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The HOME, NSP and HTF, and HOME ARP Programs are required to abide by the Federal regulatory requirements, unless otherwise indicated. The following sections are a summary overview of the major components of each regulation as well as the basic compliance requirements.

Due to the complexity of the various federal requirements, project sponsors are encouraged to contact:

HOMEMF@IHFA.ORG (Multi-family),

HOMESF@IHFA.ORG (Single family),

HOMEARP@IHFA.ORG (HOME-ARP) or

HOMEPrograms@IHFA.ORG (all other inquiries) at least 45 days prior to submission of an application for funding.

ANTI-LOBBYING ACT

The HOME Department and its partners, including all HOME program recipients, acknowledge and commit to full compliance with the Anti-Lobbying Act and related federal requirements. Specifically, no federal funds associated have been or will be paid to any individual or entity for the purpose of influencing or attempting to influence any officer or employee of a federal 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, grant, loan, cooperative agreement, or the extension, continuation, renewal, amendment, or modification of any such federal arrangement.

Should any non-federal funds be used for such lobbying activities, the HOME program recipient will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," as required. The HOME Department and its partners further commit to complying with the disclosure requirements outlined in 24 CFR §5.105(b), the prohibitions stated in 31 U.S.C. §1352, and the implementing regulations at 24 CFR Part 87 and 2 CFR §200.450. Additionally, all parties will adhere to the lobbying restrictions and competition requirements established by the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. §3531 et seq.).

This compliance ensures transparency, accountability, and adherence to federal regulations throughout the administration of HOME program funds. Further, the failure to disclose lobbying activities may be subject to civil penalties of not less than \$10,000 and not more than \$100,000 for each failure.

Non-Discrimination Policy

Description

Owner/developer/applicant shall not deny service, or otherwise discriminate in the delivery of services against any person who otherwise meets the eligibility criteria for the program, on the basis of race, color, religion, sex (including sexual orientation and gender identity), age, national origin, citizenship, ancestry, marital status, disability, and familial status because such person is a recipient of federal, state, or local public assistance.

Assisted housing must be used for secular purposes only and made available to all eligible persons regardless of their religion or lack thereof.

There can be no religious or membership criteria. Owners/developer/applicant must adopt a non-discrimination policy and include a copy of this written policy in the application information. The following sample language meets the program requirements:

Sample Non-Discrimination Policy Language (Organization name) certifies it shall neither deny service to, nor otherwise discriminate, in the delivery of services against any person who otherwise meets the eligibility criteria on the basis of race, color, religion, sex (including sexual orientation and gender identity), age, national origin, citizenship, ancestry, marital status, physical or mental disabilities, familial and marital status, or because such person is a recipient of federal, state, or local public assistance.

Adopted on: _____ (Date)

Signed: _____

Board Chair Executive Director

Faith-Based Organizations

Pursuant to [24 CFR §92.257](#) and [24 CFR §5.109](#), religious or faith-based organizations are eligible to participate in HUD programs on the same basis as any other organization. Projects funded with federal resources through HUD, may not engage in inherently religious instruction, such as worship, religious instruction, or proselytizing. Services, programs, or projects shall not discriminate against a beneficiary or prospective beneficiary on the basis of religion, religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice. If any organization conducts such activities, they must be offered separately, in time or location from the assisted property. Beneficiaries or prospective beneficiaries of services, programs, or projects can participate so long as it is strictly voluntary and in no way connected to approval/tenancy or assistance.

Federal funds may not be used for the acquisition, construction, or rehabilitation of structures to the extent those structures are used for inherently religious activities. Program funds can be used for the acquisition, construction, or rehabilitation of residential units. Where a structure is used for residential living and inherently religious activities, funds may not exceed the cost of those portions of cost attributable to eligible activities within cost accounting requirements applicable to Federal funds.

Equal Opportunity and Fair Housing

Description

Recipients and managing agents of assisted projects must comply with the following:

- 1) The requirements of the Fair Housing Act (42 U.S.C. §3601-20) which states that no person on the grounds of race, color, national origin, religion, sex (including sexual orientation and gender identity), persons with disabilities or familial/marital status, shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with HUD funds. HUD requires all participants to undertake activities that further fair housing choice for publicly funded housing. A fair housing policy must be adopted by all HOME sponsors and included with HOME applications.
- 2) The prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. §6101-07), the implementing regulations at [24 CFR Part 146](#), that prohibitions against discrimination against persons with disabilities under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. §794) and the implementing regulations at [24 CFR Part 8](#).
- 3) The requirements of Executive Order 11246 (Equal Employment Opportunity) and the implementing regulations issued at [41 CFR Chapter 60](#).
- 4) The requirements of Executive Orders 11625 and 12432 (concerning Minority Business Enterprise), 12138 (concerning Women's Business Enterprise), and 2 CFR 200.317 (Veteran Owned Businesses).

Sample Fair Housing Policy

(Organization Name) hereby certifies, by signature below, that said Recipient of federal funding understands that discrimination in the sale, rental, leasing or financing of housing or land to be used for construction of housing, or in the provision of brokerage services because of race, color, religion, sex, national origin, disability, sexual orientation, gender identity, or familial and marital status is prohibited by Title VII of the 1968 Civil Rights Act, as amended by the Fair Housing Amendments Act of 1988 (Fair Housing Act).

It is the policy of the above named organization to implement this policy to ensure compliance with the provisions of the Fair Housing Act.

The above named organization will assist, within available resources, all persons who feel they have been discriminated against because of race, color, religion, sex (including sexual orientation or gender identity), national origin, disability, or familial/marital status to seek equity under federal and state laws by filing a complaint with the Idaho Human Rights Commission, the Idaho Fair Housing Council or the U. S. Department of Housing and Urban Development, Seattle Regional Office Compliance Division.

The above named organization shall publicize this policy when advertising vacancies of available federally-assisted housing units and by posting the HUD Fair Housing poster in rental offices and common areas of housing assisted with federal funds.

_____ (date).

SIGNATURE

_____, (title) _____

The Fair Housing Act

IHFA provided public comment to the proposed *Affirmatively Furthering Fair Housing* rule on April 7, 2023. As of this update to the Administrative Plan, the final rule still has not been published. The AFFH Interim Final rule remains in place. IHFA will issue further guidance on data collection and priorities once the final rule has been published by HUD.

Description

Any new construction project of four (4) or more dwelling units is subject to the accessibility and adaptability requirements of The Fair Housing Act (FHA). Under the FHA new construction requirements, if the building has an elevator, all of the dwelling units must meet the FHA design and construction requirements. If there is no elevator, all of the ground floor dwelling units must meet the FHA requirements. A unit that meets the FHA accessibility requirements does not have as great a degree of accessibility as a UFAS complying unit, but should be easily adaptable to a fully accessible without significant costs or structural modification.

To ensure compliance with the Fair Housing Act and Affirmatively Furthering Fair Housing, applications will need to include one of the following items **and** a Fair Housing Resolution*:

- 1) If the proposed activity will be located in a CDBG Non-Entitlement area, then submit the local jurisdiction's most recent Fair Housing and Needs Assessment Plan reviewed by the State of Idaho's CDBG Program (Idaho Department of Commerce); or
- 2) If the proposed activity will be located in a CDBG Entitlement Area (Boise, Nampa, Meridian, Lewiston, Coeur d'Alene, Idaho Falls, Caldwell, Pocatello, and Twin Falls), submit the city's most recent Analysis of Impediments To Affirmatively Further Fair Housing. If the city's Analysis of Impediments or Affirmative Housing Assessment document is available online, then applicant need only provide IHFA with the link to the online document (hard copy would not be required); or
- 3) If the local jurisdiction in which the property will be located has never received State of Idaho CDBG funds (which means the jurisdiction most likely has never completed a Fair Housing Assessment Plan), or the project will not be located in a CDBG Entitlement area, then applicant may adopt the Fair Housing and Needs Assessment for IHFA and Idaho Department of Commerce; and identify the meaningful actions to be taken to support the furthering of fair housing.

Documentation the community (city/county government) has implemented one or more of the following will receive points:

- a) Shares and/or displays information on the statewide Fair Housing Campaign/2-1-1 Care Line (information and referral for fair housing questions)
- b) Shares and/or displays materials for www.housingidaho.com to increase housing choice for all residents and to offer housing providers a bilingual, ADA-compliant means to list rental housing.
- c) Supports a local fair housing task force or advisory committee including policy makers, building professionals, consumer advocates, and housing providers.
- d) Provides referrals to available fair housing resources.

*Affirmatively Furthering Fair Housing (AFFH) Resolution must be adopted by the proposed project's unit of local government (City or County) depending on the location of the project. The resolution should be no more than five (5) years old. Refer to Chapter 6 and Exhibit F for requirements that should be included in resolution, including the need for accommodation of persons with support or service animals due to a disability. If the unit of local government has not adopted an AFFH Resolution, the application does not meet minimum threshold and will not be scored.

Construction Standards

HUD's guidelines provide technical assistance for architects, builders, and developers on how to comply with the specific accessibility requirements of the Fair Housing Amendments Act of 1988 published in the Federal Register on March 6, 1991. These guidelines are found at [24 CFR §92.251](https://www.federalregister.gov/documents/1991/03/06/24-cfr-92.251). Generally, these guidelines are based upon the disabled accessibility standards set forth by the American National Standards Institute (ANSI). Specifically, HUD's guidelines reference the ANSI, A117.1 (1986) standard.

Additional guidance was provided by HUD in a supplemental notice published in the Federal Register on June 28, 1994 entitled "Supplement to Notice of Fair Housing Guidelines: Questions and Answers about the Guidelines." In addition, HUD published in August 1996, a "**Fair Housing Act Design Manual**" to provide additional guidance to architects and builders on compliance with the Fair Housing Act. In April of 1998, HUD published a revised manual.

Prior to the commitment of HUD funds, the project's architectural plans, and specifications must be reviewed and approved by both the IHFA-HOME architect and consultant and the owner/developer architect. Both parties must agree to fair housing and accessibility design requirements, as applicable. If parties are unable to reach consensus, the more stringent interpretation will apply. If projects are approved and meet all construction standards,

developers will not be allowed to make any changes to the project, unless there are exceptional circumstances and consultation with IHFA concludes a modification is necessary. Developers making changes without IHFA approval will need to comply with the approved project.

Accessibility Requirements

Description

There are three federal laws relating to accessibility to housing assisted through the HOME Program for persons with disabilities:

- 1) Section 504 of the Rehabilitation Act of 1973
- 2) The Fair Housing Act of 1968, as amended
- 3) The Americans with Disabilities Act (ADA)

Rental housing activities must comply with Section 504, (see explanation below) and applicable accessibility requirements.

The ADA has a broader application than Section 504 or Fair Housing Act in it addresses employment practices, public services, transportation, and public accommodations, regardless of whether federal funds are received. Recipients of HOME and HTF-assisted housing must comply with the appropriate provisions of the Acts in the development and management activities. Assisted projects are monitored for compliance throughout the Period of Affordability.

Technical Requirements for Accessibility and Other Fair Housing Requirements

Project sponsors, contractors, and architects should review the information found in Exhibit “F” concerning the practical applications of fair housing and accessibility requirements. Technical information concerning design guidelines for accessibility can be found in:

- 1) The “Fair Housing Accessibility Guidelines” ([24 CFR Chapter I](#)) which generally are based on the standards of the American National Standards Institute (ANSI) for accessibility. The reference to the ANSI standards is “ANSI A117.1”.
- 2) HUD’s “Fair Housing Act Design Manual” published in August, 1996; and
- 3) The “Uniform Federal Accessibility Standards” (UFAS) contained in [24 CFR Part 40](#).

Copies of the guidelines listed may be obtained by contacting IHFA or HUD directly. Project owners, architects, and builders should become familiar with materials and can be held liable for noncompliance with any of the federal laws listed above. IHFA provides general information on how to comply with accessibility requirements; however, it does not represent itself as qualified to make authoritative determinations regarding interpretations of the Federal law regarding accessibility.

Section 504 Requirements ([24 CFR Part 8](#))

The requirements of Section 504 of the Rehabilitation Act of 1973, as amended, states no otherwise qualified individual with a disability in the United States "...shall solely by reason of her or his disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program, service or activity receiving federal financial assistance or under any program or activity conducted by an Executive agency."

Analysis Of Impediments To Affirmatively-Furthering Fair Housing Choice

“Analysis of Impediments (“AI”) to Fair Housing and Community Resources

IHFA and the Idaho Department of Commerce (“IDC”) commissioned a statewide AI research project to expand and update information gathered to date, including data on patterns of fair housing complaints, local codes and ordinances, demographic information, surveys and interview responses.

<http://www.idahohousing.com/ihfa/grant-programs/plans-and-reports.aspx>

Definitions**Recipient**

Any entity receiving federal funds from the HOME Department and/or IHFA. This may include an owner, developer, sponsor, non-profit, public housing authority, local, county or state agencies. The recipient is responsible for ensuring compliance with all requirements found in the Administrative Plan and executed written agreements.

Disability

Disability is described as a physical or mental impairment that substantially limits one or more major life activities. This includes individuals who have a record of such an impairment, even if they do not currently have a disability; including those with HIV/AIDS. It also includes individuals who do not have a disability but are regarded as having a disability.

Program Accessibility

Program accessibility means a program, when viewed in its entirety, is readily accessible to and usable by persons with disabilities. The concept recognizes there may be limits to the degree which existing housing programs can be made accessible. Thus, under the concept of program accessibility, not every single building, or dwelling unit, must be accessible but there must be accessibility sufficient so persons with disabilities have an equal opportunity to participate in and benefit from the program, with the same range of choices and amenities, as those offered to others.

For guidance, regarding methods to assist with accessibility, visit HUD’s Fair Housing and Equal Opportunity Program Accessibility webpage.

Reasonable Accommodation

Reasonable Accommodation is a change, adaptation, or modification to a policy, program, service, or workplace which will allow a qualified person to participate fully in a program, take advantage of a service, or perform a job. Since persons with disabilities may have special needs due to their disabilities, in some cases, simply treating them exactly the same as others may not ensure that they have an equal opportunity to use and enjoy a dwelling. Reasonable accommodations may include, adaptations which are necessary in order for the person with a disability to use and enjoy a dwelling, including public and common use spaces.

In order to show a requested accommodation may be necessary, there must be an identifiable relationship between the requested accommodation and the individual’s disability. What is reasonable must be determined on a case-by-case basis. For information on reasonable accommodation, visit HUD’s Fair Housing and Equal Opportunity Reasonable Accommodation webpage.

The determination of whether a requested accommodation is reasonable depends on the answers to two questions:

- 1) Does the request impose an undue financial and administrative burden on the housing provider?

2) Would making the accommodation require a fundamental alteration in the nature of the provider's operations?

If the answer to either question is yes, the requested accommodation is not reasonable. However, even though a housing provider is not obligated to provide a particular accommodation because the particular accommodation is not reasonable, the provider is still obligated to provide other requested accommodations that do qualify as reasonable.

Accessible Unit

Section 504 defines an accessible dwelling unit as a unit that is located on an accessible route and can be approached, entered, and used by individuals with physical disabilities. 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. Section 504 imposes specific accessibility requirements for new construction and alteration of housing and non-housing facilities in HUD-assisted programs. Section 8.32 of the regulations states that compliance with the appropriate technical criteria in the Uniform Federal Accessibility Standards (UFAS), or a standard that is equivalent to or stricter than the UFAS, is an acceptable means of meeting the technical accessibility requirements in Sections 8.21, 8.22, 8.23 and 8.25 of the Section 504 regulation.

For projects receiving federal funds for the development of housing, 5% of the units (or at least one unit; whichever is greater) must be accessible for individuals with mobility limitations. An additional 2% of the units (or at least one; whichever is greater) must be accessible for persons with hearing or visual limitations.

Affirmative Marketing Plan

Description

In furtherance of IHFA and the HOME Departments commitment to non-discrimination and equal opportunity in housing, recipients are required to establish procedures to affirmatively market their project. The procedures are intended to further the objectives of Title VIII of the Civil Rights Act of 1968 and Executive Order 11063.

Affirmative Marketing consists of actions taken to provide outreach to attract eligible persons in the housing market area to the available housing without regard to race, color, national origin, sex, (including sexual orientation and gender identity) religion, familial/marital status, or disability, that are the least likely to apply.

Recipients are required to sign an agreement to affirmatively market newly constructed or rehabilitated units beginning on the date on which all the units in the project are completed. A plan for the affirmative marketing of units must be included with the project application.

(See Exhibit T)

Affirmative Marketing Plan

An Affirmative Marketing Plan should include, at a minimum, the following elements:

- 1) Method for informing the public, and potential tenants about federal Fair Housing laws and affirmative marketing policies by:
 - a. The HUD Equal Housing Opportunity logo must appear on all postings;
 - b. Using the Equal Housing Opportunity logo or slogan in press releases and other written communications used in the marketing of rehabilitated units.

- 2) Requirements and practices each recipient must adhere to in order to carry out the affirmative marketing procedures and requirements, like use of commercial media, community contacts, the Equal Housing Opportunity logo-type or slogan, and display fair housing posters.
- 3) A procedure to inform and solicit applications from persons in the housing market area who are the least likely to apply for the housing without special outreach using such resources as:
 - a. Advertise in the local news media;
 - b. Place flyers in the local unemployment center, community groups, offices of the local housing authority, places of worship, fair housing groups, offices of any other local housing counseling agencies and other agencies serving low-income persons;
 - c. Notify applicants on the local housing authority's waiting lists about upcoming vacancies.
- 4) Special Outreach may be accomplished through:
 - a. Announcements in general circulation newspapers and/or ethnic; neighborhood, community, or school newspapers;
 - b. Announcements in church or school bulletins, posters, or oral presentations to community organizations;
 - c. Posters publicizing the housing placed in grocery stores, job center sites, community centers, schools, etc;
 - d. Supportive outreach assistance provided by organizations such as social service agencies, housing counseling agencies, or religious organizations;
 - e. Community organizations run by minorities or those who primarily serve minorities, minority churches, etc.
- 5) Recipients must keep records describing actions taken by the owners to affirmatively market units and records to assess the results of these actions for the duration of the period of affordability concerning:
 - a. The racial, ethnic, and gender characteristics of:
 - Tenants/owners occupying units
 - b. Activities they undertake to inform the general renter public, specifically:
 - Copies of advertisements placed in the news media
 - Dates on which the owner contacted other agencies
 - Dates on which the owner contacted the local housing authority
 - c. Activities recipients undertake for special outreach
 - d. Applications for tenancy

Monitoring

The HOME Department will conduct periodic on-site monitoring of each project as described in the regulatory agreement at which time local affirmative marketing results will be analyzed. Effectiveness of affirmative marketing efforts will be assessed by IHFA as follows:

- 1) Determine if good faith efforts have been made; and
- 2) Determine the results of the efforts.

IHFA and/or the HOME Department requires corrective action if a recipient fails to carry out the procedures. Corrective action may include, but is not limited to: withholding unallocated funds; requiring the return of

unexpended funds; repayment of expended funds; the return of program income. If, after discussing ways to improve procedures the recipient fails to meet the affirmative marketing requirements, IHFA and/or the HOME Department may suspend future participation in its programs.

Lead-Based Paint and Pre-78 Housing

See Exhibit K of this plan for additional general information.

Asbestos Recommendations

The HOME Department will accept funding proposals/applications for acquisition and/or rehabilitation of residential housing constructed on or before January 1, 1978 under the following conditions:

1. Entities defined as the Owner-Developer or Developer must be an EPA-Certified Renovation Firm or contract with an EPA-Certified Renovation Firm.
2. Funding proposal must include evidence the area in which the property is located has an adequate supply of EPA-Certified Risk Assessors/Renovation contractors and workers. This requirement will help ensure the project is completed within the specified timeframe and within the approved budget.
3. The Federally funded hard rehabilitation costs minus any Lead-Based Paint costs (i.e. Lead-Based Paint Inspection, EPA-Certified Risk Assessment, Interim Control of lead hazards, and clearance testing) cannot exceed \$24,999 per unit.
4. A project assisted with HOME, HTF, NSP funds must comply with rules and guidelines of the EPA Renovation, Repair, and Paint Rule and HUD's Lead-Safe Housing Rule, as amended at [24 CFR Part 35](#), subparts B-R.

Additional LBP requirements under HUD's Lead Safe Housing Rule:

https://www.hud.gov/sites/documents/RRP_LSHR_GUIDANCE.PDF

Undertaking rehabilitation where asbestos is present is subject to increasing regulations at all levels of government. Careless, improper, or illegal handling of asbestos-containing materials (ACMs) can subject the contractors, workers, building occupants, and the general public to health hazards, placing the contractor, manager, and owner in a position of potential civil and criminal liability.

Most housing and buildings constructed before 1979 may contain some form of asbestos. While there are no federal regulations that require a recipient to inspect, survey, test, or assess for ACMs, there are federal regulations that govern worker exposure to asbestos, abatement procedures, and disposal procedures.

The Environmental Protection Agency and the Occupational Safety and Health Administration are responsible for federal regulations governing asbestos removal. If asbestos is present in an assisted project, an assessment may protect the recipient from being in violation of the law, or from becoming subject to any lawsuits.

Build America, Buy America Act (NEW)

All Build American, Buy American requirements have been moved to Chapter 12.

Site and Neighborhood Standards

New construction of rental housing assisted with program funding must comply with the following:

- 1) The housing must be suitable from the standpoint of facilitating and furthering full compliance with the applicable provisions of title VI of the Civil Rights Act of 1964, the Fair Housing Act and Executive Order 11063 (Equal Opportunity in Housing) and HUD regulations issued pursuant thereto; and promotes greater choice of housing opportunities.

- 2) The housing must meet site and neighborhood standards according to [24 CFR §92.202](#) and for new construction [24 CFR §983.57\(e\)\(2\)](#) and (3).
 - a. The site must be adequate in size, exposure, and contour to accommodate the number and type of units proposed, and adequate utilities (water, sewer, gas, and electricity) and streets must be available to service the site.
 - b. The site must not be located in an area of minority concentration and must not be located in a racially mixed area if the project will cause a significant increase in the proportion of minority to non-minority residents in the area.
 - c. A project may be located in an area of minority concentration only if: (a) sufficient, comparable opportunities exist for housing for minority families, in the income range to be served by the proposed project, outside areas of minority concentration; or (b) the project is necessary to meet overriding housing needs that cannot be met in that housing market area.
 - d. The site must promote greater choice of housing opportunities and avoid undue concentration of assisted persons in areas containing a high proportion of low-income persons.
 - e. The neighborhood must not be one that is seriously detrimental to family life or in which substandard dwellings, or other undesirable conditions predominate, unless there is actively in progress a concerted program to remedy the undesirable conditions.
 - f. The housing must be accessible to social, recreational, educational, commercial, and health facilities and services, and other municipal facilities and services that are at least equivalent to those typically found in neighborhoods consisting largely of unassisted, standard housing of similar market rents.
 - g. Except for new construction housing designed for elderly persons, travel time and cost via public transportation or private automobile, from the neighborhood to places of employment providing a range of jobs for lower-income workers, must not be excessive.

Violence Against Women Reauthorization Act (2022)

The Violence Against Women Reauthorization Act requires the HOME Department, IHFA, and recipients to create and support comprehensive, cost-effective responses to domestic violence, sexual assault, dating violence, and stalking. Minimally, the following must have procedures to ensure compliance:

- Bars eviction and termination of tenancy due to the tenant's status as a victim of domestic violence, dating violence, or stalking, and requires landlords to maintain survivor-tenant confidentiality. It also continues to prohibit a tenant who is a survivor of domestic violence, dating violence, sexual assault, and stalking from being denied assistance, tenancy, or occupancy rights based solely on criminal activity related to an act of violence committed against them.
- VAWA expressly extends housing protections to survivors of sexual assault, and adds "intimate partner" to the list of eligible relationships in the domestic violence definition. Protections also now cover an "affiliated individual," which includes any lawful occupant living in the survivor's household, or related to the survivor by blood or marriage including the survivor's spouse, parent, brother, sister, child, or any person to whom the survivor stands in loco parentis.
- VAWA allows a lease bifurcation so a tenant or lawful occupant who engages in criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking against an affiliated individual or other individual, or others may be evicted or removed without evicting or removing or otherwise penalizing a victim who is a tenant or lawful occupant. If victim cannot establish eligibility, the PHA, recipient and/or recipient's manager must give a reasonable amount of time to find new housing or establish eligibility under another covered housing program.

- VAWA requires each appropriate agency to adopt a model emergency transfer plan for use by public housing agencies, owners or managers of housing, and other housing providers participating in HUD covered programs. Tenants must request an emergency transfer and reasonably believe that they are threatened with imminent harm from further violence if the tenant remains in the same unit. Housing transfer reporting is an annual requirement to provide to IHFA's Compliance Department. *If there were "no transfers" an annual certification will need to be submitted.*
- If a housing provider refuses to rent, evicts, or otherwise treats someone differently because of that person's status as a victim of domestic violence, dating violence, sexual assault, or stalking, HUD or the courts may find a violation under the Fair Housing Act due to direct discrimination, unequal treatment, or disparate impact. If a jurisdiction or other entity encourages or causes differential treatment toward domestic violence victims, that jurisdiction or entity could encounter liability.

The HOME Department and recipients will need to ensure information is posted on where to file a complaint with FHEO (Fair Housing and Equal Opportunity). Individuals who believe they have been injured by a VAWA violation or will be injured by such a violation that is about to occur, may file a VAWA complaints using FHEO's complaint form. https://www.hud.gov/program_offices/fair_housing_equal_opp/online-complaint or [1-800-669-9777](https://www.hud.gov/program_offices/fair_housing_equal_opp/online-complaint) or TTY 1-800-877-8339

A complainant may, not later than one year after the alleged VAWA violation has occurred or terminated, file a complaint with FHEO alleging such violation. If there is a violation that began prior to a year before the complaint is filed, but it continues into the one-year time period, HUD will accept the complaint.

Construction Contract Requirements

The recipient is responsible for selecting a competent contractor to undertake project construction. The recipient shall award contracts for construction work only to contractors who are registered with the State of Idaho and licensed by the City/County in which the project is located.

The contract for construction work between the recipient and the contractor shall be in a form consistent with the professional standard building practices, and shall contain all terms and provisions necessary for compliance with applicable federal, state, and local laws and regulations.

Recipients may not act in the capacity of the contractor or subcontractor(s) unless they have previous project construction management experience, met payment and performance bond or letter of credit requirements, can document a history of successful project completions, and have received the HOME Department's written approval.

Conflict-Of-Interest

Governing regulations for Conflict of Interest are found at [2 CFR §200.318](#), [24 CFR §92.356\(f\)](#), and [24 CFR §93.353](#); where the more restrictive will apply. As is pertains to the administration of federal funds by the HOME Department, the following is used. Recipients of awards from the HOME Department, need to develop a policy/procedure related to conflicts of interest and disclosure. At the time of application, Exhibit G will need to be submitted disclosing any real or perceived conflicts of interest.

A Conflict of Interest applies to any person who is an employee, family, agent, consultant, officer, board member, or elected official or appointed official of the organization receiving federal funds:

No employee, officer, board member, committee member, consultant or agent may participate in the selection, procurement, or award of a contract supported by a Federal award if they have a real or apparent conflict of interest. This also applies to the responsibility and decision-making processes for administration of the contract,

or financial lending, where conflicts are real or perceived; the gain of inside information could be used to influence any decision for another party, organization or institution, resulting in the financial interest or benefit from the federal award by a recipient or third party. Such a conflict of interest would arise when a person is an employee, officer, agent, family member or partner of any person named in this section, partner, board member, committee member, or an organization which employs or is about to employ any party indicated herein, has a financial or other interest in or a tangible personal benefit from a firm, institution, or organization considered for a contract, loan or agreement completed in partnership with the federal funds recipient. The officers, employees, and agents of any non-Federal entity or partner of the federal funds recipient may neither solicit nor accept gratuities, favors, payments, or anything of monetary value from contractors or parties to subcontracts, organizations, institutions or federal funds recipients. Further, non-Federal entities and partners may not compensate or provide any kind of payment or favors in exchange for referrals or recommendations.

No recipient whether private, for-profit or nonprofit, may occupy an affordable housing unit in a project during the required period of affordability. This provision does not apply to an individual who receives funds to acquire or rehabilitate his or her principal residence or to an employee or agent of the owner or developer of a rental housing project who occupies a housing unit as the project manager or maintenance worker.

Upon written request by a recipient, the HOME department may work with HUD to grant an exception to the conflict-of-interest provision on a case-by-case basis when it determines the exception will serve to further the purposes of the federal program and the effective and efficient administration of the recipients HOME-assisted project. Any determination will consider the following factors:

Whether the person(s) receiving benefits is a member of a group or class of low-income persons intended to be beneficiaries of the assisted housing.

Whether the person has withdrawn from the functions or responsibilities, or the decision making process, with respect to the specific assisted housing in question.

Should a conflict of interest arise, it must be disclosed in writing as soon as possible. Exceptions may require public disclosure of the potential conflict, allowance for public comment, and other requirements may apply. This will be determined at the time an exception is requested.

Identity-of-Interest:

An Identity-of-Interest, is defined as “any relationship based on family ties or financial interests between or among two or more entities involved in a project-related transaction which reasonably gives rise to a presumption that the entities may not be at arms-length. These project related transactions include, but are not limited to:

- 1) Establishing the purchase price of the property,
- 2) Establishing the costs of the design, rehabilitation or construction (or influencing the performance of entities charged with carrying out such work),
- 3) Establishing the terms of the financing,
- 4) Determining eligibility or assistance amount of applicants,
- 5) Controlling the funds, or
- 6) Providing legal, consulting or management services.

Recipients will need to disclose at the time of application, any identity of interests, or notify IHFA immediately upon discovering any potential identity of interest.

Procurement Procedures

Applicability

Recipients must maintain their own procurement policy and/or procedures. These procedures must reflect applicable State and local laws and federal regulations, including Section 3 and Minority and, Women-Owned-Business and Veteran-Owned Business Entity Outreach requirements (see Section 3 and MBE-WBE in Chapter 11). Recipients will maintain a contract administration system that ensures contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. This system must be in writing. Recipients must keep all project records, invoices, and proof of payment for five years after the Project completion date. Recipients and/or contractors will be required to certify they have followed their procurement policy/procedures.

Description

As required by [2 CFR §200.317](#), .318, .320, .321, and .327, procurement standards ensure federal funds are used for the highest quality of goods and services; at the best price possible. The HOME department procurement thresholds can be found in Exhibit “H.”

General Procurement Standards ([2 CFR §200.318\(c\)](#))

The Recipient must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the Recipients’ entity may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, Recipients may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the Recipient.

Ethics in Contracting

Recipients will maintain written standards of conduct governing the performance of their employees engaged in the award and administration of contracts. No employee, officer, or agent of the recipient shall participate in selection, or in the award or administration of a contract supported by HUD funds if a conflict of interest, real or apparent, would be involved. Exhibit G will need to be submitted with the application and updated, if any conflicts should arise.

Recipients need to comply with 2 CFR 200.214 *Suspension and Debarment Compliance* which requires a review will ensure conformance with suspension and debarment. These provisions restrict Federal awards, subawards and contracts with certain parties that are debarred, suspended or otherwise excluded from or ineligible for participation in Federal programs or activities. The HOME Department will review the Recipient and General Contractor, ensuring there is no debarment, suspension, and/or exclusion from federal awards. The Recipient and/or General Contractor will need to review and document subcontractor(s).

The HOME Department is required ([2 CFR §200.113](#)) to disclose in a timely manner, in writing to HUD all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting federal funds. Recipients are required to report certain civil, criminal, or administrative proceedings to SAM.gov. Failure

on the Recipients or HOME Department in making required disclosures can result in any of the remedies found at [2 CFR §200.339](#).

Cost and Price Analysis

In accordance with [2 CFR §200.324](#) a cost or price analysis should be performed in connection with every procurement action in excess of the Simplified Acquisition Threshold including contract modifications. The extent of the analysis depends on the dollar value and complexity of the procurement. In most cases, it will be sufficient to use price analysis, which may be as simple as comparing the independent cost estimate with the competitive prices received, to ensure that the contract price will be reasonable. A cost analysis serves to assist the recipient in preparing for negotiations with the contractor to obtain a reasonable price.

Costs or prices based on estimated costs for contracts under the federal award are allowable only to the extent costs incurred or cost estimates included in negotiated prices would be allowable for the HOME Department or Recipient under subpart E. The HOME Department or Recipient may reference their own cost principles, so long as they comply with the federal requirements. The cost plus a percentage of cost and percentage of construction cost methods of contracting **must not be used**. The recipient must negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

Methods of Procurement

The procurement methods to be used will depend on the expected dollar value of the procurement and the recipient's policies and procedures.

When acquiring goods or services, the recipient must provide contractors with clear and accurate specifications of the technical requirements for the material, product, or service required. Such specifications shall not contain features that unduly restrict competition. The specifications will include a statement of the quantitative nature of the material, product, or service to be procured, and when necessary, shall set forth those minimum essential characteristics and standards to which it must conform to satisfy its intended use.

Procurement transactions must be conducted in a manner providing full and open competition. To assure compliance with these requirements, procurement of equipment, material, and supplies, as well as the awarding of contracts for services, repairs, and maintenance shall be done in one of the following manners, as indicated by the specific procurement needed in conformance with [2 CFR §200.317](#)-319. The HOME Departments procurement thresholds can be found in Exhibit H. Recipients need to ensure the thresholds and methods are outlined and followed as described in their policy/procedures for procurement.

Pre-Bid Conference

To ensure prospective contractors or subcontractors have an opportunity to competitively bid for work related to a federally funded project, a Pre-Bid Conference is a best practice. This provides an opportunity to clarify the project, specifics, and answer clarifying questions. Pre-Bid Conferences should be memorialized with minutes, sign-in sheet, and any addendums.

Contractor Qualifications and Selection

Obtaining quality workmanship and products from contractors is critical. It is the responsibility of the HOME Department and recipients to ensure objective criteria for selection is included in each Invitation for Bid (IFB) or Request for Proposal. Once a contractor has been selected, the recipient and HOME Department must ensure the

entity has not been debarred or suspended, conforming with [2 CFR §200.214](#), [24 CFR §§92.350](#), and 93.350. Minimally, Recipients will need to provide information on each contractor and subcontractor to the HOME Department, including each Unique Entity Identifier (UEIs). Written agreements will not be executed until all UEIs have been submitted to the HOME Department.

Bonding Requirements

For construction or rehabilitation contracts over \$100,000, or a sealed bid construction contract, two types of bonds or guarantees are normally required:

- 1) Performance bond
- 2) Payment bond

The HOME Department may allow a Letter of Credit in replace of a bond under certain circumstances.

- The adequacy of the projected construction costs and the experience and financial strength of the contractor and the inspecting architect will be used to evaluate the amount of the Letter of Credit.
- The Letter of Credit must have a minimum one-year term with a provision for an extension. The Letter of Credit will not expire until 60 days following the issuance of a certificate of completion for the project.
- A Latent Defects letter of credit in an amount of 5% of the original letter of credit will be required for a period of one year.
- A Letter of Credit Agreement between the recipient, HOME Department, and the Contractor is also required.
- A Letter of Credit issued by an affiliate of the Lender or by a financial institution that does not meet the rating requirements set forth above is acceptable only if the Letter of Credit is confirmed by an acceptably rated financial institution that is not an affiliate of the Lender.
- Submit the following documentation to request a Letter of Credit:
 1. Formal request which clearly states the reason for the request and why one is needed,
 2. Contractor financial statements and operating statements from the past three years, and
 3. Letter of Credit must be for a minimum of 25% up to 50% of the construction contract.

Davis-Bacon

Contracts for the construction or rehabilitation of affordable housing consisting of **12 or more HOME-assisted units** must contain the provision that requires not less than the wages prevailing in the locality, as predetermined by the Secretary of Labor pursuant to the Davis-Bacon Act (40 U.S.C. 276 a-5). *Please be advised, the HOME Department will evaluate projects with the maximum per unit subsidy limit. HOME-assisted units are rounded up, therefore, the HOME Department will work with the recipient to build in a buffer to prevent the triggering of Davis-Bacon, where feasible.*

Prevailing wages will be paid to all laborers and mechanics employed on the job, and such contracts must also be subject to the overtime provisions, as applicable, of the Contract Work Hours and Safety Standards Act (42 CFR Part 327-333). All contractors, subcontractors, and other participants must comply with regulations issued under these Acts and with other federal laws and regulations pertaining to labor standards including HUD Handbook 1344.1 (Federal Labor Standards Compliance in Housing and Community Development Programs), as applicable.

The developer is responsible to monitor, compile the appropriate documentation and forward copies to the HOME Department. The HOME Department requires certification of compliance with the provisions of this section before making any payment under such contract.

Davis-Bacon provisions do not apply to volunteers.

Volunteer defined as:

- Works without pay on the construction project to which Davis-Bacon and related Acts apply
- Restriction: Cannot be paid for work on the project and then volunteer for other work on the same project
- Permissible: May cover reasonable costs such as travel or other incidental benefits

HTF-Specific

HTF Program was established under Title I of the Housing and Economic Recovery Act of 2008, Section 1131 (Public Law 110-289). This statute did not make the labor standards of Davis-Bacon applicable to the HTF. Therefore, in order to be consistent with the statute, HUD did not require Davis-Bacon labor standards on the HTF in the interim rule.

Contract/Construction Management

The recipient will monitor the construction phase of the project to assure the contractors perform on time and in accordance with the terms, conditions, and specifications of the contract. This includes adherence to federal requirements regarding Section 3 and Minority and Women-Owned Business and Veteran-Owned Businesses (MBE/WBE/VOB) concerns (requirements are set forth in this chapter). The contract should also include a *stop work* order to ensure compliance with environmental regulations. Failure to closely monitor progress and work performance can result in unnecessary additional costs and time delays for the recipient.

A recipient must maintain a system of contract administration based on good management concepts and federal standards.

Objectives of contract administration are to assure that:

- The contractor complies with the contract's terms and conditions and requirements, including Section 3 and MBE/WBE/VOB
- The contracted-for product/service quality is provided
- The product/service is delivered in a timely manner

To accomplish these objectives, the HOME recipient should:

- Pro-actively monitor performance and progress
- Make appropriate contract modifications
- Address unsatisfactory performance immediately

To assure good contract administration, the recipient should:

- Read the contract
- Establish the monitoring plan before awarding the contract
- Engage in timely monitoring, proper documentation, and problem solving

After the Award

Once a contract is awarded, recipient should:

- 1) Hold a pre-construction conference between the HOME Department and the recipient to assure that all parties fully understand the terms and conditions; operation and delivery schedule; and reporting and monitoring conditions of the contract.
- 2) The HOME Department will issue a Notice to Proceed to the applicant and the recipient can then issue a Notice to Proceed or similar order to their contractor.
- 3) Monitor the contractor's performance.

This is accomplished by reports such as progress reports, technical, financial, time, personnel:

- On-Site Visits
 - Compare actual performance with the contract schedule
 - Compare contractor's reports and billings with actual performance
 - Observe use of personnel, equipment, and materials and compare with the contract requirements.
 - Progress Meetings
- 4) Receive and inspect all materials/supplies.
 - Accept/Reject deliveries as applicable: If materials/services are not acceptable, you have three options: reject the materials/services completely; require a correction; or accept with or without a consideration on the part of the provider.
 - 5) Make the payments as specified in the contract.
 - 6) Perform a final inspection of the work/service.
 - 7) Close out the contract completing all documentation and reporting.

Contract Modifications

Occasionally, it is necessary to modify a contract or purchase order to reflect changes in the required effort. All contract modifications must be in writing; signed by an authorized representative of all parties; be within the general scope original contract; and undergo a cost analysis.

There are three types of contract modifications:

- 1) Administrative Change Orders: Changes that alter administrative details and do not affect substantive requirements of the contract
- 2) Change Orders: A written order directing the contractor to make changes to the contract within the original scope of work. Change orders must be executed for any deviation, addition, or deletion made to the original job specifications. Examples include changes to any of the following:
 - a. Specifications
 - b. Completion of Work
 - c. Description of Work
 - d. Method or Manner in which the Work is Performed
 - e. Furnished Facilities, Equipment, Materials, Services, or Site
- 3) Supplemental Agreements: Modifications that add additional work or revise the existing contract terms mutually agreed upon.

The recipient shall submit the following information concerning all contract change orders to IHFA for review and approval:

- A detailed description of the proposed change in work;
- A reference to the applicable working drawings and specifications;
- A fixed price (credit, debit, or no change) for the change in contract work;
- Estimate of the time, if any, required to complete the work;
- The contractor's itemized breakdown of the cost of materials and labor and an itemized breakdown for any applicable subcontractors; and
- The change indicated on the architectural or engineering drawings, if applicable.

Change Orders must be submitted to the HOME Department for approval and signature prior to the work being performed or materials being acquired. The recipient shall maintain accurate records and documentation regarding contract modifications by including a register or tracking document in each contract file.

Contract Termination

The HOME Department and/or the recipient may terminate a contract or purchase order for default for any of the following reasons: failure to deliver the supplies, services, or construction as specified; failure to perform work in a timely manner; violation of a contract clause, such as the prohibition against gratuities; repeated violations of labor standards; and similar reasons. A default clause must be included in the contract that provides for termination without negotiation when the contractor fails to perform as specified in the contract. Contracts terminated for the convenience of the recipient likewise require immediate work stoppage, but termination costs are negotiated until a satisfactory settlement is reached.

The HOME Department and/or recipient shall terminate a contract for convenience or default only by a written notice to the contractor or recipient. The notice shall be sent by certified mail, return receipt requested. The notice shall state the following:

- That the contract is being terminated for the convenience of the recipient or for default, under the contract clause authorizing the termination;
- Whether the contract is terminated in whole or in part; for partial termination, identify the specific items being terminated;
- If terminated for default, the acts or omissions constituting the default, the Contracting Officer's determination that failure to perform is not excusable, the recipient's right to charge excess costs of re-procurement to the contractor, and the contractor's appeal rights;
- The effective date of termination;
- If a partial termination, the contractor's right to proceed under the un-terminated portion of the contract;
- Any special instructions.

Copies of the notice should be sent to the contractor's surety, if any, and assignee, if any.

Payment of Contractors

All recipient contracts shall indicate the schedule for payment to the contractor. This may be on a periodic basis, such as every two weeks for construction or service contracts, or for single or multiple items of supply. To maintain good relations with contractors, the recipient should ensure that work performed by contractors is inspected in a timely manner and that contractor invoices are paid promptly for work accepted.

Reimbursement Requests

[2 CFR §200.303](#), [2 CFR §200.305](#), [24 CFR §§92.206](#), and [93.201](#) requires agencies administering federal funds have a process for managing federal resources; ensuring costs are reasonable and eligible. To assist recipients in timely and compliant reimbursement requests, the HOME Department provides the following information.

Eligible reimbursement requests must be submitted to HOME Department monthly. An Excel Workbook will be provided in Procorem for each entity and project. The Excel Workbook should be submitted in Procorem with each reimbursement request **and** all supporting documentation in **one** PDF following this order: *(Please do not convert the Excel Workbook to a PDF)*

- 1) Wire authorization form (PDF)
- 2) Detailed Draw (Excel Workbook)
 - a. Payee name
 - b. Invoice amount
 - c. Requested Amount
 - d. Invoice number
 - e. Totals per section
 - f. Final Draw Total
- 3) Supporting Documentation (PDF – In order of the Detail Draw)
 - a. If the invoice is for more than one unit in the project, please break down the charges per unit on the invoice
 - b. Invoice must be legible, timely, and eligible
Should there be questions on eligibility, please contact the Finance Officer for clarification.
 - c. Lien waiver
 - i. The entity or person who completed the work or supplied the materials
 - ii. Legal description
 - iii. Work site/project address
 - iv. Amount must be equal to or greater than invoices provided
 - v. Must be signed and dated

Reminder: Conditional Lien Waivers will not be accepted.

- 4) Photos of work performed or inspection must be uploaded in Procorem into the appropriate folder at the time of reimbursement request. Reimbursement requests will not be reviewed until photos or inspections have been uploaded.

To help in processing reimbursement requests, please ensure:

- Reimbursement requests include all of the required items listed above. Failure to provide all necessary information may cause the reimbursement request to be sent back or delayed. If reimbursement request is rejected, it must be returned corrected within five (5) business days.
- Supporting documentation should be in order (of the Excel Workbook) and reads like a book. If items are split between different properties or projects, these should be noted with actual project costs provided.
Documentation submitted which is unclear, may be deemed ineligible for the current reimbursement request.
- If ineligible expenses are included in the submission; the reimbursement request will be processed and reduced by the ineligible amount. A final version documenting changes/discrepancies will be uploaded into the projects Procorem workcenter.
- All reimbursement requests need to be kept according to record retention requirements, as outlined in [2 CFR Part 200](#), as well as the Loan and Regulatory Agreement.

Reimbursements and Onsite Inspections

The recipient, contractor, and architect shall meet to do an on-site inspection of the work performed and the materials used and/or on site, prior to the reimbursement request being submitted. The HOME Department will attend as many of these on-site inspections as possible. If the HOME Department is not able to attend, the

architect's certification of the work having been performed and/or the building materials on-site will suffice. If there are particular items of concern the architect or sponsor may submit actual photos of the construction site via e-mail.

Note: If any reimbursement request covers, in whole or in part, a payment for materials not yet incorporated into the project, the HOME Department shall have no obligation to make such disbursement unless it is determined, from evidence provided by the contractor, that the materials are stored at a secured and protected location acceptable to the HOME Department. The materials are fully insured under a satisfactory insurance policy naming the HOME Department and the recipient as loss payees; that the materials are identifiable and, if stored off the property, are non-fungible and properly segregated from materials not intended for the improvements; and the HOME Department has a perfected security interest in the materials.

Accountability and Financial Management

Recipients of program funds must be able to identify and track program dollars received to an approved budget item. Financial records must be kept for each loan received to facilitate recording, for future auditing purposes, and project closeout. The HOME department passes along these requirements to its recipients of federal resources.

Compliance with the applicable portions of [2 CFR Part 200](#) Subpart D, *Post Federal Award Requirements* is required.

1. Standards for Financial and Program Management:

- Recipients must maintain financial management systems that provide accurate, current, and complete financial data (200.302).
- Internal controls should be established to ensure compliance with regulations and prevent fraud (200.303).
- Budget control and accounting records must be maintained (200.308).

2. Payments:

- Recipients can request payment as reimbursements or advances, but only for allowable and authorized costs (200.305).

3. Cost Sharing and Program Income:

- If applicable, recipients must document and manage cost sharing or matching funds (200.306).
- Program income must be used to further program objectives or reduce costs (200.307).

4. Procurement Standards:

- Recipients must follow specific procurement rules to ensure fair and open competition (200.317-200.327).
- Methods of procurement, including micro-purchases and competitive bidding, must be followed.

5. Subrecipient Monitoring and Management:

- Prime recipients are responsible for overseeing subrecipients to ensure compliance with award conditions (200.330-200.332).
- This includes risk assessment, monitoring, and ensuring corrective actions when necessary.

6. Record Retention:

- Financial and programmatic records must be retained for at least five (5) years from the completion date. HOME and HTF supersede 2 CFR 200.333.

7. Closeout Procedures:

- Recipients must submit all final financial and performance reports within 90 days after the award period ends (200.343).
- Recipients must also ensure that all funds are properly liquidated and accounted for during closeout.

These requirements help ensure transparency, accountability, and compliance with federal regulations in managing federal awards.

Risk Assessments

The HOME Department is required under [24 CFR §92.508\(a\)\(6\)](#) and [2 CFR Part 200](#), to evaluate the risk of awarding federal funds to potential recipients. A risk assessment has been developed to be submitted by the recipient at the time of application for federal funding. This is intended to identify key elements of the organization's overall internal controls framework. It is the recipients' responsibility to ensure the organization is complying with [2 CFR Part 200](#) "Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards" when receiving federal awards. The Board of Directors (or equivalent oversight body) is ultimately responsible for having an effective internal control framework and for ongoing oversight. Internal controls are defined as:

Processes designed and implemented by non-Federal entities to provide reasonable assurance regarding the achievement of objectives in the following categories:

- effectiveness and efficiency of operations;*
- reliability of reporting for internal and external use; and*
- compliance with applicable laws and regulations.*

A strong framework should be established through written policies and procedures, as well as, documented oversight of internal controls as evidenced by Board meeting minutes. Applications may require submission of policies and procedures to ensure effective internal controls. These questions will inform an internal risk assessment as part of application scoring. The risk assessment will be a party to applications, evaluating operational and financial capacity, organizational structure, and previous program compliance.

Limited-English Proficiency (LEP) Requirements**Description**

Meaningful access, is a requirement of the Title VI regulations requiring recipients to make reasonable efforts to provide language assistance. This ensures meaning access for LEP persons to the recipient's programs and activities. The HOME Department and recipients must make reasonable efforts to provide **meaningful** language assistance to limited English-proficient persons. This ensures they have equal access to the recipient's programs and activities.

General Requirements

Conduct the four-factor analysis (see below) to determine when/if alternate formats are necessary. If analysis determines the need for alternate formats:

- Develop a Language Access Plan

- Provide **appropriate meaningful** language assistance

A four-factor analysis can help determine if/when alternate format requirements, including timely notification, are necessary:

Step 1. Establish the number or proportion of potential Limited English Proficiency (LEP) groups served/encountered in the area of program, activity, or service impact;

Step 2. Determine the frequency which Affirmatively Furthering Fair Housing, activity or service or, the likelihood that members of those protected classes would be reluctant/unable to learn about same;

Step 3. Prioritize the nature and importance of the program, activity, or service or document (i.e. is it a ‘Vital Document’); and

A ‘Vital’ document or information is defined as a document or information that has/will have a serious or legal consequence if not provided accurately or in a timely manner (i.e applications, eviction notices, notice to vacate, URA notices, lease agreement, etc.)

Step 4. Determine the resources available as well as costs of providing the service.

Environmental Review and Clearance Overview

All Environment review requirements have been moved to Chapter 10.

Section 3

All Section 3 requirements have been moved to Chapter 11.

Minority and Women-Owned Business Enterprise (MBE/WBE)

All Minority and Women-Owned Business Enterprise requirements have been moved to Chapter 11.

Internal Controls

The HOME Department and all recipients to comply with Internal Control requirements described in 2 CFR 200 and 24 CFR Part 92 and 93. This is intended to identify key elements of the organization’s overall internal controls framework. It is the recipients’ responsibility to ensure the organization is complying with Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards when receiving federal awards. The Board of Directors (or equivalent oversight body) is ultimately responsible for having an effective internal control framework and for ongoing oversight. Internal controls are defined as:

Process designed and implemented by recipients to provide reasonable assurance regarding the achievement of objectives in the following categories:

- (a) effective and efficiency of operations;*
- (b) reliability of reporting for internal and external use; and*
- (c) compliance with applicable laws and regulations.*

Thus, a strong framework should be established through written policies and procedures, as well as, documented oversight of internal controls as evidenced by Board meeting minutes. Applications may be required to submit its policies and procedures to ensure effective internal controls. At a minimum internal controls should include:

1. Roles and Responsibilities:

Internal Control requires clear roles, this must describe the specific tasks such as financial oversight, program compliance and auditing.

2. Segregation of Duties:

Internal Controls requires segregation of duties across authorization, recordkeeping, and review processes to prevent conflicts of interest and fraud. Each function should be handled by different staff members to ensure checks and balances.

3. Financial Management:

It ensures accurate budgeting, proper financial reporting, and timely reconciliation. Payment requests require thorough documentation and expenditures must align with approved budgets.

4. Recipient and Contractor Oversight:

Recipient are monitored through risk assessments, annual review, and monthly compliance submissions to ensure compliance with HOME/HTF and all cross cutting regulations. Competitive bidding is required for procurement and contracting, following both federal and local standards.

5. Reporting and Recordkeeping:

Financial and programmatic reports must be submitted accurately and timely to IHFA. All records are to be retained for at least five (5) years after the completion to ensure transparency and accountability.

6. Compliance and Corrective Actions:

Regular audits and monitoring are conducted to detect non-compliance. Corrective actions are taken, when necessary, with consequences for failure to comply. Fraud prevention measure must also be in place.

Fraud Protection

Fraud Projection outline procedures to prevent, detect, and address fraud, waste, and abuse in the use of federal funds, in compliance with [2 CFR 200](#) and cross cutting federal regulations. At a minimum fraud protection must include:

1. Fraud Prevention:

- Strong internal controls, including segregation of duties and approval processes.
- Regular training for all staff and contractors.
- Risk assessments to identify vulnerabilities.
- Recipient monitoring to ensure compliance with federal standards.

2. Reporting Fraud:

- Employees and contractors must report and suspected fraud immediately to the internal equivalent to a *Compliance Officer* or through an anonymous reporting system.
- Whistleblower protections must be in place to prevent retaliation.

3. Detection Measures:

- Regular audits and data monitoring to identify irregularities.
- Ongoing subrecipient reviews to ensure proper use of HOME funds.

4. Response to Fraud:

- Disciplinary actions, recovery of funds, and legal referrals if fraud is confirmed.
- Prompt notification to IHFA, HUD and/or other relevant authorities.

5. Records Retention:

- Maintain documentation for the required period of at least 5 years past the date of project completion.

6. Oversight and Monitoring:

- Continuous monitoring and oversight by the internal equivalent to a *Compliance Officer* to prevent, detect, and resolve fraud-related issues.

Retention and Access to Records

The HOME Department and all partners are required to comply with Record Retention and Access to Records described in [2 CFR 200](#) and [24 CFR Part 92](#) and 93. This is intended to identify key elements of the organization's overall record keeping process and maintenance protocol for all documentation pertinent to federal funds.

- Retention Period: Records related to federal awards must be kept for five (5) years from the final expenditure, completion of the project, and/or grant closeout; based on the applicable activity. Extensions apply if there is ongoing litigation, audits, or for property/equipment records.
- Access to Records: Authorized parties, including federal agencies and auditors, can access records for audits or examinations. This access must be timely.
- Types of Records: Financial, programmatic, statistical, and indirect cost records must be retained, along with all related supporting documentation.
- Record Storage: Records can be stored in paper or electronic form, but must remain accessible, secure, and backed up for the retention period.
- Record Destruction: After the retention period, records can be securely destroyed unless ongoing audits or legal actions require continued retention.
- Responsibilities: Grant administrators, finance, program staff, and IT are responsible for ensuring proper record maintenance, security, and access.
- Monitoring Compliance: Regular reviews will ensure compliance with regulations, and corrective action will be taken if needed.

Appeals Process

The HOME Department and all partners are required to comply with the Appeals Process as described in 2 CFR 200 and 24 CFR Parts 92 and 93. This is to ensure transparency, accountability, and compliance with federal regulations. IHFA ensures transparency in funding decisions by providing an Annual Administrative Plan detailing how programs will be implemented. This allows prospective applicants to understand requirements for compliant projects. As a direct grantee of HUD, IHFA conveys through its Administrative Plan and Request for Proposals/Funding the standards for which agencies will need to have in place to receive funds. IHFA reviews all applications submitted in a consistent, transparent, and equitable manner. HUD ensures that all associated agencies maintain high standards of oversight and that funding decisions are made in an equitable and transparent manner. This process also ensures concerns are addressed promptly and program decision are compliant with requirements and objectives. Key details include:

1. Purpose: Ensures transparency and compliance with federal regulations.
2. Eligibility: Applicants can appeal if they believe the decision was erroneous, non-transparent, non-compliant with federal rules, or IHFA's Administrative Plan. Simply disagreeing with the determination does not constitute reasonable cause to appeal. No more than one (1) appeal will be accepted on any denial or termination of agreement.
3. Submission: Appeals must be submitted in writing within seven (7) business days of the date of any denial letter or termination notice, and must include an official letter describing the reason for the denial/termination, the reason the appeal is being made, and information which will be presented as part of the appeal. All appeal requests, including supporting documents must be sent to via email to the email address(es) indicated on the denial or termination letter.
4. Review Process: An internal review team evaluates the original documentation and may request more information if needed.

5. Final Decision: Communicated within 14 days of receiving the appeal and affirmed by someone other than the original decision-maker. Final decisions will be communicated via email. No further appeals will be accepted after the denied file or terminated agreement is decisioned a second time, regardless of the outcome.

6. Outcome: Clear explanation and feedback provided, and corrective actions taken if necessary.

For agreements/awards which are terminated with 30-day notice, no new submissions will be accepted beginning the date of the 30-day termination letter provided to the other party. IHFA will continue to review files already received and will make determinations according to all regulations, policies, and procedures.