

PART 1944 - HOUSING

Subpart B - Housing Application Packaging Grants

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PART 1944 - HOUSING

Subpart B - Housing Application Packaging Grants

§1944.51 Objective.

This subpart states the policies and procedures for making grants under Section 509 of the Housing Act of 1949, as amended (42 U.S.C. 1479). Grants reimburse eligible organizations for part or all of the costs of conducting, administering, and coordinating an effective housing application packaging program in colonias and designated counties. Eligible organizations will aid very low- and low-income individuals and families in obtaining benefit from Federal, State, and local housing programs. The targeted groups are very low- and low-income families without adequate housing who will receive priority for recruitment and participation and nonprofit organizations able to propose rental or housing rehabilitation assistance benefitting such families. These funds are available only in the areas defined in Exhibit D of this subpart. Participants will assist very low- and low-income families in solving their housing needs. One way of assisting is to package Single Family Housing applications for families wishing to buy, build, or repair houses for their own use. Another way is to package applications for organizations wishing to develop rental units for lower income families. The intent is to make Rural Development housing assistance programs available to very low- and low-income rural residents in colonias and designated counties. Rural Development will reimburse eligible organizations packaging loan/grant applications without discrimination because of race, color, religion, sex, national origin, age, familial status, or handicap if such an organization has authority to contract.

§1944.52 Definitions.

References in this subpart to County, District, State, National and Finance Offices, and to County Supervisor, District Director, State Director, and Administrator refer to Rural Development offices and officials and should be read as prefaced by Rural Development. Terms used in this subpart have the following meanings:

Colonias. As defined in Exhibit C of Subpart L of Part 1940 of this chapter.

Complete application package (hereafter called package). The package submitted to the appropriate Rural Development office which is considered acceptable in accordance with Exhibit C of this subpart.

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Cost reimbursement. Amount determined by the Administrator that equals the customary and reasonable costs incurred in preparing a package for a loan/grant. These amounts are included in Exhibit B of this subpart.

Designated counties. These counties are listed in Exhibit D of this subpart. Using the most recent published census data, the counties meet the following criteria:

- (1) Twenty percent or more of the county population is at or below the poverty level; and
- (2) Ten percent or more of the occupied housing units are substandard.

Organization. Any of the following entities which are legally authorized to work in designated counties and/or colonias and are:

- (1) A State, State agency, or unit of general local government; or
- (2) A private nonprofit organization or corporation that is owned and controlled by private persons or interests, is organized and operated for purposes other than making gains or profits for the corporation, and is legally precluded from distributing any gains or profits to its members.

Packager. Any eligible organization which is reimbursed with Housing Application Packaging Grants (HAPG) funds.

Technical assistance. Any assistance necessary to carry out housing efforts by or for very low- and low-income individuals/families to improve the quality and/or quantity of housing available to meet their needs. Such assistance must include, but is not limited to:

- (1) Contacting and assisting very low- and low-income families in need of adequate housing by:
 - (i) Implementing an organized outreach program using available media and personal contacts;
 - (ii) Explaining available housing programs and alternatives to increase the awareness of very low- and low-income families and to educate the community as to the benefits from improved housing;

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(iii) Assisting very low- and low-income families in locating adequate housing; and

(iv) Developing and packaging loan/grant applications for new construction and/or rehabilitation or repair of existing housing.

(2) Contacting and assisting eligible applicants to develop Multi-Family Housing loan/grant applications for new construction, rehabilitation, or repair to serve very low- and low-income families.

§1944.53 Grantee eligibility.

An eligible grantee is an organization as defined in §1944.52 of this subpart and has received a current "Certificate of Training" pertaining to the type of application being packaged. In addition, the grantee must:

(a) Have the financial, legal, and administrative capacity to carry out the responsibilities of packaging housing applications for very low- and low-income applicants. To meet this requirement it must have the necessary background and experience with proven ability to perform responsibly in the field of housing application packaging, low-income housing development, or other business or administrative ventures which indicate an ability to perform responsibly in this field of housing application packaging.

(b) Legally obligate itself to administer grant funds, provide adequate accounting of the expenditure of such funds, and comply with RHS regulations.

(c) If the organization is a private nonprofit corporation, be a corporation that:

(1) Is organized under State and local laws.

(2) Is qualified under Section 501(c)(3) of the Internal Revenue Code of 1986.

(3) Has as one of its purposes assisting very low- and low-income families to obtain affordable housing.

§§1944.54 - 1944.61 [Reserved]

§1944.62 Authorized representative of the applicant.

RHS will deal only with authorized representatives designated by the applicant. The authorized representatives must have no pecuniary interest in the award of the architectural or construction contracts, the purchase of equipment, or the purchase of the land for the housing site.

§1944.63 Authorized use of grant funds.

Grant funds may only be used to reimburse a packager for delivered packages. Payment will be made for each complete package received and accepted in accordance with Exhibit C of this subpart.

§§1944.64 - 1944.65 [Reserved]

§1944.66 Administrative requirements.

The following policies and regulations apply to grants made under this subpart:

- (a) Grantees must comply with all provisions of the Fair Housing Act of 1988 and Subpart E of Part 1901 of this chapter, which states in part, that no person in the United States shall, on the grounds of race, color, national origin, sex, religion, familial status, handicap, or age, be excluded from participating in, be denied the benefits of, or be subject to discrimination in connection with the use of grant funds.
- (b) The policies and regulations contained in RD Instruction 1940-Q (available in any Agency office), Departmental Regulation 2400-5, and 7 CFR Part 3018 apply to grantees under this subpart. (Renumbered 07-31-96, PN 264.)
- (c) Grantees should be aware of the policies and regulations contained in Subpart G of Part 1940. They will supply needed information requested by the local Agency office in connection with the loan or grant application. (Renumbered 07-31-96, PN 264.)
- (d) The grantee will retain records for 3 years from the date Standard Form (SF)-269A, "Financial Status Report (Short Form)," is submitted. These records will be accessible to RHS and other Federal officials in accordance with 7 CFR Part 3015. (Renumbered 07-31-96, PN 264.)

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(e) Annual audits will be completed if the grantee has received more than \$25,000 of Federal assistance in the year in which HAPG funds were received. These audits will be due 13 months after the end of the fiscal year in which funds were received. (Renumbered 07-31-96, PN 264.)

(1) States, State agencies, or units of general local government will complete an audit in accordance with 7 CFR Parts 3015 and 3016 and OMB Circular A-128.

(2) Nonprofit organizations will complete an audit in accordance with 7 CFR Part 3015 and OMB Circular A-133.

(f) Performance reports, as required, will be submitted in accordance with 7 CFR Part 3015. (Renumbered 07-31-96, PN 264.)

§1944.67 Ineligible activities.

The packager may not charge fees or accept compensation or gratuities directly or indirectly from the very low- and low-income families being assisted under this program. The packager may not represent or be associated with anyone else, other than the applicant, who may benefit in any way in the proposed transaction. If the packager is compensated for this service from other sources, then the packager is not eligible for compensation from this source except as permitted by the Agency. Grantees who are funded to do Self-Help Housing, may not be reimbursed for packaging applications for participation in the Self-Help Housing effort.

§1944.68 [Reserved]

§1944.69 Agency point of contact.

Grantees must submit packages to the appropriate Agency office serving the designated county and/or colonias. Packages for Single Family Housing loans/grants are submitted to the appropriate County Office. All other packages are submitted to the appropriate District Office. The applicable forms required to develop a package can be obtained in any District or County office. Packagers should coordinate their packaging activity with the appropriate District and County Offices.

§1944.70 Targeting of HAPG funds to States.

(a) HAPG funds will be distributed administratively by the Administrator to achieve the success of the program. Allocations will be distributed to States as set forth in Attachment 2 of Exhibit A of Subpart L of Part 1940 of this chapter.

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(b) The State Director will determine based on the housing funds available and the personnel available, how many applications can be processed for each program during the fiscal year in each Agency office serving a designated county and/or colonias. The number of applications will be published in the advertisement required under §1944.72 of this subpart.

§1944.71 Term of grant.

(a) For Single Family Housing loans/grants, HAPG funds will be specifically available for designated counties. Packages may be submitted after the annual housing application packaging orientation and training is held. The grant period will end when sufficient packages are received for each designated county or colonia or on September 30, of the fiscal year, whichever is earlier. The State Director must send notification, in the form of a letter, to all packagers who attended the packaging orientation and training that the number of applications specified in the advertisement required under §1944.72 of this subpart have been received. Any packages submitted after this date will be paid for only if the grantee can demonstrate the package was prepared in good faith and prior to receipt of the above notification.

(b) For Multi-Family Housing loans/grants, HAPG funds will be available for designated areas or colonias to the extent specified in Rural Development's advertisement. Preapplications approved in one fiscal year, for which grant funds were obligated, may have the balance disbursed in a later fiscal year when the application is submitted and approved.

§1944.72 Application packaging orientation and training.

Agency approval officials will orient and train organizations on how to package. A newspaper advertisement will be published by Agency offices serving designated counties and/or colonias after October 1. The advertisement will announce that application packaging services are being requested and specify the date of the certification training. All eligible organizations may attend this training. This date will be no more than 30 days after the advertisement appears in the newspaper and no later than December 31 of any year. The advertisement will include the estimated number of packages needed by loan type, i.e., Single Family, Multi-Family, etc. Exhibit A of this subpart (available in any Agency office) is an example of an appropriate advertisement. "Certificates of Training" as required under §1944.53 of this subpart will be signed by the State Director and given after completion of the training. Efforts will be made by the appropriate Agency office to complete this training process and certify packagers as quickly as possible. Grantees must attend this training each year in order to qualify for assistance.

§ 1944.73 Package submission.

(a) When submitting its first package to an Rural Development office, in addition to the item in paragraph (b) of this section and the information set forth in Exhibit C of this subpart, the organization must submit the following. A file of these documents will be established in the Rural Development office and retained in accordance with RD Instruction 2033-A (available in any Rural Development office).

(1) Proof of their nonprofit status under Section 501(c)(3) or Section 501(c)(4) of the Internal Revenue Code of 1986 or of their existence as a State agency or unit of general local government legally authorized to work in the designated county and/or colonias. If the Rural Development approval official is in doubt about the legal status of the organization, the evidence will be sent to the State Director. The State Director may, if needed, submit the above documents with any comments or questions to the Office of General Counsel for an opinion as to whether the applicant is a legal organization of the type required by these regulations.

(2) An original and copy of Forms RD 400-1, "Equal Opportunity Agreement," and RD 400-4, "Assurance Agreement."

(3) A copy of a current "Certificate of Training" pertaining to the type of application package submitted.

(b) All packages must contain a signed statement which states, "Neither the organization nor any of its employees have charged fees, received or accepted compensation from any source other than Rural Development for packaging this application and are not associated with or represent anyone other than the applicant in this transaction."

(c) An SF-270, "Request for Advance or Reimbursement," will be submitted with each package for the amount authorized for the specific loan type in Exhibit B of this subpart.

(d) The Rural Development approval official will review each package for completeness, accuracy and conformance to program policy and regulations. Cost reimbursement will be made in accordance with Exhibit B of this subpart. Packagers that submit "incomplete packages" for Sections 502 and 504 loans/grants will be sent a letter within 5 working days after submission of the "incomplete package" advising of additional information needed. Payment will be held until all the information is received. Packagers for Sections 502 loans and 504 loans/grants will not be paid for packages submitted on

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applicants who are obviously ineligible for the programs. For example, a grantee would not be reimbursed for submitting a package for a Section 502 loan applicant with an adjusted income exceeding the limits of Appendix 9 of HB-1-3550 (available in any Rural Development office) or who already owns adequate housing. Likewise, a grantee would not be reimbursed for submitting a package for a Section 504 loan/grant when the adjusted family income exceeds the very low-income limits of Appendix 9 of HB-1-3550 (available in any Rural Development office) or when the applicant does not own and occupy his/her property, or for a Section 504 grant when the applicant is not 62 years of age or older. (Revised 01-23-03, SPECIAL PN.)

(e) Submissions for Sections 514/516, 515, and 524 loans/grants will be reviewed and, if incomplete, a letter sent within 15 working days advising of additional information required.

(f) An SF-269A will be submitted within 15 days of the end of the fiscal year.

§ 1944.74 Debarment or suspension.

Certified packagers whose actions or acts warrant they not be allowed to participate in the program are to be investigated in accordance with § 1940.606(c) of RD Instruction 1940-M (available in any Rural Development office).

§ 1944.75 Exception authority.

The Administrator may, in individual cases, make an exception to any requirement or provision of this subpart which is not inconsistent with the authorizing statute or other applicable law if the Administrator determines that the Government's interest would be adversely affected. The Administrator will exercise this authority only at the request of the State Director and recommendation of the Deputy Administrator, Single Family Housing. Requests for exceptions must be in writing by the State Director and supported with documentation to explain the adverse affect on the Government's interest and/or impact on the applicant, borrower, or community, proposed alternative courses of action, and show how the adverse affect will be eliminated or minimized if the exception is granted. (Revised 01-23-03, SPECIAL PN)

§§ 1944.76 - 1944.99 [Reserved]

§1944.100 OMB control number.

The reporting and recordkeeping requirements contained in this regulation have been approved by the Office of Management and Budget and have been assigned OMB control number 0575-0157. Public reporting burden for this collection of information is estimated to vary from 30 minutes to five hours per response, with an average of three hours per response including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM, Room 404-W, Washington, D.C. 20250; and to the Office of Management and Budget, Paperwork Reduction Project (OMB# 0575-0157), Washington, D.C. 20503.

Attachments: Exhibits A, B, C, and D

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Sample Advertisement for Housing Application Packaging Grants

Packager Solicitation - The Rural Development official will place newspaper advertisements for Rural Development loan/grant application packages for colonias and designated counties within 2 weeks of the announcement of the designated counties in the Federal Register. If packages are being solicited for more than one program the announcement will have to be altered to state dates and times of the different certification training sessions. The newspapers must have general circulation in these areas. The notice will usually be placed in the public notice section and will be similar to the following:

Public Notice

Public and Private Nonprofit Organizations

Farmers Home Administration has a need for _____* applications. Organizations wishing to package housing loan and/or grant applications must attend certification training to be eligible to participate. Certification training will be held on _____ at _____. Additional information may be obtained from the local Rural Development office located at 3022 Majour Lane, Madison City, Florida 32111, or telephone number (904) 727-0010.

* Rural Development official will insert the number of applications determined by the State Director in accordance with §1944.70 (b) of this subpart and the program type (i.e., Sections 502, 504, 515, 514, 524, or 533).

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Housing Application Packaging Grants (HAPG) Fee Processing

The Rural Development approval official will execute and distribute Form RD 1940-1, "Request for Obligation of Funds," in accordance with the Forms Manual Insert. HAPG funds will be used for the fees except as otherwise noted in paragraphs II (A) and (B) of this exhibit. Funds for all loan and/or grant application packages will be paid as follows.

I. For all Single Family Housing loans (Sections 502, 504, and 514 ("on" farm labor housing only) of the Housing Act of 1949), checks will be ordered when complete application packages as defined in §1944.73 of this subpart and Exhibit C of this subpart are received. The fees are as follows:

- (A) Section 502 Single Family Housing Loans - \$500
- (B) Section 504 Rural Housing Loans and Grants - \$500
- (C) Section 514 "On" Farm Labor Housing Loans - \$500

II. For all Multi-Family Housing loans and grants (Sections 514/516, 515, 524, and 533 of the Housing Act of 1949), the entire amount of the fee coming from HAPG funds will be obligated when the packager has met all the requirements of the preapplication stage, however, payments will be made in accordance with the following schedules:

- (A) Sections 514/516 Farm Labor Housing Loans and Grants

"Off" Farm Labor Housing Loans/Grants - fees paid in accordance with the schedule for Section 515 Rural Rental Housing Loans.

- (B) Section 515 Rural Rental Housing Loans

(1) The scale for packaging fees is based on the percentage of the total development cost as follows:

Up to \$400,000	1.6 percent
For additional amounts between:	
\$400,001 and \$800,000	add 1.2 percent
\$800,001 and \$1,200,000	add 1.0 percent
\$1,200,001 and \$1,600,000	add .7 percent
\$1,600,001 and \$2,000,000	add .5 percent
Over \$2,000,001	No additional amount

(2) Twenty-five percent paid from HAPG funds when Form AD-622, "Notice of Preapplication Review Action," is sent inviting submission of a complete application.

(3) Twenty percent paid from HAPG funds when a complete application is filed including plans and specifications.

(4) The 55 percent balance paid when the loan is approved. Funds for this 55 percent will be drawn from loan funds in accordance with §1944.212 (j) of Subpart E of Part 1944 of this chapter for Section 515 loans and §1944.158 (i) of Subpart D of Part 1944 of this chapter for Section 514 loans.

(C) Section 524 Rural Housing Site Loans - total fee is 1 percent of the loan amount payable in two installments.

(1) Thirty percent paid after Rural Development's review of the preapplication under §1822.271 (a) of Subpart G of Part 1822 of this chapter (paragraph XI A of RD Instruction 444.8).

(2) Seventy percent paid upon the completion and submission of the docket in accordance with §1822.271 (c) of Subpart G of Part 1822 of this chapter (paragraph XI C of RD Instruction 444.8).

(D) Section 533 Housing Preservation Grants - total fee is 2 percent of the grant amount paid in two installments.

(1) Forty percent will be paid when the Form AD-622, inviting submission of a complete application, is sent.

(2) Sixty percent will be paid after grant closes.

Requirements for Housing Application Packages

A package will consist of the following requirements for the respective program.

A. Section 502 - Complete application packages will be submitted in accordance with the requirements of 7 CFR part 3550. The package must also include the following:

Form RD 410-9 - "Statement Required by the
Privacy Act."

Form RD 1910-11 - "Applicant Certification
Federal Collection Policies for
Consumer or Commercial Debts."

Form RD 1944-3 - "Budget and/or Financial
Statement."

B. Section 504 - Complete application packages will be submitted in accordance with 7 CFR part 3550. The package must include the forms listed in paragraph A of this exhibit and the following:

Form RD 410-4 - "Application for Rural
Housing Assistance (Non-Farm Tract)."

Form RD 1910-5 - "Request for Verification
of Employment."

Form RD 1944-12 - "Rural Housing Loan
Application Package."

Evidence of ownership in accordance with 7 CFR part 3550.

Cost estimates or bid prices for removal of health or safety hazards in accordance with 7 CFR part 3550.

C. Section 514/516 - Complete application packages will be submitted in accordance with Exhibit A-1 of subpart D of Part 1944 of this chapter.

D. Section 515 - Complete application packages will be submitted in accordance with the requirements of Exhibit A-7 of subpart E of Part 1944 of this chapter.

E. Section 524 - Complete application packages will be submitted in accordance with § 1822.271(a) of Subpart G of Part 1822 of this chapter (paragraph XI A of RD Instruction 444.8). After Rural Development's review and as instructed, the application should be completed in accordance with § 1822.271(c) of subpart G of Part 1822 of this chapter (paragraph XI C of RD Instruction 444.8).

F. Section 533 - Complete application packages will be submitted in accordance with the requirements of subpart N of Part 1944 of this chapter.

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Exhibit D in PDF ONLY.