



## Item 20

# Travis County Commissioners Court Agenda Request

**Meeting Date:** December 18, 2012

**Prepared By/Phone Number:** David A. Salazar, 854-4107

**Elected/Appointed Official/Dept. Head:** Sherri E. Fleming,  
County Executive for Health and Human Services and Veterans Service

**Commissioners Court Sponsor:** Judge Samuel T. Biscoe

### **AGENDA LANGUAGE:**

Consider and Take Appropriate Action on Memorandum of Understanding (MOU) Between Travis County and the Travis County Housing Finance Corporation for Contract Administrative Services for Amy Young Barrier Removal Program.

### **BACKGROUND/SUMMARY OF REQUEST AND ATTACHMENTS:**

Staff requests that the Court entered into an MOU with the Travis County Housing Finance Corporation for the contract administration of the Amy Young Barrier Removal Program which will be serviced by Travis County Health and Human Services and Veterans Service's Housing Services. The Amy Young Barrier Removal Program utilizes funds from the Texas Department of Housing and Community Affairs (TDHCA) providing one-time grants of up to \$20,000 to Persons with Disabilities for home modifications necessary for accessibility and the elimination of hazardous conditions.

### **STAFF RECOMMENDATIONS:**

Staff recommends approval of the proposed Memorandum of Understanding with Travis County Housing Finance Corporation (attached).

### **ISSUES AND OPPORTUNITIES:**

Travis County has the opportunity to participate in the TDHCA's Amy Young Barrier Removal Program upon the State's announcing the availability of almost \$2,000,000 for this year in funding from the Housing Trust Fund (a total of \$4,000,000 for the biennium). The Amy Young

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**FISCAL IMPACT AND SOURCE OF FUNDING:**

Approving this request will not increase the County Budget. The MOU with the Housing Finance Corporation is for contract administration to service TDHCA's Amy Young Barrier Removal Program. Funds from the State are reserved through a Reservation System and, after verification of eligibility and obtaining construction approval, the administrator requests payment for completed work on approved projects. The Administrator is entitled to bill up to 10% in administrative costs and has 120 calendar days to complete all approved construction.

**REQUIRED AUTHORIZATIONS:**

Andrea Shields, Travis County Housing Finance Corporation  
Karen Thigpen, Travis County Housing Finance Corporation  
Leslie Browder, County Executive, PBO  
Nicki Riley, Travis County Auditor  
Mary Etta Gerhardt, Assistant County Attorney  
Cyd Grimes, Travis Purchasing Agent  
Lance Pearson, Housing Services Manager

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MEMORANDUM OF UNDERSTANDING FOR CONTRACT ADMINISTRATIVE SERVICES FOR  
A AMY YOUNG BARRIER REMOVAL PROGRAM BETWEEN TRAVIS COUNTY AND  
TRAVIS COUNTY HOUSING FINANCE CORPORATION

This Memorandum of Understanding ("MOU") is entered into by the following parties: Travis County, a political subdivision of the State of Texas ("County"), and Travis County Housing Finance Corporation, a public non-profit corporation incorporated under the TEX. LOC. GOV'T CODE ANN., ch. 394 ("Corporation").

RECITALS

The State of Texas, through the Texas Department of Housing and Community Affairs ("TDHCA"), provides funds through its Texas Housing Trust Fund for the Amy Young Barrier Removal Program ("Program").

The Corporation has filed and received approval of certification from the State of Texas as an Administrator under the Program, and requires contract direct services in order to implement the Program funded by grant funds from TDHCA.

County has the authority to provide those services pursuant to Texas Government Code, Section 81.027 and other statutes, and will provide the direct services for the Corporation through Travis County Health, Human Services and Veterans Services (TCHHSVS), Housing Services.

AGREEMENT

In consideration of the mutual promises and covenants in this MOU, County and Corporation agree to the following terms and conditions:

1.0 DEFINITIONS

In this MOU,

1.1 "Board" means the Boards of Directors of the Travis County Housing Finance Corporation.

1.2 "Commissioners Court" means Travis County Commissioners Court.

1.3 "Grant" means the Amy Young Barrier Removal Grant provided by Texas Department of Housing and Community Affairs ("TDHCA") to Corporation.

1.4 "Program" means the Amy Young Barrier Removal Grant program provided for under the TDHCA Grant.

2.0 MOU PERIOD

2.1 Initial Term. This MOU shall begin when signed by both parties and continue in effect until the Grant period terminates, unless earlier terminated by either party.

2.2 Extended Term. If additional grant funds are secured by Corporation, the term may be extended for the length of that additional grant period from TDHCA by written amendment.

3.0 COUNTY PERFORMANCE OF SERVICES

3.1 During the term of this MOU, County, through Travis County Housing Services, a program of Travis County's Health & Human Services and Veterans Service ("Housing/TCHHSVS"), shall provide the following services for the Corporation as described in the Corporation's Grant contract with TDHCA to those persons who have been accepted into the Program:

3.1.1 Receive new applications from Travis County, Texas, residents in need of Program assistance through the County's current application for assistance process;

3.1.2 Qualify new applicants in compliance with the rules, regulations and requirements of the Program, including eligibility determination using the Program guidelines;

3.1.3 Complete assessment and evaluation of the home:

(a) verification of the viability of the structure and ownership documentation.

(b) completion of a detailed scope of work showing barrier removal and health or safety hazard removal needed.

(c) completion of a detailed estimate (coordinated with current County subcontractors and suppliers) of the work that is needed, including funding limitations applicable to criteria for barrier removal and health and safety removal, respectively.

3.1.4 Submit the above to TDHCA for approval.

3.1.5 Serve as General Contractor for all approved projects under the Program utilizing existing County vendor, subcontractors and suppliers as well as in-house County personnel to perform the work needed.

3.1.6 Provide the required and agreed upon personnel to effectively implement the Program for the duration of the Grant.

3.1.7 Create and maintain all necessary documentation and records related to the Program.

3.2 County shall perform all services and activities under this MOU in a professional, prompt and efficient manner, at a standard acceptable for similar services in Travis County.

3.3 County and Corporation shall conform to all laws, regulations and ordinances applicable to the performance of this MOU.

3.4 The Parties agree that no additional FTE's are required for Housing/TCHHSVS to implement this Program.

3.5 The County will transfer funds as necessary to the Corporation to meet the County-approved costs of the Program.

#### 4.0 CORPORATION PERFORMANCE OF SERVICES

4.1 As the primary applicant and recipient of Program funding, the Corporation shall regularly update County staff of necessary Program obligations, procedures, regulations, and updates. The

Corporation shall provide County staff the appropriate training and other Program-related information sessions.

4.2 The Corporation shall provide County with a copy of all necessary Program documents and requirements prior to commencement of services under this MOU, and with any amendments or changes to the Program documents throughout the term of this MOU.

4.3 The Corporation agrees to complete and maintain its eligibility as the Administrator of the Program and the Reservation System Access by meeting all requirements of the State related to that Program and necessary for implementation of the Program, including completion of the Amy Young Barrier Removal Program Reservation System Access Application.

4.3 The Corporation will be responsible for coordinating with County to ensure compliance by County and the Corporation with:

4.3.1 all terms and requirements included in the TDHCA Housing Trust Fund Amy Young Barrier Removal Program Manual (attached to this MOU as Exhibit A);

4.3.2 all terms and conditions of the TDHCA Housing Trust Fund Notice of Funding Availability Amendment (attached to this MOU as Exhibit B).

4.4 Upon approval of the documentation provided by the County to TDHCA, TDHCA will provide a contract to the Corporation covering the work set forth in the documentation for each home. The Corporation will submit that contract to the Board for approval. Upon approval, the Corporation will direct County to proceed with the work on the home as approved.

4.5 Upon successful completion of each home, as evidenced by final inspection and approval of the home by TDHCA, and reimbursement of the Corporation by TDHCA, the Corporation will reimburse the County the amount utilized in the completion of the work on that home as documented.

4.6 Upon completion of the entire project, any funds not used by the Corporation for actual Program costs will be returned to County.

## 6.0 JOINT REQUIREMENTS

6.1 County and Corporation will comply with all applicable state and local procurement laws, regulations and policies in making purchases of supplies and/or services related to the Program, and will maintain documentation of such compliance.

6.2 County and Corporation will coordinate to procure any services that cannot be provided under existing County providers.

## 5.0 AMENDMENTS

5.1 Unless specifically provided otherwise in this MOU, any change to the terms of this MOU or any attachments to it shall be made by written change order signed by both parties. Corporation acknowledges that no officer, agent, employee or representative of County has any authority to change the scope of this MOU or any attachments to it unless expressly granted that authority by the Commissioners Court.

5.2 Corporation shall submit all requests for alterations, additions or deletions of the terms of this MOU or any attachment to it to the Travis County Judge with a copy to Sherri Fleming, County

Executive, TCHHSVS.

## 6.0 SUBCONTRACTS

6.1 County may enter into any subcontracts for any service or activity required as performance for this MOU without the prior written approval or the prior written waiver of this right of approval from Corporation.

## 7.0 ASSIGNABILITY

7.1 Neither party may assign any of the rights or duties created by this MOU without the prior written approval of the other party. It is acknowledged by Corporation that no officer, agent, employee or representative of County has any authority to assign any part of this MOU unless expressly granted that authority by the Commissioners Court.

## 8.0 TERMINATION

8.1 County shall have the right to terminate this MOU, in whole or in part, at any time before the date of termination specified in Section 2.1 of this MOU if Corporation fails to comply with any term or condition of this MOU.

8.2 County shall notify Corporation in compliance with 11.0 if Corporation has failed to comply with any term or condition of this MOU and allow Corporation at least ten (10) days to correct the failure. The written notice shall state the effective date of termination if the failure is not corrected; the reasons for termination and, in the case of partial termination, the portion of the MOU to be terminated.

8.3 Notwithstanding any exercise by County of its right of early termination pursuant to this Section 8.0, Corporation shall not be relieved of any liability to County.

## 9.0 NON-WAIVER OF DEFAULT

9.1 No payment, act or omission by County may constitute or be construed as a waiver of any breach or default of Corporation which then exists or may subsequently exist. All rights of County under this MOU are specifically reserved and any payment, act or omission shall not impair or prejudice any remedy or right to County under it. Any right or remedy in this MOU shall not preclude the exercise of any other right or remedy under this MOU or under any law, nor shall any action taken in the exercise of any right or remedy be deemed a waiver of any other rights or remedies.

9.2 No payment, act or omission by Corporation may constitute or be construed as a waiver of any breach or default of County which then exists or may subsequently exist. All rights of Corporation under this MOU are specifically reserved and any payment, act or omission shall not impair or prejudice any remedy or right to Corporation under it. Any right or remedy in this MOU shall not preclude the exercise of any other right or remedy under this MOU or under any law, nor shall any action taken in the exercise of any right or remedy be deemed a waiver of any other rights or remedies.

## 10.0 ENTIRE AGREEMENT

10.1 All oral and written agreements between the parties to this MOU relating to the subject matter of this MOU that were made prior to the execution of this MOU have been reduced to writing and are contained in this MOU.



## 11.0 NOTICES

11.1 Any notice required or permitted to be given under this MOU by one party to the other shall be in writing and shall be given and deemed to have been given immediately if delivered in person to the address set forth in this section for the party to whom the notice is given, or on the third day following mailing if placed in the United States Mail, postage prepaid, by registered or certified mail with return receipt requested, addressed to the party at the address hereinafter specified.

11.2 The address of County for all purposes under this MOU shall be:

Sherri Fleming, County Executive, TCHHSVS  
P.O. Box 1748  
Austin, Texas 78767-1748

With copies to (registered or certified mail with return receipt is not required):

Honorable David A. Escamilla (or his successor in office)  
Travis County Attorney  
P.O. Box 1748  
Austin, Texas 78767-1748

11.3 The address of the Corporation for all purposes under this MOU and for all notices hereunder shall be:

Honorable Samuel T. Biscoe (or his successor in office)  
President  
Travis County Housing Finance Corporation,  
P.O. Box 1748  
Austin, Texas 78767-1748

With copies to (registered or certified mail with return receipt is not required):

Andrea Shields (or her successor)  
Manager  
314 W. 11<sup>th</sup> Street, Room 540  
Austin, Texas 78767-1748

11.4 Each party may change the address for notice to it by giving notice of the change in compliance with 11.0.

## 12.0 SPECIAL CONDITIONS

12.1 Neither party is liable for failure to perform or delay in performance that is caused by Acts of God, riots, war, insurrection and other similar events that are not within the control of the failing or delayed party.

12.2 County shall not be liable for any claims, damages or attorney fees arising from any negligence or unlawful acts of the Corporation or its employees in relation to this Agreement. Corporation shall not be liable for any claims, damages or attorney's fees arising from any negligence or unlawful acts of the County or its employees in relation to this Agreement. Corporation and County acknowledge that each entity is otherwise responsible for any claims or losses from personal injury or death or property damages that were caused by the acts or omissions of that entity, its agents, employees,

or representatives in the performance of the services and activities under this Agreement; and that each entity will be responsible for the handling of the portion of any claim which is based solely on the assertion that a policy of that entity is illegal or unenforceable in any way.

12.3 Law and Venue. This MOU is governed by the laws of the State of Texas and all obligations under this MOU shall be performable in the City of Austin, Texas, or in Travis County, Texas. It is expressly understood that any lawsuit, litigation, or dispute arising out of or relating to this MOU will take place in Travis County and the City of Austin.

12.4 County Public Purpose. By execution of this MOU, the Commissioners Court finds that the issues, problems and needs to be addressed by this MOU constitute a significant public concern and that provision of services under this MOU will further the public purpose of addressing those needs identified in this MOU for qualified individuals.

TRAVIS COUNTY, TEXAS

By: \_\_\_\_\_  
Honorable Samuel T. Biscoe  
Travis County Judge

Date: \_\_\_\_\_

TRAVIS COUNTY HOUSING FINANCE CORPORATION

By: \_\_\_\_\_  
Samuel T. Biscoe  
President

Date: \_\_\_\_\_



## **Texas Department of Housing and Community Affairs Housing Trust Fund**

### **2012 - 2013 Amy Young Barrier Removal Program**

#### **Notice of Funding Availability Amendment**

***Original NOFA Published and Released August 12, 2011***

***NOFA Amendment Published and Released May 4, 2012***

#### **1. Program Overview**

The Texas Department of Housing and Community Affairs (“the Department”) announces the availability of \$4,000,000 in funding from the Housing Trust Fund (HTF) for the Amy Young Barrier Removal Program (“Program”) through the Department’s Reservation System. Approximately \$1,738,500 is available from the 2012-2013 HTF appropriation and \$2,261,500 in loan repayments, interest earnings and deobligations is available from prior years.

The Amy Young Program provides one-time grants of up to \$20,000 to Persons with Disabilities qualified as Low Income, for home modifications necessary for accessibility and the elimination of hazardous conditions. Program beneficiaries may be tenants or homeowners and their household members with disabilities.

The Department will utilize a Reservation System with this Notice of Funding Availability (NOFA) in an effort to attract a diverse group of eligible Administrators serving various regions throughout the state. The availability and use of these funds are subject to Chapter 2306 of the Texas Government Code and the Texas Administrative Code, Title 10, Part 1, Chapter 51 (the “Housing Trust Fund Rule”).

The Department will begin accepting Applications to access the Reservation System starting on **August 12, 2011** and will grant access on an ongoing basis until all Program funds are reserved, or until **August 31, 2013**, whichever occurs first. In accordance with Chapter 2306 of the Texas Government Code, this NOFA is not subject to the Regional Allocation Formula since funds are programmed primarily for Persons with Disability.

#### **2. Eligible Applicants**

- a) The following organizations are eligible to apply to administer the Program:
  - i. Units of Local Government;
  - ii. Nonprofit Organizations;
  - iii. Public Housing Authorities (PHAs); and
  - iv. Public Agencies.
- b) Organizations interested in applying to administer the Program must complete the Amy Young Barrier Removal Program Reservation System Access Application, which may be downloaded from the Department’s website at <http://www.tdhca.state.tx.us/htf/nofa.htm>.

Upon approval, a Reservation System Access Agreement will be provided by the Department and must be executed in order to participate in the Reservation System.

- c) Organizations currently approved to participate in the Department's Amy Young Barrier Removal Program, the HTF Homebuyer Assistance Program or the Texas Bootstrap Loan Program need to complete only page one of the Amy Young Barrier Removal Program Reservation System Access Application.
- d) Applicants must have at least one (1) year of experience providing services to low-income households or Persons with Disabilities, as evidenced by current or previous contracts with the Department or with other funding entities. To satisfy this requirement, applicants may provide evidence of a partnership with an entity or organization that meets the requirement, such as a contract or memorandum of understanding (MOU). A letter of support or intent to partner does not satisfy this requirement.

### **3. Definitions**

- a) Any capitalized terms not specifically mentioned in this section shall have the meaning as defined by the Department, in Chapter 2306 of the Texas Government Code, or Housing Trust Fund Rule.
- b) In addition, this NOFA uses the following definitions:
  - i. Administration Fee – Program funds that are earned by Administrators for operating the Program.
  - ii. Contingency – A maximum of 10% percent of the construction contract amount. Hard Costs – Site specific project construction costs, including general requirements, site preparation, permits, labor, materials and budgeted contingency funds utilized through an HTF approved change order.
  - iii. Liquid Assets – Liquid Assets are items of value that may be turned into cash. This does not include items such as the principal residence, restricted retirement accounts, and permanent life insurance policies.
  - iv. Low Income – (In this NOFA, the following definition of Low Income is used in place of the HTF Rule definition). Household income does not exceed 80% of the Area Median Family Income (AMFI) or 80% of the State Median Family Income, adjusted for Household size, whichever is greater, utilizing a Department approved methodology.
  - v. Project Costs – Program funds (Hard and Soft Costs) that directly assist an eligible Household.
  - vi. Reservation Setup - The submission of required documents to the Reservation System in order to reserve Program funds for an eligible Household.
  - vii. Reservation System – The Department's online system utilized by Administrators to reserve and draw Project Costs and Administration Fees, and track status of Program activities specified in this NOFA.
  - viii. Soft Costs – Limited to an amount not to exceed 10% of Project Hard Costs, Soft Costs are Activity specific costs including but not limited to: staff or consultant time spent to determine address specific Applicant eligibility; inspection(s); septic system inspection fees; work write-up and cost estimation; pre-construction conference;

construction supervision; Setup and Draw documentation and submitting to the Reservation System; staff mileage associated with a specific Activity, etc.

#### 4. Program Requirements

- a) The primary purpose of this Program is to provide accessibility modifications and barrier removal for Persons with Disabilities qualified as Low-Income.
- b) Administrators must follow processes and procedures as required by the Department or outlined in the Program Manual.
- c) The assisted Household's projected income may not exceed 80% of the Area Median Family Income (AMFI) or 80% of the State Median Family Income, adjusted for Household size, whichever is greater, utilizing the approved methodology described in the Department's Amy Young Program *Income Qualification Guidelines*. Liquid Assets may not exceed \$20,000.
- d) Administrators must comply with all applicable procurement laws, regulations and policies. Local units of government must maintain documentation of compliance with procurement laws and regulations. All participating Nonprofit Organizations must have a Board adopted procurement policy and document in their local file compliance with that policy.
- e) An Administration Fee equal to 10% of the Project's combined Hard and Soft Costs will be paid to the Administrator upon completion of the Project. Administration Fees are not a part of the maximum grant per Household.

#### 5. Property and Construction Guidelines

- a) Eligible properties are owner-occupied homes and rental units. A Person with Disability must be named on the lease of the assisted rental unit or the owner of record for an owner-occupied property unless otherwise approved by the Department on a case-by-case basis.
- b) The following properties are not eligible for assistance in this Program:
  - i. Properties developed, owned or managed by the Administrator or an Affiliate, as defined in the HTF Rule.
  - ii. Rental units financed in whole or in part with federal funds, as they are required to meet minimum accessibility standards.
- c) The Program grant is limited to \$20,000 in combined Hard and Soft Costs. Funds may not be used for repairs or construction unrelated to accessibility modification, barrier removal or the elimination of hazardous or unsafe conditions in the housing unit.
- d) **Accessibility modifications.** All Households served by the Program must have the need for accessibility modifications. **A minimum of 75%** of Project Hard Costs must be utilized for accessibility modifications unless otherwise approved by the Department on a case-by-case basis. Examples of modifications may include, but are not limited to: interior/exterior handrails, door widening, exterior ramps, countertop/cabinet adjustments, accessible kitchen appliances, buzzing/flashing devices, accessible door/faucet handles, elevated toilets, shower grab bars, shower wands, walk-in showers, pedestal sinks, etc.

- e) **Rehabilitation of the unit.** In addition to accessibility modifications, eligible activities include other rehabilitation costs associated with the elimination of hazardous or unsafe conditions in the housing unit. **No more than 25%** of the Project Hard Costs may be utilized for this purpose unless otherwise approved by the Department on a case-by-case basis. Examples of other rehabilitation work include, but are not limited to repair of hazardous conditions or code violations in the electrical system, plumbing system, structural system or mechanical system.

## 6. Reservation System Guidelines

- a) Program funds are available on a first-come, first-serve basis in the Reservation System.
- b) Administrators of active Amy Young Barrier Removal Program contracts may apply to access the Reservation System if all of the funding under the current contract is committed and applicable benchmarks are met. Upon successful commitment of funds under existing contract terms and if all applicable benchmarks are being met, subsequent Setups will be accepted subject to the terms of this NOFA.
- c) Administrators of active Amy Young Barrier Removal Program contracts may apply to access the Reservation System to serve Households outside of the Service Area defined in the current, active contract if they are currently meeting all contractual benchmarks.
- d) An Administrator is ineligible to access the Reservation System until any past due audit has been submitted to the Department in a satisfactory format with no unresolved findings.
- e) In accordance to the HTF Rule, the Department may de-authorize access to Reservation System and the Reservation System Access Agreement will be terminated if the requirements in this NOFA are not met. For the purposes of this NOFA, de-authorization is treated as a funding deobligation as outlined in the HTF Rule.

## 7. Reserving Funds (Reservation Setup)

- a) Administrators will market the Program, complete application intake, and qualify Households for participation.
- b) After collecting and verifying the required Household income and property eligibility documentation, the Administrator will enter the Activity Reservation Setup information into the Reservation System, submit the required forms described on the “Reservation Setup Checklist” or in the Program Manual, and request a Reservation of Project funds, up to the maximum of \$20,000 and an Administration Fee of 10% of the Project funds.
- c) Reservation Setups will be processed in the order submitted to the Department via the Reservation System. Submission of a Reservation Setup on behalf of a Household does not guarantee funding.
- d) The Department will review the Reservation Setup documentation within **ten (10) business days** of submission by the Administrator.
- e) Once a Household is verified by the Department as eligible for assistance, up to the maximum of \$20,000 in Project funds plus an Administration Fee of 10% of the Project funds will be reserved in the Reservation System.
- f) When the Reservation Setup is approved by the Department, Project and Administration Fee funds will be reserved for the Household through the Reservation System for a period

of no more than **sixty (60) calendar days**, during which time the Administrator must complete the Activity Approval process.

## **8. Construction Approval**

- a) After the Department has approved the Reservation Setup, the Administrator has **sixty (60) calendar days** to submit all required construction documentation into the Reservation System, including the awarded construction contract and “Before” pictures.
- b) If complete documentation is submitted within the **sixty (60) calendar day** reservation period, and is approved by the Department, the status will be changed to “active”. The Administrator may then proceed with the pre-construction conference and start construction.
- c) If the documentation needs correction or additional information, the Department will notify the Administrator and change the Activity status to “disapproved” until the documentation is received. If an Activity remains in “disapproved” status for more than **thirty (30) calendar days**, the Department will cancel the reservation from the Reservation System and the Setup will need to be resubmitted if funds are available.
- d) Administrators may reserve and have active projects in amounts outlined below. If an Administrator has reached the maximum amount allowed to be active, new Reservation Setups will not be reviewed by the Department until an existing Activity is closed or an existing Reservation Setup has been cancelled or deleted.
  - i. An administrator may have up to \$100,000 reserved.
  - ii. If an Administrator has completed five (5) projects successfully and met all timeframes as outlined in Section 8, the Administrator may have up to \$200,000 active in the Reservation System.
  - iii. If an Administrator has completed ten (10) projects successfully and met all timeframes as outlined in Section 8, the Administrator may have up to \$300,000 active in the Reservation System.
  - iv. If an Administrator has completed fifteen (15) projects successfully and met all timeframes as outlined in Section 8, the Administrator may have up to \$400,000 active in the Reservation System.

## **9. Drawing Funds in the Reservation System**

- a) Administrators may request Draws for Project Costs and Administration Fees upon completing each approved Project.
- b) If the Department requires additional information or documentation to process a Draw request, the Department will notify the Administrator and change the Draw status to “disapproved” until follow up documentation is received from the Administrator. If a Draw request remains in “disapproved” status for more than **thirty (30) calendar days** in the Reservation System, the Department will delete the Draw from the Reservation System. The Draw will need to be resubmitted.

## **10. Project Completion**

Once the request for Construction Approval has been approved by the Department and the Activity becomes active, the Administrator has **one hundred and twenty (120) calendar days** to complete all construction and draws. The Department may grant a one-time **thirty (30)**

**calendar day** extension to the project completion deadline due to extenuating circumstances that were beyond the Administrator's control, upon receipt and approval of a written request within **one hundred and twenty (120) calendar days** after Construction Approval. **If the Administrator fails to meet this deadline, the Reservation may be cancelled.**

**Questions regarding this NOFA should be addressed to:**

Texas Department of Housing & Community Affairs

**Housing Trust Fund Division**

ATTN: Will Gudeman, HTF Program Coordinator

221 E. 11<sup>th</sup> Street

Austin, Texas 78701

Telephone: (512) 475-4828

E-mail: [HTF@tdhca.state.tx.us](mailto:HTF@tdhca.state.tx.us)



**TEXAS DEPARTMENT OF HOUSING AND  
COMMUNITY AFFAIRS**

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**Housing Trust Fund**

**Amy Young Barrier Removal Program**

**Program Manual**



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Chapter 4	Reservation Submission Process
Chapter 5	Initial Inspection, Lead Paint Guidance & Walk Aways
Chapter 6	Procurement, Bids, Construction Requirements and Change Orders
Chapter 7	Project Closeout and Draw Process
Chapter 8	Program Monitoring and Compliance

## **References**

- TDHCA Governing Statute (Government Code, Title 10, Chapter 2306)  
<http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.2306.htm>
- Texas Accessibility Standards  
<http://www.license.state.tx.us/ab/abtas.htm>

## **CHAPTER 1: INTRODUCTION**

### **ABOUT THE HOUSING TRUST FUND**

The Housing Trust Fund (HTF) was established by the 72nd Legislature, Senate Bill 546, to create affordable housing for low and very low income individuals and families. It is the only state-authorized funding source for affordable housing. Funding sources consist of appropriations or transfers made to the fund, unencumbered fund balances, and public or private gifts or grants. The Housing Trust Fund Plan details the strategy for expending funds.

### **PROGRAM OVERVIEW**

The Amy Young Barrier Removal Program (“Program”) provides one-time grants of up to \$20,000 to Persons with Disabilities, whose household income does not exceed 80% of the Area Median Family Income (AMFI), for home modifications necessary for accessibility and the elimination of hazardous conditions. Program beneficiaries may be renters or homeowners and their household members with disabilities.

Administrators will provide assistance to households whose composition includes at least one member meeting the definition of a Person with Disabilities, an individual who has a disability that is a physical or mental impairment that substantially limits one or more major life activities.

The assistance shall be provided in the form of a grant. No liens will be required.

As allowed in the Notice of Funding Availability (NOFA), households living in counties where the AMFI is lower than the state median family income, Administrators may use the state median family income, adjusted for household size, as defined by the U.S. Department of Housing and Urban Development (HUD) and provided by the Texas Department of Housing and Community Affairs (“Department”), to determine income eligibility. Income limits are provided on the Department’s Housing Trust Fund webpage at <http://www.tdhca.state.tx.us/htf/index.htm>.

### **USE OF THIS MANUAL**

The Amy Young Program Administrators (“Administrator”) must follow procedures described in this manual and use the referenced Department forms. Referenced resources provide additional information and instruction.

Program Forms and the Program Manual are available online at: <http://www.tdhca.state.tx.us/htf/forms/index.htm>.

This manual provides program information to help Administrators assist households in accordance with the HTF Rule and other programmatic and compliance requirements. This manual is designed to supplement the information published in the NOFA. Administrators

should contact HTF staffs regarding final interpretation of the rules, policies and regulations that govern the Program.

### **ON-SITE TECHNICAL ASSISTANCE**

Technical Assistance (TA) or on-site TA can be provided at the Administrator's request or when an HTF Program Coordinator determines it is the most effective means for resolving program or capacity issues. The HTF Program Coordinator may recommend an on-site visit if administrative errors persist or insufficient documents continue to be submitted.

An on-site TA visit typically includes:

- Administrator's specific administrative errors or insufficient documents;
- Administrator's questions and concerns;
- TDHCA Housing Contract System training;
- Discussion/explanation of program documentation, requirements, and procedures

### **Contact Department staff regarding Amy Young questions and submissions**

Will Gudeman      Primary Program Coordinator    (512) 475-4828    [will.gudeman@tdhca.state.tx.us](mailto:will.gudeman@tdhca.state.tx.us)

Mark Leonard      Backup Program Coordinator    (512) 936-7799    [mark.leonard@tdhca.state.tx.us](mailto:mark.leonard@tdhca.state.tx.us)

## CHAPTER 2: ADMINISTRATION

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In addition to the NOFA, the Administrator should review and understand their Reservation System Access Agreement (“Agreement”) prior to reserving funds since the Agreement outlines all responsibilities related to the administration of the Program.

### **Administrator Eligibility**

Administrators must meet the following eligibility requirements:

- Be one of the following types of organizations:
  - Unit of Local Government
  - Nonprofit Organization
  - Public Housing Authority
  - Public Agency
  
- Have at least one (1) year of experience providing services to low-income households or Persons with Disabilities and have the following evidence to demonstrate this experience:
  - Current or previous contracts with the Department; OR
  - Current or previous contracts with other funding entities, OR
  - Evidence of a partnership with an entity or organization that meets the requirements, such as a contract or Memorandum of Understanding (MOU). (Note: In accordance with the NOFA, a letter of support or intent does not satisfy this requirement.)

### **Reservation System Access Requirements and Guidelines**

Program funds are available on a first-come, first-served basis in the Reservation System.

An Administrator is ineligible to access the Reservation System until any past due audit has been submitted to the Department in a satisfactory format with no unresolved findings.

In accordance with the HTF Rule, the Department may de-authorize access to the Reservation System and the Reservation System Access Agreement will be terminated if the requirements in the NOFA are not met. For the purposes of the NOFA, de-authorization is treated as a funding deobligation.

### **Steps to Becoming an Administrator (Gaining Access to the Reservation System)**

To serve households with the Program, an organization must first be approved as an Administrator by the Department. Procedures for becoming an Administrator should be completed sequentially as follows. All forms can be downloaded from the Department’s Website at: <http://www.tdhca.state.tx.us/htf>

1. Application - Complete, sign, and return the Reservation System Access Application (“Application”). Organizations currently approved to participate in the Department’s previous Amy Young Barrier Removal Program, the HTF Homebuyer Assistance Program, or the Texas Bootstrap Loan Program need to complete only page one of the Application.
2. Reservation System Access Agreement - The Department will provide to the organization a Reservation System Access Agreement (“Agreement”) for review and final execution.
3. Application for Texas Identification Number - Texas Comptroller of Public Accounts **FORM AP-152**. This form must be submitted by the Administrator.
4. The following information relating to payment to Administrators must be submitted to the Department:
  - a. Name of bank
  - b. Bank contact information, including name of banker and phone number
  - c. ABA same day wire transfer number
5. **TDHCA Contract System Access Request** – provides identifying information regarding the Administrator’s authorized representatives.
6. Audit Certification Form (ACF) - Within 60 days after Administrator’s fiscal year end, submit *Audit Certification Form* and submit form after every fiscal year end during the Agreement period.
7. After successfully completing steps 1-6, the Administrator may begin marketing the Program and performing application intake. A marketing brochure with space for the Administrator’s contact information is available upon request.

### **Administrative Fee**

An administrative fee equal to 10% of each activity’s combined hard and soft costs will be paid to the Administrator upon completion of each Activity. Administrative fees are not a part of the maximum grant per household. See **Chapter 7** for more information about the project closeout and draw process.

### **Conflict of Interest**

In accordance with HTF Rule, no person who exercises or has exercised any functions or responsibilities with respect to HTF activities under Chapter 2306 of the Texas Government Code, or who is in a position to participate in a decision making process or gain inside

information with regard to such activities, may obtain a personal or financial interest or benefit from a HTF assisted activity, or have an interest in any HTF Agreement, subcontract or agreement or the proceeds, either for themselves or those with whom they have family or business ties, during their tenure and for one year thereafter.

## **RECORDKEEPING REQUIREMENTS**

Administrators must retain all documents pertaining to the Program at its regular place of business for at least THREE YEARS after activity completion. Original documents may *not* be moved to a consultant's place of business or to any other location that is *not* under ownership or control of the Administrator.

In accordance with Texas Government Code, Chapter 552, Section 552.021, the Texas Public Information Act, all Program-related documents (includes applications, bookkeeping, reports, program files, activity files, etc.) must be available for public inspection by the Department, the Comptroller of Public Accounts, the State of Texas or any of their authorized representatives.

Pursuant to the HTF Rule, Administrators must adhere to record keeping requirements, which may include, but are not limited to:

- Information necessary to determine whether the Administrator has carried out housing activities in accordance with the objectives and requirements of the HTF Rule
- Information necessary to determine if a project is benefiting low, very low, and extremely low-income households
- Data on race and ethnicity for households who have applied for and/or benefited from any activity funded with HTF Program funds

## **FILE ORGANIZATION**

The Administrator must maintain a recordkeeping system for HTF activities that can be easily reviewed by the Department. The Department requires two types of files: program files and activity files.

### **PROGRAM FILE - (Program Administration)**

Copy of the:

- NOFA
- Application submitted to TDHCA
- Reservation System Access Agreement
- Marketing Plan
- Selection Criteria



Procurement Plan  
Receipts and Accounting Documents

### **ACTIVITY FILES - (Individual Household Activities)**

Assisted Applicant Files  
Disapproved Applicant Files

### **PROGRAM FILE CHECKLIST**

The program file documents the overall administration of the Program. Group the documents according to function. The program file should contain the following sections at a minimum:

- 1. NOFA and Agreement.** Administrators should keep a hard copy of the NOFA, Program Application, fully executed Reservation System Access Agreement, any amendment requests, and any executed amendments on file.
- 2. Accounting.** This section of your files should include a copy of documents needed to track and justify costs related Program administrative and project costs. This may include:
  - Receipts for all Program expenditures (tracked and reconciled)
  - Disbursements of Program funds (tracked and reconciled)
  - Bank statements for the bank account(s)
  - Adequate support documentation for all receipts and disbursements
  - Summary of draw requests to the Department, tracking payments received
  - A copy of the same day wire transfer instructions for the bank account
- 3. Procurement and Program Eligibility Policies.** This section of your program file should include adopted plans and policies related to the Program. This may include your application selection/prioritization policy, board-adopted procurement policy/city or county procurement policy, walk-away policy/infeasibility policy, and conflict of interest policy.
- 4. Program Marketing.** Administrators should create and implement a marketing and outreach plan. Copies of all materials should be retained in a file for future reference. The following documents may be included, as applicable:
  - Copies of program brochures, notices, hand-outs, and other advertising materials or publications

- Documentation of public outreach efforts, including dates, times, locations, and content of information and/or materials provided
- Copies of invoices for paid advertising and publication services
- Transcripts of radio or other media announcements including dates and times of publication

### **ACTIVITY FILES**

Activity files organize all records pertaining to each applicant, regardless of their final approval for assistance. Create a separate activity file for each approved and disapproved applicant containing. The documentation should include the documents outlined on the *Project File Checklist (Form 16)*.

### **AMENDMENTS**

The Administrator will be responsible for meeting all of the conditions and terms of their Agreement. If an Administrator fails to meet any Program condition or term, the Department may terminate access to the reservation system, deobligate funds and cancel the reservation.

If an Administrator foresees the need to change to their Agreement, they may submit an amendment request in writing that documents extenuating circumstances that justify the request.

## CHAPTER 3: APPLICATION INTAKE & HOUSEHOLD ELIGIBILITY

### PLANNING THE APPLICATION INTAKE PROCESS

The following checklist may assist you to begin the application intake process:

<b>Sample Application Intake and Selection Plan</b>	
<b>Location</b>	<ul style="list-style-type: none"> <li>• Identify where applications will be accepted</li> <li>• Make arrangements to accommodate applicants with special needs (accessibility, language barrier, etc.)</li> </ul>
<b>Timing</b>	<ul style="list-style-type: none"> <li>• Establish frequency of intake (ongoing? limited?)</li> <li>• Ensure applicants are aware of the amount of time they have to complete applications on their own, or to submit additional information</li> </ul>
<b>Selection</b>	<ul style="list-style-type: none"> <li>• Retain written policies and procedures describing how applicants will be selected.</li> <li>• Describe the following processes in your household selection plan:               <ul style="list-style-type: none"> <li>• Prioritization of eligible applicants (first come-first served? or ranked according to specific scoring criteria or need?)</li> <li>• Prioritization of home ownership to rental</li> <li>• Prioritization of other types of “special needs” households, such as prior homelessness, mental illness, etc.</li> <li>• Notification process to applicants of eligibility status, reason, and next steps or other resources, if any</li> <li>• Waiting list policy (e.g., new intake application after a certain number of days/months)</li> <li>• Denial policy, with instructions for reapplying, if applicable</li> </ul> </li> </ul>

### APPLICATION INTAKE REMINDERS

- Use the *Project File Documentation Checklist (Form 16)* to ensure required documentation is gathered.
- Provide a list of required documentation to potential households and instruct them to collect all required documentation before scheduling a home visit or visiting your office.

- Download forms directly from the website when you work with a new applicant. The forms are updated periodically and previous versions of forms may be invalid.
- Complete the forms in full. Do not leave blank spaces. If it is not applicable, put "N/A" or "none."
- Do not use correction fluid or correction tape to make corrections. To make corrections, draw a line through the incorrect information, write the correct information nearby, and have the applicant initial the change or correction.
- Be prepared to submit support documentation. The Department may ask for additional verifications and information that may not be specified on the checklists or forms in case of a discrepancy.
- Ensure that no conflict of interest exists between any applicant Household member and persons designated by the Administrator to receive, evaluate, assist, or process applications.
- If a property has any liens of record for unpaid property taxes, the liens must be resolved and released by the appropriate authority.

**ELIGIBILITY AT- A - GLANCE**

<b>Household Eligibility Requirements</b>		
<b>Type</b>	<b>Requirement</b>	<b>Documentation</b>
<b>Income Eligibility</b>	Annual Gross income is no more than 80% AMFI or the State Median Income adjusted to household size	<ul style="list-style-type: none"> <li>• <i>Intake Application (Form 1)</i></li> <li>• <i>Household Income Certification (Form 4)</i></li> <li>• Support documentation (pay stubs, benefits letters, bank statements, etc.)</li> </ul>
<b>Liquid Asset Limitation</b>	Liquid assets may not exceed \$20,000. At a minimum, use most recent two month average checking account balance and the present balance of savings account.	Bank Account Statements for most recent 2 months from the date of application OR optional Asset Verification form completed by financial institution.
<b>Person with Disabilities</b>	At least one household member meeting definition of Person with Disabilities	<ul style="list-style-type: none"> <li>• <i>Certification of Disability (Form 2)</i></li> </ul>
<b>Property Eligibility</b>	<p>1) Proof of Ownership or written permission of the property owner if a rented unit.</p> <p>2) Person with Disability is a listed occupant of the rental unit.</p> <p>3) Property taxes are current.</p>	<ul style="list-style-type: none"> <li>• Title, or</li> <li>• Deed of Trust, or</li> <li>• Documentation from the county Appraisal District</li> <li>• Property Owner Permission Form developed by CA</li> <li>• Copy of the Lease</li> </ul>
<b>Health and Safety Hazards Limitation</b>	Health and safety-related hazardous conditions must be addressed. However, no more than 25% of project funds used for this purpose unless a TDCHA waiver is granted	<i>Initial Inspection Form (6)</i>

<b>Household Eligibility Requirements</b>		
<b>Type</b>	<b>Requirement</b>	<b>Documentation</b>
<b>Prohibited Liens</b>	Property subject to unresolved liens of record for property tax may be ineligible for assistance (to be determined by the Department).	Ensure applicable lien is resolved and released

## Income Qualification Guidelines

<b>Income Documentation Requirements (Most Common Income Types)</b>		
<b>Income Type</b>	<b>Requirement</b>	<b>Instructions/Documentation</b>
<b>Wages and Salaries</b>	Paystubs for the most recent 30 days, showing gross income.	Paystubs OR a completed Verification of Employment (VOE) form.
<b>Benefits and Pensions</b>	Include in gross income	Most recent award letters, showing gross amount of the benefit or pension, OR a completed Verification of Benefits form
<b>Public Assistance</b>	Include unemployment, workers compensation, rental assistance payments, and military housing allowance benefits	Award letter OR a completed Verification of Public Assistance form.
<b>Other Income</b>	Include bonus, overtime, shift differential, commissions, part-time employment, and second jobs	Paystubs OR a completed Verification of Employment (VOE) form.
<b>Seasonal Work or Self-Employment</b>	Include income from seasonal and farm labor work or self-employment	Determine by calculating a 2-year average using signed federal tax returns
<b>Employment by Relative or Interested Third Party</b>	Include income from employment by relative, the landlord, closely held family business, or any other interested third party.	A completed Verification of Employment (VOE) form and most recent signed federal tax return

**Alimony and Child Support:** Alimony and child support income will be used for income eligibility purposes if disclosed by the applicant on the intake application and appropriately verified.

*Documentation* ⇐ Divorce documents or separation agreement specifying the amount and duration of the award. Copies of canceled checks, bank statements or Attorney General's office confirmation may be used to verify receipt.

**Excluded Sources:** The Administrator will exclude any allowances for certain benefits, such as Food Stamps and Earned Income Tax Credit.

### **Applicant Notification**

Notify each applicant Household of its eligibility status *in writing* in a timely manner from receipt of a complete *Intake Application (Form 1)*. Notifications may communicate the following:

- The Household has been determined eligible to receive assistance;
- The Household has been determined ineligible to receive assistance (provide written explanation for the denial of assistance); or
- The Household has been added to a Waiting List.

Retain a copy of the status notification letter in the applicant's individual household activity file as outlined in **Chapter 2** of this manual.

### **NEXT STEPS FOR ELIGIBLE APPLICANTS**

After verifying that an applicant meets all the eligibility factors that pertain to the Agreement, clearly confirm that the applicant understands the program requirements that were explained to them before they decided to apply. Make sure the applicants know the program timelines for next steps, as well as their rights and responsibilities.

At this point, the Administrator requests commitment of funds for the eligible household by submitting a "setup" via the Department's online Reservation Contract System.



## CHAPTER 4: RESERVATION SUBMISSION PROCESS

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A “Set-up” is the process in which the Administrator reserves HTF monies for an eligible household and activity. The Administrator will reserve funds for households by entering and submitting setups using the Department’s online Housing Contract System (“System”). Set-ups require entering information about the eligible household, attaching required forms, and uploading other supporting documentation into the System.

### WHO MAY SUBMIT SET-UPS?

The Administrator must authorize the staff persons allowed to submit information to the Department through the System using the *Contract System Access Request Form*. The Department will assign unique login names and temporary passwords to those authorized users. Login names and passwords may NOT be shared with anyone other than the person to whom it is assigned.

If authorized users are no longer involved in administering the Program, the Administrator must submit an updated *Contract System Access Request Form* to remove and/or add additional users.

### RESERVATION SETUP PROCESS

After collecting and verifying the required household income and property eligibility documentation, the Administrator will enter the Activity Reservation Setup information into the System. The forms listed on the *Activity Reservation Setup Checklist (Form 5-a)* will be uploaded using instructions provided in the *HTF Contract System User Guide*.

Submission of a reservation setup does not guarantee funding. When the reservation setup is approved by the Department, the project funds and administration fee will be reserved for no more than **sixty (60) calendar days**, during which time the Administrator must complete the activity approval process as outlined in this manual and in accordance with the NOFA.

The Department will review the documentation within **ten (10) business days** of submission by the Administrator. Once a household is verified by the Department as eligible for assistance, up to the maximum of \$20,000 in project funds plus an Administration Fee of 10% of the project funds will be reserved in the Reservation System.

If the documentation requires correction at any time or additional information is needed, the Department will notify the Administrator and change the activity status to “disapproved” until the documentation is received. If an activity remains in “disapproved”

status for more than **thirty (30) calendar days**, the Department will cancel the reservation from the Reservation System and the setup will need to be resubmitted if funds are available.

**In accordance with the NOFA, the Administrator may reserve up to \$200,000 in project costs in the System at any time. Once the Administrator has reached the maximum of \$200,000 allowed, new setups will not be reviewed by the Department until an existing activity is closed or an existing Reservation Setup has been cancelled or deleted.**

Amy Young Reservation Setup and Draw Process Timeline		
Process	Documents to Submit	Timeline
<b>Initial Reservation</b>	1. Initial Reservation Setup (Household Activity Reservation – Approved by the Department)  <b>Upload to the Contract System:</b> <ul style="list-style-type: none"> <li>• Intake Application (Form 1)</li> <li>• Certification of Disability (Form 2)</li> <li>• Household Income Certification (Form 4)</li> <li>• Activity Reservation Setup Checklist (Form 5a)</li> </ul>	Submit once all documents are gathered and household deemed eligible by the Administrator’s selection plan and policies
<b>Construction Approval (60 days)</b>	2. Work Write-up Submission (Approval by the Department)  <b>Email the following to HTF Staff</b> <ul style="list-style-type: none"> <li>• Initial Inspection (Form 6)</li> <li>• Work Write-up and Cost Estimate (Form 7)</li> <li>• Initial Inspection, Work Write-Up and Cost Estimate Checklist (Form 5b)</li> <li>• “Before” Photos</li> </ul>	Within <b>30 days</b> of reservation approval
	3. Construction Initiation (Construction Approval by the Department)  <b>Email the following to HTF Staff</b> <ul style="list-style-type: none"> <li>• Copy of Construction Contract</li> <li>• Construction Contract Checklist (Form 5c)</li> </ul>	Within <b>30 days</b> of work write-up approval
<b>Contract Closeout (120 days)</b>	4. Construction Completion, Closeout and Final Draw (Approved by the Department)  <b>Upload to the Contract System:</b> <ul style="list-style-type: none"> <li>• Change Order(s) (Form 10)</li> <li>• Final Inspection (Form 11)</li> <li>• Building Contractor’s Requests for Payment (Form 12)</li> <li>• Building contractor’s itemized invoice</li> <li>• Construction Draw Checklist (Form 13)</li> <li>• Activity Project Soft Cost Invoice (Form 14)</li> <li>• “After Photos”</li> </ul>	Within <b>120 days</b> of construction contract approval

## **CHAPTER 5: Initial Inspection, Lead Paint Guidance & Walk-Aways**

Up to 25% of the construction costs may go towards resolving health and safety deficiencies. For example, if total project costs are \$10,000, \$2,500 may be spent on resolving health and safety deficiencies. The following top 10 deficiencies, as identified by the American Society of Home Inspectors, are below. Be sure to consider all aspects of the housing unit when determining the budget for accessibility and health and safety modifications.

### **The American Society of Home Inspectors (ASHI) recently surveyed its members to find out what were the ten top home inspection problems.**

- 1. Improper surface grading and drainage.** This was by far the most frequently-found problem, reported by 36 percent of inspectors. It's responsible for many common household maladies: cracked slabs and water penetration of the basement, footings or crawlspace. The most effective remedies for bad drainage include re-grading the ground around the house, repairing or installing a gutter and downspout system and providing positive drainage away from the foundation.
- 2. Improper and undersized electrical wiring.** Many inspectors, about 20 percent, found this to be the most common home inspection problem. It includes such situations as insufficient electrical service to the house, aluminum wiring, inadequate overload protection, improper grounding and dangerous amateur wiring connections. The inspectors say that much of the improper wiring they see was put together by do-it-yourselfers. This is a serious safety hazard, not just a cosmetic defect.
- 3. Older and damaged roofs.** About 9 percent of inspectors cited this as the most-common home inspection problem. Many wooden roofs are at the end of their useful life. Asphalt shingle roofs only last about 15 to 20 years. Roof leakage caused by old or damaged shingles or improper flashing is a frequent problem. It can be easy and inexpensive to repair damaged tiles and shingles and to re-caulk the roof penetrations. But, expensive, major roof repairs may be required down the road, if the repairs are put off.
- 4. Deficient and older heating systems.** Problems in this category include broken or malfunctioning controls, blocked chimneys, unsafe exhaust flues and cracked heat exchangers. These conditions represent more than simply inefficient heating. They are a major health and safety hazard. Heating systems should be serviced and maintained annually by a professional heating serviceman according to the manufacturer's instructions. Although expensive, the newer more efficient central heating systems will help to recoup your investment by reducing heating and cooling costs.
- 5. Poor Overall Maintenance.** Americans, on average, take better care of their cars than they do their homes. That's the consensus of many home inspectors, who often come across cracked, peeling or dirty painted surfaces, crumbling masonry, make-shift wiring or plumbing and broken fixtures or appliances. Although some of these problems may seem more cosmetic than serious, they reflect the overall lack of care that has been given to a home.
- 6. Structural Problems.** As a result of problems in one or more of the other categories, many houses sustain some, although usually not serious, damage to structural components such as foundation walls, floor joists, rafters or window and door headers. These problems are more common in older homes.
- 7. Plumbing problems.** Plumbing defects ranked high among the house problems encountered. Included is the existence of old or incompatible piping materials, faulty fixtures and waste lines and improperly strapped hot water heaters. Surprisingly, some home inspectors reported finding natural gas leaks in the homes they inspected.
- 8. Exteriors items.** Flaws in a home's exterior, including windows, doors and wall surfaces are responsible for the

discomfort and damage caused by water and air penetration. Inadequate caulking and/or poor weather stripping are the most common culprits of a cold and drafty home.

**9. Poor Ventilation.** Due to overly ambitious efforts to save energy, many home owners have "over-sealed" their homes, resulting in excessive interior moisture. This can cause rotting and premature failure of both structural and nonstructural elements. Moisture from unvented bathrooms and kitchens can damage plaster and may also lead to the accumulation of mold, which often causes allergic reactions.

**10. Miscellaneous items.** This category included various interior components, such as sticky windows or dripping faucets, as well as a number of environmental concerns, such as lead-based paint and asbestos.

To sum up the list, ASHI notes that 4 of the 10 items relate directly to the damaging effects of water. After a home is built, protecting it against water is the homeowner's most important and continually challenging task. Also, it is important to remember that the list represents a national average. Problems vary by climate, building codes, and the age of a structure, among other things.

## WHEN DO INSPECTIONS TAKE PLACE?

Inspection Requirements Overview	
Required Inspections	When
1) INITIAL Inspection to determine level of modification needed and identify hazardous conditions	1) After household eligibility is determined, but before Work is put out for bid and construction contract awarded.
2) FINAL Inspection to certify compliance and correction of deficiencies	2) After construction is complete, but before the project draw is processed.

### The Initial Inspection

The Administrator will complete an initial inspection with "Before" photos to determine the level of rehabilitation needed for barrier removal and accessibility, utilizing the Texas Accessibility Standards (TAS) for guidance on specifications. At this time, hazardous conditions will also be identified.

*For rental units, all health and safety deficiencies must be resolved by the property owner prior to being able to access funds for accessibility improvements. Evidence of these corrections or a lack of deficiencies must be submitted to the Department.*

### Lead-Safe Paint and EPA Lead Regulations

The EPA updated its rules in April 2010 and your organization needs to be aware of the details behind them to be able to comply with federal law. Any pre-1978 home that will be rehabbed or renovated, including demolition of homes, must have at a minimum a contractor that is an EPA Certified Firm and an EPA Certified Lead Renovator must oversee

the construction. These individuals know how to comply with EPA Lead Safe Rules and know the differences between projects funded through different funding sources.

Be sure that whenever any pre-1978 home comes your way that you are fully aware of what steps need to be taken and that you have staff who are aware of the EPA rules. Bid packages for pre-1978 homes should also clearly indicate the requirements of a contractor to work on the home.

For housing units built prior to 1978, an assessment of the applicability of the EPA's Lead-Based Paint Renovation, Repair, and Painting Program (RRP) will be completed by certified inspectors or risk assessors if the RRP rules are triggered.

Lead Paint Regulation Information	
EPA Renovation, Repair and Painting (RRP) details.	<a href="http://www.epa.gov/lead/pubs/renovation.htm">http://www.epa.gov/lead/pubs/renovation.htm</a>

### When the Applicant Declines to Consent

If, following completion of a thorough, documented feasibility analysis, the applicant does not consent to the recommended barrier removal assistance and/or repairs, obtain a statement signed by the applicant. Applicants may not wish for all accessibility improvements that are recommended to be completed, and their wishes should be honored. However, applicants cannot opt out of resolving health and safety deficiencies that have been identified; if they do not wish to have health and safety work to be completed, walking away is an option that should be considered.

The walk-away certification should clearly document all the following:

- Applicant name;
- Address of home;
- Detailed explanation of procedures and inspections conducted;
- Explanation of applicant's rejection of assistance;
- Interior and exterior photos of existing structure;
- Feasibility Analysis indicating cost estimates as applicable;
- Statement from the applicant that they acknowledge and understand:
  - The type of assistance being offered;
  - They *do not consent* to participation in the Program; and
  - They are voluntarily refusing the assistance.

The Administrator may, at its discretion, also elect to walk-away from a project. A notification letter must be provided to the household and a copy must be retained in the Project File.

### **Written Walk-Away Policy**

Each Administrator should establish a “walk-away” policy, which establishes guidelines to prevent investment in a unit which is so deteriorated that compliance with Program requirements cannot be achieved within the limit of financial assistance.

The Program is a specialized rehabilitation program and the entire unit is not required to be brought up to a standard or code. However, pressing health and safety issues can and should be addressed to provide a suitable living environment within Program funding limits.

If a housing unit that requires accessibility modifications also requires significant work to eliminate health and safety hazards (exceeding the 25% maximum amount allowed for this type of work), an Administrator must consider walking away unless other funds are provided or contact the HTF Program Coordinator to submit a waiver request.

A “walk-away” policy should outline basic situations in which an Administrator chooses to not assist a household, while leaving enough room for flexibility and objective decision-making. Some Walk-Away Policies may include whether assistance will be provided in the following instances:

- Homes in need of substantial structural repair and funds are insufficient
- Homes in need of substantial foundation repair unless the foundation is repaired prior to start of construction
- Homes that require replacement of a septic system

Each Administrator must retain a copy of their adopted “walk-away” policy in the program file. Additional guidelines can be found on the HTF Amy Young Barrier Removal Web site.

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## CHAPTER 6: Procurement, Bids, Construction Requirements and Change Orders

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Department may make periodic construction site visits to verify construction progress and/or completion.

### PROCUREMENT

All Administrators must establish written procurement procedures. Procurement is the process through which an entity obtains goods and services from vendors (including construction services) to administer the program. The procurement process usually includes the following:

1. Establish the kind services needed;
2. Obtain an independent cost estimate of the goods or services needed;
3. Solicit multiple contractors for services;
4. Compare bids to the estimate to ensure a fair price for the good and services;
5. Select the winning bidder and use a written contract that clearly states the responsibility of each party;
6. Document the entire process.

STATE PROCUREMENT REGULATIONS	
Counties:	Texas Local Government Code 262.003(a)
Cities	Texas Local Government Code 252.021(a)
Counties and Cities	Texas Government Code, Chapter 2254 when procuring professional services

NOTE: Some municipalities and may be subject to more stringent state and local procurement regulations than those cited in this document. Administrators should ensure compliance with the most stringent procurement requirements applicable. City and county



purchasing agents should be consulted to determine exact procurement procedures to follow.

## **BIDDING PROCESS**

### **Bid requirements:**

In addition to everything that should be required for accepting a bid (insurance, etc.), always include language in the *Invitation for Bids* that requires a bid amount for each specification. It is recommended that the bid include a statement that lump sum bids will be rejected.

The reason is twofold:

- Without a comparable unit price, how can a change order be approved or denied?
- Each spec bid allows for refining the cost estimates for future rehabs.

### **Notifying Potential Bidders**

Competition generally benefits the program, and therefore it is important to be sure that you are reaching as many qualified contractors as possible. There are many avenues for reaching potential contractors. Typically, formal advertisements through newspapers or trade publications are used and contractor lists are maintained to direct notification and solicitation. Direct phone calls by program staff to announce availability of upcoming work is also effective. Outreach strategies should be applied consistently, without demonstrating any preference for certain firms.

When there are multiple methods to attract potential bidders, there will be higher competition and lower prices.

### **Pre-bid Inspections with Potential Bidders**

Pre-bid inspections can add clarity to the scope of work. However, they also take a significant amount of time and can therefore increase program costs. Balance the need for pre-bid inspections with these time, cost, and production considerations. Sometimes requiring pre-bid inspections makes sense because there typically are at least a few jobs that are unusual, with very specialized requirements. In these cases, a pre-bid inspection is an essential way to head off misunderstandings in the future. In addition, if program staff notices several new bidders wishing to work with your program, pre-bid inspections may act as an important step in demonstrating to potential bidders how the program works and what to expect.

As long as the quality of the jobs and the household's satisfaction remains high, it is acceptable to not require pre-bid inspections.

### **Pre-construction Conferences**

Pre-construction conferences are essential for winning bidders. All programs with direct construction monitoring responsibilities must have a pre-construction conference with the winning bidder at the construction site. A pre-construction conference is a pre-start, job site meeting between the contractor, potentially subcontractors, the household, and program staff.

The purpose of the meeting is to discuss details on roles and responsibilities, timing, and to clarify the scope of work. In almost every job, the contractor and other subcontractors with unusual roles in the job are required to attend. The household verifies his/her role in relocation (if necessary or required), providing utilities, security issues, packing and insurance requirements. The household, contractor, and program staff walk the job re-inspecting every single item on the scope of work to clarify any minor last minute differences in understanding. Use Form 9 to document this step.

The General Specifications of the construction contract require the builder to locate underground utilities. The Pre-construction Conference provides the optimal opportunity to discuss this requirement if digging will be performed.

The State of Texas Underground Facility Damage Prevention and Safety Act governs excavation. The act says that anyone that plans to disturb soil to a depth of 16 or more inches must contact a notification center before proceeding with their work. Marking underground utilities is a safety issue. Electric cable, gas lines, water lines and wastewater lines could all be present under the property. Hitting these lines could result in injury, property damage or pollution of the environment.

*Call Before You Dig* is a free service that locates your underground utilities. Use this service any time excavation is planned at a home that will have a ramp installed, or any other activity that will require digging. Call the Texas Excavation Safety System toll-free at (800) 344-8377. Operators are on duty 24-hours a day, seven days a week (excluding legal holidays).

You may call up to 14 business days before excavating, but no later than 2 business days before excavating. By providing your email address to the operator, they will email you the work order and the date that utility locating will occur. The operator will ask you where, when and what type of excavating is to be done. Keep your assigned request number for future reference. A locator for the various utilities will come mark their underground utilities at your site.

## Sample Checklist for the Pre-Construction Conference

- What each party should expect throughout construction;
  - Type of construction work being performed – barrier removal and rehabilitation assistance
  - Specific materials to be used, including samples and colors, as applicable;
  - Construction and demolition procedures and process;
  - Start and end date of the Project;
- Budget limitations which may affect construction on the assisted property;
- The household will need to provide access to the property to the Administrator, Building Contractors, workers, and other authorized persons providing administrative and construction services.
- The household will need to ensure that all existing utilities (electricity, water, sewer, garbage) continue to be provided for the Building Contractor's use throughout the construction process;
- The household will need to arrange for the movement and/or storage of his/her property and personal belongings and ensure the security of his/her personal property.
- Personal property that is damaged, displaced, or missing during construction should be reported immediately to the Administrator.
- Recommended: household should compile a thorough photographic and written inventory before construction proceeds.
- Avoid interfering with construction procedures. The household must make a reasonable effort to stay safely away from the construction site while work is in progress.
- Demolition and construction may not begin until authorized by the Administrator.
- Inspection procedures (for construction inspections and optional progress inspections).
- The Building Contractor may submit a request for payment only after all costs have been incurred and all work for such costs has been satisfactorily completed. By signing the *Building Contractor's Request for Payment (Form 12)* the Building Contractor, household, inspector, and Administrator are each verifying the satisfactory completion of each listed repair item. All four parties must sign the *Building Contractor's Request for Payment (Form 12)* before the Department may process the Draw Request. If any repair is completed according to specifications but the household refuses to approve and sign *Building Contractor's Request for Payment (Form 12)* the household may be responsible for payment to the Building Contractor for time lost. Any such conflict must be resolved

by the Administrator according to the specifications or the Department's dispute resolution process.

- After receiving a request for payment from the Building Contractor, submit the draw request to the Department.

### **Sample Policy- Conflicts of Interest and Open Competition**

- Maintain written standards of conduct governing the performance of its employees engaged in the award and administration of contracts.
- Ensure that no employee, officer, or agent participates in the selection, award, or administration of a contract supported by public funds if a real or apparent conflict of interest would be involved. Such a conflict 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 the firm selected for an award.
- Ensure that officers, employees, and agents of the recipient neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, or parties to sub-agreements.
- Set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value.
- Ensure that disciplinary actions for violations of such standards by officers, employees, or agents are clearly provided in writing.
- Conduct all procurement transactions in a manner that provides, to the maximum extent practical, open and free competition.
- In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, invitation for bids and/or requests for proposals shall be excluded from competing for such procurements.
- Make awards to the bidder whose bid is responsive to the solicitation and is most advantageous to the recipient, price, quality and other factors considered.
- Ensure that solicitations clearly set forth all requirements that the bidder shall fulfill in order for the bid to be evaluated by the Administrator. Any and all bids may be rejected when it is in the Administrator's best interest to do so.

## **CONSTRUCTION STANDARDS AND REQUIREMENTS**

Rehabilitation or modifications funded by the Program must meet all applicable state and local housing quality standards and code requirements, pursuant to Section 214.212 of the Local Government Code

It is recommended that accessibility modifications be made with consideration of the design standards established by the TAS and/or Texas Government Code, Title 10, Subtitle G, Chapter 2306.514.

Administrators must provide building construction contractor oversight and ensure that builder's risk coverage is provided.

Where codes are applicable, be sure to discuss with the local code enforcement official situations in which permits will be required prior to seeking bids. Understand what the local code enforcement official expects to see when performing work that will be completed. These officials are allies, and they should be consulted with and not feared as they will keep your organization on the right path regarding construction.

Where codes do not exist, the best course of action is to follow the TAS, but with input from the person with disabilities to be assisted. For health and safety deficiencies, it is best to consult the residential building codes to understand how something should be installed. Free 2009 International Codes can be found at <http://publiccodes.citation.com/icod/IC-P-2009-000019.htm>.

It may be necessary to contract for inspection and spec writing services if technical aspects of building codes are not fully understood to ensure that construction is completed correctly.

### **Optional Progress Inspections**

If conducting interim inspections, staff needs to bring along a copy of the specs, a copy of the inspection report, a copy of the Contract Work-Write-Up, a copy of the Texas Accessibility Standards (applicable sections), and a copy of a code book (CodeCheck – books with tabs on the trades, Taunton Press). Relevant inspection tools (i.e. flashlight, measuring tape, receptacle tester, etc.) should be taken to all inspections to verify compliance with the construction contract.

### **Purpose of interim inspections:**

1. Clarify issues and answer questions
2. Quality control – make sure quality materials are being used
3. Maintain momentum

### **The Final Inspection (Required)**

The inspector will complete the Final Inspection report (Form 11) with “After” photos of the completed construction. The Final Inspection allows the Administrator to:

- Verify that contractors have addressed any punch list items and corrected any deficiencies
- Demonstrate construction was completed for final draw request
- Demonstrate project meets all contractual and applicable Construction Standards requirements

### **CHANGE ORDERS**

Good spec writing will dramatically reduce and/or nearly eliminate change orders. In housing rehab projects, change orders are oftentimes cosmetic or unnecessary for the purpose of rehab. For this reason, Change Orders must be carefully analyzed, as unnecessary work will not be reimbursed.

**All Change Orders must have written Department approval prior to beginning any work or incurring costs associated with the Change Order may be disallowed.**

## CHAPTER 7: PROJECT CLOSEOUT AND DRAWS

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### PROJECT COMPLETION

The Administrator has **one hundred and twenty (120) calendar days** from the date of construction contract approval to complete all construction and draws.

The Department may grant a one-time **thirty (30) calendar day** extension to the project completion deadline due to extenuating circumstances beyond the Administrator’s control, upon receipt and approval of a written request within **one hundred and twenty (120) calendar days** after construction contract approval.

**NOTE: If the Administrator fails to meet this deadline, the Reservation may be cancelled.**

### “DRAW REQUEST” GUIDELINES

A “Draw Request” is the process for transferring the Set-up funds to the Administrator for an approved reimbursable expense. Eligible costs must be incurred during the Access Agreement period (including administrative or soft costs) in order to be reimbursed. Draw Requests require uploading forms and supporting documents, as well as entering financial information about the project into the Contract System.

If the Department requires additional information or documentation to process a Draw request, the Department will notify the Administrator and change the Draw status to “disapproved” until follow up documentation is received from the Administrator.

Draw Request Submission Requirements		
Process	Documents to Submit	Timeline
<p><b>Upload to the Contract System:</b></p> <p>Construction Closeout and Final Draw</p>	<ul style="list-style-type: none"> <li>• <i>Change Order(s) (Form 10)</i></li> <li>• <i>Final Inspection (Form 11)</i></li> <li>• <i>Building Contractor’s Requests for Payment (Form 12)</i></li> <li>• <i>Construction Draw Checklist (Form 13)</i></li> <li>• <i>activity Project Soft Cost Invoice (Form 14)</i></li> <li>• “After Photos”</li> <li>• Administration Draw Request</li> </ul>	<p>Within <b>120 days</b> of construction contract approval</p>

## CHAPTER 8: PROGRAM MONITORING AND COMPLIANCE

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The Department's Compliance Monitoring Division monitors the performance of Administrators to ensure compliance with all applicable requirements. All Administrators are subject to a monitoring review at any time.

Administrators may be chosen for a monitoring review based on:

- a risk assessment performed internally by the Department
- a citizen complaint
- findings from a previous monitoring review

The following five objectives guide the Department's monitoring efforts:

<b>Program Monitoring Objectives</b>	
<b>Performance</b>	✓ Administrator is meeting the requirements of the NOFA and Agreement
<b>Expenditure of HTF monies</b>	✓ Administrator is expending funds in accordance with all applicable requirements as set forth in the Agreement
<b>Compliance</b>	✓ Administrator is following State statutes, the HTF Rule, and Department policies and requirements as applicable
<b>Prevention of Fraud &amp; Abuse</b>	✓ Administrator has adequate protections against fraud and misuse of HTF Program funds
<b>Quality Workmanship</b>	✓ Workmanship on assisted properties complies with applicable state and industry standards



## WHAT WILL BE MONITORED?

Monitoring Areas	
<b>Finance</b>	<b>Administration</b>
<ul style="list-style-type: none"> <li>• Fiscal controls are in place to adhere to Chapter 2306 of the Texas Government Code, the HTF Rule, Department policies and other requirements.</li> <li>• Administrator demonstrates financial integrity.</li> <li>• Generally Accepted Accounting Practices (GAAP) are followed.</li> </ul>	<ul style="list-style-type: none"> <li>• Documented program policies (e.g. marketing, fair housing, procurement, conflict of interest, etc.) meet requirements and are followed.</li> <li>• Record keeping system is established. System organizes and maintains Program documents.</li> <li>• Timely, accurate reports are submitted and written agreements are enforced.</li> </ul>
<b>Eligibility</b>	<b>Construction/Housing Quality</b>
<ul style="list-style-type: none"> <li>• Each activity meets all Program requirements for household eligibility, property eligibility, and funding limits.</li> <li>• Administrator has established a record keeping system to organize and maintain activity files.</li> </ul>	<ul style="list-style-type: none"> <li>• Physical inspection of assisted units support previously reported progress and condition.</li> <li>• Physical inspection verifies that workmanship is acceptable.</li> </ul>

### THE “DESK REVIEW”

The “Desk Review” is a monitoring review in which the monitor does not visit the Administrator but examines documentation submitted by the Administrator.

**Part 1:** The monitor will send a notification letter directly to the Administrator (copies are also mailed to the consultant, if any) requesting information to be submitted to Department offices by a certain date. The letter lists specific information that the monitor will be reviewing, such as program files, activity files, financial records, etc.

**Part 2:** The monitor will analyze the documentation submitted and test for compliance.

**Part 3:** The Desk Review concludes with a monitoring report (see below) that details any findings. The Administrator will have an opportunity to correct any findings, secure additional information or clarification, and report any actions the Administrator may already be taking to address areas of non-compliance.

### **THE “ON-SITE VISIT”**

The “On-site Visit” is a monitoring review in which the monitor travels to the Administrator’s place of business to physically review program documents and files and inspect assisted housing units.

**Part 1:** The monitor sends a notification letter directly to the Administrator (copies are also mailed to the related consultant, if any) identifying the date, time and purpose of the visit. The letter lists specific information that *must be available* on the day of the visit, such as program files, activity files, financial records, etc.

**Part 2:** On the day of the visit, the monitor will conduct an entrance interview with the Administrator (and with the consultant, if applicable) to ensure that the Administrator clearly understands the purpose, scope and schedule for the visit.

**Part 3:** The monitor will select files for review. Any activities referenced in a public complaint will also be reviewed and physically inspected.

**Part 4:** Administrator staff member *must* accompany the monitor during all physical inspections of assisted units. The monitor may also obtain information through interviews with Administrator staff and/or members of households assisted. The monitor will analyze all information gathered and test for compliance.

**Part 5:** The on-site visit concludes with an exit interview to discuss any preliminary findings. The monitor will later prepare a monitoring report (see below) that details any findings. The Administrator will have an opportunity to correct any findings, secure additional information or clarification, and report any actions the Administrator may already be taking to address areas of non-compliance.

## **THE MONITORING REPORT & CORRECTIVE ACTION**

- Part 1:** The monitor will issue a monitoring report. The monitoring report will detail findings of non-compliance, if any, identified during the review and prescribe corrective actions.
- Part 2:** The Administrator will typically have 30 days to submit a written response that verifies corrective actions were completed. The Administrator may request an extension of the corrective action period for up to an additional 30 days.
- Part 3:** The monitor will review the corrective action documentation submitted by the Administrator. If the corrective action does not sufficiently resolve the findings of non-compliance, the Administrator may have to repay disallowed costs to the Department. Any disallowed costs are to be repaid to the Department immediately. Following receipt of payment, the monitor will close the review and issue a monitoring closeout letter.

**NOTE: If Administrator fails to take the action specified in the monitoring report, it may result in any or all of the following:**

- Suspension or termination of the Agreement
- Deobligation of any funds remaining in the Agreement
- Recommendation that the Administrator be debarred
- Other financial penalties

## SUBMITTING YOUR SINGLE AUDIT

The audit-related deadlines are as follows:

Single Audit Submission	
Timeframe	Item to Submit
Within <b>60 DAYS</b> after Administrator's fiscal year End	<ul style="list-style-type: none"><li>• Submit the <i>Audit Certification Form (Form 904.09)</i></li><li>• Submit form after every fiscal year</li></ul>
Within <b>9 MONTHS</b> after Administrator's fiscal year End	<ul style="list-style-type: none"><li>• Submit the Single Audit Report (if applicable)</li><li>• If audit report is completed EARLIER, must</li><li>• submit within <b>30 DAYS</b> of receipt from Certified Public Accountant</li></ul>

Failure to submit either the *Audit Certification Form* or a Single Audit Report in a timely manner will result in the suspension of Administrator's draw requests until the Administrator completes the requirements.

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## FORMS

All forms may be accessed on the Amy Young Forms page online at <http://www.tdhca.state.tx.us/htf/forms/br-forms.htm>

The following forms are required and may not be altered.

Form 1	Intake Application
Form 2	Certification of Disability
Form 3	Applicant Identification Form
Form 4	Household Income Certification
Form 5a	Activity Reservation Setup Checklist
Form 5b	Initial Inspection, Work Write-Up and Cost Estimate Checklist
Form 5c	Construction Contract Checklist
Form 6	Initial Inspection Form
Form 7	Work Write-Up and Cost Estimate
Form 8	Building Contractor Eligibility Verification
Form 9	Pre-Construction Conference Report and Notice to Proceed
Form 10	Change Order Request
Form 11	Final Inspection Form
Form 12	Building Contractor Request for Payment
Form 13	Project Completion Draw Checklist
Form 14	Activity Project Soft Cost Draw Invoice
Form 15	Admin Draw Request
Form 16	Project File Documentation Checklist

**NOTE:** Sample approval and denial letters and optional Program forms are also available online for Administrators' use.

## **REFERENCE: APPLICABLE REGULATIONS**

Administrators are encouraged to familiarize themselves with all of the state statutes and rules that govern the Department and the Housing Trust Fund.

The availability and use of these funds are subject to **Chapter 2306 of the Texas Government Code**.

Other regulations may also apply such as, but not limited to:

- Texas Government Code, Title 7, Chapter 783 - the Uniform Grant and Contract Management Act, **as applicable for units of Local Government**; and
- Texas Government Code, Title 10, Subtitle F, Chapter 2254 for procurement of professional services, **as applicable for units of Local Government**.
- 40 CFR Part 745, Subpart E for EPA's Lead Based Paint regulations implementing Section 402(c) and 406(b) of the Toxic Substances Control Act (TSCA), the **Lead-Based Paint Renovation, Repair and Painting Program**.
- Federal Fair Housing Act Sec. 800. [42 U.S.C. 3601 note]

**Housing Trust Fund  
2010-2011 Amy Young Barrier Removal Program  
Contract Administrator Log**

<b>Administrator</b>	<b>Region</b>	<b>Area(s) Served</b>	<b>Status</b>	<b>Contact</b>
Easter Seals Central Texas-Urban and Rural	3,7, 9, 10	The Counties of: Travis, Williamson, Hays, Dallas, Tarrant, Bastrop, Bell, Blanco, Burnet, Caldwell, Fayette, Gillespie, Gonzales, Lampasas, Lee, Llano and Milam	Active	Rosa Gonzalez-Abrego <a href="mailto:rgonzalez-abrego@eastersealstx.com">rgonzalez-abrego@eastersealstx.com</a> (512) 615-3379
South East Texas Regional Planning Commission	5	The Counties of: Hardin, Jefferson and Orange	Active	Bonnie Brooks <a href="mailto:bbrooks@setrpc.org">bbrooks@setrpc.org</a> (409) 924-3381, ext. 6278

**2012-2013 Amy Young Barrier Removal Program  
Reservation System Administrator Log**

<b>Administrator</b>	<b>Region</b>	<b>Primary Area(s) Served</b>	<b>Status</b>	<b>Contact</b>
Harlingen Community Development Corporation	11	The Counties of: Cameron, Hidalgo and Willacy	Active	Fred Huerta <a href="mailto:ahuerta@harlingencdc.org">ahuerta@harlingencdc.org</a> Olga Gonzalez <a href="mailto:ogonzalez@harlingencdc.org">ogonzalez@harlingencdc.org</a> (956) 421-2351
Community Development Corporation of Brownsville	11	The Counties of: Cameron and Willacy	Active	Nick Mitchell <a href="mailto:nmitchell@cdcb.org">nmitchell@cdcb.org</a> (956) 541-4955
Adults & Youth United Development Association, Inc. (AYUDA)	13	El Paso County	Active	Maria Carrillo <a href="mailto:mcarrillo8586@yahoo.com">mcarrillo8586@yahoo.com</a> (915) 851-0272

Administrator	Region	Primary Area(s) Served	Status	Contact
Familias Triunfadoras, Inc.	13	El Paso County	Active	Maria Covernali Ortiz <a href="mailto:mcovernali@familias-triunfadoras.org">mcovernali@familias-triunfadoras.org</a> (915) 851-1141
Regional Human Services, Inc.	11	Maverick County	Active	Enrique Montalvo <a href="mailto:enriquemontalvo66@yahoo.com">enriquemontalvo66@yahoo.com</a> (830) 776-0660
Housing Authority of the City of Robstown, Texas	10	Robstown, Driscoll, Bishop, Banquete and Agua Dulce	Active	Laura Young <a href="mailto:RobstownHA@aol.com">RobstownHA@aol.com</a> (361) 387-4525
Habitat for Humanity of Laredo, Inc.	11	Webb County	Active	Carol S. Sherwood <a href="mailto:habitatlaredo@aol.com">habitatlaredo@aol.com</a> (956) 724-3227
La Organizacion Progresiva de San Elizario, Inc.	13	El Paso County	Active	Antonio Araujo <a href="mailto:magreyes63@yahoo.com">magreyes63@yahoo.com</a> (915) 820-1449
Galilee Community Development Corporation	12	Tom Green County	Active	Terry Shaner <a href="mailto:terry.shaner@galileecdc.org">terry.shaner@galileecdc.org</a> (325) 655-6700
Neighborhood Housing Services of San Antonio, Inc.	9	San Antonio (city)	Active	JoAnna Shariff-Bey <a href="mailto:jshariff-bey@nhs-satx.org">jshariff-bey@nhs-satx.org</a> (210) 533-6673
Rolling Plains Management Corporation	2	The Counties of: Baylor, Cottle, Foard, Hardeman and Wilbarger	Active	Mark Halsell <a href="mailto:markhalsell@yahoo.com">markhalsell@yahoo.com</a> (940) 684-1571
Meals on Wheels and More	7	The Counties of: Bastrop, Hays, Travis and Williamson	Active	Charles Cloutman <a href="mailto:ccloutman@mealsonwheelsandmore.org">ccloutman@mealsonwheelsandmore.org</a> (512) 628-8165



Administrator	Region	Primary Area(s) Served	Status	Contact
Habitat for Humanity of El Paso, Inc.	13	El Paso County	Active	Muriel J. Hall <a href="mailto:mjhall@habitatelpaso.org">mjhall@habitatelpaso.org</a> (915) 755-6633
Affordable Homes of South Texas, Inc.	11	The Counties of: Hidalgo and Willacy	Active	Gustavo Garcia <a href="mailto:ggarcia@ahsti.org">ggarcia@ahsti.org</a> (956) 687-6263
The Care Program, Inc.	11	Hidalgo County	Active	Romeo Sanchez <a href="mailto:emor@swbell.net">emor@swbell.net</a> (956) 607-4940
Laredo-Webb NHS, Inc.	11	Webb County	Active	Raul Ugalde <a href="mailto:rugalde@bizlaredo.rr.com">rugalde@bizlaredo.rr.com</a> (956) 712 - 9100
Society of St. Vincent de Paul, Inc., South Central Region	3	Statewide, as local resources allow	Active	Elizabeth Disco-Shearer <a href="mailto:ldisco@svdpsc.org">ldisco@svdpsc.org</a> (214) 717-1802
South Texas Development Council	11	The Counties of: Webb, Jim Hogg, Starr and Zapata	Active	Alberto Rivera, Jr. <a href="mailto:arivera@stdc.cog.tx.us">arivera@stdc.cog.tx.us</a> (956) 722-3995
Terra-Genesis of Texas, Inc.	9	The Counties of: Bexar, Guadalupe and Hays	Active	Ben Amor <a href="mailto:tginfo@tginform.org">tginfo@tginform.org</a> (210) 342- 8576
City of El Paso	13	El Paso (city)	Active	Patricia White <a href="mailto:whitepa@elpasotexas.gov">whitepa@elpasotexas.gov</a> (915) 541- 4341

Administrator	Region	Primary Area(s) Served	Status	Contact
Housing Authority of the City of Del Rio	11	Del Rio (city)	Active	Cynthia A. de Luna <a href="mailto:drha@stx.rr.com">drha@stx.rr.com</a> (830) 774 – 6506
HoustonWorks USA	6	Houston (city)	Active	Charlotte Grimes <a href="mailto:Charlotte.grimes@houstonworks.org">Charlotte.grimes@houstonworks.org</a> (713) 654 -1919 ext.1206
Starr County Self Help Center	11	Starr County	Active	Belinda Balderas <a href="mailto:b.balderas2105@gmail.com">b.balderas2105@gmail.com</a> (956) 488-2025
Comal County Senior Citizens Foundation	9	Comal County	Active	Bonny Raby <a href="mailto:cmmercado@nbsenior.org">cmmercado@nbsenior.org</a> (830) 629 - 4547 ext. 19
Brazos Valley Affordable Housing Corporation	8	The Counties of: Brazos, Burleson, Grimes, Leon, Madison, Robertson and Washington	Active	Ben Fortner <a href="mailto:bfortner@bvahc.org">bfortner@bvahc.org</a> (979) 595-2809 ext. 3
West Central Texas Council of Governments	2	The Counties of: Brown, Callahan, Coleman, Comanche, Eastland, Fisher, Haskell, Jones, Kent, Knox, Mitchell, Nolan, Runnels, Scurry, Shackelford, Stephens, Stonewall, Taylor and Throckmorton	Active	Michelle Parker <a href="mailto:mparker@wctcog.org">mparker@wctcog.org</a> (325) 672-8544
City of Rice	3	Rice (city)	Active	Tonya Roberts <a href="mailto:troberts@ricetx.gov">troberts@ricetx.gov</a> (903) 326-7500

Administrator	Region	Primary Area(s) Served	Status	Contact
Austin Habitat for Humanity	7	The Counties of: Travis, Bastrop, Caldwell and the portion of Williamson County that falls within the City Limits of Austin.	Active	Kate Herrmann <a href="mailto:kherrmann@ahfh.org">kherrmann@ahfh.org</a> (512) 472-8788 ext.411
Coastal Bend Center for Independent Living	10	The Counties of: Nueces, San Patricio, Kleberg, Bee, Jim Wells, Aransas, Brooks, Duval, Kenedy, Live Oak, McMullen and Refugio	Active	Kathleen Porche <a href="mailto:kathleenp@cbcil.org">kathleenp@cbcil.org</a> (361) 883-8461
Institute for Building Technology and Safety	7	Statewide, as local resources allow	Active	Christopher Doyle <a href="mailto:cdoyle@ibts.org">cdoyle@ibts.org</a> (512) 452-8899
City of Taylor	7	Taylor (city)	Active	Judy Langford Langford Community Management Services <a href="mailto:Judy@lcmsinc.com">Judy@lcmsinc.com</a> (512) 452-0432
Interfaith Action of Central Texas	7	Travis County	Active	Simone Talma Flowers <a href="mailto:stalma@interfaithtexas.org">stalma@interfaithtexas.org</a> (512) 386-9145 ext. 302
Habitat for Humanity of Smith County	4	Smith County	Active	Rosie Parker <a href="mailto:rosie@smithcountyhabitat.org">rosie@smithcountyhabitat.org</a> (903) 595-6630, ext. 14
Village of Vinton	13	Village of Vinton	Active	Jessica Garza <a href="mailto:vintonclerk@vintontx.us">vintonclerk@vintontx.us</a> (915) 886-5104
Brazoria County	6	Brazoria County	Active	Jennifer Crainer <a href="mailto:jenniferc@brazoria-county.com">jenniferc@brazoria-county.com</a> (979) 864-1220

Administrator	Region	Primary Area(s) Served	Status	Contact
Fort Bend Community Revitalization Projects	6	Fort Bend County	Active	Keely Aust <a href="mailto:kaust@fbcorps.org">kaust@fbcorps.org</a> (281) 617-7416, ext. 118

# Amy Young Barrier Removal Program RESERVATION SYSTEM ACCESS APPLICATION

The purpose of this application is to identify organizations that have the capacity to provide grant assistance from the Texas Department of Housing and Community Affairs (Department) under the Housing Trust Fund's Amy Young Barrier Removal Program (Program).

The undersigned hereby makes application to the Department for certification to participate as an Administrator and has read and understands the application instructions, and certifies that all information herein is true and correct to the best of their knowledge and belief. **Application must have the original signature from a representative with authority to execute documents on the Applicant's behalf.**

\_\_\_\_\_  
*Applicant's Authorized Representative's Signature*                      *Representative's Printed Name, Title*                      *Date*

## 1. APPLICANT CONTACT INFORMATION

### A. APPLICANT CONTACT INFORMATION

Applicant's Legal Name: (as it appears with the Texas Secretary of State Office)		Phone:	
Applicant's Contact Name:		Fax:	
Applicant's Mailing Address:			
City, State, ZIP:			
Email Address:			
<i>If Applicant's "Physical Address" is different from the "Mailing Address," provide the physical address below:</i>			
Applicant's Physical Address:			
City, State, ZIP:			

### B. APPLICANT LEGAL DESCRIPTION

Legal Form of Applicant (*check only one*):

<input type="checkbox"/> Unit of Local Government (including public housing authorities, councils of government and regional planning commissions)	<input type="checkbox"/> Nonprofit Organization	<input type="checkbox"/> Public Agency
--	---	--

Is Applicant in good standing with the Texas Secretary of State?     No  Yes    Filing # \_\_\_\_\_

Is Applicant in good standing with the Texas Comptroller's Office?     No  Yes    Filing # \_\_\_\_\_

Organizations that are currently approved to participate in the Department's Amy Young Barrier Removal Program, Homebuyer Assistance Program, Veterans Rental Assistance Program and the Texas Bootstrap Loan Program may stop at this point. Please attach a current roster of all Board of Directors, Council, Commissioners, including names, mailing addresses and phone numbers. If additional information is required the Department staff will contact you by email.

All other applicants please refer to attached Checklist to ensure that all other necessary information is submitted for review.

Applicants who have received an award from the Department in the past must be in compliance with all contracts currently in place with the Department. Approval of any applicant is subject to Chapter 2306 of the Texas Government Code and the Texas Administrative Code, Title 10, Part 1, Chapter 51 (Housing Trust Fund Rule).

A nonprofit organization's pending application for §501(c)(3) or §501(c)(4) status cannot be used to comply with the tax status requirement.

Reservation System Access Applications, along with required attachments, may be submitted electronically to [HTF@tdhca.state.tx.us](mailto:HTF@tdhca.state.tx.us)

**WARNING:** Title 18, Section 1001 of the U.S. Code makes it a criminal offence to make willful, false statements or misrepresentations to any department or agency in the United States as to any matter within its jurisdiction.

## CHECKLIST

The information contained in the following checklist refers to the Department's enabling legislation Section 2306 of the Texas Government Code, Housing Trust Fund (HTF) Rule adopted by the Department's Governing Board and/or the Notice of Funding Availability (NOFA). Please include this documentation with your application for certification:

### LEGAL STATUS

- A.  Charter;
- B.  Articles of Incorporation or Certificate of Formation
- C.  By-Laws
- D.  Nonprofit applicants, as defined in HTF Rule, must submit:
  - A current tax exemption ruling from the Internal Revenue Service (IRS) under §501(c)(3), a charitable, nonprofit corporation, of the Internal Revenue Code of 1986, or §501(c)(4), a community or civic organization, of the Internal Revenue Code of 1986, as evidenced by a determination letter from the IRS that is dated 1986 or later. The exemption ruling must be effective on the date of the application and must continue to be effective while certified to administer the Program; or
  - Classification as a subordinate of a central organization non-profit under the Internal Revenue Code §501(c)(3), or §501(c)(4), as evidenced by a current group determination letter, that is dated 1986 or later, from the IRS that includes the Applicant. The group exemption letter must specifically list the Applicant.
  - A copy of the applicant's most recent IRS 990.

### FINANCIAL CAPACITY

Provide the following information:

- Nonprofit Organizations must submit audited financial statements for the most recent fiscal year completed, no older than 2009.

### ORGANIZATIONAL STRUCTURE

- A. Governing Board of Directors, Council, or Commission:
  - Provide current roster of all Board of Directors, Council, Commissioners, including names, mailing addresses and phone numbers.
- B. Resolution:
  - All applications must include an original resolution that is signed by the applicant's direct governing body (Board, Council or Commission) and:
    - Is dated within the six (6) months preceding the application submission date;
    - Authorizes the submission of the application;
    - Lists the name and title of the person authorized to execute agreements on behalf of the applicant;
- C. Experience Providing Services to Households with Low-Incomes and Persons with Disabilities:
  - Applicants must have at least one (1) year of experience providing services to low-income households or Persons with Disabilities, as evidenced by current or previous contracts with the Department or with other funding entities. To satisfy this requirement, applicants may provide evidence of a partnership with an entity or organization that meets the requirement, such as a contract or memorandum of understanding (MOU). A letter of support or intent to partner does not satisfy this requirement.
  - Submit resumes of current staff members who will implement the Program activities, or job descriptions for unfilled positions.

*Texas Department of Housing & Community Affairs  
Amy Young Barrier Removal Program  
Attention: Mark Leonard, Program Coordinator  
P.O. Box 13941  
Austin, TX 78711-3941*

If you require further information or clarification, please contact Mark Leonard at (512) 936-7799.

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