



**BARNSTABLE COUNTY**  
**DEPARTMENT OF HUMAN SERVICES**  
3195 Main Street, Post Office Box 427  
Barnstable, Massachusetts 02630  
Office: 508-375-6628 | Fax: 508-858-5094  
www.bchumanservices.net

**MEETING MINUTES**  
**Barnstable County HOME Consortium**  
**Advisory Council Meeting**  
**Thursday, August 12, 2021**

**APPROVED**

*By Advisory Council on October 14, 2021*

The meeting was held through remote participation by the Barnstable County HOME Consortium Advisory Council pursuant to Chapter 20 of the Acts of 2021, An Act Relative to Extending Certain Covid-19 Measures Adopted During the State of Emergency, signed into law on June 16, 2021.

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**Members Present:** Jill Scalise (*Brewster*); Dave Quinn (*Bourne*)\*\*; Josh Mason (*Dennis*)\*; Paul Lagg (*Eastham*)\*\*; Carla Feroni (*Falmouth*); Arthur Bodin (*Harwich*); Arden Cadrin (*Mashpee*); Fran McClennen (*Orleans*)\*; Nanette Perkins (*Sandwich*); Michelle Jarusiewicz (*Provincetown*); Richard Ciotti (*Wellfleet*); Richard Carroll (*Yarmouth*)

*\* arrived after meeting was called to order / \*\* left before meeting adjourned*

**Members Absent:** Laura Shufelt (*Barnstable*); Aly Sabatino (*Chatham*); Charleen Greenhalgh (*At-Large*); Beth Wade (*At-Large*)

**County Staff:** Renie Hamman, HOME Program Manager; Patty Daley, Cape Cod Commission Ex Officio member; Joseph Pacheco, Human Services Director; Chelsea Bennouna, Cape Cod Commission

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### **Advisory Council Meeting**

#### **1. Call to Order**

The Barnstable County HOME Consortium Advisory Council convened at 10:06 a.m. Renie Hamman, HOME Program Manager, stated that the meeting was being held pursuant to Chapter 20 of the Acts of 2021, An Act Relative to Extending Certain Covid-19 Measures Adopted During the State of Emergency, signed into law on June 16, 2021 and that the meeting was being recorded.

#### **2. Instructions for Virtual Meeting**

Renie provided instructions for the virtual meeting.

#### **3. Roll Call and Confirm Quorum**

After Roll Call, Quorum was confirmed: *Jill Scalise, Dave Quinn, Paul Lagg, Carla Feroni, Arthur Bodin, Arden Cadrin, Nanette Perkins, Michelle Jarusiewicz, Richard Ciotti, and Richard Carroll.* Renie noted Barnstable County staff present; Patty Daley and Chelsea Bennouna and introduced Joe Pacheco as the incoming Human Resources Director.

#### 4. General Business

##### a. Approval of Minutes: June 10, 2021

*Motion by Paul Lagg to approve the minutes of the Barnstable County HOME Consortium Advisory Council Meeting of June 10, 2021, as presented, seconded by Jill Scalise. Roll call vote was taken; all approved with the following Abstentions: Carla Feroni. Motion carries. Josh Mason and Fran McClennen were not present for the vote.*

##### b. Revisions to Underwriting Guidelines Approval

Renie explained that the discussion on the Revisions to the Underwriting Guidelines were discussed in detail at the last meeting. The guidelines have been revised according to that discussion and were submitted with the meeting packet. Renie screen-shared a four-slide presentation of the major points of the revisions; presentation was included in meeting packet. There was no further discussion.

*Motion to approve the Barnstable County HOME Consortium Rental Housing Development Project Underwriting, Subsidy Layering, and Risk Analysis Evaluation Policies and Guidelines as revised and presented made by Nanette Perkins, seconded by Carlo Feroni; all in favor with one Abstention: Dave Quinn. Motion carries.*

##### c. Staff Report on HOME Program Activities

- **Membership Update:** Renie informed the Advisory Council of the following:

Renie mentioned the reappointments of Nanette Perkins (Sandwich), Jill Scalise (Brewster), Donna Kalinick (Brewster alternate), Dave Quinn (Bourne), Paul Lagg (Eastham). Renie noted that a vacancy still exists from the Town of Truro. She has notified the Town and will continue to seek a nominee. There was no discussion from the Advisory Council.

- **HOME Program Update:**

**Review of Program Year 2021 Funding:** Renie screen-shared the Program Year 2021 Grant Funds sheet that was included in the meeting packet. As the 2021 program year began July 1, 2021, this funding sheet was updated to include the 2021 allocation. Renie gave a brief overview of the funds. She mentioned that the 2021 allocation was not yet received from HUD but that the Agreement was being processed and the funds should be received soon. There was no discussion from the Advisory Council.

**Update on HOME-ARP Program:** Renie updated the Advisory Council on the HOME-ARP Program. Renie stated that she attended two HUD webinars but there was not a lot of information. She explained that this appears to be a separate program from the regular HOME Program so these funds will be kept separately and will be

allowed for use for specific qualifying families which is homeless or at-risk homeless. The concept is for the HOME Program to work with the Continuum of Care Program (CoC) which will be easier for Barnstable County as the CoC Program and the HOME Program already work together under the Barnstable County Human Services department. Renie stated that HUD anticipates releasing the notice of HOME-ARP regulations for comment sometime in the fall. The portion of the HUD statute relating to the HOME-ARP Program was included in the meeting packet. There was no discussion from the Advisory Council.

- **HOME Projects Update:** Renie updated the Advisory Council of the following:  
Terrapin Ridge, Sandwich is nearly complete and POAH will be replacing Women's Institute as the property developer/owner. Nanette Perkins mentioned that POAH is replacing the C.A.N. as the property manager. Yarmouth Gardens, Yarmouth is under construction at about 50% complete. Brewster Woods, Brewster held its groundbreaking. Dave Quinn confirmed that the project has started construction. Renie then explained that the pending HAC-POAH Mashpee project has filed with the Department of Housing and Community Development (DHCD) for their mini-round and will be re-filing their application with the Barnstable County HOME Program.

## **5. Member Discussion Topic:**

### **a. Regional Housing Services**

Renie stated that there was a great discussion on this topic at last meeting and provided an update. She relayed that she and Patty Daley discussed moving forward with investigating the proposal of creating a regional office at the county to assist towns with specific affordable housing services. Renie and Patty met with Laura Shufelt from Mass Housing Partnership (MHP) to discuss working with MHP who will be providing technical services and discussed next steps. Laura put them in contact with Katy Lacy at MHP and the next step is to put together a survey that will be sent to the individual town's administration to gauge what services are needed and level of interest. Carla Feroni asked how we viewed this conceptually. Both Patty Daley and Renie explained that the current concept was to retain a county employee who would be funded partly by the county and partly by a town fee structure. That structure being a split of a set fee to towns for a buy-in and then a cafeteria-like plan that would allow towns to purchase specific services. It was cautioned that this proposal was in a preliminary stage and any proposed plan would need to be presented to the County Administration for discussion and approval.

### **b. Accessory Dwelling Unit Discussion**

The member discussion topic revolved around Accessory Dwelling Unit (ADU) bylaw specifically as to whether a member's town adopted an ADU bylaw, has it been successful, and what are the compliance mechanisms of the towns for the ADU restrictions. The Advisory Council members provided information on specific restriction of ADUs such as owner/occupied, length or minimum rental (30 days, six months, year-round). Dave Quinn offered that HAC is putting a report together on ADUs and to

provide technical assistance to homeowners. Renie stated that it would be great to compile data on ADUs. Patty commented that the Commission is working on updated that data. Nanette Perkins asked if any of the bylaws had an affordable restriction on the ADUs and the Advisory Council as a group confirmed that there were no affordable restrictions.

**6. Next Meeting Date:** September 9, 2021

Renie informed the Advisory Council that the current plan was to keep the meetings remote through the end of the year.

**7. Adjournment**

*Motion to adjourn made by Carla Feroni, seconded by Jill Scalise. Roll Call Vote was taken; All in favor; motion passed. Paul Lagg and Dave Quinn were not present for the vote.*

Meeting adjourned at 11:12 a.m

**Meeting Materials:**

- Agenda and Virtual Meeting Instructions
- Rental Underwriting Guidelines as revised
- Presentation on Underwriting Guidelines
- HOME Grant Funds sheet for Program Year 2021
- HOME-ARP Subtitle B on Housing Provisions



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**AGENDA**  
**BARNSTABLE COUNTY HOME CONSORTIUM**  
**ADVISORY COUNCIL MEETING**

**Thursday, August 12, 2021 @ 10:00 a.m.**

*NOTE: This meeting will be held virtually, with all members and staff participating remotely, pursuant to Chapter 20 of the Acts of 2021, An Act Relative to Extending Certain Covid-19 Measures Adopted During the State of Emergency, signed into law on June 16, 2021.*

*See attached instructions on methods to join the virtual meeting.*

Link to Meeting Materials: [MEETING MATERIALS-08-12-21](#)

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**Advisory Council Meeting**

1. Call to Order
2. Instructions for Virtual Meeting
3. Roll Call and Confirm Quorum
4. General Business
  - a. Approval of Minutes: June 10, 2021 – *roll call vote*
  - b. Revisions to Underwriting Guidelines Approval – *roll call vote*
  - c. Staff Report on HOME Program activities
    - Membership Update
    - HOME Program Update: *review of Program Year 2021 funding and HOME-ARP Program*
    - Projects Update
5. Member Discussion Topic:
  - a. Update on Regional Housing Services Office
  - b. Accessory Dwelling Unit Discussion
6. Next Meeting Date: September 9, 2021
7. Adjournment – *roll call vote*

*Reasonable accommodations for people with disabilities are available upon request. Please contact Justyna Marczak, Barnstable County ADA Coordinator at [jmarczak@barnstablecounty.org](mailto:jmarczak@barnstablecounty.org) or call 508-375-6646 at least 24 hours in advance of the meeting.*

# BARNSTABLE COUNTY HOME CONSORTIUM ADVISORY COUNCIL MEETING

Thursday, August 12, 2021 @ 10:00 a.m.

## Virtual Meeting Access

*NOTE: This meeting will be held virtually, with all members and staff participating remotely, pursuant to Chapter 20 of the Acts of 2021, An Act Relative to Extending Certain Covid-19 Measures Adopted During the State of Emergency, signed into law on June 16, 2021. This meeting will be recorded.*

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### **REMOTE PARTICIPATION INSTRUCTIONS:**

- Click on [Click here to join the meeting](#) and follow instructions to Download the Windows app **OR** Join on the Web to participate via virtual meeting.
- or*
- Attend by phone by dialing [+1 781-469-0191](#) and entering code: Conference ID: **950557968#**  
*When attending by phone please press \*6 to mute/unmute phone when requested.*

**Link to Meeting Materials:** [MEETING MATERIALS-08-12-2021](#)

### **Special Instruction for Mac Users:**

Use chrome, NOT safari if using Teams on the web (as an attendee)

In Systems Preferences:

System preferences/Security & Privacy/(privacy tab)/Screen Recording/

< **checkoff Checkbox for TEAMS** >

System Preferences/Sharing/ <**uncheck Screen Sharing**> REBOOT may be necessary



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## **Barnstable County HOME Consortium**

### **Rental Housing Development Project Underwriting, Subsidy Layering, and Risk Analysis Evaluation**

#### **Policies and Guidelines**

**Adopted August 12, 2021**

#### **Overview of the Application and Review Process**

Decisions on funding requests are made by the Barnstable County HOME Consortium Advisory Council, a 17-member body with representation from each of the Cape's fifteen communities and two at-large members. Barnstable County HOME Consortium Advisory Council will review and evaluate rental project funding requests as follows:

- Concurrent with the release of funding from the Massachusetts Department of Housing and Community Development (DHCD), Barnstable County HOME Consortium (the Consortium) will accept applications for rental development projects. Due to the limited allocation and staff resources of the HOME Program, for projects seeking DHCD funding as well as Barnstable County HOME funding, projects in their second round of the DHCD funding process will be given priority for review and funding.

Notwithstanding the above, depending upon availability of funds, number of applications, and potential special circumstances, first-round applicants may be accepted by the Consortium.

DHCD HOME Program: <https://www.mass.gov/service-details/home-investment-partnerships-program-home>

For projects not seeking DHCD funding in conjunction with an application for Barnstable County HOME Program funding, contact the Barnstable County HOME Program Manager regarding the availability of funding and the application process at [homeprogram@barnstablecounty.org](mailto:homeprogram@barnstablecounty.org).

- Upon receipt of an application for funding, HOME staff will inform the applicant of available funding and priority for review. If it is determined that the application will be formally reviewed, HOME staff will review the application for completeness and contact the applicant to clarify issues and/or to request additional information. Applications are not considered complete until all the information requested has been supplied by the applicant. When staff has the necessary information to deem the application complete, the application will be date stamped and an Underwriting Risk Analysis will be prepared in accordance with the policies in this document.
- The HOME Consortium Project Review Subcommittee (made up of three to five members of the Barnstable County HOME Consortium Advisory Council) will review the application and the Underwriting Risk Analysis and make a recommendation to the Consortium's Advisory Council.
- The Advisory Council meets on a regular basis and will review and discuss the recommendation of the Project Review Subcommittee and make the final determination on the funding request.
- In the event DHCD has not issued a Notice of Funding Availability "NOFA" for funds and Barnstable County HOME has available funds, Barnstable County HOME may issue an RFP soliciting project applications.

Applications for Barnstable County HOME funding will be evaluated on the following criteria:

1. Experience of the applicant and of development team members in projects of similar size and type;
2. Financial strength of the applicant to adequately carry out the project and the project's financial feasibility, including an assessment of the development and operating budgets.
3. A subsidy layering analysis that determines the minimum amount of HOME funds necessary for project feasibility.
4. Documented market needs for the project and a satisfactory marketing plan.
5. Readiness to proceed and ability to close on and expend HOME funds within 12 months of award.
6. The applicant and members of the development team are in Good Standing with respect to prior HOME Consortium funding awards, including but not

limited to having no unresolved findings from annual project monitoring reviews.

#### 7. Project Score.

- While the above are the primary criteria, the Consortium reserves the right to consider other factors such as geographic balance, population served, etc. in making its funding awards.

### **Development Entity and Project Team's Capacity**

The Consortium will assess the capacity of the developer/development entity and key members of the development team- in particular, the contractor if one has been selected; the architect; the marketing entity; and the management entity- to successfully complete the project. The Consortium will assess the level of risk associated with the following:

1. The experience of the developer and development team on projects of similar size, scope, and complexity. The Consortium will review the resumes and when appropriate the references of the developer, contractor, architect, marketing agent, and property management entity.
2. The overall staff capacity and the assigned staff to the project of the developer and development team to carry out the project tasks within the projected time frame.
3. The financial strength of the developer, including its liquidity and level of unrestricted net assets or net worth. The Consortium primarily will review the two most recent years of audited financial statements to make a determination.
4. Whether the developer is in Good Standing on prior Consortium funded rental developments and the Consortium's experience on Consortium funded projects, if any, with any/all members of the development team.

### **Market Need/Study and Marketing/Tenant Selection Plan**

Projects that submit in DHCD funding rounds will be required to provide a market study done by an independent third party. Projects that do not require DHCD funding, in lieu of a full market study, may provide evidence of the local need and market demand for the project through documentation of local market conditions and the demand for comparable new or existing affordable rental developments in the primary market area. The Consortium will assess the level of market risk associated with the project through a

review of the submitted data along with the Consortium's experience on recently completed affordable rental developments.

As a condition of any funding, the Consortium will require the submission of an Affirmative Fair Housing Marketing Plan (AFHMP) that fully complies with DHCD's Chapter 40B AFHMP Guidelines and an approved Tenant Selection Plan (TSP). The AFHMP will describe the proposed marketing efforts, the lottery process for filling the initial units, including any DHCD approved local preference, and how subsequent vacancies will be filled. The Consortium will review the lottery/marketing agent's qualifications as part of the analysis of the project team's capacity.

### **Location and Property and Neighborhood Standards**

To the greatest extent feasible, the Consortium looks to fund developments that

- 1) are located close to (within a mile) of employment opportunities, public and other services, health care, public transportation, schools, and recreational areas;
- 2) have no environmental impacts or none that cannot be mitigated; and
- 3) are consistent with DHCD's sustainable development principles.

The applicant must also demonstrate that their project promotes greater choice of housing opportunities and avoids undue concentration of assisted persons in areas containing a high proportion of low-income and/or minority households.

An analysis of the locational, environmental, and sustainability issues along with whether the project provides a greater choice of housing opportunities for low income and minority households will be included in staff's Underwriting Risk Analysis.

### **Design and Accessibility Issues**

In general, the Consortium's Design guidelines are consistent with those of DHCD's Qualified Allocation Plan (<https://www.mass.gov/service-details/qualified-allocation-plan>) and DHCD HOME Design Guidelines (<https://www.mass.gov/service-details/home-investment-partnerships-program-home>) that encourage energy efficient building envelopes and major building systems, healthy interior air quality, universal design, and "green" design elements.

In addition to the DHCD HOME Design Guidelines, the Consortium will incentivize Applicants to provide additional individual tenant storage space for each unit beyond what is provided inside the units.

For new construction of five (5) or more rental units and/or substantial rehabilitation projects of fifteen (15) or more dwelling units, a minimum of five (5) percent of the

dwelling units in the project (but no less than one unit) must be accessible to and usable by persons with mobility impairments.

An additional two (2) percent of the dwelling units (but at a minimum no less than one unit) must be accessible to individuals with sensory impairments (i.e. hearing or vision impairments).

For new construction projects, adoption of visit-ability standards is strongly encouraged. A unit is visit-able when a person with mobility impairments can enter the unit and navigate throughout the first floor and have access to an accessible bathroom. An analysis of the design and accessibility issues will be included in staff's Underwriting Risk Analysis.

### **Financial Feasibility Analysis**

The Consortium ultimately needs to decide that the project is financially feasible to make any conditional funding award. The financial feasibility analysis included in staff's Underwriting Risk Analysis will include a review of both the project's development (sources and uses) and operating budgets.

#### **A. Development Budget:**

**Sources:** Applicants will be required to provide copies of commitment letters or at a minimum, letters of interest from lenders for all the funding sources identified in the development budget. For projects submitting in their second or more DHCD funding round, staff will review the projected state sources for consistency with DHCD's various program guidelines. For low income housing tax credit projects, staff will analyze the projected amount of equity raised with the guidance provided to applicants by DHCD. Staff will compare the total amount of public/DHCD subsidy requested against that of recent (within last 3 years) HOME funded projects of similar size and type.

**Uses - Acquisition:** For projects that have an acquisition expense, the applicant will be required to provide an appraisal from an independent party that justifies the acquisition cost.

**Uses - Construction:** The applicant will be required to provide a line item construction cost estimate that includes both site work and building construction. Staff will assess the reliability of the estimate based upon by whom (developer, architect, contractor) and by what method (comparable projects, contractor pricing, actual bids) the estimate was produced. A construction contingency of 5% above the estimate for new construction and 10% for substantial rehab projects is acceptable.

Staff will compare the overall per square foot (PSF) total construction cost (site and building) to the range of PSF costs of recent similar HOME projects. The analysis will note any unusual project factors- difficult topography, lack of nearby infrastructure, or environmental issues that affect site work costs, special project design elements such as enhanced accessibility or solar panels, etc.- that impact the cost estimate.

In general, the Consortium shall expect that the contractor's general conditions, overhead, and profit should be no more than the DHCD related party 40B standard of 14% of the site and building construction costs.

Uses - Soft Costs: These include financing costs such as loan interest, permits, legal fees, property appraisals, credit and title costs, etc. Also included are engineering, architectural, or related professional services, project related audit costs, relocation costs, affirmative marketing expenses, and any lender required capitalized reserves. HUD requirements specifically state that project soft costs must be "reasonable and necessary". A soft cost contingency of up to 5% is acceptable.

The Consortium generally will require additional documentation and justification from the applicant when soft costs exceed 15% of total development costs on non-tax credit projects and when soft costs exceed 20% of total development costs on tax credit projects.

Uses - Developer Overhead and Fee: The Consortium's maximum allowable developer overhead and fee is 15% of the total of hard (acquisition and construction) and soft costs.

Uses - Total Development Cost (TDC) Per Unit: Consistent with DHCD's policy, the Consortium does not have a maximum per unit TDC limit; however, the Consortium has an obligation to use its limited HOME resources in the most efficient manner possible. As with other parts of the development budget, the Consortium will review the project's per unit TDC in comparison with that of other recent, similar HOME funded projects to make its assessment of the reasonableness of the project's overall costs.

#### B. Operating Budget:

Revenue- Rents and Other Revenue: All the HOME-assisted units shall have rents that are at or below the published HOME rents as of the date of the application. In general, and to allow for a marketing window, the Consortium will approve rents that are set about 10% below the maximum allowable HOME rents. A vacancy rate of 5% is generally appropriate although a lower vacancy rate would be acceptable for project-based units and a slightly higher vacancy rate allowable for any market rate units.

The Applicant will need to document the basis of its estimate of any additional revenue sources, e.g. laundry income. Application/wait list fees and other fees other than those that the Consortium has deemed reasonable and customary for the location or market area shall not be allowed.

Expenses - Operating Costs: The Consortium will review both individual line item expenses as well as the overall per unit per year operating expenses against other recent, similar HOME-funded projects. Property management fees of 5% to 8% of collected rents shall be acceptable. The Consortium's replacement reserve requirement will be consistent with that of DHCD (currently \$350 per unit per year) on DHCD projects; however, the Consortium may impose a higher replacement reserve requirement on non-DHCD funded projects. The Consortium's annual monitoring fee currently is \$35 per HOME unit plus the actual cost of the property inspections. Such a fee must be carried as an expense in the project's operating budget.

Debt Service Coverage (DSC): The minimum acceptable debt service coverage (annual net operating income divided by annual mortgage(s) expense) shall be 1.15. The Applicant will be required to provide an analysis of revenues and expenses over at least a fifteen (15) year period. In exceptional circumstances and with the concurrence of the permanent lender, the Consortium may accept a DSC as low as 1.10. In general, the permanent loan shall have a fixed rate for at least twenty (20) years.

C. Maximum Per Unit/Total HOME Subsidy Limit for Project:

HOME has maximum allowable subsidy limits for HOME funds permitted in projects depending upon the number of HOME units and the bedroom composition. While the amount of County HOME funding will likely never exceed the allowable maximums, staff's Underwriting Risk Analysis will include this HOME required calculation.

D. Subsidy Layering Analysis/Conclusion:

HOME requires that the amount of HOME funds invested in a project be the minimum amount needed to make it feasible. Based upon the results of the foregoing financial feasibility analysis, staff's Underwriting Risk Analysis will include a determination of the amount of HOME funding that satisfies the subsidy layering and cost allocation requirements.

# ATTACHMENT A

## RENTAL HOUSING DEVELOPMENT PROGRAM GUIDELINES

### SECTION 1. INTRODUCTION

Applications from non-profit organizations, housing authorities, for profit entities, and municipalities in cooperation with any of the above that are interested in receiving HOME funds to assist them in undertaking the creation or preservation of affordable rental units for families and individuals of very low and low-income are welcome.

HOME funds are available for 1) the creation of new affordable rental units- whether via new construction or rehabilitation/redevelopment; and 2) transactions that involve the acquisition and/or rehabilitation of existing affordable units whose affordability restrictions are about to expire in the near term (in general within the next 36 months). Except for preservation projects noted in 2) above, HOME rental development funds are not available for the rehabilitation of existing affordable rental units.

No HOME funds can be awarded until the Consortium certifies that it has adequate resources and has conducted an underwriting review, assessed developer capacity and fiscal soundness, and examined market conditions to ensure adequate need.

Applications for HOME funding are available at <https://www.bchumanservices.net/initiatives/home-investment-partnership-program/> or by contacting Barnstable County HOME Consortium: [homeprogram@barnstablecounty.org](mailto:homeprogram@barnstablecounty.org) / 508-375-6622.

### SECTION 2. PROGRAM REQUIREMENTS

The following terms and conditions shall apply to any HOME funded rental housing developments:

<b>Eligible Applicants</b>	Non-profit organizations, for profit entities, housing authorities, municipalities, and Affordable Housing Trusts, in cooperation with any of the above.
<b>Eligible Activities</b>	HOME funds are available for 1) the creation of new affordable rental units- whether new construction, rehabilitation or redevelopment; and 2) transactions that involve the acquisition and/or rehabilitation of existing affordable units whose affordability

	<p>restrictions are about to expire in the near term (in general within the next 36 months).</p> <p>Except for preservation projects noted in 2) above, HOME rental development funds are not available for the rehabilitation of existing affordable rental units.</p> <p>The Consortium will not accept rental housing funding applications for projects containing less than three (3) HOME assisted units, unless determined otherwise for good cause.</p>
<b>Site Control</b>	<p>The applicant must demonstrate site control, either via a deed, signed Purchase &amp; Sale or Designated Developer agreement, or some other comparable evidence of site control at the time of application.</p>
<b>Permitting</b>	<p>The applicant’s development must be fully permitted (except for building permits) and include evidence of being allowed as-of-right or required zoning approvals and/or a Comprehensive Permit with all appeals periods ended to apply for HOME funds.</p>
<b>Location</b>	<p>To the greatest extent feasible, the Consortium looks to fund developments that 1) are located close to (within a mile) employment opportunities, public and other services, health care, public transportation, schools, and recreational areas; 2) have no environmental impacts or none that cannot be mitigated; and 3) are consistent with DHCD’s sustainable development principles.</p> <p>The applicant must also demonstrate that their project promotes greater choice of housing opportunities and avoids undue concentration of assisted persons in areas containing a high proportion of low-income and/or minority households.</p>
<b>Eligible Costs</b>	<p>In general, with the exceptions of the timing of the expenses noted below and with the list of ineligible costs noted in the following section, most development related expenses: acquisition, hard and soft costs, and developer overhead and fee are eligible costs. The maximum allowable overhead and fee is 15% of the total of hard and soft costs.</p> <p>Consortium policy is to reimburse only for those expenses incurred after the date of the HUD Regional</p>

	Office’s approvals of the environmental review and Request for Release of Funds.
<b>Ineligible Costs</b>	Initial operating and other capitalized reserves; Non-HOME affordable unit costs; Non-residential portions of the development; Working capital; Syndication costs; Providing assistance to a project previously assisted with HOME funds during the established period of affordability unless the project is subsequently determined to be a “troubled” project; Providing assistance to federal public housing; Project-based rental assistance.
<b>Maximum Award/ Loan Amount</b>	The minimum HOME expenditure is \$1,000 per HOME assisted unit, while the maximum award is <b>\$50,000 per HOME assisted unit for projects scoring less than 95 points or \$60,000 per HOME assisted unit for projects scoring 95 points or more.</b>  No single funding award, unless determined otherwise for good cause by the Consortium, will exceed <b>\$250,000 for projects scoring less than 95 points and \$300,00 for projects scoring 95 points or more</b> (see chart below).

	Per HOME-assisted Unit Funding Maximum	Maximum Project Funding Limit
Project- Score of Less Than 95 Points	\$50,000	\$250,000
Project- Score of 95 Points or More	\$60,000	\$300,000

<b>Project Cost Limits</b>	Consistent with DHCD’s policy, the Consortium does not have a maximum per unit Total Development Cost (TDC) limit; however, the Consortium is obligated to use its limited HOME resources in the most efficient manner possible. The Consortium will review the project’s per
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	unit TDC compared with that of other recent, similar HOME funded projects to assess the reasonableness of the project’s overall costs.
<b>Term of Loan</b>	<p>Generally, awards are provided as a Deferred Payment Loan (DPL) with a term of forty (40) years. During the final year of the loan, the borrower may request an extension of up to forty (40) years to preserve the affordability of the housing.</p> <p>During the term of the Affordable Housing Restriction, the affordability requirements will remain in effect regardless of a transfer occurring during its term or whether the loan is repaid. The full amount of the DPL will be repaid if the property is sold, transferred or otherwise encumbered during the term of the mortgage or if the terms and conditions of the loan are violated.</p>
<b>Interest Rate</b>	<p>Generally, HOME loans are 0% interest rate with no monthly payments required.</p> <p>For projects receiving federal or state Low Income Housing Tax Credits, if a 0% interest rate is infeasible for tax credit underwriting purposes, the interest rate on the Note and Mortgage can therefore be the Applicable Federal Rate at the time of closing.</p>
<b>Security</b>	<p>The DPL will be secured through a Promissory Note and Mortgage on the property to be executed between the County and the Borrowing entity. HOME funds are usually subordinate to other loans although the subordinate position will depend upon the financial structure of the deal. Barnstable County HOME is a MassDocs participant and for the most part will be part of the MassDocs loan document process. However, Barnstable County HOME reserves the right, if in the best interest of the County, to process the DPL documents unilaterally.</p>
<b>Recourse</b>	The loan will be non-recourse.
<b>Holdback</b>	<p>HOME funds are provided through the regular requisition process with 10% of the loan held back until both substantial completion of the project and submission of a HOME Rental Completion Report and M/WBE and Section 3 reports. Forms attached and available:</p>

	<a href="https://www.bchumanservices.net/initiatives/home-investment-partnership-program/">https://www.bchumanservices.net/initiatives/home-investment-partnership-program/</a>
<b>Replacement Reserve</b>	The Consortium’s replacement reserve requirement will be consistent with that of DHCD on DHCD projects; however, the Consortium may impose a higher replacement reserve requirement on non-DHCD funded projects.
<b>Permanent Loan</b>	In general, the permanent loan shall have a fixed rate for at least twenty (20) years.
<b>Debt Service Coverage (DSC)</b>	The minimum acceptable DSC (annual net operating income divided by annual mortgage(s) expense) shall be 1.15. In exceptional circumstances and with the concurrence of the permanent lender, the Consortium may accept a DSC as low as 1.10.
<b>Affordability- Incomes</b>	All HOME assisted units shall be occupied by households whose income at their initial lease up is no more than 60% of the HUD published area median income.
<b>Affordability- Rents, Utility Allowance, and Allowable Fees</b>	<p>Up to 80% of the HOME-assisted units in a rental housing <b>project of five units or more</b> must have rents that are no more than the “high” HOME rent.</p> <p>A minimum of 20% of the HOME-assisted units in a rental <b>project of five units or more</b> must have rents that are no more than the “low” HOME rent for households whose incomes are at or below 50% of area median income.</p> <p>In general, and to allow for a marketing window, the Consortium will approve rents that are set about 10% below the maximum allowable HOME rents.</p> <p>For utility allowance, Applicants should use utility allowances that are consistent with DHCD’s policy and HOMEfires Volume 13 No. 2 (attached) or the Consortium schedule, if available.</p> <p>For households that have a mobile Section 8, MRVP, or local rental voucher, the maximum HOME rent is the “high” HOME rent or the Section 8 fair market rent (FMR), whichever is less.</p>

	<p>In those instances, where the project receives State or Federal project-based rental subsidies, the HOME rent is the rent allowable under the Federal or State project-based rental subsidy program.</p> <p>Application/wait list fees and other fees other than those that the Consortium has deemed reasonable and customary for the location or market area are prohibited.</p>		
<b>HOME Assisted Units</b>	<p>In general, the income, rent, and bedroom unit mix of the HOME assisted units shall be proportional to that of the overall project.</p> <p>The Consortium will generally designate the HOME assisted units within a project as “floating” units; i.e. not tied to any units in the project if the income, rent, and bedroom mix requirements are satisfied.</p>		
<b>Affordable Housing Restriction (AHR)</b>	<p>All HOME funded projects require an AHR executed by the borrower and recorded at loan closing to ensure the long-term affordability of the HOME units for the period noted in the chart below.</p>		
<b>Amount of HOME Project Funding</b>	<b>HOME period of affordability- years</b>	<b>County period of affordability- years</b>	<b>Total period of affordability- years</b>
Less than \$100,000	20	30	50
\$100,000-\$199,999	20	50	70
\$200,000 or more	20	79 or longest period allowed by law to achieve perpetuity	99 or longest period allowed by law for perpetuity
<b>Conflict of Interest</b>	<p>No HOME assisted affordable housing unit can be leased to any individual or any member of an individual’s immediate family, including those by blood, marriage or adoption, who is an officer, employee, agent, elected or appointed official, or consultant of the owner, developer, or sponsor of a project assisted with HOME funds.</p>		
<b>Environmental Review</b>	<p>An ASTM Phase One environmental site assessment must be submitted with the application for each property within the project. All HOME projects must satisfy HUD’s environmental review requirements, including possible review and approval from the HUD Regional Office. Additional documentation will be required from</p>		

	<p>the applicant for Consortium staff to complete the review. Construction and site work cannot begin, and HOME funds cannot be released prior to approval from HUD.</p>
<p><b>Design Guidelines</b></p>	<p>The Consortium’s Design guidelines are generally consistent with those of DHCD’s Qualified Allocation Plan (<a href="https://www.mass.gov/service-details/qualified-allocation-plan">https://www.mass.gov/service-details/qualified-allocation-plan</a>) and DHCD HOME program guidelines (<a href="https://www.mass.gov/service-details/home-investment-partnerships-program-home">https://www.mass.gov/service-details/home-investment-partnerships-program-home</a>) that encourage energy efficient building envelopes and major building systems, healthy interior air quality, universal design, and “green” design elements.</p> <p>In addition to the DHCD design guidelines, the Consortium will award a maximum of 10 points to Applicants who provide additional individual tenant storage space for each unit beyond what is provided inside the units.</p> <p>HUD requires installation of broadband infrastructure at the time of new construction or substantial rehabilitation of multifamily rental housing that is funded or supported by HUD. The rule, however, recognizes that installation of broadband infrastructure may not be feasible for all new construction or substantial rehabilitation, and, therefore, it allows limited exceptions to the installation requirements.</p>
<p><b>Lead- Based Paint Requirements</b></p>	<p>All projects involving the rehabilitation of properties constructed prior to 1978 are subject to HUD’s lead-based paint requirements.</p>
<p><b>Accessibility for Persons with Disabilities</b></p>	<p>For new construction of five (5) or more rental units or substantial rehabilitation projects of fifteen (15) dwelling units or more, Section 504 requires a minimum of five (5) percent of the dwelling units in the project (but no less than one unit) must be accessible to and usable by persons with mobility impairments.</p> <p>An additional two (2) percent of the dwelling units (but at a minimum no less than one unit) must be accessible to individuals with sensory impairments (i.e. hearing or vision impairments).</p>

	<p>For moderate rehabilitation of 15 or more units, Section 504 also requires to the maximum extent feasible that the units be accessible to and usable by individuals with disabilities.</p> <p>For new construction projects, adoption of visit-ability standards is strongly encouraged. A unit is visit-able when a person with mobility impairments can enter the unit and navigate throughout the first floor and have access to an accessible bathroom.</p>
<b>Section 3 and MBE/WBE Requirements</b>	All HOME projects must have outreach and reporting plans to achieve the Section 3 and MBE/WBE goals approved prior to closing.
<b>Affirmative Marketing/Tenant Selection</b>	As a condition of any funding, the Consortium will require the submission of an Affirmative Fair Housing Marketing Plan (AFHMP) that fully complies with the form and content of DHCD’s Chapter 40B AFHMP Guidelines.
<b>Monitoring/Fee</b>	<p>The Consortium will annually monitor the recertification of tenants’ income, rent, and utility allowances.</p> <p>Every 1-3 years, depending upon project size, the Consortium will conduct property inspections along with site monitoring visits to review for compliance in the areas of tenants’ income and rents, lease terms, and resident selection policies.</p> <p>Finally, the Consortium will require annual project income/expense reports and/or audits to assess the project’s financial health.</p> <p>The annual monitoring fee currently is \$35 per HOME unit plus the actual cost of the property inspections. Such fee must be carried as an expense in the project’s operating budget.</p>
<b>Good Standing</b>	Applicants for HOME funds, including all members of their development teams, must be in good standing with the Consortium with respect to other Consortium-funded projects.

### **SECTION 3. THRESHOLD SCORING SYSTEM**

1. Type of Development:

- Rehabilitation/redevelopment: *30 points*
- New Construction: *10 points*

Redevelopment involves the use and expansion of an existing building, the conversion of use of an existing building, and the razing of an existing building to construct housing. Buildings will be determined primarily through their assessment classification. The demolition solely of accessory structures shall not be considered redevelopment.

2. Design likely to achieve LEED eligibility through architect submission of LEED for Homes Project Checklist: *10 points*

3. Project's wastewater is tied to sewer or local package system, or employs alternate denitrifying system that exceeds state Title V standards: *10 points*

4. Percentage of total project units that are handicap accessible:

- at least 5%: *5 points*
- at least 10%: *10 points*
- at least 15%: *15 points*
- at least 20%: *20 points*

5. Percentage of total project units that are visit-able:

- at least 20%: *4 points*
- 21-40%: *6 points*
- 41-70%: *8 points*
- 71%+: *10 points*

A unit is visit-able when a person with mobility impairments can enter the unit and navigate throughout the first floor and have access to an accessible bathroom.

6. Tenant Storage Space: Up to a maximum of 10 points for applicants who provide additional individual storage space in addition to what is provided in the unit.

7. Percentage of Project Affordability:

- 0- 25%: *0 points*
- 26-33%: *5 points*
- 34-50%: *10 points*
- 51-75%: *15 points*
- 76%+: *20 points*

8. Income targeting/ affordable units:

Household Incomes Targeted	AFFORDABLE UNITS				
	Up to 15%	16-25%	26-50%	51-75%	76%+
0-30%	<i>6 points</i>	<i>9 points</i>	<i>12 points</i>	<i>15 points</i>	<i>20 points</i>
31-50%	<i>2 points</i>	<i>4 points</i>	<i>6 points</i>	<i>8 points</i>	<i>10 points</i>
51-80%	<i>1 point</i>	<i>2 points</i>	<i>3 points</i>	<i>4 points</i>	<i>5 points</i>

9. Local Support through donation or leasing of land and/or financial support (CPC, trust funds, etc.) in an amount at least equal to HOME request: *10 points*

10. Larger bedroom Mix *maximum of 10 points*:

- At least 65% of the units in a project are two bedrooms or larger and at least 10% are three bedrooms or larger: *10 points*
- At least 50% of the units in a project are 2 bedrooms or larger and at least 5% are three bedrooms or larger: *5 points*

11. At least 15% of the total units targeted to serve homeless individuals or families, special needs groups, and/or persons with disabilities: *10 points*

12. Development Team (maximum 10 points):

Inclusion of certified Minority/Women’s Business Enterprise (MBE/WBE) members on the development team: *maximum of 5 points*:

- Project sponsor, general contractor, and/or management agent: *5 points*
- Architect, attorney, development consultant, syndicator: *2 points*

Inclusion of Section 3 eligible members on the development team: *maximum of 5 points*:

- Project sponsor, general contractor, and/or management agent: *5 points*
- Architect, attorney, development consultant, syndicator: *2 points*

13. Project involves permanent displacement of income eligible households: *(-10 points)*

14. Total development costs per unit:

- less than \$425,000: *5 points*
- \$425,000 – \$449,999: *4 points*

\$450,000 – \$474,999:	<i>3 points</i>
\$475,000 – \$499,999:	<i>2 points</i>
\$500,000+--:	<i>1 point</i>

15. Total development costs (site and building) per gross square feet (sf):

less than \$300/sf:	<i>5 points</i>
\$300 – \$324/sf:	<i>4 points</i>
\$325 – \$349/sf:	<i>3 points</i>
\$350 – \$374/sf:	<i>2 points</i>
\$375+/sf:	<i>1 point</i>

**MINIMUM POINTS NEEDED TO CONSIDER FUNDING: 75**

**MAXIMUM POINTS: 184**

#### **SECTION 4. EVALUATION CRITERIA**

Applications for HOME funding will be evaluated on the following criteria:

1. Experience of the applicant and of development team members in Projects of similar size and type.
2. Financial strength of the applicant to adequately carry out the project And the project's financial feasibility on both the development and operating budgets.
3. A subsidy layering analysis that determines the minimum amount of home funds necessary for project feasibility.
4. The documented market needs for the project and a satisfactory marketing plan.
5. Readiness to proceed and ability to close on and expend home funds within 12 months of commitment.
5. The applicant and members of the development team are in good Standing with respect to prior home consortium funding awards, including but not limited to having no unresolved findings from annual project monitoring reviews.
7. Project Score.

While the above are the primary criteria, the Consortium reserves the right to consider other factors- geographic balance, population served, etc.- in making its funding awards. Decisions on funding requests are made by the Barnstable County HOME Consortium Advisory Council, a 17-member body with representation from each of the Cape's fifteen communities.

#### **SECTION 5. SUBMITTAL REQUIREMENTS AND OTHER INFORMATION**

**Two copies of the application** are to be mailed or hand delivered to the Barnstable County Human Services Department, C/O HOME Consortium, 3195 Main Street, PO Box 427, Barnstable, MA 02630. Additionally, an electronic copy with attachments is to be submitted. **Please note that one copy of a complete- including Exhibits- One Stop application may be submitted in lieu of the Consortium's application; however, Section 5- Threshold Scoring System- of the Consortium's application must be submitted along with the One Stop.**

The Consortium reserves the right to seek additional information from all applicants, to select finalists and to schedule interviews.

The Consortium reserves the right to reject all applications; to waive any requirements of this application format, to waive any minor informalities in applications; to modify or amend, with the consent of the respective applicant, any application, if otherwise permitted by law; and to affect any agreement deemed by the Consortium to be in its best interest.

Applicants are encouraged to contact Consortium staff prior to applying. Technical questions about this application for HOME rental development funds should be directed to the HOME Program Manager at 508-375-6622/  
[homeprogram@barnstablecounty.org](mailto:homeprogram@barnstablecounty.org)



# Barnstable County HOME Consortium Rental Housing Development Policies and Guidelines

## Maximum Award

	Per Unit		Total Award	
	Current	Revised	Current	Revised
Projects Scoring < 95 Points	\$40,000	\$50,000	\$200,000	\$250,000
Projects Scoring ≥ 95 points	\$50,000	\$60,000	\$250,000	\$300,000



# Barnstable County HOME Consortium Rental Housing Development Policies and Guidelines

## Total Development Costs

Per Unit		
Current	Points	Revised
< \$250,000	5	< \$425,000
\$250,000 - \$274,999	4	\$425,000 - \$449,000
\$275,000 - \$299,999	3	\$450,000 - \$474,999
\$300,000 - \$324,999	2	\$475,000 - \$499,999
\$325,000 +	1	\$500,000 +



# Barnstable County HOME Consortium Rental Housing Development Policies and Guidelines

## Total Construction Costs (site and building)

Per Gross Square Feet		
Current	Points	Revised
< \$225	5	< \$300
\$225 - \$249	4	\$300 - \$324
\$250 - \$274	3	\$325 - \$349
\$275 - \$299	2	\$350 - \$374
\$300 +	1	\$375 +



# Barnstable County HOME Consortium Rental Housing Development Policies and Guidelines

## Affordability Term

Remains as Current:

Project Funding	HOME HUD Term	County Term	Total Term
< \$100,000	20	30	50
\$100,000 - \$199,999	20	50	70
\$200,000 +	20	79 or as allowed by law for perpetuity	99 or as allowed by law for perpetuity

## PROGRAM YEAR (PY) 2021 GRANT FUNDS

As of August 3, 2021

	ALLOCATION	EN FUND	EN Committed	EN Remaining	CR FUNDS	PI/HP FUNDS	AD remaining
2016					59,176.80		
2019	427,233.00	320,424.75	320,424.75	0.00		36,418.40	81,271.43
PA 2020							17,500.00 *
2020	462,132.00	346,599.00	100,000.00	246,599.00		138,322.00	115,533.00
2021	429,869.00	322,401.75		322,401.75	64,480.35	\$50,931.00	42,986.90
<b>TOTAL:</b>	<b>1,319,234.00</b>	<b>989,425.50</b>	<b>420,424.75</b>	<b>569,000.75</b>	<b>123,657.15</b>	<b>225,671.40</b>	<b>257,291.33</b>
		* inc. 100k to TBRA		* may be deoblig.		* See HP Sheet	* from Fairwinds
<b>Projects: Conditionally Committed</b>				<b>Total Funds:</b>			
	pending: HAC Mashpee	250,000.00		EN Remain:	569,000.75		
	pending: Cloverleaf	250,000.00		PI/HP Funds:	225,671.40		
					<b>794,672.15</b>		
<b>Total:</b>		<b>500,000.00</b>		<b>Available</b>	<b>294,672.15</b>		
<a href="#">See Projects Sheet</a>							
<b>Abbreviation Code</b>							
EN:	Entitlement Fund	Funds to be used for project activity (rental development, possible TBRA, DPCC, etc.)					
PI/HP:	Program Income	Income received via the payoff of DPCC /Rehab mortgages (HP) and payoff of rental housing loans (PI)					
CR:	CHDO Reserve	Reserved for CHDO developments only					
AD:	Administration	Funds to be used for the administration of the program (staff, monitoring, legal, consultants, etc.)					
PA:	PI Administration	% of allowed admin from PI rental mortgage payoffs; to be used for administration (ex. Fairwinds \$17,500)					
TBRA:	TBRA Activity	Tenant Based Rental Assistance - short-term					
SU:	Subfund	Taken from EN or AD funds to subfund a specific activity. Ex. from EN and AD to subfund TBRA activity					
SG:	Subgrant	Funds from SU account to a Subgrantee (Subrecipient). Ex. \$100k from SU to HAC for TBRA					

TBRA SG /SU (EN) Comt.	TBRA SU (AD) Comt.
\$100,000.00	\$10,000.00
<i>from 2020 EN</i>	<i>from 2019 AD</i>
TBRA EN Rem	TBRA AD Rem
	<b>\$7,586.81</b>
<b>\$45,975.00</b>	
<a href="#">See TBRA Sheet</a>	
NOTE: Unspent funds will be returned to its respective account after September 30, 2021	

## H.R. 1319 – American Rescue Plan Act of 2021

### [Subtitle B—Housing Provisions](#) (link to the entire Act)

#### SEC. 3205. HOMELESSNESS ASSISTANCE AND SUPPORTIVE SERVICES PROGRAM.

**(a) Appropriation.**—In addition to amounts otherwise available, there is appropriated to the Secretary of Housing and Urban Development (in this section referred to as the “Secretary”) for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$5,000,000,000, to remain available until September 30, 2025, except that amounts authorized under subsection (d)(3) shall remain available until September 30, 2029, for assistance under title II of the Cranston-Gonzalez National Affordable Housing Act ([42 U.S.C. 12721](#) et seq.) for the following activities to primarily benefit qualifying individuals or families:

- (1) Tenant-based rental assistance.
- (2) The development and support of affordable housing pursuant to section 212(a) of the Cranston-Gonzalez National Affordable Housing Act ([42 U.S.C. 12742\(a\)](#)) (“the Act” herein).
- (3) Supportive services to qualifying individuals or families not already receiving such supportive services, including—
  - (A) activities listed in section 401(29) of the McKinney-Vento Homeless Assistance Act ([42 U.S.C. 11360\(29\)](#));
  - (B) housing counseling; and
  - (C) homeless prevention services.
- (4) The acquisition and development of non-congregate shelter units, all or a portion of which may—
  - (A) be converted to permanent affordable housing;
  - (B) be used as emergency shelter under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act ([42 U.S.C. 11371–11378](#));
  - (C) be converted to permanent housing under subtitle C of title IV of the McKinney-Vento Homeless Assistance Act ([42 U.S.C. 11381–11389](#)); or
  - (D) remain as non-congregate shelter units.

**(b) Qualifying Individuals Or Families Defined.**—For the purposes of this section, qualifying individuals or families are those who are—

- (1) homeless, as defined in section 103(a) of the McKinney-Vento Homeless Assistance Act ([42 U.S.C. 11302\(a\)](#));
- (2) at-risk of homelessness, as defined in section 401(1) of the McKinney-Vento Homeless Assistance Act ([42 U.S.C. 11360\(1\)](#));

(3) fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking, as defined by the Secretary;

(4) in other populations where providing supportive services or assistance under section 212(a) of the Act ([42 U.S.C. 12742\(a\)](#)) would prevent the family's homelessness or would serve those with the greatest risk of housing instability; or

(5) veterans and families that include a veteran family member that meet one of the preceding criteria.

**(c) Terms And Conditions.—**

(1) FUNDING RESTRICTIONS.—The cost limits in section 212(e) ([42 U.S.C. 12742\(e\)](#)), the commitment requirements in section 218(g) ([42 U.S.C. 12748\(g\)](#)), the matching requirements in section 220 ([42 U.S.C. 12750](#)), and the set-aside for housing developed, sponsored, or owned by community housing development organizations required in section 231 of the Act ([42 U.S.C. 12771](#)) shall not apply for amounts made available in this section.

(2) ADMINISTRATIVE COSTS.— Notwithstanding sections 212(c) and (d)(1) of the Act ([42 U.S.C. 12742\(c\)](#) and (d)(1)), of the funds made available in this section for carrying out activities authorized in this section, a grantee may use up to fifteen percent of its allocation for administrative and planning costs.

(3) OPERATING EXPENSES.—Notwithstanding sections 212(a) and (g) of the Act ([42 U.S.C. 12742\(a\)](#) and (g)), a grantee may use up to an additional five percent of its allocation for the payment of operating expenses of community housing development organizations and nonprofit organizations carrying out activities authorized under this section, but only if—

(A) such funds are used to develop the capacity of the community housing development organization or nonprofit organization in the jurisdiction or insular area to carry out activities authorized under this section; and

(B) the community housing development organization or nonprofit organization complies with the limitation on assistance in section 234(b) of the Act ([42 U.S.C. 12774\(b\)](#)).

(4) CONTRACTING.—A grantee, when contracting with service providers engaged directly in the provision of services under paragraph (a)(3), shall, to the extent practicable, enter into contracts in amounts that cover the actual total program costs and administrative overhead to provide the services contracted.

**(d) Allocation.—**

(1) FORMULA ASSISTANCE.—Except as provided in paragraphs (2) and (3), the Secretary shall allocate amounts made available under this section pursuant to section 217 of the Act ([42 U.S.C. 12747](#)) to grantees that received allocations pursuant to that same formula in fiscal year 2021, and shall make such allocations within 30 days of enactment of this Act.

(2) TECHNICAL ASSISTANCE.—Up to \$25,000,000 of the amounts made available under this section shall be used, without competition, to make new awards or increase prior awards to existing technical assistance providers to provide an immediate increase in capacity building

and technical assistance available to any grantees implementing activities or projects consistent with this section.

(3) OTHER COSTS.—Up to \$50,000,000 of the amounts made available under this section shall be used for the administrative costs to oversee and administer implementation of this section and the HOME program generally, including information technology, financial reporting, and other costs.

(4) WAIVERS OR ALTERNATIVE REQUIREMENTS.—The Secretary may waive or specify alternative requirements for any provision of the Cranston-Gonzalez National Affordable Housing Act ([42 U.S.C. 12701](#) et seq.) and titles I and IV of the McKinney-Vento Homelessness Act ([42 U.S.C. 11301](#) et seq., 11360 et seq.) or regulation for the administration of the amounts made available under this section other than requirements related to fair housing, nondiscrimination, labor standards, and the environment, upon a finding that the waiver or alternative requirement is necessary to expedite or facilitate the use of amounts made available under this section.

**C-G 42 U.S.C.**

**§12742. Eligible uses of investment**

**(a) Housing uses**

**(1) In general**

Funds made available under this part may be used by participating jurisdictions to provide incentives to develop and support affordable rental housing and homeownership affordability through the acquisition, new construction, reconstruction, or moderate or substantial rehabilitation of affordable housing, including real property acquisition, site improvement, conversion, demolition, and other expenses, including financing costs, relocation expenses of any displaced persons, families, businesses, or organizations, to provide for the payment of reasonable administrative and planning costs, to provide for the payment of operating expenses of community housing development organizations, and to provide tenant-based rental assistance. For the purpose of this part, the term "affordable housing" includes permanent housing for disabled homeless persons, transitional housing, and single room occupancy housing.

**(2) Preference to rehabilitation**

A participating jurisdiction shall give preference to rehabilitation of substandard housing unless the jurisdiction determines that-

(A) such rehabilitation is not the most cost effective way to meet the jurisdiction's need to expand the supply of affordable housing; and

(B) the jurisdiction's housing needs cannot be met through rehabilitation of the available stock.

The Secretary shall not restrict a participating jurisdiction's choice of rehabilitation, substantial rehabilitation, new construction, reconstruction, acquisition, or other eligible housing use unless such restriction is explicitly authorized under section 12753(2) of this title.

## **M-V (29) Supportive Services**

### **(29) Supportive services**

The term "supportive services" means services that address the special needs of people served by a project, including-

- (A) the establishment and operation of a child care services program for families experiencing homelessness;
- (B) the establishment and operation of an employment assistance program, including providing job training;
- (C) the provision of outpatient health services, food, and case management;
- (D) the provision of assistance in obtaining permanent housing, employment counseling, and nutritional counseling;
- (E) the provision of outreach services, advocacy, life skills training, and housing search and counseling services;
- (F) the provision of mental health services, trauma counseling, and victim services;
- (G) the provision of assistance in obtaining other Federal, State, and local assistance available for residents of supportive housing (including mental health benefits, employment counseling, and medical assistance, but not including major medical equipment);
- (H) the provision of legal services for purposes including requesting reconsiderations and appeals of veterans and public benefit claim denials and resolving outstanding warrants that interfere with an individual's ability to obtain and retain housing;
- (I) the provision of-
  - (i) transportation services that facilitate an individual's ability to obtain and maintain employment; and
  - (ii) health care; and
- (J) other supportive services necessary to obtain and maintain housing.

## **M-V 42 USC 11302(A)**

### **§11302. General definition of homeless individual**

#### **(a) In general**

For purposes of this chapter, the terms "homeless", "homeless individual", and "homeless person" means- <sup>1</sup>

- (1) an individual or family who lacks a fixed, regular, and adequate nighttime residence;
- (2) an individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;
- (3) an individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including hotels and motels paid for by Federal, State, or local government programs for low-income individuals or by charitable organizations, congregate shelters, and transitional housing);
- (4) an individual who resided in a shelter or place not meant for human habitation and who is exiting an institution where he or she temporarily resided;
- (5) an individual or family who-
  - (A) will imminently lose their housing, including housing they own, rent, or live in without paying rent, are sharing with others, and rooms in hotels or motels not paid for by Federal, State, or local government programs for low-income individuals or by charitable organizations, as evidenced by-
    - (i) a court order resulting from an eviction action that notifies the individual or family that they must leave within 14 days;
    - (ii) the individual or family having a primary nighttime residence that is a room in a hotel or motel and where they lack the resources necessary to reside there for more than 14 days; or
    - (iii) credible evidence indicating that the owner or renter of the housing will not allow the individual or family to stay for more than 14 days, and any oral statement from an individual or family seeking homeless assistance that is found to be credible shall be considered credible evidence for purposes of this clause;
  - (B) has no subsequent residence identified; and
  - (C) lacks the resources or support networks needed to obtain other permanent housing; and
- (6) unaccompanied youth and homeless families with children and youth defined as homeless under other Federal statutes who-
  - (A) have experienced a long term period without living independently in permanent housing,

(B) have experienced persistent instability as measured by frequent moves over such period, and

(C) can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse, the presence of a child or youth with a disability, or multiple barriers to employment.

**M-V 42 USC 11360**

**§11360. Definitions**

For purposes of this subchapter:

**(1) At risk of homelessness**

The term "at risk of homelessness" means, with respect to an individual or family, that the individual or family-

(A) has income below 30 percent of median income for the geographic area;

(B) has insufficient resources immediately available to attain housing stability; and

(C)

(i) has moved frequently because of economic reasons;

(ii) is living in the home of another because of economic hardship;

(iii) has been notified that their right to occupy their current housing or living situation will be terminated;

(iv) lives in a hotel or motel;

(v) lives in severely overcrowded housing;

(vi) is exiting an institution; or

(vii) otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness.

Such term includes all families with children and youth defined as homeless under other Federal statutes.