

Chapter 4: Homebuyer Forms and Instructions

I. Eligibility

A. Eligible Applicants

Eligible applicants are:

- Local or regional non-profit 501(c)(3) or 501(c)(4) housing or related service organizations
- Local units of government
- Public Housing Authorities
- State-designated Community Housing Development Organizations (CHDO)

B. Eligible Activities

1. Awards for new construction, purchase/rehabilitation/resale or acquisition of eligible housing.
2. Acquisition of eligible housing units for the purpose of maintaining the continued affordability of such eligible housing.
3. Eligible housing that makes affordable housing more accessible to elderly persons, persons who have special housing needs, or persons who want to age in place.
4. Direct homebuyer assistance, including down payment assistance, closing costs or gap subsidy that may or may not be secured by an additional mortgage.

C. Ineligible Activities

Any activity not specifically authorized under Eligible Activities is ineligible to be carried out with NAHP funds. This section further identifies ineligible activities.

1. Furnishings and personal property not an integral structural fixture including the purchase of equipment, fixtures, and motor vehicles.
2. Mobile homes, as defined by the Department.
3. The following activities, if not directly related to eligible housing activities including, but not limited to: housing education, acquisition of property and easements, public facilities development or improvements, relocation, clearance, and demolition.

D. Eligible Costs

1. ***New Construction***: NAHP funds may be used for new construction of housing. Any project that includes the addition of dwelling units outside the existing walls of a structure is considered new construction.
2. ***Rehabilitation***: This includes the alteration, improvement or modification of an existing structure. Rehabilitation may include adding rooms that are not dwelling units, outside the existing walls of a structure. *Conversion*, a type of Rehabilitation, is changing the use of an existing structure to one of affordable residential housing. Units cannot be added beyond the building envelope.

3. **Reconstruction:** This refers to rebuilding a structure on the same lot where housing is standing at the time of project commitment. NAHP funds may be used to build a new foundation or repair an existing foundation. Reconstruction also includes replacing a substandard manufactured house with a new manufactured house. During reconstruction, the number of rooms per unit may change, but the number of units may not.
4. **Site Improvements:** Site improvements must be in keeping with improvements to surrounding standard projects. They include new, on-site improvements (sidewalks, utility connections, sewer and water lines, etc.) where none are present. Building new, off-site utility connections to an adjacent street is also eligible.
5. **Acquisition of Property:** Acquisition of existing standard property, or substandard property in need of rehabilitation, is eligible. This includes direct assistance to homebuyers.
6. **Acquisition of Vacant Land:** Acquisition of vacant land is allowed. The use of the land must be protected by a restrictive covenant ensuring that the only eligible future use is housing for income-qualified households.
7. **Demolition:** Demolition of an existing structure as a support activity may be funded if the property meets the following definition of a blighted structure. A *blighted structure* includes, but is not limited to, any dwelling, garage, outbuilding, warehouse, commercial building, or any other structure or part of a structure, which:
 - a) because of the effects of fire, wind, flood, or other natural disaster;
 - b) because of physical deterioration; or,
 - c) because of demolition, or partial demolition, not carried out to completion within a reasonable period of time;
 is no longer habitable as a dwelling or, in the case of a non-dwelling structure, is no longer useful for the purpose for which the non-dwelling structure was intended, and which has been designated by a State CDBG-recipient unit of local government or non-profit organization as detrimental to the public health or safety in its present condition and use.
8. **Relocation Costs:** Both permanent and temporary relocation assistance is an eligible cost. Staff and overhead costs associated with relocation assistance are also eligible.
9. **Housing Management/Project Soft Costs:** Housing Management /Project Soft Costs must be reasonable. These costs include: finance-related costs; credit reports; title binders and insurance; surety fees; recordation fees; transaction taxes; legal and accounting fees including: cost certification; appraisals; environmental reviews; builders' or developers' fees; architectural, engineering and related professional services; homebuyer counseling; project audit costs; affirmative marketing and fair housing services to prospective tenants of an assisted project; and staff costs directly related to projects.

E. Grant Amounts & Funding Source

The maximum grant amount is \$400,000. This amount is to be used as a guideline. The amount of funds awarded will be determined on a case-by-case basis with consideration given to the number of applications and scoring and ranking criteria. Homebuyer Program applications that receive funding will receive Nebraska Affordable Housing Trust Funds as their funding source.

II. Application Instructions and Forms

This section contains all forms and exhibits to be submitted so that your application can be scored and ranked effectively. Application narratives should be thorough and concise. The Department reserves the right to verify all information and to consult with other agencies on the proposed project.

Generally, there are more applicants requesting funds than there are funds available. Applicants must carefully read and review the 2010 Housing and Community Development Annual Action Plan and NAHP Application Guidelines Chapters 1, 2, 3, and 4 to develop a competitive application.

A. Verified Thresholds

The Department may contact the applicant for further information on any thresholds. The Department may non-select an application if any or all of the following thresholds cannot be verified. **You are not required to submit this form with your application, but it should be used as a checklist to help ensure you have included all required information.**

Application Parts I, II, & III

| | Yes | No | NA |
|--|-----|----|----|
| Is the applicant identification complete? | | | |
| Is the application preparer's section complete? | | | |
| Is the activity indicated? | | | |
| Is the service area indicated? | | | |
| Are there appropriate signatures? | | | |
| Is the appropriate region indicated? | | | |
| Is the household and/or unit information complete? | | | |
| Is the Funding Summary complete, clear, and correct? | | | |
| Is the one page project summary included and clear? | | | |

Required Exhibits

| Local Governments | | | | |
|--------------------------|---|-----|----|----|
| Exhibit | Description | Yes | No | NA |
| A | Public Hearing/Meeting | | | |
| B | Authorizing Resolution | | | |
| C | Statement of Assurances | | | |
| F | Certification of Federal Assistance (rental only) | | | |
| G | Determination of Level of Review Form | | | |

| Non-profit and PHA | | | | |
|---------------------------|---------------------------------------|-----|----|----|
| Exhibit | Description | Yes | No | NA |
| A | Public Hearing/Meeting | | | |
| D | Application Certification Form | | | |
| E | Authorizing Resolution | | | |
| F | Federal Assistance (rental only) | | | |
| G | Determination of Level of Review Form | | | |

Thresholds All Activities

| | Yes | No | NA |
|--|-----|----|----|
| 1. Applicant is eligible (non-profit: proof of non-profit status and Cert. of Good Standing). | | | |
| 2. Activities are eligible and comply with Nat. Obj. and NAHP priorities. | | | |
| 3. Applicant has addressed compliance problems. | | | |
| 4. Applicant is current with all reporting requirements. | | | |
| 5. Applicant has achieved the required percentages by the application due date, of State CDBG funds drawn down for prior State CDBG. All CDBG awards will be reviewed including those within the housing program, except Economic Development awards. CDBG 2008 Award Drawn Down 80% CDBG 2007 & Prior Award Drawn Down 100% <i>The percentage for funds drawn down shall be figured by NDED based on the final application acceptance date, except for applicants awarded funds after the initial award date in which funds drawn down shall be based on the proportionate number of months that have lapsed since the initial grant award.</i> | | | |
| 6. Activities not related to new construction will be completed within 24 months of award and activities involving new construction will be completed within 36 months of award. | | | |
| 7. If the project involves new construction and/or subdivision infrastructure development (excluding projects with direct subsidy only for new construction where no development subsidy or infrastructure is involved), please attach a development pro forma detailing incremental development. <p>Note: Projects involving New Construction and/or Subdivision Infrastructure will be required to complete the following steps prior to a Notice of Release of Funds or prior to a stage mutually agreed upon by the applicant and NDED during contract negotiations. These steps include:</p> <ul style="list-style-type: none"> i. The site(s) must be reviewed and approved by NDED housing staff prior to any activity, including land purchase. Grantee must request a site review from the regional housing representative no later than 45 days prior to purchase. ii. Site Plan and Preliminary Architectural Designs must be reviewed and approved by NDED housing staff prior to any activity, including land purchase. iii. A final Development Pro Forma based upon the approved site, site plan and preliminary architectural designs must be reviewed and approved by NDED housing staff prior to any activity, including land purchase. | | | |
| 8. If you are proposing a lease-purchase project, attach the proposed lease agreement. | | | |

B. Application Submittal Instructions

In submitting your application, these instructions must be followed:

- Submit original (unbound and 2-hole punched) and 4 complete copies of the application.
- Two-Hole punch the original application in the center top.
- Do not staple.
- Table of Contents **must** be included.
- All pages **must** be numbered in sequence at the bottom right-hand corner of the page.
- All Exhibits **must** be labeled at the bottom right-hand corner of the page.

Below is an outline of what your Homebuyer Program Application should look like:

- Part I. General Information (use required form)
- Table of Contents (include page numbers)
- Part II. Funding Summary (use required form)
- One Page Project Summary (follow instructions)
- Part III. Project Budget and Financing (follow instructions)
- Part IV. Implementation Schedule (follow instructions)
- Part V. Project Design and Impact (Include narrative)
- Part VI. Program Guidelines (follow instructions)
- Part VII. Development Pro-Forma, if applicable – if the project involves new construction, purchase/rehab/resale, and/or subdivision infrastructure development (excluding projects with direct subsidy only for new construction where no development subsidy or infrastructure is involved), please attach a development pro forma detailing incremental development.
- Part VIII. Proposed Lease Agreement, if applicable – applies to proposed projects for short-term lease purchase which is when the housing is developed, leased, and then sold to the tenant within 36 months (follow instructions)
- Part IX. Required Exhibits

Local Government applicants:

EXHIBIT A - Notice of Required Public Hearing (sample format provided) - Exhibit A form language must be used for the official public hearings and must be submitted with either Proof of Publication or Certificate of Posting, and a summary of citizens' comments.

EXHIBIT B - Authorizing Resolution (sample format provided) – must be completed after the citizens' comment period regarding Exhibit A Notice of Required Public Hearing or Public Meeting Notice.

EXHIBIT C – Statement of Assurances and Certifications (required form)

EXHIBIT G – Determination of Level of Environmental Review (required form)

Non-profit organization and Public Housing Authority applicants:

EXHIBIT A - Notice of Required Public Hearing or Public Meeting Notice (Application Guidelines Exhibit A form language must be used for the official public hearings and must be submitted with either Proof of Publication or Certificate of Posting, and a summary of citizens' comments.)

EXHIBIT D- Applicant Certification Form (required form)

EXHIBIT E - Authorizing Resolution for Non-profit organization and Public Housing Authority Applicants (sample format provided)

EXHIBIT G – Determination of Level of Environmental Review (required form)

EXHIBIT H – Proof of non-profit status and certificate of good standing

- Part X. Threshold Exhibits- Provide additional supplemental documentation identified in the instructions or referred to in Part V. narrative information.

Part I. General Information Instructions

Type or print all information except where signatures are required.

Pre-application Number: Enter the Pre-application number assigned by the Department (if applicable).

Box 1: Provide the requested information.

Box 2: Enter the name, mailing address and telephone number of the person who prepared the application. If prepared by a firm, identify the staff contact person. Check the appropriate application preparer status box.

Box 3: Check the appropriate box(es) for the type of activity(ies) for which the application is made, including proposed activities to be funded with both NAHP funds and Other funds.

Terms:

Development Subsidy – difference between the cost to develop the home (build or acquire and rehabilitate) and the appraised value of the home that will not be paid by the homebuyer.

Direct Homebuyer Assistance – subsidy provided for the costs of purchasing the home, including closing costs and fees.

Gap Subsidy – the difference between the value of the home and the purchase price of the home (a form of direct homebuyer assistance).

Newly constructed homes – homes where the construction of the home began after the application for NAHP assistance was submitted to NDED.

Previously Existing Homes – homes where the construction of the home began prior to the application of NAHP assistance was submitted to NDED.

Box 4: Indicate which NAHTF Region your project will be located in. The application activities must be confined to one Investment Zone. Refer to the map in Chapter 1 of the 2010 Annual Action Plan for identification of NAHTF region and NAHP Investment Zone boundaries.

Box 5: Indicate the area where the project will be located or program area. Enter the appropriate Congressional and Legislative District information.

Box 6: Enter the **number of households** to be served by the proposed project at the **maximum** income allowed program-wide.

Box 7: Check the appropriate applicant type box under which funds are being requested. If this is a joint application, check the appropriate type of applicant for the lead applicant.

Box 8: Type the name and title of the Certifying Official and date. The Certifying Official for a local government applicant is the chief elected official. The Certifying Official for a non-profit or public housing authority applicant is the official authorized by the governing body to sign applications for state and federal funding. If the Certifying Official for a non-profit or public housing authority is not the Board President or Board Chair, attach authorizing documentation of the governing body in order for the Certifying Official to sign the application.

Part II. Funding Summary Instructions

- Round all dollar amounts to the nearest dollar.
- Enter the dollar amounts into the appropriate boxes in the funding summary table.
- Describe ALL other funds, including funds provided by the homebuyer, lenders, builders, etc.
- If you have any questions about Activity Codes direct them to NDED.
- Support activities are activities that are only allowed to be funded with NAHP in conjunction with primary activities. Support activities include, but are not limited to: infrastructure costs, relocation, demolition, and homeowner rehabilitation.
- The Part II. Funding Summary should correlate with the Part III. Project Budget & Financing.

The Department reserves the right to non-select an application at any point during the review process if the applicant does not have the full funding commitment of all other key investors prior to application due date.

HOMEBUYER PROGRAM
PART II. FUNDING SUMMARY (Round amounts to the nearest dollar)

| Code | Activity | NAHTF Funds | Other Funds | Total Funds | Source(s) of Other Funds |
|-------------|--|-------------|-------------|-------------|--------------------------|
| 0501 | Site Improvements | | | | |
| 0502 | Streets | | | | |
| 0520 | Direct Homebuyer Assistance ¹ | | | | |
| 0521 | Acquisition of Vacant Land | | | | |
| 0522 | Demolition ² | | | | |
| 0523 | Relocation ³ | | | | |
| 0530 | Housing Rehabilitation ⁴ | | | | |
| 0531 | SF Purchase/Rehab/Resale | | | | |
| 0541 | Conversion | | | | |
| 0541 | Reconstruction | | | | |
| 0542 | SF New Construction Homebuyer ⁵ | | | | |
| | Subtotal | | | | |
| 0580 | Housing Management ⁶ | | | | |
| 0580a | Hsg. Mgt.: Paint Testing/Risk Assessments/ Clearance Testing ⁷ | | | | |
| | Subtotal | | | | |
| 0181 | General Administration ⁸ | | | | |
| 1000 | Total Project Costs | | | | |

Clarification for the above activities should be directed to NDED.

Note: Table does not calculate totals.

¹ Applies to Direct Homebuyer Assistance for previously owned homes and new construction and includes down-payment assistance, closing costs and gap subsidy (the difference between the appraised value and the sale price of the home).

² Demolition is a support activity and must be done in conjunction with another activity.

³ Relocation is a support activity and must be done in conjunction with another activity.

⁴ Homeowner rehabilitation is a support activity to direct homebuyer assistance for previously owned homes.

⁵ New Construction includes the hard costs for acquiring land, constructing homes and development subsidy (the difference between the cost to develop and build the home and the appraised value of the home).

⁶ Housing management recommended maximum is 10% of total NAHTF Funds.

⁷ Paint testing, risk assessments, and clearance testing are limited to \$1,500 per unit.

⁸ General Administration recommended maximum is 8% of total NAHTF Funds.

One Page Project Summary Instructions

Include a one-page summary of the proposed project.

Part III. Project Budget and Financing

Provide a detailed budget for the proposed program, including program costs, housing management (also referred to as housing administration or project soft costs) and general administration. The budget should include 1) costs for each item and 2) the proposed or likely funding source for each item.

Program Costs

List for each activity the major costs by line item. Major line item costs for Housing Management include "soft" costs such as providing homebuyer education; architectural, engineering or legal fees; appraisal costs; housing inspection fees and other expenses to carry out the housing program. Program costs are the "hard" costs of acquisition, rehabilitation or construction costs. The total line item costs for each activity must equal the totals by activity shown on Part II.

Administration Costs

Housing Management (activity number 0580)

The project related soft costs or housing management budget should include all costs of administrative and support activities for the housing proposal **except** hard costs.

Major line item costs under the housing administration activity may include (but are not limited to) program design (i.e. finalizing housing program guidelines), program promotion, application review, work write-ups, inspections, HOME activity set-ups, office rent, supplies, homebuyer education - counseling, etc. Housing administration costs should include any developer's fees. Paint testing, risk assessments and clearance testing are project-related soft costs but are subject to the \$1,500 NAHP funds per unit maximum.

General Administration (activity number 0181)

The general administration budget includes those costs that are administrative in nature and are attributable to the receipt of the award. Common line item costs in this activity are environmental review, audits, labor standards enforcement, preparation of required grant progress reports and draws, etc. It is acceptable to use salaries and benefits as line item costs. However, the specific duties that are to be performed should be noted under the salaries and benefits line item.

Proposed Funding Source

All budget items should indicate the proposed source of funds for that item. NDED understands that the application budget and financing is a proposal only and may vary somewhat during project implementation. Nonetheless, a budget indicating both sources and uses must be submitted. Projects with phases of activity such as purchase of an existing home by a developer, rehabilitation of the home, and resale of the home must indicate the use and source of funds for costs in each phase. For new construction, submit a single-family housing development pro forma in conjunction with the project budget and financing to demonstrate the sources, uses, and multiple phases in a project.

Part IV: Implementation Schedule

Implementation Schedules forms are available at

<http://www.neded.org/content/view/109/241/>. **You must use this form and attach to your application.**

- List the target(s) for your project. The target **must** contain 1) the number of proposed units, 2) the income of those affected 3) the type of program 4) where the target will be achieved, and 5) date the project or program will be fully completed and verifiable.
- List all proposed due dates for sections required by program type.

The more details that can be provided about the actual project, the methods used to achieve the project, and information about the persons responsible for project implementation and development will benefit the applicant in the NDED application review process.

Part V: Project Design and Impact

Answer the following questions by checking the appropriate boxes and answering the following narrative questions (in italics), if provided, on separate pieces of paper. Please include the questions along with all applicable answers. For sections that ask for more information in the form of an exhibit, please include the exhibit in Part X of the application.

| | | | |
|-----|---|------------------------------|-----------------------------|
| 1. | Does the market indicate a need for the product or services? <i>What is the estimated per capita income in the community or region? Approximately how many homes have been constructed in the past 20 years in the community or region? Please provide detail by year. What steps are being taken to attract and retain residents? What is the community/region's unemployment rate? Include a summary of results from the most recent housing market study if one has been conducted.</i> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 2. | Has a Site-Specific Market Study been conducted for proposed project? <i>(EXHIBIT 101: please attach a copy of the study, if applicable.)</i> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 3. | Are local housing and building codes adopted and enforced? <i>If yes, please explain the process used to enforce housing and building codes, as well as property standards.</i> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 4. | Is the funding highly leveraged? <i>(EXHIBIT 102: include letters of firm commitments, if applicable.)</i> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 5. | Will the project be developed in collaboration with local and regional plans being implemented by other agencies or development organizations? <i>(EXHIBIT 103: include letters of support from partners, if applicable.)</i> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 6. | Does the project include exterior façade improvements or construction? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 7. | There is a firm commitment to make at least 1 unit visitable. | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 8. | There is a firm commitment to make at least 1 unit accessible. | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 9. | Have interest sheets or waiting lists have been collected? <i>(EXHIBIT 104: include interest sheets or waiting lists, if applicable.)</i> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 10. | Was an overall Community Needs Assessment conducted within last 3 years? (assessment must have included all communities and/regions included in application) <i>(EXHIBIT 105: include copy of Community Needs Assessment results, if applicable.)</i> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

| | | | |
|-----|--|------------------------------|-----------------------------|
| 11. | Did the Community Needs Assessment show the project was a priority? <i>Please list the top 5 priorities listed in the Community Needs Assessment.</i> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 12. | Does this project take place entirely within an Economic Development Certified Community? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 13. | There is evidence of aggressive strategies in the community or region to demolish dilapidated buildings. <i>Number of dilapidated buildings demolished in past 5 years?</i> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 14. | The project is located in a community or region that is working on other community development goals (including housing, citizen participating, public works, leadership development, etc.). <i>If yes, please list the other projects taking place within the community, including both housing related and non-related projects.</i> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 15. | Low-income households provided input on housing needs. <i>If yes, please provide detail on how specific outreach was made to low-income persons to provide input on this project and how the input gathered was considered.</i> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 16. | There is evidence of aggressive strategies in the community or region to rehabilitate substandard properties. <i>Number of buildings rehabilitated in past 5 years?</i> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 17. | Resources and Commitments are in place to proceed. | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 18. | Adjacent neighbor input was considered. <i>If yes, please provide detail on how specific outreach was made to the prospective neighbors of this project location and how input was considered.</i> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 19. | Program Guidelines that meet all DED requirements have been board approved. <i>(Board approved program guidelines that meet DED requirements must be included Part VI of the application.)</i> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 20. | Are all required zoning, infrastructure and utilities in place? <i>If no, please explain</i> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 21. | Has the project administrator been identified? <i>If yes, who will serve as project administrator?</i> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 22. | Does the grantee have an established line of credit for project costs? Includes bank line of credit or funds available through other sources, such as City funds. <i>(EXHIBIT 106: please include letter of credit.)</i> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 23. | Has the grantee correctly completed the Environmental Determination of Level of Review form? <i>Describe the main environmental concerns that should be evaluated and what steps will be taken to ensure environmental compliance?</i> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 24. | Does the applicant have the capacity and commitment to implement the project in a timely manner? <i>Identify the number of staff that are employed within your organization that are involved in housing projects. Please include the names of these individuals and describe their duties. Also provide the names of project administrators, other professional staff, and other staff that will be performing the construction work, etc. on your project. (EXHIBIT 107: if applicant is a non-profit, please include proof of non-profit status and Certification of Good Standing.)</i> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

| | | | |
|-----|---|------------------------------|-----------------------------|
| 25. | The Implementation Schedule is feasible and realistic. | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 26. | Was a Pre-Application submitted to DED for this proposed project by the required deadline? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 27. | Has the applicant been successful in a similar project in the past? <i>Please explain, in detail, past similar projects in the community or region.</i> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 28. | Does the administrator have the capacity and commitment to implement the project in a timely manner? <i>Have the applicant and administrator worked together on past projects? If yes, please explain. Does the administrator have experience in working with these types of projects?</i> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 29. | Homebuyer/tenant education is required. <i>(Must be included in board approved program guidelines included in Part VI of the application.)</i> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 30. | Does the project duplicate another service in the region? <i>If yes, how will your project or service differentiate itself from the other or work together to compliment the existing program or service?</i> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 31. | The amount of administration and project soft costs are appropriate to achieve the proposed results. <i>How were administration and project soft cost amount determined?</i> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 32. | The project is appropriate for the size and scope of the funds requested. <i>How were project costs determined? How was the application funding request amount determined?</i> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 33. | There is firm commitment to serve at least one household below 60% AMI. | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 34. | Recycled products will be used in the project. <i>If yes, please provide detail on how recycled materials will be collected/purchased and used in the project.</i> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

Part VI: Proposed Homebuyer Program Guidelines & Program Income Reuse Plan

Please include board approved proposed homebuyer program guidelines for the proposed project. On a separate sheet, attach the proposed Program Income Reuse Plan.

Please list the page number and paragraph location to identify where all sections below are located within the guidelines.

Proposed Homebuyer Program Guidelines must contain the following information:

1. Clearly defined Application Process that includes:
 - a. applicant eligibility, including income eligibility. Persons assisted with NAHP homebuyer funds must have incomes at or below 100% of the area median income. The Annual (Gross) Income definition found at 24 CFR 5.609 must be included in the guidelines;
 - b. formal notification of selection and non-selection;
 - c. application review process.
2. Priority Ranking System for selection, if applicable, must not contain discriminatory criteria such as preference for minorities or large families.
3. Conflict of Interest Clause.
4. Grievance Procedures.

5. Process for Amending Program Guidelines, including language that amendments must be approved by the NDED Program Representative.
6. Types of assistance provided, including NAHP funds and other sources.
7. Amounts of assistance allowed, including NAHP funds and other sources. The NAHP financial assistance per unit cannot exceed the Maximum per unit NAHP Subsidy. Do not include general administration in your per unit costs for this calculation. A listing of subsidy limits by county can be found at <http://www.neded.org/content/view/109/241/>.
8. Eligible Properties, including the geographic boundaries where the properties must be located. Address how all programs will comply with HUD's lead-based paint regulation requirements. Address how all units assisted with NAHP funds will meet NDED Rehabilitation Standards. The maximum purchase price or after-rehab value will not exceed the Section 203(b) Single Family Mortgage Limit. The 203(b) limit can be found at <http://www.neded.org/content/view/109/241/>.
9. Affordability Period. The first buyer and subsequent buyers (unless recapture provisions are used) must occupy property purchased by a new homebuyer as a principal residence for the affordability period, which will be at least 5 years from the date that NAHP funds are invested in the property. Guidelines must include the required affordability period. Renting a unit is not permitted unless the tenant is part of a short-term lease/purchase program in which the unit will be purchased within 36 months.
10. Methods for ensuring the affordability period and principle residence requirement that include 1) program-wide recapture or resale provisions, and 2) legal instruments to be used. Deed restrictions or other enforcement mechanisms must reflect this occupancy requirement.
11. Appropriate Lead Based Paint Procedures, this applies to all programs.
12. Relocation policy, if applicable.
13. Rehabilitation process, if applicable. Purchase/rehabilitate/resale programs and Acquisition/Rehabilitation Programs must include rehabilitation procedures, including LBP procedures, in the guidelines. Address how all units assisted with NAHP funds will meet NDED Rehabilitation Standards where homes will be rehabilitated.
14. Newly constructed housing must meet or exceed the 2003 International Energy Conservation Code and the Nebraska Energy Office must approve building specifications.
15. Provide a statement that assures all programs will be in compliance with the Fair Housing Act, including a narrative with a specific reference to all areas of the Fair Housing Act applicable to the project.
16. Marketing procedures that include marketing to local or regional residents and tenants of public housing and manufactured housing, other families assisted by public housing agencies, and households identified to be potentially eligible but least likely to apply.

Program Income Reuse Plan must contain the following information:

1. NAHP eligible activities (excluding general administration expenses unrelated to the project).
2. Reference to (grant number) Program Guidelines that recaptured funds will follow.
3. Statement that all Program Income will be returned to NDED for reuse unless the Department offers the option to the grantee to retain program income or the Department approves the grantee's Program Income Reuse Plan prior to receiving Release of Funds.

Part VII. Development Pro-Forma

(Applicable to purchase/rehab/resale, new construction and/or subdivision infrastructure development (excluding projects with direct subsidy only for new construction where no development subsidy or infrastructure is involved))

Please attach a development pro forma detailing incremental development.

Part VIII. Proposed Lease Agreement

(Applicable to Lease-Purchase Programs only)

Proposed Lease Agreement must contain the following information:

The lease agreement must contain the requirements related to 1) educational services the tenant must participate in, and 2) tenant contributions, above and beyond rent, to be used at time of home purchase and how these funds will be managed.

The lease agreement cannot contain any prohibited provisions either explicitly stated or implied. For a list of prohibited provisions contact your Housing Specialist or review the Nebraska HOME Administration Manual Chapter 5 – Rental Housing - Leases.

PART IX: Required Exhibits

The following EXHIBITS **must** be submitted with the application.

Local Government applicants:

EXHIBIT A - Notice of Required Public Hearing or Public Meeting Notice (sample format provided) - Exhibit A form language must be used for the official public hearings and must be submitted with either Proof of Publication or Certificate of Posting, and a summary of citizens' comments.

EXHIBIT B - Authorizing Resolution (sample format provided) – must be completed after the citizens' comment period regarding Exhibit A Notice of Required Public Hearing or Public Meeting Notice.

EXHIBIT C – Statement of Assurances and Certifications (required form).

EXHIBIT G – Determination of Level of Environmental Review.

Non-profit organization and Public Housing Authority applicants:

EXHIBIT A - Notice of Required Public Hearing or Public Meeting Notice (sample format provided)-Application Guidelines Exhibit A form language must be used for the official public hearings and must be submitted with either Proof of Publication or Certificate of Posting, and a summary of citizens' comments.

EXHIBIT D - Applicant Certification Form (required form).

EXHIBIT E - Authorizing Resolution for Non-profit organization and Public Housing Authority Applicants (sample format provided).

EXHIBIT G – Determination of Level of Environmental Review.

EXHIBIT A

NOTICE OF PUBLIC HEARING or PUBLIC MEETING ON APPLICATION FOR NEBRASKA AFFORDABLE HOUSING PROGRAM FUNDS

NOTICE IS HEREBY GIVEN that on (Date) in the (Place) the (Name of the Local Government Unit, Non-Profit, or Public Housing Authority) will hold a public hearing or meeting as applicable concerning an application to the Department of Economic Development for a Nebraska Affordable Housing Program Grant. This grant is available for local affordable housing activities.

The (Name of the Local Government Unit, Non-Profit, Public Housing Authority) is requesting (exact amount of funds) for (Detailed project description which must include: all project activities to be undertaken; the project location, including address(es) and legal description. If no addresses are available, a location description must be used (for example, between Maple and Oak Streets and 23rd and 24th Streets). Also include the requested amount of funds for each activity; the estimate of the total amount of requested NAHP funds which will benefit low and moderate income people; the amount and source of other funds, if any; and the plans for minimizing displacement of people as a result of NAHP and/or activities and for assisting person actually displaced.).

The grant application will be available for public inspection at (place). All interested parties are invited to attend this public hearing at which time you will have an opportunity to be heard regarding the grant application. Written testimony will also be accepted at the public hearing scheduled for (time), (date), (address, room number). Written comments can be addressed to (contact person) at (address) and will be accepted if received on or before (date).

Individuals requiring physical or sensory accommodations including interpreter service, Braille, large print, or recorded materials, please contact (contact person) at (address, phone number) no later than (date).

This language must be used for the official public hearings and must be submitted with either 1) Proof of Publication or Certificate of Posting and 2) a summary of citizens' comments.

RESOLUTION AUTHORIZING CHIEF ELECTED OFFICIAL TO SIGN AN APPLICATION FOR NEBRASKA AFFORDABLE HOUSING PROGRAM FUNDS

--Sample Format--

Whereas, the (Name of the Local Government Unit), Nebraska, is an eligible unit of a general local government authorized to file an application under the Housing and Community Development Act of 1974 as Amended for Small Cities Community Development Block Grant Program, and, Cranston-Gonzalez National Affordable Housing Act of 1990 (HOME Program) funds distributed by the Department of Economic Development through the Nebraska Affordable Housing Program.

Whereas, the (Name of the Local Government Unit), Nebraska, has obtained its citizens' comments on community development and housing needs; and has conducted public hearing(s) upon the proposed application and received favorable public comment respecting the application which for an amount of (Amount of NAHP Money) for (Description of the project); and,

NOW, THEREFORE, BE IT RESOLVED BY

(Controlling Governmental Body) of (Name of the Local Government Unit), that the (Title of Chief Elected Official) be authorized and directed to proceed with the formulation of any and all contracts, documents or other memoranda between (Name of the Local Government Unit) and the Nebraska Department of Economic Development so as to effect acceptance of the grant application.

Signed

Title

Date

Use the language in this sample resolution and provide an original signature or a certified copy of the authorizing resolution.

APPLICANT'S STATEMENT OF ASSURANCES AND CERTIFICATIONS

The _____ (Name of the Local Government Unit) _____ (Applicant) hereby assures and certifies to the Nebraska Department of Economic Development (the Department) regarding an application for Community Development Block Grant (CDBG), HOME and Trust funds, the following:

LOCAL GOVERNMENT CERTIFICATIONS – Please contact a Department representative if items 1-6 have not been previously adopted.

1. It has previously adopted, on _____, _____, an **Excessive Force Policy** that remains in effect.
2. It has previously adopted, on _____, _____, a **Code of Conduct** that remains in effect.
3. It has previously adopted, on _____, _____, **Procurement Procedures** that remain in effect. The procurement procedures were submitted to NDED on _____, _____.
4. It has previously adopted, on _____, _____, a **Residential Antidisplacement and Relocation Assistance Plan, which** remains in effect.
5. It has previously adopted, on _____, _____, a **Citizen Participation Plan** that remains in effect. The adopted Citizen Participation Plan contains substantially similar language as the sample plan in these guidelines.
6. It has previously furnished to the Department a **Financial Management Certification** dated _____, _____, which remains accurate.
7. It has previously adopted, on _____, _____, a **Section 504 Plan** that remains in effect.
8. There are no significant unresolved audit findings relating to any prior grant award from the federal and/or state government, which would adversely affect the administration of this grant.
9. No legal actions are underway or being contemplated that would significantly impact the Applicant's capacity to effectively administer the program, and to fulfill the CDBG, HOME and NAHTF program; and
10. No project costs have been incurred which the Department has not approved in writing.

FEDERAL COMPLIANCE CERTIFICATIONS

11. It will adopt and follow a residential anti-displacement and relocation assistance plan which will minimize displacement as a result of activities assisted with CDBG, HOME and NAHTF funds.
12. It will conduct and administer its programs in conformance with:
 - a. Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352), and the regulations issued pursuant thereto (24 CFR Part 1).
 - b. Title VIII of the Civil Rights Act of 1968 (Pub. L. 90-284), as amended, administering all programs and activities relating to housing and community development in a manner to affirmatively further fair housing, and will take action to affirmatively further fair housing in the sale or rental of housing, the financing of housing and the provision of brokerage services.
 - c. The Fair Housing Act of 1988 (42 USC 3601-20) and will affirmatively further fair housing.
13. It will not attempt to recover any capital costs of public improvements assisted in whole or part by assessing any amount against properties owned and occupied by persons of low- and moderate-income, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless (1) grant funds are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than grant funds, or (2) for purposes of assessing any amount against properties owned and occupied by persons of LMI who are not persons of very-low income, the recipient certifies to the State that it lacks sufficient grant funds to comply with the requirements of clause (1).
14. It will comply with all provisions of Title I of the Housing and Community Development Act of 1974, as amended, which have not been cited previously as well as with other applicable laws.

SPECIAL REQUIREMENTS AND ASSURANCES.

15. The Applicant will comply with the Administrative Requirements of the program, those applicable items in the current Consolidated Plan, Title I of the Housing and Community Development Act of 1974, Public Law 93-383, as amended, and 24 CFR Part 570 including parts not specifically cited below and the laws, regulations and requirements, both federal and state, as they pertain to the design, implementation and administration of the local project, including but not limited to the following:

CIVIL RIGHTS AND EQUAL OPPORTUNITY PROVISIONS.

- Public Law 88-352, Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000(d), et. seq.) (24 CFR Part 1)
- Section 109 of the Housing and Community Development Act of 1974, As Amended
- Age-Discrimination Act of 1975, As Amended (42 U.S.C. 6101, et. seq.)
- Section 504 of the Rehabilitation Act of 1973, As Amended (29 U.S.C. 794) and the Americans with Disability Act
- Executive Order 11246, As Amended
- Executive Order 11063, As Amended by Executive Order 12259 (24 CFR Part 107)

ENVIRONMENTAL STANDARDS AND PROVISIONS.

- Section 104(f) of the Housing and Community Development Act of 1974, As Amended
- Title IV of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4831) and the Implementing Regulations found at 24 CFR Part 35
- The National Environmental Policy Act of 1969 (42 U.S.C. Section 4321, et. seq., and 24 CFR Part 58)
- The Clean Air Act, As Amended (42 U.S.C. 7401, et. seq.)
- Farmland Protection Policy Act of 1981, (U.S.C. 4201, et. seq.)
- The Endangered Species Act of 1973, As Amended (16 U.S.C. 1531, et. seq.)
- The Reservoir Salvage Act of 1960 (16 U.S.C. 469, et. seq.), Section 3 (16 U.S.C. 469 a-1), As Amended by the Archaeological and Historic Preservation Act of 1974
- The Safe Drinking Water Act of 1974 [42 U.S.C. Section 201, 300(f), et. seq., and U.S.C. Section 349 as Amended, particularly Section 1424(e) (42 U.S.C. Section 300H-303(e))]
- The Federal Water Pollution Control Act of 1972, As Amended, including the Clean Water Act of 1977, Public Law 92-212 (33 U.S.C. Section 1251, et. seq.)
- The Solid Waste Disposal Act, As Amended by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. Section 6901, et. seq.)
- The Fish and Wildlife Coordination Act of 1958, As Amended, (16 U.S.C. Section 661, et. seq.)
- EPA List of Violating Facilities
- HUD Environmental Standards (24 CFR, Part 51, Environmental Criteria and Standards and 44 F.R. 40860-40866, July 12, 1979)
- The Wild and Scenic Rivers Act of 1968, As Amended (16 U.S.C. 1271, et. seq.)
- Flood Insurance
- Executive Order 11988, May 24, 1978: Floodplain Management (42 F.R. 26951, et. seq.)
- Executive Order 11990, May 24, 1977: Protection of Wetlands (42 F.R. 26961, et. seq.)
- Environmental Protection Act, NEB. REV. STAT. 81-1501 to 81-1532 (R.R.S. 1943)
- Historic Preservation

LABOR STANDARDS AND PROVISIONS.

- Section 110 of the Housing and Community Development Act of 1974, As Amended
- Fair Labor Standards Act of 1938, As Amended, (29 U.S.C. 102, et. seq.)
- Davis-Bacon Act, As Amended (40 U.S.C. 276-a - 276a-5); and Section 2; of the June 13, 1934 Act. As Amended (48 Stat. 948.40 U.S.C. 276(c), Popularly Known as The Copeland Act
- Contract Work Hours and Safety Standards Act (40 U.S.C. 327, et. seq.)
- Section 3 of the Housing and Urban Development Act of 1968 [12 U.S.C. 1701(u)]

FAIR HOUSING STANDARDS AND PROVISIONS.

- Section 104(a)(2) of the Housing and Community Development Act of 1974, As Amended
- Public Law 90-284, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601, et. seq.). As Amended by the Fair Housing Amendments Act of 1988
- Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, As Amended (42 U.S.C. 4630) and the Implementing Regulations Found at 49 CFR Part 24
- Relocation Assistance Act, NEB. REV. STAT. 76-1214 to 76-1242 (R.S. Supp. 1989)
- Nebraska Civil Rights Act of 1969 20-105 to 20-125, 48-1102 and 48-1116
- Uniform Procedures for Acquiring Private Property for Public Use, NEB. REV. STAT. 25-2501 to 25-2506 (R.R.S. 1943)

ADMINISTRATIVE AND FINANCIAL PROVISIONS.

- U.S. Office of Management and Budget Circular A-87 "Cost Principles for State and Local Governments"
- U.S. Office of Management and Budget Circular A-102 "Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments"
- 24 CFR 570.503 - Grant Administration Requirements for Use of Escrow Accounts for Property Rehabilitation Loans and Grants
- 24 CFR 570.488 to 570.499a - States Program: State Administration of CDBG Nonentitlement Funds
- Community Development Law, NEB. REV. STAT. 18-2101 to 18-2144 (R.S. Supp. 1982)
- Public Meetings Law, NEB. REV. STAT. 18-1401 to 18-1407 (R.R.S. 1943)

MISCELLANEOUS.

- Hatch Act of 1938, As Amended (5 U.S.C. 1501, et. seq.)

The Applicant hereby certifies that it will comply with the above stated assurances.

Signed _____
Chief Elected Official's Signature

Title _____

Date _____

NON-PROFIT OR PUBLIC HOUSING AUTHORITY APPLICANT
CERTIFICATION FORM

WHEREAS, _____ (the "Applicant") is applying to the State of Nebraska for assistance from the Nebraska Affordable Housing Program; and WHEREAS, APPLICANT understands it is necessary that certain conditions be met as part of the application requirements;

THEREFORE, APPLICANT certifies as follows:

1. APPLICANT is eligible for award under state statutes and program guidelines and agrees to comply with all applicable federal, state and local regulations in the event that this application is selected for funding.
2. APPLICANT will minimize displacement as a result of activities assisted with Nebraska Affordable Housing Program resources and assist persons displaced as a result of such activities as specified by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 49 CFR part 24. The more limited requirements of Section 104(d) of Housing and Community Development Act of 1974 are more detailed as to policy, definitions and requirements listed in 24 CFR 570.606.
3. APPLICANT has previously adopted, on _____, _____, **Procurement Procedures** that remain in effect. The procurement procedures were submitted to NDED on _____, _____.
4. APPLICANT will actively market in an on-going manner all housing units and services funded through the Nebraska Affordable Housing Program.
5. APPLICANT is prepared and has the authority within its charter or by-laws or through statutory regulations to enter into a contractual agreement with the Nebraska Department of Economic Development for acceptance and use of Nebraska Affordable Housing Program moneys, and makes this application and these certifications with the full cognizance (and approval) of its governing body.
6. There are no significant unresolved audit findings relating to any prior grant award from the federal and/or state government, which would adversely affect the administration of this grant.
7. No legal actions are underway or being contemplated that would significantly impact the Applicant's capacity to effectively administer the program, and to fulfill the NAHP program; and
8. No project costs have been incurred which the Department has not approved in writing.

Signed: _____

(Officer)

Name: _____

Title: _____

Date: _____

Use the language in this sample form and provide an original signature or a certified copy of applicant certification.

Sample Resolution

**AUTHORIZATION TO SUBMIT APPLICATION (S) AND
ENTER INTO AGREEMENT FOR NEBRASKA AFFORDABLE HOUSING PROGRAM
RESOLUTION NO. _____**

A resolution of the (AUTHORIZING BOARD) of (NAME OF ORGANIZATION) authorizing the submission of an application(s) for 2009 Nebraska Affordable Housing Program Funds, certifying that said application(s) meets the community’s housing and community development needs and the requirements of the Nebraska Housing Trust Fund program, and authorizing all actions necessary to implement and complete the activities outlined in said application.

WHEREAS, the (AUTHORIZING BOARD) of (NAME OF ORGANIZATION) is desirous of undertaking affordable housing development activities; and

WHEREAS, the State of Nebraska is administering the Nebraska Affordable Housing Program; and

WHEREAS, the Nebraska Affordable Housing Program requires that funds benefit low-income households; and

WHEREAS, the activity in the application addresses the proposed project area’s low-income population housing needs; and

WHEREAS, a recipient of Nebraska Affordable Housing Program is required to comply with the program guidelines and State regulations.

NOW, THEREFORE BE IT RESOLVED THAT the (AUTHORIZATION BOARD) of (ORGANIZATION OR AGENCY) authorize application to be made to the State of Nebraska, Department of Economic Development for 2009 Nebraska Affordable Housing Program, and authorize (NAME AND POSITION OF INDIVIDUAL) to sign application and contract or grant documents for receipt and use of these funds, and authorize the (NAME AND POSITION OF INDIVIDUAL) to take all actions necessary to implement and complete the activities submitted in said application(s); and

THAT, the (AUTHORIZATION BOARD) of (ORGANIZATION OR AGENCY) will comply with all State regulations and Nebraska Affordable Housing Program policies.

Passed and adopted by the (AUTHORIZATION BOARD) of (ORGANIZATION OR AGENCY) this _____ day of _____, 2009.

Chairperson, President or Authorized Person of Organization

Date Signed

Use the language in this sample resolution and provide an original signature or a certified copy of the resolution.

DETERMINATION OF LEVEL OF REVIEW

Grant/Contract Number: _____

Project Location(s): _____

Description of project (include all contemplated activities which are logically part of the project, regardless of funding source):

The subject project has been reviewed pursuant to HUD regulations 24 CFR Part 58, “Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities”, and the following determination with respect to the project is made (please check mark proper level of review and enter appropriate citation):

- ___ **Exempt** from NEPA requirements per 24 CFR 58.34(a)(___)
- ___ **Categorically Excluded NOT Subject to 58.5** authorities per 24 CFR 8.35(b)(___) (A Statutory Checklist for the 58.6 authorities has been completed and is on file)
- ___ **Categorically Excluded SUBJECT to 58.5** authorities per 24 CFR 58.35(a)(___) (A Statutory Checklist for the 58.5 and 58.6 authorities has been completed and is on file)
- ___ An **Environmental Assessment** is required to be performed. (An environmental assessment performed in accordance with subpart E of 24 CFR Part 58 has been completed and is on file)
- ___ An **Environmental Impact Statement** is required to be performed.

The Environmental Review Record contains all environmental review documents, public notices and written determinations or environmental findings required by Part 58 as evidence of review, decision making and actions pertaining to the project. Included are checklists, studies, analysis and documentation as appropriate.

(Preparer--Signature)

(Date)

(Environmental Certifying Officer--Signature)

(Date)

PART X. Threshold Exhibits

If applicable to Part V, please include the following exhibits:

- EXHIBIT 101: please attach a copy of the market study, if applicable.
- EXHIBIT 102: include letters of firm commitments, if applicable.
- EXHIBIT 103: include letters of support from partners, if applicable.
- EXHIBIT 104: include interest sheets or waiting lists, if applicable.
- EXHIBIT 105: include copy of Community Needs Assessment, if applicable.
- EXHIBIT 106: please include letter of credit from bank, city or other credit provider.
- EXHIBIT 107: if applicant is a non-profit, please include proof of non-profit status and Certification of Good Standing.