

HOME Rental Housing Development (RHD)

Wisconsin Department of Administration (DOA)
Division of Energy, Housing and Community
Resources (DEHCR)

2017 Program Guide



This Program Guide provides a general overview of Wisconsin's HOME Rental Housing Development (RHD) Program, as administered by the Wisconsin Department of Administration, Division of Energy, Housing and Community Resources (DEHCR). It is designed to acquaint prospective applicants with the basic features and requirements of the HOME Program and thereby assist them in applying for HOME RHD Program funds. It is primarily an informational tool, and does not attempt to provide a complete and exhaustive statement of all rules and requirements of the HOME Rental Housing Development Program.

The HOME Program is governed by Federal regulations 24 CFR 92 "HOME Investment Partnerships Program Final Rule" ("Regulations") and applicable state and federal laws. The latest version of the HOME Final Rule, released in July 2013 can be found at:

<http://www.hud.gov/offices/cpd/affordablehousing/programs/home/index.cfm>

If you require additional information about the HOME Rental Housing Development Program (RHD), email inquiries to DOADOHAffordableHousingHelp@wisconsin.gov.

For additional information, visit the Bureau of Housing HOME RHD Home Page at:

<http://doa.wi.gov/Divisions/Housing>

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Attachments

Note, please visit the Bureau of Housing website for individual forms. Forms in the Guide are subject to change, only current version program forms are accepted.

ATTACHMENT A	ACTIVITY SET-UP FORM
ATTACHMENT B.....	REQUEST FOR PAYMENT FORM
ATTACHMENT C.....	COMPLETION REPORT FORM
ATTACHMENT D.....	COMPLIANCE DATA REPORT FORM
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I. HOME OVERVIEW

The *Home Investment Partnership Program* (HOME Program) was created under Title II of the National Affordable Housing Act of 1990 and amended and reauthorized by the Housing and Community Development Act of 1992. The general purposes of HOME are:

- To expand the supply of decent and affordable housing, particularly rental housing, for extremely low-, very low- and low-income households.
- To strengthen the abilities of state and local governments to design and implement strategies for achieving adequate supplies of decent, affordable housing.
- To extend and strengthen partnerships among all levels of government and the private sector, including for-profit and nonprofit organizations, in the production and operation of affordable housing.

The HOME Program is governed by Federal regulations 24 CFR 92 "HOME Investment Partnerships Program; Final Rule" ("Regulations") and applicable state and federal laws. The latest version of the HOME Final Rule, released in July 2013 can be found at:

<https://www.hudexchange.info/programs/home/home-final-rule/>

Federal HOME funds are allocated by the U.S. Department of Housing and Urban Development (HUD) to Participating Jurisdictions ("PJ") in each state. In Wisconsin, the State, the cities of Eau Claire, Green Bay, Kenosha, La Crosse, Madison, Milwaukee, Racine; the county of Dane, and a consortia of communities in Milwaukee County and Rock County (including Janesville;) and the multi-county consortia of Jefferson, Ozaukee, Washington, and Waukesha are independent PJs. The Wisconsin Department of Administration, Division of Energy, Housing and Community Resources has been designated as the administrator of the state allocation of the HOME funds.

Each PJ is required to set aside a portion of their HOME allocation to be delivered to Community Housing Development Organizations (CHDOs). A CHDO is a nonprofit organization that has met established criteria under the HOME Program and has received a current CHDO designation from the State.

II. THE RENTAL HOUSING DEVELOPMENT PROGRAM

Rental Housing Development (RHD) is one of the eligible activities of the HOME Program.

The priorities of the HOME RHD program are:

- To provide leverage of private financing for affordable rental housing;
- To provide persons at or below 30% of County Median Income (CMI) additional affordable housing units;
- To provide gap financing for affordable rental housing;
- To construct buildings that provide accessibility features following Universal Design and follow visitability principles;

- To develop projects that emphasize high energy efficiency and sustainability;
- To promote supportive housing projects for populations with special needs;
- To facilitate affordable rental projects that are “shovel-ready” and will start construction within 12 months of contract execution.

Eligible activities include projects of two or more rental units involving:

- Acquisition,
- Adaptive reuse,
- Rehabilitation,
- Refinancing, (non-HOME funded projects) if the project is undergoing rehabilitation that is in excess of the amount to be refinanced, and
- New construction.

Projects that are considered part of the following are prohibited under the HOME RHD Program:

- Public housing modernization, maintenance, and operation;
- Tenant subsidies for certain special purposes mandated under Section 8;
- Providing nonfederal matching funds for any other federal programs;
- Activities under the Low-Income Housing Preservation Acts of 1987 and 1990;
- Emergency and temporary housing;
- Providing assistance to properties previously assisted with HOME funds; and
- Funding project reserve accounts for replacements or unanticipated increases in operating costs or subsidies.

Corporate structures or legal entities within the State of Wisconsin and non-profit organizations wishing to be certified as CHDOs may apply under the RHD Program. CHDOs may act as developers, sponsors, or owners of rental projects and may potentially partner with non-profit or for-profit entities to complete development.

Please note that per the new HOME Final Rule, joint venture projects involving a CHDO and another entity (for- or non-profit housing entity) using both Low Income Housing Tax Credits and HOME funds are no longer allowable. CHDO’s may access both funding sources for a project as a single entity, or as a non-CHDO non-profit entity in a joint venture.

- The RHD Program will accept general applications on the **first Monday in June** of each year. Another funding round will be held **October 15th** for non-profit developers (including those wishing to be certified as CHDO’s) and housing projects serving targeted populations by for-profit or non-profit developers. Applications for both rounds must be received by DEHCR at the end of business day on the due date. Applications for small (≤ 20 units) rural deals and/or housing projects serving targeted populations of any size will also be held on a first-come, first-served basis throughout the year for as long as funding permits.
 - **Note:** Units for targeted populations must be held open for 30 days while outreach/marketing efforts are made to lease to targeted populations. Documentation of these efforts must be maintained. The project’s market study or other documentation must

show demand demographics for the units. To qualify as serving targeted populations, these applications must include a minimum of 40% of HOME units set-aside for one of the following population groups:

- Veterans – Any household that includes a member with a record of active service including in the National Guard. At least 75% of targeted HOME units for vets must be designated for households with incomes at or below 30% CMI and must be rented to a veteran unless special dispensation is provided by RHD staff. These units are not required to have supportive services attached, but must show demand demographics for the units.
- Homeless – Units designated for homeless HH's must include optional supportive services.
- Frail Elderly – including Memory Care or Residential Care facilities.
- Disabled – Any household including a member with a physical or mental disability. Designated units must include optional supportive services.
- Large Families – Households with five or more members.
- Other – Please describe the population, why it requires special targeting and whether you will be providing supportive services or not.

Each developer may receive a maximum of two awards per year, with a maximum per award of \$500,000. The amount of funding available for any one project is limited by the square footage of each individual unit, number of bedrooms per unit, and the mix of income categories.

HOME Program requests are subject to the following calculations:

1. Determine the Rent Category for each unit size being considered for HOME funds.
2. Multiply the Rent Category Sq. Ft. rate by the proposed unit's square footage.
3. Make a comparison of the maximum unit amount against the project calculation to determine the maximum request.
4. Add the amounts for all proposed HOME units to be considered in the application.

RHD TABLE 1

RENT CATEGORY	Bedrooms in Unit	0	1	2	3	4
	MAX. SQ. FT.	400	700	900	1200	1350
	SQ. FT. RATE					
HIGH (60%)	\$30.00	\$12,000	\$21,000	\$27,000	\$36,000	\$40,500
LOW (50%)	\$43.00	\$17,200	\$30,100	\$38,700	\$51,600	\$58,050
SUB (30%)	\$60.00	\$24,000	\$42,000	\$54,000	\$72,000	\$81,000
SRO (20%)	\$70.00	\$28,000	NA	NA	NA	NA

**RHD TABLE 2
CHDOs ONLY**

RENT CATEGORY	Bedrooms in Unit	0	1	2	3	4
	MAX. SQ. FT.	400	700	900	1200	1350
	SQ. FT. RATE					
HIGH (60%)	\$35.00	\$14,000	\$24,500	\$31,500	\$42,000	\$47,250
LOW (50%)	\$50.00	\$20,000	\$35,000	\$45,000	\$60,000	\$67,500
SUB (30%)	\$70.00	\$28,000	\$49,000	\$63,000	\$84,000	\$94,500
SRO (20%)	\$80.00	\$32,000	NA	NA	NA	NA

Funding through the RHD program is typically provided as a low interest loan over 30 years. Principal and interest payments are deferred for the first three years, and an interest rate set at the prevailing Long-term Annual Applicable Federal Rate (AFR) is applied over the remaining 27 years. The rate is set at the time legal documents are completed and sent to the contracting entity for signature.

Funding to CHDOs is provided as a grant. CHDOs are then required to loan the HOME funds to a project in which the CHDO is a managing member of a Limited Liability Company (LLC) or Limited Partnership (LP), or in which the CHDO acts as a sponsor for another non-profit agency. The CHDO shall execute a note secured by a recorded mortgage with the Borrower at an annual interest rate that is the same as the State's (at AFR, payable to the CHDO over 30 years with an initial three-year deferral of both principal and interest subject to cash flow as described by the State), or other terms agreed upon by the State, the CHDO and the Borrower.

A CHDO may also be eligible for CHDO Operating Funds in the amount of 10 percent of the HOME activity funds awarded, not to exceed \$50,000. These Operating Funds are not guaranteed, may be set at an amount less than 10 percent of the activity funds and are subject to limits imposed by HUD or the State. Requests for Operating Funds must include a line item budget outlining the use of the funds 24 CFR 92.208.

III. PROJECT REQUIREMENTS

UNIT REQUIREMENTS

The HOME Program Guidelines and restrictions stipulated by HUD regulations include rent and income limits. HUD annually publishes HIGH and LOW rent limits, as well as income limits per county or Metropolitan Statistical Area. The HUD published or calculated HOME rent limits are defined to include unit rent and utilities. They can be found at:

<https://www.hudexchange.info/programs/home/home-rent-limits/>

Income limits may be found at:

<https://www.hudexchange.info/programs/home/home-income-limits/>

The RHD Program allows for four Unit Categories targeted to different income groups.

- **HIGH (60%):** This unit requires the household gross income not to exceed 60% CMI at initial occupancy. The rent with utility allowance may not exceed the HUD published **HIGH** Rent Limit.
- **LOW (50%):** This unit requires the household gross income not to exceed 50% CMI at initial occupancy. The rent and utility allowance may not exceed the HUD published **LOW** Rent Limit.
- **SUB (30%):** This unit requires the household gross income not to exceed 30% CMI at initial occupancy. The rent with utility allowance may not exceed **one-half of the HUD 65% Rent Limit**.
- **SRO (20%):** This unit requires the household gross income not to exceed 30% CMI at initial occupancy. The rent with utility allowance may not exceed **75% of FMR for a 0 bedroom unit**.

RHD applicants will be required to include a minimum of one 30% CMI unit in their mix of HOME assisted units. In any single project, 20% of the HOME assisted units must be restricted for persons who initially are at or below 50% CMI. The HOME assisted units fixed in categories of LOW (50%), SUB (30%) or SRO (20%) units shall satisfy this requirement. Identification of “Fixed” HOME units shall occur at Project Completion prior to lease up.

If utilities are paid individually by the tenant, the project must determine a utility allowance for each unit size. The maximum rent that a tenant can pay is the HOME maximum minus the utility allowance.

Note: Until further notice from HUD Headquarters (HUD HQ) continue to use your county’s Public Housing Authority utility allowances.

In addition, the amount of RHD subsidy that is provided per unit cannot exceed the Section 221(d)(3) limits as published by HUD in 2012 (these are no longer being published on an annual basis).

ACCESSIBILITY

HOME Program regulations require compliance with Rehabilitation Act of 1973 (29 USC 504, et. Seq.), the Americans with Disabilities Act (42 USC 12101, et. Seq.), the Fair Housing Amendments Act of 1988 (24 CFR 1 App. II), Architectural Barriers Act of 1968 (42 USC 4151, et. Seq.), and the Barrier-Free Building Code (WI Stats. SPS 362, et. Seq.).

The State has issued further mandatory requirements for accessibility features in HOME funded new construction units. These are:

1. Lever-style handles on all interior doors.
2. Bath/kitchen faucets being replaced or initially installed must be single-lever type.
3. Non-skid tub/shower pattern covering 75% of tub/shower floor.
4. All walls within 36” of toilet and in tub/shower area shall have ¾” plywood behind drywall to provide sufficient support for grab bars or other assist devices.
5. Bathtub/shower stalls with offset controls.

6. Low-profile thresholds – ¼” maximum vertical height or ½” maximum beveled at 1:2 are required between ALL interior common areas and in all dwelling unit openings when floor transition height differs.

Universal Design is encouraged.

REHABILITATION REQUIREMENTS

Acquisition/rehab projects must submit a Capital Needs Assessment (CNA) to document that the proposed rehab meets HUD Uniform Physical Condition Standards (UPCS) and to bring all systems up to a reasonable useful life. If the useful life is not commensurate with the project’s affordability period, the budget must show appropriate reserves for their replacement when needed.

LISTING OF PROJECT VACANCIES ON WIHousingSearch.org

All projects, new construction and acquisition/rehab must list their project vacancies on the WIHousingSearch.org website to facilitate with lease-up and to enable renter households to be able to access information about vacant units.

IV. APPLICATION PROCESS

Upon receipt of a completed application package, RHD staff will perform a technical overview to determine the completeness of the application and adherence to threshold requirements. RHD staff will score the application, perform underwriting, Subsidy Layering Review 24 CFR 92.2, a project assessment 24 CFR 92.250(b) and respond to the applicant with comments and recommendations accordingly. DEHCR RHD Staff will contact applicants if portions of the application need clarification or additional information is needed prior to the State’s final decision-making process. A limited amount of time to respond will be provided to resolve any clarifying questions.

There is an estimated 90 day turnaround time from the date of the application deadline until funding determinations are made by the State.

Following the State’s decision-making process either a conditional commitment letter or denial letter will be provided to the applicant. Any and all contingencies must be satisfied prior to executing a contract.

The actual terms of the agreement will be set forth in a contract to be negotiated between State and the Applicant. A limited amount of time will be provided from the date of the conditional commitment letter to satisfy outstanding contingencies, submit additional documents and information needed to development the contract. In the event of conflict between the language specified in the contract and this handbook or other supporting documents, the provisions in the contract shall take precedence.

No acquisition, relocation of occupants, rehabilitation or construction of HOME related units may begin prior to the execution of a contract, without written authorization from the State, and prior to the completion of the environmental review process. The conditional commitment letter does not serve as an authorization to begin project activity. The

proposed development must be shovel-ready, construction must begin within 12 months of the date of the signed contract with the State and a first Request for Payment within 6 months of signing the contract.

Note: Most projects will require a federally mandated public comment period of 28 to 32 days. No work that includes ground disturbance may begin and funds cannot be released until this period has been completed.

CRITERIA

In evaluating applications for RHD funds the State will use the following set of threshold and scoring criteria:

Application threshold items:

- Long Term Financial Viability of Proposed Development:
 - i. Applications must establish that the project will be financially sound, with a 1.05 minimum DCR for a minimum of the HOME affordability period**. Long Term Financial Viability must be documented in a 20 year proforma, including the following assumptions:
 - a. (revenues with a maximum 2% annual escalator; expenses with a minimum 3.0% annual escalator;
 - b. reasonable vacancy rates;
 - c. 4-6 months of operating reserve,
 - d. a minimum of 4 months' rent per unit for marketing and lease-up reserve, and
 - e. annual per-unit replacement reserves in the operating budget.
 - ** On a case by case basis projects that warrant going below 1.05 DCR in years >12, may still be considered financially sound if the applicant can establish how and why the project will return to a >1.05 DCR within 5 years.
 - ii. Development Budget: document construction costs for new construction, or acquisition/rehab.
 - a. 1. If the applicant is a CHDO requesting CHDO operating funds, submit a separate line item budget showing what those funds will be used for.
 - iii. Acquisition/rehab projects must submit a capital needs assessment (CNA), or detailed inspection with specs for \leq 12 units, to document needed rehab to bring all systems up to reasonable useful life and meet HUD Uniform Physical Condition Standards.
 - iv. Applicants should provide documentation that project costs meet the cost guidelines set by WHEDA's Multifamily Maximum Cost Model:

<https://www.wheda.com/LIHTC/2017-Appendices/> (go to WHEDA's Appendix F- Maximum Cost Model)

- v. Developer and Co-developer must submit the most current year's audited financials.
 - vi. Complete relevant Experience Forms (Developer/Co-Developer, Management Agent, Supportive Services Provider).
- CHDO applicants must submit all documentation for CHDO certification at the time of application.
 - Debarment Certification:
 - For all entities making up the development team.
 - Certification of no debarment for each entity (not individuals) involved must accompany the application. Print out page from <https://www.sam.gov/portal/SAM/##11> showing that the entity is not debarred. The screen must show the following information:

The screenshot shows the 'Entity Overview' page for 'WISCONSIN, STATE OF'. At the top, it displays 'DUNS: 001778349' and 'CAGE Code: 5MZC2' with a status of 'Active'. Below this is a section titled 'Entity Information' which lists: Name: WISCONSIN, STATE OF; Business Type: US State Government; POC Name: Dan Subach; Registration Status: Active; Activation Date: 10/28/2013; and Expiration Date: 10/28/2014. A second section titled 'Exclusions' shows 'Active Exclusion Records? No'.

- **Market Demand:**
 - A market study provided by a WHEDA approved market analyst is required for all HOME-funded rental projects. To demonstrate the demand for the project and all units including not just those units that are designated HOME-assisted. The scope of the assessment should be relative to the project scope.
 - At a minimum the assessment should contain:
 - an analysis of local market trends
 - a clear definition of the market area from whom the buyers or renters can reasonably be expected to be drawn
 - analysis of the demand, supply, and competition
 - the assessment should have been performed less than 12 months prior to the commitment of HOME funds

- **DFI Documentation:**
 - Documentation of DFI certification of good standing must accompany the application.

- **Readiness to Proceed:**
 - Documentation of executed option or accepted offer to purchase; zoning appropriate to proposed development; Letter of Intent (LOI) or commitment documentation for all financing/equity and Match funds must be provided.

- **Unit Mix:**
 - A minimum of one 30% CMI HOME assisted unit and
 - 20% of all HOME assisted units at 50% CMI
 - The balance of units must be available to households at less than or equal to 60% CMI

Application scoring items:

Unit Mix / Percentage of Units Maximum 40 points of 30% CMI OR Set Aside

HOME assisted units for 30% CMI households:
a. 20 points – ≥30% of HOME units for 30% CMI HH
b. 30 points – ≥40% of HOME units for 30% CMI HH
c. 40 points – ≥50% of HOME units for 30% CMI HH OR
HOME assisted units Set Aside for targeted populations (see definitions on p. 2-3):
a. 20 points – ≥30% of HOME units for targeted populations
b. 30 points – ≥40% of HOME units for targeted populations
c. 40 points – ≥50% of HOME units for targeted populations

- **Preservation - 20 points**
 - Preservation of any subsidized property (excluding Public Housing), including a minimum of \$20,000/HOME unit of rehab.

- **Visitable - 10 points**

- for $\geq 50\%$ visitable HOME units. DEHCR defines a visitable unit as having: 1) 32" clear openings in all interior and bathroom doorways, 2) providing at least one accessible means of egress/ingress for each unit and 3) having one bathroom on the first floor of the unit. Architect Certification required with initial application.

- Energy Efficiency and Sustainability - maximum 10 points:
 - Green Building Standards - 4 points
 - Projects built to meet existing green building standards,
 - for example: LEED-Certified, Enterprise Green Communities Program, Wisconsin Environmental Initiative's Green Built Home, etc. Architect Certification required with initial application.
 - Energy Star - 2 points
 - Developments using Energy Star-labeled bathroom fans (exhausted to the outdoors and equipped with humidistat sensor or timer) AND using Energy Star-labeled power vented fans or range hoods (exhausted to the outdoors). Architect Certification required with initial application.
 - Resource Conservation - 4 points (2 points for each item below)
 - 2 points – Minimum of 20% recycled content material – excluding mechanical equipment and electrical equipment. Architect Certification required with initial application.
 - 2 points – Minimum of 35% of wood products that are either salvaged wood, engineered materials, and/or Forest Stewardship Council certified wood products and materials. Architect Certification required with initial application.
- HOME cost per HOME unit - 20 points maximum
 - 0-20 points – RHD staff will rank and prorate points across the applications from highest HOME cost/HOME unit (0 points) to lowest HOME cost/HOME unit (20 points).

V. FEDERAL AND STATE PROGRAM REQUIREMENTS

In the event of conflict between the language specified in the contract and this handbook or other supporting documents, the provisions in the contract regarding federal and state program requirements shall take precedence.

AFFIRMATIVE MARKETING (24 CFR 92.351)

ANTI-LOBBYING POLICY

All projects must comply with the anti-lobbying legislation (24 CFR Part 87) which requires the following express language be included in written agreements with any municipal agencies, or public entities defined as sub-recipients of the State:

1. "No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or

employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan or cooperative agreement”.

2. “If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, “Disclosure Form to Report Lobbying,” in accordance with its instructions”.

DAVIS BACON LABOR STANDARDS (24 CFR 92.354) for projects with greater than 11 units.

DEBARMENT AND SUSPENSION *(For details see: 24 CFR Part 24 Appendix B, Executive Order 12549)*

All contractors used in connection with HOME funded projects must be certified to not be presently debarred, suspended, proposed for debarment, and declared ineligible or voluntarily excused from participation from any federally-assisted construction projects.

DISPLACEMENT, RELOCATION AND ACQUISITION (24 CFR 92.353)

Potential applicants should carefully consider how their development may be impacted by the Uniform Relocation Act (URA) before making the final decision to apply for HOME funds or to obtain site control of a given property.

In all cases in which a proposed project is either partially or fully occupied, additional information must be completed and submitted concurrently with the application. Stop and contact the State for instructions BEFORE PROCEEDING. The effective date for relocation assistance may be either the date of the application for HOME funds or the date the Applicant or co-owners obtain site control. Relocation expenses could render a viable project infeasible.

Relocation benefits may be triggered under the URA when tenants occupy the property. Some examples of situations that would be considered displacement are (note that this is not an exhaustive list):

- Failure to Inform Tenant in a Timely Manner of the impact of the project on him/her;
- Involuntary Moves if a tenant must move in response to a notice to vacate premises because of impending acquisition and rehabilitation, or demolition;
- Non-Renewal of Lease if a move results from the owner's refusal to renew an expiring lease; and
- Economic Displacement caused by the changing rental structure of the proposed project.

Residential tenants of projects assisted with HOME funds who are required to move temporarily must be provided reimbursement for relocation to suitable, decent, safe, and sanitary housing and given advance written notice of the date and duration of the temporary relocation. Such temporarily relocated residents must be provided a reasonable opportunity to lease and occupy a suitable and affordable unit in the rehabilitated building upon completion of the project. URA requirements may be applicable in many instances when HOME funds are used. Participants must comply with State procedures and federal regulations regarding displacement and relocation of households affected by projects using HOME funds.

(For details see: the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1976 [URA] [49 CFR Part 24], and the Fair Housing Act)

ENVIRONMENTAL REVIEW (24 CFR 92.352)

Participants must comply with HUD and State policies regarding the responsibility of conducting environmental reviews on proposed development sites.

EQUAL OPPORTUNITY AND FAIR HOUSING <http://www.hud.gov/offices/ftheo/>

QUALIFICATION AS AFFORDABLE HOUSING: RENTAL HOUSING (24 CFR 92.252)

FLOOD INSURANCE

<https://www.hudexchange.info/programs/environmental-review/>

INCOME DETERMINATION/CERTIFICATION

Tenant income must be certified at the time of initial occupancy using at least two months of source documentation and/or third party verification. Income must be recertified annually; however, source documentation is only required at first and every 6th year of a tenant's residency. Income determination will use the Part 5 Income Definition (24 CFR 5.609).

If a tenant's income increases beyond 80% CMI in a High HOME unit, rent must be adjusted to 30% of income and RHD staff notified.

Note that for projects that have both Low Income Housing Tax Credits (LIHTC) and HOME RHD funds layered in specific units, the LIHTC rules apply when existing assisted tenant incomes exceed 80% of median. Under the LIHTC program, the tenant's rent is not adjusted, and the unit does not need to be replaced by another comparable unit until the tenant's income rises above 140% of the LIHTC program eligibility threshold.

LEAD-BASED PAINT (24 CFR 92.355)

LEASE PROVISIONS (24 CFR 92.253)

Tenant leases should avoid federally prohibited lease clauses that are outlined at 24 CFR 92.253(b). DEHCR requires that one-year leases be utilized unless a request for a shorter term is submitted and approved in advance. Leases must include the most recent language related to abandonment of personal property.

Owners/developers must adopt written tenant selection policies and criteria that conform to the HOME regulations. These policies and criteria must be made available to prospective tenant applicants. It is State DEHCR policy, per HUD Final Rule 24 CFR 92.214 (b)(1)(ii) that "nominal"

application fees may be charged to prospective tenants to cover costs associated with background checks and other processes necessary to determine a household's eligibility and incurring a cost.

Reasonable late fees may be charged beginning on the 5th of the month. If you have questions regarding what is reasonable, please contact RHD staff to discuss your policy.

Per the Final HUD HOME Rule, 2013 transitional housing project leases may include requirements that tenants accept and utilize support services offered as a condition of tenancy.

MATCHING FUNDS REQUIREMENT (24 CFR 92.220)

Affordable housing developments assisted with HOME funds must demonstrate eligible matching sources. Eligible sources must be permanent, non-federal contributions totaling at least 25% of the project award. Refer to Final Rule (24 CFR 92.220) for additional information concerning eligible match.

HOME RHD Applicants are encouraged list all anticipated eligible match sources (committed and uncommitted) at initial application. HOME funds recipients should be prepared to provide, commitment of all MATCH sources prior to executing a HOME loan contract.

MAXIMUM PER-UNIT SUBSIDY AND AFFORDABILITY PERIOD (24 CFR 92.250)

In addition to the maximum amounts based on square footage, HOME-assisted rental units in a development are limited to maximum dollar amounts and must adhere to the rent and income limits during the Affordability Compliance Period.

MINORITY AND WOMEN OWNED BUSINESSES State policy requires proactive attempts to utilize State certified MBE and WBE business, requirements are further delineated in program contracts.

PROPERTY STANDARDS (24 CFR 92.251)

All HOME-assisted units must, at a minimum, meet the Uniform Physical Condition Standard (UPCS). Any housing newly constructed must meet the requirements of the Wisconsin Uniform Dwelling Code (found at <http://datcp.wi.gov/uploads/Consumer/pdf/HI-UniformDwellingCode476.pdf>). In areas where there is no local building code, any failed UPCS item must be brought up to the standard set forth by the UDC.

PROPERTY SIZE

The development size is not limited for the purpose of the HOME RHD application, although it must be consistent with market demand. The size of the development will be considered in reviewing the feasibility of the project.

In multi-family structures it is encouraged, and often necessary, to have units available for a variety of income levels, including market rate. Developments that have mixed incomes are eligible for HOME funds; however, these funds must be used exclusively for the identified HOME assisted units. The term mixed income used in the application shall mean a development that has a set number of units set aside as the identified HOME units and other units at market rate and/or set aside under other restrictions.

Developments that have mixed uses, incorporating both commercial and residential uses, are permissible; however, HOME RHD funds must be used exclusively for HOME residential units.

SECTION 3 (24 CFR part 135)

The Section 3 program requires that recipients of certain HUD financial assistance, to the greatest extent possible, provide job training, employment, and contract opportunities for low- or very-low income residents in connection with projects and activities in their neighborhoods. For an example of the appropriate reporting format for Section 3 activities, see the DEHCR website. For additional information:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/section3/section3

TENANT PROTECTIONS AND SELECTION [24 CFR 92.253]

VI. COMPLIANCE

In the event of conflict between the language specified in the contract and this handbook or other supporting documents, the provisions in the contract regarding compliance shall take precedence.

PROJECT DEADLINES

HUD requires that projects be fully leased within 18 months of completion. In the event that a project is not leased during this time period, repayment of partial or all HOME funds may be required.

AFFORDABILITY PERIODS

The length of the affordability period depends on the amount of the HOME investment in the property. Throughout the affordability period, the HOME-assisted housing must be occupied by income-eligible households. The affordability period requirements shall be enforced through deed restriction of the assisted property for rental activities.

HOME assistance per unit	Length of affordability period (years)
Under \$15,000	5
\$15,000 to \$40,000	10
Over \$40,000 or rehab involving refinancing	15
New Construction	20

Repayment of HOME funds is required if the housing does not meet the affordability requirements as defined in the agreement with the State and Land Use Restriction Agreement (LURA).

DEHCR FORMS DURING CONSTRUCTION AND LEASE-UP

Grantees are required to submit an Activity Set-Up Form (Attachment A) prior to submission of the first payment request.

Request for Payment Forms (RFP) (Attachment B) must be submitted upon each request, along with the required documentation (including pictures for first and last RFP's).

Section 3 information must be submitted each September during which the grantee has an open construction contract for which they are still drawing HOME funds.

A HOME Program Completion Report (Attachment C) must be completed and submitted when all HOME units are leased.

ANNUAL REPORTING FORMS

The RHD Compliance Data Report Form (Attachment D) covers the period of October 1st through September 30th of each year during the Affordability Compliance Period. This form, which includes certification of compliance with program rent and income requirements, is due by **December 1** of each year.

In addition, a HOME Rental Housing Development Program In-service Report (Attachment E) will be required each year during the period of affordability, to be received on or before **April 21st**. The report shall consist of an income/expense operating budget report for the project that covers the previous 12-month period and the current year, as well as audited financials. Grantees will be required to certify that the property has a current insurance policy that identifies DEHCR as the "mortgagee," or "additional interest" in the policy declaration page.

RECORD KEEPING 24 CFR 85.10(e), 24 CFR 84.53(e)

The Department, any of its authorized representatives and the U.S. Government shall have access to and the right at any time to examine, audit, excerpt, transcribe, and copy on the Grantee's premises any directly pertinent records and computer files of the Grantee involving transactions relating to an RHD Agreement. Similarly, the Department shall have access at any time to examine, audit, test, and analyze any and all physical projects subject to the RHD Agreement. If the material is held in an automated format, the Grantee shall provide copies of these materials in the automated format or such computer file as may be requested by the Department. Such material shall be retained until such time as the Department notifies otherwise.

MONITORING

The State or its assigns will continually monitor developments to ensure compliance with HOME regulations and other relevant federal regulations as required by 24 CFR 92.504(d). On-site inspections include, completion inspection and ongoing periodic inspections at a minimum frequency of every three years during the period of affordability. Reviews will also include on-site inspection of rental housing units and data collection procedures. Projects that receive on-site monitoring conducted by WHEDA may be eligible to substitute a Desk Monitoring in lieu of the ongoing, periodic On-Site Monitoring visit.

If for any reason the project is found to be out-of-compliance, corrective remedies will be suggested by the State, including corrective actions and timetable. Non-compliance may result in loan default, and may impact future ability to receive HOME or other funding provided through DEHCR.

HOME RHD Monitoring Checklist Form (Attachment F) shows the form used to monitor HOME assisted development. In addition to the HOME RHD Monitoring Form, monitors will complete a Housing Quality Inspection form.

PROJECT PUBLICITY

DEHCR signage must be posted on all construction sites acknowledging the use of these funds in the project. The logo can be obtained from the DOH website. A color picture of the posted sign on the construction site must be included with the first draw request (electronic or hard-copy is acceptable).

DEHCR requests notice of all project related press releases, ground breakings and grand openings, and that HOME RHD assistance funds are recognized in both the print and during on-site events.

VII. COLLECTING PAYMENT

Disbursements may be made upon request by the Grantee. It is the responsibility of the Grantee to ensure requests for disbursements are submitted to the Department. Request for the first draw must be made within six (6) months of contract execution. If a contract draw is not received within the required time frame, a progress report must be submitted by the Grantee within 30 days. Requests for final payment of any and all funds shall be received by the Department within 60 days from the end of the Performance Period. In the event of conflict between the language specified in the contract and this handbook or other supporting documents, the provisions in the contract regarding payment shall take precedence.

Grantee shall not request disbursement of Loan proceeds until such time funds are needed for reimbursement of eligible costs. All requests for disbursement shall be accompanied by itemized invoices and limited to the amount shown by invoice.

Until approval of the Project Completion Report and satisfactory completion inspection confirm that contract requirements have been met, 15 percent of the original principal amount of the loan will be retained. A request for the Final Draw of HOME funds must be submitted to the Department upon Project Completion.

Operational support funds will be made available in increments of 10% of HOME project funds disbursed. Operational support funds draw requests may be made at the same time as activity draw requests. Documentation of the use of operational support funds must be submitted with each request.

VIII. LOAN PROCEDURES

Initiation of loan payments is deferred until April 1st three years after the date of contract execution. Payments are subject to the existence of surplus cash in the project operating budget as defined in the Mortgage Note. In the event that insufficient surplus cash exists, a request for deferment of loan payment must be submitted one month prior to the payment deadline. A copy of the development's audited financial statement must accompany all requests for deferral as well as WHEDA computations of surplus cash for those projects with WHEDA financing. Partial payments may be required.

In the event that a payment is deferred, the grantee shall incur no additional interest but will be required to pay the full principal amount, including any deferments and unpaid interest, at the time of loan maturity. In the event of conflict between the language specified in the contract and this handbook or other supporting documents, the provisions in the contract regarding loan procedures shall take precedence.

ACTIVITY SET-UP FORM

RHD HOME PROGRAM

IDIS ACTIVITY #:		(To be completed by DEHCR Staff)	
DATE:	CONTRACT #:		
AGENCY NAME:		PHONE:	
AGENCY CONTACT:		EMAIL:	

ENVIRONMENTAL REVIEW

Approximate age of Building	
Completed copies of the Statutory Checklist (Attachment 7-1) and Rehabilitation Environmental Review (Attachment 7-2) are in the activity file at the Awardee's office.	<input type="checkbox"/> YES <input type="checkbox"/> NO

HOME FUNDS

1. HOME FUNDS COMMITTED (INCLUDING LEAD HAZARD REDUCTION COSTS)	\$
2. OTHER FEDERAL FUNDING	\$
3. OTHER FUNDING SOURCES	\$
TOTAL ESTIMATED COST (1. + 2.+ 3.)	\$
TOTAL COST ASSOCIATED WITH LEAD HAZARD REDUCTION	\$
TOTAL ESTIMATED REHAB COSTS LESS LEAD HAZARD REDUCTION COSTS	\$

SOURCES OF MATCH (identify and provide documentation for all sources)

	\$
	\$

ACTIVITY INFORMATION

UNITS AT COMPLETION		HOME ASSISTED UNITS	
ACTIVITY SETUP TYPE:	TENURE TYPE:	TYPE OF OWNERSHIP:	CHDO CODE:
1. REHAB ONLY 2. NEW CONSTRUCTION ONLY 3. ACQUISITION ONLY 4. ACQUISITION & REHAB 5. ACQUISITION & NEW CONSTRUCT	1. RENTAL 2. HOMEOWNERSHIP BUYER 3. HOMEOWNER REHAB	1. INDIVIDUAL 2. PARTNERSHIP 3. CORPORATION 4. NOT FOR PROFIT 6. OTHER	1. OWNER 2. SPONSOR 3. DEVELOPER

PROJECT ADDRESS	
OWNER INFORMATION	
NAME	
ADDRESS (STREET/P.O. BOX)	
CITY/ZIP	
COUNTY	
TELEPHONE	

Printed Name of Authorizing Individual	Title
Signature	Date

SUBMIT THE ACTIVITY SET-UP REPORT TO:
DOADOHAffordableHousingHelp@wisconsin.gov

HOME RHD PROGRAM
 P.O. Box 7970, MADISON, WI 53707-7970

Rental Housing Development (RHD) Home Program
Department of Administration
Division of Energy, Housing and Community Development (DEHCR)

Make Check Payable To:

Contract Number: RHD

Contract Period:

PO Number:

Person Completing this Form:

Phone Number:

Request Date:

Amended Request:

Final Payment Request

Total Contract Amount:	\$300,000.00
Contract Progress Amount:	\$255,000.00
Contract Final Amount:	\$45,000.00

Start Next Report

Activity Address	Activity Number	Previous Requests	Request Number	Activity/Admin in Program Authorized Budget	Previously Invoiced	Current Invoice	Total Invoiced to Date	Activity/Admin Program Balance
		1	0	\$300,000.00	\$127,500.00	\$0.00	\$127,500.00	\$172,500.00
		0	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
		0	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
		0	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
TOTALS:				\$300,000.00	\$127,500.00	\$0.00	\$127,500.00	\$172,500.00

Certification:

By signing this report, I certify to the best of my knowledge and belief that the report is true, complete, and accurate, and the expenditures, disbursements and cash receipts are for the purposes and objectives set forth in the terms and conditions of the Federal award. I am aware that any false, fictitious, or fraudulent, information, or the omission of any material fact, may subject me to criminal, civil or administrative penalties for fraud, false statements, false claims or otherwise. (U.S. Code Title 18, Section 1001 and Title 31, Sections 3729-3730 and 3801-3812)

Grantee Representative

Name:

Title:

Date:

DEHCR Payment Authorization

Date Signed

**EMAIL COMPLETED FORM TO:
DOADEHCRFISCAL@WISCONSIN.GOV
WITH A COPY TO YOUR PROGRAM MANAGER.**

X Required Documentation Attached

- Pictures (If 1st or last RFP)
- Lien Waivers
- Inspecting Architect Certification
- See Disbursing Agreement and Article 26 and 28 of RHD Written Agreement

ATTACHMENT B

HOME PROGRAM COMPLETION REPORT RENTAL HOUSING DEVELOPMENT

IDIS ACTIVITY #:	PROGRAM: RENTAL HOUSING DEVELOPMENT
SUBMISSION DATE:	CONTRACT #:
AGENCY NAME:	
PROJECT NAME:	
PROJECT ADDRESS (including County):	
CONTACT NAME:	EMAIL:
SIGNATURE:	DATE:

TYPE OF ACTIVITY:	TYPE OF PROPERTY	MIXED INCOME ACTIVITY	YES	NO
1. REHAB ONLY	1. CONDOMINIUM	<input type="checkbox"/>	<input type="checkbox"/>	
2. NEW CONSTRUCTION ONLY	2. COOPERATIVE	MIXED USE ACTIVITY	<input type="checkbox"/>	<input type="checkbox"/>
3. ACQUISITION ONLY	3. SINGLE ROOM OCCUPANCY			
4. ACQUISITION & REHAB	4. APARTMENT			
5. ACQUISITION & NEW CONSTRUCTION	5. NONE OF THE ABOVE			

1. UNITS

TOTAL COMPLETED UNITS:	HOME ASSISTED UNITS:	
OF THE TOTAL COMPLETED UNITS, THE NUMBER OF	TOTAL	HOME-ASSISTED
UNITS QUALIFIED AS ENERGY STAR		
SECTION 504 ACCESSIBLE UNITS		
NUMBER OF NON-HOME SUBSIDIZED UNITS (SEC. 8, 811, TBRA)		
UNITS DESIGNATED FOR PERSON WITH HIV/AIDS		
OF UNITS DESIGNATED FOR PERSONS WITH HIV/AIDS, NUMBER OF UNITS FOR THE CHRONICALLY HOMELESS		
UNITS DESIGNATED FOR HOMELESS PERSONS AND FAMILIES		
OF THE UNITS DESIGNATED FOR HOMELESS PERSONS AND FAMILIES, NUMBER OF UNITS FOR THE CHRONICALLY HOMELESS		

2. HOME FUNDS FOR REHAB OR DEVELOPMENT

DIRECT LOAN	Annual Interest Rate:	Amortization Period-Years:	\$
GRANT:			\$
DEFERRED PAYMENT LOAN (DPL)	Annual Interest Rate:	Amortization Period-Years:	\$
RELOCATION COST		\$	-----
PROGRAM INCOME USED			\$
TOTAL HOME FUNDS			\$

3. **FEDERAL FUNDS** (list sources)

FEDERAL FUNDS		\$
OTHER FEDERAL FUNDS		\$
OTHER FEDERAL FUNDS		\$
TOTAL FEDERAL FUNDS		\$
PROJECT NAME:		ACTIVITY #:

4. **PUBLIC FUNDS** (list sources)

HOUSING TRUST FUNDS		\$
STATE/LOCAL APPROPRIATED FUNDS		\$
STATE/LOCAL TAX EXEMPT BOND PROCEEDS		\$
NET/SYNDICATION PROCEEDS (NO LOW INCOME TAX CREDIT)		\$
TOTAL PUBLIC FUNDS		\$

5. **TAX CREDITS**

LOW INCOME TAX CREDIT SYNDICATION PROCEEDS		\$
TOTAL TAX CREDIT		\$

6. **PRIVATE FUNDS**

LENDER NAME:			
LOAN TYPE:	<input type="checkbox"/> FIXED <input type="checkbox"/> VARIABLE	LOCK IN DATE:	INTEREST RATE:
NO. OF YEARS:			
PRIVATE LOAN AMOUNT			\$
OWNER CASH CONTRIBUTION			\$
OTHER GRANTS (SPECIFY)			\$
INDIVIDUAL DONATIONS (SPECIFY WHO/WHAT)			\$
TOTAL PRIVATE FUNDS			\$

7. **SOURCES OF MATCH** (identify and provide documentation for all sources)

CASH OR GRANTS (no owner cash or grants)	\$
SUBSIDIZED LOANS	\$
BOND FINANCING	\$
DONATION (list sources, including land, labor, materials, and infrastructure)	\$
FOREGONE TAXES, FEES & CHARGES	\$
INFRASTRUCTURE	\$

TOTAL MATCH (Total Items 7 a-c)	\$
TOTAL ACTIVITY COSTS (Total Items 1 through 6)	\$

8. DID THIS PROJECT INVOLVE A FAITH-BASED ORGANIZATION?
 Yes No
9. DID THIS PROJECT INVOLVE LEAD HAZARD REMEDIATION ACTION, INCLUDING:
 LEAD SAFE WORK PRACTICES Yes No
 INTERIM CONTROLS OR STANDARD PRACTICES Yes No
 ABATEMENT Yes No
10. DID YOU CONTRACT WITH ANY MBE/WBE CONTRACTORS/SUBCONTRACTORS FOR THIS PROJECT?
 Yes No
 (If "Yes" please attach the MBE/WBE form. See the "Forms" section of the DEHCR web page.)
11. DID YOU CONTRACT WITH ANY SECTION 3 BUSINESSES FOR THIS PROJECT?
 Yes No
 (If "Yes" please attach the Section 3 form. See the "Forms" section of the DEHCR web page.)
12. HOUSEHOLD CHARACTERISTICS (see next page)

<p>SUBMIT COMPLETION REPORT TO:</p> <p>DOADOHAffordableHousingHelp@wisconsin.gov</p> <p>Fax: 608-266-5381 REPORT</p>	<p>HOME RHD PROGRAM DIVISION OF ENERGY, HOUSING & COMMUNITY RESOURCES PO Box 7970 MADISON WI 53707-7970</p>
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12. HOUSEHOLD CHARACTERISTICS

Unit No	No. of Bedrooms	Occupant	Monthly Rent (including Tenant Paid Utilities)*			Income Data			Household Data					
			*Tenant Contribution	*Subsidy Amount	Total Rent	*Monthly Gross Income*	% of Area Median		Race of Head of Household			Size of Household	Type of Household	Rental Assistance
	0-efficiency 1-1Bdrm 2-2 Bdrms 3-3 Bdrms 4-4 Bdrms 5-5 or more Bdrms	1-Tenant 2-Owner 9-Vacant					1-0-30% 2-31-50% 3-51-60% 4-61-80% 9-Vacant	Hispanic, Check if "Yes"	11-White 12-Black/African American 13-Asian 14-American Indian / Alaskan Native 15-Native Hawaiian / Other Pacific Islander 16-American Indian / Alaskan Native & White 17-Asian & White 18-Black/African American & White 19-American Indian/Alaskan Native & black/African American 20-Balance/Other 09-Vacant unit	Disabled Household Member, Check "Yes" (if more than one, input number)	Female Headed Household, Check "Yes"	1-1 Person 2-2 Persons 3-3 Persons 4-4 Persons 5-5 Persons 6-6 Persons 7-7 Persons 8-or more Persons 9-Vacant	1-Single/non-Elderly 2-Elderly 3-Related/1 parent 4-Related/2 parent 5-Other 9-Vacant Unit	1-Section 8 2-HOME TBRA 3-Other 4-None 9-Vacant Unit
			\$	\$	\$	\$		<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>			
			\$	\$	\$	\$		<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>			
			\$	\$	\$	\$		<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>			
			\$	\$	\$	\$		<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>			
			\$	\$	\$	\$		<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>			
			\$	\$	\$	\$		<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>			
			\$	\$	\$	\$		<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>			
			\$	\$	\$	\$		<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>			
			\$	\$	\$	\$		<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>			

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*Round to the nearest dollar

**HOME Rental Housing Development Program
In-service Report Requirements**

By April 21st of each year during the course of a project's affordability period, grantee/loan holders shall submit:

- An audited financial report for the period that covers the previous 12-month period
- The operating budget for the previous and current year showing DCR

In addition, each grantee/loan holder shall certify to the following:

The project known as [_____] is fully insured against a loss or damage occasioned by fire, extended coverage perils and such other hazards in an amount equal to the value of the most recent property appraisal or assessment, whichever is higher. The policy contains the standard mortgage clause (or interested party if the award is a grant) in favor of the Wisconsin Department of Administration, Division of Energy, Housing and Community Resources.

I further certify that this property is habitable, safe and sanitary.

Signed _____

Date: _____

Name/Title

Project Name: _____ **Project ID:** _____

Reviewer: _____ **Date:** _____

I. BACKGROUND INFORMATION

1. Amount of HOME Allocation:

2. Number HOME-assisted Units:

3. Period of Affordability:

Owner should also complete a Project Compliance Report (Checklist 6-D) on a yearly basis during the period of affordability and submit it to the PJ.

II. PROJECT COMPLIANCE

QUESTIONS	ANSWER		COMMENTS/ ACTIONS REQUIRED
	Y	N	
A.PROJECT REQUIREMENTS			
1. Does the owner have tenant selection procedures that are non-discriminatory?			
2. Does the owner provide adequate information to program applicants about program rules and expectations?			
3. When the floating designation is used, does the owner ensure that the rental units are comparable?			
B.PROPERTY STANDARDS AND ELIGIBLE COSTS			
4. Does the property still meet all local codes and property standards?			



II. PROJECT COMPLIANCE

QUESTIONS	ANSWER		COMMENTS/ ACTIONS REQUIRED
	Y	N	
C.RENT, OCCUPANCY, AND ONGOING REQUIREMENTS			
5. Does the owner complete a Project Compliance Report (Checklist 6-D) and submit it to the PJ on time every year?			
6. Does the owner monitor rents in HOME-assisted units and enforce HOME rent limits in all projects?			
7. Does the owner monitor and enforce HOME low-income occupancy requirements?			
8. Are tenant incomes properly documented during occupancy?			
9. Is there a copy of a lease in every tenant file?			
10. Are all leases signed in HOME-assisted units free of prohibited provisions?			
11. Does the owner conduct regular property inspections?			
12. Does the owner affirmatively market units?			
13. Does the owner follow his/her tenant selection policy?			