

DCA/GHFA National Housing Trust Fund Monitoring Requirements and Procedures

Program Overview

The National Housing Trust Fund (NHTF) was enacted as part of the Housing and Economic Recovery Act (HERA) of 2008. NHTF is a formula grant program to be administered by the states and is intended to increase and preserve the supply of decent, safe, sanitary, and affordable housing. Additionally, this annual HUD Grant which is administered by GHFA/DCA, as Grantee, is to provide GAP Financing for the development of both 4% and 9% tax credit (LIHTC) affordable housing developments.

The NHTF statute requires that at least 75% of the funds for rental housing benefit the Extremely Low income (ELI) households whose incomes are less than the federal poverty guideline or less than 30% of the area median income (AMI).

The maximum rent that an NHTF assisted household pays is at a fixed amount and is equal to the greater of 30% of 30% AMI, or 30% of 30% of the federal poverty line.

Should the total NHTF funds available be equal to or exceed \$1 billion, the DCA must use at least 75 percent of its NHTF funds for the benefit of ELI families or families with incomes at or below the poverty line, whichever is greater. Any grant funds not used to serve ELI families must be used for the benefit of VLI households with incomes between 30% and 50% of the AMI. The specifics related to income limits and rental limits are reflected in the LURC and the NHTF Written Agreement.

The Period of affordability is for not less than 30 years, beginning after project completion. DCA may impose longer periods.

Monitoring Overview

This is a HUD Program and is monitored by HUD. It supplements Federal, State, and Local Funding for Affordable Housing with the funds administered by Georgia Housing Finance Authority (GHFA) and by the Georgia Department of Community Affairs (DCA).

- Annually, DCA must review and approve rents proposed by the owner for NHTF units. Any units for which the tenant is paying utilities, DCA must ensure that the rents do not exceed the maximum rent minus the monthly allowances for utilities. The increases may be requested no more frequently than annually and are subject to the limitations established by HUD and DCA's Rent Increase Policy, which can be found on DCA's website and/or Compliance Manual. The owner must provide tenants at least 30-days prior written notice before implementing any rent increase.
- Annually, DCA must approve owner submitted maximum monthly allowances for utilities.

Prior to achieving initial 100% occupancy, the NHTF Vacant Units Reports must be created and posted monthly by DCA in an Excel spreadsheet format in the Integrated Disbursement and Information System (IDIS). HUD Field Offices use this report as a desk monitoring tool to view progress toward 100% occupancy. Since the NHTF Program cannot count occupancy or beneficiary data that have not been entered into the system, it is important that DCA enter timely occupancy and beneficiary information for all completed NHTF activities.

Please contact the [local CPD Field Office](#) regarding any questions about these reports.

Providing Affordable Housing

The NHTF-assisted units in a project must be occupied by households who are income qualified in accordance with the income targeting requirements. Refer to the property's LURA and/or the NHTF Written Agreement for specific income targeting requirements.

Rent limitations

- Extremely Low income tenants. The NHTF rent plus utilities of an ELI tenant shall not exceed the greater of 30% of the federal poverty line or 30% of the income of a family whose annual income equals 30% of the median income for the area, as determined by HUD, with adjustments for the number of bedrooms in the unit. HUD will publish the HTF rent limits on an annual basis.

The Income Limits can be found here <https://www.hudexchange.info/programs/htf/htf-income-limits/>

The Rent Limits can be found here <https://www.hudexchange.info/programs/htf/htf-rent-limits/>

- If applicable, for Very Low income tenants. The NHTF rent plus utilities of a VLI tenant shall not exceed 30% of the income of a family whose annual income equals 50% of the median income for the area, as determined by HUD, with adjustments for the number of bedrooms in the unit. HUD will publish the NHTF rent limits on an annual basis.
- The unit's rent plus the utilities may not exceed the specified maximum, as determined by HUD, with adjustments for the number of bedrooms in the unit. If, however, a unit is receiving state or federal project-based rental assistance ("PBRA"), the maximum rent is the "contract" rent under the state or federal PBRA program, but the tenant's contribution to such rent, on an annual basis, shall not exceed 30% of the tenant's Annual Income.
- In addition to DCA's Rent Increase policy, which can be found on DCA's website and/or the Compliance Manual, the rents for units may not be increased without DCA's prior approval.

Initial Rent Schedule and Utility Allowances

- The original rent is considered the Floor Rent for the project, meaning that rents will not go below this original rent but can be increased if HUD's rent increases.
- At the time the tenant signs a lease for a unit, the tenant must be income eligible using the annual income as calculated under Section 8, and, if applicable, any NHTF requirements for asset income shall be used. The tenant shall provide the owner with at least 2 months of source documents evidencing Annual Income for the family (*e.g.*, wage statement, interest statement, or unemployment compensation statement), and tenant shall sign all tenant certifications of income.
- Annually, the owner shall re-certify the Annual Income for all tenants occupying NHTF units in accordance with the NHTF requirements and as specified by Lender, if applicable. Unless Owner has sought and received a waiver, rent compliance examinations will be performed annually, and tenants must submit a certification of income with corroboration by third-party source documents.
- If it is found at recertification that the tenant's annual income exceeds the income limit for an Extremely Low income family, the unit occupied by the tenant shall continue to qualify as

affordable despite the temporary non-compliance. NHTF units that exceed the NHTF limits are in temporary noncompliance and the next available comparable unit must be rented to an NHTF-eligible tenant for floating NHTF units. If fixed NHTF, the unit(s) will need to be re-occupied with an NHTF-eligible household once the over income household vacates.

NHTF Regulations - Ongoing Property Standards

Compliance Reviews and Monitoring

During the Affordability Period, the owner is responsible for compliance with all requirements of the NHTF Rules and Regulations. Such monitoring will include on-site inspections including records relating to tenants or the property.

- The owner shall keep and maintain in good order sufficient records and documents to enable DCA to determine if the requirements of this program and the LURA are being met. To include, but not limited to all documents or records required by the NHTF Regulations or NHTF Rules, rent rolls, rental applications, including denied or cancelled applications, tenant income certifications and related documents, leases, waiting lists, and income certifications and recertifications. Such documents shall be kept separately from any other business records of the owner that are unrelated to the property.

Physical Inspections

- DCA's established property standards for rental housing will apply throughout the 30-year affordability period. These standards ensure that owners maintain the housing as decent, safe, and sanitary and in good repair.
- DCA's ongoing property standards includes all inspectable items and inspectable areas specified by HUD based on the HUD physical inspection procedures, Uniform Physical Condition Standards (UPCS) prescribed by HUD.
- UPCS qualified Third Party Inspectors will be contracted by DCA for the inspections of the properties.
- DCA will complete the first initial inspection within 12 months after project completion. Thereafter, inspections will continue based on a 3-year cycle throughout the 30-year period of affordability. NHTF properties must meet the HUD UPCS standard as well as section 504 requirements.
- DCA's standards require the housing to be free of all Health and Safety defects. The inspections must identify life-threatening deficiencies that the owner must immediately correct. The time frames for addressing these deficiencies are reflected on the Inspector's use of the Health and Safety Violations Form. Management certification of cure completion must be included with the time sensitive form returned to DCA as detailed on the forms.
- The proof of cures of the deficiencies may be submitted to DCA by a completed Work Order or contractor's invoice. Any cured deficiency that was rated a Level 3 or higher may require a reinspection within a 12-month period to ensure the deficiency has been cured adequately.
- For those properties to have been found with Life, Health, and Safety deficiencies, DCA may require annual inspections until such time as the owner is found to have consistently maintained the property in a decent, safe, and sanitary manner.

- Inspections must be based on a statistically valid sample of units appropriate for the size of the NHTF-assisted project. DCA will select the sample. For projects with one to four NHTF-assisted units, the inspectable items (site, building exterior, building systems, and common areas) for each building with NHTF-assisted units and 100 percent of the NHTF-assisted dwelling units must be inspected.

Tenant File Inspections

- Tenant Files will be reviewed in tandem with the physical property inspection. The number of NHTF files to be reviewed will be the same as the number of units which are physically inspected.
- The files will be either inspected on site or provided to the DCA Compliance team using DCA's electronic software system. The specified forms to be submitted must be sufficient to ensure income and household compliance with the NHTF program.

Lead-Based Paint

- DCA mandates the disclosure of known lead-based paint and/or LBP hazards upon leasing of residential units. The use of the Lead Hazard Information Packet is required and must be completed by management and issued to the tenant prior to the lease signing. Property owners/developers must give tenants the EPA/HUD pamphlet titled "Protect Your Family from Lead in Your HOME" which is available at www.epa.gov and incorporate the addendum entitled "Disclosure of Information on Lead Paint and Lead Paint Hazards" into all lease agreements.

Annual Owner Certifications

- Annually during the Affordability Period and by March 1 of each year, the owner shall certify to DCA the compliance with the NHTF Rules and Regulations and shall submit an Annual Owner's Certification Report, which will include a certification that each building in the project is suitable for occupancy, considering state and local health, safety, and other applicable codes, ordinances, and requirements and meets the NHTF property standards. At the same time, Owner shall provide information on the rents and occupancy including occupancy reports and copies of tenant income certifications for NHTF leased units and may include a Rent Roll reflecting the apartment number, the tenant's name, the beginning and ending date of the lease, the monthly rent, the date through which rent has been paid, and the amount of any security deposit. This Annual Owner's Certification shall be ostensibly the same as the HOME Annual Owner's Certification.
- Also, for NHTF floating units, the owner shall provide information about unit substitution and filling vacancies, if applicable, so the project remains in compliance with the rent and occupancy requirements.
- DCA may request an interim rent roll or copies of unit leases at any time, and the owner shall produce the requested item or items within 10 days.

Financial Oversight

- As soon as available, but no later than 120 days after the end of each fiscal year, beginning with the first full fiscal year after borrower's submission of the Cost Certification, the owner will furnish DCA with annual audited financial statements and operating statements covering the operation as of the end of the fiscal year. These financial statements shall compare the actual results with owner's operating budget for the year, shall be prepared by a firm of independent certified public accountants and shall be certified as correct by such accountants. All financial statements shall be prepared in accordance with generally accepted accounting principles.
- At least 45 days before the end of each fiscal year, an annual operating budget for the project for the coming year must be submitted to DCA.

Other On-Going Property Standards

- Accessibility. Owner must comply with all applicable Federal Accessibility Requirements, including: the Fair Housing Act, the Americans with Disabilities Act, and implementing section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §794.
- Energy Efficiency. Owner must comply with the energy efficiency standards established pursuant to section 109 of the Cranston-Gonzalez National Affordable Housing Act, 42 U.S.C. §12709.
- Supportive Services. The owner must comply with the Supportive Services detailed in the LURC and verification thereof will be included in the property audit/inspection.
- Debarment and Suspension. Upon application submission, neither borrower nor any of its members may be debarred, suspended, proposed for debarment or suspension, declared ineligible, or voluntarily excluded from participation in this NHTF Program by any public body or GHFA/DCA. Without GHFA's/DCA's prior written consent, borrower shall not knowingly enter into any oral or written contract with a person who is debarred, suspended, proposed for debarment or suspension, declared ineligible, or voluntarily excluded from participation in this transaction or the NHTF Program by any public body or GHFA/DCA.

Tenant Selection

The income determination provisions provided in this NHTF rule are those that HUD uses in its HOME program rule, which HUD believes work well. Therefore, HUD is not inclined to change these provisions. The income determinations will be made in accordance with the NHTF program requirements, which mirror the HOME program requirements, and do not involve the use of the Enterprise Income Verification (EIV) system.

- Owner must adopt and follow written tenant selection policies and criteria. Before renting any NHTF Unit, the owner shall submit such policies and criteria to DCA for its review and approval. These policies and criteria may not allow excluding an Applicant with a voucher under the Section 8 Tenant-Based Assistance: Housing Choice Voucher program or an applicant participating in a HOME tenant-based rental assistance program because of the status of the prospective tenant as a holder of such voucher or comparable HOME tenant-based assistance document the Applicant fails to meet the minimum requirements applicable to all Applicants.
- Provide for the selection of tenants from a written waiting list in the chronological order of their application, insofar as is practical.
- Give prompt written notification to any rejected applicant stating the grounds for any rejection.
- NHTF-assisted units will continue to qualify as affordable housing despite a temporary noncompliance caused by increases in the incomes of existing tenants if actions satisfactory to

HUD are being taken to ensure that all vacancies are filled in accordance with HUD regulations until the noncompliance is corrected.

- The NHTF program has income-targeting requirements. Therefore, DCA determines that each family occupying an NHTF-assisted unit is [income-eligible](#) by determining the family's [annual income](#).

Initial and Annual Certifications

When determining if a family is [income-eligible](#), DCA will allow use of the following definition of “annual income”:

- **Initial move in** Examine at least 2 months of source documents evidencing [annual income](#) (e.g., wage statement, interest statement, unemployment compensation statement) for the family.
- For families who are [tenants in NHTF-assisted housing](#), DCA allows determination of initial [annual income](#) using the method above.

Additionally, in each year during the period of affordability, the project owner must re-examine each tenant's annual income in accordance with the preferred income calculation definitions selected by DCA. This recertification process may include one of the following methods:

- Examine at least 2 months of source documents evidencing [annual income](#) (e.g., wage statement, interest statement, unemployment compensation statement) for the family.

OR

- Obtain from the family a written statement of the amount of the family's [annual income](#) and family size, along with a certification that the information is complete and accurate. The certification must [state](#) that the family will provide source documents upon request.

OR

- Obtain a written statement from the administrator of a government program under which the family receives benefits and which examines each year the [annual income](#) of the family. The statement must indicate the tenant's family size and [state](#) the amount of the family's [annual income](#); or alternatively, the statement must indicate the current dollar limit for very low- or low-income families for the family size of the tenant and [state](#) that the tenant's [annual income](#) does not exceed this limit.

An owner who re-examines a tenant's annual income through a family's written statement of annual income must examine the source documentation of the income of each tenant every **6th year of the property's affordability period**, except that, for units that receive project-based assistance, the owner must re-examine the tenant's annual income in accordance with the project-based assistance rules, or units that are within the LIHTC program – those program requirements apply. Otherwise, an owner who accepts the tenant's statement and certification is not required to examine the income of tenants (until year 6 of the property's affordability period), unless there is evidence that the tenant's written statement failed to completely and accurately state information about the family's size or income.

Annual Income

Annual income means all amounts, monetary or not, which:

- Go to, or on behalf of, the family head or spouse (even if temporarily absent) or to any other family member, or
- Are anticipated to be received from a source outside the family during the 12-month period following move in or annual recertification effective date, and
- Which are not specifically excluded as noted as excluded below.
- Annual income also includes amounts derived (during the 12-month period) from assets to which any member of the family has access.

Annual Income includes, but is not limited to:

- The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services.
- The net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family.
- Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as deductions in determining net income.
- Any withdrawal of cash or assets from an investment will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has net family assets in excess of \$5,000, annual income shall include the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by HUD.
- The full amount of periodic amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic amount.
- Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay.
- Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from organizations or from persons not residing in the dwelling.
- All regular pay, special pay, and allowances of a member of the Armed Forces (except as provided below).
- For section 8 programs only, any financial assistance, in excess of amounts received for tuition and any other required fees and charges, that an individual receives under the Higher Education Act of 1965 from private sources, or from an institution of higher education (as defined under the Higher Education Act of 1965), shall be considered income to that individual, except that financial assistance described in this paragraph is not considered annual income for persons over the age of 23 with dependent children. For purposes of this paragraph, "financial assistance" does not include loan proceeds for the purpose of determining income.
- Welfare assistance payments made under the Temporary Assistance for Needy Families (TANF) program are included in annual income only to the extent such payments qualify as assistance under the TANF program definition and are not otherwise excluded as noted below.

- However, If the welfare assistance payment includes an amount specifically designated for shelter and utilities, the amount of welfare assistance income to be included as income shall exclude the amount specifically designated for shelter or utilities.

Annual income does not include the following:

- Income from employment of children (including foster children) under the age of 18 years.
- Payments received for the care of foster children or foster adults.
- Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses.
- Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member.
- Income of a live-in aide.
- The full amount of student financial assistance paid directly to the student or to the educational institution (refer to HUD regulations for additional information).
- The special pay to a family member serving in the Armed Forces who is exposed to hostile fire.
- Amounts received under training programs funded by HUD.
- Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS).
- Amounts received by a participant in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, childcare, etc.) and which are made solely to allow participation in a specific program.
- Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed \$200 per month) received by a resident for performing a service for the PHA or owner, on a part-time basis, that enhances the quality of life in the development.
- Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives and are excluded only for the period during which the family member participates in the employment training program.
- Temporary, nonrecurring or sporadic income (including gifts).
- Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era.
- Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse).
- Adoption assistance payments in excess of \$480 per adopted child.
- Deferred periodic amounts from supplemental security income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts, or any deferred Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts.
- Amounts received by the family in the form of refunds or rebates under State or local law for property taxes paid on the dwelling unit.

- Amounts paid by a state agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home.

Fixed and floating HTF units.

- In a project containing NHTF-assisted and other units, DCA may designate fixed or floating NHTF units. This designation must be made at the time of project commitment in the written agreement between DCA and the recipient, and the NHTF units must be identified not later than the time of project completion.
- Fixed units must remain the same throughout the period of affordability.
- Floating units must be changed to maintain compliance with the requirements of this program during the period of affordability so that the total number of housing units meeting the requirements remains the same, and each substituted unit must be comparable in terms of size, features, and number of bedrooms to the originally designated NHTF-assisted unit.

Tenant Protections

There must be a written lease between the tenant and the owner of rental housing assisted with NHTF funds that is for a period of not less than one year, unless by mutual agreement between the tenant and the owner a shorter period is specified. The lease must incorporate the VAWA documents as noted below.

- The Owner may not terminate or refuse to renew a Lease, except as set forth in and in accordance the NHTF Regulations, which generally provides that a termination is not permitted without “good cause”, including serious or repeated violations of the Lease terms and conditions or a violation of an applicable requirement. To terminate or refuse to renew a Lease, owner must give the tenant at least 30-days prior written notice, specifying the grounds for termination or non-renewal and providing a specific period for vacating the Unit (which must be consistent with Georgia law). In connection with any notice of eviction from a Unit, Owner must provide the tenant being evicted with the notice and certification as Georgia State law requires.
- Certain fees are prohibited. The owner may not charge tenants for fees that are not customarily charged in rental housing in the neighborhood where the project is located and shall not charge any fee or cost for administering the NHTF program. Borrower may, however, charge reasonable application fees to applicants.

Prohibited lease terms. The lease **may not** contain any of the following provisions:

- *Agreement to be sued.* Agreement by the tenant to be sued, to admit guilt, or to a judgment in favor of the owner in a lawsuit brought in connection with the lease.
- *Treatment of property.* Agreement by the tenant that the owner may take, hold, or sell personal property of household members without notice to the tenant and a court decision on the rights of the parties. This prohibition, however, does not apply to an agreement by the tenant concerning disposition of personal property remaining in the housing unit after the tenant has moved out of the unit. The owner may dispose of this personal property in accordance with State law.
- *Excusing owner from responsibility.* Agreement by the tenant not to hold the owner or the owner's agents legally responsible for any action or failure to act, whether intentional or negligent.

- *Waiver of notice.* Agreement of the tenant that the owner may institute a lawsuit without notice to the tenant.
- *Waiver of legal proceedings.* Agreement by the tenant that the owner may evict the tenant or household members without instituting a civil court proceeding in which the tenant has the opportunity to present a defense, or before a court decision on the rights of the parties.
- *Waiver of a jury trial.* Agreement by the tenant to waive any right to a trial by jury.
- *Waiver of right to appeal court decision.* Agreement by the tenant to waive the tenant's right to appeal, or to otherwise challenge in court, a court decision in connection with the lease.
- *Tenant chargeable with cost of legal actions regardless of outcome.* Agreement by the tenant to pay attorney's fees or other legal costs even if the tenant wins in a court proceeding by the owner against the tenant. The tenant, however, may be obligated to pay costs if the tenant loses.
- *Mandatory supportive services.* Agreement by the tenant to accept supportive services that are offered. Such services cannot be provided in a nonsegregated setting. The families must not be required to accept the services offered at the project. In advertising the project, the owner may advertise the project as offering services for a particular type of disability; however, the project must be open to all otherwise eligible persons with disabilities who may benefit from the services provided in the project.

The compliance with the above protections will be verified during each audit/inspection.

VAWA Requirements

The Violence Against Women Act (VAWA) requirements apply to all rental housing assisted with NHTF funds and these requirements shall apply for the duration of the affordability period.

The owner of NHTF-assisted rental housing must provide the Notice of Occupancy Rights (HUD 5380) and Certification (HUD 5382) forms to the applicant for a NHTF-assisted unit at the time the applicant moves in a NHTF-assisted unit or is denied occupancy to a NHTF-assisted unit based on the owner's tenant selection policies and criteria. The owner of NHTF-assisted rental housing must also provide the Notice and Certification forms with any notification of eviction from a NHTF-assisted unit.

VAWA Lease Addendum (HUD 91067) must be developed by the owner and should incorporate all requirements that apply and must also provide that the tenant may terminate the lease without penalty if the owner determines that the tenant has met the conditions for an emergency transfer.

Emergency Transfer Request (HUD 5383) must be complete by the tenant, as applicable, and submitted to the owner.

Emergency transfer plan - DCA must approve the owner's emergency transfer plan and in coordination with the owner must make the determination of whether a tenant qualifies for an emergency transfer under the plan. The Owner may use HUD 5381 as a guideline only as they develop their own Emergency Transfer Plan which must be approved by DCA. The plan must meet the requirements in 24 CFR 5.2005(e), the required policies must specify that for tenants who qualify for an emergency transfer and who wish to make an external emergency transfer when a safe unit is not immediately available, DCA will provide a list of properties in the jurisdiction that include NHTF-assisted units and this list will include the following information for each property: The property's address, contact information, the unit sizes (number of bedrooms) for the NHTF-assisted units, and, to the extent known, any tenant preferences or eligibility restrictions for the NHTF-assisted units. Additionally, DCA may

- Establish a preference under the NHTF program for tenants who qualify for emergency transfers under 24 CFR 5.2005(e), and
- Coordinate with victim service providers and advocates to develop the emergency transfer plan, make referrals, and facilitate emergency transfers to safe and available units.

NOTE: Prior to occupancy start date, the owner must provide all VAWA forms to DCA for review and approval.

Affirmative Marketing

DCA requires rental projects containing five or more NHTF-assisted housing units to have a DCA approved Affirmative Fair Housing Marketing Plan and abide by those marketing steps to ensure they attract eligible persons in the housing market area to the available housing without regard to race, color, national origin, sex, religion, familial status, or disability. If there is a written agreement with the project owner permitting the rental housing project to limit tenant eligibility or to have a tenant preference, DCA must have affirmative marketing procedures and requirements that apply in the context of the limited/preferred tenant eligibility for the project.

- The Affirmative Fair Housing Marketing Plan form may be found [HERE](#)
- The Equal Housing Opportunity logotype or slogan must be used in all in press releases, written communication, and other commercial media. The Equal Housing Opportunity logotype or slogan must be on the main ID sign and the Fair Housing poster must be displayed in the office.
- Records must be kept describing actions taken by the owners to affirmatively market rental housing units and records to assess the results of these actions.
- The effectiveness of, and the compliance with, the AFHMP will be reviewed during each inspection.

Additionally, DCA requires the use of the Race and Ethnicity Form to be included in each new move in file and with the addition of any new household member. DCA will review the data collected each year. As affirmative marketing rules apply, NHTF requires monitoring of Race and Ethnicity. The Race and Ethnicity Forms may be found [HERE](#).

Recordkeeping

DCA must maintain sufficient records to enable HUD to ensure DCA has met the requirements of the NHTF program. These records include, but are not limited to:

- Project records including a full description of each project assisted with HTF funds, including the location (address of each unit), and the units assisted with NHTF funds.
- Records documenting required inspections, monitoring reviews and audits, and the resolution of any findings or concerns.
- Inspection Reports demonstrating that each project meets the required property standards at project completion, and during the period of affordability.
- Records demonstrating that each family is income eligible.
- Records demonstrating that each rental housing project meets the affordability and income targeting requirements for the required period. Records must be kept for each family assisted.
- Records demonstrating that each lease for an assisted rental housing unit complies with the tenant and participant protections of NHTF requirements. Records must be kept for each family assisted.

- Records for rental projects demonstrating compliance with the property standards, and financial reviews and actions. Including review/audit of each bank account.
- Records concerning other Federal requirements including equal opportunity and fair housing records and records demonstrating compliance with the affirmative marketing procedures and requirements.
- Data on the extent to which each racial and ethnic group and single-headed households (by gender of household head) have applied for, participated in, or benefited from, any program or activity funded in whole or in part with NHTF funds.
- Records demonstrating compliance with the lead-based paint requirements.
- Documentation on emergency transfers requested under VAWA pertaining to victims of domestic violence, dating violence, sexual assault, or stalking, including data on the outcomes of such requests.
- For rental housing projects, records may be retained for 5 years after the project completion date, except those records of individual tenant income verifications, project rents, and project inspections must be retained for the most recent 5-year period, until 5 years after the affordability period terminates.
- Written agreements must be retained for 5 years after the agreement terminates.

Performance Reports and Performance Reviews

DCA must maintain a system to track the use of its NHTF funds and submit annual performance and management reports on its NHTF program and HUD will make the performance and management reports publicly available.

HUD will review the performance of DCA in carrying out its responsibilities whenever determined necessary by HUD, but at least annually, verifying the requirements of eligible activities, income targeting, affordability, and property standards have been met.

In conducting performance reviews, HUD will rely primarily on information obtained from DCA's records and reports, findings from onsite monitoring, audit reports, and information generated from the disbursement and information system established by HUD. Where applicable, HUD may also consider relevant information pertaining to DCA's performance gained from other sources, including citizen comments, complaint determinations, and litigation. Reviews to determine compliance with specific requirements of this part will be conducted as necessary, with or without prior notice to DCA.

Other Relevant Considerations

Required Forms

- HOME/NHTF Lease Addendum
- Student Status Certificate – the NHTF program rules for the treating of Students match those of Section 8
- Under \$5000 Assets
- Tenant Income Certification (TIC) must allow designation of or a blank to complete noting the family's participation in the NHTF Program

For further information, please review the NHTF Allocation plan on DCA's website [here](#).