
- The project must serve eligible households.
- The project must be HOME eligible.
- The project costs must be HOME eligible.
- The project must meet minimum period of affordability.
- The project must meet layering review criteria and not be deemed to be over-subsidized by government funds [see below for requirements].
- The project must meet the City and HOME timeliness requirements.
- The project must meet all relevant federal requirements.
- The amount of HOME funds requested cannot exceed the HUD/HOME per unit subsidy limits as shown below:

0 Bedroom	1 Bedroom	2 Bedroom	3 Bedroom	4+ Bedroom
\$181,488 per unit maximum HOME subsidy	\$208,049 per unit maximum HOME subsidy	\$252,994 per unit maximum HOME subsidy	\$327,293 per unit maximum HOME subsidy	\$359,263 per unit maximum HOME subsidy





If the applicant's organization is awarded HOME funding, City staff will meet with the successful applicant to review all of the monitoring and evaluation requirements and terms and conditions which are associated with the receipt of funds. These requirements include, but are not limited to:

### **Layering Review:**

The City is required per HUD regulations to conduct a subsidy layering review on all projects applying for HOME funding. The purpose of the layering review is to determine if more government funds (federal, state, or local) than necessary are going into the project. Projects deemed to be over subsidized by government funds will either not receive HOME funding, or will have the HOME funding reduced. The layering review must be completed prior to any commitment of HOME funds to a project. All layering reviews will include a review of the per unit HOME subsidy requirements as defined in the "Eligible Applicants" section, and a review to ensure that all costs being funded by the HOME Program are eligible and reasonable.

#### **1. Rental Projects**

The layering review includes a review of the development budget with the sources and uses of all the project funding and a review of operating budget (pro forma) that is provided in the funding application.

- Development Budget –City staff will review the development budget and determine whether the development costs are necessary and reasonable and will take into consideration the long-term needs of the project. The reasonableness factors include costs of comparable projects, appraised value, and comparable costs published by recognized cost index services.
- Operating Budget – City staff will review the operating pro forma and determine if income and expenses are reasonable.
- Rents – Rents should be in line with the target population served. Rents should represent 30% of the gross income of the target population, but not to exceed maximum HOME rents.
- Operating Expenses – Operating expenses must be in line with industry standards. For existing housing projects, replacement reserves should be supported by a capital needs assessment. For new construction projects, the City will use the current Wisconsin Low Income Housing Tax Credit underwriting standards for operating and replacement reserve expenses.
- Debt Coverage Ratio – If the debt to coverage ratio exceeds 1:30, the project is deemed to be able to sustain additional private debt service. In projects where the debt coverage ratio exceeds 1:30, the project must seek additional private funding and will have the amount of HOME funding reduced.

#### **2. Homeownership Projects**

The layering review includes a review of the development budget with the sources and uses of all the project funding. City staff will review the development budget and determine whether the development costs are necessary and reasonable and will take into consideration the long term needs of the project. The reasonableness factors include costs of comparable projects, and comparable costs published by recognized cost index services.



If it is determined that the total amount of HOME assistance and/or other governmental assistance exceeds the amount that is determined as necessary to make the project feasible, the following options will be considered:

- Reduce the amount of HOME assistance.
- Make other adjustments to the project such as lowering rents.
- Deny project funding.

### **Property Standards:**

HOME-funded properties must meet certain property standards as specified below:

- State and Local Codes: State and local codes and ordinances apply to any HOME funded project regardless of the project type. Projects involving construction and/or rehabilitation must address applicable local building codes. Projects involving rehabilitation must also meet local written rehabilitation standards.
- Model Codes: New construction projects must meet local building codes, model energy codes, Section 504 accessibility requirements 24 CFR 92.251(a)(3), and neighborhood standards requirements 24 CFR 92.202(b). For rehabilitation projects, the property must meet local building codes, handicapped accessibility requirements, and local written rehabilitation standards.
- Housing Quality Standards: All assisted units must meet Section 8 Housing Quality Standards throughout the affordability period. A monitoring and inspection protocol will be established in the Written Agreement.
- Uniform Physical Conditions Standards (UPCS): For acquisition only projects with no rehabilitation, the property must meet HUD's UPCS standards.

### **HOME Funded Unit Allocation:**

The minimum number of HOME assisted units and the unit designations (fixed vs. floating for rental) must be determined prior to the execution of any HOME written agreement. The number of HOME units is determined by the percentage of the HOME investment in the project. The total HOME investment is divided by the total HOME eligible project costs to determine the percentage of HOME funds in the project.

1. For comparable units, the formula is the following:

HOME investment / total HOME eligible costs = HOME investment %.  
HOME investment % x total units = minimum HOME units (rounded up).  
Minimum HOME units x HOME per unit subsidy limit must be greater than HOME investment.

2. For non-comparable units, the formula is the following:

HOME units square feet / total square feet = HOME square feet %.





HOME square feet % x total eligible common costs = HOME share of allocated common costs.

Allocated common costs + HOME unit eligible costs = total allocated HOME investment.

Total allocated HOME investment cannot exceed HOME per unit subsidy limit.

### 3. Fixed and Floating Units:

For rental housing projects with both HOME assisted and non-assisted HOME units, the HOME units may be fixed or floating. When a unit is fixed, the unit is designated as a HOME unit and never changes. When units are floating, the unit(s) may change over time as long as the total number of HOME units in the project does not change.

## REQUIRED MONITORING

---

1. Predevelopment: Upon award of funding, City staff will meet with the applicant to review all of the HOME Program and monitoring requirements. Applicants will be required to report on the status of the project on a quarterly basis. The report should include the status of the site plans, financing, permits, and other predevelopment activities.
2. Development: During the development phase of the project, City staff will meet regularly with the applicant to ensure all program requirements are being met. Onsite inspections will be conducted during construction prior to any release of funds.
3. Close Out: Prior to project close out, City will meet with the applicant to ensure all compliance documentation and beneficiary data has been received. A cost certification and completion checklist will be required to be completed prior to final close out.
4. Ongoing Monitoring Activities:

### For All Rental Housing Projects

The HOME Program requires that tenant income be verified with source documentation on initial occupancy and every sixth (6<sup>th</sup>) year of the relevant period of affordability. Income will be determined and certified in accordance with Part 5 of the HUD regulations. Reports on tenant income and rents in all HOME assisted units will be due to City staff annually to ensure that the project meets the HOME Project Rule and Program Rule.

- Program Rule – This requires that 90% of the total tenant households assisted through the rental program have incomes that do not exceed 60% of area median income at initial occupancy. The remaining 10% must have incomes at or below 80% of the area median income on initial occupancy. These will be considered HIGH HOME units.
- Project Rule – In projects of five (5) or more HOME assisted units, a minimum of 20% of the units must serve tenants at or below 50% of area median income. These will be considered LOW HOME units.

HIGH HOME Units – Tenants residing in HIGH HOME units cannot have incomes that exceed 80% of the area median income. Rent in HIGH HOME units cannot exceed the HUD published HIGH HOME rental rates.

LOW HOME Units – Tenants residing in LOW HOME units cannot have incomes that exceed 50% of area median income. Rents in LOW HOME units cannot exceed the HUD published



LOW HOME rents, unless the tenant has a project- based voucher whereby they only pay 30% of income for rent.

Over-Income Tenants – If a tenant in a floating HOME unit income exceeds 80% of area median income, an effort will be made to switch the HOME unit to another comparable non-HOME unit in the project where the tenant is below 80% of area median income. If no comparable unit is available, the over-income tenant in the HOME unit must pay the lesser of 30% of their gross income or the actual market rent. If the income of a tenant in a fixed HOME unit exceeds 80% of the area median income, the tenant must be charged 30% of their gross income for rent regardless of market rent. *Tenants in HOME units cannot be evicted because of income, only their rents can be adjusted.*

Rents – The rents for the project must be stipulated in the project application and any rent increases must be pre-approved by the City.

On-site Inspections – On-site inspections are required every one (1) to three (3) years, depending on the total number of units in the project (see below).

#### On-Site Inspection Requirements

1 – 4 Units	5 – 25 Units	26 + Units
Every 3 Years	Every 2 Years	Every Year

The on-site inspections will include inspections of actual HOME units (UPCS and/or HQS Inspections) and review of the following:

1. Individual tenant files and leases.
2. Affirmative marketing and fair housing policies and procedures.
3. Project financial statements.

Records Retention – All records must be retained for five (5) years after project completion. Tenant income and rent information must be retained for the most recent five (5) years until five (5) years after the end of the affordability period.

## CONTACT

---

Veronica Seymour, Interim Manager of Housing  
Department of City Development  
730 Washington  
City Hall, Room 304  
Racine, WI 53403  
Phone: (262) 636-9471  
Email: Veronica.Seymour@cityofracine.org



## INSTRUCTIONS FOR SUBMITTAL

---

The application instructions and the funding applications can be downloaded from City Development's website, <http://www.cityofracine.org/Development.aspx>

### Important notes regarding the applications for funding:

- Answer each question and sub-question individually. Every question must be answered completely. If a question does not apply to the project, explain why.
- Do not alter or omit the questions and/or instructions that are in the application so that reviewers are aware of the question that you are responding to and to facilitate review of the proposal.
- Excel spreadsheets are provided in a separate file and can be downloaded from City Development's website. **Use the Excel spreadsheet provided only and do not submit other spreadsheets.**

**Please use the appropriate application for the activity.** The application instructions are posted on the website.

- A. Evidence of site control (purchase and sale agreement, or deed of ownership). Must have site control at time of application.
- B. Zoning certificate (if new construction/rehabilitation).
- C. Complete third party construction estimates (if new construction/rehabilitation).
- D. Phase I Environmental (if needed to complete environmental review).
- E. Lead test and risk assessment (for acquisition of existing housing built prior to 1978).
- F. Rent rolls (for acquisition of tenant occupied housing).
- G. Market study or comparable rent analysis (if rental/ownership housing project that is not special needs).
- H. Copy of capital needs assessment if rehabilitation project is over twenty six (26) total units.
- I. Affirmative marketing plan – If over 5 units
- J. Copies of previous years A-133 audits and corporation financial statements.
- K. Copies of developer agreements or partnership agreements (if applicable).
- L. Additional documentation may be required as needed.
- M. Copy of Board resolution authorizing the submittal of an application. Please include in the resolution the individual authorized to sign on behalf of the organization.

The following documentation may be required prior to release of funds, and recording of loan documents:

- A. Title report.
- B. Property appraisal.
- C. Evidence of other funding commitments, including partnership agreements (if the project is a tax credit project), or developer/sponsor agreements (if the CHDO is acting as developer/sponsor).
- D. Additional documentation may be required as needed.



## OWNERSHIP OF MATERIAL

---

Proposals and other materials submitted in response to this request become the property of the City, are documents of public record, and will not be returned. By submitting a proposal, applicants acknowledge and agree that they and/or their organization claim no proprietary rights to the ideas or approaches contained in their proposals.

## PROPOSAL COSTS AND PAYMENT OF CONTINGENT FEES

---

The City is not liable for any costs incurred by an applicant prior to the issuance of a contract. All costs incurred in response to this solicitation, including travel costs to attend meetings related to this application, mandatory training, and/or contract negotiation sessions, are the responsibility of the applicant.

In the event that the applicant's proposal was developed with the assistance of other individuals (i.e., non-employees) and/or organizations, the applicant understands and agrees that no contingent fees will be paid under any resulting award.

## ACCEPTANCE OF TERMS AND CONDITIONS

---

By submitting a CHDO Application to the City of Racine, the applicant acknowledges and accepts all terms and conditions of this request and all City and state regulations and requirements related to the delivery of the eligible activities. If the applicant is awarded a contract, the applicant's proposal will become part of the contract agreement. The applicant is bound by the terms of the proposal, unless the City agrees that specific parts of the proposal are not part of the agreement. The City reserves the right to introduce different or additional terms and/or conditions during final contract negotiations. Applicants will be required to enter into a formal HOME Program written agreement with the City.

A deed of trust, loan agreement, promissory note, and restrictive covenant will be required to be signed in order to receive the funding. The term of loans can be up to (30) years. For rental housing projects, annual payments or incremented annual payments may be required.

For homebuyer projects the loan can be provided as either a repayment or deferred loan that is transferable to the homebuyer (along with the affordability and recapture restrictions), depending on the developers financing mechanisms. The funds are not provided as a developer subsidy but rather as a direct subsidy for specific units within the project. If the home is sold during the period of affordability, the City uses the recapture method defined below:

*The City of Racine uses the recapture option to recapture all or a portion of the direct HOME subsidy if the HOME recipient decides to sell the house within the minimum affordability period. The minimum period of affordability for the City is based on a total amount of HOME funds per unit as defined in 92.254(a)(4). The exact amount to be repaid will be determined using the "Recapture of the Entire Amount" option as defined in 92.254(5)(ii)(1). The City will recapture the entire amount of the HOME investment ("Loan") from the homeowner. However, if there are no net proceeds or the net proceeds are insufficient to repay the HOME investment due, the City will only recapture the amount of the net proceeds, if any. The City has stipulated that the recapture provisions do not vary. Developers, owners, and/or sponsors of HOME funds cannot close their own recapture options in the development of HOME eligible homebuyer housing. They must use the recapture option defined in this paragraph.*



All loan funding from the City HOME Program is provided as permanent financing. The City will not provide bridge or temporary financing with HOME funds. However, HOME funds may be used to pay off bridge loans in the following circumstances:

1. All costs are HOME eligible.
2. All costs were incurred after the application for federal assistance was received.
3. The applicant did not take any choice limiting actions and violate the environmental review requirements prior to completion of the environmental review.

Period of Affordability:

Projects must meet the HUD minimum period of affordability regardless of that status of the HOME loan or change in ownership as described below.

HUD Minimum Period of Affordability  
Per unit HOME Assistance

>\$15,000	\$15,000 - \$40,000	<\$40,000	Refinance	Acquisition/New Construction
5 Years	10 Years	15 Years	15 Years	20 Years

The City will monitor for HOME compliance only during the HUD minimum period of affordability. The City, at its discretion, may impose a separate non-HUD local period of affordability to ensure the property remains affordable housing for an extended period of time.

The HOME program requires buyer's income to be verified and certified a minimum of six (6) months prior to close of sale. A buyer's income does not need to be verified or reported after sale. For HOME funding, the period of affordability will be enforced by lien and covenant on the property that requires full repayment of the HOME investment if the home is sold or no longer used as the buyer's primary residence. The applicant must have a system in place to ensure the affordability period outlined on page fourteen (14) is met. Also see recapture requirements on page fourteen (14).

## **RIGHT TO REJECT OR NEGOTIATE**

---

The City reserves the right to reject any or all proposals if such a rejection is in the City's best interest. This application shall not be construed as an offer, a guarantee, or a promise that the solicited services will be purchased by the City. The City may withdraw this application at any time and for any reason without liability to applicants for damages, including, but not limited to, bid preparation costs.

Additionally, the City reserves the right to negotiate with selected applicants and may request additional information or modification from an applicant. When deemed advisable, and before a contract is issued, the City reserves the right to arrange an on-site visit/review to determine the applicant's ability to meet the terms and conditions of the HOME Program.

## **UNACCEPTABLE PROPOSALS**

---

City staff and Department Director will determine which proposals are not responsive to the requirements of this application. Unacceptable proposals are those which meet at least one of the following criteria:



1. Does not address the essential requirements of the HOME Program or Application.
2. Clearly demonstrates that the applicant does not understand the requirements of the Application.
3. Are clearly deficient in approach.
4. Does not contain the original and prescribed number of copies.
5. Does not include the required original signed assurance document.

## **RIGHT TO APPEAL**

---

Applicants whose proposals are not selected have the right to appeal the decision of the City, limited to procedural errors in the selection process. In the event that no such procedural errors are found to have occurred, the decision of the City shall be final.

An aggrieved applicant may, within two (2) business days after written rejection of the proposal, appeal in writing to the Director of City Development and to the Board Chair of the Community Development Committee. The appeal must state all facts and arguments upon which the appeal is based. The Department Director and Board Chair will review the content of the City's solicitation document, the applicant's proposal, and the facts which form the basis for the appeal. The Department Director and CDC Board Chair will render a written decision within thirty (30) business days of the receipt of the appeal.

## **NOTIFICATION OF REQUIRED ASSURANCES**

---

### **FEDERAL REQUIREMENTS**

Federally funded projects must adhere to a broad base of federal regulations, including those listed below. As the Participating Jurisdiction (PJ), the City is responsible for ensuring that these regulations are met in all HOME-funded projects.

**Environmental Review:** All projects will need to have an environmental review completed in accordance with the National Environmental Protection Act (NEPA). The scope of the environmental review will depend on the nature and size of the project. If the project requires an environmental assessment (EA) level review as defined in HUD regulations, the City may need to incur costs related to the completion of the EA. If this is the case, the cost will be passed on to the applicants a project cost. Once the funding application is received, the applicant cannot take any choice limiting actions until the EA is complete. Choice limiting actions include the acquisition of property, beginning construction activities, signing binding contracts, etc. If a choice limiting action is taken without the EA being completed, it will disqualify the project for federal funding.

**IMPORTANT FOR PROJECTS INVOLVING ACQUISITION:** HUD only allows the use of purchase and sale contracts conditioned on completion of the environmental review for the purchase of existing one to four single family units. Conditional purchase contracts cannot be used for any other acquisition project (i.e. multi-family housing projects with more than four units). The responsible entity or applicant may enter into a purchase option on these projects if the option agreement meets the standards of Part 58.22(d). (Applicants will need to work with City staff to ensure that the option agreement meets the requirements of Part 58.22(d)).





Regulations at 24 CFR Part 58.22 make it clear that a recipient, any participant in the development process (including public or private nonprofit or for profit entities) or any of their contractors may not commit HUD or non-HUD funds on a project until the environmental review process has been completed and the Request of Release of Funds and related certification have been approved, if needed.

*The City may request applicants submit a Phase I environmental, or other related studies, if applicable.*

**Uniform Relocation Act:** All projects are subject to the federal Uniform Relocation Act (URA). Applicants applying for the acquisition or rehabilitation of an existing occupied building will need to provide proper relocation notices to all tenants in the building. Applicants will be required to meet with City staff to go over the relocation plan for the building(s). If tenants need to be relocated as a result of the acquisition or rehabilitation, those tenants must be compensated in compliance with the URA. The general information notice to the tenants will need to be sent at the earliest time possible either: 1) at the time the application is submitted for federal funds, or 2) at the time the purchase and sale agreement or option agreement is signed and executed, whichever is sooner. Subsequent notices to tenants being displaced, and tenants not being displaced will be required.

For projects involving acquisition, a Voluntary Sale Notice must be provided to the seller of the property being acquired. This notice must include language that the Applicant or City will not use eminent domain to acquire the property. This notice must also include a disclosure to the seller making them aware of the fair market value of the property. The voluntary sale must be given at the time of the purchase and sale agreement. *A sample Voluntary Sale Notice will be provided upon request.*

**Labor Standards:** Projects involving new construction or rehabilitation will adhere to federal labor laws which include:

- A. Davis Bacon Act: *Applicable to projects with (12) or more HOME assisted units.* Provides assurance that workers employed in construction work under federally assisted contracts are paid wages and benefits equal to those that prevail in the locality where the work is performed. If applicable the cost of compliance monitoring for federal Davis Bacon may be passed on to the applicant as a project cost.
- B. Contract Work Hours and Safety Standards: *Applicable to all projects.* Provides assurance that workers employed in construction work under federally assisted contracts are paid 1½ time their normal salary for working over forty (40) hours per week.
- C. Copeland Act: *Applicable to all projects.* Governs the deductions from paychecks that are allowable, and requires submission of weekly payroll.
- D. Fair Labor Standards: *Applicable to all projects.* Establishes a basic minimum wage for all work, and requires the payment of time and a half for overtime.

**Equal Employment Opportunity:** This law prohibits discrimination against any employee or application for employment because of race, color, religion, sex, or national origin. Provisions to effectuate this prohibition must be included in all construction contracts. The Contractor will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The Contractor will take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, creed, color or national origin.



**Section 3 Requirements:** For all contracts exceeding \$100,000 Section 3 requires that, to the greatest extent feasible, opportunities for training and employment arising from the project will be provided to low income persons residing in the program service area. To the greatest extent feasible contracts for work to be performed in connection with the contractor will be awarded to business concerns that are located in or owned by person residing in the program service area. A Section 3 plan for the project will be required to be completed prior to the start of construction and a Section 3 clause will need to be included in any construction contracts.

**MBE/WBE :** Developers of federally funded housing projects *must adopt* procedures to establish and oversee a minority outreach program to ensure, to the maximum extent possible, that minorities and women, and businesses owned by minorities and women (MBE/WBE's) are offered contracts. Applicants will need to include an outreach plan and include MBE/WBE provisions in all construction contracts.

**Lead Based Paint:** If the project involves acquisition and/or rehabilitation on a building or buildings built before 1978 federal regulations require that testing for lead paint be conducted and a risk assessment be provided. Any lead-based paint hazard must be corrected in accordance with Federal and State guidelines.

**Build America, Buy America Act (BABAA):** The Build America, Buy America Act (BABA) requires that all iron, steel, manufactured products, and construction materials used for federally funded infrastructure projects are produced in the United States, unless otherwise exempt or subject to an approved waiver. This requirement is known as the "Buy America Preference (BAP)" and the specific requirements are codified in 2 CFR § 184.

**Contracting and Procurement:** Projects may be subject to certain Federal procurement rules which include:

- A. Conflict of Interest.
- B. Debarred contractors.
- C. Procurement Standards under 24 CFR 85.36.

All contracts with contractors must include provisions as outlined in the City's contracting requirements and be reviewed by City staff.

**Fair Housing and Affirmative Marketing:** All projects must comply with the following federal fair housing laws including but limited to:

- A. Title VI of the Civil Rights Act of 1964 as amended.
- B. The Fair Housing Act.
- C. Equal Opportunity in Housing Act.
- D. Age Discrimination Act.

All projects with five (5) or more units must adopt Affirmative Marketing procedures in compliance with federal and City policy. An affirmative marketing plan must be provided on HUD form HUD935.2A. The plan must to the greatest extent possible provide information to the public and potential tenants that may be underserved in the community.

**Handicapped Accessibility:** All projects must comply with the following federal accessibility laws:

- A. Americans with Disabilities Act.
- B. Fair Housing Act.
- C. Section 504.



**Prohibited Leasing Practices:** The HOME Program has specific leasing requirements for rental housing projects and prohibits the following leasing practices:

- A. Requiring participation in services a condition of tenancy.
- B. Requiring tenant to adhere to rules outside of landlord tenant law.
- C. Only accepting tenants from one referral source.
- D. Requiring tenants sign leases of less than one year.
- E. Requiring tenants to waive legal rights.
- F. Requiring tenants to pay owners legal fees, if a dispute occurs, regardless of outcome.
- G. Other prohibited lease practices as described in the written agreement, and the HOME program statute.

**Financial Management:** The applicant must comply with all relevant OMB circulars including 2 CFR 200.302, 'Financial Management' and 2 CFR 200.303, 'Internal Controls'. Recipients of HOME funds must have a financial management system in place that complies with all federal standards including cost reasonableness. Applicants that received more than \$750,000 in federal funds in a program year must have an audit in accordance with OMB *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* ("Super Circular")

**Other Federal Requirements:** Recipients of HOME funding will be required to comply with all federal laws and requirements including all OMB circulars and other federal requirements not listed in these instructions. These requirements will be spelled out in the written agreement between the City and applicant. Further information is available on request.

## **ACKNOWLEDGEMENT OF REQUIRED ASSURANCES**

---

**The following two pages must be signed and submitted with the applicant's common application. Proposals that do not contain a signed Acknowledgement of Required Assurances are ineligible for consideration.**

By submitting the accompanying proposal, and by my signature on this document, I understand and agree that any funding award resulting from this solicitation will require compliance with the signed loan agreement and with the regulations, requirements, and policies identified below, including but not limited to:

- State and local codes and ordinances, including the Wisconsin Building Code; projects requiring the rehabilitation of an existing structure must also meet local rehabilitation standards.
- Compliance with the requirements of the [Americans with Disabilities Act Accessibility Guidelines](#);
- [NSPIRE Standards | HUD.gov / U.S. Department of Housing and Urban Development \(HUD\)](#)
- [New Governmentwide NEPA Procedures For Environmental Reviews | HUD.gov / U.S. Department of Housing and Urban Development \(HUD\)](#)
- [URA the HUD Way Resources - HUD Exchange](#)
- [Section 104\(d\) of the Housing and Community Development Act of 1974, as amended \(see 42 USC 5304\(d\)\) - HUD Exchange](#)
- [Copeland "Anti-Kickback" Act | U.S. Department of Labor](#)
- [Davis-Bacon and Related Acts | U.S. Department of Labor](#)
- [Contract Work Hours and Safety Standards Act \(CWHSSA\) | U.S. Department of Labor](#)
- [Equal Employment Opportunity Act](#);
- [HUD Section 3 Requirements](#);
- [Minority and Women's Business Enterprise \(MBE/WBE\)](#);
- [Lead Based Paint](#);
- [Civil Rights Division | Title VI of the Civil Rights Act of 1964](#) as amended;



- [The Fair Housing Act;](#)
- [Equal Opportunity in Housing Act;](#)
- [Age Discrimination Act;](#)
- [Americans with Disabilities Act;](#)
- [Section 504, Rehabilitation Act of 1973 | U.S. Department of Labor](#)
- [Build America, Buy America Act - HUD Exchange](#)
- Compliance with Office of Management and Budget (OMB) "Super Circular"
- Compliance with policies of the City of Racine;
- Compliance with federal and state laws requiring the safeguarding and disclosure of confidential information.
- Purchase of comprehensive liability insurance and bonding, as required by the City;
- Completion of an annual financial audit, and/or as applicable, providing the City with a copy of the organization's audited financial statement;
- Completion and subsequent renewal of background checks for all employees, volunteers, or interns who will or may have unsupervised contact with children or vulnerable adults;
- Maintaining program and financial records for audit review, and providing access to documentation upon request by the City;
- Submission of program and financial reports, as required by the City;
- Certification that the firm, association or corporation or any person in a controlling capacity or any position involving the administration of federal, state or local funds is not currently under suspension, debarment, voluntary exclusion, or a determination of ineligibility by any agency; has not been suspended, debarred, voluntarily excluded or determined ineligible by any agency within the past three (3) years; does have a proposed debarment pending; has not been indicted, convicted or has not had a civil judgment rendered against said person, firm, association or corporation by a court of competent jurisdiction in any matter involving fraud or misconduct within the past three (3) years.
- Assurance that the selected applicants will not engage in the following prohibited leasing practices:
  - a. Requiring participation in the direct service components of the applicant's organization, as a condition of tenancy;
  - b. Requiring tenants to comply with requirements which are not part of Wisconsin law;
  - c. Accepting referrals from a single source;
  - d. Requiring leases of less than one (1) year;
  - e. Requiring tenants to waive legal rights as a condition of tenancy;
  - f. In the event of a dispute, requiring tenants to pay legal fees, regardless of the outcome of the dispute;
  - g. Other prohibited practices identified in the written agreement and the [HOME Law, Regulations, and Federal Register Notices - HUD Exchange](#) statute.
- For Rental Projects: Review of "Compliance in HOME Rental Projects: A Guide for Property Owners" available at: [Compliance in HOME Rental Projects: A Guide for PJ's](#)

---

Organization

---

Printed Name and Title

---

Signature

---

Date



*Application: Community Housing Development Organization (CHDO)  
HOME Investment Partnership Program  
City of Racine, WI*

# City of Racine Community Housing Development Organization (CHDO) Application Form



## APPLICANT INFORMATION:



**Rehabilitation**

or



**New Construction**

\_\_\_\_\_  
Name of Organization

\_\_\_\_\_  
Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

\_\_\_\_\_  
Contact Person

\_\_\_\_\_  
Position with Organization

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Email Address

\_\_\_\_\_  
Fax Number

\_\_\_\_\_  
Federal Tax I.D. Number

I hereby certify that all statements provided in this application and in the attachments herein are true; that I am authorized to sign this application, and to make these statements, on behalf of the applicant organization; and that the organization understands that misrepresentation of any facts which lead to the improper allocation and expenditure of public funds may result in legal action against the organization for retrieval of any such funds and appropriate penalties.

\_\_\_\_\_  
Chair of the Board of Directors

\_\_\_\_\_  
Date



## I. REQUIRED ELEMENTS FOR CERTIFICATION

- A. **BOARD COMPOSITION:** To be certified as a CHDO, at least one-third of the organization's Board of Directors must consist of low-income representatives that reside in the applicant's service area and no more than one-third of the Board can be from the public sector. When calculating the one-third requirements, we consider the total number of Board Members regardless of their permanent residence. Board members cannot receive salary for their service as board member.

1. An applicant organization must ensure that at least one-third of its governing board consists of representatives of low-income communities within its service area. There are three ways to meet this requirement: (1) individuals can be residents of a low-income neighborhood in the organization's service area but they do not necessarily have to earn a low income themselves, (2) they can be low-income residents of the community; that is, their household income is 80% or less than the Area Median Family Income for the service area as published by the U. S. Department of Housing and Urban Development, or (3) they may be elected representatives of low-income neighborhood organizations.
2. No more than one-third of the organization's Board of Directors may be from the public sector. Representatives of the public sector include: (1) *elected officials*, such as council members, (2) *appointed public officials*, such as planning or zoning commission, regulatory or advisory boards, (3) *public employees*, which include employees of public agencies or departments of the City such as fire and police, and (4) any individual who is not necessarily a public official, but has been *appointed by a public official* to serve on the organization's Board of Directors.

To verify that your current Board meets both the low-income requirement and the limits on public sector representation above, **please provide a full listing of the current board for the organization. On the listing, you must provide the following information for each member: full name, date and length of appointment, and which community he or she represent (low-income, public sector, other).** Documentation supporting those designations must be maintained in the organization's files.

- B. **LOW-INCOME INPUT:** To be certified a CHDO, an organization must have a specific formal (written) process for low-income program beneficiaries to advise the organization in its decisions regarding the design, location of sites, development and management of affordable housing projects. Specifically, the organization must have a detailed written plan for ensuring that input from low-income program residents of the service area will be solicited and integrated into the decision-making and project development processes of the organization. **Please provide a copy of the written procedure for gathering low-income input, and some examples of past outreach efforts.**
- C. **FINANCIAL ACCOUNTABILITY:** The organization must have financial accountability standards that conform to 2 CFR 200.302, 'Financial Management' and 2 CFR 200.303, 'Internal Controls;' The organization must certify that its financial management systems comply with this specific standard. Please provide the following information:
- The most recent certified financial statements that have been audited or prepared by an accountant

If your organization does not have audited financial statements because it has been operating for less than one year, you must submit the audited financial statements of the parent or sponsor organization.





*A non-profit organization cannot be certified as a CHDO if the organization's most recent financial statements and/or audit reflect an outstanding finding, material weakness or other unresolved matter that would affect the capacity of that organization to successfully develop a CHDO project.*

D. **EXPERIENCE:** To be certified as a CHDO, the organization must be able to demonstrate that it has least one year of experience directly related to the development of housing. Newly created organizations that do not have this experience may meet the requirement with a multifamily rental development consultant or if they have a nonprofit parent or sponsor organization that can demonstrate at least one year of experience in the development of housing. Please provide the following:

- A narrative statement, signed by the Executive Director or Board President, documenting that the organization has at least one year of experience directly related to the development of housing prior to seeking CHDO certification;
- A statement signed by the Executive Director or Board President that documents that its parent or sponsoring organization has at least one year of experience related to the development of housing; or
- A signed agreement or letter of understanding between your organization and the nonprofit parent or sponsor organization that documents the relationship between the two organizations.

E. **STAFF AND CAPACITY:** The organization must have experienced paid staff responsible for the day-to-day operations. The organization must demonstrate the capacity of its key staff to carry out the activities it is planning to undertake.

**Please provide the following:**

- Resumes of key staff members who have successfully completed a project(s) similar to those to be assisted with HOME funds, (include project descriptions of relevant completed projects).
- Payroll reports, W-4s or W-2s for paid staff.

## II. ORGANIZATIONAL STRUCTURE

A. **ORGANIZATION:** To receive certification, your organization must be organized under state and local laws and must provide evidence of legal status. Please provide:

- Charter, or
- Articles of Incorporation.

B. **PURPOSE OF ORGANIZATION:** An organization must have among its purposes the provision of decent housing that is affordable to low and moderate-income persons. Please provide the following:

- By-laws of the organization,
- Articles of Incorporation,
- Charter, or
- Resolution.



C. **NO INDIVIDUAL BENEFIT OR DISTRIBUTIONS:** No part of your organization's net earnings can inure to the benefit of any member, founder, contributor or individual. All net income must be reinvested in the projects developed by the organization or in subsequent affordable housing projects. Please provide the following:

- By-laws of the organization,
- Articles of Incorporation, or
- Charter.

D. **TAX EXEMPT RULING:** Provide evidence that it has a tax-exempt ruling from the Internal Revenue Service (IRS), under section 501 (c) of the Internal Revenue Code of 1986.

- A 501 (c) (3) Certificate Letter from the IRS
- A 501 (c) (4) Certificate Letter from the IRS

E. **SERVICE AREA:** To receive certification an organization must have a clearly defined geographic service area. The service area can be an area larger than a single neighborhood but must be within the State of Wisconsin's HOME Participating Jurisdiction. Please provide the following:

- Neighborhood Name(s), Census Tract(s), Zip Code(s), and Boundary Streets
- Include a Map
- If the organization wishes to work state-wide, please indicate it and provide information as to existing or anticipated projects with addresses, neighborhoods, census tract, and zip codes

F. **RELIGIOUS ORGANIZATION SPONSORSHIP:** Is your nonprofit organization sponsored or created by a religious organization?

- ☐ Yes  
☐ No

If the answer above is "Yes," please note that a religious organization may be a CHDO, however, housing units developed by the CHDO organization must be made available to all persons, regardless of religious affiliation or belief.

G. **FOR-PROFIT ORGANIZATION SPONSORSHIP:** Is your nonprofit organization sponsored or created by a for-profit entity?

- ☐ Yes  
☐ No

If the answer above is "Yes," a for-profit entity cannot qualify as a CHDO, but a for-profit entity may sponsor the creation of a nonprofit. However, the for-profit entity may not be an entity whose primary purpose is the development or management of housing, such as a builder, contractor, developer, or real estate management firm. The for-profit entity may not appoint more than one-third of the membership of the organization's governing body. Board members appointed by the for-profit entity may not appoint the remaining two-thirds of the Board



members and the CHDO organization must be free to contract for goods and services from vendors of its own choosing.

### III. RECERTIFICATION

*The following recertification application may be submitted by organizations who have been certified as a CHDO by the City of Racine within two (2) years from the date of application.*

Name of Entity: \_\_\_\_\_

Please check the appropriate line if any of the following has changed since the last HOME project certification by the City of Racine, and attach the appropriate documentation.

#### Required Elements for CHDO Designation

\_\_\_\_\_ CHDO board structure

\_\_\_\_\_ Written policy for low-income input

\_\_\_\_\_ Certification that accounting standards conform to requirements

\_\_\_\_\_ Staff has appropriate capacity to carry out housing activities, as demonstrated by résumés of key staff members involved in housing activities

Describe and provide supporting documentation of changes (if no changes, write "None"):

---

---

---



## I. Organizational Structure

\_\_\_\_\_ Articles of Incorporation or Organizational Charter

\_\_\_\_\_ Organization has among its chief purposes to provide decent, affordable housing, as evidenced by by-laws, articles of incorporation, charter or board resolution

\_\_\_\_\_ No earnings of the organization benefit a single individual, as evidenced by by-laws, articles of incorporation, charter or board resolution

\_\_\_\_\_ Organization has 501c(3) or c(4) designation

\_\_\_\_\_ Organization has a defined service area

\_\_\_\_\_ If faith based, the CHDO does not discriminate on the basis of religion

\_\_\_\_\_ The CHDO entity is not a for profit agency (note that a parent organization may be)

Describe and provide supporting documentation of any changes (if no changes, write "None"):

---

---

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Name: \_\_\_\_\_

Title: \_\_\_\_\_

