



DAYTON

City of Dayton HOME
Rental Program Guidelines

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1. Summary

The City of Dayton, OH (City) supports the development of affordable rental housing for low-income and very low-income with its annual funding allocation from the U.S. Department of Housing and Urban Development's (HUD) HOME Investment Partnerships Program (HOME). HOME was created under Title 11 of the Cranston-Gonzalez National Affordable Housing Act of 1990 with implementing regulations at 24 CFR Part 92.

In general, HOME is intended to expand the supply of decent, safe, sanitary, and affordable housing, with primary attention on rental housing. HOME is focused on very low-income households at or below 50% of the area median income (AMI) and low-income households at 60% AMI.

The City's HOME funds will be used to provide gap financing. In exchange for low-cost permanent financing, property owners will agree to income, rent, and other restrictions for the required affordability period as listed in [Appendix A](#) depending on project type, assisted units, and funding level.¹ Projects are monitored for compliance during the affordability period. When there are multiple funding sources, project developers, owners, and sponsors must coordinate funders' requirements. The City's standards do not defer to those of other lenders, investors, or funders.

2. Application and Evaluation Procedure

The City will issue a Rental Housing Request for Proposals (RFP) on a periodic basis based, in part, on the availability of funds. The RFP will outline specific application deadlines, any funding focus (e.g., by project type, population served, etc.), and other special considerations applied to a given funding round.

A. Funding Availability

Upon submission of a proposal for HOME funds, City staff will conduct a review and analysis of the project and developer(s) as presented in the proposal. Proposals will be scored based on criteria in the RFP. Regardless of strict numerical ranking, the scoring does not operate to vest in an applicant or project any right to a reservation or commitment of HOME funds. The City will, in all instances, commit HOME funds consistent with sound and reasonable judgment, prudent business practices, and the exercise of its inherent discretion.

Projects seeking HOME funds prior to the receipt of all other funding sources, including Low Income Housing Tax Credit (LIHTC), may be provided with non-binding Letters of Intent. Further, the Letter of Intent may be contingent upon the 1) approval of the City's Annual Action Plan; 2) the City's receipt of HOME funds from HUD; 3) applicant's award from the Ohio Housing Finance Agency (OHFA) of LIHTC (as applicable); 4) firm commitments for all other project financing; 5) the City's receipt of HUD's Authority to Use

¹ HOME regulations allow for an affordability period of 5 years (less than \$15,000/assisted unit) or 10 years (less than \$40,000/assisted unit) for rehab projects, but in practice most HOME rehab projects trigger a 15-year affordability period. New construction rental projects have a 20-year period of affordability.

Grant Funds form following completion of the Environmental Review process (as applicable); and 6) other conditions or requirements imposed by the City.

B. Submission of Materials

All HOME Rental Housing Program applicants will need to comply with the submission criteria set forth in the City's RFP. The City reserves the right to require the submission of additional information as needed to complete project underwriting.

C. Evaluation and Award

The City's review, evaluation, and awarding of competitive HOME rental projects will

- A Technical Review Team (TRT) consisting of staff from various City departments will review all applications and check for completeness, accuracy, and eligibility with the HOME Program. This committee will evaluate the content of the proposals, determines the need for services, and ensures that the proposed services are not a duplication of services provided by another entity.
- All applications will be reviewed for completeness and will be underwritten by City staff which is anticipated to take approximately 30 days.
- Complete applications will be forwarded to the Community and Neighborhood Development Advisory Board (CNDAB)'s Evaluation Committee for project scoring.
- Once scored, City staff utilize the average score, the average normative score, and the average rank to provide an overall rank for each project and determine the funding order of eligible projects. Projects receive funding in consecutive order, with first place being funded first, until available funding is exhausted. The proposed funding of projects is then brought forth to CNDAB for approval.
- Funding decisions will be recommended by the CNDAB based on Evaluation Committee scoring and funding availability.
- Project award recommendations approved by CNDAB will be presented to the City Manager For approval and

3. Project Funding Requirements

A. Eligibility Criteria

I. Eligible Applicants

Developers and owners of affordable rental housing – including for-profit developers, nonprofit developers, public housing authorities, and City-designated community housing development organizations (CHDOs) – are eligible to apply for HOME funding subject to the program-specific limitations noted below:

- While public housing authorities are eligible to apply, public housing units supported by Public Housing Capital or Operating funds authorized by the 1937

Act are not eligible for HOME funding. Non-public housing units owned and developed by a public housing authority are eligible.

- CHDOs are a specific type of community-based nonprofit organization defined by section 92.2 of the HOME Final Rule. The HOME program includes an annual set-aside of funds for projects owned, developed, or sponsored by CHDOs. Prior to committing funds, the City will review the status of any organization seeking funds from the CHDO set-aside to ensure that it meets all HOME requirements, that it has sufficient staff capacity to carry out the project, and that the CHDO meets the requirements of “owner,” “developer,” or “sponsor” as required by 24 CFR 92.300(a). In a LIHTC project, the CHDO must meet the requirements as the “sponsor.”

II. Project Location

Projects must be in Dayton, Ohio, but projects contiguous to Dayton that may serve residents of Dayton may be considered on an individual basis.

III. Project Types

Funds will be provided for acquisition and new construction or rehabilitation of single family and multifamily, greater than 4 units, rental projects. While the City will entertain any proposals meeting its criteria, in practice most projects will also require other public investment to be economically feasible. This may include projects also funded with other federally regulated affordable housing programs such as, but not limited to, LIHTC, HUD Section 202, Section 811, Rental Assistance Demonstration (RAD), or Choice Neighborhoods.

IV. Parameters of HOME Funding

Typically, the City will also establish a maximum cap on its investment in a single development. Such a limit will be based on the availability of funding and other City priorities and will be addressed in any RFP issued by the City. To qualify for HOME funding, a project must demonstrate the need for an investment of no less than \$1,000 in HOME funding per HOME-assisted unit.

- In no case will the City investment exceed the maximum per-unit HOME investment allowed under [24 CFR 92.250](#). The maximum per unit subsidy in HOME is published each year by HUD and will generally be provided as part of any RFP as well as in [Appendix B](#).

B. Eligible Costs

I. General

Costs funded with HOME funds must be eligible according to [24 CFR 92.206](#). The following additional limitations also apply:

- HOME funds shall not be used for luxury improvements according to [24 CFR 92.205](#).

- HOME funds may not be used to pay operating costs or to capitalize reserves with the exception that HOME may be used, subject to the City’s approval, to establish a rent-up reserve to cover initial operating deficits allowed under 24 CFR 92.206(d)(5).
- HOME funds shall not be used for free-standing non-residential accessory structures such as free-standing community/leasing buildings, garages, carports, or maintenance structures.² HOME funds may be used for community space or common laundry facilities included in residential buildings.
- HOME funds shall not be used for off-site infrastructure costs, including any costs associated with extending infrastructure to the project site. The cost of connecting to public infrastructure located in an adjacent right-of-way (e.g. a water or sewer tap) is an eligible cost.
- HOME funds shall not be used for organizational costs such as partnership formation or syndication costs associated with transactions using equity from LIHTC, historic tax credits, or other similar tax incentives.
- HOME funds shall not be used for personal property (e.g., furniture, fixtures, and equipment) or for operating costs of the project.

II. City Project-Related Soft Costs & Ongoing Monitoring Fee

The HOME program allows the City to include, as project costs, its internal soft costs specifically attributable to a HOME project. These may include consulting, legal, inspection, and staff costs associated with reviewing, processing, and overseeing the award of funds to the project. In its RFP, the City will provide a budget allowance for “City Due Diligence & Legal Costs” to be included in the project’s total development costs.

Additionally, the HOME program allows the City to charge an annual monitoring fee to HOME-assisted projects which is intended to cover the City’s actual average cost of monitoring its portfolio. Applicants must include the City’s annual monitoring fee in the proposed operating budget for the project. The RFP will specify the current monitoring fee for budgeting purposes, and the City generally expects that the fee will increase annually by 3%.

III. Cost Reasonableness

Per the requirements of [92.250\(b\)](#), all project costs must be reasonable, whether paid directly with HOME funds. The City will review all project costs, including hard and soft costs, to evaluate their reasonableness and may, at its option, require applicants to obtain additional quotes, bids, or estimates of costs. The City may also require an applicant, at its own cost, to obtain a third-party hard cost review from a professional provider acceptable to the City. The City’s staff, or its agents, must be allowed access to the property as necessary to evaluate the cost projections associated with a project’s plans and specifications. Applications may be determined ineligible if access is not granted or costs are determined to be unreasonable.

² Note that attached garages or carports (e.g., those structurally attached to and integrated into a residential structure) are eligible.

Acquisition costs shall be supported by an independent appraisal of the property. Acquisition costs exceeding the appraised value of the property will be ineligible for inclusion in the budget and generally may only be paid from the proceeds of the developer fee or another non-project source.

The maximum per-unit subsidy can be found in [Appendix B](#).

IV. Identity of Interest

Applicants must disclose any identity of interest situations that may occur when contracting with related companies during either the development or ongoing operation of the project.

C. Property Standards

To meet HOME program regulations and City goals, all projects must meet certain physical standards intended to provide quality affordable housing that is durable and energy efficient.

Development & Property Standards

All development projects funded with HOME at a minimum, must comply with all [local building codes](#), rehabilitation standards, ordinances, zoning, and federal regulations regarding hazardous materials. [Energy Star](#) certification is required for all projects. The goal is to provide efficient, affordable housing that respects neighborhood context and provides improved property and quality of life. Development proposals are reviewed by staff for compliance with PND standards. Housing assisted with HOME funds, at a minimum, must meet Housing Quality Standards and local housing codes in compliance with [24 CFR § 92.251](#). Developer must state in any written agreement that the City has the option to inspect property during the period of affordability and the property must be in compliance with applicable Housing Quality Standards and local housing code requirements for the duration of this affordability period.

Construction must meet all applicable local building and fire codes (including related electrical, mechanical, and plumbing codes).

New Construction

All newly constructed rental units must meet the applicable State and Local residential and building codes upon project completion. All newly constructed rental units must also meet the accessibility requirements of 24 CFR Part 8 (implements Section 504 of the Rehabilitation Act of 1973) and Titles II and III of the Americans with Disabilities Act implemented at 28 CFR Parts 35 and 36, as applicable. Covered multifamily dwellings, (buildings consisting of 4 or more dwelling units if such buildings have one or more elevators; and ground floor dwelling units in other buildings consisting of 4 or more dwelling units) must also meet design and construction requirements at 24 CFR 100.205.

- Projects involving rehabilitation must meet the City's rehabilitation standards detailed below.

Rehabilitation Standards

PND has adopted the Ohio Department of Development's Office of Housing and Community Partnership's [Residential Rehabilitation Standards](#) as the standard for all rehabilitation work. Eligible projects may be existing one or more multifamily buildings with rental units on a single site or multiple sites that are under common ownership, management, and financing. In no case shall funding be provided for a unit to be converted to a rental unit if the existing use or former use was owner occupied housing. A Capital Needs Assessment may be required for rehabilitation projects with a total of 26 or more units. The City will require that the scope of the rehabilitation work and replacement reserves deposits are sufficient to ensure the useful life of essential building components throughout the required Affordability Period.

- All projects must meet applicable Section 504/UFAS requirements. New construction projects with five or more total units and substantial rehabilitation projects with 15 or more total units must provide 5% of the project's units (but not less than one) for physically disabled occupants and another 2% of units (but not less than one) designed to be accessible to those with visual or hearing impairments. Other rehabilitation projects will be required, to the maximum extent feasible, to provide physically and sensory accessible units in the same percentage. Additionally, covered multifamily dwellings, as defined at 24 CFR 100.201, must also meet the design and construction requirements required by the Fair Housing Act as outlined in [24 CFR 100.205](#).
- All buildings of five or more residential units in new construction or substantial rehabilitation HOME projects must include the installation of "broadband infrastructure" as defined by [24 CFR 5.100](#).
- All buildings and units shall be designed and constructed to be energy efficient, at a minimum, by meeting:
 - i) For single-family homes and low-rise multifamily structures up to three (3) stories, the 2009 International Energy Conservation Code (IECC), with an energy audit performed by a certified energy rater, and a HERS score or equivalent of 70 or below; or
 - ii) For multi-family structures of four (4) or more stories, the American Society of Heating, Refrigerating, and Air-conditioning Engineers (ASHRAE) standard 90.1-2007 (ASHRAE 90.1-2007).

D. Unit Allocation

In general, HOME units will be "floating units" and evenly distributed among the unit types in the development based upon a cost allocation review. If the project's units are not comparable, "fixed units" must be designated. In the case of projects with comparable units, the City will designate units as HOME-assisted in proportion to the percentage of HOME investment in the transaction. For example, if HOME represents 10% of the project's total HOME-eligible cost, at least 10% of each unit type will be designated as HOME-assisted units. This selection will be required at the time of application.

HOME-assisted units shall be designated as either “High-HOME units” or “Low-HOME units”. In projects with five or more HOME-assisted units, at least 20% of the HOME-units, rounded up to a whole number, must be designated as Low-HOME units. Generally, the City will only designate the minimum number of Low-HOME units required unless the applicant requests that additional Low-HOME units be designated to coordinate income and rent restrictions with other project requirements.

E. Income and Rent Restrictions

To qualify as affordable housing, HOME units must be rented only to households with certain incomes at rents regulated to be affordable to low income households.

Note that HUD releases updated specific income and rent limits annually for the HOME program, which the City will provide to owners. The “HUD Income Limits” used for Section 8 and other HUD multifamily programs, and upon which the Multifamily Tax Subsidy Project (“MTSP”) income limits used by the LIHTC program, are released each year on a different schedule, usually about three months before the HOME limits. Until HUD releases HOME-specific income limits, owners must continue to use the current HOME limits as applicable. The current HOME income limits and rent restrictions can be found in [Appendix C](#).

I. Income Limits

- High-HOME units must be rented exclusively to tenants with household incomes, at the time of move-in, at or below 60% of AMI for the City, as adjusted by family size;³ and
- Low-HOME units must be rented exclusively to tenants with household incomes at or below 50% AMI for the City both at initial occupancy and thereafter.

II. Rent Limits

For all projects, the City must specifically approve the project’s rent schedule annually, including utility allowances and any tenant fees as described in the sections below.

- High-HOME units must be rented at or below the High-HOME rent as published by HUD. In general, HUD calculates the High-HOME rent to be the lesser of the applicable Fair Market Rent (FMR) or a rent equal to 30% of 65% of the adjusted area median income, adjusted for unit size.
- Low-HOME units must be rented at or below the Low-HOME rent as published by HUD. In general, HUD calculates the Low-HOME rent to be the lesser of the applicable FMR or a rent equal to 30% of 50% of AMI, adjusted for unit size. The only exception is for those units receiving Federal or State project-based rental subsidy, and the very low-income family pays as a contribution toward rent not more than 30% of the family’s adjusted income, then the maximum rent (i.e.,

³ In the future, City may consider allowing High-HOME units, after turnover from the initial tenant, to accept applicants up to 80% AMI for LIHTC projects using the “income averaging” option.

tenant contribution plus project-based rental subsidy) is the rent allowable under the Federal or State project-based rental subsidy program.

III. Utility Allowances

The HOME rent limits are gross rent limits. The actual rent collected from a tenant must be adjusted taking into account an allowance for tenant paid utilities. The City must approve the project's utility allowance (UA) annually via the Ohio Housing Finance Agency's HOME Utility Allowance Request Form. A copy of the form is available in [Appendix D](#).

HOME regulations at [24 CFR 92.252\(d\)](#) require that the UA for the project be based on the type of utilities used at the project and updated annually. HOME further specifies that the UA is to be established using a project-specific methodology and based on actual utility usage at the property or estimates an allowance based on project-specific factors such as size, orientation, building materials, mechanical systems, and construction quality, as well as local climate conditions.

For HOME projects funded on or after Aug. 23, 2013, the Public Housing Authority area-wide UAs prepared for the housing choice voucher program are no longer an acceptable method of calculating UAs.

The following methodologies, used in other Federal housing programs, will meet HOME regulatory requirements and are generally acceptable to the City. The City's Department of Planning, Neighborhoods, and Development must approve the methodology selected by an applicant. The same methodology must be used for all HOME units within a single project.

- HUD Utility Schedule Model (HUSM): The HUSM enables users to calculate utility schedules by housing type after entering utility rate information (tariffs). This model is based on climate and survey information from the U. S. Energy Information Administration of the Department of Energy and it incorporates energy efficiency and Energy Star data. This model is allowed for LIHTC projects per IRS regulations at 26 CFR 1.42-10(b)(4)(D). The [HUSM and use instructions are available through HUD's Office of Policy Development and Research](#). The HUSM is available as either a spreadsheet model in Microsoft Excel or as a web-based model on HUD User at <https://www.huduser.gov/portal/datasets/husm/uam.html>.
- Multifamily Housing Utility Analysis: In 2015, HUD published [Multifamily Notice H-2015-4](#) to provide instructions to owners and management agents for completing the required utility analysis. This analysis is also used for the USDA Rural Housing Service program and allowed for LIHTC projects per IRS regulations at [26 CFR 1.42-10\(b\)\(3\)](#). This method is applicable for the following programs: Project-based Section 8, Section 101, Section 202/162, Section 811, Section 236, and Section 221(d)(3).
- Energy Consumption Model (Engineer Model) ([26 CFR 1.42-10\(b\)\(4\)\(E\)](#)) –UA based on an energy and water and sewage consumption and analysis model (energy consumption model) prepared by a properly licensed engineer or a

qualified professional. IRS regulations require that such professionals be independent from the property owner and they specify the building factors that must be included in the model.

IV. Prohibition on Certain Fees to Tenants

Pursuant to 24 CFR [92.214](#), program participants may not charge fees to program beneficiaries to cover administrative costs related to the cost of administering the HOME program. Specifically, rental project owners may not charge tenants fees that are not customarily charged to tenants of rental housing (e.g., laundry room access fees). However, Owners may charge fees approved by the City for the following:

- Reasonable application fees to prospective tenants⁴;
- Fees or penalties related to the late payment of rent, non-sufficient funds or returned checks, or the like provided such fees are determined by the City to be customary for rental housing projects in the area and not excessive;
- Parking fees to tenants only if such fees are customary for rental housing projects in the neighborhood; and
- Fees for optional services such as supportive services for special needs tenants or general services such as bus transportation or meals, as long as the services are voluntary, and fees are charged only for services provided.

As part of reviewing the rent schedule each year, the City will review and approve fee schedules annually to ensure that any fees charged in addition to rent are permissible under the applicable HOME requirements and whether proposed fees are reasonable and customary based on market comparisons.

IV. Income Verification

All projects shall use the HUD Part 5 definition of income for determining income eligibility. Prior to signing a lease, income must be verified for all new tenants using *at least two months* of source documentation (e.g. pay stubs, account statements, etc.) in accordance with [24 CFR 92.203\(a\)\(1\)\(i\)](#). When available, in addition to collecting source documentation, the City also expects the use of third-party verification to supplement source documents when determining income.

During the period of affordability, the income of in-place tenants must be recertified annually. At least every sixth year of the *project's* affordability period, all in-place tenants must be recertified using source documentation even if, for example, a given tenant is only in his/her second year of occupancy). In other years, unless the City has required the use of a specific method (e.g. source documentation), owners may use any the options in [24 CFR 92.203](#) which include:

- Re-verifying income annually through source documentation;

⁴ HOME allows “nominal” application fees only for the purpose of discouraging frivolous applications. Application fees are not intended to cover the cost of processing an application and should not be set with that in mind.

- Obtaining a written statement from the household regarding annual household income; or
- Obtaining a written statement from the administrator of a government program under which the households receive benefits and which examines each year the annual income of the household.

V. Rent Adjustments

HUD provides HOME income and rent limits on an annual basis. City staff will provide this information to owners annually. Utility allowances will also be reviewed and adjusted, as needed, annually. Owners must obtain approval before implementing HOME rent increases. Owners shall also provide not less than 30 days' written notice to tenants upon receiving City approval for HOME unit rent increases.

HOME-assisted units are compliant despite a temporary increase in income exceeding HOME requirements for existing tenants. However, in such cases there are detailed requirements about how to adjust the rent of such tenants and how to restore overall project compliance. These are outlined in the HOME Model Guide "[Compliance in HOME Rental Projects: A Guide for Property Owners](#)," which is available online at: [Welcome to HUD Exchange - HUD Exchange](#)

For projects with floating units, when an existing tenant's income increases beyond 80% AMI adjusted for household size, the tenant's gross rent will be increased to the lesser of the unassisted market rent for the unit or 30% of the tenant's adjusted household income. The next comparable (or larger) unassisted unit must then be rented to a tenant eligible to occupy a Low or High-HOME unit (as applicable depending on the prior designation of the unit). When the income of an existing tenant of a Low-HOME unit increases above 50% AMI but is below 80% AMI, the next available High-HOME unit must be rented to a tenant at or below 50% AMI at the Low-HOME rent. Following the replacement of the Low-HOME unit, rent for the tenant may be increased to the High-HOME rent.

Notwithstanding, increases in rent for over-income tenants of HOME-assisted units that have also been allocated LIHTC will be capped at the applicable LIHTC rent.

F. Environmental Review Requirements

Federally assisted projects are subject to a variety of environmental requirements. Developers should be familiar with these requirements and are strongly encouraged to discuss any questions they have with City staff **prior to** entering into a purchase agreement or submitting an application.

- All HOME-assisted projects shall be implemented in accordance with environmental review regulations as defined in [24 CFR Part 58](#).
- The City is responsible for conducting the environmental review and completing all necessary public notifications and the request for release of funds (RROF), as applicable, from HUD. In the case of Greater Dayton Premiere Management (GDPM) projects within Dayton, Dayton will perform the review at GDPM's request,

but not the publication and request for release of funds. The applicant is responsible for cooperating with the City in the environmental review process and providing information necessary for the City to fulfill its responsibilities under Part 58 and other applicable regulations.

- The City utilizes HUD's HEROS system for conducting and completing Environmental Review requirements. Developers and subrecipients are required to establish a partner account in HEROS and to submit environmental review information to city staff through HEROS as a HEROS Partner. Additional information on the City's Environmental Review Processes can be found in [Appendix E](#).
- Submitting an application for HOME funds triggers environmental review requirements under [24 CFR Part 58](#), including the National Environmental Policy Act (NEPA). Once an application for federal funds is contemplated, a project proposal is now subject to the environmental review requirements and requires an environmental clearance and issuance of a Release of Funds (ROF), as applicable, by the U. S. Department of Housing and Urban Development.
- Developers are prohibited from undertaking or committing or expending any funds (including non-federal funds) to any physical or choice-limiting actions on the site prior to an environmental clearance as required by Part 58. Physical and choice-limiting actions include, but are not limited to, property acquisition, demolition, movement, rehabilitation, conversion, repair, or construction. This prohibition applies regardless of whether federal or non-federal funds are used, and taking a choice limiting action prior to completion of the required environmental clearance process will result in the denial of any HOME funds from the City.

Environmental Review Record (ERR) Procedures

Every federally funded project and program is required to have written, signed, and dated documentation of an environmental review determination. The review and determination must be made **before** any funds are committed, property purchased, contracts executed, funds (public or private) expended on the activity, sitework begun, or other choice limiting activity undertaken.

As a Participating Jurisdiction, Dayton conducts ERs within the boundaries of Dayton according to [24 CFR Part 58](#). It is PND policy to conduct ERs through the HUD Environmental Review Online System (HEROS) whenever possible. Some Continuum of Care reviews are not yet able to be performed in HEROS and must be performed outside of the system. Some portions of Tiered Reviews must be performed outside of the system before uploading to HEROS. Developers and subrecipients are required to establish a partner account in HEROS and to submit environmental review information to city staff through HEROS as a HEROS Partner.

Additional information on the City's Environmental Review Records can be found in [Appendix E](#).

G. Other Federal Requirements

I. Nondiscrimination and Equal Opportunity

The following federal nondiscrimination and equal opportunity guidelines apply to all Rental Housing projects and affect both development and operation of assisted housing:

- The requirements of the Fair Housing Act (42 U.S.C. 3601-20) and implementing regulations at 24 CFR Part 100; Executive Order 11063, as amended by Executive Order 12259 (3 CFR 1958 B1963 Comp., P. 652 and 3 CFR 1980 Comp., P. 307) (Equal Opportunity in Housing) and implementing regulations at 24 CFR Part 107; and of the Civil Rights Act of 1964 (42 U.S. C. 2000d) (Nondiscrimination in Federally Assisted Programs) and implementing regulations issued at 24 CFR Part 1;
- The prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101-07) and implementing Regulations at 24 CFR Part 146;
- The requirements of Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and implementing regulations at 24 CFR Part 8;
- The requirements of Executive Order 11246, as amended by Executive Orders 11375, 11478, 12086, and 12107 (3 CFR 1964-65, Comp., p. 339) (Equal Employment Opportunity) and the implementing regulations issued at 41 CFR Chapter 60;
- The requirements of [24 CFR 5.105\(a\)\(2\)](#) requiring that HUD-assisted housing be made available without regard to actual or perceived sexual orientation, gender identity, or marital status and prohibiting subrecipients, owners, developers, or their agents from inquiring about the sexual orientation or gender identity of an applicant for, or occupant of, HUD-assisted housing for the purpose of determining eligibility for the housing or otherwise making such housing available. This prohibition on inquiries regarding sexual orientation or gender identity does not prohibit any individual from voluntarily self-identifying sexual orientation or gender identity. A full list of federal, state, and local protected classes is included in [Appendix F](#).

III. Labor Standards

Labor standards, including Davis-Bacon federal prevailing wage requirements shall apply to all Rental Housing projects with 12 or more HOME-assisted units. (Note that in some cases, even with fewer than 12 HOME units, federal labor standards may apply to a project by virtue of other financing sources, including but not limited to receipt of an FHA-insured first mortgage loan or the award of project-based Housing Choice Vouchers.)

IV. Minority Business Enterprise and Women Business Enterprise (MBE/WBE) Plan

Developers must maintain an MBE/WBE plan that demonstrates marketing and solicitation of MBE/WBE businesses and contractors for the construction of the project.

V. Section 3

Section 3 contributes to the establishment of stronger, more sustainable communities by ensuring that employment and other economic opportunities generated by Federal financial assistance for housing and community development programs are, to the greatest extent feasible, directed toward low- and very low-income persons, particularly those who receive government assistance for housing. Section 3 applies to training or employment arising in connection with HUD funded housing rehabilitation, housing construction, or other public construction projects, and any contracting opportunities arising in connection with both public housing and other Section 3 projects. These opportunities are, to the greatest extent feasible, required to be given to low- and very low-income persons and business concerns that provide economic opportunities to low- or very low-income persons.

Developers receiving \$200,000 or more in combined HUD funding (including among others HOME, CDBG, NSP, and HTF) must comply with provisions of Section 3 of the Housing and Community Development Act and its implementing regulations at [24 CFR 75](#) which requires a recipient to ensure employment and training opportunities resulting from the development of the Project are provided to Section 3 workers within the metropolitan area (or non-metropolitan county as applicable) in which the Project is located. This will include, but may not be limited to, prioritizing employment outreach and/or training opportunities to Section 3 workers residing within the Project's service area or neighborhood and prioritizing contracting for labor (excluding professional services and material supply contracts) from Section 3 business concerns as outlined in [24 CFR 75.19](#).

In accordance with [24 CFR 75.3](#), the Section 3 requirements apply based on the amount of HUD housing and community development funding provided by a single program or from a combination of one or more different applicable HUD programs exceeding the \$200,000 threshold. For example, if a project is funded with \$101,000 of HOME funds and \$100,000 of HTF funds, then it exceeds the applicability threshold of \$200,000 and the grantee must impose the Section 3 requirements.

Additional information about Section 3 and the City of Dayton's Section 3 Procedures can be found in [Appendix H](#).

VI. Excluded Parties

The City will not fund projects owned, developed, or otherwise sponsored by any individual, corporation, or other entity that is suspended, debarred, or otherwise

precluded from receiving federal awards. Nor may the owner contract with any other entity (including but not limited to builders/general contractors, property management companies, or other members of the development team) that are suspended, debarred, or otherwise so precluded. Similarly, the general contractor will be required to determine that subcontractors are not so precluded.

The System for Award Management (SAM) database should be used by applicants to confirm that development team members are not excluded. The SAM database is available at www.sam.gov.

4. Ongoing Project Requirements

HOME projects must, at all times during the term of the HOME Loan or the applicable affordability period whichever is longer, be operated in compliance with the City's Rental Management Handbook, or successor publications, which may be updated from time to time to reflect new, revised, or clarified administrative procedures and practices. In the HOME Agreement for each project, the owner must agree to be bound by such updates which may include, but not be limited to, procedures for obtaining annual rent or utility allowance approvals, reporting and document submission requirements, use of updated form documents provided by the City, and the like.

A. Project Completion Deadline and Period of Affordability

The period of affordability will be based on the date of project completion as defined by 24 CFR 92.2 which, among other things, requires that all construction activity be complete, all HOME funds drawn from the U.S. Treasury, and project completion information be entered into the HUD Integrated Disbursement and Information System (IDIS). For rental projects, project completion occurs upon completion of construction and before occupancy, and units may be marked vacant in IDIS until complete beneficiary data is received. The City requires that project completion must occur within two (2) years of the date of commitment of funds to the project. If the Owner fails to meet this 2-year deadline, it must repay to the City any HOME funds disbursed for the project. In accordance with the minimum requirements of 24 CFR 92.252(e), rehabilitated and new construction rental projects funded with HOME shall maintain HOME affordability requirements for a period of up to 15 years for rehabilitation projects and at least 20 years for new construction projects.

B. Initial Occupancy Deadlines

In accordance with [24 CFR 92.252](#), HOME-funded rental projects must comply with the following deadlines and requirements as evidenced by occupancy of tenants with a written lease that complies with the requirements of [24 CFR 92.253](#):

- Within 6 months from the date of project completion, if a rental unit remains unoccupied, the Owner will provide to the City information about current marketing efforts and, if appropriate, an enhanced plan for marketing the unit so that it is leased as quickly as possible.

- Within 18 months from the date of project completion, if efforts to market the units are unsuccessful and units remain unoccupied by an eligible tenant, the City will require repayment of all HOME funds invested in each vacant unit. A unit that has not served a low- or very low-income household, as applicable, has not met the purposes of the HOME program. Therefore, the costs associated with the unit are ineligible.

C. Marketing and Leasing

The owner/developer must establish a written tenant selection plan consistent with the requirements of [24 CFR 92.253\(d\)](#). Among other requirements, the tenant selection plan must, insofar as is practical, provide for the selection of tenants from a project's waiting list in chronological order of their applications and provide written notification to any rejected applicant of the reason for their rejection.

An owner/developer, as part of the application for funding, may propose to restrict units to or provide preferences for identifiable portions of the income-eligible population, e.g. elderly/senior only projects, preferences for homeless and/or special needs populations, etc. Any such restriction or preference must be authorized in the Consolidated Plan and may not be in violation of any Fair Housing or similar requirements. The City may, as part of any periodic RFP, provide scoring incentives or further priority for particular populations.

All HOME-funded projects must establish an Affirmative Fair Housing Marketing Plan (AFHMP) detailing procedures to attract eligible occupants without regard to race, color, national origin, sex, religion, familial status, disability, or sexual orientation. AFHMPs shall include all required aspects as stated in [24 CFR 92.351\(a\)\(2\)](#). More detail on the City's affirmative marketing requirements, including instructions on completing the AFHMP using form HUD-935.2A can be found in the City's Rental Management Handbook.

Leases between the tenant and owner shall be for one year, unless by mutual agreement between the tenant and the owner. Owners are required to provide written notice prior to terminating or refusing to renew the lease with occupants of HOME-assisted units receiving at least 30 days' notice.

Owners are prohibited from including unfair provisions in HOME project leases. In accordance with the provisions of [24 CFR 92.253](#), the following terms are prohibited from HOME project leases:

- Agreement to be sued;
- Treatment of personal property;
- Excusing owner from responsibility;
- Waiver of notice;
- Waiver of legal proceedings;
- Waiver of a jury trial;

- Waiver of right to appeal court decision;
- Tenant chargeable with cost of legal actions regardless of outcome; and
- Mandatory participation in supportive services (note, transitional housing projects funded with HOME may be permitted to require service participation under limited circumstances; contact City staff for more detail).

Finally, projects must comply with the requirements of the Violence Against Women Act (VAWA) as required by [24 CFR 92.357](#). VAWA provides certain additional tenant protections to applicants and tenants who are victims of domestic violence, sexual assault, and/or stalking. In general, among other requirements owners must provide notices to all tenants of the VAWA provisions, may not deny an application or terminate or refuse to renew a lease as a result of a person's status as a victim or on the basis of criminal activity related to such status, and must allow for the bifurcation of a lease in order to evict the perpetrator of such criminal activity while allowing the victim to maintain occupancy.

In general, the City will provide a standard form lease-addendum for use by owners of HOME-assisted housing that will provide required tenant protections and eliminate any prohibited provisions from uses otherwise used by owners.

A list of marketing and leasing policies required for all owners and developers can be found in the checklist of Developer/Owner Required Policies and Procedures at [Appendix G](#).

D. Reporting and Recordkeeping

To allow effective oversight of funded projects and document compliance with applicable HOME requirements, all projects must submit periodic reports to the City. While this section outlines standard reporting requirements, the City reserves the right to require additional reporting or to alter the reporting format or frequency based on future changes to HOME requirements or City policy. Additionally, the City reserves the right to require additional or more frequent reporting for projects with compliance deficiencies.

In general, reports will be submitted electronically to the City and will include:

- Owners are required to report quarterly during the development phase and lease-up phase. Quarterly reports will be due on the 15th of the month following the end of the prior quarter (e.g., by April 15th reports on the first quarter are due).
 - During the construction phase, owners must provide monthly reports detailing construction progress and barriers to progress, copies of invoices being paid, and evidence of appropriate lien waivers.
 - During the initial phase of lease-up, the City may request owners to provide monthly or quarterly reports detailing the number of additional leases, total project leases, marketing activity, and monthly income and expenses. Once the owner has leased 100% of units, leasing and marketing reporting will be required annually.

- Annual Reports shall be required for all HOME projects, and shall include an Annual Occupancy Report, utility allowance documentation, and examples of marketing materials.
- The City may require more frequent reporting due to findings identified during annual monitoring, or findings identified during quarterly reports submitted during the development and lease-up phases.
- All HOME projects shall be required to submit annual budgets to the City for review and approval. Additionally, all projects will be required to submit an audit prepared by an independent Certified Public Accountant within 180 days of the end of its fiscal year. For small HOME-funded projects (generally defined to be projects with fewer than 20 total units not involving LIHTC) where the cost of a project-specific audit is deemed by the City to be burdensome, the City may accept a statement of financial condition with prior approval by the Director of Planning, Neighborhoods, and Development.
- Owners and developers shall allow the City, HUD, the Comptroller General of the United States (aka the GAO), and all other pertinent federal or State agencies or their designated representative the right to inspect records and property.
- Owners must annually (if applicable) submit any updates to their Tenant Selection Policy and AFHMP and must maintain records of annual efforts to affirmatively further fair housing in accordance with [24 CFR 92.351](#). Updates must clearly detail all changes.
- Owners must annually report to the City on compliance with the provisions of the Violence Against Women Act (VAWA) as applied through [24 CFR 92.359](#) including records related to any emergency transfer requests and their disposition. The annual Certification of Compliance with VAWA Requirements form can be found in [Appendix I](#).
- The City may periodically require owners to obtain a capital needs assessment prepared by an independent third-party architect, engineer, or other qualified firm approved by the City. Alternatively, the City may conduct a capital needs assessment using its own staff or contractors. Such capital needs assessments shall be used for the purposes of determining the adequacy of the Replacement Reserve, taking into account its existing balance, planned deposits, and anticipated future capital replacement costs for the Project.

If the capital needs assessment indicates the Replacement Reserve is not sufficient to address anticipated capital costs during the Affordability Period, the owner must, at the City's option, either make an additional deposit or increase its annual deposits sufficient to meet any underfunding. If an additional deposit is required by the City, the owner (or the Guarantors) must replenish the Replacement Reserve Account within six months.

E. Conflict of Interest

To comply with HOME requirements and to maintain a high standard of accountability to the public, conflicts of interest and perceived conflicts of interest must be avoided.

- Owners shall maintain compliance with all HUD conflict of interest provisions as stated in [24 CFR 92.356\(f\)](#).
- Developers and owners with employees, family members, consultants, or agents that are otherwise eligible to occupy HOME-funded units must receive approval from the City before entering into a lease with HOME eligible employees, family members, consultants, or agents.

5. Structure of Transaction

A. Loan Types and Terms

The City will provide HOME funds in the form of a loan to the entity that owns the property. No grants will be awarded, and funding commitments are not transferable without prior written City approval.

The City's HOME Loan is intended as construction/permanent financing. Proceeds of the HOME loan will only be released in conjunction with approved monthly construction draws and/or submission of invoices for approved soft costs and satisfaction of all requirements outlined below.

In all cases, the HOME loan will:

- Have a term equal to the project's Affordability Period ⁵;
- Be repayable in full upon sale, refinancing, or transfer of the property or upon maturity, whichever occurs first;
- Be secured with a mortgage, promissory note, and appropriate UCC liens. Mortgages will be recorded in the appropriate City and generally may be subordinate only to an amortizing permanent first mortgage and a temporary bank construction loan, all of which must be approved by the City, if applicable; and
- Be additionally secured by an irrevocable letter of credit in the amount of the HOME loan to be released by the City upon achievement of stabilized occupancy and approval of the final cost certification.

The City will offer one of two potential repayment structures:

- For projects without senior amortizing loans (e.g. a conventional mortgage or USDA financing), HOME will generally be structured as an amortizing loan with a term equal to the affordability period and an interest rate of 1%. Payments may be deferred for the first year following completion of construction. Based upon the City's underwriting evaluation, payments may be based on a longer amortization period with a balloon due at maturity if a project cannot be expected to fully amortize the loan; or
- For projects with senior amortizing loans, HOME will be structured as a surplus cash (aka "cash flow contingent") loan payable annually from 50% of surplus cash.

⁵ When necessary for tax analysis purposes, City may consider a loan term *longer* than the project's Affordability Period.

For projects where the City has required the establishment of a preservation reserve, surplus cash payments on the HOME loan will be deferred for as long as preservation reserve contributions are required.

B. Reserves and Surplus Cash Distributions

To preserve the ongoing viability of projects, the City will require the establishment and maintenance of various reserves. In general, reserves must be held at financial institutions licensed to do business in the State of Ohio in accounts that the signature of the City and the owner for all withdrawals and transfers. Owners must also authorize the financial institutions in which reserves are held to provide to the City, when requested, verified statements reflecting account balances and transactions. Reserves must remain in place so long as the project's HOME loan is outstanding or for the duration of the affordability period, whichever is longer, and information on each account must be reported annually. Reserves will include:

- An operating reserve intended to protect against unexpected operating deficits;
- For projects where the City's underwriting anticipates operating deficits during the affordability period, an additional operating deficit reserve must be capitalized.
- A replacement reserve intended to fund future capital and rehabilitation needs. Initial reserve deposit requirements are noted in the underwriting standards below, and the City may modify reserve requirements during the affordability period based on periodic capital needs assessments.
- At the City's option, a preservation reserve account may be created and funded with annual deposits from surplus cash (i.e. cash flow). In general, deposits equal to 50% of surplus cash will be required. The preservation reserve is intended to assist in the future preservation, refinancing, or repayment of the transaction.
- As may be required based on specific or unique project features, additional specialty reserves may be required, such as for tenant services, abnormal security costs, etc.

The City must also approve any distributions of surplus cash, which among other items, will require that all reserves be fully funded, the project be in compliance with all federal requirements, the project not be in default, and that the project retain sufficient liquidity following the distribution.

C. Guarantees

Excluding the investor/syndicator partners or members of the ownership entity, all underlying individuals, corporate entities, partnerships, or limited liability companies with an interest in the project's ownership entity will be required to provide the following performance guarantees:

- Completion Guarantee including provisions guaranteeing construction completion of the project.

- Performance and Recovery Guarantee including provisions guaranteeing ongoing compliance with HUD HOME guidelines and indemnifying the City against any liability to HUD resulting from the project's non-compliance.
- Replacement Reserve Guarantee to ensure annual deposits to a Replacement Reserve for the project in an amount consistent with the loan documents and/or covenant running with the land.

Guarantees shall be joint and several and must remain in effect throughout the affordability period.

D. Declaration of Restrictive Covenants

Each HOME-funded project must maintain restrictions and covenants running with the land enforcing HOME, and City guidelines, as applicable. The Declaration of Restrictive Covenants will be separately recorded and will remain in place for the affordability period even if the HOME loan is prepaid. Among other items, the Declaration of Restrictive Covenants will address:

- Restrictions on the transfer of title to the property or underlying ownership interest of the property owner;
- Restrictions on further encumbrances on the Property without the City's prior permission;
- Operational and performance requirements, including maintenance of various reserves, restrictions on the distributions of surplus cash, and property management and insurance expectations;
- Provisions to enforce ongoing requirements for project compliance through the HOME Affordability period, including:
 - The length of the period of affordability;
 - Income and rent restrictions on HOME-assisted units;
 - Property standards;
 - Marketing and leasing requirements; and
 - Recordkeeping and reporting requirements.

While the City's HOME loan(s) will generally be subordinate to conventional debt, the HOME covenant(s) must be recorded senior to all liens and encumbrances associated with the project financing, including any loans senior to the City's HOME loan, and structured to survive any foreclosure by a senior lien.

HOME covenants will be separate from any required covenants or deed restrictions imposed by other financing sources.

E. HOME Agreement

In addition to any financing documents, owners of HOME-financed projects must sign a HOME Agreement with the City. The Agreement will identify requirements for compliance with the HOME regulations and the City's Rental Housing Program requirements and will remain in effect in the event of any prepayment of the HOME loan.

6. Underwriting & Subsidy Layering Reviews

A. Project Underwriting

For all HOME project applications, the City will require the submission of a professionally prepared market study from a provider on the Ohio Housing Finance Agency's list of approved market analysts. If more than 12 months old at the time of commitment, the City may require an updated market study. Proposed rent levels must be supported by the applicant's market study and within HOME regulatory limits, as applicable.

All HOME applications must include personal financial statements (audited if available) and the three most recent tax returns from all underlying developers, owners, and guarantors and will be subject to the City's evaluation of fiscal soundness as required by 24 CFR 92.250(b)(2).

Project Underwriting will also include:

- Vacancy factor of at least 7% for family developments and at least 5% for elderly developments, unless the market study indicates a higher vacancy factor is needed.
- City staff will use a maximum 2% inflation factor for all sources of income.
- All operating expenses will be underwritten with an inflation factor of at least 3%.
- All HOME projects must maintain a total project Debt Coverage Ratio (DCR) of at least 1.15 for the affordability period. Properties with a DCR that exceeds 1.25 may have rent increases reduced or denied.
- Proposals must include justification of operating costs that includes a comparison to similar projects in the local market. Whenever possible, comparable properties should be operated by the proposed management company. The City may establish minimum annual per unit operating costs as part of its annual RFP.
- At a minimum, projects must make replacement reserve deposits of \$300 per unit per year for family projects and \$250 per unit per year for elderly projects. The Replacement Reserve must be funded and maintained for the full affordability period and reflected in the operating expenses for the full 15-to-30-year projection of expenses, as applicable. Replacement Reserve deposits will be inflated at 3% annually.
- Projects must include a capitalized operating reserve equal to six (6) months of underwritten operating expenses, amortizing debt service, and required reserve deposits. If drawn, the operating reserve must be replenished prior to distributions of cash flow. The operating reserve is intended to protect against unplanned operating deficits. If the City's underwriting projections anticipate deficits within the applicable affordability period, a separate operating deficit reserve must be capitalized as well.
- To substantiate LIHTC equity pricing, if applicable, applicants must submit documentation indicating that a syndicator or investor has reviewed the proposal and indicated preliminary pricing along with their interest in the project.

- Applicant must provide the amounts and terms for the construction financing, permanent financing, and if applicable, owner equity information. ***Amortizing permanent financing that will be senior to the City's HOME loan may not mature prior to the expiration of the HOME affordability period.***

B. Proforma Requirements

The City requires submission of a project proforma in a format provided by the City as part of periodic RFPs and application instructions.

If not otherwise itemized, applicants must be able to separate the hard costs of any stand-alone accessory buildings, including leasing offices, community buildings, laundry facilities, free-standing garages or carports, or maintenance buildings so that the City can complete preliminary HOME cost allocation calculations.

Costs and fees are to be paid to the City as permitted by the HOME program. The HOME program allows the City to include, as project costs, its internal soft costs specifically attributable to the project. These may include consulting, legal, inspection, and staff costs associated with reviewing, processing, and monitoring award of funds to a project. Applicants must include allowances for the City's project-related soft costs in their development budget, the amount for which will be published in any RFP.

Similarly, applicants must include, as part of the operating budget, an allowance for the City's ongoing monitoring fees as specified in the RFP.

C. Cost Limitations

All project costs must be reasonable and necessary whether directly paid with HOME funding or another source. The City reserves the right to review any line-item cost to ensure that total project costs are not excessive. Any change orders must be submitted for review and approval by PND staff before execution. Additionally, HOME projects will be subject to the following specific cost limitations:

- The maximum developer fee is 15%⁶ of net development costs approved by the City. Net development costs are total development costs less syndication related costs and the developer fee itself. Consultant fees are payable only from proceeds of the developer fee. Additionally, any predevelopment loan interest or costs associated with a ground-breaking ceremony may not be itemized within the development budget and must be paid from the proceeds of the developer fee.
- **Maximum allowable builder General Requirements, Overhead, and Profit are 6%/2%/6%,** respectively. The builder line item percentages are calculated on the construction contract price which cannot include construction contingency. If the City's Inspector approves a Change Order for use of construction contingency, the same percentages for builder line items apply.

⁶ The City recognizes that applicants may sometimes propose lower developer fees as a result of scoring factors in the State's Qualified Allocation Plan (QAP). To the degree an applicant has proposed a lower fee for LIHTC purposes, that lower fee limit will be observed for HOME purposes.

- Generally, Architectural, including Engineering fees, may not exceed 6% of total project hard costs (excluding builder's line items) unless the City has approved a larger fee (e.g. in response to specific project characteristics such as a requirement for historic rehabilitation or unusual site conditions requiring additional engineering).
- Acquisition costs may not exceed the lesser of the appraised value of a property, the purchase price negotiated with an arms-length seller, or the cost basis of an identity of interest seller.

D. Other Public Funding Sources

Owners must disclose all other firm commitments for funding with the initial HOME Rental Housing application to the City at the time of application and upon receiving any additional commitments of funding. The City will conduct a subsidy layering review as part of the underwriting process for any project that includes other public subsidies. Using its underwriting criteria, the City will assess the project and may require changes to the transaction to ensure that cash flows to the owner/developer are not excessive. Changes may include a reduction in HOME funds awarded, reductions in the rents being charged to tenants, requirements that excess cash is deposited to an operating reserve or increases in annual payments on the HOME loan.

The City may consider adjusting its underwriting in consultation with other funders to the project. The City retains, at its sole discretion, the power to decide whether to accept alternative standards.

7. Construction Process

A. City Construction Inspections

The City will provide HOME funds in the form of construction and/or permanent financing only. The City must be provided with the AIA G-702/703 forms (or other forms approved by the City) and supporting documentation and Developer/Owner must provide reasonable notice of any changes to scheduled monthly draw inspections during the construction period. City representatives will participate in all draw reviews and conduct inspections to ensure that the project is progressing and that work completed is consistent with all applicable HOME requirements.

B. Federal Labor Standards (Davis-Bacon)

When federal labor standards (i.e. Davis-Bacon and Related Acts) apply to a project, the City must be provided with compliance documentation throughout the construction period even when HOME is provided as a permanent loan following the completion of construction. Prior to commencing construction, the City must approve current wage determinations applicable to the project. The contractor will be required to provide weekly payroll forms to the City and allow access to the site and workers for the purpose of completing worker interviews.

The City will accept [Form WH-347](#) or acceptable internal forms from the contractor. The City also utilizes the online software LCPtracker for Davis Bacon documentation.

C. Drawing Funds

The City's HOME Loan is intended as construction and/or permanent financing. Proceeds of the HOME loan will only be released as reimbursement for eligible project costs.

I. Conditions of Construction Draws

Proceeds of the HOME loan will only be released to Owner for actually incurred HOME-eligible project costs. The obligation of the City to approve any draw or to make any disbursement of HOME funds is subject to the satisfaction of the following conditions at the time of making such disbursement:

- Draws will not be processed if the Owner is in default.
- The Project shall not have been materially damaged by fire or other casualty.
- The City shall have received evidence satisfactory to the City that all work and improvements requiring inspection by any governmental authority having jurisdiction have been inspected and approved by such authorities and by any other persons or entities having the right to inspect and approve construction.
- Owner shall have submitted at least 10 days prior to the date a disbursement is desired a completed disbursement request using AIA G-702 (Contractor's Application for Payment) and G-703 (Continuation) forms and such other appropriate source documentation as may be required by the City including, without limitation, the following:
 - Current Contractor Tracking Form and lien waivers, which are to be dated no less than 10 days precedent to the date of the requested disbursement.
 - Evidence satisfactory to the City that the Project and the contemplated use thereof are permitted by and comply with all applicable uses or other restrictions and requirements in prior conveyances, zoning ordinances, or regulations that have been duly approved by the municipal or other governmental authorities having jurisdiction; that the required building permits and other permits have been obtained as required; and that no environmental impact statement is required or that such environmental impact statement has been properly filed and approved.
 - Appropriate certifications of compliance in all respects with labor standards and prevailing wage requirements applicable under federal law.
 - Such other supporting evidence as may be requested by the City or its agents to substantiate all payments which are to be made out of the relevant disbursement and/or to substantiate all payments then made with respect to the Project.
 - The City shall have determined that all HOME requirements pertaining to the disbursement of funds have been met, including but not limited to monitoring of Davis Bacon compliance.
 - The City shall have received a current inspection report from a City inspector that verifies satisfactory completion of work to HOME standards.

- No determination shall have been made by the City that the undisbursed amount of the loan is less than the amount received to pay all costs and expenses of any kind that reasonably may be anticipated in connection with the completion of the Project.

II. Conditions of Final Disbursement

In addition to the requirements set forth above, the City shall require the following prior to the final disbursement of funds, the request for which shall not be submitted before completion of the Project, including all landscape requirements and offsite utilities and streets and correction of defects in workmanship and/or materials:

- A certificate of occupancy, if applicable, or a final approved construction report from the City's HOME Department for the Project.
- Identification of the designated street address of the Project, including as applicable the street addresses assigned for the leasing office and each residential structure and the specific unit designations (e.g., unit number or lettering such as #12 or Apartment B-3) for all HOME units.
- Evidence satisfactory to the City that the Project has been completed lien free and substantially in accordance with the plans and specifications.
- Review and final settlement of the cost certification.
- Such other supporting evidence as may be requested by the City or its agent to substantiate all payments which are to be made from the final disbursement and/or to substantiate all payments then made with respect to the Project.
- A determination by the City that all HOME requirements pertaining to the initial development of the Project have been met, including but not limited to monitoring of Davis-Bacon compliance, as applicable.

III. Limitation on Draw Requests

- In all cases, Owner may not request disbursement of HOME funds until funds are needed for the payment of eligible costs, and all disbursement requests must be limited to the amount needed at the time of the request.
- No disbursements for materials stored will be made by the City unless Owners shall advise the City of its intention to so store materials prior to their delivery. The propriety of disbursements for materials stored shall be determined in the City's sole discretion.
- If all or a portion of the developer's fee is not budgeted to be paid with HOME funds, 10% of total HOME funds will be held as retainage until submission and approval of all items required for final disbursement above.

D. Project Closeout

Owners are required to submit demographic data at lease up for all HOME-funded units. Data shall include elderly status, race, gender, female head of household, number of household members, and percent of area median income. Owners must be aware that the Affordability Period does not begin for HOME-funded Project(s) until all project costs

are processed, all demographic data is verified by City staff, and the project is entered as completed in IDIS.

8. Monitoring During Affordability Period

Following project closeout, the City will monitor the project for ongoing compliance with HOME requirements, including but not limited to income and rent restrictions, property standards, tenant protections, and marketing and fair housing requirements. In addition to requiring periodic reporting as outlined in Section 4.D. above, the City will conduct on-site monitoring visits as required by HOME regulations at [24 CFR 92.504\(d\)\(1\)](#). The purpose of these visits will include, at minimum, reviews of project records and inspection of the premises including common areas and residential units.

In most cases, the City conducts such reviews annually. However, the City reserves the right to conduct site visits more or less frequently based on changes to HOME regulations or City policy or based on evidence of compliance deficiencies in a prior monitoring visit.

As noted above, all projects must be operated in compliance with the City's most current Rental Management Handbook, or successor publications, which may be updated from time to time to reflect new, revised, or clarified administrative procedures and practices. The handbook provides additional detail on and updated/current descriptions of the City's guidance on property operations. This may include, among other items, procedures for obtaining annual rent or utility allowance approvals, reporting and document submission requirements, use of updated form documents provided by the City, and the like. A checklist of required procedures and policies for developers/owners can be found in [Appendix G](#).

Appendix A – Required HOME Affordability Periods

For homebuyer and rental projects, the length of the affordability period depends on the amount of the HOME investment in the property and the nature of the activity funded.

HOME Investment per Unit	Length of Affordability Period
Less than \$15,000	5 Years
\$15,000 - \$40,000	10 Years
More than \$40,000	15 Years
New construction of RENTAL housing	20 Years
Refinancing of RENTAL housing	15 Years

Source: Building HOME, Page 2-16

Throughout the entirety of the affordability period, the HOME-assisted units must be occupied by income-eligible households.

When rental units become vacant during the affordability period, subsequent tenants must be income-eligible and must be charged the applicable HOME rent.

If a home purchased with HOME funds is sold during the affordability period, resale or recapture provisions apply to ensure the continued provision of affordable homeownership.

Current HOME income and rent limits can be found in [Appendix C](#).

Appendix B – Maximum Per Unit HOME Subsidy

Section 234 – Condominium Housing – Elevator

Bedrooms	Non-Elevator	Elevator
0	\$71,856	\$75,620
1	\$82,853	\$86,687
2	\$99,923	\$105,414
3	\$127,906	\$136,372
4+	\$142,493	\$149,69

2024 Subsidy Limits as established by HUD on 2/13/2024

Per guidance from HUD on the [HOME Maximum Per-Unit Subsidy Limits](#):

Due to the discontinuation of the Section 221(d)(3) mortgage insurance program, alternate maximum per-unit subsidy limits must be used for the [HOME Program](#). HUD is required to undertake rulemaking to establish new maximum per-unit subsidy limits for the HOME Program because it is no longer updating and publishing limits for the Section 221(d)(3) mortgage insurance program. Until a new rule can be published, HUD published a Notice establishing an interim policy that Field Office staff and participating jurisdictions (PJs) must follow directing PJs to use the Section 234-Condominium Housing basic mortgage limits, for elevator-type projects, as an alternative to the Section 221(d)(3) limits in order to determine the maximum amount of HOME funds a PJ may invest on a per-unit basis in HOME-assisted housing projects. This interim policy remains in effect until the effective date of the new final rule provisions, amending the existing provisions of [24 CFR 92.250\(a\)](#).

The Section 234 program insures blanket mortgages for the construction or substantial rehabilitation of multifamily projects to be sold upon completion as individual condominium units. Overtime, these limits issued by HUD have been identical to the Section 221(d)(3) limits. Consequently, substituting the Section 234 basic mortgage limits for the Section 221(d)(3) limits is consistent with the intent of NAHA and the implementing provisions of the HOME Final Rule.

HUD's Office of Multifamily Housing updates the Section 234 basic mortgage limits annually and publishes them in the Federal Register. The Office of Multifamily Housing also establishes high cost percentage exceptions (HCP) for specific areas. To ensure consistency with the provisions of section 212(e)(1) of NAHA and [24 CFR 92.250\(a\)](#), the HOME maximum per-unit subsidy limit that HUD can approve for a PJ cannot exceed 240 percent of the Section 234 basic mortgage limit (i.e. 100 percent of the basic mortgage limit plus up to 140 percent in high cost areas). For a PJ whose HCP has been increased above the 240 percent, the CPD Division must cap the HOME per-unit subsidy limit at 240 percent of the Section 234 basic mortgage limit.

The minimum HOME investment in rental housing or homeownership is \$1,000 times the number of HOME-assisted units as described in the HOME regulations at [24 CFR 92.205\(c\)](#).

Appendix C – HOME Income Limits and Rent Restrictions

HOME Income Limits

2024 Income Limits	Household Size							
	1 Person	2 Persons	3 Persons	4 Persons	5 Persons	6 Persons	7 Persons	8 Persons
30% Limit	\$19,500	\$22,300	\$25,100	\$27,850	\$30,100	\$32,350	\$34,550	\$36,800
Very Low Income (50% Limit)	\$32,550	\$37,200	\$41,850	\$46,450	\$50,200	\$53,900	\$57,600	\$61,350
60% Limit	\$39,060	\$44,640	\$50,220	\$55,740	\$60,240	\$64,680	\$69,120	\$73,620
Low Income (80% Limit)	\$52,050	\$59,450	\$66,900	\$74,300	\$80,250	\$86,200	\$92,150	\$98,100

Effective: June 1, 2024

Source: https://www.huduser.gov/portal/datasets/home-datasets/files/HOME_IncomeLmts_State_OH_2024.pdf

HOME Rental Limits

2024 Rent Limits	Household Size						
	Efficiency	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	5 Bedroom	6 Bedroom
Low HOME Rent Limit	\$743	\$800	\$1,023	\$1,208	\$1,347	\$1,486	\$1,625
High HOME Rent Limit	\$743	\$800	\$1,023	\$1,330	\$1,459	\$1,678	\$1,897
Additional Limits							
Fair Market Rent	\$743	\$800	\$1,023	\$1,330	\$1,459	\$1,678	\$1,897
50% Rent Limit	\$813	\$871	\$1,046	\$1,208	\$1,347	\$1,851	\$1,625
65% Rent Limit	\$1,038	\$1,113	\$1,338	\$1,537	\$1,695	\$1,493	\$2,008

Effective: June 1, 2024

Source: https://www.huduser.gov/portal/datasets/home-datasets/files/HOME_RentLimits_State_OH_2024.pdf

Appendix D – Ohio Housing Finance Agency HOME Utility Allowance Request Form

Please refer to the next page for a copy of the Ohio Housing Finance Agency's HOME Utility Allowance Request Form.

Source: https://ohiohome.org/compliance/documents/utilityallowanceform_PC-E30.pdf

Appendix E – Environmental Review Processes

Environmental Reviews

The City of Dayton conducts five levels of environmental review (ER) and the level of review is dependent upon the type of activity being undertaken. The review level, regulation citation, and suggested format for review of each level may be viewed by following this link: <https://www.hudexchange.info/programs/environmental-review/orientation-to-environmental-reviews/#level-of-review>.

The City of Dayton does not conduct Environmental Impact Statement level reviews.

Three of the possible determinations for activities are:

1. Exempt and in compliance with CFR 58.6, or
2. Categorically Excluded from NEPA Not Subject To (CENST) 58.5 and in compliance with CFR 58.6, or
3. Categorically Excluded from NEPA and Subject To (CEST) 58.5 that convert to Exempt and follow 58.6.

These three determinations do not require a request for release of funds from HUD. A signed and dated copy of the Determination must be uploaded to HEROS and the original ERR must be retained in the PND Central Files for the required retention period.

The two remaining levels of review are:

- 4.) Categorically Excluded from NEPA and Subject To (CEST) 58.5 that cannot convert to Exempt, require mitigation or when extraordinary circumstances exist and elevate the level of review, or
- 5.) Environmental Assessment.

These two levels of review require a published notice of the Determination, a Finding of No Significant Impact (FONSI) and a request for public comment for a specified period. At the expiration of the public comment period a Request for Release of Funds (RROF) signed by the City Manager is transmitted to the Ohio HUD office, along with any public comments. The Ohio HUD Office waits a specified period for additional public comment before responding with a formal letter releasing the funds to the city.

The above process generally describes the typical environmental review process where an activity at a specific site(s) is known at the time of review and before the commitment of funds. Because some activity addresses are not known until after funds have been committed, the CFR allows for a process where activities may be aggregated and reviewed in a 2-step process called a Tiered Review (TR). This is the review process the city currently uses to review all projects where the activity sites are not known at the

time of fund commitment and it requires that our developers and subrecipients collect and provide us with the required ER information. The TR process may also be used to aggregate multiple sites where the sites are identified before the ER and commitment of funds.

In a tiered review, all the aggregated activities must be assigned an initial level of review and all the activities must be reviewed using the highest level of review. This Tier1 review lists all the activities and reviews them for as many applicable environmental factors as is possible. When the Tier 1 FONSI is complete, the public notification and RROF steps above are followed.

As activity addresses become known, a Tier2 review is performed for each site (or group of sites) and is added to the ERR for that activity. The advantage to the tiered review is it allows for a single publication of a FONSI and RROF.

Appendix F – Nondiscrimination & Equal Opportunity – Protected Classes

Federal Protected Classes⁷

- Race
- Color
- Religion
- Sex
 - Pregnancy
- Sexual Orientation
- Gender Identity
- National Origin
- Familial Status
- Disability

State of Ohio Protected Classes⁸

- Race
- Color
- Religion
- Sex
- Familial Status (having at least one child under age 18)
- Ancestry
- Disability
- National Origin
- Military Status

City of Dayton Protected Classes⁹

- Race
- Color
- Religion
- Sex
- Sexual Orientation
- Gender Identity
- National Origin
- Ancestry
- Age
- Marital Status
- Familial Status
- Disability

⁷ Source: https://www.hud.gov/program_offices/fair_housing_equal_opp/fair_housing_act_overview

⁸ Source: <https://www.ohioattorneygeneral.gov/Files/Publications-Files/Publications-for-Business/Fair-Housing-Guide>

⁹ https://library.municode.com/oh/dayton/codes/code_of_ordinances?nodeId=TITIIIAD_CH32DIPR_DIV1INGE_S32.05SAOU

Appendix G – HOME – Developer/Owner Required Policies and Procedures Checklist

Monitoring Documentation Checklist HOME Program

There are several key HOME compliance areas that the PJ monitors during the affordability period, including: HOME rent limits, HOME income limits, property standards, tenant selection, tenant income verification and recertification, affirmative marketing, tenant leases and protections, and unit mix.

General Program Compliance

- **Tenant Selection;**
- **Income Determination;**
 - **Initial Income Determination;**
 - **Annual Income Recertification;**
- **Lease Compliance;**
- **Rent Compliance;**
 - **Initial Rents;**
 - **Subsequent Rents;**
- **Ongoing Occupancy Requirements;**
- **Property Standards;**
- **Eligible Costs;**
- **Procurement and Contractor Oversight (if applicable);**
- **Project Completion and Lease-up; and**
- **Record Retention.**

File Selection and Sampling

- **Randomly selected participant files (percentage depends on number of units)**
- **Forms/Information Present in Each File**
 - **Application**
 - **Household Members**
 - **Unit/Property Address**

- **TIC (Tenant Income Certification if applicable)**
- **Income Determination (source documents)**
- **Student Status Certification**
- **Lead Based Paint Addendum (if applicable)**

Physical Maintenance Compliance

- **Routine and preventive maintenance;**
- **Property security (if applicable);**
- **Work order systems;**
- **Operating deficit accounts; and**
- **Capital repairs and improvements**

Policies and Procedures

- **Affirmative Fair Housing Marketing Plan**
- **Leasing, Marketing, and Property Maintenance**
- **Environmental Review (If Applicable)**

Financial Management

- **Most recently completed annual audit**

Appendix H – City of Dayton Section 3 Guidance

Section 3 Overview

As a HOME participating jurisdiction (PJ), the City of Dayton, it's Planning, Neighborhoods and Development Department (PND) and the entities to which it

provides HOME funds must comply with Section 3 of the Housing and Urban Development Act of 1968, as amended (“Section 3”). Section 3 requires that economic opportunities that are generated by the use of HOME funds shall, to the greatest extent feasible, and consistent with existing federal, state, and local laws and regulations, be directed to low- and very low-income persons, particularly those who are recipients of government assistance for housing and to business concerns which provide economic opportunities to low- and very low-income persons.

These procedures summarize the Section 3 requirements and describe how PND implements them. They outline what PND and its housing partners must do to comply with Section 3 and identify the recordkeeping and reporting requirements that funded entities must conduct.

Note: Many HUD programs are subject to the requirements of Section 3. These procedures refer to “HOME funds,” since this guidance is provided to HOME recipients. However, if the recipient receives other covered Section 3 assistance, the numeric Section 3 thresholds include HOME funds in combination with these other sources.

Other sources of HUD Section 3 covered assistance include: Community Development Block Grants (CDBG), Community Development Block Grant Disaster Recovery (CDBG-DR), Community Development Block Grant Mitigation (CDBG-MIT), Recovery Housing Program (RHP), Housing Trust Fund (HTF), Neighborhood Stabilization Program Grants (NSP 1, 2, & 3), Housing Opportunities for Persons with Aids (HOPWA), Economic Development Initiative (EDI), Emergency Solutions Grants (ESG), University Partnership Grants, Neighborhood Stabilization Program (NSP), Certain Grants Awarded Under HUD Notices of Funding Availability (NOFAs), Section 202 Supportive Housing for the Elderly, Section 811 Supportive Housing for the Disabled, and Project Based Section 8 Vouchers.

Resources on Section 3

The Section 3 implementing regulations (at 24 CFR part 75) can be found through the following link: <https://www.ecfr.gov/current/title-24/subtitle-A/part-75>.

The HUD Exchange maintains a Section 3 website that provides detailed guidance and updated policy guidance on Section 3: <https://www.hudexchange.info/programs/section-3/>.

Summary of Section 3 Requirements

The Section 3 regulation identifies who is subject to the Section 3 requirements, to what projects these requirements apply, and how funded entities can comply, as follows:

Entities that Are Subject to Section 3

As a HOME PJ, Dayton is subject to the Section 3 requirements, as are all the entities that receive HOME funds from Dayton (in combination with other HUD funds to which Section 3 applies). This includes Dayton’s subrecipients, contractors, subcontractors,

developers (including community housing development organizations), owners, and sponsors.

Determining Section 3 Applicability

Section 3 applies only to projects of a certain scope and size (in terms of monetary threshold) and is triggered when these thresholds are met and contracting opportunities are generated using HOME funds.

Scope. Section 3 requirements apply to projects that involve work arising in connection with the construction or rehabilitation of a HOME project, regardless of how the HOME dollars are spent. Section 3 requirements do not apply to projects that do not involve rehabilitation and new construction, such as direct homebuyer assistance for the purchase of standard housing, or tenant-based rental assistance programs.

Dollar Thresholds. Section 3 applies when these thresholds are met:

1. The HOME administering entity receives more than \$200,000 in HOME funds and invests any amount of these funds to carry out new construction or rehabilitation activity (including demolition and lead-based paint abatement). The HOME administering entity includes the HOME PJ (DHCD), as well as any state recipient (unit of local government) or subrecipient (nonprofit organization) that receives over \$200,000.
2. A contractor/subcontractor of a project receives a contract for \$200,000 or more in HOME assistance. Note, once it is determined that Section 3 applies to a project, it applies to the project as a whole.
3. For projects funded with Lead Hazard Control and Healthy Homes funding, Section 3 applies to projects that exceed \$100,000.

Benchmarks

Section 3 establishes labor hour goals on eligible HUD-assisted projects.

Labor Hours. Goal of 25% or more of the total number of labor hours on a Section 3 project are from Section 3 Workers. Goal of 5% or more of the total number of labor hours on a Section 3 project are from Targeted Section 3 Workers.

Qualitative Efforts. If a contractor is unable to meet the benchmark, they must report on qualitative efforts made such as:

- Outreach efforts
- Job Fairs
- Providing Technical Assistance to help applicants compete for jobs
- Provide Training and Apprenticeship Opportunities, etc.
- Required by City of Dayton: Notifying local housing authority and work site postage (templates for these efforts can be provided).

Any efforts made will need to be clearly documented and evidence will need to be provided to the Section 3 Coordinator.

Definitions

Section 3 Worker is anyone who currently or in the past 5 years, meets at least one of the following:

- Income for the previous or annualized calendar year is below the income limit established by HUD.
- Employed by a Section 3 Business Concern
- A YouthBuild participant

Targeted Section 3 Worker is a worker employed by a Section 3 Business Concern or currently or in the past 5 years, meets at least one of the following:

- Living within one mile of the service area or the neighborhood of the project.
- A YouthBuild participant

Section 3 Business Concern is a business that meets at least one of the following criteria, documented within the last six-month period.

- At least 51% owned and controlled by low- or very low-income persons;
- Over 75% of the labor hours performed for the business over the prior three-month period are performed by Section 3 workers; or
- A business at least 51% owned and controlled by current public housing residents or residents who currently live in Section 8-assisted housing.

Compliance with Section 3

The PJ and its housing partners who are subject to Section 3 requirements strive to meet goals for contracting opportunities to Section 3 Workers and Section 3 Business Concerns to the greatest extent feasible. When a PJ or its housing partner meets the benchmark Section 3 goals, it demonstrates to HUD’s satisfaction that it follows Section 3, absent any evidence to the contrary. This is a “safe harbor.”

However, when a PJ or its housing partner is unable to meet these benchmarks, it is the responsibility of the PJ to demonstrate to HUD that it made all reasonable efforts to meet the goals, and to justify in detail why it was not feasible. HUD evaluates the PJ based on its assessment of the efforts that the PJ (and/or its housing partners) took to meet the benchmarks and the impediments incurred despite actions taken.

City of Dayton – Section 3 Procedures for HOME Program Recipients

PND has established the following procedures to ensure that its recipients of HOME funds comply with the federal Section 3 requirements.

For purposes of these procedures, a *HOME administering entity* includes an entity that receives

HOME funds from PND to administer a rehabilitation or new construction program or project. This is typically a developer. A HOME *recipient* includes *any* entity that receives HOME funds from PND - directly, or indirectly through other entities - that are subject to Section 3. This includes housing authorities, local government recipients, nonprofit subrecipients, as well as developers, owners, and sponsors.

1. Each HOME administering entity that receives over \$200,000 in HOME funds for rehabilitation or new construction programs must comply with Section 3 in its own operations and must ensure compliance by its contractors and subcontractors.
2. For any recipient receiving HOME funds from PND for work connected to new construction or rehabilitation, must comply with Section 3 benchmarks to the greatest extent feasible, and must document its efforts. PND adopts the federal Section 3 goals of:
 - a. 25% or more of the total number of labor hours on a Section 3 project are from Section 3 Workers.
 - b. 5% or more of the total number of labor hours on a Section 3 project are from Targeted Section 3 Workers.
 - c. If a contractor is unable to meet the benchmark, they must report on qualitative efforts made. Two required efforts are: Notifying local housing authority and work site postage (templates for these efforts can be provided).
3. The recipient will inform its contractors and subcontractors of Section 3 covered projects of the Section 3 requirements. The recipient will provide a copy of these procedures to potential contractors and subcontractors and review these obligations at pre-bid meetings for potential bidders.
4. All recipients must include, verbatim, a copy the Section 3 Clause in all solicitations and contracts as required in Section 24 CFR Part 75.
5. The recipient must secure and retain documentation that the workers that are “counted” as Section 3 workers meet the income or residency requirements imposed by Section 3. The recipient must ask the employee to self-certify its eligibility using the self-certification form provided by the Section 3 coordinator. The certification form should then be provided to the Section 3 coordinator.
6. The recipient must secure and retain documentation that any Section 3 business concerns that it will “count” in its Section 3 goals meet the federal definition of a Section 3 business concern. The recipient should ask the head of the business to complete to self-certify its eligibility. The certification form should be provided to the Section 3 coordinator.
7. To the extent a recipient fails to meet the Section 3 benchmarks through worker hours, it must demonstrate/document that it has taken all feasible steps to comply through qualitative efforts. PND and HUD expect that the recipient

undertakes more than the minimally required steps outlined here. The recipient might consider undertaking the following:

- a. Attending job fairs
 - b. Providing technical assistance to help applicants compete for jobs.
 - c. Providing training and apprenticeship opportunities.
 - d. Required by City of Dayton: Notify local housing authority and work site postage.
8. Submit monthly reports to the Section 3 coordinator.
 9. Recipients must facilitate Section 3 compliance by developers, contractors, and subcontractors by providing information and guidance as needed. The PND Section 3 coordinator is available to assist all recipients in meeting the Section 3 goals.

Appendix I – Certification of Compliance with VAWA Requirements

The Violence Against Women Act (“VAWA”) protects applicants, tenants, and program participants in certain HUD programs from being evicted, denied housing assistance, or terminated from housing assistance based on acts of domestic violence, dating violence, sexual assault, or stalking against them.

Under the [Violence Against Women Act of 2013](#), all multifamily units are required to adhere to the [HUD 2013 VAWA Final Rule](#).

No less than annually, owners/developers of multifamily units will be required to verify that multifamily units are in compliance with VAWA requirements.

I, _____ (agent/owner name), certify that _____ (name of project/development), a HUD-funded multifamily housing project/development owned by _____(organization/owner name), is in compliance with requirements from the Violence Against Women Act of 2013 and the rules and regulations set forth in HUD 2013 VAWA Final Rule. By checking the boxes below, I certify that the project/development has provided all necessary documentation to the City.

Owner	Dayton	
<input type="checkbox"/>	<input type="checkbox"/>	Tenants and applicants are properly notified of their rights under VAWA through HUD VAWA Form 5380 or another form of notification (a copy of which has been provided to the City of Dayton).
<input type="checkbox"/>	<input type="checkbox"/>	Appropriate VAWA language is incorporated into a Lease Addendum. A sample Lease Addendum can be found in HUD VAWA Form 91067 .
<input type="checkbox"/>	<input type="checkbox"/>	The property owner or manager has an emergency transfer plan for victims seeking safety that has been updated within the past 12 months. This plan includes confidentiality measures to prevent disclosure of the tenant’s new location. A sample plan can be found in HUD VAWA Form 5381 .
<input type="checkbox"/>	<input type="checkbox"/>	When VAWA rights are invoked, the owner or manager has completed a Certification of Domestic Violence (HUD VAWA Form 5382) and an Emergency Transfer Request form (HUD VAWA Form 5383) and provided a copy of this information to the City of Dayton. Other documents disclosing domestic violence may include an affidavit signed by the victim under penalty of perjury; an affidavit or letter signed by a domestic violence service provider, attorney, or medical/mental health professional who assisted the victim; and/or a court administrative record.

Owner/Agent Signature

Date

City of Dayton use only:

The annual Certification of Compliance with VAWA Requirements was completed on _____ (date), and the owner/developer was found to be in compliance/not in compliance (circle one) with VAWA requirements.

For entities and projects not in compliance with VAWA, the following remediation steps were provided to the owner/developer, and remedial actions are due back to the City of Dayton no later than _____ (date).

City of Dayton Staff

Date