

COUNTY OF MORRIS



HOME INVESTMENT PARTNERSHIPS HOME- ARP PROGRAM

2024 APPLICATION PACKAGE

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DEADLINE DATE: July 8, 2024



PROGRAM DESCRIPTION

To address the need for homelessness assistance and supportive services, Congress appropriated \$5 billion in American Rescue Plan funds to be administered through the HOME Investment Partnerships Program to perform four activities that must primarily benefit qualifying individuals and families who are homeless, at risk of homelessness, or in other vulnerable populations. The purpose of Program funding under this Request for Applications (RFA) is to assist developers in the production of affordable rental housing targeted to the HOME-ARP Qualifying Populations in Morris County, including for-profit developers, non-profit developers, and County-designated Community Housing Development Organizations (CHDOs) acting as owners, developers, and/or sponsors.

PROGRAM GUIDELINES

HOME-ARP is intended to be gap financing. When applying for HOME-ARP funds, the applicant must submit evidence of other secured sources of funding. Funds awarded under this RFA must be used to benefit individuals and families who meet the HOME-ARP criteria for qualifying populations, defined in [Notice CPD 21-10 Requirements for the Use of Funds in the HOME-American Rescue Plan Program](#) (the Notice), published September 13, 2021 and described in Appendix A.

Rental projects funded under this RFA are to be occupied by individuals and families who meet the HOME-ARP criteria for qualifying populations. Seventy (70) percent of the total number of rental units the County assists with HOME-ARP funds must be restricted to occupancy by households that are qualifying households at the time of the household's initial occupancy. Morris County has established a preference for occupancy for households experiencing chronic homelessness.

Approximately \$615,000 HOME-ARP funds are available for HOME-ARP eligible supportive services for individuals meeting one or more of the HOME-ARP Qualifying Populations. Supportive services are intended to be provided to households occupying HOME-ARP assisted units. Responses to this RFA should indicate whether the request is for one or more of the eligible components. If supportive services funding is requested as part of a development project, it must appear in the development and operating budgets submitted with this RFA.

HOME-ARP ALLOCATION PLAN

All funds awarded under this RFA shall be consistent with the County's HOME-ARP Allocation Plan, which has been submitted to and approved by HUD. The Allocation Plan is available on the County's website <https://www.morriscountynj.gov/Departments/Community-Development>

The County's approved HOME-ARP budget was driven by the unmet priority needs identified as a result of stakeholder consultation and data analysis. The following priority needs were identified:

- Development of affordable and accessible rental housing, including accessibility for persons with disabilities
- Development of permanent supportive housing with a strong supportive service component
- Supportive services

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IMPORTANT INFORMATION

- AN APPLICANT MAY SUBMIT A TOTAL OF ONE APPLICATION.**
- PLEASE READ ALL OF PARTS I THROUGH IV (INCLUDING *HOME APPLICATION GUIDE*) AND THE *APPLICATION INSTRUCTIONS* BEFORE COMPLETING THIS APPLICATION.**
- PLEASE DO NOT STAPLE THE ORIGINAL.**
- PLEASE SUBMIT ONLY ONE ORIGINAL APPLICATION.**
- FAIR HOUSING NOTICE.**

Morris County takes fair housing responsibilities very seriously. All participating municipalities must adopt the attached sample Municipal Council Resolution that reinforces your municipality's commitment to federal and state fair housing regulations and must post the Fair Housing Notice on your website.

PART I

HOME APPLICATION GUIDE

This guide is designed to provide important information about the HOME-ARP Program as well as to assist with the preparation of HOME-ARP application documentation. This does not relieve the applicant from reading the entire application or submitting all information required within the application or as requested from the Office of Community Development or Community Development Revenue Committee (CDRS).

Application Requirements

- Grant Application** – Review for completeness according to the Application Instructions provided in Part IV. All applications must be signed and dated, include the Municipal Certification signed by an authorized official, include all exhibits and be submitted by the published Application Deadline Date. All copies should be single-sided (no double-sided copies) and must not be stapled. Include required Federal identification numbers:
 - Unique Entity Identifier (UEI)
 - SAMS/CAGE number
 - Tax ID (EIN) number
- HOME Program Compliance** - Applicant must meet the HOME program and activity eligibility requirements as defined in 24 CFR Part 92. Also refer to Part II herein for Criteria and Activities Eligibility information.
- Municipal Council Authorizing Resolution** – Applications must be discussed at a public meeting and be approved by your Governing Body. Provide evidence of the public meeting (Agenda) along with a copy of the Resolution.
- Confidentiality Policy** – Confidentiality Policy must ensure that any Personally Identifiable Information (PII) of persons being served by HUD Programs is safeguarded when it comes to recordkeeping and that any PII information is redacted in documents released to the public or anyone outside of the applicant(s) household. A copy of your Confidentiality Policy must be provided.
- Code of Conduct/Conflict of Interest** – Federal law prohibits employees and public officials from exercising any functions or responsibilities with respect to HUD funded activities in which they may obtain a financial interest or benefit, either for themselves or for any person with whom they have a business or immediate family ties. Provide a copy of your Code of Conduct/Conflict of Interest Policy applicable for all officers, employees, agents, consultant or elected or appointed official per 24 CFR 92.356. Sample is attached for reference.
- Section 3 Compliance** – Construction projects where the total amount of HUD-assisted funds exceeds \$200,000, must comply with the Section 3 requirements as defined in 24 CFR Part 75. The threshold is \$100,000 where the assistance is from the Lead Hazard Control and Healthy Homes programs.

Note that Federal labor standards provisions including the Davis-Bacon Act apply to any contract for the construction of 12 or more HOME-assisted units.

Records must be maintained and provided showing labor hours worked by Section 3 and Targeted Section 3 workers as well as total labor hours worked by all workers.

Refer to separate Section 3 Compliance Package for Contractor Steps, Outreach Guidance, Certification documents and other tools that will be used to ensure Section 3 compliance once a Section 3 project has been determined.

- Beneficiaries** – The HOME-ARP funds must create housing opportunities for HOME-ARP Qualifying Populations.
- Match Funds (Leveraged Funds or “In Kind” Services) (24 CFR 92.218 – 92.222)** – HOME-ARP activities must match no less than 25% of the awarded HOME funds. Generally, investments from state or local governments or the private sector qualify as matching contributions, whereas federal funds (such as CDBG) do not qualify. For more information on Match requirements, refer to the Application *Match Requirements* section.
- Other Funds Sources** – Letters of Commitment, or other acceptable documentation, are required to document all other project funds, including Match funds. *The other funding sources must be secured before submitting a HOME-ARP Application.*
- Budget** – Provide a total project budget or in construction proposed budget with breakdown of Sources and Uses of Funds and how funds needed are to be used.
- Developer Funding** – The Developer must have funds available to implement the project as the County uses a reimbursement process.
- Public Orientation Meetings** – There will be public orientation meetings scheduled to review the process and to answer questions. All Applicants are encouraged to attend. Dates and times will be published.
- Pre-Application Orientation** – This pre-application orientation is mandatory for all those intending on submitting an Application. Contact the Office of Community Development to schedule an orientation meeting.
- Presentations** – Applications must be presented to the CDRS Committees. Applicants will be notified of scheduling availability.

What to Expect if the Grant is Awarded

If the grant is approved, the Applicant will be provided with a *Conditional Commitment Letter* indicating the project, the amount of the committed funds as well as any other conditions that must be met.

- Environmental Review** – An environmental review (ERR) is required and shall be completed by the County after the County has conditionally committed the HOME funds and prior to the execution of any Grant Agreement. Any requested documentation to complete this environmental review (including information required by NEPA) must be provided in a timely manner.
- Affirmative Fair Housing Marketing Plan** - A copy of your Affirmative Fair Housing Marketing Plan will be required if the project involves 5 or more housing units, if applicable. The following link may be used to develop a Plan:
<https://www.hud.gov/sites/dfiles/OCHCO/documents/935-2A.pdf>
- Subsidy Layering** - All projects being considered for funding must undergo an underwriting and subsidy layering analysis to ensure that it does not invest any more HOME-ARP funds (alone or in combination with other funds) than are necessary to the project and to ensure that the owner’s/developer’s profit or return on their investment is appropriate and reasonable, given the size, type and complexity of the project.

A Certification of Government Assistance will need to be signed as part of this underwriting review.

- Written Agreement** – No work can commence prior to the issuance of a fully executed Written Agreement or the Applicant may jeopardize the grant. When a Written Agreement is provided, the Applicant must sign and return as soon as possible to avoid any delays on the project. *Please return as single-sided copies (not double-sided).*
- Section 3 Pre-Procurement Meeting** – A pre-bid meeting is mandatory for all Section 3 projects to review goals and outreach efforts.
- Procurement** – When applicable, all State of New Jersey procurement laws and federal procurement regulations (2 CFR Part 200.317 – 343) must be adhered to.

Projects awarded HOME-ARP funding must demonstrate cost reasonableness through use of a competitive bidding process and/or cost estimation approach. A separate *Compliance Package* with competitive bidding and proposals information and forms will be provided.

- Davis-Bacon Wages** – Federal labor standards provisions including the Davis-Bacon Act apply to any contract for the construction of 12 or more HOME-ARP-assisted units. The stricter of the Federal labor standards, when applicable, or New Jersey Department of Labor and Workforce standards (including the NJ Prevailing Wage Act N.J.S.A 34:11-56.25 et seq) will apply. For contracts with fewer than 12 HOME-ARP-assisted units, please defer to the NJ Prevailing Wage Act for wage compliance requirements.
- Pre-Construction Meeting** – A pre-construction meeting is mandatory and must be scheduled with the Contractor and Community Development Coordinator in order to provide pertinent information to include federal employee rights, wages, employee interviews, payroll reporting forms.
- Payrolls** – When Davis-Bacon wages apply, weekly payroll reports must be provided on Form WH-347 including the Statement of Compliance.
- Section 3 Labor Hours** – Records must be maintained and provided showing labor hours worked by Section 3 and Targeted Section 3 workers as well as total labor hours worked by all workers.
- Progress Reports** – Monthly progress reports may be required during the construction project and must be provided when requested.

Acknowledgements

The Applicant acknowledges that they will comply with all of the following:

- No work will commence prior to the issuance of a fully executed Written Agreement.
- The funds provided under the HOME-ARP Program will not be utilized for inherently religious activities.
- HOME-ARP Qualifying Populations, and any relevant low- and moderate-income levels as defined herein are acknowledged.
- All reporting requirements will be met, and monthly progress reports will be provided, as requested, for construction projects.
- All labor standards laws will be met including the Davis-Bacon Act and NJ Prevailing Wage Act, as applicable.
- Section 3: For projects with \$200,000 or more in HUD-assisted funds (\$100,000 for Lead Hazard Control and Healthy Homes programs), Section 3 employment opportunities will be provided as outlined in 24 CFR Part 75, Section 3 requirements will be included in all bidding documents and records showing labor hours worked by Section 3 and Targeted Section 3 workers as well as total labor hours worked by all workers will be maintained.
- The County of Morris reserves the right, in its sole discretion, to reject at any time any or all applications, to withdraw this RFA without notice, and to negotiate with one or more Applicants submitting applications and/or parties other than those responding to this RFA, on terms other than those set forth herein. The County of Morris reserves the right to waive compliance with and/or change any of the terms and conditions of this RFA. Under no circumstances will the County of Morris pay costs incurred by an Applicant in responding to this RFA.

NOTE: Any missing or requested items from this office must be submitted by July 22, 2024. This includes the Certification from the Municipality.

PART II

ELIGIBILITY CRITERIA AND ACTIVITIES

The County will fund developers of affordable rental housing including for-profit developers, non-profit developers, and County-designated CHDOs. Prior to committing funds, the County will review the status of any organization seeking funds to ensure that it meets all HOME-ARP requirements and that it has sufficient staff capacity to carry out the project. At the County's discretion, capacity building funds may be available for non-profit applicants who submit a request under this RFA. The County will consider proposals for both new construction or acquisition and rehabilitation of existing units.

Applications must include an investment of not less than \$1,000 in HOME-ARP funds per HOME-ARP-assisted unit. All projects will be evaluated in accordance with the County's Underwriting and Subsidy Layering Guidelines for HOME-ARP. In no case will the County award more than what is available in HOME-ARP funding to one or more projects.

Funds are available through the HOME-ARP Program to develop affordable housing for both rental and homeownership opportunities through the following activities:

A. Eligible Activities and Costs

Costs funded with the County's HOME-ARP funds must be eligible according to the HOME Final Rule 24 CFR 92.206, the National Affordable Housing Act, Notice CPD 2021-10 and Waivers and Alternative Requirements for Implementation of the HOME American Rescue Plan Program. The following additional limitations also apply:

- a. HOME-ARP funds shall not be used for luxury improvements according to 24 CFR 92.205.
- b. HOME-ARP funds shall not be used for homeownership and owner-occupied activities, including assistance to homebuyers and development of affordable housing for homeownership and homeowner rehabilitation.
- c. Acquisition costs shall be supported by an independent appraisal of the property. Acquisition costs exceeding the appraised value of the property will be ineligible for HOME-ARP funding reimbursement.
- d. HOME-ARP funds shall not be used for non-residential accessory structures such as free-standing community/leasing buildings, garages, carports, or maintenance structures. HOME-ARP funds may be used for community space or common laundry facilities included in residential buildings.
- e. The County will only disburse HOME-ARP for eligible costs incurred on or after the commitment of HOME-ARP funds.
- f. HOME-ARP funds shall not be used for organizational costs such as partnership formation or syndication costs, especially those associated with Low Income Housing Tax Credits.
- g. For new construction or rehabilitation of HOME-ARP rental housing for qualifying populations, the cost of funding operating cost assistance during the project's compliance period or a capitalized operating cost assistance reserve in accordance with requirements the HOME-ARP Notice is an eligible cost.
- h. For new construction or rehabilitation of HOME-ARP rental housing units for low-income households, the cost of funding an initial operating deficit reserve, which is a reserve to meet any shortfall in project income during the period of project rent-up for HOME-ARP

units for low-income households (not to exceed 12 months), is an eligible cost. An initial operating deficit reserve may only be used to pay the share of operating expenses, scheduled payments to a replacement reserve, and debt service of the HOME-ARP rental housing units for low-income households.

Eligible Costs

- a. Development hard costs – *defined in 24 CFR 92.206(a)*.
- b. Refinancing – the cost to refinance existing debt secured by a rental project that is being rehabilitated with HOME-ARP funds in accordance with 24 CFR 92.206(b)(2) and the PJ’s HOME-ARP refinancing guidelines, as stated in their HOME-ARP Allocation Plan.
- c. Acquisition – the costs of acquiring improved or unimproved real property.
- d. Related soft costs – defined in 24 CFR 92.206(d).
- e. Relocation costs – as defined in 24 CFR 92.206(f), 24 CFR 92.353, and described in the Notice.
- f. Costs relating to payment of loans – If the HOME-ARP funds are not used to directly pay a cost specified in this HOME-ARP rental housing section, but are used to pay off a construction loan, bridge financing loan, or guaranteed loan, the payment of principal and interest for such loan is an eligible cost only if: (1) the loan was used for eligible costs specified in this HOME-ARP rental housing section, and (2) the HOME-ARP funds are part of the original financing for the project and the project meets the requirements of this Notice.
- g. Operating Cost Assistance

Cost Reasonableness

Per the requirements of 92.250(b) and 2 CFR 225, all project costs must be reasonable, whether paid directly with HOME-ARP funds or not. The County will review project costs, including hard and soft costs, to evaluate their reasonableness and may, at its option, require applicants to obtain additional quotes, bids, or estimates of costs. County staff must be allowed the opportunity to conduct a cost analysis to determine cost reasonableness. Applications may be determined ineligible if access is not granted or costs are determined to be unreasonable. Applicants are encouraged to request only the amount of HOME-ARP funds needed as **gap financing** to make the project feasible. Requesting funds for administration is not allowed; however, applicants may request reasonable dollars for developer fees (not to exceed 15%) and soft costs in an amount corresponding to affordable housing activities. All HOME-ARP costs, including soft costs, must be tied to specific housing addresses.

Supportive Services

The County is also making funding available for supportive services to be provided to the HOME-ARP Qualifying Populations. Funds may be requested as part of the development/operating budget for occupants of the units created with HOME-ARP funds, or they may be requested independently. If supportive services funding is requested by developers of HOME-ARP assisted units, they must appear in the development and operating budgets submitted with this application. Supportive service providers independently seeking funding under this application must agree to provide services to occupants of HOME-ARP assisted units. Eligible supportive service costs are identified in [Notice CPD 21-10 Requirements for the Use of Funds in the HOME-American Rescue Plan Program](#) (the Notice), published September 13, 2021.

B. Project Requirements

Property Standards

To meet both HOME-ARP regulations and County goals, all HOME-ARP-funded projects must meet certain physical standards intended to provide quality affordable housing that is durable and energy efficient. Property standards will be enforced via inspection within 12 months of project completion and at least once every three years during the compliance period.

- a. Construction must meet all state and local building codes, as well as the County's Property Standards.
- b. All HOME-ARP projects must meet applicable Section 504/Uniform Federal Accessibility Standards (UFAS) requirements.
 - i. *Rental Projects:* In the case of (a) new construction projects with 5 or more HOME-ARP assisted units and (b) rehabilitation projects with 15 or more total units (HOME-ARP-assisted and non-HOME-assisted) where rehabilitation costs will be 75% or more of the replacement cost of the completed facility, the project must provide 5% of the development's units for physically disabled occupants and another 2% of units designed to be accessible to those with visual or hearing impairments. Additionally, covered multifamily dwellings, as defined at 24 CFR 100.201, must also meet the design and construction requirements required by the Fair Housing Act as outlined in 24 CFR 100.205.
- c. Site shall be served by public sewer, public water, and public road.
- d. Site shall be in a designated Fire District or served by a Fire Department.
- e. Units must be equipped with the following appliances: refrigerator, range/oven, dishwasher, and garbage disposal. Developers may also propose to include in-unit clothes washers and dryers, microwave/vent fan combination units, as appropriate. If the Energy Star program rates the type of appliances being installed, the developer must furnish the units with Energy Star rated appliances. Note however that not all appliances are rated by the Energy Star program.
- f. *Lead-Based Paint:* All rehabilitation projects must comply with HUD's Lead-Based Paint (LBP) Regulations found at 24 CFR Part 35. Any home constructed prior to 1978 must be tested for the presence of LBP and all LBP hazards identified addressed in conformity with 24 CFR Part 35.
- g. *Visitability:* Although not a requirement, it is recommended that for rental projects, all design, construction, and alterations incorporate, wherever practical, the concept of visitability. Visitability is a design concept, which for very little or no additional cost enables persons with disabilities to visit relatives, friends, and neighbors in their homes within a community. Visitability design incorporates the following in all construction or alterations, in addition to the applicable requirements of Section 504 and the Fair Housing Act, wherever practical and possible for as many units as possible within a development:
 - Provide a 32" clear opening in all bathroom and interior doorways; and
 - Provide at least one accessible means of egress/ingress for each unit.

Underwriting and Subsidy Layering Review Requirements

All projects must be financially feasible. Income and expense proforma and detailed subsidy layer review for each project which demonstrate financial feasibility must be submitted to and

approved by the County. Documentation supporting housing need, including market studies, must be submitted.

All sources of financing necessary to complete the project must be identified in the application, and copies of all financial commitments must be submitted. Developers must disclose all other public sources or applications for funding to the County at the time of submission of the application and upon receiving any additional commitments of public source funding. The County will conduct a subsidy layering review as part of the underwriting process for any project that includes other public subsidies. Using its underwriting criteria, the County will assess the project and may require changes to the transaction to ensure that the financial return to the owner/developer is not excessive. Changes may include a reduction in HOME-ARP funds awarded or a declination of a previously approved award. The County will consider adjusting its underwriting in consultation with other public funders, if applicable to the project. The County retains, at its sole discretion, the power to decide whether to accept alternative standards.

Other Federal Requirements

Nondiscrimination and Equal Opportunity

The following federal nondiscrimination and equal opportunity guidelines apply to all County affordable housing projects and affect both development and operation or sales of assisted housing:

- a. The Fair Housing Act (42 U.S.C. 3601-19) and implementing regulations at 24 CFR part 100 et seq.
- b. Executive Order 11063, as amended by Executive Order 12259 (3 CFR, 1959-1963 Comp., p. 652 and 3 CFR, 1980 Comp., p. 307) (Equal Opportunity in Housing Programs) and implementing regulations at 24 CFR part 107.
- c. Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d- 2000d-4) (Nondiscrimination in Federally Assisted Programs) and implementing regulations at 24 CFR part 1.
- d. The Age Discrimination Act of 1975 (42 U.S.C. 6101-6107) and implementing regulations at 24 CFR part 146.
- e. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and implementing regulations at part 8 of this title.
- f. Title II of the Americans with Disabilities Act, 42 U.S.C. 12101 et seq.; 24 CFR part 8; Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and implementing regulations at 24 CFR part 75.
- g. Executive Order 11246, as amended by Executive Orders 11375, [[Page 41]] 11478, 12086, and 12107 (3 CFR, 1964-1965 Comp., p. 339; 3 CFR, 1966-70 Comp., p. 684; 3 CFR 1966-70 Comp., p. 803; 3 CFR, 1978 Comp., p. 230; and 3 CFR, 1978 Comp., p. 264, respectively) (Equal Employment Opportunity Programs) and implementing regulations at 41 CFR chapter 60.
- h. Executive Order 11625, as amended by Executive Order 12007 (3 CFR, 1971-1975 Comp., p. 616 and 3 CFR, 1977 Comp., p. 139) (Minority Business Enterprises); Executive Order 12432 (3 CFR, 1983 Comp., p. 198) (Minority Business Enterprise Development).
- i. Executive Order 12138, as amended by Executive Order 12608 (3 CFR, 1977 Comp., p. 393 and 3 CFR, 1987 Comp., p. 245) (Women's Business Enterprise). The nondiscrimination provisions of Section 282 of the National Affordable Housing Act of 1982.

The following additional guidelines apply to all rental housing projects:

- a. The requirements of 24 CFR 5.105(a)(2) requiring that HUD-assisted housing be made available without regard to actual or perceived sexual orientation, gender identity, or marital status and prohibiting owners (or their agents) from inquiring about the sexual orientation or gender identity of an applicant for, or occupant of, HUD-assisted housing for the purpose of determining eligibility for the housing or otherwise making such housing available. This prohibition on inquiries regarding sexual orientation or gender identity does not prohibit any individual from voluntarily self-identifying sexual orientation or gender identity.
- b. The requirements of 24 CFR 92.359 and 24 CFR Part 5, Subpart L which implement provisions of the Violence Against Women Act (VAWA), as amended, which provides various protections to applicants and tenants who are victims of domestic violence, dating violence, sexual assault, and stalking. Notwithstanding the title of the statute, VAWA's requirements and tenant protections apply regardless of any individual's sex, gender identity, or sexual orientation.

Uniform Relocation Act (URA)

All projects fall under the requirements of the URA. Any project resulting in permanent relocation/displacement of households will not be funded by the County. Applicants must further document that any purchase of property meets the requirements of URA, including provision of notices to the seller identifying the transaction as a voluntary sale not under the threat of eminent domain. **To ensure compliance with the URA, applicants should consult with the County of Morris to understand the requirements of URA and reference the URA forms included in the RFA prior to submitting an application involving an occupied property. URA guidance can be accessed at: <https://www.hudexchange.info/resource/6603/home-arp-ura-section-104d-policy-brief/>**

Minority Business Enterprise and Women Business Enterprise (MBE/WBE) Plan

Applicants must maintain an MBE/WBE plan that demonstrates marketing and solicitation of MBE/WBE businesses and contractors for the construction of the project.

Excluded Parties

All entities applying for HOME-ARP funding must also be registered with SAM.gov and be able to provide County staff with a unique I.D. # in order to certify that the entity is not debarred from receiving Federal Funding. The County will not fund projects owned, developed, or otherwise sponsored by any individual, corporation, or other entity that is suspended, debarred, or otherwise precluded from receiving federal awards. Nor may the developer contract with any other entity (including but not limited to builders/general contractors, property management companies, or other members of the development team) that are suspended, debarred, or otherwise so precluded. Similarly, the general contractor will be required to determine that subcontractors are not so precluded.

C. Targeting and Occupancy Requirements

The American Rescue Plan requires HOME-ARP activities to primarily benefit households in the qualifying populations. To improve the feasibility and maintain the long-term viability of projects with HOME-ARP rental units for qualifying households, applicants may invest HOME-ARP funds in units that are not restricted for occupancy solely for qualifying populations as described in this section.

Targeting

HOME-ARP funds can only be invested in units restricted for qualifying households or low-income households as follows:

- i. Not less than 70 percent of the total number of rental units assisted with HOME-ARP funds must be restricted for occupancy by households that are qualifying households at the time of the household's initial occupancy; and,
- ii. Not more than 30 percent of the total number of rental units assisted with HOME-ARP funds may be restricted to low-income households. These rental units do not have to be restricted for occupancy by qualifying households; however rental units restricted to low-income households are only permitted in projects that include HOME-ARP units for qualifying households.

Occupancy Requirements

- i. Units restricted for occupancy by qualifying households must be occupied by households that meet the definition of a qualifying population at the time of admission to the HOME-ARP unit. A qualifying household after admission retains its eligibility to occupy a HOME-ARP rental unit restricted for qualifying populations, irrespective of the qualifying household's changes in income or whether the household continues to meet the definition of a qualifying population. As such, a unit restricted for a qualifying household remains in compliance with the HOME-ARP unit restriction as long as the unit is occupied by a qualifying household that met the definition of a qualifying population at the time of admission.
- ii. Low-Income Households. At initial occupancy, units restricted for low-income households must be occupied by households that meet the definition of low-income in 24 CFR 92.2. If a tenant's income increases above the applicable low-income limit during the compliance period, the unit will be considered temporarily out of compliance. Noncompliance requires the County to take action in accordance with the rent and unit mix requirements in the Notice.

Initial Occupancy Deadlines

In accordance with the HOME-ARP Notice, HOME-ARP funded rental projects must comply with the following deadlines and requirements as evidenced by occupancy by tenants with a written lease that complies with the requirements of 24 CFR 92.253:

- i. The participating jurisdiction, as applicable, must submit to HUD information on its efforts to coordinate with a CoC, homeless service providers, social service and other public agencies to fill units for qualifying households or must submit marketing information and, if appropriate, a marketing plan to fill units for low-income households.
- ii. Within 12 months from the date of project completion, if efforts to market the units are unsuccessful and units remain unoccupied by an eligible tenant, the County will require repayment by the owner/developer of all HOME-ARP funds invested in each vacant unit. A unit that has not served a HOME-ARP QP household has not met the purposes of the HOME-ARP program; therefore, the costs associated with the unit are ineligible.

Income and Rent Limits

To qualify as affordable housing, HOME-ARP assisted units must be rented only to HOME-ARP Qualifying Population (QP) households at rents regulated by the program to be affordable to QP households. HOME-ARP does not impose income restrictions on units restricted for qualifying populations. If there is no income requirement in the qualifying population's definition, an initial determination of household income is not required, except as necessary to determine an affordable rental contribution by the qualifying household or to establish eligibility for another funding source in the unit that imposes income restrictions. Each household that occupies a HOME-ARP assisted unit must have an executed lease that complies with the tenant protection requirements of the Notice.

The County must approve the development's rent schedule annually throughout the HOME-ARP compliance period.

Units Restricted for Occupancy by Qualifying Households:

In no case can the HOME-ARP rents exceed 30% of the adjusted income of a household whose annual income is equal to or less than 50% of the median income for the area (low-HOME rent), as determined by HUD, with adjustments for number of bedrooms in the unit. HUD will publish the HOME-ARP rent limits on an annual basis. Notwithstanding the foregoing, a unit that receives a Federal or state project-based rental subsidy and is occupied by a very low-income household that pays as a contribution to rent no more than 30 percent of the household's adjusted income, may charge the rent allowable under the Federal or state project-based rental subsidy program (i.e., the tenant rental contribution plus the rental subsidy allowable under that program). If a household receives tenant-based rental assistance, the rent is the rent permissible under the applicable rental assistance program (i.e., the tenant rental contribution plus the rental subsidy allowable under that rental assistance program).

A qualifying household after admission retains its eligibility to occupy a HOME-ARP rental unit restricted for qualifying populations, irrespective of the qualifying household's changes in income or whether the household continues to meet the definition of a qualifying population. As such, a unit restricted for a qualifying household remains in compliance with the HOME-ARP unit restriction as long as the unit is occupied by a qualifying household that met the definition of a qualifying population at the time of admission.

Rent limitations – low-income households:

HOME-ARP rental units occupied by low-income households must comply with the rent limitations in 24 CFR 92.252(a) (i.e., the lesser of the Fair Market Rent for existing housing for comparable units in the area, as established by HUD, or a rent equal to 30 percent of the income of a family at 65 percent of median income for the area (High-HOME rent), as determined by HUD, with adjustments for number of bedrooms in the unit). Notwithstanding the foregoing, when a household receives assistance from a federal tenant-based rental assistance (e.g. housing choice vouchers), the rent is the rent permissible under the applicable rental assistance program (i.e., the tenant rental contribution plus the rent subsidy allowable under the rental assistance program). The rent limits for low-income households apply to the rent plus the utility allowance established pursuant to Section VI.B.13.d of the HOME-ARP Notice.

Rent limitations – Single Room Occupancy (SRO) Units:

A HOME-ARP rental project may consist of SRO units. For the purposes of HOME-ARP rental, an SRO unit is defined as a unit that is the primary residence of the occupant(s) and must at least contain sanitary facilities but may also contain food preparation facilities. A project's designation

as an SRO cannot be inconsistent with the building's zoning and building code classification. If the SRO units have both sanitary and food preparation facilities, the maximum HOME-ARP rent is based on the zero-bedroom fair market rent. If the SRO unit has only sanitary facilities, the maximum HOME-ARP rent is based on 75 percent of the zero-bedroom fair market rent. The rent limits for SRO units must also include the utility allowance established pursuant to Section VI.B.13.d of the Notice.

D. Minimum Compliance Period

Completed projects must comply with the HOME-ARP Program requirements and Notice for a minimum period of 15 years, regardless of the amount of HOME-ARP funds invested in the project or the activity being undertaken. If a project-based rental assistance Housing Assistance Payments (HAP) contract is awarded to a HOME-ARP rental project, the minimum compliance period will be the greater of 15 years or the term of the HAP contract. The minimum compliance period is enforced by mortgage, note and/or deed restrictions.

E. Expenditure and Commitment Guidelines

- HOME-ARP projects must be completed within four years from the date of the Written Agreement.
- Construction must begin within 12 months of the Written Agreement execution.
- All funding sources listed in the application must be accompanied by letter of commitment.
- All applicants must have site control established at the time of application.
- All projects being considered for funding must undergo an underwriting and subsidy layering analysis. Projects awarded HOME-ARP funding must demonstrate cost reasonableness through use of a competitive bidding process and/or cost estimation approach.

PART III

APPLICATION PROCESS

- 1. Applications must be completed and submitted to the Office of Community Development by 4:00 P.M. Monday July 8, 2024. A drop box (please advise if using this option) is located at 1 Medical Drive, Suite 100, Morris Plains. The mailing address is County of Morris, Office of Community Development, P.O. Box 900, Morristown, NJ 07963-0900. Mailed applications must be received by the above-listed deadline to be considered for funding.**
2. All applications will be reviewed by the Office of Community Development for completeness and eligibility. All eligible applications will be referred to the Community Development Revenue Sharing Advisory Committee (CDRS).
3. Applicants of eligible activities will have the opportunity to present their application to CDRS **via Webex. Please note that the presentations will be held during the day. You will be given instructions prior to your timeslot and meeting access links.**
4. The Regional Coordinators of the CDRS Committee will recommend funding allocations for each subcommittee category and identify activities for HOME-ARP.
5. The list of proposed activities will be reviewed at a Public Hearing, presented to the Board of County Commissioners and the full CDRS Committee membership for their approval.
- 6. You cannot obligate, commit, or disburse these *anticipated* funds until there is an executed Written Agreement with the County of Morris. Costs incurred prior to this will not be eligible for program reimbursement.**

**PART IV
2024 APPLICATION INSTRUCTIONS
HOME-ARP PROGRAM**

SECTION I - GENERAL

- A. Insert grant request to the nearest \$100.
- B. The Applicant is the agency proposing the activity.
- C. Applicant's address.
- D. Person to contact for questions.
- E. UEI, Federal Tax ID (EIN) and SAMS Cage Code are **required**.

SECTION II - ACTIVITY

- A. Use a title such as "Construction of Family Rental Housing" or "Group Home Acquisition".
- B. Specific location by street or geographic area, e.g., "Smith Street between First and Third Avenue" (*indicate street address, if appropriate*).

SECTION III - IMPLEMENTATION SCHEDULE

- A. Activities for acquisition only.
- B. Activities involving new construction.
- C. Activities for rehabilitation of existing housing.

SECTION IV – ACTIVITY INFORMATION

- A. Check only one *Type of Activity* category. Complete additional *Housing* page for the appropriate activity.
- B. Check only one category.

SECTION V - OTHER INFORMATION

- A. Provide location map which clearly identifies the project site.
- B. Indicate all Environmental Factors that apply. If permits or approvals are required, Applicant must document contact with the NJ Department of Environmental Protection or other government agency(ies) prior to submission of application.

SECTION VI – BUDGET AND REQUIRED ATTACHMENTS

Provide the documents and information as listed. Note that it is mandatory that specific budget information be provided with the Application.

SECTION VII – MATCH REQUIREMENTS

Select the type(s) of match sources to satisfy the match requirement.

SECTION VIII - ACKNOWLEDGEMENTS

Applicant acknowledgement of program requirements.

SECTION IX - APPLICANT SIGNATURE

Authorized signature of person preparing the application.

SECTION X – CERTIFICATION

Mayor/authorized official certifies that the Application has been discussed at a public meeting.

2024 HOME-ARP APPLICATION

I. GENERAL			
Grant Request (Round to nearest \$100)	\$		
Applicant			
Address (please provide full address)	Street:		
	Municipality:	Zip Code:	
Contact Person			
Contact Phone/Ext			
Contact Fax			
Contact Email (will be the email recorded for application status and all project correspondence)			
Federal ID #'s	UEI	SAMS/CAGE	TAX ID
II. ACTIVITY			
Title			
Location			
III. IMPLEMENTATION SCHEDULE			
<p>In the space below, outline an anticipated implementation schedule for the proposed activity. Attach separate sheet(s) if necessary. If this activity cannot commence between 7/1/24- 6/30/25 the applicant should not consider submitting the activity at this time.</p> <p>A. If the proposed activity is for acquisition alone, provide a detailed schedule indicating when you expect to expend all the funds.</p> <p>B. If the proposed activity involves new construction, provide a detailed schedule of anticipated stages for development including pre-construction work, actual hard construction, and occupancy date.</p> <p>C. Proposed rehabilitation activities require the same type of detailed schedule as a new construction above.</p>			

IV. ACTIVITY INFORMATION																												
Type of Activity	<input type="checkbox"/> Acquisition Standard units or assistance to homebuyers <input type="checkbox"/> New Construction Hard or soft costs (may include acquisition costs for a specific construction project). <input type="checkbox"/> Rehabilitation Substantial (Over \$25,000 per dwelling unit) Other Rehabilitation <input type="checkbox"/> Supportive Services																											
V. OTHER INFORMATION																												
MAP	Attach a location map which clearly identifies the project site.																											
ENVIRONMENTAL FACTORS	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 80%;"></th> <th style="width: 10%; text-align: center;">Yes</th> <th style="width: 10%; text-align: center;">No</th> </tr> </thead> <tbody> <tr> <td>• Is activity located in floodplain or Special Flood Hazard Area?</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>• Is activity located in the NJ Highlands Preservation or Planning Area?</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>• Will activity have an impact on a sole source aquifer?</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>• Is activity located in a Category 1 watershed?</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>• Is activity located in or near a wetland or transition area?</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>• Is activity located within a one-mile radius of a hazardous waste site?</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>• Will activity impact a historical or archeological structure, district or site?</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>• Are there any known impediments to the prompt implementation of the activity? (Including but not limited to requirements for State permits or any local action)?</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </tbody> </table> <p><i>Note that funds cannot be committed to a project prior to completion of an environmental review record (ERR). Applicant will provide all necessary information to complete the NEPA checklist and must respond in a timely manner to any requests for additional information.</i></p>		Yes	No	• Is activity located in floodplain or Special Flood Hazard Area?	<input type="checkbox"/>	<input type="checkbox"/>	• Is activity located in the NJ Highlands Preservation or Planning Area?	<input type="checkbox"/>	<input type="checkbox"/>	• Will activity have an impact on a sole source aquifer?	<input type="checkbox"/>	<input type="checkbox"/>	• Is activity located in a Category 1 watershed?	<input type="checkbox"/>	<input type="checkbox"/>	• Is activity located in or near a wetland or transition area?	<input type="checkbox"/>	<input type="checkbox"/>	• Is activity located within a one-mile radius of a hazardous waste site?	<input type="checkbox"/>	<input type="checkbox"/>	• Will activity impact a historical or archeological structure, district or site?	<input type="checkbox"/>	<input type="checkbox"/>	• Are there any known impediments to the prompt implementation of the activity? (Including but not limited to requirements for State permits or any local action)?	<input type="checkbox"/>	<input type="checkbox"/>
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VI. BUDGET INFORMATION AND OTHER REQUIRED ATTACHMENTS																												
Please provide the following information for the proposed activity:																												
A. Sources and Uses Budget (Line-Item budget and must include the grant request).																												

- B. Letters of Commitment for all other sources of funds.
- C. Development Budget and Pro Forma. An updated Development Budget will be requested upon Commitment of Funds.
- D. Architect and/or Engineer’s costs estimates.
- E. Municipal Council Resolution supporting fair housing regulations.
- F. Municipal Council Resolution approving submission of application and evidence of presentation at public meeting (agenda)
- G. Design Approval – Submit plans, elevations, renderings and photos of the project site.
- H. Provide a copy of your Affirmative Fair Housing Marketing Plan if the project involves 5 or more housing units, if applicable. The following link may be used to develop a Plan:
<https://www.hud.gov/sites/dfiles/OCHCO/documents/935-2A.pdf>.
- I. Provide a copy of your Code of Conduct/Conflict of Interest Policy applicable for all officers, employees and agents per 24 CFR 92.356. Sample is attached for reference.
- J. Provide a copy of your Confidentiality Policy regarding the safeguarding of any Personally Identifiable Information (PII) for persons served by HUD programs.
- K. Rental projects must provide annual operating budget and projected pro forma for the minimum required affordability period. The pro forma must include the gross income from the proposed rental of the property based upon current HOME rent limits and inclusive of all utility allowances for any tenant paid utilities.
- L. Sale Projects must provide proposed sale price as well as a description of how the housing will be made affordable to households in the targeted income groups.
- M. Organization registration and CAGE number on SAM.gov

ANY MISSING OR REQUESTED ITEMS FROM THIS OFFICE MUST BE SUBMITTED BY JULY 22, 2024. This includes certification from the Municipality below (if applicable).

Please contact the Office of Community Development for technical assistance.

VII. MATCH REQUIREMENTS

The Home Program requires that HOME funds be matched with non-federal forms of subsidy. The matching requirement is .25 cents for every \$1 in HOME funds. The premise of the “match” is that the provision of affordable housing is a community responsibility and, as a result, the local community should make a financial contribution to “match” the federal HOME funds. It is important to note that an owner, an investor or anyone who the County may determine has an interest in the activity may not provide the match.

This is a “program rule” rather than an “activity rule” meaning HUD reviews the County’s program and not each activity for compliance. However, the County must impose a matching requirement on activities to meet the program rule. As such, HOME activities should make an effort to provide as many matching dollars as possible. Activities providing matching funds will receive a higher priority.

Eligible matches are described below. It is important to note that the match can be a direct contribution which lowers an activity development cost (e.g., NJHMFA housing grant or a bank waiving closing costs) or a contribution which lowers the operating cost of the activity in the future (e.g., a low-interest loan from

a local utility company or a partial tax waiver from the municipality). Direct contributions should be noted on the HOME-ARP Application.

Match obligations can be met with:

- Permanent cash contributions from non-federal funding programs such as NJHMFA Housing programs and Federal Home Loan Bank Affordable Housing programs.
- Grant equivalent of below-market interest rate loans.
- Non-profit equity.
- The value of waived taxes, fees, or other charges normally imposed by local jurisdictions.
- The value of land or real property donated or provided at less than appraised value.
- Cost of infrastructure improvements not made with federal resources.
- Reasonable value of donated site-preparation, construction materials and voluntary labor.
- Homeowner sweat equity (not investor sweat equity).

Ineligible forms of match include:

- Contributions made with or derived from federal funds.
- Interest rate subsidy attributable to federal tax-exempt financing or the value of federal tax credits.
- Owner equity or investment in an activity. Investor sweat equity.
- Cash or other forms of contributions from applicants or recipients of HOME funds, or investors who own, are working on, or are proposing to apply for, assistance for a HOME-assisted activity. This includes private bank mortgages.

HOME has a dollar MATCH requirement of 25% from a non-federal source. Please select the anticipated form of eligible match from the list below:

- Cash contributions from nonfederal sources
- Waiver of fees, e.g., state and local taxes, charges or fees
- Donated real property
- The reasonable value of donated site-preparation and construction materials, not acquired with Federal resources.
- The value of donated or voluntary labor or professional services in connection with the provision of affordable housing.
- The value of sweat equity.
- The direct cost of supportive services provided to families residing in HOME-assisted units during the period of affordability or receiving HOME tenant-based rental assistance. The supportive services must be necessary to facilitate independent living or be required as part of a self-sufficiency program.
- The direct cost of homebuyer counseling services provided to families that acquire properties with HOME funds, including ongoing counseling services provided during the period of affordability.

Please call the Office of Community Development at (973) 285-6060 for validation and eligibility of match and additional explanation on satisfying any of these forms of match.

VIII. ACKNOWLEDGEMENTS

The applicant acknowledges and agrees to the following responsibilities if the application for funding is accepted:

- No work will commence prior to the issuance of a fully executed Grant Agreement.
- The funds provided under the HOME-ARP Program will not be utilized for inherently religious activities.
- HOME-ARP Qualifying Populations and relevant low- and moderate-income levels as defined herein are acknowledged.
- All reporting requirements will be met, and monthly progress reports will be provided, as requested, for construction projects.
- All labor standards laws will be met including the Davis-Bacon Act and NJ Prevailing Wage Act, as applicable.
- Section 3: For projects with \$200,000 or more in HUD-assisted funds (\$100,000 for Lead Hazard Control and Healthy Homes programs), Section 3 employment opportunities will be provided as outlined in 24 CFR Part 75, Section 3 requirements will be included in all bidding documents and records showing labor hours worked by Section 3 and Targeted Section 3 workers as well as total labor hours worked by all workers will be maintained.

IX. APPLICANT SIGNATURE

I certify that the information in this application is correct to the best of my knowledge.

Name: _____

Title: _____

Signature: _____ Date: _____

X. CERTIFICATION

NON-PROFIT HOUSING APPLICATIONS - Municipal Certification – *You will need to address this as soon as possible to allow municipalities lead time to place the item on their agenda.*

This application has been discussed at a local public meeting held on _____

(Mayor or Authorized Official Signature)

(Date)

HOUSING - ACQUISITION / NEW CONSTRUCTION/SERVICES

1. (a) Total number of Households (H)/Units (U) in project:

(b) Number to be HOME-assisted with requested funds:

2. Specifically describe the building(s) to be acquired or constructed and the population to be served.
(e.g., 25 1-bdrm units for senior citizens in a 3-story building on municipally owned land).

3. Describe how the requested funds will be used.

4. What is the documented need for this project Describe the problem or need for the project and how the project addresses one of the needs identified in the County's HOME-ARP Allocation Plan

5. If requesting funds for supportive services, please describe the services that will be provided, how referrals will be accepted and any maximum levels of assistance, if any. Describe how you will prevent duplication of benefit if services are available from multiple federal sources. (Please attach additional sheets if necessary)

6. Describe the site (e.g., vacant, wooded, wetlands, structures, etc.) and neighborhood (e.g., rural, residential).

7. Site Information: Exact Project Address (incl. zip code):

a) Block & Lot #:

Size of lot:

b) Site Control: Owned

Option to Buy

Lease

Other

c) Availability of Utilities:

Yes

No

Water - at the site

Sewer - capacity reserved

d) Are Municipal Approvals Required?

Planning Board

Zoning Board

e) Is site fully accessible for activity? (*i.e., not landlocked?*)

f) What is the age of the existing building?

g) Are other approvals necessary (*e.g., state and county*)? If so, what is the status?

8. What is the status of architectural and engineering plans?

9. Have you applied to other funding sources and been denied? Note sources and reason for denial

Fair Housing Information for Your Website

Fair Housing – It’s Your Right!

Fair housing refers to free and equal access to residential housing – i.e., housing choice. According to the federal Fair Housing Act, it is illegal to discriminate on the basis of race, color, religion, sex, ancestry, national origin, disability, or familial status in the sale, rental, and/or financing of dwellings. Additionally, New Jersey’s Law Against Discrimination prohibits discrimination on the basis of marital/ domestic partnership/ civil union status, gender expression/ identity, military service, sexual orientation, familial status and source or lawful income/ rent payment.

Morris County complies with the federal Fair Housing Act and the Law Against Discrimination. The County is committed to promoting fair housing choice for all persons.

Fair Housing FAQ

What kind of housing is covered by the Fair Housing Act?

Most housing is covered by the Fair Housing Act. In some circumstances, the Act exempts owner-occupied buildings with no more than four units, single family housing sold or rented without the use of a broker, and housing operated by organizations and private clubs that limit occupancy to members.

What are some examples of housing discrimination?

- Refusing to rent or sell housing
- Falsely denying that housing is available for inspection, sale, or rental
- Setting different terms, conditions, or privileges for the sale or rental of a dwelling
- Refusing to let disabled persons make reasonable and necessary modifications to a dwelling or common use area, at the disabled person’s expense
- Refuse to provide information regarding loans
- Refusing to rent to a person who has a service animal because of a “no pets” rule
- Steering persons with one or more children and/or persons who are pregnant away from a housing unit. Even asking how many children a person has can be viewed as discriminatory and so should not be asked.
- Not offering to show a person who is in a wheelchair an apartment that is not on the ground floor if the person did not ask to only see ground floor apartments
- Advertising or making any statement indicating a limitation or preference based on race, color, religion, sex, disability, familial status, or national origin. This prohibition against discriminatory advertising applies to single family and owner-occupied housing that is otherwise exempt from the Fair Housing Act.

Fair Housing Links

Laws

New Jersey Law Against Discrimination:

https://www.njoag.gov/wp-content/uploads/2021/12/NJ-Law-Against-Discrimination_11.12.21.pdf

Federal Fair Housing Act Link:

<https://www.justice.gov/crt/fair-housing-act-1>

Who can I contact if I believe I've been discriminated against?

Complaints related to discrimination on the basis of race, color, religion, sex, national origin, disability, or familial status may also be filed directly with the U.S. Department of Housing and Urban Development (HUD).

What information do I need to provide to file a fair housing complaint?

If you suspect that you have been discriminated against with regard to housing, file a complaint as soon as possible because there are time limits on when a complaint can be filed with HUD after an alleged violation.

Try to include the following information, if possible, when filing a complaint:

- Your name and address.
- The name and address of the person(s) or organization your complaint is against.
- The address or other identifying information of the housing or program your complaint is being filed against.
- A brief description of what happened that caused you to file the complaint; and
- The date(s) of the alleged discrimination.

How can I file a fair housing complaint?

Fair housing complaints can be filed with HUD by telephone, online, email and by mail.

Toll Free

1-800-669-9777

1-800-927-9275 for TTY users only

Online

English: <https://portalapps.hud.gov/FHEO903/Form903/Form903Start.action?lang=en>

Spanish: <https://portalapps.hud.gov/FHEO903/Form903/Form903Start.action?lang=es>

Other Languages - Access the link and select desired language from the drop-down menu:

<https://portalapps.hud.gov/FHEO903/Form903/Form903Start.action?lang=en>

Conflict of Interest 24 CFR 92.356

(a) Applicability.

(1) In the procurement of supplies, equipment, construction, and services by recipients and by sub recipients, the conflict-of-interest provisions in 2 CFR 200.317 and 200.318 shall apply.

b) **Conflicts prohibited.** No persons described in paragraph (c) of this section who exercise or have exercised any functions or responsibilities with respect to activities assisted with HOME funds or who are in a position to participate in a decision-making process or gain inside information with regard to these activities may obtain a financial interest or financial benefit from a HOME-assisted activity, or have a financial interest in any contract, subcontract, or agreement with respect to the HOME-assisted activity, or the proceeds from such activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for one year thereafter. Immediate family ties include (whether by blood, marriage or adoption) the spouse, parent (including a stepparent), child (including a stepchild), brother, sister (including a stepbrother or stepsister), grandparent, grandchild, and in-laws of a covered person.

(c) **Persons covered.** The conflict-of-interest provisions of paragraph (b) of this section apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the subrecipient, or of any designated public agencies, or of subrecipients that are receiving funds under this part.

(d) **Exceptions.** Upon the written request of the recipient, HUD may grant an exception to the provisions of paragraph (b) of this section on a case-by-case basis when it has satisfactorily met the threshold requirements of (d)(1) of this section, taking into account the cumulative effects of paragraph (d)(2) of this section.

(1) **Threshold requirements.** HUD will consider an exception only after the recipient has provided the following documentation:

- (i) A disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict and a description of how the public disclosure was made; and
- (ii) An opinion of the recipient's attorney that the interest for which the exception is sought would not violate State or local law.

(2) **Factors to be considered for exceptions.** In determining whether to grant a requested exception after the recipient has satisfactorily met the requirements of paragraph (d)(1) of this section, HUD shall conclude that such an exception will serve to further the purposes of the Act and the effective and efficient administration of the recipient's program or project, considering the cumulative effect of the following factors, as applicable:

- (i) Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project that would otherwise not be available;
- (ii) Whether an opportunity was provided for open competitive bidding or negotiation;
- (iii) Whether the person affected is a member of a group or class of low- or moderate-income persons intended to be the beneficiaries of the assisted activity, and the exception will permit such person to

receive generally the same interests or benefits as are being made available or provided to the group or class;

(iv) Whether the affected person has withdrawn from his or her functions or responsibilities, or the decision-making process with respect to the specific assisted activity in question;

(v) Whether the interest or benefit was present before the affected person was in a position as described in paragraph (b) of this section;

(vi) Whether undue hardship will result either to the recipient or the person affected when weighed against the public interest served by avoiding the prohibited conflict; and

(vii) Any other relevant considerations.

[60 FR 56916, Nov. 9, 1995, as amended at 80 FR 75938, Dec. 7, 2015]

SAMPLE

Conflict of Interest Disclosure

Federal law (24 CFR 92.356) prohibits employees and public officials from exercising any functions or responsibilities with respect to HUD funded activities in which they may obtain a financial interest or benefit, either for themselves or for any person with whom they have business or immediate family ties. This prohibition applies to any person who is an employee, agent, consultant, officer, or elected or appointed official of a recipient, designated public agency, or subrecipient receiving HUD funds through a subaward.

The purpose of this disclosure is to determine if the subrecipient, their staff or consultants, board members, or any elected or appointed official has a potential conflict of interest. A disclosure of the nature of any perceived or actual conflict must be made by each subrecipient receiving a subaward for HUD funding. If it is determined that a conflict of interest may exist, a request may be made to the U.S. Department of Housing and Urban Development (HUD) for an exception. The granting or denial of an exception is in HUD's sole discretion.

Have you or a member of your immediate family, either currently or within the past year, been employed by the **(Insert name of jurisdiction)**, been employed by a consultant or contractor engaged by the **(Insert name of jurisdiction)** in connection with the HUD funded activities, or been a member of an elected or appointed board in the **(Insert name of jurisdiction)**?

_____ **Yes** _____ **No**

If yes, provide the name and job title of the person with the potential conflict of interest and any additional information relevant to the County's evaluation of the potential conflict of interest (attach more pages if necessary):

By signing below, I acknowledge that I have read the attached HUD regulation regarding conflicts of interest, and I certify that the information contained in this disclosure is, to the best of my knowledge and belief, true, correct, and complete.

Subrecipient Name and Address

Typed Name and Title of Authorized Representative:

Signature:

Date signed: _____