

CDBG

Standard Housing Assistance Plan

for the

City of Springfield

Resolution 02-07 (4/1/02)

as Amended by Resolution 03-04 (3/3/03)

**as Amended and Adopted by the City Commission in Regular Session
(10/02/06)**

as Amended by Resolution 07-04 (4/02/07)

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I. INTRODUCTION

This manual is a guide for operating the housing rehabilitation related aspects of the City of Springfield's (the City's) Community Development Block Grant (CDBG) program. The responsibilities of the City, the homeowner, construction contractor and the Housing Rehabilitation Specialist are specifically addressed in this manual. The major focus of this manual is on housing rehabilitation, demolition/clearance and replacement of dwellings. Relocation of households is also covered to a limited extent. The Anti-displacement Policy should be consulted if displacement or permanent relocation becomes necessary.

The goal for the CDBG program is to rehabilitate substandard units located in the City and to bring them up to a minimum acceptable living standard. This goal will be achieved through the use of CDBG funds to contract for the required rehabilitation and/or new construction. The local Housing Code, the Florida Building Code 2004 for Existing Buildings, and the HUD Section 8 Minimum Housing Quality Standards define the minimum standards for rehabilitation units. For replacement units, these standards are delineated in the Florida Building Code.

II. HOUSING REHABILITATION OBJECTIVES AND POLICIES

A. Objectives

The objectives of the City's Housing Rehabilitation Program are:

1. To encourage the revitalization of low-to-moderate income neighborhoods through a Housing Rehabilitation Deferred Payment Loan (DPL) Program that can be used to rehabilitate or replace substandard housing units.
2. To remove unhealthy or hazardous conditions in low-to-moderate income households.
3. To use Community Development Block Grant Housing Rehabilitation grant funds as a catalyst to encourage residents of low-to-moderate income neighborhoods to improve their community.
4. To preserve existing housing stock.
5. To enable low-to-moderate income families to rehabilitate their homes by providing financial and technical assistance to those unable to obtain alternative financing.
6. To reduce utility costs and to improve the comfort of low-to-moderate income families through weatherization strategies.
7. To improve the property tax base in low-to-moderate income neighborhoods.

8. To increase employment and training opportunities for local residents and minority persons through the availability of contract work for the rehabilitation of homes.
9. To make homes accessible to elderly/handicapped occupants as may be required by code, accessibility requirements and as good judgment may dictate.
10. To minimize impact of program participation on recipients and to limit direct costs encountered because of program participation.

B. Rehabilitation Policies

It is the policy of the City's Rehabilitation Program to:

1. Assure that the Program is administered in strict conformance with the community development and rehabilitation rules and all applicable local, state and federal requirements (including equal opportunity, conflict of interest, etc.)
2. Treat all participating property owners, residents, and contractors fairly, with sensitivity and respect for their needs, and in accordance with program rules.
3. Provide all program participants any reasonable assistance necessary to carry out the objectives of the program, bearing in mind:
 - 1) that property owners hold the primary responsibility for maintaining their property and personal finances,
 - 2) that contractors are primarily responsible for the quality of their work and their obligations to suppliers, creditors, subcontractors and employees; and
 - 3) that any assistance provided must be authorized at the proper level.
4. Assure that no member of the City personnel, the Citizen's Advisory Task Force or the City Commission shall share in proceeds or benefits of CDBG funded rehabilitation work.
5. Allow some flexibility in administering the program in order to meet the program's goals and objectives of rehabilitating each addressed dwelling to attain HUD Section 8 Minimum Housing Quality Standards and the requirements of the local Housing Code and the Florida Building Code. The City Commission may waive program rules only when the result will be consistent with established goals and objectives, and applicable federal, state or local regulations.

C. Identification of Units

Housing Rehabilitation will take place only on units approved by the City and in accordance with grant requirements established by the State of Florida. Alternate units may be provided to replace any primary units that may become ineligible. The City will solicit applications either from other housing assistance providers that have knowledge of need within the City, by placing notices in public areas throughout the City and/or by advertising in publicly circulated publications; the period of time during which applications will be accepted and the criteria for low-to-moderate income eligibility will be stated in such solicitations. The City will identify beneficiary units by reviewing applications received using the following guidelines:

1. If the beneficiary has previously received CDBG housing rehabilitation assistance, a) they shall not be assisted again for at least five years AND b) should not be served again after five years unless all other eligible applicants have received assistance;
2. Applicants must fall within the HUD LMI income limits based upon the number of persons in the family/household and the total family/household income to be eligible;
3. The estimated cost to rehabilitate the housing unit must not exceed the difference between the current value of the residence and the value of the residence after rehabilitation;
4. Housing units must conform to or be able to be brought into compliance with all current local, state and federal requirements with reference to defined, regulated areas, i.e., floodplain, zoning, incompatible use, etc. to be eligible and the proposed rehabilitation activities must comply with the local comprehensive plan and land development regulations; therefore, assistance for owners of mobile/manufactured homes will be allowed in Springfield so long as the homes are in compliance with such provisions;
5. Selected housing units must be owner-occupied;
6. Applicants must be current on payments to the local government for utility services (i.e., water, sewer, garbage, cable, etc.) and taxes, and to mortgage/lien holders;
7. The property must be certified by the City's Code Enforcement Department as having no non-structural code violations prior to the initiation of any rehabilitation of the housing unit or the owner must receive approval of a request for waiver of any code of which they are in violation;
8. Beneficiaries must have clear title to the property;

9. If the structure is more than 50 years old as reported by the applicant or as evidenced by other records (e.g., property tax records) reviewed during eligibility determination, the City must notify the State Bureau of Historic Preservation and receive written approval for the rehabilitation; and

10. In addition to the above, the following priority ranking in Appendix A shall be strictly adhered to in the selection of qualifying applicants.

The final ranking of all applicants shall be presented to the CATF and the City Commission as part of the process to address any Conflicts of Interest (see additional information below). The Commission must also adopt the final ranking.

D. Removal of Units from Program

The Citizen Advisory Task Force may remove a housing unit from the program for a change in household income, approved selection criteria, or for not complying with the minimum qualification procedures. If it is determined that it is necessary to remove an applicant from the program, a certified letter will be sent to the applicant stating the reasons for the removal. The applicant will have the right to appeal the decision as identified in the Citizen Participation Plan.

Household/property owners previously approved for proposed housing assistance may voluntarily withdraw their application for assistance, which must be confirmed in writing. If the Administrator/CATF determines the applicant to be ineligible for assistance, the Administrator shall send written notification to the applicant, stating that the application has been rejected and the reason for the rejection.

III. CONFLICT OF INTEREST

Although addressed in other places in this Policy, adherence to rules and regulations on this matter is mandatory. All applicants that may have a business or familial relationship with a member of the City Commission or staff, Citizen Advisory Task Force Committee, Housing Rehabilitation Specialist, Program Administrator, or participating construction contractors must fully disclose this relationship on the Application and definitely before a construction contract is executed. The Florida Statutes define a *relative* as a:

- Father, father-in-law, stepfather
- Mother, mother-in-law, stepmother
- Son, son-in-law, stepson
- Daughter, daughter-in-law, stepdaughter
- Brother, brother-in-law, stepbrother, half-brother
- Sister, sister-in-law, stepsister, half-sister
- Uncle or Aunt
- Cousin
- Nephew or Niece

- Husband or Wife
- Grandparent, great grandparent, step grandparent, step great grandparent
- Grandchild, great grandchild, step grandchild, step great grandchild
- Person who is engaged to be married to a public officer or employee or who otherwise holds himself, or herself out as, or is generally known as, the person with whom the public officer intends to form a household
- Any other natural person having the same legal residence as a public officer or employee

The failure to disclose such a conflict shall result in removal of the beneficiary from the program. In addition, all beneficiary names must be disclosed at regular meetings of the City Commission and the Citizen Advisory Task Force (CATF) as selection of beneficiaries occur and these names must be included in the minutes of both the Commission and the CATF meetings. The City Commission and CATF members must disclose any relationship with an applicant and must abstain from any vote related to that applicant. As soon as a final ranking of the applications is made, that ranking and any cases of conflict of interest must be made known at a meeting of the City Commission. Before an applicant with a real conflict is given final approval for participation, local procedures for disclosing such conflicts must be completed and the City must notify the Department of Community Affairs (DCA) in writing along with a request to waive the Conflict of Interest if the unit is to be rehabilitated with CDBG funds. Prior to any rehabilitation, the City must receive written notification of DCA's approval of the request, in accordance with 24 C.F.R. Section 570.489. If this process is not followed the local government and/or the applicant may be liable for returning the funds to the program.

IV. HOUSING REHABILITATION FINANCING

The Housing Rehabilitation Program provides financing to homeowners in the form of 100% Deferred Payment Loans, the amount of which shall include the accepted bid amount plus a contingency reserve.

A. *Deferred Payment Loans (DPL)*

Deferred Payment Loans are conditional grants, and are provided to homeowners who are unable or unlikely to obtain conventional financing due to their income limits. The Deferred Payment Loan (DPL) involves a security instrument (lien) requiring repayment of the loan only if the homeowner sells or transfers ownership of the rehabilitated home, ceases to use it as his/her primary residence within five years of the date of the DPL, or fails to maintain reasonable required standards of care and maintenance (as evidenced by the owner's failure to address code violation citations within the timeframe specified by the City's Code Enforcement Officer) within five years of the date of the DPL. During the five-year period, the principal is "forgiven" or subtracted from the principal balance in equal monthly amounts, so that at the end of the fifth year of owner occupancy (by at least one of the recipients if owned jointly), the loan is fully amortized. There is no interest charged during the five years.

In the event that the sole owner dies or both/all owners die within the five-year loan period, repayment of the loan will not be required.

If repayment of a DPL becomes due, the prorated principle balance will be due in full within thirty (30) days of the sale/transfer of ownership or the owner's cessation of primary residence at the property. If the owner is unable to make such payment, the City Commission may, at their discretion, allow repayment of the DPL over a term not to exceed ten (10) years, at a yield of not more than six percent (6%) interest per annum.

Homeowners whose household incomes do not exceed the HUD Section 8 low-to-moderate income limit will receive a Deferred Payment Loan for 100% of the cost of rehabilitation. Homeowners may also include the cost of one year's hazard insurance in the total amount of the DPL.

If rehabilitation costs require more than \$64,999 and the owner is unable to finance the additional cost, the dwelling unit may be disqualified unless alternative funding is available. Grant application scoring indicates an average rehabilitation amount that is to be attained. Very high costs frequently adversely impact other units planned for rehabilitation, therefore the ability to maintain the necessary average must enter into the decision process.

In the event that (a) change order(s) is/are required to address code violations after the initial DPL is executed and recorded, the additional cost is treated as an unconditional grant and is not secured through the DPL, or an equivalent.

B. *Scope of Rehabilitation Assistance*

CDBG financing of housing rehabilitation is available for the following purposes:

1. correcting local housing code and Florida Building Code for Existing Buildings and Section 8 standard violations or replacing structures (in accordance with the Florida Building Code) when rehabilitation is not cost-efficient;
2. providing cost effective energy conservation features, including basic items such as insulation, energy efficient windows, door seals, caulking, etc.;
3. providing reasonable repairs and modifications to make the dwelling accessible to handicapped and elderly occupants as necessary and technically feasible; and
4. correcting health and/or safety violations that may be present, including replacement of dilapidated or malfunctioning stoves or refrigerators and interim controls or abatement of lead-based paint hazards;

New construction on an existing structure (adding a room or closing in a carport, etc.) is eligible for rehabilitation financing only to eliminate over-crowding or to provide bathroom or laundry hook ups. General property improvements are eligible for program

funds when necessary to obtain an adequate level of utility, to decrease high maintenance costs, or to eliminate blight. Examples of eligible general property improvements include installation of cabinets and linen closets, functional changes in room layout, replacement of unapproved or damaged floor covering, and enclosure of a porch for use as a bathroom where the dwelling does not have adequate interior facilities.

Some general property improvements may be provided at the owner's expense. Improvements, above those required to achieve minimum standards are optional and at owner expense. The cost for any such improvements shall be borne totally by the owner who must deposit the funds with the local government before the improvements begin if the improvements are to be a part of the rehabilitation contract. This must be done prior to construction. Otherwise, the additional work will not be included in the construction. Furthermore, any construction not covered in the construction contract will be inspected by the local Building Inspector, but will not be inspected by the Housing Rehabilitation Specialist. Ineligible new construction **MUST** be contracted separately.

V. QUALIFICATIONS

A. General

In order for a homeowner to be eligible for rehabilitation assistance, the following criteria must be met:

1. Total Household income must not exceed the low-to-moderate limits set for the HUD Section 8 program at the time assistance is provided;
2. The owner must possess and provide clear title to the property, although it may be jointly owned and the property may be mortgaged. Ownership through life estate, heir property or other legal satisfactorily documented ownership is considered satisfactory for program participation. Providing proof of title is an owner responsibility and expense;
3. The owner must reside in the dwelling to be rehabilitated at the time of application;
4. Property taxes, mortgage payments and any utility bills must be current and ownership must not be jeopardized by any other threat of foreclosure, default or clouded title;
5. The property must be fully insured for flood insurance, for the period of the Deferred Payment Loan on the property, if the home is in the 100-year flood plain. Any unit to be addressed with rehabilitation funds must be elevated to at least 1' above base flood elevation (or to local code) whichever is greater;
6. All applicants that may have a business or familial relationship with a member of the City staff, the City Commission, the Citizen Advisory Task

Force Committee, Housing Rehabilitation Specialist, Program Administrator and participating construction contractors must fully disclose this relationship at the time of the application, at the point in time in which the conflict occurs and definitely before a construction contract is executed;

7. If a boundary survey is required, the owner is responsible for providing necessary proof or documentation at the owner's expense;
8. Residents and owners of rental property are not eligible to participate in the program; and
9. The property must be certified by the City's Code Enforcement Department as having no non-structural code violations prior to the initiation of any rehabilitation of the housing unit or the owner must receive approval of a request for waiver of any land use, zoning or other code of which they are in violation.

B. Household Income

The following rules are applicable in determining household income:

1. The gross income of all household members occupying the dwelling is included in calculating household income. However, wages earned by dependent minor children (under 18) are not included in the total.
2. Occupants of a dwelling who are not related to or dependent upon the owner(s) are not considered as part of the owner's household.
3. Rent or other household support contributed by non-household occupants of a dwelling is included in household income.
4. The owner's assets, with the exception of the home in which he/she resides and personal property such as an automobile, will be considered in determining eligibility. The actual annual income from the asset will be calculated as part of the total household income. Inclusion of such assets, if any, will be in strict accordance with 24 CFR Subtitle A, Section 5.609 and any current modification thereof.

VI. STRUCTURAL REQUIREMENTS

A. General

In addition to owner eligibility requirements for participation in the Housing Rehabilitation Program, the dwelling must be:

1. below Section 8 Minimum Housing Quality Standards; and

2. feasible for rehabilitation. In order for a house to be considered feasible for rehabilitation, proposed construction must:
 - a) correct all violations of the local housing code and Section 8 standards;
 - b) provide interim controls or abatement for lead-based paint hazards for structures constructed prior to 1978 that will be assisted by the program. The occupants will be notified of the hazards of lead-based paint, the symptoms and treatment of lead poisoning, how to avoid poisoning, lead level screening requirements and appropriate abatement procedures;
 - c) meet applicable local zoning requirements, as well as local, state and federal housing code requirements for rehabilitation work;
 - d) leave at least 20 % of the original structure based upon the formula provided in this chapter;
 - e) not exceed the program costs noted in this chapter, unless alternative funds are available;
 - f) be made reasonably accessible to handicapped/elderly occupants, when the unit is occupied by such;
 - g) New Construction or substantial improvement of any residential building (or manufactured home) located within the 100 year flood plain shall have the lowest floor, including basement elevated no lower than (1) foot above the base flood elevation (or per local code). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided; and
 - h) be estimated to cost 50% or less than the cost of a comparable replacement unit.

B. Structural Integrity

Rehabilitation requires that at least 20% of the original structure remain after construction, based upon the following formula. Three (3) major components of the house are considered, with each component weighted to total 100% of the structural value of the house. These components and ratios are: roof - 20%, exterior walls - 60%, and flooring system - 20%.

As an illustration, if 50% of the roof must be replaced, 50% of the walls must be replaced and 25 % of the flooring system (including framing) must be replaced. The factors are then ratioed based on the 20/60/20 formula, so that 50% replacement of the roof is equal to replacing 10% of the structure, 50% replacement of the exterior walls

equals 30% replacement of the structure, and 25 % replacement of the flooring system equals 5 % replacement of the structure. Thus, replacement equals 10%, plus 30%, plus 5%, or a total of 45% of the structure. This leaves 55 % of the original structure, indicating that the structure is feasible for rehabilitation.

This calculation will be performed by the Housing Rehabilitation Specialist. Should significant deterioration occur between application and time the unit is scheduled for rehabilitation, the unit will be re-evaluated for continued eligibility and a decision made by the Housing Rehabilitation Specialist whether to replace it with an alternate unit or to request a change in type of rehabilitation (demolition, permanent relocation, etc.) in accordance with current DCA contract amendment requirements.

C. *Cost Feasibility*

As an additional means of guarding against program penalties for exceeding the average allowable CDBG funds per unit, the cost of rehabilitation and improvements may not exceed the after-rehabilitation value of the dwelling.

VII. PROCEDURES

A. *Application and Inspection*

Each property owner who applies for rehabilitation assistance is initially screened to determine whether he/she is eligible for a 100% Deferred Payment Loan. A preliminary inspection is then conducted to determine feasibility of rehabilitation.

If either the owner or the structure does not meet eligibility requirements for program participation, the Housing Rehabilitation Specialist will reject the application. A written rejection notification will be sent to the owner and the local government designated representative within ten (10) days stating the reason for rejection.

If both the owner and the house appear to be eligible for program participation, the application/verification process continues with services being provided to applicants in the order in which they are ranked. A work write-up with cost estimate is developed by the Housing Rehabilitation Specialist and approved by the property owner. The cost estimate for the job is considered confidential information until bid opening.

If special financing arrangements (such as the owner covering excessive costs or general property improvements) are required or anticipated, arrangements must be made prior to bidding to prevent soliciting bids on a case that cannot be financed. When the case receives preliminary approvals, bids are solicited for the job.

B. *Bidding*

Bidding of potential cases is conducted by the Housing Rehabilitation Specialist. Owners review the pre-approved list of eligible contractors before their cases are sent out for bids. Owners have the right to remove any contractor(s) from the list of

prospective bidders for their case, as long as at least three (3) eligible contractors are allowed to bid. The owner must be willing to justify the removal of contractor(s) from the bidding list. Owners may also request additional contractors as bidders. If these owner-requested contractors submit the contractor application and are approved by the designated representative and are otherwise eligible, they may be added to the bidders list and bid on the case. The administrator makes maximum effort to ensure participation by minority contractors.

No housing unit owner, or occupant, or employee or immediate relative of the same, either personally or corporately, shall serve as a contractor or sub-contractor to be paid with CDBG funds for the rehabilitation of said building, nor shall they be paid for their own labor with CDBG funds for the rehabilitation of said building.

A notice is sent to each eligible bidder to inform them of the job. Bidding notices will be posted at primary governmental buildings to the maximum practical extent. Newspaper advertising for individual jobs is not performed, as contractors must be pre-qualified.

Each contractor must attend a pre-bid conference held at the house to be rehabilitated. Failure to do so will result in automatic rejection of his/her bid(s) for the house(s). Under extenuating circumstances, this requirement may be waived at the discretion of the Housing Rehabilitation Specialist and the designated community representative. In such instances, an alternate date/time must be scheduled to allow the contractor to preview the work prior to bid opening.

Sealed bids are submitted by the contractors directly to the local government. Included in their bid, each contractor must state that they agree that change orders will only be issued to address latent Section 8 or housing code violations AND that any change orders **MUST** be approved by the homeowner, Housing Rehabilitation Specialist and the local government designated representative prior to initiating any related work.

Sealed bids will be opened at a public bid opening. The Housing Rehabilitation Specialist will generally recommend that the contract be awarded to the lowest responsible bidder within plus or minus fifteen percent (15 %) of the cost estimate. Recommendations for bid awards will be presented to the City Commission for approval. The City and owner reserve the right to reject any and all bids and to award in the best interest of the owner and City. However, absent concurrence by the City, the owner must accept the lowest bid or pay the difference between the bid they select and the lowest bid.

Each contractor must satisfactorily complete one job through the Housing Rehabilitation Program before receiving any additional contracts. No contractor will be allowed to have more than two (2) jobs under construction at one time without consent of the local government designated representative unless:

- 1) the anticipated date of commencement is after the scheduled, and estimated, date of completion of current jobs; or

- 2) the contractor has demonstrated, through past performance, his/her ability to satisfactorily complete multiple contracts in a timely manner thereby causing no impact on project and program completions.

This rule may be waived by the City Commission if it is determined that there is an inadequate pool of qualified bidders, if the other bids are excessive, or if other extenuating circumstances arise.

C. Contracting and Rehabilitation

The Housing Rehabilitation Specialist presents each case to the City's designated representative before the DPL and contract are signed. The DPL amount, contract amount, contractor and owner eligibility are all approved by the Commission.

The rehabilitation contract is executed between the homeowner and the contractor when the rehabilitation DPL is closed, with the three (3) day rescission period running simultaneously for both legal agreements. The contractor must also execute a Certification of Debarment status with each contract.

The DPL is recorded immediately. The program pays for recording of the Agreement. The filing of the Notice of Commencement shall be the responsibility of the Contractor.

The Notice to Proceed is issued to the contractor as soon as possible after the rescission period elapses. When temporary relocation of the occupants is required, the Notice to Proceed will be delayed until the house is vacated. The contract time of performance (generally 30 - 90 days) begins with issuance of the Notice to Proceed.

D. Lead Based Paint Rehabilitation

Contracts for Rehabilitation require that contractors shall abide by the federal lead based paint requirements, as described in HUD's Lead Safe Housing Rule, which can be found at:

<http://www.hud.gov/offices/lead/leadsaferule/LSHRGuidance21June04.rtf>

For housing units built prior to 1978, if the total amount of federal funds used to pay for the costs of rehabilitation of a housing unit are less than \$25,000, a lead-based paint inspection must be done, interim controls taken and occupants notified; if the costs exceed \$25,000, abatement must also be performed. In this regard, it is the contractor's responsibility to ensure that any rehabilitation work performed on a housing unit that has been determined to have lead-based paint is performed by workers that have completed a HUD approved training course on "Lead Safe Work Practices," as required by law. This training is available on the Internet at:

http://www.hud.gov/offices/lead/training/3r/3r_course.cfm

The rehabilitation contract further requires that such practices will be adhered to, to the extent that, any such housing unit identified to have lead-based paint risk shall be

cleared in the initial lead-based paint clearance test, or the contractor will be responsible for any additional clearance test expenses.

E. Termite Treatments

Any time live termite infestation is detected during the initial inspection of a property or while rehabilitation work is underway, the resulting work write-up or change order shall require that the unit be treated for termites, a clear WDO inspection delivered following completion of the rehabilitation, and a termite bond placed on the home for at least one year. The costs for these items shall be included in the contractor's bid or change order estimate and the contractor assumes responsibility for providing the clear WDO inspection report and bond before final payment will be made.

F. Inspections

Periodic inspections of the rehabilitation construction are performed by the City and the Housing Rehabilitation Specialist throughout the contract period. The progress of the rehabilitation is also documented through photographs or video of all activity locations prior to initiating any construction, during construction, and upon completion of the construction. These inspections are conducted to assure compliance with the contract standards for workmanship and materials, to detect any unauthorized deviations and to identify necessary changes to the contract work in its early stages.

Inspection and approval of completed work must be conducted by the Housing Rehabilitation Specialist prior to the contractor's receiving partial or final payments. The owner's acceptance of the work is also required before payment is received. Prior to final payment, the designated local representative must provide written acknowledgement that the housing unit meets all local housing code and Section 8 Housing Quality Standards.

G. Change Orders

Any additions to, deletions from, or changes in the rehabilitation contract work, time, or price must be approved in a written change order before the additional work is started. The change order is executed by the owner and contractor and is approved by the Housing Rehabilitation Specialist and the designated representative. Change orders may be issued to correct code deficiencies or to obtain any other desired change in the work. CDBG funds can only be for change orders that correct code violations. Other changes will be at the owner's expense and a deposit must be made to the City's program account to cover the additional cost.

H. Payment

Rehabilitation contracts of \$6,000 or less will not be paid until the Contractor has completed the job.

Contracts in excess of \$6,000 to \$24,999 allow a partial payment upon satisfactory completion of work, as described below:

<u>Construction Completion</u>	<u>Payment</u>	<u>Percentage of Contract Paid</u>
Less than 40%	0	0 %
40%	1	30%
100%	2	60%
100%	3	10%
After all punch list items are completed		

For Rehabilitation contracts in excess of \$25,000, the Housing Rehabilitation Specialist has the discretion to issue four payments, as follows:

<u>Construction Completion</u>	<u>Payment</u>	<u>Percentage of Contract Paid</u>
Less than 30%	0	0 %
30%	1	20%
60%	2	30%
100%	3	40%
100%	4	10%
After all punch list items are completed		

Contracts for Demolition/Replacement allow for partial payment upon satisfactory completion of work, as described below:

<u>Construction Completion</u>	<u>Payment</u>	<u>Percentage of Contract Paid</u>
Demolition, Site Preparation	1	Actual costs contained in bid minus 10%
50% complete	2	90% of total work completed minus prior payments
Remainder to Substantial	3	90% of contract minus prior payments

In the event that the above-described Demolition/Replacement payment schedule will impose a financial hardship on a Contractor, the Housing Rehabilitation Specialist has the discretion to negotiate an additional payment following 50% completion and prior to substantial completion, that is computed equivalent to an agreed-upon interim percentage of completion.

Approval of a partial payment requires:

1. a determination by the Housing Rehabilitation Specialist and the designated representative that the claimed percentage of completion of the work has been satisfactorily completed. Payment will be issued for the amount claimed less retainage depending on the physical progress as long as the contract funds remaining are sufficient to complete the work in the event of default by the contractor;
2. approval of the work by the owner; and
3. an affidavit from the contractor stating that either:
 - (a) there are no claims for unpaid goods and/or services connected with the job and all laborers, suppliers and subcontractors have received just compensation for their goods and services up to the date of the request (as evidenced by full or partial waiver of lien from subcontractors); or
 - (b) a list of all unpaid parties and the amounts owed to each has been submitted with the request.

The final payment approval requires:

1. a signed statement by the property owner or their representative that all work has been completed based upon the original work write-up and any executed change orders;
2. submission of all manufacturers' and other warranties (i.e., appliances, roofing, extermination, contractor's warranty covering the entire job for one year, etc.);
3. waivers of liens from all subcontractors, all parties who were not paid when the contractor received partial payment, and from any other party supplying notice;
4. a certificate of occupancy or final approval from the Building Inspector to show compliance of the rehabilitation work with the locally adopted building (and other applicable) code requirements;
5. completion of all punch list items; and

6. an affidavit from the contractor stating that all work included in the original work write-up and change orders has been completed and accepted, that all bills have been paid and there are no claims for subcontracted jobs or materials, or any outstanding Notice to Owner.

If the owner refuses to authorize payment due to a dispute with the contractor, the Program Administrator may recommend disbursement without the owner's approval if the claim is shown to be without merit or inconsistent with policies and the goal of the program. Such disbursement shall be issued only after the Program Administrator has reviewed the facts and circumstances involved in the dispute and has determined that the owner's refusal to issue payment is without just cause. A record of all pertinent information shall be presented to the Citizen Advisory Task Force for their final determination. Sufficient documentation to this effect shall be placed in the case file.

I. Disputes and Contract Termination

Disputes, the owner's right to stop work, and termination of the contract by the owner or contractor shall be as authorized in the Contract for Rehabilitation.

J. Follow-Up

After completion of the contract, it is the owner's responsibility to notify the contractor **in writing** of any defect in the work or material. The owner is also requested to notify the Housing Rehabilitation Specialist or the Program Administrator of any complaints to the contractor so assistance in follow-up can be provided. If the contractor does not respond to the owner's written complaint within a reasonable time frame and in a satisfactory manner, the Administrator will verify the complaint. If the Program Administrator judges the complaint to be valid, he/she will send written request for warranty service to the contractor and a copy to the designated representative. The contractor will then take action as monitored by the owner and the Housing Rehabilitation Specialist. Upon receiving notice from the owner that the complaint has been satisfied, the Housing Rehabilitation Specialist will inspect the work and make such note in the case file. Failure to resolve complaints shall be justification for removing a contractor from participation with the program.

VIII. CLEARANCE/PERMANENT RELOCATION/DEMOLITION RELOCATION

A. General

Permanent Relocation and/or Demolition Relocation are synonymous terms used in the rehabilitation program when a home is unsound and not suitable for rehabilitation based on the structural integrity criteria. Homeowner eligibility requirements are the same as for rehabilitation. Further policies are included in the local Anti-displacement and Relocation Policy.

B. Clearance

Requirements are identified by the Housing Rehabilitation Specialist and are included in the replacement unit bid package. In this way, the same contractor is responsible for site cleanup and preparation as for provision of the replacement unit. Disposal of debris and associated activities are also included if this method is utilized. When demolition or clearance is conducted separately, bid packages are prepared with procedures following those identified for rehabilitation in this manual.

C. *Permanent Relocation/Demolition Relocation*

This activity involves replacement of an eligible owner occupied unit that is beyond economic repair. The City Commission will decide with the Housing Rehabilitation Specialist on a case-by-case basis whether to utilize a slab "site built" replacement unit, a prefabricated unit, or a modular home. Decision factors will include budget, zoning, replacement requirements, cost estimates, and a number of other items that may vary case-by-case.

Once the decision is made, the Housing Rehabilitation Specialist prepares bid specifications and plans (if necessary) based on owner input from review of available plans. Bidding, contracting and inspections then proceed as in the rehabilitation process.

D. *Differences*

1. A major difference in this type of rehabilitation assistance is that the DPL issued is not for the full value of the replacement unit. The value of the DPL is based on a calculation that takes the difference between the assessed value of the original unit (real property not included) and the actual cost of the new unit (without real property). The difference is the value of the DPL. This is because the dilapidated unit that was demolished belonged to the owner and is being replaced on a one-for-one basis. Ownership of the replacement unit is vested directly to the owner with no interest on the part of the local government (except for the DPL). Generally, the local government will accept interim ownership of mobile homes to save program costs (taxes) with transfer to the owner as soon as possible.
2. Program disbursements are made from the local CDBG escrow account. As a result, attention must be paid to the ordering and receipt of funds, to ensure that disbursements are made in a timely manner and that the federal 45-day rule is not violated.
3. The homeowner must maintain fire and casualty insurance on the replacement unit for the period of the DPL. This protects the local government's investment, is sound practice, and equalizes the program to that of rehabilitation.

In the case of replacement of existing homes, the cost limit will be based upon the acceptable bid price of a replacement home of comparable size. If the existing home is inadequately sized, the replacement home will be sized to include the appropriate

bedrooms needed to meet Section 8 and/or local housing code requirements for occupancy.

Necessary site improvements, including water supply, sewage disposal, and clearance, will also be provided along with the actual dwelling replacement.

If existing regulations do not allow a mobile/manufactured home to be replaced with a like dwelling, a site built home may be provided with CDBG funds if approved by the local government, and funds are available.

Budgetary and scoring constraints, as well as priorities for assisting other households, may dictate that some homeowners will be offered less than the maximum amounts shown hereto, even if their demolition and replacement housing costs are above the offered amount. In these cases, homeowners must provide non-CDBG funds from other sources, or they may decline the offer and withdraw from the program. If the offer is declined, no CDBG funded demolition will occur.

IX. CONTRACTOR LISTING

The Housing Rehabilitation Program will establish and maintain a current listing of eligible contractors for bidding on all phases of the program. Only those contractors who are so listed will be considered for work on this program. Establishment of this list will include maximum effort to utilize local and minority contractors.

A. *Recruiting*

Contractors residing or maintaining offices in the local area will be recruited through public notice to all such contractors, as part of the local government's compliance with Federal Section 3 requirements. This special effort will be based upon the list of contractors licensed in the jurisdiction including residential, building and general contractors. Letters sent to contractors, or advertisements placed soliciting them, will be placed in the appropriate program file.

The contractor listing will include all local contractors who apply and are determined eligible based upon program qualification standards.

If the pool of local contractors is inadequate to provide a sufficient pool of contractors willing and qualified to perform the rehabilitation work at prices that are considered reasonable and comparable to the prepared estimate, other contractors will be solicited. Maintenance of a pool of competitive, qualified, and capable contractors is essential to program completion.

B. Contractor Eligibility

In order to participate in the Housing Rehabilitation Program, a contractor must be certified as eligible by the Housing Rehabilitation Administrator and by the Florida Department of Business and Professional Regulation.

Basic contractor qualifications include:

1. Current license(s) with the Florida Department of Business and Professional Regulation and the appropriate local jurisdiction;
2. A satisfactory record regarding complaints filed against the contractor at the state, federal or local level;
3. Insurance: \$100,000/\$300,000 coverage for contractor's public liability (including accidental death and bodily injury), or \$300,000 comprehensive coverage and \$100,000 coverage of property damage (in addition to bodily injury), with a certificate of insurance from the insurer guaranteeing ten (10) day notice to the Housing Rehabilitation Program before discontinuing coverage. Workman's Compensation, as applicable, is also required;
4. A satisfactory credit record, including:
 - (a) references from two (2) suppliers who have done business with the contractor involving credit purchases; and
 - (b) references from three (3) subcontractors who have subcontracted with the contractor; and
 - (c) the ability to finance rehabilitation contract work so all bills are paid before requesting final payment;
5. Satisfactory references from at least three (3) parties for whom the contractor has done construction;
6. Absence from any list of debarred contractors issued by the Federal or State DOL, HUD or DCA;

The Housing Rehabilitation Specialist will assure that current and past performance of the contractor are satisfactory based upon readily available information, and reserves the right to check any reliable source in establishing such determination.

The Housing Rehabilitation Specialist will explain the contractor's obligations under Federal Equal Opportunity regulations and other contractual obligations at the pre-bid conference. Program procedures, such as bidding and payment are also explained to the contractor.

C. Disqualification

Contractors may be prohibited or removed from program participation for:

1. poor workmanship, or use of inferior materials;
2. evidence of bidding irregularities such as low balling, bid rigging, collusion, kickbacks, and any other unethical practice;
3. failure to abide by the work write-up, failure to complete work write-up (and bid) accomplishments, and any attempts to avoid specific tasks in attempts to reduce costs;
4. failure to pay creditors, suppliers, laborers or subcontractors promptly and completely;
5. disregarding contractual obligations or program procedures;
6. loss of license(s), insurance or bonding;
7. lack of reasonable cooperation with owners, rehabilitation staff or the others involved in the work;
8. abandonment of a job;
9. failure to complete work in a timely manner;
10. inability or failure to direct the work in a competent and independent manner;
11. failure to honor warranties;
12. ineligibility to enter into federally or state assisted contracts as determined by the U.S. Secretary of Labor, HUD or DCA;
13. other just cause that would expose the Program or owner to unacceptable risk;
14. failure to respond to a minimum of three (3) consecutive requests for bids;
or
15. at the contractor's request.

X. RELOCATION/DISPLACEMENT

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 does not apply to displacement under the City's Community Development Program; since the City does not acquire the vacated (demolished or rehabilitated)

property and residents participate voluntarily. Therefore, relocation services will be provided in the City's Anti-Displacement and Relocation Policy that covers such situations in greater detail.

XI. APPEALS/COMPLAINTS

The Housing Rehabilitation Specialist, the designated representative and the Program Administrator are authorized by the City to make all determinations of eligibility for assistance and level of assistance, scheduling of rehabilitation, demolition and relocation, and contract management. Citizens and/or contractors should issue complaints to the Housing Rehabilitation Specialist or the Program Administrator. For a complaint to be considered valid, it must be issued in writing within a period of 30 days from the date of the incident from which the complaint arises. Responses also should be issued in writing.

If the complainant is not satisfied with the Program Administrator's response, the issue must be presented in writing to the City's Citizen Advisory Task Force (CATF). If the complaint cannot be resolved by the CATF, the City Commission will review the grievance and make a decision based upon program regulation, local policies, and availability of funds. Further appeals, if necessary, must be addressed to the Florida Department of Community Affairs.

XII. PROGRAM INCOME

No program income is planned to result from this program. Deferred Payment Loans will be monitored by the Housing Rehabilitation Specialist during the CDBG period of agreement. After the expiration of the agreement between the City and the State, the monitoring will be performed by the designated representative.

If repayment of a DPL or program income is received during the CDBG agreement period, it will be used for additional rehabilitation as authorized by the Department of Community Affairs. Program income or DPL payment received subsequent to closeout will be returned to the Department of Community Affairs unless the state's program income regulations are changed.

This Housing Rehabilitation/Replacement Policies and Procedures Manual was adopted on April 1, 2002, amended March 3, 2003, amended October 2, 2006, and amended again on April 2, 2007.

AMENDED AND ADOPTED by the City Commissioners in Regular Session, in the City of Springfield, Bay County, Florida this 2nd day of April, 2007.

CITY OF SPRINGFIELD, FLORIDA

BY



Robert E. Walker

ATTEST:



Teresa Cox, City Clerk

Resolution 02-07 as Amended by Resolution 03-04 on March 3rd 2003.

As Amended and Adopted on October 2, 2006.

As Amended by Resolution 07-04 on April 2nd, 2007.

Appendix A
Point Values to be Used in Ranking Applicants

Handicapped, elderly persons on fixed income within established very low income guidelines	13 Points
Elderly persons on fixed income within established very low-income guidelines	12 Points
Handicapped, elderly persons on fixed income within established low to moderate-income guidelines	11 Points
Elderly persons on fixed income within established low to moderate-income guidelines	10 Points
Handicapped or disabled adults within established very low-income guidelines	9 Points
Families with handicapped dependents within established very low income guidelines	8 Points
Families within established very low-income guidelines	7 Points
All others within established very low-income guidelines	6 Points
Handicapped or disabled adults within established low to moderate-income guidelines	5 Points
Families with handicapped dependents within established low to moderate income guidelines	4 Points
Families within established low to moderate-income guidelines	3 Points
All others within established low to moderate-income guidelines	2 Points