CLARK COUNTY, NEVADA
Community Housing Office

PROGRAM GUIDE &
APPLICATION INSTRUCTIONS

For

2025-2026 HOME/AAHTF

Issued by

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HOME/AAHTF PROGRAM SUMMARY

1. INTRODUCTION

The Home Investment Partnership Program (HOME) is a funding tool that helps local governments, in conjunction with states and non-profit organizations, develop and support various home ownership and rental opportunities for very low-income (50% or less of median) and low-income (up to 80% of median) families and individuals.

HOME funds are awarded on the local level through an application process. The Clark County (“Urban County”) HOME Consortium also receives Account for Affordable Housing Trust Fund (AAHTF) money from the State of Nevada. The two programs have similar requirements, and thus, the Consortium administers the programs jointly.

This handbook is intended to give an overview of HOME and related housing programs. It also provides information on the Application process.

2. WHAT IS THE HOME PROGRAM?

HOME is the abbreviated name for Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990 that is technically entitled the "HOME Investment Partnerships Act." The HOME Program has four main purposes:

A. To expand the supply of decent and affordable housing, especially rental housing, for very low-income and low-income households;

B. To strengthen the abilities of states and units of general local government to design and implement strategies for achieving adequate supplies of decent, affordable housing;

C. To provide participating jurisdictions, on a coordinated basis, with various forms of federal housing assistance, including capital investment, mortgage, rental insurance, needed to provide affordable housing for the low-income Americans, including those who will be home buyers; and

D. To provide participating jurisdictions various forms of federal assistance, both financial and technical, including the development of model programs or approaches for developing affordable low-income housing.

3. WHY HOME?

Substandard living conditions affect the lives of many American families. HOME is an outgrowth of the federal government's recognition of this fact, as well as its resolve to change the current situation. The provisions of HOME enable states, localities, and nonprofit organizations to ameliorate housing conditions within their own jurisdictions. HOME is a method of expanding the supply of decent, safe, and affordable housing.

4. HOW ARE HOME FUNDS ALLOCATED TO STATES AND LOCALITIES?

The U.S. Department of Housing and Urban Development ("HUD") allocates HOME funds by formula to state and local governments in two different ways. Based on population, each state gets a minimum of $3 million in HOME funds annually. Since Nevada has a comparatively small population, it receives the $4.6 million minimum. This year, the Clark County HOME Consortium will receive an estimated $675,482 from the State of Nevada as its share of the so-called "State HOME funds".

Urbanized areas are also eligible to receive HOME funding directly from the federal government based upon their population and poverty statistics. The entitlement amount varies year-by-year. Such entitlement areas are called "Participating Jurisdictions or "PJs." Clark County meets the requirements to be a HUD entitlement community and receives HOME funds directly from the federal government each year.

Contiguous urbanized areas may band together to form consortia to deliver housing services more efficiently, and also, to receive increased HOME funding. Clark County, including Boulder City and Mesquite, together with the City of North Las Vegas, have formed a HOME consortium. It is called the Clark County ("Urban County") HOME Consortium.

Eligible, non-profit organizations that operate within the boundaries of the Clark County ("Urban County") HOME Consortium may apply for the Consortium's HOME funds and for HOME funds allocated to the Consortium by the State of Nevada. Government entities, such as housing authorities, may also apply for the aforementioned funds. For-profit firms planning on using Clark County Private Activity Bonds (or tax-exempt bonds issued by the Nevada Housing Division) to newly construct affordable rental housing in the unincorporated County, Mesquite or Boulder City may be eligible to receive HOME funds.

Clark County is the lead agency among its Consortium members. The County is responsible for all project setups and completions as well as for monitoring HOME projects and disbursing funds. The City of North Las Vegas implements its own HOME programs with oversight from Clark County. The Cities of Las Vegas and Henderson are not members of the consortium and receive their HOME Program funds directly from the State of Nevada and HUD.

Regardless of the proximate source of the HOME funds (i.e. HUD or the State of Nevada), the Consortium allocates its HOME funds according to a formula. Beginning in County Fiscal Year 2019 (Federal Program Year 2018) the distribution of HOME funds will be in accordance with the formula allocation as determined by HUD.

5. ACCOUNT FOR AFFORDABLE HOUSING TRUST FUND (AAHTF)

The Consortium also receives money from the Account for Affordable Housing Trust Fund (AAHTF), formerly known as the Low-Income Housing Trust Fund (LIHTF). The fund, which was created by an act of the Nevada legislature, is to be used for welfare and for affordable housing purposes. The trust fund monies are raised via a real estate transfer tax and are disbursed by the Nevada Housing Division, Department of Business and Industry, of the State of Nevada. Since the funds are non-federal, they may be used as "matching funds" for the HOME Program.

AAHTF funds are used in conjunction with HOME Program funds. They may also be used alone for affordable housing efforts that might otherwise be funded by HOME funds. The State of Nevada and the Clark County ("Urban County") HOME Consortium requires recipients of AAHTF funds to adhere to the HOME Program regulations.

Depending upon which source of money a project is funded with, requirements for affordability and recapture of the proceeds from the sale of a housing unit may vary somewhat. Also, annually, 15% of AAHTF funds must be used to assist households at or below 30% AMI. For most purposes the requirements for the use of AAHTF and HOME funds are identical. **As of July 1, 2023, the Clark County Assessor does consider AAHTF- funded projects eligible for real property tax exemption.**

6. WHAT CAN HOME/AAHTF FUNDS BE USED FOR?

HOME (and/or AAHTF) funds may be used for a broad range of housing-related activities. However, currently, Clark County HOME funds are made available for rental housing development and rehabilitation only.

In addition, certified Community Housing Development Organizations (CHDOs) may be eligible for "CHDO Operating Expenses." Such expenses are for specific housing development activities. Also, 10% of the HOME funds may be reserved by the PJ for administrative purposes. Through an Interlocal Agreement, the City of North Las Vegas receives a pro-rata share of the allowable HOME administrative funds and is responsible for meeting a pro-rata share of the CHDO requirement. Neither CHDO Operating funds nor administrative funds require match.

HOME funds are often used in conjunction with Low Income Housing Tax Credits and Private Activity Bonds to fill in “gaps” in the financial layering. Priority may also be given to permanent supportive housing.

7. HOW DOES HOME WORK?

The “HUD Consolidated Plan,” which combines the planning requirements for several HUD programs, including the Community Development Block Grant (CDBG), Emergency Shelter Grant (ESG), and Housing Opportunities for People with AIDS (HOPWA) programs, outlines the housing strategies that will be the focus of the programs for a five-year planning period. Projects applying for HOME/AAHTF funds must be consistent with the Urban County Consortium’s HUD Consolidated Plan 2020-2024.

8. THE APPLICATION PROCESS

The Clark County HOME/AAHTF application will comply with the County's Citizen Participation Plan. The County will select applications and award HOME funds based on the factors identified in the Program Guidelines and may require a presentation and/or an oral interview. The County may make awards based on objective and/or subjective evaluation criteria. Selection will be based on which applications the County deems best suited to fulfill the requirements of this solicitation and comply with HUD guidelines. The County also may choose not to make an award if it determines an application does not fully meet the requirements of the application and Program Guidelines.

In addition to other considerations, the County will score applications on the criteria outlined in the Program Guidelines.

9. PERIOD OF AFFORDABILITY

HOME-assisted units must meet the affordability requirements for not less than the applicable period specified, beginning after project completion. Affordability requirements apply regardless of the term of any loan or mortgage or the transfer of ownership. They are imposed by deed restrictions, covenants running with the land, or other HUD approved mechanisms. The County will require that the HOME covenant running with the land be recorded in a non-foreclosable position such that it survives any foreclosure by a senior lender and remains in effect for the entire Period of Affordability.

A. Minimum affordability period for rehabilitation and acquisition of rental housing per unit amount of federal HOME funds:

Under $15,000.. 5 years
$15,000 to $40,000... 10 years
Over $40,000... 15 years

B. Minimum affordability period for new construction or acquisition of newly constructed housing .... 20 years

For the HOME Program, a sale, transfer, or other conveyance of the assisted property is subject to the requirements of 24 CFR Part 92. For the AAHTF program, a sale, transfer, or other conveyance of the assisted property is subject to the requirements of NRS 319 or NAC 319.

10. PROGRAM TARGETING: RENTAL HOUSING

The following rules apply to the use of HOME funds for rental housing:

Annually, 90% of HOME rental units must be initially rented by families whose incomes do not exceed 60% of the area median income. In theory, the remaining 10% of HOME funds may be used to assist households whose incomes are between 60% and 80% of area median income. **However, Clark County requires that 100% of HOME-assisted rental units be occupied by families whose incomes do not exceed 50% of the median**

family income. Exceptions to this rule may be considered on a case-by-case basis such as for a mixed-income project.

All HOME funds for any individual project must be invested in affordable units

An Affordable Project as defined by HUD is one:

-Whose rents are at or below the applicable Low-HOME Rent as published annually by HUD (or, if approved on an exception basis by the County, at or below the applicable High-HOME rent for a unit available for tenants within incomes up to 80% AMI); and

-That will remain affordable at least through the Period of Affordability.

17. WORKING WITH CHDOS

Community Housing Development Organizations (CHDOs) are a specific type of nonprofit organization defined exclusively for the HOME program. CHDOs must be developers, sponsors, or owners of HOME-assisted housing that are accountable to the low-income communities they serve. CHDOs must have effective management control of projects and be organized and structured according to strict standards specified in the HOME regulations. A minimum of 15% of the HOME allocation will be set-aside for CHDOs (incl. North Las Vegas share). Eligible activities under the 15% CHDO set aside include acquisition, rehabilitation, and new construction of rental housing. Applicants interested in applying as a CHDO should request a CHDO application from County staff.

EST. HUD HOME $	EST. STATE HOME $	EST. TOTAL HOME $		EST. CHDO SET-ASIDE
$4,021,097	**$680,000**	**$4,701,097**	**x 15%**	**$705,165**

This set aside does not preclude CHDOs from accessing other HOME funds. An organization receiving funds from the CHDO set-aside can also apply to participate in other HOME-funded activities as a non-profit subrecipient. This could include administering owner-occupied rehabilitation, specific types of homeownership assistance (e.g., down payment assistance) and tenant-based rental assistance programs on behalf of the County. These are not funded from the CHDO set-aside, however. When CHDOs are engaged in non-CHDO activities, they are acting as non-profit subrecipients and subject to additional requirements that do not apply to activities funded from the CHDO set-aside.

18. 2025 HOME SCHEDULE (TENTATIVE)

The timeline below is tentative and could change. Each project applying for HOME funds will be assessed individually.

November 14, 2024	HOME Application Available
December 2, 2024	HOME Pre-Application Due
January 6, 2025	HOME Application Due
January – March 2025	Applications Under Review
March – April 2025	Conditional Awards Approved by Board of County Commissioners
May 2025	Projects entered into Annual Action Plan & submitted to HUD
March – April 2027	Conditional Awards expire if projects do not move forward

HOME/AAHTF PROGRAM GUIDELINES

This guide is intended to provide additional information regarding Clark County HOME/AAHTF projects for the current application cycle. The HOME program is a federal resource and Clark County has attempted to maintain the requirements associated with these both in terms of the type of programs funded and the way those programs are implemented.

Clark County HOME funds are made available for rental housing development and rehabilitation only. Some requirements for other uses of HOME funds allowed by HUD have been included in this Program Guide as noted.

Up to $5,500,000 in HOME/AAHTF funds are available in this funding round.

In this current application cycle, Clark County will only be accepting applications for multifamily projects. Multifamily projects could include new construction, rehabilitation or acquisition with rehabilitation.

New! The Build America, Buy America Act (BABA) requires that all iron and steel, construction materials, and manufactured products used in federally funded infrastructure projects are produced in the United States. This requirement, known as the "Buy America Preference" (BAP), is detailed in the Infrastructure Investment and Jobs Act, Pub. L. 117-58 and 2 CFR Part 184. More information can be found at the HUD Exchange, Build America, Buy America Act page. BABA will apply to HOME funded projects in this 2024-2025 application cycle, and future application cycles.

1. GENERAL REQUIREMENTS

When submitting applications, include:

- The proposed project must provide permanent housing and not shelter housing or housing for workers on a seasonal basis (transitional housing is eligible under specific conditions).

- The proposed project must demonstrate that the neighborhood market conditions adequately reflect a need for the project.

- Applicants will be assessed on their development capacity and fiscal soundness.

- Applications will be evaluated to ensure that an excessive amount of federal subsidy is not proposed. The amount of HOME/AAHTF funds provided for a development or rehabilitation may not exceed the amount that is necessary, in the County's opinion, to result in a financially feasible development or rehabilitation.

- Based upon the investment of HOME/ funds, rental projects must remain affordable in regard to tenant income and rental charges for the minimum periods described herein. Homebuyer activities will be subject to recapture requirements during the period of affordability, and (if funded) Homeowner Rehabilitation projects will include a locally enforced “retention period.”

- The proposed project must be consistent with Clark County Urban Consortium Consolidated Plan (HCP).

- Upon completion of the project, e.g., acquisition, rehabilitation, reconstruction or new construction activities, the development must meet minimum property standards further delineated in this Program Guide.

- If tenants (residential and/or commercial) reside in the property, or if the project involves acquisition, then the Uniform Relocation Act (URA) applies. At a minimum, prior to submission of the application, notices for both acquisition and/or relocation must have been issued and copies of the letters and documentation of their receipt by the tenant or seller must be submitted. Estimated relocation costs must be reflected in the project proforma. Applicants with currently occupied projects must contact Clark County in advance of applying to discuss URA requirements.

2. FORM OF ASSISTANCE

HOME/AAHTF financial assistance will be provided in the form of a loan to the owner of the property. Owner of the property means the entity that holds title to the land/property. The County will require all such loans to be secured by an acceptable Deed of Trust at the time of project funding. Further, the County will require a Completion Guaranty, a Performance and Payment Guaranty, and/or a Replacement Reserve Guaranty. Funding will be awarded in an amount appropriate to the scope of a proposed project and the needs and resources of the applicant. The County reserves the right to adjust the amount of HOME/AAHTF funds awarded to a project, and to negotiate modifications to the proposed work plan and budget prior to executing a HOME agreement.

The County reserves the right to fund those projects which reflect the highest and best use of HOME/AAHTF funds, and also to place conditions on projects awarded which include, but are not limited to, requiring rents to be decreased, longer periods of affordability to be met, lower income levels to be served, etc.

3. ELIGIBLE APPLICANTS

For the purpose of responding to this application, eligible applicants include 501(c)(3) or 501(c)(4) Non-Profit Corporations, Joint Venture Partnerships between one or more for-profit entities, and one or more non-profit corporations and governmental entities.

Any entity that is eligible to apply for tax-exempt bond financing, including for-profit firms, may apply for HOME funds through this solicitation process when the HOME funds will be part of a proposal to develop affordable rental housing in unincorporated Clark County using Private Activity Bond Cap issued by the State of Nevada Housing Division and/or Clark County.

All proposed projects must be located within the geographic boundaries of Clark County. Projects that will be located in areas outside the unincorporated Clark County area must demonstrate support from that local jurisdiction. Additionally, projects proposed for the Cities of Las Vegas, Henderson and/or North Las Vegas must demonstrate that a significant contribution and/or HOME funds will be provided by the local jurisdiction, to the degree that the jurisdiction has such funds available.

4. USE OF HOME/ AAHTF MONIES BY RELIGIOUS ORGANIZATIONS

Faith-based organizations are eligible to apply for HOME/AAHTF funding consistent with the requirements of 24 CFR 5.109. In general, HOME/AAHTF funds may only be used for housing owned or developed by such an organization and may not pay for space (including "common space") used exclusively for religious purposes. The completed housing project must be used exclusively by the owner entity for secular purposes, available to all persons regardless of religion. In particular, there must be no religious or membership criteria for tenants of the property. Further clarifications may be found in HUD CPD Notice 04-10: Guidelines for Ensuring Equal Treatment of Faith-based Organizations participating in the HOME, CDBG, HOPE 3, HOPWA, Emergency Shelter Grants, Shelter Plus Care, Supportive Housing, and Youth-build Programs.

5. ELIGIBLE BENEFICIARIES

Although HOME/ AAHTF funds may be used to benefit households with incomes up to 80% of the area median income as determined by HUD, Clark County generally requires that, for rental projects, **100% of the HOME-assisted units must be occupied by families who have annual incomes that are 50% or below median income. In other words, the County generally designated all HOME units as Low-HOME units**. **See (EXHIBIT A)**

6. ADMINISTRATIVE CAPACITY

The Program requires that applicants have the experience necessary to administer the complex requirements of the HOME/ AAHTF Program. If applicants do not have adequate experience administering other State, Federal or local programs, the County may require the applicant to contract with an experienced entity to assist in administering and managing the HOME/ AAHTF project.

7. ELIGIBLE PROJECTS AND PROPERTIES

One or more buildings on a single site or scattered sites under common ownership, management, and financing are considered a single project. HOME-assisted projects may be privately or publicly owned.

8. INELIGIBLE PROPERTIES

The proposed project must provide permanent housing and not shelter housing or housing for workers on a seasonal basis (transitional housing is eligible under specific conditions).

HOME funds may not be used for projects assisted under part 965 (PHA-Owned or Leases Projects--Maintenance and Operation), carry out activities authorized under part 968 (Public Housing Modernization), provide assistance to eligible low-income housing under part 248 (Prepayment of Low-Income Housing Mortgages). HOME Program funds cannot be used as the "nonfederal" match for other federal, state or local initiatives, or used for shelters or commercial properties.

Projects located in the Cities of Las Vegas, North Las Vegas and Henderson must contact those jurisdictions for information on their local HOME Program and other programs. HOME requires a significant contribution from the appropriate jurisdiction before Clark County can provide HOME funds to the project.

9. ELIGIBLE ACTIVITIES

New construction includes newly built projects, rehabilitation projects that include new construction of one or more units outside the existing walls of the structure, and any project that received its first certificate of occupancy within one year prior to receiving HOME assistance.

Rehabilitation includes repairs to existing structures and the conversion of an existing structure to affordable housing. Rehabilitation also includes the reconstruction or rebuilding, on the same lot, of housing as long as the number of housing units remains the same. However, the number of rooms per units may be increased or decreased. The reconstructed housing must be substantially similar to the original housing. Reconstruction also includes replacing an existing substandard unit of manufactured housing with a new or standard unit of manufactured housing.

In addition, HOME funds may be used to assist nonprofit developers to acquire, develop, or rehabilitate a manufactured home park. The developer must retain legal title to the improved home park and must agree to rent each HOME-assisted pad to a low-income homeowner (income below 80% of the area's median income). This type of activity includes relocating existing or new owners of manufactured housing to a newly created home park or permits the acquisition of an existing park in an effort to reduce the rental cost of the pads. Rents charged for the pads during the period of affordability will be negotiated between the developer and the County but cannot exceed the HOME rent limits. All units must meet the standard of 24 CFR 3280 at production (if constructed after June 15, 1976). Units must be connected to utility hook-ups and comply with the foundation standards described in the most current ANSI Handbook A 225.1. The appraised value of each of the units must not exceed the appraised value standards as determined by HUD for the HOME

Program.

Only units receiving HOME dollars are considered "HOME-assisted Units"; therefore, only HOME-assisted Units must adhere to HOME expenditure limits and rent and occupancy guidelines. This allows HOME funds to be used for the low and very low-income units in mixed income projects; however, applicants should be aware that some HUD requirements like environmental and labor standards apply to the ***entire*** project, i.e., if only $1 of HOME funding is part of a project, the requirement may affect all dollars in the project.

In general, HOME-assisted rental housing must provide permanent housing for low and very low-income tenants. HOME funds ***may not*** be used towards the acquisition, construction, or rehabilitation of residential property that will be used as temporary shelter. Transitional housing, however, is an eligible HOME activity. Transitional housing must be designed to provide housing and appropriate supportive services to persons, including, but not limited to, de-institutionalized individuals with disabilities, homeless families and children, and homeless individuals with disabilities. The purpose of the housing is to move individuals and families to independent living within a reasonable time period. HOME Applicants undertaking transitional housing must submit a transitional plan with the application which describes the housing and supportive services that will be provided to the tenants in order to transition them to independent living; the plan must include the estimated time period it will take to transition the tenants. All HOME assisted rental housing, including transitional, must offer tenants a one-year lease or a lease approved by HUD.

For new construction, conversion of non-residential space, or reconstruction projects with Single Room Occupancy (SRO) units, each SRO unit must contain either food preparation or sanitary facilities (or both). For acquisition or rehabilitation of an existing residential structure, neither food preparation nor sanitary facilities are required in each SRO unit. If individual units do not contain sanitary facilities, they must be provided in the building for tenants to share.

The County's HOME Program requires that projects funded be reasonably ready to start construction within ninety (90) days of execution of a HOME agreement. It is important that projects be ready to proceed within this time frame or HOME funds may be revoked.

10. ELIGIBLE HOME COSTS

Soft costs: Eligible project "soft costs" must be reasonable and necessary. Eligible "soft costs" may include the following: origination fees, credit reports, title reports, recordation fees, appraisals, attorney fees, loan fees, developer's fees, architectural and engineering fees, building permits and impact fees or system development charges, audits, and affirmative marketing and fair housing expenses.

Hard costs: HOME funds may be used for usual and customary development hard costs such as costs to meet the Clark County building code; costs to meet Fire Administration Act standards; rehabilitation and construction costs; essential improvements; energy related improvements; lead based paint hazards; accessibility for persons with disabilities;

correction or replacement of major housing systems; incipient repairs and general property improvements of a non-luxury nature; appliances (only those typically found in rental housing, i.e. stoves and refrigerators); and site acquisition.

Acquisition costs: Costs of acquiring improved or unimproved real property. Acquisition of vacant land or demolition must be undertaken only with respect to the construction or reconstruction of a particular housing development intended to provide affordable housing. **HOME funds cannot be used to reimburse an applicant for a property that is already a part of their portfolio**.

Site Improvements: Generally, HOME funds may be used to provide site improvements to the project that are in keeping with improvements of surrounding projects. Site improvements may include on-site road and sewer and water lines necessary to the development of the project. The project site is the property, owned by the project owner, upon which the property is located. HOME funds may also be used to make utility connections including off-site connection from the property line to the adjacent street.

Initial Operating Reserves (aka Rent-up Reserve): While permitted under 24 CFR 92.206, at present, the County does permit its HOME funds be disbursed for this activity.

Relocation costs: HOME funds may also be used for the relocation costs of individuals, families, and businesses permanently or temporarily displaced by the project. HOME recipients should be aware that relocation costs will increase the total cost per unit. For more information on relocation, refer to the section titled "Uniform Relocation Act".

Developer's Fee: Funding of a developer's fee with HOME funds is an eligible expense and may be approved depending on the scope of the project and the role of the developer. The developer's fee may be used to reimburse the HOME recipient for costs to ensure compliance with HOME Program requirements. The maximum amount of HOME funds that may be expended on a developer's fee will be determined on a case-by-case basis but in all cases will be limited to 15% of the total project cost, less the developer's fee. A developer's fee is normally disbursed at the completion of the project.

The HOME Regulations at 24 CFR 92.206 Eligible project costs allow for a some soft costs (pre-development costs) to be paid before HOME funds are committed in the written agreement between Clark County and the Developer. Examples of those costs are architectural, engineering, or related professional services required to prepare plans, drawings, specifications, or work write-ups. **These costs may be paid if they were incurred not more than 24 months before the date that HOME funds are committed to the project and the Clark County expressly permits HOME funds to be used to pay the costs in the written agreement committing the funds**.

Please note that costs incurred prior to execution of a HOME agreement are at the sole risk of the developer and may not be eligible for reimbursement through the HOME Program. Therefore, you should use caution in entering into any agreement or contracts until a binding HOME agreement is executed. Entering into earnest money for acquisition should be made contingent upon receipt of HOME funds. HUD has

indicated that the use of purchase options to obtain site control is the preferred method.

Other choice limiting actions such as taking any physical action on a site, committing or expending funds on property acquisition, rehabilitation, conversion, lease, repair, or construction should be avoided before the environmental review is completed, otherwise the project may become ineligible for HUD funded assistance. See Section 26. for more information.

11. INELIGIBLE HOME COSTS

HOME funds cannot be used:

- to provide a project reserve account for replacements, a project reserve account for unanticipated increases in operating costs, or operating subsidies;
- to pay for off-site improvements such as sidewalks, aprons, roadways and sewer lines;
- to refinance existing debt;
- to provide assistance to a development previously assisted with HOME funds during the "period of affordability". However, additional HOME funds may be provided to a development up to one year after "project completion", subject to other limitations of this section, but the total amount of HOME funds in the development may not exceed the maximum per-unit subsidy amount established at 24 CFR Part 92.250.

12. DETERMINATION OF THE NUMBER OF HOME-ASSISTED UNITS

For projects with "comparable" units, the initial calculation of the number of HOME-assisted units is achieved by multiplying the ratio of HOME funds to Total HOME Eligible Project Costs by the number of each type of unit in the project.

The estimated number of HOME-assisted units (rounded upwards) is calculated as follows:

$ Amount of HOME Funds (Should include all sources of HOME funds)	Divided By	Total $ of HOME Eligible Project Costs	Multiplied By	Total # of Given Unit Type (e.g. 1-BR/1-Bath)	Equals	Minimum # of HOME Assisted Units

The initial determination of the number of HOME-assisted units calculated above must then be reconciled against per-unit subsidy limitations identified in the next section. If per-unit subsidy limitations are exceeded based on the number of HOME-assisted units calculated in this section, the number of HOME-assisted units must be increased to the point where per--unit subsidy limits are not exceeded. The preliminary determination of the number of

HOME-assisted units made at the time of application is subject to re-determination at the time of project completion and submission of a final cost certification.

HOME funds may only be used to pay the actual costs of HOME-assisted housing. If the units in a project are comparable in terms of size, number of bedrooms, and amenities, then the actual costs can be determined by pro-rating the total development costs. In cases where units are not comparable, a different method of cost allocation must be used. In all cases, HOME funds may only pay the actual costs incurred for the HOME-assisted units.

For a more detailed discussion of cost allocation requirements, see CPD Notice 16-15 Allocating Eligible Costs and Identifying HOME-Assisted Units in Multi-Unit HOME Rental and Homeownership Development Projects located here.

13. MINIMUM AND MAXIMUM PER UNIT SUBSIDY

The minimum investment of HOME funds is $1,000 per unit.

The maximum amount of HOME subsidy cannot exceed the lesser of and is limited by:

- The number of HOME assisted units in the project - The HOME assistance cannot exceed the maximum subsidy allowed per HOME unit. The maximum per unit subsidies, adjusted by bedroom size, are listed below.

- The financial needs of the project - HOME projects may not receive more subsidy than is required to produce financially feasible projects.

Maximum Per-Unit Subsidy Limits
Calculated by Reference to Section 234-Condominium Housing Basic Mortgage Limits
including the high-cost percentage factor
(Effective February 13, 2024)

Number of Bedrooms	Maximum Per-Unit Subsidy
0	$181,488
1	$208,049
2	$252,994
3	$327,293
4 and 5	$359,263

HOME assistance cannot exceed the actual per unit development costs for the HOME assisted units in the project. To determine compliance with maximum per unit subsidy limitations applicants should complete the following analysis:

HOME-Assisted Units

# OF 0 B/R UNITS	#	X	$181,488	=
# OF 1 B/R UNITS	#	X	$208,049	=
# OF 2 B/R UNITS	#	X	$252,994	=
# OF 3 B/R UNITS	#	X	$327,293	=
# OF 4 & 5 B/R UNITS	#	X	$359,263	=
TOTAL				=

* The amount of HOME funds requested may not exceed this amount, based on the number of HOME-assisted units proposed. If the amount of HOME funds requested exceeds this amount, the applicant must either (i) reduce the amount of HOME funds requested to the total amount specified above, or (ii) commit the additional number of HOME-assisted unit(s) necessary to increase the allowable subsidy to the amount that, minimally, equates to the amount of HOME funds requested.

* Projects with twelve (12) or more units assisted with HOME funds are subject to federal labor standards. Contracts for construction/rehabilitation must contain a provision requiring the payment, at the minimum, of the wages stipulated in the most recent wage determination issued by the Secretary of Labor pursuant to the Davis-Bacon Act (40 U.S.C. 276a-276a-5), to all laborers and mechanics employed in the development of any part of the housing. In this context, such contracts must also be subject to the overtime provisions, as applicable, of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-332). The wage provisions apply to any construction contract that includes a total of

twelve (12) or more HOME-assisted units, whether one or more than one project is covered by the construction contract. Once they are determined to be applicable, the wage provisions must be contained in the construction contract so as to cover all laborers and mechanics employed in the development of the entire project, including portions other than the assisted units. Arranging multiple construction contracts within a single project for the purpose of avoiding the wage provisions is not permitted.

14. MATCH

Beginning in FY 93, participating jurisdictions were required to contribute funds to match federal assistance they receive under the provisions of HOME. Except in economically distressed areas, HOME activities require a non-federal match of 25%. The match need not be in cash. Infrastructure, foregone taxes, waived fees, and in some cases, sweat equity may be used as match. Currently, it is anticipated that the Account for Affordable Housing Trust Fund (AAHTF) will provide sufficient match for the HOME program.

15. UNDERWRITING AND SUBSIDY LAYERING

HOME/AAHTF funds are often used in conjunction with other funding sources including Low Income Housing Tax Credits and Private Activity Bonds. The HOME/AAHTF funds fill in "gaps "in the financial layering that is required to complete large new construction and rehabilitation projects. Local priority may also give permanent supportive housing.

HOME projects will be evaluated in conformance to 24 CFR §92.250(b) and CPD 15-11 to ensure that each project is underwritten to be financially viable for the duration of the affordability period and an excessive amount of federal subsidy, or "layering", is not being proposed. During the underwriting and subsidy layering review, the County will evaluate the need for the HOME funds. The review can result in a reduction of HOME assistance, reduction in rents, or operating expenses. Factors looked at during the review include:

- Use of HOME funds in combination with other governmental assistance
- Examining the sources and uses for each project and determine whether the costs are reasonable
- Assess the market conditions of the neighborhood in which the project will be located
- Assess the experience and financial capacity of the developer
- Determine whether there are firm financial commitments for the project
- Assess the reasonableness of profit or return to the owner or developer, for the size, type, and complexity of the project
- Low-income benefit

16. PROPERTY STANDARDS

HOME program property standards have been significantly revised in the 2013 HOME final

Rule. The following is a brief summary of these standards. For a more detail, please refer to 24 CFR §92.251.

a) <u>New Construction Projects</u>
Section 92.251(a)(1) requires new construction projects to meet all applicable State and local codes, ordinances, and zoning requirements. This requirement is not new. In addition to the Accessibility requirements in accordance with Section 504 of the Rehabilitation Act, Disaster mitigation standards, in accordance with State and local requirements or as established by HUD, where they are needed to mitigate the risk of potential disasters (such as earthquakes, hurricanes, flooding, and wildfires). Newly constructed multifamily rental structures (i.e., with 5 or more units) must meet the requirements of HUD's Broadband Rule.

b) <u>Rehabilitation Projects</u>
Clark County is revising and improving on the written rehabilitation standards of both Multi-family and Single-family projects. The standards will include at a minimum (1) Health and Safety, (2) Major Systems for rental and homeownership housing, (3) Lead-based paint requirements (4) Accessibility requirements, (5) Disaster mitigation standards, (6) State and local codes, ordinances, and zoning requirements. Multifamily rental structures (i.e., with 5 or more units) undergoing substantial rehabilitation must meet the requirements of HUD's Broadband Rule Please contact your HOME program specialist for more details.

Please note* **A Capital Needs Assessment for multifamily rental housing with 26 or more units, done by a certified, independent third party is required as part of the HOME regulations that ensures that all work that will be performed and identifies and addresses long-term physical needs of the project.**

For property standards that cover **Acquisition of Standard Housing, Tenant-Based Rental Assistance, and Manufactured Housing** please contact your HOME program specialist.

17. NON-DISCRIMINATION & ACCESSIBILITY STANDARDS

Three different sets of non-discrimination requirements apply to the HOME Program: Section 504 of the Federal Rehabilitation Act of 1973; the Fair Housing Act of 1988; and the Americans with Disabilities Act (ADA). Both new construction and rehabilitation of multi-family housing assisted with HOME funds are subject to and must meet the standards of Section 504. Section 504 standards apply to all units in a project and not just the HOME-assisted units.

For new construction of all multi-family structures (i.e., with 5 or more units) and for rehabilitation projects with 15 or more units for which the rehabilitation cost will equal at least 75% of the replacement cost: 5% of the units in the project must be accessible to individuals with mobility impairments, and an additional 2% must be accessible to individuals with sight and hearing impairments.

When rehabilitation is less extensive, then: every alteration to a unit must make the unit accessible to the maximum extent feasible until 5% of the units in the project are fully accessible to people with mobility impairments. Alterations to common spaces must always make the project accessible to the maximum extent feasible. The Fair Housing amendments should be consulted with regard to the rehabilitation of 1–4-unit rental properties, which are not eligible under this funding cycle.

Section 504 accessibility standards are further described in the Uniform Federal Accessibility Standards (UFAS). HOME applicants should provide this information to their architects early in the process to ensure that projects meet the accessibility criteria as defined in Section 504.

New construction of certain multi-family housing projects is also subject to the accessibility requirements in the Fair Housing Act of 1988. The Americans with Disabilities Act (ADA) has a broader application than the Fair Housing Act or Section 504, in that it addresses employment practices, public services, transportation and public accommodations. Although the ADA does not specifically address residential housing, since housing is covered by Section 504 and the Fair Housing Act of 1988, HOME recipients should be aware of the ADA's scope and requirements.

HOME recipients will need to verify that the plans/specifications meet the Section 504, ADA and Fair Housing standards prior to signing a HOME agreement. Architects or other qualified persons must verify at the completion of the project that the constructed/rehabilitated units have met these standards.

18. PERIODS OF AFFORDABILITY

Deed restrictions must be placed on all projects that receive HOME funds to ensure affordability regarding income and rent limitations. Pursuant to 24 CFR §92.252, the term of affordability is based upon the investment of HOME funds per unit:

ACTIVITY	PER UNIT AMOUNT OF HOME FUNDS	PERIOD OF AFFORDABILITY
	$1,000 - $14,999	5 years
	$15,000 - $40,000	10 years
	over $40,000 or rehabilitation involving refinancing	15 years
new construction or acquisition of newly constructed housing	any amount	20 years

HOME applicants may propose longer periods of affordability in an effort to receive additional consideration in the competitive rating process; however, the rent and occupancy restrictions must be reflected in the deed restriction and must be maintained for the extended period.

The Period of Affordability begins on the date in which the project is complete as evidenced by HUD acceptance of a Project Completion Report, submitted by the County. The Period of Affordability ends after the designated number of years has elapsed and may be released by the County after the project sponsor submits a request for Release of Lien together with a current (completed during the previous 60 days) “passed” property inspection report for each HOME-assisted unit.

All costs related to releasing the lien(s) shall be at the expense of the project owner. The applicant should note that a reduction in development costs during the development phase, without a commensurate reduction in the sources of funds may result in an amended determination of the number of HOME-assisted units. This, in turn, may result in a change in the per-unit subsidy determination, which may then affect the term of the Period of Affordability.

The County will impose an Extended Commitment Period which will run from the end of the Period of Affordability through the maturity of the HOME loan. During this period of time, the Project will no longer be considered a HOME-assisted project, but compliance must be maintained until the end of the extended commitment period.

19. OCCUPANCY OF HOME-ASSISTED UNITS

HOME rules are very clear about who can rent HOME-assisted units. **Clark County generally requires that 100% of HOME-assisted rental units be occupied both initially and at turnover by families whose incomes do not exceed 50% of the median family income (that is, all units are designated as Low-HOME units). Exceptions to this rule may be considered on a case-by-case basis such as for a mixed-income project, allowing some High-HOME units to be designated.** Homebuyer and Homeowner Rehabilitation Programs may be used to assist households at or below 80% of AMI.

20. ALLOWABLE HOME RENTS

Generally, Clark County requires that 100% of HOME-assisted rental unit rents will not exceed the Low-HOME Rent limits established by HUD. On an exception basis, the County may consider allowing some High-HOME units in mixed-income projects.

Every HOME-assisted unit is subject to rent controls designed to make sure rents are affordable to low and very low-income tenants. Rents must be controlled for the period of affordability. Generally speaking, there are two HOME rents that apply to a project:

For projects containing 5 or more units, a minimum of 20% (rounded up) of the HOME-assisted units in a project must be Low-HOME units, occupied by persons or families whose income does not exceed 50% of the area median income, as determined by HUD, adjusted for family size, at or below the HUD-published Low-HOME rent. As noted, it is generally the County’s policy to designate all HOME units as Low-HOME units.

The “Low HOME” Rent is calculated by HUD to be the lesser of i) 30% of 50% of the area median income for a household, adjusted for unit size or ii) the Section 8 Fair Market Rent.

Note that neither the County nor project owners have to complete these calculations. HUD publishes the Low-HOME rent on an annual basis.

As an alternative, for Low-HOME units with project-based rental assistance contracts (e.g., Project Based Vouchers or PBV), provided the tenant's contribution is no more than 30% of the household's adjusted income, the owner may collect the full rent payable under the project-based rental assistance contract.

If High-HOME units are approved by the County on an exception basis, The "High HOME" Rent is calculated by HUD to be the lesser of i) 30% of 65% of the area median income for a household, adjusted for unit size or ii) the Section 8 Fair Market Rent. Note that neither the County nor project owners have to complete these calculations. HUD publishes the High-HOME rent on an annual basis.

To determine the maximum allowable rents, refer to the tables in **Exhibit B**, which list the Fair Market Rents, High HOME Rents, and Low HOME Rents for Clark County. The rents are adjusted based on the number of bedrooms in the unit.

In all cases, the published rent limits are gross rent limits. These rents include utility costs. When a project includes tenant-paid utilities, the rent to the owner must be adjusted to account for a utility allowance. HOME regulations require that the utility allowance be calculated using the [HUD Utility Schedule Model] (HUSM) or another project-specific method approved by HUD. Applicants must specify in their application which method was used to calculate the utility allowance. The use of a local PHA's utility allowance for the Housing Choice Voucher program is **NOT** permitted for HOME projects for which funds were committed on or after August 23, 2013. Applicants proposing to use a method other than the HUSM must contact the County HOME program staff in advance to discuss their plans.

Rents for group homes and single room occupancy (SRO) units are an exception to the above rent limitations. Group home rents are based on the appropriate Fair Market Rent (FMR) for the number of bedrooms in the group home. If a bedroom is used for a live-in service provider, then this bedroom is not counted when calculating the rent. For example: a four-bedroom group home where all bedrooms are used for tenants could have a maximum rent equal to the FMR for a four-bedroom unit. Should a four-bedroom group home have a live-in service provider occupying a bedroom, then the maximum HOME rent would equal the FMR for a three-bedroom unit.

The maximum HOME rent for an SRO that has neither food preparation or sanitary facilities, or has only one of these, cannot exceed 75% of the FMR for a zero-bedroom unit. For an SRO unit with both food and sanitary facilities contained within the unit, the Low-HOME and High-HOME rents for zero-bedroom units apply.

21. TENANT SELECTION CRITERIA

HOME recipients must adopt written tenant selection policies that:

- Are consistent with the purpose of providing housing for low and very low income persons;

- Are reasonably related to program eligibility and the applicant's ability to perform the obligations of the lease;

- Give reasonable consideration to the housing needs of families that would have a federal preference under Section 8 Program (i.e., occupy substandard housing or are homeless, are paying more than 50% of household income for rent, or are involuntarily displaced);

- Provide for selection of tenants from a written waiting list in the chronological order of their applications; and

- Provide for the prompt written notification to any rejected applicant of the ground for any rejection.

Both in the Tenant Selection Plan and in its operating procedures, HOME projects must comply with the requirements of 24 CFR 92.359 and 24 CFR 5.2005 which implement provisions of the Violence Against Women Act (VAWA). Among other items VAWA provides protections to applicants and tenants (regardless of gender) who are or have been victims of domestic violence, dating violence, sexual assault or stalking.

22. DETERMINING THE INCOME ELIGIBILITY OF HOME TENANTS

The County has adopted the definition of income contained in 24 CFR 5.609 (the "Part 5" or "Section 8" definition).

To determine a household's potential eligibility to occupy a HOME-assisted unit, the annual household income must be determined using at least two (2) months of source documentation (e.g., paystubs, bank statements, etc.).

Recipients of HOME funds should refer to HUD's Technical Guide for Determining Income and Allowances for the HOME Program for more detailed information on calculating income of tenants.

The Part 5 definition of income is expansive. In general, the following items are included as income, according to HUD guidelines:

- All sources of money an individual or family member receives (wages, welfare payments, alimony, social security, pension, etc.)

- Any money an individual receives on behalf of his/her children (child support, social security for children, etc.)

- Income from assets (interest from a savings account, credit union, or certificate of deposit, dividends from stock, etc.)

- Earnings from a second job or part time job
- Any anticipated income (such as a bonus or pay raise expected to be received)

Assets include all bank accounts, savings bonds, certificates of deposit, stocks, real estate, etc., that are owned by an individual or any adult member of the individual's family/household who is living with them. Assets also include any business or asset the individual sold in the last two years for less than its full value, such as selling a home to one's children.

23. LEASE CONDITIONS AND RESTRICTIONS

The length of a lease for a HOME-assisted unit must not be less than one (1) year, unless otherwise modified by *mutual* agreement between owner and tenant.

In addition, the HOME Program also prohibits certain provisions from being included in the lease. These lease provisions will be incorporated into the HOME Agreement with the project owner. The County also reserves the right to require the use of a standard HOME Lease Addendum.

At a minimum, termination of tenancy or refusal to renew a lease may only be for serious or repeated violation of the terms and conditions of the lease; for violation of applicable federal, state, or local law; for completion of the transitional housing tenancy period; or for other good cause. Termination or refusal to renew must be served upon the tenant a minimum of thirty (30) days in advance. There is no exception to the 30-day notice for tenants residing in a HOME-assisted unit, as this is a statutory requirement.

24. COMPLIANCE RESPONSIBILITIES DURING PERIOD OF AFFORDABILITY

HUD will publish the HOME Program Rents on an annual or periodic basis. Depending upon HUD's calculations, the HOME Program Rents may increase or decrease. The HOME recipient is responsible for recalculating HOME maximum monthly rents and utility allowances on an annual basis. All recalculations of rent and utility allowances must be reviewed and approved by the County prior to changes being implemented, and tenants must be given at least thirty (30) days' written notice of any increase. All increases are also subject to other provisions of the lease agreements.

The HOME recipient must annually provide to the County documented certification, in a format acceptable to the County, that the income of each of the tenants residing in a HOME-assisted unit is within the allowable HOME income limits. Tenants may remain in their unit should their income increase over 80% of median income; however, the tenant's rent and utilities must be adjusted to as much as 30% of the monthly income. (Rules for over-income tenants vary depending on whether a project has “fixed” or “floating” HOME units. The specific requirements will be outlined in the project’s HOME Agreement.)

During the period of affordability, the HOME recipient must ensure that HOME-assisted units comply with all local housing code requirements and the County's ongoing property standards.

The County will periodically assess a project's affirmative marketing program to determine the success of affirmative marketing activities and any necessary corrective actions.

25. BID SOLICITATION AND CONTRACTING

Developers are not specifically required to use formal competitive bidding procedures, however in all cases a project's costs must be reasonable, and competitive bids are one method of demonstrating that construction costs are reasonable. In general, the County encourages HOME developers to get multiple bids for each contract (we encourage at least three [3] bids).

For projects not using competitive bidding procedures, the County may require the applicant to obtain an independent third-party cost review by a consultant acceptable to the County. Additionally, any identity of interest (aka related party) relationships between the developer and other development team members (e.g., general contractor, management company, etc.) must be disclosed to the County in advance.

Regardless of whether competitive bidding procedures are used, all HOME recipients must be aware of and follow all applicable Federal funding requirements including outreach and participation in minority and women-owned business enterprises (MBE/WBE) and comply with Section 3 Policies and Procedures. See later sections in this document for bid solicitation and advertising instructions relative to MBE/WBE, Section 3 and other federal funding requirements. For projects that trigger Davis Bacon and Related Acts (DBRA), HOME funding recipients are required to coordinate with County staff prior to soliciting bids and/or distributing a bid package.

All work should be covered by written contracts stating, minimally, start and end dates, scope of work and contract amount.

26. HOME AWARD AND AGREEMENT

Should your project be awarded HOME funds, it will be necessary for you to meet all the conditions of the award before a HOME Agreement can be executed. Generally speaking, it has taken some applicants just a matter of weeks and others six (6) or more months to meet the conditions of award. It is therefore necessary for you to have adequate timelines, particularly with multiple funding sources.

One of the conditions of award will be the completion of a satisfactory environmental review. The environmental review process must be completed and, if required, a release of funds obtained from HUD prior to taking any "choice-limiting" actions on the project site. In other words, you cannot undertake any action or activity that could limit the project to the specific site or perform any physical development activities on the site until a release of funds is obtained from HUD. This includes, but is not limited to, acquisition of the property, demolition, or site or construction work. **It doesn't matter whether these activities are to be paid for with HOME funds or some other source of funds, including your own non-federal resources. No activities can be undertaken until the County completes an environmental review in accordance with 24 CFR Part 58**. Doing so could jeopardize an award of HOME funds.

Another condition is that all other funding proposed for the project must be committed before the County will execute a HOME agreement. HOME recipients will be allowed 120 days from the date of award notification to document that all other sources have been committed to the project and all other conditions of award have been met. HOME recipients must request an extension if they cannot meet the conditions of award within the 120-day time period. Extensions will be granted on a case-by-case basis and will be dependent upon the progress that the HOME recipient has taken to meet the conditions of award.

Once all other funding sources are committed and all conditions of award met, applicants should allow at least twelve (12) weeks to execute the HOME agreement and begin drawing down HOME funds. Additionally, the County's ability to disburse funds is contingent on the receipt of funds from HUD.

The County cannot advance HOME funds; the HOME recipient must incur costs and request reimbursement from the County. HOME funds can only be used for eligible HOME costs incurred after a HOME agreement has been fully executed, i.e., signed by both the HOME recipient and the County. **The disbursement of any HOME/AAHTF awards is contingent on receipt of the 2025-2026 HOME awards from HUD**.

27. HOME AGREEMENT REQUIREMENTS

HOME fund recipients will be required to enter into a HOME Agreement (and associated documents potentially includes but not limited to a note, deed of trust, deed restriction, etc.) which will include, but not be limited to, the following:

- A statement of the intended use of the HOME funds, specifying how the funds will be used in connection with the HOME Program;
- A detailed budget schedule appropriate to the scope of the development;
- A timetable listing the steps considered necessary for the timely completion of the development and listing the schedule for the payment of the HOME funding;
- A provision for the administration of the HOME funds according to generally accepted financial accounting procedures, for regular periodic reporting to the County of HOME-sponsored activities, and for the disposition of funds in accordance with the intended use;

- A provision for the cessation of HOME payments if the County determines that the applicant is not using HOME funds for its intended purposes or is not proceeding satisfactorily with the development of the project;

- A provision requiring compliance with HOME program requirements (24 CFR Part 92) and the provisions of the HOME Agreement for the period of affordability;

- A statement acknowledging that the applicant and its architect, and not the County, are responsible for obtaining necessary licenses and permits, if any, for ensuring that all aspects of the development comply with all applicable laws, regulations, ordinances, and codes, and for all costs of the development in excess of the amount of approved award; and

- A promise to defend and hold harmless, the County from any action arising from its alleged failure to award HOME funds under the applicable program.

Please review 24 CFR §92.504(c) for additional information regarding the basic requirements by role and the minimum provisions that must be included in the HOME written agreement.

28. RESTRICTIONS OF HOME AWARD

If there is a change in the project purpose without prior approval by Clark County and no longer adheres to the original intent as described in the application, the County may revoke use of the HOME funds for the project and require repayment of all expended HOME funds.

HUD will not let HOME recipients "buy out" of the affordability requirements regarding tenant incomes and rent. Under all circumstances, the deed restrictions will stay in effect and run with the land during the entirety of the affordability period.

If HOME funds are spent on a project that is terminated before completion, whether voluntarily by the HOME recipient (or authorized contractor or sub-recipient) or otherwise, an amount equal to the HOME funds disbursed for the project must be repaid to the County's local HOME account.
Breach of the HOME Agreement or deed restrictions may result in the County revoking an existing HOME award, withholding unexpended HOME funds, requiring repayment of expended HOME funds, barring a recipient from applying for future HOME assistance, and/or other sanctions including but not limited to foreclosure or seeking specific performance via legal proceedings.

29. PROGRESS REPORTS

Progress reports must be submitted to the County's HOME Project staff on a **quarterly** basis after the HOME Agreement has been executed, whether or not the project is requesting reimbursement of HOME funds.

The HOME recipient's financial system must be capable of generating regular financial status reports which indicate the dollar amount allocated for each activity, including any budget revisions, the amount obligated, and the amount expended for each activity for each funding source. The system must permit the comparison of actual expenditures and revenues against budgeted amounts.

Additionally, at the end of the fiscal year you will be required to submit HOME/AAHTF beneficiary data on all projects completed during the preceding year and a report on all contractor activity.

30. RETAINAGE OF FUNDS

At the discretion of the County, an amount not to exceed the lessor of ten percent (10%) or $10,000 of the HOME allocation will be retained until the project is completed and the HOME recipient submits documentation showing that the HOME-assisted units meet the appropriate Standards and, as applicable, that the project has received an occupancy certificate and that the sponsor has certified that the completed units meet Section 504 accessibility standards.

31. FINAL COST CERTIFICATION

Additionally, within sixty (60) days of development completion, the recipient shall provide to the County a certified statement of Final Development Costs prepared by an independent third-party certified public accountant. The certification shall include:

- A report of all expenditures, costs, and disposition of all development and all HOME funds;
- A summary report of all work completed by budget category;
- A certification that HOME funds provided by Clark County were used in accordance with the HOME Agreement;
- The signature of the recipient's Executive Director (or equivalent) or designated representative certifying that the information provided on the Final Cost Certification is a true and accurate statement of Total Development Costs and expenditures of HOME funds for the development;

Include the following attachments:

- Project photographs showing the work completed under the HOME Agreement;
- A Project Completion Report (form HUD 40097)
- A Contract and Subcontract Activity Report (form HUD 2516)

32. RECORD KEEPING AND RETENTION

The recipient must establish and maintain sufficient records to enable the County, or its designee, to determine whether the recipient has met the requirements of the HOME Agreement.

At a minimum, the following records shall be kept by the recipient:

- Records that demonstrate that the project meets the property standards in 24 CFR Part 92.251;

- Records that demonstrate that the rental project meets the affordability requirements of 24 CFR Part 92.252. Records must be kept for each family assisted;

- Records that demonstrate compliance with the Tenant and Participant Protections requirements of 24 CFR Part 92.253;

- Equal opportunity and fair housing records containing data on the extent to which each racial and ethnic group and single-headed households (by gender of household head) have applied for, participated in, or benefited from, any program or activity funded in whole or in part with HOME funds;

- Records of emergency transfers requested under 24 CFR 5.2005(e) and 92.359 pertaining to victims of domestic violence, dating violence, sexual assault, or stalking, including data on the outcomes of those requests;

- Documentation of actions undertaken to meet the requirements of 24 CFR Part 75 which implements Section 3 of the Housing Development Act of 1968, as amended (12 U.S.C. 1701 u);

- Document and data on the steps taken by the recipient to implement outreach programs to minority-owned and female-owned business including data indicating racial/ethnic or gender of each business entity receiving a contract or subcontract of $10,000 or more paid, or to be paid, with HOME funds; the amount of the contract or subcontract, and documentation of the recipient's affirmative steps to assure that minority business and women's business enterprises have an equal opportunity to obtain or compete for contracts and subcontracts as sources of supplies, equipment, construction, and services;

- Documentation of the actions the recipient has taken to affirmatively further fair housing;

- Records indicating the affirmative marketing procedures and requirements under 24 CFR Part 92.351;

- If applicable, records which demonstrate compliance with the requirements of 24 CFR Part 92.353 regarding displacement, relocation, and real property acquisition, including project occupancy lists identifying the name and address of all persons occupying the real property on the date described in 24 CFR Part 92.353 (c)(2)(1)(A), moving into the property on or after the date described in 24 CFR Part 92.353 (c)(2)(1)(A), and occupying the property upon completion of the project;

- Records demonstrating compliance with labor requirements in 24 CFR Part 92.354 (Davis Bacon Requirements), including contract provisions and payroll records;
- Records concerning lead-based paint under 24 CFR Part 92.355;
- Records demonstrating compliance with flood insurance requirements under 24 CFR Part 92.352 and 24 CFR Part 58;
- Records of written agreements and monitoring required by 24 CFR Part 92.504;
- Financial and related records required by 24 CFR Part 92.505;
- Records of audits and resolution of audit findings; and
- The Invoices, purchase vouchers, payrolls, and project records showing how funds were spent must be secured and retained for five (5) years after project closeout. Please note that a project does not "close out" until the HOME period of affordability has been met, i.e., 5, 10, 15, or 20 years.

33. PERMANENT SUPPORTIVE HOUSING

In the HOME/AAHTF application cycle, the County will consider funding for Permanent Supportive projects that contain elements from the categories below. The Developer/Owner would coordinate with Clark County Department of Social Service to place tenants in the CPSH units utilizing the Continuum of Care Community Queue. Wraparound services, intensive case management and rental subsidy should allow the placement of the tenant in the CPSH unit.

1. **Service Coordinator On-site.**
   Responsibilities can include: (i) providing tenants with information about available services in the community, (ii) assisting tenants access programs and services through referral and advocacy, (iii) arranging access for acute and emergency care, (iv) arranging access to transportation, and (v) organizing events for tenants that aid in the formation of community building.

2. **Education and skill building classes.**
   Examples of offerings can include financial literacy, resume building, ESL, GED classes, home-buyer education, food preparation classes or other offerings that aid in personal development.

3. **Mental and physical health programs and services.**

Tenants would have access to individualized support by licensed professionals to aid in services such as substance abuse counseling, outreach and engagement, crisis prevention and intervention, mental counseling/therapy, exercise programs, etc.

4. **Job Training Support Services.**
   Tenants would be provided access to employment services and/or job skill support.

5. **Transportation Services.**
   Transportation would be provided for tenants, at no charge, in support of social services, medical or other needs as provided in the delivery of supportive services.

The above criteria should not be considered exhaustive, but they are basic common elements that comprise permanent supportive housing. Applicants must demonstrate substantive experience and capacity to deliver services and programs outlined in the supportive housing plan. This can be accomplished if the applicant has sufficient experience or through cooperative agreements or MOUs with outside services providers.

34. MBE/WBE REQUIREMENTS AND INSTRUCTIONS

All HOME recipients must do outreach to encourage participation by minority and women-owned business enterprises (MBE/WBE). When advertising for bids, HOME recipients must include a statement that says, "minority and women-owned businesses are encouraged to apply."

The County maintains a list of all minority and women-owned businesses. Each recipient should request a list of the MBE/WBE contractors located in the area of their project and should offer the contractors an opportunity to submit a bid. The HOME recipient should also follow through with the outreach efforts identified in their response to application questions concerning MBE/WBE outreach.

HUD requires the County to report MBE/WBE information gathered from our recipients of federal funding annually, around mid-November, on the HUD-2516 form. A copy of this form is included in the Application Library. HOME recipients need to become familiar with the information that needs to be reported and set up a system to gather the information for the requested federal fiscal year (10/1/20xx to 9/30/20xx). All new contracts over $10,000 are to be reported annually but not duplicated in subsequent years (HOME projects often span multiple reporting periods). County staff will send out a reminder with the HUD-2516 attached around early to mid-October.

35. SECTION 3 REQUIREMENTS AND INSTRUCTIONS

When advertising for bids, HOME recipients must include a statement that says the project includes Federal funds and is subject to Section 3 compliance requirements.

All HOME recipients must comply with the current Clark County Section 3 Plan which is based on HUD's "New Rule" in 24 CFR Part 75. Please note this document, and HUD's requirements for Section 3 compliance, have changed dramatically from the prior County Section 3 Plan that was based on 25 CFR Part 115. This new Section 3 Plan is included in the Application Library.

HOME recipients are highly encouraged to seek Section 3 business concerns, as defined in the Section 3 Plan, for their Prime contractors. By extension, prime contractors should also be encouraged to seek Section 3 business concerns for their subcontractors. If seeking a Section 3 preference, each contractor will need to "self-certify" using the appropriate Section 3 exhibit and provide back-up documentation with their bid submittal package.

A copy of the new Clark County Section 3 Plan Policies and Procedures needs to be included in any solicitation/bid packages as there are instructions for seeking a Section 3 bidding preference and bid submittal requirements (Exhibits 1 & 2).

The Plan must also be made available to all contractors awarded a contract as it outlines instructions and exhibits necessary for reporting compliance efforts undertaken to meet HUD's goals (Exhibits 3-8). Below is brief explanation of these Exhibits and what they are used for:

- **Exhibit 3:** <u>Section 3 Worker (Self-Certification)</u>: This Exhibit is for every employee to accomplish. It shall be the responsibility of the Prime and Subcontractors to establish whether an employee qualifies as a Section 3 or "targeted" Section 3 employees. Contractors should retain these records and have available for review by Clark County, HUD and/or their designees. We suggest a spreadsheet documenting that the Exhibit was completed by each employee and their status (not Section 3, Section 3 or "targeted" Section 3).
- **Exhibit 4:** <u>Section 3 Contractor Acknowledgement and Action Plan</u>: This is for all contactors that will have hourly laborers on the job to complete and return (this is a Section 3 acknowledgement that is to be completed/signed and submitted as a prerequisite to the issuance of the Notice to Proceed.

- **Exhibit 5:** <u>Section 3 Contractor Compliance Plan</u>: This is only for the Prime Contractor to complete and return (completing this will require information from all contractors included in Exhibit #4 and includes the quarterly dates this reporting information is required). This exhibit is also a prerequisite to the issuance of the Notice to Proceed.

- **Exhibit 6:** <u>Examples of Section 3 Qualitative Efforts:</u> This if for all contractors to complete at the end if the project if safe harbor Section 3 goals are not met. This document will show what the contractors have done in their effort to meet the labor participation requirements from Section 3 and Targeted Section 3 workers.

- **Exhibit 7:** <u>Section 3 Subcontractor Reporting:</u> This is for subcontractors to complete and return to the Prime. This exhibit will show the percentages of labor hours rendered specifically by Section 3 and Targeted Section 3 workers against the total labor hours expended on the project for the period covered. This is to be submitted on a quarterly basis and at contract end, if the remaining contract period is short of one quarter.

- **Exhibit 8:** Section 3 Subrecipient/Prime Contractor Reporting: This is for the recipient or Prime Contractor to prepare and submit showing the aggregated results from Exhibit 7's. The total figures must include the work hours performed by employees directly under the prime contractor's employ. This document shall also be submitted on a quarterly basis and at end of project.

Following are the basic steps for the Prime Contractor to meet Section 3 compliance requirements:

- **Step 1:** Have all your subcontractors send Exhibit 3 to all their employees. Primes that self-perform need to do this also. This form is used to identify any "Section 3" and "Targeted Section 3" employees. These employees and their hours need to be tracked. For contractors using LCP tracker, the total employee hours are already tracked, and you just need to track the Section 3 hours separately, which the program can do. For contractors not using LCP tracker, just use whatever means available to provide your best "estimates" of the total/Section 3 worker hours.

- **Step 2:** Aggregate the Exhibit 7 information from all your subcontractors and your own into Exhibit #8.

- **Step 3:** Submit Exhibit 8 to Clark County staff.

HUD requires the County to report Section 3 results annually from all recipients of federal funding for construction projects exceeding $200,000. Exhibit 8 contains all the information County Staff needs to report to HUD, assuming the "safe harbor" Section 3 benchmarks are met. If the Section 3 goals are not met, County staff will require contractors to submit Exhibit 6 documenting because the Section 3 goals could not be met, and examples of efforts undertaken to meet those goals.

36. Unique Entity ID and SAM Requirements

The Office of Management and Budget (OMB) requires grant Applicants register with SAM.gov. Registration with SAM.gov must be maintained and kept current at all times when the agency has an active federal award, including federal funds such as the HOME Program. The purpose of SAM registration requirement is to fully implement the Federal Funding Accountability and Transparency Act of 2006 (Pub. L. 109-282, hereafter referred to as "the Transparency Act"). That Act requires that a Web site be maintained where the public may access and search data on federal financial assistance awards.

On April 4, 2022, the unique entity identifier (UEI) used across the federal government changed from the DUNS Number to the Unique Entity ID (generated by SAM.gov). The

Unique Entity ID is a 12-character alpha ID assigned to an entity by SAM.gov. As part of this transition, the DUNS Number has been removed from SAM.gov. The downloadable SAM.gov Registration form in Zoom Grants has links to a "UEI Fact Sheet" and for assistance in transitioning from the DUNS Number to the new Unique Entity ID.

The Prime contractor will also be required to be registered and in good standing on the SAM.gov website. All contractors are to be searched, confirmed and documented in the SAM.gov database that they have no active exclusions (not debarred) and therefor eligible for government contracts.

37. FEE DISCOUNTS AND WAIVERS FOR AFFORDABLE HOUSING

Per a resolution adopted by the Clark County Board of County Commissioners on March 16, 2021, certain development fees are eligible for discounts at the Department of Comprehensive Planning, the Department of Building and Fire Safety, the Department of Public Works and the Clark County Water Reclamation District. Projects with certified affordable housing units at/below 60% AMI will receive a 75% reduction in eligible fees and units between 61% and 80% AMI will receive a 50% reduction in eligible fees.

Clark County will "Certify" all eligible Affordable Housing (AH) Projects. Certified AH projects will receive expedited reviews free of charge and either waived or discounted development fees. Under Clark County Code Title 30.80.020 (d), certain application and administrative fees as required under Table 30.80-1 and Table 30.80-4 are not required for "Certified" AH projects.

NOTE: Official "Certification" cannot occur until certain agreements are in place (CHF and/or HOME funding, State Tax Credits, Community Land Trust placement, etc.).

Zoning and land use processing typically occurs prior to these commitments being in place. Clark County will accept an email from the developer stating the intended structure of their AH project. This request will be reviewed by Clark County and Clark County Comprehensive Planning department management. If approved, Clark County will notify the CC Comprehensive Planning department, so the project will receive the fee waiver and expedited processing. All other discounts will require completion and approval of the Affordable Housing Certification Application (See Library in ZoomGrants) to receive the expedited processing and fee discounts.

38. ADDITIONAL APPLICATION GUIDELINES

The HOME application is not a commitment or offer by the County to enter into an agreement with an applicant or to pay any cost incurred in the preparation of a response to this application. The application and the selected applicant's response may, by reference, become a part of the final agreement between the selected applicant and the County resulting from the application. The County has sole discretion and reserves the right to reject any and all responses received with respect to the application and to cancel the solicitation at any time prior to entering into a formal agreement.

The applicant may take exception to, or suggest deviations from, any portion of this application. Exceptions and deviations shall be noted in the appropriate section(s) of the application and shall adequately and concisely describe its advantages and/or other reasons for which it is proposed. applicants are advised that any exceptions contained in the application are by itself a sufficient basis for any decision by the County not to select that application.

The County may request additional information or clarification of information provided in the application without changing the terms of the solicitation.

All proposals must meet the requirements as detailed in the Program Guidelines and any additional requirements of other funding sources.

39. ADDITIONAL RESOURCES

Additional resources related to the HOME Program may be found on HUD's HOME web page at:

https://www.hud.gov/program_offices/comm_planning/home

HOME/AAHTF APPLICATION INSTRUCTIONS

Pre-Applications must be received by Clark County, no later than **5:00 P.M. (Pacific Standard Time) on Monday, December 2, 2024**. Applications must be received by Clark County, no later than **5:00 P.M. (Pacific Standard Time) on Monday, January 6, 2025**. Applications may only be submitted through ZoomGrants.

A. GENERAL INFORMATION

Purpose and General Applicable Provisions

Clark County is accepting applications for the FY2025-2026 HOME/AAHTF funding cycle. The funds are granted to the Clark County Consortium which then awards funds to successful nonprofit respondents to expand the supply of decent, affordable housing for low and very low-income families. The County will fund those housing developments that meet local needs and priorities. For this application cycle, applications for the following rental activities will be accepted:

- **Acquisition and rehabilitation of existing multifamily housing for rental**
- **Rehabilitation of existing multifamily housing for rental**
- **New construction of multifamily housing for rental**
- **Acquisition and new construction of multifamily housing for rental**

The term Multifamily Project means "a project which consists of not less than 5 (five) dwelling units on one site, each such unit providing complete living facilities including provisions for cooking, eating, and sanitation within the unit".

***Single Room Occupancy (SRO) units as defined under 24 CFR part 92 for new construction and for acquisition and rehabilitation are considered "dwelling units" for purposes of this application.*

Please note that while you are applying for HOME/AAHTF funding through this application, your project, if selected, may be offered funding through the Neighborhood Stabilization Program 1 and/or 3 if located in one of the target areas.

NOTE: If your agency has unresolved audit findings or has been issued a letter of concern then the agency may not be eligible to apply for HOME/AAHTF funds this year.

Rental Housing Development (projects of 5 or more units)

Rental Housing Development includes the acquisition and rehabilitation, rehabilitation, or new construction of affordable rental housing units.

- Eligible projects must be multifamily housing (see definition above) to qualify for consideration. No scattered site rental housing will be considered.

- Rehabilitation-only projects must meet a *minimum* threshold of an average of **$10,000 per unit** in necessary repairs, as determined by a qualified construction cost estimator and the project must be a minimum of ten (10) years old. In addition, for projects of twenty-six (26) units or more, an independent third-party Capital Needs Assessment has to be performed to determine the long-term physical needs of the project.

- Properties previously financed with HOME or AAHTF cannot receive additional HOME/AAHTF funds during the affordability period unless the assistance is given in the first year after project completion.

- Owners are required to make the units available to low, very low, and extremely low-income (as defined by HUD) families and must meet long-term rent restrictions.

- Prior to issuing a binding commitment for HOME/AAHTF funding, the County will complete underwriting reviews of the project to determine appropriate subsidy levels and developer compensation.

- A market analysis is required to demonstrate market conditions and housing need.

- Developer capacity and fiscal soundness will be reviewed

- Housing assisted with HOME funds must meet all applicable local codes and standards.

- Terms of the funds provided under this activity may vary from project to project based on County staff recommendations.

- All multifamily units created through this program must comply with Section 504. Rehabilitation of units should meet Building Performance Institute (BPI) standards, the Fair Housing Act, as well as any State or local codes. All new construction housing must meet the current edition of the Model Energy Code (MEC), the Fair Housing Act, as well as any State or local codes. An energy audit may also be required upon completion of construction.

CHDO Set-Aside

A Community Housing Development Organization (CHDO) is a private, nonprofit, community-based service organization that has the capacity to develop affordable housing for the community it serves. CHDOs qualify for consideration in the set-aside if the CHDO is the owner, developer or sponsor of the housing development activity. Eligible CHDO set-aside activities are Homeownership Development (not available for this application cycle) and Rental Housing Development. These organizations can apply for rental housing acquisition, rehabilitation, and new construction and homeownership development if their organization is the owner, developer or sponsor of the housing development.

HOME staff will not recommend an award for CHDO set-aside funding unless the CHDO certification or recertification is approved. The CHDO Certification Application must be submitted at the same time that the funding application is submitted. The set-aside for CHDO applicants is 15 percent of the total HUD allocation received by the County for the HOME Program.

CHDO Roles

CHDO Owner: In this role, the CHDO owns the rental property in fee simple absolute during the affordability period but does not directly undertake the development of the property. The CHDO can purchase standard rental housing that it will own and operate. Or, in projects involving rehabilitation or new construction, the CHDO purchases the land or project, and contracts with a developer to carry out those development activities. The CHDO must maintain control of the development process. If it lacks in-house capacity, it may hire or contract with an experienced project manager to oversee the project on its behalf.

CHDO Developer: In this role, the CHDO must both own and directly develop the property. For rental projects, the CHDO is required to own the housing, act as the developer in sole charge of the development process, and then continue to own the project in fee simple absolute and maintain effective project control during the period of affordability.

CHDO Sponsor-Turnkey: In this role, a CHDO owns and develops a rental project on behalf of another nonprofit organization and then transfers ownership of the project to that nonprofit at a pre-determined point in the development process. The CHDO must obtain title to the project before development begins. It must also identify the nonprofit that will eventually own the property before it enters into a written agreement for HOME funds with the participating jurisdiction. The nonprofit to which ownership is transferred cannot be an entity created by a governmental entity. If transfer does not occur for any reason, the CHDO retains responsibility for both the HOME funding and the HOME project.

CHDO Sponsor-Affiliate: In this role, rental housing projects will be owned or developed by a wholly owned for-profit or non-profit subsidiary of the CHDO, or a limited partnership of which the CHDO (or its wholly owned subsidiary) is the sole general partner, or a limited liability company of which the CHDO (or its wholly owned subsidiary) is the sole managing member. When a CHDO set-aside project is owned by a Limited Partnership or Limited Liability Company under this sponsorship model, the organizational documents may only permit the CHDO or its subsidiary to be removed for cause (such as mismanagement of the project) and must provide that, if removed, the CHDO must be replaced by another CHDO.

CHDO Certification

Certification will be awarded as defined in the rules and procedures set forth in the HOME Investment Partnerships Program rules. If all requirements under this section are met, the County certifies the applicant as a CHDO upon the award of HOME funds. A new application for CHDO certification must be submitted to the County with each new application for HOME funds under the CHDO set aside. If an applicant submits an application for CHDO certification for a project or service area that is located entirely in the cities of Las Vegas, North Las Vegas and/or Henderson, the applicant must submit evidence of that jurisdiction's support of the applicant as a CHDO.

An application for CHDO certification will only be accepted if submitted with an application to the County for HOME funds.

UE ID and SAM Requirements

Agencies awarded $25,000 or more in funds must register with the federal System for Award Management (SAM), formerly the federal Central Contractor Registration (CCR), before funds can be committed. Agencies previously registered in CCR will have to re-register on SAM. First time registers in SAM will require a Unique Entity ID (UEI ID) (which was previously known as DUNS number, which refers to the Data Universal Numbering System, a number established and assigned to uniquely identify business entities. An UEI ID Number may be obtained.

Registration with SAM must be maintained and kept current at all times when the agency has an active federal award – including federal funds such as the HOME Program. The purpose of SAM registration requirement is to fully implement the Federal Funding Accountability and Transparency Act of 2006 (Pub. L. 109-282, hereafter referred to as "the Transparency Act"). That Act requires that a Web site be maintained where the public may access and search data on federal financial assistance awards. More information about this requirement is available in the June 6, 2008, Federal Register, pages 32417 – 32421 (Proposed Guidance).

No entity may receive funds in the amount of $25,000 or more unless the entity is registered in SAM, which also requires that the subrecipient agency have a Data Universal Number System (DUNS) number. Unless your agency is exempted from this requirement under 2 CFR 33.105(b)(2), your agency must maintain the currency of your information in SAM until you submit the final

financial report required under this award.

Application Evaluation and Review Process

Each application received by Clark County will first be reviewed by staff to determine whether minimum application submission requirements have been satisfied. Qualifying applications will then be reviewed, scored, and submitted for preliminary underwriting. Applications will also be reviewed by the County's Community Development Advisory Committee, and will be subject to final approval by the Bord of County Commissioners. During the application review process applicants may be asked for additional information, and may be asked to provide an oral presentation

Any activities approved through the HOME application process will be implemented pursuant to the regulations of the HOME Program at 24 CFR Part 92, as well as the Clark County HOME Program Guidelines.

Applications will be evaluated based on the following factors:

- Affordable housing development experience
- Overall quality of project
- Diversity, equity, and inclusion
- Location of proposed property
- Income targeting
- Community Support
- Site control
- Financial capacity
- Feasibility of proposed budget, proforma, and financing
- Ability to leverage other financial resources
- Project readiness
- Environmental sustainability

Eligible Applicants

For the purpose of responding to this application, eligible applicants include 501(c)(3) or 501(c)(4) Non-Profit Corporations, Joint Venture Partnerships between one or more for- profit entities, and one or more non-profit corporations and governmental entities.

Any entity that is eligible to apply for tax-exempt bond financing, including for-profit firms, may apply for HOME funds through this solicitation process when the HOME funds will be part of a proposal to develop affordable rental housing in unincorporated Clark County using Private Activity Bond Cap issued by the State of Nevada Housing Division and/or Clark County.

All proposed projects must be located within the geographic boundaries of Clark County. Projects that will be located in areas outside the unincorporated Clark County area must demonstrate support from that local jurisdiction. Additionally, projects proposed for the Cities of Las Vegas, Henderson and/or North Las Vegas must demonstrate that a significant contribution and/or HOME funds will be provided by the local jurisdiction, to the degree that the jurisdiction has such funds available.

Deadline for Submittal

Applications must be received by Clark County, no later than **5:00 P.M. (Pacific Standard Time) on Monday, January 6, 2025.** Applications may only be submitted through the ZoomGrants link provided.

B. PRE-APPLICATION, APPLICATION, and DOCUMENTS SUBMISSION

Applications are accepted through ZoomGrants only.

No hard copies will be accepted, and all attachments must be submitted through Zoom Grants.

The Application has 4 tabs:

SUMMARY

This section includes information such as, *Organization name, address, city, state, zip, country, telephone, fax, website, EIN, CEO/Exec. Director (and contact info), program contact (and contact info), proposal title, and dollar amount requested.*

PRE-APPLICATION

Applicants will be required to complete the Pre-Application Questions and gain approval from Clark County before being allowed to continue with their proposal.

APPLICATION QUESTIONS

This section has to be completed in its entirety.

DOCUMENTS

DOCUMENTS Section of the HOME/AAHTF Application is where you will upload the documents required or requested for the application. Save the templates on your computer for upload to ZoomGrants once completed.

All documents required for your project must be completed and returned with the

Application; if one is missing or incomplete, your application could be disqualified.

Please contact HOME Program staff with your questions via e-mail to: CCHOME@clarkcountynv.gov

C. APPLICATION INSTRUCTIONS SPECIFICS

PRE-APPLICATION

All applicants are required to complete the pre-application questions. Applicants will have to meet all the pre-application requirements before being allowed to continue with the main application.

APPLICATION QUESTIONS

- **APPLICATION ACKNOWLEDGEMENT** - By selecting “Yes” I acknowledge the application closes at 5 pm PST on January 6, 2025 and that no late submissions will be accepted. If recommended for funding the organization is required to have an adequate financial management system. An adequate financial management system should have internal controls, budget controls, accounting controls, property controls, and procurement standards and to avoid conflicts of interest.

- **Did the project submit or plan to submit an application to another jurisdiction for HOME/AAHTF Program funds?** All other applications requesting grant funds and awarded funds are required to be listed in the Financial Feasibility Spreadsheet and uploaded in the documents section.

- **Will you / have you submitted an application to another jurisdiction for Bond / Tax Credit financing for this project?**

- **MARKETING STRATEGY: Describe your marketing strategy for the proposed project with particular attention to your plans for Affirmative Marketing. Describe your strategy for reaching those eligible households least likely to apply.** (Please see HOME/AHTF application instructions Section C for further information). Complete and submit the Affirmative Marketing Plan and Certification form.

- **BOARD MEMBER DATA:** How many members does your board have?

- **BOARD MEMBER DATA:** Do any employees of the applicant or development team serve on the Board?

- **BOARD MEMBER DATA:** If you answered 'Yes" to question 6 please list the 1. Names of the employees, 2. Their title, 3. If they have Voting or Non-Voting privileges.

- **BOARD MEMBER DATA:** Does any Board Member have a familial or financial relationship with the applicant, developer or development team?

- **BOARD MEMBER DATA:** If "Yes" was the response to question 8, list the names of the individuals and their relationships.

PARTNERSHIP INFORMATION: To qualify as a nonprofit sponsor, the applicants must materially participate in the development and operation of the project throughout the compliance period. As a proxy for understanding how this is to be interpreted refer to IRC 469 (h), “a (nonprofit) shall be treated as materially participating in an activity only if the (nonprofit) is involved in the operations of the activity on a basis which is regular, continuous, and substantial.” The nonprofit must not be affiliated with or controlled by a for-profit corporation.

- **PARTNERSHIP INFORMATION:** Will the non-profit have a "Controlling" interest in the project and what is the ownership percentage of the non-profit. Controlling-The power or authority to manage, direct, restrict, regulate, govern, administer, or oversee. Controlling entities of a partnership include the general partners, special limited partners when applicable, but not investor limited partners.

- **PARTNERSHIP INFORMATION:** 1. Describe the non-profit's participation in the development of the project. 2. Describe the non-profit's participation in the operation of project through the compliance period.

PROJECT NARRATIVE: Provide a concise description of the project or program applied for in ***this*** application. Describe the type of units (multifamily, SRO, mixed use), and the types of individuals that will be served by the project (all low-income vs mixed income). Are there plans to provide units exclusively for the use of Special Needs Populations (elderly, frail elderly homeless, persons with disabilities, persons with HIV or AIDS)? If so, how many? Describe how the project meets a local community need (including needs identified in the Consolidated Plan) and note any special project features/amenities distinguishing it from other similar type projects.

- **NON-PROFIT INFORMATION:** Is the non-profit organization (or its wholly owned subsidiary) acting as the managing general partner? Please answer YES or NO What percent of the profit cash flow (PCF) is to be controlled by the non-profit? What percent of the Developer Fee (DF) is the non-profit to receive.

- **NON-PROFIT INFORMATION:** 1. How many full time staff members does the non-profit have? 2. How many of them will substantially participate in the proposed project? Please list the names, position and roles of the staff that will be participating.

- **NON-PROFIT INFORMATION:** Will the non-profit be contributing funds to the development? Indicate Yes or No and provide information on the amount of funds. Please provide detailed information on the non-profit's role in the development and operation.

- **NON-PROFIT INFORMATION:** Was this organization formed by any individuals or for-profit entities for the purposes of meeting set-aside requirements or scoring preferences associated with this application? Indicate Yes or No. If Yes, explain purpose of non-profit formation.

- **NON-PROFIT INFORMATION:** Has any for-profit entity (including the owner of the development or any entity directly or indirectly related to such owner) appointed any directors to the governing board of the non-profit? If No, indicate No. If Yes, indicate Yes and Explain.

- **OWNERSHIP STRUCTURE:** Describe the ownership structure. Please show with " % " ownership as applicable. Subsequent changes to this structure may require pre-approval from Clark County. You will also be required to provide an ownership chart in the Documents section of this Application. The purpose is to identify and describe the organizations that will own, control and benefit from the activity to be funded.

- **NEIGHBORHOOD AND MARKET FEASIBILITY:** All applicants are required to submit an independent third-party Market Study prepared by a qualified analyst. Discuss the suitability of the site for the proposed development. Focus on project area/neighborhood, housing demand in the area, existing rental stock, how comparable are you to the competition, vacancy rates, compare amenities etc.

- **COMMUNITY SUPPORT:** Describe community support and involvement in the development and implementation of the proposed project. Include (up to 5) letters of support for this specific project and provide evidence of any community or neighborhood meetings convened to discuss the project (if applicable).

- **LOCAL GOVERNMENT SUPPORT:** If the project will be located/operated in a political jurisdiction other than unincorporated Clark County describe any support for the project that you have received from the local political jurisdiction. Include the following: 1) a resolution from the local political jurisdiction supporting the project or indicate how and when you will solicit the required support; 2) Projects proposed for the Cities of Las Vegas, North Las Vegas or Henderson must demonstrate a substantial commitment of HOME/AAHTF funds has been/will be provided by the local jurisdiction. See [HOMEfires Vol. 8, No. 1: Guidance on Using HOME Funds Outside of a PJ's Boundaries]() on use of HOME funds in incorporated cities.

ACCESSIBILITY: The Section 504 regulations define an accessible dwelling unit as a unit that is fully accessible, and all required features are present at first occupancy. A unit that is on an accessible route and is adaptable and otherwise in compliance with the standards set forth in 24 CFR 8.32 is accessible. In addition, the Section 504 regulations impose specific accessibility requirements for new construction and alteration of housing in HUD assisted programs. Complete the checklist and certification.

- **DEVELOPMENT DETAILS:** List the # of SRO, 1, 2, 3 and 4 bedroom units in your development.

- **DEVELOPMENT DETAILS:** Are utilities included in the rent? If "No", please provide utility allowance schedule and how it was determined in the DOCUMENTS section.

- **DEVELOPMENT DETAILS:** List the number of units and projected rents by: Market Rent, 51% to 80% AMI units, 31% to 50% AMI units, 30% and under AMI units.

- **DEVELOPMENT DETAILS:** How many units will meet the 504 accessibility standards? See Application Instructions for specific information required. Multifamily Housing Developments built after March 13, 1991, must have a minimum of 5% of the units that are fully accessible and an additional 2% that are accessible to persons with visual and hearing impairments.

- **DEVELOPMENT DETAILS:** What is the total square footage of the development? Of this, what is the percent of square footage dedicated to units? Please break down how the rest of the square footage is being used in the development.

- **DEVELOPMENT DETAILS:** 1. List all the amenities in the units. 2. List all the common amenities in the development.

- **SITE CONTROL:** At the time of this application, do you or any participant in the development process OWN (hold title) the land?

- **SITE CONTROL:** If you answered "No" to the above question. Do you have an option agreement or any other form of site control?

- **FAIR HOUSING:** Explain how the project affirmatively promotes fair housing and complies with fair housing laws and regulations, particularly as related to the following: 1) Describe how the project/program promotes greater housing choice; 2) Is the project located in an area of high minority concentration? 3) Is the development in an area containing a high proportion of low-income persons?

- **SUPPORT SERVICES:** Describe plans for providing support to the residents of the project before and/or after the project is completed (or, as appropriate, before/after financial assistance is provided). Are support services included in the project budget? If support services will be provided by other entities, provide Memorandum of Agreement (MOA), Memorandum of Understanding (MOU), or any other applicable, formal agreement. Describe plans to assist the intended resident population (Seniors, Families, workforce, Disabled, etc.) and how these services will be financially sustained past stabilized occupancy. If this is a Permanent Supportive Housing (PSH) project and you have any MOUs with service providers, upload those in the documents section.

CHDO INFORMATION: A Community Housing Development Organization (CHDO) is a private, nonprofit, community-based service organization that has the capacity to develop affordable housing for the community it serves. CHDOs qualify for consideration in the set-aside if the CHDO is the owner, developer, or sponsor of the housing development activity. Eligible CHDO set-aside activities for this cycle are Rental Housing Development. These organizations can apply for rental housing acquisition, rehabilitation, and new construction if their organization is the owner, developer or sponsor of the housing development. For additional information on CHDO eligibility visit the HUD HOME CHDO web page.

- **CHDO INFORMATION:** Do you think your organization meets the requirement for a Community Housing Development Organization (CHDO)? Please verify that your project is a CHDO eligible activity (See HOME/AAHTF Program Overview)

- **CHDO INFORMATION:** Do you want this application to be considered for funding as part of the 15% CHDO set-aside HOME funds? Please verify that your project is a CHDO eligible activity (See HOME/AAHTF Program Overview). Complete the CHDO packet available through this application.

- **CHDO INFORMATION:** If you are applying as a CHDO, identify the specific CHDO role for this project: Owner, Developer or Sponsor. CHDO must demonstrate that it has the capacity to fulfill the specific role assumed for this project. See CHDO Roles in Library Tab or refer to application instructions.

DOCUMENTS

The DOCUMENTS Section of the HOME/ AAHTF Application may require templates to be downloaded, completed and then uploaded.

The DOCUMENTS list includes:

1. Attach all Tax Credit/Bond Application and/or HOME application or award letters from other jurisdictions.
2. A copy of the State of Nevada Business License of the Limited Liability Company/Property Owner or for the Organization Applying.
3. IRS document proof of non-profit status.

4. A copy of the organization's most recent financial statement prepared by a Certified Public Accountant (Financial Statements have to be for 2023).

5. CHDO Certification Application.

6. A copy of the Partnership or Joint Venture Agreement.

7. Ownership Chart

8. A minimum of 3 Site Photos and a map showing the location of the proposed development. All site photos and maps must be in color.

9. Affirmative Fair Housing Marketing Plan (AFHMP) Multifamily Housing. HUD approval is not necessary unless the property receives project-based Section 8 assistance.

10. Affirmative Marketing Certification

11. Local Government Support/HOME or AAHTF Commitment (see https://www.hudexchange.info/resources/documents/HOMEfires-Vol8-No1-Using-HOME-Funds-Outside-of-PJs-Boundaries.pdf for more information)

12. Supportive Services Agreement(s) or MOUs

13. Community Support Provide any letter of support from agencies or organizations that support this project. Include any conversations with the neighborhood and/or community and the outcome of those conversations.

14. Project financing letter(s), if applicable (e.g., construction financing, permanent financing)

15. Site Information Form

16. Evidence of site control

17. Capital Needs Assessment (CNA), if applicable.

18. Rehab Scope of Work and Rehab Standards, if applicable.

19. Rehab photos minimum of 5 (if applicable) showing the current condition. All photos must be in color. Rehab photos minimum of 5, if applicable.

20. Lead Based Paint Control Plan (for pre-1978 properties)

21. Accessibility Checklist and Architect Certification.

22. Architectural Drawings.

23. Market Study report and engagement letter.

24. Construction cost estimate.

25. Site and Neighborhood standards.

26. Environmental Review Request Form.

27. Phase 1 Environmental Site Assessment (ESA)

28. HUD Section 3 Certification.

29. Development team members.

30. Uniform Relocation Act (URA) Plan.

31. Appraisal

32. Financial Feasibility Form.

33. Attach a current copy of the Clark County Business License.

34. Attach a signed copy of the HOME Program Requirements Overview and Acknowledgement Form.

35. Disclosure of Ownership/Principals Form.

36. Unique Entity Identifier (UEI), or the Entity ID and System for Award Management (SAM), formerly Central Contractor Registration (CCR) requirements.

37. Utility Allowance Schedule.

38. Attach evidence of Minority Business Enterprise (MBE) and/or Women's Business Enterprises (WBE) Certification (if applicable).

39. Project Proforma. Applicant is required to fill out County's Financial Feasibility Spreadsheet but should also provide their own version of the project proforma.

40. HUD Form 2516: APPLICANT must create a plan with the intention implement, to encourage diversity in hiring, specifically for contractor and subcontractors.

EXHIBIT A

INCOME AND RENT LIMITS FOR THE HOME PROGRAM

HOME PROGRAM – INCOME GUIDELINES
U.S. Department of Housing and Urban Development (HUD)
HOME Program Limits (06/1/2024)

FAMILY SIZE	INCOME NOT TO EXCEED		
	Poverty	$15,060	
1 Person	30%	$20,000	
	50%	$33,350	(Very Low Income)
	60%	$40,020	
	80%	$53,350	(Low-Income)
2 Person	Poverty	$20,440	
	30%	$22,850	
	50%	$38,100	(Very Low Income)
	60%	$45,720	
	80%	$60,950	(Low-Income)
3 Person	30%	$25,700	
	Poverty	$25,820	
	50%	$42,850	(Very Low Income)
	60%	$51,420	
	80%	$68,550	(Low-Income)
4 Person	30%	$28,550	
	Poverty	$31,200	
	50%	$47,600	(Very Low Income)
	60%	$57,120	
	80%	$76,150	(Low-Income)
5 Person	30%	$30,850	
	Poverty	$36,580	
	50%	$51,450	(Very Low Income)
	60%	$61,740	
	80%	$82,250	(Low-Income)
6 Person	30%	$33,150	
	Poverty	$41,960	
	50%	$55,250	(Very Low Income)
	60%	$66,300	
	80%	$88,350	(Low-Income)
7 Person	30%	$35,450	
	Poverty	$47,340	
	50%	$59,050	(Very Low Income)
	60%	$70,860	
	80%	$94,450	(Low-Income)
8 Person	30%	$37,770	
	Poverty	$52,720	
	50%	$62,850	(Very Low Income)
	60%	$75,420	
	80%	$100,550	(Low-Income)

EXHIBIT B

HOME PROGRAM RENT LIMITS
U.S. Department of Housing and Urban Development (HUD)
HOME Program Limits (06/1/2024)

UNIT SIZE	MAXIMUM RENTS	
Efficiency	LOW HOME RENT	$833
	HIGH HOME RENT	$1064
	FOR INFORMATION ONLY:	
	FAIR MARKET RENT	$1,214
	50% RENT LIMIT	$833
	65% RENT LIMIT	$1064
1 - Bedroom	LOW HOME RENT	$893
	HIGH HOME RENT	$1,141
	FOR INFORMATION ONLY:	
	FAIR MARKET RENT	$1,377
	50% RENT LIMIT	$893
	65% RENT LIMIT	$1,141
2 - Bedroom	LOW HOME RENT	$1,071
	HIGH HOME RENT	$1,372
	FOR INFORMATION ONLY:	
	FAIR MARKET RENT	$1,1643
	50% RENT LIMIT	$1,071
	65% RENT LIMIT	$1,372
3 - Bedroom	LOW HOME RENT	$1,238
	HIGH HOME RENT	$1,576
	FOR INFORMATION ONLY:	
	FAIR MARKET RENT	$2,315
	50% RENT LIMIT	$1,238
	65% RENT LIMIT	$1,576
4 - Bedroom	LOW HOME RENT	$1,381
	HIGH HOME RENT	$1,739
	FOR INFORMATION ONLY:	
	FAIR MARKET RENT	$2,731
	50% RENT LIMIT	$1,381
	65% RENT LIMIT	$1,739
5 - Bedroom	LOW HOME RENT	$1,523
	HIGH HOME RENT	$1,900
	FOR INFORMATION ONLY:	
	FAIR MARKET RENT	$3,141
	50% RENT LIMIT	$1,523
	65% RENT LIMIT	$1,900
6 - Bedroom	LOW HOME RENT	$1,666
	HIGH HOME RENT	$2,061
	FOR INFORMATION ONLY:	
	FAIR MARKET RENT	$3,550
	50% RENT LIMIT	$1,666
	65% RENT LIMIT	$2,061