

**MAY 26, 2011**

**BARNSTABLE COUNTY HOME CONSORTIUM**

**ANNUAL PLAN**

**FEDERAL FISCAL YEAR 2011**

**(JULY 1, 2011 – JUNE 30, 2012)**

**COVER SHEET**

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**MAY 26, 2011**

**BARNSTABLE COUNTY HOME CONSORTIUM**

**2011 ANNUAL PLAN**

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## **Affordable Housing Acronyms Used in Annual Plan**

**AMI-** Area Median Income

**CDBG-** Community Development Block Grant

**CHAPA-** Citizens' Housing and Planning Agency

**CHDO-** Community Housing Development Organization

**Con Plan-** 2010-2014 Barnstable County Consolidated Plan

**CPA-** Community Preservation Act

**DHCD-** Massachusetts Department of Housing and Community Development

**DPCC-** Down Payment Closing Cost program

**ESG-** Emergency Shelter Grant

**FFY-** Federal Fiscal Year- October 1- September 30

**FMR-** Fair Market Rent

**HOME-** HOME Investment Partnerships Program

**HOPWA-** Housing Opportunities for People with AIDS

**HPP-** Homeownership Preservation Program

**HQS-** Housing Quality Standards

**HUD-** United States Department of Housing and Urban Development

**LEED-** Leadership in Energy and Environmental Design

**LHA-** Local Housing Authority

**LIHTC-** Low Income Housing Tax Credit program

**LIP-** Local Initiative Program

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**LTO-** Local Tenant Organization

**MBE-** Minority Business Enterprise

**MHP-** Massachusetts Housing Partnership

**MRVP-** Massachusetts Rental Housing Voucher program

**MSA-** Metropolitan Statistical Area

**SOMWBA-** Massachusetts State Office of Minority and Women Business Assistance

**UDR-** Massachusetts Universal Deed Restriction

**USDA-** United States Department of Agriculture

**WBE-** Women Business Enterprise

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## **SECTION 1- EXECUTIVE SUMMARY**

### **A. OVERVIEW**

The 2010-2014 Consolidated Plan ("Con Plan") that was approved by the U.S. Department of Housing and Urban Development (HUD) on August 13, 2010 identifies the housing needs of Barnstable County and its 15 towns and provides the framework for how the County intends to address and prioritize those needs over the next five years (2010-2014). The Con Plan and the 2011 Annual Plan apply to the activities of the HOME Investment Partnerships Program (HOME).

The 2011 Annual Plan is based on the housing priorities/objectives set forth in the Strategic Plan section of the five year plan:

1. Develop and maintain an adequate supply of safe, decent rental housing that is affordable and accessible to residents with a range of income levels and household needs.
2. Preserve and maintain the existing affordable housing stock, particularly the units occupied by extremely and very low income households.
3. Reduce individual and family homelessness by providing a viable continuum of care that implements a housing first strategy for permanent supportive housing.
4. Expand homeownership opportunities for low income households
5. Ensure that County residents with long-term support needs have access to accessible, community housing options

### **B. EVALUATION OF CURRENT YEAR'S PERFORMANCE**

For FFY 2010, through May 26, 2011, the following is the status of the goals and accomplishments in each of the Consortium's three program areas:

#### Housing Production-

- a. Rental Housing- 2 completed projects: 14 units; Goal- 45 units.
- b. Ownership housing- 1 completed project: 2 units; Goal- 10 units.

Down Payment/Closing Cost Program- 5 households assisted; Goal- 25 households.

As described more fully in Section 2, the Consortium is proposing to continue to allocate

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funding for these activities- including a new Homeownership Preservation Program (HPP) set aside in housing production- for FFY 2011. Once final program year data is available, more extensive performance evaluation measurements will be submitted in the FFY 2010 annual performance evaluation report.

### **C. ALLOCATION OF FUNDS**

The Federal Fiscal Year (FFY) 2011 HOME allocation is \$664,528. This amount represents about an 11.4% decrease from FFY 2010's allocation and the smallest HOME allocation since 1998. In making the following programmatic recommendations for allocating FFY 2011 HOME funds, the Advisory Council considered the housing market analysis and housing needs described in the Consolidated Plan, the experience and trends it has observed over this program year, the federal and state statutory and policy conflict on ownership deed restrictions, and the comments from the March 17<sup>th</sup> public hearing. The following are the proposed allocations of HOME funds along with the goals for each area:

### **FFY 2011 HOME ALLOCATIONS**

<b>Area/Program</b>	<b>Allocation</b>	<b>Goals- Units or Households assisted</b>
Administration- 10%	\$ 66,452	
CHDO Housing Production Projects- 15%	\$ 99,680	15 units
Housing Production	\$ 423,396	40 units
Down Payment/Closing Cost Program- DPCC	\$ 75,000	10 households
<b>TOTAL</b>	<b>\$ 664,528</b>	<b>65 units/households</b>

Consistent with the objectives established in the 2010-2014 Consolidated Plan, HOME funds will be directed to increase the Cape's affordable rental stock for very low and low-income tenants, homeownership opportunities for low-income homebuyers, and promote housing opportunities for the area's special needs populations.

### **D. CITIZEN PARTICIPATION**

From its inception, the Consortium has placed a high premium on citizen participation. Specific steps were taken early on to ensure that the fifteen towns and the numerous housing/social agencies that exist on Cape Cod were given the opportunity to participate in this process. In the respect, the most significant step was to create the Advisory Council. Established through the passage of an ordinance by the County Legislature and appointed by the County Commissioners, the Advisory Council continues to play a central role in the development of Consortium's program, plans and policies.

The Advisory Council, which meets monthly, assisted in the development of this Annual Plan, provides ongoing input regarding program design and implementation, and makes

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At the March 17, 2011 Advisory Council meeting, a public hearing was held to gather comments about the HOME program and allocation recommendations for the FFY 2011 Annual Plan. On March 7, 2011, a Public Notice was placed in the Cape Cod Times informing the public of the public hearing. On March 8, 2011 an e-mail notice about the public hearing was sent to about 150 people from all fifteen towns, local housing authorities, affordable housing developers, local housing committees, and social service and minority organizations working with low income residents. The notice about the hearing that was e-mailed was also translated into Spanish and Brazilian Portuguese. Notices, including translated notices, of the public hearing were posted on the Commission web site on March 7, 2011.

The hearing location was handicap accessible, and provisions were made for providing special accommodations for language interpretation or services for the deaf or hard of hearing.

The Advisory Council at its April 21, 2011 meeting approved the draft version of the Annual Plan pending receipt of any additional public comment. A Public Notice was placed in the Cape Cod Times on April 26, 2011 informing the public that the Plan would be available for comment until May 26, 2011 at seventeen (17) locations throughout the Cape and on the Cape Cod Commission web site for anyone to review before it was submitted to HUD. Again, the e-mail list was used to inform people of the final thirty (30) day comment period on April 26, 2011. Lastly, the Plan was posted on the Commission web site on April 22, 2011.

A summary of comments received either orally or in writing on the draft Annual Plan are included in Appendix B. In addition, the Consortium's overall citizen participation plan is included in Appendix B.

### **E. MONITORING AND PERFORMANCE MEASUREMENT**

HUD issued a proposed rule on its Outcome Performance Measurement System. The system incorporated the following three objectives of the Housing and Community Development Act of 1974: 1) create suitable living environments; 2) provide decent housing; and 3) create economic opportunities. Beyond that, the system directed grantees to select from one of the following three outcomes to help define the intent of the activity: 1) availability/accessibility; 2) affordability; and 3) sustainability-promoting livable or viable communities. Therefore, for each proposed activity the grantee has to select one of the nine Outcome Statements. In accordance with HUD's directive, the Consortium started to report its activities using this format as of October 1, 2006. In addition, the Consortium will use the following annual performance measures for its three programs:

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**Rental Production: Affordability for the purpose of providing decent housing- 45 units**

- Number of affordable units produced for each income category: goal is 45 units
- Number of units for households at or below 30% area median income: goal is at least 10% of units
- Number of units for households at or below 50% of area median income: goal is at least 33% of units
- Number that are accessible under Section 504: goal is at least 10% of newly constructed units
- Number of units for homeless individuals/families: goal is at least 2 units
- Number of units for special needs households: goal is at least 2 households
- Number of newly constructed units that meet Energy Star standards: goal is 100% of units
- Number of newly constructed units that are LEED certified: goal is 25% of units

**Homeownership Production: Affordability for the purpose of providing decent housing- 10 units**

- Number of affordable units produced for each income category: goal is 10 units
- Number of units for households at or below 50% of area median income: goal is at least 10% of units
- Number that are accessible under Section 504: goal is at least 10% of newly constructed units
- Number of newly constructed units that meet Energy Star standards: goal is 100% of units
- Number of newly constructed units that are LEED certified: goal is 25% of units

**Homebuyer Assistance: Affordability for the purpose of providing decent housing- 25 units**

- Number of homebuyers assisted: goal is 25 households
- Number of minority households assisted: goal is at least 10% of all households.

The Consortium will review and revise as necessary its guidelines and scoring system for housing development projects to reflect the priorities and goals in the Consolidated Plan. In accordance with that policy, the Consortium reviewed and updated its scoring system in August 2010. The Consortium plans to continue its practice of awarding additional funds beyond the per unit and per project funding maximums to projects that score exceptionally well.

Depending upon the outcome of the HOME and DHCD universal deed restriction conflict discussed on pages 12-13, the Consortium may find it necessary during FFY 2011 to amend both its homeownership production and homebuyer assistance goals for both the FFY 2011 Annual Plan as well as the 2010- 2014 Consolidated Plan.

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## **SECTION 2. ALLOCATION OF FUNDS AND ADMINISTRATION**

### **A. OVERVIEW**

The 2010-2014 Consolidated Plan ("Con Plan") that was approved by the U.S. Department of Housing and Urban Development (HUD) on August 13, 2010 identifies the housing needs of Barnstable County and its 15 towns and provides the framework for how the County intends to address and prioritize those needs over the next five years (2010-2014). The Con Plan and the 2011 Annual Plan apply to the activities of the HOME Investment Partnerships Program (HOME).

The 2011 Annual Plan is based on the housing priorities/objectives set forth in the Strategic Plan section of the five year plan:

1. Develop and maintain an adequate supply of safe, decent rental housing that is affordable and accessible to residents with a range of income levels and household needs.
2. Preserve and maintain the existing affordable housing stock, particularly the units occupied by extremely and very low income households.
3. Reduce individual and family homelessness by providing a viable continuum of care that implements a housing first strategy for permanent supportive housing.
4. Expand homeownership opportunities for low income households
5. Ensure that County residents with long-term support needs have access to accessible, community housing options

### **B. USE OF FUNDS**

Context/Background: The Federal Fiscal Year (FFY) 2011 HOME allocation is \$664,528. This represents about an 11.4% decrease from FFY 2010's allocation and the smallest HOME allocation since 1998. While this amount is about 7.5% below the historic average allocation (see chart on following page), the value of \$1 today is about 50% of what it was 20 years ago when the program started. Thus the current allocation in inflation-adjusted dollars leaves the region with significantly fewer actual affordable housing resources than it had in 1994.

HOME funding is limited to the following four eligible activities for low income households: housing production- both rental and ownership; home buyer assistance, e.g. down payment programs; home owner assistance, e.g. homeowner rehab programs; and tenant-based rental assistance.

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**ANNUAL ALLOCATIONS**

<b>YEAR</b>	<b>HOME ALLOCATION</b>
<b>1994</b>	<b>\$619,000</b>
<b>1995</b>	<b>\$671,000</b>
<b>1996</b>	<b>\$635,000</b>
<b>1997</b>	<b>\$619,000</b>
<b>1998</b>	<b>\$658,000</b>
<b>1999</b>	<b>\$706,000</b>
<b>2000</b>	<b>\$707,000</b>
<b>2001</b>	<b>\$784,000</b>
<b>2002</b>	<b>\$783,000</b>
<b>2003</b>	<b>\$772,797</b>
<b>2004</b>	<b>\$861,338</b>
<b>2005</b>	<b>\$773,880</b>
<b>2006</b>	<b>\$717,618</b>
<b>2007</b>	<b>\$713,764</b>
<b>2008</b>	<b>\$681,075</b>
<b>2009</b>	<b>\$753,465</b>
<b>2010</b>	<b>\$749,819</b>
<b>TOTAL</b>	<b>\$12,205,056</b>
<b>AVERAGE ANNUAL ALLOCATION</b>	<b>\$717,944</b>

In making its decision on programmatic recommendations for allocating FFY 2011 HOME funds, the Advisory Council considered the housing market analysis and housing needs described in the Consolidated Plan, the experience and trends it has observed over this program year, the federal and state statutory and policy conflict on ownership deed restrictions, and the comments from the March 17<sup>th</sup> public hearing.

**Rental Housing Production:**

Developers of larger scale rental projects have faced immense challenges over the last three years as the low income housing tax credit program witnessed a significant decline in the number of available and willing investors along with a decrease of about 25% in the amount of equity that any of the remaining investors were willing to invest in projects. The tax credit equity market has appeared to stabilize over the past year with new investors coming into the market along with a slight increase in the amount of equity provided per dollar of credit. However, investors are requiring significant additional reserves and very strong balance sheets from applicants, and this has required many smaller or mid-sized non-profits to partner with better capitalized entities that can meet the cash reserve and other requirements of the investors.

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Despite the challenges associated with the tax credit program, there were three tax credit projects in the region seeking state funding in the September 2010 funding round along with three other applicants from the region seeking other state rental resources in that round. For the first time in its history in 2010, the Consortium had more development project funding requests than it had resources available to allocate. The Consortium decided to adopt a funding round system, as opposed to its long-standing practice of accepting applications on a rolling basis, in order to deal with this circumstance. The Consortium adopted the same application deadline as DHCD for the September 2010 and March 2011 funding rounds. Given the number of rental funding requests in the pipeline, the Consortium expects that it will continue the practice of two dedicated funding rounds for FFY 2011.

The Consortium also will maintain its current threshold project requirements and per unit and per project funding award limits as noted below:

- The Consortium will not accept rental housing funding applications for projects containing less than three (3) HOME assisted units, unless determined otherwise for good cause.
- The applicant must demonstrate site control, either with a signed Purchase & Sale agreement or some other comparable evidence of site control at the time of application.
- The minimum HOME expenditure is \$1,000 per HOME assisted unit, while the maximum award is \$25,000- \$30,000 per HOME assisted unit or \$30,000- \$35,000 per HOME assisted unit for Community Housing Development Organization (CHDO) sponsored projects.
- No single funding award, unless determined otherwise for good cause by the Consortium, will exceed \$150,000 unless it is a CHDO sponsored project in which case the project maximum is \$175,000 (see chart below).
- Sponsors of projects containing twelve (12) or more HOME assisted units must conform to all provisions of the Davis-Bacon Act.

	Per HOME-assisted Unit Funding Maximum	Maximum Project Funding Limit
Non-CHDO Project- Score of Less Than 90 Points	\$25,000	\$125,000
Non-CHDO Project- Score of 90 Points or More	\$30,000	\$150,000
CHDO Project- Score of Less Than 90 Points	\$30,000	\$150,000
CHDO Project- Score of 90 Points or More	\$35,000	\$175,000

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Homeownership- Housing Production and Homebuyer Assistance:

Over the last five years the County has experienced similar, albeit not as severe, real estate market conditions as has the rest of the state and much of the country. The median single family home price declined over 17% from 2006-2009 but increased by a little over 3% in 2010. It still requires nearly \$80,000 in income to afford the \$325,000 median priced single family home; however, prices have fallen in parts of some Cape communities to the point that some low income buyers are seeing opportunities to purchase in the market for the first time in over seven years.

Because of the combination of the downturn in the real estate market, tighter lending standards, and the severe economic recession, new ownership housing development, including Chapter 40B developments, has remained at a virtual standstill. There are nearly 300 affordable ownership units that have been permitted under Chapter 40B in the region, and the Consortium expects very few units to be completed within the next 12-18 months as for-profit developers have put their projects on hold because of the uncertainty of being able to sell the market rate units. The primary affordable ownership opportunities are being provided through either Habitat for Humanity projects, Town-sponsored housing buy-down programs, or re-sales of existing affordable units.

The Consortium's current homeownership production program (four projects in the pipeline) and the down payment program (only four loans made to date this program year) also have been brought to a virtual standstill because of the conflict between DHCD's policy requirement and MassHousing's lending requirement that the 2006 Massachusetts Universal Deed Restriction (UDR) be used for deed restricted homeownership units and the August 2009 HUD ruling that the UDR is in conflict with the HOME statute and regulations.

The HOME statute requires that an affordable home using a resale formula in the deed restriction can only be sold to an income eligible household during the HOME affordability period- typically 10 years for the amount of per unit assistance the Consortium provides. The UDR, and virtually every prior resale deed restriction used in the state and region, contained a provision that the home could be sold to an over income buyer should an income eligible household not be found during the option to purchase period.

The Consortium has been working for over a year with DHCD and HUD to craft a solution that would enable HOME funds to be used for homeownership activities in the region; however, no resolution has been achieved as of yet and prospects for success do not appear to be promising. One solution would be to change the HOME statute; however, with an issue that only impacts high cost areas in Massachusetts and with a divided Congress, there appears to be little, if any, likelihood of success at the national level in the next two years. At the state level, DHCD and MassHousing invested significant time and effort to create the UDR, and developing a HOME-compliant deed restriction that survives foreclosure and that will satisfy DHCD and that will be acceptable to lenders has been a difficult challenge. Unless a breakthrough is achieved,

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HOME funds in FFY 2011 will of necessity have to be almost totally devoted to rental production and down payment assistance on non deed restricted homes.

As part of its efforts to reach an agreement with DHCD on a deed restriction that is HOME compliant and acceptable to DHCD so that the four previously HOME committed ownership projects could go forward, the Consortium established the Homeownership Preservation Program (HPP). In the proposed HOME Consortium deed restriction, the Consortium, through a designee, will commit to purchase a home up for resale during the HOME affordability period (typically 10 years for the amount of per unit assistance the Consortium provides) in order to preserve its affordability should an income eligible buyer not be found. Depending upon the project, either Housing Assistance Corporation (HAC) or Habitat will purchase the home for the lesser of the maximum resale price or the appraised value and will continue marketing efforts until an income eligible buyer is found. In order to preserve affordability, the Consortium will provide HOME funds to the designated organization for their holding period in order to cover their carrying costs. The Consortium will execute a Memorandum of Agreement with Habitat and/or HAC to describe each party's respective obligations. Finally, the Consortium will commit to reserve up to \$50,000 of its annual allocation for the next ten years for the HPP should the need ever arise.

### Public Hearing:

The March 17, 2011 public hearing was attended by 13 people representing non-profit housing developers, housing authorities, local housing committees, a local Community Preservation Committee, a municipal affordable housing trust, and the Regional Network to End Homelessness. During the public hearing, the Consortium received a comment about the need to direct our resources as much as possible to provide housing for those who are homeless or at risk of homelessness. There were also comments that the Consortium should be requiring that any housing we fund be affordable in perpetuity as opposed to our current maximum term of 50 years. There was discussion about the impact that change would have on the Consortium's resources to monitor our growing number of rental projects. Finally, there was extended discussion about the impact that the HOME/UDR conflict will have on the Consortium's ability to fund any homeownership activities in FFY 2011.

### Recommendations:

In making the following programmatic recommendations for allocating FFY 2011 HOME funds, the Advisory Council considered the housing market analysis and housing needs described in the Consolidated Plan, the experience and trends it has observed over this program year, the federal and state statutory and policy conflict on ownership deed restrictions, and the comments from the March 17<sup>th</sup> public hearing.

Given the top priority for rental housing in the Consolidated Plan and given the expected number of rental projects in the rental housing production funding pipeline and given the constraints on homeownership activities caused by the HOME/UDR conflict, the

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Consortium is proposing for FFY 2011 to:

1) Continue our funding priority for the creation or preservation of affordable rental housing units by allocating over 78% of our funding to housing production activities. The Consortium will exclusively fund rental housing production activities in FFY 2011 unless some resolution of the HOME/UDR conflict is achieved. Within the housing production allocation, the Consortium will reserve \$50,000 to be expended if needed on the Homeownership Preservation Program.

2) Reduce the Down Payment Closing Cost (DPCC) allocation to \$75,000 as unless the HOME/UDR conflict is resolved, only purchasers of non deed-restricted homes will be able to qualify. The maximum loan amount will continue to be \$10,000 per household.

The Federal Fiscal Year (FFY) 2011 HOME allocation is \$664,528. This represents about an 11.4% decrease from FFY 2010's allocation and the smallest HOME allocation since 1998.

Consistent with the objectives established in the 2010-2014 Consolidated Plan, HOME funds will be directed to increase the Cape's affordable rental stock for very low and low-income tenants, homeownership opportunities for low-income homebuyers, and promote housing opportunities for the area's special needs populations.

The following are the proposed allocations of HOME funds along with the goals for each area:

### FFY 2011 HOME ALLOCATIONS

Area/Program	Allocation	Goals- Units or Households assisted
Administration (1)- 10%	\$ 66,452	
CHDO Housing Production Projects (2)- 15%	\$ 99,680	15 units
Housing Production (3)	\$ 423,396	40 units
Down Payment/Closing Cost Program- DPCC (4)	\$ 75,000	10 households
TOTAL	\$ 664,528	65 units/households

- (1) The maximum of 10% of the HOME allocation allowed for program administrative costs.
- (2) Required 15% non-profit community housing development organization (CHDO) set aside. Approved Consortium CHDOs include Housing Assistance Corporation, Community Development Partnership, and Harwich Ecumenical Council for the Homeless. Includes Consortium legal costs associated with project loan closings.

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- (3) Unless the HOME/UDR conflict is resolved, \$474,000 of the total housing production allocation, including CHDO projects, is reserved for rental projects. Includes Consortium legal costs associated with project loan closings. \$50,000 of the housing production allocation is reserved if needed for the Homeownership Preservation Program to preserve the affordability during the HOME affordability period of selected ownership units in the Program.
- (4) One pool of funds with the maximum award of \$10,000 for first time homebuyers with the amount limited to the amount actually needed to complete the transaction. Deferred payment loan payable upon sale, transfer, or in some cases refinancing of the property.

\* Any projected program income (estimate of \$15,000) will be added to the housing production total submitted to HUD.

### **C. OTHER RESOURCES**

The other federal, state, and local resources that could be available for the activities/priorities described in the Annual Plan are described in Appendix A.

### **D. LEAD AGENCY**

Barnstable County, through the Cape Cod Commission, will continue to serve as the Consortium's lead entity. The Commission will oversee administration of the HOME Program and implementation of the Annual Plan. The Commission will provide staff support to the Consortium's HOME Advisory Council and serve as an ex-officio member. The Consortium intends to utilize the permitted amount of \$66,452 to administer its HOME Program. We note that none of the HOME related work time (15–20 hours per week) or overhead spent by the Commission's affordable housing specialist is charged against the HOME Program.

### **E. COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO) PARTICIPATION**

Three organizations have received CHDO designation from the Consortium: Housing Assistance Corporation, Harwich Ecumenical Council for the Homeless, and Lower Cape Cod Community Development Corporation/Community Development Partnership. All of these organizations were selected, in part, because they have a regional or sub-regional focus and have helped to ensure that CHDO funds are being distributed throughout the Cape.

Since 1994, the Consortium has exceeded the 15% HOME requirement for projects undertaken by its designated CHDO's as 29.7% of its HOME allocations through March 31, 2011 have been awarded to CHDOs. The Consortium will strive to maintain this active CHDO participation during the upcoming year. At a minimum \$99,680 will be available for an eligible project(s).

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**F. GEOGRAPHIC DISTRIBUTION**

As noted in the Consolidated Plan, the Consortium has one census tract- tract 124 in Hyannis- that it has designated as an area of high minority and low income concentration (see map on page 68); therefore, any new construction rental projects that request HOME funds in census tract 124 must satisfy the criteria in CFR 983.57(e)(3) in order to be eligible for funding.

As no community has achieved its 10% affordable housing goal, the need for affordable housing is widespread throughout the region; therefore, the primary funding allocation goal of the Consortium is to provide assistance to all fifteen (15) towns that comprise Cape Cod. A secondary goal is to ensure that the more rural areas of the Cape- the eight towns of the lower Cape- are being adequately served. The Consortium intends to achieve these goals through what it considers client and project based programs/activities. The former (down payment assistance) will be available to individual households residing anywhere in the County. The latter (acquisition/rehabilitation/new construction development projects) will be directed to specific projects throughout the region.

HOME funds expended and committed to date clearly demonstrate that the Consortium is achieving its geographic distribution goals. HOME funds have reached into all fifteen towns in the region over the Consortium's history, and in ten (10) of the fifteen towns so far this program year via the client and project based projects we have funded. For example, this past year we have construction underway or completed or have commitments to fund development projects in the following towns: Bourne, Falmouth, Mashpee, Barnstable, Dennis, Harwich, Orleans, Truro, and Provincetown. The results also demonstrate that the lower Cape region (the Cape's most rural area) continues to receive significant assistance from the HOME Program.

**G. MATCH/LEVERAGING**

The Consortium will rely on a variety of sources to meet its 25% match requirement. Included in this mix is utilization of the state's Massachusetts Rental Voucher Program (MRVP). As permitted by HUD, the state is allowed to parcel out portions of its MRVP budget to local participating jurisdictions for meeting local match requirements. Use of the MRVP easily permits the Consortium to meet its match requirement. However, other qualified forms of matching resources will be added to our match pool. Participating jurisdictions are allowed to "bank" match resources into future years in order to guarantee access to the funding stream. As reported in the Consortium's FFY 2009 annual report, there is an excess of \$17.6 million in match funds available for use in this and future program years.

The Consortium will continue to place a strong emphasis on using the HOME funds as a means for leveraging other funds for specific projects. This will be achieved through owner equity, use of other funding sources, town owned land, Cape Cod Commission

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required affordable housing set-asides, local contributions and other means. As reported in the Consortium's FFY 2009 annual report, the Consortium leveraged over \$25 for every \$1 of HOME funds expended.

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## **SECTION 3. MONITORING & PERFORMANCE MEASUREMENT**

### **A. MONITORING**

Barnstable County, through the Cape Cod Commission, and in collaboration with the Advisory Council, will review and monitor the activities of the Consortium on a monthly basis to assure that all of the statutory and regulatory requirements are being met and that its housing programs are being carried out in accordance with this plan. Commission staff reviews the HOME funding reports on the HUD web site on a monthly basis to ensure that HOME funds are being committed and expended within the required time frames.

The Consortium intends to continue its practice of contracting administration of its down payment program to a local agency. The selected agency is chosen through a competitive procurement process and is required to execute comprehensive sub-recipient agreements that comprise a scope of services, implementation timetables, requirements for program performance and the submission of quarterly reports.

The Advisory Council will meet monthly to review program operations, policies, goals, etc. Additionally, the Commission's affordable housing specialist will provide the Barnstable County Commissioners and/or Assembly of Delegates with annual reports.

The Consortium has instituted a schedule for annual on site monitoring of the down payment/closing cost program as well as housing development projects that are completed and occupied during the program year and will continue that practice during this program year. In addition, all completed HOME assisted rental projects are monitored annually (usually in the late summer/early fall) for certification of tenant incomes and rents, compliance with affirmative marketing, tenant selection, lease terms and financial health. Finally, the Consortium contracts for an inspector to conduct the required (every one-three years depending upon HOME unit total) Housing Quality Standards (HQS) inspections on completed HOME-assisted rental housing projects.

### **B. PERFORMANCE MEASUREMENT**

HUD issued a proposed rule on its Outcome Performance Measurement System. The system incorporated the following three objectives of the Housing and Community Development Act of 1974: 1) create suitable living environments; 2) provide decent housing; and 3) create economic opportunities. The system also directed grantees to select from one of the following three outcomes to help define the intent of the activity: 1) availability/accessibility; 2) affordability; and 3) sustainability- promoting livable or viable communities. Therefore, for each proposed activity the grantee selects one of the nine Outcome Statements. In accordance with HUD's directive, the Consortium started to report its activities using this format as of October 1, 2006. In addition, the Consortium will use the following annual performance measures for its three programs:

**MAY 26, 2011**

**Rental Production: Affordability for the purpose of providing decent housing- 45 units**

- Number of affordable units produced for each income category: overall goal is 45 units
- Number of units for households at or below 30% area median income: goal is at least 10% of units
- Number of units for households at or below 50% of area median income: goal is at least 33% of units
- Number that are accessible under Section 504: goal is at least 10% of newly constructed units
- Number of units for homeless individuals/families: goal is at least 2 units
- Number of units for special needs households: goal is at least 2 households
- Number of newly constructed units that meet Energy Star standards: goal is 100% of units
- Number of newly constructed units that are LEED certified: goal is 25% of units

**Homeownership Production: Affordability for the purpose of providing decent housing- 10 units**

- Number of affordable units produced for each income category: goal is 10 units
- Number of units for households at or below 50% of area median income: goal is at least 10% of units
- Number that are accessible under Section 504: goal is at least 10% of newly constructed units
- Number of newly constructed units that meet Energy Star standards: goal is 100% of units
- Number of newly constructed units that are LEED certified: goal is 25% of units

**Homebuyer Assistance: Affordability for the purpose of providing decent housing- 25 units**

- Number of homebuyers assisted: goal is 25 households
- Number of minority households assisted: goal is at least 10% of all households.

The Consortium will review and revise as necessary its guidelines and scoring system for housing development projects to reflect the priorities and goals in the Consolidated Plan. In accordance with that policy, the Consortium reviewed and updated its scoring system in August 2010. The Consortium plans to continue its practice of awarding additional funds beyond the per unit and per project funding maximums to projects that score exceptionally well.

The Consortium understands that its housing production goals are not solely within its control to meet as it requires applicants to bring development projects before it. In order

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to be more proactive in meeting its housing production goals, the Consortium will institute an outreach/public education effort to potential developers and to Towns as a method to promote the use of HOME resources for any affordable housing projects that these entities may be considering.

Depending upon the outcome of the HOME and DHCD universal deed restriction conflict discussed on pages 12-13, the Consortium may find it necessary during FFY 2011 to amend both its homeownership production and homebuyer assistance goals for both the FFY 2011 Annual Plan as well as the 2010- 2014 Consolidated Plan.

## SECTION 4. OBJECTIVES AND STRATEGIES

The following objectives and strategies from Section 5, the strategic plan, of the 2010-2014 Consolidated Plan are incorporated into the 2011 Annual Plan:

The Consortium has established five priorities for the upcoming period. These priorities are designed to address what we consider the most pressing affordable housing needs facing the County. In addition, there are strategies outlined to achieve each objective. It is our opinion that if we are successful in achieving these objectives, it will result in a significant improvement in the quality of life for some of the area's low income households.

### PRIORITIES/OBJECTIVES AND STRATEGIES

**Priority/Objective #1: Develop and maintain an adequate supply of safe, decent rental housing that is affordable and accessible to residents with a range of income levels and household needs**

#### Strategies:

\* Increase the supply of rental housing across a range of incomes by allocating the largest share of HOME resources over the next five years to this objective.

\* While there is a clear need to expand rental housing production for all of the various low income households, the cost of producing newly built units exceeds that of rehabilitated or redeveloped units, and the Consortium will give continue to give a higher funding priority to projects that propose to rehabilitate or redevelop existing structures. Clearly, however, newly constructed units will need to be built in order to achieve the goals in the Plan.

\* In order to respond to the significant increase in individuals with some type of disability, provide a higher funding priority for those new construction rental developments that provide units that are accessible and/or that have universal design and/or that are visitable.

\* In order to provide a healthier living environment for tenants and to reduce energy costs, the Consortium will provide a higher funding priority for those new construction rental projects that are LEED certified.

**Priority/Objective #2: Preserve and maintain the existing affordable housing stock, particularly the units occupied by extremely and very low income households.**

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**Strategies:**

\* Preserve the physical and financial viability of existing affordable housing (both privately and publicly assisted). While HOME funds cannot be used during the HOME affordability period to preserve development projects which had a prior HOME investment, the Consortium can certainly provide resources to affordable rental developments that had no HOME investment and that are in danger of losing their affordability. In addition, the Consortium will closely monitor the three developments identified as at potential risk of losing their affordability over the next five years.

\* Support efforts of local housing authorities and others to increase the operating support for their state-funded units in order to address long term deferred maintenance because of underfunding in order to preserve this stock of approximately 1,000 affordable units in the region.

**Homelessness**

**Priority/Objective #3: Reduce individual and family homelessness by providing a viable continuum of care that implements a housing first strategy for permanent supportive housing.**

Context: The Leadership Council To End Homelessness published its Ten Year Plan To End Homelessness in February 2005. While the Council changed its name to the Cape and Islands Regional Network To End Homelessness, the region's strategies in support of this objective continue to focus on key stages in the cycle of homelessness. Early intervention programs can prevent households from becoming homeless by assisting with rent arrearage or moving costs. Continued funding support of street outreach workers to work with individuals on the street to assess their needs and connect them with the appropriate resources is critical to the overall strategy. Better information about the discharge processes of clients of shelters, mental health organizations, substance abuse clinics, corrections facilities and other programs that serve as supports for homeless individuals and families will provide the specialized assistance that is needed to get by and to move out. Improving coordination across services will enhance enrollment into mainstream benefits programs for homeless people. Permanent supportive housing and coordination among service providers will improve the care and quality of life for the chronic homeless, many of whom are unable to live independently without significant assistance. For example, Duffy Health Center has reported excellent results from its work at providing housing along with support services (i.e. the Housing First model) as Duffy has provided 129 chronically homeless persons with housing and services over the last four years and has an 89% retention rate, i.e. individuals stayed housed at least six months. Finally, affordable and subsidized housing opportunities are critical to moving individuals out of chronic homelessness, transitional environments, and dangerous, overcrowded or inappropriate living environments.

While the HOME Consortium's primary role would be to provide funding support for any new permanent supportive housing requests, the Consortium will continue to play

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an active role in the Regional Network's efforts to end homelessness in the region.

**Strategies to reduce homelessness:**

- \* Prevent homelessness by continuing to secure private and public resources for prevention and continue close coordination among the network of prevention organizations.
- \* Continue to provide housing first by getting chronically homeless people into permanent supportive housing as quickly as possible and eliminate the time consuming step by step process of "housing readiness" that was the hallmark of the prior continuum of care model.
- \* Develop a range of housing options and services for homeless families and individuals. This includes promoting a "housing first" model to get chronically homeless people into permanent supportive housing with appropriate supportive services as quickly as possible.
- \* While not expanding the capacity of current shelters, continue to provide emergency shelters and transitional housing for the homeless and continue to support the efforts of the Council of Churches to continue its Overnights of Hospitality program and local efforts such as Operation In From the Streets.
- \* Improve access/coordination across mainstream services and benefit sources.
- \* In addition, the strategies that preserve and expand the supply of affordable housing, and programs that enable low income residents to pay for housing (e.g., rental assistance) also support the objective of reducing homelessness.
- \* Preserve existing affordable housing (both publicly assisted and private).
- \* Maintain a system of public housing and rental assistance.
- \* Increase the supply of affordable rental housing.

**Priority/Objective #4: Expand homeownership opportunities for low income households**

**Strategies To Expand Homeownership:**

- \* Provide down payment assistance and affordable mortgage programs: The Consortium will continue to allocate HOME resources to provide down payment/closing cost assistance to first time, low income households.
- \* The County will also continue to advocate for adequate resources be allocated for the state's Soft Second Loan Program.

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\* Provide homebuyer counseling and education: Homebuyer counseling and education are valuable marketing and outreach tools that can bridge the information gap and expand the pool of potential homebuyers, preparing them for a successful application and ownership experience. The HOME Consortium will continue to require that recipients of down payment assistance attend a first time homebuyer workshop.

\* Increase the supply of housing affordable to a range of incomes: Any effort that increases the supply of housing by creating new units, especially to very low income households as well as to moderate income households, extends the opportunity for homeownership.

### **Strategies to Maintain Homeownership:**

\* Assist existing low income homeowners to make home repairs and/or modifications by supporting the efforts of non-profits and Towns to attract state and federal rehabilitation resources to upgrade existing housing stock owned or rented by low income household to ensure that health and safety issues are addressed, and that the homes remain functional and habitable.

### **Specialized Housing Needs**

**Objective #5: Ensure that County residents with long-term support needs have access to accessible, community housing options**

#### **Strategies:**

\* Encourage community-based, supportive living options for those with disabilities.

\* Provide a range of housing options and services for persons with specialized housing needs.

\* In addition, the strategies that preserve and expand the supply of affordable rental housing, and the programs that enable low income residents to pay for housing (e.g., rental assistance) also support this objective.

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## **SECTION 5. OTHER STRATEGIES: AFFORDABLE HOUSING BARRIERS; LEAD PAINT; ANTI-POVERTY**

### **A. STRATEGIES FOR REDUCING BARRIERS TO AFFORDABLE HOUSING**

The Consortium identified a number of barriers to affordable housing production that involved resource allocation, housing policy, land use policy, lack of infrastructure and staff capacity, and public perception and attitudes. The Consortium proposes the following strategies to address these barriers over the 2010- 2014 Con Plan period:

Resource allocation: With respect to public subsidies, the Consortium will continue to advocate for a larger share of budgetary resources be devoted to both housing production- including HOME- and housing voucher programs at the state and federal level. In addition, the Consortium will continue to support funding for the federal Affordable Housing Trust Fund.

Housing policy: The Consortium will have programmatic requirements to the greatest extent possible that are consistent with those of other public funders- especially with DHCD. For ongoing monitoring of rental projects, the Consortium will use reports from other public funders to the greatest extent possible for its required compliance reviews. Finally, the Consortium will continue to engage DHCD to develop an ownership deed restriction that 1) survives foreclosure; 2) satisfies HOME regulations; and 3) enables units to be counted on the Subsidized Housing Inventory so that HOME funds can again be directed to homeownership activities.

Land use policies: The Consortium will publicize and will advocate that towns 1) adopt local affordable housing bylaws such as those in Dennis and Barnstable; and 2) create a Chapter 40R district and/or adopt inclusionary zoning. The Consortium will continue to advocate for the continuation and improvement in Chapter 40B- the state's comprehensive permit law that allows applicants in communities that have not achieved 10% affordable housing to receive waivers from local regulations if the project has at least 20-25% affordable units. Chapter 40B has been a critical tool for affordable housing in the County as a September 2010 Cape Cod Commission study found that historically 39% of the County's affordable units had been created through the Chapter 40B zoning process- including 81% of all newly created affordable units since 2001. Chapter 40B allows the densities needed for affordable housing development which would otherwise have been impossible under the existing zoning. A ballot initiative to repeal Chapter 40B was rejected by the state's voters in November 2010.

Limited wastewater infrastructure: The Consortium will encourage and support wastewater planning and implementation efforts in local communities. The Consortium will also advocate that towns adopt land use bylaws that encourage affordable housing as part of their wastewater planning efforts.

Town staff capacity: The Consortium will continue to promote and support the use of

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the Planned Production regulations under Chapter 40B as a means for towns to both have an affordable housing plan and also to have more control over the types of Chapter 40B development that occurs. To implement these plans, the Consortium will advocate that Towns look to local resources- particularly Community Preservation Act funds- to provide staff capacity to carry out the activities in the housing plans.

Neighborhood and community resistance: The Consortium will continue to educate the public through publications, workshops, and its web site of the need for and impact of affordable housing in the region.

### **B. LEAD BASED PAINT STRATEGIES**

Because housing in Barnstable County is relatively new (median year built is estimated to be 1974) compared with other areas of the state, lead paint poisoning is not a widespread problem. Screenings of children under age six by the Massachusetts Childhood Lead Poisoning Prevention Program as of June 2010 indicated a rate of .65 per thousand for the Cape and Islands region (compared to .7 statewide). While the cost of lead paint removal can potentially be prohibitively expensive, the Consortium will vigorously enforce the revised 2002 lead based paint regulations for all of its program activities and will continue to support efforts of local organizations to attract lead paint removal resources to the region.

### **C. ANTI-POVERTY STRATEGY**

Through implementation of this plan, the Consortium hopes to make a significant impact on the reduction of the number of households with incomes at or below the area's poverty level. To the extent that the Consortium can support the creation of affordable rental housing- especially for extremely low income households- that will lessen the housing cost burdens on these households and will enable those households to have resources to meet other pressing needs. The creation of ownership housing for very low income households will enable those families to build assets. Finally, the Consortium will support all efforts in the region to protect low income households in deed restricted ownership units from losing their assets through foreclosure.

While the Consortium's programs and resources can have some, albeit a very limited, impact on moving households out of poverty, there are other agencies in the region that have more impact and resources to address this issue. Through a DHCD initiative, all of the region's Section 8 voucher holders are part of a Moving To Work program that is designed to provide flexibility to administering agencies and to encourage voucher holders to increase their economic self-sufficiency. The region's anti-poverty agency, the Community Action Committee of Cape Cod and the Islands, has a number of programs and resources that attempt to move households toward economic self-sufficiency: a child care network that provides information, referrals and access to child care subsidies; advocacy for low income immigrants; assistance for low income households to find free or affordable health care; housing search services; and staff support to Cape United Elders- a grassroots senior activist organization.

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## **SECTION 6. PUBLIC HOUSING**

Public housing on Cape Cod is an aging stock that is 20- 50 years old and is in fair to good condition with most authorities reporting many more critical modernization needs for their state-funded units than for their federally-funded ones. A March 2005 CHAPA study found that the state needed to spend on average an additional \$139 per unit per month to meet actual housing authority operating costs, or an additional \$78 million over the \$32 million allocated in the FY 2005 budget. While prior to the recession the state did increase operating support to authorities, the FY 2010 and 2011 budgets were both \$62.5 million- a little more than 50% of what was reported to be needed in 2005. The lack of adequate state funding for public housing is putting at risk a housing stock that accounts for over 20% of all the affordable housing in the region.

The lack of state and federal resources for new construction over the last five years has resulted in only two units being added to the public housing stock over the last five years by the Barnstable Housing Authority; however, several housing authorities (Brewster, Chatham, Harwich, Mashpee, and Truro) facilitated the development of 141 affordable rental housing units by other entities. In addition, the Wellfleet, Brewster, Yarmouth, Barnstable, Sandwich, and Mashpee authorities all have development projects in various stages of the pre-development or permitting process. The Falmouth Housing Authority (FHA) was able to federalize the 59 unit Rose Morin Apartments. While this will not result in any new units, it will provide a better level of operating support. In addition, the FHA transferred 3+ acres of HUD land to the non-profit Falmouth Housing Corporation for the creation of 39 new family rental units that are now under construction.

There are no troubled housing authorities in the region; however, the public housing stock is inadequate in terms of number of units as housing authorities Cape-wide have over 1,900 households on wait lists for family housing and over 2,600 households on waiting lists for elderly/disabled housing.

### **PUBLIC HOUSING STRATEGIES**

Public housing financial needs: As described earlier, there are no state or federally designated troubled housing authorities in the region. Federal and state public housing on Cape Cod is an aging stock that is 20- 50 years old and is in fair to good condition with most authorities reporting many more critical modernization needs for their state-funded units than for their federally-funded ones. A March 2005 CHAPA study found that the state needed to spend on average an additional \$139 per unit per month to meet actual housing authority operating costs, or an additional \$78 million over the \$32 million allocated in the FY 2005 budget. While prior to the recession the state did increase operating support to authorities, the FY 2010 and 2011 budgets were both \$62.5 million- a little more than 50% of what was reported to be needed in 2005. The lack of adequate state funding for public housing is putting at risk a housing stock that accounts for over 20% of all the affordable housing in the region. As noted in the strategies for priority/objective #2, the Consortium will vigorously advocate for

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additional state resources be made available to local housing authorities to maintain and upgrade the over 1,000 affordable units in their ownership.

Tenant involvement in management: Local housing authorities (LHA's) are governed by a five member Board of Commissioners- four of whom are elected locally and one of whom is a Governor's appointee. Tenants are eligible to run for seats, and one housing authority- Provincetown- has a tenant serving on the Board. Provincetown and Dennis have active tenant associations, while Barnstable, Bourne, and Falmouth have active resident advisory boards. DHCD provides technical support for tenants interested in forming local tenant organizations (LTO's). State regulations require that LTO's be consulted when the LHA's annual operating budget is prepared, when LHA jobs become available or when modernization funds become available. LHA's are required to fund the LTO's and to notify them of all LHA Board meetings.

Homeownership: The high cost of homes in the region has made it difficult, if not impossible, for housing authorities interested in promoting homeownership to effectively implement a program. The Barnstable Housing Authority (BHA) has a self-sufficiency program for its state-funded family units and has used Town CDBG and other resources to enable four of their tenant families to become homeowners over the last two years. BHA is attempting to assist another two families into homeownership in 2011; however, it has become difficult to find lenders willing to accept the Town's deed restriction and the cuts to the CDBG program may jeopardize the program in the future.

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## **SECTION 7. ANNUAL PLAN INSTITUTIONAL STRUCTURE AND COORDINATION**

Cape Cod has a long history of being in the forefront when it comes to addressing its affordable housing needs. Throughout the community there exists a network of highly experienced, capable individuals and agencies committed to addressing this issue. Guiding these efforts is a spirit of cooperation and collaboration that has come to characterize the Cape's housing community. This approach, which places the needs of low income households first, has played a central role in the successes and accomplishments achieved by this community.

The creation of the Consortium is one of the best examples of this cooperative spirit in action. This effort, which began nearly twenty years ago, has required the participation and support of county and town officials, housing agencies, housing advocates and private citizens.

The creation of the Consortium along with the history of the Cape's housing community has provided fertile ground for intergovernmental cooperation. The Consortium, through the Cape Cod Commission and the Advisory Council, will provide overall coordination of the strategies, actions, and resources to effectively meet the goals and objectives of this Plan. The Commission will continue to provide technical assistance to local agencies involved in affordable housing activities, seek additional housing grants, and monitor the development and certification of the local comprehensive plans.

The Advisory Council, which is comprised of individuals representing local housing authorities, regional nonprofit housing organizations, town housing committees, town municipal housing trusts, town officials, and others, will monitor the development and implementation of the HOME Program and the five year strategy. The Council will serve as an information resource for the Cape, as well as a regional center where critical housing issues are discussed and new and innovative strategies are developed.

The existing structure has proven to be particularly effective in carrying out the Consortium's housing strategy and addressing matters impacting the area's affordable housing needs. The Consortium has identified four areas that it believes requires ongoing attention and action. Briefly stated, these are: the relationship between affordable housing and the area's economy, addressing the area's housing needs on a regional basis, conflicting state and federal policy and programmatic requirements, and the effects of community and neighborhood resistance to affordable housing development.

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To address the issues cited above, the Consortium will undertake the following actions:

1. Utilize the HOME Advisory Council as a vehicle for the following purposes: secure federal, state and other funds, maintain communication between the towns, and serve as an information resource center for the Cape.
2. Encourage and support the activities of regional housing programs.
3. Educate the public about what is affordable housing and why it is needed.
4. Advocate and work with DHCD and HUD to resolve inconsistencies in programmatic requirements, funding programs, and in agency policies. The Consortium will focus on the HOME/universal deed rider issue as its first priority.
5. Educate and work with lenders on the needs of first time homebuyers and the issues associated with affordable housing restrictions.
6. Advocate that all towns create housing action plans in accordance with DHCD's Housing Production standards and provide capacity to implement those plans.
7. Encourage use of local labor for HOME assisted projects.

**SECTION 8. HOME SUBMISSION REQUIREMENTS**

**A. RESALE/RECAPTURE PROVISIONS**

*Rental Housing Development*

All HOME-funded rental housing units must contain long-term affordability restrictions. The restriction will include both a HOME period of affordability followed by a County period of affordability. The length of the County period of affordability will be dependent upon the amount of development project assistance received. Rental projects receiving assistance under the rental housing development program are subject to the following affordability restrictions:

Amount of HOME Project Funding	HOME period of affordability- years	County period of affordability- years	Total period of affordability- years
Less than \$50,000	20	20	40
\$50,000- \$99,999	20	30	50
\$100,000- \$149,999	20	50	70
\$150,000 or more	20	79 or longest period allowed by law to achieve perpetuity	99 or longest period allowed by law for perpetuity

This structure will enable the Consortium to determine the level of project monitoring required after 20 years depending upon project performance and staff resources and will also enable the Consortium to have the ability to invest additional HOME resources in the project, if needed, requested, and approved, after 20 years. The dual affordability structure will result in all projects having at least a 40 year affordability period for those projects receiving less than \$50,000 in assistance with projects receiving awards of \$150,000 or more being perpetually affordable.

During the HOME affordability period, HOME-assisted rental units will be subject to a one year lease and will need to comply in every respect with all applicable HOME regulations governing income eligibility, income occupancy percentages, rents, lease terms, tenant selection, property standards, and financial reporting.

During the County affordability period, compliance with HOME income eligibility, rents, and income occupancy percentages will continue to be required. The extent of additional information and the amount of monitoring required during the County affordability period will be determined by an assessment of the project's performance during the HOME affordability period.

Each applicant/borrower shall be required to sign a Promissory Note, Mortgage, Loan Agreement and Affordable Housing Restriction.

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The HOME funds shall be provided in the form of a forty (40) year, zero interest, no monthly payment, deferred payment loan. During the final year of a loan, the borrower may request an extension of up to forty (40) years in order to preserve the affordability of the housing. During the term of the Affordable Housing Restriction, the affordability requirements will remain in effect regardless of a transfer occurring during its term or whether the loan is repaid.

### *Homeownership Development*

Each applicant/borrower shall be required to sign a Promissory Note, Mortgage, and Loan Agreement with the Affordable Housing Restriction (AHR) as an exhibit to the Loan Agreement. The HOME funds shall be provided in the form of a short term (five years or less), zero interest, no monthly payment, forgivable loan. Upon the applicant's completion of the project and submission of evidence that the required number of HOME-assisted units were sold to income-eligible households and that affordable housing restrictions were recorded, the Consortium will discharge the mortgage.

All HOME-assisted homeownership unit(s) shall be restricted to ensure long-term affordability through the use of an Affordable Housing Restriction recorded after the deed of the homebuyer. The length of the affordability term will be perpetuity or the longest term allowable by law. In compliance with the HOME statute and regulations, the AHR will require that the owner sell their home/unit to an income-eligible household during the minimum required HOME affordability period, i.e. typically 10 years for the amount of per unit assistance the Consortium provides.

The Consortium will employ an AHR that uses a resale formula indexed to area median income that will ensure a fair return (including approved capital improvements) while preserving affordability to a reasonable range of low income households. With respect to providing a fair return on investment, the Consortium's resale formula is the original multiplier (price of home- including whatever down payment/investment the buyer made- divided by the HUD median income at time of purchase) times the HUD median income at the time of resale plus the value of any approved capital investments plus any required resale fee (not to exceed 2% of resale price). Thus, the owner's fair return= original investment/down payment + equity gained from mortgage principal payments + equity from the % increase in the median income + any required resale fee, not to exceed 2% + any approved capital improvements – other closing costs associated with the sale.

With respect to preserving affordability to a reasonable range of low income buyers, the Consortium basically uses the same original sales pricing approach as DHCD and sets the initial affordable sales price at what a household at 70% of area median income can afford paying no more than 30% of their income for housing costs. As the resale formula is primarily indexed to the % increase in area median income, the Consortium expects that the resale of the house should continue to be affordable to households from 70-80% of area median income. Note that for some Habitat for Humanity or Town-sponsored developments, the initial sales price is set at an even lower income threshold, e.g.

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Habitat's income eligibility limit is up to 65% of median income, and the resale formula has the effect of maintaining that wider affordability range at the time of resale.

### *Homebuyer Assistance*

For non deed restricted home purchases, the Consortium will utilize recapture provisions for its Down Payment/Closing Cost program, i.e. the owner will be able to sell the home at market price to any willing buyer. The HOME funds shall be provided in the form of a zero-interest, no monthly payment, deferred loan. Each applicant/borrower shall be required to sign a Promissory Note and Mortgage, along with a Written Agreement. The Consortium will require applicants receiving down payment/closing cost homeownership assistance to repay all of the HOME assistance at the time the unit is resold, transferred, or in some cases refinanced. Repayment of the full amount due in the case of a resale will not be required if there are not sufficient net proceeds. Net proceeds are the sales price minus closing costs and loan repayment (other than HOME funds). If full repayment of the HOME funds is not possible, then the amount of the HOME repayment will be proportional to the HOME investment and the owner's initial down payment, i.e. HOME loan / HOME loan + owner down payment times net proceeds will equal the HOME repayment amount.

For deed restricted home purchases, the Consortium will utilize resale provisions for its Down Payment/Closing Cost program, i.e. the owner will have to sell the home at up to the maximum resale price to an income eligible buyer. The HOME funds shall be provided in the form of a zero-interest, no monthly payment, deferred loan. Each applicant/borrower shall be required to sign a Promissory Note and Mortgage, along with a Written Agreement. The Consortium will require applicants receiving down payment/closing cost homeownership assistance to repay all of the HOME assistance at the time the unit is resold, transferred, or in some cases refinanced. Repayment of the full amount due in the case of a resale will not be required if there are not sufficient net proceeds. Net proceeds are the sales price minus closing costs and loan repayment (other than HOME funds). If full repayment of the HOME funds is not possible, then the amount of the HOME repayment will be proportional to the HOME investment and the owner's initial down payment, i.e. HOME loan / HOME loan + owner down payment times net proceeds will equal the HOME repayment amount.

### **B. AFFIRMATIVE MARKETING**

The Barnstable County HOME Consortium has established a statement of policy and procedures to meet the requirements for establishing and overseeing a minority and women business outreach program and affirmative marketing under 24 CFR 92.350 and 92.351 respectively; consistent with HUD responsibilities under Executive Orders 11625 and 12432 (concerning Minority Business Enterprise (MBE) ) and 12138 (concerning Women Business Enterprise (WBE) ). The Consortium will make all efforts to encourage the use of minority business and women business enterprises in connection with HOME funded activities. These will be in conformance with 24 CFR 85.36 (e).

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***Minimum Acceptable Outreach Standards***

Section 281 of the HOME Investment Partnerships Act and 24 CFR 92.350 require each participating jurisdiction to prescribe procedures acceptable to HUD to establish and oversee a minority outreach program. The program shall include minority and woman-owned businesses in all contracting activities entered into by the Barnstable County Consortium to facilitate the provision of affordable housing authorized under this act or any other Federal housing law applicable to such jurisdiction. Therefore, minimum HUD standards require that the Barnstable County HOME Consortium outreach effort to minority and woman-owned businesses be:

1. A good faith, comprehensive and continuing endeavor;
2. Supported by a statement of public policy and commitment published in the print media of widest local circulation;
3. Supported by an office and/or a key, ranking staff person with oversight responsibilities and access to the chief elected official, and
4. Designed to use all available and appropriate public and private sector local resources.

***Minority Outreach Program***

Under the minimum HUD standards cited above, the following guidelines are provided for use in implementing outreach programs to ensure the inclusion, to the maximum extent possible, of entities owned by minorities and women. The Barnstable County HOME Consortium will:

1. Utilize the State Office of Minority and Women Business Assistance Directory (SOMWBA) to ensure the inclusion of MBEs and WBEs in activities of the HOME Program;
2. Use local media, electronic and print, to market and promote contract and business opportunities for MBEs and WBEs;
3. Develop solicitation and procurement procedures that facilitate opportunities for MBEs and WBEs to participate as vendors and suppliers of goods and services;
4. Maintain records with statistical data on the use and participation of MBEs and WBEs as contractors/subcontractors in HOME assisted program contracted activities.

***Affirmative Marketing Procedures and Requirements***

The Barnstable County HOME Consortium in accordance with 24 CFR 92.351 (b) has adopted the following procedures to ensure fair and affirmative marketing of HOME assisted housing containing five (5) or more housing units and its homebuyer assistance

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program. The Consortium and its contracted agency(ies) will:

1. Require the agency that administers its Down Payment/Closing Cost program to submit affirmative outreach plans for program participants and to submit quarterly reports on minority participation in the program.
2. Include additional points for applicants utilizing MBE's and/or WBE's as part of their development team in the development project scoring system.
3. Require any development project receiving the maximum award (\$150,000) to make a good faith effort to commit 10% of its development budget to utilization of MBE's and/or WBE's.
4. Require any development project to submit an affirmative marketing plan and tenant/owner selection plan for Consortium approval. The Consortium intends to use the requirements of DHCD's Local Initiative Program for this purpose.
5. Inform the public, owners and potential tenants about the existence of fair housing laws and the Consortium's policies.
6. Notify towns, public and non-profit agencies and organizations that serve and/or represent minorities and women of the availability of HOME assisted housing;
7. Utilize local media, electronic and print, to market and promote, on widest scale possible, the availability of HOME funds.
8. To appear before local boards, tenant groups, non-profits, social service agencies and others to inform and market the Consortium's HOME program to women and minorities.

**C. FAIR HOUSING AND ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING (AIFH)**

The Consortium completed its updated Fair Housing Plan and Analysis of Impediments in January 2010, and the Plan is available for review in the Affordable Housing section of the Cape Cod Commission web site- [www.capecodcommission.org](http://www.capecodcommission.org). The Plan noted that the Consortium had done a very good job both of distributing its resources throughout the region (all towns have received funding for some type of HOME eligible activity) and also of achieving a much higher minority participation rate in its programs (15%) than exists in the region (6.6%). However, the Plan noted that the Consortium did not have a formalized approach to fair housing activities, that housing discrimination exists in the region on the basis of disability, family status, and language, that mortgage lending data revealed higher denial rates for minority applicants than for white applicants, and that there was generally low public awareness of fair housing in the region.

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The Consortium has designated staff- the Affordable Housing Specialist- as the designated Fair Housing officer and created a Fair Housing Subcommittee of interested stakeholders to oversee the implementation of the recommendations in the Plan. The subcommittee met and agreed that the following areas should be addressed during the Consolidated Plan period:

- Identify/seek resources, e.g. HUD's Fair Housing Initiatives Program (FHIP), for outreach and information on fair housing
- Partner with regional and state fair housing organizations to publicize fair housing issues
- Support adoption by housing providers/managers of HUD's "Supplemental and Optional Contact Information for HUD-Assisted Housing Applicants"
- Sensitivity training for housing providers on issues faced by individuals with disabilities
- Address linguistic and hearing barriers faced by applicants for affordable housing

The subcommittee agreed that securing sufficient resources for a broad information and outreach effort was the top priority. The Consortium, in conjunction with the County's Human Services Department, applied for a FHIP outreach and education grant in December 2010 but unfortunately was not awarded funding. The subcommittee will pursue future FHIP funding and will pursue action on the target areas to the extent possible with the resources available.

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## **SECTION 9. CITIZEN PARTICIPATION**

From its inception, the Consortium has placed a high premium on citizen participation. Specific steps were taken early on to ensure that the fifteen towns and the numerous housing/social agencies that exist on Cape Cod were given the opportunity to participate in this process. In the respect, the most significant step was to create the Advisory Council. Established through the passage of an ordinance by the County Legislature and appointed by the County Commissioners, the Advisory Council continues to play a central role in the development of Consortium's program, plans and policies.

The Advisory Council, which meets monthly, assisted in the development of this Annual plan, provides ongoing input regarding program design and implementation, and participates in the awarding project funds. The council meetings are open to the public and welcome their participation. Over the last fifteen years, the Advisory Council has become an important forum for discussing and taking action regarding both housing and community matters.

At the March 17, 2011 Advisory Council meeting, a public hearing was held to gather comments about the HOME program and allocation recommendations for the FFY 2011 Annual Plan. On March 7, 2011, a Public Notice was placed in the Cape Cod Times informing the public of the public hearing. On March 8, 2011 an e-mail notice about the public hearing was sent to about 150 people from all fifteen towns, local housing authorities, affordable housing developers, local housing committees, and social service and minority organizations working with low income residents. The notice about the hearing that was e-mailed was also translated into Spanish and Brazilian Portugese. Notices, including translated notices, of the public hearing were posted on the Commission web site on March 7, 2011.

The hearing location was handicap accessible, and provisions were made for providing special accommodations for language interpretation or services for the deaf or hard of hearing.

The Advisory Council at its April 21, 2011 meeting approved the draft version of the Annual Plan pending receipt of any additional public comment. A Public Notice was placed in the Cape Cod Times on April 26, 2011 informing the public that the Plan would be available for comment until May 26, 2011 at seventeen (17) locations throughout the Cape and on the Cape Cod Commission web site for anyone to review before it was submitted to HUD. Again, the e-mail list was used to inform people of the final thirty (30) day comment period on April 26, 2011. Lastly, the Plan was posted on the Commission web site on April 22, 2011.

A summary of comments received either orally or in writing on the draft Annual Plan are included in Appendix B. In addition, the Consortium's overall citizen participation plan is included in Appendix B.

**MAY 26, 2011**

**APPENDIX A**

**Directory of Federal, State, and Local Resources Available to  
Support Barnstable County's  
FFY 2011 Annual Plan**

**Federal and State Resources**

The Table on the following pages outlines the broad array of federal and state resources available to potentially support affordable housing efforts in the region. The Table is taken from DHCD's FY 2011 HUD Action Plan.

**MAY 26, 2011**

*FY 2011 HUD Action Plan*

<b>Table 5: Summary of Projected FY 2011 Housing and Community Development Resources and Activities</b>				
<b>Funding Source &amp; Program</b>	<b>Use</b>	<b>Target Population</b>	<b>Expected Level of Funding FY 2011</b>	<b>Expected Level of Activity FY 2011</b>
<i>Federal Consolidated Plan Covered Resources</i>				
CDBG (Total Allocation)	Housing Rehab, CD Activities, Economic Dev	Min 51% low income	\$35,200,000	
CDBG: Community Development Fund	Housing Rehab	Min 51% low income	\$8,690,000	
CDBG: Community Development Fund	CD Activities	Min 51% low income	\$12,479,715	
CDBG: Mini-Entitlement	Housing Rehab	Min 51% low income	\$2,110,000	
CDBG: Mini-Entitlement	CD Activities	Min 51% low income	\$7,890,000	
CDBG: Economic Development Fund	Support Business Development	Min 51% low income	\$1,500,000	
CDBG: Bridge Financing & Section 108 Loan Guarantee Program			Not a cash allocation	
CDBG: Massachusetts Downtown Initiative	Tech Assistance, Information and Workshops	Municipalities	\$90,000	30 municipalities
ESG	Shelter Operations, Services	100% low income, Homeless Ind. & Fam.	\$2,580,908	6,000
HOME (Total Allocation)	Production & Homebuyer Assistance	100% low income with 60% and 50% bands	\$14,822,410	345 units
HOME: Multi-Family Rental	Rental Production	100% below 60% & 50% AMI	\$13,340,000	325 units
HOME: Homebuyer Assistance - rehab/new construction for FTHB	Rehab/New Const - Ownership	100% at/below 80%AMI	-0-	0 units
HOME: Homebuyer Assistance - DP and closing costs (HOME ADDI)	Homebuyer Assistance	100% at/below 80% AMI	No new funds-- plan to reallocate unused funds from prior HOME ADDI awards—up to \$200,000	20 households
HOPWA: Technical Assistance	TA to HIV/AIDS Housing Programs	N/A	\$146,000	Capacity building and TA throughout Massachusetts

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FY 2011 HUD Action Plan

Table 5: Summary of Projected FY 2011 Housing and Community Development Resources and Activities				
Funding Source & Program	Use	Target Population	Expected Level of Funding FY 2011	Expected Level of Activity FY 2011
<i>Other Federal Resources</i>				
DOE: WAP (Administered by DHCD)	Weatherization Repairs & Improvements	Low income households	Approximately \$5.14 million	650 households
DOE: WAP – ARRA (Administered by DHCD)	Weatherization Repairs & Improvements	Low income households	Approximately \$125 million ARRA WAP grant began 4/1/2009 and ends 3/31/2012.	17,000 households over the life of the three year ARRA WAP grant
HHS: CSBG (Administered by DHCD)	Anti-poverty & self-sufficiency programs	Low income individuals & households at or below 125% of FPL	\$17,344,113	285,000 households
HHS: HEARTWAP (Administered by DHCD)	Emergency Heating Repairs and Replacements	Low income households at or below 60% of SMI	\$12,000,000	12,000 households
HHS: LIHEAP (Administered by DHCD)	Fuel Assistance	Low income households at or below 60% of SMI	\$184,126,585	216,000 households
HUD: NSP2 (ARRA) Administered by Mass. Housing Investment Corp.)	Rental and Ownership Preservation	Low Income households at or below 50% AMI and Low Moderate Middle Income households up to 120% AMI	\$21,822,940	312 units
IRS: LIHTC (annual calendar year per capita authority)	New Rental Production and Preservation	40% @ 60% AMI OR 20% @ 50% AMI & 10% @ 30% AMI	\$14,200,000	1,100 units
McKinney Act Program (only state administered balance of state continuum of care funds included.	Excluding ESG	Homeless	\$8,500,000	3,368
McKinney Act Program: Shelter Plus Care	Rental Assistance (Excluding ESG)	Homeless & Disabled	\$3,400,000 (incl. in above)	
Section 202	Elderly Rental Production	Low Income Elderly	Not yet available	Not yet available
Section 8 Rental Assistance (S8 RA) Administered by DHCD – Housing Choice Vouchers (HCV)	Rental Assistance (See Note)	ELI/Low Income Households	\$230,000,000	19,300
S8 RA Special Voucher Programs	Rental Assistance	Various Special Needs (Listed Below)		
S8 New Construction/Substantial Rehab (NC/SR)	Rental Assistance	Family/Elderly	\$25,800,000	1,887

# MAY 26, 2011

FY 2011 HUD Action Plan

<b>Table 5: Summary of Projected FY 2011 Housing and Community Development Resources and Activities</b>				
Funding Source & Program	Use	Target Population	Expected Level of Funding FY 2011	Expected Level of Activity FY 2011
S8 RA Special Voucher Program: FUP	Rental Assistance	DSS involved families in reunification	(Included in HCV)	685
S8 RA Veterans Housing Voucher Program (VHVP)	Rental Assistance	Disabled Veterans	(Included in HCV)	92
S8 RA Special Voucher Program: TBRA/AIDS	Rental Assistance	Disabled Persons with HIV/Aids	(Included in HCV)	217
S8 RA Special Voucher Program: HOP	Rental Assistance	Homeless Persons with Disabilities	(Included in HCV)	345
S8 RA Special Voucher Program: DSG	Rental Assistance	Disabled, non-Elderly Individuals	(Included in HCV)	600
S8 RA Special Voucher Program: MS	Rental Assistance	Disabled Households	(Included in HCV)	275
S8 RA Special Voucher Program: PBRA/AIDS	Rental Assistance	Persons living with HIV/AIDS	(Included in HCV)	34
S8 RA Special Voucher Program: VASH	Rental Assistance	Homeless veterans -- substance abuse or mental illness	\$736,000	205
Section 8 Mod Rehab	Rental Assistance	ELI/Low Income Households	\$10,000,000	1,000
Section 811	Special Needs Rental Production	Persons with Disabilities	Not yet available	Not yet available
USDA Rural Development: Sec 502 Single Family Housing	Direct Loans for Homeownership	ELI/Low Income Rural Households	\$53,000,000	\$53,000,000
USDA Rural Development: Sec 502 Single Family Housing	Guaranteed Loans	Low Income Rural Households	\$10,000,000	\$10,000,000
USDA Rural Development: Sec 504 Single Family Housing	Repair Loans	ELI Elderly Rural Households	\$122,000,000	\$122,000,000
USDA Rural Development: Sec 504 Single Family Housing	Repair Grants	Non-Profits for Admin of Rehab Programs	\$134,000,000	\$134,000,000
USDA Rural Development: Sec 515 Multi Family Housing	Rental Housing	Existing Multi Family Housing	\$18,000,000 available nationally; competitive process	\$1,000,000 maximum/state for new Sec. 515 properties

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FY 2011 HUD Action Plan

<b>Table 5: Summary of Projected FY 2011 Housing and Community Development Resources and Activities</b>				
<b>Funding Source &amp; Program</b>	<b>Use</b>	<b>Target Population</b>	<b>Expected Level of Funding FY 2011</b>	<b>Expected Level of Activity FY 2011</b>
USDA Rural Development: Sec 538 Multi Family Housing	Rental Housing	Multi Family Guaranteed Loans in Rural Areas	\$129,000,000 available nationally; competitive process	No limit/state. Goal is one loan of \$2.4 million for 20-24 units
USDA Rural Development: Community Facilities Program	Essential Community Facilities	Community with a population of less than 20,000	Approximately \$4,000,000	Approximately \$4,000,000
USDA Rural Development: Water & Waste Disposal Program	Public water and sewer systems	Community with a population of less than 10,000	Approximately \$10,000,000	Approximately \$10,000,000
USDA Rural Development: Distance Learning Telemedicine Program	Telecommunications technologies	Community with a population of less than 10,000	\$50,000 - \$500,000	\$50,000 - \$500,000
USDA Rural Development Business and Cooperative programs	Improve Economic Climate	Communities with a population of less than 50,000	\$7,000,000 guaranteed loans and \$200,000 grant	\$7,000,000
<i>State &amp; Other Resources</i>				
CEDAC: Pre-development	Tech Assistance to Create & Preserve Affordable Housing	Non-profit developed housing throughout the Commonwealth		
CEDAC: Acquisition Loan Program		Non-profit developed multi-family housing throughout the Commonwealth		
DHCD: Affordable Housing Trust Fund	Production and Preservation of Rental & Ownership	Up to 110% AMI	\$35,000,000	2,187 total units 1,589 affordable
DHCD: AHVP	Rental Assistance	Low income, disabled, and under the age of sixty (60)	\$3,450,000	400 households
DHCD: Capital Improvement Preservation Fund	Preservation of Expiring Use Rental Developments	Households at/below 50% and 80% AMI	\$5,000,000	200 units
DHCD: Commercial Area Transit Node Housing Program	Production & Rehabilitation of Rental & Ownership	Individuals & Families at/below 80% AMI	\$1,000,000	36 units
DHCD: Community Based Housing	Production & Acquisition of Rental Housing	Individuals with Disabilities and Elders	\$5,000,000	36 units
DHCD: Community Development Action Grant	Economic Development	Public owned or managed projects	\$5,400,000	7 communities
DHCD: Chapter 707 - Department of Mental Health Rental Subsidy Program	Rental Assistance and Supportive Services	DMH Clients	\$6,000,000	1,200

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*FY 2011 HUD Action Plan*

<b>Table 5: Summary of Projected FY 2011 Housing and Community Development Resources and Activities</b>				
<b>Funding Source &amp; Program</b>	<b>Use</b>	<b>Target Population</b>	<b>Expected Level of Funding FY 2011</b>	<b>Expected Level of Activity FY 2011</b>
DHCD: Facilities Consolidation Fund	Production & Acquisition of Special Needs Housing	DMH/DMR clients	\$7,500,000	140 units
DHCD: Housing Innovations Fund	Production & Acquisition of Special Needs Housing	Very low income persons	\$6,000,000	300 units
DHCD: Housing Stabilization Fund	Rental & Ownership Production & Preservation	Low/mod households	\$12,000,000	325 units
DHCD: Local Initiative Program	New Production, Ownership & Rental	Low/mod households	Technical assistance provided	260 units
DHCD: Local Housing Authority Transitional Housing Program	Transitional Housing and Services	Homeless families in DTA shelters	\$1,511,894	101
DHCD: Local Housing Authority Housing First Program	Public Housing, case management and services	Homeless families in DTA shelters	\$312,080	45
DHCD: LIHTC (annual authority per calendar year)	New Rental Production and Preservation	40% @ 60% AMI OR 20% @ 50% AMI & 10% @ 30% AMI	\$10,000,000	575 nits (see IRS:LIHTC, also)
DHCD: Mixed Pop Service Coordination Program	Service Coordination	Young Disabled and Elderly Residents of C.667 Housing	\$350,000, plus PH admin	20 LHAs 29 Communities Approx. 4,500 units 500 cases/mo.
DHCD: MRVP	Rental Assistance	Low/mod households	\$35,900,000	Approximately 5,000 households
DHCD: Public Housing Administration	Public Housing Operations	Very low income households	\$62,500,000	Approximately 50,000 units
DHCD: Public Housing - Modernization	Public Housing Improvements & Upgrades	Very low income households	\$90,000,000	550 projects
DHCD: Housing Consumer and Education Centers	Information, Education, Referral	Housing consumers and providers	\$1,500,000	58,954
DHCD: Residential Assistance for Families in Transition	Homelessness Prevention	Families at risk of homelessness/50% AMI	\$260,000	110
DHCD: Tenancy Preservation Program (total to TPP, incl. funds from MassHousing and other sources)	Homelessness Prevention	Persons with disabilities facing eviction	\$1,533,289	1,419
DMH: Housing (administered by DHCD)	Special Needs Housing	DMH clients	Included in Public Housing Administration	621 units
DDS: Supervised and Supportive Living Services (administered by DHCD)	Special Needs Housing	DDS Clients	Included in Public Housing Administration	Approx. 1,050 units

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FY 2011 HUD Action Plan

Table 5: Summary of Projected FY 2011 Housing and Community Development Resources and Activities				
Funding Source & Program	Use	Target Population	Expected Level of Funding FY 2011	Expected Level of Activity FY 2011
DOB: Regional Foreclosure Education Centers	Foreclosure Prevention	Homeowners in danger of foreclosure, prospective homebuyers	Estimate: \$800,000 for actual grant distribution (funded through mortgage licensing fees)	3,000 clients
DHCD: Emergency Assistance Family Shelter	Family Shelters	Homeless Families	\$151,505,859	3,000 families per night
DHCD: Individual Homeless Shelter	Individual Shelters	Homeless Individuals	\$37,281,684	2,934 adults per night
DVS: Shelters	Homeless Veterans Housing	Homeless Veterans	Total DVS funding (homeless veterans programs): \$5,105,000	Emergency Shelter capacity for approx 400 adults each night
DVS: Transitional Housing	Homeless Veterans Housing	Homeless Veterans	Total DVS funding (homeless veterans programs): \$5,105,000	400 Transitional units for single veterans
DVS: Permanent Housing	Homeless Veterans Housing	Homeless Veterans	Not yet available	Under review
Elder Affairs: Assisted Living	Assisted Living	Elders & Disabled Persons	N/A	13,000 certified Assisted Living units
Elder Affairs: Supportive Senior Housing	Rental Senior & Disabled Housing	Elders & Disabled in Chap. 667 Public Housing	\$4,013,303	32 sites/4200 units
Elder Affairs: Congregate Housing	Rental Senior & Disabled Housing	Elders & Disabled in Ch 667 Public Housing	\$1,503,617	51 sites/1800 units
MassDOT: Transit Oriented Development	Pedestrian, Bicycling improvements, Housing, and Parking for TOD	TODs, Housing - 25% affordable, up to 80% AMI	Unknown	12 projects, Round 3 in review
ICHH: Regional Networks	Homelessness Prevention	Homeless and At Risk of Homelessness Individuals and Families	\$3,500,000	Completion of pilot phase for 8 Regional Networks and continued funding for 10 Networks
FHLB Boston: Affordable Housing Program	Gap Financing (Usually): Rental & Ownership	Low/mod households	10% of the Bank's net earnings from the prior year. Forward looking data are not available.	Forward looking data are not available.
FHLB Boston: New England Fund	Rental & Ownership Production	25% for Low/Mod Households	Program available, subject to market forces and demand. Forward looking data are not available.	Program available, subject to market forces and demand. Forward looking data are not available.

Table 5: Summary of Projected FY 2011 Housing and Community Development Resources and Activities				
Funding Source & Program	Use	Target Population	Expected Level of Funding FY 2011	Expected Level of Activity FY 2011
FHLB Boston: Community Development Advances	Rental & Ownership Production; Economic Development; Mixed-Use	Residential and Economic Development: Up to 115% of Area Median Income depending on the activity	Program remains available; subject to market forces and demand. Forward looking data are not available.	Program remains available; subject to market forces and demand. Forward looking data are not available.
MassDEP (State Revolving Fund): Clean Water SRF	Infrastructure	Municipalities & Wastewater Districts	\$400,000,000	40-50 projects
MassDEP (State Revolving Fund): Drinking Water SRF	Infrastructure	Public Water Suppliers	\$130,000,000	30-40 projects
MassDevelopment: Brownfields Redevelopment Fund - Site Assessment	Site assessment		\$924,000	1,162 units
MassDevelopment: Brownfields Redevelopment Fund - Remediation	Remediation		\$2,652,000	250 units
MassDevelopment: Tax-exempt Affordable Rental Housing Production	Rental Housing Production	20% @ 50% AMI or 40% @ 60% AMI	\$86,000,000	671 units
MassDevelopment: Tax-exempt Affordable Rental Housing Preservation	Rental Housing Preservation	20% @ 50% AMI or 40% @ 60% AMI	\$135,000,000	1,255 units
MassHousing: Rental Lending -- New Production	Rental Housing Production	Low/Mod/Market households	\$18,180,285	210 units in 4 developments
MassHousing: Rental Lending -- Preservation	Rental Housing Preservation	Low and Mod households	\$399,783,033	3416 units in 26 developments
MassHousing: Priority Development Fund	Rental Housing Development	Gap filler financing for MassHousing-financed developments	\$5,200,000	343 units in 3 developments (of these, 268 units in 2 developments will also receive production and preservation funds, and are included in the totals for those programs.)
MassHousing: Home Ownership Mortgage Products	Homeownership	80% of loans made at < 80% AMI; 20% at 80-135% AMI	\$475,000,000	2,100 loans
MassHousing: Home Improvement Mortgage Products	Home repairs, including lead paint abatement	100% AMI and below	\$5,000,000	250 loans
MassHousing: Center for Community Recovery Innovations (CCRI)	Rental Housing Production/Preservation	Creation and preservation of Sober Housing	\$700,000	155 units

<b>Table 5: Summary of Projected FY 2011 Housing and Community Development Resources and Activities</b>				
<b>Funding Source &amp; Program</b>	<b>Use</b>	<b>Target Population</b>	<b>Expected Level of Funding FY 2011</b>	<b>Expected Level of Activity FY 2011</b>
MassHousing: Mortgage Insurance for Non-MassHousing Financed Home Mortgages	Homeownership	Eligible buyers with less than 20% downpayment	\$20,000,000	100 loans insured
MassHousing: Portfolio Management	Rental Housing Preservation	69% low-income; 12% moderate-income; 18% market		102,505 rental units and 137 homeownership units in 946 developments
MassHousing: Critical Capital Needs Loan Program	Rental Housing Preservation	Low/moderate income households	\$1,790,275	Proposed work includes heating systems, roofs, elevators, windows, exterior painting, etc.
MassHousing: 504/ADA Loan Program	Rental Housing Preservation	Funding for accessibility improvements to low/mod households	\$209,725	Make fully accessible two 2-bdrm units, three 3-bdrm units, and two common area laundry rooms
MHP: Permanent Financing	Rental Housing Production & Preservation	Low/mod households	\$80,000,000	1,700 housing units (new and preserved), with 800 to 900 affordable to households at 60% AMI or less
MHP: Technical Assistance	Technical Assistance	Housing Authorities and Municipalities	\$200,000	20 total: communities and housing authorities
MHP: Chapter 40B Technical Assistance	Technical Assistance	Municipalities	\$100,000	10 contracts
MHP: Soft Second Loan	Homeownership	Low/mod FTHB	\$5,500,000	1,100 loans
MHP: Production Capacity Grants	Rental & ownership affordable production by nonprofits	Nonprofit Developers	\$225,000	14 organizations
MHP: Neighborhood Rental Initiative	To increase supply of affordable housing for low-income residents in high-opportunity communities.	Either 40% of units eligible at 60% of area median income or 20% at 50% AMI.	\$4,875,000 in subordinate debt committed plus PRFP first mortgage debt estimated at \$5,000,000	Six projects totaling 73 units
MHP: HomeFunders, Permanent Financing	To increase # of ELI Units in MHP Rental Production	100% low income, 20% ELI	\$2,050,000 in HomeFunders dollars committed	Est. 183 units of which about 41 for households earning <30% AMI
MHP: Neighborhood Stabilization Loan Fund	To provide financing for acquisition and rehab of foreclosed properties in distressed neighborhoods	Mixed income, both market and affordable	\$7.8 million committed or expected by end of FFY; cumulative total: \$15.67 million	238 units in 75 buildings, bringing the cumulative total under MHP NSLF to 545 units in 176 buildings

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*FY 2011 HUD Action Plan*

<b>Table 5: Summary of Projected FY 2011 Housing and Community Development Resources and Activities</b>				
<b>Funding Source &amp; Program</b>	<b>Use</b>	<b>Target Population</b>	<b>Expected Level of Funding FY 2011</b>	<b>Expected Level of Activity FY 2011</b>
MRC: Home Modification Loan Program	Home Modifications	Individuals/Families with Disabilities	\$4,000,000	180 loans
Home Funders: Predevelopment & Acquisition Loans (CEDAC)	Rental Production	100% low income, 25% ELI		
<p>Note - Includes 7 special set asides for special populations, but does not include units administered by the state's local housing authorities. In total, more than 71,000 MA households receive Section 8 Housing Choice Rental Vouchers. In addition, the rents of tenants in more than 60,000 units of subsidized housing are supported by Section 8 project based rental subsidies.</p>				

**Local Resources**

**Community Preservation Act (CPA)**

Allows communities, at local option, to establish a Community Preservation Fund to preserve open space, historic resources and community housing, by imposing a surcharge of up to 3% on local property taxes. The state provides matching funds from its own Community Preservation Trust Fund, generated from an increase in certain Registry of Deeds' fees. All fifteen Cape communities passed ballot questions by May 2005 to adopt the CPA. Thirteen communities exchanged CPA for the Land Bank, while two- Chatham and Provincetown, have both CPA and the Land Bank. Two communities- Bourne at 70% and Brewster at 50%- have required that a significant portion of their CPA allocation be spent on open space and thus reduced the potential amount available for affordable housing in those communities. Anywhere from \$1.2 million to nearly \$10 million could now be available annually for affordable housing purposes across the region. Many CPA committees have funding criteria that encourage projects that address more than one of the CPA issue areas, and the Consortium encourages those types of projects whenever feasible.

**Community Development Block Grant (CDBG)**

During the mid 1990's, the towns of Barnstable and Yarmouth were designated as entitlement communities to receive CDBG funds. Both communities have used parts of their CDBG allocations for affordable housing purposes. While the amounts each community will receive in FFY 2011 is not yet certain, the CDBG budget was cut about 16%. Barnstable received \$381,584 and Yarmouth \$149,782 in FFY 2010.

**Cape Cod Commission**

The Commission requires that 10% of all residential developments of 30 units or 30 acres or more be set aside for affordable housing. 126 affordable units have been created as a result of the Commission's regulatory programs. In addition, the 2009 Regional Policy Plan includes cash mitigation for affordable housing impacts from commercial projects that come under Commission review; therefore, some funds for affordable housing creation should be available in those towns in which Commission-reviewed projects are located.

**Housing Trust Funds**

A number of Cape communities have established housing trust funds for locally generated revenue to be expended on affordable housing efforts, and Barnstable, Bourne, Chatham, Dennis, Eastham, and Yarmouth have taken advantage of changes in state legislation to create municipal housing trusts that have powers to act independently of Town Meeting.

**MAY 26, 2011**

**Town Donated Land**

Currently all fifteen towns in the County have designated a total of approximately 200 acres of undeveloped town-owned land for affordable housing.

**Cape Light Compact**

This County consortium provides grants to low income owners to install energy efficient lighting and appliances and also provides subsidies to developers of newly constructed housing that meet Energy Star standards.

**Barnstable County Surplus Housing Funds**

Since 1998 the County has made five separate allocations totaling over \$1.2 million for a variety of affordable housing initiatives (\$700,000 for rental housing development; \$300,000 for homeownership initiatives, including support for a regional monitoring system of the resale of affordable units; and over \$200,000 for a variety of homelessness initiatives). While budget surpluses in the next few years are unlikely, the County will continue to be looked to for support of certain targeted housing initiatives.

**MAY 26, 2011**

## **APPENDIX B**

### **Citizen Participation Plan; Summary of Citizen Comments; Copies of Public Notices**

#### **1. CITIZEN PARTICIPATION PLAN (CPP)**

##### **Introduction:**

The Barnstable County HOME Consortium's Citizen Participation Plan (CPP) was prepared as required for the Consolidated Plan in accordance with CFR Part 91, Section 105. The purpose of the CPP is to outline the procedures for citizen's participation in the development and implementation of the Consortium's Five-Year Consolidated Plans, Annual Plans, Consolidated Annual Performance Reports (CAPER), and substantial amendments to five-year or annual plans.

The development of the Consolidated Plan takes place under the supervision of the Cape Cod Commission and the Barnstable County HOME Consortium Advisory Council. The Commission is Barnstable County's land use and planning agency and is responsible for the overall administration of the HOME Program. The Advisory Council is comprised of a representative from each of the fifteen towns, two at-large members and the Commission's affordable housing specialist as its ex-officio member. The Council has had representation from a broad range of housing and community interests, including local housing authorities, non-profit housing agencies, local housing partnerships, the elderly, tenants, banks, real estate, town government, the religious sector, human services and private citizens.

The Advisory Council was consulted on a regular basis and played an integral role in the development of the Consortium's CP. The broad range of housing/community interests and experience of the Advisory Council helped to ensure that the Consolidated Plan reflected what the community saw as its most critical needs and priorities.

A key element of the Consolidated Planning process is citizen participation. The CPP is designed to encourage the participation of low income households, particularly those living in slum and/or blighted areas and in areas where HOME funds are proposed to be used. The CPP encourages the participation of all citizens, including minorities and non-English speaking persons, as well as persons with mobility, visual and/or hearing impediments. The CPP also encourages the participation of public and assisted housing residents in the development and implementation of the Consolidated Plan.

The community involvement process has three main objectives:

1. To help determine the housing, needs of our region.
2. To assess how well the County is meeting these needs.
3. To help determine priorities.

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**Citizen Participation in the Development of the Consolidated Plan:**

The following narrative describes how citizens of the Barnstable County can become involved in the development of the Five-Year Consolidated Plan, Annual Plans (also known as Action Plans), Consolidated Annual Performance Evaluation Reports (CAPER), Citizen Participation Plan, and Substantial Amendments. The Five-Year Consolidated Plan identifies priority housing needs within Barnstable County. It also identifies the funding (public and private) and the activities required to address priority needs over a five-year period. The Action Plan identifies the housing and community development funding and activities that the Consortium anticipates being available during each of the program years covered by the Five-Year Consolidated Plan. The Annual Plan also serves as the application for HOME program funds allocated by formula to the region. The Consolidated Annual Performance Review (CAPER) provides the public with the means to gauge the progress of each activity listed in an Annual Action Plan. This document is prepared at the end of each program year covered by a Five-Year Consolidated Plan.

1. **Consultation Meetings:** During the development of the Five-Year Consolidated Plan, the Consortium consults with local service providers (public and private) to obtain their opinion on the housing and needs of “special needs” households in the County. These households include: 1) elderly/frail elderly; 2) persons with HIV/AIDS; 3) substance abusers; 4) persons with developmental disabilities; 5) persons with mental disabilities; 6) persons with physical disabilities; and 7) the homeless. The consultations may include scheduled meetings, focus groups, phone/e-mail interviews, invitations to public meetings, and surveys as deemed appropriate.
2. **Public Hearings/Meetings:** The Consortium will schedule at least two public hearings per year as part of the regular monthly Advisory Council meetings to obtain citizen’s views on housing needs, the development of proposed activities, and to review the program performance at different stages of the program year. The Consortium will provide timely notification of these meetings and public hearings of not less than one week. The County will notify the general public of the time and date of all public hearings by placing a legal advertisement in the Cape Cod Times. Additional notices may be posted on the Commission web site- [www.capecodcommission.org](http://www.capecodcommission.org), County buildings, and in local government offices, libraries, and senior centers as deemed appropriate. All public hearings will be held in handicap accessible locations. The County will make every effort to provide translation services for those needing it upon request. Requests should be made in advance and through the Cape Cod Commission- phone 508-362-3828.

**Encouragement of Citizen Participation:**

Encouragement will include legal ads in the Cape Cod Times. Additional notices may be posted on the Commission web site- [www.capecodcommission.org](http://www.capecodcommission.org), County buildings,

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and in local government offices, libraries, and senior centers as deemed appropriate. All public hearings will be held in handicap accessible locations. The County will make every effort to provide translation services for those needing it upon request. Requests should be made in advance and through the Cape Cod Commission- phone 508-362-3828. Citizens are encouraged to submit their views and proposals on all aspects of the housing plan at the public hearings. However, to ensure that citizens are given the opportunity to assess and comment on all aspects of the HOME program on a continuous basis, citizens may, at any time, submit written comments or complaints to the Cape Cod Commission, PO Box 226- 3225 Main Street, Barnstable, MA 02630, ATTN: Affordable Housing Specialist.

**Citizen Comment on the Consolidated Plan and Annual Plans:**

According to 24 CFR 91.105, all citizens, public agencies, and other interested parties have thirty (30) days to submit comments on the Consolidated Plan and Annual Plans. The Consortium will place a legal advertisement in the Cape Cod Times announcing the availability to examine the Consolidated Plan and the Annual Plans and all related documents at the Cape Cod Commission, 3225 Main Street, Barnstable, MA, 02630; at the Barnstable County Commissioners Office, Superior Court House, Main Street, Barnstable, MA. 02630; and all fifteen town halls in the county. The public hearing and availability of Consolidated Planning and Annual Plan documents will also be advertised for viewing on the Commission website at [www.capecodcommission.org](http://www.capecodcommission.org), and at selected housing organizations, and other municipal buildings and libraries as deemed appropriate. The official thirty day comment period will begin when announced in the paper, but comments are encouraged at the hearings, and participants may contact the Cape Cod Commission office during regular office hours Monday through Friday 8:30am to 4:30pm.

**Barnstable County is including the following minimum requirements per 24 CFR 91.105 in the development of the Consolidated Plan:**

The Citizen Participation Plan requires that prior to adopting the Consolidated Plan, the County will make available to citizens, public agencies, and other interested parties the amount of assistance the jurisdiction expects to receive (including grant funds and program income) and the range of activities that may be undertaken, including the amount that will benefit low income persons. Barnstable County includes the expected grant fund amount and program income in the draft Consolidated Plan document for all public hearings and open comment periods related to the Consolidated Planning process. The expected amount is then included in any advertisement announcing the availability and final comment period of the draft Consolidated Plan, Citizen Participation Plan, and Annual Plans.

The plan will also identify Barnstable County's plans to minimize displacement and what type of assistance will be made available to those persons displaced. It is rare for the Consortium to undertake projects that include displacement or relocation. The County works closely with applicants in an effort to minimize permanent residential

**MAY 26, 2011**

displacement. It would be the County's general practice not to approve any proposed HOME activities involving relocation of tenants, businesses, or owners unless circumstances warrant it. If a project is approved that results in displacement, the Consortium, in compliance with Uniform Relocation Act under the Federal Regulations, will work with a qualified relocation advisory agency to give relocation assistance to the occupants to be replaced.

**Amendments- Criteria for Amendment to Consolidated Plan:**

Due to changes in regional needs during program years, amendments and/or revisions to the Consolidated Plan and/or Action Plan may be necessary. Some changes may be substantial enough that they significantly alter the priorities of the Action Plan and ultimately the Five-Year Consolidated Plan. Amendments and/or revisions that are considered substantial will include:

**Substantial Amendments:**

- \* Reduction in funding of 25% or more of the HOME program;
- \* Addition of a new funding category from the prior year's Annual Plan with an allocation of \$100,000 or more;
- \* Deletion of a funding category from the prior year's Annual Plan that had an allocation of \$100,000 or more;
- \* Redefinition of the number and type of HOME program beneficiaries.

The HOME Consortium will follow the following procedures for any substantial amendments:

A legal advertisement will be placed in the Cape Cod Times announcing any substantial amendments to the Consolidated Plan, action plan, or citizen participation plan.

The public will have thirty (30) days to submit written and/or oral comments on the amendment from the date the public is notified via legal advertisement; all comments will be considered and a summary will be filed in the Affordable Housing department of the Cape Cod Commission and made part of the plan.

Approval must be granted by the Advisory Council for any substantial amendments.

A written admission to the Department of Housing and Urban Development (HUD) for approval will be required prior to the implementation.

**Performance Reports:**

The HOME Consortium will place a legal advertisement in the Cape Cod Times announcing the availability of the Consolidated Annual Performance Evaluation Report (CAPER) for review at the office of the Cape Cod Commission, 3225 Main Street, Barnstable, MA 02630. The Consortium will allow comments to the Cape Cod

**MAY 26, 2011**

Commission on the performance report for a period of not less than fifteen (15) days prior to submitting to HUD for approval.

**Availability to the Public and Access to Records:**

To facilitate citizen access to HOME program information, the Cape Cod Commission's Affordable Housing department will keep all documents related to the HOME program on file at 3225 Main Street, Barnstable, MA 02630, which can be accessed upon request Monday through Friday from 8:30am to 4:30pm. The County will make every effort to provide translation services for those needing it upon request. Requests should be made in advance and through the Cape Cod Commission. Any questions or comments relating to the HOME program or plans can be mailed to the above address or by calling 508-362-3828.

Information from the project files shall be made available for examination and duplication, on request, during regular business hours. The HOME Consortium will make every reasonable effort to assure that HOME program information is available to all citizens, especially those of low income and those residing in blighted neighborhoods and/or HOME project areas. The location of the public files and public hearings are handicap accessible.

Materials to be made available shall include, but are not necessarily limited to the following: the Citizen Participation Plan; the Consolidated Plan; the Annual Action Plan; the Consolidated Annual Performance Evaluation Report (CAPER); records of public hearings; mailings and promotional materials; prior HOME applications; letters of approval; grant agreements; the construction specifications; labor standards and materials; proposed and approved HOME program applications for the current year; written comments or complaints received concerning the HOME housing programs; written responses from the HOME Consortium; and copies of the applicable Federal and State rules, regulations, policies, requirements and procedures governing the HOME program.

In no case shall Barnstable County disclose any information concerning the financial status of any program participant(s) that may be required to document program eligibility or benefit. Furthermore, Barnstable County shall not disclose any information which may, in the opinion of legal counsel, be deemed of a confidential nature.

**Technical Assistance:**

The Consortium's affordable housing staff offers technical assistance, upon request, to all low, very low and poverty income individuals and/or organizations serving low income neighborhoods or persons. The assistance is for the purpose of developing proposals to request funding under its HOME program and activities. Consortium staff will also provide technical assistance to grant recipients to ensure compliance with federal rules and regulations. Please contact the Cape Cod Commission, 3225 Main Street, Barnstable, MA 02630, or call 508-362-3828.

**MAY 26, 2011**

**Complaints:**

The public hearings scheduled, as described in this Citizen Participation Plan, are designed to facilitate public participation in all phases of the HOME program planning process. Citizens are encouraged to submit their views and proposals on all aspects of the regional HOME housing plan at the public hearings. However, to ensure that citizens are given the opportunity to assess and comment on all aspects of the HOME program on a continuous basis, citizens may at any time submit written comments or complaints to the Cape Cod Commission, PO Box 226- 3225 Main Street, Barnstable, MA 02630, ATTN: Affordable Housing Specialist.

The Consortium will respond to all comments and complaints regarding any phase of the Consortium's Consolidated Plan, or any activities implemented under the plan, in writing within fifteen (15) working days of receipt of them, where feasible. Responses will be substantive, where appropriate. When complaints remain unsatisfied, the staff will bring the complaint to the Advisory Council for review and resolution.

**Adoption of the Citizen Participation Plan:**

The Citizen Participation Plan will be adopted as a section of the Consolidated Plan, thereby going through the same process of local review and public comment, ending with a thirty (30) day public comment period. Amendments and changes to the Citizen Participation Plan will be addressed in the annual update of the Consolidated Plan.

**Use of Citizen Participation Plan:**

The Barnstable County HOME Consortium will follow the citizen participation plan as outlined in this document.

**Any comments or questions about this plan can be directed to:**

**Affordable Housing Specialist  
Cape Cod Commission  
3225 Main Street  
Barnstable, MA 02630**

**Phone: (508) 362-3828; Fax: (508) 362-3136**

**Office Hours: Monday through Friday 8:30am to 4:30pm**

**MAY 26, 2011**

## **2. SUMMARY OF PUBLIC COMMENTS AND RESPONSES**

### **Public Hearing:**

The March 17, 2011 public hearing was attended by 13 people representing non-profit housing developers, housing authorities, local housing committees, a local Community Preservation Committee, a municipal affordable housing trust, and the Regional Network to End Homelessness.

**Comment:** One speaker commented about the need to direct our resources as much as possible to provide housing for those who are homeless or at risk of homelessness.

**Response:** The Consortium acknowledges that extremely low income households are most in need of affordable rental housing, and one element in the project scoring system provides more points for targeting extremely low income households. The tax credit program also requires applicants to provide 10% of the project units to extremely low income households. However, the ability to provide housing for extremely low income households is fundamentally dependent upon the availability of federal and state housing vouchers that can be allocated to a particular project.

**Comment:** Other speakers noted that the Consortium should be requiring that any housing we fund be affordable in perpetuity as opposed to our current maximum term of 50 years. There was also discussion about the impact that change would have on the Consortium's resources to monitor our growing number of rental projects.

**Response:** The Annual Plan is proposing to have a HOME affordability period of twenty years for all projects followed by a County affordability period of 20-79 years dependent upon the amount of HOME funds invested in the project. This structure will enable the Consortium to determine the level of project monitoring required after 20 years depending upon project performance and staff resources and will also enable the Consortium to have the ability to invest additional HOME resources in the project, if needed, after 20 years. The dual affordability structure will result in all projects having at least a 40 year affordability period for those projects receiving less than \$50,000 in assistance with projects receiving awards of \$150,000 or more being perpetually affordable.

**Comment:** There were a number of comments and extended discussion about the impact that the HOME/UDR conflict will have on the Consortium's ability to fund any homeownership activities in FFY 2011 and also whether homeownership buydown programs were the best use of HOME funds.

**Response:** The draft 2011 Annual Plan allocations reflect those concerns as the DPCC program allocation is reduced by \$100,000 to \$75,000 and housing production funded activities will solely be rental projects unless a resolution of the HOME/UDR conflict is achieved.

**MAY 26, 2011**

**Public Comment Period:**

There were no comments received during the thirty day public comment period:  
April 27, 2011- May 26, 2011.

3. COPIES OF PUBLIC NOTICES

B-10/CAPE COD TIMES

Legal Notices 125 Legal Notices 125

NOTICE OF PUBLIC HEARING

Barnstable County HOME Consortium  
Federal Fiscal Year 2011 Allocations

In accordance with the provisions of Title 24- Housing and Urban Development Part 91- Consolidated Submissions for Community Planning and Development Programs- and with the provisions of the Consortium's Citizen Participation Plan, notice is hereby given of the following proposed action to be undertaken by the Consortium.

Prior to publishing the federal fiscal year 2011 (July 1, 2011- June 30, 2012) Action Plan for the expenditure of an estimated \$700,000 in HOME program funding, the Consortium will hold the following public hearing:

Thursday, March 17, 2011- 8:30 AM  
Cape Cod Commission  
Conference Room  
3225 Main Street  
Barnstable, MA 02630

The location is handicap accessible and if you need a reasonable accommodation, please contact Michelle Springer at (508) 362-3828 by March 11, 2011.

The purpose of the hearing is to obtain the comments and views of citizens, public agencies, community organizations, and other interested parties relative to Barnstable County housing needs, the development of proposed program activities, recommended allocation levels for programs, and HOME Consortium program performance. Anyone unable to attend the hearing may submit written comments or questions on or before March 17, 2011 to the Cape Cod Commission, PO Box 226, Barnstable, MA 02630 Attention: Paul Ruchinkas or to pruchinkas@capecodcommission.org.

Any questions should be directed to Paul Ruchinkas at (508) 362-3828.  
3/7/2011.

C6 Cape Cod Times

TUESDAY, APRIL 26, 2011

PUBLIC NOTICE  
BARNSTABLE COUNTY HOME CONSORTIUM  
2011 ANNUAL PLAN  
PUBLIC COMMENT PERIOD

Pursuant to the requirements of the Citizens Participation Plan of the HOME Investment Partnerships Program, the Consortium will provide a thirty day comment period on its proposed 2011 Annual Plan. The proposed allocations in the 2011 Annual Plan of \$650,000 in HOME funds and \$15,000 in expected program income are as follows:

- Housing Production- \$427,500
- Community Housing Development Organization Housing Production- \$97,500
- Down Payment/Closing Cost Program- \$75,000
- Program Administration- \$65,000

As official notification of the actual funding amount has not been received from HUD, the HOME funding amount is an estimate and assumes a 13% decrease from 2010 funding levels. The estimated amount and allocations are therefore subject to change upon official notice of the appropriation.

This comment period will begin April 27, 2011 and end May 26, 2011 at 4:00 p.m. The Annual Plan is available for review at the following locations:

- Barnstable County- Commissioners Office
- Superior Court House
- 3195 Main Street
- Barnstable, MA 02630
- Cape Cod Commission
- 3225 Main Street
- Barnstable, MA 02630

Town Halls in each town in Barnstable County

Cape Cod Commission web site- [www.capecodcommission.org](http://www.capecodcommission.org)

The Annual Plan will contain a summary of public comments received. All comments should be submitted to: Paul Ruchinkas, Cape Cod Commission, 3225 Main Street- PO Box 226, Barnstable, MA 02630 or pruchinkas@capecodcommission.org  
4/26/11

**MAY 26, 2011**

**APPENDIX C. ANNUAL PLAN ALLOCATION FORMS**

**MAY 26, 2011**

**U.S. Department of Housing & Urban Development  
CPD Consolidated Plan  
Listing of Proposed Projects**

<u>Project ID</u>	<u>Project Title/Priority Objective/Description</u>	<u>HUD Matrix Code Title/Citation/Accomplishments</u>	<u>Funding Source</u>	<u>Funding Amount</u>
0001	Housing Production	01 Acquisition of Real Property	CDBG ESG	
	Housing	570.201(a) 40 Housing Units	HOME HOPWA	\$438,396.00
	To create affordable rental and ownership units through acquisition and/or rehabilitation of existing stock.		Total	\$438,396.00

Help the Homeless?  
Help with HIV or AIDS?

Yes  
Yes

Start date: 07/01/11  
Completion Date: 06/30/12

Eligibility:  
Subrecipient:  
Location (s):

Local Government  
Addresses

**MAY 26, 2011**

**U.S. Department of Housing & Urban Development  
CPD Consolidated Plan  
Listing of Proposed Projects**

<u>Project ID</u>	<u>Project Title/Priority Objective/Description</u>	<u>HUD Matrix Code Title/Citation/Accomplishments</u>	<u>Funding Source</u>	<u>Funding Amount</u>
0002	Downpayment Closing Cost Assistance	05R Homebuyer Downpayment Assistance	CDBG ESG	
	Housing	570.201 (e)	HOME	\$75,000
	Downpayment Closing Cost Assistance	10 Households	HOPWA TOTAL	\$75,000

Help the Homeless?  
Help with HIV or AIDS?

No  
No

Start date: 07/01/11  
Completion Date:06/30/12

Eligibility:  
Subrecipient:  
Location (s):

Local Government  
Addresses

**MAY 26, 2011**

**U.S. Department of Housing & Urban Development  
CPD Consolidated Plan  
Listing of Proposed Projects**

<u>Project ID</u>	<u>Project Title/Priority Objective/Description</u>	<u>HUD Matrix Code Title/Citation/Accomplishments</u>	<u>Funding Source</u>	<u>Funding Amount</u>
0004	CHDO	12 Construction of Housing	CDBG	
	Housing	570.201(a)	ESG	
		15 Housing Units	HOME	\$99,680
	15% CHDO set aside		HOPWA	
			Total	\$99,680

Help the Homeless?  
Help with HIV or AIDS?

Yes  
Yes

Start date: 07/01/11  
Completion Date:06/30/12

Eligibility:  
Subrecipient:  
Location (s):

Local Government  
Addresses

**MAY 26, 2011**

**U.S. Department of Housing & Urban Development  
CPD Consolidated Plan  
Listing of Proposed Projects**

<u>Project ID</u>	<u>Project Title/Priority Objective/Description</u>	<u>HUD Matrix Code Title/Citation/Accomplishments</u>	<u>Funding Source</u>	<u>Funding Amount</u>
0005	Administration	21A General Program Administration	CDBG ESG	
	Planning \$ Administration	570.206	HOME HOPWA	\$66,452
	10% Admin set aside	0 Households (General)	Total	\$66,452

Help the Homeless?  
Help with HIV or AIDS?

Yes  
Yes

Start date: 07/01/11  
Completion Date:06/30/12

Eligibility:  
Subrecipient:  
Location (s):

Local Government  
Addresses

MAY 26, 2011

**APPENDIX D. CONSOLIDATED PLAN HOUSING NEEDS  
AND LOW INCOME/MINORITY CONCENTRATIONS**

**HUD Table 2A  
Priority Housing Needs/Investment Plan Table**

<b>PRIORITY HOUSING NEEDS (households)</b>		<b>Priority</b>		<b>Unmet Need</b>
<b>Renter</b>  Total- 6,892	Small Related	0-30%	H	919
		31-50%	H	719
		51-80%	H	717
	Large Related	0-30%	H	144
		31-50%	H	81
		51-80%	H	160
	Elderly	0-30%	H	800
		31-50%	H	595
		51-80%	H	431
	All Other	0-30%	H	930
		31-50%	H	745
		51-80%	H	651
<b>Owner</b>  Total- 11,312	Small Related	0-30%	M	479
		31-50%	M	630
		51-80%	M	1,729
	Large Related	0-30%	M	62
		31-50%	M	199
		51-80%	M	507
	Elderly	0-30%	M	2,312
		31-50%	M	1,922
		51-80%	M	1,558
	All Other	0-30%	M	530
		31-50%	M	525
		51-80%	M	859
<b>Non-Homeless Specialized Housing Needs</b>	Elderly	0-80%	H	620
	Frail Elderly	0-80%	H	910
	Severe Mental Illness	0-80%	H	175
	Physical Disability	0-80%	H	75
	Developmental Disability	0-80%	H	40
	Alcohol/Drug Abuse	0-80%	H	50
	HIV/AIDS	0-80%	H	10
Domestic Violence Victim	0-80%	H	600	

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**HUD Table 1A-Homeless and Special Needs Populations**

**Continuum of Care: Housing Gap Analysis Chart**

	Current Inventory	Under Development	Unmet Need/ Gap
--	-------------------	-------------------	-----------------

**Individuals**

Example	Emergency Shelter	100	40	26
Beds	Emergency Shelter	91	0	0
	Transitional Housing	85	0	20
	Permanent Supportive Housing	227	5	112
	Total	403	5	132

**Persons in Families With Children**

Beds	Emergency Shelter	181	0	0
	Transitional Housing	36	0	9
	Permanent Supportive Housing	6	0	54
	Total	223	0	63

**Continuum of Care: Homeless Population and Subpopulations Chart**

Part 1: Homeless Population	Sheltered		Unsheltered	Total
	Emergency	Transitional		
Number of Families with Children (Family Households):	66	12	22	100
1. Number of Persons in Families with Children	179	36	60	275
2. Number of Single Individuals and Persons in Households without children	108	84	144	336
<b>(Add Lines Numbered 1 &amp; 2 Total Persons)</b>	<b>287</b>	<b>120</b>	<b>204</b>	<b>611</b>
Part 2: Homeless Subpopulations	Sheltered		Unsheltered	Total
a. Chronically Homeless	68			
b. Seriously Mentally Ill	147			
c. Chronic Substance Abuse	175			
d. Veterans	68			
e. Persons with HIV/AIDS	17			
f. Victims of Domestic Violence	108			
g. Unaccompanied Youth (Under 18)	0			

MAY 26, 2011

HUD TABLE 5.1

Grantee Name: Program Year:	Expected Annual Number of Units To Be Completed	Actual Annual Number of Units Completed	Resources used during the period			
			CDBG	HOME	ESG	HOPWA
<b>BENEFICIARY GOALS (Sec. 215 Only)</b>						
Homeless households	2		<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
Non-homeless households	76		<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
Special needs households	2		<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
<b>Total Sec. 215 Beneficiaries*</b>	<b>80</b>		<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
<b>RENTAL GOALS (Sec. 215 Only)</b>						
Acquisition of existing units	0		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Production of new units	30		<input type="checkbox"/>	X		<input type="checkbox"/>
Rehabilitation of existing units	15		<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
Rental Assistance	0		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
<b>Total Sec. 215 Affordable Rental</b>	<b>45</b>		<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
<b>HOME OWNER GOALS (Sec. 215 Only)</b>						
Acquisition of existing units	2		<input type="checkbox"/>	X		
Production of new units	8		<input type="checkbox"/>	X		
Rehabilitation of existing units	0		<input type="checkbox"/>	<input type="checkbox"/>		
Homebuyer Assistance	25		<input type="checkbox"/>	X		<input type="checkbox"/>
<b>Total Sec. 215 Affordable Owner</b>	<b>35</b>		<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
<b>COMBINED RENTAL AND OWNER GOALS (Sec. 215 Only)</b>						
Acquisition of existing units	2		<input type="checkbox"/>	X		<input type="checkbox"/>
Production of new units	38		<input type="checkbox"/>	X		<input type="checkbox"/>
Rehabilitation of existing units	15		<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
Rental Assistance	0		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Homebuyer Assistance	25		<input type="checkbox"/>	X		<input type="checkbox"/>
<b>Combined Total Sec. 215 Goals*</b>	<b>80</b>		<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>

**MAY 26, 2011**

<b>OVERALL HOUSING GOALS (Sec. 215 + Other Affordable Housing)</b>	<b>Expected Annual Number of Units To Be Completed</b>	<b>Actual Annual Number of Units Completed</b>	<b>CDBG</b>	<b>HOME</b>	<b>ESG</b>	<b>HOPWA</b>
Annual Rental Housing Goal	45		<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
Annual Owner Housing Goal	35		<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
<b>Total Overall Housing Goal</b>	80		<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>

**Areas with Concentration of Racial/Ethnic Minorities and/or Low Income Families**

As noted in the 2009 Barnstable County HOME Consortium Fair Housing Plan, Barnstable County is generally characterized by the fact that both racial and ethnic minorities and also low-income households are scattered throughout the region.

The HOME Consortium defines an area of racial/ethnic concentration as a census tract with a population of at least 2,000 that has more than three (3) times the percentage of minorities as exists in the region. As the minority population in the region in the 2000 Census was 6.6%, any census tract that has a minority percentage of 20% or more will be defined as one of racial/ethnic concentration. One Hyannis census tract -124- meets that criterion. See attached map (note that census tract 124's total population was 585 and 126's minority population was 19.15%).

The HOME Consortium defines an area of low income concentration as a census tract with a population of at least 2,000 people that has a median family income that is less than 50% of the regional median income. According to the 2000 Census, one Hyannis census tract -124- meets that criterion.

Therefore, any new construction rental projects that request HOME funds in census tract 124 must satisfy the criteria in CFR 983.57(e)(3) in order to be eligible for funding.



**MAY 26, 2011**

**APPENDIX E. CERTIFICATIONS**

**Application for Federal Assistance SF-424**

Version 02

<b>*1. Type of Submission:</b> <input type="checkbox"/> Preapplication <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application	<b>*2. Type of Application</b> * If Revision, select appropriate letter(s) <input type="checkbox"/> New <input checked="" type="checkbox"/> Continuation <input type="checkbox"/> Revision	<b>*Other (Specify)</b> _____
--	---	----------------------------------

<b>3. Date Received:</b>	<b>4. Applicant Identifier:</b> DC-25-0217
--------------------------	---

<b>5a. Federal Entity Identifier:</b>	<b>*5b. Federal Award Identifier:</b>
---------------------------------------	---------------------------------------

**State Use Only:**

<b>6. Date Received by State:</b>	<b>7. State Application Identifier:</b>
-----------------------------------	---

**8. APPLICANT INFORMATION:**

<b>*a. Legal Name:</b> Barnstable County	
<b>*b. Employer/Taxpayer Identification Number (EIN/TIN):</b> 04-6001419	<b>*c. Organizational DUNS:</b> 076612407

**d. Address:**

<b>*Street 1:</b>	<u>3225 Main Street</u>
<b>Street 2:</b>	<u>P.O. Box 226</u>
<b>*City:</b>	<u>Barnstable</u>
<b>County:</b>	<u>Barnstable</u>
<b>*State:</b>	<u>MA</u>
<b>Province:</b>	_____
<b>*Country:</b>	<u>USA</u>
<b>*Zip / Postal Code</b>	<u>02630</u>

**e. Organizational Unit:**

<b>Department Name:</b>	<b>Division Name:</b>
-------------------------	-----------------------

**f. Name and contact information of person to be contacted on matters involving this application:**

<b>Prefix:</b> <u>Mr.</u>	<b>*First Name:</b> <u>Paul</u>
<b>Middle Name:</b> _____	
<b>*Last Name:</b> <u>Ruchinskas</u>	
<b>Suffix:</b> _____	
<b>Title:</b> <u>Affordable Housing Specialist</u>	
<b>Organizational Affiliation:</b> <u>Cape Cod Commission</u>	
<b>*Telephone Number:</b> <u>508-362-3828</u>	<b>Fax Number:</b> <u>508-362-3136</u>
<b>*Email:</b> <u>pruchinskas@capecodcommission.org</u>	

**Application for Federal Assistance SF-424**

Version 02

**\*9. Type of Applicant 1: Select Applicant Type:**

B.County Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

\*Other (Specify)

**\*10 Name of Federal Agency:**

**11. Catalog of Federal Domestic Assistance Number:**

14.239

CFDA Title:

HOME Investment Partnerships Program

**\*12 Funding Opportunity Number:**

\*Title:

**13. Competition Identification Number:**

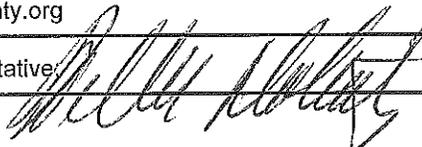
Title:

**14. Areas Affected by Project (Cities, Counties, States, etc.):**

Barnstable County

**\*15. Descriptive Title of Applicant's Project:**

Annual HOME allocation to create and preserve affordable housing for the region's low income households.

<b>Application for Federal Assistance SF-424</b>		Version 02
<b>16. Congressional Districts Of:</b>		
*a. Applicant: 10th	*b. Program/Project: 10th	
<b>17. Proposed Project:</b>		
*a. Start Date: 07/01/11	*b. End Date: 06/30/12	
<b>18. Estimated Funding (\$):</b>		
*a. Federal	\$664,528	
*b. Applicant	_____	
*c. State	_____	
*d. Local	_____	
*e. Other	_____	
*f. Program Income	\$15,000	
*g. TOTAL	\$679,528	
<b>*19. Is Application Subject to Review By State Under Executive Order 12372 Process?</b>		
<input type="checkbox"/> a. This application was made available to the State under the Executive Order 12372 Process for review on _____ <input type="checkbox"/> b. Program is subject to E.O. 12372 but has not been selected by the State for review. <input checked="" type="checkbox"/> c. Program is not covered by E. O. 12372		
<b>*20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes", provide explanation.)</b>		
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U. S. Code, Title 218, Section 1001)		
<input checked="" type="checkbox"/> ** I AGREE ** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions		
<b>Authorized Representative:</b>		
Prefix: <u>Mr.</u>	*First Name: <u>William</u>	
Middle Name: _____		
*Last Name: <u>Doherty</u>		
Suffix: _____		
*Title: Chair, County Commissioners		
*Telephone Number: (508)375-6648	Fax Number: (508) 362-4136	
* Email: <a href="mailto:bdoherly@barnstablecounty.org">bdoherly@barnstablecounty.org</a>		
*Signature of Authorized Representative: 	*Date Signed: <u>6/8/11</u>	

## CERTIFICATIONS

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the jurisdiction certifies that:

**Affirmatively Further Fair Housing** -- The jurisdiction will affirmatively further fair housing, which means it will conduct an analysis of impediments to fair housing choice within the jurisdiction, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting that analysis and actions in this regard.

**Anti-displacement and Relocation Plan** -- It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR 24; and it has in effect and is following a residential antidisplacement and relocation assistance plan required under section 104(d) of the Housing and Community Development Act of 1974, as amended, in connection with any activity assisted with funding under the CDBG or HOME programs.

**Drug Free Workplace** -- It will or will continue to provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
2. Establishing an ongoing drug-free awareness program to inform employees about -
  - (a) The dangers of drug abuse in the workplace;
  - (b) The grantee's policy of maintaining a drug-free workplace;
  - (c) Any available drug counseling, rehabilitation, and employee assistance programs; and
  - (d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph 1;
4. Notifying the employee in the statement required by paragraph 1 that, as a condition of employment under the grant, the employee will -
  - (a) Abide by the terms of the statement; and
  - (b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
5. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph 4(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

6. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph 4(b), with respect to any employee who is so convicted -
  - (a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
  - (b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1, 2, 3, 4, 5 and 6.

**Anti-Lobbying** -- To the best of the jurisdiction's knowledge and belief:

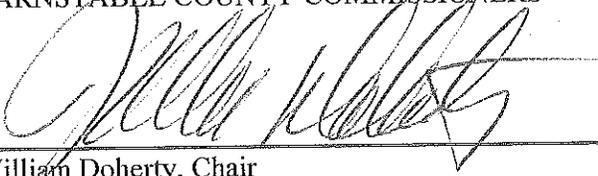
1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
3. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

**Authority of Jurisdiction** -- The consolidated plan is authorized under State and local law (as applicable) and the jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations.

**Consistency with plan** -- The housing activities to be undertaken with CDBG, HOME, ESG, and HOPWA funds are consistent with the strategic plan.

**Section 3** -- It will comply with section 3 of the Housing and Urban Development Act of 1968, and implementing regulations at 24 CFR Part 135.

BARNSTABLE COUNTY COMMISSIONERS



William Doherty, Chair

6/15/11

Date



Mary Pat Flynn, Vice-Chair



Sheila R. Lyons

**Specific HOME Certifications**

The HOME participating jurisdiction certifies that:

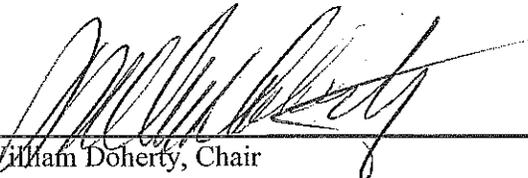
**Tenant Based Rental Assistance** -- If the participating jurisdiction intends to provide tenant-based rental assistance:

The use of HOME funds for tenant-based rental assistance is an essential element of the participating jurisdiction's consolidated plan for expanding the supply, affordability, and availability of decent, safe, sanitary, and affordable housing.

**Eligible Activities and Costs** -- it is using and will use HOME funds for eligible activities and costs, as described in 24 CFR § 92.205 through 92.209 and that it is not using and will not use HOME funds for prohibited activities, as described in § 92.214.

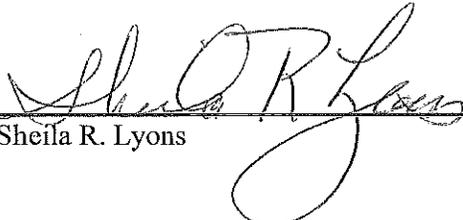
**Appropriate Financial Assistance** -- before committing any funds to a project, it will evaluate the project in accordance with the guidelines that it adopts for this purpose and will not invest any more HOME funds in combination with other Federal assistance than is necessary to provide affordable housing;

BARNSTABLE COUNTY COMMISSIONERS

  
\_\_\_\_\_  
William Doherty, Chair

10/8/11  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Mary Pat Flynn, Vice-Chair

  
\_\_\_\_\_  
Sheila R. Lyons

## APPENDIX TO CERTIFICATIONS

### INSTRUCTIONS CONCERNING LOBBYING AND DRUG-FREE WORKPLACE REQUIREMENTS:

#### A. Lobbying Certification

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

#### B. Drug-Free Workplace Certification

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification.
2. The certification is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HUD, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.
3. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.
4. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio stations).
5. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph three).
6. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant: The certification with regard to the drug-free workplace is required by 24 CFR part 24, subpart F.

Place of Performance (Street address, city, county, state, zip code)

Check \_\_\_ if there are workplaces on file that are not identified here.

7. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

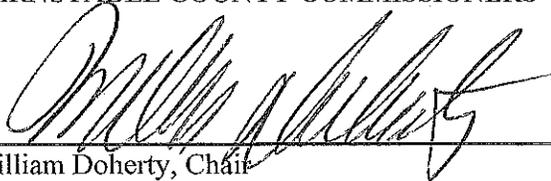
"Controlled substance" means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

"Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

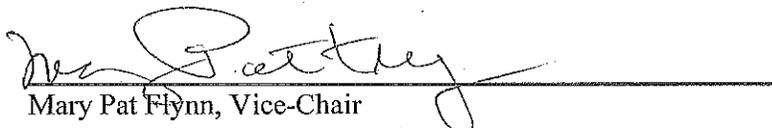
"Criminal drug statute" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

"Employee" means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All "direct charge" employees; (ii) all "indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and (iii) temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

BARNSTABLE COUNTY COMMISSIONERS

  
\_\_\_\_\_  
William Doherty, Chair

6/8/11  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Mary Pat Flynn, Vice-Chair

  
\_\_\_\_\_  
Sheila R. Lyons