

State of North Dakota
HOME-ARP Allocation Plan
December 2022

This Allocation Plan describes how the State of North Dakota intends to utilize funds appropriated under Section 3205 of the American Rescue Plan Act of 2021 (P.L. 117-2) for the HOME Investment Partnerships Program (HOME) to provide homelessness assistance and supportive services. On March 11, 2021, President Biden signed the Act into law, providing over \$1.9 trillion in relief to address the continued impact of the COVID-19 pandemic on the economy, public health, state and local governments, individuals, and businesses.

To address the need for homelessness assistance and supportive services, Congress appropriated \$5 billion in American Rescue Plan (ARP) funds to be administered through HOME to perform four activities that must primarily benefit qualifying individuals and families who are homeless, at risk of homelessness, or in other vulnerable populations. These activities include (1) development and support of affordable housing, (2) tenant based rental assistance (TBRA), (3) provision of supportive services; and (4) acquisition and development of NCS units. The program described in this Plan is the HOME-American Rescue Plan (HOME-ARP).

ARP defines qualifying individuals or families as those that are (1) homeless, as defined in Section 103(a) of the McKinney-Vento Homeless Assistance Act (McKinney-Vento), as amended (42 U.S.C. 11302(a)); (2) at risk of homelessness, as defined in Section 401 of McKinney-Vento; (3) fleeing, or attempting to flee domestic violence, dating violence, sexual assault, stalking or human trafficking; (4) part of other populations where providing supportive services or assistance would prevent a family's homelessness or would serve those with the greatest risk of housing instability; or (5) veterans and families that include a veteran family member who qualify.

This Plan describes how the State of North Dakota will utilize its \$7,768,864 award of HOME-ARP funds to provide assistance to Qualifying Populations (QP). It has been prepared based on HUD Notice CPD-21-10 (September 13, 2021) – Requirements for the Use of Funds in the HOME-ARP Program. This Plan includes descriptions of the following:

1. Consultation
2. Public Participation
3. Needs Assessment and Gaps Analysis
4. HOME-ARP Activities
5. HOME-ARP Production Housing Goals
6. Preferences
7. Referral Methods
8. Limitations in a HOME-ARP rental housing or NCS project
9. General Federal Requirements

North Dakota Housing Finance Agency (NDHFA) administers the HOME Program in North Dakota. NDHFA has the staff, procedures, and systems in place to effectively administer HOME-ARP funds.

CONSULTATION

Describe the consultation process including methods used and dates of consultation:

NDHFA worked with North Dakota’s Homeless Continuum of Care (CoC) to participate in virtual and face-to-face meetings to discuss HOME-ARP and how funding can be utilized to address housing and service needs in urban and rural communities. NDHFA engaged with more than 200 different entities during the consultation process. Full attendance records for each meeting have been provided as an attachment to the plan. Homeless Coalition membership and meeting participants included homeless and domestic violence service providers, veteran’s groups, public housing agencies, and organizations that address fair housing, civil rights, and the needs of persons with disabilities.

- Region 2 Homeless Coalition – Dec. 10, 2021
- Region 3 Homeless Coalition – Dec. 2, 2021
- Region 4 Homeless Coalition – Jan. 12, 2022
- Region 5 Homeless Coalition – Nov. 23, 2021
- Region 6 Homeless Coalition – Nov. 6, 2021
- Region 7 Homeless Coalition – Nov. 22, 2021
- Region 8 Homeless Coalition – Dec. 9, 2021
- ND CoC Membership Meeting- Nov. 10, 2021
- Missouri Valley Homeless Coalition Board – Nov. 18, 2021
- Community Action Partnership of North Dakota – Jan. 18, 2022
- ND National Association of Housing and Redevelopment Officials – Jan. 25, 2022
- Multiple ND State Agencies – Jan. 26, 2022
- Multiple Affordable Housing Developers – April 6, 2022

List the organizations consulted:

Agency/Org Consulted	Type of Agency/Org	Method of Consultation	Feedback
ND Dept of Corrections	State Agency	Virtual meeting with state agencies	More services are needed for justice involved individuals that are living in transitional housing.
ND Dept of Health and Human Services	State Agency	Virtual meeting with state agencies	Need to look at other state and federal program gaps to best leverage HOME-ARP.
ND Dept of Commerce	State Agency	Virtual meeting with state agencies	Need to look at other state and federal program gaps to best leverage HOME-ARP.
Money Follows the Person	State Agency	Virtual meeting with state agencies	Need to look at other state and federal program gaps to best leverage HOME-ARP.
ND Dept of Public Instruction	State Agency	Virtual meeting with state agencies	Need to look at other state and federal program gaps to best leverage HOME-ARP.

ND Homeless Continuum of Care	State Agency	Virtual meeting with state agencies	Members will fill out the HOME-ARP Survey.
Region 2 Homeless Coalition	Homeless Coalition	Monthly meeting	Need resources to construct and rehab emergency shelters.
Region 3 Homeless Coalition	Homeless Coalition	Monthly meeting	Need resources for emergency shelters.
Region 4 Homeless Coalition	Homeless Coalition	Monthly meeting	Members will fill out the HOME-ARP survey.
Region 5 Homeless Coalition	Homeless Coalition	Monthly meeting	Members will fill out the HOME-ARP survey.
Region 6 Homeless Coalition	Homeless Coalition	Monthly meeting	Need for NCS but concerned about finding operating funds. Workforce needed to provide current service offerings.
Region 7 Homeless Coalition	Homeless Coalition	Monthly meeting	Need for NCS, could be paired with a detox center planning.
Region 8 Homeless Coalition	Homeless Coalition	Monthly meeting	Need resources for emergency shelters.
Mountain Plains Equity Group	Public agencies that address the needs of QPs	Virtual meeting for affordable multifamily housing developers	Questioned the regulations for affordable unit requirements funded with HOME-ARP.
Burleigh County Housing Authority	Public agencies that address the needs of QPs	Virtual meeting for affordable multifamily housing developers	Questioned the regulations for affordable unit requirements funded with HOME-ARP.
Lewis & Clark Development Group	Public agencies that address the needs of QPs	Virtual meeting for affordable multifamily housing developers	Questioned the regulations for affordable unit requirements funded with HOME-ARP.
Beyond Shelter, Inc.	Public agencies that address the needs of QPs	Virtual meeting for affordable multifamily housing developers	Questioned the regulations for affordable unit requirements funded with HOME-ARP.
Southeastern North Dakota Community Action Agency	Public agencies that address the needs of QPs	Virtual meeting for affordable multifamily housing developers	Questioned the regulations for affordable unit requirements funded with HOME-ARP.

Summarize feedback received and results of upfront consultation with these entities:

NDHFA created a survey detailing the HOME-ARP program and allowable use of funds. The survey was sent to more than 200 individuals and entities that provide services to the targeted populations. Participants ranked the allowable uses and provided comments. Full attendance records and a summary of the survey is attached.

Survey respondents indicated the top two activities are affordable rental housing and supportive services. Some regions indicated a need for Non-Congregate Shelter (NCS).

PUBLIC PARTICIPATION

Describe the public participation process, including information about and the dates of the public comment period and public hearing(s) held during the development of the plan:

- ***Date of Public Notice:*** 11/30/2022
- ***Public Comment Period:*** 12/16/2022 - 1/3/2023
- ***Date of Public Hearing:*** 1/5/2023

Describe the public participation process:

NDHFA prepared a draft of this plan which was put out for a 15-day public comment period followed by a public hearing. Notice of the comment period and hearing was published in the daily newspapers, NDHFA websites and an email notification was distributed using GovDelivery, an email subscription service. In addition, the CoC Coordinator direct emailed the notification to the CoC and Statewide Homeless Coalition Membership.

Describe efforts to broaden public participation:

Prior to developing the plan, NDHFA conducted 12 informational and data gathering meetings with housing providers, homeless coalitions, housing counseling entities, Community Action Agencies, and other state agencies with affiliated services or interests in housing. Surveys were used to identify localized needs and gaps for housing and services.

In addition to publication of the HOME-ARP plan's comment period and public hearing notice in the state's daily newspapers and on NDHFA's website, the public notice was direct emailed to NDHFA's housing partners and the public using the agency's GovDelivery subscription service, ND CoC shared the notice with its membership via email, NDHFA published the notice in the Economic Development Association of North Dakota's electronic newsletter, and the notice was shared on NDHFA's Facebook and LinkedIn social media accounts.

Summarize the comments and recommendations received through the public participation process either in writing, or orally at a public hearing:

Top three activities insert

Summarize any comments or recommendations not accepted and state the reasons why:

Enter narrative response here.

NEEDS ASSESSMENT AND GAPS ANALYSIS

Homeless Needs Inventory and Gap Analysis Table

Homeless													
	Current Inventory					Homeless Population				Gap Analysis			
	Family		Adults Only		Vets	Family HH (at least 1 child)	Adult HH (w/o child)	Vets	Victim of DV	Family		Adults Only	
	# of Beds	# of Beds	# of Beds	# of Beds	# of Beds					# of Beds	# of Beds	# of Beds	# of Beds
Emergency Shelter	163	48	393	0	0								
Transitional Housing	119	37	75	0	15								
Permanent Supportive Housing	159	47	435	0	276								
Other Permanent Housing	6	2	3	0	0								
Sheltered Homeless						166	359	36	105				
Unsheltered Homeless						5	78	1	0				
Current Gap										#	#	#	#

Suggested Data Sources: 1. Point in Time Count (PIT); 2. Homeless CoC Housing Inventory Count (HIC); 3. Consultation

Housing Needs Inventory and Gap Analysis Table

Non-Homeless			
	Current Inventory	Level of Need	Gap Analysis
	# of Units	# of Households	# of Households
Total Rental Units	119,840		
Rental Units Affordable to HH at 30% AMI (At-Risk of Homelessness)	6,788		
Rental Units Affordable to HH at 50% AMI (Other Populations)	13,875		
0%-30% AMI Renter HH w/ 1 or more severe housing problems (At-Risk of Homelessness)		19,920	
30%-50% AMI Renter HH w/ 1 or more severe housing problems (Other Populations)		13,405	
Current Gaps			12,662

Suggested Data Sources: 1. American Community Survey (ACS); 2. Comprehensive Housing Affordability Strategy (CHAS)

Describe the size and demographic composition of qualifying populations within the PJ's boundaries:

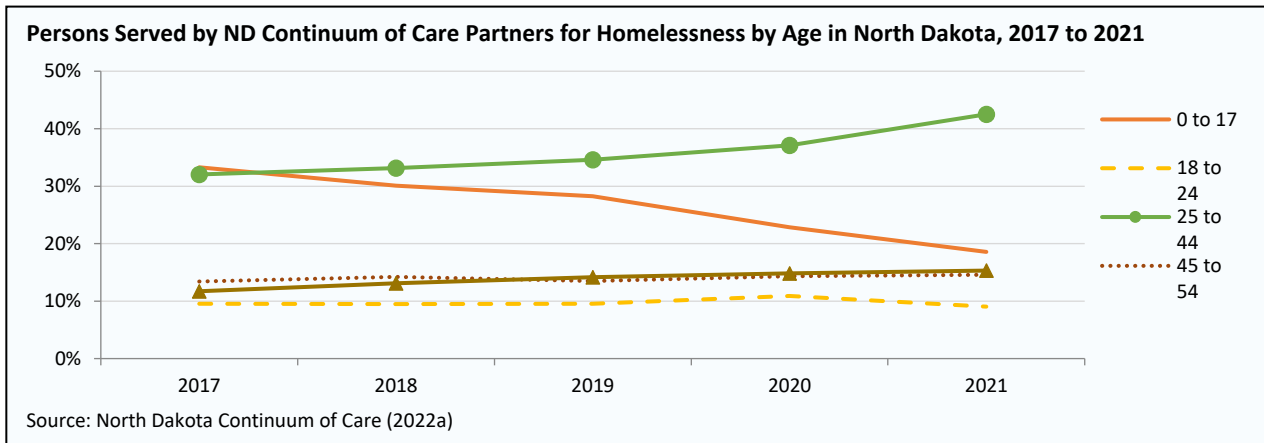
Homeless as defined in 24 CFR 91.5

As of January 2022, North Dakota had an estimated 610 individuals experiencing homelessness on any given day during the annual PIT Count, as reported by North Dakota's Homeless CoC to the U.S. Department of Housing and Urban Development (HUD). Of that total, 171 were part of a family households, 37 were Veterans, 34 were unaccompanied young adults (aged 18-24), and 180 were individuals experiencing chronic homelessness.

For individuals and families with already strained budgets, a rise in housing costs can increase the likelihood of becoming homeless. Data reported by the CoC represents a conservative estimate of homelessness, as some individuals served are not included in the numbers due to confidentiality concerns (i.e., domestic violence survivors). However, the data collected provide a considerable resource for understanding the context of those experiencing homelessness in North Dakota. The data available from the CoC spans five years, beginning in 2017 through 2021.

The number of individuals receiving services for homelessness in North Dakota has remained relatively unchanged for the past three years and have remained steady at 4,961 people served in 2021.

The age composition of individuals being served has changed substantially over the past few years. In 2017, children (aged 0 to 17) and adults (aged 25 to 44) each represented about one-third of those receiving services for homelessness in the state. According to the 2021 data, the 25 to 44 age group increased to represent 43% of those receiving services and the child population dropped to 19%. The modest increase in homelessness since 2019 is due largely to adults without children.



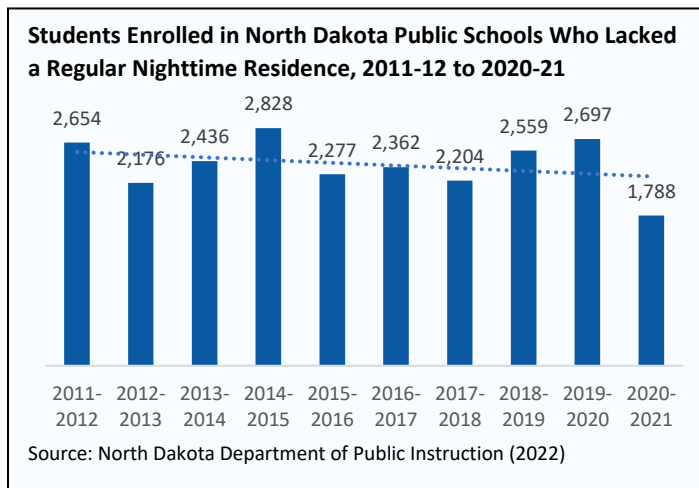
Another important trend is an increase in the number of individuals receiving services who are also struggling with other conditions, disorders, or disabilities. Mental health disorders are becoming more frequent, increasing 46% over the past five years among individuals receiving services for homelessness in North Dakota. In 2021, approximately one in four individuals receiving services for homelessness in the state also had a mental health disorder (28%), which is up from 11% in 2017.

Individuals who are Black and those of Hispanic ethnicity are among the fastest growing populations in North Dakota. They are also disproportionately affected by homelessness. Black and African American

compose about 3% of the total population in North Dakota, yet they compose 14% of all individuals receiving services for homelessness. In addition, Black and African American are six times more likely to experience homelessness than North Dakota’s white population. The Hispanic population, which is 4% of the state’s population, is three times more likely to experience homelessness than the white population. Even more disparate are data for American Indians living in the state. American Indians compose 5% of the total population in North Dakota yet are seven times more likely to experience homelessness than the white population. In 2021, 23% of those served by CoC partners for homelessness were American Indian (1,132 people).

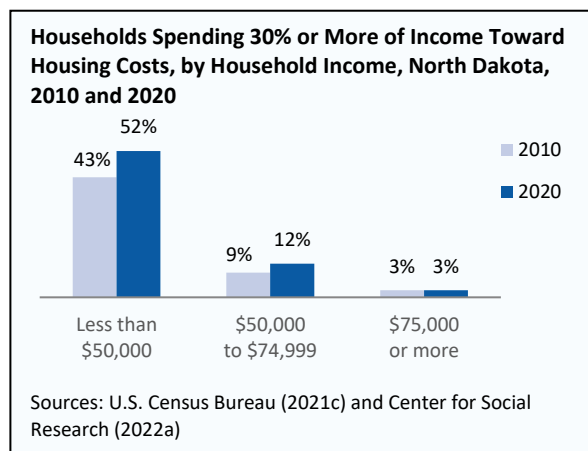
School Children Impacted by Unstable Housing. While North Dakota’s Homeless CoC partners provided

services to 914 children in 2021, there are many more children in North Dakota without stable housing during a given year, a situation which can negatively impact a child’s learning and development. To ensure that children and youth without a stable housing situation are able to attend school, the McKinney-Vento Education of Homeless Children and Youth Assistance Act provides federal funding to states for the purposes of supporting district programs that serve students who are homeless. Based on this broad definition, schools in North Dakota reported 1,788 public school children who lacked a permanent nighttime residence during the 2020-21 school year.



At Risk of Homelessness as defined in 24 CFR 91.5

An Increasing Number of Lower-Income Households in North Dakota are Burdened by Housing Costs. General guidance suggests that housing costs should not exceed 30% of monthly household income. When too much of a paycheck goes to paying the rent or mortgage, families may be faced with choosing among paying for essentials such as utilities, food, transportation or medical care. Within North Dakota, housing costs are substantially more of a burden for renters than homeowners. In 2020, 39% of renters in the state were cost burdened compared to 14% of homeowners (Center for Social Research at North Dakota State University, 2022a).



Income. Housing costs are also more of a burden on households with lower incomes. While there are now fewer North Dakota households earning less than \$50,000, the percentage of lower-income households that are paying 30% or more of their income toward housing costs increased during the past decade. Half of all households earning less than \$50,000 were burdened by housing costs in 2020 (52%), up from 43% in 2010. Likewise, 12% of households earning from \$50,000 to \$74,999 were cost burdened in 2020, which is up from 9% in 2010.

Age. In addition to households with lower incomes, householders ages 65 and older are more likely than younger age groups to be burdened by housing costs. Older householders, due to limited or fixed incomes can be vulnerable to becoming burdened by rising housing costs. Statewide, one in four North Dakota householders ages 65 and older were burdened by housing costs in 2020; in 19 counties, this percentage exceeded 25%.

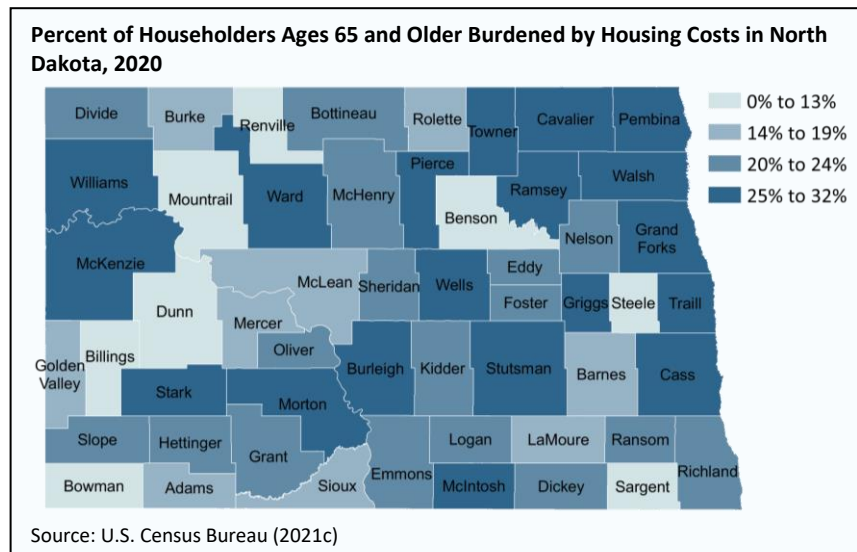
For older adults who rent, the risk of housing costs exceeding 30% of their income increases substantially. Half of all renter-occupied householders ages 65 and older in North Dakota were cost-burdened in 2020 (55%) compared to 17% of owner-occupied householders ages 65 and older.

COVID-19 added to the challenges faced by families struggling with rising housing costs. During the first few months of the pandemic, housing insecurity among North Dakotans grew an average of 6% every week. Current data suggest that despite the rise in housing insecurity early on, there has been relatively little change in the overall rate since August 2020. Faced with the challenges resulting from the pandemic and rents rising faster than incomes, some householders are not able to pay their rental costs at all – that, without supports, can lead to the risk of eviction. On average, about 1.4% of North Dakota families are evicted each year.

The North Dakota Department of Health and Human Services (ND HHS) 2021 Unduplicated Count Report indicated that from July 2020-June 2021 a total of 5,411 households received TANF benefits, 20% of recipients resided in Burleigh and Cass County alone, the locations of Fargo and Bismarck respectively, the most populous communities. The same report indicated a total of 72,929 households receiving SNAP benefits, 31% residing in Burleigh and Cass Counties.

Fleeing, or Attempting to Flee, Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Human Trafficking, as defined by HUD in the Notice:

In 2021, there were 5,417 unduplicated new victims of domestic violence in North Dakota. Most of the victims were women, reaching 87%. At that time, 94 women were pregnant. At least 3,895 children were directly impacted by these incidents. In that same year, 1,139 individuals were victims of sexual assault, 82% were women. At least 298 victims were under the age of 18 at the time of the assault.



More than 30% of the assaults occurred in the victim or assailant's home and at least 29% of the assailants were a friend/acquaintance/date of the victim.

The YWCA Cass Clay (YWCA), an organization that provides services and supports to members of this QP reported that in 2021, there were 292 individuals/households who applied for assistance of which only 46 adults and children could be accepted

into the program. Their capacity to serve was only 16% of those who applied.

In 2020, the North Dakota Human Trafficking Task Force served 99 victims of human trafficking – 56 adults and 43 children. More people are affected by trafficking and exploitation across the state than current data reflects.

North Dakota's largest minority population is Native American. This population experiences violent crime, including intimate partner violence at a rate 2.5 times higher than the national rate.

Other populations requiring services or housing assistance to prevent homelessness and other populations at greatest risk of housing instability, as defined by HUD in the Notice

Housing Continues to be a Challenge for Justice-Involved Individuals. Challenges to securing appropriate housing for people on supervision or released from a correctional facility include affordability, restrictive tenant service agreements, and the stigma associated with a criminal record. Data from the May 2022 PIT Count of individuals under North Dakota Department of Corrections and Rehabilitation supervision included 7,151 adult offenders. The corrections supervision population in North Dakota was predominantly male, white or American Indian, ages 25 to 44, and most had no college degree. In addition, a total of 398 offenders under some form of supervision were actively homeless as of May 2022. Of the 661 registered sex offenders, 22 were homeless in May 2022. While homelessness is slightly more common among non-sex offenders, individuals with a registration requirement may have more difficulty finding suitable and affordable housing than those without such a requirement.

Youth Aging Out of Foster Care. Nearly half of Youth Aging Out of Foster Care in North Dakota experience homelessness in the first two years. In North Dakota, 2,104 children received foster care services during 2020, a 10% increase from 1,912 in 2010 (ND HHS, Children and Family Services, 2020). Each year since 2010, approximately 59 North Dakota youth age out of foster care without being reunited with family or being adopted (U.S. Department of Health and Human Services, 2021a).

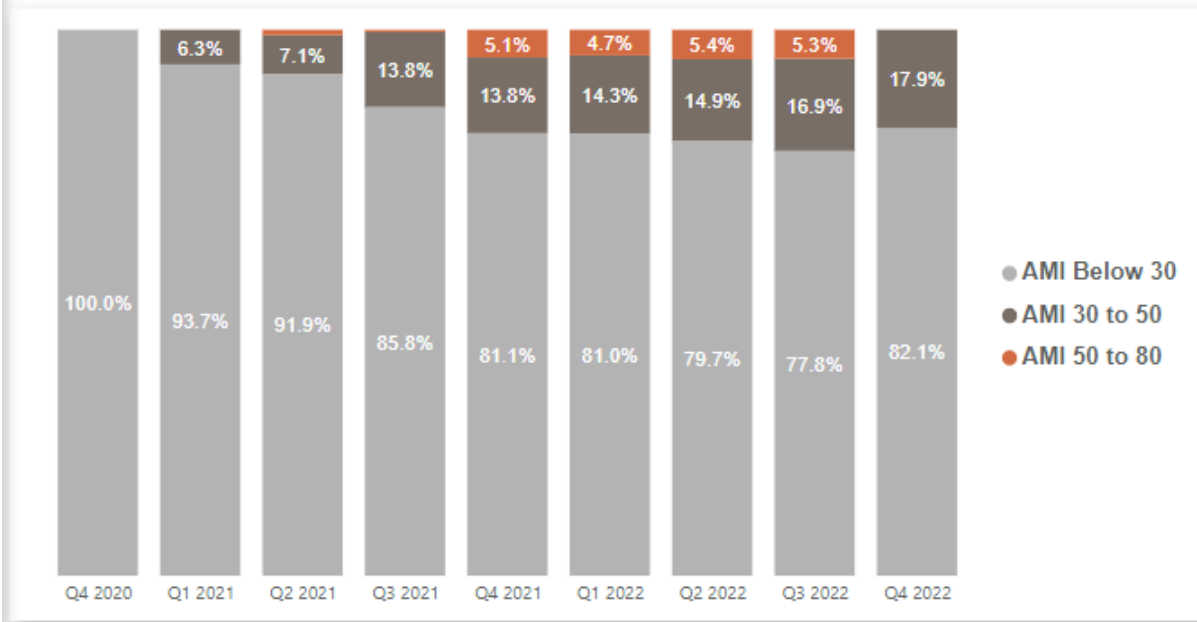
Leaving foster care can mean the loss of an array of resources and services that previously supported them in care. While many are successful at finding employment, a significant number experience homelessness. The National Youth in Transition Database (NYTD) collects information about the outcomes of youth who have aged out of foster care, by following up with a sample cohort of youth at ages 19 and 21. Data from the most recent cohort studied show that 41% of North Dakota youth aging out of foster care experienced homelessness by age 19 and another 28% were homeless at some point during the next two years (by age 21) – this despite 61% finding employment by age 21 (National Youth in Transition Database, 2018).

Households utilizing ND Rent Help (Emergency Rental Assistance Funds).

The [North Dakota Rent Help](#) (ND Rent Help) program is administered by ND HHS. It provides a Data Dashboard to help identify households that may be facing housing instability.

Since August 2022, an average of 5,003 households have received assistance through the program. Of these households, 80% have household incomes that are at or below 30% Area Median Income.

Household Income as reported on application for households who are approved for NDRH assistance

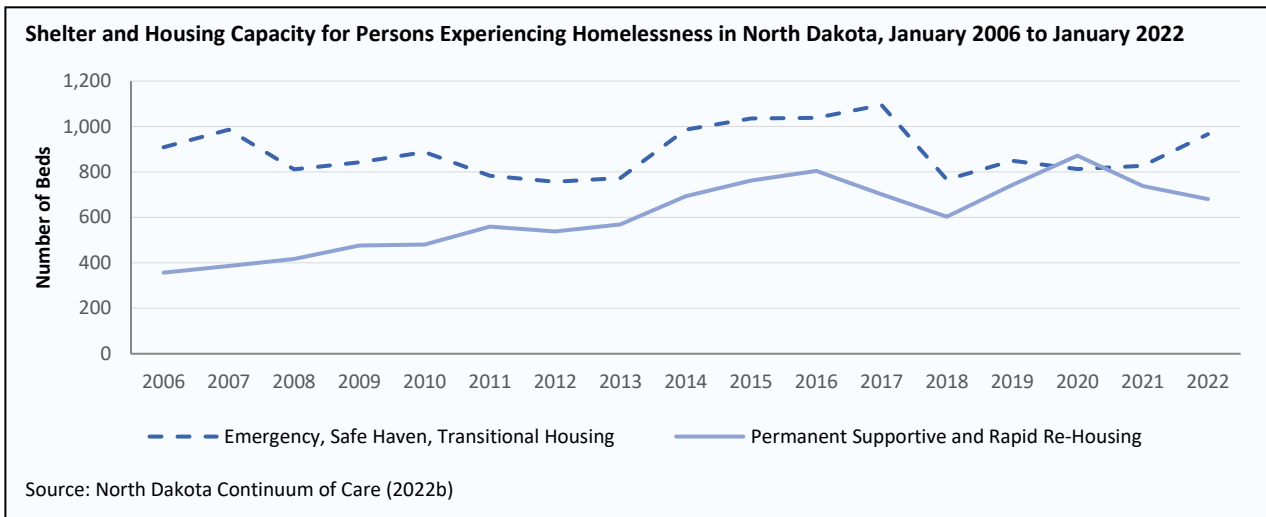


Identify and consider the current resources available to assist qualifying populations, including congregate and non-congregate shelter units, supportive services, TBRA, and affordable and permanent supportive rental housing (Optional):

Help for Renters. Receiving federal funds to assist households impacted by the COVID-19 pandemic, ND HHS created ND Rent Help, an effort to assist residents who have fallen behind or are struggling to pay rent or utilities. Currently, 1,879 housing and utility providers across the state participate and receive payments on behalf of renters. From January 2021 through September 2022, 11,148 households with housing at the time of application received financial assistance through ND Rent Help, and another 3,540 households who were experiencing homelessness at the time of application received a Letter of Commitment intended to help them attain stable housing. Approximately half (54%) of households receiving assistance had children younger than 18. Nearly \$60 million in total assistance has been paid to North Dakota households, with an average monthly assistance of \$730 per household.

The federal funds behind ND Rent Help are set to expire in three years, on September 30, 2025. The loss of these funds will likely impact numerous extremely low- and low-income households that struggle to earn enough income to cover housing costs (ND HHS, 2022a).

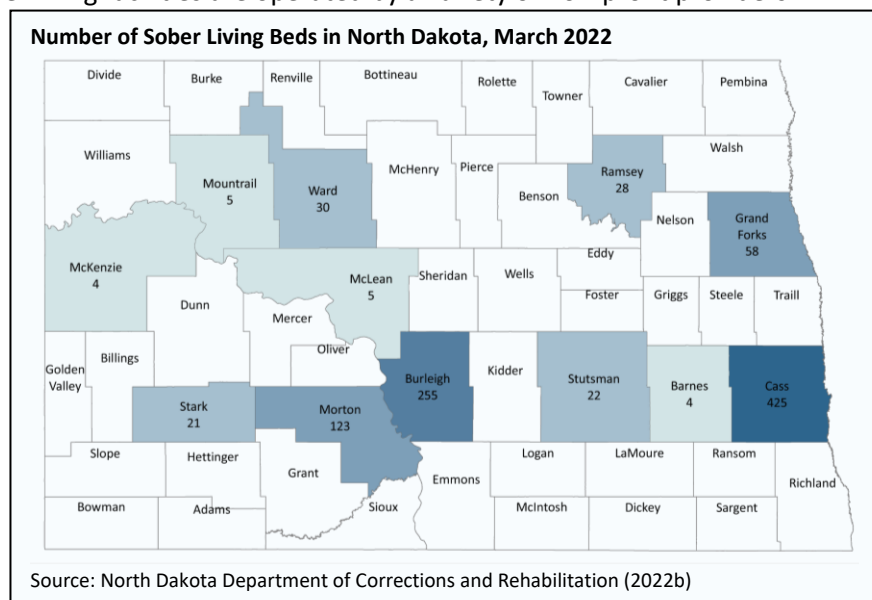
Housing Capacity for the Homeless. To support and house individuals and families struggling with stable housing, an inventory of beds dedicated to people experiencing homelessness is conducted as part of a PIT Count on a single night in January each year. In the January 2022 evaluation, it was determined that North Dakota had 1,647 beds, and just over half of them (59%) were in emergency shelters, safe havens, or transitional housing programs. These programs are often the first approach for those experiencing the shock of being without a home. They offer temporary support and wrap-around services to help people stabilize their lives and prepare them for a more permanent housing situation. A growing number of beds are now dedicated to more supportive and permanent types of housing (41% in 2022).



Rapid re-housing specifically is housing without preconditions and barriers to entry such as sobriety, treatment, or service participation requirements — with the goal of offering services to achieve housing stability first, which in turn can lead to improved physical health, mental health, and employment (U.S. Department of Housing and Urban Development, 2014). These more permanent types of supportive housing are interventions that combine affordable housing assistance with voluntary support services designed to build independent living and tenancy skills and connect people with community-based health care, treatment, and employment services (North Dakota Continuum of Care, 2022b).

Populations in Recovery. Sober living facilities are operated by a variety of non-profit providers throughout the state. The importance of location of a sober living facility may look different for each individual. For some, being close to home and maintaining their social support network is beneficial. Recovery for others may mean breaking ties and leaving the triggers of their past life behind.

In North Dakota, most sober living houses are located near Bismarck and Fargo, with a few other homes scattered across the state. Recovery homes are scarce to non-existent in more rural parts of the state.



Describe the unmet housing and service needs of qualifying populations:

Homeless as defined in 24 CFR 91.5

In the 2022 PIT Count, the state counted 610 total persons experiencing homelessness compared to 548 in 2021 and 541 in 2020. In 2022, North Dakota reported 1,647 total beds in emergency shelters, transitional housing, rapid re-housing, permanent supportive housing and safe haven indicating the number of beds available exceeds the number of households identified in the PIT Count. North Dakota recognizes that a January PIT Count makes it challenging to identify true homeless numbers due to the state's winter climate. Additionally, the PIT Count and HIC do not identify whether the available housing beds are in areas of need.

ND Rent Help, the state's Emergency Rental Assistance program, continues to provide rental assistance to members of this QP. Comments received during the public participation process indicate the unmet needs is funding and availability of housing stability supports to ensure the household is able to maintain stability once eligibility for ND Rent Help ends. Household tenancy barriers including prior evictions and criminal convictions pose the greatest obstacle to obtaining housing.

At Risk of Homelessness as defined in 24 CFR 91.5

ND Rent Help continues to provide rental assistance to members of this QP. Comments received during the public participation process indicate the unmet needs is funding and availability of housing stability supports to ensure the household is able to maintain stability once eligibility for ND Rent Help ends. Household tenancy barriers including prior evictions and criminal convictions pose the greatest obstacle to obtaining housing.

Fleeing, or Attempting to Flee, Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Human Trafficking, as defined by HUD in the Notice

The YWCA, an organization that provides services and supports to members of this QP, reported that in 2021, there were 292 individuals/households who applied for assistance with the YWCA. Only 46 adults and children could be accepted into their program, a capacity to serve of only 16% of the applicants.

Additional Data related to Human Trafficking. Gaps exist in current services. While sex trafficking has existed in North Dakota for some time, public awareness of the issue grew significantly during a recent energy boom. YWCA joined with other service providers to form a North Dakota Human Trafficking Task Force to shape coordinated services for trafficking victims. Approximately 25% of these individuals served requested assistance with shelter/housing support, the greatest need identified by Task Force members. Extensive support is needed in the months and years that follow: the critical time after escaping the life, but before becoming stable, healthy, free of addiction, away from exploitation, employed, skillful in keeping a home, and experiencing the rewards of a 'regular' lifestyle by societal standards. This is the role of Transitional Housing, where survivors can grow gradually and progressively in life skills and economic sufficiency.

Other populations requiring services or housing assistance to prevent homelessness and other populations at greatest risk of housing instability as defined by HUD in the Notice

Similarly to Homeless and At-risk of Homeless populations, other populations requiring services or housing assistance generally are unable to secure housing because of their background including prior

evictions and criminal convictions. These housing barriers pose the greatest obstacle to obtaining housing and preventing them from obtaining stability.

Identify any gaps within the current shelter and housing inventory as well as the service delivery system:

The HIC report for 2021 indicates there are sufficient number of beds available for the number of households that present as homeless in the PIT count. Location of beds has presented a challenge for households in need. North Dakota’s current shelter access varies significantly between regions. Urban communities such as Bismarck, Minot, Dickinson, Williston, Jamestown, and Devils Lake lack 24-hour emergency shelter access. Service delivery varies similarly by region.

Under Section IV.4.2.ii.G of the HOME-ARP Notice, a PJ may provide additional characteristics associated with instability and increased risk of homelessness in their HOME-ARP allocation plan. These characteristics will further refine the definition of “other populations” that are “At Greatest Risk of Housing Instability,” as established in the HOME-ARP Notice. If including these characteristics, identify them here:

NDHFA does not intend to further define conditions for “other populations” outside of the QPs as defined in the HOME-ARP notice.

Identify priority needs for qualifying populations:

ND Rent Help began contracting with organizations to provide housing stability supports for individuals who present as homeless or housing instable in their emergency rental assistance application. Continued investment in housing stability supports and services have been identified as imperative to households that meet any of the QP definitions.

Explain how the PJ determined the level of need and gaps in the PJ’s shelter and housing inventory and service delivery systems based on the data presented in the plan:

The State identified the following priorities based on consultation with organizations, review of shelter and housing inventory, and review of existing programs:

1. Development of additional transitional housing to support households who meet the QP of Fleeing, or Attempting to Flee, Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Human Trafficking.
2. Development of NCS in a community that currently does not have a permanent 24-hour emergency shelter.
3. Fund housing stability supportive services to enhance and expand service delivery.

HOME-ARP ACTIVITIES

Describe the method(s) that will be used for soliciting applications for funding and/or selecting developers, service providers, subrecipients and/or contractors:

Rental Housing Development: NDHFA proposes to set aside a portion of NDHFA’s HOME-ARP funding to support the development of Rental Housing, specifically transitional housing for individuals who are

homeless or victims of domestic violence. Eligible costs include development hard costs, acquisition costs of improved or unimproved real property, related soft costs, relocation costs, and operating cost assistance.

During a competitive multifamily production and rehabilitation application round hosted by NDHFA in September 2022, a transitional housing project called Cove Lane applied for HOME and Housing Trust Fund (HTF) financing. While the project scored well under both programs, NDHFA's HTF program was oversubscribed, and the Agency could not provide the commitment required for the project to move forward. To receive a commitment for funding, all commitment requirements identified in [CDP Notice 15-09](#) must be met. If unable to meet requirements, NDHFA will use a substantial amendment process to reallocate funds.

HOME-ARP QP units must be occupied by households that meet the definition of the QP at admission. Units remain compliant irrespective of changes in household income as long as the unit is occupied by the qualifying household. The Cove Lane project intends to limit eligibility to a QP - fleeing, or attempting to flee domestic violence, dating violence, sexual assault, stalking or human trafficking.

HOME-ARP funds may be used to assist one or more units in a project and can only pay for costs associated with HOME-ARP units and proportionate share of common areas. A cost allocation is required to determine the minimum number of HOME-ARP units per the HOME-ARP funds invested. HOME-ARP units may be fixed or floating and will be designated at the time of commitment via a written agreement. The unit mix must be maintained throughout the HOME-ARP compliance period.

HOME-ARP rent cannot exceed the Low HOME Rent as published by HUD. However, if the project receives a project-based subsidy, or the household receives tenant-based subsidy, then the maximum rent is the allowable rent under the subsidy program. The project intends to utilize CoC funds to provide rental assistance for all 12 units of its units. Tenants will not pay more than 30% of their income towards rent.

HOME-ARP rental projects must be completed within 4 years of project commitment. A project will be considered complete when construction is complete and the project complies with all HOME-ARP requirements, and final drawdown of HOME-ARP capital funds has been disbursed.

HOME-ARP units must be occupied by eligible QPs or low-income households within 6 months of project completion. If not occupied within 6 months, project owner must submit an occupancy plan to NDHFA which will be submitted to HUD. If HOME-ARP units are not occupied within 12 months of project completion, the project owner must repay the HOME-ARP funds.

The HOME-ARP rental project will require a minimum 15-year compliance period, regardless of the dollar amount of assistance provided or type of rental housing activity. NDHFA will impose the HOME-ARP rental requirements through a Declaration of Land Use Restrictive Agreement (LURA) which will be filed with the appropriate County Recorder's Office. The project owner will be required to repay the HOME-ARP funds invested in rental housing if the project is terminated prior to completion or fails to comply with initial or ongoing requirements during the compliance period.

Loan documentation will include the HOME-ARP Loan Agreement, Mortgage, Promissory Note, Mortgage Assignment of Rents and Leases, and the LURA.

The project must meet the minimum rehabilitation and property standards outlined in NDHFA's [Minimum Rehabilitation and Property Standards](#) available online.

Non-Congregate Shelter (NCS): for the purposes of HOME-ARP, NCS is defined as one or more buildings that:

- Provide private units or rooms for temporary shelter.
- Serve individuals and families that meet one or more of the QPs.
- Do not require occupants to sign a lease or occupancy requirement.

New construction, acquisition, and rehabilitation of structures to be used as NCS are all eligible activities. Acquisition without rehabilitation because the structure is in satisfactory condition and rehabilitation of existing structures without acquisition are both eligible. HOME-ARP funds may be used for acquisition, demolition, development hard costs, related soft costs, and establishing a replacement reserve.

HOME-ARP funds are considered committed when NDHFA and the applicant executes a legally binding written agreement. NDHFA may commit funds for acquisition only if the NCS can be in operation within 6 months of the date of acquisition and the units acquired will not require rehabilitation to meet the property standards as outlined in Section VI.E.7 of the HOME-ARP Notice which can be found here: [Final HOME-ARP Implementation Notice \(HUD.gov\)](#) . NDHFA may commit funds for rehabilitation or new construction if the construction or rehabilitation can begin within 12 months of the commitment date.

Prior to funding an NCS project, NDHFA must determine if the project will be financially feasible throughout the restricted use period. In addition, the owner must indicate whether they intend to continue operating the project as HOME-ARP NCS or convert the property to affordable housing after the minimum use period.

The owner must also submit with their application:

- Evidence of appropriate shelter development skills and prior experience operating shelters.
- Acquisition and/or development budget.
- Timeline of acquisition and/or development.
- Sources and uses statement.
- Proposed operating budget including secured sources for operating costs and any operating gap that will require additional assistance.

HOME-ARP funds may not be used to pay ongoing costs of operating HOME-ARP NCS, convert NCS to housing, or pay for prohibited activities and fees as specified under 24 CFR 92.214 and included in the HOME-ARP notice here: [Final HOME-ARP Implementation Notice \(HUD.gov\)](#)

NCS occupants must meet the criteria for one or more of the QPs.

Eligible Costs include acquisition, demolition, development hard costs, related soft costs and capillarization of replacement reserves.

Property Standards - at project completion, HOME-ARP NCS units and common areas must meet all applicable State and Local codes, ordinances, and requirements and HUD's Lead Save Housing Rules at 24 CFR Part 35. NDHFA will require the project to meet property standards outlined in its [Minimum](#)

[Rehabilitation and Property Standards manual](#), and the Lead Based Paint requirements outlined in the [associated policy manual](#). Project(s) must meet ongoing property standards throughout the restricted use period. NDHFA will utilize UPCS inspection protocols when monitoring a NCS project during the restricted use period.

NCS projects must comply with the following Restricted Use Periods:

- New Construction 15 Years
- Rehabilitation 10 Years
- Acquisition Only 10 Years

Application Process/Project Selection Criteria - NDHFA plans to hold a NCS application round in 2023. The application round will be announced 60 days prior to opening. Priority will be given to applications who propose the development of NCS in a community that currently does not have an operating overnight shelter. If multiple applications are received the second priority will be given to a project that has a firm financial commitment of operating funds in the amount to fully operate the NCS project through the required restricted use period. Application documents including Exhibit A will be developed prior to application round and will be available on NDHFA website.

Threshold items include:

- Evidence of appropriate shelter development skills and prior experience operating shelters
- Acquisition and/or development budget
- Timeline of acquisition and/or development
- Sources and uses statement
- Proposed operating budget including secured sources for operating costs and any operating gap that will require additional assistance

Scoring Criteria

1. Shelter Needs (Maximum 20)
 - Communities who do not have an overnight shelter but can provide data showing they have a shelter need. (20 points)
 - Communities who do have overnight shelter but can provide data showing the shelter needs exceed the current available beds. (10 points)
2. Construction Type (Maximum 40)
 - A conversion of a hotel to non-congregate shelter. (40 points)
 - A rehabilitation of an existing shelter to create non-congregate setting. (30 points)
 - A new construction of non-congregate shelter. (10 points)
3. Operating Support (Maximum 20)

Applicants must provide as part of the budget pro-forma (Exhibit A) an annual operating budget. Applications that provide a firm commitment of funding to cover operating for a period of time will receive points.

 - 5-year commitment. (5 points)
 - 7-year commitment. (10 points)

- 10-year commitment for New Construction. (15 points)
 - Restricted use period commitment. (20 points)
4. Site Location (Maximum 30)
 - Project site located within a 1-mile radius of community services, i.e., grocery, retail, medical facility, supportive or social service offices. (20 points)
 - Project site located within a ½-mile radius of public transportation or provides a commitment to provide free transportation to residents. (10 points)
 5. Serving Individuals with Children (10 points)

Applications that will serve populations with children and provide written documentation at time of application.
 6. Service Coordination (10 Points)

As part of the operating budget, the owner will provide, either through direct employment or by contract with an experienced third party, a dedicated service coordinator. The service coordinator's role is to assess resident's need and eligibility for services as quickly and rapidly to an intervention that will assist them in resolving their homelessness. Service coordinator is encouraged to work closely with the CoC and Coordinated Entry process to establish screening practices to facilitate referrals to services.
 7. Housing Navigation Services (10 Points)

Proposals which include providing either through direct employment or by contract with an experienced third party, a dedicated housing navigation service provider. Scope of services must include identifying and assisting clients in accessing permanent housing. This may include assisting in the rental application process, establishing a housing budget and assisting in securing rental assistance if needed.
 8. Coordinated Entry Access/Assessment and HMIS (20 points)

Projects that agree to be an assessment site and enroll in HMIS.
 9. Applicant Capacity (Maximum 20 points)
 - Proposals which include a verifiable and demonstratable track record of quality experience developing and operating shelters. (20 points)
 - Proposals in which the applicant can demonstrate participating in operating shelters as part of a partnership. (10 points)
 10. Partnerships with Other agencies (20 points)

Applicants that can document via written agreements, partnering with other agencies to provide a continuum of services to shelter clients. The services provided must be related services that enhance the living situation of the shelter clients, e.g., a partnership with job service provider to assist in finding employment opportunities.

Supportive Services: NDHFA will solicit proposals from individuals and/or private agencies to provide housing stability supports to individuals who meet the eligibility requirements of the QPs. NDHFA expects the solicitation to occur in 2023. The services may be provided in connection with other supportive services offered.

Scope of Work will include:

- Work with QP 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.

Eligible Costs include:

- Housing Search and Counseling Services - costs of assisting eligible program participants to locate, obtain, and retain suitable housing.
 - Development of housing plan.
 - Housing Search.
 - Tenant Counseling.
 - Securing Utilities.
 - Making moving arrangements.
 - Outreach and negotiation with housing providers.
 - Assistance in submitting rental application and understanding leases.
 - Mediation with housing providers.
 - Credit counselling, assessing free personal credit report and resolving credit issues.
 - Payment of rental application fee.
- Case Management - costs of assessing, arranging, coordinating, and monitoring the delivery of individualized services to meet the needs of the program participant(s). PJs and subrecipients providing these supportive services must have written standards for providing the assistance.
 - Conducting the initial evaluation, including verifying and documenting eligibility, for individuals and families applying for supportive services.
 - Counseling.
 - Developing, securing, and coordinating services.
 - Using a centralized or coordinated assessment system that complies with the requirements of Section IV.C of the Notice.
 - Obtaining federal, state, and local benefits.
 - Monitoring and evaluating program participant progress.
 - Providing information and referrals to other providers.

- Providing ongoing risk assessment and safety planning with victims of domestic violence, dating violence, sexual assault, stalking, and human trafficking.
- Developing an individualized housing and service plan, including planning a path to permanent housing stability.
- Conducting re-evaluations of the program participant's eligibility and the types and amounts of assistance the program participant needs.
- Credit Repair: credit counselling and other services necessary to assist program participants with skills such as household budgeting, managing money, assessing free credit report, and resolving credit problems. This does not include payment or modification of debt.
- Financial Assistance Costs: funds may be used to pay housing owners, utility companies, or other third parties the following costs on behalf of a qualifying participant.
 - Rental application fees.
 - Security deposit.
 - Utility deposit.
 - Moving costs.
 - First and last month rent.
 - Payment of rental arrears, up to 6 months.
- Short-term and medium-term assistance for rent: supportive services may include if identified as a need through the housing plan, the payment of rental assistance. Provided the total assistance does not exceed 24 months of rental assistance including any prepayment of first and last month's rent. Rental assistance payments cannot exceed the Fair Market Rent as established by HUD.

Experience: applicants must be able to demonstrate the ability to offer quality, research supported services to households who are experiencing or at risk of experiencing housing instability. Applicants must provide a description of understanding of and approach to housing stability services and must provide detailed experience in working with QPs.

Staffing: applicants must verify the staff who will be providing HOME-ARP supportive services.

Application instructions:

1. Applications should be complete and submitted to NDHFA by the agency's deadline.
2. Applicants should provide the organization name, address, and an email address and telephone number for the preparer and main point of contact.
3. Provide a summary of the services the organization intends to provide and the geographic area served.
4. Provide a comprehensive narrative that illustrates understanding of the scope of work, services provided, and approach to providing services.
5. Provide a comprehensive work plan and timeline that set out the strategy the organization intends to follow.
6. Provide an organizational chart identifying staff that will provide HOME ARP services and provide resume and experience for each staff member performing the work.
7. The plan should include costs associated with each service being provided. Delivery costs include costs associated with salary and benefits packages of staff who will directly deliver the services.

Award Process: NDHFA will review each submission. Organizing with experience and staffing capacity to immediately implement HOME-ARP supportive services will receive a subrecipient agreement. The agreement will outline the maximum award and the services the subrecipient will offer QPs.

Describe whether the PJ will administer eligible activities directly:

NDHFA will directly administer funds to recipients for Rental Housing Development and NCS activities. The State will provide funding for Supportive Services to eligible organizations as subrecipients.

If any portion of the PJ's HOME-ARP administrative funds are provided to a subrecipient or contractor prior to HUD's acceptance of the HOME-ARP allocation plan because the subrecipient or contractor is responsible for the administration of the PJ's entire HOME-ARP grant, identify the subrecipient or contractor and describe its role and responsibilities in administering all of the PJ's HOME-ARP program:

No funds were provided prior to acceptance of the HOME ARP allocation plan.

Use of HOME-ARP Funding

	Funding Amount	Percent of the Grant	Statutory Limit
Supportive Services	\$ 2,603,964.00		
Acquisition and Development of Non-Congregate Shelters	\$ 1,000,000.00		
Tenant Based Rental Assistance (TBRA)	\$ 0.00		
Development of Affordable Rental Housing	\$ 3,000,000.00		
Non-Profit Operating	\$ 0.00	0%	5%
Non-Profit Capacity Building	\$ 0.00	0%	5%
Administration and Planning	\$ 1,165,000.00	15%	15%
Total HOME ARP Allocation	\$ 7,768,864.00		

Describe how the PJ will distribute HOME-ARP funds in accordance with its priority needs identified in its needs assessment and gap analysis:

During the consultation process stakeholders identified the areas of greatest need included rental housing development, non-congregate and funding for supportive services. Further discussion of the needs of supportive services indicated that some households are unable to access housing due to significant rental arrears with prior landlords or are unable to apply for HUD rental assistance programs due to owing public housing authorities tenant rent arrears. As part of the supportive services and housing stability allocation, eligible costs include up to 6 months rental arrears.

Describe how the characteristics of the shelter and housing inventory, service delivery system, and the needs identified in the gap analysis provided a rationale for the plan to fund eligible activities:

The State, homeless service providers, housing providers and local governments work together to address housing needs for individuals and families experiencing homelessness or who are at risk of homelessness. Emergency shelters, safe havens, transitional housing, permanent supportive housing,

and domestic violence shelters are located across North Dakota. In 2020, there were 229,336 nights of shelter were provided, the average length of stay was 120 nights.

In terms of domestic violence shelters, women and families fleeing their assailants seek refuge in urban communities. The YWCA, developer of the Cove Lane project, serves populations marginalized and underserved due to race, poverty, and gender violence, who are challenged by barriers of geographic location, language, or disability.

In 2021, 28% of the households served at the YWCA's emergency shelter were Native American and 28% African American. In contrast, just 5.6% of North Dakota's population and 1.4% of Fargo-Moorhead's population is Native American. Nationally, Native American individuals are victims of rape or sexual assault at more than double the rate of other ethnic groups. Services like those provided by the YWCA do not exist on North Dakota's five Indian reservations. Native American homeless and gender violence victims seeking help at the YWCA come from Fargo-Moorhead and the two nearest North Dakota reservations (i.e., Spirit Lake and Turtle Mountain) each two and a half hours away. Other victims come from two Minnesota reservations within 200 miles.

Each year, the YWCA Supportive Housing Programs collectively receive far more applications than the program can assist, primarily due to lack of available units and financial resources. In 2021, 292 households applied. Only 46 adults and children could be accepted into the program, only 16% of those who applied. Far more women and children need safety through transitional housing than there are opportunities currently available in our state.

As North Dakota is a rural state, most of the housing provided is in five urban areas. Rural housing options, especially NCS, is an unmet need that was vocalized during the public input process.

Securing safe housing is only part of the equation to housing stability. The need to fund service providers is just as critical to ensuring individuals and families can become self-sufficient and mitigate the reoccurrence of homelessness.

HOME-ARP PRODUCTION HOUSING GOALS

Estimate the number of affordable rental housing units for qualifying populations that the PJ will produce or support with its HOME-ARP allocation:

The State estimates the number of housing units produced or supported with rental production to be 12 units.

Describe the specific affordable rental housing production goal that the PJ hopes to achieve and describe how the production goal will address the PJ's priority needs:

The estimate of rental production is inclusive of HOME-ARP unit production only.

PREFERENCES

Identify whether the PJ intends to give preference to one or more qualifying populations or a subpopulation within one or more qualifying populations for any eligible activity or project:

Rental housing production and the NCS programs may provide preferences established in the ND Coordinated Entry definitions. This allowance is based on other funding sources utilized within the project. The State recognizes the legislative intent for HOME-ARP funds is to serve all QPs, therefore, any projects involving supportive services must serve all QPs.

If a preference was identified, explain how the use of a preference or method of prioritization will address the unmet need or gap in benefits and services received by individuals and families in the qualifying population or subpopulation of qualifying population, consistent with the PJ's needs assessment and gap analysis:

The set-aside for rental housing activity is intended to be used to support the rehabilitation of a transitional housing project administered by the YWCA. This project receives operational support as a CoC funded transitional housing project and is required to support CoC defined category of Homeless and Domestic Violence. Data collected by YWCA provided insight into the need for continued support for existing programs. The 2022 PIT Count identified 610 individuals who were homeless, and The State of Homelessness in Fargo Moorhead Metro report released in June 2022 indicated 957 individuals in the area identified as homeless. Of those with a history of domestic violence, 28% identified fleeing domestic violence as the reason for their current homeless situation. As previously stated, the YWCA indicated in 2021 they had the capacity to accept just 16% of the individuals who applied to their collective housing programs.

REFERRAL METHODS

Identify the referral methods that the PJ intends to use for its HOME-ARP projects and activities. PJ's may use multiple referral methods in its HOME-ARP program. (Optional):

The Referral Method for Rental Housing, specifically the Cove Lane project, transitional housing for victims of domestic violence, will use the Coordinated Entry (CE) referrals as well as receiving referrals from other external sources. YWCA is an access site and will complete the housing prioritization tool for clients that present at any of their sites.

Referral Method for NCS - NDHFA will require applications seeking funding for NCS activities to utilize a dual referral process. CE indirect referral where the CE will refer an eligible applicant for placement to the project waiting list. The project must then select eligible applicants in chronological order.

Referral Method for Supportive Services - subrecipients of supportive service awards must serve all four QPs. The subrecipient may, if necessary due to over subscription, establish a supportive service waiting list and select eligible households in chronological order.

If the PJ intends to use the coordinated entry (CE) process established by the CoC, describe whether all qualifying populations eligible for a project or activity will be included in the CE

process, or the method by which all qualifying populations eligible for the project or activity will be covered. (Optional):

The Statewide CoC Prioritization Policy defines homeless in four categories:

1. Literally Homeless.
2. Imminent Risk of Homeless.
3. Homeless under other Federal Statutes.
4. Fleeing/Attempting to Flee Domestic Violence.

This prioritization policy does not encompass all four HOME-ARP QPs. The State intends all HOME-ARP QPs to be allowed to qualify for activities under the NCS and supportive services activities.

If the PJ intends to use the CE process established by the CoC, describe the method of prioritization to be used by the CE. (Optional):

Under the Rental Housing Development proposed set-aside, the Cove Lane project transitional housing will use CE. The CE process for prioritization in supportive housing follows the following order of priority: Households will be selected based on the following criteria after meeting program eligibility.

Within the score range for each intervention type, selection will first follow the Order of Selection/Prioritization, prioritizing the highest Housing Prioritization Score in each selection category.		
TYPE	ASSESSMENT OUTCOME	ORDER OF SELECTION/ PRIORITIZATION
Transitional	Medium or Low	<ol style="list-style-type: none"> 1. Category 1: Literally Homeless - Unsheltered 2. Category 1: Literally Homeless- Other 3. Category 4: Fleeing/Attempting to Flee Domestic Violence 4. Category 3: Homeless under other Federal Statutes- Youth programs ONLY 5. Category 2: Imminent Risk of Homelessness

If the PJ intends to use both a CE process established by the CoC and another referral method for a project or activity, describe any method of prioritization between the two referral methods, if any. (Optional):

Rental Housing Development, specifically the Cove Lane project, transitional housing for victims of domestic violence, will use CE.

Referral Method for NCS - the State will require applications seeking funding for NCS activities to utilize a dual referral process. CE indirect referral where the CE will refer an eligible applicant for placement to the project waiting list. The project must then select eligible applicants in chronological order.

Referral method Supportive Services - subrecipients of supportive service awards must serve all QPs. The subrecipient may, if necessary due to over subscription, establish a supportive service waiting list and select eligible households in chronological order.

LIMITATIONS IN A HOME-ARP RENTAL HOUSING OR NCS PROJECT

Describe whether the PJ intends to limit eligibility for a HOME-ARP rental housing or NCS project to a particular qualifying population or specific subpopulation of a qualifying population identified in section IV.A of the Notice:

The Cove Lane transitional housing project limits eligibility to the individuals that are referred through the CE process.

If a PJ intends to implement a limitation, explain why the use of a limitation is necessary to address the unmet need or gap in benefits and services received by individuals and families in the qualifying population or subpopulation of qualifying population, consistent with the PJ's needs assessment and gap analysis:

The YWCA reported that in 2021, there were 292 individuals/households who applied for assistance with the YWCA. Only 46 adults and children could be accepted into the program. Their capacity to serve was only 16% of those who applied. The rental housing activity set-aside will support rehabilitation and preservation of existing transitional housing units. The complex is currently owned by Sisters of Presentation of the Blessed Mary and leased by the YWCA for transitional housing. The Sisters are divesting in ownership and if YWCA is unable to acquire and rehabilitate the units, these 12 units of transitional housing may be lost.

If a limitation was identified, describe how the PJ will address the unmet needs or gaps in benefits and services of the other qualifying populations that are not included in the limitation through the use of HOME-ARP funds (i.e., through another of the PJ's HOME-ARP projects or activities):

The State will address unmet needs of all other QPs through supportive services activity. Throughout the consultation process the need for funding supportive services, especially services related to housing stability was identified as a high need.

GENERAL FEDERAL REQUIREMENTS

Equal Opportunity: all entities applying for funds through the HOME-ARP Program will provide certification of compliance with all federal requirements under the Equal Opportunity legislation. In addition, HOME-ARP funds will be made available in accordance with the following:

1. The requirements of the Fair Housing Act (42 U.S.C. 3601-20) and implementing regulations at 24 CFR Part 100; Executive Order 11063, as amended, (Equal Opportunity in Housing) and implementing regulations at 24 CFR Part 107; and title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) (Nondiscrimination in Federally Assisted Programs) and implementing regulations issued at 24 CFR Part 1.
2. The prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101-07) and implementing regulations at 24 CFR Part 146, and the prohibitions

against discrimination against handicapped individuals under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and implementing regulations at 24 CFR Part 8.

3. Equal Access in Accordance with an Individual's Gender Identity in Community Planning and Development Programs Rule published September 21, 2016.
4. Violence Against Women Reauthorization Act of 2013: [VAWA Compliance requirements](#).
5. The requirements of Executive Order 11246 (Equal Employment Opportunity) and the implementing regulations issued at 41 CFR Chapter 60.
6. The requirements of Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) as most recently updated by the provisions of the Final Rule 24 CFR Part 75. Please refer to the [Section 3 Compliance Plan](#) for more guidance on meeting Section 3 requirements.

Generally contractors must: Section 3 applies to recipients of more than \$200,000 of combined Housing and Community Development funds in any one year and to contractors or subcontractors receiving an excess of \$100,000. Examples of Housing and Community Development funds include Community Development Block Grant, HOME, HOME-ARP, Housing Opportunities for Persons with AIDS, Emergency Solutions Grant, and Housing Trust Funds. [Full requirements for Section 3](#) may be found online.

7. The requirements of Executive Orders 11625 and 12432 (concerning Minority Business Enterprise) and 12138 (concerning Women's Business Enterprise). Consistent with HUD's responsibilities under these Orders, each applying entity must make efforts to encourage the use of minority and women's business enterprises in connection with HOME ARP funded activities.

In order to maintain statistical data on the use and participation of minority and women's business enterprises as contractor/subcontractors in HOME-ARP assisted program contracting activities, the owner will be required to identify jobs which have been bid by minority-owned/operated, women-owned/operated, and/or small or disadvantaged businesses. In addition, the State may inspect the site to confirm the percentage of minority and women laborers working at the site.

Fair Housing: The State's policy for [Affirmative Fair Housing Marketing Plan Guidance](#) is available online.

Participants in the HOME-ARP Programs will be required to use affirmative fair housing marketing practices in soliciting renters, determining eligibility and concluding all transactions. Each participating entity must affirmatively further fair housing according to 24 CFR Part 92.351.

1. Advertising with respect to vacant units must include the equal housing opportunity logo or statement. Advertising media may include newspapers, radio, television, brochures, leaflets, or may involve simply a sign in a window.
2. Solicit applications for vacant units from persons in the housing market who are least likely to apply for the affordable housing without benefit of special outreach efforts. In general, persons who are not of the race/ethnicity of the residents of the neighborhood in which the affordable project is located and persons with disabilities will be considered those least likely to apply. In addition to advertising in local newspapers, the owner will be required to notify community

organizations, places of worship, employment centers, fair housing groups, housing counseling agencies, social service centers or medical service centers to reach applicants who are least likely to apply for units.

3. The owner must maintain a file available for inspection by the State containing all marketing efforts (i.e., copies of newspaper ads, memos of phone calls, copies of letters, etc.) and the records necessary to assess the results of such efforts.
4. The owner must maintain a listing of all tenants residing in each unit at the time of application submittal through the end of the compliance period.

Owners and management companies are required to complete Fair Housing Training prior to final disbursement of HOME-ARP funds and at a minimum, every three years thereafter.

An applicant requesting HOME-ARP funds for projects containing five or more units must include with its application details of proposed marketing efforts designed to inform and attract, to the available housing, eligible persons from all racial, ethnic and gender groups in the housing market area (does not apply to families with tenant-based rental assistance).

The owner must provide the State with an annual assessment of the affirmative marketing program of the project and the assessment must include:

- a. Method used to inform the public and potential tenants about federal fair housing laws and affirmative marketing policy (e.g., the use of the Equal Housing Opportunity logo or slogan in print advertising).
- b. Method used to inform and solicit applications from persons in the housing market area who are not likely to apply without special outreach (e.g., use of community organizations, places of worship, employment centers, etc.).
- c. Records describing actions taken by the owner to affirmatively market units and records to assess the results of these actions.

Environmental Review: the environmental effects of each activity carried out with HOME-ARP funds must be assessed in accordance with the provisions of the National Environmental Policy Act of 1969 (NEPA) and the related authorities listed in HUD's implementing regulations at 24 CFR Parts 50 and 58.

Labor Standards: owners of buildings projects which contain 12 or more HOME assisted units including HOME and HOME-ARP must comply with the requirements of the Davis-Bacon Act, applicable provisions of the Contract Work Hours and Safety Standards Act, and other applicable federal laws and regulations pertaining to labor standards. These requirements are triggered by using HOME/HOME-ARP funds for any project costs (not just construction) and will apply to the entire project (not just the HOME/HOME-ARP assisted units).

Lead-Based Paint: housing assisted with HOME-ARP funds constitutes HUD assisted housing for the purpose of the Lead-Based Paint Poisoning Prevention Act and is therefore subject to 24 CFR Part 35. Applicants are responsible for complying with these requirements. [Lead Based Paint Policy and forms](#) are available online.

Conflicts of Interest: no person who (a) is an employee, consultant, officer, or appointed official of NDHFA or of any designated public agency that received HOME-ARP funds and who exercises or has

exercised any functions or responsibilities with respect to assisted HOME-ARP Program activities or (b) is in a position to participate in a decision making process or gain inside information with regard to such activities may obtain a personal or financial interest or benefit from his or her activity, or have an interest in any contract, subcontract, or agreement with respect thereto, or the proceeds hereunder, either for such individual or for those with whom such individual has family or business ties, during the individual's tenure or for one year thereafter. HUD may grant exceptions to this rule under circumstances as outlined in 24 CFR Part 92.356.

SAM.gov Registration, Debarment and Suspension: all contractors and subcontractors engaging in a contract for a HOME-ARP project will be required to obtain a Unique Entity Identifier (UEI) on the [SAM.gov website](https://sam.gov). Owners and contractors are prohibited from employing, awarding contracts, or funding any contractors or subcontractors that have been debarred, suspended, proposed for debarment or placed on ineligibility status by HUD. In addition, any owners who are debarred, suspended, proposed for debarment or ineligible will be prohibited from participating in the HOME-ARP Program. It is the responsibility of the developer to ensure all entities engaged in a contract for the project meet the above requirements prior to closing of the HOME-ARP award.

Flood Insurance: HOME-ARP funds may NOT be used in connection with acquisition, conversion, new construction, or rehabilitation of a project located in an area identified by the Federal Emergency Management Agency (FEMA) as having special flood hazards, unless the locality in which the site is located is participating in the National Flood Insurance Program or less than a year has passed since FEMA notification regarding such hazards, and flood insurance is obtained as a condition of approval of the commitment. A flood certification will be obtained by NDHFA.

Repayment: any housing assisted with HOME-ARP funds which is not completed or does not meet the affordability requirements for the specific period of time per the loan documents must repay all HOME-ARP funds extended to the project. Penalties, including interest for the period of time for which the property was out of compliance, may apply.

Procurement: all HOME-ARP projects will follow federal procurement methods. Developers are not required to use the procurement process to obtain their general contractors. However, general contractors and subcontractors will need to be able to document a procurement process for the following:

1. Purchases of property or services over \$10,000 but less than \$250,000 will require price or rate quotations obtained from three qualified sources, prior to the purchase being made.
2. Purchase of property or services in excess of \$250,000 will utilize the following proposal method and standards:
 - a. Requests for proposals will be publicized and an email or letter will be forwarded to interested parties.
 - b. Review of proposals will be conducted in a consistent and documented manner.
 - c. Contracts will be offered to the entity whose proposal is most advantageous with price and other factors considered.

If awarded HOME-ARP general contractors should solicit bids from minority-owned (MBE) and female-owned (WBE) business to the extent practicable. Documentation and data on the steps taken to reach out to MBE/WBE businesses must be submitted to NDHFA.

Monitoring for Compliance: NDHFA will monitor housing projects for compliance with HOME-ARP Program requirements. Program compliance will be assessed through annual owner’s certification of compliance and on-site reviews conducted by NDHFA staff.

NDHFA will require the owner or management company to attend HOME-ARP compliance training and Fair Housing training at a minimum of once every three years from the date of final disbursement of funds. All extended use reduced rent elections, and any other special use restriction elections made by the applicant will be made part of the Declaration of Land Use Restrictive Covenants