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CHDO Set-Aside Reservation & Expenditure Deadlines

HOME Program

May 7, 2015

1

Welcome & Introductions

• Sponsored by:

HUD, Office of Affordable Housing Programs

- Presenters
 - David Cramer, TDA Consulting
 - Stephen Lathom, TDA Consulting
 - Peter Huber, Office of Affordable Housing Programs

Objectives

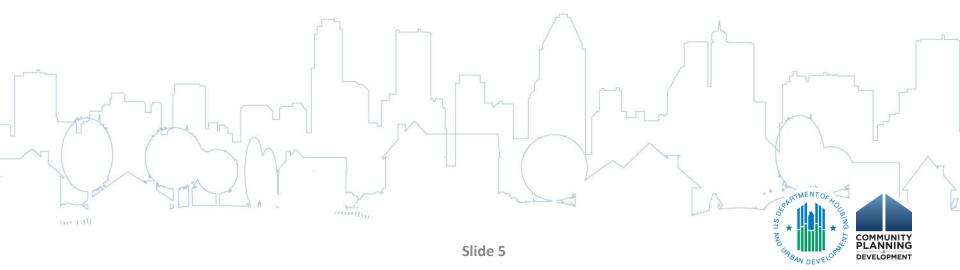
- CHDO set-aside deadlines
 - 24 month reservation deadline
 - 5 year expenditure deadline
- Requirements for CHDO commitment
- Tracking compliance in IDIS
- Looking ahead to FY 2015 & beyond
 - Reference: HOME FACTS Vol. 6, No. 1

Ongoing Changes

- Today's focus: 2013 HOME Final Rule
 - CHDO-specific reservation/expenditure deadlines applied for first time in 2015
 - First-In, First-Out (FIFO)→IDIS commits/expends oldest money first
 - Deadlines measured cumulatively
- On the horizon: Grant specific accounting
 - FIFO eliminated for FY2015 and future grants
 - Commit/expend funds from specific FY grant
 - Effectively eliminates cumulative measurement

Brief Poll

- See lower right portion of WebEx window
- 4 questions on background knowledge
- Click "submit" after answering
- Will review responses with participants

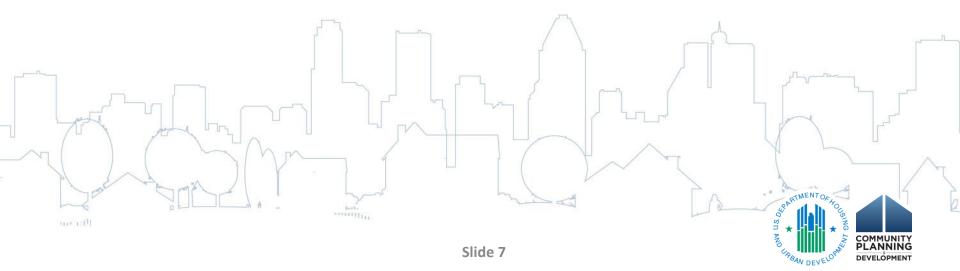


CHDO Set-Aside

- Statutory requirement, cannot be waived
 If not used for CHDOs, HUD will deobligate funds
- At least 15%, PJ can do more
- Only for projects owned, developed, or sponsored by CHDOs
 - Includes production of for-sale homebuyer
 - housing and rental housing, see §92.300(a)(2)-(6)
 - Does not include "programs" such as homeowner rehabilitation, down-payment assistance, etc.

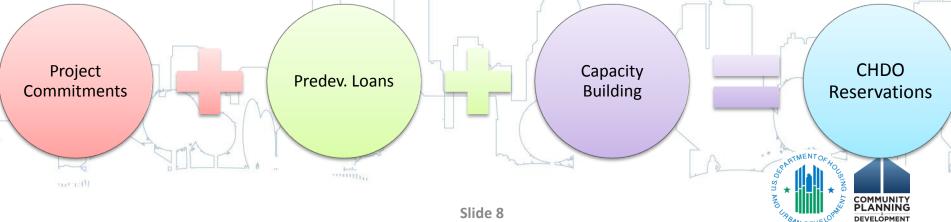
Key 2013 HOME Rule Changes

- CHDO project "reservations" must meet §92.2 definition of commitment
- 5 year expenditure deadline applied to CHDO set-aside



CHDO Reservations it ments

- Project "Reservation" (new definition)
 - Funds reserved when <u>committed</u> to a specific project, see §92.2
 - As of January 1, 2015, prior generic reservations excluded
- Also includes
 - CHDO predevelopment loans, §92.301
 - CHDO capacity building activities (during first 2 yrs as a PJ), §92.300(b)



Requirements for Commitment

Slide 9

- Written agreement for identifiable project
- Secure all necessary financing
- Budget
- Sources/uses, cost reasonable
- Underwriting/subsidy layering
 - Inc. cost allocation, as applicable
- Market assessment
- CHDO capacity
 - Inc. financial capacity
 - Project schedule, inc. construction start w/in 12 months
- Environmental review



IDIS Certification

Activity Funding

HOME Activity Funding Certification

By requesting the disbursement of Federal funds, the representative of the Participating Jurisdiction (PJ) using this system certifies that he/she is authorized to execute the certifications set forth herein, and, on behalf of the PJ, further certifies that, in accordance with the requirements in 24 CFR Part 92 and, where applicable, Public Law 112-55 and Public Law 113-6:

(i) the PJ has fully executed a written agreement that meets the requirements of the regulations applicable to the IDIS activity for which the funds are to be used;

(ii) the IDIS activity for which the funds are to be used meets the definition of a commitment at 24 CFR 92.2 and all the requirements of the definition of a commitment pursuant to the regulations applicable to the IDIS activity;

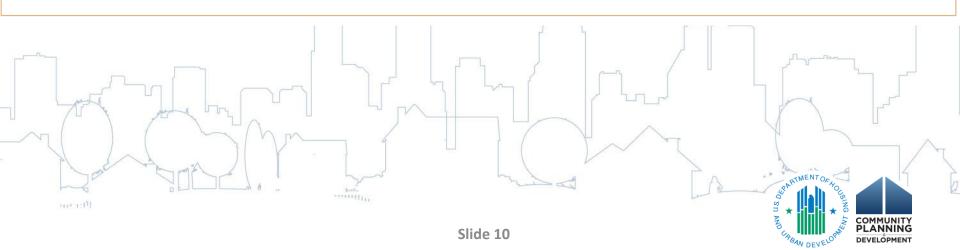
(iii) the PJ has not drawn and will not draw funds for the IDIS activity unless it has fully executed a written agreement committing the funds;

(iv) if the activity involves acquisition, construction, or rehabilitation of rental or homebuyer projects, the Pl has conducted an underwriting review, assessed developer capacity and fiscal soundness, and examined neighborhood market conditions to ensure adequate need for the project for which these funds are to be used;

(v) for CHDO set-aside projects, the PJ certifies the organization meets the definition of "community housing development organization" at §92.2, which includes that the organization has demonstrated capacity to own, develop, or sponsor the housing to which funds are being committed, in accordance with §92.300; and

(vi) All of the statements and claims made herein are true and correct. Pursuant to 18 USC § 1001, 31 USC § 3729, et seq., and 24 CFR Part 28, false or fraudulent statements or claims are subject to up to 5 years imprisonment and civil penalties up to \$10,000 plus up to 3 times the amount of damages sustained by the Government for each fraudulent act committed.

I agree. Continue to Add-Edit Funding Details I disagree. Return to Add-Edit Funding



IDIS Functionality

- IDIS processing has not changed
- Mechanically a three step process

Subgrant

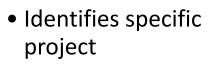
CHDO

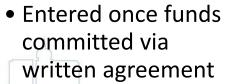
• Identifies specific

• Pre-2013 generic

"reservation"







Subfund

- General categories, e.g. CR, CL, CC
- HUD automatically places 15% of each allocation in CR

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IDIS Functionality

- IDIS processing has not changed
- Mechanically a three step process

Activity Funding

Counts for Reservation

Deadline

- Identifies specific project
- Entered once funds committed via
 written agreement

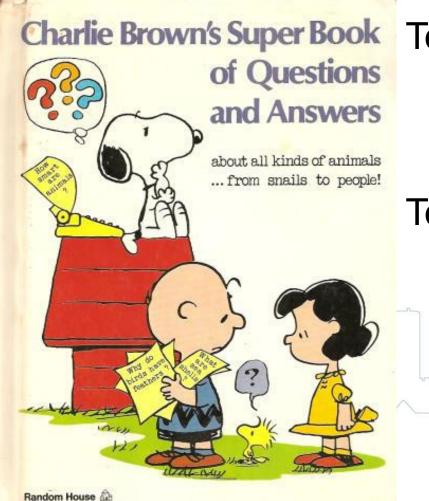
Subfund

- General categories, e.g. CR, CL, CC
- HUD automatically places 15% of each allocation in CR

Subgrant

- Identifies specific CHDO
- Pre-2013 generic "reservation"

Questions



To submit a written question:

Click on the Q&A tool in the top menu bar. Type your question in the text box provided and click "Ask all Panelists"

To ask your question verbally: Push *1 on your phone to be added to the queue

If your question is answered before your turn, push *2 to be removed from the

queue

CHDO Deadlines

- Existing HOME 24 month/5 yr deadlines for commitment and expenditure
 - Measured cumulatively thru FY2014 allocations
 - Pre-2013, CHDO set-aside included within overall programwide expenditure requirement
- Overall program performance sometimes masked slow CHDO production
- 2013 HOME Rule applies:

aside

- "Commitment" def. to 24 month reservation deadline
- 5 yr expenditure deadline applied specifically to CHDO set-

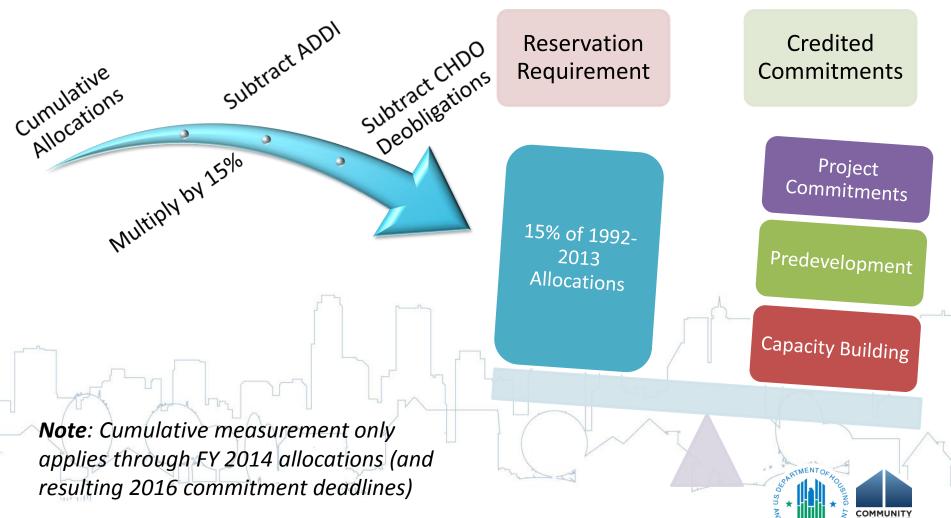


CHDO Reservation Deadline

- Must reserve (=commit) not less than 15% of HOME allocation w/in 24 months
 - Measured from 1st of month following notification
 HUD has executed its HOME grant agreement
- For example, HUD executed FY 2013 agreement and notified PJ on Sept. 13, 2013

– CHDO commitment deadline is Sept. 31, 2015

Cumulative Measurement



Deadline Compliance Status Report

Find at: <u>www.hudexchange.info/home</u>

- Scroll down right side navigational column to HOME Reports Section
- Updated monthly

HOME Reports

2012/2013 HOME Activities Reports

2012/2013 HOME Homebuver Activities Reports

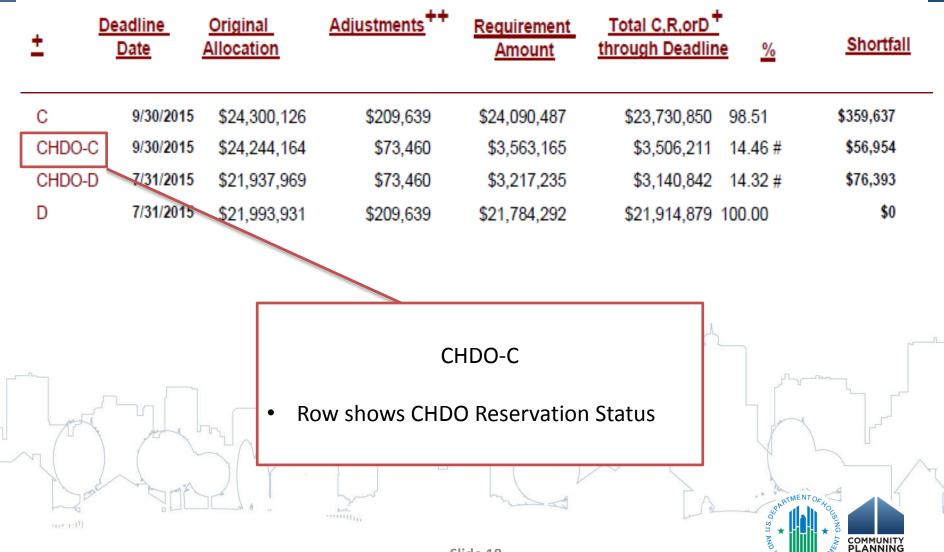
Dashboard Reports

Deadline Compliance Status Reports

ENERGY STAR Units Reports

_	±	<u>Deadline</u> Date	Original Allocation	Adjustments ++	Requirement Amount	<u>Total C,R,orD</u> through Deadlin		Shortfall
	С	9/30/2015	\$24,300,126	\$209,639	\$24,090,487	\$23,730,850	98.51	\$359,637
H	CHDO-C	9/30/2015	\$24,244,164	\$73,460	\$3,563,165	\$3,506,211	14.46 #	\$56,954
	CHDO-D	7/31/2015	\$21,937,969	\$73,460	\$3,217,235	\$3,140,842	14.32 #	\$76,393
	D	7/31/2015	\$21,993,931	\$209,639	\$21,784,292	\$21,914,879 1	00.00	\$0
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CHDO Reservation Requirement



Deadline Date

±	<u>Deadline</u> Date	Original Allocation	Adjustments ++	<u>Requirement</u> <u>Amount</u>	Total C,R,orD through Deadlin	e <u>%</u>	<u>Shortfall</u>
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Original Allocation

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Required CHDO Reservations

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CHDO Reservations in IDIS

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Cumulative CHDO Reservation Rate

±	<u>Deadline</u> Date	Original Allocation	<u>Adjustments</u> ++	<u>Requirement</u> <u>Amount</u>	<u>Total C,R,orD</u> + through Deadline	<u>%</u>	<u>Shortfall</u>
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Reservation Shortfall

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С	9/30/201	15 \$24,300,1	26 \$209,639	\$24,090,487	\$23,730,850	98.51	\$359.637
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HUD Tracking: CHDO Reservation

- HUD uses IDIS to track deadline compliance
 - Commitment ≠ IDIS setup
 - Commitment = written agreement
- When IDIS shows shortfall as of the deadline
 - PJ can submit written agreements to FO for review
 - All signatures must be dated on/before deadline
 - HUD may request additional documentation
 - Still short, HUD will deobligate shortfall

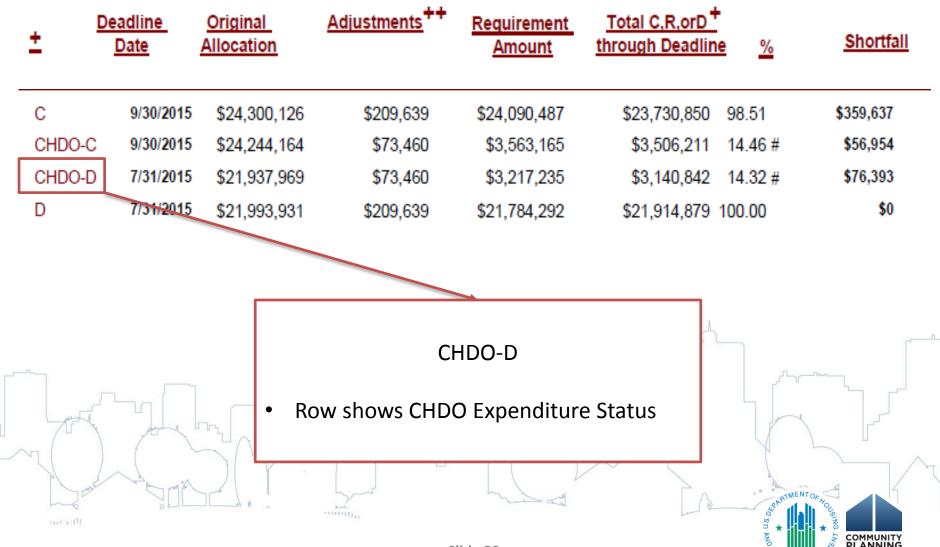
CHDO Expenditure Deadline

- CHDO set-aside funds must be expended within 5 years
 - Measured from 1st of month following notification
 HUD has executed its HOME grant agreement
- For example, HUD executed FY 2010 agreement and notified PJ on July 13, 2010
 - 5 yrs starts on August 1, 2010, so...
 - CHDO expenditure deadline is July 31, 2015

Reservation vs. Expenditure

- Requirement is overwhelmingly the same
 - 15% of cumulative allocations (excluding ADDI) adjusted by prior CHDO deobligations
 - Compared to <u>expenditures</u> for CHDO projects, predevelopment loans, & capacity building
- But different
 - 2015 deadlines based on allocations thru FY 2010
 - Cumulative allocation varies due to different years
 - Deadline date varies due to date of prior grants

Deadline Compliance Status Report CHDO Expenditures



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Deadline Date

±	Deadline Date	Original Allocation	Adjustments++	<u>Requirement</u> <u>Amount</u>	<u>Total C,R,orD</u> + through Deadline	<u>e %</u>	<u>Shortfall</u>
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Original Allocation

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Adjustments

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Required CHDO Expenditures

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CHDO Expenditures in IDIS

+ <u>Deadline</u>	Original Allocation	<u>Adjustments</u> ++	<u>Requirement</u> <u>Amount</u>	<u>Total C,R,orD</u> + through Deadlin	e <u>%</u>	<u>Shortfall</u>
C 9/30/2	015 \$24,300,126	\$209,639	\$24,090,487	\$23,730,850	98.51	\$359,637
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CHDO Expenditure Rate

±	<u>Deadline</u> Date	Original Allocation	<u>Adjustments</u> ++	<u>Requirement</u> <u>Amount</u>	Total C.R.orD	e <u>%</u>	<u>Shortfall</u>
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Expenditure Shortfall

±	<u>Deadline</u> Date	Original Allocation	<u>Adjustments</u> ++	<u>Requirement</u> <u>Amount</u>	Total C.R.orD through Deadlin	e <u>%</u>	<u>Shortfall</u>
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HUD Tracking: CHDO Expenditures

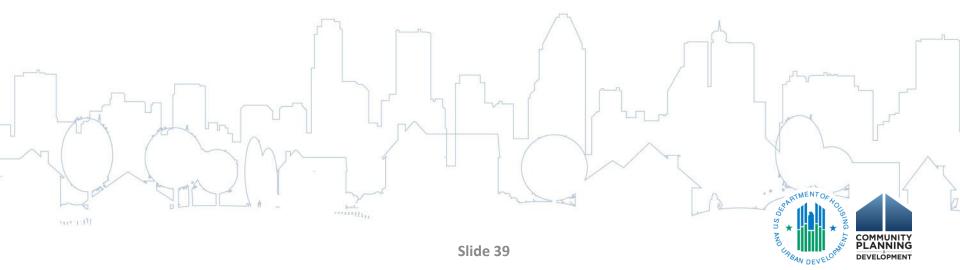
- HUD uses IDIS to track deadline compliance
- When IDIS shows shortfall as of the deadline
 - PJ can submit financial records to FO for review
 - Invoices, vouchers, etc. paid on/before deadline but not yet entered into IDIS
 - HUD may request additional documentation
- Still short, HUD will deobligate shortfall

Additional IDIS Resources

- IDIS PR 49: HOME Deadline Status Report
 - "Real time" vs. month-end national report online
 - Today's data is current as of close of IDIS last night
- IDIS PR 27: Status of HOME Grants Report
 - Detailed FY-by-FY summary of PJ's HOME grants and subfunds (including CHDO)
 - Identifies uncommitted and unexpended CHDO set-aside by fiscal year

Brief Poll

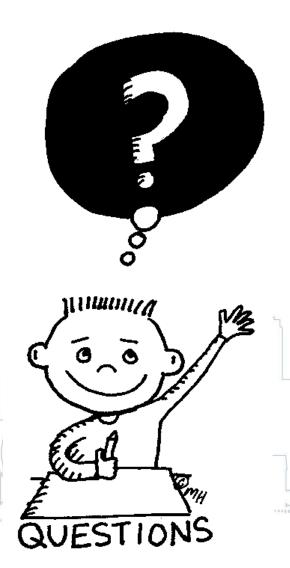
- See lower right portion of WebEx window
- Biggest change covered today
- Click "submit" after answering



More to Come

- Commitment Notice
- CHDO Notice
- Underwriting guidance
- Grant based accounting guidance and training
- Rule making
 - Technical Corrections/Amendments
 - Proposed Rule

Questions



To submit a written question:

Click on the **Q&A tool** in the top menu bar. Type your question in the text box provided and click "Ask all Panelists"

To ask your question verbally: Push *1 on your phone to be added to the queue

If your question is answered before your turn, **push** *2 to be removed from the queue



- Thank you!
- Webinar evaluation
- Recording/transcript posted in +/- 2 weeks

