

# 2022 ACTION PLAN FOR THE NORTH DAKOTA CONSOLIDATED PLAN 2020-2024

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Prepared By

ND Department of Commerce  
Division of Community Services  
1600 East Century Avenue, Suite 2  
PO Box 2057  
Bismarck, ND 58502-2057  
Phone: (701) 328-5300  
Fax: (701) 328-5320  
TTY: 800-366-6888  
ND Relay Voice: 800-366-6889  
ND Relay Spanish: 800-435-8590

Contact Person: Maria Effertz-Hanson



ALTERNATIVE FORMATS ARE AVAILABLE UPON REQUEST

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# Executive Summary

## AP-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

### 1. Introduction

The Annual Action Plan (Action Plan) is the portion of the Consolidated Plan that is prepared each year as the annual plan for the Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), Emergency Solutions Grant (ESG), and National Housing Trust Fund (HTF) programs. For the State of North Dakota, North Dakota Department of Commerce, Division of Community Services (DCS) administers CDBG and ESG programs and North Dakota Housing Finance Agency (NDHFA) administers HOME and HTF.

The purpose of the Action Plan is to identify the various federal and state resources that might be expected to be available to address the priority housing and non-housing community development needs and objectives in the Strategic Plan section of the Consolidated Plan. In addition, the Action Plan describes how funds will be distributed through the CDBG, HOME, ESG, and HTF programs; the projects planned for homeless and other special needs persons; and other actions required by U.S. Department of Housing and Urban Development (HUD). The Action Plan contains summaries of the CDBG, HOME, ESG, and HTF programs, additional program details can be found in the respective program distribution statements and annual action plans found in the appendix of this Action Plan.

The State of North Dakota is required by the HUD to prepare an Action Plan for Housing and Community Development annually. Timely completion of the Action Plan in a HUD-acceptable format helps ensure continued funding of housing and community development activities throughout the state. Beginning in 2019, the State of North Dakota prepared its Five-Year Consolidated Plan (Con Plan), covering the program years 2020 - 2024. This ConPlan contains information about demographic, economic, and housing market trends in the state; analysis of statewide affordable housing needs; findings from the citizen participation process; and an analysis of the needs of special populations. The State uses the goals and priorities identified in the Con Plan as a basis for the Annual Action Plan draft. The following represents the third year of that five-year plan, the 2022 One-Year Action Plan for allocating the state's federal block grant funds to address housing and community development needs. In order to make the document more informative for citizens and more useful for policy makers and those engaged in the production of affordable housing, the document describes actions and activities to be undertaken with resources beyond the federal grant programs and by organizations other than those administering the federal grant programs. It is intended to represent a comprehensive Action Plan for affordable housing and community development activities statewide. The goals and activities identified here can by no means be accomplished through the use of the federal grant programs alone. Where possible, the plan specifies those actions or activities that are expected to be undertaken with other resources as well as the related outcomes expected to be achieved.

### 2. Summarize the objectives and outcomes identified in the Plan

Annual Action Plan  
2022

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This could be a restatement of items or a table listed elsewhere in the plan or a reference to another location. It may also contain any essential items from the housing and homeless needs assessment, the housing market analysis or the strategic plan.

The goals of the programs administered by the State of North Dakota are to provide decent housing, a suitable living environment and expanded economic opportunities for the state's low- and moderate-income residents. DCS and NDHFA strive to accomplish these goals by maximizing and effectively utilizing all available funding resources to conduct housing and community development activities that will serve the economically disadvantaged residents of the state. By addressing need and creating opportunity at the individual and neighborhood levels, the State of North Dakota hopes to improve the quality of life for all residents of the state. These goals are further explained as follows:

- *Providing decent housing* means helping homeless persons obtain appropriate housing and assisting those at risk of homelessness; preserving the affordable housing stock; increasing availability of permanent housing that is affordable to low- and moderate- income persons without discrimination; and increasing the supply of supportive housing.
- *Providing a suitable living environment* entails improving the safety and livability of neighborhoods; increasing access to quality facilities and services; and reducing the isolation of income groups within an area through integration of low-income housing opportunities.
- *Expanding economic opportunities* involves creating jobs that are accessible and low- and moderate- income persons; making mortgage financing available for low- and moderate- income persons at reasonable rates; providing access to credit for development activities that promote long-term economic and social viability of the community; and empowering low-income persons to achieve self-sufficiency to reduce generational poverty in federally-assisted and public housing.

### **3. Evaluation of past performance**

This is an evaluation of past performance that helped lead the grantee to choose its goals or projects.

The State's evaluation of its past performances has been completed in thorough the CAPER. These documents state the objectives and outcomes identified in each year's Annual Action Plan and includes and evaluation of past performances through measurable goals and objectives compared to actual performance. These documents can be found on DCS's website at:

<http://www.communityservices.nd.gov/communitydevelopment/ConsolidatedPlan/>

The CDBG Program provided financial assistance to eligible units of local Governments in the form of grants and loans for public facilities, housing rehabilitation, and economic development projects. Housing projects include rehabilitation of very low and low-income homeowner units; public facilities include water and sewer projects, removal of architectural barriers, fire halls, and ambulances;

and economic development activities include funding cities and counties to loan/grant to businesses which create jobs for low-income persons. CDBG activities and accomplishments report showed the program had funded a total of \$3.6 million for projects in FY2020 program year. CDBG assisted 6,986 persons with enhancing public facilities and infrastructure, two businesses in economic development, and no persons were assisted for public services. With FY2021 nearing the end date, at this time there are no public service projects.

The ESG program awards grant funds directly to emergency/homeless shelters and agencies throughout the state to fund activities such as operational expenses, essential services, homeless prevention, rapid re-housing and the HMIS. FY2020 assisted 226 persons in homelessness prevention, 173 households assisted in tenant-based rental assistance/rapid re-housing, and 3,313 persons assisted in homeless person overnight shelter. FY2021, 27 agencies received ESG awards totaling \$581,372 in funding.

The HOME program administration was transferred to NDHFA effective July 1, 2021. NDHFA amended the 2021 Annual Action Plan to redistribute uncommitted HOME funds from 2016-2019 from single family rehabilitation activity to the rental production and rehabilitation activity. In September 2021, the annual application round was held and a total of 10 applications were received requesting over \$11 million in HOME funds an oversubscription of \$5.5 million. The top four ranked applications for a total of \$5,976,962 HOME funds were conditionally committed. The oversubscription of the application round indicates the need to prioritize funding for rental production and rehabilitation. Updated program procedures and policies were completed for the single-family rehabilitation activity which is delivered through the Community Action Agency Partnerships (CAAs). NDHFA is working with the CAAs to implement new policies before awarding additional funds for the program. NDHFA will continue to set-aside funds for homebuyer down payment, single-family rehabilitation, and multifamily rental production and rehabilitation. Further evaluation of HOME set-asides and annual allocations will be conducted during the 2022 program year.

Housing Trust Fund (HTF) application round was held in September 2021. A total of 11 applications applied requesting \$13,577,509, an oversubscription of over \$10.5 million. Two applications received a conditional commitment and are working towards a financial award and closing.

All Home and HTF multifamily rental projects under construction are progressing as needed to meet project completion deadlines. The CAAs and Grand Forks Housing Authority have been slow to access set-aside funds from prior allocation years citing staff capacity and contractor shortages as primary barriers. NDHFA is proposing to reallocate 2021 funds set aside for single-family rehabilitation to multifamily rental and production in order to facilitate the set-asides for 2022 to be accessed timely.

#### **4. Summary of Citizen Participation Process and consultation process**

Summary from citizen participation section of plan.

The State followed its Citizen Participation plan by arranging a public hearing to review the priorities and goals outlined in the current Consolidated Plan. The hearing was held in person in the eight regions and was accessible virtually through Microsoft Teams or by telephone. Approximately 100 individuals were in attendance representing the communities throughout North Dakota. This includes, but not limited to: city and county personnel, regional councils, housing authorities, food pantries, representation from shelters, representation from veterans' affairs, representation from public schools, Habitat for Humanity, Blue Cross Blue Shield of North Dakota, and Afro American Development Association. Input was given on what the communities of North Dakota need and the barriers to getting public services, housing, and adequate infrastructure into their respective community. A full list of participants, the legal notice, are attached in the Citizen Participation information.

DCS utilized the input of the hearing to develop the CDBG and ESG program distribution statements.

In addition, the State developed draft HOME and HTF allocation plan and solicited input on the individual plans. The hearing was held on March 2, 2022. A list of participants and comments received are included in the Citizen Participation attachment.

The Annual Action Plan (AAP) was then published for the 30- day comment period on April 29, 2022. Notice of availability of the AAP was published in each daily newspaper throughout North Dakota. A copy of the draft AAP was made available on both DCS and NDHFA websites.

## **5. Summary of public comments**

This could be a brief narrative summary or reference an attached document from the Citizen Participation section of the Con Plan.

During the 30-day comment period of the Annual Action Plan, one set of comments were received. The comments pertained to CDBG program distribution suggestions and concerns. A copy of the comments are attached in the citizen participation file attachment.

During the public input and consultation portion of development, written comments and verbal comments were received during the public input hearings. A summary of those comments is available in the attached citizen participation attachment.

## **6. Summary of comments or views not accepted and the reasons for not accepting them**

ND DCS submitted a written response to the comments received on the CDBG program. The response is available for review in the citizen participation file attachment.

## **7. Summary**

The following list presents the needs of the North Dakota Five-Year Consolidated Plan for Housing and Community Development.

The strategies the state will pursue over the five-year period are as follows:

- **Affordable Rental Housing:** As shown throughout this Plan in data and public input, low to moderate income households is a high priority for the State of North Dakota, particularly those facing housing problems (such as cost burden, overcrowding, and incomplete kitchen and plumbing facilities). Households with cost burdens account for almost over 35 percent of renter households in the State. Increasing the supply and access of affordable rental housing in the State is a high priority.
- **Affordable Homeowner Housing:** As shown throughout this Plan in data and public input, low to moderate income households is a high priority for the State of North Dakota, particularly those facing housing problems and cost burdens. Increasing the supply and access of affordable homeowner housing in the State is a high priority.
- **Homelessness:** While the State places a high need on those households that are currently homeless, it also finds households at imminent risk of homelessness are a high priority in order to further the effort to reduce homelessness throughout North Dakota.
- **Vital Public Facilities:** Providing suitable living environments through supporting vital public facilities is a high priority in the State.
- **Special Needs Populations:** Providing services to special needs populations, such as the elderly, persons with disabilities, persons with substance abuse disorders, and veterans is a high priority in the State. This also includes low to moderate income households in need of services.
- **Economic Development:** Promoting economic development to benefit low to moderate income households and promote self-sufficiency and economic growth is a high priority in North Dakota.
- **Priority Infrastructure:** Providing suitable living environments through funding infrastructure in the State is a high priority.

## **PR-05 Lead & Responsible Agencies - 91.300(b)**

### **1. Agency/entity responsible for preparing/administering the Consolidated Plan**

The following are the agencies/entities responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

| <b>Agency Role</b> | <b>Name</b>  | <b>Department/Agency</b>            |
|--------------------|--------------|-------------------------------------|
|                    |              |                                     |
| CDBG Administrator | NORTH DAKOTA | Division of Community Services      |
| HOME Administrator | NORTH DAKOTA | North Dakota Housing Finance Agency |
| ESG Administrator  | NORTH DAKOTA | Division of Community Services      |
|                    | NORTH DAKOTA | North Dakota Housing Finance Agency |

**Table 1 – Responsible Agencies**

### **Narrative**

North Dakota Department of Commerce, Division of Community Services (DCS) in partnership with North Dakota Housing Finance Agency (NDHFA) prepare the Consolidated Plan, Annual Action Plans, and CAPER performance report. DCS administers CDBG and ESG, NDHFA administers HOME (effective July 1, 2021) and Housing Trust Fund (HTF).

### **Consolidated Plan Public Contact Information**

Maria Effertz-Hanson, Director

## **AP-10 Consultation - 91.110, 91.300(b); 91.315(l)**

### **1. Introduction**

The North Dakota Department of Commerce, Division of Community Services (DCS) in partnership with North Dakota Housing Finance Agency (NDHFA) prepare the Consolidated Plan and the annual action plans. The Consolidated Plan serves as a five-year strategic plan that DCS and NDHFA will use when preparing annual action plans. The 2020-2024 Consolidated Plan (Con Plan) was prepared with the consultation of public and private agencies that provided housing, health, and social services. State health and child welfare agencies were also consulted concerning lead-based paint hazards. Through the use of focus groups, surveys, and direct communication, DCS collected input from a variety of statewide and local agencies. This input was utilized to help develop the Con Plan and determine the priorities of the state for the next five years.

### **Provide a concise summary of the state's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies**

The State encourages the coordination of public and private housing and service providers by utilizing statewide information to determine priorities for funding throughout the state. The State prioritizes funding activities that include coordination between public and private housing and service providers. HOME program distribution statement and HTF allocation plans are designed to prioritize projects that provide tenant support coordination and additional points for partnerships with Medicaid billable service providers.

DCS and NDHFA participate in statewide meetings and efforts of the North Dakota Continuum of Care (NDCoC). The NDCoC is responsible for data collection, resource development, and the coordinated entry system for the State of North Dakota.

DCS is working with the ND League of Cities (NDLC) to set up training events with ND city officials to educate community leaders on CDBG programs, allowable activities, and changes to the program.

The State attends monthly supportive housing collaborative meetings that are coordinated by Money Follow the Person (MFP) housing initiative. These meetings are held regionally across the State and bring together a variety of agencies including: Public Housing Authorities, Public Health Services, Law Enforcement, Hospital Providers, Developers, Business Leaders and the Department of Human Services (DHS). These meetings enhance the collaboration and coordination of service providers, government and private funding opportunities, local issues, and other housing related activities. Regionally these discussions have led to the development of housing resources and have identified the specific need for PSH projects in certain communities. The State continues to implement 1915(i) state plan amendment which allows tenancy supports for eligible individuals.

The State is working with Behavioral Health Division to create standard permanent supportive housing quality standards that must be incorporated into projects that receive funding for providing supportive services.

Through ERA funding, DHS has created housing facilitators to provide tenants who receive emergency rental assistance tenancy supports to ensure transition off of rental assistance does not result in crisis. Showing success through housing facilitation may lead to permanent programs.

Money Follows The Person (MFP) Housing coordinates annual landlord trainings as part of the Housing/Services Collaborative work. Both housing providers and service providers attend the training sessions. Sessions include fair housing, assistive animals, evictions, rental subsidy, and other topics related to rental housing.

The State followed its Citizen Participation plan by arranging a public hearing to review the priorities and goals outlined in the current Consolidated Plan. Participants include, but not limited to: city and county personnel, regional councils, housing authorities, food pantries, representation from shelters, representation from veterans' affairs, representation from public schools, Habitat for Humanity, Blue Cross Blue Shield of North Dakota, Domestic Violence Agencies, and Afro American Development Association. See attached Citizen Participation details on public input.

For the development of the HOME and the National Housing Trust Fund Allocation Plans, NDHFA requests agencies and partners to provide input and comments of suggested changes to prior year plans and holds a public hearing.

**Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness**

The ESG program works with the 27 ESG-funded agencies in the state and the North Dakota Continuum of Care (NDCoC) to identify and address the needs of the homeless and the chronic homeless. The NDCoC currently has over 140 members representing 72 agencies. Through statewide meetings with providers, coordination is always evolving to better serve the needs of individuals and families experiencing homelessness. This may mean that more funding is allocated toward homeless prevention and/or rapid rehousing, if needed. DCS is looking into collaborating and being involved more on group discussions and committees/boards with entities throughout North Dakota. DCS provides funding to support the COC including allocating a portion of ESG funds Institute for Community Alliances (ICA) who administers ND's HMIS system and allocating state dollars to support COC planning and coordination.

NDHFA is coordinating training with the ND Department of Corrections probation and parole regional staff to share regional housing resource information and ensure staff are aware of the resources available to individuals who are released from correctional facilities.

**Describe consultation with the Continuum(s) of Care that serves the State in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS**

Funds are allocated based on the priority needs as established in the 2020-2024 Consolidated Plan (Con Plan). Through the con plan planning process, the State consulted with the Statewide CoC and service agencies to determine how the needs of those experiencing homelessness will best be addressed and how the State can meet the goals to reduce and end homelessness throughout North Dakota. NDDOC included the ND CoC coordinator, and the NDHFA Planning and Housing Development Director in the ranking and scoring selection process for the 2021 ESG-CV funding round. The State is forming a committee to score and rank the FY2022 ESG applications. It is the State's intent to have the ND CoC coordinator to be part of this committee.

DCS and the ND CoC have collaborated on the written standards for ESG and the Continuum of Care Programs, these standards are attached with the program plans. The CoC Program interim rule requires that these standards be developed in consultation with the ESG recipient also funding projects within the CoC's geographic area.

ESG applicants are required to utilize the HMIS and Coordinated Access, Referral, Entry and Stabilization System (CARES) the regional coordinated entry system serving North Dakota and West Central Minnesota. . Domestic violence service providers must establish and operate a comparable database that collects client level data over time and can generate unduplicated aggregate reports based on the data. Applicants are strongly encouraged to be active members of the North Dakota Continuum of Care and their local homeless coalition. HMIS is administered by the Institute for Community Alliances (ICA) who assists DCS and ND COC in providing training and resources to users and monitors quality data entry. A key priority for the upcoming year is to continue to offer HMIS training sessions for users to increase the accuracy of data entry.

DCS, the HMIS lead, and the ND CoC coordinator have weekly and semi-monthly meetings. These meetings help solve problems that the sub-recipients may be having, and are many times brainstorming type sessions on how to better manage homelessness to prevent and end homelessness in North Dakota.

**2. Agencies, groups, organizations and others who participated in the process and consultations**

**Table 2 – Agencies, groups, organizations who participated**

**Identify any Agency Types not consulted and provide rationale for not consulting**

**Other local/regional/state/federal planning efforts considered when preparing the Plan**

| <b>Name of Plan</b>                             | <b>Lead Organization</b>            | <b>How do the goals of your Strategic Plan overlap with the goals of each plan?</b>   |
|---|-------------------------------------|---|
| Continuum of Care                               | North Dakota Housing Finance Agency | Ensuring homelessness is rare, brief, and non-recurring by, increase use and quality data input of HMIS system. Increase use of coordinated entry and assessment points.          |
| Medicaid 1915(i) State Plan Amendment           | ND DHS Behavioral Health Division   | Expanding HCBS benefits for individuals with behavioral health conditions. Benefits include pre and post-tenancy supports for individuals to be successful in affordable housing. |
| ND Behavioral Health Plan                       | ND DHS Behavioral Health Division   | Expand supportive housing. Centralized use of coordinated entry. Implement health is housing strategy.  |
| ND DOJ Settlement Agreement Implementation Plan | ND DHS-Aging Services Division      | Widen array of services including housing-related supports.   |

**Table 3 - Other local / regional / federal planning efforts**

## **Narrative**

The State followed its Citizen Participation plan by arranging a public hearing to review the priorities and goals outlined in the current Consolidated Plan. The hearing was held in person in the eight regions and was accessible virtually through Microsoft Teams or by telephone. Approximately 100 individuals were in attendance representing the communities throughout North Dakota. This includes, but not limited to: city and county personnel, regional councils, housing authorities, food pantries, representation from shelters, representation from veterans affairs, representation from public schools, Habitat for Humanity, Blue Cross Blue Shield of North Dakota, and Afro American

Development Association. Input was given on what the communities of North Dakota need and the barriers to getting public services, housing, and adequate infrastructure into their respective community. A full list of participants, the legal notice, are attached in the Citizen Participation information. Childcare and transportation were highly expressed by the public for the needs of their communities. Mental health resources were another key topic that was brought up from numerous persons of the public. Childcare, transportation, and mental health services are eligible activities under CDBG and/or ESG, but the State recognizes that organizations may not have understood these were eligible. There will be no modifications necessary to the plan, but DCS will conduct outreach activities to educate organizations. See attached list in the Citizen Participation Attachment for details of the comments received during the Annual Action Plan Public Input meeting.

HOME and Housing Trust Fund (HTF) program administrators solicited from developers, non-profit organizations and other partners to provide input prior to the preparation of the draft HOME Program Distribution Statement and the HTF Annual Allocation Plan.

Once the HOME, and HTF plans are drafted they are published for a comment period. Notification of the draft plan publication is published in the daily newspapers, NDHFA newsletters and social media platforms, emailed to partners, and published on NDHFA's website. Draft plans are made available for public comment, written comments are accepted for a period of time and then a public input meeting hearing is held. The Final HOME PDS, HTF allocation plans, CDBG PDS, and ESG PDS are attached to this plan for a final public comment period.

## **AP-12 Participation - 91.115, 91.300(c)**

### **1. Summary of citizen participation process/Efforts made to broaden citizen participation Summarize citizen participation process and how it impacted goal-setting**

The State followed its Citizen Participation plan by arranging a public hearing to review the priorities and goals outlined in the current Consolidated Plan. The hearing was held in person in the eight regions and was accessible virtually through Microsoft Teams or by telephone. Approximately 100 individuals were in attendance representing the communities throughout North Dakota. This includes, but not limited to: city and county personnel, regional councils, housing authorities, food pantries, representation from shelters, representation from veterans affairs, representation from public schools, Habitat for Humanity, Blue Cross Blue Shield of North Dakota, and Afro American Development Association. Input was given on what the communities of North Dakota need and the barriers to getting public services, housing, and adequate infrastructure into their respective community. A full list of participants, the legal notice, are attached in the Citizen Participation information. Childcare and transportation were highly expressed by the public for the needs of their communities. Mental health resources was another key topic that was brought up from numerous persons of the public. Childcare, transportation, and mental health services are eligible activities under CDBG and/or ESG, but the State recognizes that organizations may not have understood these were eligible. There will be no modifications necessary to the plan, but DCS will conduct outreach activities to educate organizations. See attached list in the Citizen Participation Attachment for details of the comments received during the Annual Action Plan Public Input meeting.

In addition to DCS funding, the ND Department of Human Services (DHS) administers a Child Care Assistance Program. In February, 2022 ND Department of Human Services expanded the Child Care Assistance Program by increasing the qualifying income level to 85 percent of ND median income.

HOME and Housing Trust Fund (HTF) program administrators solicited from developers, non-profit organizations and other partners to provide input prior to the preparation of the draft HOME Program Distribution Statement and the HTF Annual Allocation Plan.

Once the HOME, and HTF plans are drafted they are published for a comment period. Notification of the draft plan publication is published in the daily newspapers, NDHFA newsletters and social media platforms, emailed to partners, and published on NDHFA's website. Draft plans are made available for public comment, written comments are accepted for a period of time and then a public input meeting hearing is held. The Final HOME PDS, HTF allocation plans, CDBG PDS, and ESG PDS are attached to this plan for a final public comment period.

See Citizen Participation Attachment for details of the comments received during the Annual Action Plan Public Input meetings and comment period.

#### **Citizen Participation Outreach**

| <b>Sort Order</b> | <b>Mode of Outreach</b> | <b>Target of Outreach</b> | <b>Summary of response/attendance</b> | <b>Summary of comments received</b> | <b>Summary of comments not accepted and reasons</b> | <b>URL (If applicable)</b> |
|-------------------|-------------------------|---------------------------|---------------------------------------|-------------------------------------|---|----------------------------|
|                   |                         |                           |                                       |                                     |   |                            |

**Table 4 – Citizen Participation Outreach**

## Expected Resources

## AP-15 Expected Resources – 91.320(c)(1,2)

### Introduction

The State of North Dakota receives annual funding from four HUD formula grant programs:

- CDBG Program, administered by Department of Commerce, DCS;
- ESG Program, administered by Department of Commerce, DCS;
- HOME Program, administered by North Dakota Housing Finance Agency, NDHFA;
- HTF Program, administered by North Dakota Housing Finance Agency, NDHFA.

### Anticipated Resources

| Program | Source of Funds  | Uses of Funds  | Expected Amount Available Year 1 |                    |                          |           | Expected Amount Available Remainder of ConPlan \$ | Narrative Description  |
|---------|------------------|--|----------------------------------|--------------------|--------------------------|-----------|---|--|
|         |                  |  | Annual Allocation: \$            | Program Income: \$ | Prior Year Resources: \$ | Total: \$ |   |  |
| CDBG    | public - federal | Acquisition<br>Admin and Planning<br>Economic Development<br>Housing<br>Public Improvements<br>Public Services | 3,927,948                        | 0                  | 1,000,000                | 4,927,948 | 8,016,937   | The CDBG program is a flexible program that provides communities with resources to address a wide range of unique community development needs. Beginning in 1974, the CDBG program is one of the longest continuously run programs at HUD. The CDBG program provides annual grants on a formula basis to general units of local government and states. |

| Program | Source of Funds  | Uses of Funds   | Expected Amount Available Year 1 |                    |                          |           | Expected Amount Available Remainder of ConPlan \$ | Narrative Description  |
|---------|------------------|---|----------------------------------|--------------------|--------------------------|-----------|---|--|
|         |                  |   | Annual Allocation: \$            | Program Income: \$ | Prior Year Resources: \$ | Total: \$ |   |  |
| HOME    | public - federal | Acquisition<br>Homebuyer assistance<br>Homeowner rehab<br>Multifamily rental new construction<br>Multifamily rental rehab<br>New construction for ownership<br>TBRA | 3,000,039                        | 80,313             | 2,420,214                | 5,500,566 | 6,000,000   | The HOME program is focused on three housing priorities: single-family rehabilitation, multifamily rental production and rehabilitation, and homebuyer down payment assistance. Single-family rehabilitation will be administered by eligible Community Action Agencies as subrecipients. The homebuyer down payment assistance program will be administered as a pilot program with the Grand Forks Community Land Trust. The remainder of the funds are reserved for multifamily rehabilitation and construction including the CHDO set-aside. Ten percent of the annual allocation is set-aside for administration. |

| Program | Source of Funds  | Uses of Funds   | Expected Amount Available Year 1 |                    |                          |           | Expected Amount Available Remainder of ConPlan \$ | Narrative Description  |
|---------|------------------|---|----------------------------------|--------------------|--------------------------|-----------|---|--|
|         |                  |   | Annual Allocation: \$            | Program Income: \$ | Prior Year Resources: \$ | Total: \$ |   |  |
| ESG     | public - federal | Conversion and rehab for transitional housing<br>Financial Assistance<br>Overnight shelter<br>Rapid re-housing (rental assistance)<br>Rental Assistance<br>Services<br>Transitional housing | 480,229                          | 0                  | 0                        | 480,229   | 976,458   | The ESG Program, formerly named the Emergency Shelter Grant, provides formula funding to address homelessness to eligible jurisdictions. |

| Program | Source of Funds  | Uses of Funds  | Expected Amount Available Year 1 |                    |                          |           | Expected Amount Available Remainder of ConPlan \$ | Narrative Description  |
|---------|------------------|--|----------------------------------|--------------------|--------------------------|-----------|---|--|
|         |                  |  | Annual Allocation: \$            | Program Income: \$ | Prior Year Resources: \$ | Total: \$ |   |  |
| HTF     | public - federal | Acquisition<br>Admin and Planning<br>Homebuyer assistance<br>Multifamily rental new construction<br>Multifamily rental rehab<br>New construction for ownership | 2,982,433                        | 23,827             | 324,188                  | 3,330,448 | 6,000,000   | The Housing Trust Fund (HTF) is an affordable housing production program that complements existing Federal, state and local efforts to increase and preserve the supply of decent, safe, and sanitary affordable housing for extremely low- and very low-income households, including homeless families. 100 percent of the funds must create units for extremely low-income households. |

**Table 5 - Expected Resources – Priority Table**

**Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied**

Federal funds will continue to be leveraged with nonfederal resources to achieve the objectives of this plan. Matching requirements will be achieved through a variety of methods. Grant recipients are encouraged to utilize funds from the private sector, state and local programs, and other sources to assist in meeting HUD matching requirements and to increase the amount of funds available to provide affordable housing, expand economic opportunities, improve infrastructure, and provide community facilities.

**Community Development Block Grant**

The Federal resources listed have limited funds available so the programs, when administered by the state, are generally designed to require the use of other funds to complete projects. For instance, all CDBG economic development projects require, by design, a 50 percent match of other funds. For public facilities, public services, and housing, specific match amounts are not required if project costs are more than the CDBG allocated amount by the committee. At a minimum local match is required to fully cover the remainder of the project costs. Match amounts proposed by the applicant should be determined by what is reasonable considering the resources available to the applicant. Points will be awarded for match based on high, moderate, and low commitment. Administrative costs that are required to be matched for the CDBG program is included in the DCS budget.

### **HOME Investment Partnerships Program**

The HOME program distribution statement provides priority points for multifamily funding applications that provide documentation supporting the use of leveraging sources to reduce the amount of HOME funds per HOME assisted unit. In addition, multifamily development applications may receive points for providing documentation of financial support from local sources. This can include but not limited to private contributions or tax abatements.

Applicants should use private funds, tax credits, Rural Development, Federal Home Loan Bank, CDBG, North Dakota Housing Incentive Fund, Department of Energy, Housing Trust Fund, or other grant/loan programs to help leverage HOME activities. All recipients are expected to locally meet the HOME Program match requirement of 25 percent unless specifically waived by HUD or DCS.

### **Emergency Solutions Grant Program**

The State will continue to meet the ESG match requirements in the same manner as it has in past grant years. Each grant year, the State contributes \$120,000 in general funds to match the federal allocation. The remaining matching funds are provided by ESG subrecipients as a one for one match. Matching funds are used to enhance and expand eligible ESG components and sub-activities.

### **National Housing Trust Fund Program**

In accordance with the Interim Rule at 24 CFR Part 93, North Dakota's HTF Qualified Allocation Plan identifies a preference in the selection of

projects based on the amount of committed non-federal leveraging that can be demonstrated by the applicant. This includes firm commitments for contributions or incentives from state or local government, private parties and/or philanthropic, religious, or charitable organizations.

**If appropriate, describe publically owned land or property located within the jurisdiction that may be used to address the needs identified in the plan**

Not applicable

**Discussion**

On top of the CDBG allocation received from HUD to be used on projects, DCS will be contributing \$1 million in additional funds from the revolving loan fund to be used on eligible projects. This then will allow for more funds to go into the regional allocations. DCS will be holding an open application round this summer for eligible CDBG projects that consist of public facilities, public services, and housing. The scoring and ranking during this application round will be held at the state level and will consist of various persons from entities throughout the state to form a scoring and ranking committee. This committee will include, but not limited to, state and/or federal agencies such as the State Water Commission, USDA/Rural Development, ND Department of Transportation, Bank of North Dakota, and the North Dakota Housing Finance Agency. The Governor's set aside funding will be used for eligible economic development, housing, public facilities, and public services projects. These applications will be allowed to come in any time during the year. DCS staff will be responsible for reviewing, scoring, and sending grant award recommendations to the Governor's Office. The Governor's Office will then review and use the same weighted criteria for scoring. DCS' score plus the Governor's Office score will be combined for the overall total. Any unobligated and/or deobligated funds as of July 31, 2023 will be placed in the Governor's set-aside fund. These funds will be made available in Fall 2023 through a special funding round. Further details about the scoring of projects can be found in the 2022 CDBG Program Distribution.

HOME program expected resources includes \$2,240,214.10 in prior year project funds. NDHFA continues to work to commit all prior year resources and allow subrecipients to apply for 2022 set-aside funds and return any unused prior year resources. Following the 2022 program year, all prior year resources should be committed to projects. The HOME PDS has been revised to reflect a reallocation of unapplied funds. If by August 1, 2023 there remains unapplied for funds in the single-family homeowner rehabilitation program, funds will be reallocated to the rental production and rehabilitation general pool funds and become part of the September, 2023 application round.

## Annual Goals and Objectives

### AP-20 Annual Goals and Objectives – 91.320(c)(3)&(e)

#### Goals Summary Information

| Sort Order | Goal Name                              | Start Year | End Year | Category           | Geographic Area | Needs Addressed   | Funding  | Goal Outcome Indicator  |
|------------|--|------------|----------|--------------------|-----------------|---|--|---|
| 1          | Increase Access to Affordable Housing  | 2020       | 2024     | Affordable Housing | Statewide       | Affordable Rental Housing<br>Affordable Homeowner Housing | CDBG: \$1,177,527<br>HOME: \$5,500,566<br>HTF: \$3,330,448 | Rental units constructed: 40 Household Housing Unit<br>Rental units rehabilitated: 125 Household Housing Unit<br>Homeowner Housing Rehabilitated: 30 Household Housing Unit<br>Direct Financial Assistance to Homebuyers: 20 Households Assisted              |
| 2          | Support Efforts to Combat Homelessness | 2020       | 2024     | Homeless           | Statewide       | Homelessness  | ESG: \$444,212   | Tenant-based rental assistance / Rapid Rehousing: 200 Households Assisted<br>Homeless Person Overnight Shelter: 3500 Persons Assisted<br>Overnight/Emergency Shelter/Transitional Housing Beds added: 4 Beds<br>Homelessness Prevention: 250 Persons Assisted |

| Sort Order | Goal Name  | Start Year | End Year | Category                          | Geographic Area | Needs Addressed                                      | Funding              | Goal Outcome Indicator   |
|------------|--|------------|----------|-----------------------------------|-----------------|--|----------------------|--|
| 3          | Support Public Facilities and Services           | 2020       | 2024     | Non-Homeless Special Needs        | Statewide       | Vital Public Facilities<br>Special Needs Populations | CDBG:<br>\$706,516   | Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 2000 Persons Assisted<br>Public service activities other than Low/Moderate Income Housing Benefit: 200 Persons Assisted |
| 4          | Encourage Economic Development                   | 2020       | 2024     | Non-Housing Community Development | Statewide       | Economic Development                                 | CDBG:<br>\$1,413,033 | Businesses assisted: 5 Businesses Assisted   |
| 5          | Enhance Local Public Infrastructure and Planning | 2020       | 2024     | Non-Housing Community Development | Statewide       | Priority Infrastructure                              | CDBG:<br>\$1,413,033 | Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 7500 Persons Assisted   |

**Table 6 – Goals Summary**

## Goal Descriptions

|   |                         |   |
|---|-------------------------|---|
| 1 | <b>Goal Name</b>        | Increase Access to Affordable Housing   |
|   | <b>Goal Description</b> | The State will use HOME, CDBG, and Housing Trust Fund to increase affordable housing through the construction of new rental housing, the rehabilitations of rental housing and the rehabilitation of owner housing. This will also include down payment and closing cost assistance for first-time homebuyers. A portion of the HOME and HTF funds identified in the funds allocated will be used for administrative purposes as allowable. |

|          |                         |   |
|----------|-------------------------|---|
| <b>2</b> | <b>Goal Name</b>        | Support Efforts to Combat Homelessness  |
|          | <b>Goal Description</b> | <p>The State will combat homelessness through the support of emergency shelters, transitional housing and permanent supportive housing, Tenant-based Rental Assistance (TBRA) for those at risk of homelessness, homeless prevention activities, and data collection.</p> <p>The Goal Outcome Indicators have been reduced from what was originally presented in the 2020 Con Plan. These reductions are more realistic numbers to be attained with a yearly ESG allocation under \$500,000. These new numbers are based off of the performance of these funds for the past two years.</p>  |
| <b>3</b> | <b>Goal Name</b>        | Support Public Facilities and Services  |
|          | <b>Goal Description</b> | <p>The State will fund public facility improvements, including facilities for childcare facilities, recycling centers/services, and demolition of dilapidated structures, as well as any facilities rated as high or low in NA-50. This can also include increasing access to public services for special needs and low to moderate income households. This includes, but is not limited to, childcare, mental health care services, and chemical dependency services.</p> <p>The Goal Outcome Indicator numbers have been updated from what was previously estimated in the 2020 Con Plan. These numbers are more realistic with the dollar amount allocated and are based on the previous two years. These funds abide by the regulatory 15% CAP.</p> |
| <b>4</b> | <b>Goal Name</b>        | Encourage Economic Development  |
|          | <b>Goal Description</b> | <p>This goal provides employment opportunities for low- and moderate-income people and promotes businesses in the State.</p> <p>The Goal Outcome Indicator numbers have been updated from what was originally estimated in the 2020 Con Plan. With the minimum allowable amounts for CDBG economic development funding raised in the previous year, and the dollar amount allocated to the economic development program for the year, this GOI is more realistic.</p>   |

|   |                         |  |
|---|-------------------------|--|
| 5 | <b>Goal Name</b>        | Enhance Local Public Infrastructure and Planning   |
|   | <b>Goal Description</b> | <p>This goal will fund public infrastructure, such as, but not limited to, water systems, streets, sidewalks, and other vital public facilities.</p> <p>The Goal Outcome Indicator numbers have been updated from what was originally in the 2020 Con Plan. The new numbers are more realistic with the dollar amount allocated and are based on the previous two years. The State has taken out strategic planning from being an allowable project.</p> |

## AP-25 Allocation Priorities – 91.320(d)

### Introduction:

The 2020-2024 State Consolidated Plan identified allocation priorities in the strategic planning section (SP-05) of the Con Plan <https://www.communityservices.nd.gov/uploads/25/NorthDakotaConPlan2024.pdf>. The table below reflects the percentages of funding that are likely to occur based off of the activities identified in the AP-30 Method of Distribution. Additionally, the CDBG Program Distribution Statement, ESG Program Distribution Statement, HOME Program Distribution Statement and the Housing Trust Fund Allocation plans are available in the appendix of this plan, which also outline the methods of distribution and the basis by which activities will be selected.

### Funding Allocation Priorities

|      | Increase Access to Affordable Housing (%) | Support Efforts to Combat Homelessness (%) | Support Public Facilities and Services (%) | Encourage Economic Development (%) | Enhance Local Public Infrastructure and Planning (%) | Total (%) |
|------|---|--|--|------------------------------------|--|-----------|
| CDBG | 25  | 0  | 15   | 30                                 | 30   | 100       |
| HOME | 100                                       | 0  | 0  | 0                                  | 0  | 100       |
| ESG  | 0   | 100  | 0  | 0                                  | 0  | 100       |
| HTF  | 100                                       | 0  | 0  | 0                                  | 0  | 100       |

Table 7 – Funding Allocation Priorities

### Reason for Allocation Priorities

ESG: Homelessness was identified as a high priority in the 2020-2024 Consolidated plan. While the State places a high need on those households that are currently homeless, it also finds households as imminent risk of homelessness are a high priority in order to further the effort to reduce homelessness throughout North Dakota.

CDBG: According to the 2020-2024 Consolidated plan, both vital public facilities and priority infrastructure were identified as high priority. Providing suitable living environments through supporting vital public facilities is a high priority in the State. Providing suitable living environments through funding infrastructure in the State is a high priority. During the public input meeting held in March, there was numerous conversations on childcare with that shifting to being a high priority in the State. Although talks were more about how expensive childcare is

and persons would like to see funds to help assist parents in payments. DCS has been further researching the possibility of working with a Community-Based Development Organization to implement funds into some sort of program. Economic development can assist daycare agencies and DCS has been and will continue to work with the North Dakota Department of Commerce Economic Development division to communicate to the communities and businesses in North Dakota of these available funds.

Affordable rental housing was identified in the 2020-2024 Consolidated plan as a high priority, particularly those facing housing cost burdens. In 2020 NDHFA published the Current State of Housing in North Dakota, which is available online at <https://www.ndhfa.org/wp-content/uploads/2020/11/CurrentStateHousing.pdf>. According to the study, "North Dakota's renters are substantially more cost burdened than homeowners with 39 percent spending more than 30 percent of their income on housing expenses. The largest segment of the population works in the state's fourth largest industry, Accommodations and Food services, earning minimum wage." Increased access to affordable homeowner housing is the second housing priority identified. According to the Current State of Housing, "a tight housing market and steadily increasing home values are preventing current and future residents from being able to afford a home." The 2020-2024 Consolidated Plan identified homeowner rehabilitation as a high priority need through the need's assessment survey. Within the affordable housing priorities, North Dakota will continue to support efforts to combat homelessness by prioritizing permanent supportive housing with HOME multifamily funding and HTF allocation plans.

### **How will the proposed distribution of funds will address the priority needs and specific objectives described in the Consolidated Plan?**

**ESG:** Funding continues to be used for homeless activities in North Dakota. These include the support of homeless service providers, funding the development of new transitional housing, rapid re-housing, and homeless prevention. Eligible applicants must be able to demonstrate prior experience serving individuals and households at-risk of or experiencing homelessness. Also, applicants must have staff with demonstrated expertise in case management skills.

**CDBG:** Funding from CDBG supports CDBG priorities as noted in the Consolidated Plan for the State of North Dakota, including affordable housing, special needs population, economic development, infrastructure, and public facilities. The State will be having an open application round tentatively in the Summer of 2022. Pre-applications for funding will be accepted for Public Facilities, Public Services, and Housing. These pre-applications will be scored and ranked by a committee made up of persons from various agencies throughout North Dakota. These persons are knowledgeable in a wide variety of topics that includes, but not limited to, roads, housing, water quality, etc. All pre-applications will be scored on specific questions and will be weighted on a varying scale of 1 to 150 per question. Some of the various questions being weighted in

the pre-applications are project need, financial need, percentage of very low to low income in the project area. For full complete details on the questions and weighted criteria for pre-applications, please refer to the FY2022 ND CDBG Program Distribution. Economic Development projects are allowed to come in any time during the year. These applications require a long list of items to be submitted to DCS to review that include, but not limited to, a business plan, monthly projections for 3 years, need for funding, production analysis, market and distribution analysis, public benefit analysis, etc. The Economic Development applications will be scored by DCS staff on a scale of 100 points. Some of these questions look at the degree of likely benefit to the economy, availability of jobs to LMI persons, and ability to meet job creation requirements. At the direction of the Governor's Office, there will be funds set aside to be used for applicants to apply any time throughout the fiscal year. These funds are available for economic development, housing, public facilities, and public services. The same process and scoring material will be used, except there will not be a committee. DCS staff and the Governor's Office will score the applications.

**HOME:** The HOME proposed distribution of funds creates set-asides for homeowner rehabilitation programs offered by local Community Action Agencies and homeowner down payment assistance piloted by the Grand Forks Community Land Trust. CHDO reserves and open multifamily funds are made available through a competitive application round which allows projects that meet more priorities identified in scoring to rise to the top of funding selections. HOME multifamily scoring includes points for supporting tenants with special needs by providing tenant support coordination.

**HTF:** The allocation plan for the HTF, like HOME, uses a competitive application round for funding selection. HTF will support multifamily development and rehabilitation of units dedicated to extremely low-income households. Priority points are provided to those applications that make commitments to supporting tenants with special needs that affect their long-term housing stability and provide tenant support coordination.

## **AP-30 Methods of Distribution – 91.320(d)&(k)**

### **Introduction:**

The State will hold an open application round for CDBG applicants. This will be open to public facilities, public services, and housing projects. The criteria for approving projects under the CDBG program are based directly on the state's affordable housing goals and long-term non-housing community development objectives, emphasizing all needs identified as a high priority and primary benefit to households of 0 to 51 percent MFI.

### **HOME Program Distribution**

Single-Family Homeowner Rehabilitation A total of \$840,000 is set aside for the seven Community Action Agencies(CAA) to implement homeowner rehabilitation programs. Each CAA may apply for funds beginning August 1, 2022. In order to apply, each CAA must have fully expended funds from 2016-2019. If there are uncommitted funds by January 1, 2023, any CAA who has fully drawn down 75 percent of outstanding grant award may apply for additional funds. Any uncommitted funds as of August 1, 2023 will be reallocated to Rental Production and Rehabilitation General Pool funds.

Homeowner Down payment Assistance A total of \$500,000 is set aside for the Grand Forks Community Land Trust to implement a homebuyer down payment program. The program is a pilot program and may be opened to other community land trusts in future program years.

Multifamily Rental Production and Rehabilitation Any remaining HOME program funds will be allocated to the multifamily rental production and rehabilitation projects, this includes a \$450,000 CHDO reserve. HOME project funds for rental production and rehabilitation are committed on a competitive basis through the scoring criteria identified in the 2022 HOME Program Distribution plan (Plan), which is attached to this annual action plan. Applications are due the last business day of September 2022. Applications that meet threshold requirements of the Plan will be scored and ranked with the highest scoring applications receiving conditional commitments until all program funds are committed.

**HTF Program** Program funds are distributed on a competitive basis in accordance with the 2022 Annual Allocation Plan, attached to this annual action plan. 100 percent of the units funded under HTF must be targeted to extremely low-income households. Applications are due the last business day in September. Application that meet threshold requirements, will be scored and ranked with the highest scoring applications

receiving conditional commitments until all funds are committed.

Funds from the ESG program will be distributed on a competitive basis to eligible applicants. ESG is focused on broadening existing emergency shelter and homelessness prevention activities, emphasizing rapid rehousing, and helping people quickly gain stability in permanent housing after experiencing a housing crisis and or homelessness.

### Distribution Methods

**Table 8 - Distribution Methods by State Program**

|          |                            |  |
|----------|----------------------------|--|
| <b>1</b> | <b>State Program Name:</b> | Community Development Block Grant (CDBG) |
|          | <b>Funding Sources:</b>    | CDBG                                     |

|   |  |
|---|--|
| <p><b>Describe the state program addressed by the Method of Distribution.</b></p> | <p>The purpose of the CDBG PDS is to describe how the state of North Dakota intends to distribute CDBG for public facilities, public services, housing and economic development funds. To better address local community development needs, the Governor has directed that the State's allocation be divided among each of the eight regions in North Dakota. The State will form a committee to review and rank applications submitted within the respective regions.</p> <p>An open round of applications will be held tentatively in the summer of 2022. An announcement will go out once the date is finalized. This is open to eligible cities and counties for projects pertaining to public facilities, public services, and housing. The City or County will need to submit a pre-application. Each applicant will need to meet a CDBG national objective and eligible activity. Applicants will need to submit a preliminary engineering/architectural report with their pre-application. Applicants will need to demonstrate the following items in their application: project need, project commitment, minority living in project area, LMI in project area, project financial need, project readiness.</p> <p>Applications will be organized by region as there are eight regional pots of funding. The dollar amount is derived by taking 50 percent of the total funds available for regional distribution and equally distributing that to all eight regions. The remaining 50 percent is divided among the regions using the latest percentage of very low to low income persons per region in comparison to the total VL &amp; LI persons in the State of North Dakota (all entitlement and air force base LMI statistics are not included). A committee will be formed by the State to score and rank all applications regionally. The committee will consist of state or federal agencies such as the State Water Commission, USDA/Rural Development, ND Department of Environmental Quality, ND Department of Transportation, Bank of North Dakota, and the ND Housing Finance Agency. This list is not all inclusive and may change. It is the goal of DCS to have a committee of knowledgeable persons on a variety of topics and projects.</p> <p>Once the committee has made their decision on awards, the applicants that are awarded will be invited to submit a full application to DCS. A full application consists of a local community needs assessment, a public hearing, resolution of sponsorship, applicant assurance certifications, affirmatively further fair housing, justification of the national objective, etc. For further details on what is needed for a full application refer to the CDBG PDS and this link <a href="https://www.communityservices.nd.gov/communitydevelopment/Programs/CommunityDevelopmentBlockGrant/">https://www.communityservices.nd.gov/communitydevelopment/Programs/CommunityDevelopmentBlockGrant/</a>.</p> <p>Economic Development will accept pre-applications anytime throughout the fiscal year. These funds are targeted to the primary sector business proposals where a funding gap exists and alternative sources of public and private financing are</p> |
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|  | <p>not adequate. Pre-applications will need to include a, business plan, job creation commitment, etc. For the full pre-application requirements please refer to the CDBG PDS.</p> <p>At the Governor's direction, there will be funds set aside to use through out the fiscal year at the Governor's discretion. Pre-applications can be submitted at any time throughout the fiscal year and will need to include a Governor's fund form along with all previously discussed pre-application requirements. The DCS staff will be responsible for reviewing, scoring, and sending to the Governor's Office. The Governor's Office will then review and use the same weighted criteria for scoring. The application will then be decided if an award will be made and what the amount is based on the combined scores of DCS and the Governor's Office.</p> |
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| <p><b>Describe all of the criteria that will be used to select applications and the relative importance of these criteria.</b></p> | <p>Public facilities, public services, and housing have similar criteria. The relative importance of this criteria varies a little from program to program. For detailed scaled criteria please refer to the CDBG PDS, Section VI. Below is an overview of the scoring criteria:</p> <ol style="list-style-type: none"> <li>1. Project need; high, moderate, or lowAddresses how significant the problem is and what the immediacy is of the project</li> <li>2. Commitment/Financial need; high, moderate, or lowLocal buy in to the project and the efforts of securing other funding sources firstViability of project without CDBG funding</li> <li>3. Percentage of minority living in project areaScale of the minority population in the community based on the 2015 American Community Survey</li> <li>4. Percentage of LMI in the project areaScale of the low to moderate income persons in the community</li> <li>5. Project readiness</li> <li>6. Completeness of planItems identified (i.e. homes, area)Secured other funding sources if applicable</li> </ol> <p>Economic Development</p> <ol style="list-style-type: none"> <li>1. Need for funds and terms (20 pts max)</li> <li>2. Financial strength and reasonableness (20 pts max)</li> <li>3. Management expertise and past performance (20 pts max)</li> <li>4. Marketing (10 pts max)</li> <li>5. Degree of likely benefit to the economy (20 pts max) <ul style="list-style-type: none"> <li>• community/region does not have a comparable business (10 pts max)</li> <li>• workforce training/development (10 pts max)</li> </ul> </li> <li>1. Anticipated impact of addressing national objectives as defined in the state program statement (10 pts max) <ul style="list-style-type: none"> <li>• ability to meet job creation requirements (5 pts max)</li> <li>• availability of jobs to LMI persons (5 pts max)</li> </ul> </li> </ol> |
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| <p><b>If only summary criteria were described, how can potential applicants access application manuals or other state publications describing the application criteria? (CDBG only)</b></p> | <p>The CDBG PDS is on the North Dakota Department of Commerce's website, <a href="https://www.communityservices.nd.gov/communitydevelopment/Programs/CommunityDevelopmentBlockGrant/">https://www.communityservices.nd.gov/communitydevelopment/Programs/CommunityDevelopmentBlockGrant/</a>. This PDS goes into further detail on what the State is looking for in the scoring and ranking and the point scales that will be used when making this determination.</p> |
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| <p><b>Describe the process for awarding funds to state recipients and how the state will make its allocation available to units of general local government, and non-profit organizations , including community and faith-based organizations . (ESG only)</b></p> | <p>n/a</p> |
|--|------------|

|  |  |
|--|--|
| <p><b>Identify the method of selecting project sponsors (including providing full access to grassroots faith-based and other community-based organizations ). (HOPWA only)</b></p> |  |
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| <b>Describe how resources will be allocated among funding categories.</b>  | FY22 Allocation                                      | \$3,927,948 |
|  | Less 2% State Administration                         | \$ 178,559  |
|  | Less 1% Technical Assistance                         | \$ 39,279   |
|  | Total Allocation Available for Projects              | \$3,710,110 |
|  | Less Governor's Set Aside                            | \$1,649,738 |
|  | Total Allocation Available for Regional Distribution | \$2,060,371 |
|  | Plus Revolving Loan Fund - Converted to PI           | \$1,000,000 |
|  | Funds Available for Regional Distribution            | \$3,060,371 |
| <p>As of right now DCS does not know what type of applications will be coming in and the dollar amounts being requested for the State's funding round that will be held tentatively in the Summer of 2022. DCS does not want to put a cap on how many applications can be received and awarded for a particular program. Since applications will be divided out by region, DCS did not want to further divided out the regional allocation into different project types. That decreases the amount of funds and is then hard to award out to projects that are in the most need. Each region will receive a preset amount of funds. The dollar amount is derived by taking 50 percent of the total funds available for regional distribution and equally distributing that to all eight regions. The remaining 50 percent is divided among the regions using the latest percentage of very low and low income persons per region in comparison to the total VL &amp; LI persons in the State of North Dakota (All entitlement and air force base LMI statistics are not included).</p> <p>Based off of the last few years, the public facilities section has been applied for more heavily. The majority of housing projects that the CDBG program has funded in the past few years has been rehabs to multi-family units and making them more livable for their tenants. During the public input meeting that was held in March, there was great emphasis on daycares and mental health. CDBG is in trying to get more information out to the communities about the public services section to try to bring in more of these projects for funding while staying under the regulatory 15% CAP. Public services is an area that has not been utilized much by CDBG recipients in the past few years, yet seems to be a high priority from public input that was received. Economic development will use program income before any of the regular CDBG allocation.</p> |  |             |

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| <b>Describe threshold factors and grant size limits.</b> | <u>Public Facilities and Public Services</u>   |           |
|  | Minimum  | \$75,000  |
|  | Maximum  | no cap    |
|  | <u>Housing – Single Family</u>   |           |
|  | Minimum  | \$200,000 |
|  | Maximum  | no cap    |
|  | <u>Housing – Multi-Family</u>  |           |
|  | Minimum  | \$100,000 |
|  | Maximum  | no cap    |
|  | <u>Economic Development</u>  |           |
|  | Primary Sector   |           |
|  | Minimum  | \$100,000 |
|  | Maximum  | no cap    |
|  | DCS does not technically have a maximum cap on projects this year. The goal of this is to have thorough and complete projects apply for funds. From the past two years of HUD monitoring and environmental monitorings, DCS has been made aware that a lot of projects completed in the previous years were more due to maintenance type issues. DCS is trying to move away from a "band-aide" fix on a project and felt having a maximum cap was a contributing factor. |           |
|  | At the direction of the Governor's Office and the Regional Councils' support, it was decided to keep regional allocations. There was concern that if this was just one pot of funding for all cities and counties to apply to, that these funds would not reach all the regions in North Dakota. This then puts a technical cap on the maximum amount due to   |           |
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|  |  | <p>an application only being able to be awarded as high as what their regional allocation is. Economic development is not included in regional allocations.</p> <p>Regional allocations:</p> <ul style="list-style-type: none"> <li>• Region 1 \$313,688</li> <li>• Region 2 \$482,008</li> <li>• Region 3 \$390,197</li> <li>• Region 4 \$298,386</li> <li>• Region 5 \$420,801</li> <li>• Region 6 \$390,197</li> <li>• Region 7 \$451,405</li> <li>• Region 8 \$313,688</li> </ul> |
|--|--|---|

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|  | <p><b>What are the outcome measures expected as a result of the method of distribution?</b></p> | <p>Outcomes will be measured by the various goal outcome indicators, as set forth in AP-20. Goal outcomes are primarily measured by the number of households assisted, the number of business assisted, or the number of persons assisted. Note that this year the goal outcome indicators will not match what is in the Con Plan. The numbers this year are more realistic for the amount of CDBG funding the state receives.</p> |
|--|---|--|

|   |                            |                                 |
|---|----------------------------|---------------------------------|
| 2 | <b>State Program Name:</b> | Emergency Solutions Grant (ESG) |
|   | <b>Funding Sources:</b>    | ESG                             |

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| <p><b>Describe the state program addressed by the Method of Distribution.</b></p> | <p>The State's 2022 ESG allocation will be made available to eligible applicants and will be administered in accordance with the Interim (or Final) Rule regarding Homeless Emergency Assistance and Rapid Transition to Housing: Emergency Solutions Grant Program and consolidated Plan Conforming Amendments.</p> <p>The State will hold a competitive scoring and round tentatively in the Spring of 2022. When the exact date has been finalized an announcement will go out. By virtue of submitting an application, applicants agree to: adopt and consistently apply the State's written standards for the administration of the ESG program; and maintain standard accounting practices including internal controls and fiscal accounting procedures; track agency and program budgets by revenue sources and expenses; and have an available cash flow to effectively operate their programs since ESG funding is provided on a reimbursement basis.</p> <p>Each Applicant must match its Emergency Solutions Grant amounts with an equal amount of funds received from sources other than this program. Matching funds may be obtained from any source, including any Federal source other than the ESG Program, as well as state, local and private sources. However, the applicant must ensure the laws governing any funds to be used as matching contributions do not prohibit those funds from being used to match ESG funds. Applicants may request a waiver of their match.</p> <p>Program requirements</p> <ul style="list-style-type: none"> <li>• Applicants must coordinate and integrate ESG funded activities with other programs targeted to homeless people</li> <li>• System and program coordination with mainstream resources</li> <li>• Centralized and coordinated assessment system</li> <li>• Written standards and procedures</li> <li>• Participation in HMIS</li> <li>• Homeless participation</li> <li>• Faith-based activities</li> <li>• Evaluation of program participants</li> <li>• Case management</li> </ul> |
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|  | <ul style="list-style-type: none"> <li>• Rent reasonableness</li> <li>• Program accessibility</li> <li>• Housing standards for emergency shelters</li> <li>• Housing standards for permanent housing</li> <li>• Lead-based paint requirements</li> <li>• Confidentiality</li> <li>• Termination of housing assistance</li> <li>• Recordkeeping</li> <li>• Sanctions</li> <li>• Conflicts of interest</li> <li>• Monitoring</li> </ul> <p>DCS will review all applications to determine if applications are ESG eligible. The applications will then be given to a committee to score and rank, and make recommendations of funding. This committee will consist of persons that are knowledgeable in the sheltered and unsheltered homeless persons, as well as those at risk of homelessness throughout the state of North Dakota. Based off of the recommendations of the committee, DCS will make the awards at their discretion.</p> <p>The eligible activities are: street outreach, emergency shelter, homelessness prevention, rapid re-housing assistance, and homeless management information system.</p> <p>For further details please refer to the ESG Program Distribution Statement.</p> |
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| <p><b>Describe all of the criteria that will be used to select applications and the relative importance of these criteria.</b></p> | <p>A committee will review, score, and make recommendations of funding based on the ability to achieve the following state program objectives:</p> <ol style="list-style-type: none"> <li>1. Demonstrated the need for funding (max 30 points)</li> <li>2. Plan for distribution of the funds in an effective, efficient and timely manner. (max 15 points)</li> <li>3. Collaboration efforts with other targeted homeless services and mainstream resources. (max 20 points)</li> <li>4. Active participation in and providing services consistent with the needs identified by the North Dakota Continuum of Care, HMIS and Coordinated Assessment (max 20 points)</li> <li>5. The applicant's plan to involve, to the maximum extent practicable, homeless individuals and families in constructing, renovating, maintaining, and operating facilities assisted under the grant, and in providing services for occupants of these facilities. (max 10 points)</li> <li>6. The applicant included how the Housing First model is used within the agency. (max 5 points)</li> </ol> <p>To be eligible for funding, applications must receive a minimum subjective score of 15 points. Applications which show a concerted effort to coordinate services with other agencies and other funding sources to best serve the individuals and households will be given priority.</p> |
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| <p><b>If only summary criteria were described, how can potential applicants access application manuals or other state publications describing the application criteria? (CDBG only)</b></p> | <p>n/a</p> |
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| <p><b>Describe the process for awarding funds to state recipients and how the state will make its allocation available to units of general local government, and non-profit organizations , including community and faith-based organizations . (ESG only)</b></p> | <p>DCS will make it known when applications are being accepted for ESG funds. This is tentatively set for the Spring of 2022. This will be done through contacting previous recipients, media outlets, posting to our website, and working with the North Dakota League of Cities to relay this type of information. Applicants must be federally recognized non-profits or units of local government. Governmental organizations such as public housing agencies and local housing finance agencies are not eligible applicants under the ESG Program. Nonprofit entities located on Indian reservations are also eligible to receive funds. Applicants must be in compliance with the ESG Interim Rule (Final Rule when published), the State's ESG written standards, and applicable state and federal policies and procedures, including compliance with federal and state non-discrimination laws.</p> <p>All applications that were received within the allotted timeframe will be reviewed by DCS to verify ESG eligibility. The eligible applications will then be scored and ranked with the committee making the recommendations of funding. Based off those recommendations, DCS will make the awards at their discretion.</p> <p>When making final selections, the review committee may make a grant award for less than the amount applied for or for fewer than all of the activities identified in the application, based on the demand for grant amounts, the extent to which the respective activities address the needs of the individuals and households, and the reasonableness of the costs proposed. DCS reserves the right to award ESG funds to any applicant or deny ESG funds for any applicant if it determines, in its sole discretion, the project is unacceptable.</p> |
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| <p><b>Identify the method of selecting project sponsors (including providing full access to grassroots faith-based and other community-based organizations ). (HOPWA only)</b></p> |  |
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|  | <p><b>Describe how resources will be allocated among funding categories.</b></p> | <p>For FY2022, federal and state funding will be available, up to 60% for street outreach and shelter operation activities. There will be no cap for the total percentage awarded to homeless prevention, rapid re-housing activities or participation in the Homeless Management Information System (HMIS).</p> |
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| <p><b>Describe threshold factors and grant size limits.</b></p> | <p>The maximum amount of funds that will be made available to any one homeless facility or agency providing assistance to the homeless is \$50,000. There is no minimum amount.</p> <p>During the public input meeting, several persons brought up the suggestion of not capping an award at a certain dollar amount. DCS did discuss the possibility of this. The cons outweighed the pros when considering this idea. If bigger awards were made, these funds would probably only be able to help less than 10 agencies throughout the entire state. With requests that are triple the amount of funding we receive, \$50,000 still seems to be a reasonable cap for the award the State receives from HUD.</p> |
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|  | <b>What are the outcome measures expected as a result of the method of distribution?</b> | <p>Expected measures of outcome include the number of households assisted with funds and the number of emergency shelter or permanent supportive beds added. These numbers have been updated and will not match what was previously determined in the Con Plan. The reductions are more realistic numbers to be attained with a yearly allocation under \$500,000. These new numbers are based off of the performance of these funds for the past two years.</p> |
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| 3 | <b>State<br/>Program<br/>Name:</b> | HOME Investment Partnership Program |
|   | <b>Funding<br/>Sources:</b>        | HOME                                |

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| <b>Describe the state program addressed by the Method of Distribution.</b> | <p>The Department of Housing and Urban Development (HUD) has designated the State of North Dakota as a Participating Jurisdiction (PJ) and as such it may apply for and distribute HOME funds. North Dakota Housing Finance Agency is responsible for administration of the program.</p> <p>The 2022 HOME Program Distribution Statement (PDS) allocated funds to three HOME projects and eligible activities, in addition to administration funds.</p> <p>Single-Family Homeowner Rehabilitation</p> <p>A total of \$840,000 in project funds and \$60,000 in administrative funds have been set-aside for single-family homeowner rehabilitation. Each Community Action Agency (CAA) may receive a set-aside of \$140,000 and must submit an application to receive an award. Applications will be accepted beginning August 1, 2022. CAAs who have expended 2016-2019 HOME awards may apply for an initial set-aside. Single-family homeowner rehabilitation activities must include all eligible rehabilitation activities required to bring an existing owner-occupied home to HOME property standards. After-rehab value of the home may not exceed the annually published HOME Homeownership Value Limits for the county in which the property is located. The minimum period of affordability for the homeowner rehabilitation projects is 5 years. Beginning January 1, 2023 any CAA who have expended 75 percent of their award may apply for additional funds. Any unapplied for funds as of August 1, 2023, will be reallocated to Rental Production and Rehabilitation General Pool activities.</p> <p>Rental Production and Rehabilitation</p> <p>A total of \$3,860,556.70 in project funds have been made available for rental production and rehabilitation. This includes \$450,000 CHDO reserves. Rental production and rehabilitation activities are selected in a competitive scoring application process as outlined in the Scoring Criteria of the draft HOME 2022 Program Distribution Statement. Applications are due the last business day in September 2022.</p> <p>Homebuyer Down Payment Assistance.</p> <p>A total of \$500,000 of project funds have been set aside for homebuyer down payment assistance. The Grand Forks Community Land Trust will receive the set-aside to fund homebuyer activities. Maximum purchase price will be limited to the lower of 1. The current HOME Homeownership Value Limit as published by HUD; or 2. The as-is market value as determined by an appraisal from a certified appraiser.</p> |
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| <p><b>Describe all of the criteria that will be used to select applications and the relative importance of these criteria.</b></p> | <p>Single family rehabilitation project funds are provided to Community Action Agencies (CAA) as subrecipients. Any CAA with outstanding compliance issues will not be eligible to apply for 2022 funds until outstanding issues are resolved. In addition, CAAs with outstanding funds from 2016-2019 program years will not be allowed to submit an application until those program years are closed.</p> <p>Homebuyer Down Payment assistance project funds are delivered through the Grand Forks Community Land Trust (CLT) as a subrecipient. Grand Forks CLT information is available at <a href="https://www.gfclt.org/">https://www.gfclt.org/</a> Assistance may only be provided to homebuyers whose income does not exceed 80 percent area median income. The housing may either be single-family, condominium, cooperative unit, or manufactured housing. All homebuyers must receive housing counseling. The property must be occupied as principal residence through the period of affordability as determined by the amount of HOME assistance received.</p> <p>Rental production and rehabilitation activities are selected through a competitive application process.</p> <p>Each application meeting the threshold requirements will be reviewed and assigned points according to the following selection criteria. Applications must achieve a minimum score of <u>90</u> points to be considered for funding. Scoring will be on entire project/units (not just HOME units). Applicants may request no more than 70% of the hard construction costs. Income targeting for HOME requires at initial occupancy that not less than 90% of the units assisted with HOME funds be occupied by families at 60% and below area median income. Projects with five (5) or more HOME units, 20% of those units must have low home rents for the period of affordability.</p> <p>Scoring Criteria Includes</p> <ol style="list-style-type: none"> <li>1. Restricted Units- points awarded based on number of proposed HOME-assisted units.</li> <li>2. HOME Assisted Calculation-points awarded to projects that commit the number of HOME-assisted units to the cost allocation assisted unit calculation.</li> <li>3. Serving Developing Communities-points awarded to serving communities with populations 35,000 and below.</li> <li>4. HOME Match-points provided to projects with 25 percent match.</li> <li>5. Readiness to Proceed- points awarded to projects who can demonstrate readiness.</li> <li>6. New Construction</li> </ol> |
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|  |  | 7. Rehabilitation<br>8. Preservation of Existing Affordability<br>9. Tenant Support Coordinator |
|  | <b>If only summary criteria were described, how can potential applicants access application manuals or other state publications describing the application criteria? (CDBG only)</b> | N/A   |

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| <p><b>Describe the process for awarding funds to state recipients and how the state will make its allocation available to units of general local government, and non-profit organizations , including community and faith-based organizations . (ESG only)</b></p> | <p>N/A</p> |
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| <p><b>Identify the method of selecting project sponsors (including providing full access to grassroots faith-based and other community-based organizations ). (HOPWA only)</b></p> |  |
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|  | <p><b>Describe how resources will be allocated among funding categories.</b></p> | <p>Single-Family Homeowner Rehabilitation - \$840,000 plus \$60,000 administration.</p> <p>Homebuyer Down Payment Assistance- \$500,000</p> <p>Administration- \$300,000</p> <p>Rental Production and Rehabilitation- Balance of remaining available funds. Including \$450,000 CHDO reserve.</p> <p>Unapplied for funds under the single-family rehabilitation and homebuyer down payment assistance program as of August 1, 2023 will be reallocated to the September 2023 Rental Production and Rehabilitation General Pool application round.</p> |
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| <p><b>Describe threshold factors and grant size limits.</b></p> | <p>Single-family rehabilitation funds are limited to \$140,000 per community action agency. Additional funds may be requested if there are uncommitted funds and the initial award is 75 percent expended. The value of the assisted property after rehabilitation must not exceed the HOME Homeownership value limits for the county in which the property is located.</p> <p>Homeowner down payment assistance is limited to \$500,000 set aside for the Grand Forks Community Land Trust. The minimum HOME assistance is \$1,000. The maximum purchase price is limited to the lower of 1. The current HOME Homeownership Value Limit as published by HUD; or 2. The as-is market value as determined by an appraisal by a certified appraiser.</p> <p>Rental Production and Rehabilitation application threshold details are identified in the 2022 HOME Program Distribution Statement as well as the NDHFA Multifamily Rental Application, and include</p> <ol style="list-style-type: none"> <li>1. Demonstrated Site Control</li> <li>2. Zoning Availability</li> <li>3. Infrastructure and Utility Availability</li> <li>4. Development and Management Team Experience</li> <li>5. Ownership</li> <li>6. Financial Projections</li> <li>7. Subsidies</li> <li>8. Housing Need</li> <li>9. Capital Needs Assessment (if applicable)</li> <li>10. Appraisal if applicable</li> </ol> <p>Awards are limited to the lessor of</p> <ol style="list-style-type: none"> <li>1. The Maximum Project Subsidy as determined from the selected HOME Cost Allocation Method.</li> <li>2. An amount required to secure project financing and make project financially feasible.</li> <li>3. Seventy percent of the project's proposed hard construction costs.</li> </ol> |
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|  |  | Additionally, the HOME Maximum Per-Unit Subsidy Limits in effect at the time of application submission will limit HOME awards. |
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|  | <p><b>What are the outcome measures expected as a result of the method of distribution?</b></p> | <p>HOME outcome measures include the number of rental units constructed or rehabilitated, the number of homeowners assisted, and the number of homebuyers assisted.</p> |
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| 4 | <b>State Program Name:</b>   | National Housing Trust Fund   |
|   | <b>Funding Sources:</b>  | HTF   |
|   | <b>Describe the state program addressed by the Method of Distribution.</b> | <p>HTF funding will be awarded for the development and preservation of affordable multifamily rental housing to serve extremely low-income households, particularly those which are at risk of chronic homelessness. Eligible recipients for funding include units of local, state, and tribal government, local and tribal housing authorities, community action agencies, regional planning councils nonprofit organizations, and for-profit developers.</p> <p>The HTF will be administered in accordance with North Dakota's HTF Annual Allocation Plan (AAP), attached in full to this Annual Action Plan. Per federal statute and regulation, the AAP prioritizes funding based on:</p> <ol style="list-style-type: none"> <li>1. Geographic diversity.</li> <li>2. Applicant's ability to obligate funds and undertake eligible activities in a timely manner.</li> <li>3. The extent to which the project has rents that are affordable, especially to ELI households, and has federal, state, or local project-based rental assistance so that rents are affordable to extremely low income families.</li> <li>4. The length of the units' affordability period.</li> <li>5. Merits of the application in meeting the state's priority housing needs.</li> </ol> <p>The extent to which the applicant makes uses of non-federal funding sources.</p> |

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| <p><b>Describe all of the criteria that will be used to select applications and the relative importance of these criteria.</b></p> | <p>North Dakota employs a set-aside of 10% of the state's HTF allocation to the highest-scoring eligible Native American application. Remaining HTF funding is then awarded to the highest-scoring eligible applications. There is no maximum amount of HTF funding that any one project can receive, although the AAP does limit the amount of subsidy which each HTF-assisted unit can receive. The deadlines for applications will be due to the NDHFA by September 30, 2022. In order to be considered for funding applications must meet a minimum score of 85 points. Scoring criteria includes</p> <ol style="list-style-type: none"> <li>1. Serving extremely low-income households - 20-50 points.</li> <li>2. Use of Low-Income Housing Tax Credits - 10-20 points.</li> <li>3. Committed Non-Federal Leverage - 5-20 points.</li> <li>4. Use of Project-Based Rental Assistance - 5 points.</li> <li>5. Redevelopment and Revitalization - 5 points.</li> <li>6. Tenant Support Coordinator - 5-10 points.</li> <li>7. Universal Design Elements - 3-12 points.</li> <li>8. Design Standards- 3-10 points.</li> <li>9. Readiness to Proceed - 3-10 points.</li> <li>10. Housing for Families - 10 points.</li> <li>11. Period of Affordability - 1 points.</li> <li>12. Geographic Diversity - 5 points.</li> <li>13. Missing threshold Items - point deduction of 5 points for each missing item.</li> </ol> |
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| <p><b>If only summary criteria were described, how can potential applicants access application manuals or other state publications describing the application criteria? (CDBG only)</b></p> | <p>N/A</p> |
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| <p><b>Describe the process for awarding funds to state recipients and how the state will make its allocation available to units of general local government, and non-profit organizations , including community and faith-based organizations . (ESG only)</b></p> | <p>N/A</p> |
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| <p><b>Identify the method of selecting project sponsors (including providing full access to grassroots faith-based and other community-based organizations ). (HOPWA only)</b></p> |  |
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|  | <p><b>Describe how resources will be allocated among funding categories.</b></p> | <p>Resources are allocated to the highest scoring applications until all available funding has been conditionally committed.</p> <p>Ten percent of the state's HTF funding is set aside for projects located within North Dakota Native American Reservations or on Tribal Land. If sufficient proposals are not received during the first application round, funds will be included in the general pool of funding. This set aside is limited to \$300,000.</p> |
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| <p><b>Describe threshold factors and grant size limits.</b></p> | <p>Threshold items applications must submit include:</p> <ol style="list-style-type: none"> <li>1. Evidence of development team ability.</li> <li>2. Market conditions.</li> <li>3. Demonstrated site control.</li> <li>4. Evidence of appropriate zoning.</li> <li>5. Availability of infrastructure and utilities.</li> <li>6. Financial Projections.</li> <li>7. Capital needs assessment, if applicable.</li> <li>8. Appraisal.</li> <li>9. Evidence of all financial subsidies awarded.</li> <li>10. Tenant recruitment and selection policy.</li> <li>11. Broadband infrastructure.</li> <li>12. Self-scoring projection of the activity.</li> </ol> <p>HTF awards are limited to the Maximum HOME Investment Subsidy that is annually calculated by HUD.</p> |
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|  | <p><b>What are the outcome measures expected as a result of the method of distribution?</b></p> | <p>HTF outcome measures include the number of HTF-assisted rental housing units constructed or rehabilitated.</p> |
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**Discussion:**

Additional distribution details are outlined in the draft 2022 Program Distribution Statements and Allocation Plans that are attached to this annual action plan for all applicable programs.

## AP-35 Projects – (Optional)

### Introduction:

The State of North Dakota recognizes that funding and resources are limited to help the underserved. ND strives to meet gaps in the areas of housing, community development, and economic development. The funding is targeted for low-to-moderate income individuals and special needs populations.

| #  | Project Name                                       |
|----|--|
| 1  | ESG22  |
| 2  | CDBG Housing Projects                              |
| 3  | CDBG Support Public Facility & Services            |
| 4  | CDBG Economic Development Projects                 |
| 5  | CDBG Enhance Local Public Infrastructure           |
| 6  | 2022 CDBG Admin and TA Funds                       |
| 7  | Homebuyer Down Payment Assistance                  |
| 8  | 2022 Rental Production and Rehabilitation HOME/HTF |
| 9  | Homeowner Rehabilitation-HOME                      |
| 10 | 2022 HTF Administration                            |
| 11 | 2022 HOME Administration                           |

Table 9 – Project Information

### Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

The allocation priorities were identified using the Con Plan needs assessment and market analysis, which identified seven priority needs. Access to affordable rental housing, affordable homeowner housing, homelessness, special needs populations, vital public facilities, economic development and priority infrastructure. Obstacles to addressing underserved needs include, but not limited to, a lack of development capacity in rural communities and insufficient amount of funding to meet entire state needs.

DCS is evaluating the process to determine a project meets unmet urgent needs. For that reason, DCS is not allowing urgent need projects for the 2022 CDBG program.

## AP-38 Project Summary

### Project Summary Information

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| 1 | <b>Project Name</b>    | ESG22   |
|   | <b>Target Area</b>     | Statewide   |
|   | <b>Goals Supported</b> | Support Efforts to Combat Homelessness  |
|   | <b>Needs Addressed</b> | Homelessness  |
|   | <b>Funding</b>         | ESG: \$480,229  |
|   | <b>Description</b>     | For FY2022, an approximate amount of \$480,229 in federal funding will be available, up to 60% for street outreach and shelter operation activities, and for homeless prevention, rapid re-housing activities or participation in the Homeless Management Information System (HMIS). Requests for funds from the FY2022 ESG allocation are limited at \$50,000. Successful applicants may receive less ESG funds than requested. After taking administration out of the allocation, this leaves \$444,896 to be awarded to applicants. Emergency Solutions Grants will be utilized to provide services to homeless and those at risk of becoming homeless in the following eligible activities. Applicants should refer to 24 CFR Part 576.100 - 576.109 on the following eligible activities: street outreach, emergency shelter, homelessness prevention, rapid re-housing assistance, and Homeless Management Information System (HMIS). |
|   | <b>Target Date</b>     |   |

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|          | <b>Estimate the number and type of families that will benefit from the proposed activities</b> | <p>All families and persons benefitting from the ESG activities are homeless or at risk of becoming homeless. ESG estimates that it will assist the following for the year:</p> <ul style="list-style-type: none"> <li>- rapid re-housing 200 households</li> <li>- emergency shelter 3500 persons assisted</li> <li>- homeless prevention 250 persons assisted</li> </ul>   |
|          | <b>Location Description</b>  | At this time, DCS does not know locations of the project activities as an open application round has not happened yet. These funds are open statewide. Based on previous years, we are anticipating applications from Bismarck, Grand Forks, Fargo, Minot, Beulah, Dickinson, Williston, etc.  |
|          | <b>Planned Activities</b>  | <p>Some eligible activities that agencies can apply for are:</p> <ul style="list-style-type: none"> <li>- Street Outreach: engagement activities, case management, emergency health services, emergency mental health services, transportation, services for special populations</li> <li>- Emergency Shelter: essential services, renovation activities, shelter operations</li> <li>- Homelessness Prevention: rental application fees, security deposits, last month's rent, rental assistance</li> <li>- Rapid Re-Housing: standard utility deposits, utility payments moving costs, services costs, rental assistance</li> <li>- HMIS: costs for participating in the Homeless Management Information System</li> </ul> <p>For a further list of activities that ESG funds are planning to be used on can be found in the ESG Program Distribution Statement.</p> |
| <b>2</b> | <b>Project Name</b>  | CDBG Housing Projects  |
|          | <b>Target Area</b>   | Statewide  |
|          | <b>Goals Supported</b>   | Increase Access to Affordable Housing  |

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|          | <b>Needs Addressed</b>   | Affordable Rental Housing<br>Affordable Homeowner Housing   |
|          | <b>Funding</b>   | CDBG: \$1,177,527   |
|          | <b>Description</b>   | Funds will be used to fund multi-family housing rehab, single family rehab, and purchase of land in support of new multi-family housing. CDBG funds cannot generally be used for the construction of new permanent residential structures or for any program to finance new construction, except for (1) last resort housing provisions in relocation; (2) provision of assistance through Community Based Development Organization (CBDO); or (3) activities which facilitate the development of housing, including clearance, site and public improvements, and property acquisition. CDBG funds may be used for temporary or permanent relocation. For more detailed information on CDBG use of funds for housing, please refer to the CDBG Program Distribution Statement |
|          | <b>Target Date</b>   |   |
|          | <b>Estimate the number and type of families that will benefit from the proposed activities</b> | For FY2022, DCS is estimating to rehab 25 units in multi-family structures. In the previous few years, CDBG has not funded single family rehabs due to no applications received for this type of project. DCS has estimated two for FY2022, as there has been some interest by potential subrecipients. The type of families these rehabs will benefit are the low to moderate income persons.  |
|          | <b>Location Description</b>  | At this time DCS does not know what applications will be submitted and awarded for the FY2022 funding.  |
|          | <b>Planned Activities</b>  | Activities for housing include single family home rehab, multi-family home rehab, creation of new housing units, and relocation assistance.   |
| <b>3</b> | <b>Project Name</b>  | CDBG Support Public Facility & Services   |
|          | <b>Target Area</b>   | Statewide   |
|          | <b>Goals Supported</b>   | Support Public Facilities and Services  |
|          | <b>Needs Addressed</b>   | Vital Public Facilities<br>Special Needs Populations  |

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|  | <b>Funding</b>     | CDBG: \$706,516   |
|  | <b>Description</b> | <p>Funds will be used for childcare, mental health, chemical dependency, recycling, demolition of dilapidated structures, etc. While meeting a CDBG national objective, CDBG funds may be used to provide public services (including labor, supplies, materials, and other costs), provided that each of the following criteria is met: (1) the public service must be either a new service; or (2) A quantifiable increase in the level of a service above that which has been provided by or on behalf of the unit of general local government through funds raised by such unit, or received by such unit from the state in which it is located during the 12 months prior to submission of the grant recipient's applicable Action Plan. (This requirement is intended to prevent the substitution of CDBG funds for recent support of public services by the grant recipient using local or state government funds.) No more than 15 percent of a state's yearly allocation of funds, plus program income distributed by the state as part of that year's method-of-distribution, may be expended for public service activities. Note that the 15 percent cap applies to the state, not to individual local governments receiving state CDBG funds. The State could make a grant to a town solely for public services activities. In the State CDBG program, compliance with the 15 percent cap is determined by expenditures over the life of a given fiscal year's allocation of funds (plus program income). Public services that are not subject to the cap: Certain types of services fall under other categories of basic eligibility (such as Sections 105(a)(15) and 105(a)(23)) and are not subject to the limitation that applies to services carried out under Section 105(a)(8). In addition, discussion of the factors to consider in deciding how to categorize public services.</p> |
|  | <b>Target Date</b> |   |

|          |  |   |
|----------|--|---|
|          | <b>Estimate the number and type of families that will benefit from the proposed activities</b> | <p>These funds are estimated to benefit 2200 persons. DCS is using resources within the North Dakota Department of Commerce to educate potential recipients on public services and how these funds can be of use. During the public input meeting there were various discussions that child care and mental health were high priorities in the state of North Dakota.</p> <p>While meeting a national objective. The following are proposed activities: child care, health care, job training, recreation programs, education programs, public safety services, fair housing activities, services for senior citizens, services for homeless persons and victims of domestic violence, drug abuse counseling and treatment, energy conservation counseling and testing, homebuyer down payment assistance, emergency assistance payments, and legal services.</p> |
|          | <b>Location Description</b>  | At this time, DCS does not know the location of project areas due to the open application round not being held until this summer. These funds are available statewide.  |
|          | <b>Planned Activities</b>  | Activities for public services will be a new services or a quantifiable increase. Activities can include, but not limited to, child care, health care, job training, recreation programs, education programs, public safety services, fair housing activities, services for senior citizens, services for homeless persons and victims of domestic violence, drug abuse counseling and treatment, homebuyer down payment assistance, emergency assistance payments, and legal services.   |
| <b>4</b> | <b>Project Name</b>  | CDBG Economic Development Projects  |
|          | <b>Target Area</b>   | Statewide   |
|          | <b>Goals Supported</b>   | Encourage Economic Development  |
|          | <b>Needs Addressed</b>   | Economic Development  |
|          | <b>Funding</b>   | CDBG: \$1,413,033   |

|  |  |  |
|--|--|--|
|  | <b>Description</b>   | These funds will be used to fund business start ups and expansions to create additional jobs. The decision to fund Economic Development related project(s) will be based on the significant impact to the state's economy and must meet one of the following criteria: (1) does the project create jobs; (2) is the business viable; (3) will the project have a positive impact on the community and state; and (4) will the business create new wealth in the community and state. The proposed activity must be CDBG eligible and meet a national objective. The focus of these funds will be to fund primary sector projects and will be grants only.  |
|  | <b>Target Date</b>   |  |
|  | <b>Estimate the number and type of families that will benefit from the proposed activities</b> | <p>These funds are estimated to assist five primary sector businesses. A primary sector business means an individual, corporation, limited liability company, partnership, or association certified by the ND Department of Commerce Division of Economic Development and Finance, which through the employment of knowledge or labor adds value to a product, process, or service which results in the creation of new wealth. A North Dakota business that does not qualify under this definition may be approved by the ND Department of Commerce Commissioner if the business provides a community an essential service.</p> <p>Primary sector business includes tourism but does not include production agriculture. Production agriculture means the production of crops and livestock on or near a farm as part of the regular farm enterprise directed by a farm operator and the farm operator's partners. The term does not include an investor-owned livestock feeding or milking operation located apart from a farm headquarters which is managed by employees.</p> |
|  | <b>Location Description</b>  | At this time DCS does not know where projects will be undertaken. Applications can come in anytime throughout FY2022. Eligible applicants can be anywhere in the state of North Dakota.  |
|  | <b>Planned Activities</b>  | Economic development projects in North Dakota will primarily fund businesses who create jobs with at least 51 percent of those jobs being filled by individuals who are LMI. These funds will encourage business development or expansion, therefore, creation of or retention of jobs in communities.   |
|  | <b>Project Name</b>  | CDBG Enhance Local Public Infrastructure   |

|   |  |  |
|---|--|--|
| 5 | <b>Target Area</b>   | Statewide  |
|   | <b>Goals Supported</b>   | Enhance Local Public Infrastructure and Planning   |
|   | <b>Needs Addressed</b>   | Priority Infrastructure  |
|   | <b>Funding</b>   | CDBG: \$1,413,033  |
|   | <b>Description</b>   | Public facilities infrastructure of water systems, streets, sidewalks, and other vital public facilities. Funding for public facilities activities will primarily focus on (1) water and sewer activities which currently present a threat to health and safety; (2) removal of architectural barriers which will permit access for the handicapped; (3) direct benefit to a locality's low and moderate income persons; and (4) leveraging local and other available financial resources to finance the cost of the activity. City or county infrastructure installation or rehab (e.g. water towers, lagoons, lift stations, trunk infrastructure, streets, etc.) Expansion of infrastructure where growth takes place. CDBG is not eligible for city or county government use facilities unless it is a removal of architectural barrier. Public safety (e.g., fire halls, trucks, ambulances, and related equipment). Removal of architectural barriers. |
|   | <b>Target Date</b>   |  |
|   | <b>Estimate the number and type of families that will benefit from the proposed activities</b> | Persons assisted is estimated at 7500 for FY2022.<br><br>Funding for public facilities activities will primarily focus on (1) water and sewer activities which currently present a threat to health and safety; (2) removal of architectural barriers which will permit access for the handicapped; (3) direct benefit to a locality's low and moderate income persons; and (4) leveraging local and other available financial resources to finance the cost of the activity.  |
|   | <b>Location Description</b>  | At this time, DCS does not know the general location of activities. Locations will not be known until applications have been received. Applicants are eligible from anywhere in North Dakota.  |

|   |  |   |
|---|--|---|
|   | <b>Planned Activities</b>  | Allowable project types can be: installation of water and/or sewer facilities, public safety (fire protection facilities, ambulances, and related equipment), install flood and drainage facilities, street construction/reconstruction, community center, construction/repair of senior citizen centers, removal of architectural barriers, etc. |
| 6 | <b>Project Name</b>  | 2022 CDBG Admin and TA Funds  |
|   | <b>Target Area</b>   |   |
|   | <b>Goals Supported</b>   |   |
|   | <b>Needs Addressed</b>   |   |
|   | <b>Funding</b>   | CDBG: \$117,838   |
|   | <b>Description</b>   | Administrative funds will be used to fund administrative activities at the state level. The technical assistance funds will be used to fund technical assistance at the state level   |
|   | <b>Target Date</b>   |   |
|   | <b>Estimate the number and type of families that will benefit from the proposed activities</b> | These funds will be used at the state level.  |
|   | <b>Location Description</b>  | These funds will be used at the state level.  |

|          |  |   |
|----------|--|---|
|          | <b>Planned Activities</b>  | <p>Administrative funds will be used to fund administrative activities at the state level. Technical assistance funds will also be used at the state level. Due to recent HUD monitoring, the State plans to get technical assistance in environmental reviews. The State is also in early conversations with paying for a TA's guidance for CDBG in general. These funds may also be used to put on trainings for our sub-recipients. DCS has been, and plans to continue to work with the North Dakota League of Cities (NDLC). NDLC provides educational opportunities and services to city officials, by connecting resources with needs, and representing the interests of municipalities in state and federal public policy discussions.</p> <p>This is not an all inclusive list and at the State's discretion these funds can be used on any eligible activity in the Guide to National Objectives and Eligible Activities for State CDBG Programs.</p> |
| <b>7</b> | <b>Project Name</b>  | Homebuyer Down Payment Assistance   |
|          | <b>Target Area</b>   | Statewide   |
|          | <b>Goals Supported</b>   | Increase Access to Affordable Housing   |
|          | <b>Needs Addressed</b>   | Affordable Homeowner Housing  |
|          | <b>Funding</b>   | HOME: \$500,000   |
|          | <b>Description</b>   | Homebuyer Down Payment Assistance program set-aside for the Grand Forks Community Land Trust.   |
|          | <b>Target Date</b>   | 7/1/2025  |
|          | <b>Estimate the number and type of families that will benefit from the proposed activities</b> | 20 households served.   |
|          | <b>Location Description</b>  | Activities are undertaken in the service area of the Grand Forks Community Land Trust, primarily located in Grand Forks, ND.  |
|          | <b>Planned Activities</b>  | Provide homebuyer down payment assistance to income qualified homebuyers.   |

|   |  |   |
|---|--|---|
| 8 | <b>Project Name</b>  | 2022 Rental Production and Rehabilitation HOME/HTF  |
|   | <b>Target Area</b>   | Statewide   |
|   | <b>Goals Supported</b>   | Increase Access to Affordable Housing   |
|   | <b>Needs Addressed</b>   | Affordable Rental Housing   |
|   | <b>Funding</b>   | HOME: \$3,860,565<br>HTF: \$3,121,678   |
|   | <b>Description</b>   | HOME Program Funds and National Housing Trust Fund program funds to provide new construction or rehabilitation funds for multifamily rental projects. |
|   | <b>Target Date</b>   | 7/1/2026  |
|   | <b>Estimate the number and type of families that will benefit from the proposed activities</b> | The state estimates a total of 140 rental housing units may be constructed or rehabilitated using HOME and HTF.                                       |
|   | <b>Location Description</b>  | Statewide   |
|   | <b>Planned Activities</b>  | Activities will be selected during the competitive application round scheduled for September 2022.  |
| 9 | <b>Project Name</b>  | Homeowner Rehabilitation-HOME   |
|   | <b>Target Area</b>   | Statewide   |
|   | <b>Goals Supported</b>   | Increase Access to Affordable Housing   |
|   | <b>Needs Addressed</b>   | Affordable Homeowner Housing  |
|   | <b>Funding</b>   | HOME: \$840,000   |
|   | <b>Description</b>   | Homeowner rehabilitation program delivered through the Community Action Agency Set-Aside.   |
|   | <b>Target Date</b>   | 7/1/2023  |

|           |  |  |
|-----------|--|--|
|           | <b>Estimate the number and type of families that will benefit from the proposed activities</b> | A total of 15 estimated homeowner housing units assisted.  |
|           | <b>Location Description</b>  | Statewide.   |
|           | <b>Planned Activities</b>  | Homeowner rehabilitation projects selected and approved through Community Action Agency Homeowner Rehabilitation Programs. |
| <b>10</b> | <b>Project Name</b>  | 2022 HTF Administration  |
|           | <b>Target Area</b>   |  |
|           | <b>Goals Supported</b>   |  |
|           | <b>Needs Addressed</b>   |  |
|           | <b>Funding</b>   | HTF: \$208,770   |
|           | <b>Description</b>   | Housing Trust Fund Administrative Activities.  |
|           | <b>Target Date</b>   | 7/1/2026   |
|           | <b>Estimate the number and type of families that will benefit from the proposed activities</b> | Administrative Activities Only.  |
|           | <b>Location Description</b>  |  |
|           | <b>Planned Activities</b>  |  |
| <b>11</b> | <b>Project Name</b>  | 2022 HOME Administration   |
|           | <b>Target Area</b>   |  |
|           | <b>Goals Supported</b>   |  |

|  |  |                           |
|--|--|---------------------------|
|  | <b>Needs Addressed</b>   |                           |
|  | <b>Funding</b>   | HOME: \$300,000           |
|  | <b>Description</b>   | HOME Administration       |
|  | <b>Target Date</b>   | 7/1/2026                  |
|  | <b>Estimate the number and type of families that will benefit from the proposed activities</b> | Administrative Activities |
|  | <b>Location Description</b>  |                           |
|  | <b>Planned Activities</b>  | Administrative Activities |



**AP-40 Section 108 Loan Guarantee – 91.320(k)(1)(ii)**

**Will the state help non-entitlement units of general local government to apply for Section 108 loan funds?**

No

**Available Grant Amounts**

Not applicable.

**Acceptance process of applications**

Not applicable.

**AP-45 Community Revitalization Strategies – 91.320(k)(1)(ii)**

**Will the state allow units of general local government to carry out community revitalization strategies?**

No

**State's Process and Criteria for approving local government revitalization strategies**

Not applicable.

## AP-50 Geographic Distribution – 91.320(f)

### Description of the geographic areas of the state (including areas of low-income and minority concentration) where assistance will be directed

The HOME, ESG, and HTF program funds will be available to eligible applicants statewide. The CDBG program is available to eligible applicants in every city and county, except the three entitlement cities of Grand Forks, Fargo, and Bismarck.

In North Dakota, according to HUD's RAD Minority Concentration Map <https://www.huduser.gov/portal/maps/rad/home.html>, areas considered an area of minority concentration are located on North Dakota Native American Reservations. Higher concentrations of poverty level families reside in reservations.

### Geographic Distribution

| Target Area | Percentage of Funds |
|-------------|---------------------|
| Statewide   | 100                 |
| LMI Areas   |                     |

Table 10 - Geographic Distribution

### Rationale for the priorities for allocating investments geographically

The HOME, ESG, and HTF program funds will be available to eligible applicants statewide. The CDBG program is available to eligible applicants in every city and county, except the three entitlement cities of Grand Forks, Fargo, and Bismarck.

HUD programs are primarily intended to benefit low- and moderate-income households with the objective of increasing housing opportunities for low-income/minority households.

While funds are available statewide, the State has provided some preference points in the HTF and CDBG programs for housing in minority areas. HTF has a Native-American set-aside available to incentivize HTF-assisted unit development on Native American Reservations. CDBG gives priority to applicants by allotting higher points for projects that have a greater minority population. CDBG uses the 2015 American Community Survey data to determine if a project area's minority percentage.

The rationale for the Native American set-aside in the HTF program is that the State recognized that tribal applications have not traditionally scored comparably to other applications. One reason for that is lack of leveraging resources. The State recognizes that safe, decent, affordable housing is in high demand on tribal lands. As an example according to the US Census Bureau's My Tribal Area data a total of 39 percent of families on the Spirit Lake Reservation have income in the past 12 months below the poverty level. Housing Trust Fund has a 10%, \$300,000 set-aside for projects located on tribal lands. If the HTF Native American set-aside is unapplied for during the application round, funds will be

reallocated to the general pool.

## **Discussion**

## Affordable Housing

### AP-55 Affordable Housing – 24 CFR 91.320(g)

#### Introduction:

In this section the State must specify one year goals for the number of households to be provided affordable housing through activities that provide rental assistance, production of new units, rehabilitation of existing units, or acquisition of existing units, and one-year goals for the number of homeless, non-homeless, and special needs households to be provided affordable housing. The term affordable housing in this section is defined under HOME Program regulations at 24 CFR 92.252 for rental housing and 24 CFR 92.254 for homeownership.

| One Year Goals for the Number of Households to be Supported |     |
|---|-----|
| Homeless  | 45  |
| Non-Homeless  | 169 |
| Special-Needs   | 15  |
| Total   | 229 |

**Table 11 - One Year Goals for Affordable Housing by Support Requirement**

| One Year Goals for the Number of Households Supported Through |     |
|---|-----|
| Rental Assistance   | 61  |
| The Production of New Units                                   | 40  |
| Rehab of Existing Units                                       | 128 |
| Acquisition of Existing Units                                 | 0   |
| Total   | 229 |

**Table 12 - One Year Goals for Affordable Housing by Support Type**

#### Discussion:

The State's annual goals and objectives include increase access to affordable housing. The State anticipates using CDBG, HOME, and Housing Trust fund leveraged with other state and federal resources to meet those goals. Rental unit production and rehabilitation include estimating 40 rental housing units constructed, 125 rental units rehabilitated, 30 homeowner housing rehabilitated, and 20 households assisted through direct financial assistance to homebuyers. Of the 165 estimated rental units constructed or rehabilitated, the State estimates 20 percent of those units (30) will likely be targeted towards homeless or special needs populations. CDBG assisted housing is not included in the one-year goals above because the units may not meet the definition of affordable housing under the HOME program regulations.



## **AP-60 Public Housing - 24 CFR 91.320(j)**

### **Introduction:**

North Dakota DCS and NDHFA have a good working relationship with local public housing authorities (PHAs). DCS, NDHFA and PHAs participate in Housing Services collaboratives to create an open dialog with housing providers and service providers. The goal of the collaborative is to ensure affordable housing is available and services are accessible for North Dakota households. DCS and NDHFA anticipate the PHAs to continue to access funding sources such as HOME and Housing Trust Fund for activities such as renovation and/or demo/disposition and redevelopment of housing developments in their portfolio.

### **Actions planned during the next year to address the needs to public housing**

PHAs are encouraged and eligible to apply for funding under the HOME and HTF programs. PHAs have actively used North Dakota's HOME funds under both CHDO and non-and-for-profit competitive application round as well as under HTF's competitive funding round. HOME rental production and rehabilitation application scoring includes preference points allocated to state or federally assisted projects which are at-risk of being lost from the State's affordable housing inventory. These points are also available under the Low-Income Housing Tax Credit application scoring.

### **Actions to encourage public housing residents to become more involved in management and participate in homeownership**

NDHFA, Community Works North Dakota, and the Village Family Service center have partnered to provide individuals and families with access to eHome America's online Homebuyer Education program.

Other specific actions are dependent on local PHA's programs.

### **If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance**

Four PHAs are currently designated as troubled.

Traill County- currently under a recovery plan and will likely have its troubled designation removed in the next year.

Fargo Housing- has been working with HUD offices and will likely have its troubled designation removed in the next year.

Rolette County- has been working with Grand Forks Housing Authority and is considered troubled but it

is improving.

Towner County- SEMAP troubled.

The State has not provided any financial assistance as North Dakota Housing Authorities are governed under County and City quasi-government and local boards.

**Discussion:**

No additional discussion.

## **AP-65 Homeless and Other Special Needs Activities – 91.320(h)**

### **Introduction**

North Dakota's vulnerable populations require person-centered approaches to address their unique needs based on their current living situation, physical and mental health, and financial stability. Affordable housing and supportive services continue to be essential to prevent and reduce both short-term and chronic homelessness. North Dakota is geographically divided into eight regions. The North Dakota Homeless Coalition, North Dakota CoC, and the ND Interagency Council on Homelessness work in partnership to address the State's ultimate goal of ensuring homelessness is a rare and brief event for individuals. Homeless services are funded through a variety of federal and state resources. Statewide, North Dakota has been working to streamline programs and create a no wrong door access environment for citizens experiencing crisis.

The CoC coordinator works closely with the eight regional coalitions and various providers to implement best practices, data collection, and a coordinated entry system at the local level. The CoC board consists of members from each region of the state, one person with lived experience, one racial minority representative, one LGBTQ+ representative, and two Youth Action Board members.

In the 2020 Annual Report from the North Dakota Interagency Council on Homelessness it was identified that homeless service provider capacity is lacking in some regions, while others have a more robust homeless service delivery system. North Dakota providers utilize HMIS to track individuals, but have identified lack of consistent database use with both government agencies and non-profit organizations. In order to meet annual goals and outcomes of the annual action plan, priority will continue to increase capacity and consistent use of HMIS amongst users. CoC Capacity building grant provided by HUD is providing some assistance in HMIS capacity building. The State and CoC coordinator will continue to outreach to service providers to create consistent and robust homeless service delivery system.

### **Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including**

#### **Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs**

The State of North Dakota's method of distribution provides funding to engage homeless individuals and families living on the street (Street Outreach). Funds may be used for costs of providing essential services to reach out to unsheltered homeless; connect them with emergency shelter, housing, or critical services; and provide urgent non-facility-based care to unsheltered homeless who are willing or unable to access emergency shelter, housing or appropriate health facility. Eligible activities include engagement activities, case management, emergency health services, emergency mental health

services, transportation, and services for special populations.

Federally recognized non-profits or units of local government involve the help of local service organizations, churches, human service providers, the local police/probation, etc., to educate the community about the availability of emergency shelters and how to put a homeless or at risk of homeless person in contact with agencies that can help. Agencies in North Dakota utilize local television interviews, newspaper articles, speaking events, and participation in collaborative community provider groups to inform of shelter services. Money Follows the Person Housing coordinated the creation and printing of regional pocket resource guides. These guides provide local area resources contact information and include transportation assistance, shelter information, food pantry, and crisis services.

Sixty percent of the ESG funding is available for street outreach and shelter operation activities. ESG application funding provides priority to those organizations who actively participate in the ND CoC, HMIS, and Coordinated Assessment.

For the first 6 months of the ESG 2021 funding, North Dakota shelters had 96,642 beds available and out of those beds, 73,642 were filled.

### **Addressing the emergency shelter and transitional housing needs of homeless persons**

The most recent Housing Inventory Count (HIC) available when drafting this plan is from 2021. The HIC indicated there were 760 emergency shelter or transitional housing beds available in North Dakota. Some of the beds are voucher based hotels. ESG funds may be used to improve the number and quality of emergency shelters for homeless individuals and families (Shelter Renovation); help operate these shelters through eligible activities such as maintenance, rent, repair, security, fuel, equipment, insurance, utilities, food, furnishings, and supplies (Shelter Operations); provide essential services to shelter residents (Essential Services). Sixty percent of ESG funds may be used for emergency shelter activities and street outreach.

Emergency shelter activities is the most frequent request during ESG application rounds. DCS has been able to give additional financial assistance through the North Dakota Homeless Grant (NDHG) a state funded grant which funds ESG eligible activities.

ESG, NDHG, and ESG-CV currently support 21 agencies that offer emergency shelter and services to transition clients into a permanent living situation. Emergency shelters throughout the State vary. In Region 2 and 5 there are shelters that offer their services to men only. There are also emergency shelters in Region 5 that are geared towards helping the homeless youth. Domestic violence agencies are able to assist victims of domestic violence and sexual assault by establishing and maintaining programs which provide temporary shelter, crisis intervention, prevention, education, and support to eliminate violence. With the ESG-CV funds, many emergency shelters have been able to offer more

hotel vouchers so clients can socially distance to prevent the spread of COVID-19.

Agencies provide services while temporarily housing clients, such as but not limited to:

- emergency case management
- onsite health assessment
- education opportunities - areas of employment, housing, life skills, personal finance, communication and networking
- assistance with employment and housing applications
- addiction and recovery service referrals
- assistance in acquiring personal identity documents
- child care
- connections to law enforcement
- crisis intervention
- legal advocacy within the criminal justice system
- 24 hour crisis line

**Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again**

Funding will be available for rapid re-housing and homeless prevention activities to both shorten and prevent incidents of homelessness throughout the State. The North Dakota Homeless Grant (NDHG) has prevention and rapid rehousing components that provide temporary financial assistance and case management. CAPND utilizes the Supportive Services for Veteran Families (SSVF) program. The goal of SSVF is promoting housing stability among very low-income veteran families who reside in or are transitioning to permanent housing. Like ESG, SSVF supports a Housing First approach by helping the veteran family meet its primary need of housing, while addressing barriers to housing stability.

CARES is a collaborative initiative between the North Dakota and West Central Minnesota Continuums of Care (CoC) designed to create a more effective and efficient homeless response system. CARES is ND's mandated coordinated entry system and is a system shift from agency centric to client centric AND from managing homelessness to preventing and ending homelessness. CARES recently initiated a new housing assessment tool called Housing Prioritization Tool, to replace the VI-SPDAT. This updated assessment is used to ensure the most vulnerable individuals and families are prioritized and that client

choice is at the forefront of referrals for housing. CARES has three main purposes:

1. To reduce new entries into homelessness (by consistently offering prevention and diversion resources upfront, reducing the number of people entering the system unnecessarily)
2. To help people move through the homeless response system and stabilize their housing faster and more successfully (by reducing the amount of time people spend moving from program to program before finding the right match); and
3. To gain quality data to drive system planning, improved service linkage, funding decisions, and for performance measurement.

The ND CoC was awarded the Youth Homeless Demonstration Program (YHDP) grant in 2021. Currently the coordinated community plan is under development and will address the needs of youth experiencing homelessness.

NDHFA administers the Opening Doors Landlord Risk mitigation program, which provides coverage for excessive damages or lost rent for individuals with housing barriers. Barriers include poor rental history, criminal convictions, poor credit, and prior evictions. With coverage landlords are willing to accept an applicant for tenancy who would otherwise be denied based on rental criteria.

ND Rent Help will provide households who are experiencing homeless commitments of rental assistance and security deposit assistance so that they may access rental housing. ND Rent Help recipients who may have a risk of housing instability are then paired with housing facilitators to provide stability services. Work with renter households at risk of homelessness or housing instability to maintain housing.

- Provide housing stability case management services to assigned households utilizing a strength-based approach that is rooted in Housing First, harm reduction and trauma-informed care methodologies.
- Assist participants in developing and attaining goals related to education, vocational training, employment, and/or other meaningful daily activities that improve overall well-being.
- Broker, advocate, and assist in navigating eligibility requirements for service access amongst community resources.
- Collaborate with community partners in housing programs and supportive service organizations.
- Identify resources that may be available to make necessary environmental modifications to promote continued independent living.

**Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services,**

## **employment, education, or youth needs**

As mentioned previously, increasing capacity and consistent use of HMIS will ultimately ensure more efficient homeless service delivery for the state. DCS has been working on building capacity with sub-recipients for coordinated entry statewide. ESG applicants are required to use the Continuum of Care's centralized or coordinated assessment system. The sub-recipient must work with the CoC to ensure the screening, assessment and referral of program participants are consistent with the written standards. ESG helps get people out of shelters and pays for eligible persons' housing deposits, first month's rent, or first few months of rent to get them started. The State contracts with Institute for Community Alliances (ICA) who manages the state's HMIS system, trains users, and reviews data quality control. DCS meets regularly with the ICA HMIS Lead to identify user issues and provide training as needed.

The State allocates CDBG funds for public services, such as non-profit alcohol/drug treatment and education programs. Services are provided to the homeless, those at risk of homelessness and those referred by the judicial system. Support services includes recovery coaching, daily living skills, recovery housing, job development, and fiscal management/planning. This type of agency trains law enforcement in Mental Health First Aid and Crisis Intervention Training equipping officer to adequately respond to behavioral health related dispatches. They also provide behavioral health specialists working with frequent offenders with behavioral health issues referred by law enforcement. The specialist works with connecting these offenders to care and supporting services and monitoring services. Funds put into behavioral health enhance case management services to benefit clients that have multiple addiction, mental health, and legal issues. Many times clients assisted through these public service agencies spend time in jail. CDBG dollars help alleviate expenses that allow staff cost associated with these services of identified individuals.

Money Follows the Person (MFP) employ housing facilitators who work with individuals with disabilities; are currently residing in a care facility, and desire to live in a community setting. MFP staff work with the ND Centers for Independent Living (CIL) Transition Coordinators to identify suitable and affordable housing, assist with the leasing process, and identify rental assistance resources. CIL Transition coordinators will then provide supportive services for 1 year to help the individual maintain tenancy. MFP staff will utilize NDHFA's Opening Doors Landlord Risk Mitigation program for individuals who have housing barriers obtain coverage to incentivize a housing provider to allow the individual to sign a lease.

North Dakota's Behavioral Health Division created a Free Through Recovery (FTR) Program which is a community based behavioral health program designed to increase recovery support services to individuals involved with the criminal justice system who have behavioral health concerns. FTR participants receive care coordination, recovery services and peer support. The program is to improve healthcare outcomes and reduce recidivism. FTR providers also utilize Opening Doors program for FTR

participants.

## **Discussion**

In 2021, North Dakota received Emergency Rental Assistance (ERA) funding from US Treasury. ERA funds were allocated to ND Department of Human Services (DHS) to create the ND Rent Help Program. As part of the program DHS contracted with Application Counselors who are responsible for outreach and application preparation for renters and individuals who are homeless to apply for rental assistance. In addition ERA funds were used to create Housing Facilitator positions. These facilitators provide housing stability support services to renters who are experiencing high levels of instability. The hope is to demonstrate the effectiveness of these positions and identify funding opportunities to continue the work once ERA funds are exhausted.

For youth exiting foster care and other youth facilities, and the juvenile justice system, YHDP will look at ways to address these specific needs through the development of the coordinated community plan.

Opening Doors Landlord Risk Mitigation Program, administered by NDHFA is a program which provides up to \$2000 of coverage for excessive damages or lost revenue. This program works in conjunction with service providers who are working with Medicaid eligible households to find affordable housing. Households who may otherwise be denied under ordinary rental criteria due to criminal convictions or poor rental history may be eligible for coverage. This program is meant to encourage housing providers to take a chance on a household who would otherwise be denied housing.

## **AP-75 Barriers to affordable housing – 91.320(i)**

### **Introduction:**

The 2020-2024 North Dakota Consolidated plan conducted a Housing and Community Development survey which found the biggest barriers to the development of affordable housing include cost of labor, cost of materials, cost of land, and lack of access to affordable housing financial resources. As the affordable housing resources administered by the State continue to be aligned, we hope to see a reduction in the access barrier.

HOME, HTF, Low-Income Housing Tax Credits, and the state's Housing Incentive Fund (HIF) are all administered by NDHFA. In the 2021 September application round, NDHFA aligned the application submission process. Applicants are able to apply for multiple sources with a single application package which reduces administrative burden for applicants. NDHFA has aligned long-term compliance monitoring for each of the programs as where regulation allows.

The assessed other barriers are primarily local market issues that are difficult to overcome. NDHFA and DCS will continue to work to align financing programs and prioritize projects that are able to leverage local private and government resources. DCS will continue to promote its adoption and enforcement of the State Building Code and continue to provide training support to local building officials through the North Dakota Building Officials Association.

Rural communities have continued to voice concerns in accessing affordable housing resources. Citing cost constraints, labor/contract shortage, and developer willingness as barriers. In March, 2022 DCS, NDHFA and partners began meeting under the Rural Housing Task Force. This group's focus was to identify barriers to both single family and multifamily housing in rural communities, identify possible solutions, and create a white paper action plan. The task force plans to wrap up meetings in May 2022.

**Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment**

DCS is responsible for updating and amending the North Dakota State Building Code, but enforcement of code is the responsibility of jurisdictions that elect to adopt and enforce building codes. The North Dakota legislative assembly has mandated that the state building code consist of the International Building Code (IBC), International Residential Code (IRC), International Mechanical Code (IMC), and International Fuel Gas Code (IFGC). These are nationally recognized codes published by the International Code Council and updated nationally every three years. On September 5th, 2019 eligible cities and counties, along with eligible members of the Building Code Advisory Committee, adopted the 2018 updates to the International Building Code (IBC), International Residential Code (IRC), International Mechanical Code (IMC), and International Fuel Gas Code (IFGC) and the proposed amendments. The

2018 versions of the International Energy Conservation Code and the International Existing Building Code and proposed amendments to these codes were also adopted. The new North Dakota State Building Code went into effect January 1st, 2020.

**Discussion:**

The assessed barriers of public policy are primarily local issues. DCS encourages local communities to adopt the North Dakota State Building Code in efforts to have similar codes statewide. NDHFA also administers a program to certify qualified non-profit organizations operating affordable housing as tax exempt. Annually these exemptions provide needed property tax relief for affordable multifamily projects statewide.

## **AP-85 Other Actions – 91.320(j)**

### **Introduction:**

Addressing the needs of the underserved requires coordination at the State and local level to bring many agencies together in order to coordinated the efforts of both housing, homeless providers, and service providers.

### **Actions planned to address obstacles to meeting underserved needs**

Streamlining access to resources for low income households, developer partners, and service providers is key to overcoming these obstacles. NDHFA and DCS's involvement with statewide councils, coalitions, an collaborations create relationships and conversations to identify gaps in resources and opportunities to increase access and streamline efforts. NDHFA is working with ND Department of Human Services (DHS) on several plans to address needs of individuals who are being served by DHS services. In 2020, DHS completed a 1915i state plan amendment which included efforts to allow pre and post tenancy supports to be paid by Medicaid for target populations. Allocation plans will continue to support service provisions in multifamily unit development.

With the award of the Youth Homelessness Demonstration Program grant in 2021, listening sessions and assessment of special populations are being conducted to identify the gaps for youth across the state. The Youth Action Board is heavily involved in the entire process to ensure the needs of the youth are addressed not only in the coordinated community plan, but also in the application process and the awarding of funds.

### **Actions planned to foster and maintain affordable housing**

Continue to fund existing rental and owner-occupied housing stock with an emphasis in rehabilitation of low-income households and older individuals. Continue to focus on assistance in buying or renting affordable housing.

### **Actions planned to reduce lead-based paint hazards**

During this program year we will continue working with the North Dakota State Health Department and the University of North Dakota to provide training for lead-based paint risk assessors. In addition, we expect to see more coordination with the CAAs to increase the amount of lead-based paint testing activities.

NDHFA requires all applicants to meet the requirements under the NDHFA Lead Based Paint Policy

manual available online at <https://www.ndhfa.org/index.php/development/lead-based-paint/>

### **Actions planned to reduce the number of poverty-level families**

The primary activities will be to create jobs with CDBG funds, encourage referrals of low-income persons and families to the Self-Reliance program (although no data can be obtained showing referrals because of confidentiality), and, as reflected in our affordable housing goals, to target HOME and CDBG funds to low-income households.

Much of the work to reduce the number of poverty-level families is done through partnerships with the Community Action Agencies (CAAs) and DHS. CAAs are located in 7 regions and provide services statewide. CAAs work to combat local, state, private, and federal resources to deliver programs and opportunities for poverty-level families to obtain and maintain self-sufficiency.

Community Services Block grant (CSBG) program. This program provides funds to the CAAs to ameliorate the causes and conditions of poverty. CAAs also currently play a key role in providing housing opportunities, most of which are included in the state's affordable housing goals, through the implementation of the state's HOME program. Their low-income clientele, most of who live in poverty, are the primary beneficiaries of HOME funds for single-family rehab programs and tenant based rental assistance programs. Additionally, families are also provided assistance in weatherizing their homes through the Weatherization program, which is a program within DCS, and is often used in conjunction with HOME and CDBG funds that are used for housing rehabilitation. Households experiencing homelessness may also benefit and utilize the CAAs to enroll in the state's Self-Sufficiently Program. Utilizing the CAAs for program administration allows for a local service delivery system.

### **Actions planned to develop institutional structure**

Community development institutional structure consists of building capacity and maintaining partnerships with local community governments and regional councils. DCS has been working with the North Dakota League of Cities (NDLC), which is a key resource for cities. NDLC provides educational opportunities and services to city officials, by connecting resources with needs, and representing the interests of municipalities in state and federal public policy discussions. DCS is currently working with NDLC on procurement training. A training session is planned to take place in May and is being offered to statewide city and county personnel through NDLC.

Housing and homeless institutional structures are carried out together through partnerships with non-profit developers, affordable housing owners and property managers, service providers, local non-profit service agencies, NDHFA, DCS, and CAAs. NDHFA and NDDOC will continue to participate in the statewide gatherings and coalitions in order to support and identify actions needed.

NDHFA will continue to fund the Housing Market Survey Grant program to help rural communities fund an analysis of the community's current and future housing needs. Comprehensive plans are key to

effective and efficient community development.

### **Actions planned to enhance coordination between public and private housing and social service agencies**

The State will continue to actively participate in the housing services collaborative, the Interagency Council on Homelessness, the North Dakota Apartment Association, the Missouri Valley Coalition for Homeless People, the ND NAHRO (Housing Authority Association) and the Olmstead Commission. Maintaining active participation maintains open communication between housing and service providers and identifies areas needed to enhance coordination.

NDHFA is currently working with the ND Department of Aging Services to develop a Housing 101 training PowerPoint for Aging Services to incorporate into staff training. The goal is to introduce those providing home and community-based services to housing and how they can help those they are providing services to maintain their housing. The hope is to roll this training out to other service providers once finalized.

NDHFA will continue to administer the Opening Doors Landlord Risk Mitigation program which promotes communication between service providers, tenants, and housing providers by providing coverage for tenants who may cause excessive damages or lost rent due to evictions.

### **Discussion:**

## Program Specific Requirements

### AP-90 Program Specific Requirements – 91.320(k)(1,2,3)

#### Introduction:

Specific program specific requirements are generally available in the applicable program distribution statement and annual allocation plans. The 2022 plans for each program are available as attachments to this plan. Below is a summary of certain provisions.

#### Community Development Block Grant Program (CDBG)

##### Reference 24 CFR 91.320(k)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

|  |          |
|--|----------|
| 1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed  | 0        |
| 2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan. | 0        |
| 3. The amount of surplus funds from urban renewal settlements  | 0        |
| 4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan   | 0        |
| 5. The amount of income from float-funded activities   | 0        |
| <b>Total Program Income:</b>   | <b>0</b> |

#### Other CDBG Requirements

|   |        |
|---|--------|
| 1. The amount of urgent need activities   | 0      |
| 2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan. | 70.00% |

#### HOME Investment Partnership Program (HOME)

##### Reference 24 CFR 91.320(k)(2)

1. A description of other forms of investment being used beyond those identified in Section 92.205 is

as follows:

HOME will not be used for other forms of assistance beyond those identified in Section 92.205. Applicants should use private funds, tax credits, Rural Development, Federal Home Loan Bank, Community Development Block Grant, North Dakota Housing Incentive Fund, Department of Energy, Housing Trust Fund, or other grant/loan programs to help leverage HOME activities.

2. A description of the guidelines that will be used for resale or recapture of HOME funds when used for homebuyer activities as required in 92.254, is as follows:

#### Resale & Recapture Provisions

Complete recapture and resale provisions are available in the attachment to this plan titled State Plans under HOME recapture and resale provisions and in the HOME Program Distribution Statement.

Resale will be required for CLT properties that are subject to ground lease controls. (Note: The HOME Final Rule also requires Resale restrictions to be used when there is no buyer assistance, which would only occur in development projects and not in a DPA-only program.) Recapture will be used for all other non-CLT properties.

#### Resale Provisions

The HOME resale requirements are established in the HOME rule at §92.254(a)(5)(i). Under HOME resale provisions, the PJ (and Program Administrator) is required to ensure that, when a HOME-assisted homebuyer sells his or her property voluntarily or involuntarily during the affordability period:

- The property is sold to another low-income homebuyer who will use the property as his or her principal residence;
- The original homeowner(s) receives a “fair return” on their investment, (i.e., the homeowner’s share

- of the value of the property, including the value capital improvements made to the house); and
- The property is sold at a price that is “affordable to a reasonable range of low-income buyers.”

### Recapture Provisions

In all projects that are not CLT properties, the Recapture method will be used. The HOME recapture provisions are established at §92.254(a)(5)(ii). Unlike the resale approach, recapture permits the original homebuyer to sell the property to any willing buyer during the period of affordability and the PJ recaptures all or a portion of the HOME-assistance

provided to the original homebuyer.

The HOME Final Rule permitted four models or options for recapture. NDHFA has elected the “full recapture” option. Under this option, the PJ (or Program Administrator) recaptures the entire amount of the direct HOME subsidy, subject to the net proceeds available from the sale, as defined below.

- The original direct HOME subsidy is the amount of HOME assistance that enabled the homebuyer to buy the unit. The direct subsidy includes downpayment, closing costs, interest subsidies, or other HOME assistance provided directly to the homebuyer. In addition, direct subsidy includes any assistance that reduced the purchase price from fair market value to an affordable price.
- Net proceeds are defined as the sales price minus superior loan repayment (other than HOME funds) and any closing costs incurred by the seller. Under no circumstances can the PJ (or Program Administrator) recapture more than is available from the net proceeds of the sale. Seller Costs must be supported by the Settlement Statement.

Subsequent Sale of Home to an Income Eligible Homebuyer. The HOME Final Rule at 92.254(a)(5)(ii) permits PJs to allow the subsequent homebuyer to assume the HOME assistance if:

- the homebuyer is Low-Income;
- no additional HOME assistance is provided; and
- the new buyer agrees to be subject to the HOME requirements for the remainder of the original

period of affordability.

3. A description of the guidelines for resale or recapture that ensures the affordability of units acquired with HOME funds? See 24 CFR 92.254(a)(4) are as follows:

The period of affordability for units acquired using HOME funds is shown below. Additional information is included in HOME Program distribution statement at the following link: <https://www.communityservices.nd.gov/communitydevelopment/Programs/HOMEProgram/>

### **Period of Affordability**

The recapture provisions are in effect for a period of affordability. This period is based on the amount of direct HOME subsidy to the buyer, as follows:

HOME Assistance to the Buyer Minimum Period of Affordability

Less than \$15,000 5 yrs.

\$15,000 - \$40,000 10 yrs.

More than \$40,000 15 yrs.

### **Compliance**

Property must be occupied as a principal residence by the homebuyer and subsequent low-income buyers throughout the POA. No subleasing is allowed. The GF CLT must monitor and verify primary residency of the homebuyer on an annual basis for the affordability period. The most current utility statement, proof of paid taxes, and homeowner's insurance are acceptable documentation.

During grant monitoring of the GF CLT, the DCS will review deed restrictions, covenants attached to the land, mortgages, or other similar mechanisms placed on the HOME-assisted property to ensure the provisions being used are in accordance with those stated in the written agreement with the GF CLT.

### **Noncompliance**

Under recapture provisions, the homeowner is noncompliant, if during the POA, any of the following events occur:

1. The homebuyer does not occupy the home as their primary residence without a sale,
2. Vacates the home; or

3. Sublets and rents the home to another household.

The GF CLT must then enforce full repayment of the original amount of the direct home subsidy.

4. Plans for using HOME funds to refinance existing debt secured by multifamily housing that is rehabilitated with HOME funds along with a description of the refinancing guidelines required that will be used under 24 CFR 92.206(b), are as follows:

HOME Funds will not be used to refinance debt.

### **Emergency Solutions Grant (ESG) Reference 91.320(k)(3)**

1. Include written standards for providing ESG assistance (may include as attachment)

DCS and the ND CoC have collaborated on the written standards for ESG and the Continuum of Care Programs. The CoC Program interim rule requires that these standards be developed in consultation with the ESG recipient also funding projects within the CoC's geographic area.

ESG recipients are required to develop similar policies and procedures or adopt the State's, for subrecipients to use when providing ESG assistance (state recipients may allow subrecipients to develop their own written standards). Although ESG recipients are not explicitly required to consult with CoCs on the development of written standards for providing ESG assistance, many of the ESG standards for prioritizing assistance will influence the development and implementation of the local plan to prevent and end homelessness, the implementation of a coordinated entry system, as well as the development of the CoC's written standards.

For further details, please reference the Written Standards for Emergency Solutions Grant and Continuum of Care Programs attached to this AAP.

2. If the Continuum of Care has established centralized or coordinated assessment system that meets HUD requirements, describe that centralized or coordinated assessment system.

CARES is a collaborative initiative between the North Dakota and West Central Minnesota Continuums of Care (CoC) designed to create a more effective and efficient homeless response system. CARES is a system shift from agency centric to client centric AND managing homelessness to preventing and ending homelessness. CARES has three main purposes:

1. To reduce new entries into homelessness (*by consistently offering prevention and diversion resources upfront, reducing the number of people entering the system unnecessarily*)

2. To help move through the homeless response system and stabilize their housing faster and more successfully (*by reducing the amount of time people spend moving from program to program before finding the right match*); and
3. To gain quality data to drive system planning, improved service linkage, funding decisions, and for performance measurement.

CARES involves three stages, Access, Assessment, and Stabilization.

**Access:** Designed to help make homelessness rare and brief through well-advertised and coordinated access points and tools, as well as focusing on ways to resolve housing crises to prevent entry into homelessness or quickly rehouse persons if they do become homeless.

- Tool: Housing Crisis Triage
- When is this Done? At first point of contact. Prior to entering the homeless system.
- Who: Designated access sites.

**Assessment:** Designed to keep homelessness brief and one-time through a comprehensive and unbiased assessment of a person's history, needs, and desires by prioritizing and matching households through a thoughtful and standardized process. Assessment matches the unique needs of individuals to unique program services (currently only TH, RRH, PH, or PSH beds/units dedicated to homeless). The assessment stage includes the prioritization of the limited number of resources that are available across the state based on client choice, vulnerability, program criteria, and other varying factors.

- Tool: Housing Prioritization Tool/Prioritization List
- When is this done? The Housing Prioritization Tool is completed 7-14 days after initial contact with the access site, but can be done sooner if appropriate. Households are placed on the prioritization list with the completion of the assessment and are referred to housing when it becomes available based on client choice, vulnerability, program criteria, etc.
- Who: Designated assessment sites/priority list manager - (referrals to housing providers).

**Stabilization:** This stage is intended to increase the likelihood that homelessness is a one-time incident, so persons are stabilized in permanent housing and do not cycle back into homelessness.

- Tool: Service Prioritization Decision Assistance Tool (SPDAT)
- When is this done? After placement in housing on an annual basis as long as the household is a program participant.
- Who: Trained case managers.

#### Governance Structure

CARES is governed by a joint board of elected members from the ND and West Central MN

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CoCs. The board also includes non-voting advisory seats for the West Central MN CoC, State of ND, and CoC Coordinators.

3. Identify the process for making sub-awards and describe how the ESG allocation available to private nonprofit organizations (including community and faith-based organizations).

Applicants are eligible to apply for funds on a competitive basis. All applicants will answer weighted questions that will be reviewed by a committee to score and rank. The committee will make its recommendations to DCS based on the scoring and ranking results. Faith-based or religious organizations are eligible on the same basis and any other organization, to receive ESG funds. Eligible applicants must be federally recognized non-profits or units of local government. Governmental organizations such as a public housing agencies and local housing finance agencies are not eligible applicants under the ESG Program. Applicants must be in compliance with the ESG Interim Rule (Final Rule when published), the State's ESG written standards, and applicable state and federal policies and procedures, including compliance with federal and state non-discrimination laws.

By virtue of submitting an application, applicants agree to:

- adopt and consistently apply the State's written standards for the administration of the ESG program
- maintain standard accounting practices including internal controls and fiscal accounting procedures
- track agency and program budgets by revenue sources and expenses
- have an available cash flow to effectively operate their programs since ESG funding is provided on a reimbursement basis

Applicants with outstanding monitoring or audit findings issued by the Internal Revenue Service, HUD, or DCS are not eligible ESG applicants and will not be eligible to receive an allocation of ESG funding. Applicants are encouraged to contact DCS to ensure no unresolved monitoring findings exist or to work to resolve any outstanding items.

Eligible applicants must be able to demonstrate prior experience serving individuals and households at-risk of or experiencing homelessness. Also, applicants must have staff with demonstrated expertise in case management skills.

Applicants will be required to utilize the HMIS and the State-wide Continuum of Care centralized or coordinated assessment system. Domestic violence service providers must establish and operate a comparable database that collects client level data over time and can generate unduplicated aggregate reports based on the data.

Applicants are strongly encouraged to be active members of the North Dakota Continuum of Care and their local homeless coalition.

4. If the jurisdiction is unable to meet the homeless participation requirement in 24 CFR 576.405(a), the jurisdiction must specify its plan for reaching out to and consulting with homeless or formerly homeless individuals in considering policies and funding decisions regarding facilities and services funded under ESG.

The following represents the requirements for homeless participation for ESG recipients:

- Unless the recipient is a State, the recipient must provide for the participation of not less than one homeless individual or formerly homeless individual on the board of directors or other equivalent policy-making entity of the recipient, to the extent that the entity considers and makes policies and decisions regarding any facilities, services, or other assistance that receive funding under ESG.
  - If the recipient is unable to meet requirement under the first bullet point, it must instead develop and implement a plan to consult with homeless or formerly homeless individuals in considering and making policies and decisions regarding any facilities, services, or other assistance that receive funding under ESG. The plan must be included in the annual action plan required under 24 CFR 91.220.
  - To the maximum extent practicable, the recipient or subrecipient must involve homeless individuals and families in constructing, renovating, maintaining, and operating facilities assisted under ESG, in providing services assisted under ESG, and in providing services of occupants of facilities assisted under ESG. This involvement may include employment or volunteer services.
5. Describe performance standards for evaluating ESG.

1. The project must target those in most need of assistance by following the CARES Prioritization Policy.
  2. Projects should strive to reduce the length of time persons are homeless by:
    - a. Assuring data is current (entered in a timely manner per CARES policies) and accurate when entering and exiting households in HMIS or alternative databases;
    - b. Support clients in housing search in order to secure housing more rapidly; and
    - c. Utilize the Housing First approach providing permanent housing to people experiencing homelessness quickly without preconditions or service participation requirements, thus ending their homelessness and serving as a platform for which they can pursue personal goals and improve their quality of life.
  3. Projects should assure all staff participate in all trainings required by the CoC or other funders.
  4. Programs must abide by Fair Housing and Equal Access Rules.
  5. Programs design must support housing stability by:
    - a. Facilitating connections to mainstream and community supports;
    - b. CoC: Having contact with households at least weekly during the first year if services are provided and have regular in-home contact;
- ESG: Housing stability case management. While providing homelessness prevention or rapid

rehousing assistance to a program participant, the subrecipient must:

1. Require the program participant to meet with a case manager not less than once per month to assist the program participant in ensuring long-term housing stability; and
2. Develop a plan to assist the program participant to retain permanent housing after the ESG assistance ends, taking into account all relevant considerations, such as the program participant's current or expected income and expenses; other public or private assistance for which the program participant will be eligible and likely to receive; and the relative affordability of available housing in the area.

The recipient or subrecipient is exempt from the requirement if the Violence Against Women Act of 1994 (42 U.S.C. 13701 et seq.) or the Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.) prohibits that recipient or subrecipient from making its shelter or housing conditional on the participant's acceptance of services.

This assistance cannot exceed 30 days during the period the program participant is seeking permanent housing and cannot exceed 24 months during the period the program participant is living in permanent housing.

- c. Focusing on increasing household income, both earned and unearned;
  - d. Using creative engagement strategies; and
  - e. Integrating transition strategies to support smooth exit from program assistance.
6. Program funded activities effectiveness at fulfilling the needs they were intended to meet.
  7. Programs compliance with these Written Standards.
  8. Projects have a plan to review and use of performance outcomes to improve performance.

The ESG Written Standards that include the performance standards are attached to this annual action plan.

**Housing Trust Fund (HTF)**  
**Reference 24 CFR 91.320(k)(5)**

1. How will the grantee distribute its HTF funds? Select all that apply:

☒ Applications submitted by eligible recipients

2. If distributing HTF funds through grants to subgrantees, describe the method for distributing HTF funds through grants to subgrantees and how those funds will be made available to state agencies and/or units of general local government. If not distributing funds through grants to subgrantees, enter "N/A".

N/A

3. If distributing HTF funds by selecting applications submitted by eligible recipients,

a. Describe the eligibility requirements for recipients of HTF funds (as defined in 24 CFR § 93.2).  
If not distributing funds by selecting applications submitted by eligible recipients, enter “N/A”.

The organization or agency that applies to NDHFA for funds to carry out the HTF project must be an eligible recipient. Eligible recipients include units of local, state, and tribal government; local and tribal housing authorities; community action agencies; regional planning councils; nonprofit organizations, and for-profit developers. Individuals are not eligible to receive direct assistance from the HTF.

Eligible recipients must demonstrate their familiarity with the requirements of other Federal, State, or local housing programs that may be used in conjunction with HTF funds to ensure compliance with all applicable requirements and regulations of such programs.

b. Describe the grantee’s application requirements for eligible recipients to apply for HTF funds.  
If not distributing funds by selecting applications submitted by eligible recipients, enter “N/A”.

Applicants must apply using NDHFA forms to receive a conditional commitment of financial assistance from the HTF program. The complete application must be received by 5:00 p.m., Central Time, on the closing date to be eligible for consideration in the funding round. The application rounds will be as follows until all HTF funds have been obligated:

Maximum Amount of HTF Assistance Available Per Application Closing Date

Round 1: September 30, 2022 Up to \$2,982,433

Round 2: September 30, 2023 Balance of available HTF assistance, if any.

**Threshold Requirements**

When an application is received, it shall first be reviewed for eligibility to be scored and ranked. In order to be eligible for scoring and ranking, the application must be complete and include the following information, unless waived by NDHFA for good cause. Application packages missing any of the threshold items after the application deadline will be deemed incomplete and will be given

reasonable time to submit the missing information. However, a 5-point deduction will be assessed during the scoring process for each missing item. See Section V. Application Process of the attached NHTF Allocation Plan for a complete description of each threshold item.

c. Describe the selection criteria that the grantee will use to select applications submitted by eligible recipients. If not distributing funds by selecting applications submitted by eligible recipients, enter “N/A”.

Each application meeting the threshold requirements will be reviewed and assigned points according to the following selection criteria. Representations made by applicants for which points are given will be binding and will be monitored through the annual compliance review process. Applications must achieve a minimum score of 85 points to be considered for funding. Based on ranking, projects will be selected for a conditional commitment. Once a property is selected, NDHFA will determine the amount of housing trust fund dollars to be awarded, which may not equal the amount requested in the application.

In the event of a tie between two or more projects when insufficient program funds remain to fund each one, the tie breaker will go to the project which best meets the Housing Strategies outlined in the current North Dakota Consolidated Plan in effect at the time of HTF application.

d. Describe the grantee’s required priority for funding based on geographic diversity (as defined by the grantee in the consolidated plan). If not distributing funds by selecting applications submitted by eligible recipients, enter “N/A”.

North Dakota distributes the NHTF funding statewide but limits the number of projects selected in one single community. This is accomplished Scoring Criteria L. Geographic Diversity. Projects located in the same city as a project which has already been selected in the current NHTF application round shall receive a scoring deduction of five points.

e. Describe the grantee’s required priority for funding based on the applicant's ability to obligate HTF funds and undertake eligible activities in a timely manner. If not distributing funds by selecting applications submitted by eligible recipients, enter “N/A”.

Applicants must provide a timeline for completion of the project. Points awarded in this category are based on earliest achievable completion of the activity. Such things as letters of interest or commitment for all sources of project financing; ownership of the land; and availability of infrastructure will be

considered in the award of points. Points will be awarded at the sole discretion of NDHFA in comparison to other projects competing in the application round.

f. Describe the grantee's required priority for funding based on the extent to which the rental project has Federal, State, or local project-based rental assistance so that rents are affordable to extremely low-income families. If not distributing funds by selecting applications submitted by eligible recipients, enter "N/A".

Projects which have received binding commitments for federal, state, or local project-based rental assistance for all of the extremely low-income units in the project will receive 5 points.

g. Describe the grantee's required priority for funding based on the financial feasibility of the project beyond the required 30-year period. If not distributing funds by selecting applications submitted by eligible recipients, enter "N/A".

All projects are required to submit a financial pro-forma. Applications that commit to a period of affordability for a period of 31 years or longer will receive one point.

h. Describe the grantee's required priority for funding based on the merits of the application in meeting the priority housing needs of the grantee (such as housing that is accessible to transit or employment centers, housing that includes green building and sustainable development features, or housing that serves special needs populations). If not distributing funds by selecting applications submitted by eligible recipients, enter "N/A".

Projects which are committed to supporting tenants with special needs affecting their long-term housing stability and which create an environment that encourages and provides service coordination may receive up to 10 points

Tenant Support Coordinator and Medicaid-Approved Service Provider

Projects which provide the TSC provisions and which also enter into a formal letter of intent with one or more qualified service agencies with demonstrated experience providing housing stability services consistent with the needs of the project's residents will receive 10 points. The service provider(s) must also be able to process for Medicaid reimbursement, and provide their Medicaid biller number issued by the State of North Dakota. The letter of intent must be detailed regarding the suite of supports and

services to be made available to tenants who need and want them.

Properties which meet the minimum universal design features below are eligible for points in this scoring category based on a percentage of units. A maximum of 25 percent of the project units may incorporate the universal design features.

Complete details of each scoring criteria are outlined in the Scoring Criteria section of the attached 2022 Housing Trust Fund Annual Allocation Plan.

i. Describe the grantee's required priority for funding based on the extent to which the application makes use of non-federal funding sources. If not distributing funds by selecting applications submitted by eligible recipients, enter "N/A".

An applicant who provides signed, firm commitments for contributions or incentives from state or local government, private parties and/or philanthropic, religious or charitable organizations, excluding entities with an identity of interest or those with a significant role in the property (e.g. contractors, accountants, architects, engineers, consultants, etc.), will receive points in this category. Not eligible as sources of leverage under this category are interest bearing loans to the project, LIHTCs, HRTCs, HOME, CDBG, NAHASDA, or any other federal source of funding. Also not eligible as leverage under this category is project-based rental assistance which earns points in scoring category D.

4. Does the grantee's application require the applicant to include a description of the eligible activities to be conducted with HTF funds? If not distributing funds by selecting applications submitted by eligible recipients, select "N/A".

Yes

5. Does the grantee's application require that each eligible recipient certify that housing units assisted with HTF funds will comply with HTF requirements? If not distributing funds by selecting applications submitted by eligible recipients, select "N/A".

Yes

**6. Performance Goals and Benchmarks.** The grantee has met the requirement to provide for performance goals and benchmarks against which the grantee will measure its progress, consistent with the grantee's goals established under 24 CFR 91.315(b)(2), by including HTF in

its housing goals in the housing table on the SP-45 Goals and AP-20 Annual Goals and Objectives screens.

Yes

**7. Maximum Per-unit Development Subsidy Amount for Housing Assisted with HTF Funds.**

Enter or attach the grantee's maximum per-unit development subsidy limits for housing assisted with HTF funds.

The limits must be adjusted for the number of bedrooms and the geographic location of the project. The limits must also be reasonable and based on actual costs of developing non-luxury housing in the area.

If the grantee will use existing limits developed for other federal programs such as the Low Income Housing Tax Credit (LIHTC) per unit cost limits, HOME's maximum per-unit subsidy amounts, and/or Public Housing Development Cost Limits (TDCs), it must include a description of how the HTF maximum per-unit development subsidy limits were established or a description of how existing limits developed for another program and being adopted for HTF meet the HTF requirements specified above.

NHTF uses the maximum subsidy limits provided by HUD. The most readily available limits are 2022 limits.

Unit Type /Unit Cost

Efficiency/Studio \$159,754

1 Bedroom \$183,132

2 Bedroom \$222,694

3 Bedroom \$288,094

4 Bedroom \$316,236

The State uses the single limit for maximum per-unit development subsidy based on HOME maximum per unit limits, across the state. The State determined this based off of a per unit development cost analysis from the Low-Income Housing Tax Credit and Housing Trust Fund application rounds and no substantial variation between applications received state-wide. When a variation arises, the statewide subsidy limit will be re-evaluated.

**8. Rehabilitation Standards.** The grantee must establish rehabilitation standards for all HTF-assisted housing rehabilitation activities that set forth the requirements that the housing must meet upon project completion. The grantee's description of its standards must be in sufficient detail to determine the required rehabilitation work including methods and materials. The standards may refer to applicable codes or they may establish requirements that exceed the minimum requirements of the codes. The grantee must attach its rehabilitation standards below.

In addition, the rehabilitation standards must address each of the following: health and safety; major systems; lead-based paint; accessibility; disaster mitigation (where relevant); state and local codes, ordinances, and zoning requirements; Uniform Physical Condition Standards; Capital Needs Assessments (if applicable); and broadband infrastructure (if applicable).

The Minimum Housing Rehabilitation and Property Standards Policy is attached.

# Minimum Rehabilitation and Property Standards



Planning and Housing Development Division  
2624 Vermont Avenue  
PO Box 1535  
Bismarck, ND 58502-1535

800/292-8621 or 701/328-8072  
800/366-6888 (TTY)  
800/435-8590 (Spanish)

[www.ndhfa.org](http://www.ndhfa.org) · [hfainfo@nd.gov](mailto:hfainfo@nd.gov)



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## I. PREFACE

This document is intended to provide the minimum acceptable standards for existing dwellings rehabilitated in whole or in part with North Dakota Housing Finance Agency administered program funds.

The standards contained within are not intended to reduce or exclude requirements of any local or state building or housing codes, standards, or ordinances that may apply. In the event of any conflicting code(s), the more restrictive code(s) will apply. Housing rehabilitated with Agency assistance must meet all applicable State and local codes, ordinances, and requirements or, in the absence of a State or local building code, the International Existing Building Code of the International Code Council.

These standards were designed to assist in achieving consistency throughout the state for all rehabilitation activities assisted with Agency funds.

These standards assume that a knowledgeable inspector will thoroughly inspect each building to verify the presence and condition of all components, systems, and equipment of the building. All components, systems, and equipment of a building referenced in this document shall be in good working order and condition and be capable of being used for the purpose for which they were intended and/or designed. Components, systems and/or equipment that are not in good working order and condition shall be repaired or replaced. When it is necessary to replace items (systems, components, or equipment), the replacement items must conform to these standards. These standards also assume that the inspector will consider any extraordinary circumstances of the occupants of the building (e.g., physical disabilities) and reflect a means to address such circumstances in their inspection and in the preparation of work write-ups and project specifications for that building.

All interior ceilings, walls, and floors must not have any serious defects such as severe bulging or leaning, large holes, loose surface materials, severe buckling, missing components, or other serious damage. The roof must be structurally sound and weather resistant. All exterior walls (including foundation walls) must not have any serious defects such as leaning, buckling, sagging, large holes, or defects that may result in the structure not being weather-resistant or that may result in air infiltration or vermin infestation. The condition of all interior and exterior stairs, halls, porches, walkways, etc. must not present a danger of tripping or falling.

If an inspector determines that the specific individual standards of this document cannot be achieved on any single building due to it being structurally impossible and/or cost prohibitive, the inspector shall document the specific item(s) as non-conforming with these standards. The inspector shall prepare, for Agency's consideration, a list of all non-conforming items along with his/her recommendation to waive, or not to waive, the individual non-conforming items. Any waiver of a non-conforming items is at the sole discretion of Agency. Items necessary to meet HUD Uniform Physical Conditions Standards may not be waived.

Rehabilitation projects (including adaptive reuse) must address all deficiencies identified in Section XV of this Property Standards document as part of the project's scope of work so that, upon completion, all such deficiencies are cured. For projects which include acquisition and/or rehabilitation of occupied housing, any life-threatening health and safety deficiencies, as defined in Section XV, must be addressed and corrected immediately.

Energy Star rated systems, components, equipment, fixtures, and appliances are encouraged.

## II. DEFINITIONS

Agency: North Dakota Housing Finance Agency

Building: A structure, facility, or portion thereof that contains or serves one or more dwelling units.

Covered Multifamily Dwelling(s): Buildings consisting of four (4) or more dwelling units if such buildings have one or more elevators; and ground floor dwelling units in other buildings consisting of four (4) or more dwelling units.

Common Use Area: Rooms, spaces, or elements inside or outside of a building that are made available for the use of residents of a building or the guests thereof. These areas include hallways, lounges, lobbies, laundry rooms, refuse rooms, mail rooms, recreational areas, and passageways among and between buildings.

Dwelling: Any building, structure, or portion thereof that is occupied as, or designed or intended for occupancy as, a residence by one or more families.

Dwelling unit: A single unit of residence for a family or one or more persons. Examples of dwelling units include: a single-family home; an apartment unit within an apartment building; and in other types of buildings in which sleeping accommodations are provided but toileting or cooking facilities are shared by occupants of more than one room or portion of the building, rooms in which people sleep.

Egress: A permanent and unobstructed means of exiting from the building in an emergency escape or rescue situation.

Energy Star: Includes all systems, components, equipment, fixtures, and appliances that meet strict energy efficiency performance criteria established, as a joint effort, by the federal Environmental Protection Agency, the U.S. Department of Energy, and the U.S. Department of Housing and Urban Development and that carry the Energy Star label as evidence of meeting this criterion.

Habitable Space(s): Space within the building for living, sleeping, eating, or cooking. Bathrooms, toilet rooms, closets, halls, storage, or utility spaces, and similar areas are not considered Habitable Spaces.

HIF: North Dakota Housing Incentive Fund program as administered by the Agency

HOME: HOME Investment Partnerships program as administered by the Agency

HTF: National Housing Trust Fund program as administered by the Agency

LIHTC: Low-Income Housing Tax Credits program as administered by the Agency

Rehabilitation: Rehabilitation of existing housing and adaptive reuse of existing non-residential building(s) which create new housing.

### III. BASIC EQUIPMENT AND FACILITIES

- A. Kitchens: Every dwelling shall have a kitchen room or kitchenette equipped with the following:
  - 1. Kitchen Sink: The dwelling shall have a kitchen sink, connected to both hot and cold potable water supply lines under pressure and to the sanitary sewer waste line. When replacing such components, water supply shut off valves shall be installed.
  - 2. Oven and Stove or Range: The dwelling shall contain an oven and a stove or range connected to the source of fuel or power, in good working order and capable of supplying the service for which it is intended.
  - 3. Refrigerator: The dwelling shall contain a refrigerator connected to the power supply, in good working order and capable of supplying the service for which it is intended.
  - 4. Counter Space Area: Every kitchen or kitchenette shall have an adequate storage area. Every kitchen or kitchenette shall have adequate counter space.
- B. Toilet Room: Every dwelling shall contain a room which is equipped with a flush toilet and a lavatory. The flush water closet shall be connected to the cold potable water supply, under pressure, and to the sanitary sewer system. The lavatory shall be connected to both a hot and cold potable water supply, under pressure, and connected to the sanitary sewer system. When replacing such components, water supply shut-off valves shall be installed.
- C. Bath Required: Every dwelling shall contain a bathtub and/or shower.
  - 1. The bathtub and/or shower unit(s) need not be in the same room as the flush water closet and lavatory. The bathtub and/or shower unit may be in a separate room.
  - 2. The bathtub and/or shower unit shall be connected to both hot and cold potable water supply lines, under pressure, and shall be connected to the sanitary sewer system. Where feasible, shut off valves shall be installed on the water supply lines. All faucets, when replaced, shall be water balancing scald guard type faucets.
- D. Privacy in Room(s) Containing Toilet and/or Bath: Every toilet room and/or every bathroom (the room or rooms containing the bathtub and/or shower unit) shall be contained in a room or rooms that afford privacy to a person within said room or rooms. Every toilet room and/or bathroom shall have doors equipped with a privacy lock or latch in good working order.
- E. Hot Water Supply: Every dwelling shall have supplied water-heating equipment (water heater and hot water supply lines) that is free of leaks, connected to the source of fuel or power, and is capable of heating water to be drawn for general usage.
  - 1. No atmospheric water heaters shall be allowed in a confined space. No water heaters shall be allowed in the toilet rooms, bathrooms, bedrooms, or sleeping rooms. No gas water heaters shall be allowed in a clothes closet.
  - 2. All gas water heaters shall be vented in a safe manner to a chimney or flue leading to the exterior of the dwelling. Unlined brick chimneys must have a metal liner installed to meet manufacturer's venting requirements. If metal chimney venting cannot be added, a power vented water heater may be installed. Install according to manufacturer's specifications.
  - 3. All water heaters shall be equipped with a pressure/temperature relief valve possessing a full-sized (non-reduced) approved discharge pipe to within six (6) inches of the floor. The discharge pipe shall not be threaded at the discharge end.

4. All water heaters must be installed to manufacturer's installation specifications.
  5. Replacement water heaters shall meet Energy Star requirements at the time of installation.
  6. Where feasible, tankless water heaters may be installed in accordance with manufacturer's guidelines and sized to provide adequate hot water supply to all fixtures. Gas supply lines and/or electrical capacity must be evaluated before installing tankless water heaters. Before installing, careful consideration should be made regarding supply and water temperature to owners.
- F. Exits: Every exit from every dwelling shall comply with the following requirements:
1. Every habitable room shall have two (2) independent and unobstructed means of egress. This is normally achieved through an entrance door and an egress window.
  2. All above grade egress windows from habitable rooms shall have a net clear opening of 5.7 square feet. The minimum net clear opening width dimension shall not be less than twenty inches (20") wide, and the minimum net clear opening height dimension shall not be less than twenty-four inches (24") wide. Note that the combination of minimum window width and minimum window height opening size does not meet the 5.7 square feet requirements. Therefore, the window size will need to be greater than the minimum opening sizes in either width or height. Where windows are provided as a means of escape or rescue, they shall have a finished sill height of not more than forty-eight inches (48") above the floor in basements. Egress windows with a finished sill height of more than forty-eight inches (48") shall have a permanently installed step platform that follows stair construction standards.  
 All at-grade egress windows from habitable rooms may be reduced in size to 5.0 square feet of operable window area, but the area must meet the minimum width and height requirements of all egress windows.  
 When windows are being replaced within existing openings, the existing window size shall be determined to be of sufficient size even if current window sizes do not meet current egress standards. However, if the specification writer determines that changing the window size is beneficial, such egress window size modification will be allowed but not required. If new construction windows are being installed, these windows must meet all egress window requirements (for example, if adding on to existing building in a rehabilitation or adaptive reuse).
  3. In habitable basements (or habitable rooms within a basement) where one means of egress is a window, the window shall have a net clear opening of 5.0 square feet. The window shall open directly to the street or yard or, where such egress window has a finished sill height that is below the adjacent ground elevation, shall have an egress window/area well. The egress window/area well shall provide a minimum accessible net clear opening of nine square feet that includes a minimum horizontal dimension of thirty-six inches (36") from the window. Egress window/area wells with a depth of more than forty-four (44") shall be equipped with an affixed ladder, stairs or platform according to local code that are accessible with the window in the fully opened position. Such ladder will have rungs at 12 inches on-center and projecting out a minimum of three inches from the side of the window well.
- G. Stairs: If replacing existing stairs, stairs will need to conform as close as possible to new construction standards, but replacement stairs do not need to follow new codes. All newly constructed stairs (interior and exterior stairways) shall comply with the following requirements and local code requirements:

1. All stairways and steps of four (4) or more risers shall have at least one (1) handrail. All stairways and steps which are five (5) feet or more in width shall have a handrail on each side.
  2. All handrails shall be installed not less than thirty-four inches (34") nor more than thirty-eight inches (38"), measured plumb, above the nosing of the stair treads. Handrails adjacent to a wall shall have a space of not less than one and one-half inches (1 1/2") between the wall and the handrail. All handrails shall be turned back into the wall on railing ends. The size of a round railing must be a minimum of 1.25 inches, but not more than 2 inches. Railings must be continuous from the top riser to the bottom riser.
  3. Porches, balconies, decks, or raised floor surfaces, including stairway riser and/or landing, located more than thirty (30) inches above the floor or the grade, shall have guardrails installed that are not less than thirty-six inches (36") in height. Open guardrails and stair railings shall have intermediate rails or ornamental pattern such that a sphere four inches (4") in diameter cannot pass through.
  4. All stairs and steps shall have a riser height of not more than eight inches (8") and a tread depth of not less than nine inches (9"). All newly constructed stairs, not replacement stairs, shall have a riser height of not more than seven and three quarters (7 3/4") and a tread depth of not less than ten inches (10"). Risers and treads cannot be different in size by more than 3/8 of an inch from the top to the bottom of the stairs.
- H. Smoke Detectors: All smoke detectors shall be dual sensor detectors, hard-wired with battery back-up, interconnected with all other alarms, and installed per manufacturer's installation instructions. Smoke detectors shall be located:
1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms; and
  2. In each room used for sleeping purposes, and
  3. In each story within a building, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.
- I. Carbon Monoxide Detectors: Where a heating system source, other than solid fuel burning appliances (e.g., wood stoves), and/or water heater that burns solid, liquid, or gaseous fuels is located horizontally adjacent to any habitable room, a hard-wired with battery back-up carbon monoxide detector is required and is to be installed per the manufacturer's instructions. Any dwelling that has a fuel source heating system (not electric), other solid fuel burning appliances (e.g., wood stoves, pellet, or corn stoves), and/or fuel source water heater (not electric), a hard-wired with battery back-up combination smoke alarm/carbon monoxide detector is required to be installed per the manufacturer's instructions on the main living area floor.

#### IV. VENTILATION

- A. In general, sufficient ventilation shall be present to ensure adequate air circulation in the dwelling.

- B. Bathrooms, including toilet rooms, shall be provided with an exhaust fan. If it is being installed or replaced, it shall be rated at a minimum of 60 CFM and 4 sones or less. Fans shall have insulated ducting vented to the exterior. A fan needs to be installed if there is no window or a non-operable window is present.

## V. ELECTRICAL SERVICE

- A. Minimum Electrical Service: Every dwelling unit, at a minimum, shall have a 100-ampere breaker controlled electrical panel. All electrical work shall follow adopted State electrical code requirements. The panel, service mast, etc. shall also be installed to local utility company requirements.

### B. Convenience Outlets

1. Every habitable room within the dwelling shall contain at least two (2) separate duplex, wall-type electrical outlets. Placement of such outlets shall be on separate walls. All newly installed receptacles shall be grounded duplex receptacles or GFCI protected.
2. All electrical outlets used in bathrooms and toilet rooms, all outlets within six feet (6'-0") of a water source (excluding designated simplex equipment circuits for clothes washing machines and sump pumps), outlets located on open porches or breezeways, exterior outlets, outlets located in garages and in non-habitable basements, except those electrical outlets that are dedicated appliance outlets, and all kitchen receptacles serving the countertop area shall be ground fault circuit interrupter (GFCI) protected. All exterior receptacles shall be covered by a receptacle cover that when a cord is plugged in, the GFCI outlet will stay covered and protected.
3. All accessible knob and tube, unsafe, and/or illegal wiring shall be removed and replaced with type NM cable (Romex) or as required by code.
4. All broken, damaged or nonfunctioning switches or outlets shall be replaced. All fixtures and wiring shall be adequately installed to ensure safety from fire so far as visible components are observed.
5. All missing or broken switch and outlet covers (including junction boxes) shall be replaced. Each receptacle or switch located on an exterior wall shall have a foam seal placed under the cover.

### C. Lighting

1. Every habitable room and every bathroom (including toilet room), laundry room, furnace or utility room, and hallway shall have at least one (1) ceiling or wall-type electric light fixture, controlled by a remote wall switch. Habitable rooms (except kitchens or kitchenettes) may have a wall-type electrical outlet controlled by a remote wall switch in lieu of a ceiling or wall-type light fixture. Energy efficient fixtures that meet Energy Star ratings and compact fluorescent bulb equivalent or better shall be installed in all new fixture installations.
2. All stairwells shall have at least one light fixture controlled by a remote wall switch at the top and bottom of the stairs.
3. Porcelain type fixtures with pull chains are acceptable for use in basements (except for the one controlled by a remote wall switch) cellars, and attics.
4. All pendant type lighting fixtures that are supported only by the electrical supply wire shall be removed or replaced. If replaced, replace with Energy Star rated fixtures.

## VI. HEATING SYSTEMS

- A. Heating System: All heating systems (and central air-conditioning systems where they exist) shall be capable of safely and adequately heating (or cooling as applicable) for all living space.
- B. Cooling System: Non-working or improperly functioning central air conditioning systems may be replaced as part of the rehabilitation work. The installation of a central air conditioning system, where it currently does not exist, is permissible where feasible and practical. New A/C installation will not be a priority unless project funds are available.
- C. Requirements for Heating and or Cooling Systems:
  - 1. All existing heating systems, including but not limited to, chimneys and flues, cut-off valves and switches, limit controls, heat exchangers, burners, combustion and ventilation air, relief valves, drip legs and air, hot water, or steam delivery components (ducts, piping, etc.) that are not being replaced, shall be inspected to be in a safe and proper functioning condition at the time of inspection, by means of written project file documentation.
  - 2. Every heating system burning solid, liquid, or gaseous fuels shall be vented in a safe manner to a chimney or flue leading to the exterior of the dwelling. The heating system chimney and/or flue shall be of such design to assure proper draft and shall be adequately supported.
  - 3. No heating system source burning solid, liquid, or gaseous fuels shall be in any habitable room or bathroom, including any toilet room.
  - 4. Every fuel burning appliance (solid, liquid, or gaseous fuels) shall have adequate combustion air and ventilation air. All new furnaces will have sealed combustion with combustion air brought in from the exterior of the house and installed in accordance with manufacturer's guidelines.
  - 5. Every heat duct, steam pipe and hot water pipe shall be free of leaks and shall function such that an adequate amount of heat is delivered where intended. All accessible duct joints must be sealed with mastic or any other acceptable product. Newly installed ductwork must also be sealed. All accessible steam piping and hot water piping must be installed with an approved material.
  - 6. Every seal between any of the sections of the heating source(s) shall be air-tight so that noxious gases and fumes will not escape into the dwelling.
  - 7. No space heater shall be of a portable type.
  - 8. Minimum requirements for forced air furnaces, when installed, will be no less than a 92% AFUE, or the minimum AFUE, if greater than 92%, to obtain a local utility rebate (Energy Star rated for northern climates). A digital programmable thermostat must be installed. Condensate lines will drain to a floor drain or have a condensate pump installed and piped to discharge. All furnace ductworks shall be equipped with an air filter clean out location that has a tight-fitting cover installed over it.
  - 9. All boilers, when replaced, will have an "A" rating and be no less than 90% AFUE rating. All combustion air will be from the exterior of the house. The addition of zone valves may be useful to reduce energy cost. Heat lines shall be insulated with approved material. Programmable thermostats will be installed.
  - 10. A/C units, if added or replaced, shall not be less than 14.5 SEER or the lowest SEER rating that is available at the time of installation but not less than 14.5 SEER. All units shall be installed, when possible, on either the north or east side of the dwelling or in an area that will provide shade for the unit. The correct coil will be installed that is

compatible with both the furnace and A/C unit. Homeowners who use window air conditioners will be encouraged to purchase Energy Star rated air conditioners. No window A/C units may be purchased with Agency funds.

11. All wood, pellet, corn, switch grass, hydrogen, or other biomass fuel stoves must be installed to manufacturer's guidelines. Where such guidelines are not available, the heating unit will be removed. Venting and combustion air must be installed in accordance with manufacturer's requirements.
- D. Energy Conservation: All structures shall comply with certain energy conservation measures (U.S. Department of Energy recommendations). These measures include, but are not necessarily limited to, the following:
1. When siding is being replaced and/or interior wall finishes of exterior walls are being replaced on a building, such exterior walls are to be provided with insulation and at the recommended resistance factor (R-value) or R-11, or that which is allowed by the stud cavity space. In addition, an air infiltration barrier, such as Tyvek or approved equal, shall be installed on all exterior walls. If new walls are being framed and insulated, the minimum R factor is R-19 or R-13 plus R-5 foam. The installation of fan-fold foam or foam sheathing may be added to increase household R-ratings.
  2. When new windows are to be installed, windows must be current Energy Star rated for northern climates. All rope weight openings will be insulated, and all new windows will have the window jamb sealed. Where SHPO requirements will restrict the installation of vinyl windows, the specifications will be written to come as close as possible to achieving Energy Star requirements.
  3. All heat ducts and hot water or steam heat distribution piping shall be insulated or otherwise protected from heat loss where such ducts or piping runs are in unheated spaces. Similarly, distribution piping for general use hot water shall also be protected from heat loss where such piping is in unheated spaces. All water distribution piping shall be protected from freezing.
  4. Attic access passageways (scuttle holes) shall be no less than 22" by 30" or the size of original construction. If it is impossible to conform to this standard, the largest attic access hole possible will be installed.

## VII. INTERIOR OF STRUCTURES

### A. Interior Walls, Floors, Ceilings, Doors, and Windows

1. All interior walls, floors, ceilings, doors, and windows shall be capable of being kept in a clean and sanitary condition by the owner.
2. Every bathroom and/or toilet room, kitchen or kitchenette, and utility room floor surface shall be constructed such that they are impervious to water and can easily be kept in a clean and sanitary condition by the owner.
3. All interior doors shall be capable of affording the privacy for which they are intended.
4. No dwelling containing two or more bedrooms shall have a room arrangement that access to a bathroom, toilet room, or a bedroom can be achieved only by going through another bathroom, toilet room, or another bedroom.
5. It is encouraged that all paints, stains, varnishes, lacquers, and other finishes used in the rehabilitated dwelling shall be low or no VOC paint finishes and installed as required by the manufacturer.

## VIII. EXTERIOR OF STRUCTURES

### A. Foundations, Exterior Walls, Roofs, Soffits and Fascia

1. Every foundation, exterior wall, roof, soffit, and fascia shall be made weather resistant. Products for exterior walls, roofs, soffits, and fascia shall be installed in accordance with the manufacturer's guidelines.
2. Roof replacement shall be installed in accordance with the manufacturer's requirements. When installing asphalt or fiberglass shingles, a minimum of a 30-year shingle shall be used. Other products such as metal roofing may be considered.

### B. Drainage

1. All rainwater shall be conveyed and drained away from every roof so as not to cause wetness or dampness in the structure. No roof drainage systems shall be connected to a sanitary sewer, or directly to a storm sewer system.
2. The ground around the building shall be sloped away from foundation walls to divert water away from the structure.
3. If feasible, the collection of roof water is encouraged.

### C. Windows, Exterior Doors and Basement Entries (Including Cellar Hatchways)

1. Every window, exterior door, basement entry and cellar hatchway shall be tight fitting within their frames, be rodent-proof, insect-proof and be weatherproof such that water and surface drainage is prevented from entering the building. In addition, the following requirements shall also be met:
  - (a) All exterior doors and windows shall be equipped with security locks. Deadbolts are not required.
  - (b) Every window sash shall be fully equipped with glass windowpanes which are without cracks or holes. Every window sash to be replaced shall use Energy Star rated for northern climate windows unless the existing windows have insulated glass. Stained or leaded glass found to be historically significant may be protected by a fixed low-E glass storm window. Every window sash shall fit tightly within its frame and be secured in a manner consistent with the window design. All window jambs will be sealed. All rope weight openings shall be insulated before installing the new window. Energy Star rated for Northern climate.
  - (c) Storm doors, when installed, shall also be equipped with a self-closing device.
  - (d) Every exterior door, when closed, shall fit properly within its frame, and shall have door hinges and security locks or latches. All exterior doors will be no less than metal clad insulated (foam filled) doors. All jambs and thresholds will be sealed.
  - (e) Every exterior door shall be not less than two foot-four inches (2'-4") in width and not less than six foot-six inches (6'6") in height. Existing door sizes will be grandfathered, but an attempt shall be made to have at least one exterior door that is not less than 36 inches wide and no less than 6'-8" high.

## IX. SPACE, USE, AND LOCATION REQUIREMENTS

### A. No cellar space shall be converted to Habitable Space.

### B. No basement space shall be used as Habitable Space unless all Habitable Space requirements and all the following requirements are met:

1. The floor and walls are waterproof or damp-proof construction.
2. Such Habitable Space has a hard surfaced floor of concrete or masonry.
3. Such space shall have a minimum of two exits. In addition to the stairs, this would normally consist of one egress window.

#### X. PLUMBING SYSTEMS

- A. All building plumbing systems shall be capable of safely and adequately providing a water supply and wastewater disposal for all plumbing fixtures. Every building plumbing system shall comply with the following requirements.
  1. All existing plumbing systems and plumbing system components shall be free of leaks. When repairing or adding to such systems, any type of pipe allowed by the State plumbing code shall be allowed.
  2. All plumbing system piping shall be of adequate size to deliver water to plumbing fixtures and to convey wastewater from plumbing fixtures (including proper slope of wastewater piping) as designed by the fixture manufacturer).
  3. All plumbing fixtures shall be in good condition, free of cracks and defects, and capable of being used for the purpose in which they were intended.
  4. The plumbing system shall be vented in a manner that allows the wastewater system to function at atmospheric pressure and prevents the siphoning of water from fixtures. Venting by mechanical vents is accepted as an alternative to exterior atmospheric venting.
  5. All fixtures that discharge wastewater shall contain, or be discharged through, a trap that prevents the entry of sewer gas into the building.
  6. All plumbing system piping and fixtures shall be installed in a manner that prevents the system, or any component of the system, from freezing.
  7. All plumbing fixtures and water connections shall be installed in such a way as to prevent the backflow of water from the system into the plumbing system's water source.
  8. Valves shall be installed with the valve in the upright position. When replacing valves, the use of a full port ball-valve shall be encouraged.

#### XI. POTABLE WATER SUPPLY

- A. Every dwelling shall be connected to an approved (by the jurisdiction having authority) potable water source.
- B. All potable water fixtures and equipment shall be installed in such a manner as to make it impossible for used, unclean, polluted, or contaminated water, mixtures, or substances to enter any portion of the potable water system piping. All equipment and fixtures shall be installed with air gaps (traps) to prevent back siphonage. All outlets with hose threads (except those serving clothes washing machines) shall have a vacuum breaker for use with the application. Any plumbing equipment or fixtures that allow, or appear to allow, the previous conditions, or are otherwise deemed to be unhealthy, unsanitary, or unsafe shall be replaced. No water piping supplied by a private water supply system shall be connected to any other source of water supply without the approval of the jurisdiction having authority over the installation.

## XII. CONNECTION TO SANITARY SEWER

Every dwelling shall be connected to an approved (by the jurisdiction having authority) sanitary sewer system.

## XIII. LEAD-BASED PAINT

Housing assisted by HOME and HTF programs are subject to the regulations at 24 CFR Part 35, subparts A, B, J, K, and R which govern lead-based paint poisoning prevention in residential structures. Applicants, developers, and builders of any project requiring the rehabilitation or adaptive reuse of structures built prior to 1979 must read, fully understand, and comply with 24 CFR Part 35, subparts A, B, J, K, and R. Recipients should refer to the NDHFA Lead-Based Paint Policy for further guidance.

## XIV. ACCESSIBILITY

Housing assisted with Agency funds must meet the accessibility requirements of 24 CFR Part 8, which implements Section 504 of the Rehabilitation Act of 1973, and Titles II and III of the Americans with Disabilities Act, implemented at 28 CFR Parts 35 and 36, as applicable.

Covered Multifamily Dwellings, as defined within this document and within 24 CFR Part 100.201, must also meet the design and construction requirements at 24 CFR Part 100.205, which implements the Fair Housing Act.

## XV. UNIFORM PHYSICAL CONDITION STANDARDS

Housing assisted with Agency funds, and which are placed in service, must follow property standards which include all inspectable items and inspectable areas specified by the US Department of Housing and Urban Development (HUD) based on the HUD physical inspection procedures, known as the Uniform Physical Condition Standards (UPCS) prescribed by HUD pursuant to 24 CFR Part 5, subpart G. All deficiencies identified during annual compliance monitoring site visits of Agency-assisted properties must be cured. Agency will monitor property condition standards by the same processes and procedures as have been used by Agency for the federal Low Income Housing Tax Credit Program, which does not employ a scoring protocol or grade levels of deficiencies; all identified deficiencies must be corrected.

Rehabilitation projects (including adaptive reuse) must address all deficiencies identified in this section as part of the project's scope of work so that, upon completion, all such deficiencies are cured. For projects which include acquisition and/or rehabilitation of occupied housing, any life-threatening health and safety deficiencies, identified in this section in ALL CAPS, must be addressed and corrected immediately.

Housing assisted with Agency funds must be decent, safe, sanitary, and in good repair. Owners of Agency-assisted property must maintain such housing in a manner that meets the physical condition standards set forth in this section to be considered decent, safe, sanitary, and in good repair. These standards address the major areas of the Agency-assisted housing: the site; the building exterior; the building systems; the dwelling units; common use areas; and health and safety considerations.

- A. **Site:** The inspectable items related to Site, such as fencing and gates, retaining walls, grounds, lighting, mailboxes/project signs, parking lots/driveways, play areas and equipment, refuse disposal, roads, market appeal, storm drainage, walkways, and steps

must be free of health and safety hazards and be in good repair. The site must not be subject to material adverse conditions, such as abandoned vehicles, dangerous walks or steps, poor drainage, septic tank back-ups, sewer hazards, excess accumulation of trash, vermin or rodent infestation, or fire hazards.

Examples of observable deficiencies for inspectable items related to Site include, but are not limited to:

1. Fencing and Gates (both security/safety and non-security): Damaged, falling, or leaning; Holes; Missing sections.
  2. Grounds: Erosion; Rutting areas; Overgrown or penetrating vegetation; Ponding or poor site drainage.
  3. Mailboxes/Project Signs: Missing or damaged.
  4. Market Appeal: Graffiti, Litter
  5. Parking Lots/Driveways/Roads: Cracks; Ponding; Potholes; Loose material; Settlement or heaving.
  6. Play Areas and Equipment: Damaged or broken equipment; Deteriorated play area surface.
  7. Refuse Disposal: Broken or damaged enclosure; Inadequate outdoor storage space.
  8. Retaining Walls: Damaged, falling, or leaning.
  9. Storm Drainage: Damaged or obstructed.
  10. Walkways/Steps: Broken or missing handrail; Cracks; Settlement; Heaving; Spalling; Exposed rebar.
- B. **Building Exterior**: Each building on the site must be structurally sound, secure, habitable, and in good repair. The inspectable items related to Building Exterior, which includes each building's doors, fire escapes, foundations, lighting, roofs, walls, and windows, where applicable, must be free of health and safety hazards, operable, and in good repair.
- Examples of observable deficiencies for inspectable items related to Building Exterior include, but are not limited to:
1. Doors: Damaged frames, threshold, lintels, or trim; Damaged hardware or locks; Damaged surface (Holes, paint, rusting, glass); Damaged or missing screen, storm or security door; Deteriorated or missing caulking or seals; Missing door.
  2. FIRE ESCAPE: BLOCKED EGRESS OR LADDERS; VISIBLY MISSING COMPONENTS.
  3. Foundation: Cracks or gaps; Spalling; Exposed rebar.
  4. Lighting: Broken fixtures or bulbs.
  5. Roof: Damaged soffits or fascia; Damaged vents; Damaged or clogged drains; Damaged or torn membrane; Missing ballast; Missing or damaged components from downspout or gutter; Missing or damaged shingles; Ponding.
  6. Walls: Cracks or gaps; Damaged chimneys; Missing or damaged caulking or mortar; Missing pieces, holes, or spalling; Stained, peeling, or needs paint.
  7. Windows: Broken, missing, or cracked panes; Damaged sills, frames, lintels, or trim; Damaged or missing screens; Missing or deteriorated caulking, seals, or glazing compound; Peeling or missing paint; SECURITY BARS PREVENT EGRESS.
- C. **Building Systems**: The inspectable items related to Building Systems, which includes each building's domestic water, electrical system, elevators, emergency power, fire

protection, HVAC, roof exhaust system, and sanitary system must be free of health and safety hazards, functionally adequate, operable, and in good repair.

Examples of observable deficiencies for inspectable items related to Building Systems include, but are not limited to:

1. Domestic Water: Leaking central water supply; Missing pressure relief valve; RUST OR CORROSION ON HEATER CHIMNEY; IMPROPER ANGLE OF OR DISCONNECTED FLUE ON WATER HEATER; Water supply inoperable.
  2. Electrical System: Blocked access or improper storage; Burnt breakers; Evidence of leaks or corrosion; Frayed wiring; MISSING BREAKERS OR FUSES; MISSING OUTLET COVERS.
  3. Elevators: Not operable.
  4. Emergency Power: Auxiliary lighting inoperable; Run-up records/Documentation not available.
  5. Fire Protection: Missing/disabled/painted/blocked/capped sprinkler head; Missing, damaged, or expired extinguishers.
  6. HVAC: Boiler or pump leaks; Fuel supply leaks; General rust or corrosion; MISALIGNED CHIMNEY OR VENTILATION SYSTEM.
  7. Roof Exhaust System: Roof exhaust fan(s) inoperable.
  8. Sanitary System: Broken, leaking, or clogged pipes or drains; Missing drain, cleanout, or manhole covers.
- D. Dwelling: Each dwelling within a building must be structurally sound, habitable, and in good repair. All inspectable items of the dwelling (for example, the unit's bathroom, call-for-aid (if applicable), ceiling, doors, electrical systems, floors, hot water heater, HVAC, kitchen, lighting, laundry area, outlets/switches, patio/porch/balcony, smoke detectors, stairs, walls, and windows) must be free of health and safety hazards, functionally adequate, operable, and in good repair.

Examples of observable deficiencies for inspectable items related to the dwelling include, but are not limited to:

1. Bathroom: Bathroom cabinets damaged or missing; Lavatory sink damaged or missing; Plumbing has clogged drains or faucets or leaking faucet or pipes; Shower or tub is damaged or missing; Ventilation or exhaust system is absent or inoperable; Water closet or toilet is damaged, clogged, or missing.
2. Call-for-Aid (if applicable): Inoperable.
3. Ceiling: Bulging, bucking, or leaking; Holes, missing tiles, panels, or cracks; Peeling or missing paint; Water stains, water damage, mold or mildew.
4. Doors: Damaged frames, threshold, lintels, or trim; Damaged hardware or locks; Damaged or missing screen, storm or security door; Damaged surface, including holes, bad paint, rusting, broken glass, or rotting; Deteriorated or missing seals on the entry door; Missing door.
5. Electrical System: Blocked access to electrical panel; Burnt breakers; Evidence of leaks or corrosion; Frayed wiring; GFI inoperable; MISSING BREAKERS OR FUSES; MISSING COVERS.
6. Floors: Bulging or buckling; Hard floor covering damage; Missing flooring tiles; Peeling or missing paint; Rotten or deteriorated subfloor; Water stains, water damage, mold, or mildew.

7. Hot Water Heater: MISALIGNED CHIMNEY OR VENTILATION SYSTEM; Inoperable unit or components; Leaking valves, tanks, or pipes; Pressure relief valve missing; Rust or corrosion.
  8. HVAC System: Convection or radiant heat system covers missing or damaged; Inoperable system; MISALIGNED CHIMNEY OR VENTILATION SYSTEM; Noisy, vibrating, or leaking system; Rust or corrosion.
  9. Kitchen: Cabinets are missing or damaged; Countertops are missing or damaged; Dishwasher or garbage disposal is inoperable; Plumbing has clogged drains, leaking faucets, or pipes; Range hood or exhaust fans are inoperable; Excessive grease buildup; Range or stove is missing, damaged, or inoperable; Refrigerator is missing, damaged, or inoperable; Sink is damaged or missing.
  10. Laundry Area: Dryer vent is missing, damaged, or inoperable.
  11. Lighting: Missing or inoperable fixture.
  12. Outlets/Switches: Missing outlet or switch; MISSING OR BROKEN COVER PLATE.
  13. Patio/Porch/Balcony: Baluster or side railings damaged.
  14. SMOKE DETECTOR: MISSING OR INOPERABLE.
  15. Stairs: Broken, missing, or damaged steps or handrail.
  16. Walls: Bulging or buckling; Damaged wall surface; Damaged or deteriorated trim; Peeling or missing paint; Water stains, water damage, mold, or mildew.
  17. Windows: Cracked, broken, or missing panes; Damaged windowsill; Missing or deteriorated caulking, seals, glazing; Inoperable or not lockable; Peeling or missing paint; SECURITY BARS PREVENT EGRESS.
- E. Common Use Areas: Must be structurally sound, secure, and functionally adequate for the purposes intended. The basement/garage/carport, restrooms, closets, utility, mechanical, community rooms, day care, halls/corridors, stairs, kitchens, laundry rooms, office, porch, patio, balcony, and trash collection areas, if applicable, must be free of health and safety hazards, operable, and in good repair. All common use area ceilings, doors, floors, HVAC, lighting, outlets/switches, smoke detectors, stairs, walls, and windows, to the extent applicable, must be free of health and safety hazards, operable, and in good repair.
- Examples of observable deficiencies for inspectable items related to the Common Areas include, but are not limited to, a Basement, Garage, Carport, Closet, Utility or Mechanical Room, Community Room, Halls, Corridors, Stairs, Kitchens, Laundry Room, Lobby, Office, Patio, Porch, Balcony, Restrooms, Storage Areas, Pedestrian or Wheelchair Ramps, Pools and Related Structures, Trash Collection Areas, or Other Community Spaces.
1. Handrails: Missing or damaged balusters or side railings.
  2. Storage: Cabinets missing or damaged.
  3. Call-for-Aid (if applicable): Inoperable.
  4. Ceiling: Holes, missing tiles or panels, cracks; Peeling or missing paint; Water stains, water damage, mold, or mildew; Bulging or buckling.
  5. Chutes: Damaged or missing components.
  6. Countertops: Missing or damaged.
  7. Dishwasher or Garbage Disposal: Inoperable.

8. Doors: Damaged frames, threshold, lintels, or trim; Damaged hardware or locks; Damaged surface (holes, paint, rust, glass); Damaged or missing screen, storm, or security door; Deteriorated or missing seals on entry door; Missing door.
  9. Dryer Vent: Missing, damaged, or inoperable.
  10. Electrical: Blocked access to electrical panel; Burnt breakers, Evidence of leaks or corrosion; Frayed wiring; MISSING BREAKERS; MISSING PLATES OR COVERS; Inoperable GFI; Missing or broken outlets, switches, or cover plates.
  11. Fencing: Damaged or not intact.
  12. Floors: Bulging or buckling; Floor covering damaged; Missing flooring or tiles; Peeling painted surface; Rotten or deteriorated subflooring; Water stains, water damage, mold, or mildew.
  13. Market Appeal: Graffiti, Litter
  14. HVAC: Convection or radiant heat system covers missing or damaged; General rust or corrosion; Inoperable unit or system; MISALIGNED CHIMNEY OR VENTILATION SYSTEM; Noisy, vibrating, or leaking.
  15. Lavatory Sink: Damaged or missing fixture.
  16. Lighting: Missing, damaged, or inoperable fixture.
  17. Mailbox: Missing or damaged.
  18. Plumbing: Clogged drains; Leaking faucet or pipes.
  19. Range Hood/Exhaust Fans: Excessive grease buildup; Inoperable.
  20. Range/Stove: Missing, damaged, or inoperable.
  21. Refrigerator: Missing, damaged, or inoperable.
  22. Shower/Tub/Sink: Damaged or missing.
  23. SMOKE DETECTORS: MISSING OR INOPERABLE.
  24. Stairs: Broken, damaged, or missing steps or handrail.
  25. Ventilation/Exhaust System: Inoperable.
  26. Walls: Bulging or buckling; Damaged surface, peeling or missing paint; Damaged or deteriorated trim; Water stains, water damage, mold, or mildew.
  27. Water Closet/Toilet: Damaged, clogged, or missing.
  28. Windows: Cracked, broken, or missing panes; Damaged windowsill; Inoperable or missing lock; Missing or deteriorated caulking, seals, or glazing; Peeling or missing paint; SECURITY BARS PREVENT EGRESS.
- F. **Health and Safety Concerns**: All areas and components of the housing must be free of health and safety hazards. The inspectable areas related to Health and Safety include, air quality, electrical hazards, elevators, emergency/fire exits, flammable materials, garbage and debris, general hazards, infestation, and lead-based paint. For example, the buildings must have fire exits that are not blocked and have handrails that are undamaged and have no other observable deficiencies. The housing must have no evidence of infestation by rats, mice, or other vermin, or of garbage and debris. The housing must have no evidence of electrical hazards, natural hazards, or fire hazards. The building must have proper ventilation and be free of mold, odor (e.g., propane, natural gas, methane gas), or other observable deficiencies. The housing must comply with all requirements related to the evaluation and reduction of lead-based paint hazards and have proper certifications of such (see 24 CFR part 35). For projects which include acquisition of occupied housing, life threatening deficiencies in areas of health and

safety must be addressed and corrected immediately. Life threatening health and safety deficiencies are identified below by ALL CAPS.

Examples of observable deficiencies for inspectable items related to Health and Safety include, but are not limited to:

1. Air Quality: Mold and/or mildew observed; PROPANE, NATURAL GAS, OR METHANE GAS DETECTED; Sewer odor detected.
  2. ELECTRICAL HAZARDS: EXPOSED WIRES; OPEN PANELS; WATER LEAKS ON OR NEAR ELECTRICAL EQUIPMENT.
  3. Elevator: Elevator is misaligned with floor by ¾ inches or more.
  4. Emergency Fire Exits: EXITS BLOCKED OR UNUSABLE; Missing exit signs.
  5. Flammable or Combustible Material: Improperly stored and secured.
  6. Garbage and Debris: Present indoors or outdoors.
  7. General Hazards: Sharp edges; Tripping; unsafe or missing handrails.
  8. Infestation: Insects, rats, mice, or other vermin.
- G. Compliance with State and Local Codes: These physical condition standards do not supersede or preempt State and local codes for building and maintenance with which Agency-assisted housing must comply. Agency-assisted housing must continue to adhere to those codes.

Agency is responsible for conducting physical inspections of Agency-assisted housing to determine compliance with these standards and will conduct such inspections every one to three years at its sole discretion.

#### XVI. DISASTER MITIGATION

Housing assisted with Agency funds and involving rehabilitation or adaptive reuse must be improved to mitigate the impact of potential disasters (e.g., earthquake, flooding, wildfires) in accordance with state and local codes, ordinances, and requirements.

#### XVII. CAPITAL NEEDS ASSESSMENT

All multi-family housing assisted by Agency programs involving rehabilitation or adaptive reuse must commission a Capital Needs Assessment (CNA). HTF regulations at 24 CFR Part 93.301(b)(1)(ii) and HOME at 92.251(b)(1)(ii) allows projects under 26 units in size to forego a CNA. However, to ensure that all needed rehabilitation work is performed so that, upon completion, the project will be decent, safe, sanitary, and in good repair, Agency has chosen to establish requirements which exceed regulations. All rehabilitation, except owner-occupied rehabilitation, projects assisted by Agency programs must commission a CNA. For owner-occupied rehabilitation, if the remaining useful life of any component is less than 50 percent of the expected useful life or less than five (5) years, immediate rehabilitation will be required.

The CNA must be completed by a competent, independent third party acceptable to Agency, such as a licensed architect or engineer, as well as include interviews with available on-site property management and maintenance personnel to inquire about past repairs and improvements, pending repairs, and existing or chronic physical deficiencies.

- A. The assessment will include a site visit and a physical inspection of the interior and exterior of all units and structures. The assessment will consider the presence of environmental hazards such as asbestos, lead paint and mold on the site.
- B. The assessment will include an opinion as to the proposed budget for recommended improvements and should identify critical building systems or components that have reached or exceeded their expected useful lives. If the remaining useful life of any component is less than 50 percent of the expected useful life or less than five (5) years, immediate rehabilitation will be required unless capitalized. If the remaining useful life of a component is less than the term of the period of affordability, the application package must demonstrate sufficient periodic payments to a replacement reserve to finance the future replacement of the component.
- C. The assessment will examine and analyze the following:
  - 1. Site: Including topography, drainage, pavement, curbing, sidewalks, parking, landscaping, amenities, water, sewer, storm drainage, and gas and electric utilities and lines; and
  - 2. Structural systems: both substructure and superstructure, including exterior walls and balconies, exterior doors and windows, roofing system, and drainage; and
  - 3. Interiors: including unit and common use area finishes (carpeting, tile, plaster walls, paint condition, etc.), unit kitchen finishes, cabinets and appliances, unit bathroom finishes and fixtures, and common use area lobbies and corridors; and
  - 4. Mechanical Systems: including plumbing and domestic hot water; HVAC, electrical, lighting fixtures, fire protection, and elevators.
- D. Applicants are advised to also consider the requirements of other funding sources, such as USDA Rural Development, when ordering a CNA.

**9. Resale or Recapture Guidelines.** Below, the grantee must enter (or attach) a description of the guidelines that will be used for resale or recapture of HTF funds when used to assist first-time homebuyers. If the grantee will not use HTF funds to assist first-time homebuyers, enter “N/A”.

N/A

**10. HTF Affordable Homeownership Limits.** If the grantee intends to use HTF funds for homebuyer assistance and does not use the HTF affordable homeownership limits for the area provided by HUD, it must determine 95 percent of the median area purchase price and set forth the information in accordance with §93.305. If the grantee will not use HTF funds to assist first-time homebuyers, enter “N/A”.

Any limitation or preference must not violate nondiscrimination requirements in § 93.350, and the grantee must not limit or give preferences to students. The grantee may permit rental housing owners to limit tenants or give a preference in accordance with § 93.303(d)(3) only if such limitation or preference is described in the action plan.

Housing Trust Fund has a 10%, \$300,000 set-aside for projects located on tribal lands. If the HTF Native American set-aside is unapplied for during the application round, funds will be reallocated to the general pool. The rationale for the Native American set-aside in the HTF program is that the State recognized that tribal applications have not traditionally scored comparably to other applications. One reason for that is lack of leveraging resources. The State recognizes that safe, decent, affordable housing is in high demand on tribal lands. As an example according to the US Census Bureau's My Tribal Area data a total of 39 percent of families have income in the past 12 months below the poverty level on the Spirit Lake Reservation.

**12. Refinancing of Existing Debt.** Enter or attach the grantee’s refinancing guidelines below. The guidelines describe the conditions under which the grantee will refinance existing debt. The grantee’s refinancing guidelines must, at minimum, demonstrate that rehabilitation is the primary eligible activity and ensure that this requirement is met by establishing a minimum level of rehabilitation per unit or a required ratio between rehabilitation and refinancing. If the grantee will not refinance existing debt, enter “N/A.”

N/A

## **Discussion:**

## Other HOME Program Limits.

1. The State intends to use HOME funds for homebuyer assistance and for rehabilitation of owner-occupied single family housing. The State will use the currently published HOME Homeownership Value limits for both activities.

2. HOME application process for each eligible activity type.

- Homebuyer Assistance Program: Pilot program with the Grand Forks Community Land Trust (GFCLT) as subrecipient. A set-aside of \$500,000 is available annually. A financial award will be issued following receipt and review of GFCLT's program policies.
- Single-Family Homeowner Rehabilitation: \$840,000 program funds and \$60,000 administration funds set aside for ND Community Action Agencies (CAAs) to use for their homeowner rehabilitation program. CAAs must submit an updated application annually beginning August 1. The application is provided directly to the CAAs by NDHFA. Beginning January 1, if there remains any unapplied for funds, CAAs who have drawn down 75 percent of their current award may apply for additional funds. Any HOME fund uncommitted by August 1, 2023 will be reallocated to the Rental Production and Rehabilitation General Pool Funds.
- Rental Production and Rehabilitation: **Eligible Applicants**: Units of local, state, and tribal government; local and tribal housing authorities; community action agencies; regional planning councils; and nonprofit organizations and for-profit developers. Community Housing Development Organizations (CHDOs) are included in eligible applicant definition. CHDOs must complete an annual certification application annually by April 1 to maintain their certification. **Application Process**: Multifamily Rental Production and Rehabilitation applications are available on NDHFA's website under Project Financing. Applications are due by the last business day in September. The application selection is competitive. Applications that meet minimum threshold are scored and ranked based on the scoring criteria outlined in the program distribution statement. Applicants will be notified of award in November.

## Attachments

## 2022 Annual Action Plan

### Citizen Participation

#### Public Input

## PUBLIC NOTICE

The North Dakota Department of Commerce, Division of Community Services, will hold a public hearing on March 25, 2022, at 11 a.m. CST, to gather input on affordable housing, special needs housing, homeless needs, public facility needs, economic development needs, and priority needs in the state. Comments will be used to develop the 2022 Annual Action Plan.

The Annual Action Plan includes the state's Community Development Block Grant (CDBG) and the Emergency Solutions Grant (ESG) program distribution plans. Currently, the state estimates the 2022 funding to be \$4,023,000 for CDBG and \$480,000 for ESG. Suggestions are needed on how to prioritize the use of these funds. The CDBG funding must be used for activities that primarily benefit low- and moderate-income persons (LMI), alleviate slum and blight, or address a condition that threatens life and death. The ESG funding must be used for providing services to the homeless and those at risk of becoming homeless.

### Meeting locations open to the public to attend

Region I  
Commission Room  
22 E. Broadway  
Williston, ND 58802

Region II  
Council Chambers  
515 2<sup>nd</sup> Ave. SW  
Minot, ND 58701

Region III  
Commission Chambers  
423 Sixth St. NE  
Devils Lake, ND 58301

Region IV  
Griggs Conference Room, City Hall  
255 N. 4<sup>th</sup> St.  
Grand Forks, ND 58201

Region V  
Meadowlark Room, City Hall  
225 4<sup>th</sup> St. N.  
Fargo, ND 58102

Region VI  
City Council Chambers  
102 3<sup>rd</sup> Ave. SE  
Jamestown, ND 58401

Region VII  
Commerce Conference Room  
1600 E. Century Ave., Suite 6  
Bismarck, ND 58503

Region VIII  
Commission Room, City Hall  
38 1<sup>st</sup> St. W.  
Dickinson, ND 58601

### Public hearing details

Attendance in-person or via Microsoft Teams (virtual or audio-only).

### Microsoft Teams

From a browser (virtual): [www.nd.gov/link/DCSPublicInput](https://www.nd.gov/link/DCSPublicInput)

Call (audio-only): (701) 328-0950, Conference ID: 400 632 249#

Further details pertaining to information can be found at [www.nd.gov/link/CDBG](https://www.nd.gov/link/CDBG).

Written and oral comments will be heard at the public hearing. Written comments may be submitted to [dcsc@nd.gov](mailto:dcsc@nd.gov) or P.O. Box 2057, Bismarck, North Dakota 58502-2057 until March 24, 2022.

Should anyone need additional assistance, please contact Maria Effertz Hanson at (701) 328-5300 one week in advance. Alternate formats are available upon request at (701) 328-5300 or via Relay North Dakota: TTY 1-800-366-6888, voice 1-800-366-6889, or Spanish 1-800-435-8590.



Summary of Public Input Meetings  
Total Number of Participants

106

Home and Housing Trust Fund Allocation Plan Public Input meeting Held March 2, 2022 10 am - In person and Microsoft Teams.

| Full Name               | Email                                      | Organization                      | Type of Organization Represented    |
|-------------------------|--|-----------------------------------|-------------------------------------|
| Fink, Joseph K.         | jfink@nd.gov                               | NDHFA                             | Other Government - State            |
| Mudder, Sarah L.        | smudder@nd.gov                             | NDHFA                             | Other Government - State            |
| Henderson, Jennifer A.  | jhenderson@nd.gov                          | NDHFA                             | Other Government - State            |
| Ver Helst, Kayla E.     | kverhelst@nd.gov                           | NDHFA                             | Other Government - State            |
| Forreder, Tonya R.      | toforreder@nd.gov                          | Department of Commerce            | Other Government - State            |
| Michelle Martin         | martinmom2002@yahoo.com                    | Turtle Mountain Housing Authority | Services - Housing                  |
| Merck, Cheryl           | cheryl.merck@minotstateu.edu               | Money Follows The Person          | Services - Person with Disabilities |
| Lindsay Janke           | ljanke@beyondshelterinc.com                | Beyond Shelter                    | Services - Housing                  |
| Dan Madler              | DMadler@beyondshelterinc.com               | Beyond Shelter                    | Services - Housing                  |
| Mark Shelburne          | Mark.Shelburne@nc-llp.com                  | Novogradac                        |                                     |
| Meaghan Pasbrig (Guest) | meaghan@travols.com                        | Travols                           |                                     |
| Lisa Rotvold            | lrotvold@beyondshelterinc.com              | Beyond Shelter                    | Services - Housing                  |
| Lorna Fogg              | lorna@rthawkhousing.com                    | RT Hawk Housing                   | Services - Housing                  |
| Erickson, Kylie         | kylie.a.erickson@minotstateu.edu           | Money Follows The Person          | Services - Person with Disabilities |
| Tom Alexander           | tom.alexander@minothousing.onmicrosoft.com | Minot Housing Authority           | Services - Housing                  |
| Cindy L. Wasser         | cwasser@homeinnovation.com                 | Home Innovation Research Labs     | Services - Housing                  |

Public Input Meeting Attendance held on 03/25/2022 at 10 am central time- 8 regional locations and Microsoft Teams Meeting

|                          |   |                                       |  |
|--------------------------|---|---------------------------------------|--|
| Forreder, Tonya R.       | toforreder@nd.gov                       | Division of Community Services        | Other Government - State               |
| Engelhard, Keylee M.     | kmengelhard@nd.gov                      | Division of Community Services        | Other Government - State               |
| Kejara Lesmeister        | kmengelhard@nd.gov                      | Division of Community Services        | Other Government - State               |
| Effertz Hanson, Maria K. | mehanson@nd.gov                         | Division of Community Services        | Other Government - State               |
| Willer, Shawneel M.      | smwiler@nd.gov                          | NDCoC                                 | Other Government - State               |
| Rikki Rohrich            | rrohrich@nd.gov                         | Division of Community Services        | Other Government - State               |
| Flohr, David A.          | dflohr@nd.gov                           | North Dakota Housing Finance Agency   | Other Government - State               |
| Trenton Gerads           | CCCLT@areaofoundation.org               | Cass Clay CLT                         | Services - Housing                     |
| Sky Purdin               | spurdin@jasminchildcareandpreschool.onm | Jasmin Child Care & Preschool (Fargo) | Services - Children                    |
| Brittney Hogan           | bhogan@sharehouse.org                   | Sharehouse                            | Services - Health                      |
| Fargo, Region V          |   | Lake Agassiz Regional Council         | Regional Organization                  |
| Diana Bjerke             | Diana.Bjerke@va.gov                     | Fargo VA                              | Services - Veterans                    |
| Nyama Dei                | Nyama_De@ben.edu                        | Kondial Kel International             | Regional Organization                  |
| Heather Grandstrand      | heathergr@centreinc.org                 | Centre Inc.                           | Services - Homeless                    |
| Sarah Hasbargen          | sarahh@sendcaa.org                      | SENDCAA                               | Services - Homeless, Children, Housing |
| Matuor Alier             |   | South Sudan Lutheran Church, Fargo    | Other - Church                         |
| Linda Beall              | linda@psbvelva.com                      | Velva Rental Housing                  | Housing                                |
| Hailey Richter           | Hailey.Richter@dickinsongov.com         | City of Dickinson                     | Other Government - Local               |

Justin Topp  
 Joshua Feil  
 Amy Gedrose  
 Caitlin Pallai  
 Karlee Brown  
 Hanson, Collin T  
 Stephanie Katuin  
 City Council Chambers  
 Greg Gackle  
 Murray Hennessy  
 Brandon Kjelden  
 Jahner, Jesse  
 Jim Nelson  
 Pam Gulleson  
 Stacie Loegering  
 Alexa Dixon-Griggs  
 Sarah Kennedy  
 Erin Charley  
 Sue Koesterman  
 Kayla Ver Helst  
 Victoria Johnson  
 Jan Anderson  
 Jennifer Henderson  
 Hukun Dabar  
 KayCee Lindsey  
 Thomas Hill  
 Mark Lyman  
 Patty Kalibabky  
 Daniel Hannaher  
 Dee Doboyou  
 Linds Hanlon  
 Sanjay Mendis  
 Kim Seeb  
 Karen Nordby  
 Sheila Morris  
 Jennifer Illich  
 Ashley Louw  
 Michelle  
 Arlette Preston  
 Heather Novak  
 Jena Gullo  
 Eifatih Mohamed  
 Marcia (Guest)  
 Michael Maddox  
 Lisa Rotvold

Justin@topplandandcattle.com  
 Joshua.Feil@mooreengineeringinc.com  
 amy.gedrose@fargonic.org  
 CaitlinP@ci.williston.nd.us  
 admin@CarringtonEconomicDevelopment.org  
 CTHanson@grandforksgov.com  
 stephanieka@centreinco.org  
 chambers@jamestownnd.gov  
 gah@gah.com  
 murray@jointhemission.org  
 brandonk@sendcaa.org  
 JahnerJ@casscountyny.gov  
 jim@lakeagassizhabitat.org  
 Pam.Gulleson@bcbsnd.com  
 stacie@emergencyfoodpantry.com  
 alexa@fmhomeless.org  
 sarah@fmpiph.org  
 erin@sourisbasin.org  
 pastorse@churches-united.org  
 kverhelst@nd.gov  
 victoriaj895@gmail.com  
 anderja@fargo.k12.nd.us  
 jhenderson@nd.gov  
 hukun@aadevassoc.org  
 dcjda@nd.gov  
 THill@unitedwaycassclay.org  
 mark@minotchamberedc.com  
 PKalibabky@fraserltd.org  
 DHannaher@lirs-nd.org  
 deedoboyou@gmail.com  
 lhanlon@fraserltd.org  
 sanjay.mendis@fargonic.org  
 KSeeb@famhealthcare.org  
 Karen@harveynd.com  
 Sheila@ciconline.org  
 jenniferi@myfirstlink.org  
  
 heather.novak@unitedwayfegf.org  
 jgullo@msaunitedway.org  
  
 maddox@fmmetrocog.org  
 lrotvold@beyondshelterinc.com

Grace City Mayor  
 Moore Engineering  
 New Life Center  
 City of Williston  
 Carrington Job Development Authority  
 City of Grand Forks  
 Centre Inc.  
  
 Ellendale O.P.E.R.A. (Governor's Development)  
 Northlands Rescue Mission  
 SENDCAA  
 Cass County Sheriff's Office  
 Lake Agassiz Habitat for Humanity  
 Blue Cross Blue Shield ND  
 Emergency Food Pantry  
 FM Coalition to End Homelessness  
 Presentation Partners in Housing  
 Souris Basin Regional Council  
 Pastor-Churches United for the Homeless  
 North Dakota Housing Finance Agency  
 Families United  
 Fargo Public Schools  
 North Dakota Housing Finance Agency  
 Afro American Development Association  
 Divide County Job Development Authority  
 United Way of Cass Clay  
 Minot Area Chamber EDC  
 Fraser, LTD  
 Lutheran Immigration & Refugee  
 New American Consortium  
 Fraser, LTD  
 New Life Center  
 Family Healthcare/Homeless Health Services  
 City of Harvey - Auditor  
 CVIC  
 FirstLink  
 North Central Planning Council  
  
 City of Fargo  
 United Way of Grand Forks  
 United Way of Bismarck  
 NDSU  
  
 Fargo/Moorhead Metropolitan Council of Government  
 Beyond Shelter, Inc.

Other Government - Local  
 Business Leaders  
 Other - nonprofit, social services  
 Other Government - Local  
 Services - Employment  
 Other Government - Local  
 Services - Homeless  
 Other Government - Local  
 Business and Civic Leaders  
 Services - Homeless  
 Services - Homeless, Children, Housing  
 Other Government - County  
 Services - housing  
 Business Leaders  
 Services - Homeless  
 Services - Homeless  
 Regional Organization  
 Other - Church  
 Housing  
 Services - Homeless  
 Services - children  
 Housing  
 Services - homeless, employment  
 Services - Housing  
 Services - Homeless  
 Business Leaders  
 Services - Persons with Disabilities, Children  
 Other - Immigration & Refugee  
 Services - Homeless, Education, Children  
 Services - Persons with Disabilities, Children  
 Other - nonprofit, social services  
 Services - Health  
 Other Government - Local  
 Services - Victims of Domestic Violence  
 Services - Victims  
 Regional Organization  
 Other  
 Other Government - Local  
 Services - Homeless  
 Services - Homeless  
 Services - Education  
 Other  
 Civic Leaders  
 Services - Housing

|                     |  |  |   |
|---------------------|--|--|---|
| Ahmed Makaraan      | ahmed.makaraan@ndsu.edu                  | Afro American Development Association          | Services - homeless, employment         |
| Sarah Philip        |  |  | Other                                   |
| Lorraine Davis      | lorraine@ndnadc.org                      | Native American Development Center             | Services - Housing; Education           |
| Amber Metz          | Amber@lakeagassiz.com                    | Lake Agassiz Regional Council                  | Regional Organization                   |
| Mohamed Hussein     | mhussein@jasminchildcareandpreschool.org | Jasmin Child Care & Preschool (Fargo)          | Services - Children                     |
| Dori Leslie         |  | CHI Friendship                                 | Services - Person with Disabilities     |
| t Mahoney           |  |  | Civic Leaders                           |
| Paul Zondo          |  | African Immigrant and Minority Services (AIMS) | Other                                   |
| Cheri Gerken        | cheri@fmppih.org                         | Presentation Partners in Housing               | Services - Homeless                     |
| Carli Adan          |  | Afro American Development Association          | Services - homeless, employment         |
| Cody Severson       | cody@communityupliftprogram.org          | Community Uplift Program                       | Services - Victims, Housing, Employment |
| Michelle Rydz       | michelle@highplainsfhc.org               | High Plains Fair Housing                       | Services - Fair Housing                 |
| Cyrena Weeks        |  | Tri-County Regional Council                    | Regional Organization                   |
| Everette Enno       |  | Tri-County Regional Council                    | Regional Organization                   |
| Shirelle Sorenson   |  | Tri-County Regional Council                    | Regional Organization                   |
| Emily Berg          |  | City of Minot                                  | Other Government - Local                |
| Mitchell Gundelison |  | City of Medina                                 | Other Government - Local                |
| Clyde Reister       |  | self   | Other                                   |
| Traci Redlin        | tredlin@scdrc.org                        | SCDRC  | Regional Organization                   |
| Jennifer Schulle    |  | SCDRC  | Regional Organization                   |
| Dwaine Heinrich     |  | City of Jamestown                              | Other Government - Local                |
| Cassie DuBray       |  | Great Plains Housing Authority                 | Services - Housing                      |
| David Klein         |  | Great Plains Housing Authority                 | Services - Housing                      |
| Sarah Hellekson     | shellekson@jamestownnd.gov               | City of Jamestown                              | Other Government - Local                |
| Kirsten Damek       |  | City of Jamestown                              | Other Government - Local                |
| Mitch Calkings      |  | Lake Agassiz Regional Council                  | Regional Organization                   |
| Katie Smith         |  | City of Tuttle                                 | Other Government - Local                |
| Dwight              |  | Souris Basin                                   | Regional Organization                   |
| Karlee Griffin      | cedd@daktel.com                          | Carrington Chamber & Economic Development      | Business Leaders                        |
| Vanessa Clark       | vanessajclark86@gmail.com                | self   | Other                                   |
| Jessica Braewell    | contact@ruralkidsdev.com                 | Rural Kids Development Alliance                | Services - Children                     |
| Jacob Chalopnik     |  | self   | Other                                   |

\*\*\* Proof of Publication \*\*\*

State of North Dakota }  
County of Burleigh } SS:

Before me, a Notary Public for the State of North Dakota personally

appeared Julie Lindsay who being duly sworn, deposes and says that he (she) is the Clerk of Bismarck Tribune Co., and that the publication(s) were made through the

Bismarck Tribune on the following dates:

3/10/2022

Signed Julie Lindsay

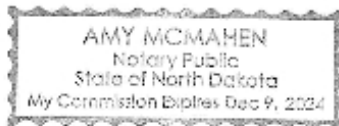
ND DEPT OF COMMERCE  
Tammy Heick  
PO BOX 2057  
BISMARCK ND 58502

ORDER NUMBER 43498

Sworn and subscribed to before me this 10 day of

March 20 22

Amy McMahon  
Notary Public in and for the State of North Dakota



Section: Legals

Category: 5380 Public Notices

PUBLISHED ON: 03/10/2022

TOTAL AD COST: 102.00  
FILED ON: 3/10/2022

# LOCALiQ

Devils Lake Journal

PO Box 631338 Cincinnati, OH 45263-1338

## PROOF OF PUBLICATION

Nd Dept Of Commerce  
ATTN: TAMMY HICK  
Nd Dept Of Commerce  
PO BOX 2057  
BISMARCK ND 58502-2057

STATE OF NORTH DAKOTA, COUNTY OF RAMSEY

The Devils Lake Journal is a daily newspaper of general circulation, printed and published in the City of Devils Lake, in said County and State, and has been such a newspaper during the times hereinafter mentioned; and personal knowledge of the facts herein state that the notice herein annexed was Published in said newspapers in the issue:

03/08/2022

That said newspaper was, at all time of the aforesaid publication, qualified in accordance with the law of the State of North Dakota to do legal printing in said County and State.

Sworn to and subscribed before on 03/08/2022

Legal Clerk:

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$81.84

Order No: 6987625

Customer No: 615539

PO #: 2022 Action Plan

THIS IS NOT AN INVOICE!

Please do not use this form for payment confirmation.

## PUBLIC NOTICE

The North Dakota Department of Commerce, Division of Community Services, will hold a public hearing on March 25, 2022, at 11 a.m. CST, to gather input on affordable housing, special needs housing, homeless needs, public facility needs, economic development needs, and priority needs in the state. Comments will be used in developing the 2022 Annual Action Plan.

The Annual Action Plan includes the state's Community Development Block Grant (CDBG) and the Emergency Solutions Grant (ESG) program distribution plans. Currently, the state estimates the 2022 funding to be \$4,020,000 for CDBG and \$480,000 for ESG. Suggestions are needed on how to prioritize the use of these funds. The CDBG funding must be used for activities that primarily benefit low- and moderate-income persons (LMI), alleviate squalor and blight, or address a condition that threatens life and death. The ESG funding must be used for providing services to the homeless and those at risk of becoming homeless.

Meeting locations open to the public to attend

|   |   |
|---|---|
| Region I<br>Commission Room<br>25 E. Broadway<br>Williston, ND 58802                          | Region II<br>Council Chambers<br>115 7th Ave. SW<br>Minot, ND 58701                       |
| Region III<br>Commission Chambers<br>403 54th St. NE<br>Devils Lake, ND 58501                 | Region IV<br>Griggs Conference Room, City Hall<br>235 N. 4th St.<br>Grand Forks, ND 58201 |
| Region V<br>Workshop Room, City Hall<br>255 4th St. N.<br>Fargo, ND 58102                     | Region VI<br>City Council Chambers<br>127 2nd Ave. SE<br>Jamestown, ND 58401              |
| Region VII<br>Commerce Conference Room<br>1600 E. Century Ave., Suite 4<br>Bismarck, ND 58503 | Region VIII<br>Commission Room, City Hall<br>38 1st St. W.<br>Dickinson, ND 58501         |

Public hearing details  
Attendance in-person or via Microsoft Teams (virtual or audio-only).

Microsoft Teams  
From a browser (virtual): [www.nd.gov/LinkClick.aspx?linkid=20220308](http://www.nd.gov/LinkClick.aspx?linkid=20220308)  
Cell (audio only): (701) 558-0350; Conference ID: 400 638 8498

Further details pertaining to information can be found at [www.nd.gov/LinkClick.aspx?linkid=20220308](http://www.nd.gov/LinkClick.aspx?linkid=20220308).

Written and oral comments will be heard at the public hearing. Written comments may be submitted to [publicinput@nd.gov](mailto:publicinput@nd.gov) or P.O. Box 2257, Bismarck, North Dakota 58502-2057 until March 24, 2022.

Should anyone need additional assistance, please contact North Dakota Relay at (701) 328-5200 one week in advance. Alternative formats are available upon request at (701) 328-5200 or via Relay North Dakota: TTY 1-800-365-6888, voice 1-800-365-6888, or Spanish 1-800-435-8390.  
CAB

KATHLEEN ALLEN  
Notary Public  
State of Wisconsin

**SULFONAMIDES**

For a free brochure and information, call 1-800-4-A-NUCLEON or write to: **NUCLEON**, Dept. ENR, 10000 N. 10th Ave., Suite 100, Denver, CO 80231. **NUCLEON** is an Equal Opportunity Employer.

## THE LEONIS

**North Dakota  
Department of  
Health**

1992-93 Financial Year  
 1993-94 Financial Year

**NOTICE OF  
INTENT TO ADOPT  
ADMINISTRATIVE  
RULE CHANGES**  
DATE: 05/01/2013  
LOCAL HEALTH DEPARTMENT

**North Dakota  
Department of  
Health**

with a Public Health Division

DOI: 10.1002/for

**RETRACTED NOTICE  
OF INTENT TO  
PACIFY AND  
ADMINISTRATE  
HILLS**

## and Security

[illegible]

**AFFIDAVIT OF PUBLICATION**

**STATE OF NORTH DAKOTA**

**ss.**

**COUNTY OF CASS**

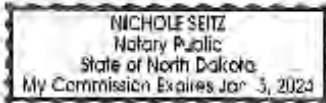
Taylor Heitland of The Forum of Fargo-Moorhead, being duly sworn, states as follows:

1. I am the designated agent of The Forum of Fargo-Moorhead, under the provisions and for the purposes of, Section 37-05-06, NDCC, for the newspaper listed on the attached exhibit.
2. The newspaper listed on the exhibit published the advertisement of *Legal Notice (4 times, Wednesday, March 9, 2022)*, as required by law or ordinance.
3. All of the listed newspapers are legal newspapers in the State of North Dakota and, under the provisions of Section 46-05-01, NDCC, are qualified to publish any public notice in any matter required by law or ordinance to be printed or published in a newspaper in North Dakota.

Dated this 9th day of March, 2022

  
Taylor Heitland  
Legal Clerk

  
Nichole Seitz  
Notary Public



#### **PUBLIC NOTICE**

The North Dakota Department of Commerce, Division of Community Services, will hold a public hearing on March 22, 2022, at 11 a.m. CST, to gather input on allocable housing, special needs housing, homeless needs, public facility needs, economic development needs, and priority needs in the state. Comments will be used to develop the 2022 Annual Action Plan.

The Annual Action Plan includes the state's Community Development Block Grant (CDBG) and the Emergency Solutions Grant (ESG) program distribution plans. Currently, the state estimates the 2022 funding to be \$4,325,000 for CDBG and \$480,000 for ESG. Suggestions are needed on how to prioritize the use of these funds. The CDBG funding must be used for activities that primarily benefit low- and moderate-income persons (LMI), address slum and blight, address a condition that threatens life and death. The ESG funding must be used for providing services to the homeless and those at risk of becoming homeless.

Meeting locations open to the public to attend

#### **Region I**

Commission Room  
Commission Room  
Williston, ND 58802

#### **Region II**

Council Chambers  
515 2nd Ave. SW,  
Minot, ND 58701

#### **Region III**

Commission Chambers  
401 Sixth St. NE  
Dawson Lake, ND 58801

#### **Region IV**

Single Conference Room, City Hall  
255 N. 4th St.  
Grand Forks, ND 58201

#### **Region V**

Viewdown Room, City Hall  
255 4th St. N.  
Fargo, ND 58102

#### **Region VI**

City Council Chambers  
102 3rd Ave. SE  
Jamestown, ND 58401

#### **Region VII**

Conference Conference Room  
1600 E. Century Ave., Suite 8  
Bismarck, ND 58003

#### **Region VIII**

Commission Room, City Hall  
88 1st St. W.  
Dickinson, ND 58601

#### **Public hearing details**

Attendance in-person or via Microsoft  
Teams (virtual or audio only).

#### **Microsoft Teams**

From a web browser (url):  
[www.nd.gov/nddcepl/nddcepl](https://www.nd.gov/nddcepl/nddcepl)  
Call (audio only): (701) 328-0900,  
Conference ID: 400 328 2480  
Further details pertaining to information can be found at [www.nd.gov/nddcepl/](https://www.nd.gov/nddcepl/)

Written and oral comments will be heard at the public hearing. Written comments may be submitted to [dc@nd.gov](mailto:dc@nd.gov) or P.O. Box 2057, Bismarck, North Dakota 58106-2057 until March 24, 2022.

Should anyone need additional assistance, please contact Maria Elbert-Hansen at (701) 328-5300 one week in advance. Alternative formats are available upon request at (701) 328-0800 or via Relay North Dakota: TTY 1-800-368-6993, voice 1-800-368-6993, or Braille 1-800-438-4590. (March 5, 2022) 35869



AMERICAN

**Chen, David**  
Executive Director  
Landscape Architecture  
1000 17th St. N. Suite 100  
Atlanta, GA 30309  
404/525-2020

**CHURCH & DWIGHT**  
We have been a general contractor and construction manager for over 100 years. We are now a part of the Church & Dwight Group, a leading national construction firm. We are currently seeking experienced professionals to join our team. If you are interested in a career with a leading national construction firm, please contact us at 404/525-2020.

**CHURCH & DWIGHT**  
We are currently seeking experienced professionals to join our team. If you are interested in a career with a leading national construction firm, please contact us at 404/525-2020.

**CHURCH & DWIGHT**  
We are currently seeking experienced professionals to join our team. If you are interested in a career with a leading national construction firm, please contact us at 404/525-2020.

2. The City of Portland is hereby authorized to execute and deliver to the Oregon Department of Transportation, on behalf of the City of Portland, a license to use the City of Portland's name and logo for the purpose of promoting the City of Portland's participation in the 2008 Olympic Games.

[illegible][illegible]

The authors are grateful to the referees for their comments and suggestions. The authors are also grateful to the referees for their comments and suggestions.

[illegible]

For the full text of this paper, see <http://www.elsevier.com/locate/jmb>. The full text of this article is available at <http://www.sciencedirect.com> on ScienceDirect. ScienceDirect is the full text journal on the web. Visit <http://www.sciencedirect.com> for more information.



**AFFIDAVIT OF PUBLICATION  
STATE OF NORTH DAKOTA**

SS.

County of Ward

SARAH BURHANS

of said

County and State, being first duly sworn, on oath says: That the **MINOT DAILY NEWS** is a daily newspaper of general circulation, printed and published in the City of Minot, in said County and State. That the **MINOT DAILY NEWS** now is and during all times in the foregoing affidavit mentioned has been a newspaper qualified to do legal printing, in accordance with the Statutes of the State of North Dakota, and that I am clerk of the **MINOT DAILY NEWS** and during all such time covering the publication of this notice have occupied such position on said newspaper, and have personal knowledge of all the facts stated in this affidavit; and that the advertisement headed

**PUBLIC NOTICE MEETING ON MARCH 25, 2022**

a printed copy of which is hereunto attached was printed and published in said newspaper

ONE

times to-wit:

MARCH 9, 2022

Sarah Burhans, Clerk.

Subscribed and sworn to before me this

11 Day of March

[Signature]  
Notary Public, Ward Co, N.D.

D39154

**PUBLIC NOTICE**

The North Dakota Department of Commerce, Division of Community Services, will hold a public hearing on March 25, 2022 at 11 a.m. CST, to gather input on affordable housing, special needs housing, homeless needs, public facility needs, economic development needs, and priority needs in the state. Comments will be used to develop the 2022 Annual Action Plan. The Annual Action Plan includes the state's Community Development Block Grant (CDBG) and the Emergency Solutions Grant (ESG) program distribution plans. Currently, the state estimates the 2022 funding to be \$4,028,000 for CDBG and \$400,000 for ESG. Subcommittees were needed on how to provide the use of these funds. The CDBG funding must be used for activities that primarily benefit low- and moderate-income persons (LMI), at-risk stem and slight, or address a condition that threatens the real estate. The ESG funding must be used for providing services to the homeless and those at risk of becoming homeless.

Meeting locations open to the public to attend:

**Region I**  
Commission Room  
22 E. Broadway  
Williston, ND 58802

**Region II**  
Council Chambers  
510 2nd Ave SW  
Minot, ND 58701

**Region III**  
Commission Chambers  
423 3rd St NE  
Devils Lake, ND 58001

**Region IV**  
Griggs Conference Room, City Hall  
255 N 4th St  
Grand Forks, ND 58001

**Region VI**  
Commission Conference Room  
1603 E Century Ave., Suite 5  
Bismarck, ND 58503

**Region VIII**  
Commission Room, City Hall  
25 1st St W

P1

No. Lines

Times ON



Public hearing details  
Attendance: in person or via Microsoft Teams (audio or video only).  
Microsoft Teams

Home browser (Visual)  
www.NDgov.info/CDSPublicInput  
Call audio only: (701) 328-5900  
Conference ID: 400-882-9400

Further details regarding the information can be found at [www.nd.gov/info/cdsg](http://www.nd.gov/info/cdsg).

Written and oral comments will be heard at the public hearing. Written comments may be submitted to [cds@nd.gov](mailto:cds@nd.gov) or P.O. Box 2057, Bismarck, North Dakota 58502-0557 and March 24, 2022.

Should anyone need additional assistance, please contact Maria Lantz, Tanager at (701) 328-5900, one week in advance. Alternative formats are available upon request at (701) 328-6300 or via Relay North Dakota: TTY: 1-800-868-6988, voice: 1-800-368-6989, or Spanish: 1-800-435-0590.

(March 9, 2022)

AFFP

NDDeptofCommercePublicNotice22

## **Affidavit of Publication**

STATE OF NORTH DAKOTA ss  
}  
COUNTY OF BARNES  
COUNTY }

Kelsey Bolner, being duly sworn, says:

That she is Kelsey Bolner of the Valley City Times Record,  
a daily newspaper of general circulation, printed and  
published in Valley City, Barnes County County, North  
Dakota; that the publication, a copy of which is attached  
hereto, was published in the said newspaper on the  
following dates:

March 09, 2022

That said newspaper was regularly issued and circulated  
on those dates.

SIGNED:

Kelsey Bolner

Subscribed to and sworn to me this 9th day of March  
2022.

Brenda Tompt, Business Manager, Barnes County  
County, North Dakota

My commission expires: July 05, 2022

00000943 00013879

Tammy Heick  
ND Department of Commerce  
PO Box 2057  
Bismarck, ND 58502

### **Public Notice**

The North Dakota Department of Commerce, Division of Community Services, will  
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The Annual Action Plan includes the state's Community Development Block Grant  
(CDBG) and the Emergency Solutions Grant (ESG) program distribution plans.  
Currently, the state estimates the 2022 funding to be \$4,021,000 for CDBG and  
\$460,000 for ESG. Suggestions are needed on how to prioritize the use of these  
funds. The CDBG funding must be used for activities that primarily benefit low- and  
moderate-income persons (LMI), alleviate slum and blight, or address a condition  
that threatens life and death. The ESG funding must be used for providing services  
to the homeless and those at risk of becoming homeless.

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Region I  
Commission Room Council Chambers  
22 E. Broadway  
Williston, ND 58802

Region II  
Council Chambers  
515 2nd Ave. SW  
Minot, ND 58701

Region III  
Commission Chambers  
423 8th St. NE  
Devils Lake, ND 58501

Region IV  
Griggs Conference Room, City Hall  
255 N. 4th St.  
Grand Forks, ND 58201

Region V  
Meadowlark Room, City Hall  
255 4th St. N.  
Fargo, ND 58102

Region VI  
City Council Chambers  
102 3rd Ave. SE  
Jamestown, ND 58401

Region VII  
Commerce Conference Room  
1800 E. Century Ave., Suite 6  
Dismal, ND 58503

Region VIII  
Commission Room, City Hall  
38 1st St. W.  
Dickinson, ND 58601

Public hearing details:

Attendance in person or via Microsoft Teams (virtual or audio-only).

Microsoft Teams

From a browser (virtual): [www.nd.gov/ink/CDSPublicInput](https://www.nd.gov/ink/CDSPublicInput)

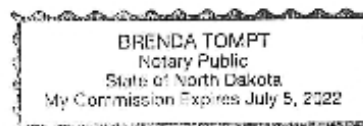
Call (audio-only): (701) 328-0853, Conference ID: 400 632 2466

Further details pertaining to information can be found at [www.nd.gov/ink/CDSP](https://www.nd.gov/ink/CDSP).

Written and oral comments will be heard at the public hearing. Written comments  
may be submitted to [cdsp@nd.gov](mailto:cdsp@nd.gov) or P.O. Box 2057, Dismal, North Dakota 58502-  
2057 until March 24, 2022.

Should anyone need additional assistance, please contact Marie Effertz-Hanson at  
(701) 328-5300 one week in advance. Alternative formats are available upon request  
at (701) 328-5300 or via Relay North Dakota: TTY 1-800-366-6888, voice 1-800-  
366-6888, or Spanish 1-800-495-5500.

(Mar. 9 2022)



## Wimbledon Fish Fry

*Not fast food, but food for fasting*

Depot

escape from the upper windows of the depot to evade the wrath of the mob leader. He recalls the scene, the painful noise of such big songs as "Sweet and Lovely" and "My Blue Heaven." "I was a newspaper editor, the head of a choir and a ticket taker at the time,"

The bedroom is preserved exactly, with furniture from the original way it had been when she'd lived there. It is the only one of her many rooms that contains whatever she'd thrown away.

"Yes, coping our memory often and how it all started. Like the midwife! And making the connection," Peterson will.

**VCHS**

year has brought new and creative opportunities for students, and this was no different. As a series, it's hard to let go of this week and all that it has brought

for our school and class in the past, but moving forward, we still have the resources of the last Senior Week as we go on to bigger and better things.

the state of planning is to start per restoration. We found out we didn't even own the land under water. Bill Peterson said, "We were like, 'we don't even own the land!' Well, we're not doing the restoration without owning the land." The railroad still owned the land. The State Inc. So I had to call Minnesota and a, that time they had

[illegible]

was in a more jewel of this collection of brocade gems. Her, Marnet Engstrom, Lee's wife, had endured through the agonies of her long and troubled marriage, beauty and gaiety, her comeliness and sweetness—all of these are lovingly kept in the Museum, which the collection including her dress, album covers, and jewelry and photographs and the many other mementoes of her career.

Yet where she was Peggy Lee, Marnet Engstrom was a graduate from Washington High School. She was a rebelious girl, with a tumultuous life, who would

**VCHS**  
from  
large classes attended  
the annual Sunbelt  
Dance, hosted in the  
Ogdenia. The mono-

STATE OF NORTH DAKOTA )  
 ) SS.  
COUNTY OF RICHLAND )

## AFFIDAVIT OF PUBLICATION

Katie M. Harrison being first

duly sworn, deposes and says: That (he) (she) is the Agent to the Publisher of the WAHPETON DAILY NEWS newspaper printed and published three days a week in the County of Richland, State of North Dakota, and of general circulation in the city of Wahpeton, County of Richland, State of North Dakota and elsewhere, and the hereto attached

PUBLIC HEARING

81072

Was printed and published correctly in the regular and entire issue of said WAHPETON DAILY NEWS for 1 issue, that the first was made on the 10<sup>th</sup> day of MARCH, 2022 and the last publication thereof was made on the 10<sup>th</sup> day of MARCH, 2022 that said publication was made on each of the following dates, to wit:

03/10/2022

Request of

ND DEPT OF COMMERCE

WAHPETON DAILY NEWS

By

*Katie Harrison*

Subscribed sworn to before me this 10<sup>th</sup> DAY of MARCH, 2022

*Carrie McDermott*

Notary Public in and for the County of Richland, State of North Dakota

My Commission Expires:



**PUBLIC NOTICE**

The North Dakota Department of Commerce, Division of Community Services, will hold a public hearing on March 22, 2022, at 11:00 a.m. CST, to gather input on affording housing agency needs housing resources made public facility needs, economic development needs and priority needs in the state. Comments will be used in developing the 2022 Annual Action Plan.

The Annual Action Plan includes the state's Community Development Block Grant (CDBG) and the Emergency Response Grant (ERG) program distribution plans. Currently, the state estimates the 2022 funding to be \$4,000,000 for CDBG and \$400,000 for ERG. Suggestions are needed on how to provide the use of these funds. The CDBG funding must be used to address the primary, secondary and tertiary income persons (PI), provide them and their families a solution that addresses the need. The ERG funding must be used for providing services to the homeless and those at risk of becoming homeless.

Hearing locations open to the public to attend:

|                                  |                          |
|----------------------------------|--------------------------|
| <b>Region I</b>                  | <b>Region II</b>         |
| Commerce Room                    | Commerce Room            |
| 22 E. Broadway                   | 517 2nd Ave. SW          |
| Wahpeton, ND 58072               | Wahpeton, ND 58071       |
| <b>Region III</b>                | <b>Region IV</b>         |
| Commerce Room                    | Commerce Room, City Hall |
| 421 SW 21st St.                  | 255 N. 4th St.           |
| Devils Lake, ND 58001            | Grand Forks, ND 58001    |
| <b>Region V</b>                  | <b>Region VI</b>         |
| Commerce Room, City Hall         | City Council Chamber     |
| 200 1st St. N.                   | 101 1st Ave. SE          |
| Fargo, ND 58102                  | Jacksonville, ND 58401   |
| <b>Region VII</b>                | <b>Region VIII</b>       |
| Commerce Room, City Hall         | Commerce Room, City Hall |
| 1000 E. Broadway Ave. N. 1st St. | 20 1st St. W.            |
| Bismarck, ND 58101               | Minot, ND 58701          |

Public hearing details:  
Additional information on the Microsoft Teams website at [www.nd.gov/teams](https://www.nd.gov/teams)  
Microsoft Teams  
From a browser visit [www.nd.gov/teams](https://www.nd.gov/teams)  
Call (701) 328-2200, Commerce, or 402-852-2496  
Public hearing details information can be found at [www.nd.gov/teams](https://www.nd.gov/teams)  
Written and oral comments will be heard at the public hearing. Written comments may be submitted to [ds@nd.gov](mailto:ds@nd.gov) or P.O. Box 2057, Bismarck, North Dakota 58102-2057 until March 24, 2022.

Should anyone need additional assistance, please contact NADA Office (Union at 701) 328-2200 or a week in advance. Assistance forms are available upon request at (701) 328-2200 or by email to [ds@nd.gov](mailto:ds@nd.gov). TTY: 1-800-365-6358, voice 1-800-365-6358, or Spanish 1-800-438-2345.

Equal Housing Opportunity  
Equal Housing Opportunity

# AFFIDAVIT OF PUBLICATION

STATE OF NORTH DAKOTA)  
:SS.  
COUNTY OF WILLIAMS)

**Public Notice**  
The North Dakota Department of Commerce, Division of Community Services, will hold a public hearing on March 25, 2022, at 11 a.m. CDT, to gather input on affordable housing, affordable housing, homeless needs, rural community needs, economic development needs, and priority needs in the state. Comments will be used to develop the 2022 Annual Action Plan.

The Annual Action Plan includes the state's Community Development Block Grant (CDBG) and the Emergency Servicing Grant (ESG) program distribution plans. Currently, the state estimates the 2022 funding to be \$4,000,000 for CDBG and \$100,000 for ESG. Suggestions are needed on how to utilize the use of these funds. The CDBG funds must be used for activities that primarily benefit low- and moderate-income persons (LMI), at-risk adults and children, address a condition that threatens life and health. The ESG funds must be used for providing services to the homeless and those at risk of becoming homeless.

Meeting locations open to the public to attend:

Region I  
Commission Room  
22 N. Broadway  
Minot, ND 58702

Region II  
Council Chambers  
415 S. 2nd Ave. SW  
Minot, ND 58701

Region III  
Commission Chamber C  
422 8th St. NE  
Dunsmuir, ND 58801

Region IV  
Grand Conference Room, City Hall  
251 N. 1st St.  
Grand Forks, ND 58201

Region V  
Grand Conference Room, City Hall  
251 N. 1st St.  
Fargo, ND 58102

Region VI  
City Council Chamber  
102 3rd Ave. SE  
Jenison, ND 58401

Region VII  
City Council Chamber  
300 E. 1st Ave. NW  
Bismarck, ND 58102

Region VIII  
Commission Room, City Hall  
251 N. 1st St.  
Dismal, ND 58501

Public hearing details  
are posted on the website  
(www.nd.gov/comm)

Interested parties  
may contact the public hearing coordinator  
at (701) 325-4000 or  
by email at [publichearing@nd.gov](mailto:publichearing@nd.gov)  
or by mail at 100 N. 2nd St.,  
Bismarck, ND 58102.  
Further details regarding the public hearing  
can be found at [www.nd.gov/comm](http://www.nd.gov/comm).

Witness and notary public information is provided  
at the back of this document. Witness information  
may be used to verify the accuracy of the  
notary public's signature. Notary Public  
Kathy Sonstegard, Notary Public  
State of North Dakota  
My Commission Expires Mar. 27, 2023  
The following information is provided for  
the public's use. This information is not  
to be used for any other purpose.  
Notary Public, Kathy Sonstegard, Notary  
Public, State of North Dakota  
My Commission Expires Mar. 27, 2023  
Notary Public, Kathy Sonstegard, Notary  
Public, State of North Dakota  
My Commission Expires Mar. 27, 2023  
Log #494405 - Published March 9,  
2022

Samantha Frazier being first  
duly sworn, deposes and says: that (he) (she) is the Agent to  
the Publisher of the WILLISTON HERALD, a newspaper  
printed and published six days a week in the county of  
Williams, State of North Dakota, and of general circulation in  
the City of Williston, County of Williams, State of North  
Dakota and elsewhere, and the hereto attached

## PUBLIC HEARING AFFORDABLE HOUSING

was printed and published correctly in the regular and  
entire issue of said DAILY HERALD for 1  
issues, that the first was made on the 9th day of  
March 2022 that said publication  
was made on each of the following dates to wit:

03/09/2022  
Ad #494405

Request of

ND DEPT OF COMMERCE (LEGALS)

## Williston Herald

By Samantha Frazier  
Subscribed and sworn to before me this 9th day of March 2022

Notary public in and for the County of Williams, State of North Dakota

My commission Expires: 3/27/23

KATHY SONSTEGARD  
Notary Public  
State of North Dakota  
My Commission Expires Mar. 27, 2023

Kathy Sonstegard

2022 HOME and Housing Trust Fund  
Public Input Documentation,  
Proof of Publication,  
Attendance and Comments.



## Affidavit of Publication

Hannah Hertz, being duly sworn, states as follows:

1. I am the designated agent, under the provisions and for the purposes of, Section 31-04-06, NDCC, for the newspapers listed on the attached exhibits.

2. The newspapers listed on the exhibits published the advertisement of: **ND Housing Finance Agency, NDFHA Public Hearing for Proposed Qualified Allocation Plans**, 1 time(s) as required by law or ordinance.

3. All of the listed newspapers are legal newspapers in the State of North Dakota and, under the provisions of Section 46-05-01, NDCC, are qualified to publish any public notice or any matter required by law or ordinance to be printed or published in a newspaper in North Dakota.

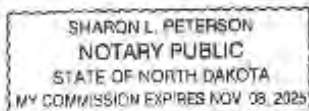
Signed: 

State of North Dakota

County of Burleigh

Subscribed and sworn to before me this 9 day of Feb., 2022





## **PUBLIC HEARING NOTICE**

### **NORTH DAKOTA HOUSING FINANCE AGENCY**

#### **PROPOSED QUALIFIED ALLOCATION PLANS UNDER THE 2023 LOW INCOME HOUSING TAX CREDIT PROGRAM, 2022 NATIONAL HOUSING TRUST FUND, 2022 HOME INVESTMENT PARTNERSHIPS PROGRAM, AND 2022 HOUSING INCENTIVE FUND.**

North Dakota Housing Finance Agency (NDHFA) will hold Public Hearings for its proposed Qualified Allocation Plans (Plan) for the 2023 Low Income Housing Tax Credit Program, 2022 National Housing Trust Fund, 2022 HOME Investment Partnerships Program, and 2022 Housing Incentive Fund on March 2, 2022.

Each plan sets forth the procedures and criteria which NDHFA will adhere to in allocating financing to multifamily affordable housing projects in each respective program during the September 2022 application round.

#### **Public Hearing Agenda**

(Times are Central Standard and are approximate. Connecting or arriving early is encouraged.)

**10:00 a.m., 2023 Low Income Housing Tax Credit**

**11:00 a.m., 2022 HOME Investment Partnerships Program**

**12:00 p.m., 2022 National Housing Trust Fund**

**1:00 p.m., 2022 Housing Incentive Fund**

The Public Hearings are for interested parties to provide either written or oral comments regarding the proposed plans. Persons who do not attend the hearings may submit written comments by 5:00 p.m., CT, on February 22, 2022. The plans can be viewed on NDHFA's website, [www.ndhfa.org](http://www.ndhfa.org), beginning on January 31, 2022. Please contact NDHFA prior to the hearing for accommodations or additional information.

#### **Public Hearing Details**

Attendance in-person or via Microsoft Teams (virtual or audio-only).

#### **NDHFA Board Room**

2624 Vermont Ave.  
Bismarck, ND 58502

#### **Microsoft Teams**

From a browser (virtual): <https://bit.ly/3ven9bd>

Call (audio-only): (701) 328-0950, Conference ID: 814 260 661#

#### **NDHFA Contact**

Jennifer Henderson  
Director, Planning and Housing Development Division  
PO Box 1535  
Bismarck, ND 58502  
(800) 292-8621  
(800) 366-6889 (TTY)  
(800) 435-8590 (Spanish)  
[hfainfo@nd.gov](mailto:hfainfo@nd.gov)

#### **Equal Housing Opportunity**

Meeting Summary  
 Total Number of Participants 17  
 Meeting Title Public Hearing Teams Meeting  
 Meeting Start Time 3/2/2022, 9:45:20 AM  
 Meeting End Time 3/2/2022, 11:47:16 AM  
 Meeting Id 1f85b89d-1a74-48c7-a50c-d16f64d7bb91

| Full Name               | Email                                      | Organization                      | Type of Organization Represented           |
|-------------------------|--|-----------------------------------|--|
| Fink, Joseph K.         | jfink@nd.gov                               | NDHFA                             |  |
| Mudder, Sarah L.        | smudder@nd.gov                             | NDHFA                             |  |
| Henderson, Jennifer A.  | jhenderson@nd.gov                          | NDHFA                             |  |
| Ver Helst, Kayla E.     | kverhelst@nd.gov                           | NDHFA                             |  |
| Forderer, Tonya R.      | toforderer@nd.gov                          | Department of Commerce            |  |
| Michelle Martin         | martinmon2007@yahoo.com                    | Turtle Mountain Housing Authority | Public Housing                             |
| Merck, Cheryl           | cheryl.merck@minotstateu.edu               | Money Follows The Person          | Service Provider- Person with Disabilities |
| Lindsay Janke           | ljanke@beyondshelterinc.com                | Beyond Shelter                    | Affordable Housing Developer               |
| Dan Madler              | DMadler@beyondshelterinc.com               | Beyond Shelter                    | Affordable Housing Developer               |
| Mark Shelburne          | Mark.Shelburne@nc-lp.com                   | Navogradac                        |  |
| Meaghan Pasbrig (Guest) | meaghen@travois.com                        | Travois                           |  |
| Lisa Rotvold            | lrotvold@beyondshelterinc.com              | Beyond Shelter                    |  |
| Lorna Fogg              | lorna@rthawkhousing.com                    | RT Hawk Housing                   |  |
| Erickson, Kylie         | kylie.a.erickson@minotstateu.edu           | Money Follows The Person          |  |
| Tom Alexander           | tom.alexander@minothousing.onmicrosoft.com | Minot Housing Authority           |  |
| Cindy L. Wasser         | cwasser@homeinnovation.com                 | Home Innovation Research Labs     |  |

## Citizen Participation – Development of the HOME and Housing Trust Fund Allocation Plans 2022

Notice of Public Hearing was placed in daily newspaper circulation on dates of 01/26 and 01/27/2022. An Affidavit of publication and copies of the publication for each daily newspaper are attached.

The Notice of Hearing was also publicized on the NDHFA Website beginning 01/31/2022, a print screen of the website is attached.

An email was sent to all NDHFA contacts,

During the hearing NDHFA discussed the priorities outlined in the 2020-2024 Consolidated Plan. Participants agreed the priorities have not changed.

### Written Comments Received:

HOME Program: Two written comments were received regarding HOME 2022 Allocation Plan.

Comments are attached.

### Response to Comments:

CHDO requested reinstatement of CHDO operating grant. NDHFA recognizes this eligible use may be an important benefit for CHDOs especially those that operate in rural communities. NDHFA will consider using HOME funds for CHDO operating grant during the development of the 2023 Allocation plan.

Comments were received regarding several scoring criteria. Commentors indicated concern with encouraging HOME to be used in rural communities over the more urban communities of Fargo, Bismarck, Grand Forks, and Minot. Commentors also indicated the scoring provided preference for rehabilitation and mainly rural rehabilitation and made it nearly impossible for a new construction project to be funded using HOME.

NDHFA agreed that the scoring was prioritizing rural rehabilitation projects and that was intended given Housing Trust Fund and Low Income Housing Tax credits are used mainly in urban communities. NDHFA did not intend to exclude new construction. The allocation plan was finalized adding additional points for new construction but maintaining a rural priority.

Housing Trust Fund: one written comment was received. Comments requesting the removal of URA threshold items and suggesting only one point category for use of LIHTCs no matter if 9% or 4%, and concerned with holding any remaining funds for a following year funding round. NDHFA agreed to remove the URA threshold item and explained that the application and checklist are updated to require notices depending on site control. NDHFA will continue to provide preference points for 4 percent tax credit deals slightly larger than 9 percent as the incentivization to look at 4 percent credits was intentional. Finally, NDHFA clarified that the holding of any funds is simply due to the funding amount not being enough to fund a project.

**From:** -Info-Housing Finance Agency  
**Sent:** Tuesday, February 22, 2022 3:04 PM  
**To:** Henderson, Jennifer A.  
**Subject:** FW: 2022 HOME Qualified Allocation Plan-Public Comment

This message was forwarded from NDHFA's info account.

**From:** Andrea Diede <andread@ahdi-nd.org>  
**Sent:** Tuesday, February 22, 2022 2:38 PM  
**To:** -Info-Housing Finance Agency <hfainfo@nd.gov>  
**Subject:** 2022 HOME Qualified Allocation Plan-Public Comment

\*\*\*\*\* CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. \*\*\*\*\*

Good afternoon,

I would like to propose that NDHFA consider reinstating the CHDO operating grant. In accordance with 24 CFR Part 92.208, up to 5% of a PJ's HOME allocation may be used for the operating expenses of CHDOs, so long as the amount does not exceed more than 50% of the CHDO's operating budget or \$50,000, whichever is greater.

AHDI has been a CHDO in the state of North Dakota for 25 years, and from 1997 through 2015 consistently received \$20,000-\$50,000 to help with organizational support, training and housing education. With the limited number of community housing development organizations in the state, it is becoming increasingly important to maintain CHDO capacity. The operating support can assist the CHDO organizations in further developing and training their staff to meet the state's affordable housing needs.

Thank you for your consideration,

Andrea Diede  
Executive Director  
Affordable Housing Developers  
112 3<sup>rd</sup> St W, Suite 101  
Dickinson, ND 58601  
701-483-4432



**AFFORDABLE  
HOUSING  
DEVELOPERS**

*NOTICE-CONFIDENTIAL INFORMATION - The information in this communication, including all attachments, is proprietary and strictly confidential. It is intended solely for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, any dissemination, distribution, copying or other use of the information contained in this communication is strictly prohibited. If you have received this communication in error, please first notify the sender immediately and then delete this communication from all data storage devices and destroy all hard copies.*

**General Comments:** Continue to align priorities of the LIHTC, HTF, HOME, and HIF so that all programs can efficiently and effectively be leveraged to preserve/produce the maximum number of affordable units per year = Maximum Investment for Maximum Impact.

#### Low Income Housing Tax Credit

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##### Suggestions/comments for changes to the existing 2022 LIHTC Program QAP:

- 1) **Section VII – Item N – Committed Leverage:** Consider adding, “if valued greater than 15% of total development costs, an applicant will receive 5 points.”
- **Section VII – Item N – Committed Leverage:** Re: Applications submitted for 9% tax credits as part of a twin-financed project with 4% tax credits and tax-exempt financing will receive 2 points. **Comment/Questions** – because 4% bond deals are proving challenging, with a 200-unit minimum size recommended by multiple parties at NCSHA Institute this year. The costs associated with deals involving bond financing make it challenging to make the numbers work. Considering this information, questions to ask = 1) is encouraging deals with 4% bond financing by awarding 2 points a good fit in ND?, 2) do twin-financed projects produce that much value for this type of incentive?, and 3) are twin-financed projects that much more effective, efficient, and timely?
- 2) **New Project Rating/Scoring Criteria:** Consider **Readiness to Proceed (6 points)** – assign up to 6 points for Project meeting defined criteria. (i.e., applications containing documentation that the Project Site is already owned by the Applicant/Project Developer via a recorded warranty deed, a recorded long-term lease, or an approval of Transfer of Physical Assets (TPA) from the appropriate HUD, Rural Development, or NDHFA office = 2 points, applications containing documentation that the final plat of the land has been recorded = 2 points, applications containing submitted plans and specifications that are 50% complete = 2 points.

#### Housing Trust Fund

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- URA notices prior to applications being submitted seems to put the cart before the horse – this is not required in the HOME Distribution Plan which would seemingly be under the same Federal requirements
- Use of Tax Credits – suggest only having one point option for LIHTC projects either 9% or 4% - say 10 points for either one
  - As noted at NCSHA Institute in January, 4% credits work best on large deals of 200 units or more

- Also noted was the fact that 4% deals generally need the higher rental income generated by 60% households, and that deals using 9% credits are more suitable for serving the lower income households, particularly those earning 30% of AMI
- Encouraging the pairing of HTC with tax credits can be accomplished by putting 9% deals and 4% deals on equal footing with regard to this point category.
- Will holding any remaining HTF funding to the following year's funding round in September lead to any performance benchmark timing concerns?

## HOME

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### Scoring Criteria comments/questions:

- A) Discourages projects having more than 11 HOME units
- B) Please clarify. What does this mean??? What is being calculating???
- C) 25 points for Rural projects – rural projects are generally smaller in size and need more flexibility than HOME can offer; Is it worth putting projects in the larger communities with, the higher populations, at a 25-point disadvantage?
- D) -25 point (deduct) for not having at least 25% match seems excessive – HUD measures match program wide, not per project. If a project had 20% match but the PJ's HOME program had excess match (common) this is a 45-point deficit compared to another project with only 5% more match.
- E) Project Readiness being measured by completion of project may not result in the best projects being funded. It will also make new construction less competitive. Just because it can be done quicker doesn't mean it is a better use of the funds.
- F) This point category basically rules out HOME funding for new construction. It also is counter intuitive – the Highest HOME funds per unit gets the highest points? The max points are for rehabilitation costing \$175,000 per unit. The efficient use of funds is typically rewarded, and this is the opposite.
  - a. For instance, say a rural rehabilitation project has 8 units, and a total rehab cost of \$800,000 and is awarded \$350,000 for 2 HOME units (\$175,000 x 2), the actual cost per unit is \$100,000 so an award should be for no more than \$200,000 should be available to that project which earns fewer points.

Scoring – overall the proposed scoring has the effect of

- Eliminating use of HOME funds in cities over 35,000 (Fargo, Bismarck, Grand Forks, Minot)
- Eliminating use of HOME funds in new construction
- Minimizes the number of HOME units being produced
- Encourages use of HOME in rural rehabilitation projects
- The significant point deducts seem to be directing HOME funds to a particular type of applicant / project (i.e., heavily weighted toward rural rehab.)

- The proposed changes are significant and merit more discussion and transparency before being implemented.

**HIF**

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no comment at this time

**Thank you for your time and consideration.**

Subjects

Subject

On Demand Lessons

Instructions by course

Investment Fund

Championed Project

Local Finance (R&D)

Finance and Taxes

Public Hearing and

Community Alliance

Participating Fund

NDHFA resources

Handbook and Log

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## PUBLIC HEARING NOTICE

### Proposed Qualified Allocation Plans under the 2023 Low Income Housing Tax Credit Program, 2022 National Housing Trust Fund, 2022 HOME Investment Partnerships Program, and 2022 Housing Incentive Fund

North Dakota Housing Finance Agency (NDHFA) will hold Public Hearings for its proposed Qualified Allocation Plans (Plan) for the 2023 Low Income Housing Tax Credit Program, 2022 National Housing Trust Fund, 2022 HOME Investment Partnerships Program, and 2022 Housing Incentive Fund on March 2, 2022.

Each plan sets forth the procedures and criteria which NDHFA will adhere to in allocating financing to multifamily affordable housing projects in each respective program during the September 2022 application round.

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#### Public Hearing Details

Attendance in-person or via Microsoft Teams (virtual or audio-only).

#### NDHFA Board Room

2624 Vermont Ave.  
Bismarck, ND 58502

#### Microsoft Teams

From a browser: <https://bit.ly/3lgn9bd>  
Call in (audio only): (701) 328-0950, Conference ID: 814 260 661#  
[Add to Calendar](#)

#### NDHFA Contact:

**Jennifer Henderson** (800) 292-8621  
Director, Planning and Housing (800) 366-6899 (TTY)  
Development Division (800) 435-8590 (Spanish)

PO Box 1535 [jhenderson@ndhfa.gov](mailto:jhenderson@ndhfa.gov)

Bismarck, ND 58502

**Equal Housing Opportunity**



North Dakota Housing Finance Agency  
2624 Vermont Ave. PO Box 1535

**From:** North Dakota Housing Finance Agency <ndhfa@info.nd.gov>  
**Sent:** Monday, January 31, 2022 1:01 PM  
**To:** Henderson, Jennifer A.  
**Subject:** Public Hearing Notice: Proposed Qualified Allocation Plans

Having trouble viewing this email? [View it as a Web page](#)



**PUBLIC HEARING  
NOTICE**

## **Proposed Qualified Allocation Plans under the 2023 Low Income Housing Tax Credit Program, 2022 National Housing Trust Fund, 2022 HOME Investment Partnerships Program, and 2022 Housing Incentive Fund**

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Call in (audio only): (701) 328-0950, Conference ID: 814 260 661#

[Add to Calendar](#)

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### **NDHFA Contact:**

#### **Jennifer Henderson**

Director, Planning and Housing  
Development Division

PO Box 1535  
Bismarck, ND 58502

(800) 292-8621

(800) 366-6889 (TTY)

(800) 435-8590 (Spanish)

[hfainfo@nd.gov](mailto:hfainfo@nd.gov)

**Equal Housing Opportunity**



**North Dakota Housing Finance Agency**  
2624 Vermont Ave., PO Box 1535  
Bismarck, ND 58502-1535  
800/292-8621 | [hfainfo@nd.gov](mailto:hfainfo@nd.gov) | [www.ndhfa.org](http://www.ndhfa.org)



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This email was sent to [jhenderson@nd.gov](mailto:jhenderson@nd.gov) using govDelivery Communications Cloud on behalf of North Dakota Housing Finance Agency, 2624 Vermont Ave, Bismarck, ND 58502



## North Dakota Housing Finance Agency - Bulletin Detail ...



Subject: Public Hearing Notice: Proposed Qualified Allocation Plans  
 Sent: 01/31/2022 01:00 PM CST  
 Sent By: smudder@nd.gov  
 Sent To: Subscribers of Hearing Notices Multifamily

**100**

Recipients

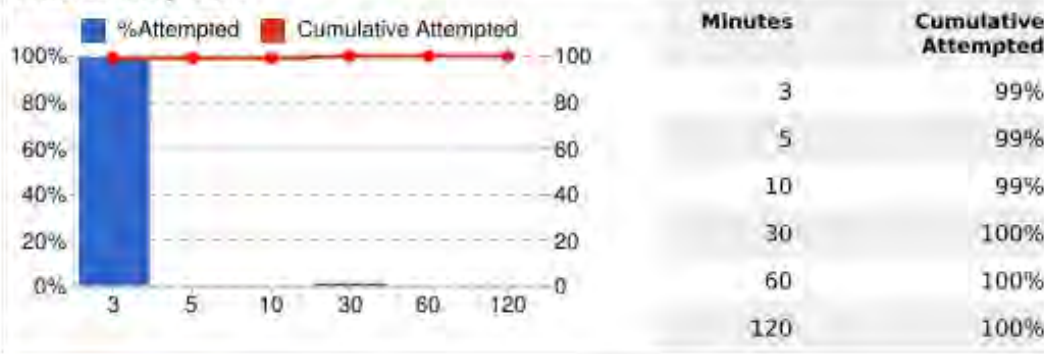


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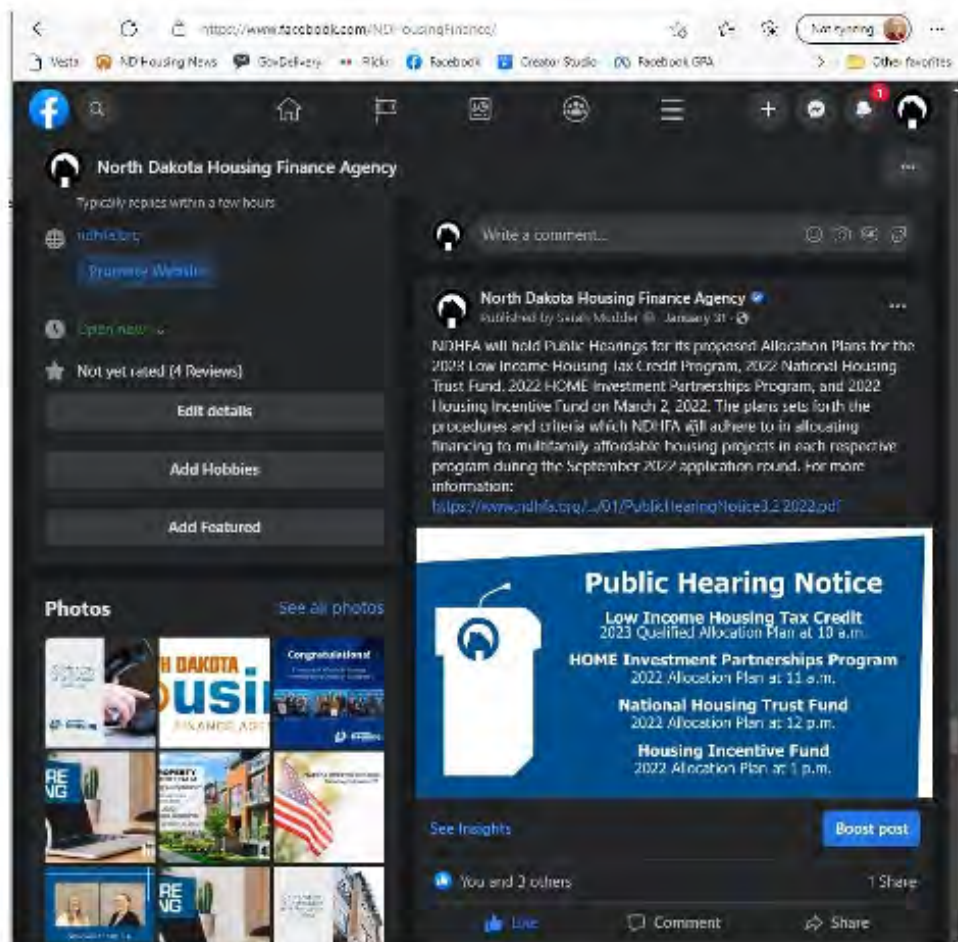
**140** Total Opens  
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**6 (6%)** Unique Clicks  
**12** # of Links

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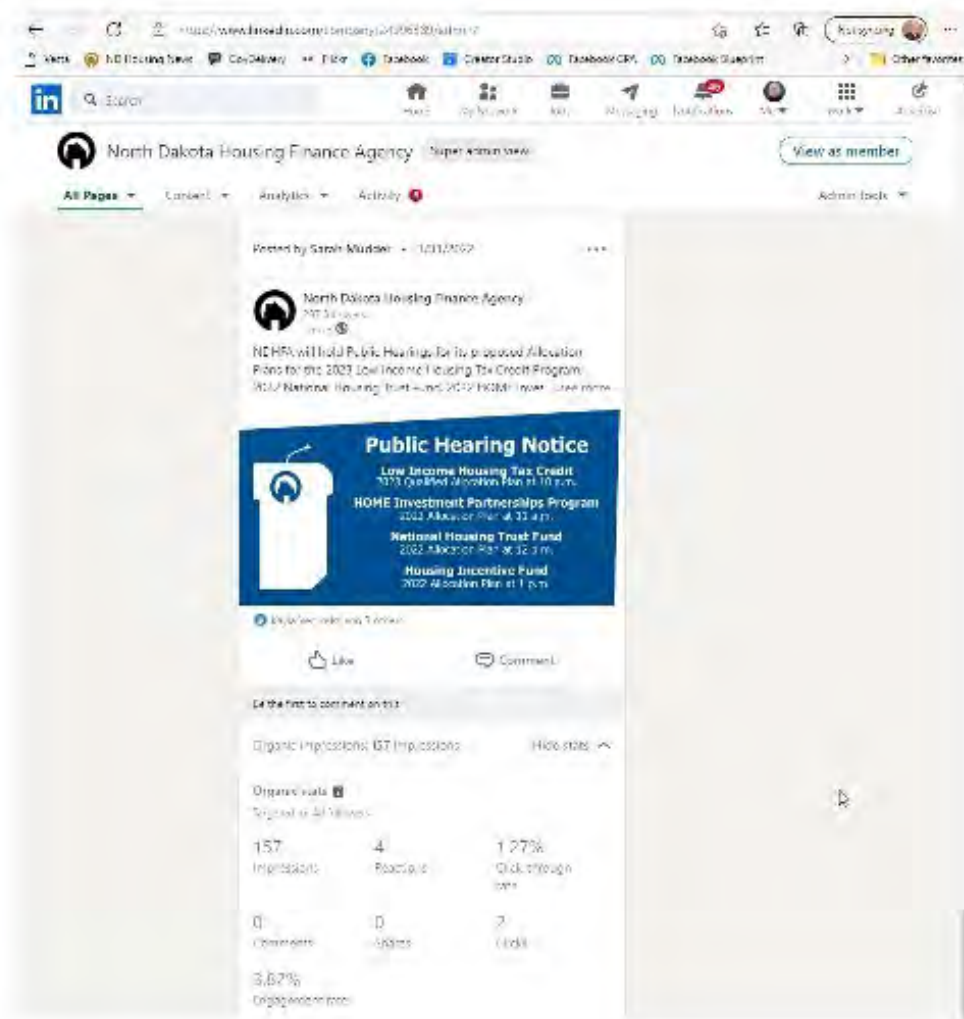
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|                       | Progress  | % Delivered | Recipients | # Delivered | Opened Unique | Bounced/Failed | Unsubscribes |
|-----------------------|-----------|-------------|------------|-------------|---------------|----------------|--------------|
| <b>Email Bulletin</b> | Delivered | 100.0%      | 100        | 100         | 50 / 50.0%    | 0              | 0            |
| <b>Digest</b>         | n/a       | n/a         | 0          | 0           | 0 / 0.0%      | 0              | 0            |
| <b>SMS Message</b>    | Delivered | 0.0%        | 0          | 0           | n/a           | 0              | n/a          |

| Link URL  | Unique Clicks | Total Clicks |
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| <a href="https://content.govdelivery.com/attachments/NDHFA/2022/0...">https://content.govdelivery.com/attachments/NDHFA/2022/0...</a>     | 6             | 10           |
| <a href="https://subscriberhelp.granicus.com/">https://subscriberhelp.granicus.com/</a>   | 0             | 0            |
| <a href="https://www.flickr.com/photos/ndhfa/">https://www.flickr.com/photos/ndhfa/</a>   | 0             | 0            |
| <a href="https://www.ndhfa.org/">https://www.ndhfa.org/</a>   | 0             | 0            |
| <a href="https://www.instagram.com/ndhousingfinance/">https://www.instagram.com/ndhousingfinance/</a>                                     | 0             | 0            |
| <a href="https://content.govdelivery.com/accounts/NDHFA/bulletins/3...">https://content.govdelivery.com/accounts/NDHFA/bulletins/3...</a> | 0             | 0            |
| <a href="https://public.govdelivery.com/accounts/NDHFA/subscriber/o...">https://public.govdelivery.com/accounts/NDHFA/subscriber/o...</a> | 0             | 0            |
| <a href="https://www.facebook.com/NDHousingFinance">https://www.facebook.com/NDHousingFinance</a>   | 0             | 0            |
| <a href="https://subscriberhelp.govdelivery.com/">https://subscriberhelp.govdelivery.com/</a>   | 0             | 0            |
| <a href="https://www.linkedin.com/company/ndhfa">https://www.linkedin.com/company/ndhfa</a>   | 0             | 0            |
| <a href="https://public.govdelivery.com/accounts/NDHFA/subscriber/e...">https://public.govdelivery.com/accounts/NDHFA/subscriber/e...</a> | 0             | 0            |







NDHFA celebrates 40 years of affordable housing: Jan. 2022 e-news

From: North Dakota Housing Finance Agency <ndhfa@info.nd.gov>

Subject: NDHFA celebrates 40 years of affordable housing: Jan. 2022 e-news

<https://www.nd.gov/ndhfa> [www.nd.gov/ndhfa](https://www.nd.gov/ndhfa)



## From the Executive Director, Jan, 2022



As we enter 2022, we look back on the past 40 years of affordable housing in North Dakota. It is a testament to the hard work and dedication of the many individuals and organizations that have worked together to make this progress possible.

In March of 2021, we held our 40th anniversary celebration. It was a wonderful opportunity to reflect on the past and look forward to the future. The celebration brought together many of our partners and friends, and it was a great reminder of the support we have received over the years.

As we move forward, we will continue to work hard to provide affordable housing for all North Dakotans. We will also continue to work with our partners to address the challenges we face. We are confident that we will achieve our goals and make a positive impact on the lives of many people.

## Homeownership Division

### Housing Finance Agency ranked a Tier 1 FHA Loan Servicer

NDHFA was ranked a Tier 1 Federal Housing Administration loan servicer for FY 2021 by the U.S. Department of Housing and Urban Development's National Servicing Center. [Read More](#)

### New marketing materials for participating lenders

At the request of NDHFA's lending partners, the agency's communications team has produced marketing materials for the promotion of the agency's homeownership programs. The flyers highlight the purchase assistance offered. [Learn More](#)

### Homeownership Forum focus on appraisal process and trends

NDHFA's 2022 Homeownership Forum, "Appraisal Process and Trends: Real Property Valuation in North Dakota," is Feb. 16 at the Doubletree in West Fargo and Feb. 17 at the Radisson in Bismarck, same agenda in both locations. [Learn More](#)

## Planning & Housing Development Division

### Agency makes affordable housing funding commitments

NDHFA made funding commitments to eight affordable multifamily housing projects in November. The assistance awarded will support the development or preservation of more than 515 housing units statewide. [Read More](#)

### Public Hearings for Development Plans will be held on March 2

NDHFA will hold Public Hearings for the proposed LIHTC, HTF, HOME and HIF allocation plans on March 2, 2022. The plans and hearing details will be posted on NDHFA's website on Jan. 31. [Sign-up to Receive Public Hearing Notices](#)

### Faces of Home: You need a little something



32-year old Jarrett lived in his car for a period.

NDHFA made funding commitments to eight affordable multifamily housing projects in November. The assistance awarded will support the development or preservation of more than 515 housing units statewide. [Read More](#)

#### Public Hearings for Development Plans will be held on March 2

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#### Faces of Home: You need a little something



32-year old Jarrett lived in his car for a period, struggling to keep a job or to stay sober before getting into treatment and coming to live at Edwinton Place, the only Burleigh County Housing Authority property dedicated to providing adults who have experienced chronic homelessness with Permanent Supportive Housing. Edwinton marked its second anniversary in Nov. 2021. It is the third property in North Dakota serving chronically homeless adults to receive

development assistance from NDHFA. [Read More](#) [Watch Video](#)

### Public Affairs/Communications

#### Receive the NDHFA news that you want!

NDHFA kicked off the New Year with a new email subscription service called GovDelivery that allows you to select the NDHFA news you want to receive. To get started, select the "Manage Subscriptions" link at the bottom of the page.

#### Follow NDHFA on Instagram for content targeted to first-time buyers

NDHFA has launched an Instagram account with plans to target the content to first-time homebuyers. The agency's homeownership partners are encouraged to follow the agency and tag FirstHome program users. [Follow Us](#)

#### Save the Date: Property Management Forum, April 13-14 in Bismarck

Ensuring families are eligible and that your property remains in compliance can be a complex task. Property owners and managers will learn how to conquer this challenge during a two-day seminar lead by US Housing Consultants. [Save the Date](#)

#### A look at homelessness in southwestern North Dakota

Following a detailed presentation by the Southwest Homeless Coalition, the City of Dickinson approved \$25,000 in funding to launch a pilot project aimed at supporting a homeless shelter. *The Dickinson Press, Dec. 26, 2021*. [Read More](#)

#### Housing Highlights

[Recent Housing Development](#)

[State Housing 10 Year Plan](#)

[Development of a Housing Plan](#)

[First Home](#)

[Housing Assistance Programs](#)

[Homeownership Programs](#)

[State Aid](#)

[Funding](#)

[Funding Development Projects](#)

#### Calendar of Events

[2022 Calendar of Events](#)

[Public Hearings](#)

[2022 Calendar of Events](#)

[2022 Calendar of Events](#)

[2022 Calendar of Events](#)

[2022 Calendar of Events](#)

[2022 Calendar of Events](#)

[2022 Calendar of Events](#)

[2022 Calendar of Events](#)



North Dakota Housing Finance Agency  
2624 Vermont Ave. PO Box 1535

## North Dakota Housing Finance Agency - Bulletin Detail ...



Subject: NDHFA celebrates 40 years of affordable housing; Jan. 2022 e-news  
 Sent: 01/13/2022 12:04 PM CST  
 Sent By: smudder@nd.gov  
 Sent To: Subscribers of Agency Newsletter

**2,692**

Recipients

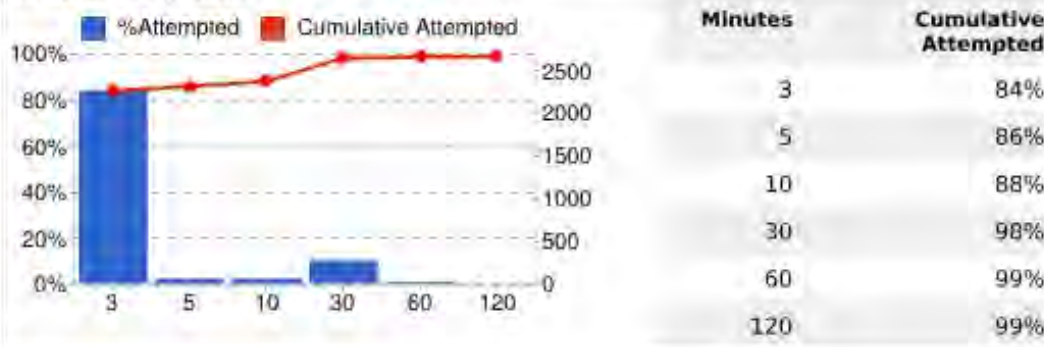


**98%**

Delivered

0% Pending  
 2% Bounced  
 27% Open Rate  
 7% Click Rate

### Email Delivery Stats



### Delivery Metrics - Details

**2,692** Total Sent  
**2,646 (98%)** Delivered  
**0 (0%)** Pending  
**46 (2%)** Bounced  
**3 (0%)** Unsubscribed

### Bulletin Analytics

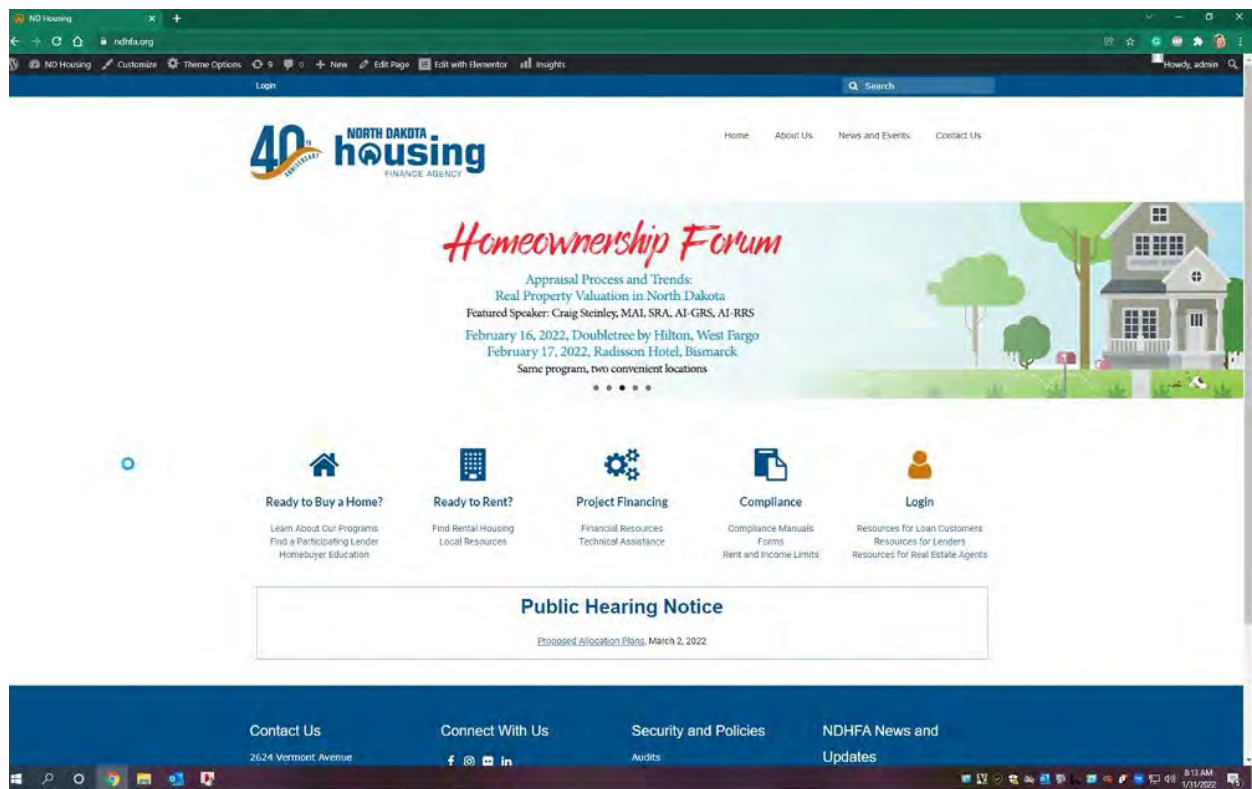
**1,416** Total Opens  
**707 (27%)** Unique Opens  
**321** Total Clicks  
**172 (7%)** Unique Clicks  
**27** # of Links

#### Delivery and performance

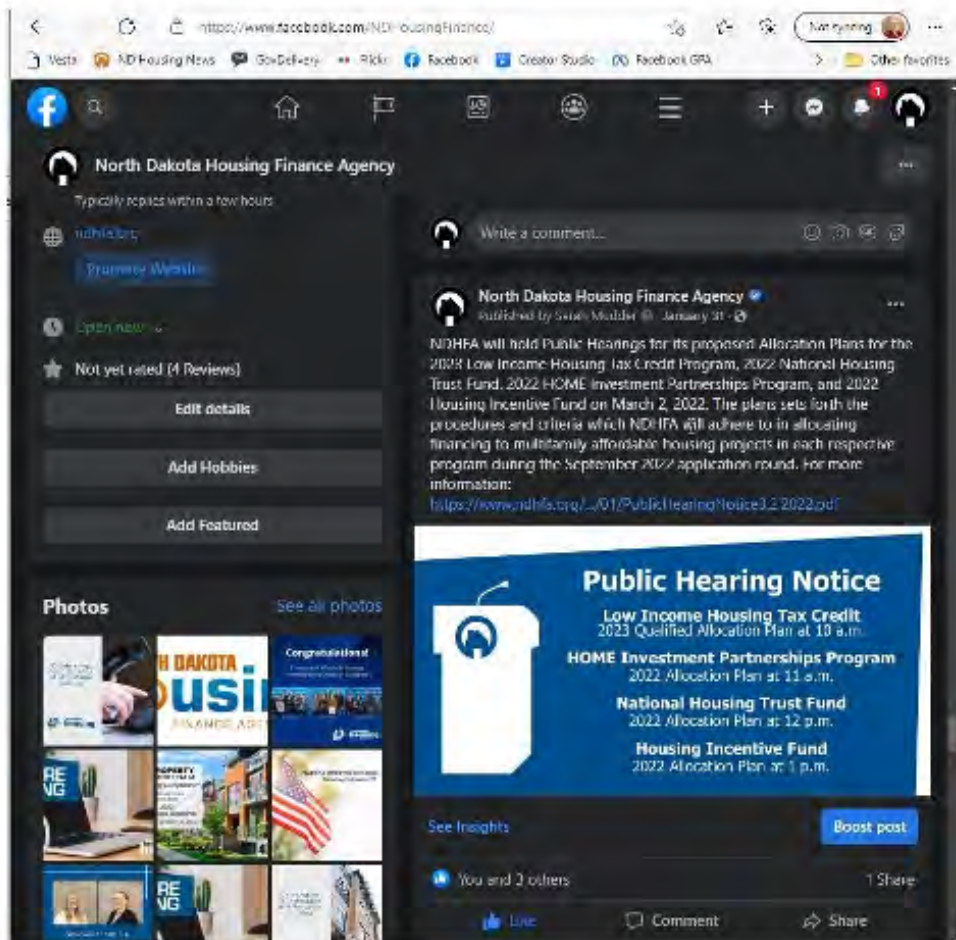
*These figures represent all data since the bulletin was first sent to present time.*

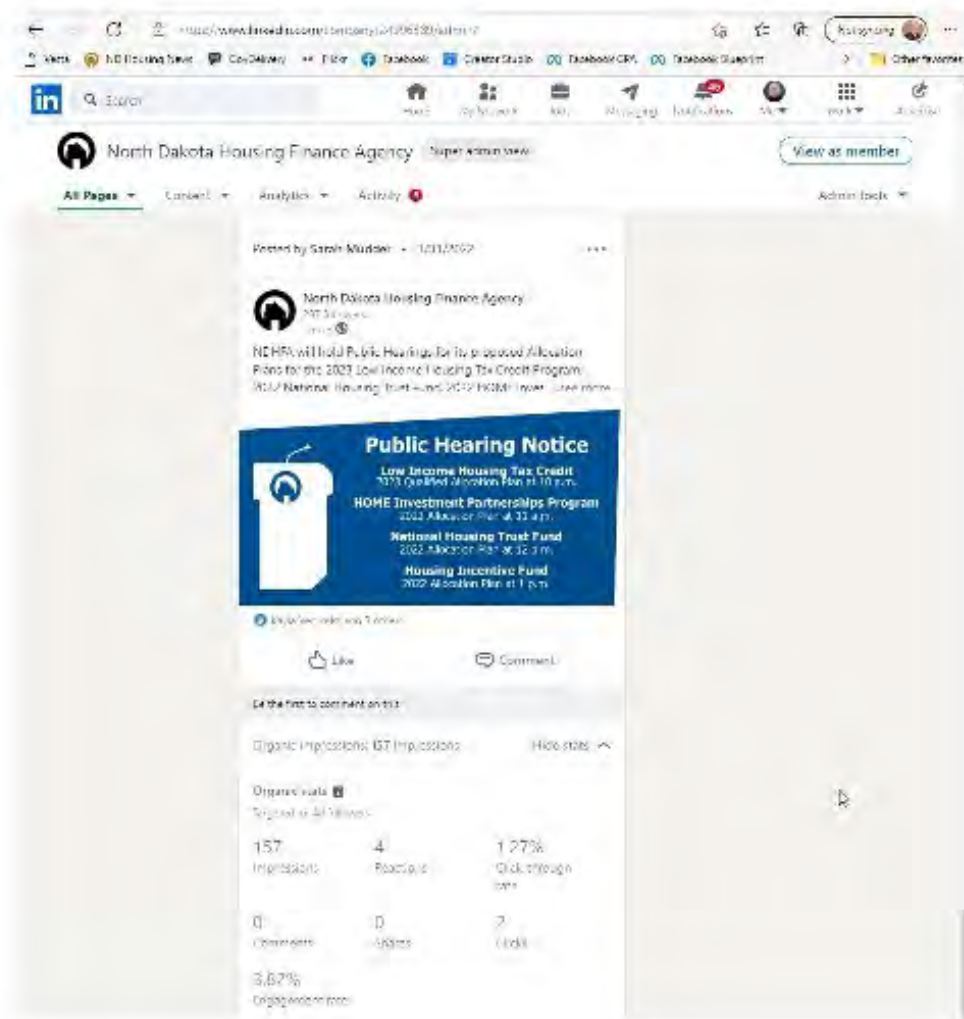
|                       | Progress  | % Delivered | Recipients | # Delivered | Opened Unique | Bounced/Failed | Unsubscribes |
|-----------------------|-----------|-------------|------------|-------------|---------------|----------------|--------------|
| <b>Email Bulletin</b> | Delivered | 98.3%       | 2,692      | 2,646       | 707 / 26.7%   | 46             | 3            |
| <b>Digest</b>         | n/a       | n/a         | 0          | 0           | 0 / 0.0%      | 0              | 0            |
| <b>SMS Message</b>    | Delivered | 0.0%        | 0          | 0           | n/a           | 0              | n/a          |

| Link URL  | Unique Clicks | Total Clicks |
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| <a href="https://www.ndhfa.org/index.php/2022/01/11/from-the-execu...">https://www.ndhfa.org/index.php/2022/01/11/from-the-execu...</a>     | 45            | 79           |
| <a href="https://cvent.me/yGEN0m">https://cvent.me/yGEN0m</a>   | 25            | 54           |
| <a href="https://www.ndhfa.org/index.php/2021/11/29/agency-makes-...">https://www.ndhfa.org/index.php/2021/11/29/agency-makes-...</a>       | 21            | 35           |
| <a href="https://www.ndhfa.org/index.php/lenders/">https://www.ndhfa.org/index.php/lenders/</a>   | 17            | 34           |
| <a href="https://www.ndhfa.org/wp-content/uploads/2021/12/Facesof...">https://www.ndhfa.org/wp-content/uploads/2021/12/Facesof...</a>       | 13            | 30           |
| <a href="https://public.govdelivery.com/accounts/NDHFA/subscriber/n...">https://public.govdelivery.com/accounts/NDHFA/subscriber/n...</a>   | 11            | 22           |
| <a href="https://www.ndhfa.org/index.php/2022/01/04/housing-financ...">https://www.ndhfa.org/index.php/2022/01/04/housing-financ...</a>     | 8             | 19           |
| <a href="https://www.thedickinsonpress.com/community/7334145-A-l...">https://www.thedickinsonpress.com/community/7334145-A-l...</a>         | 7             | 12           |
| <a href="https://player.vimeo.com/progressive_redirect/playback/658...">https://player.vimeo.com/progressive_redirect/playback/658...</a>   | 6             | 10           |
| <a href="https://content.govdelivery.com/accounts/NDHFA/bulletins/3...">https://content.govdelivery.com/accounts/NDHFA/bulletins/3...</a>   | 5             | 9            |
| <a href="https://www.ndhfa.org/">https://www.ndhfa.org/</a>   | 3             | 6            |
| <a href="https://content.govdelivery.com/attachments/NDHFA/2022/0...">https://content.govdelivery.com/attachments/NDHFA/2022/0...</a>       | 6             | 6            |
| <a href="https://public.govdelivery.com/accounts/NDHFA/subscriber/e...">https://public.govdelivery.com/accounts/NDHFA/subscriber/e...</a>   | 5             | 5            |
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| <a href="https://www.instagram.com/ndhousingfinance/">https://www.instagram.com/ndhousingfinance/</a>                                       | 1             | 2            |
| <a href="https://www.facebook.com/NDHousingFinance">https://www.facebook.com/NDHousingFinance</a>   | 2             | 2            |
| <a href="https://ndcontinuumofcare.org/index.php/point-in-time-housi...">https://ndcontinuumofcare.org/index.php/point-in-time-housi...</a> | 2             | 2            |
| <a href="https://subscriberhelp.granicus.com/">https://subscriberhelp.granicus.com/</a>   | 1             | 1            |
| <a href="https://www.linkedin.com/company/ndhfa">https://www.linkedin.com/company/ndhfa</a>   | 1             | 1            |
| <a href="https://subscriberhelp.govdelivery.com/">https://subscriberhelp.govdelivery.com/</a>   | 1             | 1            |
| <a href="https://www.flickr.com/photos/ndhfa/">https://www.flickr.com/photos/ndhfa/</a>   | 0             | 0            |









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All classified ads are subject to the applicable rate card; copies of which are available from our Advertising Dept. All ads are subject to approval before publication. The Devils Lake Journal reserves the right to edit, refuse, reject, classify or cancel any ad at any time. Errors must be reported in the first day of publication. The Devils Lake Journal shall not be liable for any loss or expense that results from an error in or omission of an advertisement. No refunds for early cancellation of orders.

### Careers

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new beginnings...

**NAPA AUTO PARTS**  
Needs a full-time Technician for Cars & Trucks. \$20/hr plus commission. BC/BS of ND, 401K, vacation and sick leave. No Saturday. Contact Ken at 701-662-4025.

### Education - Training

ND School for the Deaf is seeking a driver for the transportation of students for the weekend (Fri. & Sun.) and possible weekdays as needed. Position is temporary, 10-20 hours per week based on the school schedule. Only online applications are accepted. To apply please go to <https://www.omb.nd.gov>.

### General

### Accounts Payable/ Payroll Clerk

The City of Devils Lake is seeking qualified applicants for the position of Accounts Payable/Payroll Clerk. This position performs all tasks required to maintain and pay vendors for the city and performs a wide variety of other work for the city office daily. Applicants must possess a 3 year degree in accounting, bookkeeping or related field and two years' experience in a position equivalent to accounts payable and payroll clerk; or equivalent combination of education and experience. Salary range of \$40,872 - \$60,552 DOE. Benefits include health, dental, vision, retirement, paid sick and vacation. Complete job description and application are available at the city offices or online at <http://www.dvlind.com>. Send resume and completed job application to City of Devils Lake, Attn: City Auditor, PO Box 1048, Devils Lake, ND 58201. Resumes and applications must be received by February 11, 2022. DOE

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THE RANCH STEAKHOUSE

### Your Source

### Public Notices

for the latest...

**NOTICE OF PUBLIC HEARING TO AMEND NORTH DAKOTA WORKFORCE SAFETY & INSURANCE MEDICAL FEE SCHEDULES**  
Relating to Pharmacy

**ND WORKFORCE SAFETY & INSURANCE (WSI)**  
will hold a public hearing to address the proposed amendments to the North Dakota Administrative Code.

**WORKFORCE SAFETY & INSURANCE Board Room**  
Century Center  
1600 East Century Ave  
Bismarck ND  
Monday, March 28, 2022  
9:00 a.m. CT

A copy of the proposed amendments to the medical fee schedule may be obtained by writing to Workforce Safety & Insurance, Harvey Hamel, PO Box 5585, Bismarck, ND 58506-5585 or calling 800-777-5030 or TTY (701) 328-3798. Written comments may be submitted to Workforce Safety & Insurance, Harvey Hamel, Medical Services and Pharmacy Director, PO Box 5585, Bismarck, ND 58506-5585, until the close of business, April 4, 2022. If you plan to attend the public hearing and require special accommodations relating to a disability, please contact Workforce Safety & Insurance at the above telephone number or address at least five days prior to hearing.

Dated this 18 day of January, 2022

### Govt Public Notices

**Notice of Public Hearing**  
The Devils Lake City Commission will hold a public hearing on February 7, 2022, 5:30 pm, City Office, 423 4th St NE, Devils Lake, ND, to review a request for a conditional use permit for a single family home in an area zoned as central area commercial (S17 1st St NE). If special accommodations are needed, please contact city office.

Documents relating to the

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Contact Pat at [pat.tronson@tronsongrain.com](mailto:pat.tronson@tronsongrain.com) or call 701-388-3212 for more information.

### Govt Public Notices

request are on file in the office of the City Engineer and may be viewed during regular working hours.

(c1:20,27) # 6769415

**Notice of Public Hearing**  
The Devils Lake City Commission will hold a public hearing on February 7, 2022, 5:30 pm, City Office, 423 4th St NE, Devils Lake, ND, to review a request for a conditional use permit for expansion of a nursing home at 600 14th Ave NE. If special accommodations are needed, please contact city office. Documents relating to the request are on file in the office of the City Engineer and may be viewed during regular working hours.

(c1:20,27) # 6769407

### Notice To Creditors

**IN THE DISTRICT COURT OF THE NORTHEAST JUDICIAL DISTRICT, RAMSEY COUNTY, NORTH DAKOTA**  
In the Matter of the Estate of Edwin S. Bredeson, Deceased.

Probate No. 36-2022-PR-00084

### NOTICE TO CREDITORS

NOTICE IS HEREBY GIVEN that the undersigned has been appointed Personal Representative of the above Estate. All persons having claims against the deceased are required to present their claims within three months after the date of the first publication or mailing of this notice or the claims will be forever barred. Claims must either be presented to, Mallissa Bredeson as Personal Representative of the Estate or filed with the Court. Dated: January 20, 2022  
Kelli Jane Swenseth  
Swenseth Law Office, PLLC  
P.O. Box 392  
418 Fourth Avenue NE  
Devils Lake, North Dakota 58201  
Addresses: 1092 15th St SE  
Devils Lake, ND 58201

### Notice To Creditors

Attorney for Personal Representative  
First Publication on the 27th day of January, 2022

(c1:25,2:3,10) # 6813436

### Public Notices

**Notice to past Riverside Manor Tenants**  
Riverside Manor is a multi-family apartment complex located at 813 Lewis Boulevard in Grand Forks, ND. If you were a tenant of Riverside Manor and moved out of the complex between March 11, 2016, and August 31, 2017, you may be eligible for disbursement assistance. If you may be eligible for assistance, please contact North Dakota Housing Finance Agency at [hfa.nd.gov](http://hfa.nd.gov) or 701-328-8080.

(c1:20,27,2:3,10) # 6768797

### PUBLIC HEARING NOTICE

**NORTH DAKOTA HOUSING FINANCE AGENCY**

### PROPOSED QUALIFIED ALLOCATION PLANS UNDER THE 2023 LOW INCOME HOUSING TAX CREDIT PROGRAM, 2022 NATIONAL HOUSING TRUST FUND, 2022 HOME INVESTMENT PARTNERSHIPS PROGRAM, AND 2022 HOUSING INCENTIVE FUND.

North Dakota Housing Finance Agency (NDHFA) will hold Public Hearings for its proposed Qualified Allocation Plans (Plan) for the 2023 Low Income Housing Tax Credit Program, 2022 National Housing Trust Fund, 2022 HOME Investment Partnerships Program, and 2022 Housing Incentive Fund on March 2, 2022. Each plan sets forth the procedures and criteria which NDHFA will adhere to in allocating financing to multifamily affordable housing projects in each respective program during the

### Public Notices

September 2022 application round.

### Public Hearing Agenda

(Times are Central Standard and are approximate. Connected or arriving early is encouraged.)

10:00 a.m., 2023 Low Income Housing Tax Credit

11:30 a.m., 2022 HOME Investment Partnerships Program

12:30 p.m., 2022 National Housing Trust Fund

1:00 p.m., 2022 Housing Incentive Fund

The Public Hearings are for interested parties to provide either written or oral comments regarding the proposed plans. Persons who do not attend the hearings may submit written comments by 5:00 p.m., CT, on February 22, 2022. The plans can be viewed on NDHFA's website, [www.ndhfa.org](http://www.ndhfa.org), beginning on January 31, 2022. Please contact NDHFA prior to the hearing for accommodations or additional information.

### Public Hearing Details

Attendance in-person or via Microsoft Teams (virtual or audio-only).

NDHFA Board Room

2624 Vermont Ave.

Bismarck, ND 58509

Microsoft Teams

From a browser (virtual):

<https://bit.ly/ndhfa>

Call (audio-only):

(701) 320-0950.

Conference ID: 814 260 6618

NDHFA Contact

(800) 262-6888 (TTY):

(800) 435-8990 (Spanish)

[hfainfo@nd.gov](mailto:hfainfo@nd.gov)

Equal Housing Opportunity

(c1:27) # 680298

### STATE OF NORTH DAKOTA PUBLIC SERVICE COMMISSION

Qwest Corporation Case No. PU 22-30

PID & PAP

Cancellation/Application

NOTICE OF OPPORTUNITY FOR HEARING

January 18, 2022

Under the federal Telecommunications Act of 1996, such as readers, singers, or Braille materials, please notify, Steve Kahl, Executive Director, 24 hours in advance.

**PUBLIC SERVICE COMMISSION**

Randy Christmann, Commissioner

Julie Fedorchak, Chair

(c1:27) # 6814265

### Public Notices

(PAP) applies specific standards or goals that the performance measures must accomplish.

On January 6, 2022, CenturyLink filed an application with the Commission for approval to eliminate the PIDs and PAP. The proposed elimination was reviewed by the Federal Communications Commission's UNE Modernizing Performance Order, CenturyLink is requesting, effective February 1, 2022, approval of the elimination of PIDs and PAP from all interconnection agreements in North Dakota. And that existing interconnection agreements be modified to eliminate the PIDs and PAP without the need for further filings or approvals.

The issues to be considered in this matter are:

1. Whether the elimination of PIDs and PAP should be approved.

2. Whether all existing interconnection agreements with CenturyLink should be modified to eliminate the PIDs and PAP without the need for further filings or approvals.

The Commission has authority under N.D.C.C. § 49-21-09 and N.D.C.C. § 49-21-01-7191 to approve or disapprove a PID or PAP changes. PID and PAP revisions take effect, without Commission action, 60 days after the date they are filed with the Commission, but the Commission has authority to review PIDs or PAP of any date before or after the revisions take effect.

Those interested are invited to comment on the application in writing. Persons desiring a hearing must file a written request identifying their interest in the proceeding and the reasons for requesting a hearing.

Comments and requests for hearings must be received by March 4, 2022. If deemed appropriate, the Commission can determine the matter without a hearing.

For more information contact the Public Service Commission, State Capitol, Bismarck, North Dakota 58505, 701-328-2400 or Relay North Dakota 1-800-366-6888.

TTY, if you require any auxiliary aids or services, such as readers, singers, or Braille materials, please notify, Steve Kahl, Executive Director, 24 hours in advance.

**PUBLIC SERVICE COMMISSION**

Randy Christmann, Commissioner

Julie Fedorchak, Chair

(c1:27) # 6814265

PHOTOS are worth a thousand words included in your ad.

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Monday-Friday  
8:30 am-5:00 pm  
Thursday  
8:30 am-7:00 pm  
701-662-4085

**Dr. Blaine Burdick**  
2020 EYE CARE  
211 4th St. NE, Ste. 1  
Devils Lake, ND  
**CONVENIENT HOURS**  
Monday-Friday  
8:00 am-5:00 pm  
662-2040  
662-2817

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# LOOKING FOR A JOB? YOU





**PROJECT NO. TR1610, TB2003, TB1003, & TB2001 REINF BOX CULVERT**  
**BIDS CLOSE February 10th, 2022 AT 1:00 PM**

**NOTICE TO SUPPLIERS**  
Sealed Bids will be received until 1:00 p.m. on February 10th, 2022 by the Cass County Highway Department at the Highway Department, West Fargo, North Dakota. For Plans See Office in Cass County, North Dakota. Bids to be opened immediately following the hour set for reading plans at the Cass County Highway Department, 1201 Main Ave. West, West Fargo, North Dakota. Major items of work include:

1X4 PRECAST RCB

12X8 PRECAST RCB

12X8 PRECAST RCB ES

12X8 PRECAST RCB ES

12X8 PRECAST RCB ES

8X5 PRECAST RCB

8X5 PRECAST RCB ES

Plans may be obtained at the office of the Cass County Engineer, West Fargo, North Dakota, via email at [info@cascountygov.org](mailto:info@cascountygov.org), or 701.236.2280. All envelopes containing Bids must be clearly marked on the outside "BIDS FOR REINF. BOX CULVERT MANUFACTURING". The County reserves the right to reject any or all bids and to award any irregular bids.

Jason P. Benson  
Cass County Engineer  
(Jan. 19, 26 & Feb. 2, 2022) 24627

**PUBLIC HEARING NOTICE**

**Equal Housing Opportunity**

**NORTH DAKOTA HOUSING FINANCE AGENCY**

**PROPOSED QUALIFIED ALLOCATION PLANS UNDER THE 2023 LOW INCOME HOUSING TAX CREDIT PROGRAM, 2022 NATIONAL HOUSING TRUST FUND, 2022 HOME INVESTMENT PARTNERSHIPS PROGRAM, AND 2022 HOUSING INCENTIVE FUND.**

North Dakota Housing Finance Agency (NDHFA) will hold Public Hearings for its proposed Qualified Allocation Plans (QAPs) for the 2023 Low Income Housing Tax Credit Program, 2022 National Housing Trust Fund, 2022 HOME Investment Partnerships Program, and 2022 Housing Incentive Fund on March 2, 2022.

Each plan sets forth the procedures and criteria which NDHFA will follow in allocating financing to multifamily affordable housing projects in each respective program during the September 2022 application round.

Public Hearing Agenda:

(Times are Central Standard or are approximate. Connecting or driving early is encouraged.)

10:00 a.m. - 2023 Low Income Housing Tax Credit

11:00 a.m. - 2022 HOME Investment Partnerships Program

12:00 p.m. - 2022 National Housing Trust Fund

1:00 p.m. - 2022 Housing Incentive Fund

The Public Hearings are for interested parties to provide either written or oral comments regarding the proposed plans. Persons who do not attend the hearings may submit written comments by 5:00 p.m., CT, on February 22, 2022. The plans can be viewed on NDHFA's website, [www.ndhfa.org](http://www.ndhfa.org), beginning on January 31, 2022. Please contact NDHFA prior to the hearing for additional information or additional information.

Public Hearing Details:

Attendance in-person or via Microsoft Teams (virtual or audio-only).

NDHFA Board Room

3601 Vermont Ave.

Bismarck, ND 58502

Microsoft Teams

From a browser (virtual)

<https://teams.microsoft.com>

Call (audio-only): (701) 328-0950

Conference ID: 514-280-9511

NDHFA Contact:

Jason Henderson

Director, Planning and Housing Development Division

PO Box 1535

Bismarck, ND 58502

(800) 222-8621

(800) 366-6889 (TTY)

(800) 405-8500 (Spanish)

[jason.henderson@ndhfa.org](mailto:jason.henderson@ndhfa.org)

(Jan. 26, 2022)

**REQUEST FOR PROPOSAL**

**CITY OF FARGO**

The City of Fargo is seeking proposals for:

• Fargo Memorials Water Treatment Plant Rawwater Conduits (RWC) Mainline Element Replacement

Specifications and any other information desired may be obtained from:

Tony Hat

Water Utility District - Water Utility

425 14th Avenue South

Fargo, ND 58103

Phone: (701) 478-6741

E-Mail: [th@fargond.gov](mailto:th@fargond.gov)

All proposals must be received by 3:00 PM, on Thursday, February 10th, 2022, at the City Auditor's Office, City of Fargo, 225 4th St N, Fargo, ND.

The City of Fargo reserves the right to reject all bids and to award any irregular bids.

(Jan. 19 & Feb. 2, 2022) 23547

**Request for Proposals**

**Brush Chipping Services**

**City of Fargo Forestry Department**

The City of Fargo Forestry Department is seeking proposals for contract assistance with the Residential Curbside Brush Chipping Program.

Specifications are available at the Forestry Department office, 402 23rd St. N, Fargo, ND 58102, or by calling (701) 241-1100 or email to [slu@fargond.gov](mailto:slu@fargond.gov).

The City reserves the right to reject any or all submissions.

City Auditors: (Jan. 19 & Feb. 2, 2022) 22794

**Regular Meeting**

**of the School Board**

**West Fargo Public School District #6**

West Fargo, North Dakota 58078

January 10, 2022 - 6:00 PM

Leslie Education Center Boardroom

A regularly scheduled meeting of the West Fargo School Board, West Fargo Public School District #6, pursuant to due calls and notice, was held at the Leslie Education Center on January 10, 2022, at 6:00 PM, with President Jim Jones presiding.

Members present included Vice President Jessica Johnson and directors, Pat Stedman, Tisha Page, Jon Erickson, Dan Scheffer, and Mark Staples. Also present, representing the school district, was Superintendent Don Stele, Assistant Superintendent of Secondary Curriculum and Instruction Vincent Williams, Assistant Superintendent of Elementary Curriculum and Instruction Rebecca Agre, Business Manager Lori Bachmeier, Director and Human Resources Director Brenda Niks, Technology Director Ed Mitchell, and Board Secretary Alice Stevenson.

Ms. Jones moved, seconded by Ms. Page, to adopt the agenda with the addition of one resignation. The motion carried unanimously.

Nick Nelson, District Curriculum Coordinator, was present to discuss new standards.

Ms. Stedman moved, seconded by Mr. Staples, to find the administration making reasonable progress with noted exceptions in board policy DR 1.47.5 Social Studies, with the addition being found on DR 1.4 indicator 1, indicator 4, indicator 5, and indicator 7. The motion carried unanimously.

Ms. Jones moved, seconded by Mr. Scheffer, to have the administration in compliance with board policy CE 6 Financial Administration (Education). The motion carried unanimously.

There was a report from the Planning and Development Committee.

Ms. Stedman moved, seconded by Mr. Stedman, to approve the MOU with the WFEA regarding the 2022-2023 calendar. The motion carried unanimously.

Ms. Stedman moved, seconded by Mr. Scheffer, to grant non-unionism a release from the 2021-2022 contract, assessing five percent requested damages. The motion carried unanimously.

Mr. Erickson moved, seconded by Mr. Erickson, to approve the contract agenda which consisted of minutes from the regular meeting of the school board held on December 13, 2021, one new contract, one resignation, one 2022-2023 academic calendar, a budget adjustment for food service, office improvements, and other improvements all WFEA's authorization for administration to solicit bids for school meals and medical equipment to new elementary school, a contract with Consensus Change, changes to COVID metrics and thresholds to align with NIOSH and CDC, and a set of bills (please see the attached list). The motion carried unanimously.

During the superintendent's report, Superintendent Stele provided updates and shared information with the school board.

During the president's presentation, the school board discussed current issues and future opportunities.

The meeting adjourned at 6:37 PM. Resubmission Submitted.

Alice Stevenson, Board Secretary

The list of bills presented to the School Board on January 10, 2022:

Agree Electric Tool Crib \$2,227.78

Black Art Materials \$1,406.76

Business Essentials \$40,926.00

Fisher Scientific \$44,558

Glenview Electric Inc. \$34,296.00

Innovative Office Solutions, LLC \$5,136.22

MEM Engineering, Inc. \$1,175.00

Meinick-Johnson Company \$270,700.00

North Plains Mechanical LLC \$15,896.00

S. A. Mechanical Inc. \$105,500.00

Scholarship Equipment Co. LLC \$71,290.58

School Specialty, LLC \$2,045.54

SVL Services Corporation \$20,842.00

Taylor Music Inc. \$16,285.99

T. E. Reeves Construction Co. \$222,570.00

Ward's Science \$708.89

Wenger Corporation \$49,553.87

SAI Education \$4,266.82

Fluorid USA, Inc. \$38,793.82

Hurlock Park District \$65,450.00

Innovative Office Solutions, LLC \$17,126.87

KPI Engineers \$1,880.00

Mesco Technologies, LLC \$2,107.58

McKesson Medical Surgical Inc. \$140.84

Udall Insurance Inc. \$488.00

Business Essentials \$780.31

Fluorid USA, Inc. \$114.88

Innovative Office Solutions, LLC \$1,602.19

Project Lead The Way, Inc. \$4,774.00

School Specialty, LLC \$1,082.41

Superior Electric, Of Fargo, LLC \$59,414.34

YFR, Farmers \$167,441.39

This Company, The \$175.00

Crupper Commissioning \$5,000.00

Innovative Office Solutions, LLC \$1,141.82

Johnson Controls, Inc. \$31,365.45

McKesson Medical Surgical Inc. \$32.54

Inc \$10,276.00

Scott's Electric Inc. \$5,736.82

Vex Robotics, Inc. \$20,583.32

Ward's Science \$58.82

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Steve W. Dunn \$15,000.00

Subway Of Bismarck, Inc. \$150.00

Sweetwater Therapy Services, LLC \$1,851.25

The Parkview Savings Guild \$4,100.00

Trappan Software Group \$579.00

Uline Products \$164.10

Ute Math Recovery Grant \$14,200.00

Ward's Science \$58.82

West Fargo Educational Foundation \$53.00

Accord Workplace & Learning Envy \$958.00

Business Essentials \$5,632.53

City Of West Fargo-School \$1,778.75

City Of Fargo \$1,386.19

Curriculum Associates \$217.00

Edmark Music Company \$655.17

Fargo Public Schools \$155.02

Fun And Function \$263.88

Gaynor \$48.71

Grand Forks Central \$205.00

High School Music \$200.00

Instructional Coaching Group \$11,370.00

Lane 4 Athletic \$2,520.50

Mayne Music LLC \$440.00

Motor Industries, Inc. \$279.14

ND Association/Dance & DUB \$300.00

Nelson International \$5.60

Networks 2000 Inc. \$1,510.00

Pioneer Drive Service Inc. \$526.75

Power Valley Electric \$44.55

Powers \$84.35

Pre-Vision Video Systems \$230.91

Randy's Donuts & Coffee Shop \$144.25

Sandwich Occasional Medicine \$632.00

Sheet Music Plus \$418.00

Shelley Floral Company \$309.27

Sherry Supply LLC \$1,187.18

West Fargo BCS Company \$1,511,847.52

WF Events Inc. \$3,300.00

Xcel Energy \$55,624.64

Xcel Energy \$10,814.50

Blue Box \$1,371.25

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## ND LEGALS

Put On Noise  
A/D Converter 42, Programmable MFC

**Feb 13, 2022**  
**Feb 13, 2022 9:00 AM Meeting**  
 1017-7676-TC8U-BaSkMUnVnUOR  
 V2R6D3TC8UZZ20  
 https://tinyurl.com/WhicDisin  
 Or contact D17 Chair Claire Heffie  
 mheffie@d17.gra.madison.net  
 (Jan 28, Feb 2, 2, 3, 2022) 25/191

**ADVERTISEMENT FOR CONSTRUCTION BIDS**  
 Bids for the construction of 2022 E-  
 & Dewey, Project No. 1922, Loca-  
 tion 14 will be received until 1:00  
 P.M. on Thursday, February 17,  
 2022. For more details, bids will  
 be received and accepted with the  
 plan documents and contract form  
 at [www.construction.com](https://www.construction.com). To access the en-  
 tire set of plans, documents and con-  
 tract form, go to the online plan  
 room at the top of this bid advertise-  
 ment page. Prospective bidders

[illegible]

The City Council reserves the right to reject any or all bids and/or to waive any informality in the bids received and to accept any bid deemed to be most favorable to the interest of the City.

Complete digital project breeding documents are available  
<http://www.grandfarms.com/turkeys/ide-no-fs/ide-f>

the Project Search page and see

ing "View Plans" Documents may be downloaded for \$15.00 and a bidder will be charged a fee of \$30.00 to submit a bid electronically. Please contact: QuestCDM.com at 360-231-1632 or info@questcdm.com for a free trial or in-line membership registration, downloading, online bidding and working with their digital project information. An optional packet of project plans, specification, bidding instructions, and proposals may be seen at the office of the Grand Forks City Engineer, (701) 782-2649, P.O. Box 5200, Grand Forks, North Dakota 58205, or at Grand Forks City, Bureau of Planning and proposal documents may be purchased for a non-refundable fee of \$90 per set. Minimum Amount.

Director of Finance & Administration  
Services  
ISFAU

**CLASSIFIED ADVERTISING**

Call 088-851-1920

#### CONSTRUCTION BIDS

Walnut St), Project No. 3099 (Dist. No. 759) will be notified no later than 30 days before the start of the project.

2:00 p.m. on Tuesday, February 2022. For this project, bids will be received and accepted via the

Ann electronic bid service thru QuestCON.com. To access the electronic bid form, download the stub

documents and click on the online button at the top of the bid advertisement.

QuestCDN for bids to be accepted.

Project scope of work included the following approximate quantities:

- 2,281 SV of Coccoloba Bayoumark (15

525 SY of 8" Reinforced Pavement  
1,000 CY of Granular Material  
Base, 2000 CY of Subgrade

baggage, 2,750 lb of 4" Corrugated Steel  
work, and other miscellaneous items

Each bid must have a pdf document uploaded to QuestV (questv.com) which contains an acceptable history of

in a sum equal to five percent of the full amount of the bid, executed by the bidder as a personal and ir-

surely, condemned that if the principle of the business was not to be

tract awarded to the principal, the principal, within ten days after notice of award, will execute a contract.

accordance with the terms of the b

by law and the regulations and determinations of the Grand Forks Council.



# Minot Daily News

TO ADVERTISE CALL: 701-857-1920  
EMAIL: CLASSADS@MINOTDAILYNEWS.COM

**JOBS.MINOTDAILYNEWS.COM**

**Northwest North Dakota's  
Largest Classified Section!**

**MINOTDAILYNEWS.COM**

**301 4TH STREET SE, MINOT, N.D. • HOURS: 8 A.M. - 5 P.M. MONDAY - FRIDAY**

**DEADLINES FOR ADVERTISING: 11 A.M. MONDAY-THURSDAY FOR NEXT DAY •**

**11 A.M. FRIDAY FOR WEEKEND • 1 P.M. FRIDAY FOR MONDAY • 1 P.M. THURSDAY FOR TRADING POST**

## PUBLIC NOTICES

### Minot Public School District #1 Regular School Board Meeting December 9, 2021

**Members Present**  
Jim Rosdahl  
Bonny Berryman  
Mike Gosar  
Laura Minick  
Miranda Schuler

**Members Absent**

The Regular Board Meeting was called to order by President Rosdahl at 4:10 P.M.

Pam Strickland, MPS CTE Director, informed the board that MPS2021 has received the 2021 Values Award of Excellence from Cognia Schools Improvement and Accreditation.

HeadStart Director Karen Knowles reported to the board on the impact of the Federal COVID-19 vaccination mandates effective 1-31-2022 for federal contractors, 1) a loss of 14 staff members, 2) approximately 100 less students will be served in the regular HeadStart program and 16 less in the Early HeadStart Program, 3) a reduction of three Early HeadStart classrooms and 4) the closure of the Jefferson Early Child hood Center. Superintendent Dr. Mark Volmer noted that MPS employees working on base will not be subject to the vaccination mandate for federal contractors.

Dr. Volmer gave the board a report on the unfilled numbers from the December 7 Board Roll Call. Question #1 \$24.2M 5.647 yes 705 no 63.8% approval. Question #2 \$24.2M 5.676 yes 955 no 77.7% approval. Question #3 increase next line 3.323 yes 1020 no 76.5% approval. Study percent approval was needed for questions 1 & 2 and 50% + 1 was needed for question 3. The school board will meet at noon on December 20, 2021 in the board room of the MPS administration building located at 215 2nd St. SE, Minot, N.D.

Dr. Volmer gave the board an enrollment report noting that there are currently 7,616 students enrolled in the MPS compared to 7,579 at the same time last year, an increase of 37 students. Volmer also noted that COVID numbers were down; currently there are 15 active student cases and 11 active staff cases.

Moved by Schuler, seconded by Gosar, to approve the Consent Agenda to include the November 18, 2021 Regular Meeting Minutes and the Financial Reports to include the November Accounts Payable in the amount of \$1,258,457.48.

Roll Call: All members voted "Yes."

Moved by Berryman, seconded by Minick, to approve a letter of resignation from Karly Deusch for the remainder of the 2021-2022 school year.

Roll Call: All members voted "Yes."

Moved by Schuler, seconded by Minick, to approve a request for Extended Serious Illness Leave from Sara Deusch for the remainder of the 2021-2022 school year.

Roll Call: All members voted "Yes."

Moved by Schuler, seconded by Minick, to approve a request for Extended Serious Illness Leave from Sara Deusch for the remainder of the 2021-2022 school year.

Roll Call: All members voted "Yes."

Moved by Minick, seconded by Schuler, to approve a request for Child Hearing Leave from Susan Meinert for six weeks following the birth of her child.

Roll Call: All members voted "Yes."

Moved by Schuler, seconded by Minick, to approve board policy UMSD Maintaining Professional Employee-Student Boundaries in first reading. Human Resources Director Karly Deusch informed the board that the policy is approved on first reading and will be sent to principals and supervisors to be reviewed with all staff before being brought back to the school board for approval of second and final reading at the February 2022 regular meeting.

Roll Call: Gosar-no, Schuler-yes, Berryman-yes, Minick-yes, and Rosdahl-yes. Motion carried 4-1.

Moved by Schuler, seconded by Minick, to approve the revised board policy BO Meetings of the Board on first and final reading (see Board Policy BOA).

Roll Call: All members voted "Yes."

Assistant Superintendent Kim Sotter presented the proposed changes to the 2022-2023 Minot High School Registration Guide. A summary of available scholarship information will be included in the 2022-2023 guide. Moved by Minick, seconded by Berryman, to approve the 2022-2023 registration guide as presented.

Roll Call: All members voted "Yes."

A special board meeting to discuss the December 7th special election board members will be held on December 20, 2021 at noon in the board room of the Administration Building.

The next regularly scheduled school board meeting is January 6, 2022 at 4:00 p.m. in the Central Campus Auditorium.

The Regular Meeting adjourned at 4:45 P.M.

Scott Moore, Business Manager  
Jim Rosdahl, President  
(January 26, 2022)

### NOTICE TO CREDITORS

Case No. 5:1-2021-PR-00207

IN THE DISTRICT COURT OF  
WARD COUNTY, STATE OF  
NORTH DAKOTA

In the Matter of the Estate of  
Jayma M. Kayes, Deceased.

NOTICE IS HEREBY GIVEN that the undersigned have been appointed co-personal representatives of the above estate. All persons having claims against the said deceased are required to present their claims within three (3) months after the date of the first publication of making of this notice or until claims will be forever barred. Claims must either be presented in Terry Keyes and Karen

Fleming, co-personal representatives of the above-named estate, in care of Louise & Zoni, P.C., 1111 31st Avenue Southwest, Suite C, Minot, North Dakota 58701, or filed with the Court.

Dated this 30th day of December, 2021.

Terry Keyes  
413 N. 4th Avenue  
Douglas, ND 58705

Karen Fleming  
1306-20th Street Southwest  
Minot, ND 58701

Brenda M. Zoni, (ID #003001)  
Louise & Zoni, P.C.,  
1111-31st Avenue Southwest,  
Suite C,  
Minot, ND 58701

### NOTICE TO CREDITORS

Probate No. 51-2021-PR-00229

IN THE DISTRICT COURT OF  
WARD COUNTY, STATE OF  
NORTH DAKOTA

In the Matter of the Estate of  
LILLIAN E. OLSON, Deceased.

NOTICE IS HEREBY GIVEN that the undersigned have been appointed co-personal representatives of the above estate. All persons having claims against the said deceased are required to present their claims within three months after the date of the first publication or mailing of this notice of said claims will be forever barred. Claims must either be presented to LILLIAN E. OLSON, BRUCE H. OLSON and KENT A. OLSON, Co-Personal Representatives of the estate, at 2525 1st Drive, P.O. Box 1000, Minot, ND 58702-1000, or filed with the Court. Dated this 10th day of January, 2022.

is Glenn M. Olson  
is Bruce H. Olson  
is Kent A. Olson  
is Karl A. Olson

Brian M. Olson, #05260  
FRIVOLE & HERBSTAD, P.C.  
2525 1st Drive  
P.O. Box 1000  
Minot, ND 58702-1000  
bolsen@frivoleand.com  
Attorneys for Co-Personal Representatives

### NOTICE TO CREDITORS

Probate No. 51-2021-PR-00238

IN THE DISTRICT COURT OF  
STATE OF NORTH DAKOTA  
COUNTY OF WARD, NORTH  
CENTRAL JUDICIAL DISTRICT

In the Matter of the Estate of  
James A. Stewart, Deceased.

NOTICE IS HEREBY GIVEN that the undersigned have been appointed personal representatives of the estate of James A. Stewart. All persons having claims against James A. Stewart are required to present their claims within three (3) months after the date of the first publication of this

notice or said claims will be forever barred. Claims must either be presented to Brian Stewart, personal representative of the estate, at P.O. Box 966, Minot, ND 58702 or filed with the Court.

Dated this 20 day of January, 2022.

Brian Stewart  
Personal Representative  
1 January 20, February 2-9, 2022

### NOTICE TO CREDITORS

Probate No. 51-2021-PR-00004

IN THE DISTRICT COURT, WARD  
COUNTY, NORTH DAKOTA

In the Matter of the Estate of  
Charles Henry Olson, Deceased.

NOTICE IS HEREBY GIVEN that the undersigned have been appointed Personal Representative of the above Estate. All persons having claims against the said deceased are required to present their claims within three (3) months after the date of the first publication of this Notice or mailing of this Notice, or the claims will be forever barred. Claims must be presented to Brandon M. Erickson, Attorney for Loretta J. Olson, as Personal Representative of the Estate of Charles Henry Olson, as deceased, at Charles J. Olson Law Offices, 720 Main Avenue, Fargo, North Dakota 58103, or filed with the Court. Dated this 14 day of January, 2022.

Loretta Olson  
3235 10th St SW  
Fargo, ND 58103

ND Attorney ID No. 06333  
O'Kasch O'Brien Lyon Attorneys  
720 Main Avenue  
Fargo, North Dakota 58103  
louis@okaschofbryon.com

### Notice to post Reverse Side Minor Tenants

Reverse-Side is a multifamily apartment complex located at 812 Lewis Boulevard in Grand Forks, ND. If you were a tenant at Reverse-Side and moved out of the complex between March 11, 2016, and August 31, 2017, you may be eligible for displacement assistance. If you may be eligible for assistance, please contact North Dakota Housing Finance Agency at: [ntdha@nd.gov](mailto:ntdha@nd.gov) or 701-328-0800. (January 19-26, February 2-9, 2022)

**PUBLIC HEARING NOTICE  
NORTH DAKOTA HOUSING  
FINANCE AGENCY  
PROPOSED QUALIFIED  
ALLOCATION PLANS UNDER  
THE 2023 LOW INCOME  
HOUSING TAX CREDIT  
PROGRAM, 2022 NATIONAL  
HOUSING INCENTIVE FUND, AND  
2022 HOME INVESTMENT  
PARTNERSHIP PROGRAM**

North Dakota Housing Finance Agency (NDHFA) will host Public Hearings for its proposed Qualified Allocation Plans (QAPs) for the 2023 Low Income Housing Tax Credit Program, 2022 National Housing Incentive Fund, and 2022 Housing Incentive Fund on March 2, 2022.

Each plan will follow the procedures and criteria which NDHFA will follow in allocating financing to multifamily affordable housing projects in each respective program during the September 2022 application period.

The public hearings are for interested parties to provide written or oral comments regarding the proposed plans. Persons who do not attend the hearings may submit written comments by 5:00 p.m. CT, on February 22, 2022. The plans can be viewed on NDHFA's website, [www.ndhfa.org](http://www.ndhfa.org), beginning on January 31, 2022. Please contact NDHFA prior to the hearing for accommodations or additional information.

Public Hearing Details:  
Attendance in-person or via Microsoft Teams (virtual or audio-only).  
NDHFA Board Room  
2624 Vermont Ave.  
Bismarck, ND 58103  
Microsoft Teams  
From a browser (virtual):  
https://teams.microsoft.com/join/701-328-0800  
Call (audio-only): (701) 328-0800  
Conference ID #1 250 0819  
NDHFA Contact:  
Jennifer Henseler  
Director, Planning and Housing Development Division  
P.O. Box 1030  
Bismarck, ND 58103  
(701) 292-6621  
jhen@ndhfa.org  
(701) 292-6688 (TTY)  
(800) 435-6940 (Spanish)  
ntdha@nd.gov  
Equal Housing Opportunity  
January 29, 2022

**SUMMONS**  
Civil No. 51-2022-CV-00045

STATE OF NORTH DAKOTA IN  
DISTRICT COURT  
COUNTY OF WARD, NORTH  
CENTRAL JUDICIAL DISTRICT

Plaintiff: Service LLC,  
Plaintiff,

vs.  
Loretta E. Henseler,  
Defendant.

THE STATE OF NORTH DAKOTA TO THE ABOVE-NAMED DEFENDANT: YOU ARE HEREBY SUMMONED and required to appear and defend against the Complaint in this action, which is herewith served upon you, by serving or personal delivery to you, the undersigned an Answer or other proper response, within twenty-one days after service of this Summons upon you, or you will be taken against you by default in the complaint.

Dated January 10, 2022.

is Christopher A. Carlson  
Christopher A. Carlson (id 4003278)  
P.O. Box 1037  
Bismarck, ND 58103-1037  
carlson@equifax.com

Announcing Minot Daily News New Public Notice Partner

We are pleased to announce that our newspaper is located with [www.minotdailynews.com](http://www.minotdailynews.com) and is available to all residents of the Minot area.

There are four different types of notices that can be placed in the paper:

1. Classified notices
2. Real estate notices
3. Legal notices
4. Advertisements and other notices

Special Advertising Rates: 10% discount for all notices placed in the paper for 10 or more days. 20% discount for all notices placed in the paper for 30 or more days. 30% discount for all notices placed in the paper for 60 or more days.

For more information, call:

701-857-1920 or 701-857-1921. We will be happy to help you with your advertising needs.

1. Submitting Notice: Submit your notice to [advertising@minotdailynews.com](mailto:advertising@minotdailynews.com) or call 701-857-1920.

2. Payment: Payment for notices must be made in advance. Payment can be made by cash, check, or credit card.

### STATE OF NORTH DAKOTA PUBLIC SERVICE COMMISSION

Public Service Commission  
Pipeline Safety  
Rulemaking

Case No. GS-21-142

Public Service Commission  
Surface Coal Mining and Reclamation  
Operations Rulemaking

Case No. RC-22-28

### NOTICE OF INTENT TO ADOPT AND AMEND ADMINISTRATIVE RULES AND NOTICE OF PUBLIC HEARING

January 18, 2022

PLEASE TAKE NOTICE that the Public Service Commission will hold a public hearing to consider the proposed amendments to the North Dakota Administrative Rules in the following sections: [www.nd.gov/rulemaking](http://www.nd.gov/rulemaking) and [www.nd.gov/rulemaking](http://www.nd.gov/rulemaking).

### NOTICE OF PUBLIC HEARING TO AMEND NORTH DAKOTA WORKFORCE SAFETY & INSURANCE MEDICAL FEE SCHEDULES

Relating to Pharmacy

ND WORKFORCE  
SAFETY & INSURANCE  
(WSI)

will hold a public hearing  
to address the proposed  
amendments to the North Dakota  
Administrative Code.

The public hearing will be held on  
January 26, 2022, at 10:00 a.m. in the  
North Dakota State Capitol, Room 100,  
Bismarck, North Dakota 58103.

The public hearing will be held on  
January 26, 2022, at 10:00 a.m. in the  
North Dakota State Capitol, Room 100,  
Bismarck, North Dakota 58103.

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## PUBLIC NOTICE

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION  
Case No. 19-22-20

NOTICE OF OPPORTUNITY  
FOR HEARING

Under the Federal Telecommunications Act of 1996, CenturyLink is required to provide open access to its networks, facilities and services to other providers of telecommunications services, such as competitive local exchange carriers (CLECs). Measures known as Performance Indicators (PIs) provide specific data about the quality of the open access provided by CenturyLink to other carriers, and a Performance Assurance Plan (PAF) applies specific standards or goals that the performance measures must accomplish. On January 18, 2022, CenturyLink filed an application with the Commission for approval to eliminate the PIs and PAF. The proposed elimination was promoted by the Federal Communications Commission's (FCC) Modernizing Enforcement Order. CenturyLink is requesting, effective February 1, 2022, approval of the elimination of PIs and PAF from all interconnection agreements in North Dakota. And that existing interconnection agreements be modified to eliminate the PIs and PAF without the need for further filings or approvals. The issues to be considered in this matter are:

1. Whether the elimination of PIs and PAF should be approved.
2. Whether all existing interconnection agreements with CenturyLink should be modified to eliminate the PIs and PAF without the need for further filings or approvals.

The Commission has authority under N.D.C.C. §49-21-02 and N.D.C.C. §49-21-01 (7)(i) to approve or disapprove PIs or PAF changes. PIs and PAF revisions take effect, without Commission action, 90 days after the date they are filed with the Commission, but the Commission has authority to review PIs or PAF at any time before or after the revisions take effect.

Those interested are invited to comment on the application in writing. Persons desiring a hearing must file a written request indicating their interest in the proceeding and the reasons for requesting a hearing. Comments and requests for hearings must be received by March 4, 2022. If deemed appropriate, the Commission can determine the matter without a hearing. For more information contact the Public Service Commission, State Capitol, Bismarck, North Dakota 58505, 701.328-2400 or Relay North Dakota 1.800.368.6838 TTY: if you require any auxiliary aids or services, such as readers, signers, or Braille materials, please notify: Steve Kahl, Executive Director, 24 hours in advance. PUBLIC SERVICE COMMISSION Randy Christensen, Commissioner Judy Fedorchak, Chair/Vice Chair

(Jan. 26, 2022)

IN THE DISTRICT COURT  
OF NORTH DAKOTA,  
COUNTY OF BARNES

In the Matter of the Estate of  
GARY GUSCETTE, Deceased.

Case No. 02-2022-PB-00006

NOTICE TO CREDITORS

NOTICE IS HEREBY GIVEN that the undersigned has been appointed personal representative of the above estate. All persons having claims against the said deceased are required to present their claims within three months after the date of the first publication or making of this notice of said claims will be forever barred. Claims must either be presented to Marjorie Gussette, personal representative of the estate, at 9811 22nd Street SE, Winsted, North Dakota 58402, or filed with the Court. Dated this 21st day of January, 2022.

Marjorie Gussette

Personal Representative

9811 22nd Street SE  
Winsted, ND 58402  
Steven T. Ottmar - ID #06179  
OTTMAR & OTTMAR, P.C.  
236 Second Avenue SW  
PO Box 1327  
Jamestown,  
North Dakota 58402 (387)  
P: 701.252.7229  
F: 701.252.7461  
ottmar@ottmarlaw.com  
E: service\_office@ottmarlaw.com  
Attorney for personal representative  
First publication on the 26th day of January, 2022.

(Jan. 26, Feb. 2 & 9, 2022)

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

Public Service Commission  
Pipeline Safety  
Rulemaking

Case No. GS-21-442

Public Service Commission  
Surface Coal Mining and Reclamation  
Operations Rulemaking

Case No. MC-22-28

NOTICE OF INTENT TO  
ADOPT AND AMEND ADMINISTRATIVE RULES  
AND NOTICE OF PUBLIC HEARING

January 18, 2022

PLEASE TAKE NOTICE that the Public Service Commission will hold a public hearing to address proposed amendments to the North

PUBLIC HEARING NOTICE  
NORTH DAKOTA HOUSING  
FINANCE AGENCY

PROPOSED QUALIFIED  
ALLOCATION PLANS UNDER THE  
2022 LOW INCOME HOUSING TAX  
CREDIT PROGRAM

2022 NATIONAL HOUSING TRUST  
FUND, 2022 HOME INVESTMENT  
PARTNERSHIP PROGRAM, AND  
2022 HOUSING INCENTIVE FUND.

North Dakota Housing Finance Agency (NDHFA) will hold Public Hearings for its proposed Qualified Allocation Plans (QAPs) for the 2022 Low Income Housing Tax Credit Program, 2022 National Housing Trust Fund, 2022 HOME Investment Partnership Program, and 2022 Housing Incentive Fund on March 2, 2022. Each plan sets forth the procedures and criteria which NDHFA will adhere to in allocating funding to multifamily or affordable housing projects in each respective program during the September 2022 application round. Public Hearing Agenda: (Times are Central Standard and are approximate. Commencing or arriving early is encouraged.) 9:00 a.m. - 10:00 a.m., 2022 Low Income Housing Tax Credit 11:00 a.m. - 12:00 p.m., 2022 HOME Investment Partnership Program 12:00 p.m. - 1:00 p.m., 2022 National Housing Trust Fund 1:00 p.m. - 2:00 p.m., 2022 Housing Incentive Fund

The Public Hearings are for informational purposes to provide either written or oral comments regarding the proposed plans. Persons who do not attend the hearings may submit written comments by 5:00 p.m. CT on February 22, 2022. The plans can be viewed on NDHFA's website: www.ndhfa.org. Beginning on January 31, 2022, please contact NDHFA prior to the hearing for accommodations or additional information.

Public Hearing Dates: Attendance in-person or via Microsoft Teams (Virtual or audio-only).

2022 National Housing Trust Fund 2024 Vermont Ave. Bismarck, ND 58502

From a browser (Virtual): https://bit.ly/3jgn9bd

Call (audio-only): (701) 328-0950

Conference ID: 814 286 9918 NDHFA Contact: Jennifer Henderson

Director, Planning and Housing Development Division PO Box 1935 Bismarck, ND 58502

(800) 222-6621 (800) 368-6889 (TTY): (800) 426-6500 (Spanish)

Virtual only: Equal Housing Opportunity

(Jan. 26, 2022)

IN THE DISTRICT COURT  
OF NORTH DAKOTA,  
COUNTY OF BARNES

In the Matter of the Estate of  
Richard J. Dietrich, Deceased

NOTICE TO CREDITORS

NOTICE IS GIVEN that the undersigned has been appointed Personal Representative of the above estate. All persons having claims against the deceased are required to present their claims within three (3) months after the date of the first publication of this Notice or said claims will be forever barred. Claims must be filed with the court, presented to Lutter R. Dietrich, Personal Representative of the Estate at 507 9th Ave. NE, Valley City, ND 58072, or presented to the estate's attorney before Daniel H. Hoyer on or before the 30th day of January, 2022. Dated this 21st day of January, 2022.

Lutter R. Dietrich

Personal Representative

(Jan. 12, 19 & 26, 2022)

Notice to past Riverside Manor

Tenants

Riverside Manor is a multifamily apartment complex located at 813 Lewis Boulevard in Grand Forks, ND. If you were a tenant at Riverside Manor and moved out of the complex between March 11, 2016, and August 31, 2017, you may be eligible for displacement assistance. If you may be eligible for assistance, please contact North Dakota Housing Finance Agency at rhfinfo@ndhfa.gov or 701.328.0600.

(Jan. 19 & 26, Feb. 2 & 9, 2022)

NOTICE OF PUBLIC  
HEARING TO AMEND  
NORTH DAKOTA  
WORKFORCE SAFETY  
& INSURANCE MEDICAL  
FEE SCHEDULES

Relating to Pharmacy

ND WORKFORCE  
SAFETY &  
INSURANCE  
(WSI)

will hold a public hearing  
to address the proposed  
amendments to the North Dakota  
Administrative Code

WORKFORCE  
SAFETY & INSURANCE  
Board Room  
Century Center  
1600 East Century Ave  
Bismarck ND  
Monday, March 28, 2022  
9:00 a.m. CT

Acopy of the proposed amendments to the medical fee schedule may be obtained by writing to Workforce Safety & Insurance, Attn: Harry Hanel, PO Box 5685, Bismarck, ND 58506-5685 or calling 800-777-5033 or TTY (701) 328-3786. Written comments may be submitted to Workforce Safety & Insurance, Attn: Harry Hanel, Medical Services and Pharmacy Director, P.O. Box 5685, Bismarck, ND 58506-5685, until the close of business, April 4, 2022. If you plan to attend the public hearing and require special accommodations relating to a disability, please contact Workforce Safety & Insurance at the above telephone number or address at least five days prior to hearing.

Dated this 18 day of January, 2022

(Jan. 26, 2022)

ATTENTION BARNES COUNTY  
SOYBEAN PRODUCERS  
CAST YOUR BALLOT  
NORTH DAKOTA SOYBEAN  
COUNCIL ELECTION

The ND Soybean Council's election for your County Representative will take place by mail ballot in February 2022. The newly elected County Representative will also serve on the NDSC Board of Directors, will be notified by March 4, 2022.

On or about February 4, 2022, the ND Soybean Council will mail each soybean grower of record in the county an election ballot. For your vote to count, ballots must be filed with the County Executive Agent of the above named county. The ballot can be hand delivered or mailed to the agent. For your vote to count, the County Executive Agent must receive the ballot by February 25, 2022, or your mailed-in ballot must be postmarked no later than February 25, 2022. If you do not receive a ballot in the mail, contact your Barnes County Extension Agent at 701.645-6526 or the ND Soybean Council at 701.568.9580 to obtain one.

(Jan. 26, 2022)

WE OFFER  
LOW PRICES  
AND FAST  
TURNAROUND  
TIME  
FOR ALL OF  
YOUR BUSINESS  
AND  
PERSONAL  
PRINTING  
PROJECTS

Chad Couture thinks

being as they appeared

when they do arrive.

Couture sees a lot of downsides to the new normal of digital storefronts and delivery.

"You have everything from hacking your account info and online

20th century, McLean and Couture have seen that specialization diminish, and even the Internet bubble appears to be waning as consumers grow wiser and wiser to what they're actually buying into.

McLean

has survived the competition through cooperation.

New perspective

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"You have everything from hacking your account info and online

## Barnes County offices up for election in 2022

Courtesy Of Beth Didier  
Barnes County Auditor

The following positions will be up for election in Barnes County in 2022: Commissioner (District #2), Commissioner (District #3), Commissioner (District #4), Sheriff, Treasurer, State's Attorney, Auditor, and Recorder. Any one interested in running for one of these offices should go to the Barnes County Auditor's Office in the Courthouse at 230 4th St NW Room 202, Valley City, ND for more information.

Each candidate is required to file a Petition with the required number of signatures, as well as a Statement of Interest and an Affidavit of Candidacy. These forms, as well as information regarding candidate requirements and the required number of signatures for each office, are available in the Auditor's Office. The deadline for filing the Petition in the Auditor's Office is 4:00 pm, Monday, April 11, 2022.

The Primary Election will be held on Tuesday, June 14, 2022. The two candidates who receive the most votes for each position in the Primary Election will advance to the General Election, which will be held on Tuesday, November 8, 2022.

Contact the Auditor's Office at (701) 845-8500 for additional information.

Valley City, ND for more information.

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## IN THE DISTRICT COURT OF BUI-

**NOTICE TO CREDITORS**  
NOTICE IS HEREBY GIVEN, that the undersigned has been appointed personal representative of the above estate. All persons having claims against the deceased are required to present their claims within three months after the date of the first publication of this notice.

of the first publication of the study in

towners passed. Counts were often be-  
 lieved in Tawana Torie's personal  
 representatives of the apple, at 1907  
 Marian Dr. Bismark, ND 58501 or 701-  
 with the Court.  
 Dated this 27th day of December, 2021  
 -/s/ Tawana Torie  
 Tawana Torie  
 Personal Representative  
 1707 Marian Dr.  
 Bismark, ND 58501  
 Filed for auction on the 12th day of  
 January, 2022.  
 1912, 39 & 26 - 40759

**INVITATION TO BID**  
 Sealed bids for the MDSU, Hastings  
 Regional Extension Center AG 5300  
 Building will be received at MDSU

Herzinger Research Extension Center and  
 1000 East 17th Avenue, Suite 1000, Denver, CO 80202

After WHM? They will be printed and read aloud in the conference room at IHHS, Hattisburg Research Extension Center, 102 Highway 12 West, Hattisburg, ND 58639.

Bids received after that time will not be accepted. Unopened parties are invited to attend. It is the responsibility of the bidders to see that mailed or delivered bids are received by the deadline listed above.

Bids will be received at that time for a General Contractor and Electrical Contractor to construct building.

Drawings and specifications prepared by ICHH Architectural Group, LLC and their consultants may be seen and examined at the Air Effects office or at the following locations:

Dodge Plan Room Construction Market  
Call: 800/541-1122

1. Bidders may request copies of the construction documents including addendums by contacting Laura Kendall at (703) 441-6825. Hours of: 9:00 a.m. to 4:00 p.m., Monday through Friday.

772-4293 or by contacting Chris Schauer.

2. One copy of the Drawings and Specifications upon non-refundable payment of \$100.00 made to ICON Architectural Group may be obtained at the office of ICON Architectural Group, LLC, 4000 Garden View Drive, Suite 101, Grant, Texas, North Dakota 58501. Telephone (701) 772-4266. Drawings and specifications will be mailed to any contractor who is requested by an additional fee of \$100.00 (total of \$110.00). Each bid shall be accompanied by

Q: I have a question about the...  
A: The answer is...  
Q: I have a question about the...  
A: The answer is...

of the net amount of the bid, including all taxes and amounts, assessed by the bidder in principle and by a Society Company authorized to do business in this state, confirmed that the principals had been notified and that the contract awarded to the bidder was subject to notice of award, will include and effect a contract in accordance with the terms of his bid and a Contractant Bond as required by law and the regulations and determining terms of the governing board.

Cash, assets, stock, or certified checks will not be accepted.

A copy of the contractor's license certificate if renewal thereof issued by the Secretary of State shall be enclosed in the regular bid bond drawings. Bidders shall be identified as in confidence and privacy.

All Bidders must be licensed by the

highest amount of their time as provided by Section 47-07-05 of the North Dakota

Century Code, No. 46 will be read or considered which does not fully comply with the above provisions as to bond and forfeiture, and any delinquent delinquent will be returned and returned to the public creditor.

The Court reserves the right to advise any informants or informants, to reject any and all facts and to hold all facts for a period of 30 days after the date fixed for the hearing thereof.

1/25/2019 15:15:21 41447

**BEFORE THE BOARD OF  
STREET COMMISSIONERS**

City, North Dakota

ON LINE 1/25/2019 15:15:21 and 36

RECEIVED

Section 24

1990

2000

**PUBLIC HEARING NOTICE  
NORTH DAKOTA HOUSING FINANCE  
AGENCY  
PROPOSED QUALIFIED  
ALLOCATION PLANS UNDER THE  
2023 LOW INCOME HOUSING TAX  
CREDIT PROGRAM, 2022 NATIONAL  
HOUSING TRUST FUND, 2022 HOME  
INVESTMENT PARTNERSHIPS  
PROGRAM, AND 2022 HOUSING  
INCENTIVE FUND**

Equal Housing Opportunity

North Dakota Housing Finance Agency (NDHFA) will hold Public Hearings for its proposed Qualified Allocation Plans (Plan) for the 2023 Low Income Housing Tax Credit Program, 2022 National Housing Trust Fund, 2022 HOME Investment Partnerships Program, and 2022 Housing Incentive Fund on March 2, 2022.

Each plan sets forth the procedures and criteria which NDHFA will adhere to in allocating financing to multifamily affordable housing projects in each respective program during the September 2022 application round.

Public Hearing Agenda

(Times are Central Standard and are approximate. Connecting or arriving early is encouraged.)

10:00 a.m., 2023 Low Income Housing Tax Credit

11:00 a.m., 2022 HOME Investment Partnerships Program

12:00 p.m., 2022 National Housing Trust Fund

1:00 p.m., 2022 Housing Incentive Fund

The Public Hearings are for interested parties to provide either written or oral comments regarding the proposed plans. Persons who do not attend the hearings may submit written comments by 5:00 p.m., CT, on February 22, 2022. The plans can be viewed on NDHFA's website, [www.ndhfa.org](http://www.ndhfa.org), beginning on January 31, 2022. Please contact NDHFA prior to the hearing for accommodations or additional information.

Public Hearing Details

Attendance in-person or via Microsoft Teams (virtual or audio-only).

NDHFA Board Room

2624 Vermont Ave.

Bismarck, ND 58502

Microsoft Teams

From a browser (Virtual):

<https://bit.ly/3lgn9bd>

Call (audio-only): (701) 328-0950

Conference ID: 814 280 661#

NDHFA Contact:

Jennifer Henderson

Director, Planning and Housing

Development Division

P.O. Box 1535

Bismarck, ND 58502

(800) 282-8621

(800) 366-6889 (TTY)

(600) 435-6590 (Spanish)

[hfainfo@nd.gov](mailto:hfainfo@nd.gov)

IN THE DISTRICT COURT OF BUREAU

**NOTICE TO CREDITORS**  
NOTICE IS HEREBY GIVEN, that the undersigned has been appointed personal representative of the above estate. All persons having claims against the deceased are required to present them

of the first publication of the study in

[illegible]

**Hersinger Research Extension Center will**

offer will stay flat will be updated and revised  
attend in the conference room at KIDS  
Hastings Research Extension Center  
Highway 12 West, Hastings, ND  
58540

Edie passed away that time will not be  
accepted, interested parties are invited to  
attend it is the responsibility of the  
bidder to use that material or delivered  
bids are received by the deadline

State will be increased all that time for  
General Contractor and Electrical Con  
tractor to continue working.

Drawings and specifications prepared by  
ACM Architectural Group, LLC and their  
firm will be used and submitted  
at the Architect's Office or at the following  
other drawings.

6 Dodge Plan Room Construction Market  
7 Oak Brook, Ill.

1. Bidders may request digital copies of the construction documents including addendums by contacting Laura Wondolowski at (708) 440-2200.

81 ICON Architecture Group, p. 701  
 770 4702 or call customer Care Service

2. One copy of the Drawings and Specifications upon non-refundable payment of \$100.00 made to KCON Architectural Group may be obtained at the office of KCON Architectural Group LLC, 4000 Garden View Drive, Suite 101, Grand Forks, North Dakota 58505. Telephone (701) 792-4266. Drawings and specifications will be mailed to any contractor as requested for an additional fee of \$100.00 (total of \$150.00).

20. Bond in a sum equal to five percent (5%) of the full amount of the net liability of

and all claims, associated by the Bidder or its principals and by a Surety Company, authorized to do business in this state, be conditioned that if the principals fail to accept and the contract awarded from this bid, within ten days after notice of award, will account and afford a complete and appropriate bill to the name of his bid and a Contractors Bond as required by law and the regulations and determining the of the governing board.

Each persons stock or certified check will not be accepted.

4. Copy of the contractor's license certificate if renewed thereof issued by the Secretary of State shall be enclosed in the required bid bond drawings. Drawings shall be identified as to contents and project.

4.1. Bidders must be licensed for the

by 2000, 43-67.4% of the North Dakota

Century Code. No fee will be paid or considered which does not fully comply with the above provisions as to bond and forfeiture and any statement submitted will be received and returned to the public immediately.

The Owner reserves the right to advise any informants or informers, to reject any and all bids and to extend bids for a period of 30 days after the date fixed for the opening thereof.

A25 252 9 15 8 21 41467

**RRING BEFORE THE BOARD OF  
NTY COMMISSIONERS**

in Street, Dickinson  
ity, North Dakota

**ON LINE T140N R87W S25 and 36**

Section 25

Figure 1 is a map of the study area in the northern Adriatic. It shows the coastline of Italy and the location of the sampling station, marked with a black dot. The map includes latitude and longitude coordinates and a scale bar.

Section 12

1. *Journal of Management Studies*, 1997, 34, 1, 1-14.

# Classifieds

To advertise, visit our website: [classifieds.devilslakejournal.com](http://classifieds.devilslakejournal.com)  
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 Needs a full-time Technician for Cars & Trucks. \$20/hr plus commission. BC/HS of ND, 401K, vacation and sick leave. No Saturday. Contact Ken at 701-662-4625.

## Education - Training

**ND School for the Deaf** is seeking a driver for the transportation of students for the weekend (Fri. & Sun.) and possible weekdays as needed. Position is temporary, 10-20 hours per week based on the school schedule. Only online applications are accepted. To apply please go to <https://www.omb.nd.gov>.

## General

### Accounts Payable/ Payroll Clerk

The City of Devils Lake is seeking qualified applicants for the position of Accounts Payable/Payroll Clerk. This position performs all tasks required to maintain and pay vendors and to process payroll for the city and performs a wide variety of other work for the city office daily. Applicants must possess a 3 year degree in accounting, bookkeeping or related field and two years' experience in a position equivalent to accounts payable and payroll clerk, or equivalent combination of education and experience. Salary range of \$40,072 - \$60,552. DOE. Benefits include health, dental, vision, retirement, paid sick and vacation. Complete job description and application are available at the city offices or online at <http://www.dvlinc.com>. Send resume and completed job application to City of Devils Lake, Attn: City Auditor, PO Box 1044, Devils Lake, ND 58031. Resumes and applications must be received by February 11, 2022. DOE

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**HOURS**  
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 8:30 am - 5:00 pm  
 Thursday  
 8:30 am - 7:00 pm  
**701-662-4085**

**Dr. Blaine Burdick**  
**20/20 EYE CARE**  
 211 4th St. NE, Ste. 1  
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**Law Office**  
 Devils Lake  
 701-662-8009  
 Camdo  
 701-662-8029

## Your Source

### Public Notices

for the latest...

**NOTICE OF PUBLIC HEARING TO AMEND NORTH DAKOTA WORKFORCE SAFETY & INSURANCE MEDICAL FEE SCHEDULES**  
 Relating to Pharmacy

**ND WORKFORCE SAFETY & INSURANCE (WSI)**  
 will hold a public hearing to address the proposed amendments to the North Dakota Administrative Code.

**WORKFORCE SAFETY & INSURANCE Board Room**  
**Century Center**  
**1600 East Century Ave**  
**Bismarck ND**  
**Monday, March 28, 2022**  
**9:00 a.m. CT**

A copy of the proposed amendments to the medical fee schedule may be obtained by writing to: Workforce Safety & Insurance, Harvey Hotel, PO Box 5565, Bismarck, ND 58506-5565 or calling 800-777-5030 or TTY (701) 228-3795. Written comments may be submitted to Workforce Safety & Insurance, Harvey Hotel, Medical Services and Pharmacy Director, P.O. Box 5565, Bismarck, ND 58506-5565, until the close of business, April 4, 2022. If you wish to attend the public hearing and require special accommodations relating to a disability, please contact Workforce Safety & Insurance at the above telephone number or address at least five days prior to hearing.

## Govt Public Notices

**Notice of Public Hearing**  
 The Devils Lake City Commission will hold a public hearing on February 7, 2022, 5:30 pm, City Office, 423 4th St. NE, Devils Lake, ND, to review a request for a conditional use permit for a single family home in an area zoned as central area commercial (C17 1st St NE). If special accommodations are needed, please contact city office.

Documents relating to the

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## Govt Public Notices

request are on file in the office of the City Engineer and may be viewed during regular working hours.  
 (C1-20,27) # 6769415

**Notice of Public Hearing**  
 The Devils Lake City Commission will hold a public hearing on February 7, 2022, 5:30 pm, City Office, 423 4th St. NE, Devils Lake, ND, to review a request for a conditional use permit for a nursing home at 600 14th Ave NE. If special accommodations are needed, please contact city office. Documents relating to the request are on file in the office of the City Engineer and may be viewed during regular working hours.  
 (C1-20,27) # 6769407

## Notice To Creditors

**IN THE DISTRICT COURT OF THE NORTHEAST JUDICIAL DISTRICT, RAMSEY COUNTY, NORTH DAKOTA**  
 In the Matter of the Estate of Edwin S. Bradson, Deceased.  
 Probate No. 36-2022-PR-00084

**NOTICE TO CREDITORS**  
 NOTICE IS HEREBY GIVEN that the undersigned has been appointed Personal Representative of the above Estate. All persons having claims against the deceased are required to present their claims within three months after the date of the first publication or mailing of this notice or the claims will be forever barred. Claims must either be presented to, or mailed to, the undersigned, or to the undersigned's attorney, at the address set forth below. Claims must be presented to the undersigned or to the undersigned's attorney, at the address set forth below, within three months after the date of the first publication or mailing of this notice or the claims will be forever barred. Claims must either be presented to, or mailed to, the undersigned, or to the undersigned's attorney, at the address set forth below. Claims must be presented to the undersigned or to the undersigned's attorney, at the address set forth below, within three months after the date of the first publication or mailing of this notice or the claims will be forever barred. Claims must either be presented to, or mailed to, the undersigned, or to the undersigned's attorney, at the address set forth below.

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**PLEASE CALL**  
**888.262.7027 option 6**

## Public Notices

September 2022 application round.  
**Public Hearing Agenda**  
 (Times are Central Standard and are approximate. Connection or arriving early is encouraged.)  
 10:00 a.m. - 2022 Low Income Housing Tax Credit (LIHTC) - 2022 HOME Investment Partnerships Program  
 10:25 a.m. - 2022 National Housing Trust Fund (NHTF) - 2022 Housing Incentive Fund  
 The Public Hearings are for interested parties to provide either written or oral comments regarding the proposed plans. Persons who do not attend the hearings may submit written comments by 5:00 p.m., C.T., on February 22, 2022. The plans can be viewed at [www.ndhfa.org](http://www.ndhfa.org) website. Call (701) 228-3795 for more information.

**Notice to Creditors**  
 Riverside Manor Tenants  
 Riverside Manor is a multi-family apartment complex located at 813 Lewis Boulevard in Grand Forks, ND. It was owned by Riverside Manor and moved out of the complex between March 11, 2018, and August 31, 2017, you may be eligible for disbursement assistance. If you may be eligible for assistance, please contact North Dakota Housing Finance Agency at [info@ndhfa.org](mailto:info@ndhfa.org) or 701-739-8080.  
 (C1-20,27,31,32,33) # 6768797

## PUBLIC HEARING NOTICE

**NORTH DAKOTA HOUSING FINANCE AGENCY**  
**PROPOSED QUALIFIED ALLOCATION PLANS UNDER THE 2022 LOW INCOME HOUSING TAX CREDIT PROGRAM, 2022 NATIONAL HOUSING TRUST FUND, 2022 HOME INVESTMENT PARTNERSHIPS PROGRAM, AND 2022 HOUSING INCENTIVE FUND.**  
 North Dakota Housing Finance Agency (NDHFA) will hold Public Hearings for its proposed Qualified Allocation Plans (Plan) for the 2022 Low Income Housing Tax Credit Program, 2022 National Housing Trust Fund, 2022 HOME Investment Partnerships Program, and 2022 Housing Incentive Fund on March 2, 2022. Each plan sets forth the procedures and criteria which NDHFA will adhere to in allocating financing to multifamily affordable housing projects in each respective program during the

## Public Notices

(PAP) applies specific standards or goals that the performance measures must accomplish. On January 6, 2022, CenturyLink filed an application with the Commission for approval to eliminate the PIDs and PAP. The proposed elimination was approved by the Federal Communications Commission's UNE Modernization Forbearance Order. CenturyLink is requesting, effective February 1, 2022, approval of the elimination of PIDs and PAP from all interconnection agreements in North Dakota. And that existing interconnection agreements be modified to eliminate the PIDs and PAP without the need for further filings or approvals. The issues to be considered in this matter are:

1. Whether the elimination of PIDs and PAP should be approved.  
 2. Whether all existing interconnection agreements with CenturyLink should be modified to eliminate the PIDs and PAP without the need for further filings or approvals.  
 The Commission has authority under N.D.C.C. 49-21-09 and N.D.C.C. 49-21-01-01 to approve or disapprove PIDs or PAP contracts. PIDs and PAP contracts take effect without Commission action 60 days after the date they are filed with the Commission, but the Commission has authority to review PIDs or PAP of only one date before or after the review takes effect. Those interested are invited to comment on the application in writing. Persons desiring a hearing must file a written request identifying their interest in the proceeding and the reasons for requesting a hearing. Comments and requests for hearings must be received by March 4, 2022, if deemed appropriate the Commission can determine the matter without a hearing. For more information contact the Public Service Commission, State Capitol, Bismarck, North Dakota 58505, 701-328-2480 or Pelayo North Dakota 1-800-366-6888. TTY: if you require any auxiliary aids or services, such as readers, signers, or Braille interpreters, please notify Steve Kohl, Executive Director, 34 hours in advance.  
**PUBLIC SERVICE COMMISSION**  
 Ronda Christensen, Commis-  
 sioner  
 Julie Fiedorowicz, Chair-  
 Vacant  
 (C1-27) # 6764265

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## PUBLIC NOTICES

### Minot Public School District #1 Regular School Board Meeting December 9, 2021

**Members Present**  
Jim Rosdahl  
Bonny Berryman  
Mike Gosar  
Laura Minick  
Miranda Schuler

**Members Absent**

The Regular Board Meeting was called to order by President Rosdahl at 4:10 P.M.

Ram Strickland, MPS CTE Director, informed the board that MPS2021 has received the 2021 Values Award of Excellence from Cognia Schools Improvement and Accreditation.

HeadStart Director Karen Knowles reported to the board on the impact of the Federal COVID-19 vaccination mandates effective 1-31-2022 for federal contractors, 1) a loss of 14 staff members, 2) approximately 100 less students will be served in the regular HeadStart program and 16 less in the Early HeadStart Program, 3) a reduction of three Early HeadStart classrooms and 4) the closure of the Jefferson Early Child hood Center. Superintendent Dr. Mark Volmer noted that MPS employees working on base will not be subject to the vaccination mandate for federal contractors.

Dr. Volmer gave the board a report on the unfilled numbers from the December 7 Board Roll Call. Question #1 \$24.2M 5.647 yes 705 no 63.8% approval. Question #2 \$24.2M 5.676 yes 955 no 77.7% approval. Question #3 increase next line 3.323 yes 1020 no 76.5% approval. Study percent approval was needed for questions 1 & 2 and 50% + 1 was needed for question 3. The school board will meet at noon on December 20, 2021 in the board room of the MPS administration building located at 215 2nd St. SE, Minot, N.D.

Dr. Volmer gave the board an enrollment report noting that there are currently 7,616 students enrolled in the MPS compared to 7,579 at the same time last year, an increase of 37 students. Volmer also noted that COVID numbers were down; currently there are 15 active student cases and 11 active staff cases.

Moved by Schuler, seconded by Gosar, to approve the Consent Agenda to include the November 18, 2021 Regular Meeting Minutes and the Financial Reports to include the November Accounts Payable in the amount of \$1,258,457.48.

Roll Call: All members voted "Yes."

Moved by Berryman, seconded by Minick, to approve a letter of resignation from Karly Deusch for the remainder of the 2021-2022 school year.

Roll Call: All members voted "Yes."

Moved by Schuler, seconded by Minick, to approve a request for Extended Serious Illness Leave from Sara Deusch for the remainder of the 2021-2022 school year.

Roll Call: All members voted "Yes."

Moved by Schuler, seconded by Minick, to approve a request for Extended Serious Illness Leave from Sara Deusch for the remainder of the 2021-2022 school year.

Roll Call: All members voted "Yes."

Moved by Minick, seconded by Schuler, to approve a request for Child Hearing Leave from Susan Meinovic for six weeks following the birth of her child.

Roll Call: All members voted "Yes."

Moved by Schuler, seconded by Minick, to approve board policy UMSD Maintaining Professional Employee-Student Boundaries in first reading. Human Resources Director Karly Deusch informed the board that the policy is approved on first reading and will be sent to principals and supervisors to be reviewed with all staff before being brought back to the school board for approval of second and final reading at the February 2022 regular meeting.

Roll Call: Gosar-no, Schuler-yes, Berryman-yes, Minick-yes, and Rosdahl-yes. Motion carried 4-1.

Moved by Schuler, seconded by Minick, to approve the revised board policy BO Meetings of the Board on first and final reading (see Board Policy BOA).

Roll Call: All members voted "Yes."

Assistant Superintendent Kim Sotter presented the proposed changes to the 2022-2023 Minot High School Registration Guide. A summary of available scholarship information will be included in the 2022-2023 guide. Moved by Minick, seconded by Berryman, to approve the 2022-2023 registration guide as presented.

Roll Call: All members voted "Yes."

A special board meeting to discuss the December 7th special election board member results.

The board scheduled for December 20, 2021 at noon in the board room of the Administration Building.

The next regularly scheduled school board meeting is January 6, 2022 at 4:00 p.m. in the Central Campus Auditorium.

The Regular Meeting adjourned at 4:45 P.M.

Scott Moore, Business Manager

Jim Rosdahl, President

(January 26, 2022)

**NOTICE TO CREDITORS**

Case No. 5:21-PR-00207

IN THE DISTRICT COURT OF WARD COUNTY, STATE OF NORTH DAKOTA

In the Matter of the Estate of Jayma M. Kayes, Deceased.

NOTICE IS HEREBY GIVEN that the undersigned have been appointed co-personal representatives of the above estate. All persons having claims against the said deceased are required to present their claims within three (3) months after the date of the first publication of making of this notice or until claims will no longer be paid. Claims must either be presented in Terry Keyes and Karen

Fleming, co-personal representatives of the above-named estate, in care of Louise & Zoni, P.C., 1111 31st Avenue Southwest, Suite C, Minot, North Dakota 58701, or filed with the Court.

Dated this 30th day of December, 2021.

Terry Keyes  
413 N. Erie Lake Drive  
Douglas, ND 58705

Karen Fleming  
1306-20th Street Southwest  
Minot, ND 58701

Brenda M. Zoni, (ID #00300)  
Louise & Zoni, P.C.,  
1111-31st Avenue Southwest,  
Suite C,  
Minot, ND 58701

Telephone No. (701) 837-4840

Attorneys for the Co-Personal Representatives

(January 12-19-26, 2022)

**NOTICE TO CREDITORS**

Probate No. 51-2021-PR-00229

IN THE DISTRICT COURT OF WARD COUNTY, STATE OF NORTH DAKOTA

In the Matter of the Estate of LILLIAN E. OLSON, Deceased.

NOTICE IS HEREBY GIVEN that the undersigned have been appointed co-personal representatives of the above estate. All persons having claims against the said deceased are required to present their claims within three months after the date of the first publication or mailing of this notice of said claims will be forever barred. Claims must either be presented to LILLIAN E. OLSON, BRUCE H. OLSON and KENT A. OLSON, Co-Personal Representatives of the estate, at 2525 1st Drive, P.O. Box 1000, Minot, ND 58702-1000, or filed with the Court. Dated this 10th day of January, 2022.

is Glenn M. Olson

is Bruce H. Olson

is Kent A. Olson

is Karl A. Olson

is Brian M. Olson

FRANK & HERSTAD, P.C.

2525 1st Drive

P.O. Box 1000

Minot, ND 58702-1000

Attorneys for Co-Personal Representatives

(January 12-19-26, 2022)

**NOTICE TO CREDITORS**

Probate No. 51-2021-PR-00238

IN THE DISTRICT COURT OF WARD COUNTY, STATE OF NORTH DAKOTA

In the Matter of the Estate of James A. Stewart, Deceased.

NOTICE IS HEREBY GIVEN that the undersigned have been appointed personal representatives of the above estate. All persons having claims against the said deceased are required to present their claims within three (3) months after the date of the first publication of making of this notice or until claims will no longer be paid. Claims must either be presented in Terry Keyes and Karen

Fleming, co-personal representatives of the above-named estate, in care of Louise & Zoni, P.C., 1111 31st Avenue Southwest, Suite C, Minot, North Dakota 58701, or filed with the Court.

Dated this 20th day of January, 2022.

Brian Stewart  
Personal Representative  
(January 26, February 2-9, 2022)

**NOTICE TO CREDITORS**

Probate No. 51-2021-PR-00004

IN THE DISTRICT COURT, WARD COUNTY, NORTH DAKOTA

In the Matter of the Estate of Charles Henry Olson, Deceased.

NOTICE IS HEREBY GIVEN that the undersigned have been appointed Personal Representative of the above Estate. All persons having claims against the said deceased are required to present their claims within three (3) months after the date of the first publication of this Notice or mailing of this Notice, or the claims will be forever barred. Claims must be presented to Brandon M. Erickson, Attorney for Louise J. Olson, as Personal Representative of the Estate of Charles Henry Olson, as deceased, at Charles J. Olson Law Offices, 720 Main Avenue, Fargo, North Dakota 58103, or filed with the Court. Dated this 14th day of January, 2022.

Linette J. Olson  
3235 10th St SW  
APT 2A  
Minot, ND 58701

ND Attorney ID No. 09333  
O'Kasch O'Brien Lyon Attorneys  
720 Main Avenue  
Fargo, North Dakota 58103  
bryan@okaschobrienlyon.com

(January 29, February 2-9, 2022)

**Notice to post Reverse Side**

Minor Tenants

Reverse-Side is a multifamily apartment complex located at 812 Lewis Boulevard in Grand Forks, ND. If you were a tenant at Reverse-Side and moved out of the complex between March 11, 2016, and August 31, 2017, you may be eligible for displacement assistance. If you may be eligible for assistance, please contact North Dakota Housing Finance Agency at: [ntdha@nd.gov](mailto:ntdha@nd.gov) or 701-328-0800. (January 19-26, February 2-9, 2022)

**PUBLIC HEARING NOTICE**  
**NORTH DAKOTA HOUSING FINANCE AGENCY**  
**PROPOSED QUALIFIED ALLOCATION PLANS UNDER THE 2023 LOW INCOME HOUSING TAX CREDIT PROGRAM, 2022 NATIONAL HOUSING INCENTIVE FUND, AND 2022 HOME INVESTMENT PARTNERSHIP PROGRAM, AND 2022 HOUSING INCENTIVE FUND.**

North Dakota Housing Finance Agency (NDHFA) will host Public Hearings for its proposed Qualified Allocation Plans (QAPs) for the 2023 Low Income Housing Tax Credit Program, 2022 National Housing Incentive Fund, 2022 Home Investment Partnership Program, and 2022 Housing Incentive Fund on March 2, 2022. Each plan will follow the procedures and criteria which NDHFA will follow in allocating financing to multifamily affordable housing projects in each respective program during the September 2022 application period.

**Public Hearing Agenda**

(Times are Central Standard and are approximate. Connecting or arriving early is encouraged.)

10:00 a.m. - 2023 Low Income Housing Tax Credit

11:00 a.m. - 2022 HOME Investment Partnership Program

12:00 p.m. - 2022 National Housing Incentive Fund

The Public Hearings are for interested parties to provide either written or oral comments regarding the proposed plans. Persons who do not attend the hearings may submit written comments by 5:00 p.m. CT on February 22, 2022. The plans can be viewed on NDHFA's website, [www.ndhfa.org](http://www.ndhfa.org), beginning on January 31, 2022. Please contact NDHFA prior to the hearing for accommodations or additional information.

**Public Hearing Details:**

Attendance is person or via Microsoft Teams (virtual or audio-only).

NDHFA Board Room

2524 Vermont Ave.

Minot, ND 58702

Microsoft Teams

Join via link: <https://teams.microsoft.com/join/701-328-0800>

Conference ID: 81 250 881

Join via phone: (701) 328-0800

Attorney for the Plaintiff

(January 12-19-26, 2022)

**STATE OF NORTH DAKOTA**

**PUBLIC SERVICE COMMISSION**

Case No. 51-2021-PR-00045

Public Service Commission

Public Service Commission

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Attorney for the Plaintiff

(January 12-19-26, 2022)

**STATE OF NORTH DAKOTA**

**PUBLIC SERVICE COMMISSION**

Case No. 51-2021-PR-00045

Public Service Commission

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## PUBLIC NOTICE

### STATE OF NORTH DAKOTA PUBLIC SERVICE COMMISSION

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NOTICE OF OPPORTUNITY  
FOR HEARING

Under the Federal Telecommunications Act of 1996, Qwest Corporation (Qwest) is required to provide open access to its networks, facilities and services to other providers of telecommunications services, such as competitive local exchange carriers (CLECs). Measures known as Performance Indicators (PIDs) provide specific data about the quality of the open access provided by CenturyLink to other carriers, and a Performance Assurance Plan (PAF) applies specific standards or goals that the performance measures must accomplish. On January 18, 2022, CenturyLink filed an application with the Commission for approval to eliminate the PIDs and PAF. The proposed elimination was promoted by the Federal Communications Commission's (FCC) Modernizing Telecommunications Order. CenturyLink is requesting, effective February 1, 2022, approval of the elimination of PIDs and PAF from all interconnection agreements in North Dakota. And that existing interconnection agreements be modified to eliminate the PIDs and PAF without the need for further filings or approvals. The issues to be considered in this matter are:

1. Whether the elimination of PIDs and PAF should be approved.
2. Whether all existing interconnection agreements with CenturyLink should be modified to eliminate the PIDs and PAF without the need for further filings or approvals.

The Commission has authority under N.D.C.C. §49-21-02 and N.D.C.C. §49-21-01 (7)(i) to approve or disapprove PIDs or PAF changes. PIDs and PAF revisions take effect, without Commission action, 90 days after the date they are filed with the Commission, but the Commission has authority to review PIDs or PAF at any time before or after the revisions take effect.

Those interested are invited to comment on the application in writing. Persons desiring a hearing must file a written request indicating their interest in the proceeding and the reasons for requesting a hearing. Comments and requests for hearings must be received by March 4, 2022. If deemed appropriate, the Commission can determine the matter without a hearing. For more information contact the Public Service Commission, State Capitol, Bismarck, North Dakota 58505, 701.328-2400 or Relay North Dakota 1.800.368.6838 TTY: if you require any auxiliary aids or services, such as readers, signers, or Braille materials, please notify: Steve Kahl, Executive Director, 24 hours in advance.

PUBLIC SERVICE COMMISSION  
Randy Christiansen, Commissioner  
Judy Fedorchak, Chair  
Vice Chair

(Jan. 26, 2022)

### IN THE DISTRICT COURT OF NORTH DAKOTA, COUNTY OF BARNES

In the Matter of the Estate of  
GARY GUSCETTE, Deceased.

Case No. 02-2022-PB-00006  
NOTICE TO CREDITORS

NOTICE IS HEREBY GIVEN that the undersigned has been appointed personal representative of the above estate. All persons having claims against the said deceased are required to present their claims within three months after the date of the first publication or making of this notice of said claims will be forever barred. Claims must either be presented to Marjorie Gussette, personal representative of the estate, at 3811 22nd Street SE, Winsted, North Dakota 58402, or filed with the Court. Dated this 21st day of January, 2022.

Marjorie Gussette  
Personal Representative

3811 22nd Street SE  
Winsted, ND 58402  
Steven T. Ottmar - ID #06179  
OTTMAR & OTTMAR, P.C.  
236 Second Avenue SW  
PO Box 1327  
Jamestown,  
North Dakota 58402 (387)  
P: 701.252.7229  
F: 701.252.7461  
ottmar@ottmarlaw.com  
E: service.office@ottmarlaw.com  
Attorney for personal representative  
First publication on the 26th day of January, 2022.

(Jan. 26, Feb. 2 & 9, 2022)

### STATE OF NORTH DAKOTA PUBLIC SERVICE COMMISSION

Public Service Commission  
Pipeline Safety  
Rulemaking

Case No. GS-21-442

Public Service Commission  
Surface Coal Mining and Reclamation  
Operations Rulemaking

Case No. MC-22-28

### NOTICE OF INTENT TO ADOPT AND AMEND ADMINISTRATIVE RULES AND NOTICE OF PUBLIC HEARING

January 18, 2022

PLEASE TAKE NOTICE that the Public Service Commission will hold a public hearing to address proposed amendments to the North

### PUBLIC HEARING NOTICE

NORTH DAKOTA HOUSING  
FINANCE AGENCY

PROPOSED QUALIFIED  
ALLOCATION PLANS UNDER THE  
2022 LOW INCOME HOUSING TAX  
CREDIT PROGRAM

2022 NATIONAL HOUSING TRUST  
FUND, 2022 HOME INVESTMENT  
PARTNERSHIP PROGRAM, AND  
2022 HOUSING INCENTIVE FUND.

North Dakota Housing Finance  
Agency (NDHFA) will hold Public  
Hearings for its proposed Qualified  
Allocation Plans (Plans) for the 2022  
Low Income Housing Tax Credit Pro-  
gram, 2022 National Housing Trust  
Fund, 2022 HOME Investment Part-  
nership Program, and 2022 Housing  
Incentive Fund on March 2, 2022.

Each plan sets forth the procedures  
and criteria which NDHFA will adhere  
to in allocating financing to multiunit  
or other housing programs during the  
September 2022 application round.  
Public Hearing Agenda:

7:00 a.m. - 8:00 a.m. Central Standard and any  
approximate. Commencing or arriving  
early is encouraged.

8:00 a.m. - 11:00 a.m. CT, on February  
22, 2022. 2022 Low Income Housing  
Trust Fund

11:00 a.m. - 12:00 p.m. CT, on February  
22, 2022. 2022 HOME Investment  
Partnership Program

12:00 p.m. - 1:00 p.m. CT, on February  
22, 2022. 2022 National Housing  
Trust Fund

1:00 p.m. - 2:00 p.m. CT, on February  
22, 2022. 2022 Housing Incentive  
Fund

The Public Hearings are for infor-  
mation purposes to provide either written  
or oral comments regarding the  
proposed plans. Persons who do not  
attend the hearings may submit written  
comments by 5:00 p.m. CT on Feb-  
ruary 22, 2022. The plans can be  
viewed on NDHFA's website:  
www.ndhfa.org beginning on Janu-  
ary 31, 2022. Please contact NDHFA  
prior to the hearing for accommodations  
or additional information.

Public Hearing Dates:  
Attendance in-person or via Microsoft  
Teams (Virtual or audio only).

Virtual Hearing Room:  
2624 Vermont Ave.  
Bismarck, ND 58502

Microsoft Teams:  
From a browser (Virtually):  
https://bit.ly/3jgn9bd  
Call (audio only): (701) 328-0950  
Conference ID: 814 295 9918

NDHFA Contact:  
Jennifer Henderson  
Director, Planning and Housing De-  
velopment Division  
PO Box 1935  
Bismarck, ND 58502

(800) 222-6621  
(800) 368-6889 (TTY):  
(800) 426-6500 (Spanish)  
Housing@ndhfa.org

Equal Housing Opportunity

(Jan. 26, 2022)

Name, Address and  
Telephone No. of Attorney:  
Jason R. Aetzel, ND 05110  
Aetzel Law Office, P.C.  
5135 45th St. S, Suite 200  
Fargo, ND 58104  
(701) 337-1007  
jaetzel@jraetzel.com

Attorney for  
Personal Representative

Court File No. 02-2022-PB-00006

IN THE DISTRICT COURT  
OF NORTH DAKOTA,  
COUNTY OF BARNES

In the Matter of the Estate of  
RICHARD J. DIELICH, Deceased

NOTICE TO CREDITORS

NOTICE IS GIVEN that the under-  
signed has been appointed Personal  
Representative of the above estate.  
All persons having claims against the  
deceased are required to present their  
claims within three (3) months  
after the date of the first publication  
of this Notice or said claims will be  
forever barred. Claims must be filed  
with the Court, presented to Lutter R.  
Dietrich, Personal Representative of  
the Estate at 507 9th Ave. NE, Val-  
ley City, ND 58072, or presented to  
the estate's attorney before 6:00  
p.m. on the 31st day of January, 2022.  
Lutter R. Dietrich  
Personal Representative

(Jan. 12, 19 & 26, 2022)

Notice to past Riverside Manor  
Tenants

Riverside Manor is a multifamily  
apartment complex located at 813  
Lewis Boulevard in Grand Forks, ND.  
If you were a tenant at Riverside  
Manor and moved out of the complex  
between March 11, 2016, and Au-  
gust 31, 2017, you may be eligible for  
displacement assistance. If you may  
be eligible for assistance, please con-  
tact North Dakota Housing Finance  
Agency at rhfinfo@ndhfa.gov or 701.  
328.0600.

(Jan. 19 & 26, Feb. 2 & 9, 2022)

### NOTICE OF PUBLIC HEARING TO AMEND NORTH DAKOTA WORKFORCE SAFETY & INSURANCE MEDICAL FEE SCHEDULES

Relating to Pharmacy

ND WORKFORCE  
SAFETY &  
INSURANCE  
(WSI)

will hold a public hearing  
to address the proposed  
amendments to the North Dakota  
Administrative Code

WORKFORCE  
SAFETY & INSURANCE  
Board Room  
Century Center  
1600 East Century Ave  
Bismarck, ND  
Monday, March 28, 2022  
9:00 a.m. CT

A copy of the proposed amendments  
to the medical fee schedule may  
be obtained by writing to Workforce  
Safety & Insurance, Attn: Harry  
Hanel, PO Box 5685, Bismarck, ND  
58506-5685 or calling 800-777-5033  
or TTY (701) 328-3786. Written  
comments may be submitted to  
Workforce Safety & Insurance  
Harry Hanel, Medical Services and  
Pharmacy Director, P.O. Box 5685,  
Bismarck, ND 58506-5685, until the  
close of business, April 4, 2022. If  
you plan to attend the public hearing  
and require special accommodations  
relating to a disability, please contact  
Workforce Safety & Insurance at the  
above telephone number or address  
at least five days prior to hearing.

Dated this 18 day of January, 2022

(Jan. 26, 2022)

ATTENTION BARNES COUNTY  
SOYBEAN PRODUCERS  
CAST YOUR BALLOT  
NORTH DAKOTA SOYBEAN  
COUNCIL ELECTION

The ND Soybean Council's election for  
your County Representative will  
take place by mail ballot in February  
2022. The newly elected County Rep-  
resentative will also serve on the  
NDSC Board of Directors, will be re-  
elected by March 4, 2022.

On or about February 4, 2022, the ND  
Soybean Council will mail each soy-  
bean grower of record in the county  
an election ballot. For your vote to  
count, ballots must be filed with the  
County Executive Agent of the above  
named county. The ballot can be  
hand delivered or mailed to the agent.  
For your vote to count, the County  
Executive Agent must receive the bal-  
lot by February 25, 2022, or your  
mail-in ballot must be postmarked  
no later than February 25, 2022. If  
you do not receive a ballot in the mail,  
contact your Barnes County Execu-  
tive Agent at 701.645-6526 or the  
ND Soybean Council at 701.568-  
9580 to obtain one.

(Jan. 26, 2022)

We Offer  
Low Prices  
And Fast  
Turnaround  
Time  
For All Of  
Your Business  
And  
Personal  
Printing  
Projects

McLean  
has survived the competi-  
tion through coopera-  
tion.

New  
perspective  
Chad Couture thinks

being as they appeared  
when they do arrive.  
Couture sees a lot of  
downsides to the new  
normal of digital store-  
fronts and delivery.

"You have everything  
from hacking your ac-  
count info and online

20th century, McLean  
and Couture have seen  
that specialization di-  
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## Barnes County offices up for election in 2022

Courtesy Of Beth Didier  
Barnes County Auditor





Annual Action Plan  
30 Day Comment Period  
Publication  
Affidavits  
Comments

**PUBLIC NOTICE**  
**STATE OF NORTH DAKOTA 2022 ANNUAL ACTION PLAN COMMENT PERIOD**

The North Dakota Department of Commerce, Division of Community Services and North Dakota Housing Finance Agency announce the availability of the state's 2022 Annual Action Plan for public review and comment.

The Action Plan serves as the state's application to the U.S. Department of Housing and Urban Development for the Community Development Block Grant, HOME Investment Partnerships, National Housing Trust Fund and Emergency Solutions Grants programs.

The Action Plan describes how the funds from each program will be distributed during the 2022 program year, which is scheduled to begin on July 1, 2022. Funds are expected to be received on or about August 1, 2022. All allocation amounts in the 2022 Plan are currently estimated.

The Action Plan will be available online at [nd.gov/link/ConsolidatedPlan](https://nd.gov/link/ConsolidatedPlan) beginning April 29th. Written comments, submitted to [dcsl@nd.gov](mailto:dcsl@nd.gov) or P.O. Box 2057, Bismarck, North Dakota 58502-2057, must be received by the close of business at 5pm central time on June 2, 2022.

For alternate formats of the Action Plan and other requests for assistance, contact Maria Effertz Hanson at (701) 328-5300 or via Relay North Dakota: TTY 1-800-366-6888, voice 1-800-366-6889, or Spanish 1-800-435-8590.





## Affidavit of Publication

Hannah Hertz, being duly sworn, states as follows:

1. I am the designated agent, under the provisions and for the purposes of Section 31-04-06, NDCC, for the newspapers listed on the attached exhibits.

2. The newspapers listed on the exhibits published the advertisement of: **ND Housing Finance Agency, State of ND 2022 Annual Action Plan Comment Period**, 1 time(s) as required by law or ordinance.

3. All of the listed newspapers are legal newspapers in the State of North Dakota and, under the provisions of Section 46-05-01, NDCC, are qualified to publish any public notice or any matter required by law or ordinance to be printed or published in a newspaper in North Dakota.

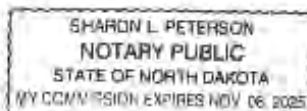
Signed: *Hannah Hertz*

State of North Dakota

County of Burleigh

Subscribed and sworn to before me this 15 day of May, 2022.

*Sharon L. Peterson*



# Names released in fatal Lisbon ATV crash, investigation remains underway

By Iain Woessner  
iwoessner@times-online.com

Names have been released in a fatal car-on-ATV crash that occurred near Lisbon on Saturday.

William Funk, 67, was driving his Bobcat UV34 side-by-side All Terrain Vehicle going southbound on 132nd Ave SE. A Chevy Silverado was

traveling eastbound on Highway 27 from Lisbon. Funk took the Bobcat south through the intersection and was struck on the passenger side by the Silverado.

Both vehicles came to rest in the ditch south of Highway 27.

Ryan Reinke and Karla Hainsworth, both of Lisbon, were in the Silverado and were trans-

ferred to Lisbon Hospital to be treated for minor injuries sustained in the crash. Neither was wearing a seatbelt.

Funk was also taken to the Lisbon Hospital, where he was pronounced dead due to injuries sustained in the crash.

The crash remains under investigation by the North Dakota Highway Patrol.

## Barnes County Dispatch celebrates National Public Safety Telecommunicators Week

Courtesy of Barnes County Dispatch

Barnes County Dispatch is celebrating the second full week of April (April 10-16) as National Public Safety Telecommunicators Week. This week honors the thousands of men and women who respond to emergency calls, dispatch emergency professionals and equipment, and render life-saving assistance to the world's citizens.

Barnes County Dispatch serves 13 Fire Departments, 7 Quick Response Units, 1 Ambulance Service, 2 Law Enforcement Agencies, and answers 911 calls for the entire county.

Barnes County Dispatch created an estimated 20,000 calls for service in 2021 for their respective agencies. Currently, Barnes County Dispatch has 10 full time dispatchers, 2 part time dispatchers and is looking to add 2 more full time dispatchers to their department.

This year, North Dakota Governor Doug Burgum has recognized National Public Safety Telecommunicators Week and honored North Dakota Telecommunicators by releasing an official proclamation.

"Governor Burgum has declared April 10-16, 2022, Public Safety Telecommunicators

Week in North Dakota. A digital copy of the proclamation is available on the Governor's Office website here: <https://www.governor.nd.gov/proclamations>."

Barnes County Dispatch's mission is "to provide excellent customer service through 9-1-1 and emergency communications to the citizens and visitors to Barnes County and the cities therein for immediate and direct access to Fire, Police, and Medical Services". Barnes County Dispatch considers it an honor and privilege to continue to serve the Barnes County area and its communities.

## April 2022 In-Home & Community-Based Services Webinars

Special to Times-Record

BISMARCK, N.D.

Some people face obstacles that make it hard to live at home due to changes in health or abilities. A home and yard that met the needs of a young family may not meet an older person's changing needs. A health issue may require specialized equipment or a nurse or other trained caregiver to assist with medical tasks.

The North Dakota Department of Human Services is holding two webinars in April, available online or by phone, to raise awareness about services that can help older adults and adults with physical disabilities overcome these obstacles and live independently.

On April 14, a department expert will share information, noon -

12:30 p.m. CT, about Extended Personal Care and Nurse Education services that can assist people who need a higher level of care with a medical component. These services involve medical-related tasks provided in the home by a licensed nurse or a caregiver who is trained and monitored by a nurse and who follows the nursing care plan. These services are available for individuals participating in the Medicaid waiver for home and community-based services or North Dakota's Service Payments for the Elderly and Disabled program.

The April 28 webinar will focus on services that offer help with more strenuous chores, environmental modifications and specialized equipment and supplies.

Presenters will describe the services, how they are funded and general eligibility requirements. Services must be authorized by department case managers or program managers and must support independent living. Examples include help with snow removal and deep cleaning, one-time professional services to address hoarding situations or pest control needs impacting health and safety, installation of wheelchair ramps, stair lifts, and other needed home modifications, assistive technology, and more.

People can join the webinar by phone at 701-328-0950, Conference ID 676 451 0106. Details about joining online via mobile device or computer can be found in flyers posted online at

[www.nd.gov/dhs/services/adultsaging/](http://www.nd.gov/dhs/services/adultsaging/).

"Our goal is to make it possible for adults with physical disabilities who want to live at home in their communities to do that. We accomplish that by connecting people to available services and support. We encourage people to learn more about in-home services and support options before there is a crisis, and that is why we are holding informational webinars each month through July," said DHS Adult and Aging Services Division Director Nancy Nikolas Maier.

Details about other upcoming webinars, recordings of past webinars, and related information is available on the Adult and Aging Services Division's webpage at [www.nd.gov/dhs/services](http://www.nd.gov/dhs/services).

## PUBLIC NOTICE

Valley City Commission Proceedings

Tuesday, April 12, 2022  
President: Carleton called the meeting to order at 5:00 PM.

Minutes presented: President Carleton, Commissioner Magnuson, Commissioner Bishop, Commissioner Erickson, Commissioner Gulmon, City Administrator Crawford, City Attorney Martinek, Finance Director Rigney and Administrative Assistant Johnson. Motion for the City Attorney to sign the minutes passed unanimously.

Approval of Agenda

Approval of Minutes

Commissioner Bishop moved to approve the minutes from the March 14th Commission Meeting, seconded by Commissioner Magnuson. Motion passed unanimously.

Ordinance

Approve Second and Final Reading of Ordinance 1699, an Ordinance Concerning the Variance Study and P&Z Committee.

Commissioner Gulmon moved to approve, seconded by Commissioner Bishop. Motion passed unanimously.

Approve Second and Final Reading of Ordinance 1180, an Ordinance to Amend and Repeal Section 5-03-06.2 for the VCMC Related to Animal Impoundment Fees.

Commissioner Bishop moved to approve, seconded by Commissioner Magnuson. Motion passed unanimously.

Approve First Reading of Ordinance 1101, an Ordinance to Amend and Repeal Section 11-07-08 of the VCMC Relating to Planning and Zoning Fees.

Commissioner Gulmon moved to approve, seconded by Commissioner Bishop. Motion passed unanimously.

Resolution

Approve Resolution 2388, a Resolution Amending the Mayor Fee Schedule.

Commissioner Bishop moved to approve, seconded by Commissioner Magnuson. Motion passed unanimously.

Approve Resolution 2389, a Resolution Approving Defined Improvement Warrant Series 2322 for Consolidated Sanitary Sewer & Water Main Improvement District No. 39.

Commissioner Gulmon moved to approve, seconded by Commissioner Magnuson. Motion passed unanimously.

New Business

Approve Monthly Bills for the City and Public Works, in the Amount of \$1,379,081.55.

Commissioner Bishop moved to approve, seconded by Commissioner Magnuson. Motion passed unanimously.

Approve Reclassification of Administrative Assistant for Public Works.

Commissioner Magnuson moved to approve, seconded by Commissioner Gulmon. Motion passed unanimously.

Approve the City's selection to purchase a crew cab pickup from Staudt Ross Ford and proposal in the amount of \$38,428.

Commissioner Bishop moved to approve, seconded by Commissioner Gulmon. Motion passed unanimously.

Adjourn

Meeting was adjourned at 5:33 PM.

(Apr. 12, 2022)

NOTICE OF DEFAULT AND CANCELLATION OF CONTRACT FOR DEED

PURSUANT TO N.D.C.C. CHAPTER 32-18

TO: David L. Johnson and Candice L. Johnson, husband and wife, at Black Seed (7), of Bismarck, ND.

All of Lots Four, Five, and Six (4, 5, & 6) in Block SEED (7), of Bismarck, ND.

Olson's Third Addition to the City of Bismarck, Barnes County, North Dakota.

According to the certified plat Heretofore on file and of record in the office of the County Recorder in and for Barnes County, North Dakota.

## ABBREVIATED NOTICE OF INTENT TO AMEND AND ADOPT ADMINISTRATIVE RULES RELATING TO EDUCATOR LICENSURE

### Education Standards and Practices Board

will hold a public hearing to address proposed new and amendments to N.D. Admin. Code Chapter 67-1-02-02, 67-1-02-03-02, Chapter 67-1-02-03, 67-1-02-03-05, 67-1-02-03-08, Chapter 67-1-02-04, 67-1-02-04-01, 67-1-02-04-02, and 67-1-02-04-04 at

Education Standards and Practices Board

2718 Gateway Ave.

Suite 204

Bismarck, ND

Tues., May 24, 2022

10:00 a.m.

A copy of the proposed rules may be obtained by calling the Education Standards and Practices Board (701) 320-3641. Also, written comments may be submitted to 2718 Gateway Ave. Bismarck ND until June 1, 2022. If you plan to attend the public hearing and will need special facilities or assistance relating to a disability, please contact the Education Standards and Practices Board at the above telephone number or address at least 3 days prior to the public hearing.

Dated this 14th day of April 2022

Rebecca S. Plett, Ph.D.

Executive Director

Education Standards and Practices Board

(Apr. 12, 2022)

## PUBLIC NOTICE

STATE OF NORTH DAKOTA 2022 ANNUAL ACTION PLAN COMMENT PERIOD

The North Dakota Department of Commerce, Division of Community Services and North Dakota Housing Finance Agency announce the availability of the state's 2022 Annual Action Plan for public review and comment.

The Action Plan serves as the state's application to the U.S. Department of Housing and Urban Development for the Community Development Block Grant (HOME Investment Partnerships) National Housing Trust Fund and Emergency Solutions Grants programs.

The Action Plan describes how the funds from each program will be distributed during the 2022 program year, which is October 1 through September 30, 2022. Funds are expected to be received on or about August 1, 2022. All allocations are in the 2020 Plan are currently estimated.

The Action Plan will be available online at [nd.gov/ndc/CommunityDevelopment](http://nd.gov/ndc/CommunityDevelopment) beginning April 2022. Written comments, submitted to [dcc@nd.gov](mailto:dcc@nd.gov) or P.O. Box 2057, Bismarck, North Dakota 58102-0205, by the date of the public hearing, will be received by the close of business at 5:00 p.m. on June 2, 2022. For alternate formats of the Action Plan and other requests for assistance, contact Mollie Effertz Hanson at (701) 328-5350 or via Relay North Dakota, TTY 1-800-456-8889, or Spanish 1-800-456-8889.

(Apr. 12, 2022)

## IN THE DISTRICT COURT OF BARNES COUNTY, NORTH DAKOTA

Case# 02-2022-PH-00017

In the Matter of the Estate of BARTLEY D. JOHNSON, Deceased.

NOTICE TO CREDITORS

NOTICE IS HEREBY GIVEN that the undersigned has been appointed personal representative of the above estate. All persons having claims against the said deceased are required to present their claims within three months after the date of the first publication of this notice or said claims will be forever barred. Claims

## COURT REPORT

Lexys Griffith pleaded guilty on March 31 to underage alcohol possession or consumption, suffering fine of \$50.

Gregory Hovater pleaded guilty to possession of less-than-half-an-ounce of marijuana on March 29, and was fined \$100.

Martin Vizenor pleaded guilty to driving under the influence, his second offense in seven years.

Additionally, he pleaded guilty to unlawful possession of drug paraphernalia, his second offense, disobedience of a judicial order and unlawful possession of marijuana paraphernalia. He was sentenced to serve 18 months in prison and a year in Barnes County Jail; his jail sentence will be counted concurrently with his prison sentence. He also must pay \$2,575 in



**CALL**  
(701) 572-2165  
**E-MAIL**  
dave@wiltonline.com

**Office Hours**  
Mon-Fri 8 a.m. - 5 p.m.  
Sat 9 a.m. - 4 p.m.  
Sun 10 a.m. - 4 p.m.  
PO Box 1447  
Wilton, ND 58072

**Classified Line Ad**  
Deadlines:  
Your deadline is:  
Monday 12 p.m.  
Tuesday 12 p.m.  
Wednesday 12 p.m.  
Thursday 12 p.m.  
Friday 12 p.m.  
Saturday 12 p.m.

**Special notice**  
If you are looking for a job, please call (701) 572-2165 or email dave@wiltonline.com. We have a large number of job openings in the area and we are looking for qualified individuals to fill these positions. Please send your resume and cover letter to the address above.

**Corrections**  
If you have a correction to a classified advertisement, please call (701) 572-2165 or email dave@wiltonline.com. We will make the necessary corrections to the advertisement as quickly as possible.

**WE'RE HIRING**  
Full Time & Part Time Store Associates  
Troy, ND



**WE MAKE IT EASY TO SELL YOUR HOME FAST!**  
We have a large number of homes for sale in the area and we are looking for qualified individuals to sell these homes. Please call (701) 572-2165 or email dave@wiltonline.com for more information.

**Call Bryce at 406-298-7270**  
We have a large number of homes for sale in the area and we are looking for qualified individuals to sell these homes. Please call (701) 572-2165 or email dave@wiltonline.com for more information.

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**CASH FOR USED MOBILE HOMES**  
1990 (last model) TO BE MOVED  
870-508-5971  
FOR REPAIRS

**AGREEMENT NOTICE**  
OF INTENT TO AMEND AND ADOPT ADMINISTRATIVE RULES  
The Board of Directors of the Wilton Area Chamber of Commerce has agreed to amend and adopt the following administrative rules:

**Call Bryce at 406-298-7270**  
We have a large number of homes for sale in the area and we are looking for qualified individuals to sell these homes. Please call (701) 572-2165 or email dave@wiltonline.com for more information.

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**REACH YOUR TARGET MARKET!**  
With a FREE once-a-week NEWSLETTER



## Your Source Public Notices

for the latest.

### Govt Bids & Proposals

**CALL FOR BIDS**  
Sealed bids will be received by the Board of City Commissioners until 3:00 p.m., April 18, 2022, for "Devils Lake City Project 220101 - 10th St NW, 13th St NW, 14th St NW, Various Locations." Bids will be opened and publicly read in the City Commissioner's room in the City Offices, 423 6th St, Devils Lake, ND, 58001, April 18, 2022.

Bid items for the project include approximately 3,821 T.Y. C-3 gravel, 35,000 S.Y. milling, 5,250 T.Y. Superpave FFA-43, and 480 L.P. curb & gutter.

Copies of the plans and specifications are available in the office of the City Engineer, City Offices, 423 6th St, PO Box 1046, Devils Lake, ND, 58001. There will be a \$25.00 non-refundable fee for each copy.

The Board of City Commissioners reserve the right to reject any or all bids, to waive technicalities, or to award each section of the project individually, or in any combination thereof that is deemed in the best interest of the City. Each bid must be labeled on the outside of the envelope with the following:

1. Name of the person submitting bid.
2. Must be marked "Devils Lake City Project 220101 - 10th St NW, 13th St NW, 14th St NW, Various Locations."
3. Bidder must include a five percent (5%) bid bond or certified check, and copy of current contractor's license with the proposal for consideration.

(C) 3/29, 4/5, 4/12/2020/64

**CALL FOR BIDS**  
Sealed bids will be received by the Board of City Commissioners until 3:00 p.m., April 18th, 2022, for "Devils Lake City Project 220101 - 10th St NW, 13th St NW, 14th St NW, Various Locations." Bids will be opened and publicly read in the City Commissioner's room in the City Offices, 423 6th St, Devils Lake, ND, 58001, April 18th, 2022.

Project includes replacement of existing steel iron water main. Bid items for the project include approximately 1,050 L.P. of 48" iron water main; 3,500 L.P. of 18" water main; 2,500 L.P. of service line; 12 fire hydrants; related junction fittings, connections and all other items necessary for installation of water main and connection to existing water system.

Copies of the plans and specifications are available in the office of the City Engineer, City Offices, 423 6th St, PO Box 1046, Devils Lake, ND, 58001. There will be a \$25.00 non-refundable fee for each copy.

The Board of City Commissioners reserve the right to reject any or all bids, to waive technicalities, or to award each section of the project individually, or in any combination thereof that is deemed in the best interest of the City. Each bid must be labeled on the outside of the envelope with the following:

1. Name of the person submitting bid.
2. Must be marked "Devils Lake City Project 220101 - 10th St NW, 13th St NW, 14th St NW, Various Locations."
3. Each bid must be accompanied by a separate envelope containing the Contractor's license and bid bond. Bid bond must be equal to five percent (5%) of the full amount of the bid and in the form of a bidder's bond.

(C) 3/13, 2/27, 2/29/2020/64

**REQUEST FOR PROPOSALS**  
The Devils Lake Chamber of Commerce/CVB will receive proposals until 3:00 p.m. on Monday, April 18, 2022, from anyone interested in pursuing the specific sections of a fish cleaning station locations and a porta-potty locations around Devils Lake.

Proposals will be opened and publicly read at the Public Lake Access Committee meeting held on Wednesday, April 20th at 10:00 a.m. in the Devils Lake City Hall.

Copies of the Request for Proposals are available at the Devils Lake Chamber of Commerce office at 204 Hwy. 7, PO Box 879, Devils Lake, ND 58001 or by calling 701-662-4903.

The Public Lake Access Committee reserves the right to reject any or all bids, to waive technicalities, or to award each section of the project individually, or in any combination thereof that is deemed in the best interest of the Public Lake Access Committee.

## Public Notices

The Action Plan describes how the funds from each program will be distributed during the 2022 program year which is scheduled to begin on July 1, 2022. Funds are expected to be received on or about August 1, 2022. All allocation amounts in the 2022 Plan are currently estimated.

The Action Plan will be available online at [ndgov.gov/ConsolidatedPlan](http://ndgov.gov/ConsolidatedPlan) beginning April 29th. Written comments, submitted to [ndcslnd.gov](mailto:ndcslnd.gov) or P.O. Box 2057, Bismarck, North Dakota 58002-0057, must be received by the close of business on September 1st at 5:00 p.m. central time on June 1, 2022.

For alternate formats of the Action Plan and other requests for assistance, contact Maria E. DeVries, Director of 1701 328-5300 or via Relay North Dakota: TTY 1-800-366-6888, voice 1-800-366-6888, or Spanish 1-800-435-8570.

April 12, 2022, No. 7142031

**INVITATION FOR BID**  
**BUILDING REMODEL, 2ND FLOOR**

2150, Camp Gilbert  
St. Croix

Devils Lake, North Dakota  
1F822-04, 1F822-05, 1F822-06,  
1F822-07

An electronic bid depositary will be utilized for bidding. The first step in the process is to create an account at [bidexpress.com](http://bidexpress.com).

**REGISTRATION INSTRUCTIONS:**

1. <https://bidexpress.com>
2. In the upper right hand corner, Click the "Register" button.

3. Complete "My Info"
4. Click "Register" button.

You may download project specifications and plans from the electronic bid depositary after emailing a copy of your North Dakota Contractor's license to [nd.ngnd.adorning.list.doe](mailto:nd.ngnd.adorning.list.doe).

contract-manage-

ment@nd.gov. Your

request must include contact information which includes your name, business name, address and telephone number.

The closing date for submission of bids is April 21, 2022 at 3:00 p.m. (CST). The electronic bid depositary links

electronically at 2:00 p.m. (CST) and will not accept late bids. Bidders must begin the electronic submission process well in advance of the Bid Response deadline.

If you experience technical difficulties, do not contact the OWNER. You must contact the customer service department of Bid Express (888) 332-2439. Be advised,

paper, faxed or emailed bids will NOT be accepted by the OWNER. Questions pertaining to the project specifications or drawings must be directed to the project architect, Mutchler Bertram Architects P.C., one week prior to the bid opening.

Therefore, the deadline for questions is April 14, 2022. Bidders have the option to bid on General Construction (1F822-04), Mechanical Construction (1F822-05),

or Electrical Construction (1F822-06), in combination, or in a single prime. The combined bid (from a single prime) will not be accepted unless the bid is lower than the combined total of the lowest responsible, multiple bids for the project.

All modifications to bid prices must be made by the individual bidder, through the utilization of the electronic bid depositary at [bidexpress.com](http://bidexpress.com).

The OWNER is not responsible for handling or overseeing last minute modifications to bid prices. Therefore, faxed or emailed modifications to bid prices will NOT be accepted by the OWNER.

Each bid must be accompanied by a separate envelope containing the Contractor's license and bid bond. Bid bond must be equal to five percent (5%) of the full amount of the bid and in the form of a bidder's bond.

(C) 3/13, 2/27, 2/29/2020/64

**Public Notices**

Dakota Contractor's License or certificate of renewal issued by the ND Secretary of State. Contractors must be licensed for the highest amount of their total bid combination including add on items and their ND Contractor's License must have been in effect for at least ten (10) days prior to the date of the bid opening.

No bid will be read or considered which does not fully comply with the requirements herein for a bid bond and a ND Contractor's License.

Both documents must be uploaded to "Bid Express" as attachments to your bid. A Certificate of Good Standing will NOT be accepted in lieu of a North Dakota Contractor's License.

No exceptions will be made to deficient bids. The OWNER reserves the right to hold all legitimate bids for a period of thirty (30) days following the date fixed for the bid opening. It is the intent of the OWNER to award a contract to the lowest and best bidder. The OWNER further reserves the right to reject any and all bids and to waive irregularities and shall not be held liable for the State of North Dakota for the payment of the contract to the successful bidder (winner).

In compliance with Section 48-01.10 of the North Dakota Century Code, the successful bidder (winner) shall be required to furnish a performance and completion bond covering the faithful performance of the contract and the payment of all obligations thereunder, and all additional obligations required by the laws of the State of North Dakota.

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(C) 3/13, 2/27, 2/29/2020/64

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In compliance with Section 48-01.10 of the North Dakota Century Code, the successful bidder (winner) shall be required to furnish a performance and completion bond covering the faithful performance of the contract and the payment of all obligations thereunder, and all additional obligations required by the laws of the State of North Dakota.

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paper, faxed or emailed bids will NOT be accepted by the OWNER. Questions pertaining to the project specifications or drawings must be directed to the project architect, Mutchler Bertram Architects P.C., one week prior to the bid opening.

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(C) 3/13, 2/27, 2/29/2020/64

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## ND LEGALS

**COUNTY SYSTEMS USER POLICY**  
Plarney presented the Stark County Systems User Policy. The policy was approved by the commission in January. The State Attorney requested Plarney add paragraph number 4 specific to the Sheriff Department and the State Attorney notes stating that prior to monitoring, capturing, or leaving any correspondence, permission must be granted by either the relevant office or relevant agency. The provision does not shield these offices from any applicable open records requirements.

**MOTION BY Commissioner Zander**  
**SECONDED BY Commissioner Meiser**  
To amend the Stark County Systems User Policy to include paragraph 4.  
**DISPOSITION:** Roll call. Commissioners: March - aye; Zander - aye; Franchuk - aye; Meiser - aye; Chairman Arhaud - nay; Motion Carried.  
**SHAWNA DAVENPORT - EMERGENCY ASSISTANCE AGREEMENT RENEWAL**

Davenport presented the Emergency Assistance Agreement Renewal between Adams and Stark County. The Memorandum of Understanding is just an update on signatures and was originally signed in 2018.

**MOTION BY Commissioner Meiser**  
**SECONDED BY Commissioner Ruchman**  
To authorize the Chairman to sign the Emergency Assistance Agreement between Adams and Stark County.  
**DISPOSITION:** All voted aye. Motion Carried.

**STARK COUNTY ELECTRONIC COMMUNICATION RETENTION POLICY AND RECORD REQUESTS**  
Davenport stated the 11th commission received a request from the State Attorney's office to compose a policy that would cover record retention on any electronic communications. She stated the policy was drafted with the State Attorney's recommendation of 30-day retention. She stated the policy was being getting open records requests, personal calls and emails back as far as 2012 with the policy. She would say we only require our employees to keep those items for 30 days. Zander stated she and the policy makes up both like we are trying to hide things. Zander stated there is no policy in place now - so you could delete your texts and emails every night if you wanted. This is a bill-walk saying how long you have to keep the information. This covers text messages or private emails or Facebook messages. Arhaud believes we need to categorize such as private, emails, text messages and we need to send that in to get an Attorney General opinion. Zander stated the law is clear and an AG opinion is not needed. Arhaud disagrees and states the law is not clear in her. Zander stated she is the legal advisor and she is the law is clear and she is not going to burden the AG office. Zander says our current policy when may not be written, but currently all electronic messaging is retained. Zander states there is no policy county emails are retained until what you or with messages on your phone is up to you.

**MOTION BY Commissioner Meiser**  
**SECONDED BY Commissioner Ruchman**

To adopt the Electronic Communication Retention Policy with the time frame of 180 days retention policy on electronic communication records, subject to amendment.

**DISCUSSION:** Arhaud states she would be ok with this motion coming out on an AG opinion. March states that 180 days is too long. Zander needs more assistance the traffic is recoverable by the public.

**DISPOSITION:** Roll call. Commissioners: Meiser - aye; Franchuk - aye; March - aye; Zander - nay; Chairman Arhaud - nay. Motion Failed.

**MOTION BY Commissioner Zander**  
**SECONDED BY Commissioner March**  
To table for individual commission members to consult with the State Attorney for more information and be brought back at the April Meeting.  
**DISPOSITION:** Roll call. Commissioners: Meiser - aye; Franchuk - aye; March - aye; Zander - aye; Chairman Arhaud - aye. Motion Carried.

Davenport also presented the yearly contract with Consolidated. She stated most of the provisions remain the same, except the following: the yearly fee increased from \$50,000 to \$100,000 increasing the monthly fee to be \$8,333.44 and they added many new open requests at \$100.00 per hour.

**MOTION BY Commissioner March**  
**SECONDED BY Commissioner Meiser**

To accept the contract pending State Attorney approval.  
**DISPOSITION:** Roll call. Commissioners: March - aye; Zander - aye; Franchuk - aye; Meiser - aye; Chairman Arhaud - aye. Motion Carried.

**COUNTY - SELLING DELINQUENT PROPERTIES**

Richard addressed the commission regarding delinquent properties that did not sell. She has had some interest in the properties and they may want to make an offer on some of those - statute states they have to pay the minimum sales price and we can't accept offers. They are all of Dickinson properties. Richard would like to see them offered to the city as a price they would be comfortable with. Meiser states that currently the county cannot take less than the minimum price, so we would need to give notice and publish to change the price. He states current statute is flawed if you sell a property for less than we have to do it, like the property in Dickinson that we had to list down a home, the county loses money, but if it's sold for more than is owed, the money goes back to the original property owner. He believes the current values are realistic and would like to wait to do anything with the properties until we have legislative session, as the world

## ND LEGALS

Meiser addressed the commission regarding the May commission meeting. He will be out of town during the regularly scheduled meeting on May 3, 2022. All allocation amounts in the 2022 Plan are currently estimated. The Action Plan will be available online at [nagovint.com/ConsolidatedPlan](http://nagovint.com/ConsolidatedPlan) beginning April 25th. Written comments submitted to [dn@nd.gov](mailto:dn@nd.gov) or P.O. Box 2057, Bismarck, North Dakota 58503-2057, must be received by the office of business at 5pm central time on June 2, 2022. For alternate formats of the Action Plan and other requests for assistance, contact Maria Elizabeth Hansen at (701) 336-5500 or via Relay North Dakota: TTY: 1-800-368-6666, voice 1-800-368-6663 or TDD 1-800-435-8539.

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## ND LEGALS

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## ND LEGALS

**NOTICE: DESTRUCTION OF RECORDS**  
The Dickinson Special Education Unit intends to destroy special education records of students who graduated or terminated special education services through Dickinson Public School through May 31, 2017. Such records are no longer needed for educational purposes. Former students (or legally appointed guardians) who wish to obtain their records prior to destruction must put their request for these records in writing by April 29, 2022 and mail to: Dickinson Public School, Attn: Student Services, 444 4th St West, Dickinson, North Dakota 58501. Please allow 30 days for processing requests.

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## ND LEGALS

**REQUEST FOR BIDS**  
Bids are being solicited by Dickinson Parks and Recreation for mowing and haying within the Peterson Lake Wildlife Management Area and Recreation Area for a four (4) year period. Closing date for receipt of bids will be 1:00 pm on April 29, 2022. Each individual bid will be bid in a per lot basis and awards will be made by individual lot. The two highest written bids will be opened at the time of bid opening. Bid opening will be April 29, 2022 at 1:00 pm at the Dickinson Parks and Recreation Office, 204 Fairway Street, Dickinson, North Dakota. Bids received prior to the bid opening will not be accepted. The funds offered for haying are located in Blank County.

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## Classifieds

## PUBLIC NOTICES

ADVERTISEMENT FOR BID  
MINOT PUBLIC SCHOOLS  
MINOT AREA  
WORKFORCE ACADEMY

Kraus-Anderson Construction Company is presently seeking competitive lump sum bids for the Minot Area Workforce Academy project. This portion of the project consists of constructing a new training facility adjacent to and renovating an existing one-story building. The scope of work for these buildings includes demolition, concrete and masonry, steel supply and erection, interior, mechanical, electrical and carpentry. Sealed bids will be received until 1:30 PM local time on Thursday May 5th, 2022, at the address noted below. Bids received after this time will not be considered. Bids will be opened at the Minot Public Schools District Office and publicly read aloud.

Kraus-Anderson Construction Company is the only authorized agent to receive bids. Bids must be mailed or delivered to: Minot Public Schools District Office, c/o Kraus-Anderson, 215 2nd St. SE, Minot, ND 58701.

The complete bid form shall be without alterations, additions, or omissions. All bids shall be in a lump sum basis. No bid may be withdrawn for a period of 90 days after bid receipt without consent of the Kraus-Anderson Construction Company reserves the right to reject any or all bids and to waive any irregularities in bids. Direct all communications regarding this Project to the office of the Construction Manager, Mark Clemm (mark.clemm@krausanderson.com) 612-255-2458. Procurement of documents for bidders on prime contracts. Obtain the bidding documents, including the bid form, drawings and specifications, via Building Connect. Contact Sharma Haining with any program downloading or ordering questions at sharma.haining@krausanderson.com, or to receive an invite. Bid documents are also available thru many of the regional builders' exchanges.

A pre-bid conference will be held: Minot Area Workforce Academy, 2002 21st Ave NW, Minot, ND 58703, Thursday, April 21st, 2022 at 1:00 PM. (April 13, 2022)

## ADVERTISEMENT FOR BIDS

Minot Area Chamber EDC. Minot South Intermediate Expansion NOTICE IS HEREBY GIVEN that the Minot Area Chamber EDC will receive sealed bids for the construction of MINOT SOUTH INTERMEDIATE EXPANSION, at the office of Ackerman-Scheldt, 1807 17th Street SE, Minot, North Dakota, until 11:00 AM Wednesday, April 27, 2022, at which time all bids will be publicly opened and read aloud.

All bids must be submitted, and all work shall be done, in full and complete compliance with:

1. The Plans & Contract Documents for this project.
2. Any Special Conditions for this project.
3. The 2018 BIDS Addendum for Inquiry Track Projects.

Project bidding documents are available for examination and/or \$100 purchase. Monday through Friday from 8:00 am to 12:00 pm and 1:00 pm to 5:00 pm, at the office of Ackerman-Scheldt, 1807 17th Street SE, Minot ND 58701. Complete digital project bidding documents are available at: [www.ackerman-scheldt.com/projects](http://www.ackerman-scheldt.com/projects) or [www.guestbook.com](http://www.guestbook.com). You may download the digital plan documents for \$50 by visiting Guest project 6572646 at the website Project Search page. Please contact Guestbook.com at 850-233-1032 or info@guestbook.com for assistance in free membership, registration, downloading, and working with this digital project information. Potential bidders may contact Ackerman-Scheldt at (701) 837-9737 with any questions. Generally, the Work covered by the Plans and Specifications for Minot South Intermediate Expansion consists of the materials, labor, tools, and equipment required for the construction of railroad track improvements and ground access routes. The Work includes approximately 4,300 LF of 136-in. spread track. The Work shall also include 2 track turnouts, 1 level, 4 cross-tie, and 20 tie plates. By order of the Board of Directors of the Minot Area Chamber EDC at: Dated this 1st day of April, 2022. (s) L. John MacPherson, Chairman President

South Intermediate Expansion. 2. The name of the person, firm, corporation, or joint venture submitting the bid. 3. The Bidder's Contractor's License Number. 4. Acknowledgment of the Addendum, if any. Any deficient bid opened will be resubmitted and returned to the Bidder immediately. All work shall be substantially complete by July 15, 2022. All work shall be completed and ready for final payment, in accordance with the General Conditions by August 15, 2022. Should the Contractor fail to complete its obligations under the Contract within the time required herein or within such other time as may have been granted by formal acceptance of time approved by the Owner, there will be deducted from any amount due to the Contractor a sum of \$1,000 per day for each and every calendar day that the completion of the Work is delayed. The Contractor and the Surety will be liable for any losses. Such payment will be as and for liquidated damages and not as a penalty. By order of the Board of Directors of the Minot Area Chamber EDC at: Dated this 1st day of April, 2022. (s) L. John MacPherson, Chairman President

South Intermediate Expansion. 2. The name of the person, firm, corporation, or joint venture submitting the bid. 3. The Bidder's Contractor's License Number. 4. Acknowledgment of the Addendum, if any. Any deficient bid opened will be resubmitted and returned to the Bidder immediately. All work shall be substantially complete by July 15, 2022. All work shall be completed and ready for final payment, in accordance with the General Conditions by August 15, 2022. Should the Contractor fail to complete its obligations under the Contract within the time required herein or within such other time as may have been granted by formal acceptance of time approved by the Owner, there will be deducted from any amount due to the Contractor a sum of \$1,000 per day for each and every calendar day that the completion of the Work is delayed. The Contractor and the Surety will be liable for any losses. Such payment will be as and for liquidated damages and not as a penalty. By order of the Board of Directors of the Minot Area Chamber EDC at: Dated this 1st day of April, 2022. (s) L. John MacPherson, Chairman President

NOTICE OF EXECUTION SALE  
Case No. 13-20-201482  
IN DISTRICT COURT COUNTY  
OF WARD STATE  
OF NORTH DAKOTA  
WELLS FARGO BANK, N.A.,  
Plaintiff  
vs.  
DANNY A. CLEMENTER et al.  
Defendant

NOTICE IS HEREBY GIVEN that on virtue of a Special Execution issued to me by the Clerk of the District Court in and for the County of Ward, North Dakota, North Central, I will sell the real property described in the judgment entered and docketed in the Office of the Clerk of said Court on December 3, 2019, and recorded pursuant to the highest order for cash at public auction at 315 3rd St. SE, located in Minot, North Dakota, on May 11, 2022, at the hour of 10:00 AM of the day to satisfy the amount due and owing the Plaintiff from the Defendant(s) in the sum of \$148,189.14, plus accrued costs and interest to the date of sale, or so much thereof as the proceeds of said sale are applicable. Bids will be sold.

The premises to be sold are also said are situated in the County of Ward, State of North Dakota, and are more particularly described as follows:

LOT 13, BLOCK 5, KEYS  
IMPROVED PLAT OF THE SEWA  
SEWA OF SECTION 20,  
TOWNSHIP 135 NORTH,  
RANGE 62 WEST OF THE 5TH  
P.M., MINOT, WARD COUNTY,  
NORTH DAKOTA.  
Street Address: 1019 SE 36th St.,  
Minot, ND 58701.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal the 4th day of April, 2022.  
Robert Row

Sheep of Ward County, North Dakota, AND COWS OF THE SAYER LAW GROUP, P.C., Jennifer O. Ewing, 625 E. 4th St., Wadena, IA 56593 (714) 234-2530 Attorney 10 No. 08611 gowandpatterson@wadena.com Attorney for Plaintiff (April 5, 13, 20, 2022)

NOTICE TO CREDITORS  
Probate No. 51-2022-PR-00005  
STATE OF NORTH DAKOTA, IN  
DISTRICT COURT, COUNTY OF  
WARD, NORTH CENTRAL  
JUDICIAL DISTRICT

In the Matter of the Estate of Diane Alice Heed, Deceased. NOTICE IS HEREBY GIVEN that the undersigned has been appointed Personal Representative of the above Estate. All persons having claims against the said deceased are required to present their claims within three months after the date of the first publication of this notice or said claims will be forever barred. Claims must be presented to David Clayton, Personal Representative of the Estate of Diane Alice Heed, c/o Dakota Law, PLLC, P.O. Box 1748, Minot, ND 58702-1748, or filed with the Court. Dated this 11th day of April, 2022. (s) Andrew Heed, Personal Representative Charles G. Deibekos, DAKOTA LAW, PLLC, P.O. Box 1748, Minot, North Dakota 58702-1748, Attorney for Personal Representative. (April 13, 20, 27, 2022)

PUBLIC NOTICE  
STATE OF NORTH DAKOTA 2022  
ANNUAL ACTION PLAN  
COMMENT PERIOD

The North Dakota Department of Commerce, Division of Community Services and North Dakota Housing Finance Agency announce the availability of the 2022 Annual Action Plan for public review and comment. The Action Plan serves as the state's application to the U.S. Department of Housing and Urban Development for the Community Development Block Grant (CDBG) Investment Partnerships, National Housing Trust Fund and Emergency Shelter Grants programs. The Action Plan describes how the funds from each program will be distributed over the 2022 program year, which is scheduled to begin on July 1, 2022. Funds are expected to be received on or about August 1, 2022. All allocations announced in the 2022 Plan are currently estimated. The Action Plan will be available online at [www.ndcommerce.gov](http://www.ndcommerce.gov) beginning April 26th. Written comments, submitted to [dcplanning@ndcommerce.gov](mailto:dcplanning@ndcommerce.gov) or P.O. Box 2027, Bismarck, North Dakota 58502-2027, must be received by the close of business on June 30th, 2022. For alternate formats of the Action Plan and other requests for assistance, contact Maria Ellem Hansen at (701) 328-5300 or via Relay North Dakota, TTY 1-800-668-6868, voice 1-800-668-6868, or Spanish 1-800-455-8546. (April 13, 2022)

School Annexation Hearing Notice is given that a public hearing will be held by the Ward County School District Reorganization Committee, Wednesday, April 27th, at 12:00 PM in the Commissioners Chambers, Ward County Administration Building, Minot, North Dakota, for the purpose of considering a petition for annexing a territory to Minot School District from the South Prairie School District. Both School Districts are located primarily in Ward County. The petition describes the territory to be annexed as the following: Section 1, Township 58th, Range 124th, North-33rd, West of Ward County, North Dakota. This hearing is held in accordance with the North Dakota Century School Code Chapter 15.1-12 and by order of the Ward County District Reorganization Committee. (April 6, 13, 2022)

Ward County Home Rule Charter Article No. 2-G The Ward County Commissioner passed the following updated home rule charter language via 2nd reading on April 26, 2022. The amended language will be presented to voters on the June 14th, 2022 ballot. Start the Ward County Home Rule Charter Article No. 2-G be amended as follows:

Article 2-G. To provide for zoning, planning and subdivision of public or private property within Ward County limits outside of the zoning authority of any city and not inconsistent with established zoning regulations of organized townships. The county shall not have the authority to require additional dedication or donation of right-of-way abutting areas of existing right-of-ways. Additional right-of-ways shall be pursuant to North Dakota statutory procedures. (Yes) (April 13, 2022)

## Minot Daily News

[www.MinotDailyNews.com](http://www.MinotDailyNews.com)

857-1920

[classes@MinotDailyNews.com](mailto:classes@MinotDailyNews.com)

OIL & GAS LEASE  
ONLINE AUCTION

The Board of University and School Lands will conduct an online oil and gas lease auction for one hundred and seventy five (175) tracts in Billings, Burke, Divide, McKenzie, Mountrail, Ward, and Williams Counties, ND, and two (2) tracts in Mount Pleasant Municipality, Saskatchewan, Canada. Bidding will commence April 26, 2022, at 9:00 a.m. CDT and end May 3, 2022. The link to view the tracts and participate in the auction is:

<https://www.eneryzinc.com/govt-landings>

A 3% convenience fee will be assessed. Anyone needing auxiliary aids and services should call Lynn at (701) 328-1921 by April 19, 2022.

nd13/2022  
by Joseph A. Henniger  
Commissioner

(April 13, 2022)

PUBLIC AND  
LEGAL NOTICES

To publish a Public or Legal Notice, please visit [minotdailynews.com](http://minotdailynews.com) and click on PLACE NOTICE in the top menu. You will then be guided through the convenient process of creating and purchasing your notice.

The Minot Daily News is a daily newspaper of general circulation in Ward County.

Minot Daily News



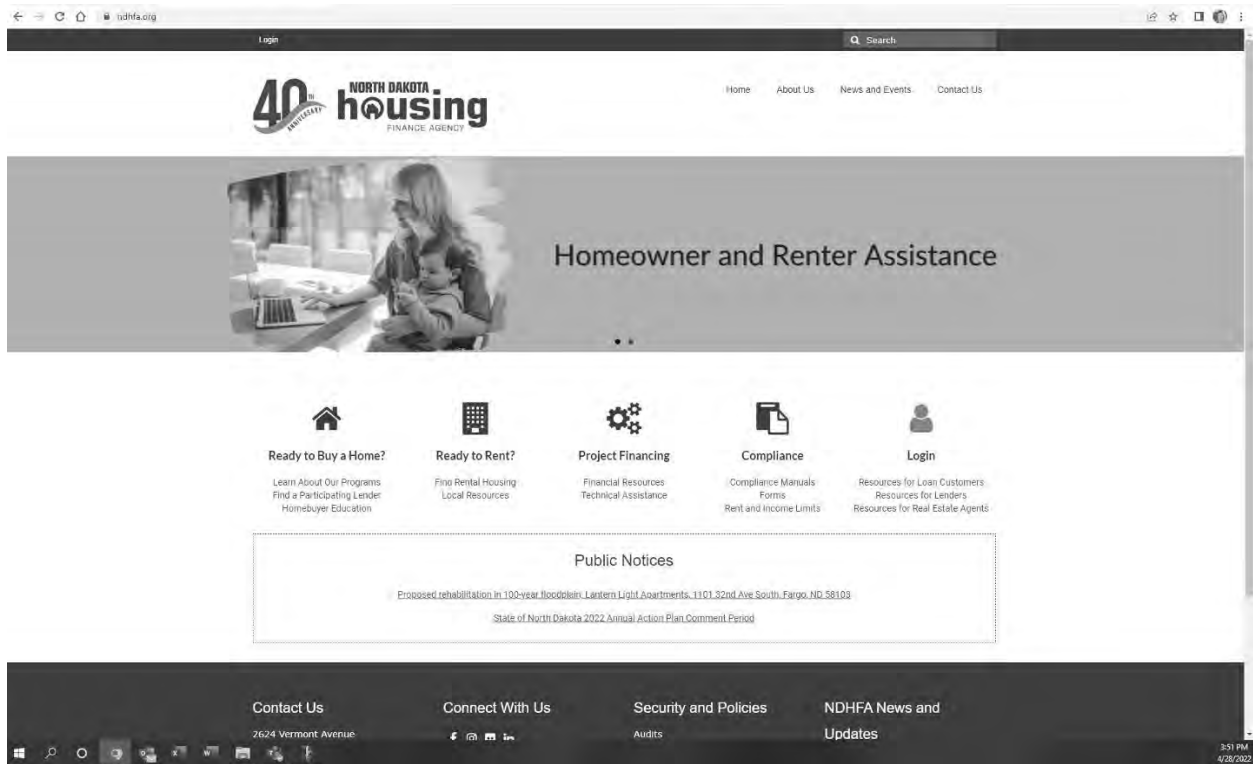
**BUSINESSES & SERVICES**

**1" Ad \$120/month**  
Other sizes available  
To place an ad call 857-1963

|  |   |   |   |
|--|---|---|---|
| <p><b>ATTORNEY</b></p> <p><b>McGee, Hankla &amp; Backes, P.C.</b></p> <p>Attorney: Robert Wul</p> <p><b>BANKRUPTCY CASES</b></p> <p>Chapters 7, 11, 12 &amp; 13</p> <p>Representation of Reputable Names</p> <p><a href="http://mcgeehankla.com">mcgeehankla.com</a></p> <p>701-852-2044</p> | <p><b>CLEANING SERVICES</b></p> <p><b>CHICK'S CLEANING</b></p> <p>All types of cleaning: Residential • Commercial • Move out • Office Cleaning</p> <p>References</p> <p>701-953-8010 • Find me on Facebook</p> <p><b>Your ad here for only \$120 per month</b></p>  | <p><b>EMBROIDERY</b></p> <p><b>EMBROIDERY-SCREEN PRINTING</b></p> <p><b>North Country Sportswear</b></p> <p><b>838-6547</b></p> <p><b>5320 North Broadway</b></p> <p><b>HOME IMPROVEMENT</b></p> <p><b>Simple Works Contracting</b></p> <p>Home Improvements and Carpentry</p> <p>Cabinetry, Framing, Roofing, Siding, Decks, Flooring, Windows, Doors, Trim, Sheetrock, Texture, Painting, and More</p> <p>(701)833-2106. Licensed &amp; Insured</p> | <p><b>PAINTING</b></p> <p><b>DOUBLE A PAINTING</b></p> <p>Licensed &amp; Insured</p> <p>Free Estimates</p> <p>852-9281 or 240-0498</p> <p><b>ROOFING</b></p> <p><b>SUMMIT ROOFING &amp; CONSTRUCTION</b></p> <p>ROOFING SPECIALIST</p> <p>RESIDENTIAL ROOFING (New Construction &amp; Reroofs)</p> <p>SIDING/CEILING/EXTERIOR REMODELING</p> <p>(701)833-5948</p> <p><a href="mailto:camerobp89@hotmail.com">camerobp89@hotmail.com</a></p> |
| <p><b>TERRY LAW OFFICE</b></p> <p>• UNCONTESTED DIVORCE</p> <p>Check our Reasonable Rates</p> <p><b>Bankruptcy</b></p> <p>Call 701-509-1398</p> <p>• DUI DEFENSE</p>   | <p><b>CONSTRUCTION</b></p> <p><b>LEGACY HANDYMAN</b></p> <p>701-822-1504</p> <p>LICENSED AND INSURED</p> <p>JEROME HODGE</p> <p>General Handyman Services: Trim Work, Deck Installation, Siding, Drywall, Painting, and more. Call for a free estimate.</p> <p><a href="http://LEGACYHANDYMAN@PROTONMAIL.COM">LEGACYHANDYMAN@PROTONMAIL.COM</a></p> <p><b>ALL RANGE</b></p> | <p><b>SKOGSTAD CONSTRUCTION</b></p> <p>Additions, Doors, New Construction, Remodeling, Kitchens, Windows, Decks.</p> <p><b>340-1970 or 852-0345</b></p>   | <p><b>APM ROOFING</b></p> <p>Offering residential roofing services.</p> <p>Free estimates.</p> <p>Call Zach today 701-240-6370</p> <p><b>SEWER &amp; WATER</b></p> <p>Replace Old or Install New Lines Using Trenchless</p>   |

2022 AAP Public notice was sent to the following on 3/9/22 8:22am

momof4regan@yahoo.com; grantadmin@cviconline.org; debra@dvacond.org;  
darianne\_dvrcc@hotmail.com; jill.dvcc@gmail.com; lana.fcs@midconetwork.com;  
jeliasen@fargond.gov; david.eberbach@icalliances.org; winterrefuge@srt.com;  
jgullo@msaunitedway.org; mheinert@youthworksnd.org; rob.swiers@fargonlc.org;  
sue@jointhemiison.org; cheri@fmpplh.org; aaker@rrvca.com; saaf@gondtc.com;  
nelson.delavergne@usc.salvationarmy.org; lindy.sund@usc.salvationarmy.org;  
judy.lowder@usc.salvationarmy.org; sarahh@sendcaa.org; melissashelter2020@gmail.com;  
heather.novak@unitedwayfegf.org; casemanager1@welcome-house.net; warc@westriv.com;  
liz@projectbeend.org; jhaugen@ywcacassclay.org; michellee@aacnd.com; tara@dvccminot.org;  
sleyland@fraserfnd.org; melandied.saaf@gmail.com; joant@aacnd.com; Jayna Gray  
<jayna.gray@icalliances.org>; Kari Schultz <Kari.schultz@icalliances.org>; Lyndsay Ulrickson  
<lyndsay@sourisbasin.org>; Erin Charley <erin@sourisbasin.org>; Stacie Sevigny  
<stacie@redriverrc.com>; Estad, Lori <lori@redriverrc.com>; Mandi, Dawn <dawn@redriverrc.com>;  
Brent Ekstrom <brent@lcdgroup.org>; Lyle Hogue <lyle@lcdgroup.org>; Roosevelt-Custer Regional  
Council <rcrc@ndsupernet.com>; Everette Enno <EveretteE@ci.williston.nd.us>; Sandy Shively  
<sandyncpc@gondtc.com>; Amber Metz <amber@lakeagassiz.com>; Mitch Calkins  
<Mitch@lakeagassiz.com>; Traci Redlin <tredlin@sdcrc.org>; ashleyncpc@gondtc.com;  
canssa@ndic.org; CaitlinP@ci.williston.nd.us; anna.schraeder@minotnd.org; terryj@dvfnd.com;  
cthanson@grandforksgov.com; squinlan@fargond.gov; shellekson@jamestownnd.gov;  
rita.binstock@dickinsongov.com; swschlecht@mlgc.com; spurdin@jasminchildcare.org;  
gutimes@westriv.com; velvarentalhsg@srt.com; Willier, Shawneel M. <smwiller@nd.gov>



RECEIVED

MAY 24 2022

DEPT. OF COMMERCE



## South Central Dakota Regional Council

429 2nd St SW, Suite 208 | PO Box 909 | Jamestown, ND 58402-0909 | Phone: 701-952-8050

May 2022

North Dakota Department of Commerce  
Division of Community Services  
PO Box 2057  
Bismarck ND 58502-2057

To Whom it May Concern:

Please consider this letter as a summary of comments and concerns regarding the 2022 Community Development Block Grant (CDBG) Action Plan from the South Central Dakota Regional Council (SCDRC). The SCDRC serves Region VI, including Barnes, Dickey, Foster, Griggs, Logan, LaMoure, McIntosh, Stutsman and Wells counties, in South Central North Dakota.

As partners in administration and management of the CDBG program, we are sharing our comments in response to proposed changes to the FY2022 CDBG program provided by ND Department of Commerce – Division of Community Services (DCS).

The following is a summary of concerns:

1. **PROPOSED CHANGE: INCREASED MINIMUM GRANT AMOUNT**

**Response:** The significant increase in the minimum grant amount will have a direct effect on all communities served, especially smaller communities with limited financial resources and infrastructure that has surpassed its expected design life. There is a significant number of communities in Region VI classified as low-to-moderate-income (LMI). Increased grant minimums will have a direct effect on the ability of those communities to utilize CDBG.

Many of our communities have expressed concern that the increase minimum grant amount will likely deter the cities in applying for CDBG funds for public facilities and housing projects. The increased minimums will require larger, more expensive projects which will also necessitate more local funds for engineering, grant administration, and for portions of the project not funded with CDBG. These small cities do not have funding to support the increased minimums in local funding this would require. These cities are looking for infrastructure projects and housing rehabilitation to improve their aging communities.



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The proposed minimum grant amount has increased anywhere from 100% to 900%:

| Eligible Category                              | Previous Minimum | Proposed Minimum | Percent of Increase |
|--|------------------|------------------|---------------------|
| Public Facilities & Public Services            | \$20,000         | \$75,000         | 275%                |
| Single Family Housing                          | \$25,000         | \$200,000        | 700%                |
| Multi-Family Housing                           | \$25,000         | \$100,000        | 300%                |
| Economic Development – Retail Sector & Tourism | \$10,000         | \$50,000         | 400%                |
| Economic Development – Primary Sector          | \$50,000         | \$100,000        | 100%                |
| Governor's Fund                                | \$10,000         | \$100,000        | 900%                |

There are communities that have comprehensive public facilities projects that would not cost \$75,000. For example, some communities have been able to replace an entire lift station for less than the current public facilities grant amount of \$75,000.

SCDMC proposes that you do not increase these minimums at this time:

**2. PROPOSED CHANGE: COMPREHENSIVE PROJECTS**

**Response:** HUD has indicated IL is concerned projects in North Dakota are not comprehensive, however applicants have a fiscal and ethical responsibility to only include what is necessary in a project's scope.

**3. PROPOSED CHANGE: INCREASE REGIONAL ALLOCATION**

**Response:** This is a request of the regional councils to increase the amount of funds distributed to the regions. This can be done by decreasing the amount reserved annually for the Governor's Fund.

The significant increase in minimum grant amounts will likely directly affect the number of projects that can be allocated funds annually. More expensive projects will mean fewer projects. Yet, requests routinely exceed the amount available.

There is millions currently in the revolving and allocation sectors of the Governor's Fund. Unallocated funds must be returned to HUD. The regional councils request more funds be distributed to the regions. We can make a difference locally – throughout the entire state – if more CDBG is allocated to each region.

**4. PROPOSED CHANGE: INCREASE S&R CONTRACTS / PROGRAM MANAGEMENT**

**Response:** Increasing the amount of Scoring and Ranking (S&R) contracts will assist in retaining working expertise to maintain this complex program regionally. Increased S&R contracts will also more closely align with actual staff costs incurred to manage the program.

The amount of the Scoring and Ranking (S&R) contracts with the regional councils has not increased in more than 15 years, however staffing costs have not remained stagnant during the same period. Managing the CDBG program requires on-going training, research, and expertise. The professional staff time needed to allocate funds on an annual basis has increased, however the amount of the S&R contracts has not.



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Professional staff costs in Region VI for the past four years are higher than the S&R contract amount. These costs happen before grant management begins for specific projects, as grant management is paid by the applicant. Staff are engaged in on-going research and vetting of potential projects prior to actual development of a CDBG application. This staff time, in addition to the actual scoring and ranking of projects, is intended to be covered under the S&R contract.

The same applies for the allowable amount of grant management. Increasing the minimum allowable grant amount should directly correlate with increasing the CDBG grant administration maximum. For example, CDBG grant administration on housing projects is 15% with a maximum \$15,000. However, the minimum grant amount is now \$200,000, which at 15% would equate to \$30,000. In this example, by not allowing the grant administration amount to directly correlate to the grant amount, regional councils are not receiving at least half of the funds needed for staff time to manage the complex program.

##### 5. **PROPOSED CHANGE: EMERGENCY/URGENT NEED PROJECTS**

**Response:** Difficulties in meeting CDBG program requirements was noted as a potential reason why the state may no longer consider accepting urgent need project applications. Addressing urgent need projects is a national objective of the CDBG program and we request collaboration to ensure it remains an option for North Dakota communities.

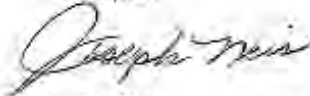
Governor's funding has been very difficult to acquire with the timelines that are on CDBG projects at this time. Those projects that are legitimate emergencies need to be addressed immediately as they are a detriment to the health and welfare of their communities. Additional funding put into our region's allocation would help ease this burden.

To help receive a timely award and better administer an urgent need project, we request:

- A definition of an emergency project. For example, can a project be considered an urgent need today when a gate valve is about to break, rather than when the valve breaks a few months from now?
- Information on how other states utilize CDBG for urgent need projects. Can HUD provide another state as a guiding example on how to better award and implement urgent need projects in North Dakota?
- Set a specific process to submit, review, and determine if a request will be funded.
  - Once a request is received, a response is available within 10 days, for example.
  - Define what criteria is used in deciding whether to fund a request.
  - Allow the regional council/applicant the opportunity to visit with DCS and Governor's Office staff to review the project verbally and answer any questions or concerns.

Although complex to implement and manage, the CDBG program continues to be an important resource in North Dakota. We, the SCDRC Board of Directors and Executive Director, appreciate your consideration of our comments on the FY2022 Action Plan.

Thank you,



Joseph Neis,  
SCDRC Executive Board President



This institution is an equal opportunity provider and employer. Relay North Dakota: 800.386.6888 TTY: 202-600-6009 Voice: Spanish: 1.800.425.8590



June 9, 2022

Joseph Neis, SCDRC Executive Board President  
South Central Dakota Regional Council  
429 2<sup>nd</sup> St SW, Suite 208  
PO Box 903  
Jamestown, ND 58402-0903

Dear Mr. Neis,

Thank you for submitting your comments to the 2022 Annual Action Plan (AAP). Please see the following response to your comments.

Comment 1: Increased minimum grant amount

- DCS Response: There were no new grant minimums for the 2022 AAP. This was raised in the 2021 Annual Action Plan. Before raising the minimum amounts in 2021, DCS did an average estimate on projects from the last five years. Those averages were within reason of the minimum amounts that were suggested in the 2021 AAP. No concerns had arisen during the implementation of 2021 with the new minimum amounts in place and therefore the minimum amounts stayed the same for the 2022 AAP.

Comment 2: Comprehensive projects

- DCS Response: The goal is to have thorough and complete projects apply for funds. From the past two years of HUD monitoring and environmental monitoring, DCS has been made aware that several projects completed in the previous years were not construction and more due to maintenance issues, which fall under different categories. A project should not be applying for funds year after year to fully complete the fix.

Comment 3: Increase regional allocation

- DCS Response: The Governor's set-aside is available for projects in any region that come up during the fiscal year. As stated in the 2022 AAP, the revolving loan fund is contributing an additional \$1 million to the federal allocation. HUD rules require us to require us to use these funds first. We do not want to put too much in at once and possibly jeopardize the State to lose out on its regular allocation funding as we will need to meet the timely distribution deadline. This is the first year that the State is contributing an additional \$1 million from the revolving loan fund to be converted to Program Income to be used on all eligible CDBG projects. This will be reevaluated for FY2023 if the dollar amount can be raised.

1600 E Century Avenue, Suite 2 | P.O. Box 2057 | Bismarck, ND 58502  
PHONE 701-328-5300 | TOLL FREE 1-866-NDAKOTA | ND E-MAIL 1-800-366-6888 | PHONE 1-800-366-6888  
NDCommerce.com

NORTH  
**Dakota** | Commerce  
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Comment 4: Increase S&R Contracts/Program Management

- DCS Response: As stated in the 2022 AAP, the Regional Councils will no longer be scoring and ranking applications. Therefore, the Regional Councils will not be receiving scoring and ranking contracts. For FY2022 and going forward, the State will be handling this process. It is up to the CDBG recipient (unit of general local government (UGLG)) to administer the project or procure another entity to do the administration. The Regional Council put in a bid to be the administrator of the project.

Comment 5: Emergency/Urgent Need Projects

- DCS Response: DCS is following HUD's guidance and advice to not allow Urgent Need as a National Objective. According to the HUD Environmental Specialist, there are no examples of other states running emergency assistance programs to water utilities on an emergency response basis. This even includes CDBG-Disaster recovery funds. HUD funds in general are not geared for emergency response and would be a high degree of difficulty for any state grantee. To further read about Urgent Need, you can reference Basically CDBG for States Chapter 3, Section 3.4 and the Guide to National Objectives and Eligible Activities for State CDBG Programs, discussed in Chapters 1-4, with Chapter 3 having the most emphasis. Once all HUD monitoring are closed, and the HUD Federal Program Manager along with the HUD Environmental Specialist are in agreement that the State has capacity to administer Urgent Need projects, at that time DCS will consider allowing Urgent Need projects.

Thank you,

*Maria Effertz-Hanson*

Maria Effertz-Hanson,  
Director, Division of Community Services

cc: Tonya Forderer, DCS Program Manager  
Shawn Kessel, COO/Deputy Director Department of Commerce

1600 E Century Avenue, Suite 2 | P.O. Box 2057 | Bismarck, ND 58502  
PH: (701) 328-5300 | TOLL FREE: 1-866-NDAKOTA | ND GOVT: 1-800-366-6888 | VOIC: 1-800-366-6888  
NDCommerce.com

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## NORTH DAKOTA COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM DISTRIBUTION STATEMENT

Prepared By

Division of Community Services  
1600 East Century Avenue, Suite 2  
PO Box 2057  
Bismarck, ND 58502-2057  
Phone: (701) 328-5300  
Fax: (701) 328-5320

ND Relay Voice: 800-366-6889  
ND Relay Spanish: 800-435-8590



ALTERNATIVE FORMATS FOR DISABLED  
PERSONS ARE AVAILABLE UPON REQUEST

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This Program Distribution Statement contains information about the State's Community Development Block Grant (CDBG) Program. CDBG funds must be used to achieve one of the following national objectives:

1. Activities benefiting low (L) and moderate (M) income (I) persons.
2. Activities which aid in the prevention or elimination of slums or blight.
3. Activities designed to meet community development needs having a particular urgency.

To better address local community development needs, the Governor has directed that the State's allocation be divided among the eight regions of North Dakota. The eight regions can be found in the appendices.

The following priorities and objectives have been established for the distribution of Community Development Block Grant funds in North Dakota:

1. Objectives for economic development will focus on:
  - a. 51% Creation of permanent jobs must be available for low and moderate income persons;
  - b. Economic diversification;
  - c. Leveraging of private and local investment; and
  - d. Benefit to the state's economy.
2. Funding for Public Facilities activities will primarily focus on:
  - a. Water and sewer activities which currently present a threat to health and safety;
  - b. Removal of architectural barriers which will permit access for the handicapped;
  - c. Direct benefit to a locality's low and moderate income persons; and
  - d. Leveraging local and other available financial resources to finance the cost of the activity.
3. Funding for Housing Activities will primarily focus on:
  - a. Meeting the health and safety needs of very low income persons by bringing the rehabilitated housing up to a minimum of the Section 8 Housing Quality Standards; and
  - b. Making more affordable housing available for low income persons. Emphasis will be given to encouraging applicants to use other public and private funds to complement Community Development Block Grant funds.

## **SECTION I**

### **Introduction**

#### **A. Purpose of Program Distribution Statement**

The purpose of the Community Development Block Grant (CDBG) and Community Development Loan Fund (CDLF) Program Distribution Statement is to describe how the state of North Dakota intends to distribute its CDBG Public Facilities, Housing, and Economic Development funds. Specifically, the Statement describes the three National Objectives of the CDBG program, eligible applicants, eligible activities, special eligibility requirements, distribution of funds, policies and procedures, and the grant submission and selection process.

For fiscal year 2022 the North Dakota CDLF program for Economic Development is designed to more effectively meet the goals set by the Governor. The program is targeted to business proposals which will operate within the primary sector of the North Dakota economy and also used for retail sector projects. CDLF assistance is intended to be used in situations where a funding gap exists and alternative sources and/or terms and conditions of public and private financing are not adequate. To access the CDLF program, applicants should contact the Division of Community Services.

#### **B. Purpose of the Community Development Block Grant Program**

The Community Development Block Grant was established by Congress in the Housing and Community Development Acts of 1974. In 1981, Congress amended the act to authorize state governments to administer the State Community Development Block Grant Program.

Nationally, the CDBG Program is divided into two categories:

1. The Department of Housing and Urban Development (HUD) continues to administer the "entitlement" program which is for cities over 50,000 and counties over 200,000 population. These entities receive CDBG Program funds on an annual formula basis directly from the Department of HUD. In North Dakota, the entitlement cities are Fargo, Bismarck, and Grand Forks.
2. The State administers the "nonentitlement" CDBG Program for cities under 50,000 and counties under 200,000 population. Allocation for the nonentitlement program is based on a formula and each state must submit a "Notice of Election" each year to administer the program. In North Dakota, there are approximately 449 eligible cities and counties capable of competing for state CDBG funds. No State CDBG funds will be spent in entitlement jurisdictions.

#### **C. National Objectives**

The primary purpose of the CDBG Program, as declared by Congress in Title I of the Housing and Community Development Act of 1974, as amended (HCD ACT), is "the development of viable communities, by providing decent housing and suitable living environment and expanding economic opportunities, principally for persons of low and moderate income."

Therefore, in providing assistance, the fundability of any eligible community activity is dependent upon its meeting at least one of the following national objectives as established by Congress:

1. Activities benefiting low and moderate income persons:

An activity will be considered to address the objective of benefiting low and moderate income persons if it meets one of the criteria in this paragraph, unless there is substantial evidence to the contrary. In assessing any such evidence, the full range of direct effects of the assisted activity will be considered. The activities, when taken as a whole, must not benefit moderate income persons to the exclusion of low income persons:

A. Area Benefit Activities:

- 1) An activity, the benefits of which are available to all the residents in a particular area, where at least 51 percent of the residents are low and moderate income persons. Such an area need not be coterminous with census tracts or other officially recognized boundaries but must be the entire area served by the activity. An activity that serves an area that is not primarily residential in character shall not qualify under this criterion. The local share for this type of activity cannot be special assessed.
- 2) An activity, where the assistance is to a public improvement that provides benefits to all the residents of an area, that is limited to paying special assessments levied against residential properties owned and occupied by persons of low and moderate income. Special assessments may be imposed as follows:
  - a) Special assessments to recover the CDBG funds may be made only against properties owned and occupied by persons not of low and moderate income. These assessments constitute program income.
  - (i) Special assessments to recover the non-CDBG portion may be made, provided that CDBG funds are used to pay the special assessment on behalf of all properties owned and occupied by low and moderate income persons; except that CDBG funds need not be used to pay the special assessments on behalf of properties owned and occupied by moderate income persons if, when permitted by the state, the unit of general local government certifies that it does not have sufficient CDBG funds to pay the assessments on behalf of all of the low and moderate income owner-occupant persons. Funds collected through such special assessments are not program income.
  - b) CDBG funds may be used to pay special assessments levied against property when this form of assessment is used to recover the capital cost of eligible public improvements initially financed solely from sources other than CDBG funds. The payment of special assessments with CDBG funds constitutes CDBG assistance to the public improvement. Therefore, CDBG funds may be used to pay special assessments, provided that:
    - (i) The installation of the public improvements was carried out in compliance with requirements applicable to activities assisted under this subpart, including labor, environmental and citizen participation requirements;
    - (ii) The installation of the public improvement meets a criterion for national objectives.
    - (iii) The requirements of § 570.482(a)(ii) are met.

- 3) An activity to develop, establish and operate (not to exceed two years after establishment), a uniform emergency telephone number system serving an area having less than 51 percent of low and moderate income residents, when the system has not been made operational before the receipt of CDBG funds, provided a prior written determination is obtained from HUD. HUD's determination will be based upon several certifications by the State [(See 24 CFR 570.483(b)(iii)].

b. Limited Clientele Activities:

- 1) An activity which benefits a limited clientele, at least 51 percent of whom are low and moderate income persons. (The following kinds of activities may not qualify under this paragraph: activities, the benefits of which are available to all the residents of an area; activities involving the acquisition, construction or rehabilitation of property for housing; or activities where the benefit to low and moderate income persons to be considered is the creation or retention of jobs.) To qualify under this paragraph, the activity must meet one of the following tests:
  - a) It must benefit a clientele who are generally presumed to be principally low and moderate income persons. The following groups are presumed by HUD to meet this criterion: abused children, battered spouses, elderly persons, severely disabled adults, homeless persons, illiterate persons, persons with AIDS, and migrant farm workers; or
  - b) It must require information on family size and income so that it is evident that at least 51 percent of the clientele are persons whose family income does not exceed the low and moderate income limit (i.e., water meters); or
  - c) It must have income eligibility requirements which limit the activity exclusively to low and moderate income persons (i.e., water meters); or
  - d) It must be of such a nature, and be in such a location, that it may be concluded that the activity's clientele will primarily be low and moderate income persons.
- 2) A special project directed to removal of material and architectural barriers which restrict the mobility and accessibility of elderly or disabled persons to publicly owned and privately owned non-residential buildings, facilities and improvements, and the common areas of residential structures containing more than one dwelling unit.

c. Housing Activities:

An eligible activity carried out for the purpose of providing or improving permanent residential structures which, upon completion, will be occupied by low and moderate income households. This would include, but not necessarily be limited to, the acquisition or rehabilitation of property, conversion of non-residential structures, and new housing construction as described in Section IX. If the structure contains two dwelling units, at least one must be so occupied, and if the structure contains more than two dwelling units, at least 51 percent of the units must be so occupied. Where two or more rental buildings being assisted are or will be located on the same or

contiguous properties, and the buildings will be under common ownership and management, the grouped buildings may be considered for this purpose as a single structure. For rental housing, occupancy by low and moderate income households must be at affordable rents to qualify under this criterion. The unit of general local government shall adopt and make public its standards for determining "affordable rents" for this purpose. The following shall also qualify under this criterion:

- 1) When less than 51 percent of the units in a structure will be occupied by low and moderate income households, CDBG assistance may be provided in the following limited circumstances:
  - a) The assistance is for an eligible activity to reduce the development cost of the new construction of a multifamily, non-elderly rental housing project; and
  - b) Not less than 20 percent of the units will be occupied by low and moderate income households at affordable rents; and
  - c) The proportion of the total cost of developing the project to be borne by CDBG funds is no greater than the proportion of units in the project that will be occupied by low and moderate income households.
- 2) Where CDBG funds are used to assist rehabilitation delivery services or in direct support of the unit of general local government's Rental Rehabilitation Program authorized under 24 CFR part 511, the funds shall be considered to benefit low and moderate income persons were not less than 51 percent of the units assisted, or to be assisted, by the Rental Rehabilitation Program overall are for low and moderate income persons.

d. Job Creation or Retention Activities:

- 1) An activity designed to create permanent jobs where at least 51 percent of the jobs, computed on a full time equivalent basis, involved the employment of low and moderate income persons. For an activity that creates jobs, the unit of general local government must document that at least 51 percent of the jobs will be held by, or will be made available to low and moderate income persons.
- 2) For an activity that retains jobs, the unit of general local government must make public and document that the jobs would actually be lost without the CDBG assistance and that either or both of the following conditions apply with respect to at least 51 percent of the jobs at the time the CDBG assistance is provided: The job is known to be held by a low or moderate income person; or the job can reasonably be expected to turn over within the following two years and that it will be filled by, or that steps will be taken to ensure that it is made available to, a low or moderate income person upon turnover.
- 3) Jobs will be considered to be available to low and moderate income persons for these purposes only if:
  - a) Special skills that can only be acquired with substantial training or work experience or education beyond high school are not a prerequisite to fill such jobs, or the business agrees to hire unqualified persons and provide training; and

- b) The unit of general local government and the assisted business take actions to ensure that low and moderate income persons receive first consideration for filling such jobs.
- 4) As a general rule, each assisted business shall be considered to be a separate activity for purposes of determining whether the activity qualifies under this paragraph, except:
  - a) In certain cases, such as where CDBG funds are used to acquire, develop or improve a real property (e.g. a business incubator or an industrial park), the requirement may be met by measuring jobs in the aggregate for all the businesses that locate on the property, provided the businesses are not otherwise assisted by CDBG funds.
  - b) Where CDBG funds are used to pay for the staff and overhead costs of a sub-recipient specified in section 105(a)(15) of the Housing and Community Development Act of 1974 making loans to businesses from non-CDBG funds, this requirement may be met by aggregating the jobs created by all of the businesses receiving loans during any one-year period.
  - c) In any case where CDBG funds are used for public improvements (e.g., water, sewer and road) and the national objective is to be met by job creation or retention as a result of the public improvement, the requirement shall be met as follows:
    - (i) The assistance must be reasonable in relation to the number of jobs expected to be created or retained by the affected business(es) within three years from the completion of the public improvement. Before CDBG assistance is provided for such an activity, the unit of general local government shall develop an assessment which identifies the businesses located or expected to locate in the area to be served by the public improvement. The assessment shall include for each identified business a projection of the number of jobs to be created or retained as a result of the public improvement; and
    - (ii) The jobs to be considered for purposes of meeting the requirement shall be all jobs created or retained as a result of the public improvement by the business(es) identified in the assessment as well as any other business that locates in the area within a period of three years following the completion of the activity; except that, in any case where the amount of CDBG assistance provided for the public improvement in relation to the number of jobs projected to be created or retained by the business(es) identified in the assessment is such that the amount per job does not exceed \$10,000, jobs created by businesses not identified in the assessment need not be considered. (See Section VII for Economic Development Infrastructure Guidelines)
- 2. Activities which aid in the prevention or elimination of slums or blight.  
A slum and blight area is defined as having a significant amount of structures that demonstrate major deterioration. The boundary is exhibited by a survey of the area.
  - a. **"Slum area"** means an area in which there is a predominance of buildings or

improvements, whether residential or nonresidential, which by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of these factors is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime, and is detrimental to the public health, safety, morals, or welfare. (N.D.C.C. 40-58-01.1(23))

- b. **"Blighted area"** means an area other than a slum area which by reason of the presence of a substantial number of slums, deteriorated or deteriorating structures, predominance of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility, or usefulness, unsanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of these factors, substantially impairs or arrests the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, morals, or welfare in its present condition and use. "Blighted area" does not include any land that has been assessed as agricultural property within the last ten years unless it was located within the interior boundaries of a city for at least ten years. The applicant must provide architectural renderings of the proposed design. Renovations to a historic property must maintain its historic character and must also conform to guidelines established in the "Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings". (N.D.C.C. 40-58-01.1(2))
3. Activities meeting one or more of the following criteria, in the absence of substantial evidence to the contrary, will be considered to aid in the prevention or elimination of slums or blight:
- a. Activities to address slums or blight on an area basis. An activity will be considered to address prevention or elimination of slums or blight in an area if the state can determine that:
    - (1) The area, delineated by the unit of general local government, meets a definition of a slum, blighted, deteriorated or deteriorating area under state or local law;
    - (2) Throughout the area there is a substantial number of deteriorated or deteriorating buildings or the public improvements are in a general state of deterioration;
    - (3) The assisted activity addresses one or more of the conditions which contributed to the deterioration of the area.

Rehabilitation of residential buildings carried out in an area meeting the above requirements will be considered to address the area's deterioration only where each such building rehabilitated is considered substandard before rehabilitation, and all deficiencies making a building substandard have been eliminated if less critical work on the building is also undertaken. The State shall ensure that the unit of general local government has developed minimum standards for building quality which may take into account local conditions.

- (4) The state keeps records sufficient to document its findings that a project meets the national objective of prevention or elimination of slums and blight.
  - b. Activities to address slums or blight on a spot basis. Acquisition, clearance, relocation, historic preservation and building rehabilitation activities which eliminate specific conditions of blight or physical decay on a spot basis not located in a slum or blighted area will meet this objective. Under this criterion, rehabilitation is limited to the extent necessary to eliminate specific conditions detrimental to public health and safety.
3. Activities designed to meet community development needs having a particular urgency.

In the absence of substantial evidence to the contrary, an activity will be considered to address this objective if the unit of general local government certifies, and the state determines, that the activity is designed to alleviate existing conditions which pose a serious and immediate threat to the health or welfare of the community which are of recent origin or which recently became urgent, that the unit of general local government is unable to finance the activity on its own, and that other sources of funding are not available. A condition will generally be considered to be of recent origin if it developed or became urgent within 18 months preceding the certification by the unit of general local government.

**SECTION II**  
**Eligible & Ineligible Activities**

**ELIGIBLE ACTIVITIES**

Eligible activities must address at least one National Objective in order to be considered for funding. In addition, some activities have qualifying requirements (i.e. economic development activities) which are specified in Section 105 and in the Entitlement Regulations. If assistance is needed for interpretation, please contact the DCS for guidance.

**A. Title I Eligible Activities**

Section 105(a) Activities assisted under this title may include only:

1. The acquisition of real property (including air rights, water rights, and other interests therein) which is (A) blighted, deteriorated, deteriorating, undeveloped, or inappropriately developed from the standpoint of sound community development and growth; (B) appropriate for rehabilitation or conservation activities; (C) appropriate for the preservation or restoration of historic sites, the beautification of urban land, the conservation of open spaces, natural resources, and scenic areas, the provision of recreational opportunities, or the guidance of urban development; (D) to be used for the provision of public works, facilities, and improvements eligible for assistance under this title; or (E) to be used for other public purposes;
2. The acquisition, construction, reconstruction, or installation (including design features and improvements with respect to such construction, reconstruction, or installation that promote energy efficiency) of public works, facilities (except buildings for the general conduct of government), and site or other improvements (due to a recent interpretation water meter replacement projects are direct benefit activities, the national objective is LMI);
3. Code enforcement in deteriorated or deteriorating areas in which such enforcement, together with public or private improvements or services to be provided, may be expected to arrest the decline of the area;
4. Clearance, demolition, removal, reconstruction, and rehabilitation (including rehabilitation which promotes energy efficiency) of buildings and improvements (including interim assistance, and financing public or private acquisition for rehabilitation, and reconstruction or rehabilitation, of privately owned properties and including the renovation or reconstruction of closed school buildings);
5. Special projects directed to the removal of material and architectural barriers which restrict the mobility and accessibility of elderly and handicapped persons;
6. Payments to housing owners for losses of rental income incurred in holding for temporary periods housing units to be utilized for the relocation of individuals and families displaced by activities under this title;

7. Disposition (through sale, lease, donation, or otherwise) of any real property acquired pursuant to this title or its retention for public purposes;
8. Provisions of public services, including but not limited to those concerned with employment, crime prevention, child care, health, drug abuse, education, energy conservation, welfare or recreation needs, if such services have not been provided by the unit of general local government (through funds raised by such unit, or received by such unit from the State in which it is located) during any part of the twelve-month period immediately preceding the date of submission of the statement with respect to which funds are to be made available under this title, and which are to be used for such services, unless the Secretary finds that the discontinuation of such services was the result of events not within the control of the unit of general local government, except that not more than 15 percent of the amount of any assistance to a unit of general local government under this title may be used for activities under this paragraph unless such unit of general local government (or in the case of nonentitled communities not more than 15 percent statewide) under this title including program income may be used for activities under this paragraph unless such unit of general local government used more than 15 percent of the assistance received under this title for fiscal year 1982 or fiscal year 1983 for such activities (excluding any assistance received pursuant to Public Law 98-8), in which case such unit of general local government may use not more than the percentage or amount of such assistance used for such activities for such fiscal year, whichever method of calculation yields the higher amount;
9. Payment of the non-Federal share required in connection with a Federal grant-in-aid program undertaken as part of activities assisted under this title;
10. Payment of the cost of completing a project funded under Title I of the Housing Act of 1949;
11. Relocation payments and assistance for displaced individuals, families, businesses, organizations, and farm operations; 49 CFR Part 24 or Section 104(d) of the Housing and Community Development (HCD) Act of 1974;
12. Provision of assistance including loan (both interim and long term) and grants for activities which are carried out by public or private nonprofit entities, including (a) acquisition of real property; (b) acquisition, construction, reconstruction, rehabilitation, or installation of (i) public facilities (except for buildings for the general conduct of government), site improvements, and utilities, and (ii) commercial or industrial buildings or structures and other commercial or industrial real property improvements; and (c) planning;
13. Assistance to neighborhood-based nonprofit organizations, local development corporations, nonprofit organizations serving the development needs of communities of nonentitlement areas, or entities organized under section 681(d) of Title 15 to carry out a neighborhood revitalization or community economic development or energy conservation project in furtherance of the objectives of section 5301(c) of this title, and assistance to neighborhood-based nonprofit organizations, or other private or public nonprofit organizations, for the purpose of assisting, as part of neighborhood revitalization or other community development; the development of shared housing opportunities (other than by construction of new facilities) in which elderly families (as

defined in section 1437a(b)(3) of this title) benefit as a result of living in a dwelling in which the facilities are shared with others in a manner that effectively and efficiently meets the housing needs of the residents and thereby reduces their cost of housing;

14. Activities necessary to the development of energy use strategies related to recipient's development goals, to assure that those goals are achieved with maximum energy efficiency, including items such as:
  - a. An analysis of the manner in, and the extent to which energy conservation objectives will be integrated into local government operations, purchasing and service delivery, capital improvements budgeting, waste management, district heating and cooling, land use planning and zoning, and traffic control, parking, and public transportation functions;
  - b. A statement of the actions the recipient will take to foster energy conservation and the use of renewable energy resources in the private sector, including the enactment and enforcement of local codes and ordinances to encourage or mandate energy conservation or use of renewable energy resources, financial and other assistance to be provided (principally for the benefit of low and moderate income persons) to make energy conserving improvements to residential structures, and any other proposed energy conservation activities;
15. Provision of assistance to private, for-profit entities, when the assistance is appropriate to carry out an economic development project (that shall minimize, to the extent practicable, displacement of existing businesses and jobs in neighborhoods) that:
  - a. Creates or retains jobs for low and moderate income persons;
  - b. Prevents or eliminates slums and blight;
  - c. Meets urgent needs;
  - d. Creates or retains businesses owned by community residents;
  - e. Assists businesses that provide goods or services needed by, and affordable to, low and moderate income residents; or
  - f. Provides technical assistance to promote any of the activities under subparagraphs a. through e.
16. The rehabilitation or development of housing assisted under Section 1437 of this title;
17. Provision of technical assistance to public or nonprofit entities to increase the capacity of such entities to carry out eligible neighborhood revitalization or economic development activities, which assistance shall not be considered a planning cost as defined in paragraph (12) or administrative cost as defined in paragraph (13);
18. Housing services, such as housing counseling in connection with tenant-based rental assistance and affordable housing projects assisted under Title II of Cranston-Gonzalez National Affordable Housing Act, energy auditing, preparation of work specifications, loan processing, inspections, tenant selection, management of tenant-based rental assistance, and other services related to assisting owners, tenants, contractors, and other entities, participating or seeking to participate in housing activities assisted under Title II of the Cranston-Gonzales National Affordable Housing Act;

19. Provision of assistance by recipients under this title to institutions of higher education having a demonstrated capacity to carry out eligible activities under this subsection for carrying out such activities;
20. Provision of assistance to public and private organizations, agencies, and other entities (including nonprofit and for-profit entities) to enable such entities to facilitate economic development by:
  - a. Providing credit (including providing direct loans and loan guarantees, establishing revolving loan funds, and facilitating peer lending programs) for the establishment, stabilization, and expansion of microenterprises;
  - b. Providing technical assistance, advice, and business support services (including assistance, advice, and support relating to developing business plans, securing funding, conducting marketing, and otherwise engaging in microenterprise activities) to owners of microenterprises and persons developing microenterprises; and
  - c. Providing general support (such as peer support programs and counseling) to owners of microenterprises and persons developing microenterprises;
21. Activities necessary to make essential repairs and to pay operating expenses necessary to maintain the habitability of housing units acquired through tax foreclosure proceedings in order to prevent abandonment and deterioration of such housing in primarily low and moderate income neighborhoods; and
22. Provision of direct assistance to facilitate and expand homeownership among persons of low and moderate income (except that such assistance shall not be considered a public service of purposes of paragraph (8) by using such assistance to:
  - a. Subsidize interest rates and mortgage principal amounts for low and moderate income homebuyers;
  - b. Finance the acquisition by low and moderate income homebuyers of housing that is occupied by the homebuyers;
  - c. Acquire guarantees for mortgage financing obtained by low and moderate income homebuyers from private lenders (except that amounts received under this title may not be used under this subparagraph to directly guarantee such mortgage financing and grantees under this title may not directly provide such guarantees);
  - d. Provide up to 50 percent of any down payment required from low or moderate income homebuyer; or
  - e. Pay reasonable closing costs (normally associated with the purchase of a home) incurred by a low or moderate income homebuyer.
23. Lead-based paint hazard evaluation and reduction, as defined in Section 4851b of this title.

## **B. Ineligible Activities**

The activities listed below are ineligible for CDBG and CDLF assistance.

1. Public Works, Facilities, and Site or Other Improvements (this list is not inclusive) (Except for removal of architectural barriers for handicapped accessibility) for buildings and facilities for the general conduct of government, and/or which are predominantly used for municipal purposes.
  - City/Town Halls
  - Courthouses
  - Other headquarters of government where the governing body meets regularly
2. Purchase of Equipment

The purchase of furnishings and personal property, except when necessary for use by a recipient or its subgrantees in the administration of its community development program, is generally ineligible (except for certain economic development projects). Examples are:

  - The purchase of office equipment and fixtures
  - Motor vehicles
  - Furnishings
  - Personal property not an integral structural fixture
3. Operating and Maintenance Expenses

The general rule is that any expense associated with operating, maintaining, or repairing Public Facilities and works, or any expense associated with providing public services not assisted with block grant funds is ineligible for assistance. However, operating and maintenance expenses associated with providing public services or interim assistance otherwise eligible for assistance under this part may be assisted. Examples of activities which are not eligible for block grant assistance are:

  - a. Routine maintenance and repair of streets, parks, playgrounds, water and sewer facilities, neighborhood facilities, senior centers, centers for the handicapped, parking and similar Public Facilities, filling of holes in streets, repairing of cracks in side-walks, mowing of recreational areas, and replacement of expended street light bulbs.
  - b. Regular payments of salaries for staff, utility costs, and similar expenses necessary for the operation of public works and facilities.
4. General Government Expenses

Except for where specifically authorized in this subpart or under state law, expenses required to carry out the regular responsibilities of the unit of general local government are not eligible for assistance under this part.

5. Political Activities

No expenditure may be made for the use of equipment or premises for political purposes, sponsoring or conducting candidate meetings, engaging in voter registration activity or voter transportation, or other partisan political activities.

6. Religious Purposes

Renovation, rehabilitation or conversion of buildings owned by primarily religious organizations or entities are generally ineligible activities. (Contact the DCS for guidance pertaining to eligible uses of CDBG and CDLF funds involving primarily religious organizations or entities.)

7. Nursing Homes

Except for removal of architectural barriers for handicapped accessibility CDBG funds will not be utilized in nursing homes for expansion, renovation or general operation.

**SECTION III**  
**General Information for Applicants**

**A. Eligible Applicants**

Eligible applicants under the North Dakota Community Development Loan Fund and Community Development Block Grant Program are limited to counties and incorporated cities:

1. A city is the eligible applicant for activities designed to take place within city limits. A city may apply for a project which would include an activity to be located outside city limits if the proposed activity will principally benefit residents within the city's jurisdiction, such as a solid waste disposal site, a water or sewage treatment facility, an economic development project or if the activity involves property/facilities over which the city has direct control as the owner/operator, and for which a county could not apply.
2. A county is the eligible applicant for activities designed to take place outside the limits of an incorporated city and in unincorporated areas. A county, however, may apply for an activity within an incorporated city that involves property/facilities over which the county has direct control as the owner/operator, and for which a city could not apply, such as a county courthouse. A county will not be limited to the number of unincorporated areas for which it may submit an application.
3. A city or county may also submit an "on-behalf of" (multi-jurisdictional) application for an incorporated city which has determined that it lacks the administrative capacity to apply for and administer a grant. If an incorporated city permits a county or another city to submit an "on-behalf of" application, it may not submit an application on its own for any emphasis area. An "on-behalf of" application may consist of more than one city, but the activity must be the same in each city. In addition, each city must be discussed separately, each must include a written agreement with the on behalf of applicant, each must do a needs assessment and undertake actions to affirmatively further fair housing, each must sign the anti-displacement policy and all program assurances, and each must fulfill all citizen participation requirements. Such an arrangement must be identified in advance of an application in order to permit the Secretary of HUD to grant recognition to the combination of governments as a unit of local government.
4. Where two or more eligible local governments (cities or counties) face a common community development problem, a joint application may be submitted with one local government designated as the lead applicant. To submit this type of application, the following conditions must be met:
  - a. The problem to be addressed involves joint ownership and lies in an area of contiguous or overlapping jurisdiction;
  - b. The solution to the common problem clearly requires cooperative action and is the most efficient strategy;
  - c. The local governments involved must submit a signed cooperative agreement which defines who will be responsible for the administration and implementation of the grant if awarded.

5. When submitting an application for a fire department/fire district, the following guidance for determining the eligible, or lead applicant is applicable:
  - a. If a fire department/fire district primarily serves an eligible community, that community is the eligible applicant.
  - b. If a fire department/fire district serves an eligible community, as well as the immediate surrounding area, then the community is the eligible applicant.
  - c. If a fire department/fire district serves an area consisting of two or more counties, then the parent county (that county in which a majority of the area of the fire district is located) is the eligible applicant.
  - d. A county is the eligible applicant for rural fire departments/districts not primarily serving an incorporated area.

#### **B. Eligible Applicants for Multi-Jurisdictional Housing**

1. County wide Projects
  - a. A county may submit a multi-jurisdictional application to address housing needs throughout its jurisdiction to include incorporated cities within the county.
  - b. The county must have a written multi-jurisdictional/joint agreement with all incorporated cities within the county. The application must contain a written statement from each city that chooses not to participate in the activity.
  - c. The county must complete a county wide needs assessment and undertake actions to affirmatively further fair housing.
  - d. To fulfill the citizen participation requirements, the County must hold one public hearing no earlier than 180 days prior to submitting the grant application and one public hearing prior to grant closeout. The County will be required to publish the notice of public hearing in the county's official newspaper and in all official newspapers of each participating jurisdiction.
2. Multi-County Projects
  - a. A county may submit a multi-county application to address housing needs to include incorporated cities within those counties.
  - b. The multi-county application will include a multi-jurisdictional/joint agreement executed by all participating jurisdictions to include all incorporated cities and participating counties and must include a designation of the lead county. The application must contain a written statement from each jurisdiction that chooses not to participate in the activity.
  - c. Each participating county must complete a county wide needs assessment and undertake actions to affirmatively further fair housing.

- d. To fulfill the citizen participation requirements, each County must hold one public hearing no earlier than 180 days prior to submitting the grant application and one public hearing prior to grant closeout. Each County will be required to publish the notice of public hearing in the county's official newspaper and in all official newspapers of each participating jurisdiction. (i.e., if three counties are included in the multi-county project, three public hearings will be held).

**C. Types of Grants Available**

Applicants may only apply for a single activity per application.

**SECTION IV**  
**Allocation of Funds**

This section of the Program Distribution Statement describes the estimated allocation of funds the state will receive in FY2021.

**A. Funds Available**

**2022 Estimated CDBG Funds Available**

|  |             |
|--|-------------|
| FY2022 Allocation  | \$3,927,948 |
| Less 2% State Administration   | 178,559     |
| Less 1% Technical Assistance   | 39,279      |
| Total Allocation Available for Projects                              | 3,710,110   |
| Less Governor's Set Aside for Community Development                  | 1,649,738   |
| Total Allocation Available for Regional Distribution from Allocation | 2,060,371   |
| Plus Revolving Loan Fund   | 1,000,000   |
| Funds Available for Regional Distribution                            | 3,060,371   |

\*Any funds left will revolve back into the Governor's Set-Aside fund. All CDLF projects will be funded with CDLF Program Income prior to CDBG allocation funds

Prior to actual funding decisions and from time to time as necessary, the Estimated Funds Available for Distribution will be adjusted to reflect any unobligated and returned funds that may be available.

For loans awarded prior to fiscal year 2022, program income generated by previously funded projects (from allocation funds or revolving loan funds) will be deposited to the statewide fund.

Should the state receive recaptured funds from the Department of Housing and Urban Development, those funds will be available for distribution during the year in which those funds are received. (Recaptured funds are funds that the Department of HUD deobligates from other States for infractions such as not meeting timely distribution of funds, disallowed cost, etc.).

**B. Regional Allocations**

Each region will receive a preset amount of funds. The dollar amount is derived by taking 50 percent of the total funds available for regional distribution and equally distributing that to all eight planning regions. The remaining 50 percent is divided among the regions using the latest percentage of very low and low income persons per region in comparison to the total VL & LI persons in the State of North Dakota (All Entitlement and Air Force Base LMI statistics are not included).

| <b>2022 CDBG Allocation</b><br><b>American Community Survey 5-Year</b><br><b>2011-2015 Low and Moderate Income Summary Data</b> |                          |                            |                               |                        |                     |
|---|--------------------------|----------------------------|-------------------------------|------------------------|---------------------|
| Region  | Total<br>VL & LI Persons | Percent<br>VL & LI Persons | VL & LI Persons<br>Allocation | 50% Base<br>Allocation | Total<br>Allocation |
| 1   | 13,577                   | 8%                         | 122,415                       | 191,273                | 313,688             |
| 2   | 35,191                   | 19%                        | 290,735                       | 191,273                | 482,008             |
| 3   | 22,959                   | 13%                        | 198,924                       | 191,273                | 390,197             |
| 4   | 13,276                   | 7%                         | 107,113                       | 191,273                | 298,386             |
| 5   | 27,286                   | 15%                        | 229,528                       | 191,273                | 420,801             |
| 6   | 23,558                   | 13%                        | 198,924                       | 191,273                | 390,197             |
| 7   | 31,644                   | 17%                        | 260,132                       | 191,273                | 451,405             |
| 8   | 15,390                   | 8%                         | 122,415                       | 191,273                | 313,688             |
| Total   | 182,881                  | 100.00%                    | 1,530,186                     | 1,530,186              | 3,060,371           |
| *The percentage for LMI persons were rounded to the nearest whole number.   |                          |                            |                               |                        |                     |
| ** Program income funds are not reflected in this total.  |                          |                            |                               |                        |                     |

**C. Estimate of Funds to Benefit Low and Moderate Income Persons**

Title I of the Housing and Community Development Act of 1974, as amended (HCD ACT), requires that the State must estimate the amount of funds to be used to benefit low and moderate income persons. Since the State must assure that for the three-year period 2022, 2023, and 2024, its funds benefit low and moderate income persons, the following depicts the minimum amount that must directly benefit such persons:

|   |       |               |          |                    |
|---|-------|---------------|----------|--------------------|
| 2024 Total Funds Available for Distribution |       |               |          | \$4,965,349        |
| Less Local Administration                   |       |               |          | <u>496,535</u>     |
|   |       |               | Subtotal | \$4,468,814        |
| Minimum Amount Estimated to Benefit         | .70 x | \$4,468,814 = |          | <u>\$3,128,170</u> |
| 2023 Total Funds Available for Distribution |       |               |          | \$4,991,758        |
| Less Local Administration                   |       |               |          | <u>499,176</u>     |
|   |       |               | Subtotal | 4,492,582          |
| Minimum Amount Estimated to Benefit         | .70 x | \$4,492,582 = |          | <u>\$3,144,807</u> |
| 2022 Total Funds Available for Distribution |       |               |          | \$3,927,948        |
| Less Local Administration                   |       |               |          | <u>392,795</u>     |
|   |       |               | Subtotal | 3,535,153          |

$$\text{Minimum Amount Estimated to Benefit} \quad .70 \times \$3,535,153 = \underline{\$2,474,607}$$

North Dakota will assure that 70 percent of the funds spent during the three-year period beginning with the 2022 program year, will be spent on projects benefiting low and moderate income persons. This will be achieved through the State's funding distribution system. Each Regional Council is required to individually meet this goal and will adjust their project review/priority ranking system and funding allocations so that each spends 70 percent of their yearly allocation on projects which meet the national objective of benefiting low and moderate income persons.

#### **D. Grant Minimum and Maximum**

Waivers may be requested for situations where one applicant is being offered the remaining funds in the allocation. Minimum and maximum grant levels (excluding administration) are as follows:

|  |              |
|--|--------------|
| <u>Public Facilities &amp; Public Services</u> |              |
| Minimum Amount                                 | \$75,000.00  |
| Maximum Amount                                 | No Maximum   |
| <u>Housing - Single Family</u>                 |              |
| Minimum Amount                                 | \$200,000.00 |
| Maximum Amount                                 | No Maximum   |
| <u>Housing - Multi- Family</u>                 |              |
| Minimum Amount                                 | \$100,000.00 |
| Maximum Amount                                 | No Maximum   |
| <u>Economic Development</u>                    |              |
| Primary Sector                                 |              |
| Minimum Amount                                 | \$100,000.00 |
| Maximum Amount                                 | No Maximum   |

#### **E. Limitation of Award of Funds for Economic Development Projects**

Applicants who have previously received an award for economic development and need additional funds for expansion, may apply for additional funds if:

1. The existing CDLF is current;
2. All other requirements of the program are met; and
3. The total outstanding at any time is not more than \$500,000.
4. Eligible under environmental review regulations. Reach out to DCS staff for this determination.

These applications will be considered using the same criteria used for all other economic development applications.

No individual, corporation, or organization with an existing program loan or has defaulted on a loan that is not in good standing at the local and/or state levels may receive additional or new financing from the program.

**F. Amendments to Program Statement Affecting the Action Plan of the Consolidated Plan as stated in the Citizen Participation Plan for the North Dakota Consolidated Plan and Annual Performance Report.**

1. The Division of Community Services will follow the Citizen Participation Plan to amend the Program Statement.

What constitutes an amendment to the Action Plan? (the following are examples, but the list is not inclusive)

1. Changes to initially established grant selection criteria.
2. Funding of activities not initially identified in the Annual Action Plan.
3. Funding of an activity not identified in the Plan as a high or medium priority.

**H. Timely Distribution of Funds**

One hundred percent (100%) of FY2022 CDBG funds must be obligated and announced to units of general local governments within 15 months of the State signing its grant agreement with HUD.

At the Governor's direction, any unobligated and deobligated regional allocation funds as of July 31, 2023, will be recaptured and placed in the Governor's Fund. These funds will be made available in Fall 2023 through a special funding round.

**All CDBG applications and amendments must contain original signatures and be received in the DCS office by June 15, 2023 for the 2022 program year.**

**I. Monitoring Findings**

Findings that are identified during annual systems and compliance reviews must be cleared within six months of the date of the monitoring visit.

**SECTION V**  
**Community Development Block Grant and Community Development Fund**  
**General Policies and Procedures and Statement of Assurances**

This section identifies general policies and procedures that are applicable to all applicants and activities.

**A. General CDBG and CDLF Policies and Procedures**

1. A grant recipient must sign and return its Financial Award within 60 days of the effective date of the award, or the award may be terminated.
2. **Federal funds may not be obligated prior to a Financial Award and the completion of the environmental requirements.** Once a financial award has been issued but prior to completion of the environmental review requirements the grantee may only incur eligible administrative, engineering, and architectural costs. If CDBG funds are being used for administration, an environmental review form for exemption must be filled out and approved by the Division of Community Services before procuring out for administration. For further guidance on this environmental exemption, please refer to Chapter 7 of the CDBG Administrative Manual. To ensure compliance with the federal environmental regulations, consultation with the DCS should commence prior to any commitment of funds.
3. A grantee may not change the activities of an approved project without first obtaining written approval from the DCS. An amendment form must be completed for this approval.
4. If a grantee has not incurred eligible project costs for other than administrative activities within **twelve** months of the effective date of the Financial Award, the award can be terminated at the option of the DCS. If project dollars are deobligated, administrative funds will be deobligated proportionately. Administrative dollars will be allowed on projects that do not come to fruition. Based on documented expenses, up to 10 percent of CDBG administrative funds budgeted will be allowed.
5. The State of North Dakota is required to use the U.S. Department of Housing and Urban Development's (HUD) Integrated Disbursement and Information System (IDIS) for drawing funds and reporting accomplishments. As a result of an Inspector General's audit, HUD has enhanced IDIS to improve oversight of CDBG activities. The enhanced system requires justification along with field office approval for the following conditions:
  - Activities that have had no draws two years from the initial funding date;
  - Activities that have had no draws for a year, subsequent to the first draw for an activity;
  - Activities that have not reported accomplishments for three years;

- Activities that have 80 percent of their funded amount disbursed and no accomplishments reported;
- Activities that are cancelled after funds have been drawn; and
- Draws revised from one activity to another.

This change requires CDBG sub-recipients to proceed with projects in a timely manner.

6. **Affirmatively Furthering Fair Housing:** Each applicant must develop a positive program to affirmatively further fair housing. The application contains a section to be completed indicating what action(s) will be undertaken by the applicant if funded. The requirement to affirmatively further fair housing is a Congressional mandate which pertains to any use of CDBG/CDFL funds.
7. Reasonable fees may be charged for the use of facilities assisted with CDBG/CDFL funds, but charges such as membership fees which will have the effect of precluding lower income persons from using the facilities are not permitted.
8. If the final activity costs are less than originally funded, the amount of CDBG funds awarded and local funds will be adjusted proportionately.
9. In-kind contributions will not be considered as eligible match dollars except for land purchased within a twelve-month period prior to a grant application in association with a proposed Public Facilities activity. In-kind contributions are those that represent the value of noncash contributions provided by or to the grantee, regardless of the source.
10. The legislature adopted a moratorium on the expansion of basic care and nursing home beds and to be consistent with legislative intent ([NDCC 23-09.3-01.1](#)). CDBG funds will not be used in this area. Definitions regarding these facilities are as follows:

#### **Long Term Residential Facilities**

The cost associated with operating, maintaining or providing services through long term care (more than one year) residential facilities are not eligible.

#### Assisted Living

- A building or structure containing a series of at least five living units operated as one entity to provide services for five or more individuals who are not related by blood, marriage, or guardianship to the owner or manager of the entity and which is kept, used, maintained, advertised, or held out to the public as a place that provides or coordinates individualized support services to accommodate an individual's needs and abilities to maintain as much independence as possible. An assisted living facility does not include a facility that is a congregate housing facility, licensed as a basic care facility, or licensed under chapter 23-16 or 25-16 or section 50-11-01.4.

#### Basic Care

- A facility licensed by the department under North Dakota Century Code chapter 23-09.3 whose focus is to provide room and board and health, social, and personal care to assist the residents to attain or maintain their highest level of functioning, consistent with the resident assessment and care plan, to five or more residents not related by blood or marriage to the owner or manager. These services shall be provided on a twenty-four-hour basis within the facility, either directly or through contract, and shall include assistance with activities of daily living and instrumental activities of daily living; provision of leisure, recreational, and therapeutic activities; and supervision of nutritional needs and medication administration.

#### Nursing Facility

- An institution or a distinct part of an institution established to provide health care under the supervision of a licensed health care practitioner and continuous nursing care for twenty-four or more consecutive hours to two or more residents who are not related to the licensee by marriage, blood, or adoption; and who do not require care in a hospital setting.

#### 11. Administrative funds may be requested at the following levels:

- Housing Rehabilitation and Conversion - 15 percent of CDBG project funds requested, up to a maximum of \$15,000
- Public Facilities Construction, Public Facilities in support of new Housing, Economic Development Purchase of Inventory, Economic Development Purchase of Equipment, Economic Development Acquisition of Buildings - 10 percent of CDBG project funds requested, up to a maximum of \$10,000 and a minimum of \$1,000.
- Public Facilities Special Assessment - 15 percent of CDBG project funds requested, up to a maximum of \$15,000
- Public Facilities Non-Construction - 5 percent of CDBG project funds requested, up to a maximum of \$5,000 and a minimum of \$1,000
- Economic Development Construction - 15 percent of CDBG project funds requested, up to a maximum of \$15,000 and a minimum of \$1,000.

DCS will evaluate each project individually and determine whether an adjustment in administration dollars is required.

Administrative dollars will be paid to the Recipient on a reimbursement basis. Supporting documentation for administrative expenses must be available in the Recipient file and may be a required submission with the Recipient's administrative Request for Funds (SFN 4630). Should the Recipient have more than one source of administrative funds, CDBG funds will reimburse the Recipient proportionally to the other funding.

The DCS will hold ten (10) percent of the authorized administrative funds until the

project final report has been received and approved.

Administration dollars will be allowed on projects that do not come to fruition, based on documented expenses. The amount allowed will be determined on a case-by-case basis.

If the unit of general local government chooses not to administer the project itself, Procurement Methods in the CDBG Admin Manual must be followed. Please reference Section 6.

12. Income verification must be completed on 100 percent of the households receiving direct benefit from CDBG activities. Acceptable verification consists of: income tax forms for the last 12-month period or income tax forms closest to verification date; SSA 1099 forms; and State of North Dakota Department of Human Services/Social Service Income Statement. Other sources of documentation must be first approved by the DCS.

#### **B. Statement of Assurances**

The applicant hereby assures and certifies that:

1. Resolution of Authority

Its governing body has duly adopted or passed as an official act a resolution, motion or similar action authorizing the submission of the application, including all understandings and assurances contained herein, and directing and authorizing the signatory to additional information as may be required.

2. Access to Records

It will give the State of North Dakota, DCS, State Auditor's Office, and the Comptroller General of the United States, through any authorized representatives, access to and the right to examine all records, books, papers, or documents related to the grant.

3. Legal Authority

It possesses legal authority to apply for the grant and to execute the proposed project under North Dakota law and, if selected to receive a CDBG, will make all efforts necessary to assure timely and effective implementation of the project activities described in the attached application.

4. Financial Management

It will comply with the applicable requirements of Office of Management and Budget (OMB) 2 CFR Part 200 Uniform Guidance or any equivalent procedures and requirements that the DCS may prescribe. The circular is the basis for a number of specific requirements on the financial management cost principles and recordkeeping of CDBG funds. The directive applies to cash depositories, bonding insurance, recordkeeping, program income, property management, procurement, allowability of costs closeout, audit, and other requirements.

5. HUD Disclosure

It will comply with HUD Disclosure Requirements (Subpart C of 24 CFR Part 12) prior to receiving a financial award from the Division of Community Services.

6. Assessments for Public Improvements

It will not attempt to recover any capital costs of public improvements assisted in whole or part with CDBG funds by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless:

- a. CDBG funds are used to pay the portion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than CDBG funds; or
- b. For purposes of assessing any amount against properties owned and occupied by persons of low and moderate income who are not persons of very low income, the applicant certifies that it lacks sufficient CDBG funds to comply with the requirements of clause (a), above.

7. Citizen Participation

The applicant will:

- a. Provide for and encourage citizen participation, particularly by low and moderate income persons who reside in slum or blighted areas and areas in which CDBG/CDLF funds are proposed to be used;
- b. Ensure that citizens will be given reasonable and timely access to local meetings, information, and records relating to the unit of local government's proposed and actual use of CDBG/CDLF funds;
- c. Furnish citizens information, including but not limited to:
  - (1) The amount of CDBG/CDLF funds expected to be made available for the current fiscal year (including the grant and anticipated program income);
  - (2) The range of activities that may be undertaken with the CDBG funds;
  - (3) The estimated amount of the CDBG/CDLF funds proposed to be used for activities that will meet the national objective of benefit to LMI persons; and
  - (4) The proposed CDBG/CDLF activities likely to result in displacement and the unit of general local government's anti-displacement and relocation plans required under 24 CFR 570.606(c) and 24 CFR 42.325
- d. Provide technical assistance to groups representative of persons of low and moderate income that request assistance in developing proposals in accordance with the procedures developed by the state. Such assistance need not include providing funds to such groups;
- e. Provide for a minimum of two public hearings, each at a different stage of the pro-

gram, for the purpose of obtaining citizens' views and responding to proposals and questions. Together the hearings must cover community development and housing needs, development of proposed activities and a review of program performance. The first public hearing is to cover community development and housing needs and must be held prior to submitting a full application to the state. The second public hearing is to cover a review of program performance. There must be reasonable notice of hearings and they must be held at times and locations convenient to potential or actual beneficiaries, with accommodations for the handicapped. Public hearings shall be conducted in a manner to meet the needs of non-English speaking residents where a significant number of non-English speaking residents can reasonably be expected to participate. The Citizen Participation Plan and Public Notice and Notice of Public Hearing format found in the CDBG Supplement to the Action Plan is required to be adopted by each city and county;

- f. Provide citizens with reasonable advance notice of, and opportunity to comment on, proposed activities in an application to the state and, for grants already made, activities which are proposed to be added, deleted or substantially changed from the unit of general local government's application to the state. Substantially changed means changes made in terms of purpose, scope, location or beneficiaries as defined by criteria established by the state; and
- g. Provide citizens the address, phone number, and times for submitting complaints and grievances, and provide timely written answers to written complaints and grievances, within 15 working days where practicable.

8. Building Standards

The grantee must assure that activities involving new building construction, alterations, or rehabilitation comply with the State Building Code (NDCC Chapter 54-21.3). Uniform Building Code and Uniform Mechanical Code and Section 54-21.3-04.1 requires compliance with the Americans with Disabilities Act Guidelines (ADAAG). For new construction of multi-family dwellings containing four or more units, the grantee must assure compliance with the Fair Housing Accessibility Guidelines for implementation of the accessibility requirements of the Fair Housing Act.

9. Conflict of Interest

- a. Conflicts prohibited. Except for eligible administrative or personnel costs, the general rule is that no persons described in paragraph (b) of this section who exercise or have exercised any functions or responsibilities with respect to CDBG activities assisted under this subpart or who are in a position to participate in a decision-making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from the activity, or have an interest or benefit from the activity, or have an interest in any contract, subcontract or agreement with respect thereto, or the proceeds thereunder, either for themselves or those with whom they have family or business ties, during their tenure and for one year thereafter.
- b. Persons covered. The conflict of interest provisions for paragraph (a) of this section apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the state, or of a unit of general local government, or of any designated public agencies, or subrecipients which are receiving CDBG funds.

- c. Exceptions: Thresholds requirements. Upon written request by the State, an exception to the provisions of paragraph (a) of this section involving an employee, agent, consultant, officer, or elected official or appointed official of the state may be granted by HUD on a case-by-case basis. In all other cases, the state may grant such an exception upon written request of the unit of general local government provided the state shall fully document its determination in compliance with all requirements of this paragraph including the state's position with respect to each factor to be considered for exceptions and such documentation shall be available for review by the public and by HUD. An exception may be granted after it is determined that such an exception will serve to further the purpose of the Act and the effective and efficient administration of the program or project of the state or unit of general local government as appropriate. An exception may be considered only after the unit of general local government has provided the following and the state has considered all factors for the exception found in 570.489 (h)(5):
- (1) 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
  - (2) An opinion of the attorney for the state or the unit of general local government, as appropriate, that the interest for which the exception is sought would not violate state or local law.
- d. Factors to be considered for exceptions. In determining whether to grant a requested exception after the requirements of paragraph (c) of this section have been satisfactorily met, the cumulative effect of the following factors, where applicable, shall be considered:
- (1) Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project which would otherwise not be available;
  - (2) Whether an opportunity was provided for open competitive bidding or negotiation;
  - (3) 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;
  - (4) 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;
  - (5) Whether the interest or benefit was present before the affected person was in a position as described in paragraph (b) of this section;
  - (6) Whether undue hardship will result either to the State or the unit of general local government or the person affected when weighed against the public interest served by avoiding the prohibited conflict; and
  - (7) Any other relevant considerations.

10. Anti-Displacement

In the event an applicant is awarded CDBG funds by the State, it will:

a. Follow a residential anti-displacement and relocation assistance plan which shall:

(1) In the event of such displacement, provide that:

- (a) Governmental agencies or private developers shall provide within the same community comparable replacement dwellings for the same number of occupants as could have been housed in the occupied and vacant occupiable low and moderate income dwelling units demolished or converted to a use other than for housing for low and moderate income persons, and provide that such replacement housing may include existing housing assisted with project based assistance provided under section 8 of the United States Housing Act of 1937;
  - (b) Such comparable replacement dwellings shall be designed to remain affordable to persons of low and moderate income for 10 years from the time of initial occupancy;
  - (c) Relocation benefits shall be provided for all low or moderate income persons who occupied housing demolished or converted to a use other than for low or moderate income housing, including reimbursement for actual and reasonable moving expenses, security deposits, credit checks, and other moving-related expenses, including any interim living costs; and, in the case of displaced persons of low and moderate income, provide either:
    - (i) Compensation sufficient to ensure that, for a 5-year period, the displaced families shall not bear, after relocation, a ratio of shelter costs to income that exceeds 30 percent; or
    - (ii) If elected by a family, a lump-sum payment equal to the capitalized value of the benefits available under subclause (i) to permit the household to secure participation in a housing cooperative or mutual housing association.
  - (d) Persons displaced shall be relocated into comparable replacement housing that is:
    - (i) Decent, safe, and sanitary;
    - (ii) Adequate in size to accommodate the occupants;
    - (iii) Functionally equivalent; and
    - (iv) In an area not subject to unreasonably adverse environmental conditions.
- (2) Persons displaced shall have the right to elect, as an alternative to the benefits under this subsection to receive benefits under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 if such persons determine that it is in their best interest to do so; and

- (3) Where a claim for assistance under subparagraph (1)(d) is denied by grantee, the claimant may appeal to the State, and that the decision of the State shall be final unless a court determines the decision was arbitrary and capricious.

11. Displacement and Relocation

It will minimize displacement as a result of activities assisted with CDBG funds.

It will comply with:

- a. All sections of URA (Uniform Relocation Assistance) 49 CFR Part 24.
- b. URA (Uniform Relocation Assistance) 49 CFR Part 24 Subpart B.
- c. Will comply with section 104(d) of the Housing and Community Development Act of 1974, as amended, which requires the replacement of low and moderate income housing units that are demolished or converted to another use in connection with an assisted activity and the provision of specified relocation assistance to certain low and moderate income persons.
- d. Refer to the URA Policy Manual for further guidance.

12. Civil Rights

It will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 200d et seq.), and the regulations issued pursuant thereto (24 CFR Part 1), which provides that no person in the United States shall on the grounds of race, color, or national origin, be excluded from participation in, be denied in the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant received Federal financial assistance and will immediately take any measures necessary to effectuate this assurance. If any real property or structure thereon is provided or improved with the aid of Federal financial assistance extended to the applicant, this assurance shall obligate the applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits.

13. Excessive Force Policy

The grantee adopts and will enforce a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil right demonstrations and the grantee will enforce applicable state and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstrations within its jurisdiction.

14. Equal Opportunity

It will comply with:

- a. Section 109 of the Housing and Community Development Act of 1974 (ACT), as amended, and the regulations issued pursuant thereto (24 CFR 570.601), which provides that no person in the United States shall, on the grounds of race, color, national origin, or sex, be excluded from participation in, be denied the benefits of,

or be subjected to discrimination under, any program or activity funded in whole or in part with funds provided under the act;

- b. The Age Discrimination Act of 1975, as amended (42 U.S.C. 6101 et seq.) The act provides that no person shall be excluded from participation, denied program benefits or subjected to discrimination on the basis of age under any program or activity receiving federal funding assistance;
- c. Section 504 of the Rehabilitation Act of 1973, amended (29 U.S. C. 794). The act provides that no otherwise qualified individual shall, solely, by reason of his or her handicap be excluded from participation, denied program benefits or subjected to discrimination on the basis of age under any program or activity receiving federal funding assistance.

The grant recipient must complete or update a Self-Evaluation, in accordance with 24 CFR Part B of the Federal Register. An example of a Self-Evaluation guidebook will be provided upon request;

- e. Section 3 of the Housing and Community Development Act of 1968 (12 U.S.C. 170/u) (24 CFR Part 135). Section 3 of the Housing and Urban Development Act of 1968 requires, in connection with the planning and carrying out of any project assisted under the Act, to the greatest extent feasible, that opportunities for training and employment be given to lower-income persons residing within the unit of local government or the non-metropolitan county in which the project is located, and contracts for work in connection with the project be awarded to eligible business concerns which are located in, or owned in substantial part, by persons residing in the project area. The grantee must assure good faith efforts toward compliance with the statutory directive of Section 3; and
- f. Executive Order 11246, as amended by Executive Orders 11375 and 12086, and the regulations issued pursuant thereto (24 CFR Part 130 and 41 CFR Chapter 60) prohibit a CDBG recipient and subcontractors, if any, from discriminating against any employee or applicant for employment because of race, color, religion, sex or national origin. The grantee and subcontractors, if any, must take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex or national origin. Such action must include, but not be limited to, the following: employment; upgrading; demotion or transfer; recruitment or recruitment advertising; layoff or termination; rate of pay or other forms of compensation; and selection for training, including apprenticeship. The grantee and subcontractors must post in conspicuous places, available to employees and applicants for employment, notices to be provided setting for the provisions of this nondiscrimination clause. For contracts over \$10,000, the grantee or subcontractors will send to each applicable labor union a notice of the above requirements, the grantee and subcontractors will comply with relevant rules, regulations and orders of the U.S. Secretary of Labor. The grantee or subcontractors must make their books and records available to State and federal officials for purposes of investigation to ascertain compliance.
- g. Executive Order 13166 eliminates, to the extent possible, limited English proficiency as a barrier to full and meaningful participation by beneficiaries in all federally assisted and federally conducted programs and activities.

#### 15. Fair Housing

It will affirmatively further fair housing and will comply with:

- a. Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.), as amended. The law states that it is the policy of the United States to provide for fair housing throughout the United States and prohibits any person from discriminating in the sale or rental of housing, the financing of housing or the provision of brokerage services, including in any way making unavailable or denying a dwelling to any person, because of race, color, religion, sex, national origin, familial status or disability. CDBG grantees must also administer programs and activities relating to housing and community development in a manner that affirmatively promotes fair housing and furthers the purposes of Title VIII; and
- b. Executive Order 11063, as amended by Executive Order 12259, requires CDBG recipients to take all actions necessary and appropriate to prevent discrimination because of race, color, religion, creed, sex or national origin; in the sale, leasing, rental and other disposition of residential property and related facilities (including land to be developed for residential use); or in the use of occupancy thereof if such property and related facilities are, among other things, provided in whole or in part with the aid of loans, advances, grants or contributions from the federal government.

16. Labor Standards

It will comply with:

- a. Section 110 of the Housing and Community Development Act of 1975, as amended, 24 CFR 570.605, and State regulations regarding the administration and enforcement of labor standards. Section 110 requires that all laborers and mechanics employed by contractors or subcontractors on construction work assisted under the Act shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276-a-276a-5). By reason of the foregoing requirement the Contract Work Hours and Safety Standards Act (40 U.S.C. 327 et seq.) also applies. However, these requirements apply to rehabilitation of residential property only if such property is designed for residential use for eight or more families;
- b. Davis-Bacon Act, as amended (40 U.S.C. a- et seq.), Section 2; June 13, 1934, as amended (48 Stat. 948.40 U.S.C. 276(C), popularly known as The Copeland Anti-Kickback Act. The Act mandates that all laborers and mechanics be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account except "permissible" salary deductions, the full amounts due at the time of payments, computed at wage rates not less than those contained in the wage determination issued by the U.S. Department of Labor. Weekly compliance statements and payrolls are required to be submitted to the federally-funded recipient by the contractor;
- c. Contract Work Hours and Safety Standards Act (40 U.S.C. 327 et seq.) According to the Act, no contract work may involve or require laborers or mechanics to work in excess of eight hours in a calendar day, or in excess of 40 hours in a work week, unless compensation of not less than one and one-half times the basic rate is paid for the overtime hours. If this Act is violated, the contract or subcontractor is liable to any affected employee for unpaid damages as well as to the United State for liquidated damages; and

- d. Federal Fair Labor Standards Act, (29 U.S.C.S. 201 et seq.). The act requires that covered employees be paid at least the minimum prescribed wage, and also that they be paid one and one-half times their basic wage rate for all hours worked in excess of the prescribed work-week.

17. EPA Listing of Violating Facilities

It will ensure that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the program are not listed on the U.S. Environmental Protection Agency's (EPA) List of Violating Facilities and that it will notify the Department of Commerce of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by EPA.

18. Environmental Impact

It will comply with:

- a. Section 104(f) of the Housing and Community Development Act of 1974, as amended through 1981. This section expresses the intent that "the policies of the National Environmental Policy Act of 1969 and other provisions of law which further the purposes of such Act be most effectively implemented in connection with the expenditure of funds under" the Act. Such other provisions of law which further the purpose of the National Environmental Policy Act of 1969 are specified in regulations issued pursuant to Section 104(f) of the Act and contained in 24 CFR Part 58; and
- b. The National Environmental Policy Act of 1969 (42 U.S.C. Section 4321, et seq. and 24 CFR Part 58). The purpose of this Act is to attain the widest use of the environment without degradation, risk to health or safety or other undesirable and unintended consequences. Environmental review procedures are a necessary part of this process. The grantee must certify that the proposed project will not significantly impact the environment and that the grantee has complied with environmental regulations and fulfilled its obligations to give public notice of the funding request, environmental findings and compliance performance.

Its chief executive officer or other officer of applicant approved by the State:

- (1) Consents to assume the status of responsible federal official under the National Environmental Policy Act of 1969 (NEPA) and other provisions of federal law, as specified in 24 CFR Part 58, which further the purposes of NEPA, insofar as the provisions of such federal law apply to the North Dakota Community Development Block Grant Program; and
- (2) Is authorized and consents on behalf of the applicant and himself to accept the jurisdiction of the federal courts for the purpose of enforcement of his responsibilities as such an official.

19. Floodplain Management and Wetlands Protection

It will comply with:

- a. The Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, approved December 31, 1973. Section 102(a) required, on and after March 2, 1974, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Secretary of the Department of HUD as an area having special flood hazards. The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance;
- b. Executive Order 11988, May 24, 1978: Floodplain Management (42 F.R. 26951, et seq.) The intent of this Executive Order is to (1) avoid, to the extent possible, adverse impacts associated with the occupancy and modification of floodplains and (2) avoid direct or indirect support of floodplain development wherever there is a practical alternative. If the grantee proposes to conduct, support or allow an action to be located in the floodplain, the grantee must consider alternatives to avoid adverse effects and incompatible involvement in the floodplains. If siting in a floodplain is the only practical alternative, the grantee must, prior to taking an action: (1) design or modify its actions in order to minimize a potential harm to the floodplain; and (2) prepare and circulate a notice containing an explanation of why the action is proposed to be located in a floodplain; and
- b. Executive Order 11990, May 24, 1977: Protection of Wetlands (42 F.R. 26961, et seq.). The intent of this Executive Order is to avoid adverse impacts associated with the destruction or modification of wetlands and direct or indirect support of new construction in wetlands, wherever there is a practical alternative. The grantee must avoid undertaking or providing assistance for new construction located in wetlands unless there is no practical alternative to such construction and the proposed action includes all practical measures to minimize harm to wetlands which may result from such use.

## 20. Historic Preservation

It will comply with:

- a. Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470, as amended) through completion of the procedures outlined in 36 CFR 800 and 36 CFR 63. Compliance with these procedures should include:
  - (1) Consulting with the State Historic Preservation Office (SHPO) to identify properties listed in or eligible for inclusion in the National Register of Historic Places that exist with a proposed CDBG project's area of potential environmental impact; and
  - (2) Consulting, as needed with the SHPO, Keeper of the National Register of Historic Places, and the Advisory Council on Historic Preservation to evaluate the significance of historic or prehistoric properties which could be affected by CDBG work and to determine how to avoid or mitigate adverse effects to significant properties from project work.

## 21. Farmlands Protection

It will comply with the Farmland Protection Policy Act (1981) (PL 97-98, Dec. 22, 1981) (Subtitle I Sec. 1539-1554) which requires recipients of federal assistance to minimize the extent to which their projects contribute to the unnecessary and irreversible commitment of farmland to nonagricultural uses.

22. Lead-Based Paint

It will comply with Sections 1012 and 1013 of Title X of the Housing and Community Development Act of 1992. The new regulation appears within Title 24 of the Code of Federal Regulations as part 35. (24 CFR 35). The purpose of this regulation is to protect young children from lead-based paint hazards in housing that is financially assisted by the Federal government or sold by the government. This regulation applies only to structures built prior to 1978.

23. Solid Waste

It will comply with the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. Section 6901, et seq.). The purpose of this Act is to promote the protection of health and the environment and to conserve valuable material and energy resources.

24. Air Quality

It will comply with the Clean Air Act (42 U.S.C. 7401, et seq.) which prohibits engaging in, supporting in any way or providing financial assistance for licensing or permitting, or approving any activity which does not conform to the North Dakota Air Pollution Control Rules (NDCC Article 33-15), which includes standards for asbestos and other hazardous air pollutants, and the State implementation plan for the control of air pollution.

25. Water Quality

It will comply with:

- a. The Safe Drinking Water Act of 1974 (42 U.S.C. Section 201, 300(f) et seq. and U.S.C. Section 349), as amended, particularly Section 1424(e)(42 U.S.C. Section 300H-303(e)) which is intended to protect underground sources of water. No commitment for federal financial assistance can be entered into for any project which the U.S. Environmental Protection Agency determines may contaminate an aquifer which is the sole or principal draining water source for an area; and
- b. The Federal Water Pollution Control Act of 1972, as amended, including The Clear Water Act of 1977, Public Law 92-212 (33 U.S.C. Section 1251, et seq.) which provides for the restoration and maintenance of the chemical, physical and biological integrity of the nation's water.

26. Noise, Facility Siting

It will comply with HUD Environmental Standards (24 CFR, Part 51, Environmental Criteria and Standards and 44 F.R. 40860-40866, July 12, 1979) which prohibit HUD support for most new construction of noise-sensitive uses on sites having unacceptable noise exposure. HUD assistance for the construction of new noise-sensitive uses is

prohibited in general for projects with unacceptable noise exposures and is discouraged for projects with normally unacceptable noise exposure. Additionally, projects may not be located near facilities handling materials of an explosive or hazardous nature, or in airport clear zones.

27. Wildlife

It will comply with:

- a. The Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.). The intent of this Act is to ensure that all federally assisted projects seek to preserve endangered or threatened species. Federally authorized and funded projects must not jeopardize the continued existence of endangered and threatened species or result in the destruction of or modification of habitat of such species which is determined by the U.S. Department of the Interior, after consultation with the state, to be critical; and
- b. The Fish and Wildlife Coordination Act of 1958, as amended, (U.S.C. 661 et seq.) which requires that wildlife conservation receives equal consideration and is coordinated with other features of water resource development programs.

## **SECTION VI**

### **Pre-Application Submission Requirements, Scoring and Ranking**

#### **A. Pre-Application Requirements**

This section describes the pre-application submission requirements applicable to all Public Facilities, Housing, Public Services. Economic Development pre-application requirements are different and can be referenced in Part E of this section.

1. To be considered for scoring, the minimum requirements of a pre-application must be met.
2. Although specific match amounts are not required, if project costs are more than the CDBG allocated amount by the committee, at a minimum local match is required to fully cover the remainder of the project costs.

Notwithstanding the above, the match amount proposed by the applicant should be determined by what is reasonable considering the resources available to the applicant. Points will be awarded for match based on high, moderate and low commitment. Proposals requesting grant assistance for administration will be required to submit additional budget and financial information.

3. Cities and counties have the option to administer their own projects. Refer to Section V of this program distribution statement for administrative funds guidance.
4. All projects will require a preliminary engineering/architectural report.
5. All projects (excluding Economic Development) must submit the CDBG Pre-Application form.

#### **B. Public Facilities**

1. An open funding round for public facilities will be held. Dates will be published through a public announcement.
2. The CDBG Committee will be responsible for reviewing, scoring, ranking and making grant award recommendations. This committee will include state or federal agencies such as the ND Department of Commerce Division of Community Services (DCS), State Water Commission, USDA/Rural Development, ND Department of Environmental Quality, ND Department of Transportation, North Dakota Housing Finance Agency, and Bank of North Dakota. The score sheet will identify the committee member scoring the application.
3. A copy of the State Department of Environmental Quality's letter of design approval must be submitted for all water and sewer projects prior to the first draw down of project funds.

4. Public Facilities projects are eligible for CDBG funds to pay for construction costs of the project if the population in the project area is 51% or greater low to moderate income (LMI). If the population is less than 51% LMI the community is not eligible to receive CDBG funds.
5. 10 percent of CDBG project funds can be requested for administration, up to a maximum of \$10,000 and a minimum of \$1,000.

## **SCORING AND RANKING CRITERIA**

### **PUBLIC FACILITIES PROJECTS – Maximum 475 points**

#### **1. NEED - Maximum 150 points**

The CDBG Committee will score each pre-application on the basis of perceived need.

##### **a. High Need: 120 to 150 points will be awarded to applications which:**

- 150 points address an already demonstrated significant problem which clearly affects health, and/or safety of the community or a targeted LMI group within the community;
- 135 points address a significant problem which in the immediate future is likely to affect health and/or safety; or
- 120 points address a situation in which all or the most critical services otherwise available cannot be provided.

##### **b. Moderate Need: 90 to 120 points will be awarded to applications which:**

- 120 points address a potentially significant problem which could clearly and significantly affect health and/or safety, but the likelihood or immediacy is not clear or apparent;
- 105 points address an immediate problem of health and/or safety but where no life-threatening or serious health/safety problems can be anticipated; or
- 90 points address a situation in which services can be provided, but not fully, or only with major inconvenience and/or additional costs.

##### **c. Low Need: 60 to 90 points will be awarded to applications which:**

- 90 Points address a problem which could significantly affect health and/or safety of the community, but the likelihood or immediacy is not clearly documented or apparent.
- 75 Points have not shown that services cannot be provided with any more than minor inconvenience and/or costs.

60 Points    have not clearly shown that immediate or serious health and/or safety problems exist.

## 2. COMMITMENT - Maximum 125 points

The CDBG Committee will score each Application on the basis of perceived commitment. 90 to 125 points will be awarded for high commitment, 65 to 89 points for moderate commitment, and 0 to 64 points for low commitment. The following criteria will be considered:

- a. High Commitment: 90 to 125 points will be awarded to projects that demonstrate the applicant is asking for the minimum amount of grant funds and is, therefore, providing the maximum amount of local match funds. This can be shown by documenting all of the following:

125 points    project cannot proceed without the requested funds;

115 points    applicant can show it is without additional existing funds to fully fund or increase the local match to the project;

100 points    other potential sources of funding assistance have been explored but no other sources of grants or affordable loans are likely or available to meet the immediate need.

90 Points    the problem is long standing or existing but the applicant has not made all reasonable efforts to obtain local or other financing to address the problem;

- b. Moderate Commitment: 65 to 89 points will be awarded to Applications which show grant funds are needed to proceed with the project and which meet most, but not all, of the criteria in 2.a. (above).

- c. Low Commitment: 0 to 64 points will be awarded to Applications that do not show grant funds are needed to proceed with the project, for which other funds are available, or which meet few of the criteria in 2.a. (above).

## 4. PERCENTAGE OF MINORITY LIVING IN PROJECT AREA – (Taken from 2015 American Community Survey) – Maximum 100 points

Communities with above 76% minority population 100 points

Communities with 51% to 75% minority population 75 points

Communities with 26% to 50% minority population 50 points

Communities with below 26% minority population 25 points

## 5. PERCENTAGE OF LMI IN THE PROJECT AREA - Maximum 100 points

One point for every percentage point of LMI population will be awarded.

## C. Housing

1. An open funding round for housing will be held. Dates will be published through a public announcement.
2. The CDBG Committee will be responsible for reviewing, scoring, ranking and making grant award recommendations. This committee will include state or federal agencies such as the ND Department of Commerce Division of Community Services (DCS), State Water Commission, USDA/Rural Development, ND Department of Environmental Quality, ND Department of Transportation, North Dakota Housing Finance Agency, and Bank of North Dakota. The score sheet will identify the committee member scoring the application.
3. 15 percent of CDBG project funds can be requested for administration, up to a maximum of \$15,000 and a minimum of \$1,000.

### **SCORING AND RANKING CRITERIA**

#### **HOUSING – Maximum 550 points**

##### **1 PROJECT NEED -Maximum 150 Points**

- a. 101-150 points will be applied to proposals that demonstrate the project will address **all** the following criteria:
  - (1) Thorough documentation is provided for the type of housing or work proposed, utilizing assessments, census, survey, market study, occupancy rates or other reliable and pertinent statistical data; and,
  - (2) Meets both current and long-term benefit in addressing existing and future needs; and,
  - (3) Addresses, directly or indirectly, health and safety issues; and,
  - (4) The project will have significant impact on meeting the needs as documented.
- b. 51-100 points will be awarded to proposals that substantially meet most of the above criteria and no major concerns are apparent with criteria it does not clearly meet.
- c. 0-50 points will be awarded to proposals which meet few of the above criteria, or which significantly fail to meet one or more of the criteria.

##### **2 FINANCIAL NEED -Maximum 150 points**

- a. 101-150 points will be applied to projects that can document **all** the following:
  - (1) The project cannot proceed without CDBG assistance, or failure to receive CDBG funds would significantly reduce the benefit, viability or impact, because the applicant or recipient does not have available the necessary financial resources, nor are future revenue sources likely to become available; and,
  - (2) The amount and the terms proposed or as may be offered, are reasonable and appropriate; and,

- (3) Other potential sources of assistance have been explored and cannot provide the assistance necessary.
  - b. 51-100 points will be awarded to proposals that substantially meet most of the above criteria and no major concerns are apparent with criteria it does not clearly meet.
  - c. 0-50 points will be awarded to proposals that meet few of the above criteria, or which meet most criteria, but one or more major concerns are apparent which affect the demonstrated financial need.
- 3 PERCENTAGE OF MINORITY LIVING IN PROJECT AREA – (Taken from 2015 American Community Survey– Maximum 100 points
- |  |     |
|--|-----|
| Communities with above 76% minority population points  | 100 |
| Communities with 51% to 75% minority population points | 75  |
| Communities with 26% to 50% minority population points | 50  |
| Communities with below 26% minority population points  | 25  |
- 4 PERCENTAGE OF LMI IN THE PROJECT AREA - Maximum 100 points One point for every percentage point of VL and LI population will be awarded.
- 5 PROJECT READINESS – Maximum 50 points
- |  |           |
|--|-----------|
| Homes identified and other funding committed               | 50 points |
| Homes identified and other funding located – not committed | 40 points |
| Homes identified and other funding not located             | 30 points |
| Other  | 0 points  |

#### **D. Public Services**

1. An open funding round for public services will be held. Dates will be published through a public announcement.
2. The CDBG Committee will be responsible for reviewing, scoring, ranking and making grant award recommendations. This committee will include state or federal agencies such as the ND Department of Commerce Division of Community Services (DCS), State Water Commission, USDA/Rural Development, ND Department of Environmental Quality, ND Department of Transportation, North Dakota Housing Finance Agency, and Bank of North Dakota. The score sheet will identify the committee member scoring the application.

#### **SCORING CRITERIA**

#### **PUBLIC SERVICES PROJECTS – Maximum 575 points**

## 1. NEED - Maximum 150 points

The committee will score each pre-application on the basis of perceived need.

- a. High Need: 120 to 150 points will be awarded to applications which:
  - 150 points address an already demonstrated significant problem which clearly affects health, and/or safety of the community or a targeted VL&LI group within the community;
  - 135 points address a significant problem which in the immediate future is likely to affect health and/or safety; or
  - 120 Points address a situation in which all or the most critical services otherwise available cannot be provided because of architectural barriers or other physical impediments to persons with handicaps.
- b. Moderate Need: 90 to 120 points will be awarded to applications which:
  - 120 Points address a potentially significant problem which could clearly and significantly affect health and/or safety, but the likelihood or immediacy is not clear or apparent;
  - 105 Points address an immediate problem of health and/or safety but where no life-threatening or serious health/safety problems can be anticipated; or
  - 90 Points address a situation in which services to the handicapped can be provided, but not fully, or only with major inconvenience and/or additional costs.
- c. Low Need: 60 to 90 points will be awarded to applications which:
  - 90 Points address a problem which could significantly affect health and/or safety of the community, or a targeted VL&LI group within the community, but the likelihood or immediacy is not clearly documented or apparent.
  - 75 Points have not shown that services to the disabled cannot be provided with any more than minor inconvenience and/or costs.
  - 60 Points have not clearly shown that immediate or serious health and/or safety problems exist.

## 2. COMMITMENT - Maximum 125 points

The committee will score each Application on the basis of perceived commitment. 90 to 125 points will be awarded for high commitment, 65 to 89 points for moderate commitment, and 0 to 64 points for low commitment. The following criteria will be considered:

- a. High Commitment: 90 to 125 points will be awarded to projects that demonstrate the applicant is asking for the minimum amount of grant funds and is, therefore, providing the maximum amount of local match funds. This can be shown by documenting all of the following:

- 125 points project cannot proceed without the requested funds;
- 115 points applicant can show it is without additional existing funds to fully fund or increase the local match to the project;
- 100 points other potential sources of funding assistance have been explored but no other sources of grants or affordable loans are likely or available to meet the immediate need.
- 90 Points the problem is:
  - i. long standing or existing but the applicant has made all reasonable efforts to obtain local or other financing to address the problem; or
  - ii. immediate and unexpected, not reasonably foreseen by the applicant.

- b. Moderate Commitment: 65 to 89 points will be awarded to Applications which show grant funds are needed to proceed with the project and which meet most, but not all, of the criteria in 2.a. (above).
- c. Low Commitment: 0 to 64 points will be awarded to Applications that do now show grant funds are needed to proceed with the project, for which other funds are available, or which meet few of the criteria in 2.a. (above).

**4. PERCENTAGE OF MINORITY LIVING IN PROJECT AREA – (Taken from 2015 American Community Survey) – Maximum 100 points**

|   |            |
|---|------------|
| Communities with above 76% minority population  | 100 points |
| Communities with 51% to 75% minority population | 75 points  |
| Communities with 26% to 50% minority population | 50 points  |
| Communities with below 26% minority population  | 25 points  |

**5. PERCENTAGE OF LMI IN THE PROJECT AREA - Maximum 100 points**  
One point for every percentage point of VL and LI population will be awarded.

**6. PROJECT READINESS – Maximum 100 points**

|  |            |
|--|------------|
| Complete plans and proof of other funding committed      | 100 points |
| Complete plans and other funding located – not committed | 50 points  |
| Complete plans, other funding not located                | 20 points  |

**E. Economic Development**

- 1. Pre-applications can be received at any time.
- 2. The DCS staff will be responsible for reviewing, scoring, and making awards.
- 3. Pre-Application
  - a. The pre-application includes submitting a pre-application and a business plan to DCS which will be accepted any time during the program year. It shall contain all information required by the current State

Action Plan.

- a. DCS staff will review each pre-application for compliance with Program Distribution Statement-Economic Development guidelines.
- b. Pre-Application Requirements
  2. Business plan as stated in Section VIII of the PDS
  3. Staff review (SFN 52340)
  4. Job creation commitment (SFN 59509)
  5. Letter of commitment for funding for all other source
  6. Financial documents
    - a. Historical numbers
      - Three years of historical financials
      - Three years of tax returns
      - Personal financial statement of owners (over 20% ownership)
      - Three years of personal tax returns on owners (over 20% ownership)
    - b. Monthly projects for 3 years with assumptions (including new financing structure)
      - Balance sheet
      - Income statement
      - Cash flow statement

The results of the DCS pre-application review may consist of any of the following:

- The applicant and/or business may be asked to provide more information.
- The business may be asked to pursue other sources of funding before giving further consideration.
- The business may be asked to restructure the financial package.
- The business may be asked to rework/revise its business plan.
- The DCS staff may request a visit to the business locale and/or a meeting with the business.
- The DCS staff may decide that the business is not feasible as structured with the negative recommendation provided in writing.
- The DCS staff may decide to develop a positive funding recommendation with conditions.
- The DCS staff may recommend that the business not be funded and not be permitted to restructure its proposal, and
- The DCS staff may recommend funding as requested. The above list or potential actions are not all-inclusive and other actions may be taken as the situation may dictate.

## SCORING CRITERIA

### ECONOMIC DEVELOPMENT – Maximum 100 points

1. Point System utilized for economic development (CDLF) requests;
  - a. Need for funds and terms (20 pts max)
  - b. Financial strength and reasonableness (20 pts max)
  - c. Management expertise and past performance (20 pts max)
  - d. Marketing (10 pts max)
  - e. Degree of likely benefit to the economy (20 pts max)

- Community/region does not have a comparable business (10 pts max)
- Workforce training/development (10 pts max)
- f. Anticipated impact of addressing national objectives as defined in the state program statement (10 pts max)
  - Ability to meet job creation requirements (5 pts max)
  - Availability of jobs to LMI persons (5 pts max)

## SECTION VII

### Final Grant Application Submission Requirements

#### A. Full Application Requirements

All applicants that are awarded funds based off the pre-application requirements, is then required to submit a full application in order to receive a financial award. This section describes the application submission requirements applicable to all Public Facilities, Housing, and Public Services. Economic development projects have its own requirements and can be found in Part B of this section.

Each applicant must:

1. Provide a map which delineates the boundaries of the entire jurisdiction and identifies the location of the proposed activity. In most cases a map is not included in the business plan for economic development projects.
2. Conduct a local Community Needs Assessment in accordance with the requirements described in the application package.
3. Provide evidence that a minimum of one public hearing was conducted prior to submitting the application to the state. A second public hearing will be required prior to grant closeout. The format is on the DCS website <https://www.communityservices.nd.gov/uploads/17/SFN52663PublicNoticeandNoticeofPublicHearing.pdf> and required to be adopted by each city and county. The evidence of public hearing must include an affidavit of publication, a list of the persons attending and minutes of the public hearing.
4. Complete the Resolution of Sponsorship.
5. Acknowledge by signature the Applicant Assurance Certifications.
6. Indicate the activity(s) it will undertake to "affirmatively further fair housing" in accordance with Title VIII of the Civil Rights Act of 1968, as amended. This activity will be made a part of the Financial Award.
7. Justify which national objective is to be achieved for each proposed activity in accordance with the definitions in Section I. Income surveys will be accepted only if they meet the following criteria:

Surveys must be completed prior to the submission of pre-applications and must be completed according to the guidelines included on the DCS website, <https://www.communityservices.nd.gov/communitydevelopment/> under additional resources. This guidance contains complete guidelines to be used in completing income surveys.

8. Complete the requirements of Subpart C of 24 CFR Part 12 "Accountability in the Provisions of HUD Assistance." ( HUD Disclosure Report on the DCS website at <https://www.communityservices.nd.gov/uploads/17/SFN52659FinalApplication.pdf>

9. All final applications must be submitted by the deadline date identified in Section IV H. with the original signatures to the DCS.
10. A Housing Rehabilitation Program Application or a form containing equivalent information for each potential household must be submitted with the application. A Housing Rehabilitation Program Application Summary Sheet must also be submitted.
11. All multi-family housing rehabilitation applicants that participate in Project Based Assistance Programs must complete a release of information form and include it in their application.
12. Each application must contain documentation of who prepared the application, and if they will administer themselves or procure out for administration. This includes Economic Development if applicable.
13. Each applicant, requesting the Removal of Architectural Barrier(s), that has not completed a Section 504 Self Evaluation/Transition Plan will be required to submit a completed plan prior to the DCS issuing a financial award.
14. Each applicant for removal of architectural barriers will be required to update their Transition Plan if the project applied for is not reflected in their Section 504 Self Evaluation/Transition Plan on file with the DCS.
15. For area benefit activities (i.e., Lift Station, Water Tower Repair) a copy of the United States Census Bureau (<https://www.census.gov/>) results that contain the information required to complete the Direct/Indirect Benefit Activities form must be submitted with the application.
16. An environmental review will be required but does not need to be submitted at time of full application.

**B. Economic Development Full Application Requirements**

1. Financial information checklist (SFN 61491)
2. CDBG final application (SFN 52659)
3. Public notice and notice of public hearing (SFN 52663)
4. Citizen Participation Plan (SFN 52662)
5. Code of conduct (SFN 52357)
6. Business plan (requirements listed in Section VIII)
7. Economic development staff review (SFN 52340)
8. Job creation commitment (SFN 59509)
9. An environmental review will be required but does not need to be submitted at time of full application.

## **SECTION VIII**

### **Program Design – Economic Development**

This program is targeted to the Primary Sector business proposals which will operate within North Dakota. CDLF assistance is intended to be used in situations where a funding gap exists and alternative sources of public and private financing are not adequate.

On a case-by-case basis, a request to waive any of the policy and procedures must be approved and granted by the Division of Community Services. The Division of Community Services will have the authority to deny any economic development project that is not well conceived and fully developed. All CDLF projects will be funded with Revolving Loan funds prior to CDBG allocation of funds.

#### **Economic Development**

##### **A. General Economic Development Policies & Procedures**

1. Request for economic development are accepted anytime throughout the year. All requests must go through the Division of Community Services. The Pre-Application must be reviewed and approved by the Division of Community Services. The Division of Community Services will make their recommendation based on the scoring criteria.
2. The decision to fund Economic Development related project(s) will be based on the significant impact to the state's economy and must meet one of the following criteria: (1) does the project create jobs; (2) is the business viable; (3) will the project have a positive impact on the community and state; and (4) will the business create new wealth in the community and state.
3. The proposed activity must be CDBG eligible and meet a national objective. The State is not allowing urgent need projects for the current fiscal year and therefore will not qualify as meeting a national objective. The Program Design for Economic Development must be followed.
4. Administrative funds will be awarded based on the same formula as other CDBG projects.
5. Any program income returned will be redistributed to the statewide fund in which the funds originated or to the Governor's Revolving Loan Fund. The program income funds will be used for economic development activities in the state.
6. For loans before FY2022 the city/county may retain 50 percent of the interest on the loan repayment after all jobs have been created and an Administrative or Final Closeout has been issued by the DCS. Until this occurs 100 percent of the interest must be returned to the State.
7. A bank must be involved in financing of an economic development project unless in a disaster situation.
8. Applicants may apply for grants for activities which are carried out by public or private nonprofit entities, including (a) acquisition of real property; (b) acquisition,

construction, reconstruction, rehabilitation, or installation of 1) public facilities (except for building for the general conduct of government), site improvements (water, sewer, roads, railroad spurs), and utilities; 2) commercial or industrial buildings or structures and other commercial or industrial real property improvements

9. The North Dakota Economic Development Program will not assist projects that facilitate the relocation of industrial or commercial facilities within the state, unless the region finds such relocation does not adversely affect the level of unemployment, available jobs or the economic base of the area from which the industrial or commercial plant or facility is to be re-located. In order to satisfy this requirement, the grant applicant must submit sufficient evidence that:
  - a. The relocation will not have a significant economic effect on the community of original site location, and/or
  - b. The city/county of original site location cannot provide similar facilities and/or conditions as offered by the city/county where the business is proposing to relocate.
10. The cost per job for CDLF should be at or below \$35,000. Please consult with DCS.
11. Only those jobs proposed to be created within the first two years will receive consideration during the review process. The two-year period begins with the date of the financial award.
12. At least 51 percent of the jobs to be created or retained must be held or made available to low and moderate income persons or the employee resides in a census tract where no less than 70 percent of the residents are low and moderate income persons. LMI status is based on family gross income at the time of hiring. It is not based on the salary to be paid.

Each applicant is required to provide evidence that the business has contacted Job Service of North Dakota if 51% of the jobs created are not filled by low and moderate income individuals.

Where the public facility or improvement is undertaken principally for the benefit of one or more particular businesses, but where other businesses might also benefit from the assisted activity, the requirement may be met by aggregating only the jobs created or retained by those businesses for which the facility/improvement is principally undertaken, provided that the cost (in CDLF funds) for the facility/improvement is less than \$10,000 per permanent full-time equivalent job to be created or retained by those businesses.

In any case where the cost per job to be created or retained is \$10,000 or more, the requirement must be met by aggregating the jobs created or retained as a result of the public facility or improvement by all businesses in the service area of the facility/improvement. This aggregation must include businesses which, as a result of the public facility/improvement, locate or expand in the service area of the facility/improvement between the date the recipient identifies the activity in its final statement and the date one year after the physical completion of the facility/improvement.

13. Only permanent jobs may be considered in determining proposed jobs to be created or retained. All jobs must be on a "full time equivalent (FTE)" basis. Full time is based on 32 hours per week. In converting part time jobs to full time, the applicant must indicate the hours of employment for each part time position. **Jobs created prior to a Financial Award will not be counted as new jobs.**

Seasonal jobs may be considered only if the business can demonstrate that the duration of the season will be long enough for the job to be considered as a person's principal occupation. Jobs taken by students who are legal dependents or by persons such as farmers and school teachers employed during their off season, cannot be considered as a principal occupation. The applicant must also demonstrate that the job itself is a permanent position. Eligible seasonal jobs must also be converted to full time equivalents. FTE must be based on hours worked and length of the season. For instance, four persons working full time for three months would equal one FTE.

14. For an activity that retains jobs, the unit of general local government must document that the jobs would actually be lost without the CDLF assistance and that either or both of the following conditions apply with respect to at least 51 percent of the jobs at the time the CDLF assistance is provided: The job is known to be held by a low or moderate income person; or the job can reasonably be expected to turn over within the following two years and that it will be filled by or that steps will be taken to ensure that it is made available to a low or moderate income person upon turnover.

Applicants proposing job retention must undertake a survey of those retained individuals to determine their household income and status as a full or part time employee. A copy of each survey must be submitted with the original application. A sample survey form is included on the DCS website.

15. An applicant may apply for economic development funds for a project that proposes to provide area benefit. This is an activity, the benefits of which are available to all the residents in a particular area, where at least 51 percent of the residents are low and moderate income persons. Such an area need not be coterminous with census tracts or other officially recognized boundaries, but must be the entire area served by the activity. Units of general local government may, at the discretion of the state, use either HUD provided data comparing census data with appropriate low and moderate income levels or survey data that is methodologically sound. An activity that serves an area that is not primarily residential in character shall not qualify under this criterion.

The project must provide goods or services to residents of an area, such that the number of low and moderate income person residing in the areas served by the assisted businesses amounts to at least one low and moderate income person per \$350 of CDLF funds used.

Where CDLF assistance for an activity is expected both to create or retain jobs and to provide goods or services to residents of an area, the grantee may elect to count the activity under either the jobs standard or the area resident's standard, but not both.

16. Refinancing of existing debt and interest buydown will not be accepted.

17. Each applicant must identify the sources and uses of matching funds. Matching funds may come from a variety of sources, such as new investments by a firm to be assisted, bank loans, loans to be repaid to a state or federal loan program, or grants. Applicants must include documentation committing matching dollars that at least indicates funds are available contingent upon the receipt of CDLF. Applicants must meet a minimum leverage requirement of 1:1. To ensure compliance with the federal environmental regulations, consultation with the DCS should commence prior to any commitment of funds. For economic development infrastructure projects, a waiver of the 1:1 match will be considered on a case-by-case basis and must receive DCS approval.

The following will not be considered as match:

- a. In-kind services;
  - b. Refinancing of existing debt; and
  - c. An operating line of credit - unless it can be proved that it will be spent within the budget period.
18. An equity investment which equals a minimum of 10 percent of the total project cost must be made by the principal(s). Unless in the case of nonprofit corporations where equity requirements may be less, however, they will be determined on their own merits. This equity requirement may be met through a direct cash injection or through tangible balance sheet equity, as defined by generally acceptable accounting principles. The equity must be available upon receipt of the full application.
- Equity is defined as capital that has no guaranteed or mandatory repayment or has no definite timetable for repayment of the capital investment, and cannot be withdrawn at the contributor's option without the permission of the superior debt holders. In the event a source of grant funds is proposed as equity, the funds must be firmly committed.
19. In the process of reviewing an application and developing a funding recommendation, the applicant may be required to secure a first, shared first, or second security position on the assets, or other forms of collateral for the project. A third position may be considered, on a case-by-case basis. Approval must be requested from DCS for this to occur.
20. Each applicant must provide a signed letter of commitment from the business that upon award of CDLF to the applicant, it will locate or expand its business in the applicant's jurisdiction.

## **B. Economic Development Funding**

The focus of the fund will be to fund primary sector projects.

**Primary Sector:** "Primary sector business" means an individual, corporation, limited liability company, partnership, or association certified by the ND Department of Commerce Division of Economic Development and Finance, which through the employment of knowledge or labor adds value to a product, process, or service which results in the creation of new wealth. A North Dakota business that does not qualify under this definition may be

approved by the ND Department of Commerce Commissioner if the business provides a community an essential service. Reach out to DCS staff for further inquiry.

"Primary sector business" includes tourism but does not include production agriculture.

"Production agriculture" means the production of crops and livestock on or near a farm as part of the regular farm enterprise directed by a farm operator and the farm operator's partners. The term does not include an investor-owned livestock feeding or milking operation located apart from a farm headquarters which is managed by employees.

#### 1. Funding Cycle

Primary - Funding cycles will remain open year-round and in accordance with timely distribution of funds listed in Section IV.

2. Infrastructure Projects - All public improvement projects funded under the CDBG Economic Development category shall procure plans, drawings and specifications for the work from a licensed architect or registered professional engineer with an estimated project cost of \$200,000 or more.

A copy of the State Health Department's letter of design approval must be submitted for all water and sewer projects prior to the first draw down of project funds.

### C. Business Plan

**NOTE:** All business plan information and financial exhibits will be considered confidential, for evaluation purposes only, and will not, except as required by law, be provided to any third person, firm, corporation or public entity without the express written consent of the business.

Each applicant must submit a business plan for each business or entity to receive direct assistance, whether for-profit or nonprofit. Each business plan must contain sufficient information in order to obtain an adequate understanding of the business to be assisted, including the products or services offered, estimated market potential, management experience of principals, current financial posture, and details of the proposed venture. The business plan components contained in this section are required for CDLF economic development applications involving, grants, or public improvements directly assisting for-profit or nonprofit entities.

Applications involving more than one business will require a longer review period. Each business included in an application will be evaluated separately.

The business plan must include the following elements and must provide sufficient detail for adequate analysis:

#### 1. Sample Business Plan Format

A well thought out business plan is important when requesting financial assistance from the DCS. This outline represents a general approach: business plans should be tailored to the specific business project.

Executive Summary – should concisely describe the key elements of the business plan:

- Business location and plan description.
- Discussion of the product, market and competition.
- Expertise of the management team (attach resumes).
- Summary of historical and financial projections.
- Amount of financial assistance requested.
- Form of and purpose for the financial assistance.
- Complete uses and sources of funds.
- Business goals and objectives.

2. The Company

A general description of the business, including the product or service:

- Tax identification number.
- Historic development of the business, including such items as:
  - Name, date and place (state) of formation, and legal structure (e.g., proprietorship, partnership, corporation).
  - Significant changes (include dates) in ownership, structure, new products or lines, acquisitions.
  - Subsidiaries and percentage of ownership, including minority interests.
  - Principals and the roles they played in the formation of the company.

3. The Product/Service/Jobs-describe the present product or service lines, including:

- Relative impact of each product or service to the sales projections.
- Product evaluation (use, quality, performance).
- Compare to competitors' product lines, and competitive advantages over other producers.
- Demand for the product(s).
- General description of the project, the purpose for which it is undertaken, projected job creation, and salary/wage rates for all employees.

4. Management

- Organizational chart.
  - Key individuals (include supervisory personnel having special value to the organization – Responsibilities).
- Personnel resumes (describing skills and experience as they relate to activities of the business).
- Present salaries (include other compensation such as stock options and bonuses).
- Other employees:
  - Number of employees at year end, total payroll expenses for each of previous three years (breakdown by wages, benefits).
  - Method of compensation
  - Departmental/divisional breakdown of work force.
  - Planned staff additions.

5. Ownership

- Names, addresses and business affiliations of principal holders of subject's common stock and other types of equity securities (include details on holdings).
- Degree to which principal holders are involved in management.
- Principal non-management holders.

- Names of board directors, areas of expertise, and the role of the board when business is operational.
- Amount of stock currently authorized and issued.

#### 6. Marketing Plan

- Describe the industry and the industry outlook. Identify the principal markets (commercial/industrial, consumer, government, international). Include the current industry size as well as its anticipated size in the next two years. Explain the sources of the projections.
- Describe major characteristics of the industry.
- Describe the effects of major social, economic, technological or regulatory trends on the industry.
- Describe major customers, including: names, products or services sold to each; percentage of annual sales volume for each customer over previous three years; duration and condition of contracts in place.
- Describe the market and its major segments. Describe principal market participants and their performance. Identify the firm's target market. For each customer, include the requirements of each and the current ways of filling these requirements. Also include information on the buying habits of the customers and the impact on the customer using the product or service.
- Describe the companies with which the business competes and how the business compares with these competitive companies. This is a more detailed narrative than that contained in the description of the product or service, above.
- Describe prospective customers and their reaction to the firm and any of the firm's products or services they have seen or tested.
- Marketing strategies. Describe the firm's marketing strategy, including overall strategy; pricing policy; method of selling, distributing and servicing the product; geographic penetration; field/product support; advertising; public relations and promotion and prioritization.
- Selling activities. Describe how the firm will identify prospective customers and how and in what order the firm will contact the relevant decision-makers. Also describe the sales effort the firm will have (e.g., sales channels and terms, number of salespersons, number of sales contacts, anticipated time, initial order size) and estimated sales and market share.

#### 7. Technology

- Describe the technical status of the product (idea stage, development stage, prototype stage) and the relevant activities, milestones, and other steps necessary to bring the product into production.
- Describe the present patent or copyright position. Include how much is patented and how much can be patented (e.g., how comprehensive and effective the patents or copyrights will be). Include a list of patents, copyrights, licenses or statements of proprietary interest in the product or product line.
- Describe new technologies that may become practical in the next two years which may affect the product.
- Describe new products (derived from first generation products) the firm plans to develop to meet changing market needs.
- Describe regulatory or approval requirements and status, and discuss any other technical and legal considerations that may be relevant to the technological development of the product.
- Describe current and future plans for research and development efforts.

8. Production/Operating Plan

Explain how the firm will perform production or delivery of service. Describe capacity and status in terms of:

- Physical facilities. Owned or leased, size and location, existing facilities (sales volume and unit capacity), expansion capabilities and capital equipment (types and quantities). Include a facilities plan and description of planned capital improvements and a timetable for those improvements.
- Suppliers. Name/location of principal suppliers, length of lead time required, usual terms of purchase, contracts (amounts, duration and conditions) and subcontractors.
- Labor supply (current and planned). Number of employees, unionization, stability (seasonal or cyclical), and fringe benefits (insurance, profit sharing, pension).
- Key patents (provide profile).
- Technologies/skills required to develop and manufacture the products (provide listing/description).
- Cost breakdown for material, labor and manufacturing overhead for each product, plus cost versus volume curves for each product.
- Manufacturing processes – block and work flow diagram, if helpful.
- Describe production or operating advantages. Discuss whether they are expected to continue.
- Specify standard product costs at different volume levels.
- Present a schedule of work for the next one to two years.

9. Financial

- Accountant – name, address
- Legal counsel – name, address
- Banker – name, location, telephone number, and contact officer
- A funding request detailing the desired financing, including uses and sources of funds. If phased financing, describe phases, projected timing and detailed uses and sources of funds.
- Amount to be raised from debt and amount from equity.
- Plans to “go public”. (Relate this to future value and liquidity of investments.)
- Company historical financial statements and tax returns for the previous three years.
- Three years projected financial statements (years one and two should be monthly; year three quarterly). Projections should include profit and loss, balance sheet and cashflow statements. Include key assumptions made in the proformas and how these assumptions reflect industry performance. Three years projected capital expenditures including leases and acquisitions.
- An aging of accounts receivable and an aging of accounts payable.
- Personal financial statements and three years of tax returns of principal(s).

**SECTION IX**  
**Program Design - Public Facilities**

The Division of Community Services will have the authority to deny any public facility project that is not well conceived and fully developed.

**A. Public Facilities Special Requirements**

1. Requirement for Public Improvements

All public improvement projects funded under the CDBG Public Facilities category shall procure plans, drawings and specifications for the work from a licensed architect or registered professional engineer with an estimated project cost of \$200,000 or more.

A copy of the State Health Department's letter of design approval must be submitted for all water and sewer projects prior to the first draw down of project funds.

2. Requirement for Infrastructure

All infrastructure projects will require a preliminary engineering/architectural report. This requirement may be waived on a case-by-case basis.

3. Requirement for projects purchasing equipment

No engineering/architectural report is required; however cost estimates are required.

4. Contents of a preliminary engineering/architectural report are as follows:

- (a) Name, address, telephone of the person who prepared the report.
- (b) Date the report was prepared.
- (c) Age of the existing facility (if a replacement project).
- (d) Description of the problem.
- (e) Detailed discussion of alternatives and the scope of work for the proposed activity.
- (f) Detailed cost estimate (by line item) for the proposed project. (If scope of work includes more activities than proposed for the CDBG part of the project, please separate these activities and costs.)
- (g) Discuss the long-term operation and maintenance plan for the proposed facility. Include in the discussion future operation and maintenance costs. The discussion must provide a description of the plan to technically and financially maintain the proposed public facility project, or the total system of which the project is a component, for the long term after construction.

It is highly recommended that each applicant proposing significant water, sewer or solid waste disposal activities discuss the proposed project with the State Health Department prior to submitting the preliminary engineering report in order to prevent any disagreements in the design of the solution.

## **B. Special Assessments for Public Improvements**

1. Public improvements initially assisted with CDBG funds. Where CDBG funds are used to pay all or part of the cost of a public improvement, special assessments may be imposed as follows:
  - a. Special assessments to recover the CDBG funds may be made only against properties owned and occupied by persons not of low and moderate income. These assessments constitute program income.
    - (1) Special assessments to recover the non-CDBG portion may be made, provided that CDBG funds are used to pay the special assessment on behalf of all properties owned and occupied by low and moderate income persons; except that CDBG funds need not be used to pay the special assessments on behalf of properties owned and occupied by moderate income persons if, when permitted by the state, the unit of general local government certifies that it does not have sufficient CDBG funds to pay the assessments on behalf of all of the low and moderate income owner-occupant persons. Funds collected through such special assessments are not program income.
  - b. Public improvements not initially assisted with CDBG funds. CDBG funds may be used to pay special assessments levied against property when this form of assessment is used to recover the capital cost of eligible public improvements initially financed solely from sources other than CDBG funds. The payment of special assessments with CDBG funds constitutes CDBG assistance to the public improvement. Therefore, CDBG funds may be used to pay special assessments, provided that:
    - (1) The installation of the public improvements was carried out in compliance with requirements applicable to activities assisted under this subpart, including labor, environmental and citizen participation requirements;
    - (2) The installation of the public improvement meets a criterion for national objectives;
    - (3) The requirements of § 570.482(a)(ii) are met.

## **C. Ineligible Activities**

1. Urgent Need
  - a. The State is not allowing urgent need projects for the current fiscal year.

## SECTION X

### Program Design - Housing

This section describes specific requirements applicable to basic Rehabilitation and New Construction Housing activities. The Division of Community Services will have the authority to deny any housing project that is not well conceived and fully developed.

#### A. Housing Policy and Procedures

1. Applicants are encouraged to determine the eligibility of potential household recipients by considering total net worth in addition to gross income.
2. Applicants must include in their application evidence of the following:
  - a. All residents of the city/county were notified of the availability of CDBG funds.
  - b. All eligible residents were given the opportunity to apply for program assistance.
  - c. The applicant review process was conducted in a manner which eliminates conflict of interest. This is accomplished by removing from the decision-making process anyone who is a direct applicant, or related to an applicant.
3. The Section 8 Housing Quality Standards (HQS) Checklist must be used to identify housing rehabilitation needs. All inspectors must be Section 8 HQS Certified or be an individual who has demonstrated knowledge of the State Building Code. If the inspector is not HQS certified, the application must include the inspector's qualifications demonstrating knowledge of the State Building Code. The State requires that all rehabilitation work must meet Section 8 Housing Quality Standards or the State Building Code, whichever is more restrictive. DCS may grant a waiver of the required use of the Section 8 HQS Checklist on a case-by-case basis for emergency housing repairs. This request must be submitted to the DCS along with justification.
4. For the rehabilitation of manufactured homes, the units must conform to the following requirements in order to be eligible for rehabilitation with CDBG funds:
  - a. The unit and the land it rests on are in common ownerships.
  - b. Upon completion of rehabilitation activities, the unit will be attached to a foundation which cannot reasonably be relocated, and must be placed on the site in a stable manner and be free from hazards such as sliding or wind damage.  
DCS may waive these requirements when it finds, based on information provided by the grantee, that no alternative affordable housing is available for residents of such units in the community.
5. North Dakota CDBG Affordable Rent Policy for Multi-Dwelling Units
  - a. Rental units rehabilitated totally or in part with CDBG funds must be occupied by low and moderate income persons at affordable rents. Affordable rent is defined as 30 percent of the gross household income as determined by Section 8 of Title I of the Housing and Community Development Act of 1974.

(6)

- h. A "majority" of the units in a building after rehabilitation must be occupied by low and moderate income persons at affordable rents.
- 6. In the event that financial assistance is provided to a non-low and moderate income property owner for the benefit of a low and moderate income renter, the grantee must secure a written agreement from the owner to:
  - a. Limit rent increases for five years to the rate of inflation; and
  - b. Continue to rent to low and moderate income persons for a period of five years.
- 7. In the event a city or county chooses to provide a loan for housing activities, any repayments will be retained by the State to be used to continue the same activity.

#### **B. Creation of New Housing Units**

- 1. CDBG funds cannot generally be used for the construction of new permanent residential structures or for any program to finance new construction, except for:
  - a. Last resort housing provisions in relocation;
  - b. Provision of assistance through Community Based Development Organization (CBDO); or
  - c. Activities which facilitate the development of housing, including clearance, site and public improvements, and property acquisition.

For further guidance refer to CPD Notice 07-08 dated November 21, 2007.
- 2. Detailed information must be provided concerning financial feasibility, management, tenant occupancy, start-up costs, preliminary architectural plans, cost estimates, and ownership or nonprofit data.
- 3. Any activity carried out with CDBG funds that involves the acquisition or rehabilitation of property to provide housing is considered to benefit persons of low and moderate income only to the extent such housing will, upon completion, be occupied by such persons at affordable rents. In addition, a "majority" of the units in a multi-dwelling building must be occupied by low and moderate income persons at affordable rents.

#### **A. Relocation (temporary or permanent):**

For detailed guidance, reference the Residential Antidisplacement and Relocation Assistance Plan, the Uniform Relocation Act Policy Guide, and the HUD URA Handbook 1378.

#### **D. Housing Revolving Loan Fund**

- 1. CDBG funds may be used for Housing projects that will generate program income. **Single family housing rehabilitation activities will be on a grant basis only.**

2. All projects being considered as a revolving loan fund project must be presented to the DCS for approval prior to the State scoring and ranking the project.
3. One hundred percent (100%) of the program income generated through loan repayments will be repaid to the State.
4. Once program income is returned, it will be redistributed for Housing activities to the region in which the funds originated.

**E. Ineligible Activities**

1. Urgent Need
  - a. The State is not allowing urgent need projects for the current fiscal year.

## SECTION XI

### Program Design – Public Services

This section describes specific requirements applicable to basic public service activities. The Division of Community Services will have the authority to deny any public service that is not well conceived and fully developed.

#### A. General Public Services Policies and Procedures

1. Must meet a national objective. Urgent need does not qualify.
2. Statutory and regulatory limitation on the amount of CDBG funds that may be used for activities assisted under this category is 15% of the total award to the State. Some services that are assisted under this program may also be eligible under a category other than Public Services, and if properly classified under another category, would not be subject to the 15% public service cap.
3. Activities assisted under Section 105(a)(8) may include only:
  - a. provision of public services, including but not limited to those concerned with employment, crime prevention, child care, health, drug abuse, education, energy conservation, welfare or recreation needs, if such services have not been provided by the unit of general local government (through funds raised by such unit, or received by such unit from the State in which it is located) during any part of the twelve-month period immediately preceding the date of submission of the statement with respect to which funds are to be made available under this title; and which are to be used for such services, unless the Secretary finds that the discontinuation of such services was the result of events not within the control of the unit of general local government, except that not more than 15 per centum of the amount of any assistance to a unit of general local government (or in the case of nonentitled communities not more than 15 per centum statewide),
4. Public services that are not subject to the cap:
  - a. Certain types of services fall under other categories of basic eligibility (such as Sections 105(a)(15) and 105(a)(23)) and are not subject to the limitation that applies to services carried out under Section 105(a)(8).

#### B. Eligible Activities

1. Under this category, CDBG funds may be used to provide public services (including labor, supplies, materials, and other costs), provided that each of the following criteria is met:
  - a. The public service must be either:
    - i. A new services; or
    - ii. A quantifiable increase in the level of a service above that which has been provided by or on behalf of the unit of general local government through funds raised by such unit, or received by such unit from the state in which it is located during the 12 months prior to submission of the grant recipient's applicable Action Plan. (This requirement is intended to prevent the substitution of CDBG funds for recent support of public services by the grant recipient using local or state government funds.)

- b. No more than 15 percent of a state's yearly allocation of funds, plus program income distributed by the state as part of that year's method-of-distribution, may be expended for public service activities. Note that the 15 percent cap applies to the state, not to individual local governments receiving state CDBG funds. A state could make a grant to a town solely for public services activities. In the State CDBG program, compliance with the 15 percent cap is determined by expenditures over the life of a given fiscal year's allocation of funds (plus program income).
- 2. Public services include, but are not limited to:
  - a. Child care, health care, job training (including training a qualified pool of candidates for unspecified jobs), recreation programs, education programs, public safety services, fair housing activities, services for senior citizens, services for homeless persons, and victims of domestic violence, drug abuse counseling and treatment, energy conservation counseling and testing, homebuyer down payment assistance, emergency assistance payments, legal services.
  - b. Paying the cost of operating and maintaining that portion of a facility in which the service is located is also considered to fall under the basic eligibility category of Public Services, even if such costs are the only CDBG-funded contributions for those services.

**C. Ineligible Activities**

- 1. Urgent need
  - a. The State is not allowing urgent need projects for the current fiscal year.
- 2. Political activities
- 3. Ongoing grants or non-emergency payments to individuals for their food, clothing, rent, and utilities or other income payments.
- 4. Payment of expenses in connection with litigation against the Department.

## **SECTION XII**

### **Program Design – Governor’s Set Aside**

This section describes specific requirements applicable to the Governor’s set aside. The Governor’s set aside will be approximately \$1,659,447.

#### **A. General Policies and Procedures**

1. Funds can be applied for any time during the fiscal year. The last day to submit an application must be received by DCS with all pre-application requirements and original signatures no later than June 15, 2023. If the pre-application is incomplete and the deadline date has passed, it will not be accepted for the current fiscal year.
2. All pre-applications must be sent to DCS first.
3. The Governor’s Fund form (SFN 53734) must be included the pre-application.
4. The applicant cannot be currently receiving CDBG funding for the project being requested. On a case-by-case basis, a waiver may be considered and must receive DCS approval.

#### **B. Eligible Activities**

1. The following activities must meet a CDBG National Objective. Urgent need has been excluded. These activities will follow all policies and procedures stated through the program distribution statement unless otherwise noted.
  - a. Economic Development
  - b. Housing
  - c. Public Facilities
  - d. Public Services

#### **C. Ineligible Activities**

1. Urgent Need
  - a. The State is not allowing urgent need projects for the current fiscal year.

#### **D. Pre-Application Process**

1. Refer to Section VI – Pre-Application Submission Requirements for what is required of the pre-application pertaining to the specific activity that is being applied for.
2. Governor’s Fund form (SFN 53734).

#### **E. Scoring and Ranking Criteria**

1. The Governor’s set aside will follow the same scoring and ranking as listed in Section VI, except for having a committee score and rank the application. DCS will be responsible for reviewing, scoring, and sending grant award recommendations to the Governor’s Office. The Governor’s Office will then review and use the same weighted criteria for

scoring, DCS' score plus the Governor's Office score will be combined for the overall total.

XIII

## North Dakota Regional Map





# 2022

## EMERGENCY SOLUTIONS GRANTS PROGRAM DISTRIBUTION STATEMENT

Prepared By

Division of Community Services  
1600 East Century Avenue, Suite 6  
PO Box 2057  
Bismarck, ND 58502-2057  
Phone: (701) 328-5300  
Fax: (701) 328-5320  
TTY: 800-366-6888  
ND Relay Voice: 800-366-6889  
ND Relay Spanish: 800-435-8590



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## ATTACHMENTS

At-Risk of Homelessness Definition - Attachment A  
Homelessness Definition - Attachment B

## PROGRAM OVERVIEW

This document provides a brief overview of the ESG Program and the **process to apply for funds from the FY 2022 ESG** allocation. Applicants should review the ESG Interim Rule found at 24 CFR Parts 91 and 576 for complete program information. To the extent that anything contained in this document does not meet the requirements of the final ESG Program rule, to be published at a later date, such final rule or regulation will take precedence over this document.

## 2022 FUNDING LEVELS

For FY 2022, an approximate amount of \$480,229 in federal and state funding will be available. Street outreach and shelter operation activities will be capped at 60% of the total Federal award (24 CFR 576.100(b)(1)). Requests for funds from the FY 2022 ESG allocation are limited at \$50,000. Successful applicants may receive less ESG funds than requested based on the Selection Criteria on page 10 and 11.

## ELIGIBLE APPLICANTS

Applicants must be federally recognized non-profits or units of local government. Governmental organizations such as public housing agencies and local housing finance agencies are not eligible applicants under the ESG Program. Applicants must be in compliance with the ESG Interim Rule (Final Rule when published), the State's ESG written standards, and applicable state and federal policies and procedures, including compliance with federal and state non-discrimination laws.

By virtue of submitting an application, applicants agree to: adopt and consistently apply the State's written standards for the administration of the ESG program; and maintain standard accounting practices including internal controls and fiscal accounting procedures; track agency and program budgets by revenue sources and expenses; and have an available cash flow to effectively operate their programs since ESG funding is provided on a reimbursement basis.

Applicants with outstanding monitoring or audit findings issued by the Internal Revenue Service, HUD, or DCS are not eligible ESG applicants and will not be eligible to receive an allocation of ESG funding. Applicants are encouraged to contact DCS to ensure no unresolved monitoring findings exist or to work to resolve any outstanding items.

Eligible applicants must be able to demonstrate prior experience serving individuals and households at-risk of or experiencing homelessness. Also, applicants must have staff with demonstrated expertise in case management skills.

Applicants will be required to utilize the HMIS and the State-wide Continuum of Care's centralized or coordinated assessment system. Domestic violence service providers must establish and operate a comparable database that collects client level data over time and can generate unduplicated aggregate reports based on the data.

Applicants must be active members of their local homeless coalition if applicable.

## **STATUTORY DEFINITIONS**

Emergency Solutions Grant statutory definitions can be found at [24 CFR Part 576.2](#)

## PROGRAM COMPONENTS AND ELIGIBLE ACTIVITIES

Emergency Solutions Grants will be utilized to provide services to homeless and those at risk of becoming homeless in the following eligible activities. Applicants should refer to 24 CFR Part 576.100 – 576.109 for further clarification on the following eligible activities:

- Street Outreach;
  - Emergency Shelter;
  - Homelessness Prevention;
  - Rapid Re-housing Assistance; and
  - Homeless Management Information System
1. **Street Outreach (24 CFR Part 576.101)** – Funds may be used for costs of providing essential services to reach out to unsheltered homeless; connect them with emergency shelter, housing, or critical services; and provide urgent non-facility-based care to unsheltered homeless who are unwilling or unable to access emergency shelter, housing or an appropriate health facility. Eligible activities include the following:
    - a. Engagement Activities;
    - b. Case Management;
    - c. Emergency Health Services;
    - d. Emergency Mental Health Services;
    - e. Transportation; and
    - f. Services for Special Populations.
  2. **Emergency Shelter Component (24 CFR Part 576.102)** – Funds may be used for costs of providing essential services to individuals and households in emergency shelters, renovating buildings to be used as emergency shelters, and operating emergency shelters. Eligible activities include the following:
    - a. **Essential Services** – Essential services provided to individuals and households who are in emergency shelters can include case management, child care, education services, employment assistance and job training, outpatient health services, legal services, life skills training, mental health services, substance abuse treatment services, transportation, and services for special populations.
    - b. **Renovation Activities** – Eligible costs include labor, materials, tools and other costs for renovation (including major rehabilitation or conversion of a building into an emergency shelter). The grantee must comply with all sections of the URA contained in 49 CFR Part 24. The emergency shelter must be owned by a government entity or private nonprofit organization.
    - c. **Shelter Operations** – Eligible costs are the costs of maintenance (including minor or routine repairs), insurance, utilities, rent, food, furnishing/appliances, and supplies necessary for the operation of the emergency shelter.

3. **Homelessness Prevention Component (24 CFR Part 576.103)** – Funds may be used to provide relocation and stabilization assistance and rental assistance to prevent an individual or household from becoming homeless. Applicants can assist individuals and households who meet the following qualifications under homelessness prevention:
- Individuals or households who have an income below 30% of Area Median Income (AMI) as determined by HUD, with adjustments for smaller and larger household size. An individual or family's annual income must be compared to area income limits posted on the ESG webpage found at: [www.communityservices.nl.gov/communitydevelopment/Programs/EmergencySolutionGrantsESG/](http://www.communityservices.nl.gov/communitydevelopment/Programs/EmergencySolutionGrantsESG/)
  - Individuals or households who qualify as a homeless or at-risk of becoming homeless as specified in 24 CFR Part 576.103 and 576.2. See Attachments A and B.
4. **Rapid Re-Housing Assistance Component (24 CFR Part 576.104)** – ESG funds may be used to provide relocation and stabilization assistance and rental assistance to help a homeless individual or household move as quickly as possible into permanent housing and achieve stability in that housing. Rapid Re-Housing Assistance may be provided to individuals and households lacking a fixed, regular and adequate nighttime residence or any individual or family who is fleeing or attempting to flee domestic violence, assault or other life threatening conditions that relate to violence.

**Housing Relocation and Stabilization Services (24 CFR Part 104)** – Homelessness prevention and rapid re-housing are eligible ESG activities that focus on serving different individuals or households. Homelessness prevention and rapid re-housing provide assistance in accordance with the housing relocation and stabilization services requirements in 24 CFR Part 576.105, the short-term and medium-term rental assistance requirements in 24 CFR Part 576.106 and the written standards and procedures under 24 CFR Part 576.400, which states that ESG funds may be used for payment of the following under both homelessness prevention and rapid re-housing components:

- Rental application fees.
- Security deposits equal to no more than 2 month's rent.
- Last month's rent. If necessary to obtain housing for a program participant, the last month's rent may be paid from ESG funds to the owner of that housing at the time the owner is paid the security deposit and the first month's rent. This assistance must not exceed one month's rent and must be included in calculating the program.
- Standard utility deposits.
- Utility payment – ESG funds may pay up to 24 months of utility payments per program participant, per service, including up to 6 months of utility payments in arrears per service. Total utility payment assistance to a program participant cannot exceed 24 months during any 3 year period.
- Moving costs – truck rental or hiring a moving company. Assistance may also include payment of temporary storage fees for up to 3 months. Payment of temporary storage fees in arrears is not eligible.

- Service costs - Housing search and placement, housing stability case management, mediation activities, legal services necessary to resolve housing issues, and credit repair/counseling services.

**Short-Term and Medium-Term Rental Assistance (24 CFR Part 576.106)** - ESG funds may provide a program participant with up to 24 months of rental assistance during any 3 year period. Applicants may establish their own caps, conditions and time limits for rental assistance as long as they do not exceed the following parameters:

- Rental assistance.
  - Short-term – up to 3 months of rental assistance.
  - Medium-term – MORE than 3 months but not more than 24 months.
  - Tenant-based or project-based.
- Rental Arrear Payments – Payment of rental arrears consists of a one-time payment for up to six months of rent in arrears, including any late fees on those arrears.
- Rental assistance cannot be provided to a program participant who is receiving tenant-based or project-based rental assistance through other public sources or receiving replacement housing payments under the Uniform Relocation Act.
- Rental assistance cannot be provided for a unit unless the rent for that unit **does not** exceed the Fair Market Rent established by HUD, as provided under 24 CFR Part 888; and complies with HUD's standard of rent reasonableness, as established under 24 CFR 982.507.
- Applicant must enter into a Rental Assistance Agreement with the landlord for each unit receiving ESG rental assistance. Such agreement must meet the requirements of 24 CFR 576.106(c).
- Each program participant receiving ESG rental assistance must have a legally binding written lease for the rental unit.
- Use with other subsidies. Except for a one-time payment of rental arrears on the tenant's portion of the rental payment, rental assistance cannot be provided to a program participant who is receiving tenant-based rental assistance, or living in a housing unit receiving project-based rental assistance or operating assistance, through other public sources. Rental assistance may not be provided to a program participant who has been provided with replacement housing payments under the URA (Uniform Relocation Assistance) during the period of time covered by the URA payments.

**Evaluation and documentation of client eligibility for assistance is required to be re-assessed at least every three months for program participants receiving homelessness prevention assistance, and not less than once annually for program participants receiving rapid re-housing assistance to ensure that they continue to meet the eligibility criteria, review program and appropriateness standards, and to re-evaluate the need for continued ESG assistance.**

5. **HMIS Component (24 CFR 576.107)** – ESG funds may be used to pay the costs of participating in the Homeless Management Information System (HMIS). Costs include: hardware; software licenses or equipment; obtaining technical support; staff time for completing data entry and analysis; monitoring and reviewing data quality; HUD approved training; reporting; and coordinating and integrating the system. If applicant is a domestic violence service provider it may use ESG funds to establish and operate a comparable database that collects client level data over time and generates unduplicated aggregate reports based on the data.
6. **Ineligible Activities** – mortgages; early termination fee; damages incurred by the program participant; costs that have been turned over to a collection agency; and payments that occurred outside of the grant year, except for arrears.

### **MATCHING FUNDS**

Each Applicant must match its Emergency Solutions Grant amounts with an equal amount of funds received from sources other than this program. Matching funds may be obtained from any source, including any Federal source other than the ESG Program, as well as state, local and private sources. However, the applicant must ensure the laws governing any funds to be used as matching contributions do not prohibit those funds from being used to match ESG funds. Applicants may request a waiver of their match. Other criteria for matching funds follow:

1. The matching funds must be provided AFTER the date that DCS signs the financial award.
2. Matching funds used to match a previous ESG grant may not be used to match a subsequent ESG financial award.
3. Matching funds that have been or will be counted as satisfying a match requirement of another Federal grant or award may not count as satisfying the match requirement of this program.
4. To count as match, cash distributions must be expended and noncash contributions must be made within the term of the ESG financial award.

**Eligible Types of Matching Contributions:** The matching requirement may be met by one or both of the following:

1. Cash Contributions
2. Non-Cash Contributions – The value of any real property, equipment, goods or services, as well as the purchase value of any donated building.

### **PROGRAM REQUIREMENTS**

1. Applicants must coordinate and integrate, to the maximum extent practicable, ESG funded activities with other programs targeted to homeless people. Services must be coordinated to provide a strategic, community-wide system to prevent and end homelessness for the area. Examples of targeted homeless services are: CoC programs; PATH programs; HUD-VASH; Programs for Runaway and Homeless Youth, Emergency Food and Shelter Programs and Healthcare for the Homeless, etc.

2. **System and Program Coordination with Mainstream Resources** – The applicant must coordinate and integrate, to the maximum extent practicable, ESG funded activities with mainstream housing, health, social services, employment, education, and youth programs for which individuals and households at risk of homelessness and homeless individuals and households may be eligible.
3. **Centralized or Coordinated Assessment System** – Once the Continuum of Care has developed a centralized assessment system or a coordinated assessment system in accordance with requirements to be established by HUD, each ESG-funded program or project within the Continuum of Care's area must use that assessment system. The recipient and subrecipient must work with the Continuum of Care to ensure the screening, assessment and referral of program participants are consistent with the written standards required by paragraph (c) of this section. A victim service provider may choose not to use the Continuum of Care's centralized or coordinated assessment system.
4. **Written Standards and Procedures** – Applicants shall adopt and consistently apply DCS's written standards for providing ESG. See DCS Website.
5. **Participation in Homeless Management Information System (HMIS)** – Applicants are required to collect and enter data into the HMIS system for all individuals and households served with ESG funds. Domestic violence service providers are exempt from participating in the HMIS system, but must establish and operate a comparable database that collects client level data overtime and can generate unduplicated aggregate reports on the data.
6. **Homeless participation** –
  - a. Unless the recipient is a State, the recipient must provide for the participation of not less than one homeless individual or formerly homeless individual on the board of directors or other equivalent policy-making entity of the recipient, to the extent that the entity considers and makes policies and decisions regarding any facilities, services, or other assistance that receive funding under Emergency Solutions Grant (ESG).
  - b. If the recipient is unable to meet requirement under paragraph (a), it must instead develop and implement a plan to consult with homeless or formerly homeless individuals in considering and making policies and decisions regarding any facilities, services, or other assistance that receive funding under Emergency Solutions Grant (ESG). The plan must be included in the annual action plan required under 24 CFR 91.220.
  - c. To the maximum extent practicable, the recipient or subrecipient must involve homeless individuals and families in constructing, renovating, maintaining, and operating facilities assisted under ESG, in providing services assisted under ESG, and in providing services for occupants of facilities assisted under ESG. This involvement may include employment or volunteer services.
7. **Faith-based activities**
  - a. Organizations that are religious or faith-based are eligible, on the same basis as any other organization, to receive ESG funds. Neither the Federal Government nor a State or local

government receiving funds under ESG shall discriminate against an organization on the basis of the organization's religious character or affiliation.

- b. Organizations that are directly funded under the ESG program may not engage in inherently religious activities, such as worship, religious instruction, or proselytization as part of the programs or services funded under ESG. If an organization conducts these activities, the activities must be offered separately, in time or location, from the programs or services funded under ESG, and participation must be voluntary for program participants.
  - c. Any religious organization that receives ESG funds retains its independence from Federal, State, and local governments, and may continue to carry out its mission, including the definition, practice, and expression of its religious beliefs, provided that the religious organization does not use direct ESG funds to support any inherently religious activities, such as worship, religious instruction, or proselytization. Among other things, faith-based organizations may use space in their facilities to provide ESG-funded services, without removing religious art, icons, scriptures, or other religious symbols. In addition, an ESG-funded religious organization retains its authority over its internal governance, and the organization may retain religious terms in its organization's name; select its board members on a religious basis, and include religious references in its organization's mission statements and other governing documents.
  - d. An organization that receives ESG funds shall not, in providing ESG assistance, discriminate against a program participant or prospective program participant on the basis of religion or religious belief.
  - e. ESG funds may not be used for the rehabilitation of structures to the extent that those structures are used for inherently religious activities. ESG funds may be used for the rehabilitation of structures only to the extent that those structures are used for conducting eligible activities under the ESG program. Where a structure is used for both eligible and inherently religious activities, ESG funds may not exceed the cost of those portions of the rehabilitation that are attributable to eligible activities in accordance with the cost accounting requirements applicable to ESG funds. Sanctuaries, chapels, or other rooms that an ESG-funded religious congregation uses as its principal place of worship, however, are ineligible for funded improvements under the program. Disposition of real property after the term of the grant, or any change in use of the property during the term of the grant, is subject to government-wide regulations governing real property disposition (see 24 CFR parts 84 and 85).
  - f. If the recipient or a subrecipient that is a local government voluntarily contributes its own funds to supplement federally funded activities, the recipient or subrecipient has the option to segregate the Federal funds or commingle them. However, if the funds are commingled, this section applies to all of the commingled funds.
8. Evaluation of Program Participants – Applicants must conduct an initial evaluation to determine eligibility of each individual or household's eligibility for ESG assistance and the type of assistance necessary to regain stability in permanent housing. These evaluations must be conducted in accordance with the centralized assessment system and DCS's written standards.

9. **Case Management** – Each program participant receiving **homelessness prevention or rapid re-housing assistance** must be required to meet regularly, not less than once per month, with a case manager (except where prohibited by Victims Against Women Act (VAWA) and the Family Violence Prevention and Services Act (FVPSA)) and develop an individualized plan to assist the program participant to retain permanent housing after the ESG assistance ends, taking into account all relevant considerations, such as the program participant's current or expected income and expenses; other public or private assistance for which the program participant will be eligible and likely to receive; and the relative affordability of available housing in the area. Consistent with 24 CFR Part 576.401(e), housing stability case management can last no more than 30 days while the program participant seeks permanent housing and no more than 24 months once in permanent housing.
10. **Rent Reasonableness** – Applicants must ensure that ESG funds used for rental assistance do not exceed the actual rental cost, which must be in compliance with HUD's standard of "rent reasonableness" and not to exceed the Fair Market Rent. Rent reasonableness means that the total rent charge, including utilities, for a unit must be reasonable in relation to the rents being charged during the same time period for comparable units in the private unassisted market and must not be in excess of rents being charged by the owner during the same time period for comparable non-luxury unassisted units.
11. **Program Accessibility** – Applicants must operate each existing program or activity receiving federal financial assistance so that the program or activity, when viewed in its entirety is readily accessible for persons with disabilities.
12. **Housing Standards for Emergency Shelters** – Any building for which ESG funds are used for conversion, rehabilitation or renovation, must meet state or local government safety and sanitation standards as applicable. Shelters must be also accessible in accordance with Section 504 of the Rehabilitation Act and implementing regulations at 24 CFR Part 8; Fair Housing Act and implementing regulations at 24 CFR Part 100 and Title II of the Americans with Disabilities Act and 28 CFR Part 35; where applicable.
13. **Housing Standards for Permanent Housing** – Applicants cannot use ESG funds to help a program participant remain or move into housing that does not meet the minimum habitability standards. Applicants must certify that the unit has passed habitability standards **BEFORE** any ESG funds may be released. (Habitability Standards Inspection Form) In addition, both emergency shelters and permanent housing must meet additional housing standards per 24 CFR Part 576.403, which includes the following:
- Building must be structurally sound.
  - Except where a shelter is intended for day use only, the program participant must be provided with an acceptable place to sleep and adequate space and security for themselves and their belongings.
  - Each room or space must have a natural or mechanical means of ventilation.
  - Water supply must be free of contamination.
  - Individuals and households must have access to sanitary facilities that are in proper operating condition.

- Must have necessary heating/cooling facilities in proper operating condition.
  - Must have adequate natural or artificial illumination to permit normal indoor activities and support health and safety and sufficient electrical sources to permit the safe use of electrical appliances.
  - Food preparation areas must contain suitable space and equipment to store, prepare and serve food in a safe and sanitary manner.
  - Housing must be maintained in a sanitary condition.
  - Working smoke detectors must be located near sleeping areas, located on each occupied level of the unit, and there must be a second means of exiting the building in the event of fire or other emergency. Shelters must have a fire alarm system designed for hearing impaired residents.
14. **Lead-Based Paint Requirements** – Lead-Based Paint Poisoning Prevention Act applies to all shelters assisted under ESG program and all housing occupied by program participants. All applicants are required to conduct a Lead-Based Paint inspection on all units receiving assistance under the rapid re-housing AND homelessness prevention components if the unit is built before 1978 and a child under age of six or a pregnant woman resides in the unit.
15. **Confidentiality** – All applicants must develop and implement procedures to ensure the confidentiality of records pertaining to any individual or household provided with ESG assistance.
16. **Termination of Housing Assistance (576.402)** – Applicants may terminate assistance to a program participant who violates program requirements. Applicants may also resume assistance to a program participant whose assistance was previously terminated. In terminating assistance to a program participant, applicants must provide a formal process that recognizes the rights of individuals receiving assistance to due process of law. This process, at a minimum, must:
- a. Recognize individual rights;
  - b. Allow termination in only the most severe case;
  - c. Provide a written notice to the program participant, with clear statement of reasons for termination;
  - d. Provide a review of the decision, in which the program participant is given the opportunity to present written or oral objections before a person other than the person (or a subordinate of that person) who made or approved the termination decision; and
  - e. Provide a prompt written notice of the final decision to the program participant.
17. **Recordkeeping** – All applicants must keep any records and make any reports (including those pertaining to race, ethnicity, gender, and disability status data) that HUD may require within the timeframe specified.

18. Sanctions – If DCS determines that an applicant is not complying with the requirements of the ESG Plan or other applicable federal or state laws, DCS will take appropriate actions, which may include:

- a. Issue a warning letter that further failure to comply with such requirements will result in a more serious sanction;
- b. Direct the applicant to cease incurring costs with grant funds;
- c. Require that some or all of the grant amounts be repaid to DCS; or
- d. Reduce (de-obligate) the level of funds the applicant would otherwise be entitled to receive; or
- e. Elect to make the applicant ineligible for future DCS funding.

Any ESG funds that become available to DCS as a result of a sanction or voluntary return by the applicant, will be made available (as soon as practicable) to other eligible applicants for use within the ESG Program.

19. Conflicts of Interest – The availability of any type or amount of ESG assistance may not be conditioned on an individual's or household's acceptance or occupancy of emergency shelter or housing owned by the applicant, or a parent or subsidiary of the applicant. No applicant may, with respect to individuals or households occupying housing owned by the applicant, or any parent or subsidiary of the applicant, carry out the initial evaluation required under 24 CFR Part 576.401 or administer homelessness prevention assistance under 24 CFR Part 576.103.

For procurement of goods and services, the applicant must comply with the codes of conduct and conflict of interest requirements under 24 CFR Part 95.36 (for governments) and 24 CFR Part 84.42 (for private nonprofit organizations).

20. Monitoring – DCS is responsible for monitoring all ESG activities to ensure program requirements established by HUD and DCS are met. Monitoring will consist of site visits to applicant's place of business, review of all reimbursement requests, and review of HMIS information. DCS will conduct site visits at least once every two years. DCS will also provide support and technical assistance, as needed.

Additional monitoring of applicants may be conducted by HUD's office of Community Planning and Development; HUD's Office of Special Needs Assistance Program, or any other applicable federal agency. These agencies will be monitoring the ESG program nationwide to determine compliance with federal program requirements.

## SELECTION CRITERIA

Applications which show a concerted effort to coordinate services with other agencies and other funding sources to best serve the individuals and households will be given priority. Total points allotted equal up to 100 points.

Due to the demand for the funds ESG will be awarded based upon the following:

1. Demonstrated the need for the funding. (30)
2. Plan for distribution of the funds in an effective, efficient and timely manner. (15)
3. Collaboration efforts with other targeted homeless services and mainstream resources. (20)
4. Active participation in and providing services consistent with the needs identified by the North Dakota Continuum of Care, HMIS and Coordinated Assessment. (20)
5. The applicant's plan to involve, to the maximum extent practicable, homeless individuals and families in constructing, renovating, maintaining, and operating facilities assisted under the grant, and in providing services for occupants of these facilities. (10)
6. The applicant included how the Housing First model is used within the agency. (5)

When making final selections, the DCS review committee may make a grant award for less than the amount applied for or for fewer than all of the activities identified in the application, based on the demand for grant amounts, the extent to which the respective activities address the needs of the individuals and households, and the reasonableness of the costs proposed. The DCS review committee reserves the right to award ESG funds to any applicant or deny ESG funds for any applicant if it determines, in its sole discretion, the project is unacceptable based on, but not limited to the following:

1. Information regarding the fact that a particular market is saturated with emergency units and/or services,
2. The applicant has not demonstrated capacity to administer the ESG Program, or
3. The applicant's (including any related party's) insufficient prior administration of DCS programs, including ESG, which may have resulted in monitoring findings.

### **GRANT ADMINISTRATION**

Upon project selection, an award letter and financial agreement will be forwarded to each applicant detailing a description of the activities funded, and award conditions. Execution of the financial agreement is to be completed by a representative of the applicant and the DCS.

Grant funds will be considered obligated once the grant agreement has been signed by the applicant. A grant agreement will be sent under separate cover detailing the applicant's requirements and responsibilities, including those required for the environmental review. The applicant will be required to sign and return the grant agreement to DCS.

The grant agreement will indicate the activities and the corresponding approved funding amounts by category. An approved Request for Amendment is needed from DCS to vary from the funding amounts and categories as specified in the executed grant agreement.

Grant agreements will be for a term not to exceed 12 months. Applicants must expend DCS funds for eligible activities within the grant period.

## METHOD OF PAYMENT

Payment of ESG funds will be completed as a reimbursement, in a chronological order of request for funds number. Requests for payment must be received by DCS at least quarterly, following the ESG Drawdown Schedule below or more frequently as needed. Requests must be submitted in a format approved by DCS and must include a detailed breakdown of expenses incurred and ESG funds requested. Copies of all expenses and documentation of payment must be submitted for verification purposes. It is preferred that requests for funds are over \$1,000. Lack of documentation or explanation may result in a delay in payment.

If your agency has not met the spending deadlines, DCS has the authority to deobligate unused funds. On a case-by-case basis, a request for a waiver must be made to the Director of DCS to prevent deobligation of funds.

| ESG Drawdown Schedule |                         |                  |
|-----------------------|-------------------------|------------------|
| Quarter               | Dates                   | Percentage Drawn |
| 1                     | July 1 - September 30   | 25%              |
| 2                     | October 1 - December 31 | 50%              |
| 3                     | January 1 - March 31    | 75%              |
| 4                     | April 1 - June 30       | 100%             |



# At Risk of Homelessness

|  |            |                                  |  |
|--|------------|----------------------------------|--|
| CRITERIA FOR DEFINING<br>AT RISK OF HOMELESSNESS | Category 1 | Individuals and Families         | <p>An individual or family who:</p> <ul style="list-style-type: none"> <li>(i) Has an annual income below <u>30%</u> of median family income for the area; <u>AND</u></li> <li>(ii) Does not have sufficient resources or support networks immediately available to prevent them from moving to an emergency shelter or another place defined in Category 1 of the "homeless" definition; <u>AND</u></li> <li>(iii) Meets one of the following conditions: <ul style="list-style-type: none"> <li>(A) Has moved because of economic reasons 2 or more times during the 30 days immediately preceding the application for assistance; <u>OR</u></li> <li>(B) Is living in the home of another because of economic hardship; <u>OR</u></li> <li>(C) Has been notified that their right to occupy their current housing or living situation will be terminated within 31 days after the date of application for assistance; <u>OR</u></li> <li>(D) Lives in a hotel or motel and the cost is not paid for by charitable organizations or by Federal, State, or local government programs for low-income individuals; <u>OR</u></li> <li>(E) Lives in an SRO or efficiency apartment unit in which there reside more than 2 persons or lives in a larger housing unit in which there reside more than one and a half persons per room; <u>OR</u></li> <li>(F) Is exiting a publicly funded institution or system of care; <u>OR</u></li> <li>(G) Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness, as identified in the recipient's approved CoP Plan.</li> </ul> </li> </ul> |
|  | Category 2 | Unaccompanied Children and Youth | A child or youth who does not qualify as homeless under the homeless definition, but qualifies as homeless under another Federal statute.  |
|  | Category 3 | Families with Children and Youth | A) Unaccompanied youth who does not qualify as homeless under the homeless definition, but qualifies as homeless under section 125(2) of the McKinney-Vento Homeless Assistance Act, and the parent(s) or guardian(s) of that child or youth is living with him or her.  |



# Homeless Definition

|                                   |            |                                       |   |
|-----------------------------------|------------|---------------------------------------|---|
| CRITERIA FOR<br>DEFINING HOMELESS | Category 1 | Literally Homeless                    | <p>(1) Individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:</p> <ul style="list-style-type: none"> <li>(i) Has a primary nighttime residence that is a public or private place not meant for human habitation;</li> <li>(ii) is living in a publicly or privately operated shelter designated to provide temporary living arrangements (including congregative shelters, transitional housing, and hotels and motels paid for by charitable organizations, or by federal, state and local government programs); or</li> <li>(iii) is residing in an institution where (s)he has resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution.</li> </ul> |
|                                   | Category 2 | Imminent Risk of Homelessness         | <p>(2) Individual or family who will imminently lose their primary nighttime residence, provided that:</p> <ul style="list-style-type: none"> <li>(i) Residence will be lost within 14 days of the date of application for homeless assistance;</li> <li>(ii) No subsequent residence has been identified; and</li> <li>(iii) The individual or family lacks the resources or support networks needed to obtain other permanent housing.</li> </ul>   |
|                                   | Category 3 | Homeless under other federal statutes | <p>(3) Unaccompanied youth under 25 years of age, or families with children and youth, who do not otherwise qualify as homeless under this definition, but who:</p> <ul style="list-style-type: none"> <li>(i) Are defined as homeless under the other listed federal statutes;</li> <li>(ii) Have not had a lease, ownership interest, or occupancy agreement in perpetuity, pending during the 60 days prior to the homeless assistance application;</li> <li>(iii) Have experienced persistent instability as measured by two moves or more during the preceding 60 days; and</li> <li>(iv) Can be expected to continue in such status for an extended period of time due to special needs or barriers.</li> </ul>   |
|                                   | Category 4 | Fleeing/ Attempting to Flee DV        | <p>(4) Any individual or family who:</p> <ul style="list-style-type: none"> <li>(i) Is fleeing, or is attempting to flee, domestic violence;</li> <li>(ii) Has no other residence; and</li> <li>(iii) Lacks the resources or support networks to obtain other permanent housing.</li> </ul>   |



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## **North Dakota-500 Statewide Continuum of Care**

### **Written Standards for Emergency Solutions Grant and Continuum of Care Programs**

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CoC Board Approval: April 18, 2022  
CoC Membership Approval: May 4, 2022 (pending)  
Dept. Of Commerce Approval: April 20, 2022

Next Review: April 2023

## I. Introduction

- A. The North Dakota Housing Finance Agency (NDHFA) is the Collaborative Applicant (CA) for the North Dakota Continuum of Care (ND CoC). A CoC works to coordinate a community-based process of identifying needs relating to the experience of homelessness and of building a system of housing and services to address those needs. The ND CoC works to establish local priorities for system planning and to evaluate system-wide performance with the goal of making homelessness rare, brief, and non-recurring.
- B. The Department of Housing and Urban Development (HUD) requires that a CoC establish and follow written standards for recipients and subrecipients aiding with CoC and Emergency Solutions Grant (ESG) Program funds.
- C. The North Dakota Department of Commerce Division of Community Services (DCS) is the statewide recipient of ESG funds for the state of North Dakota.

## II. Mandate Overview

The CoC Program interim rule requires that these standards be developed in consultation with the ESG recipient(s) also funding projects within the CoC's geographic area.

- A. The written standards for providing CoC assistance must include policies and procedures that address the following:
  - 1. Evaluating individuals' and families' eligibility for assistance through the CoC Program;
  - 2. Determining and prioritizing eligible individuals and families for transitional housing, rapid re-housing, and permanent supportive housing assistance;
  - 3. Determining the percentage and amount of rent program participants must pay while receiving rapid re-housing assistance; and
  - 4. For designated high-performing CoCs, determining and prioritizing individuals and families for homelessness prevention and rapid re-housing assistance, including the percentage or amount of rent and utilities costs each program participant must pay while receiving homelessness prevention and rapid re-housing assistance and the amount and duration of rental assistance; and the type, amount, and duration of housing stabilization and/or relocation services.

**NOTE: The ND CoC is not considered a high-performing CoC.**
- B. ESG recipients are also required to develop several similar policies and procedures for subrecipients to use when providing ESG assistance (state recipients may allow subrecipients to develop their own written standards) (see 24 CFR 576.400(d)). Although ESG recipients are not explicitly required to consult with CoCs on the development of written standards for providing ESG assistance, many of the ESG standards for prioritizing assistance will influence the development and implementation of the local plan to prevent and end homelessness, the implementation of a coordinated entry system, as well as the development of the CoC's written standards.
- C. Ideally, CoCs and ESG recipient(s) should collaborate to coordinate and/or align their written standards to ensure all populations eligible for assistance within the geographic area are assessed and prioritized for available assistance as consistently as possible.
- D. The written standards for providing ESG assistance must include policies and procedures that address the following:

1. Evaluating eligibility for ESG assistance;
  2. Targeting and providing essential services related to street outreach activities;
  3. Admission to, diversion from, referral to, and discharge from emergency shelters, including standards regarding length of stay, if any, and safeguards to meet the safety and shelter needs of special populations;
  4. Assessing, prioritizing, and re-assessing the need for essential services related to emergency shelter;
  5. Coordination among other emergency shelters, essential services, homelessness prevention, and rapid re-housing providers as well as with other homeless assistance providers and mainstream housing and service providers;
  6. Determining and prioritizing individuals and families for homelessness prevention and rapid re-housing assistance;
  7. Determining the percentage and amount of rental assistance and utilities each program participant must pay while receiving homelessness prevention or rapid rehousing assistance;
  8. Determining the amount and duration of rental assistance, including how the amount will be adjusted over time, as appropriate; and
  9. Determining the type, amount, and duration of housing stabilization and/or relocation services.
- E. Under the purview of HUD regulations and guidelines, DCS, as the recipient of ESG funds, has the discretion to set local standards regarding rental assistance amounts, length of assistance available for participants, and other project components as necessary and has agreed to partner with the CoC to issue joint guidance to ESG subrecipients. All projects receiving ESG Program funds must comply in full with the applicable standards described below.

### III. Definitions

- A. The ESG Interim Rule broadened existing emergency shelter and homelessness prevention activities, placing greater emphasis on helping people quickly regain stability in permanent housing after experiencing a housing crisis and/or homelessness by expanding prevention as an eligible use and adding a rapid rehousing component. ESG funds are authorized and intended for rapid rehousing, homelessness prevention, and emergency shelter. The interim rule updated the annual action plan requirements to include written standards for the provision of ESG assistance and performance standards for evaluating ESG activities.

ESG funds can be used for a variety of services, including, but not limited to: Emergency Shelter, short- or medium-term Rental Assistance, Housing Search and Placement, Utility Arrears, and Housing Stability Case Management. The Homelessness Prevention component includes various housing relocation and stabilization services and short- and medium-term rental assistance. DCS is the recipient of HUD ESG Program funds and administers this award via eligible organizations referred to as subrecipients.

| ESG Program Eligible Components |                         |                   |                 |      |
|---------------------------------|-------------------------|-------------------|-----------------|------|
| Street Outreach                 | Homelessness Prevention | Emergency Shelter | Rapid Rehousing | HMIS |

- B. CoC program funds provide housing and supportive services to households with and without children experiencing homelessness. Projects funded under the CoC

program seek to assist households with attaining and sustaining permanent housing as quickly as possible.

| CoC Program Eligible Components |                 |                   |                              |      |
|---------------------------------|-----------------|-------------------|------------------------------|------|
| Transitional Housing            | Rapid Rehousing | Coordinated Entry | Permanent Supportive Housing | HMIS |

- C. The CoC CA is the eligible applicant (state, unit of local government, private, nonprofit organization, or public housing agency) designated by the ND CoC to collect and submit the required HUD CoC application information for all projects the ND CoC has selected for funding and apply for HUD CoC planning funds on behalf of the ND CoC.
- D. Homeless Management Information System (HMIS) is a local information technology system used to collect client-level data and data on the provision of housing and services to individuals and families who are homeless or at risk of homelessness.
- E. HUD Homeless Categories: There are four federally defined categories under which persons are defined as homeless:
  - 1. Literally Homeless: Individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:
    - a. Has a primary nighttime residence that is a public or private place not meant for human habitation;
    - b. Is living in a publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state, and local government programs); or
    - c. Is exiting an institution where (s)he has resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution.
  - 2. Imminent Risk of Homelessness: Individual or family who will imminently lose their primary nighttime residence, provided that:
    - a. Residence will be lost within 14 days of the date of application for homeless assistance;
    - b. No subsequent residence has been identified; and
    - c. The individual or family lacks the resources or support networks needed to obtain other permanent housing.
  - 3. Homeless Under other Federal statutes: Unaccompanied youth under 25 years of age, or families with children and youth, who do not otherwise qualify as homeless under this definition, but who:
    - a. Are defined as homeless under the other listed federal statutes;
    - b. Have not had a lease, ownership interest, or occupancy agreement in permanent housing during the 60 days prior to the homeless assistance application;
    - c. Have experienced persistent instability as measured by two moves or more during the preceding 60 days; and

- d. Can be expected to continue in such status for an extended period of time due to special needs or barriers.
- 4. Fleeing/Attempting to flee domestic violence: Any individual or family who:
  - a. Is fleeing, or is attempting to flee, domestic violence;
  - b. Has no other residence; and
  - c. Lacks the resources or support networks to obtain other permanent housing
- F. HUD At Risk of Homelessness Categories: There are three federally defined categories under which persons are defined as At Risk of Homelessness:
  - 1. An individual or family who:
    - a. Has an annual income below 30 percent of median family income for the area; AND
    - b. Does not have sufficient resources or support networks immediately available to prevent them from moving to an emergency shelter or another place defined in Category 1 of the "homeless" definition; AND
    - c. Meets one of the following conditions:
      - Has moved because of economic reasons two or more times during the 60 days immediately preceding the application for assistance; OR
      - Is living in the home of another because of economic hardship; OR
      - Has been notified that their right to occupy their current housing or living situation will be terminated within 21 days after the date of application for assistance; OR
      - Lives in a hotel or motel and the cost is not paid for by charitable organizations or by federal, state, or local government programs for low-income individuals; OR
      - Lives in a Single Room Occupancy or efficiency apartment unit in which there reside more than two persons or lives in a larger housing unit in which there resides more than one and a half persons per room; OR
      - Is exiting a publicly funded institution or system of care; OR
      - Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness, as identified in the recipient's approved Consolidated Plan.
  - 2. Unaccompanied Children and Youth: A child or youth who does not qualify as homeless under the homeless definition but qualifies as homeless under another federal statute.
  - 3. Families with Children and Youth: An unaccompanied youth who does not qualify as homeless under the homeless definition, but qualifies as homeless under section 725(2) of the McKinney-Vento Homeless Assistance Act, and the parent(s) or guardian(s) of that child or youth is living with him or her.

#### IV. CoC and ESG Written Standards

All projects funded under the ND CoC and ESG programs shall apply the following standards consistently for the benefit of all program participants. The ND CoC strongly encourages organizations and projects that do not receive the abovementioned funds to accept and utilize these standards.

A. *General Standards Training on each of the general standards can be found on the ND CoC online training site. If your agency needs access to the site, please contact the CoC Coordinator.*

1. **Housing First Orientation.** The ND CoC practices a Housing First model of care that follows five core principals of practice.
  - a. **Low Barrier Access:** Immediate access to permanent housing with no housing readiness requirements.
  - b. **Client Choice:** Client centered approach that emphasizes client choice of housing options and level and time of supports currently available to them
  - c. **Recovery Orientation:** Assures clients have access to a wide range of supports that help stabilize and thrive in housing. Ensures that care be provided with a harm reduction orientation aimed at reducing the risks and harmful effects associated with addictive and other harmful behaviors versus expecting zero tolerance for these behaviors unless they threaten the rights or safety of others.
  - d. **Individualized Client-Driven Supports:** Supports are offered based on each client's unique needs and desires and are presented in a creative, ongoing, and culturally appropriate manner.
  - e. **Social and community integration:** Providers assist clients to integrate into their community and connect with natural supports that are healthy, to avoid isolation, and support long-term stability.
2. **Fair Housing and Equal Opportunity.** All recipients and subrecipients of ND CoC and ESG program funding must comply with the non-discrimination and equal opportunity provisions of federal civil rights laws as specified at 24 CFR 5.105(a), including, but not limited to the following:
  - a. Fair Housing Act
  - b. Section 504 of the Rehabilitation Act
  - c. Title VI of the Civil Rights Act
  - d. Title II of the Americans with Disabilities Act
  - e. HUD's Equal Access Rule
  - f. **Affirmatively Furthering Fair Housing.** Providers must have non-discrimination policies in place and conduct assertive outreach to people least likely to engage in the homeless system. Organizations receiving ND CoC and ESG program funding shall market housing and supportive services to eligible persons regardless of race, color, national origin, religion, sex, age, familial status, or disability; and, shall provide program applicants and participants with information, in writing, on their rights and remedies under applicable federal, state, and local fair housing and civil rights laws.
  - g. **Integration and Accessibility (Fair Housing and Equal Opportunity).** Housing and supportive services must be offered in an integrated manner, such that persons with disabilities may enjoy a meaningful life within the community. Organizations shall offer housing and supportive services to enable individuals with disabilities to interact with nondisabled persons to the fullest extent possible.
  - h. **Reasonable Accommodations and Modifications for Persons with Disabilities.** Organizations are required to provide reasonable accommodations and

modifications for persons with disabilities. For federally funded housing, the recipient is responsible for paying for the modification. Organizations must inform applicants during the intake process of their right to request a reasonable accommodation or modification. A reasonable modification is a structural change (e.g., installing a grab bar in the bathroom of a person with a disability). A reasonable accommodation is a change to rules, policies, or services so that a person with a disability has equal opportunity to use and enjoy a dwelling unit or common space (e.g., permitting a person with a disability to have a service animal).

- i. Discrimination Based on Actual or Perceived Gender: HUD's Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity. Final Rule (Equal Access Rule) requires that HUD's housing projects be made available to individuals and families without regard to actual or perceived sexual orientation, gender identity, or marital status. The rule defines "gender identity" to mean "actual or perceived gender-related characteristics." The final rule also prohibits owners and administrators of HUD-assisted or HUD-insured housing, approved lenders in a Federal Housing Administration (FHA) mortgage insurance program, and any other recipients or subrecipients of HUD funds from inquiring about sexual orientation or gender identity to determine eligibility for HUD-assisted or HUD-insured housing.
  - There is a limited exception to this rule. Temporary, emergency shelters and other buildings and facilities that are not covered by the Fair Housing Act because they provide short-term, temporary accommodations may provide sex-segregated accommodations, which they sometimes do to protect the privacy and security of individuals when the buildings and facilities have physical limitations or configurations that require shared sleeping quarters or shared bathing facilities. For purposes of this rule, shared sleeping quarters or shared bathing facilities are those that are designed for simultaneous accommodation of multiple individuals in the same space. For example, a single-user bathing facility with a lock on the door is not designated for simultaneous occupancy by multiple individuals, so it is not a "shared bathing facility" for purposes of the Equal Access Rule or this rule.
  - Organizations should ensure that its services do not isolate or segregate victims of domestic violence based upon actual or perceived gender identity.
- j. Discrimination Based on Household Composition. Organizations cannot discriminate against a group of persons presenting as a family based on the composition of the family, the age of any member of the family, the disability status of any member of the family, marital status, actual or perceived sexual orientation, or gender identity. The people who present together for assistance, regardless of age or relationship, are considered a household and are eligible for assistance as a household. Projects that serve families with children must serve all types of families with children, if a project targets a specific population, (e.g., homeless veterans), these projects must serve all families with children that are otherwise eligible for assistance, including families with children that are headed by a single adult or consist of multiple adults who reside together.
- k. Preventing Family Separation. In an effort to maintain family unity, for housing projects serving households with children, the age and gender of a

child under age 18 shall not be used as a basis for denying any family's admission, nor may a recipient deny admission to any member of the family (e.g., 15-year-old son). Projects will make every attempt possible to avoid family separation, unless absolutely necessary for the safety and well-being of the family.

- l. **Guidance for Placement for Transgender Persons in Single-Sex Emergency Shelters and Other Facilities.** Organizations operating ESG-single-sex emergency shelters (or other ESG- and/or CoC facilities) may not make a determination about services for one participant based on the complaints of another participant when those complaints are based on a participant's gender identity or non-conformity with gender stereotypes. For the purpose of assigning a participant to sex-segregated or sex-specific services, it is a requirement that intake staff and emergency housing providers ask a transgender participant which group or service the participant wishes to join. The organization must take reasonable steps to address safety and privacy concerns; the organization should provide for privacy in bathrooms and dressing areas. For instance, organizations may install privacy curtains or partitions. When deciding how to house a victim of domestic violence, an organization that provides sex-segregated housing may consider on a case-by-case basis whether a particular housing assignment would ensure the victim's health and safety. A victim's own views with respect to personal safety deserves serious consideration. The organization should ensure that its services do not isolate or segregate victims of domestic violence based upon actual or perceived gender identity.
- m. **Prioritized Subpopulations and Fair Housing Implications.** Organizations shall comply with applicable civil rights laws, including the Fair Housing Act. Within this framework, these standards establish subpopulations to be prioritized for housing and services that align with the identified needs of the local community and the goals of the Federal Strategic Plan to End Homelessness. Subpopulations may be prioritized as long as doing so does not discriminate against any protected class under federal nondiscrimination laws (e.g., the housing may be limited to homeless veterans, victims of domestic violence and their children, or chronically homeless households); subpopulations may also be prioritized according to who needs the specialized supportive services that are offered by the project (e.g., substance use disorder treatment, domestic violence services, or a high intensity package of services designed to meet the needs of hard-to-reach homeless persons).
  - **Dedicated versus prioritized projects and/or beds** that are dedicated to serving a specific subpopulation must continue serving only this subpopulation (e.g., a permanent supportive housing project that is dedicated to serving households experiencing chronic homelessness must continue serving those households). This means that if two otherwise eligible households are seeking admission into the program, one who falls within the designated prioritized subpopulation and one who does not, the household who is in the designated prioritized subpopulation must be given priority for admission. If there are no persons on a waiting list or applying for entrance to the program who fall within the dedicated or first priority subpopulation, organizations should not hold the unit vacant, but instead should serve the next prioritized subpopulation who may benefit from the services being provided.
  - **Fair Housing Implications.** CoC coordinated entry may establish priorities for subpopulations by project type (i.e., permanent supportive housing or

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transitional housing), but organizations may not set more restrictive priorities. For instance, while a permanent supportive housing project may prioritize households experiencing chronic homelessness with a qualifying disability per coordinated entry policies, beds may not be reserved to persons with a specific disability (i.e., physical disability). If an individual, who is otherwise qualified, but who does not have a physical disability, seeks admission and would benefit from the services offered, this person may not be excluded from the project. Organizations may reserve beds for persons with HIV/AIDS if the housing also receives funding from the Housing Opportunities for People with AIDS program (HOPWA).

3. **Coordinated Entry:** North Dakota's coordinated entry system is called Coordinated Access, Referral, Entry, and Stabilization (CARES) System. All ESG and CoC funded projects are required to participate in CARES and abide by CARES policies and procedures. CARES policies and the Written Standards are therefore intended to be in alignment. All CARES documents can be found on the [CARES website](#).
4. **Participation in HMIS:** HUD requires that CoC and ESG recipients and subrecipients use the CoC designated HMIS of the ND CoC and abide by all HMIS and CoC policies related to the use of HMIS. HMIS policies can be found on the [ND ICA website](#).
5. **CoC Membership:** Each CoC or ESG funded agency is required to be a member of the ND CoC. The ND CoC is a member organization driven by the collaborative efforts of its members. Member participation is needed to assure that the collective ND CoC goals and plans are representative of the diverse needs of our state.
6. **Participant Inclusion:** Each CoC funded project is expected to engage participants in ongoing program evaluation and quality improvement processes. Toward that end, at a minimum, each project is required to survey or interview participants at least annually to obtain feedback on program service quality, the housing and service environment, and opportunities for improvement. Each ND CoC or ESG funded organization must utilize participant feedback to improve program design and implementation.
7. **Access to Mainstream Services:** The ND CoC and ESG expects that every organization that is funded through the ND CoC or ESG programs will coordinate with and access mainstream and other targeted homeless resources. Organizations should assess and assist participants with obtaining any mainstream resource for which they may be eligible for including: Temporary Assistance for Needy Families (TANF), Veterans Health Care, Supplemental Nutrition Assistance Program (SNAP), Medicaid, Federally Qualified Health Plan (Affordable Care Act), Children's Health Insurance Program (CHIP), Supplemental Security Income/Social Security Disability Insurance (SSI/SSDI), Workforce Investment funds, and Welfare-to-Work. Where possible, organizations should streamline processes for applying for mainstream benefits such as the use of a singular form to apply for benefits or collecting necessary information in one step.
8. **Collaboration with Educational Entities:** For projects that serve households with children, program policies must be in place to ensure children are enrolled in school and connected to appropriate services in the community, including early childhood projects such as Head Start, Part C of the Individuals with Disabilities Education Act, and McKinney Vento education services. The ND CoC encourages projects to utilize the CoC Educational Agreement as a standard for

- engagement and collaboration (contact the ND CoC coordinator for the agreement).
9. Violence Against Women Act (VAWA): VAWA requires that CoC and ESG programs:
    - a. Provide participants with the HUD Notice of VAWA Occupancy Rights (form HUD-5380) and Self-Certification (form HUD-5383);
    - b. Add a lease addendum that includes VAWA protections; and
    - c. Allow participants to make emergency transfers (form HUD-5381) when safety is a concern.
  10. Transition and Move-On Strategy Principles:
    - a. Transition should be a voluntary process that participants choose.
    - b. Collaboration of mainstream housing and services must be fostered.
    - c. Connections to community-based supports are necessary for housing stability.
  11. Termination and Grievance Procedures: Organizations must have a written grievance procedure, including a formal process for participants to provide feedback.
    - a. Organizations must have a written termination policy outlining project rules and termination processes, including a formal due process.
    - b. Terminations may only occur in the most severe circumstances, which includes, but are not limited to, consistent failure to make rental payments or adhere to a repayment schedule, consistent violation of the lease, or destruction of property.
    - c. Termination from a project should not prohibit the household from being readmitted into the program at a future date.
    - d. The termination process, at a minimum, must consist of:
      - Providing the participant with a written copy of the rules and the termination process before the participant begins to receive assistance;
      - Written notice to the program participant containing a clear statement of the reasons for termination (e.g., lease obligations, tenant payments, damage to the property);
      - A review of the decision, in which the program participant is given the opportunity to present written or oral objections/appeal before a person other than the person (or a subordinate of that person) who made or approved the termination decision;
      - Prompt written notice of the final decision to the program participant; and
      - Providing Notice of VAWA Occupancy Rights.
  12. Policies and procedures for admission, diversion, referral, and discharge by emergency shelters assisted under ESG:
    - a. Admission: Providers of emergency shelter services shall admit individuals and families who meet the HUD definition of "homeless" and agency's eligibility criteria.

- b. **Assessment:** Individuals and families shall be offered an initial need and eligibility assessment and qualifying program participants, including those meeting special population criteria, will be offered emergency shelter services, as needed, available, and appropriate.
  - c. **Prioritization/Diversion/Referral:** When appropriate, based on the individual's needs and wishes, the provision of or referral to homeless prevention or rapid rehousing services, or other available housing programs offered through the ND CoC that can quickly assist individuals to maintain or obtain safe, permanent housing, shall be prioritized over the provision of emergency shelter services.
  - d. **Reassessment:** Program participants will be reassessed as case management progresses.
  - e. **Discharge/Length of Stay:** Subrecipients shall make every effort to ensure program participants are discharged from emergency shelter services only when they choose to leave or when they have successfully obtained safe, permanent housing.
  - f. **Safety and Shelter Safeguards for Special Populations:** Safety and Shelter Safeguards shall be determined by the individual special population service provider's policies and clearly communicated to program participants.
13. **Participant contribution:** Minimum standards for determining what percentage or amount of rent and utilities costs each program participant shall pay while receiving homelessness prevention or rapid rehousing assistance are:
- a. Participant's income shall be verified prior to approval for initial and additional financial assistance. Documentation of the participant's income and expenses, including how the participant is contributing to housing costs, if at all, shall be maintained in participant's file. This file shall also contain a plan to sustain housing following the assistance, including either a plan to increase income or decrease expenses or both.
14. **Rental assistance duration and adjustment:** Minimum standards for determining how long a particular program participant shall be provided with rental assistance and whether and how the amount of that assistance shall be adjusted over time are:
- a. Participants received approval for the minimum amount of financial assistance necessary to prevent homelessness. Documentation of financial need shall be kept in the participant's file for each month of financial assistance received. Participants shall not be approved for more rental assistance than can be justified given their income and expenses at a given time.
  - b. Agencies cannot set organizational maximums or minimums but must rely on the ESG Interim Rules and Regulations to determine household eligibility:
    - Program participant's total rental assistance cannot exceed 24 months during any 3-year period.
    - Payment of rental arrears may be made for up to six months of rent in arrears, including any late fees.
    - ESG funds may pay for a security deposit that is equal to no more than two months' rent.

- Last month's rent must not exceed one month's rent and must be included in calculating the program participant's total rental assistance, which cannot exceed 24 months during any 3-year period.

**B. Standards for the Allocation of Funds**

| Housing Type        | Funding | HUD Homeless Category   | Core Services   | Eligibility   | Prioritization (aligned with CARES Prioritization policy)   | *Level of Assistance   |
|---------------------|---------|---|---|---|---|--|
| Street Outreach     | ESG     | <a href="#">Category 1</a>  | <ul style="list-style-type: none"> <li>• Engagement</li> <li>• Case management</li> <li>• Emergency health services</li> <li>• Emergency mental health services</li> <li>• Transportation</li> <li>• Services to special populations</li> <li>•</li> </ul>  | Unsheltered homeless people who are unwilling or unable to access emergency shelter, housing, or an appropriate health facility.  | N/A   | N/A  |
| Homeless Prevention | ESG     | <a href="#">Category 2</a><br><a href="#">Category 4</a><br><a href="#">At Risk of Homelessness</a> | <p>Housing Relocation and Stabilization Services – annual income below 30 percent median family income.</p> <ul style="list-style-type: none"> <li>• Financial assistance costs               <ul style="list-style-type: none"> <li>◦ Rental application fees</li> <li>◦ Security deposits</li> <li>◦ Last month's rent</li> <li>◦ Utility deposits</li> <li>◦ Utility payments</li> <li>◦ Moving costs</li> </ul> </li> <li>• Service costs               <ul style="list-style-type: none"> <li>◦ Housing search and placement</li> <li>◦ Housing stability case management</li> <li>◦ Mediation</li> <li>◦ Legal services</li> <li>◦ Credit repair</li> </ul> </li> <li>• Short-term rental assistance up to 3 months of rent</li> <li>• Medium-term rental assistance for more than 3 months but not more than 24 months</li> <li>• Payment of rental arrears for up to 6 months of rent in arrears, including any late fees</li> <li>• Rental assistance may be tenant- or project-based</li> </ul> | Assistance necessary to prevent an individual or family from moving into an emergency shelter or another place described in paragraph (1) of the "homeless" definition. | Persons should be prioritized based on highest vulnerability defined as those most likely to enter homelessness without assistance. | <ul style="list-style-type: none"> <li>• Short-term rental assistance up to 3 months of rent</li> <li>• Medium-term rental assistance for more than 3 months but not more than 24 months</li> <li>• Payment of rental arrears for up to 6 months of rent in arrears, including any late fees</li> <li>• Security deposits. ESG funds may pay for a security deposit that is equal to no more than 2 months' rent.</li> <li>• Last month's rent. Must not exceed one month's rent and must be included in calculating the program participant's total rental assistance.</li> </ul> |

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|                   |     |  |  |  |  |  |
|-------------------|-----|--|--|--|--|--|
|                   |     |  |  |  |  | <p>which cannot exceed 24 months during any 3-year period.</p> <ul style="list-style-type: none"> <li>Housing stability case management. Cannot exceed 30 days during the period the program participant is seeking permanent housing and cannot exceed 24 months during the period the program participant is living in permanent housing.</li> </ul> |
| Emergency Shelter | ESG | <p><u>Category 3</u><br/><u>Category 4</u><br/><u>Category 4</u></p> | <p>Essential Services</p> <ul style="list-style-type: none"> <li>Case Management</li> <li>Child Care</li> <li>Education services</li> <li>Employment assistance and job training</li> <li>Outpatient health services</li> <li>Legal services</li> <li>Life skills training</li> <li>Substance abuse treatment services</li> <li>Transportation</li> <li>Services for special populations</li> </ul> <p>Shelter Operations</p> <ul style="list-style-type: none"> <li>Eligible costs are the costs of maintenance (including minor or routine repairs), rent, security, fuel, equipment, insurance, utilities, food, furnishings, and supplies necessary for the operation of the emergency shelter.</li> <li>Where no appropriate emergency shelter is available for a homeless</li> </ul> | Homeless families and individuals in emergency shelters. | The CARES Housing Crisis Triage should be used to prioritize limited shelter beds and vouchers to those who are the most vulnerable. | N/A  |

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|                      |         |  |  |  |  |  |
|----------------------|---------|--|--|--|--|--|
|                      |         |  | family or individual, eligible costs may also include a hotel or motel voucher for that family or individual.  |  |  |  |
| Transitional Housing | CoC     | <u>Category 3</u><br><u>Category 4</u> | Rental Assistance for up to 24 months<br>Case management with weekly contact including in-home visits<br>Linkage to mainstream services<br>Utility assistance<br>Housing Stability Plan  | Persons with low to moderate barriers exiting homelessness and entering transitional housing services.<br>Homeless exiting shelter.<br>Persons who will be successful w/ short-term help.<br>Capacity to increase income (earned or other cash income).<br>Persons who can't afford housing w/ income until access public housing assistance.<br>Youth w/ or working towards GED or HS diploma.<br>Youth exiting foster care.<br>Persons fleeing DV. | Category 1: Unsheltered<br>Category 1: Other<br>Category 4<br>Category 3: Youth programs ONLY<br>Category 2: Unsafely or unstably doubled up (MN OEO only) | Up to 24 months of rental assistance with 3-month assessment of need.  |
| Rapid Rehousing      | CoC-ESG | <u>Category 3</u><br><u>Category 4</u> | <b>CoC</b><br>Short to medium term rental assistance or utility subsidies<br>Security deposits<br>Voluntary case management with weekly contact and in-home visits<br>Linkage to mainstream services<br>Housing Stability Plan<br><b>ESG</b><br>Housing Relocation and Stabilization Services<br><ul style="list-style-type: none"> <li>Financial assistance costs <ul style="list-style-type: none"> <li>Rental application fees</li> <li>Security deposits</li> <li>Last month's rent</li> <li>Utility deposits</li> <li>Utility payments</li> <li>Moving costs</li> </ul> </li> <li>Service costs <ul style="list-style-type: none"> <li>Housing search and placement</li> <li>Housing stability case management</li> </ul> </li> </ul> | <b>CoC</b><br>Individuals who are literally homeless (HUD) or imminently homeless (ESG) and have a strong chance to increase their income and stabilize their housing with short (up to 6 months) to medium (7-12 months) length support.<br><b>ESG</b><br>Assistance as necessary to help a homeless individual or family move as quickly as possible into permanent housing and achieve stability in that housing.                                 | Category 1: Unsheltered<br>Category 1: other<br>Category 4<br>Category 2<br>Unsafely or unstably doubled up (MN OEO only)                                  | <b>CoC</b> <ul style="list-style-type: none"> <li>Short term (up to 3 months)</li> <li>Medium term (up to 24 months)</li> <li>No income requirement at entry</li> </ul> <b>ESG</b> <ul style="list-style-type: none"> <li>Short-term rental assistance up to 3 months of rent</li> <li>Medium-term rental assistance for more than 3 months but not more than 24 months</li> <li>Payment of rental arrears for up to 6 months of rent in arrears,</li> </ul> |

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|                              |     |                          |   |   |  |   |
|------------------------------|-----|--------------------------|---|---|--|---|
|                              |     |                          | <ul style="list-style-type: none"> <li>□ Mediation</li> <li>□ Legal services</li> <li>□ Credit repair</li> <li>□ Short-term and Medium-term Rental Assistance</li> <li>• Short-term rental assistance up to 3 months of rent</li> <li>• Medium-term rental assistance for more than 3 months but not more than 24 months</li> <li>• Payment of rental arrears for up to 6 months of rent in arrears, including any late fees</li> <li>• Rental assistance may be tenant-based or project-based</li> </ul> |   |  | <p>including any late fees</p> <ul style="list-style-type: none"> <li>• Security deposits. ESG funds may pay for a security deposit that is equal to no more than 2 months' rent.</li> <li>• Last month's rent. Must not exceed one month's rent and must be included in calculating the program participant's total rental assistance, which cannot exceed 24 months during any 3-year period.</li> <li>• Housing stability case management. Cannot exceed 30 days during the period the program participant is seeking permanent housing and cannot exceed 24 months during the period the program participant is living in permanent housing.</li> </ul> |
| Permanent Supportive Housing | CoC | Category 3<br>Category 4 | <p>Rental assistance for length of eligibility</p> <p>Other direct support services (childcare, transportation, utility)</p> <p>Voluntary case management with initial weekly contact up to monthly and regular in-home visits</p> <p>Linkage to mainstream services</p> <p>Housing Stability Plan</p>  | <p>Persons who are literally homeless or exiting TH or RRH AND has at least one household member with a documented disability in the family. CH must have an adult member with a disability and have at least one year of</p> | <p>Category 1: Unsheltered &amp; Disabled</p> <p>Category 1: Emergency Shelter &amp; Disabled</p> <p>Exiting TH: entered as homeless with a disability</p> | N/A   |

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|  |  |  |  |   |                           |  |
|--|--|--|--|---|---------------------------|--|
|  |  |  |  | homelessness or 4+ episodes in the past four years. | Highest priority homeless |  |
|--|--|--|--|---|---------------------------|--|

\*Note that all grantees are responsible for understanding and abiding by the allowable costs for their respective programs as listed in their annual grant agreement or amended grant agreement. Grantees should also refer to the eligible program components listed in the CoC and ESG Interim Rules and Regulations.

**ESG:** To be eligible for assistance for homelessness prevention, gross household income must be below 30 percent area median income (AMI) for the county in which the household is residing. There is no income requirement at program entry for rapid rehousing, however, the household must be below 30 percent AMI at the annual recertification.

Re-evaluations for homelessness prevention and rapid rehousing assistance: The subrecipient must re-evaluate the program participant's eligibility and the types and amounts of assistance the program participant needs not less than once every three months for program participants receiving homelessness prevention assistance, and not less than once annually for program participants receiving rapid rehousing assistance. At a minimum, each re-evaluation of eligibility must establish that:

1. The program participant does not have an annual income that exceeds 30 percent of median family income for the area, as determined by HUD; and
2. The program participant lacks sufficient resources and support networks necessary to retain housing without ESG assistance.

The subrecipient may require each program participant receiving homelessness prevention or rapid re-housing assistance to notify the recipient or subrecipient regarding changes in the program participant's income or other circumstances (e.g., changes in household composition) that affect the program participant's need for assistance under ESG. When notified of a relevant change, the subrecipient must re-evaluate the program participant's eligibility and the amount and types of assistance the program participant needs.

#### C. Performance Standards

1. The project must target those in most need of assistance by following the [CARES Prioritization Policy](#).
2. Projects should strive to reduce the length of time persons are homeless by:
  - a. Assuring data is current (entered in a timely manner per HMIS and CARES policies) and accurate when entering and exiting households in HMIS or alternative databases;
  - b. Support clients in housing search to secure housing more rapidly; and
  - c. Utilize the Housing First approach providing permanent housing to people experiencing homelessness quickly without preconditions or service participation requirements, thus ending their homelessness and serving as a platform for which they can pursue personal goals and improve their quality of life.
3. Projects should assure all staff participate in all trainings required by the ND CoC, DCS, or other funders.
4. Programs must abide by Fair Housing and Equal Access Rules.
5. Programs design must support housing stability by:
  - a. Facilitating connections to mainstream and community supports;

- b. CoC: Having contact with households at least weekly during the first year if services are provided and have regular in-home contact.

ESG: Housing stability case management. While providing homelessness prevention or rapid rehousing assistance to a program participant, the subrecipient must:

- Require the program participant to meet with a case manager not less than once per month to assist the program participant in ensuring long-term housing stability; and
- Develop a plan to assist the program participant to retain permanent housing after the ESG assistance ends, taking into account all relevant considerations, such as the program participant's current or expected income and expenses; other public or private assistance for which the program participant will be eligible and likely to receive; and the relative affordability of available housing in the area.

The recipient or subrecipient is exempt from the requirement if the Violence Against Women Act of 1994 (42 U.S.C. 13701 et seq.) or the Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.) prohibits that recipient or subrecipient from making its shelter or housing conditional on the participant's acceptance of services.

This assistance cannot exceed 30 days during the period the program participant is seeking permanent housing and cannot exceed 24 months during the period the program participant is living in permanent housing.

- c. Focusing on increasing household income, both earned and unearned;
  - d. Using creative engagement strategies; and
  - e. Integrating transition strategies to support smooth exit from program assistance.
6. Program funded activities effectiveness at fulfilling the needs they were intended to meet.
7. Program's compliance with these Written Standards.
8. Projects have a plan to review and use of performance outcomes to improve performance.
- D. Documentation Requirements: All programs must verify and retain in each household's file proof of program eligibility. This may include one or more of the following depending on funding source:
1. At-Risk of Homelessness Certification: ESG programs must complete the form and provide appropriate document as indicated on the form.
  2. Homeless Definition Certification: Must be completed for each household receiving ESG or CoC housing program.
  3. Disability Verification: CoC PSH will need to document disability status according to HUD requirements. A sample form is available on the [HUD Exchange website](#).
  4. Income Documentation: All sources of household income must be verified and documented at intake and updated every three months (ESG and CoC TH and RRH) or yearly (CoC PSH).
    - a. ESG: To be eligible for assistance, gross household income must be below 30 percent area median income (AMI) for the county in which the household

is residing for homelessness prevention. There is no income requirement at program entry for rapid rehousing, however, the household must be below 30 percent AMI at the annual recertification.

5. Prevention Screen: All ESG funded prevention programs will complete the CARES Housing Crisis Triage to determine level of assistance.
6. CARES Housing Prioritization Tool: All ESG and CoC funded housing programs will complete the CARES Housing Prioritization Tool (formerly known as the VI-SPDAT + Supplement) prior to entry into TH, RRH, or PSH.
7. Self-Certification: Must be completed if required verifications/other documentation cannot be secured and self-certification is the only way to verify information to determine program eligibility.
8. Lease Agreement: Tenants of CoC scattered site housing programs hold their own lease agreement.  
  
ESG: A lease is required for households receiving financial assistance such as rental assistance, security deposits, rental arrearages, and utility payments/deposits.
9. VAWA Forms: All ESG and CoC housing programs must provide recipients with VAWA forms HUD-5380 Notice of Occupancy Rights and HUD-91067 Lease Addendum.
10. Housing Plan: A Housing Plan must be completed for all individuals that receive a housing assessment and are determined eligible for services.
11. Rent Reasonableness: ESG and CoC programs must complete and file a Rent Reasonableness form for rental assistance above Fair Market Rent (FMR).
12. Habitability Standards Inspection Form: All units must meet Habitability Standards before financial assistance can be provided for rent, security deposits, rental arrears, and utility payments.
13. Lead-Based Paint Inspection: Lead-Based Paint Inspection is required for housing for properties if built before 1978 and if a child aged 6 or younger or a pregnant woman will be residing in the unit.
14. Annual Reports: Consolidated Annual Performance and Evaluation Report or HUD Annual Performance Reports are due for all funded programs on or before the annual deadline.
15. Universal Data Elements: All projects are required to collect and report upon the required Universal Data Elements for their program. Data is to be current and accurate when reporting.
16. Identification Documentation: There must be identification documentation for all household members whether receiving case management and/or financial assistance. Documentation must be a copy of one of the following: driver's license, social security card, Medicaid card, birth certificate, or passport.
- E. Release of Information Form: A Release of Information form must be signed by each household member aged 18 or older with a copy in file. Data Security and Privacy: All programs must assure they are following HMIS data security and privacy requirements including but not limited to completing the CARES and ESG Release of Information. A full list of data security and privacy requirements can be found on the ND HMIS website in the HMIS Policy Manual. ROI's must be signed for each adult member over age 18.

F. Performance Evaluation

Outcome Measures. The ND CoC has established the following targets for ND CoC and ESG programs related to performance outcomes:

| Measurements            | Outreach                                | Shelters                                | TH  | RRH   | PSH   |
|-------------------------|---|---|---|---|---|
| Returns to Homelessness | 25% or less will return to homelessness | 25% or less will return to homelessness | 10% or less will return to homelessness   | 10% or less will return to homelessness   | 5% or less will return to homelessness  |
| Housing Retention       | N/A                                     | N/A                                     | 80% or more of all participants will exit to permanent housing destinations             | 80% or more of all participants will exit to permanent housing destinations             | 90% or more of all participants will remain stable in PSH or exit to other permanent housing destinations |
| Job & Income Growth     | N/A                                     | N/A                                     | 25% or more of adult participants will increase income from employment or other sources | 25% or more of adult participants will increase income from employment or other sources | 25% or more of adult participants will increase income from employment or other sources                   |

The ND-500 CoC Written Standards for ESG and CoC Programs were approved by the ND Department of Commerce on March 31, 2022, the ND CoC Board on April 18, 2022 and the full CoC membership on May 4, 2022.

\_\_\_\_\_  
CoC Coordinator, ND Continuum of Care

\_\_\_\_\_  
Date

\_\_\_\_\_  
ND Department of Commerce

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chair, ND CoC Board

\_\_\_\_\_  
Date

# 2022 HOME Program Distribution Statement

**DRAFT Pending HUD Approval**



Planning and Housing Development Division  
2624 Vermont Ave.  
PO Box 1535  
Bismarck, ND 58502-1535

800/292-8621 or 701-328-8080  
800/435-8590 (Spanish)  
800/366-6889 (TTY)  
[www.ndhfa.org](http://www.ndhfa.org) • [hfainfo@nd.gov](mailto:hfainfo@nd.gov)



## 2022 HOME PROGRAM DISTRIBUTION STATEMENT

The Department of Housing and Urban Development (HUD) has designated the State of North Dakota as a Participating Jurisdiction (PJ) and as such it may apply for and distribute HOME funds. The agency responsible for administration of the North Dakota HOME Program is the North Dakota Housing Finance Agency (Agency).

This is a description of how the state plans to distribute FY 2022 HOME funds and administer its program. The plan demonstrates consistency with the goals identified in the state's Consolidated Plan (CP). Accordingly, the state will use its HOME funds for the following activities to help meet the identified housing needs:

- Rehabilitation of Owner-occupied and Rental Property
- Acquisition, New Construction, Site Improvements, or Demolition Linked to a Project
- Homebuyer Assistance
- Administrative Costs

## TIMELY PRODUCTION AND OCCUPANCY OF ASSISTED HOUSING

The 2013 Final Rule revised a number of commitment and completion deadlines and imposed new occupancy deadlines:

- **HOME projects must be completed within 4 (four) years of commitment.** Any project that is not completed in a timely manner will be terminated and PJs will be required to repay HOME funds drawn. [§92.206(a)(2)]
- **HOME-assisted rental units must be occupied by income-eligible households within 18 months of project completion.** If not, PJs must repay HOME funds for the vacant units. (Note: for units that remain vacant for six months following completion, the PJ must identify and develop an enhanced marketing plan and report this information to HUD). [§92.252]
- **A homebuyer unit must have a ratified sales contract within nine months of construction completion.** The PJ and Subrecipients must either convert the unit to a HOME rental property or repay the full HOME investment. [§92.254(a)(3)]
- **The Consolidated Appropriations Act of 2019 (PL 116-6) temporarily suspended the Community Development Housing Organization (CHDO) 24-month commitment requirement for set-aside funds to specific projects (Section 231(b)). The suspension applies to 2018-2021 CHDO funds.**
  - This appropriation act also continues the temporary suspension of the regular HOME funds 24-month commitment requirement to specific projects for 2016-2021 funds. The Consolidated Appropriations Act of 2020 (PL 116-94) added 2022 to the years covered by the suspension.
  - Both commitment requirements are suspended through December 31, 2022.
- **CHDO Fund Set-Aside**
  - PJs shall reserve not less than fifteen percent (15 percent) of the grant for projects to be developed, sponsored, or owned by community housing development organizations.
  - If after 24 months those funds are not committed, PJs may elect to use the funds for any HOME project and are no longer restricted to CHDO projects.
  - Uncommitted CHDO set-aside funds at the end of the 24 month period may be reprogrammed to other eligible HOME activities, subject to procedures established by HUD.

- The PJ can no longer "reserve" CHDO funds for future projects identified at a later date. [*§92.2 Commitment, §92.300(a)(1)*]
- Since FY 2015 appropriations, HOME funds have a period of 9 (nine) fiscal years until expiration. This period is based on 4 (four) fiscal years during which HUD may obligate funds to the PJ (i.e. period of availability in the appropriation act) plus the 5 (five) year expenditure deadline beginning after the last day of the month in which HUD notifies the PJ of HUD's execution of the HOME Investment Partnership Agreement for a specific fiscal year allocation. Any funds that are not expended before this deadline will be deobligated by HUD. This nine-year period is determined annually by Congress, which generally begins when Congress appropriates the Federal funds to HUD. [*§92.500(d)(1)(A) and (C), and §92.500(d)(2)*]

#### **DISTRIBUTION PLAN**

The state will administer its program through Subrecipients, non-and-for-profits, and CHDOs. The HOME Program funds will be allocated to Subrecipients through a non-competitive set-aside. The non-and-for-profit and CHDO category will be competitive and receives awards based on scoring criteria. If CHDO funds remain, the Agency may open the second round of CHDO applications, at its discretion, accepted from CHDOs only.

Applicants new to the HOME Program are required to partner with an experienced developer, sponsor, or consultant (i.e., someone with completed projects and operating successfully). A CHDO must have a history of serving the community within which housing to be assisted with HOME funds is to be located. In general, an organization must be able to show one year of serving the community before HOME funds are reserved for the organization and have demonstrated capacity for carrying out housing projects assisted with HOME funds. [*§92.2*]

**The state may reallocate funds based on high demand, a natural disaster, or other determinations where performance-based measures have not been met. If during the preparation of the next program year Annual Action Plan, there are project funds set-aside for single family rehabilitation or homebuyer down payment assistance that have not been applied for or committed, the State may reallocate those funds to the Rental Production and Rehabilitation General Pool. Uncommitted CHDO set-aside funds at the end of the 24-month period may be reprogrammed to other eligible HOME activities, subject to procedures established by HUD.**

State Program Income, Repayments, and Recaptured Funds received by the Agency will be allocated, at the Agency's sole discretion, to any Project completing an Eligible Activity, in the proceeding program year and shall be committed to Project(s) prior to any newly allocated HOME funds are drawn from the Treasury account, except for funds in the Treasury account which are required to be reserved, in accordance with the HUD Interim Final Rule for the HOME program published 12/2/2016 and 24 CFR Part 92.503.

#### **HOME Projects and Eligible Activities**

The HOME Program focuses on 3 (three) major housing needs:

1. Single-family Homeowner Rehabilitation
2. Rental Production and Rehabilitation
3. Homebuyer Down Payment Assistance

Each of these housing needs is considered a high or medium priority need for the use of HOME funds. These needs are addressed and prioritized locally by set-asides, determined by the Agency, to their recipients and Subrecipients. Each Subrecipient delivers the HOME Program in their respective geographic jurisdiction. Each year, the state will review the needs and completed goals to determine if goals will be updated based on the new developments which create changing housing needs around the

state

#### **HOME Performance Measures**

Recipients and Subrecipients are required to report performance data for all activities. Performance data reporting consists of entering one of three objectives for the program:

1) Create a Suitable Living Environment; 2) Provide Decent Affordable Housing; and 3) Create Economic Opportunities. In addition, the following appropriate outcomes are also required: Availability/Accessibility, and Affordability, or Sustainability. Based on the objectives and outcomes selected, the system will populate the specific output indicators for each activity. The Agency will then enter this information on HUD's Integrated Disbursement and Information System (IDIS).

| 2022 Summary of Funding ESTIMATE*  |                       |                       |                  |
|--|-----------------------|-----------------------|------------------|
| *Funding levels are subject to receipt of a HUD Allocation Notice and any Program Income Received prior to July 1, 2022. |                       |                       |                  |
| Any additional funds received will be allocated to the Rental Production and Rehabilitation Project Funding              |                       |                       |                  |
| Annual HUD Allocation  | \$3,000,039.00        |                       |                  |
| Program Income   | *\$80,312.60          |                       |                  |
| Recaptured Funds   |                       |                       |                  |
| Prior Years Project Funds Unobligated  | \$2,420,214.10        |                       |                  |
| Total Allocation   | \$5,500,565.70        |                       |                  |
| Total Available for Project Set-Aside  | \$5,200,565.70        |                       |                  |
| Total Available for Administration Set-Aside<br>(maximum of 10% of HUD allocation)                                       | \$300,000             |                       |                  |
|  |                       |                       |                  |
| <b>Project/ Eligible Activity &amp; Anticipated Applicants</b>   | <b>Projects</b>       | <b>Administration</b> | <b>Operating</b> |
| <b>Single-Family Homeowner Rehabilitation</b>  |                       |                       |                  |
| Community Action Opportunities, Inc. (Reg. II)   | \$140,000.00          | \$10,000.00           |                  |
| Dakota Prairie Community Action Agency (Reg. III)  | \$140,000.00          | \$10,000.00           |                  |
| Red River Valley Community Action (Reg. IV)  | \$140,000.00          | \$10,000.00           |                  |
| Southeastern ND Community Action Agency (Reg. V)   | \$140,000.00          | \$10,000.00           |                  |
| Community Action Program Region VII, Inc. (Reg. VII)   | \$140,000.00          | \$10,000.00           |                  |
| Community Action Partnership (Reg. I & Reg. VIII)  | \$140,000.00          | \$10,000.00           |                  |
| <b>Rental Production and Rehabilitation</b>  |                       |                       |                  |
| CHDO Reserve   | \$450,000             | \$0.00                | \$0.00           |
| General Pool Funds   | \$3,410,565.70        |                       |                  |
| <b>Homebuyer Down Payment Assistance</b>   |                       |                       |                  |
| Grand Forks Community Land Trust   | \$500,000             | \$0.00                |                  |
|  |                       |                       |                  |
| <b>State PJ Administration</b>   |                       | \$240,000             |                  |
| <b>TOTAL</b>   | <b>\$5,200,565.70</b> | <b>\$300,000</b>      | <b>0</b>         |

### **Project Descriptions and Application Process**

All recipients are expected to locally meet the HOME Program match requirement of 25 percent unless specifically waived by the Agency. All estimated match must be reported at project application and finalized before final draw.

Only HOME assistance forms listed in Part 92.205(b) will be allowed. Applicants should use private funds, tax credits, Rural Development, Federal Home Loan Bank, Community Development Block Grant, North Dakota Housing Incentive Fund, Department of Energy, Housing Trust Fund, or other grant/loan programs to help leverage HOME activities.

Additional match sources not identified by close-out in IDIS must be reported throughout the period of affordability. **Match source data must be submitted to the Agency no later than July 15<sup>th</sup> of each year.**

### **Administration**

The Agency is allowed to receive HOME funds for Administrative expenses. These costs may not exceed ten percent (10%) of the that year's newly awarded annual HOME allocation for North Dakota.

### **Subrecipient Definition**

A Subrecipient is defined as a public agency or non-profit organization selected by the Agency to administer all or some of the Agency's HOME programs. A public agency or non-profit organization which receives HOME funds solely as a developer or owner of a housing project is not a Subrecipient. The Agency's selection of a Subrecipient is not subject to the procurement procedures and requirements. Single Family Homeowner Rehabilitation and Homebuyer Down payment Assistance programs will be delivered through subrecipients.

### Single Family Homeowner Rehabilitation

HOME funds will be set aside for Community Action Agencies (CAAs) which have fully expended and closed out all HOME funding from previous 2016-2019 funding years. **A complete HOME Annual Application Plan must be submitted to the Agency. Applications may be submitted beginning August 1, 2022 and will be accepted until fully awarded.**

Financial Awards will be provided for each approved CAA application. Funds from one award may not be used for any other activity than what was approved.

Eligible activities can include all necessary rehabilitation required to bring an existing owner-occupied home up to the HOME property standards as defined in 92.251(b) and the North Dakota State Building Code (or locally amended North Dakota State Building Code). Rehabilitation work must meet all applicable state and local code requirements. When rehabilitation is selected as a regional priority, neither the estimated value of the house prior to rehabilitation nor the after-rehab value of the housing shall exceed the annually published HOME Homeownership Value Limits for the county in which property is located. (Each homeowner will be required to sign a Housing Rehabilitation Program Homeowner Agreement and must also sign a restrictive land use covenant prior to work beginning or a final LURA at project completion.

**Please note that no choice-limiting action may be taken and no construction activity may begin until the environmental review has been completed, an authorization to proceed has been issued, and the Agency has issued a Release of Funds for any Project.**

The period of affordability is as follows:

| HOME Assistance Per Unit               | Minimum Period of Affordability |
|--|---------------------------------|
| Single-Family Homeowner Rehabilitation | 5 yrs.                          |

The terms of the agreement for repayment may allow for a pro-rata reduction of the recapture amount in monthly increments. Below is an example of a five-year plan:

| Month | Recapture | Month | Recapture | Month | Recapture | Month | Recapture | Month | Recapture | Month | Recapture |
|-------|-----------|-------|-----------|-------|-----------|-------|-----------|-------|-----------|-------|-----------|
| 1     | 100%      | 11    | 83.3%     | 21    | 66.6%     | 31    | 50.0%     | 41    | 33.3%     | 51    | 16.6%     |
| 2     | 98.3%     | 12    | 81.6%     | 22    | 65.0%     | 32    | 48.3%     | 42    | 31.6%     | 52    | 15.0%     |
| 3     | 96.6%     | 13    | 80.0%     | 23    | 63.3%     | 33    | 46.6%     | 43    | 30.0%     | 53    | 13.3%     |
| 4     | 95.0%     | 14    | 78.3%     | 24    | 61.6%     | 34    | 45.0%     | 44    | 28.3%     | 54    | 11.6%     |
| 5     | 93.3%     | 15    | 76.6%     | 25    | 60.0%     | 35    | 43.3%     | 45    | 26.6%     | 55    | 10.0%     |
| 6     | 91.6%     | 16    | 75.0%     | 26    | 58.3%     | 36    | 41.6%     | 46    | 25.0%     | 56    | 8.3%      |
| 7     | 90.0%     | 17    | 73.3%     | 27    | 56.6%     | 37    | 40.0%     | 47    | 23.3%     | 57    | 6.6%      |
| 8     | 88.3%     | 18    | 71.6%     | 28    | 55.0%     | 38    | 38.3%     | 48    | 21.6%     | 58    | 5.0%      |
| 9     | 86.6%     | 19    | 70.0%     | 29    | 53.3%     | 39    | 36.6%     | 49    | 20.0%     | 59    | 3.3%      |
| 10    | 85.0%     | 20    | 68.3%     | 30    | 51.6%     | 40    | 35.0%     | 50    | 18.3%     | 60    | 1.6%      |

When housing rehabilitation is selected, each CAA must develop Homeowner Rehabilitation Policies and Procedures. The Policies and Procedures must be submitted with the CAA's Annual Application and contain the following:

- The criteria used to determine applicant eligibility based on income as defined by either Part5/Section 8 annual income or adjusted gross income as defined for reporting on IRS Form 1040, assets, ownership, occupancy, and location. Any priorities which are used to select households for assistance (e.g., households with income less than 50 percent of median annual income) along with how the income information will be verified.
- Provide the CAA Affirmative Marketing requirements and procedures. (24 CFR 92.351)
- The types of property or properties eligible for assistance (e.g., single-family unit, condominium unit, mobile home/manufactured home [permanent foundation on private lot]).

and cooperative unit).

- d. Provide a description of any type of homeowner contribution required (cash, labor, or materials).
- e. A description of how you will inspect for HOME property standards as defined in 92.251(b). Assurance that all work complies with the North Dakota State Building Code (or a locally amended North Dakota State Building Code) and Agency Minimum Housing Rehabilitation and Property Standards. Also include how your agency will assure that newly constructed housing meets the current edition of the Model Energy Code, Uniform Building Code, and Uniform Mechanical Code.
- f. Define how you will meet lead-based paint regulations of section §92.355 and 24 CFR Part 35.
- g. Describe the minimum and maximum amount of assistance allowed along with the terms of the assistance. Indicate what will happen if a house cannot be brought up to HOME property standards with the maximum investment.
- h. Describe how you will assure that no more than the necessary amounts of HOME Program funds are invested in any one project (Layering).
- i. Specify the form of financial assistance in which HOME funds are provided (e.g. grant or deferred-payment loan).
- j. Address special requirements for reconstruction or rehabilitation of manufactured housing units as set forth in section §92.251(e).
- k. Describe the process for written construction documents and cost estimates as required by 92.251(b)(2), contractor selection to ensure cost reasonableness, and inspections and approvals of work as required by 92.251(b)(3).
- l. Define the staff, owner, and contractor roles and responsibilities. Include a grievance procedure for applicants and disputes between an owner and a contractor.
- m. Provide a statement that outlines your conflict-of-interest policy in Section II, HOME Statement of Assurances, and
- n. Describe the homeowner counseling services that are available to each client.

#### **Uncommitted Funds**

If by January 1, 2023 there remains uncommitted set-aside funds under the single-family rehabilitation project, CAAs who have expended and drawn down 75 percent of any outstanding grant award(s) may apply for remaining funds. **Eligible awardees may request an amendment to their existing award at any date after January 2, of the calendar year proceeding the current award's issuance. Any uncommitted HOME Funds as of August 1, 2023 will be reallocated to Rental Production and Rehabilitation's General Pool Funds.**

#### **Recaptured Funds**

The recaptured funds must be returned to the Agency to be used to carry out HOME-Eligible Activities

### **Homebuyer Down Payment Assistance**

When funds are made available, a non-profit Community Land Trust (CLT) registered with North Dakota Secretary of State which operates with in the state of North Dakota, may apply for funding under this program. The CLT must demonstrate community support and capacity to undertake activities including but not limited to experience and financial stability.

- a. Assistance may only be provided to homebuyers whose income (Section 8 definition) does not exceed 80 percent (80%) of the median for the area.
- b. Assisted housing may be either a single-family dwelling, condominium, cooperative unit, or manufactured housing.
- c. The Subrecipient must demonstrate compliance with the Agency homebuyer guidelines and performs sound underwriting of the homebuyer's ability to afford and sustain homeownership.
- d. All homebuyers assisted under the HOME program must receive housing counseling that is performed by a certified housing counselor who has passed the HUD certification examination and is employed by a HUD-approved housing counseling agency prior to receiving homebuyer assistance as required at 24 CFR 254(a)(3).
- e. The Agency will determine which level of environmental review (CEST or CENST) and procedures that will be required for the homebuyer project according to 24 CFR Part 58 definitions and the procedures and in 24 CFR 92.352.
  - Homebuyer acquisition providing only down payment assistance are Categorically Excluded but Not Subject to Other Federal Laws and Authorities (CENST) as long as the project meets one of the following criteria:
    - Activities to assist homebuyers to purchase an existing dwelling unit or dwelling units under construction, including closing costs and down payment assistance  
\*These units must be constructed or under construction at the time of application.
    - \* The ONLY activities that can be initiated prior to the Agency releasing funds are costs associated with program administration, project delivery cost necessary to determine eligibility and underwrite the household, contracting for preliminary architectural/engineering fees, and costs associated with the environmental review process
    - For all other activities, Subrecipients cannot obligate or incur costs or draw down funds until the environmental review requirements are satisfied, and the Agency has released funds to the project.
- f. If only acquisition assistance (down payment assistance) is provided, the property must meet the Uniform Physical Condition Standards (UPCS) and all applicable State and local housing quality standards, habitability standards, and code requirements at the time of initial occupancy as required at 92.251(c)(3).
- g. If the project includes acquisition assistance and rehabilitation, the property must be free from health or safety hazards before occupancy and within six months of the transfer of ownership and meet all applicable State and local housing quality standards and code requirements. The housing must not contain the specific deficiencies proscribed by HUD based on the applicable inspectable items and inspected areas in HUD-prescribed physical inspection procedures (UPCS) issued pursuant to 24 CFR 5.705.
- h. The housing must comply with HUD's Lead Safe Housing Regulations. All lead-based paint hazards must be identified and subsequently addressed (reduced) per the regulations of section §92.355 and 24 CFR Part 35.

- j. The Subrecipient must inspect the housing and document this compliance based upon an inspection that is conducted no earlier than 90 days before the commitment of HOME assistance. If the housing does not meet these standards, the housing must be rehabilitated to meet these standards, or it cannot be acquired with HOME funds. New construction must conform to all local building code requirements.
- j. A certified appraisal is required prior to acquisition to determine the initial purchase price. Neither the purchase price nor the appraised value of a HOME assisted property may exceed the annually published HOME and Housing Trust Fund Homeownership Value Limits for the county in which property is located.
- k. The minimum HOME assistance is \$1,000 per unit.
- i. **Period of Affordability (POA)**  
This period is based on the amount of direct HOME subsidy to the buyer, as follows:

| <b>HOME Down Payment Assistance to Homebuyer</b> | <b>Minimum Period of Affordability</b> |
|--|--|
| Less than \$15,000                               | 5 yrs.                                 |
| \$15,000 - \$40,000                              | 10 yrs.                                |
| More than \$40,000                               | 15 yrs.                                |

- m. Property must be occupied as a principal residence by the homebuyer and subsequent low-income buyers throughout the POA. No subleasing is allowed. The Subrecipient must monitor and verify primary residency of the homebuyer on an annual basis for the affordability period. The most current utility statement, proof of paid taxes, and homeowner's insurance are acceptable documentation.
- n. During grant monitoring of the Subrecipient, the Agency will review deed restrictions, covenants attached to the land, mortgages, or other similar mechanisms placed on the HOME-assisted property to ensure the provisions being used are in accordance with those stated in the written agreement with the Subrecipient.

#### Resale & Recapture Provisions

Resale will be required for CLT properties that are subject to ground lease controls. (Note: The HOME Final Rule also requires Resale restrictions to be used when there is no buyer assistance, which would only occur in development projects and not in a DPA-only program.) Recapture will be used for all other non-CLT properties.

#### Resale Provisions

The HOME resale requirements are established in the HOME rule at §92.254(a)(5)(i). Under HOME resale provisions, the PJ (and Program Administrator) is required to ensure that, when a HOME-assisted homebuyer sells his or her property voluntarily or involuntarily during the affordability period:

- The property is sold to another low-income homebuyer who will use the property as his or her principal residence;
- The original homeowner(s) receives a "fair return" on their investment, (i.e., the homeowner's share of the value of the property, including the value capital improvements made to the house); and
- The property is sold at a price that is "affordable to a reasonable range of low-income buyers."

Under resale, §92.254(a)(5)(i) of the HOME rule states that the period of affordability is based on the total amount of HOME funds invested in the housing. In a DPA-only program, this would include the assistance directly provided to the buyer plus any project delivery costs that are charged as project costs rather than as Administrative Costs.

| HOME Project Funds- | Minimum Period of Affordability |
|---------------------|---------------------------------|
| Less than \$15,000  | 5 yrs.                          |
| \$15,000 - \$40,000 | 10 yrs.                         |
| More than \$40,000  | 15 yrs.                         |

**Calculation of Resale Price and Fair Return.** When the homeowner sells, the following procedures and calculations will be used to determine the Fair Return to the seller as required by the HOME Final Rule:

1. Homeowner's Initial Ownership Interest – The homeowner's ownership interest at time of original purchase is the percentage of the Initial Appraised Value that the homeowner provided, as defined and calculated below.
  - a. Homeowner's Base Price: The price paid by the homeowner upon the execution of the Program Administrator Ground Lease. (Homeowner's Base Price equals the Homeowner's Ownership Interest at time of purchase.)
  - b. Initial Appraised Value of Home and Leased Land: The fee simple value of the home and the leased land based on an independent appraisal at time of original purchase.
  - c. Homeowner's Initial Ownership Interest (%): The Homeowner's Initial Ownership interest is the ratio of Homeowner's Base Price to Initial Appraised Value, expressed as a percentage.
2. Homeowner's Ownership Interest at Resale – The ownership interest at time of resale is determined through appraisal to include: the value of homeowner capital improvements and the homeowner's share of the appraised value of the property at resale.
  - a. Appraised Value at Resale: An independent appraisal determines the appraised value of Home and Leased Land at resale.
  - b. Value of Homeowner's Capital Improvements (if applicable): If the homeowner has submitted Capital Improvements, the appraised value of the improvements will be identified in the appraisal, and the homeowner will be credited with 100% of the appraised value of the improvements.
  - c. Appraised Value of Homeowner's Ownership Interest at Resale: The Appraised Value of the Homeowner's Ownership Interest is calculated by adding:
    - i. The Appraised Value of Homeowner's Capital Improvements plus
    - ii. The "net" Appraised Value at Resale (with Value of Capital Improvements subtracted) multiplied by the Homeowner's Initial Ownership Interest percentage.
3. Formula Resale Price – The resale price at time of resale is defined and calculated below.
  - a. Appraised Value of Increased Homeowner's Ownership Interest at Resale: This equals:
    - i. The Value of Homeowner's Capital Improvements (if any) plus
    - ii. The Homeowner's Share of the Increase in Appraised Value, which is the "net" increase in Appraised Value multiplied by 40%.
  - b. Maximum (Formula) Resale Price – The maximum price at which the home can be resold is determined by Formula Resale Price, which is calculated as:
    - i. The Homeowner's Base Price plus
    - ii. The Appraised Value of Increased Homeowner's Ownership Interest at resale (which includes 100% of the Value of Homeowner's Capital Improvements plus the Homeowner's Share of the Increase in Appraised Value.)
4. Purchase Option Price – The Purchase Option Price will be used if the Program Administrator elects to exercise the Purchase Option. If elected, the Purchase Option Price is the lesser of:
  - a. The Appraised Value of Homeowner's Ownership Interest at Resale (calculated in 2c above); or
  - b. The Formula Resale Price as defined in 3b above.

**Capital Improvements:** When a homeowner completes an eligible capital improvement to their community land trust home post-purchase, they are eligible for 100 percent of the improvement value and

appreciation deemed attributable to improvement. Eligible Improvements include:

- Increase in legal bedroom size;
- Increase in legal bathroom size;
- Addition of or substantial rehabilitation to garage;
- Other substantial modifications approved by the Program Administrator, which are anticipated to increase value by a minimum \$2,500 and increase functionality of the home. Improvements made solely for cosmetic purposes or considered routine maintenance will not be considered.

Improvements must comply with the ground lease, and documentation of completion must be submitted. Upon refinancing or resale, the homeowner must submit a request for capital improvements calculation. The Appraisal will indicate a monetary value of improvements, and the Formula Resale Price calculation will be modified to incorporate the capital improvements calculation.

Purchase Option Price and Formula Price Example. The following are examples of the calculations specified above, one for an appreciating value and one for declining value:

| Calculation Step                                       | Appreciating Value - Sample Calculation                |
|--|--|
| 1.a. Homeowner's Base Price                            | \$150,000  |
| 1.b. Initial Appraised Value                           | \$200,000  |
| 1.c. Homeowner's Initial Ownership Interest            | $\$150,000 / \$200,000 = 75\%$                         |
| 2.a. Appraised Value at Resale                         | \$240,000  |
| 2.b. Appraised Value of Capital Improvements           | \$10,000   |
| 2.c. Value of Homeowner's Interest at Resale           | $\$10,000 + (\$240,000 - \$10,000) * 75\% = \$182,500$ |
| 3.a. Value of Homeowner's Increased Interest at Resale | $\$10,000 + (\$172,500 - \$150,000) * 40\% = \$19,000$ |
| 3.c. Maximum (Formula) Resale Price                    | $\$150,000 + \$19,000 = \$169,000$                     |
| 4. Purchase Option Price                               | Lesser of \$182,500 & \$169,000 = \$169,000            |

| Calculation Step                                       | Declining Value - Sample Calculation                  |
|--|---|
| 1.a. Homeowner's Base Price                            | \$150,000   |
| 1.b. Initial Appraised Value                           | \$200,000   |
| 1.c. Homeowner's Initial Ownership Interest            | $\$150,000 / \$200,000 = 75\%$                        |
| 2.a. Appraised Value at Resale                         | \$180,000   |
| 2.b. Appraised Value of Capital Improvements           | \$8,000   |
| 2.c. Value of Homeowner's Interest at Resale           | $\$8,000 + (\$180,000 - \$10,000) * 75\% = \$135,500$ |
| 3.a. Value of Homeowner's Increased Interest at Resale | $\$8,000 + (\$135,500 - \$150,000) * 40\% = \$2,000$  |
| 3.c. Maximum (Formula) Resale Price                    | $\$150,000 + \$2,000 = \$152,000$                     |
| 4. Purchase Option Price                               | Lesser of \$135,500 & \$152,000 = \$135,500           |

Resale Requirements. During the period of affordability, the home must be resold to another Low-Income buyer approved by the Program Administrator. The Program Administrator may repurchase the home and convey it to an eligible LI buyer using the Purchase Option or permit the homeowner to find an eligible buyer, as described below.

Upon notice by the homeowner of intent to sell, the Program Administrator shall have the option to

purchase the home at the Purchase Option Price as defined above in step 4

If the Program Administrator elects to purchase the home, it may exercise the purchase option by either proceeding to purchase the home directly or assigning the Purchase Option to a HOME-eligible low-income person.

If the purchase (by Program Administrator or its assignee) is not completed within 120 days as stated in the executed Program Administrator Ground Lease, the homeowner may sell the home and homeowner's rights to the leased land for a price no greater than the then applicable Purchase Option Price, to any party if that party is a HOME-eligible low-income person.

If the Program Administrator does not exercise its option and complete the purchase of the homeowner's property as described above, and if the homeowner (a) is not then residing in the home and (b) continues to hold the homeowner's property out for sale but is unable to locate a buyer and execute a binding purchase and sale agreement within one year of the date of the Notice of Intent to Sell, then the Program Administrator may appoint its attorney in fact to seek a buyer, negotiate a reasonable price that furthers the purpose of the Program Administrator Ground Lease, sell the property, and pay to the homeowner the proceeds of the sale, minus the Program Administrator's costs of sale and any other sums owed to the Program Administrator by the homeowner.

#### Recapture Provisions

In all projects that are not CLT properties, the Recapture method will be used. The HOME recapture provisions are established at §92.254(a)(5)(ii). Unlike the resale approach, recapture permits the original homebuyer to sell the property to any willing buyer during the period of affordability and the PJ recaptures all or a portion of the HOME-assistance provided to the original homebuyer.

The HOME Final Rule permitted four models or options for recapture. NDHFA has elected the "full recapture" option. Under this option, the PJ (or Program Administrator) recaptures the entire amount of the direct HOME subsidy, subject to the net proceeds available from the sale, as defined below.

- The original direct HOME subsidy is the amount of HOME assistance that enabled the homebuyer to buy the unit. The direct subsidy includes downpayment, closing costs, interest subsidies, or other HOME assistance provided directly to the homebuyer. In addition, direct subsidy includes any assistance that reduced the purchase price from fair market value to an affordable price.
- Net proceeds are defined as the sales price minus superior loan repayment (other than HOME funds) and any closing costs incurred by the seller. Under no circumstances can the PJ (or Program Administrator) recapture more than is available from the net proceeds of the sale. Seller Costs must be supported by the Settlement Statement.

Subsequent Sale of Home to an Income Eligible Homebuyer. The HOME Final Rule at §92.254(a)(5)(ii) permits PJs to allow the subsequent homebuyer to assume the HOME assistance if:

- the homebuyer is Low-Income;
- no additional HOME assistance is provided; and
- the new buyer agrees to be subject to the HOME requirements for the remainder of the original period of affordability.

This option is authorized for this DPA program. If the Program Administrator determines through underwriting that the subsequent Low-Income homebuyer needs additional HOME assistance beyond the amount of the original HOME assistance, additional HOME homebuyer assistance may be provided and will be combined with their assumption amount of the existing note to determine the new POA and execute a new (replacement) written agreement and declaration of lien interest for the total assistance.

## **Rental Production and Rehabilitation**

### **Definitions**

**Affordability Period:** See Period of Affordability.

**Agency:** North Dakota Housing Finance Agency

**Area Median Income (AMI):** The midpoint of a county's income distribution. Half of families in a county earn more than the median and half earn less than the median. The Agency publishes Income Limits, based on household size, annually and from time-to-time as necessary.

**Broadband Infrastructure:** Cables, fiber optics, wiring, or other permanent infrastructure, including wireless infrastructure, resulting in broadband capability meeting the Federal Communication Commission (FCC) definition in effect at the time the pre-construction estimates are generated.

**Commitment Date:** The Effective Date of the HOME Loan Agreement. Often referred to as the closing date.

**Developing Community:** An incorporated city with a population less than 35,000 per the most recently available Annual Estimate of Residential Population for Incorporated Places provided by U.S. Census Bureau.

**Developing Rural Community:** An incorporated city with a population less than 3,500 per the most recently available Annual Estimate of Residential Population for Incorporated Places provided by U.S. Census Bureau.

**Eligible Applicants:** Units of local, state, and tribal government; local and tribal housing authorities; community action agencies; regional planning councils; and nonprofit organizations and for-profit developers. Individuals are not eligible to receive direct assistance from HOME.

**HOME-Assisted Units Calculation:** Calculated as a percentage of a project's Gross HOME Award in relation to the project's HOME-eligible project development costs. This percentage multiplied by the total number of units within the project (rounded-up to the nearest whole number) is the minimum number of HOME-Assisted Units within the project.

**Multifamily Project/Property:** Any building or group of buildings totaling four (4) or more permanent residential rental units operated as a single rental housing project.

**Period of Affordability:** A specific starting and ending date range, communicated to the awardees after a project's completion, at which the project is to comply with program rent and income restrictions.

**Total Development Cost:** The all-in cost of developing a rental housing project including pre-development, acquisition, hard and soft construction, hard and soft rehabilitation, and financing costs, as well as developer fees, and reserve accounts capitalization. Costs associated with commercial construction shall not be included.

### **General Pool Funds**

General Pool Funds are available to apply for under the Rental Production and Rehabilitation application round held annually in September. Any uncommitted funds will be carried over to the next program year's unobligated funds. Application requirements for rental production and rehabilitation are found in Section 3 of this document.

### **Match**

All CHDO and non-and-for-profit beneficiaries are expected to locally meet the HOME Program match requirement of 25 percent (25%), unless specifically waived by the Agency.

Only the forms of HOME assistance listed in Part 92.205(b) are allowed. Applicants should also use private funds, tax credits, Rural Development, Federal Home Loan Bank, CDBG, North Dakota Housing Incentive Fund, Department of Energy, Housing Trust Fund, or other grant/loan programs to help leverage HOME activities.

## Eligible Applicants

### Owner

Rental housing is considered "owned" if the housing organization is the owner in fee simple absolute of multifamily, or single-family housing (or has a long-term ground lease) for rental to low-income families in accordance with §92.252. If the housing is to be rehabilitated or constructed, the housing organization must prove internal capacity, or hire and oversee the developer that rehabilitates or constructs the housing. At minimum, the housing organization must hire or contract with an experienced project manager to oversee all aspects of the development, including: 1) obtaining zoning, 2) securing non-HOME financing, 3) selecting a developer or general contractor, 4) overseeing the progress of the work, and 5) determining reasonable costs. The housing organization must own the rental housing during development and for a period at least equal to the period of affordability in §92.252. If the housing organization acquires housing that meets the property standards in §92.251, the organization must own the rental housing for a period at least equal to the period of affordability in §92.252.

### Developer

Rental housing is "developed" by a housing organization if: 1) the housing development organization is the owner of multifamily or single-family housing in fee simple absolute (or has a long-term ground lease) and 2) the housing developer of new housing that will be constructed, or existing substandard housing that will be rehabilitated for rent to low-income families in accordance with §92.252. To be the "housing developer," the housing organization must be in sole charge of all aspects of the development process, including obtaining zoning, securing non-HOME financing, selecting architects, engineers, and general contractors, overseeing progress of the work, and determining reasonable costs. At a minimum, the housing development organization must own the housing during development, and for a period at least equal to the period of affordability in §92.252.

### Sponsor (CHDO only)

Rental housing is "sponsored" by a CHDO if the CHDO "developed" the rental housing project and agrees to convey details of the project to an identified, private nonprofit organization at a predetermined time after completion of the development of the project. Sponsored rental housing is subject to the following requirements:

- The private non-profit organization may not be created by a governmental entity; and
- The HOME funds must be provided to the entity that owns the project; and
- The HOME funds must be invested in the project that is owned by the CHDO; and
- Before commitment of HOME funds, the CHDO sponsor must select the private non-profit organization that will obtain ownership of the property; and
- The private non-profit organization assumes the CHDO's HOME obligations (including any repayment of loans) for the rental project at a specified time after completion of development; and
- If the housing is not transferred to the private non-profit organization, the CHDO organization sponsor remains responsible for the HOME assistance and the HOME project.

### Community Housing Development Organization (CHDO)

Eligible applicants include community-based non-profit 501(c)(3), 501(c)(4), or 905 (subordinate organization of a 501(c) organization) organizations with the mission statement that identifies decent,

affordable housing to low and moderate-income persons.

**The Agency will certify non-profit organizations that meet defined criteria as CHDOs in the HOME Investment Partnerships Program Final Rule Subpart A, §92.2. CHDOs must be certified annually by completing and submitting a CHDO Certification applications. Applications for certification are due by April 1<sup>st</sup> of each year. To apply for funding, a CHDO must have an updated certification.**

In addition, these organizations must meet and satisfactorily demonstrate the prescribed requirements. The Agency will be using the HUD guidance on CHDO qualifications. CHDO's are also eligible to participate in non-CHDO housing activities. **CHDOs must demonstrate to the Agency that their certification status is maintained during each year of the period of affordability (POA) of a rental development project.**

**Up to ten percent (10%) of the CHDO set-aside may be used for pre-development loans to assist specific projects at the discretion of the Agency.** Per 92.301 these loans can be used for technical assistance and site control, and seed money loans. The CHDO must repay the loan to the PJ from construction loan proceeds or other project income, or the loan may be combined with the subsequent CHDO project funding. The PJ may waive repayment of the loan, in part or in whole, if there are impediments to project development that the PJ determines are reasonably beyond the control of the borrower. Pre-development loan repayments must be sent to the Agency. The repaid funds will be added to the next FY allocation.

**CHDO Definition - A non-profit organization that:**

- (1) Is organized under state or local laws; and
- (2) Has no part of its net earnings inuring to the benefit of any member, founder, contributor, or individual; and
- (3) Is neither controlled by, nor under the direction of, individuals or entities seeking to derive profit or gain from the organization. A CHDO may be sponsored or created by a for-profit entity, but:
  - (i) The for-profit entity may not be an entity whose primary purpose is the development or management of housing, such as a builder, developer, or real estate management firm; and
  - (ii) The for-profit entity may not have the right to appoint more than one-third of the membership of the organization's governing body. Board members appointed by the for-profit entity may not appoint the remaining two-thirds of the board members; and
  - (iii) The CHDO must be free to contract for goods and services from vendors of its own choosing; and
  - (iv) The officers and employees of the for-profit entity may not be officers or employees of the CHDO.
- (4) Has a tax exemption ruling from the Internal Revenue Service under section 501(c)(3) or (4) of the Internal Revenue Code of 1986 (26 CFR 1.501(c)(3)-1 or 1.501(c)(4)-1)), is classified as a subordinate of a central organization non-profit under section 905 of the Internal Revenue Code of 1986, or if the private non-profit organization is a wholly owned entity that is disregarded as an entity separate from its owner for tax purposes (e.g., a single member limited liability company that is wholly owned by an organization that qualifies as tax-exempt), the owner organization has a tax exemption ruling from the Internal Revenue Service under section 501(c)(3) or (4) of the Internal Revenue Code of 1986 and meets the definition of "CHDO"; and

- (5) Is not a governmental entity (including the PJ, other jurisdiction, Indian tribe, public housing authority, Indian housing authority, housing finance agency, or redevelopment authority) and is not controlled by a governmental entity. An organization that is created by a governmental entity may qualify as a CHDO; however, the governmental entity may not have the right to appoint more than one-third of the membership of the organization's governing body and no more than one-third of the board members may be public officials or employees of governmental entity. Board members appointed by a governmental entity may not appoint the remaining two-thirds of the board members. The officers or employees of a governmental entity may not be officers or employees of a CHDO; and
- (6) Has standards of financial accountability that conform to 24 CFR 84.21, "Standards for Financial Management Systems"; and
- (7) Has among its purposes the provision of decent housing that is affordable to low-income and moderate-income persons, as evidenced in its charter, articles of incorporation, resolutions, or by-laws; and
- (8) Maintains accountability to low-income community residents by:
  - (i) Maintaining at least one-third of its governing board's membership for residents of low-income neighborhoods, other low-income community residents, or elected representative of low-income neighborhood organizations. For urban areas, "community" may be a neighborhood or neighborhoods, city, county, or metropolitan area; for rural areas, it may be a neighborhood or neighborhoods, town, village, county, or multi-county area (but not the entire state); and
  - (ii) Providing a formal process for low-income program beneficiaries to advise the organization in its decisions regarding the design, siting, development, and management of affordable housing; and
- (9) Has a demonstrated capacity for carrying out housing projects assisted with HOME funds. A designated organization undertaking development activities as a developer or sponsor must satisfy this requirement by having paid employees with housing development experience, who will work on projects assisted with HOME funds. For its first year of funding as a CHDO, an organization may satisfy this requirement through a contract with a consultant who has housing development experience to train appropriate key staff of the organization. An organization that will own housing must demonstrate capacity to act as owner of a project and meet the requirements of §92.300(a)(2). A non-profit organization does not meet the test of demonstrated capacity based on any person who is a volunteer or whose services are donated by another organization; and
- (10) Has a history of serving the community within which housing to be assisted with HOME funds is to be located. In general, an organization must be able to show one year of serving the community before HOME funds are reserved for the organization. However, a newly created organization formed by local churches, service organizations or neighborhood organizations may meet this requirement by demonstrating that its parent organization has at least one year of serving the community.

### Non-and-For-Profit Developers

**Note:** Non-and-for-profits are not required to be designated CHDOs to apply for HOME Program funding, but funding for such projects will not utilize funds reserved for a CHDO.

Non-and-for-profits can participate in the HOME Program as owners or developers of multi-family housing. The non-and-for-profit must not be disqualified from any program administered by the Agency or under debarment, proposed debarment or suspension by a federal agency.

The non-and-for-profit must be able to demonstrate technical expertise of staff and other project partners in housing production and management and meet the following criteria:

- The non-and-for-profit has successfully administered (this means following all the cross-cutting requirements, such as: Davis Bacon, Section 3, and Contract Compliance) at least one (1) HOME, CDBG, or NSP funded development of similar nature and scope; or
- Has a proven track record in affordable housing development and project management for a minimum period of five (5) years prior to the application submission date; and
- Documented capacity to carry out the long-term rental compliance responsibilities associated with the development through the period of affordability.

### Rental Production and Rehabilitation Application Process

**Applications for HOME Rental and Development are due by the last business day in September, each year.** The approval of applications for CHDOs and non-and-for-profit developers will be a competitive process in which applications that meet threshold requirements will be ranked and scored. Applications will be awarded a conditional commitment in order of highest score. **The Agency's Multifamily Housing Programs Application can be found at: <https://www.ndhfa.org/>**

### Underwriting Standards

The following HOME Program Underwriting standards are incorporated within the Application Exhibit A.

**Affordability Period:** Project type of New Construction and Acquisition of New Construction projects shall have a 20-year Affordability Period. Project types of Acquisition, Rehabilitation, or Acquisition & Rehabilitation shall have an Affordability Period determined by the amount of HOME Funds per HOME-Assisted Unit using the following chart:

| <b>HOME Funds per HOME-Assisted Unit</b> | <b>Affordability Period</b> |
|--|-----------------------------|
| Less than \$15,000.00                    | 5 years                     |
| \$15,000.00 to \$40,000.00               | 10 years                    |
| Greater than \$40,000.00                 | 15 years                    |

**Fixed or Floating Units:** Applicant shall make an election of the HOME-Assisted Units being fixed to specific units or floating throughout the entirety of the Project's total units.

**Rent Floor Election:** The currently published rent limits in-effect as of the project's Commitment Date shall be used to determine the lowest monthly gross rents required to meet throughout the Period of Affordability.

**Utility Allowance(s):** HUD Utility Schedule Model ("HUSM") or other Project-specific methodology which meets the HOME regulatory requirements shall be used. See *HOMElines – Vol. 13 No. 2* for further information on HUSM or other acceptable methodologies.

**Vacancy Factor:** Agency utilizes a minimum vacancy factor of 7.00% for projecting Effective Gross Income. For Project's in which one vacant unit would exceed 7.00% of the Project's total units, the percentage derived from one vacant unit shall be the minimum vacancy factor when projecting Effective Gross Income.

**HOME Cost Allocation:** Prior to a Conditional Commitment, issuance of a Financial Award, the Project's Closing, and Final Cost Certification the Agency shall review the HOME Cost Allocation within the Exhibit A for determination of the proposed or awarded HOME Funds Award not exceeding the Maximum Project Subsidy determined by the selected Cost Allocation Method. All necessary information, data, and elections must be entered into the Exhibit A to determine the Cost Allocation Method(s) which are acceptable to use. While more than one Cost Allocation Method may be acceptable to use, only one method should be completed per project.

### Maximum Award

Award Allocations from HOME for any single Multifamily Project will be limited to the lesser of:

- 1) The Maximum Project Subsidy determined from the selected HOME Cost Allocation Method.
- 2) An amount required to secure project financing and make the project financially feasible.
- 3) Seventy percent (70%) of the project's proposed hard construction costs.

Exceptions to these maximums may be made on a case-by-case basis, at the sole discretion of the Agency, to accomplish overall program goals.

HOME funds may only be expended on the actual costs, up to the maximum per-unit subsidy limit. The following are HOME Per-Unit Subsidy Limits, effective as of April 2022. Upon HUD's publication of updated per-unit subsidy limits, NDHFA shall immediately implement the updated limits. Applicants will be subject to HUD's currently in-effect limits.

| <b>Unit Type</b>  | <b>Unit Cost</b> |
|-------------------|------------------|
| Efficiency/Studio | \$ 159,754       |
| 1 Bedroom         | \$ 183,132       |
| 2 Bedroom         | \$ 222,694       |
| 3 Bedroom         | \$ 288,094       |
| 4 Bedroom         | \$ 316,236       |

### Threshold Requirements

Each application shall be reviewed for eligibility to be scored. To be eligible for scoring, an application must be fully executed, fully completed, and include the Threshold Requirements described in paragraphs A - J of this section.

An applicant may request an exemption to the requirement of attaching a CNA and/or appraisal to the application if there are other funding sources for the project which would, due to the timing, require additional costs or multiple reports. Any such exemption must be received within the project's application. If granted such an exemption(s), the application will not be subject to a five (5) point scoring deduction for the exempted requirement(s); however, the report(s) are required prior to the issuance of a Financial Award to the applicant.

- A. **Demonstrated Site Control:** Evidence the Applicant currently has and is contractually able to maintain throughout the entirety of the application period, site control of the entirety of the project's anticipated scope. An as-developed site plan must accompany the application.
- B. **Zoning Availability:** Evidence of current appropriate zoning for the entire scope of the proposed project. If current zoning does not comply, verification from the jurisdiction-having municipal office verifying, at a minimum, a preliminary review of the project's plans, proposed land use complies with the zoning type being sought.
- C. **Infrastructure and Utility Availability:** Evidence must be provided that appropriate infrastructure (i.e. roads, curb, gutter, etc.) and utilities (i.e. water, sewer, electricity, natural gas, Broadband Infrastructure, etc.) are in-place, or are able to be put in-place, and have adequate capacity to absorb the proposed project. Examples of evidence include letters from the applicable utility companies and the city official.
- D. **Development and Management Team:** Application must demonstrate, to the satisfaction of the Agency, all members of the team have the experience, ability, and financial capacity, in their respective roles, to develop, construct, own, operate, manage the project, and are familiar, and prepared to fully comply, with HOME's requirements.

Applications including any of the development and management team with limited experience in the development, construction, ownership, and/or management of an affordable Multifamily Project are encouraged to partner with an experienced developer, party, and/or sponsor. Agency may require the Applicant to provide historical financial statements as deemed necessary.

- E. **Ownership:** The applicant must be either the owner or developer of the project. If the Applicant intends to sell or transfer the project within five (5) years from the application date, the Applicant must disclose the intent to sell or transfer the project and, if known, the names and backgrounds of those

who will purchase or receive the project. Failure to provide this information may result in forfeiture of any outstanding Conditional Commitment or Financial Award.

- F. **Financial Projections:** A pro forma financial projection for the project, in the form of a fully completed Multifamily Application Exhibit A, must accompany the application.
- The reasonableness of development costs and operating expenses, in relation to other similar developments, will be assessed when the Agency evaluates a project's financial feasibility.
- The Agency reserves the right to decline any application if, during underwriting, the project is determined to have a hard-debt-service coverage ratio less than 1.10.
- G. **Subsidies:** The application package must include a signed certification as to the full extent of any federal, state and/or local subsidy that are expected to apply to the project.
- H. **Housing Need:** Completion of a comprehensive market study of the housing needs of low-income individuals in the area to be served by the project, at the developer's expense, by a disinterested party who is acceptable to the Agency, is required. The market study must demonstrate there is sufficient sustained demand in the market area to support the proposed development, and that the development of any additional affordable units will not have an adverse impact on the existing affordable units in the market area. The market study must have been completed within six (6) months of the Application Closing Date.
- I. **Capital Needs Assessment:** A Capital Needs Assessment (CNA) must be submitted with all application packages involving the acquisition of an existing building, rehabilitation, or adaptive reuse.
- The CNA must be completed by a competent, independent third-party acceptable to the Agency, such as a licensed architect and/or engineer. The assessment must include a site visit and a physical inspection of the interior and exterior of all units and structures, as well as an interview with available on-site property management and maintenance personnel to inquire about past repairs and improvements, pending repairs, and existing or chronic physical deficiencies.
- The assessment must consider the presence of environmental hazards such as asbestos, lead paint and mold on the site. The assessment must include an opinion as to the proposed budget for recommended improvements and should identify critical building systems or components that have reached or exceeded their expected useful lives. If the remaining useful life of any component is less than fifty percent (50%) of the expected useful life, immediate rehabilitation will be required unless capitalized. If the remaining useful life is less than the HOME Period of Affordability, the application package must provide for a practical way to finance the future replacement.
- The assessment must also include a projection of recurring probable expenditures for significant systems and components impacting use and tenancy, which are not considered operation or maintenance expenses, to determine the appropriate replacement reserve deposits on a per unit per year basis. The assessment will examine and analyze the following:
- a) Site, including topography, drainage, pavement, curbing, sidewalks, parking, landscaping, amenities, water, sewer, storm drainage, and gas and electric utilities and lines; and
  - b) Structural systems, both substructure and superstructure, including exterior walls and balconies, exterior doors and windows, roofing system, and drainage; and
  - c) Interiors, including unit and common area finishes (i.e. carpeting, tile, plaster walls, paint condition, etc.), unit kitchen finishes, cabinets and appliances, unit bathroom finishes and fixtures, and common area lobbies and corridors; and
  - d) Mechanical systems, including plumbing and domestic hot water, HVAC, electrical, lighting, fixtures, fire protection, and elevators.
- J. **Appraisal:** A project including acquisition costs or equity contributions of real estate anticipated to exceed fifteen percent (15%) of the project's Total Development Costs must attach an appraisal of the subject property to the application. The appraisal shall be completed no longer than six (6) months prior to the date of the application round's due date by a state-certified general real property appraiser, that supports the amount of acquisition.

### Cross-Cutting Exclusion

There are several broad Federal rules which must be adhered to while administering the program. While the Agency is responsible for implementing these rules, applicants and all the transaction's related entities must also be aware and actively ensure the Project complies.

Any applicant or proposed related party to a Project with substantial noncompliance, unresolved issues, or who have had substantial findings related to other Federal funds from the Agency including these Federal cross-cutting requirements within the last four years are not eligible to apply.

- 24 CFR 92.350 – Federal requirements set forth in 24 CFR part 5, subpart A: nondiscrimination, fair housing, and equal opportunity; disclosure requirements, debarred, suspended or ineligible contractors, drug-free work, and housing counseling
- 24 CFR 92.351 – Employment and Contracting; Affirmative marketing; minority outreach program; Section 3
- 24 CFR 92.352 – Environmental review
- 24 CFR 92.253 – Displacement, relocation, and acquisition
- 24 CFR 92.354 – Labor
- 24 CFR 92.355 – Lead-based Paint
- 24 CFR 92.356 – Conflict of interest
- 24 CFR 92.357 – Executive order 12372
- 24 CFR 92.358 – Consultant activities
- 24 CFR 92.359 – VAWA requirements

### Scoring Deductions

Applications not meeting a minimum HOME Matching Contribution (Scoring Criteria D) will be subject to a point reduction.

Applications missing any Threshold Requirement after the application deadline will be deemed incomplete and be given a reasonable amount of time to submit the missing requirement. However, a five (5) point scoring deduction will be assessed for EACH missing requirement.

### Scoring Criteria

Each application meeting the threshold requirements will be reviewed and assigned points according to the following selection criteria:

Applications must achieve a minimum score of 90 points to be eligible for funding.

Applicants may request no more than 70 percent of the Project's proposed hard construction costs from HOME.

**Initial Occupancy Rule:** HOME-Assisted Units restricted at HOME's 80% AMI limit shall be initially occupied by tenants with total household income at or below 80% AMI, subsequent occupants will then be subject to household income limit at or below 80% AMI.

**HOME-Assisted Units Rule:** If a project has five (5) or more HOME-Assisted Units, a minimum of 20% of the HOME-Assisted Units must be restricted at HOME's 50% AMI limit with Low-HOME Rent for the entirety of the Period of Affordability.

- |   |                        |
|---|------------------------|
| <b>A. Restricted Units</b>  | <b>Up to 11 points</b> |
| Points awarded based on the number of proposed HOME-Assisted Units:             |                        |
| • Each proposed HOME-Assisted Unit, up to eleven (11) units .....               | 1 point                |
| <b>B. HOME-Assisted Units Calculation</b>                                       | <b>Up to 20 points</b> |
| • HOME-Assisted Units Calculation is equal to or less than eleven (11) .....    | 15 points              |
| • Proposed HOME-Assisted Units equals the HOME-Assisted Units Calculation ..... | 5 points               |
| <b>C. Serves Developing Communities</b>   | <b>Up to 25 points</b> |

Points awarded when the proposed project is located in an incorporated city with a population less than 35,000 per the most recently available Annual Estimate of Residential Population for Incorporated Places provided by U.S. Census Bureau and is able to document to the satisfaction of the Agency an unmet housing need or housing shortage.

- Located within a Developing Community ..... 15 points
- Located within a Developing Rural Community..... 25 points

**D. HOME Matching Contribution Up to 25 points**

Points awarded for applications which include funding source(s), identified within the Exhibit A, sourced from a firm commitment from an eligible matching contribution, see 24 CFR 92.220.

- Combined value less than 25% of Total Development Costs ..... 20-point reduction
- Combined value of at least 25% of Total Development Costs ..... 25 points

**E. Readiness to Proceed Up to 25 points**

Applicants must provide a timeline for completion of the project. Points awarded in this category are based on earliest achievable completion of the activity. Such things as letters of interest or commitment for all sources of project financing; ownership of the land; and availability of infrastructure will be considered in the award of points. Points will be awarded at the sole discretion of Agency in comparison to other projects competing in the application round.

**F. New Construction Up to 20 points**

Points awarded for applications which primarily propose to create new structure(s) which will contain rental housing. An application is eligible for points under Scoring Category F or Scoring Category G, not both.

- >= \$110,000 < \$145,000 HOME Funds per HOME-Assisted Unit ..... 10 points
- >= \$145,000 < \$175,000 HOME Funds per HOME-Assisted Unit ..... 15 points
- >= \$175,000 HOME Funds per HOME-Assisted Unit ..... 20 points

**G. Rehabilitation Up to 30 points**

Points awarded for applications which primarily propose to rehabilitate existing structure(s) that are currently, or at-risk of becoming, uninhabitable or obsolete. An application is eligible for points under Scoring Category F or Scoring Category G, not both.

- >= \$75,000 < \$110,000 HOME Funds per HOME-Assisted Unit ..... 5 points
- >= \$110,000 < \$145,000 HOME Funds per HOME-Assisted Unit ..... 10 points
- >= \$145,000 < \$175,000 HOME Funds per HOME-Assisted Unit ..... 20 points
- >= \$175,000 HOME Funds per HOME-Assisted Unit ..... 30 points

For purposes of scoring within this category: Proposals in which an appropriate project-specific level of due diligence (which shall be included within the application package) has led to the development team's determination that demolition and replacement of existing structure(s) is a more appropriate and/or cost-effective development approach than rehabilitating the existing structure(s) shall qualify for scoring within this category. One-for-one unit replacement ratio minimum is required.

**H. Preserve Existing Affordability 5 - 10 points**

State or federally assisted projects, including those with expiring (within the next 36 months) project-based rental assistance contracts for 50 percent or more of the units, which are at-risk of being lost from the state's affordable housing inventory, and were not LIHTC projects, will receive 10 points. Projects at risk of losing federal financial assistance because of default on their federal contract are also eligible for points under this category.

Existing LIHTC projects that are in year-15 or later and did not waive the ability to opt out of the extended use period, will receive 10 points. LIHTC projects that waived their ability to opt out of the extended use period will receive 5 points.

Project applications which have secured, at least conditionally, a transfer of project-based rental assistance under Section 8(bb) of the United States Housing Act of 1937 (42 U.S.C. 1437f(bb)) will receive 10 points.

Provide a copy of all relevant documents as applicable including, but not limited to:

- a) HAP Contract; and
- b) Regulatory Agreement; and
- c) Filing documents of intent to opt out; and
- d) Loan documents that describe the ability to pre-pay the financing including required approvals and/or penalties; and
- e) Copy of most recent REAC, MOR, or RD inspection report or other evidence of physical deterioration that would threaten the HAP contract; and
- f) At least three market comparables for each bedroom size to indicate what market rents might be achievable at the project without the federal assistance restrictions; and
- g) Narrative describing the dissolution of current ownership/management entity capacity.
- h) Proof of 8(bb) transfer to the proposed project.

**I. Tenant Support Coordinator**

**5 - 10 points**

Projects which are committed to supporting tenants with special needs affecting their long-term housing stability and which create an environment that encourages and provides service coordination.

- (1) **Tenant Support Coordinator**  
Projects which provide, either through direct employment or by contract with an experienced third party, a dedicated Tenant Support Coordinator (TSC) for at least one hour per project unit per month will receive 5 points. The TSC would be required to develop and maintain working relationships with tenants in the project. The TSC's role is to increase the ability of all tenants to maintain stability and uphold lease obligations through the following: facilitating provision of supportive services by connecting tenants with appropriate providers, identifying needs for assistance, and educating tenants on available resources.
- (2) **Tenant Support Coordinator and Medicaid-Approved Service Provider**  
Projects which provide the TSC provisions in the preceding paragraph (1) and also enter into a formal letter of intent with one or more qualified service agencies with demonstrated experience providing housing stability services consistent with the needs of the project's residents will receive 10 points. The service provider(s) must also be able to process for Medicaid reimbursement. The letter of intent must be detailed regarding the suite of supports and services to be made available to tenants who need and want them.

Projects receiving points under this category must include tenant support coordination capable of the following, at a minimum:

- Support the person to understand and maintain income and benefits to retain housing;
  - Household budgeting and financial management;
  - Assistance in applying for benefits related to housing affordability;
  - Establishment of payee/guardian services as needed;
  - Assistance with the income recertification process;
  - Wealth and asset building initiatives.
- Support the building of natural housing supports and resources in the community;
  - Encouragement of community activity;
  - Facilitation of meetings with a tenant support team.
- Identify and prevent behaviors that may jeopardize continued housing;
  - Coordination with parole and probation requirements;
  - Collaboration with law enforcement (i.e. the creation of safety plans);
  - Training on lease compliance, household management and best practices of successful tenants.
- Promote health and wellbeing that enable tenants to retain housing;
  - Connecting tenants with health providers;
  - Assistance in securing and increasing employment;
  - Assistance in securing childcare;
  - Identifying educational opportunities in areas such as nutrition, education, and physical wellness;

- Parenting supports;
- Life coaching via peer support specialists;
- Facilitating connections to Home and Community-Based Care services..

A tenant selection plan must be provided as part of the initial application. The tenant selection plan must describe in detail how individuals and/or families with special needs will be identified, affirmatively marketed to, and assisted in renting units at the project.

Projects which received 10 points under this scoring category will be required to submit a formal executed agreement with each provider identified in the letter(s) of intent at the time of project completion.

Compliance monitoring activities will include:

- Confirmation of hiring or contracting with a TSC;
- Confirmation of the provision of the services pledged at the time of application; and
- Review of marketing efforts targeted at special needs populations.

For purposes of this scoring category, tenants with special needs include individuals or families who:

- Suffer from serious or persistent mental illness;
- Suffer from substance use disorders;
- Have disabilities, including intellectual, physical, or developmental;
- Are experiencing long-term homelessness, or are at significant risk of long-term homelessness;
- Are justice involved; or

Are frail elderly, defined as those 62 years of age or older, who are unable to perform one or more "activities of daily living" without help. Activities of daily living comprise walking, eating, bathing, grooming, dressing, transferring, and home management activities. Assisted living, or projects serving a similar purpose, are not eligible under this Plan.

## HOME Statement of Assurances applicable to all HOME Activities

### Other Federal requirements and nondiscrimination

- a) The Federal requirements set forth in 24 CFR part 5, subpart A, are applicable to participants in the HOME program. The requirements of this subpart nondiscrimination and equal opportunity; disclosure requirements; debarred, suspended or ineligible contractors; and drug-free workplace.
- b) The nondiscrimination requirements at section 282 of the Act are applicable. These requirements are waived in connection with the use of HOME funds on lands set aside under the Hawaiian Homes Commission Act, 1920 (42 Stat. 108).
- c) The Violence Against Women Act (VAWA) requirements set forth in 24 CFR part 5, subpart L, apply to all HOME tenant-based rental assistance and rental housing assisted with HOME funds as applied by 24 CFR 92.359. VAWA compliance guidance is available at <https://www.ndhfa.org/index.php/compliance/vawa/>.
- d) Consultant Activities. No person providing consultant services in an employer-employee type relationship shall receive more than a reasonable rate of compensation for personal services paid with HOME funds. In no event, however, shall such compensation exceed the limits in effect under the provisions of any applicable statute (e.g., annual HUD appropriations acts which have set the limit at the equivalent of the daily rate paid for Level IV of the Executive Schedule, see the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997, Pub. L. 104-204 (September 26, 1996)). Such services shall be evidenced by written agreements between the parties which detail the responsibilities, standards, and compensation. Consultant services provided under an independent contractor relationship are not subject to the compensation limitation of Level IV of the Executive Schedule.

### Affirmative Marketing; Minority Outreach Program

- a) *Affirmative marketing.*
  1. Each PJ must adopt and follow affirmative marketing procedures and requirements for rental and homebuyer projects containing five or more HOME-assisted housing units. Affirmative marketing requirements and procedures also apply to all HOME-funded programs, including, but not limited to, TBRA and down payment assistance programs. Affirmative marketing steps consist of actions to provide information and otherwise 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 PJ's written agreement with the project owner permits the rental housing project to limit tenant eligibility or to have a tenant preference in accordance with §92.253(d)(3), the PJ must have affirmative marketing procedures and requirements that apply in the context of the limited/preferred tenant eligibility for the project.
  2. The affirmative marketing requirements and procedures adopted must include:
    - a) Methods for informing the public, owners, and potential tenants about Federal fair housing laws and the PJ's affirmative marketing policy (e.g., the use of the Equal Housing Opportunity logotype or slogan in press releases and solicitations for owners, and written communication to fair housing and other groups);
    - b) Requirements and practices each Subrecipient and owner must adhere to in order to carry out the PJ's affirmative marketing procedures and requirements (e.g., use of commercial media, use of community contacts, use of the Equal Housing Opportunity logotype or slogan, and display of fair housing poster);
    - c) Procedures to be used by Subrecipients and owners to inform and solicit applications from persons in the housing market area who are not likely to apply for the housing program or the housing without special outreach (e.g., through the use of community organizations, places of worship, employment centers, fair housing groups, or housing counseling agencies).

- d) Records that will be kept describing actions taken by the PJ and by Subrecipients and owners to affirmatively market the program and units and records to assess the results of these actions; and
  - e) A description of how the PJ will annually assess the success of affirmative marketing actions and what corrective actions will be taken where affirmative marketing requirements are not met.
3. A State that distributes HOME funds to units of general local government must require each unit of general local government to adopt affirmative marketing procedures and requirements that meet the requirement in paragraphs (a) and (b) of this section.
- b) *Minority outreach.* A PJ must prescribe procedures acceptable to HUD to establish and oversee a minority outreach program within its jurisdiction to ensure the inclusion, to the maximum extent possible, of minorities and women, and entities owned by minorities and women, including, without limitation, real estate firms, construction firms, appraisal firms, management firms, financial institutions, investment banking firms, under-writers, accountants, and providers of legal services, in all contracts entered into by the participating jurisdiction with such persons or entities, public and private, in order to facilitate the activities of the PJ to provide affordable housing authorized under this Act or any other Federal housing law applicable to such jurisdiction. Section 85 36(e) of this title describes actions to be taken by a PJ to assure that minority business enterprises and women business enterprises are used, when possible, in the procurement of property and services.

#### **Affirmative Marketing Guidance**

The Agency will take the following actions to provide information to attract eligible persons from all racial, ethnic, and gender groups in the housing market area that is assisted by HOME funding. Affirmative Fair Housing Marketing Plan Guidance is available online at <https://www.ndhfa.org/wp-content/uploads/2019/01/AffirmativeFairHousing.pdf>.

All correspondence, notices and advertisements related to the HOME Program, must contain the Equal Housing Opportunity logo or slogan.

Participants in the HOME Program will be required to use affirmative fair housing marketing practices in soliciting renters or buyers, determining their eligibility, and concluding all transactions. Any HOME-assisted housing must comply with the following procedures for the required compliance period, depending on the program used:

- a) Owners advertising vacant units must include the equal housing opportunity logo and/or slogan. Wherever a phone number is provided, there must also be a TDD/TTY phone number, or equivalent, provided. The Relay North Dakota TDD number is 800-368-6888, Voice Users 1-800-366-6889, and Spanish Users 1-800-435-8590. This service is free of charge. Recently the number "711" has been approved by the FCC for use in contacting the relay service. This number works for both TTY and voice telephones and while it is applicable in most states, you are still required to list the "800" numbers presented above. Advertising media may include newspapers, radio, televisions, brochures, leaflets, or a sign in a window. In addition, owners will be required to have written communication to Fair Housing organizations.
- b) The owner will be required to solicit applications for vacant units from persons in the housing market who are least likely to apply for the HOME-assisted housing without the benefit of special outreach efforts. In general, persons who are not of the race or ethnicity of the residents of the neighborhood in which the rehabilitated building is located shall be considered those least likely to apply. Special outreach efforts will include contacts with CAAs, human service centers and county social service offices.
- c) The owner must maintain a file containing all marketing efforts (e.g., copies of newspaper ads, memos of phone calls, copies of letters, etc.) and the records to assess the results of these actions are to be available for inspection by the Agency.
- d) The owner shall maintain a listing of all tenants residing in each unit from the time of application through the end of the compliance period.

The Agency will assess the affirmative marketing efforts of the owner by comparing predetermined occupancy goals (based upon the area from which potential tenants will come) to actual occupancy data that the owner is required to maintain. The owner's outreach efforts will also be evaluated by reviewing marketing efforts. The Agency will assess these efforts by use of a compliance certification or a personal monitoring visit to the project at least annually.

Where an owner fails to follow the affirmative marketing requirements, corrective actions shall include extensive outreach efforts to appropriate contacts to achieve the occupancy goals or other sanctions that the Agency may deem necessary. In addition, owners will be counseled as to affirmative marketing requests. In the event they continue to be in non-compliance, they may not be allowed to receive future HOME funds.

All units of local government that receive HOME funds must submit affirmative marketing procedures they have adopted to the Agency.

#### Environmental Review

- a) *General.* The environmental effects of each activity carried out with HOME funds must be assessed in accordance with the provisions of the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321) and the related authorities listed in HUD's implementing regulations at 24 CFR parts 50 and 58. The applicability of the provisions of 24 CFR part 50 or part 58 is based on the HOME project (new construction, rehabilitation, acquisition) or activity (TBRA) as a whole, not on the type of the cost paid with HOME funds.
- b) *Responsibility for review.*
  1. The jurisdiction (e.g., the PJ or State recipient) or insular area must assume responsibility for environmental review, decision making, and action for each activity that it carries out with HOME funds, in accordance with the requirements imposed on a recipient under 24 CFR part 58. No funds may be committed to a HOME activity or project before the completion of the environmental review and approval of the request for release of funds and related certification, except as authorized by 24 CFR part 58.
  2. A State PJ must also assume responsibility for approval of requests for release of HOME funds submitted by State recipients.
  3. HUD will perform the environmental review, in accordance with 24 CFR part 50, for a competitively awarded application for HOME funds submitted to HUD by an entity that is not a jurisdiction.

**Completion of the environmental review process is MANDATORY before taking ANY action on a specific site or making a commitment or expenditure of HUD or any other non-HUD project funds for property acquisition or transfer, rehabilitation, conversion, lease, repair, inhabiting a property or construction activities. 24 CFR Part 58.22 describes limitations on activities pending clearance as (a) neither a Subrecipient nor any participant in the development process, including public or private non-profit or for-profit entities, or any of their contractors, may commit HUD or non-HUD assistance under a program listed in 58.1(b) on an activity or project until HUD has approved the Subrecipient's Request Release of Funds (RROF) and the Agency has issued the certification to use HOME funds to the Subrecipient. This certification will come in a letter through email addressed to the Subrecipient's contact person. If a violation occurs resulting in adverse environmental impact or limiting the choice of reasonable alternatives during this vital step in the NEPA process, funds will not be able to be utilized for the site that violated NEPA.**

- a) A **choice-limiting action** is ANY action done prior to the certification being issued by the Agency. This is not an all-inclusive list of choice-limiting actions: acquisition, purchase, moving tenants or homebuyers into property, rehabilitation, groundwork, lease, repair, demolition, landscaping, etc. The Subrecipient is to use "due diligence" that a violation does not occur during this step of the NEPA process, or the funds will be lost to the project site.
- b) The **ONLY** activities that can be initiated prior to the Agency releasing funds are costs associated with program administration, project delivery cost necessary to determine eligibility and underwrite the household, contracting for preliminary architectural/engineering fees, and costs associated with the

environmental review process. Keep in mind, even these exempt costs can only occur after the effective date of the contract. No costs incurred or obligated prior to the contract effective date are allowable HOME costs and could result in the loss of the Subrecipient's HOME award. When a Subrecipient spends money on these exempt costs, they are taking a financial risk because if the environmental review concludes that a site is not eligible, the Subrecipient will not be reimbursed for those costs spent.

- c) **For all other activities, Subrecipients cannot obligate or incur costs or draw down funds until the environmental review requirements are satisfied, and the Agency has issued a Release of Funds to the Project.**
- d) Each HOME activity or project must have a written record of the environmental review process that documents the steps taken for the project that completed the NEPA process according to rules and authorities. **This is the Environmental Review Record (ERR), which must be available for public review.**

#### **Uniform Relocation Act and Section 104 (d)**

Federal Law protects tenants from uncompensated displacement in certain areas. Subrecipients/Developers ("recipients") who accept federal funding for acquisition and/or rehabilitation and reconstruction must minimize displacement of existing residents, advise them of their legal rights, provide relocation counseling and assistance, and compensate tenants in a timely manner for relocation made necessary by such activities.

HOME program recipients are subject to the Uniform Relocation Assistance and Real Property Policies Act of 1970 (URA) and in instances when funding demolishes a low-income dwelling, converts to a non-residential use, or make it unaffordable to low-income residents is also subject to Section 104 (d) of the Housing and Community Development Act of 1974, as amended (42 USC 5304 (d)) also known as Section 104 (d).

Agency and recipients of HOME funds are required to follow the requirements of the Agency URA Policy Guide. General principals include:

- a) The URA applies to all federally assisted acquisition, rehabilitation, and demolition projects (unless exempted like section 18)
- b) Section 104(d) applies to demolition or conversion of housing units to something other than lower-income dwellings in connection with a CDBG or HOME project
- c) Acquisition rules apply to every acquisition for the project (including most easements), whether or not the acquisition itself is federally funded.
- d) Sellers of real property are to be informed in writing of property values **prior** to negotiating the purchase (exceptions at 49 CFR 24.101(b)(3)-(5))
- e) While not required by federal regulation, consider including a clause in any executed purchase agreement that gives the purchaser right to tenant access for notification purposes (to issue General Information Notices (GINs))
- f) HUD program regulations often expand tenant protections beyond the URA
- g) Recipients must follow an anti-displacement plan and take all reasonable steps to minimize displacement. For HOME projects, to the extent feasible, residential tenants must be provided a reasonable opportunity to lease and occupy a suitable decent, safe, sanitary, and affordable dwelling unit in the completed project.
- h) All occupied and vacant-occupiable dwelling units removed from the housing stock through demolition or conversion must be replaced on a 1-for-1 basis.
- i) Project occupancy must be tracked from application to project completion.
- j) Notices are required for all occupants and proof of delivery must be maintained.

#### **Labor**

a) *General.*

1. Every contract for the construction (rehabilitation or new construction) of housing that includes 12 or more units assisted with HOME funds must contain a provision requiring the payment of not less than the wages prevailing in the locality, as predetermined by the Secretary of Labor pursuant to the Davis-Bacon Act (40 U.S.C. 3141), to all laborers and mechanics employed in the development of any part of the housing. Such contracts must also be subject to the overtime provisions, as applicable, of the Contract Work Hours and Safety Standards Act (40 U.S.C. 3701).
2. The contract for construction must contain these wage provisions if HOME funds are used for any project costs in \$92,206, including construction or non-construction costs, of housing with 12 or more HOME-assisted units. When HOME funds are only used to assist homebuyers to acquire single-family housing, and not for any other project costs, the wage provisions apply to the construction of the housing if there is a written agreement with the owner or developer of the housing that HOME funds will be used to assist homebuyers to buy the housing and the construction contract covers 12 or more housing units to be purchased with HOME assistance. The wage provisions apply to any construction contract that includes a total of 12 or more HOME-assisted units, whether one or more than one project is covered by the construction contract. Once they are determined to be applicable, the wage provisions must be contained in the construction contract so as to cover all laborers and mechanics employed in the development of the entire project, including portions other than the assisted units. Arranging multiple construction contracts within a single project for the purpose of avoiding the wage provisions is not permitted.
3. PJs, contractors, subcontractors, and other participants must comply with regulations issued under these acts and with other Federal laws and regulations pertaining to labor standards, as applicable. PJs shall be responsible for ensuring compliance by contractors and subcontractors with labor standards described in this section. In accordance with procedures specified by HUD, PJ shall:
  - i. Ensure that bid and contract documents contain required labor standards provisions and the appropriate Department of Labor wage determinations; and
  - ii. Conduct on-site inspections and employee interviews; and
  - iii. Collect and review certified weekly payroll reports; and
  - iv. Correct all labor standards violations promptly; and
  - v. Maintain documentation of administrative and enforcement activities; and
  - vi. Require certification as to compliance with the provisions of this section before making any payment under such contracts.
- b) *Volunteers.* The prevailing wage provisions of paragraph (a) of this section do not apply to an individual who receives no compensation or is paid expenses, reasonable benefits, or a nominal fee to perform the services for which the individual volunteered and who is not otherwise employed at any time in the construction work. See 24 CFR part 70.
- c) *Sweat equity.* The prevailing wage provisions of paragraph (a) of this section do not apply to members of an eligible family who provide labor in exchange for acquisition of a property for homeownership or provide labor in lieu of, or as a supplement to, rent payments.

**Lead-Based Paint**

Housing assisted with HOME funds is subject to the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821-4846), the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851-4855), and implementing regulations at part 35, subparts A, B, J, K, M and R of this title.

**Conflict of Interest**

- a) *Applicability.* In the procurement of property and services by PJ, State recipients, and Subrecipients, the conflict of interest provisions in 24 CFR 85.36 and 24 CFR 84.42, respectively, apply. In all cases not governed by 24 CFR 85.36 and 24 CFR 84.42, the provisions of this section 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 PA, State recipient, or Subrecipient which are receiving HOME funds.
- d) *Exceptions: Threshold requirements.* Upon the written request of the PJ, HUD may grant an exception to the provisions of paragraph (b) of this section on a case-by-case basis when it determines that the exception will serve to further the purposes of the HOME Investment Partnerships Program and the effective and efficient administration of the PJ's program or project. An exception may be considered only after the PJ has provided the following:
  1. 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
  2. An opinion of the PJ's or State recipient's attorney that the interest for which the exception is sought would not violate State or local law.
- e) *Factors to be considered for exceptions.* In determining whether to grant a requested exception after the PJ has satisfactorily met the requirements of paragraph (d) of this section, HUD will consider the cumulative effect of the following factors, where applicable:
  1. Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project which would otherwise not be available;
  2. Whether the person affected is a member of a group or class of low-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;
  3. 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;
  4. Whether the interest or benefit was present before the affected person was in a position as described in paragraph (c) of this section;
  5. Whether undue hardship will result either to the PJ or the person affected when weighed against the public interest served by avoiding the prohibited conflict; and
  6. Any other relevant considerations.
- f) *Owners and developers.*
  1. No owner, developer, or sponsor of a project assisted with HOME funds (or officer, employee, agent, elected or appointed official, or consultant of the owner, developer, or sponsor or immediate family member or immediate family member of an officer, employee, agent, elected or appointed official, or consultant of the owner, developer, or sponsor) whether private, for-profit or nonprofit (including a CHDO when acting as an owner, developer, or sponsor) may occupy a HOME-assisted affordable housing unit in a project during the required period of affordability specified in §92.252(e) or §92.254(a)(4). This provision does not apply to an individual who receives HOME funds to acquire or rehabilitate his or her principal residence or to an employee or agent of the owner or developer of a rental housing project who occupies a housing unit as the project manager or maintenance worker.
  2. *Exceptions.* Upon written request of a housing owner or developer, the PJ (or State recipient, if authorized by the state PJ) may grant an exception to the provisions of paragraph (f)(1) of this section on a case-by-case basis when it determines that the exception will serve to further the

purposes of the HOME program and the effective and efficient administration of the owner's or developer's HOME-assisted project. In determining whether to grant a requested exception, the PJ shall consider the following factors:

- i. Whether the person receiving the benefit is a member of a group or class of low-income persons intended to be the beneficiaries of the assisted housing, 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; and
- ii. Whether the person has withdrawn from his or her functions or responsibilities, or the decision-making process with respect to the specific assisted housing in question; and
- iii. Whether the tenant protection requirements of §92.253 are being observed; and
- iv. Whether the affirmative marketing requirements of §92.351 are being observed and followed; and
- v. Any other factor relevant to the PJ's determination, including the timing of the requested exception.

#### **Executive Order 12372**

- a) *General.* Executive Order 12372, as amended by Executive Order 12416 (3 CFR, 1982 Comp., p. 197 and 3 CFR, 1983 Comp., p. 186) (Intergovernmental Review of Federal Programs) and HUD's implementing regulations at 24 CFR part 52, allow each State to establish its own process for review and comment on proposed Federal financial assistance programs.
- b) *Applicability.* Executive Order 12372 applies to applications submitted with respect to HOME funds being competitively reallocated under subpart J of this part to units of general local government

#### **Civil Rights**

It will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 200d et seq.), and the regulations issued pursuant thereto (24 CFR Part 1), which provides that no person in the United States shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant received Federal financial assistance and will immediately take any measures necessary to effectuate this assurance. If any real property or structure thereon is provided or improved with the aid of Federal financial assistance extended to the applicant, this assurance shall obligate the applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits.

#### **Equal Opportunity**

It will comply with:

- a) Section 109 of the Housing and Community Development Act of 1974 (ACT), as amended, and the regulations issued pursuant thereto (24 CFR 570.601), which provides that no person in the United States shall, on the grounds of race, color, national origin, or sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity funded in whole or in part with funds provided under the act; and
- b) The Age Discrimination Act of 1975, as amended (42 U.S.C. 6101 et seq.) The act provides that no person shall be excluded from participation, denied program benefits or subjected to discrimination on the basis of age under any program or activity receiving federal funding assistance; and
- c) Section 504 of the Rehabilitation Act of 1973, amended (29 U.S.C. 794). The act provides that no otherwise qualified individual shall, solely, by reason of his or her handicap be excluded from participation, denied program benefits or subjected to discrimination on the basis of age under any program or activity receiving federal funding assistance

The grant recipient must complete or update a Self-Evaluation, in accordance with 24 CFR Part B of the Federal Register. An example of a Self-Evaluation guidebook will be provided upon request; and

- d) Section 3 of the Housing and Community Development Act of 1968 (12 U.S.C. 170(u)) (24 CFR Part 135). Section 3 of the Housing and Urban Development Act of 1968 requires, in connection with the planning and carrying out of any project assisted under the Act, to the greatest extent feasible, that opportunities for training and employment be given to lower-income persons residing within the unit of local government or the non-metropolitan county in which the project is located, and contracts for work in connection with the project be awarded to eligible business concerns which are located in, or owned in substantial part, by persons residing in the project area. The grantee must assure good faith efforts toward compliance with the statutory directive of Section 3; and
- e) Executive Order 11246, as amended by Executive Orders 11375 and 12086, and the regulations issued pursuant thereto (24 CFR Part 130 and 41 CFR Chapter 60) prohibit a HOME recipient and subcontractors, if any, from discriminating against any employee or applicant for employment because of race, color, religion, sex or national origin. The grantee and subcontractors, if any, must take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex or national origin. Such action must include, but not be limited to, the following: employment; upgrading; demotion or transfer; recruitment or recruitment advertising; layoff or termination; rate of pay or other forms of compensation; and selection for training, including apprenticeship. The grantee and subcontractors must post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause. For contracts over \$10,000, the grantee or subcontractors will send to each applicable labor union a notice of the above requirements, the grantee and subcontractors will comply with relevant rules, regulations and orders of the U.S. Secretary of Labor. The grantee or subcontractors must make their books and records available to State and federal officials for purposes of investigation to ascertain compliance.; and
- f) Executive Order 13166 eliminates, to the extent possible, limited English proficiency as a barrier to full and meaningful participation by beneficiaries in all federally assisted and federally conducted programs and activities.

#### **Fair Housing**

It will affirmatively further fair housing and will comply with:

- a) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.), as amended. The law states that it is the policy of the United States to provide for fair housing throughout the United States and prohibits any person from discriminating in the sale or rental of housing, the financing of housing or the provision of brokerage services, including in any way making unavailable or denying a dwelling to any person, because of race, color, religion, sex, national origin, familial status or disability. HOME grantees must also administer programs and activities relating to housing and community development in a manner that affirmatively promotes fair housing and furthers the purposes of Title VIII; and
- b) Executive Order 11063, as amended by Executive Order 12259, requires HOME recipients to take all actions necessary and appropriate to prevent discrimination because of race, color, religion, creed, sex or national origin; in the sale, leasing, rental and other disposition of residential property and related facilities (including land to be developed for residential use); or in the use of occupancy thereof if such property and related facilities are, among other things, provided in whole or in part with the aid of loans, advances, grants or contributions from the federal government.

## RESOURCES

- HUD Exchange - HOME Investment Partnership Program:  
<https://www.hudexchange.info/programs/home/>
- Electronic Code of Federal Regulations – Title 24, Subtitle A, Part 92:  
<https://www.ecfr.gov/cgi-bin/text-idx?SID=36711658c0fa5ce50d3e43055d19756c&mc=true&node=pt24.1.92&rgn=div5>
- Suspension of the HOME Commitment and CHDO Reservation Deadline:  
<https://www.hudexchange.info/news/suspension-of-the-home-commitment-and-chdo-reservation-deadline/>
- Notice CPD-18-10: Suspension of 24-month HOME Commitment Requirement:  
<https://www.hudexchange.info/resource/5746/notice-cpd1810-suspension-of-24month-home-commitment-requirement-for-deadlines-occurring-in-2016-2017-2018-2019-and-2020/>
- Notice CPD-20-01: Four-Year Completion Requirement for HOME-Assisted Projects:  
<https://files.hudexchange.info/resources/documents/Notice-CPD2001-Four-Year-Completion-Requirement-HOME-Assisted-Projects.pdf>
- Federal Register/Vol. 81, No. 232/December 2, 2016 - Changes to HOME Program Commitment Requirement Interim Final Rule:  
<https://www.govinfo.gov/content/pkg/FR-2016-12-02/pdf/2016-28591.pdf>
- FY 2013 HOME Final Rule – Amendment of HOME Program Regulations:  
<https://www.hudexchange.info/programs/home/home-final-rule/>
- Title II of the Cranston-Gonzalez National Affordable Housing Act:  
<https://www.hudexchange.info/resource/2647/title-is-of-the-cranston-gonzalez-national-affordable-housing-act/>

# National Housing Trust Fund 2022 Request for Proposals and Annual Allocation Plan

DRAFT Plan has not been approved by HUD



Planning and Housing Development Division  
2524 Vermont Avenue  
PO Box 1535  
Bismarck, ND 58502-1535

800/292-8621 or 701/328-8080  
800/435-8590 (Spanish)  
800/366-6888 (TTY)

[www.ndhfa.org](http://www.ndhfa.org) [hfainfo@nd.gov](mailto:hfainfo@nd.gov)

The Housing Trust Fund program contained herein is contingent upon HUD's allocation of formula grant amounts to the State of North Dakota as well as HUD's acceptance and approval of this Allocation Plan. Any approvals to and from the program are subject to such acceptance, approval, and allocation by HUD.



## I. INTRODUCTION

North Dakota Housing Finance Agency (NDHFA) is dedicated to maximizing housing opportunities for all North Dakotans and proactively addressing the housing needs of low- and moderate-income households.

The National Housing Trust Fund (HTF) is a permanent federal program, established as part of the Housing and Economic Recovery Act of 2008. The primary purpose of the HTF is to provide grants to state governments to increase and preserve the supply of affordable rental housing for extremely low-income (ELI) households, defined as those earning less than 30 percent of the area median income (AMI), including homeless families. The HTF is funded by an assessment on all business booked by Fannie Mae and Freddie Mac. Parties interested in pursuing HTF funding should refer to the Code of Federal Regulations, Title 24, Part 93 (24 CFR Part 93) for further guidance.

NDHFA is responsible for the administration of the HTF for the State of North Dakota, including the development of an Annual Allocation Plan (the Plan) which defines the process by which HTF funds are distributed to qualifying properties throughout the state. The Plan promotes the selection of those properties which serve to address the most crucial needs of the state within the priorities outlined in the North Dakota Consolidated Plan,<sup>1</sup> as well as the relevant strategies identified in North Dakota's 10-Year Plan to End Long Term Homelessness.<sup>2</sup>

### *North Dakota Consolidated Plan Housing Strategies*

- Preserve and improve the quality and condition of the existing rental and owner-occupied housing stock through the rehabilitation of lower-income, disabled, and elderly households.
- Fund homeownership opportunities for lower-income residents.
- Provide funding to increase the supply of multifamily housing.

### *North Dakota Consolidated Plan Homeless Strategies*

- Support emergency shelters and transitional housing for the homeless.
- Create additional transitional and permanent supportive housing facilities.
- Provide financial support to assist those at imminent risk of homelessness, including rapid rehousing.
- Fund homeless prevention activities, including data collection and prevention services.

### *North Dakota's 10-Year Plan to End Long Term Homelessness: Relevant Strategies*

- Develop permanent supportive housing.
- Improve the ability to pay rent.
- Expand supportive services to wrap around housing.

This Plan was developed with input from our partners and stakeholders, solicited during a public comment period, and finalized through a public hearing process.

<sup>1</sup> North Dakota Department of Commerce, Division of Community Services, "2020-2024 North Dakota Consolidated Plan" (2020), available at <https://www.commerce.nd.gov/communitydevelopment/ConsolidatedPlan/>

<sup>2</sup> North Dakota Interagency Council on Homelessness, "Housing the Homeless: North Dakota's 10-Year Plan to End Long Term Homelessness" (2018), available at <https://www.ndhfa.org/wp-content/uploads/2020/07/homelessPlan2018.pdf>

## II. DEFINITIONS

For purposes of the HTF program, the following definitions shall apply.

**Extremely Low-Income (ELI):** The primary affordability target of the HTF, defined by the United States Department of Housing and Urban Development (HUD) as household income of not more than the greater of 30 percent of area median income (AMI) or the federal poverty line.

**Grantee:** The state entity that prepares the HTF Allocation Plan, receives the HTF dollars from HUD, and administers the HTF in the state. NDHFA is the HTF grantee for the State of North Dakota.

**Grayfield:** Previously developed property.

**HTF-Assisted Unit:** A housing unit which meets the HTF eligibility requirements and benefits from financial assistance from the HTF.

**Multifamily:** Any building or group of buildings totaling four or more permanent residential rental units operated as a single housing project. Initial leases must be for a term of at least six months.

**Period of Affordability:** Also, "affordability period." Units in projects receiving HTF assistance will be required to maintain affordability to extremely low-income households for a period of at least 30 years.

**Recipient:** An entity which is awarded assistance from the HTF for the development, rehabilitation, or operation of multifamily rental property for the benefit of ELI households.

**Rent Restricted:** Rent that does not exceed the published Maximum HTF Rent Limit, which is based on an assumed 1.5 persons per bedroom (single person in an efficiency). Rental Assistance is allowed, so long as the tenant pays no more than 30 percent of their adjusted income and such tenant-paid portion does not exceed the published HTF rent limit.

**Stabilized Occupancy:** For purposes of the HTF, occupancy of at least 90 percent of the units in the property for a period of at least 90 days.

**Total Development Cost:** The all-in cost of developing the project including acquisition, pre-development costs, hard and soft construction or rehab costs, financing costs, developer fees, and reserve account capitalization.

## III. GENERAL PROVISIONS

### Available HTF Funding

North Dakota is expected to receive the small-state allocation from the 2022 National Housing Trust Fund. HUD authorizes NDHFA to expend from the HTF up to a maximum of 10 percent of the state allocation for reasonable costs to administer the HTF program. The maximum amount of administrative costs NDHFA may expend from the HTF will be evaluated as to reasonableness each year during allocation plan development.

### Eligible Recipient

The organization or agency that applies to NDHFA for funds to carry out the HTF project must be an eligible recipient. Eligible recipients include units of local, state, and tribal government; local and tribal housing authorities; community action agencies; regional planning councils; nonprofit organizations, and for-profit developers. Individuals are not eligible to receive direct assistance from the HTF.

North Dakota Housing Finance Agency • 2624 Vermont Ave • PO Box 1535 • Bismarck, ND 58102-1535  
Ph.: 701/328-6090 • Fax: 701/328-6090 • Toll Free 800/292-8821 • 800/366-688 (TTY) Rev. (05/22)

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Eligible recipients must demonstrate their familiarity with the requirements of other Federal, State, or local housing programs that may be used in conjunction with HTF funds to ensure compliance with all applicable requirements and regulations of such programs.

#### **Eligible Uses**

All applications for assistance through the HTF must contain a detailed description of the eligible activities to be conducted with HTF funds. Federal statute authorizes HTF funds to be used for the production, preservation, and rehabilitation of the ELI portion of a multifamily rental housing project.

The HTF can pay those development costs, identified in 24 CFR Part 93.201, associated with the new construction, rehabilitation, acquisition, or adaptive reuse of a multifamily housing project. Such development costs include acquisition, site improvements and development hard costs, related soft costs, demolition, financing costs, relocation assistance, and rent-up reserve capital (not to exceed 18 months).

Projects involving rehabilitation must perform a minimum of \$15,000 in rehabilitation per unit on average. Please refer to the ND Housing Trust Fund Rehabilitation Standards document on our website at [www.ndhfa.org](http://www.ndhfa.org) for additional requirements of rehabilitation projects. HTF funds may not be used to refinance existing debt.

#### **Ineligible Projects**

Projects under construction are not eligible for consideration. HTF funds cannot be used for development hard costs or acquisition undertaken before the HTF funds are committed to the project in the form of an executed Written Agreement between the borrower and NDHFA.

#### **Ineligible Uses of HTF Funds**

HTF funds may not be used for:

- Laundry and community facilities which are not located in the same building as the housing.
- Providing assistance during the affordability period of a project previously assisted with HTF funds. Additional HTF funds may be committed to a project up to one year after project completion, but the total assistance is subject to the maximum per-unit HTF subsidy limit identified in the Recognizable Costs paragraph of this section.
- Payment of delinquent taxes, fees, or charges on properties to be assisted with HTF funds.
- Payment for political activities, advocacy, lobbying, counseling services, travel expenses (other than those eligible under 24 CFR Part 93.202(b)), or preparing or providing advice on tax returns.
- Payment for any cost not eligible under 24 CFR Parts 93.201 and 93.202.

#### **Maximum HTF Award**

Generally, net allocations from the HTF for a single eligible project, comprised of one or more buildings, will be limited to the lesser of a) the equity required to secure necessary project financing and make the project feasible; or b) up to 100 percent of the HTF-assisted units' share of actual development cost, subject to the following Recognizable Cost limits. Exceptions to these maximums may be made on a case-by-case basis, at the sole discretion of NDHFA, to accomplish overall program goals, such as meeting the priorities outlined in the North Dakota Consolidated Plan.

#### **Recognizable Costs**

NDHFA has elected subsidy limits which are aligned with the state's HOME Investment Partnerships Program (HOME) limits. Furthermore, NDHFA has elected to utilize a single statewide set of development subsidy limits based on a lack of evidence indicating a significant variation in development costs across the state at the present time. Should sufficient evidence supporting a significant variation in development costs across the state exist in the future, NDHFA will revisit the matter and make appropriate changes to the Plan.

North Dakota Housing Finance Agency • 2624 Vermont Ave • PO Box 1535 • Bismarck, ND 58102-1535  
Ph: 701/328-8090 • Fax: 701/328-8090 • Toll Free 800/292-8821 • 800/366-688 (TTY) Rev. (05/22)

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Recognizable Costs for determining maximum HTF assistance will be calculated for each project by multiplying the number of corresponding units by the respective per-unit cost limit and arriving at a total.

The following are HOME Per-Unit Subsidy Limits, effective as of April, 2022. Upon HUD's publication of updated per-unit subsidy limits, NDHFA shall immediately implement the updated limits. Applicants will be subject to HUD's currently in-effect limits

| <b>Unit Type</b>  | <b>Unit Cost</b> |
|-------------------|------------------|
| Efficiency/Studio | \$ 159,754       |
| 1 Bedroom         | \$ 183,132       |
| 2 Bedroom         | \$ 222,694       |
| 3 Bedroom         | \$ 288,094       |
| 4 Bedroom         | \$ 316,236       |

Costs exceeding these limits are not prohibited, however they will not be included in the calculation of maximum HTF assistance. The HTF is prohibited from investing in housing which is considered luxury. Therefore, NDHFA reserves the right to reject an application if it determines that project costs are excessive.

#### **Contractor Profit and Developer Fee**

Combined builder profit, builder overhead, and general requirements may not exceed 14 percent of the hard construction costs. Developer fee may not exceed 15 percent of total development cost net of the developer fee, acquisition, and any permanent financing costs. On acquisition/rehabilitation or adaptive reuse projects, the developer fee for the acquisition portion may be a maximum of five percent. The fees of all parties with an identity of interest with the Developer in the property will be taken into consideration when calculating the Developer's maximum fees.

When the Developer and the Contractor are the same entity, in addition to the fee limits stated above, the combined sum of Developer Fee, Contractor Profit, Contractor Overhead, and General Requirements may not exceed 20 percent of the total development cost, less the Developer Fee.

#### **Reserves**

All properties will be required to maintain a replacement reserve account for the term of the HTF loan. The replacement reserve requirement for new construction properties and substantial rehabilitation properties (i.e. rehab exceeding \$30,000 per unit) designed for seniors will be no less than \$350 per unit per year, inflated at three percent annually. The requirement for all properties designed for families as well as rehabilitation developments with rehabilitation costs of \$30,000 per unit or less will be no less than \$400 per unit per year, inflated at three percent annually. This account shall not be used for routine maintenance and upkeep expenses or for operating expenses. Project owners shall be required to provide NDHFA with a record of all activity in the replacement reserve account during the prior fiscal year in conjunction with submission of the project's annual compliance monitoring materials. Furthermore, the Limited Partnership Agreement or Operating Agreement must require that the replacement reserves may only be used for the intended purpose of funding capital expenditures or replacement of building and site components and may not be distributed to owners or partners prior to the end of the Period of Affordability.

All properties will also be required to establish and maintain, until the property has achieved a minimum of five years of stabilized operations, an operating reserve equal to a minimum of six (6) months of projected operating expenses plus must-pay debt service payments and annual replacement reserve payments. This requirement can be met with an up-front cash reserve; a personal guarantee from the developer/general partner with a surety bond to stand behind the personal guarantee; or partnership documents specifying satisfactory establishment of an operating reserve.

Each reserve account identified in this section must be accounted for separately from all other project asset accounts and held at a federally insured financial institution or the Bank of North Dakota.

#### **Maximum Tenant Income**

All HTF funding must be used for the benefit of extremely low-income households, as verified through the "Part 5" definition of annual income. The Part 5 definition, found at Subpart F of 24 CFR Part 5, is used by a variety of programs, including LIHTC, HOME Investment Partnership, CDBG, and Section 8, as well as the North Dakota Housing Incentive Fund.

Income determination is performed at initial occupancy. Tenant self-certifications are allowed thereafter, however, income source documents must be verified at least once every six years. PBRA recertification rules prevail and will also be employed for all HTF-assisted units when applicable. The next-available-unit rule applies. HTF-assisted units must be floating, and not fixed to specific project units, to facilitate the next-available-unit rule. Tenants cannot be evicted for being over-income upon recertification.

### **IV. FEDERAL CROSS-CUTTING REQUIREMENTS**

#### **Environmental Review**

The environmental effects of each project carried out with HTF funds must be assessed in accordance with the property standards at 24 CFR Part 93.301(f) for historic preservation, archaeological resources, farmland, airport zones, Coastal Barrier Resource System, coastal zone management, floodplains, wetlands, explosives and hazards (including a tanks search as part of the Phase I Environmental Site Assessment), contamination (including radon), noise (utilizing HUD's online Day/Night Noise Level Calculator), endangered species, wild and scenic rivers, safe drinking water, and sole source aquifers. HTF does not follow NEPA. Applicants must read 24 CFR Part 93.301(f), and HUD Notice CPD-16-14, found on the Housing Trust Fund webpage on [www.ndhfa.org](http://www.ndhfa.org), for important information regarding HTF Environmental Review requirements.

#### **Section 3**

Section 3 of the Housing and Urban Development Act of 1968 requires, in the planning and carrying out of any project assisted under the Act, to the greatest extent feasible, that opportunities for training and employment be given to lower-income persons residing within the unit of local government or the non-metropolitan county in which the project is located, and contracts for work in connection with the project be awarded to eligible business concerns which are located in, or owned in substantial part by persons residing in, the project area. The grantee must assure good faith efforts toward compliance with the statutory directive of Section 3. Applicants must read 24 CFR Part 75, as well as NDHFA's Section 3 Guide, for important information regarding Section 3 requirements.

#### **ADA and Section 504**

Housing assisted with HTF funds must meet the accessibility requirements of 24 CFR Part 8, which implements Section 504 of the Rehabilitation Act of 1973, and Titles II and III of the Americans with Disabilities Act, implemented at 28 CFR Parts 35 and 36, as applicable. "Covered multifamily dwellings," as defined at 24 CFR Part 100.201, must also meet the design and construction requirements at 24 CFR Part 100.205, which implements the Fair Housing Act.

#### **Energy Efficiency**

For new construction, HTF-assisted projects over three stories must comply with energy efficiency standards of the current edition of the American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE) Standard 90.1.

**Uniform Relocation Act**

The development of housing with HTF assistance is required to follow the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. The Act applies to persons both temporarily and permanently relocated as a result of the HTF-assisted project. Applicants should see 24 CFR Part 93.352 for additional detail regarding the Uniform Relocation Act and NDHFA URA Policy Guide for requirements.

**Lead Based Paint**

Housing assisted with HTF funds is subject to the regulations at 24 CFR Part 35, subparts A, B, J, K, and R.

**Affirmative Marketing**

Each HTF recipient must adopt and follow Affirmative Fair Housing Marketing (AFHM) procedures and requirements for rental projects containing five or more HTF-assisted housing units. AFHM steps consist of actions to provide information and otherwise 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 NDHFA's written agreement with the project owner permits the rental housing project to limit tenant eligibility or to have a tenant preference in accordance with 24 CFR Part 93.303(d)(3), the recipient must have affirmative marketing procedures and requirements that apply in the context of the limited/preferred tenant eligibility for the project. NDHFA has published, on its website, an Affirmative Fair Housing Marketing Plan Guidance document which provides detailed and step-by-step direction on how to satisfy AFHM under the HTF program. Applicants should also see 24 CFR Part 93.350 for additional detail regarding the AFHM requirements of the HTF program.

**UPCS**

HTF projects must follow property standards which include all inspectable items and inspectable areas specified by HUD based on the HUD physical inspection procedures, known as the Uniform Physical Condition Standards (UPCS) prescribed by HUD pursuant to 24 CFR Part 5, subpart G. Rehabilitation projects, including adaptive reuse, must address any and all deficiencies identified in Section XV of the HTF Minimum Housing Rehabilitation and Property Standards (Property Standards) as part of the project's scope of work so that, upon completion, all such deficiencies are cured. For projects which include rehabilitation of occupied housing, any life-threatening health and safety deficiencies, as defined in the Property Standards, must be addressed and corrected immediately.

Likewise, all deficiencies identified during annual compliance monitoring site visits of HTF-assisted properties must be cured. NDHFA will monitor property condition standards using the same process and procedures as for the federal Low-Income Housing Tax Credit Program which does not employ a scoring protocol or grade levels of deficiencies; all identified deficiencies must be corrected. Please refer to the HTF Minimum Rehabilitation and Property Standards document for further details regarding inspectable areas, inspectable items, and observable deficiencies requiring correction.

**Eminent Domain**

No HTF funds may be used in conjunction with property taken by eminent domain, unless eminent domain is employed only for a public use, except that, public use shall not be construed to include economic development that primarily benefits any private entity.

**Davis-Bacon**

The Davis-Bacon and Related Acts do not apply to the HTF program.

## VAWA

All housing receiving HTF funds must comply with the provisions of the Violence Against Women Reauthorization Act of 2013 (VAWA 2013). Additional information about VAWA 2013 can be found in a document in the HTF section of NDHFA's website entitled, "The Violence Against Women Act of 2013," published by the National Housing Law Project. All rental applicants and tenants should be provided with the following documents, templates for which can be found on NDHFA's website: "Notice of Tenant Rights Under VAWA"; "Housing Provider's Emergency Transfer Plan Under VAWA"; "Certification of Domestic Violence"; and "Emergency Transfer Request."

## FFATA

All recipients of HTF funds are required to comply with the Federal Funding Accountability and Transparency Act of 2006, as amended (FFATA). All applicants for HTF funding, as well as all contractors involved in the project construction, must have a Data Universal Number System (DUNS) number and be registered on the System for Award Management (SAM). Refer to <https://fedgov.dnb.com/webform> and [www.sam.gov](http://www.sam.gov) to obtain these DUNS and SAM registrations. Furthermore, recipients of HTF awards must report to NDHFA the names and compensation of the five most highly compensated officers in their organization, unless exempt under 2 CFR 170.110(b).

## V. APPLICATION PROCESS

Applicants must apply using NDHFA forms to receive a conditional commitment of financial assistance from the HTF program. The complete application must be received by 5:00 p.m., Central Time, on the closing date to be eligible for consideration in the funding round. The application rounds will be as follows until all HTF funds have been obligated:

### Maximum Amount of HTF Assistance Available Per Application Closing Date

|          |                    |   |
|----------|--------------------|---|
| Round 1: | September 30, 2022 | Up to \$2,982,433*                          |
| Round 2: | September 30, 2023 | Balance of available HTF assistance, if any |

\*Program income received in the prior fiscal year will be made available during the application round 1. A percentage of funds will be reserved for NDHFA administration.

### Threshold Requirements

When an application is received, it shall first be reviewed for eligibility to be scored and ranked. To be eligible for scoring and ranking, the application must be complete and include the following information, unless waived by NDHFA for good cause. Application packages missing any of the following threshold items after the application deadline will be deemed incomplete and will be given reasonable time to submit the missing information. However, a 5-point deduction will be assessed during the scoring process for each missing item.

- A. Development Team Ability:** NDHFA must be satisfied that those who will develop, own, and operate the property are familiar with, and prepared to comply with, the requirements of the HTF program. The application package must include a signed certification that the housing units assisted with the HTF will comply with all regulatory HTF requirements contained in 24 CFR Part 93. In addition, the applicant must demonstrate that all members of the development team have the experience, ability, and financial capacity, in their respective roles, to undertake, maintain and manage the property, as well as comply with all federal cross-cutting requirements identified in Section IV of this Allocation Plan. Applicants with limited experience in the development, ownership, and management of multifamily rental property are encouraged to partner with an experienced developer or sponsor. Applicants without sufficient experience in, or working

knowledge of, all federal cross-cutting requirements identified in Section IV of this Plan including, but not limited to, Section 3 hiring practices, environmental review, Section 504 and ADA accessibility requirements, Lead-Based Paint mitigation, and Uniform Physical Conditions Standards, should enter into a contractual consultant or partnership relationship with an experienced and knowledgeable entity. Misrepresentation of any information about the experience or financial capacity of any property team member will be grounds for denial and debarment from NDHFA programs.

NDHFA may require the applicant to provide financial statements as deemed necessary.

Applicants who have been convicted of, entered an agreement for immunity from prosecution for, or have pleaded guilty, including a plea of nolo contendere, to a crime of dishonesty, moral turpitude, fraud, bribery, payment of illegal gratuities, perjury, false statement, racketeering, blackmail, extortion, falsification or destruction of records are ineligible. Applicants who have been debarred from any North Dakota or federal program are ineligible. Applicants having an identity of interest with any debarred entity may not be eligible at the sole discretion of NDHFA.

- B. Market Conditions:** Completion of a comprehensive market study of the housing needs of ELI and VLI individuals in the area to be served by the property, at the Developer's expense, by a disinterested party who is acceptable to NDHFA, is required. The Market Study must demonstrate that there is sufficient demand in the market area to support the proposed development and that the development of any additional affordable units will not have an adverse impact on the existing affordable units in the market area. The Market Study must have been completed within six months of application for HTF assistance and must contain the National Council of Housing Market Analysts' (NCHMA) core standards (see <http://www.housingonline.com/wp-content/uploads/2014/09/Final-Model-Content-V3.0.pdf>) unless authorization to deviate from these standards is granted by NDHFA. The applicant is advised to reference the market study requirements of other funding sources, such as USDA Rural Development, as may be applicable and ensure that the market study meets NDHFA requirements as well as those of other funding providers. If NDHFA has cause to question the conclusions reached in the study, we reserve the right to order a new market study at the expense of the applicant.
- C. Demonstrated Site Control:** Evidence must be provided proving the applicant has, and will maintain from the start of the application review process until the land is acquired, direct site control. This will also include a sketch plan of the site as it would look when developed.
- D. Zoning, Codes, and Ordinances:** Evidence that the appropriate zoning will be available must be provided (i.e. a letter from a city or tribal official stating that appropriate zoning is in place or forthcoming.) Upon completion, HTF-assisted housing projects must meet all applicable State and local codes, ordinances, and requirements as applicable, or, in the absence of a State or local building code, the International Residential Code, International Building Code (as applicable to the type of structure), or the International Existing Building Code (for rehabilitation projects) of the International Code Council.
- E. Infrastructure and Utility Availability:** Evidence must be provided to demonstrate that appropriate infrastructure (i.e. roads, curb, gutter, etc.) and utilities (i.e. water, sewer, electricity, natural gas) are in place at the time of HTF application and have adequate capacity to absorb the proposed project. Examples of evidence include letters from the applicable utility companies and the city official stating appropriate utilities and infrastructure are in place.

If infrastructure is not in place to the proposed site at the time of LIHTC application, a letter from the local jurisdiction must accompany the application indicating that no adequate infill opportunities currently exist in the community.

- F. Financial Projections:** A 30-year pro forma financial projection for the property, in the form of Exhibit A to the application, shall accompany the application using the income, expenses, replacement reserves, and debt service as represented in the application. The rental income should reflect a minimum 7% vacancy rate.

The applicant must be able to demonstrate, as part of the application package, that the project would not be feasible without financial assistance from the HTF. This will be evaluated in terms of the gap between cost of construction and amount of debt the project can reasonably obtain and support. The applicant must provide information outlining both the short- and long-term financial feasibility of the project. Project proposals will be underwritten to achieve a target debt service coverage ratio of 1.20. Debt coverage projections below 1.10 or greater than 1.30 will require further explanation and analysis to determine suitability for HTF participation. Projects without hard debt service should achieve a target operating expense cushion within 10 percent to 15 percent. Operating expense cushion is defined as cash flow divided by operating expenses and reserve contributions.

The reasonableness of development costs and operating expenses in relation to other similar developments will be assessed in evaluating the financial feasibility of applications.

- G. Capital Needs Assessment:** A Capital Needs Assessment (CNA) must be submitted with all application packages involving rehabilitation (including adaptive reuse projects). The CNA must be completed by a competent, independent third party acceptable to NDHFA, such as a licensed architect or engineer, and include an interview with available on-site property management and maintenance personnel to inquire about past repairs and improvements, pending repairs, and existing or chronic physical deficiencies. The assessment will include a site visit and a physical inspection of the interior and exterior of all units and structures. The assessment will consider the presence of environmental hazards such as asbestos, lead paint and mold on the site. The assessment will include an opinion as to the proposed budget for recommended improvements and should identify critical building systems or components that have reached or exceeded their expected useful lives. If the remaining useful life of any component is less than 50 percent of the expected useful life, immediate rehabilitation will be required unless capitalized. If the remaining useful life of a component is less than the term of the HTF loan, the application package must provide for a practical way to finance the future replacement of the component. The assessment will examine and analyze the following:

- Site, including topography, drainage, pavement, curbing, sidewalks, parking, landscaping, amenities, water, sewer, storm drainage, and gas and electric utilities and lines.
- Structural systems, both substructure and superstructure, including exterior walls and balconies, exterior doors and windows, roofing system, and drainage.
- Interiors, including unit and common area finishes (carpeting, tile, plaster walls, paint condition, etc.), unit kitchen finishes, cabinets and appliances, unit bathroom finishes and fixtures, and common area lobbies and corridors.
- Mechanical systems, including plumbing and domestic hot water, HVAC, electrical, lighting fixtures, fire protection, and elevators.

Applicants are advised to also consider the requirements of other funding sources, such as USDA Rural Development, when ordering a capital needs assessment.

**H. Appraisal:** An application package involving acquisition costs or equity contribution of real estate which exceed 15 percent of the total development costs, must include an appraisal of the subject property, dated within six months of the HTF loan closing, completed by a state Certified General Real Property Appraiser, that supports the amount of acquisition.

**I. Subsidies:** The application package must include a signed certification as to the full extent of all federal, state, and local programs and subsidies (both development and rental subsidies) that are expected to apply to the property. Additionally, the application for HTF funding must specifically discuss how the incorporation of the listed subsidies will allow project rents to be affordable to extremely low-income households.

**J. Tenant Recruitment and Selection:** The application package must include a detailed description of the project's plan to market the HTF units to eligible households as well as the application and selection process to be used.

The project's Affirmative Fair Housing Marketing Plan, as discussed in Section IV of this Plan, must be submitted to NDHFA prior to receiving a HTF financial award.

A sample rental application and lease with all addenda must be provided to NDHFA as part of the post-closing requirements prior to the final draw of HTF funding. The rental application must request the applicant's demographic information (race, ethnicity, marital status, and disability status).

Unit leases shall have an initial term of no less than six months and shall not contain any provision allowing the owner to impose an increase to the amount of tenant-paid rent at any time prior to the end of the lease term.

**K. Broadband Infrastructure:** Projects receiving HTF assistance must install broadband infrastructure to all units and community rooms. Broadband infrastructure is defined as cables, fiber optics, wiring, or other permanent (integral to the structure) infrastructure – including wireless infrastructure – resulting in broadband capability meeting the Federal Communication Commission's (FCC) definition in effect at the time the pre-construction estimates are generated. Currently, the FCC defines broadband speeds as 25 Megabits per second (Mbps) download, and 3 Mbps upload.

**L. Self-Scoring:** The applicant must provide a self-scoring of the project proposal as part of the application package. The self-scoring assessment should indicate the number of points being sought in each scoring category as well as a brief explanation of the project proposal's eligibility for those points.

#### Scoring Criteria

Each application meeting the threshold requirements will be reviewed and assigned points according to the following selection criteria. Representations made by applicants for which points are given will be binding and will be monitored through the annual compliance review process. Applications must achieve a minimum score of 85 points to be considered for funding. Based on ranking, projects will be selected for a conditional commitment. Once a property is selected, NDHFA will determine the amount of HTF to be awarded, which may not equal the amount requested in the application.

In the event of a tie between two or more projects when insufficient program funds remain to fund each one, the tie breaker will go to the project which best meets the Housing Strategies outlined in the current North Dakota Consolidated Plan in effect at the time of HTF application.

**A. Serves Extremely Low-Income Households 20-50 points**

Up to 50 points will be awarded to properties with units both income and rent restricted for ELI households. Elections made in this category will be incorporated into the Land Use Restrictive Agreement and will be binding, at a minimum, for the term of the HTF loan.

- 35% of total units income and rent restricted at or below ELI – 50 points
- 30% of total units income and rent restricted at or below ELI – 40 points
- 25% of total units income and rent restricted at or below ELI – 30 points
- 20% of total units income and rent restricted at or below ELI – 20 points

For purposes of applying the ELI rent restriction under this category, an exception for exceeding the ELI rent may be granted for project-based rental assistance where it can be shown that additional rents are necessary to make the project feasible and that the tenant-paid portion of the rent will not exceed 30 percent of their household income nor the published HTF rent limit.

**B. Use of LIHTCs 0 or 10-20 points**

Projects which have received or are applying for federal Low-Income Housing Tax Credits in a pending application round, will receive points under this category. Projects which applied for but are not awarded LIHTCs in the current pending application round are ineligible for points under this category.

- Projects with an award of 4 percent LIHTCs – 20 points
- Projects with an award of 9 percent LIHTCs – 10 points

**C. Committed Non-Federal Leverage 0 or 5-20 points**

An applicant who provides signed, firm commitments for contributions or incentives from state or local government, private parties and/or philanthropic, religious or charitable organizations, excluding entities with an identity of interest or those with a significant role in the property (e.g. contractors, accountants, architects, engineers, consultants, etc.), will receive points in this category. Not eligible as sources of leverage under this category are interest bearing loans to the project, LIHTCs, HRTCs, HOME, CDBG, NAHASDA, or any other federal source of funding. Also not eligible as leverage under this category is project-based rental assistance which earns points in scoring category D.

- Leverage of at least 50% of total development cost – 20 points
- Leverage of at least 40% of total development cost – 15 points
- Leverage of at least 30% of total development cost – 10 points
- Leverage of at least 20% of total development cost – 5 points

**D. Project-Based Rental Assistance 0 or 5 points**

Projects which have received binding commitments for federal, state, or local project-based rental assistance for all of the extremely low-income units in the project will receive 5 points.

**E. Redevelopment and Revitalization 0 or 5 points**

A project will receive 5 points if it meets one of the following conditions:

- (1) The project is located on a site considered by NDHFA, in its sole discretion, to be grayfield in nature.
- (2) The project is in a city revitalization area established by resolution or other legal

action by the city, and the development of the project contributes to a concerted community revitalization plan. For purposes of this Plan, a concerted community revitalization plan is defined as a locally approved revitalization plan targeting specific existing areas or neighborhoods within the community for housing and economic development including the infill new construction or rehabilitation of housing. To qualify, the plan must be officially adopted by the local governing body, identify a specific time period, apply only to a defined geographic area within the community, and specifically call for infill new construction or rehabilitation of affordable housing within the boundaries of the plan. Local housing needs surveys, consolidated housing or economic development plans, short-term work plans, municipal zoning or land use plans, or plans which are so broad as to encompass the entire community or so narrow as to encompass only the project's subject property do not qualify under this definition.

- (3) The project is located in an Opportunity Zone, as defined in Code Section 1400Z-1.

Adaptive reuse projects are eligible for points under this category. Rehabilitation of existing habitable and occupied housing is not.

**F. Tenant Support Coordinator**

**5-10 points**

Projects which are committed to supporting tenants with special needs affecting their long-term housing stability and which create an environment that encourages and provides service coordination may receive up to 10 points.

- (1) **Tenant Support Coordinator**  
Projects which provide, either through direct employment or by contract with an experienced third party, a dedicated Tenant Support Coordinator (TSC) for at least one hour per project unit per month will receive 5 points. The TSC would be required to develop and maintain working relationships with tenants in the project. The TSC's role is to increase the ability of all tenants to maintain stability and uphold lease obligations through the following: facilitating provision of supportive services by connecting tenants with appropriate providers, identifying needs for assistance, and educating tenants on available resources.
- (2) **Tenant Support Coordinator and Medicaid-Approved Service Provider**  
Projects which provide the TSC provisions in the preceding paragraph (1) and which also enter into a formal letter of intent with one or more qualified service agencies with demonstrated experience providing housing stability services consistent with the needs of the project's residents will receive 10 points. The service provider(s) must also be able to process for Medicaid reimbursement, and provide their Medicaid biller number issued by the State of North Dakota. The letter of intent must be detailed regarding the suite of supports and services to be made available to tenants who need and want them.

Projects receiving points under this category must include tenant support coordination capable of the following, at a minimum:

- Support the person to understand and maintain income and benefits to retain housing;
  - Household budgeting and financial management;
  - Assistance in applying for benefits related to housing affordability;
  - Establishment of payee/guardian services as needed;
  - Assistance with the income recertification process;

- Wealth and asset building initiatives.
- Support the building of natural housing supports and resources in the community;
  - Encouragement of community activity;
  - Facilitation of meetings with a tenant support team.
- Identify and prevent behaviors that may jeopardize continued housing;
  - Coordination with parole and probation requirements;
  - Collaboration with law enforcement (i.e. the creation of safety plans);
  - Training on lease compliance, household management and best practices of successful tenants.
- Promote health and wellbeing that enable tenants to retain housing;
  - Connecting tenants with health providers;
  - Assistance in securing and increasing employment;
  - Assistance in securing childcare;
  - Identifying educational opportunities in areas such as nutrition, education, and physical wellness;
  - Parenting supports;
  - Life coaching via peer support specialists;
  - Facilitating connections to Home and Community-Based Care services.

A tenant selection plan must be provided as part of the initial application for HTF assistance. The tenant selection plan must describe in detail how individuals and/or families with special needs will be identified, affirmatively marketed to, and assisted in renting units at the project.

Projects which received 10 points under this scoring category F will be required to submit prior to HTF closing, a formal executed agreement with each provider identified in the letter(s) of intent.

Compliance monitoring activities will include:

- Confirmation of hiring or contracting with a TSC;
- Confirmation of the provision of the services pledged at the time of initial application, if applicable; and
- Review of marketing efforts targeted at special needs populations.

For purposes of this scoring category, tenants with special needs include individuals or families who:

- Suffer from serious or persistent mental illness;
- Suffer from substance use disorders;
- Have disabilities, including intellectual, physical, or developmental;
- Are experiencing long-term homelessness, or are at significant risk of long-term homelessness;
- Are justice involved; or
- Are frail elderly, defined as those 62 years of age or older, who are unable to perform one or more "activities of daily living" without help. Activities of daily living comprise walking, eating, bathing, grooming, dressing, transferring, and home management activities. Assisted living, or projects serving a similar purpose, are not eligible under this Plan.

## **G. Universal Design**

**0 or 3-12 points**

Properties which meet the minimum universal design features below are eligible for points in this scoring category based on a percentage of units. A maximum of 25 percent of the project units may incorporate the universal design features.

|  |          |
|--|----------|
| 0 to 9.99 percent of the units.....    | 0 points |
| 10 to 14.99 percent of the units ..... | 3 points |
| 15 to 19.99 percent of the units.....  | 6 points |
| 20 to 25 percent of the units.....     | 9 points |

Universal design units and all common areas must be wheelchair-accessible and contain design features which may exceed the ADA standards, but which allow a project to be usable for the greatest possible percentage of the population. For purposes of this scoring category, the required minimum universal design features include:

- Roll-in or walk-in shower in at least one bathroom in the unit.
- Any additional bathrooms containing a bathtub should include a transfer seat, grab bars, and a floor drain to handle water splashed onto the floor during transfer.
- Front loading washing machines and dryers with accessible controls.
- Dishwasher.
- Lever handles on all doors and fixtures.
- Security doors with automatic openers.
- Accessible garbage dumpsters.
- Covered outside entries with adequate lighting.
- Kick plates on apartment doors to prevent damage from wheelchairs.
- Apartment doors which are wieldy for persons using a wheelchair or a walker.
- Hard surface flooring with maximum threshold heights of 1/4" beveled or 1/4" square-edged.
- Appliances with front controls.
- Controls for the garbage disposal, range hood light, and exhaust fan located on the front of the lower cabinets.
- Lower-mounted upper cabinets with handles within reach of a person in a wheelchair.
- Roll-under bathroom and kitchen sinks.
- Lower-mounted mirrors/medicine cabinets.
- Audio/visual alert doorbells.
- Braille characters included to the left on all interior common area signage.

The project architect must certify that the accessible units and common areas meet or exceed Federal Fair Housing Accessibility Guidelines and include the universal design elements listed above.

Applicants who receive points under this category will receive 1 additional point for each of the universal design units that are two-bedroom or larger, up to a maximum of 3 points. As an example, a project with 20 percent of the total units meeting the universal design elements, 3 of which are two-bedroom or larger will receive a total of 12 points.

- H. Design Standards** **0 or 3-10 points**
- (1) Properties with an elevator in each residential building will receive 10 points.
  - (2) Properties with a building(s) design that has no more than 4 units per outside main entrance will receive 3 points. Points given for this building design cannot be added to points given for design standard #1.
  - (3) Properties with a building design(s) that includes a separate outside main entrance for each unit will receive 10 points. Points given for this building design cannot be added to points given for design standards #1 or #2.
- A maximum of 10 points may be earned in this category.
- I. Readiness to Proceed** **0-25 points**
- Applicants must provide a timeline for completion of the project. Points awarded in this category are based on earliest achievable completion of the activity. Such things as letters of interest or commitment for all sources of project financing; ownership of the land; and availability of infrastructure will be considered in the award of points. Points will be awarded at the sole discretion of NDHFA in comparison to other projects competing in the application round.
- J. Housing for Families** **0 or 10 points**
- Properties in which 20 percent or more of the HTF-assisted units identified in the application are three-bedroom or larger will receive 10 points.
- K. Period of Affordability** **0 or 1 point**
- The minimum period of affordability for projects assisted by the HTF is 30 years. Projects which commit to affordability for a period of 31 years or longer will receive one point.
- L. Geographic Diversity** **0 or -5 points**
- Federal regulation places a priority on the use of HTF funding in a geographically diverse manner. Projects located in the same city as a project which has already been selected in the current HTF application round shall receive a scoring deduction of five points.
- M. Missing Threshold Items** **0 or -5 points per missing item**
- In accordance with the Threshold Requirements section of this Allocation Plan, a five point deduction will be assessed during the scoring process for each threshold item missing from the application package after the application deadline.

## VI. SET-ASIDE

### Native American Set-Aside

Ten percent (10%) of the state's HTF funding will be set aside for projects located within North Dakota Indian Reservations or on Tribal land, either held in trust or fee-simple. If sufficient qualifying proposals on Indian Reservations or Tribal lands are not received by the close of the first application round, the unused set-aside funding will be included in the general pool of funding, eligible to be

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awarded to non-Native American proposals in accordance with this Plan. The Native American set-aside will only be available in the first application round, and not in subsequent application rounds, of each Plan year.

For 2022, the amount of HTF funding set aside under this section of the Plan is \$300,000. Only the first \$300,000 of the highest scoring qualified application is eligible for approval under this set-aside. Any requested amount of funding in excess of the first \$300,000 of the highest scoring qualified application must compete for such funding in the general pool.

To be eligible for approval under this set-aside, applications must meet all requirements contained in this Plan, including all general provisions, federal cross-cutting requirements, threshold requirements, and minimum scoring.

## **VII. AWARD PROCESS**

Proposals received by the due date will be reviewed and ranked within an approximate 45-day timeframe. Successful proposals will be issued a Conditional Commitment of financial assistance from the HTF. During this timeframe, applicants will be required to reach certain benchmarks identified in NDHFA's conditional commitment letter, including completion of an environmental review. An extension of the conditional commitment period may be granted at the sole discretion of NDHFA. Upon satisfactory review of these items, a Financial Award agreement will be issued. Federal regulation requires that all HTF funds must be committed by NDHFA within 24 months and expended within five years of HUD's agreement with NDHFA.

### **Required monthly progress reports from financial award to HTF loan closing.**

To ensure that HTF funding is conditionally committed to projects which are proceeding according to the schedule presented in the application, each applicant receiving an HTF financial award will be required to submit monthly progress reports until closing of the HTF loan. The report must describe the applicant's actual progress to date together with an estimated timeline for future project activity.

### **Required quarterly progress reports from HTF loan closing to occupancy.**

Commencing with closing of the HTF loan, the borrower must submit quarterly progress reports until the project has reached stabilized occupancy. The report must describe actual development progress to date together with a current development budget and estimated timeline for future activity and lease-up. Development costs which increase above the contingency listed in the HTF application must be disclosed in the progress reports along with an explanation as to how the gap is being filled. At NDHFA's discretion, information submitted with draw requests, such as site reports, may serve to satisfy the quarterly reporting requirement.

## **VIII. ACCESS TO HTF FUNDS**

Draws against an HTF financial award can be made for eligible costs incurred upon firm commitment of all other funding sources. A mortgage with recapture provisions, deed restriction, loan agreement, and promissory note (collectively, the Loan Documents) must be executed prior to release of any HTF funds. The deed restriction must be in a senior position to any foreclosable loan(s) on the property. The Loan Documents will detail the loan terms and affordability requirements, as well as any additional requirements particular to the project, such as limiting tenant preference to homeless individuals and families.

The borrower may request one or more draws of available HTF loan proceeds for payment or reimbursement of eligible costs incurred toward the development of the project. Draws are requested

North Dakota Housing Finance Agency • 2624 Vermont Ave • PO Box 1535 • Bismarck, ND 58102-1535  
Ph.: 701/328-8880 • Fax: 701/328-8090 • Toll Free 800/292-8821 • 800/366-688 (TTY) Rev. (05/22)

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by submitting to NDHFA a completed HTF Draw Request form together with an ACH authorization, documentation supporting the expenses claimed, general contractor's sworn construction statement, architect's inspection or trip report, and either (1) conditional lien waivers for any general contractor or major subcontractor payments in the current draw as well as unconditional lien waivers for any general contractor and major subcontractor payments paid by the previous draw or (2) a date-down endorsement showing lien-free title. All disbursements are made by electronic funds transfer to the borrower's account or designated escrow agent.

Disbursement of up to 95 percent (95%) of the HTF loan proceeds may be made during construction of the project. A hold-back amount of five percent (5%) of the HTF loan proceeds will be retained until Project Completion. Disbursement of the hold-back amount will be made upon satisfaction of all post-closing conditions including but not limited to final sworn total development cost certification, certificate of occupancy, completion certification, final lien waivers, and executed loan or grant commitments for all other permanent funding sources.

## **IX. REPAYMENT OR RECAPTURE OF HTF FUNDS**

All HTF awards will be structured as loans with a term matching the Applicant's committed-to Period of Affordability. Repayment terms will be based on cash flow and determined on a project-specific basis as necessary to achieve project feasibility. Recapture of HTF funds may occur if final total development costs are such that assistance provided by the HTF exceeds established program limits or exceeded that which was necessary to make the project financially feasible.

Income targeting and rent restriction requirements will remain on the project for the term of the loan and will be enforced through a deed restriction on the land. In the event of a prepayment of the loan, the deed restriction will ensure the income and rent restrictions remain in place for the remainder of the HTF Period of Affordability.

A recapture of the HTF funds from the borrower will occur at any time during the term of the loan if the borrower fails to abide by the representations made in the application, unless waived by NDHFA. In the event of recapture of the HTF funds, the deed restriction will remain in place for the remainder of the original term of the HTF loan.

## **X. COMPLIANCE MONITORING**

Owners of HTF-assisted properties must remain in compliance with program guidelines throughout the term of the HTF loan. NDHFA will monitor all properties for compliance with HTF program requirements including those related to income and rent limits, cash flow, reserve accounts, insurance coverage, and property condition. Annual compliance monitoring will consist of a desk review of information provided by the project owner and/or a property inspection and review of documentation at the project location. A copy of the HTF Ongoing Compliance Monitoring Manual is provided to all HTF award recipients and is also available on the NDHFA website at [www.ndhfa.org](http://www.ndhfa.org).

On an annual basis during the Period of Affordability, owners of HTF-assisted properties must provide, at a minimum, the following items to NDHFA:

- Certificates of Liability Insurance (Acord 25) and Hazard Insurance (Acord 27 or 28) verifying coverages and NDHFA's interest as Mortgagee. Mortgagee clause MUST list the loan number and read as follows:

Loan #  
North Dakota Housing Finance Agency  
Its Successors and/or Assigns  
2624 Vermont Avenue, PO Box 1535  
Bismarck, ND 58502-1535

- An HTF Annual Owner Certification attesting to the owner's continued compliance with all HTF regulatory requirements contained in 24 CFR Part 93.
- Fully completed Annual Rental Compliance Report together with any Agency-required supporting documentation.
- A Statement of Income and Expenses for owner's operation of the requested Project Fiscal Year
- A Year-over-Year Balance Sheet reflecting Beginning-of-Year and End-of-Year account balances of the requested Project Fiscal Year
- A calculation and certification of the Hard-Debt Service Ratio and listing of all cash flow distributions, in order of distribution, for the requested Project Fiscal Year in a form and substance acceptable to the Agency

NDHFA may charge each HTF-assisted property an annual fee to cover expenses incurred during normal and routine monitoring activities. The fee is currently set at \$50 per property, plus \$40 per Restricted Unit. NDHFA reserves the right to adjust the annual fee as necessary. Additional fees may be assessed to properties determined to be in substantial noncompliance to cover the expense of additional monitoring. The HTF compliance monitoring fee should be included in the operating budget of applications for HTF assistance.

Developments which are subject to annual compliance monitoring fees for other programs administered by NDHFA may be eligible for a reduction in their HTF compliance monitoring fee at the sole discretion of NDHFA.

## **XI. DISCLAIMER OF NDHFA LIABILITY**

NDHFA seeks to allocate sufficient HTF assistance to a project to make the project economically feasible. Such decision shall be made solely at the discretion of NDHFA but in no way represents or warrants to any applicant, investor, lender, or others that the property is feasible, viable, or of investment quality.

No member, officer, agent, or employee of NDHFA shall be personally liable concerning any matters arising out of, or in relation to, the allocation of HTF assistance.

## **XII. MODIFICATION TO THE ALLOCATION PLAN**

The Executive Director may make minor modifications deemed necessary to facilitate the administration of the HTF or to address unforeseen circumstances. Further, the Executive Director is authorized to waive any conditions not mandated by federal statute or regulation on a case-by-case basis for good cause shown. As a matter of practice, NDHFA will document any waivers from the established priorities and selection criteria of this Allocation Plan and will make this documentation available to the public, upon request.

## 2022 HOME Program Recapture / Resale Provisions – Homeowner Assistance Programs

### Single Family Homeowner Rehabilitation Program

The period of affordability is as follows:

| HOME Assistance Per Unit               | Minimum Period of Affordability |
|--|---------------------------------|
| Single-Family Homeowner Rehabilitation | 5 yrs.                          |

The terms of the agreement for repayment may allow for a pro-rata reduction of the recapture amount in monthly increments. Below is an example of a five-year plan:

| Month | Recapture | Month | Recapture | Month | Recapture | Month | Recapture | Month | Recapture | Month | Recapture |
|-------|-----------|-------|-----------|-------|-----------|-------|-----------|-------|-----------|-------|-----------|
| 1     | 100%      | 11    | 83.3%     | 21    | 66.6%     | 31    | 50.0%     | 41    | 33.3%     | 51    | 16.6%     |
| 2     | 98.3%     | 12    | 81.6%     | 22    | 65.0%     | 32    | 48.3%     | 42    | 31.6%     | 52    | 15.0%     |
| 3     | 96.6%     | 13    | 80.0%     | 23    | 63.3%     | 33    | 46.6%     | 43    | 30.0%     | 53    | 13.3%     |
| 4     | 95.0%     | 14    | 78.3%     | 24    | 61.6%     | 34    | 45.0%     | 44    | 28.3%     | 54    | 11.6%     |
| 5     | 93.3%     | 15    | 76.6%     | 25    | 60.0%     | 35    | 43.3%     | 45    | 26.6%     | 55    | 10.0%     |
| 6     | 91.6%     | 16    | 75.0%     | 26    | 58.3%     | 36    | 41.6%     | 46    | 25.0%     | 56    | 8.3%      |
| 7     | 90.0%     | 17    | 73.3%     | 27    | 56.6%     | 37    | 40.0%     | 47    | 23.3%     | 57    | 6.6%      |
| 8     | 88.3%     | 18    | 71.6%     | 28    | 55.0%     | 38    | 38.3%     | 48    | 21.6%     | 58    | 5.0%      |
| 9     | 86.6%     | 19    | 70.0%     | 29    | 53.3%     | 39    | 36.6%     | 49    | 20.0%     | 59    | 3.3%      |
| 10    | 85.0%     | 20    | 68.3%     | 30    | 51.6%     | 40    | 35.0%     | 50    | 18.3%     | 60    | 1.6%      |

### Recaptured Funds

The recaptured funds must be returned to the Agency to be used to carry out HOME-Eligible Activities

### Homebuyer Down Payment Assistance Program

#### a. Period of Affordability (POA)

This period is based on the amount of direct HOME subsidy to the buyer, as follows:

| HOME Down Payment Assistance to Homebuyer | Minimum Period of Affordability |
|---|---------------------------------|
| Less than \$15,000                        | 5 yrs.                          |
| \$15,000 - \$40,000                       | 10 yrs.                         |
| More than \$40,000                        | 15 yrs.                         |

- b. Property must be occupied as a principal residence by the homebuyer and subsequent low-income buyers throughout the POA. No subleasing is allowed. The Subrecipient must monitor and verify primary residency of the homebuyer on an annual basis for the affordability period. The most current utility statement, proof of paid taxes, and homeowner's insurance are acceptable documentation.
- c. During grant monitoring of the Subrecipient, the Agency will review deed restrictions, covenants attached to the land, mortgages, or other similar mechanisms placed on the HOME-assisted property to ensure the provisions being used are in accordance with those stated in the written agreement with the Subrecipient.

#### Resale & Recapture Provisions

Resale will be required for CLT properties that are subject to ground lease controls. (Note: The HOME Final Rule also requires Resale restrictions to be used when there is no buyer assistance, which would only occur in development projects and not in a DPA-only program.) Recapture will be used for all other non-CLT properties.

#### Resale Provisions

The HOME resale requirements are established in the HOME rule at §92.254(a)(5)(i). Under HOME resale provisions, the PJ (and Program Administrator) is required to ensure that, when a HOME-assisted homebuyer sells his or her property voluntarily or involuntarily during the affordability period:

- The property is sold to another low-income homebuyer who will use the property as his or her principal residence;
- The original homeowner(s) receives a "fair return" on their investment. (i.e., the homeowner's share of the value of the property, including the value capital improvements made to the house); and
- The property is sold at a price that is "affordable to a reasonable range of low-income buyers."

Under resale, §92.254(a)(5)(i) of the HOME rule states that the period of affordability is based on the total amount of HOME funds invested in the housing. In a DPA-only program, this would include the assistance directly provided to the buyer plus any project delivery costs that are charged as project costs rather than as Administrative Costs.

| HOME Project Funds  | Minimum Period of Affordability |
|---------------------|---------------------------------|
| Less than \$15,000  | 5 yrs.                          |
| \$15,000 - \$40,000 | 10 yrs.                         |
| More than \$40,000  | 15 yrs.                         |

Calculation of Resale Price and Fair Return. When the homeowner sells, the following procedures and calculations will be used to determine the Fair Return to the seller as required by the HOME Final Rule:

1. Homeowner's Initial Ownership Interest – The homeowner's ownership interest at time of original purchase is the percentage of the Initial Appraised Value that the homeowner provided, as defined and calculated below.
  - a. Homeowner's Base Price: The price paid by the homeowner upon the execution of the Program Administrator Ground Lease. (Homeowner's Base Price equals the Homeowner's Ownership Interest at time of purchase.)
  - b. Initial Appraised Value of Home and Leased Land: The fee simple value of the home and the leased land based on an independent appraisal at time of original purchase.
  - c. Homeowner's Initial Ownership Interest (%): The Homeowner's Initial Ownership interest is the ratio of Homeowner's Base Price to Initial Appraised Value, expressed as a percentage.
  
2. Homeowner's Ownership Interest at Resale – The ownership interest at time of resale is determined through appraisal to include the value of homeowner capital improvements and the homeowner's share of the appraised value of the property at resale.
  - a. Appraised Value at Resale: An independent appraisal determines the appraised value of Home and Leased Land at resale.
  - b. Value of Homeowner's Capital Improvements (if applicable): If the homeowner has submitted Capital Improvements, the appraised value of the improvements will be identified in the appraisal, and the homeowner will be credited with 100% of the appraised value of the improvements.
  - c. Appraised Value of Homeowner's Ownership Interest at Resale: The Appraised Value of the Homeowner's Ownership Interest is calculated by adding:
    - i. The Appraised Value of Homeowner's Capital Improvements plus
    - ii. The "net" Appraised Value at Resale (with Value of Capital Improvements subtracted) multiplied by the Homeowner's Initial Ownership Interest percentage.
  
3. Formula Resale Price – The resale price at time of resale is defined and calculated below.
  - a. Appraised Value of Increased Homeowner's Ownership Interest at Resale. This equals:
    - i. The Value of Homeowner's Capital Improvements (if any) plus
    - ii. The Homeowner's Share of the Increase in Appraised Value, which is the "net" increase in Appraised Value multiplied by 40%.
  - b. Maximum (Formula) Resale Price – The maximum price at which the home can be resold is determined by Formula Resale Price, which is calculated as:
    - i. The Homeowner's Base Price plus
    - ii. The Appraised Value of Increased Homeowner's Ownership Interest at resale (which includes 100% of the Value of Homeowner's Capital Improvements plus the Homeowner's Share of the Increase in Appraised Value.)
  
4. Purchase Option Price – The Purchase Option Price will be used if the Program Administrator elects to exercise the Purchase Option. If elected, the Purchase Option Price is the lesser of:
  - a. The Appraised Value of Homeowner's Ownership Interest at Resale (calculated in 2c above); or
  - b. The Formula Resale Price as defined in 3b above.

Capital Improvements. When a homeowner completes an eligible capital improvement to their community land trust home post-purchase, they are eligible for 100 percent of the improvement value and appreciation deemed attributable to improvement. Eligible improvements include:

- Increase in legal bedroom size;
- Increase in legal bathroom size;
- Addition of or substantial rehabilitation to garage;
- Other substantial modifications approved by the Program Administrator, which are anticipated to

Increase value by a minimum \$2,500 and increase functionality of the home. Improvements made solely for cosmetic purposes or considered routine maintenance will not be considered.

Improvements must comply with the ground lease, and documentation of completion must be submitted. Upon refinancing or resale, the homeowner must submit a request for capital improvements calculation. The Appraisal will indicate a monetary value of improvements, and the Formula Resale Price calculation will be modified to incorporate the capital improvements calculation.

Purchase Option Price and Formula Price Example: The following are examples of the calculations specified above, one for an appreciating value and one for declining value:

| Calculation Step                                       | Appreciating Value - Sample Calculation                |
|--|--|
| 1.a. Homeowner's Base Price                            | \$150,000  |
| 1.b. Initial Appraised Value                           | \$200,000  |
| 1.c. Homeowner's Initial Ownership Interest            | $\$150,000/\$200,000 = 75\%$                           |
|  |  |
| 2.a. Appraised Value at Resale                         | \$240,000  |
| 2.b. Appraised Value of Capital Improvements           | \$10,000   |
| 2.c. Value of Homeowner's Interest at Resale           | $\$10,000 + (\$240,000 - \$10,000) * 75\% = \$182,500$ |
|  |  |
| 3.a. Value of Homeowner's Increased Interest at Resale | $\$10,000 + (\$172,500 - \$150,000) * 40\% = \$19,000$ |
| 3.c. Maximum (Formula) Resale Price                    | $\$150,000 + \$19,000 = \$169,000$                     |
|  |  |
| 4. Purchase Option Price                               | Lesser of \$182,500 & \$169,000 = \$169,000            |
|  |  |

| Calculation Step                             | Declining Value - Sample Calculation |
|--|--------------------------------------|
| 1.a. Homeowner's Base Price                  | \$150,000                            |
| 1.b. Initial Appraised Value                 | \$200,000                            |
| 1.c. Homeowner's Initial Ownership Interest  | $\$150,000/\$200,000 = 75\%$         |
|  |                                      |
| 2.a. Appraised Value at Resale               | \$180,000                            |
| 2.b. Appraised Value of Capital Improvements | \$8,000                              |

| Calculation Step                                       | Declining Value - Sample Calculation                  |
|--|---|
| 2.c. Value of Homeowner's Interest at Resale           | $\$8,000 + (\$180,000 - \$10,000) * 75\% = \$135,500$ |
| 3.a. Value of Homeowner's Increased Interest at Resale | $\$8,000 + (\$135,500 - \$150,000) * 40\% = \$2,000$  |
| 3.c. Maximum (Formula) Resale Price                    | $\$150,000 + \$2,000 = \$152,000$                     |
| 4. Purchase Option Price                               | Lesser of $\$135,500$ & $\$152,000 = \$135,500$       |

Resale Requirements. During the period of affordability, the home must be resold to another Low-income buyer approved by the Program Administrator. The Program Administrator may repurchase the home and convey it to an eligible LI buyer using the Purchase Option or permit the homeowner to find an eligible buyer, as described below.

Upon notice by the homeowner of intent to sell, the Program Administrator shall have the option to purchase the home at the Purchase Option Price as defined above in step 4

If the Program Administrator elects to purchase the home, it may exercise the purchase option by either proceeding to purchase the home directly or assigning the Purchase Option to a HOME-eligible low-income person.

If the purchase (by Program Administrator or its assignee) is not completed within 120 days as stated in the executed Program Administrator Ground Lease, the homeowner may sell the home and homeowner's rights to the leased land for a price no greater than the then applicable Purchase Option Price, to any party if that party is a HOME-eligible low-income person.

If the Program Administrator does not exercise its option and complete the purchase of the homeowner's property as described above, and if the homeowner (a) is not then residing in the home and (b) continues to hold the homeowner's property out for sale but is unable to locate a buyer and execute a binding purchase and sale agreement within one year of the date of the Notice of Intent to Sell, then the Program Administrator may appoint its attorney in fact to seek a buyer, negotiate a reasonable price that furthers the purpose of the Program Administrator Ground Lease, sell the property, and pay to the homeowner the proceeds of the sale, minus the Program Administrator's costs of sale and any other sums owed to the Program Administrator by the homeowner.

#### Recapture Provisions

In all projects that are not CLT properties, the Recapture method will be used. The HOME recapture provisions are established at §92.254(a)(5)(ii). Unlike the resale approach, recapture permits the original homebuyer to sell the property to any willing buyer during the period of affordability and the PJ recaptures

all or a portion of the HOME-assistance  
provided to the original homebuyer.

The HOME Final Rule permitted four models or options for recapture. NDHFA has elected the "full recapture" option. Under this option, the PJ (or Program Administrator) recaptures the entire amount of the direct HOME subsidy, subject to the net proceeds available from the sale, as defined below.

- The original direct HOME subsidy is the amount of HOME assistance that enabled the homebuyer to buy the unit. The direct subsidy includes downpayment, closing costs, interest subsidies, or other HOME assistance provided directly to the homebuyer. In addition, direct subsidy includes any assistance that reduced the purchase price from fair market value to an affordable price.
- Net proceeds are defined as the sales price minus superior loan repayment (other than HOME funds) and any closing costs incurred by the seller. Under no circumstances can the PJ (or Program Administrator) recapture more than is available from the net proceeds of the sale. Seller Costs must be supported by the Settlement Statement.

Subsequent Sale of Home to an Income Eligible Homebuyer. The HOME Final Rule at 92.254(a)(5)(ii) permits PJs to allow the subsequent homebuyer to assume the HOME assistance if:

- the homebuyer is Low-Income;
- no additional HOME assistance is provided; and
- the new buyer agrees to be subject to the HOME requirements for the remainder of the original period of affordability.

This option is authorized for this DPA program. If the Program Administrator determines through underwriting that the subsequent Low-Income homebuyer needs additional HOME assistance beyond the amount of the original HOME assistance, additional HOME homebuyer assistance may be provided and will be combined with their assumption amount of the existing note to determine the new POA and execute a new (replacement) written agreement and declaration of lien interest for the total assistance.

## Grantee SF-424's and Certification(s)

### STATE CERTIFICATIONS

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the State certifies that:

**Affirmatively Further Fair Housing** -- The State will affirmatively further fair housing.

**Uniform Relocation Act and Anti-displacement and Relocation Plan** -- It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (42 U.S.C. 4601-4655) and implementing regulations at 49 CFR Part 24. It has in effect and is following a residential anti-displacement and relocation assistance plan required under 24 CFR Part 42 in connection with any activity assisted with funding under the Community Development Block Grant or HOME programs.

**Anti-Lobbying** --To the best of the State's knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
3. It will require that the language of paragraphs 1 and 2 of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

**Authority of State** -- The submission of the consolidated plan is authorized under State law and the State possesses the legal authority to carry out the programs under the consolidated plan for which it is seeking funding, in accordance with applicable HUD regulations.

**Consistency with plan** -- The housing activities to be undertaken with Community Development Block Grant, HOME, Emergency Solutions Grant, and Housing Opportunities for Persons With AIDS funds are consistent with the strategic plan in the State's consolidated plan.

**Section 3** -- It will comply with section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and implementing regulations at 24 CFR Part 75.

  
Signature of Authorized Official

May 6 2022  
Date

Director, DCS  
Title

## APPENDIX TO CERTIFICATIONS

### INSTRUCTIONS CONCERNING LOBBYING CERTIFICATION:

#### Lobbying Certification

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

| Application for Federal Assistance SF-424   |  |  |
|---|--|--|
| * 1. Type of Submission:<br><input type="checkbox"/> Preproposal<br><input checked="" type="checkbox"/> Application<br><input type="checkbox"/> Changed/Corrected Application |  | * 2. Type of Application:<br><input checked="" type="checkbox"/> New<br><input type="checkbox"/> Continuation<br><input type="checkbox"/> Revision |
|   |  | * If Revision, select appropriate letter(s):<br><input type="text"/><br>* Other (Specify):<br><input type="text"/>                                 |
| * 3. Date Received:<br><input type="text"/>   |  | 4. Applicant Identifier:<br><input type="text"/>   |
| 5a. Federal Entity Identifier:<br><input type="text"/>  |  | 5b. Federal Award Identifier:<br><input type="text"/>  |
| <b>State Use Only:</b>  |  |  |
| 6. Date Received by State:<br><input type="text"/>  |  | 7. State Application Identifier:<br><input type="text"/>   |
| <b>II. APPLICANT INFORMATION:</b>   |  |  |
| * a. Legal Name: <input type="text"/> State of North Dakota   |  |  |
| * b. Employer/Taxpayer Identification Number (EIN/TIN):<br><input type="text"/> 15-0397681  |  | * c. DUNS:<br><input type="text"/> 0003508801  |
| <b>d. Address:</b>  |  |  |
| * Street1: <input type="text"/> 1500 East Century Avenue, Suite 5   |  |  |
| Street2: <input type="text"/> PO Box 20831  |  |  |
| * City: <input type="text"/> Bismarck   |  |  |
| County/Parish: <input type="text"/> Burleigh Co.  |  |  |
| * State: <input type="text"/> ND: North Dakota  |  |  |
| Province: <input type="text"/>  |  |  |
| * Country: <input type="text"/> USA: UNITED STATES  |  |  |
| * Zip (Postal Code): <input type="text"/> 58103-2157  |  |  |
| <b>e. Organizational Unit:</b>  |  |  |
| Department Name:<br><input type="text"/> ND Department of Commerce  |  | Division Name:<br><input type="text"/> Division of Community Development   |
| <b>f. Name and contact information of person to be contacted on matters involving this application:</b>   |  |  |
| Prefix: <input type="text"/> Mr.  |  | * First Name: <input type="text"/> Dorcas  |
| Middle Name: <input type="text"/>   |  |  |
| * Last Name: <input type="text"/> Erickson  |  |  |
| Suffix: <input type="text"/>  |  |  |
| Title: <input type="text"/> Economic Manager  |  |  |
| Organizational Affiliation:<br><input type="text"/>   |  |  |
| * Telephone Number: <input type="text"/> 701-328-6270   |  | Fax Number: <input type="text"/>   |
| * Email: <input type="text"/> L.Erickson@nd.gov   |  |  |

| Application for Federal Assistance SF-424   |  |
|---|--|
| <b>* 9. Type of Applicant 1: Select Applicant Type:</b><br><input type="text" value="At State Government"/>   |  |
| <b>Type of Applicant 2: Select Applicant Type:</b><br><input type="text"/>  |  |
| <b>Type of Applicant 3: Select Applicant Type:</b><br><input type="text"/>  |  |
| <b>* Other (specify):</b><br><input type="text"/>   |  |
| <b>* 10. Name of Federal Agency:</b><br><input type="text" value="US Department of Housing and Urban Development"/>   |  |
| <b>11. Catalog of Federal Domestic Assistance Number:</b><br><input type="text" value="14.105"/>  |  |
| <b>CFDA Title:</b><br><input type="text" value="Community Development Block Grants/State's Program"/>   |  |
| <b>* 12. Funding Opportunity Number:</b><br><input type="text" value="Community Development Block Grant"/>  |  |
| <b>* Title:</b><br><div style="background-color: yellow; height: 40px; width: 100%;"></div>   |  |
| <b>13. Competition Identification Number:</b><br><input type="text"/>   |  |
| <b>Title:</b><br><input type="text"/>   |  |
| <b>14. Areas Affected by Project (Cities, Counties, States, etc.):</b><br><input type="text"/> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <span>Add Attachment</span> <span>Cancel Attachment</span> <span>Delete Attachment</span> </div> |  |
| <b>* 15. Descriptive Title of Applicant's Project:</b><br><input type="text" value="With United States Department of Commerce&lt;br/&gt;Division of Community Services&lt;br/&gt;Community Development Block Grant"/>   |  |
| Attach supporting documents as specified in agency instructions.<br><div style="display: flex; justify-content: space-between; margin-top: 5px;"> <span>Add Attachments</span> <span>Cancel Attachments</span> <span>Delete Attachments</span> </div>                         |  |

| Application for Federal Assistance SF-424   |                |             |                |               |        |           |        |           |        |           |        |                    |        |           |                |
|---|----------------|-------------|----------------|---------------|--------|-----------|--------|-----------|--------|-----------|--------|--------------------|--------|-----------|----------------|
| <b>16. Congressional Districts Of:</b><br><div style="display: flex; justify-content: space-between;"> <span>*a. Applicant: <input type="text" value="IDPAU"/></span> <span>*b. Program/Project: <input type="text" value=""/></span> </div>  |                |             |                |               |        |           |        |           |        |           |        |                    |        |           |                |
| Attach an additional list of Program/Project Congressional Districts if needed.<br><div style="display: flex; justify-content: space-between; align-items: center;"> <input style="width: 300px;" type="text"/> <div> <input type="button" value="Add Attachment"/> <input type="button" value="Cancel Attachment"/> <input type="button" value="Remove Attachment"/> </div> </div>   |                |             |                |               |        |           |        |           |        |           |        |                    |        |           |                |
| <b>17. Proposed Project:</b><br><div style="display: flex; justify-content: space-between;"> <span>*a. Start Date: <input type="text" value="01/01/2022"/></span> <span>*b. End Date: <input type="text" value="06/30/2022"/></span> </div>   |                |             |                |               |        |           |        |           |        |           |        |                    |        |           |                |
| <b>18. Estimated Funding (\$):</b> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%;">*d. Federal</td> <td style="width: 80%; text-align: right;">\$1,327,945.00</td> </tr> <tr> <td>*e. Applicant</td> <td style="background-color: yellow; text-align: right;">\$0.00</td> </tr> <tr> <td>*f. State</td> <td style="background-color: yellow; text-align: right;">\$0.00</td> </tr> <tr> <td>*g. Local</td> <td style="background-color: yellow; text-align: right;">\$0.00</td> </tr> <tr> <td>*h. Other</td> <td style="background-color: yellow; text-align: right;">\$0.00</td> </tr> <tr> <td>*i. Program Income</td> <td style="text-align: right;">\$0.00</td> </tr> <tr> <td>*j. TOTAL</td> <td style="text-align: right;">\$1,327,945.00</td> </tr> </table> |                | *d. Federal | \$1,327,945.00 | *e. Applicant | \$0.00 | *f. State | \$0.00 | *g. Local | \$0.00 | *h. Other | \$0.00 | *i. Program Income | \$0.00 | *j. TOTAL | \$1,327,945.00 |
| *d. Federal   | \$1,327,945.00 |             |                |               |        |           |        |           |        |           |        |                    |        |           |                |
| *e. Applicant   | \$0.00         |             |                |               |        |           |        |           |        |           |        |                    |        |           |                |
| *f. State   | \$0.00         |             |                |               |        |           |        |           |        |           |        |                    |        |           |                |
| *g. Local   | \$0.00         |             |                |               |        |           |        |           |        |           |        |                    |        |           |                |
| *h. Other   | \$0.00         |             |                |               |        |           |        |           |        |           |        |                    |        |           |                |
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| *j. TOTAL   | \$1,327,945.00 |             |                |               |        |           |        |           |        |           |        |                    |        |           |                |
| <b>* 19. Is Application Subject to Review By State Under Executive Order 12372 Process?</b><br><div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> a. This application was made available to the State under the Executive Order 12372 Process for review on <input type="text"/> </div> <div> <input type="checkbox"/> b. Program is subject to E.O. 12372 but has not been selected by the State for review.           </div> </div> <input checked="" type="checkbox"/> c. Program is not covered by E.O. 12372.   |                |             |                |               |        |           |        |           |        |           |        |                    |        |           |                |
| <b>* 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)</b><br><div style="display: flex; justify-content: space-between;"> <input type="checkbox"/> Yes           <input checked="" type="checkbox"/> No         </div> <div style="margin-top: 5px;">           If "Yes," provide explanation and attach <input style="width: 200px;" type="text"/> <div style="display: flex; justify-content: flex-end; margin-top: 5px;"> <input type="button" value="Add Attachment"/> <input type="button" value="Cancel Attachment"/> <input type="button" value="Remove Attachment"/> </div> </div>   |                |             |                |               |        |           |        |           |        |           |        |                    |        |           |                |
| <b>21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 28, Section 1001)</b><br><input checked="" type="checkbox"/> **I AGREE<br><small>** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.</small>   |                |             |                |               |        |           |        |           |        |           |        |                    |        |           |                |
| <b>Authorized Representative:</b>   |                |             |                |               |        |           |        |           |        |           |        |                    |        |           |                |
| <div style="display: flex; justify-content: space-between;"> <span>Prefix: <input type="text" value="Ms."/></span> <span>* First Name: <input type="text" value="Maria"/></span> </div>   |                |             |                |               |        |           |        |           |        |           |        |                    |        |           |                |
| Middle Name: <input type="text" value="Elizabeth"/>   |                |             |                |               |        |           |        |           |        |           |        |                    |        |           |                |
| * Last Name: <input type="text" value="Stewart-Nelson"/>  |                |             |                |               |        |           |        |           |        |           |        |                    |        |           |                |
| Suffix: <input type="text" value=""/>   |                |             |                |               |        |           |        |           |        |           |        |                    |        |           |                |
| * Title: <input type="text" value="Director, Division of Community Services"/>  |                |             |                |               |        |           |        |           |        |           |        |                    |        |           |                |
| <div style="display: flex; justify-content: space-between;"> <span>* Telephone Number: <input type="text" value="(701) 295-4121"/></span> <span>Fax Number: <input type="text" value=""/></span> </div>   |                |             |                |               |        |           |        |           |        |           |        |                    |        |           |                |
| * Email: <input type="text" value="stewartn@dc.gov"/>   |                |             |                |               |        |           |        |           |        |           |        |                    |        |           |                |
| <div style="display: flex; justify-content: space-between; align-items: center;"> <div>           * Signature of Authorized Representative: <div style="border: 1px solid black; padding: 5px; display: inline-block;"> <i>Maria Elizabeth Stewart-Nelson</i> </div> </div> <div>           * Date Signed: <input type="text" value="May 5 2022"/> </div> </div>  |                |             |                |               |        |           |        |           |        |           |        |                    |        |           |                |

## ASSURANCES - CONSTRUCTION PROGRAMS

OMB Number: 4040-0009  
Expiration Date: 02/28/2025

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0042), Washington, DC 20503.

**PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.**

**NOTE:** Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the Awarding Agency. Further, certain Federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure non-discrimination during the useful life of the project.
4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards of merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
9. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
10. Will comply with all Federal statutes relating to non-discrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681 1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

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Standard Form 424D (Rev. 7-97)  
Prescribed by OMB Circular A-102

11. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
12. Will comply with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
13. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a-276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333) regarding labor standards for federally-assisted construction subagreements.
14. Will comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
16. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
17. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
19. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.
20. Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.

|   |                |
|---|----------------|
| SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL | TITLE          |
| <i>Maria Hjertz Hanson</i>                  | Director, DCS  |
| APPLICANT ORGANIZATION                      | DATE SUBMITTED |
| Division of Community Services              | May 6 2022     |

SF-424D (Rev. 7-97) Back

#### Specific Community Development Block Grant Certifications

The State certifies that:

**Citizen Participation --** It is following a detailed citizen participation plan that satisfies the requirements of 24 CFR §91.115 and each unit of general local government that receives assistance from the State is following a detailed citizen participation plan that satisfies the requirements of 24 CFR §570.486.

**Consultation with Local Governments --**

1. It has consulted with affected units of local government in the nonentitlement area of the State in determining the method of distribution of funding;
2. It engages in or will engage in planning for community development activities;
3. It provides or will provide technical assistance to units of local government in connection with community development programs; and
4. It will not refuse to distribute funds to any unit of general local government on the basis of the particular eligible activity selected by the unit of general local government to meet its community development needs, except that a State is not prevented from establishing priorities in distributing funding on the basis of the activities selected.

**Local Needs Identification --** It will require each unit of general local government to be funded to identify its community development and housing needs, including the needs of low-income and moderate-income families, and the activities to be undertaken to meet these needs.

**Community Development Plan --** Its consolidated plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that have been developed in accordance with the primary objective of the CDBG program (i.e., the development of viable urban communities, by providing decent housing and expanding economic opportunities, primarily for persons of low and moderate income) and requirements of 24 CFR Parts 91 and 570.

**Use of Funds --** It has complied with the following criteria:

1. Maximum Feasible Priority. With respect to activities expected to be assisted with CDBG funds, it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include activities which the grantee certifies are designed to meet other community development needs having particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available.
2. Overall Benefit. In the aggregate, not less than 70 percent of the CDBG funds, including Section 108 guaranteed loans, received by the State during the following fiscal year(s)  
2022 - 2024 [a period designated by the State of one, two, or three specific consecutive fiscal year(s)] will be used for activities that benefit persons of low and moderate income.

3. Special Assessments. It will not attempt to recover any capital costs of public improvements assisted with CDBG Funds, including Section 108 loan guaranteed funds, by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements.

However, if CDBG funds are used to pay the proportion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds.

In addition, in the case of properties owned and occupied by moderate-income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

Excessive Force -- It will require units of general local government that receive CDBG funds to certify that they have adopted and are enforcing:

1. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
2. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction.

Compliance with Anti-discrimination laws -- The grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and the Fair Housing Act (42 U.S.C. 3601-3619) and implementing regulations.

Compliance with Laws -- It will comply with applicable laws.

Maria Effertz hanson  
Signature of Authorized Official

May 6 2022  
Date

Director, DCS  
Title

| Application for Federal Assistance SF-424   |  |  |
|---|--|--|
| * 1. Type of Submission:<br><input type="checkbox"/> Preproposal<br><input checked="" type="checkbox"/> Application<br><input type="checkbox"/> Changed/Corrected Application |  | * 2. Type of Application:<br><input checked="" type="checkbox"/> New<br><input type="checkbox"/> Continuation<br><input type="checkbox"/> Revision |
|   |  | * If Revision, select appropriate letter(s):<br><input type="text"/><br>* Other (Specify):<br><input type="text"/>                                 |
| * 3. Date Received:<br><input type="text"/>   |  | 4. Applicant Identifier:<br><input type="text"/>   |
| 5a. Federal Entity Identifier:<br><input type="text"/>  |  | 5b. Federal Award Identifier:<br><input type="text"/>  |
| <b>State Use Only:</b>  |  |  |
| 6. Date Received by State:<br><input type="text"/>  |  | 7. State Application Identifier:<br><input type="text"/>   |
| <b>B. APPLICANT INFORMATION:</b>  |  |  |
| * a. Legal Name: <input type="text"/> State of North Dakota   |  |  |
| * b. Employer/Taxpayer Identification Number (EIN/TIN):<br><input type="text"/> 15-0397681  |  | * c. DUNS:<br><input type="text"/> 0003508801  |
| <b>d. Address:</b>  |  |  |
| * Street1: <input type="text"/> 1500 East Century Avenue, Suite 5   |  |  |
| Street2: <input type="text"/> PO Box 20831  |  |  |
| * City: <input type="text"/> Bismarck   |  |  |
| County/Parish: <input type="text"/> Burleigh  |  |  |
| * State: <input type="text"/> ND: North Dakota  |  |  |
| Province: <input type="text"/>  |  |  |
| * Country: <input type="text"/> USA: UNITED STATES  |  |  |
| * Zip / Postal Code: <input type="text"/> 58103-2157  |  |  |
| <b>e. Organizational Unit:</b>  |  |  |
| Department Name:<br><input type="text"/> ND Department of Commerce  |  | Division Name:<br><input type="text"/> Division of Community Development   |
| <b>f. Name and contact information of person to be contacted on matters involving this application:</b>   |  |  |
| Prefix: <input type="text"/> Mr.  |  | * First Name: <input type="text"/> Dorcas  |
| Middle Name: <input type="text"/>   |  |  |
| * Last Name: <input type="text"/> Erickson  |  |  |
| Suffix: <input type="text"/>  |  |  |
| Title: <input type="text"/> Economic Manager  |  |  |
| Organizational Affiliation:<br><input type="text"/>   |  |  |
| * Telephone Number: <input type="text"/> 701-328-6270   |  | Fax Number: <input type="text"/>   |
| * Email: <input type="text"/> L.Erickson@nd.gov   |  |  |

| Application for Federal Assistance SF-424   |  |
|---|--|
| <b>* 9. Type of Applicant 1: Select Applicant Type:</b><br><input type="text" value="At State Government"/>   |  |
| <b>Type of Applicant 2: Select Applicant Type:</b><br><input type="text"/>  |  |
| <b>Type of Applicant 3: Select Applicant Type:</b><br><input type="text"/>  |  |
| <b>* Other (specify):</b><br><input type="text"/>   |  |
| <b>* 10. Name of Federal Agency:</b><br><input type="text" value="US Department of Housing and Urban Development"/>   |  |
| <b>11. Catalog of Federal Domestic Assistance Number:</b><br><input type="text" value="14.231"/>  |  |
| <b>CFDA Title:</b><br><input type="text" value="Emergency Solutions Grant Program"/>  |  |
| <b>* 12. Funding Opportunity Number:</b><br><input type="text" value="Emergency Solutions Grant"/>  |  |
| <b>* Title:</b><br><div style="background-color: yellow; height: 40px; width: 100%;"></div>   |  |
| <b>13. Competition Identification Number:</b><br><input type="text"/>   |  |
| <b>Title:</b><br><input type="text"/>   |  |
| <b>14. Areas Affected by Project (Cities, Counties, States, etc.):</b><br><input type="text"/> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <span>Add Attachment</span> <span>Cancel Attachment</span> <span>Delete Attachment</span> </div> |  |
| <b>* 15. Descriptive Title of Applicant's Project:</b><br><input type="text" value="With United States Department of Commerce&lt;br/&gt;Division of Community Services&lt;br/&gt;Emergency Solutions Grant"/>   |  |
| Attach supporting documents as specified in agency instructions.<br><div style="display: flex; justify-content: space-between; margin-top: 5px;"> <span>Add Attachments</span> <span>Cancel Attachments</span> <span>Delete Attachments</span> </div>                         |  |

| Application for Federal Assistance SF-424  |   |
|--|---|
| <b>16. Congressional Districts Of:</b><br><div style="display: flex; justify-content: space-between;"> <span>*a. Applicant: <input type="text" value="IDPAU"/></span> <span>*b. Program/Project: <input type="text" value=""/></span> </div>   |   |
| Attach an additional list of Program/Project Congressional Districts if needed.<br><div style="display: flex; justify-content: space-between;"> <input type="text"/> <span>Add Attachment</span> <span>Cancel Attachment</span> <span>Remove Attachment</span> </div>  |   |
| <b>17. Proposed Project:</b><br><div style="display: flex; justify-content: space-between;"> <span>*a. Start Date: <input type="text" value="01/01/2022"/></span> <span>*b. End Date: <input type="text" value="06/30/2022"/></span> </div>  |   |
| <b>18. Estimated Funding (\$):</b>   |   |
| *a. Federal  | <input type="text" value="\$50,000.00"/>  |
| *b. Applicant  | <input type="text" value=""/>   |
| *c. State  | <input type="text" value=""/>   |
| *d. Local  | <input type="text" value=""/>   |
| *e. Other  | <input type="text" value=""/>   |
| *f. Program Income   | <input type="text" value=""/>   |
| *g. TOTAL  | <input type="text" value="\$50,000.00"/>  |
| <b>* 19. Is Application Subject to Review By State Under Executive Order 12372 Process?</b><br><input type="checkbox"/> a. This application was made available to the State under the Executive Order 12372 Process for review on <input type="text"/><br><input type="checkbox"/> b. Program is subject to E.O. 12372 but has not been selected by the State for review.<br><input checked="" type="checkbox"/> c. Program is not covered by E.O. 12372.  |   |
| <b>* 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)</b><br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br>If "Yes", provide explanation and attach <input type="text"/> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <span>File Attachment</span> <span>Cancel Attachment</span> <span>Remove Attachment</span> </div>   |   |
| <b>21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 28, Section 1001)</b><br><input checked="" type="checkbox"/> ** I AGREE<br><small>** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.</small> |   |
| <b>Authorized Representative:</b>  |   |
| Prefix: <input type="text" value="Ms."/>   | * First Name: <input type="text" value="MARIA"/>  |
| Middle Name: <input type="text" value=""/>   |   |
| * Last Name: <input type="text" value="STEFANO-WANSON"/>   |   |
| Suffix: <input type="text" value=""/>  |   |
| * Title: <input type="text" value="Director, Division of Community Services"/>   |   |
| * Telephone Number: <input type="text" value="(703) 595-4121"/>  | Fax Number: <input type="text" value=""/>   |
| * Email: <input type="text" value="mehanson@dc.gov"/>  |   |
| * Signature of Authorized Representative:  | <div style="display: flex; justify-content: space-between; align-items: center;"> <div style="border: 1px solid black; padding: 5px; flex-grow: 1;"> </div> <div style="text-align: right;">           * Date Signed: <input type="text" value="May 6 2022"/> </div> </div> |

## ASSURANCES - CONSTRUCTION PROGRAMS

OMB Number: 4040-0009  
Expiration Date: 02/28/2025

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0042), Washington, DC 20503.

**PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.**

**NOTE:** Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the Awarding Agency. Further, certain Federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure non-discrimination during the useful life of the project.
4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards of merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
9. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
10. Will comply with all Federal statutes relating to non-discrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681 1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

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Standard Form 424D (Rev. 7-97)  
Prescribed by OMB Circular A-102

11. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
12. Will comply with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
13. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a-276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333) regarding labor standards for federally-assisted construction subagreements.
14. Will comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
16. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
17. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
19. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.
20. Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.

|   |                |
|---|----------------|
| SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL | TITLE          |
| <i>Marisa Hjertz Hanson</i>                 | Director       |
| APPLICANT ORGANIZATION                      | DATE SUBMITTED |
| Division of Community Services              | May 6 2022     |

SF-424D (Rev. 7-97) Back

## Emergency Solutions Grant Certifications

Each State that seeks funding under the Emergency Solutions Grants Program must provide the following certifications:

**Matching Funds** – The State will obtain any matching amounts required under 24 CFR 576.201 in a manner so that its subrecipients that are least capable of providing matching amounts receive the benefit of the exception under 24 CFR 576.201(a)(2).

**Discharge Policy** – The State will establish and implement, to the maximum extent practicable and where appropriate, policies and protocols for the discharge of persons from publicly funded institutions or systems of care (such as health care facilities, mental health facilities, foster care or other youth facilities, or correction programs and institutions) in order to prevent this discharge from immediately resulting in homelessness for these persons.

**Confidentiality** – The State will develop and implement procedures to ensure the confidentiality of records pertaining to any individual provided family violence prevention or treatment services under any project assisted under the ESG program, including protection against the release of the address or location of any family violence shelter project, except with the written authorization of the person responsible for the operation of that shelter.

The State will ensure that its subrecipients comply with the following criteria:

**Major rehabilitation/conversion/renovation** – If an emergency shelter's rehabilitation costs exceed 75 percent of the value of the building before rehabilitation, the building will be maintained as a shelter for homeless individuals and families for a minimum of 10 years after the date the building is first occupied by a homeless individual or family after the completed rehabilitation. If the cost to convert a building into an emergency shelter exceeds 75 percent of the value of the building after conversion, the building will be maintained as a shelter for homeless individuals and families for a minimum of 10 years after the date the building is first occupied by a homeless individual or family after the completed conversion. In all other cases where ESG funds are used for renovation, the building will be maintained as a shelter for homeless individuals and families for a minimum of 3 years after the date the building is first occupied by a homeless individual or family after the completed renovation.

**Essential Services and Operating Costs** – If ESG funds are used for shelter operations or essential services related to street outreach or emergency shelter, the subrecipient will provide services or shelter to homeless individuals and families for the period during which the ESG assistance is provided, without regard to a particular site or structure, so long the applicant serves the same type of persons (e.g., families with children, unaccompanied youth, veterans, disabled individuals, or victims of domestic violence) or persons in the same geographic area.

**Renovation** – Any renovation carried out with ESG assistance shall be sufficient to ensure that the building involved is safe and sanitary.

**Supportive Services** – The subrecipient will assist homeless individuals in obtaining permanent housing, appropriate supportive services (including medical and mental health treatment, counseling, supervision, and other services essential for achieving independent living), and other Federal State, local, and private assistance available for such individuals.

Homeless Persons Involvement – To the maximum extent practicable, the subrecipient will involve, through employment, volunteer services, or otherwise, homeless individuals and families in constructing, renovating, maintaining, and operating facilities assisted under ESG, in providing services assisted under the ESG program, and in providing services for occupants of facilities assisted ESG.

Consolidated Plan – All activities the subrecipient undertakes with assistance under ESG are consistent with the State's current HUD-approved consolidated plan.

Maria Hjertz hanson  
Signature of Authorized Official

May 6 2022  
Date

Director, DCS  
Title


HOME Investment  
Partnerships Program  
State Certifications

| Application for Federal Assistance SF-424   |  |   |
|---|--|---|
| <div> <div> * 1. Type of Submission:<br/> <input type="checkbox"/> Preproposal<br/> <input checked="" type="checkbox"/> Application<br/> <input type="checkbox"/> Change/Corrected Application </div> <div> * 2. Type of Application:<br/> <input checked="" type="checkbox"/> New<br/> <input type="checkbox"/> Continuation<br/> <input type="checkbox"/> Revision </div> <div> * If Revision, select appropriate criteria:<br/> <input type="text"/><br/> * Other (Specify):<br/> <input type="text"/> </div> </div> |  |   |
| * 3. Date Received:<br>12/02/2022   |  | * 4. Applicant Identifier:<br><input type="text"/>                            |
| * 5a. Federal Entry Identifier:<br>0000   |  | * 5b. Federal Award Identifier:<br><input type="text"/>                       |
| State Use Only:   |  |   |
| * 6. Date Received by State:<br><input type="text"/>  |  | * 7. State Application Identifier:<br><input type="text"/>                    |
| <b>B. APPLICANT INFORMATION:</b>  |  |   |
| * a. Legal Name: <input type="text" value="Blacksburg Housing Development Agency"/>   |  |   |
| * b. Employer/Taxpayer Identification Number (EIN/TIN):<br><input type="text" value="11-0370288"/>  |  | * c. DUNS<br><input type="text" value="L2X1C2C0L7513"/>                       |
| * d. Address:   |  |   |
| * Street: <input type="text" value="2624 Garrison Avenue"/><br>* Street2: <input type="text" value="PO Box 1575"/><br>* City: <input type="text" value="Blacksburg"/><br>* County/Parish: <input type="text" value="Washington"/><br>* State: <input type="text" value="West Virginia"/><br>* Province: <input type="text"/><br>* Country: <input type="text" value="UNITED STATES"/><br>* Zip/Postal Code: <input type="text" value="25302-1575"/>   |  |   |
| * e. Organizational Unit:   |  |   |
| Department Name:<br><input type="text" value="Blacksburg Housing Development"/>   |  | Division Name:<br><input type="text" value="Blacksburg Housing Development"/> |
| * f. Name and contact information of person to be contacted on matters involving this application:  |  |   |
| * Prefix: <input type="text" value="Mr"/> * First Name: <input type="text" value="John Allen"/><br>Middle Name: <input type="text"/><br>* Last Name: <input type="text" value="Henderson"/><br>Suffix: <input type="text"/><br>Title: <input type="text" value="Director, Planning &amp; Housing Development"/><br>Organizational Affiliation:<br><input type="text"/>  |  |   |
| * Telephone Number: <input type="text" value="703-326-8062"/>   |  | * Fax Number: <input type="text" value="703-326-8060"/>                       |
| * Email: <input type="text" value="johnallen@hda.wv.gov"/>  |  |   |

| Application for Federal Assistance SF-424   |  |
|---|--|
| <b>* 9. Type of Applicant 1: Select Applicant Type:</b><br><input type="text" value="A: State Government"/>   |  |
| <b>Type of Applicant 2: Select Applicant Type:</b><br><input type="text"/>  |  |
| <b>Type of Applicant 3: Select Applicant Type:</b><br><input type="text"/>  |  |
| <b>* Other (specify):</b><br><input type="text"/>   |  |
| <b>* 10. Name of Federal Agency:</b><br><input type="text" value="US Department of Housing and Urban Development"/>   |  |
| <b>11. Catalog of Federal Domestic Assistance Number:</b><br><input type="text" value="14-105"/>  |  |
| <b>CPLM Use:</b><br><input type="text" value="HOME Investment Partnerships Program"/>   |  |
| <b>* 12. Funding Opportunity Number:</b><br><input type="text" value="HOME Investment Partnerships Program"/>   |  |
| <b>Title:</b><br><input type="text" value="HOME Investment Partnerships Program"/>  |  |
| <b>13. Competition Identification Number:</b><br><input type="text"/>   |  |
| <b>Title:</b><br><input type="text"/>   |  |
| <b>14. Areas Affected by Project (Cities, Counties, States, etc.):</b><br><input type="text"/> <div> <input type="button" value="Add Attachment"/> <input type="button" value="Delete Attachment"/> <input type="button" value="Copy Attachment"/> </div> |  |
| <b>* 15. Descriptive Title of Applicant's Project:</b><br><input type="text" value="North Texas 2015 HOME Program"/>  |  |
| <b>Attach supporting documents as specified in agency instructions.</b><br><div> <input type="button" value="Add Attachments"/> <input type="button" value="Delete Attachments"/> <input type="button" value="View Attachments"/> </div>                  |  |

| Application for Federal Assistance SF-424   |   |
|---|---|
| 16. Congressional Districts Of:   |   |
| * a. Applicant: <input type="text" value="LOCAL"/>  | * b. Program/Project: <input type="text" value=""/>       |
| Attach an additional list of Program/Project Congressional Districts if needed.   |   |
| <input type="button" value="Add Attachment"/> <input type="button" value="Cancel/Close Form"/> <input type="button" value="Print/Print Form"/>  |   |
| 17. Proposed Project:   |   |
| * a. Start Date: <input type="text" value="07/01/2022"/>  | * b. End Date: <input type="text" value="07/31/2024"/>    |
| 18. Estimated Funding (\$):   |   |
| * a. Federal:   | <input type="text" value="3,000,000.00"/>                 |
| * b. Applicant:   | <input type="text" value=""/>                             |
| * c. State:   | <input type="text" value=""/>                             |
| * d. Local:   | <input type="text" value=""/>                             |
| * e. Other:   | <input type="text" value="2,423,204.10"/>                 |
| * f. Program income:  | <input type="text" value="80,312.80"/>                    |
| * g. TOTAL:   | <input type="text" value="5,503,516.90"/>                 |
| * 19. Is Application Subject to Review By State Under Executive Order 12372 Process?<br><input type="checkbox"/> a. The application was made available to the State under the Executive Order 12372 Process for review on <input type="text" value=""/><br><input type="checkbox"/> b. Program is subject to E.O. 12372 but has not been selected by the State for review<br><input checked="" type="checkbox"/> c. Program is not covered by E.O. 12372  |   |
| * 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment)<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br>If "Yes", provide explanation and attach: <input type="text" value=""/><br><input type="button" value="Add Attachment"/> <input type="button" value="Delete Attachment"/> <input type="button" value="Cancel/Close Form"/>   |   |
| 21. "By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 28, Section 1001)<br><input checked="" type="checkbox"/> ** AS-424<br>** The list of certifications and assurances, as well as the site where you may obtain this list, is contained in the announcement or agency specific instructions. |   |
| Authorized Representative:  |   |
| Prefix: <input type="text" value="Mr."/>  | * First Name: <input type="text" value="David"/>          |
| Middle Name: <input type="text" value=""/>  |   |
| * Last Name: <input type="text" value="Horne"/>   |   |
| Suffix: <input type="text" value=""/>   |   |
| * Title: <input type="text" value="Executive Director"/>  |   |
| * Telephone Number: <input type="text" value="(408) 218-9060"/>   | * Fax Number: <input type="text" value="(415) 310-8953"/> |
| * Email: <input type="text" value="djhorne@rednet.org"/>  |   |
| * Signature of Authorized Representative:   | * Date Signed: <input type="text" value="05-28-2022"/>    |

- Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
12. Will comply with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
13. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333) regarding labor standards for federally assisted construction subagreements.
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15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental custody control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) implementation Plans under Section 176(c) of the Clean Air Act of 1966, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
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17. Will assist the awarding agency in assuring compliance with Section 105 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
19. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.
20. Will comply with the requirements of Section 108(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from: (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring or commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.

|   |                    |
|---|--------------------|
| SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL   | TITLE              |
|  | Executive Director |
| APPLICANT ORGANIZATION  | DATE SUBMITTED     |
| and U.S. State Department, Office of [unclear]                                      | 06/07/2002         |

SF-424C (Rev. 7-87) Back

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As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial, and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property (title or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure non-discrimination during the useful life of the project.
4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. Will establish safeguards to protect employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest or personal gain.
8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4726-4763) relating to prescribed standards of merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
9. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
10. Will comply with all Federal statutes relating to non-discrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-755), as amended relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1972 (42 U.S.C. §§290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) upon which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

## STATE CERTIFICATIONS

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the State certifies that:

**Affirmatively Further Fair Housing** – The State will affirmatively further fair housing.

**Uniform Relocation Act and Anti-displacement and Relocation Plan** – It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (42 U.S.C. 4601-4655) and implementing regulations at 49 CFR Part 24. It has in effect and is following a residential anti-displacement and relocation assistance plan required under 24 CFR Part 42 in connection with any activity assisted with funding under the Community Development Block Grant or HOME programs.

**Anti-Lobbying** – To the best of the State's knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-113, "Disclosure Form to Report Lobbying," in accordance with its instructions; and

3. It will require that the language of paragraphs 1 and 2 of this certification be included in the award documents for all subawards at all levels (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

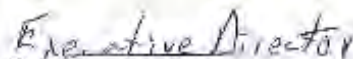
**Authority of State** – The submission of the consolidated plan is authorized under State law and the State possesses the legal authority to carry out the programs under the consolidated plan for which it is seeking funding, in accordance with applicable HUD regulations.

**Consistency with plan** – The housing activities to be undertaken with Community Development Block Grant, HOME, Emergency Solutions Grant, and Housing Opportunities for Persons With AIDS funds are consistent with the strategic plan in the State's consolidated plan.

**Section 3** – It will comply with section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and implementing regulations at 24 CFR Part 75.

  
Signature of Authorized Official

6-7-2022  
Date

  
Executive Director  
Title

**Specific HOME Certifications**

The State certifies that:

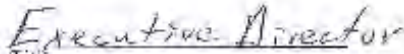
**Tenant Based Rental Assistance**— If it plans to use HOME funds for tenant-based rental assistance, tenant-based rental assistance is an essential element of the State's consolidated plan.

**Eligible Activities and Costs** -- It is using and will use HOME funds for eligible activities and costs, as described in 24 CFR §92.205 through §92.209 and that it is not using and will not use HOME funds for prohibited activities, as described in §92.214.

**Subsidy Layering** -- Before committing any funds to a project, the State or its recipients will evaluate the project in accordance with the guidelines that it adopts for this purpose and will not invest any more HOME funds in combination with other Federal assistance than is necessary to provide affordable housing.

  
Signature of Authorized Official

6-7-2022  
Date

  
Executive Director  
Title

## APPENDIX TO CERTIFICATIONS

### INSTRUCTIONS CONCERNING LOBBYING CERTIFICATION:

#### **Lobbying Certification**

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

## Housing Trust Fund State Certifications

| Application for Federal Assistance SF-424  |  |  |
|--|--|--|
| <b>1. Type of Submission:</b><br><input type="checkbox"/> Preapplication<br><input checked="" type="checkbox"/> Application<br><input type="checkbox"/> Change/Corrected Application |  | <b>2. Type of Application:</b> * If revision, select appropriate option(s):<br><input checked="" type="checkbox"/> New<br><input type="checkbox"/> Continuation<br><input type="checkbox"/> Revision<br>* Other (Specify): _____ |
| <b>3. Date Received:</b> _____<br>(mm/dd/yyyy)   |  | <b>4. Applicant Identifier:</b> _____  |
| <b>5a. Federal Entity Identifier:</b><br>300   |  | <b>5b. Federal Award Identifier:</b><br>_____  |
| <b>State Use Only:</b>   |  |  |
| <b>6. Date Received by State:</b> _____  |  | <b>7. State Application Identifier:</b> _____  |
| <b>8. APPLICANT INFORMATION:</b>   |  |  |
| <b>* a. Legal Name:</b> Council of American-Soviet Friendship  |  |  |
| <b>* b. Employer/Taxpayer Identification Number (EIN/TIN):</b><br>42-0377333   |  | <b>* c. UIC:</b><br>TX0000000000   |
| <b>d. Address:</b>   |  |  |
| <b>* Street 1:</b> 3324 Vermont Avenue   |  |  |
| <b>* Street 2:</b> NW Washington, DC 20007   |  |  |
| <b>* City:</b> Washington  |  |  |
| <b>* County/Parish:</b> District of Columbia   |  |  |
| <b>* State:</b> District of Columbia   |  |  |
| <b>* Province:</b> _____   |  |  |
| <b>* Country:</b> USA: UNITED STATES   |  |  |
| <b>* Zip / Postal Code:</b> 20007-1595   |  |  |
| <b>e. Organizational Unit:</b>   |  |  |
| <b>Department Name:</b><br>Planning & Housing Development  |  | <b>Division Name:</b><br>Planning & Housing Development  |
| <b>f. Name and contact information of person to be contacted on matters involving this application:</b>  |  |  |
| <b>Prefix:</b> Ms <b>* First Name:</b> Deborah   |  |  |
| <b>Middle Name:</b> _____  |  |  |
| <b>* Last Name:</b> Henderson  |  |  |
| <b>Suffix:</b> _____   |  |  |
| <b>Title:</b> Assistant Secretary for Planning & Housing Development   |  |  |
| <b>Organizational Affiliation:</b><br>_____  |  |  |
| <b>* Telephone Number:</b> (202) 308-3087  |  | <b>* Fax Number:</b> (202) 308-0000  |
| <b>* Email:</b> HendersonD@hq.doe.gov  |  |  |

| Application for Federal Assistance SF-424   |  |
|---|--|
| <b>* 9. Type of Applicant 1: Select Applicant Type:</b><br><input type="text" value="State Government"/>  |  |
| <b>Type of Applicant 2: Select Applicant Type:</b><br><input type="text"/>  |  |
| <b>Type of Applicant 3: Select Applicant Type:</b><br><input type="text"/>  |  |
| <b>* One (specify):</b><br><input type="text"/>   |  |
| <b>* 10. Name of Federal Agency:</b><br><input type="text" value="US Department of Housing and Urban Development"/>   |  |
| <b>11. Catalog of Federal Domestic Assistance Number:</b><br><input type="text" value="14.415"/>  |  |
| <b>CFDA Title:</b><br><input type="text" value="Rental Trust Fund"/>  |  |
| <b>* 12. Funding Opportunity Number:</b><br><input type="text" value="Rental Trust Fund"/>  |  |
| <b>* Title:</b><br><input type="text" value="Rental Trust Fund"/>   |  |
| <b>13. Competition Identification Number:</b><br><input type="text"/>   |  |
| <b>Title:</b><br><input type="text"/>   |  |
| <b>14. Areas Affected by Project (Cities, Counties, States, etc.):</b><br><input type="text"/> <div> <input type="button" value="Add Attachment"/> <input type="button" value="Delete Attachment"/> <input type="button" value="View Attachment"/> </div> |  |
| <b>* 15. Descriptive Title of Applicant's Project:</b><br><input type="text" value="Rental Trust Fund 2021 Housing Trust Fund"/>  |  |
| <b>Attach supporting documents as specified in agency instructions.</b><br><div> <input type="button" value="Add Attachments"/> <input type="button" value="Delete Attachments"/> <input type="button" value="View Attachments"/> </div>                  |  |



Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0042), Washington, DC 20503.


**PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.**

**NOTE:** Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the Awarding Agency. Further, certain Federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial, and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property (title or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure non-discrimination during the useful life of the project.
4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. Will establish safeguards to protect employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest or personal gain.
8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4726-4763) relating to prescribed standards of merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
9. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
10. Will comply with all Federal statutes relating to non-discrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-755), as amended relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1972 (42 U.S.C. §§290dd-3 and 290ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) upon which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

- Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-846) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
12. Will comply with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
13. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333) regarding labor standards for federally assisted construction subagreements.
14. Will comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
16. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
17. Will assist the awarding agency in assuring compliance with Section 105 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
19. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.
20. Will comply with the requirements of Section 108(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from: (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring or commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.

|  |                              |
|--|------------------------------|
| SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL<br> | TITLE<br>Executive Director  |
| APPLICANT ORGANIZATION<br>The U.S. Coast Guard Auxiliary   | DATE SUBMITTED<br>06/07/2002 |

SF-424D (Rev. 7-87) Back

## STATE CERTIFICATIONS

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the State certifies that:

**Affirmatively Further Fair Housing** -- The State will affirmatively further fair housing.

**Uniform Relocation Act and Anti-displacement and Relocation Plan** -- It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (42 U.S.C. 4601-4655) and implementing regulations at 49 CFR Part 24. It has in effect and is following a residential anti-displacement and relocation assistance plan required under 24 CFR Part 42 in connection with any activity assisted with funding under the Community Development Block Grant or HOME programs.

**Anti-Lobbying** -- To the best of the State's knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
3. It will require that the language of paragraphs 1 and 2 of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

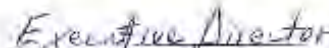
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**Consistency with plan** -- The housing activities to be undertaken with Community Development Block Grant, HOME, Emergency Solutions Grant, and Housing Opportunities for Persons With AIDS funds are consistent with the strategic plan in the State's consolidated plan.

**Section 3** -- It will comply with section 3 of the Housing and Urban Development Act of 1968 (42 U.S.C. 1701u) and implementing regulations at 24 CFR Part 75.

  
Signature of Authorized Official

6-7-2022  
Date

  
Executive Director  
Title

## APPENDIX TO CERTIFICATIONS

### INSTRUCTIONS CONCERNING LOBBYING CERTIFICATION

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