

Guide for Review of Owner, Developer, Sponsor Written Agreements			
Participating Jurisdiction (PJ):			
Staff Consulted:			
Project Address:		Agreement Date:	
		Amount:	
Name(s) of Reviewer(s):		Date:	

NOTE: All questions that address requirements contain the citation for the source of the requirement (statute, regulation, NOFA, or grant agreement). If the requirement is not met, HUD must make a finding of noncompliance. All other questions (questions that do not contain the citation for the requirement) do not address requirements, but are included to assist the reviewer in understanding the participant's program more fully and/or to identify issues that, if not properly addressed, could result in deficient performance. Negative conclusions to these questions may result in a "concern" being raised, but not a "**finding.**"

Instructions: This Exhibit is designed to review the PJ's written agreement for compliance with HOME regulatory requirements covering written agreements with Owners, Developers, or Sponsors. Follow the sampling guidance in Section 7-4 of the introduction to this Chapter.

Questions:

1.

a. Was a written agreement executed between the PJ and the Owner, Developer or Sponsor? [24 CFR 92.504(b)]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Yes	No	N/A
Describe Basis for Conclusion:			
b. Specify whether the written agreement is with an Owner, Developer or Sponsor.			
Describe Basis for Conclusion:			

2.

Does the written agreement describe the use of HOME funds? [24 CFR 92.504(c)(3)(i)]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Yes	No	N/A
Describe Basis for Conclusion:			

3.

Is there a schedule for the completion of tasks? [24 CFR 92.504(c)(3)(i)]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Yes	No	N/A
Describe Basis for Conclusion:			

4.

Is there a budget for the project? [24 CFR 92.504(c)(3)(i)]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Yes	No	N/A
Describe Basis for Conclusion:			

5.

Do the statement of work, the schedule, and budget contain sufficient detail to provide a sound basis for the PJ to effectively monitor performance under the agreement? [24 CFR 92.504(c)(3)(i)]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Yes	No	N/A
Describe Basis for Conclusion:			

6.

a. Does the agreement specify its duration? [24 CFR 92.504(c)(3)(ix)]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Yes	No	N/A
Describe Basis for Conclusion:			
b. If the housing assisted under the agreement is rental housing, is the agreement in effect through the affordability period required by the PJ under 24 CFR 92.252? [24 CFR 92.504(c)(3)(ix)]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Yes	No	N/A
Describe Basis for Conclusion:			

<p>c. If the housing assisted under the agreement is homeownership housing, is the agreement in effect at least until completion of the project and ownership by the low-income family? [24 CFR 92.504(c)(3)(ix)]</p>	<table border="0"> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Yes</td> <td>No</td> <td>N/A</td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
Yes	No	N/A					

Describe Basis for Conclusion:

7.

<p>Does the agreement require that housing assisted with HOME funds meets:</p> <ul style="list-style-type: none"> the affordability requirements of 24 CFR 92.252 or 24 CFR 92.254 (as applicable); and require repayment of funds if the housing does not meet the affordability requirements for the specified time period? <p>[24 CFR 92.504(c)(3)(ii)]</p>	<table border="0"> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Yes</td> <td>No</td> <td>N/A</td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
Yes	No	N/A					

Describe Basis for Conclusion:

8.

<p>If the Owner, Developer, or Sponsor is undertaking rental projects, does the agreement establish the initial rents and the procedures for rent increases? [24 CFR 92.504(c)(3)(ii)]</p>	<table border="0"> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Yes</td> <td>No</td> <td>N/A</td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
Yes	No	N/A					

Describe Basis for Conclusion:

9.

<p>If the Owner, Developer, or Sponsor is undertaking homeownership projects for sale to homebuyers in accordance with 24 CFR 92.254(a), does the agreement set forth the resale or recapture requirements, which must be imposed on the housing? [24 CFR 92.504(c)(3)(ii)]</p>	<table border="0"> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Yes</td> <td>No</td> <td>N/A</td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
Yes	No	N/A					

Describe Basis for Conclusion:

10.

<p>Does the agreement require compliance with all HOME program requirements in 24 CFR Part 92, Subpart F, as applicable in accordance with the type of project assisted? [24 CFR 92.504(c)(3)(iii)]</p>	<table border="0"> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Yes</td> <td>No</td> <td>N/A</td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
Yes	No	N/A					

Describe Basis for Conclusion:

11.

Does the agreement require that the housing meet the property standards in 24 CFR 92.251 and the lead hazard control requirements in 24 CFR 92.355 upon project completion? [24 CFR 92.504(c)(3)(iv)]	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A
Describe Basis for Conclusion:	

12.

Does the agreement require Owners of rental housing assisted with HOME funds to maintain the housing in compliance with 24 CFR 92.251 for the duration of the affordability period? [24 CFR 92.504(c)(3)(iv)]	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A
Describe Basis for Conclusion:	

13.

If the project contains 5 or more HOME-assisted units, does the written agreement specify the Owner's, Developer's, or Sponsor's affirmative marketing responsibilities as enumerated pursuant to 24 CFR 92.351? [24 CFR 92.504(c)(3)(v)(A)]	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A
Describe Basis for Conclusion:	

14.

a. Does the agreement require the Owner, Developer, or Sponsor to meet all federal requirements and nondiscrimination established in 24 CFR 92.350? [24 CFR 92.504(c)(3)(v)(B)]	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A
b. If the agreement specifies that any displacement, relocation, and acquisition requirements are being imposed by the PJ, are such requirements consistent with 24 CFR 92.353? [24 CFR 92.504(c)(3)(v)(c)]	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A
c. Does the agreement specify the labor requirements prescribed in 24 CFR 92.354? [24 CFR 92.504(c)(3)(v)(D)]	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A
d. Does the agreement specify the conflict of interest provisions prescribed in 24 CFR 92.356(f)? [24 CFR 92.504(c)(3)(v)(E)]	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A
Describe Basis for Conclusion:	

15.

Does the agreement specify the particular records that must be maintained and the information or reports that must be submitted in order to assist the PJ in meeting its record keeping and reporting requirements? [24 CFR 92.504(c)(3)(vi)]	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A
Describe Basis for Conclusion:	

16.

Does the agreement provide for a means of enforcement of the affordable housing requirements by the PJ for the intended beneficiaries? [24 CFR 92.504(c)(3)(vii)]	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A
Describe Basis for Conclusion:	

17.

If the housing is rental housing, are the affordability requirements in 24 CFR 92.252 enforced by deed restrictions? [24 CFR 92.504(c)(3)(vii)]	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A
Describe Basis for Conclusion:	

18.

Does the agreement specify remedies for breach of the agreement? [24 CFR 92.504(c)(3)(vii)]	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A
Describe Basis for Conclusion:	

19.

Does the agreement specify that the Owner, Developer, or Sponsor may not request disbursement of funds under the agreement: <ul style="list-style-type: none"> • until the funds are needed for payment of eligible costs; and • that requests must be limited to the amount needed? [24 CFR 92.504(c)(3)(viii)]	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A
Describe Basis for Conclusion:	

20.

Does the agreement, where applicable, include the conditions prescribed in 24 CFR 92.257 for the use of HOME funds by religious organizations? [24 CFR 92.504(c)(3)(x)]	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A
Describe Basis for Conclusion:	

21.

If the Owner, Developer, or Sponsor is a Community Housing Development Organization (CHDO) and is using set-aside funds under 24 CFR 92.300, does the agreement include the appropriate provisions prescribed in 24 CFR 92.300 and 24 CFR 92.301? [24 CFR 92.504(c)(3)(xi)]	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A
Describe Basis for Conclusion:	

22.

Was the written agreement executed by the PJ and the Owner, Developer, sponsor before the project was funded in IDIS? (Compare the dated signatures on the written agreement to the Initial Funding Date on the View Activity Screen in IDIS.) [24 CFR 92.502(b)]	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A
Describe Basis for Conclusion:	