



Rental Assistance Program

Policies and Procedures

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City of Palmdale
Community Programs
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Policies and Procedures

Introduction

The City of Palmdale (City) is a Participating Jurisdiction (PJ) in the HOME Investment Partnerships (HOME) Program. As a PJ, the City receives an annual allocation of HOME funds from the U.S. Department of Housing and Urban Development (HUD) to strengthen public-private partnerships and to expand the supply of decent, safe, sanitary, and affordable housing, with primary attention to rental housing, for very low-income and low-income families.

In recognition of the substantially negative economic impact of the COVID-19 pandemic on Palmdale residents, the City Council authorized the use of a portion of the City's HOME grant funds for a rental assistance program, known in the HOME program regulations at 24 CFR 92.209 as Tenant Based Rental Assistance (TBRA).

These policies and procedures incorporate the suspension and waiver provisions issued by John Gibbs, Acting Assistant Secretary for Community Planning and Development (CPD) via a Memorandum ("Memorandum") dated April 10, 2020 for the use of HOME-assisted TBRA for emergency and short-term assistance. The waivers that are incorporated into these policies and procedures were submitted to the Los Angeles HUD Field Office's CPD-COVID-19LA@HUD.gov email address on July 22, 2020.

The City's Administrative Services Department–Community Programs Division ("Community Programs") will be responsible for administering and implementing the Rental Assistance Program ("Program"). Community Programs will utilize these policies and procedures in the day-to-day implementation of the Program. These policies and procedures incorporate the required HOME and other federal cross cutting requirements in addition to the suspensions and waivers from HUD.

A. Program Description

The Rental Assistance Program provides rental assistance grants to income-eligible individuals and families economically impacted during the COVID-19 pandemic through job loss, furlough or reduction in hours or pay. Eligible individuals and families that apply for assistance must be residents renting a standard housing unit located within the incorporated city limits of the City of Palmdale. For the limited purposes of this program, a standard housing unit is defined as a permitted dwelling unit located within the incorporated City limits of the City of Palmdale that contains a functioning kitchen, bathroom, storage, sleeping areas, living areas, and appropriate ingress and egress, and that is rented to the applicant pursuant to a written lease by a third party property owner that does not reside within the dwelling unit.

The Program provides rental assistance grants on behalf of an income-eligible applicant, in a reasonable amount determined by the City for a period not to exceed December 31, 2020, to maintain housing and/or to reduce rental payment delinquency in arrears as a result of the economic downturn during the COVID-19 pandemic. In accordance with the April 10, 2020 Memorandum containing waivers, HUD allows the City to pay for rent that is due or that is past due. This program will provide rental assistance, including monthly rent or past due rent, originally due on or after April 1, 2020, which is on or after March 13, 2020, which was the effective date of the emergency declarations issued under Title IV of the Stafford Act. This program will not cover any late fees. The maximum amount of assistance per household shall be \$5,000. All assistance amounts paid shall be paid directly to the owner or property manager and shall not, under any circumstances, be paid to the applicant.

B. Applicant Eligibility

To be eligible for assistance, an applicant must:

1. Reside within the incorporated limits of the City of Palmdale.
2. Have a current annual household income that does not exceed the U.S. Department of Housing and Urban Development (HUD) established 60 percent of Area Median Income (AMI) limits for Los Angeles County, adjusted for household size, as published for the HOME program. Household income eligibility is based on the following two (2) factors:
 - a. The total number of people residing in the housing unit; and
 - b. The total amount of current annual household income as stated in the Program Application and Certification of Income.
3. Have experienced a negative economic impact because of the COVID-19 pandemic.
4. Have a current residential lease agreement for a standard housing unit in Palmdale.
5. Submit a Statement of Intent to Participate Form signed by the bona fide landlord/property management agent or company.
6. Submit a W-9 form completed by the landlord / property management agent or company.
7. Submit evidence of the current rental balance.

8. Certify on the Program Application that the applicant has received no other sources of assistance for the requested rent expenses from any private, local, state, or federal funding source.

HOME Investment Partnerships Program (HOME)

The HOME Program was signed into law as Title II of the Cranston Gonzalez National Affordable Housing Act in 1990 and has been amended several times by subsequent legislation. HUD is responsible, at the federal level, for the administration of the HOME program. The HOME Program was created to help produce housing opportunities for very-low and low-income households.

The intent of the HOME Program is to:

- Provide decent affordable housing to lower-income households
- Expand the capacity of nonprofit housing providers
- Strengthen the ability of state and local governments to provide housing
- Leverage private-sector participation

HOME funds are allocated by formula to state, local governments and consortiums (such as the City of Palmdale), called Participating Jurisdictions (PJs). PJs utilize the HOME funds for four main categories of housing activities:

- Homeowner rehabilitation and reconstruction
- Homebuyer assistance (acquisition & rehabilitation, new construction)
- Rental housing development and rehabilitation
- TBRA

The HOME Program allows the City to create flexible programs that provide rental assistance to program beneficiaries that enable them to rent market-rate units.

A. TBRA

TBRA provides a rental subsidy to assist eligible households to afford their monthly rent. The HOME TBRA Program is designed to:

- Help program beneficiaries (people rather than a specific project)
- Assist applicants who need economic assistance to remain stably housed during the COVID-19 pandemic

Due to the COVID-19 public health emergency, the City's program shall provide eligible applicants up to 100 percent of the rent due from April 1, 2020 to December 31, 2020, subject to a cap of \$5,000 per household.

To be eligible for the Program, prospective applicants will need to be current residents of the City of Palmdale. In addition, rental assistance will only be provided for standard housing units that are located within the City boundaries. The Program will provide rental assistance to residents whose income does not exceed 60 percent of AMI adjusted for household size as published by HUD for the HOME program. In addition, applicants will be required to provide evidence that they have experienced a negative economic impact as a result of the COVID-19 pandemic.

The maximum monthly rental assistance level to be provided by the City shall not exceed the Fair Market Rent Standard (**See Table 2**) or 100 percent of the monthly rental amount, whichever is less. The financial assistance shall be provided in the form of a grant. The maximum term of rental assistance may not extend beyond December 31, 2020.

B. Use of HOME Funds for TBRA Program

The City will use HOME funds for Program rental payments on behalf of income-eligible individuals and families economically impacted by the COVID-19 pandemic. Monthly rental assistance is provided through direct payment to a bona fide landlord, property management agent or company for current rent and/or to pay down rental arrears within the period of April 1 to December 31, 2020. The City shall require proof of arrears that are owed for back rent, going back to April 1, 2020. The City may also use HOME funds for program implementation costs such as direct personnel and non-personnel costs.

This activity is an eligible activity under the HOME program regulations at 24 CFR 92.209 that provides rental assistance payments directly to the provider of the housing. The activity is further regulated pursuant to 24 CFR 92.209(c)(1) whereby applicants shall supply information on family size and income to qualify.

Furthermore, the suspensions and waivers provided by the HUD Memorandum to address the COVID-19 pandemic allows the City to use HOME funds for TBRA for individuals and families experiencing financial hardship as a result of the pandemic. This includes:

- Providing immediate rental assistance to homeless individuals and families seeking housing;
- Assisting households that have housing, but face reduced or lost wages; and
- Assisting existing TBRA families that need additional assistance due to reduced or lost wages.

The statutory suspension and regulatory waivers are in effect through December 31, 2020 for TBRA provided in response to the COVID19 pandemic. Therefore, these policies and procedures only apply to the HOME TBRA Program through December 31, 2020 at which time this program will come to an end unless the waivers are extended by HUD and funds remain available.

C. COVID-19 Suspensions and Waivers for HOME TBRA Program

While HOME program funds are primarily a resource for the physical development of affordable housing, HUD recognized that the COVID-19 pandemic has caused widespread economic damage and has created an unprecedented need for housing assistance among individuals and families directly affected by these unanticipated economic changes. The suspensions and waivers that were provided by HUD through the HUD Memorandum will allow the City to use HOME funds for TBRA for individuals and families experiencing financial hardship because of the COVID-19 pandemic. This includes:

- Providing immediate rental assistance to individuals and families seeking housing
- Assisting households that have housing but face reduced or lost wages
- Assisting existing TBRA families that need additional assistance due to reduced or lost wages

Overall, the statutory suspension and regulatory waivers are in effect through December 31, 2020 for TBRA provided in response to the COVID-19 pandemic. Therefore, these waiver-specific sections of the policies and procedures only apply to the HOME TBRA Program through December 31, 2020 at which time this program will come to an end unless the waivers are extended by HUD and funds remain available.

However, some waiver provisions end at a later date than December 31, 2020. The City is not required to match HOME funds with other non-HOME funds for projects in Presidentially declared disaster areas until September 30, 2021.

Unless HOME suspensions and waivers are further extended by HUD, City policies shall conform to these policies and procedures.

D. Request for HOME Suspensions and Waivers

In order to obtain a waiver from the HOME Program regulations, the City, upon being informed by the HUD Field Office of the availability of the suspensions and waivers, submitted a written notification that it intends to implement the HOME statutory suspensions and/or regulatory waivers identified in the Memorandum. The written notification was submitted via e-mail to the HUD CPD Division at the local HUD Field Office

prior to implementing the waiver and/or suspension. The written notification identified the suspensions and/or waivers that the City is using for the Rental Assistance Program. The City requested and secured the following HOME TBRA suspensions and waivers:

1. Consolidated Plan – HOME Certification, Analysis of Local Market Conditions and Citizen Participation: The suspension allows the City not to amend its Consolidated Plan to include or revise an analysis of local market conditions before implementing a TBRA program and to certify that the use of HOME funds for TBRA is an essential element of the Consolidated Plan. If the TBRA Program were to continue past December 31, 2020, the City would need to certify its need for TBRA in its Consolidated Plan by documenting the local market conditions that lead to the choice of using HOME funds for TBRA. Note: The City of Palmdale certified that the use of HOME funds for TBRA is an essential element of the Consolidated Plan in its 2020-2024 Consolidated Plan submission to HUD.
2. Tenant Selection and Targeted Assistance: The suspension allows the City to eliminate the need to develop or revise written tenant selection criteria and allow the City to assist individuals requiring immediate housing assistance as a result of the COVID-19 pandemic until December 31, 2020. After this date, the City must develop or revise tenant selection criteria to assist individuals requiring immediate housing assistance because of an urgent need such as the COVID-19 pandemic.
3. Citizen Participation Reasonable Notice and Opportunity to Comment: This waiver allows the City to amend its Consolidated Plan and Annual Action Plan as a result of the COVID-19 pandemic and reduced the comment period to 5 days.
4. Rent Reasonableness: This waiver permits the City to provide immediate rental assistance to individuals and families seeking housing and assist individuals and families that have housing but are experiencing reduced or lost wages, without requiring an assessment of rents charged for comparable unassisted units. This is only in effect until December 31, 2020.
5. Eligible TBRA Assistance Costs and Maximum Subsidy: This waiver allows the City to pay the full cost of monthly rental assistance, utilities, and security deposit payments for new and existing TBRA families affected by the COVID-19 pandemic. The City may provide up to 100 percent subsidy paid by tenants affected by a reduction or loss of income from the COVID-19 pandemic until December 31, 2020. The waiver eliminates the need to establish utility allowances for different types and sizes of units for its TBRA program, which eliminates a significant administrative burden.
6. Term of Rental Assistance Contract: This waiver eliminated the requirement that the rental assistance contract begin on the first day of the term of lease. The waiver is in

effect until December 31, 2020. After December 31, 2020, any rental assistance contract must begin on the first day of the term of the lease.

7. Tenant Protection–Lease: During the COVID-19 pandemic, this waiver allows the City to assist individuals that are already in rental units but are unable to pay rent and/or utilities due to job loss or reduced wages even if they have an executed lease that may include one or more of the prohibited lease terms included in 24 CFR 92.253(b).
8. Housing Quality Standards: During the COVID-19 pandemic, the waiver allows the City to provide rental assistance for tenant households facing financial hardship without the need to conduct an HQS inspection of the units where HOME TBRA assistance is provided.
9. Annual Inspection of Units Occupied by Recipients of HOME TBRA: Waives the requirement that annual inspections be performed according to schedule in order to protect the health of both inspectors and tenants by observing physical distancing recommendations to limit the spread of COVID-19.
10. Income Determination: Given the rapid and unanticipated economic disruptions caused by the COVID-19 pandemic, source documentation from the past two months may not reflect the current financial circumstances of many households. The waiver will permit the City to follow the regulations at 24 CFR 92.203(a)(1)(ii) in lieu of requiring a review of source documentation. The regulation allows the City to obtain a written statement of the amount of the family’s anticipated annual income and household size, along with a certification that the information is complete and accurate.

Program Requirements

The Rental Assistance Program policies and procedures are designed to assist the City staff in complying with all HOME Program requirements, including all federal crosscutting requirements and City requirements. The HOME Program requirements presented herein incorporate the suspension and waivers authorized by HUD's Memorandum and subsequent approval by the local HUD Field Office. HOME funds shall be used to pay up to 100 percent of the rental assistance for applicants that can demonstrate a financial hardship due to a negative economic impact because of the COVID-19 pandemic.

A. Applicant Eligibility

Applicant's eligibility for Program assistance shall be determined upon submission of a completed Program Application and Certification of Income (Exhibit 1) with all required information and documents. Program staff shall review application information and provide an eligibility determination within 14 days. Information and supporting documentation for each applicant shall be recorded in an applicant file to demonstrate eligibility/ineligibility for this program. Documents supplied to the City in connection with Program Applications shall not be returned. Applicants are cautioned not to submit original documents and to only submit copies.

A denied applicant file shall contain all submitted information and documentation, as well as the reason for denial (e.g., over income limits, incomplete information, reside outside service area).

An approved applicant file shall contain all submitted information and documentation necessary to meet all required eligibility criteria and contain completed forms, documentation, and necessary information for all members of an applicant such as the following:

1. Residency in Eligible Area

To be eligible for the Program, applicants must be current residents of the City of Palmdale. Applicants will be required to provide proof of residency by means of a government issued identification. Rental assistance shall only be provided for standard housing units located within the City boundaries. Verification that the residence is located within the City will be made by staff using City maps.

2. Household Income

Income limits are established by household size and revised annually by the U.S. Department of Housing and Urban Development (HUD). All households assisted under the Program shall not exceed 60 percent of AMI as published by HUD for the HOME program. **Table 1** provides the HOME income limits effective July 1, 2020.

Table 1

Household Size	Low Income (60% of AMI)
1	\$47,340
2	\$54,060
3	\$60,840
4	\$67,560
5	\$73,020
6	\$78,420
7	\$83,820
8	\$89,220

HOME Income Limits Effective July 1, 2020

Applicants shall demonstrate that their income does not exceed HUD’s 60 percent AMI limit as adjusted for household size. Income will be determined using one of two options. The first is through the method approved through the Memorandum that permits a tenants self-certification through a written statement of the amount of the households anticipated annual income and the household size, along with certification that the information is complete and accurate. This may be done in lieu of source documentation to determine applicant eligibility. This is only in effect until December 31, 2020. Notwithstanding an extension of this waiver authority beyond December 31, 2020 by HUD, any applicant receiving Program assistance for rent due beyond December 31, 2020 shall submit two months source documentation of income and must be evaluated under normal TBRA income qualification procedures (refer to Exhibit 7).

The second method is utilizing the Section 8 method, commonly as the Part 5 method, as defined at 92.203(b). Should the City elect to continue to fund the Program beyond December 31, 2020, only those applicants determined to be eligible under this method will be allowed to continue to participate. In the Part 5 method, the City must use the household’s annual gross income for qualification purposes and the household’s adjusted income for rental assistance payment determinations based on the applicable inclusions and exclusions. For more information, refer to Exhibit 7.

3. Section 8 Assistance

Households already receiving Section 8 rental housing assistance payments are ineligible for assistance under the Program. Program Participants shall not be prohibited from applying for Section 8 assistance while receiving benefits under the Program. However, upon receiving Section 8 rental assistance payments, assistance under the Program shall terminate.

B. Program Costs

HOME funds will be the source of funds for the Program. The funds will be utilized for the “direct program costs,” such as rental payments that will be made on behalf of eligible applicants. In addition, HOME funds will be utilized for “activity delivery costs” (ADC), such as, but not limited to, marketing costs and the cost for the City to provide staffing for the day-to-day implementation of the program. The City shall track the two types of costs in conformance with the requirements in 2 CFR Part 200. A description of each is provided below:

1. Direct Program Costs

Eligible direct program costs which shall be paid for with Program funds are:

Rental Assistance:

Rental assistance includes rental assistance for up to one hundred percent (100%) of the payments required under the lease agreement. These costs are payments made on behalf of eligible applicants to landlords for a period not to exceed December 31, 2020.

2. Activity Delivery Costs (ADC) Funds

Activity delivery cost (ADC) funds will be used to pay the City’s costs of implementing the Program. Eligible ADCs are detailed in 24 CFR 92.207 and in 2 CFR Part 200. They include, but are not limited to:

- The City’s actual staff costs (or consultants) for time spent on the day-to-day administration and implementation of the Program.
- The City’s actual cost for staff cost (or consultant), to conduct eligibility review, and address the lead-based paint requirements listed in this policy and procedure manual.

3. Ineligible Use of Funds

Any services not explicitly listed in the Eligible Use of Funds section shall be deemed ineligible. The City shall also note that TBRA funds may not be spent:

- To make commitments to specific landlords for specific units. Applicants must be

- free to use TBRA for any eligible unit
- On applicants who are resident landlords of cooperative housing that qualifies as home landlordship housing. However, TBRA funds may be used for applicants who are renting from a cooperative unit landlord
 - To prevent displacement of, or provide relocation assistance to, tenants as a result of activities other than the HOME program
 - To pay for overnight or temporary shelter
 - To pay rent for a non-standard unit, including renting a room within a housing unit, renting a garage, or other housing arrangement that is not a standard permitted housing unit
 - To pay rent for a portion of a standard unit owned and occupied by a family member

C. Prohibition Against Duplicative Assistance

Applicants cannot receive Program assistance if they are receiving rental assistance under another federal, state, or local rental assistance program if the TBRA subsidy would result in duplicative subsidies.

All applicants shall certify on the Program Application and Certification of Income (Exhibit 1) under penalty of perjury, under the laws of the State of California, that they are not able to receive, and have not received, other federal or non-federal benefits or assistance for rent assistance for the period of time between April 1, 2020 and the date of last signature on this application form. Applicants shall further certify that they will not pursue other federal or non-federal benefits for the same uses of this grant program for rent and/ costs for the period of April 1, 2020 until the final assistance payment made by City under this program.

D. Assistance Maximum Limits

The City has established a payment standard (rent standard) by bedroom size that includes contract rent. The payment standard shall be equal to 100 percent of the local Section 8 Fair Market Rent (FMR) level, as published annually by HUD. The payment standard will be used to cap the contract rent to calculate the assistance amount. Under the Program, the tenant will be eligible for up to one hundred percent (100%) of the monthly rental payment with a not to exceed amount based on the Fair Market Rents for the unit size (**Table 2**). Rental payments shall be provided up to the period ending December 31, 2020.

The City of Palmdale shall determine assistance amounts in its sole discretion based on information provided by the applicant with the Program Application and Certification of Income and other factors such as funding availability and rental assistance need. The

primary factor in determining the assistance amount include the severity of COVID-19 impact to household income and monthly expenses.

The Current FMRs are provided in **Table 2** below:

Unit Size	Efficiency	One Bedroom	Two Bedrooms	Three Bedrooms	Four Bedrooms
FMR	\$1,279	\$1,517	\$1,956	\$2,614	\$2,857

E. Appeals

Applicants may appeal application denials. Appeals shall be submitted in writing to the Community Programs Manager, Community Programs Division at 823 E. Ave Q-9, Suite A, Palmdale, CA. 93550 within seven (7) calendar days of the date of the application denial letter. The written appeal shall state the reason(s) why the applicant believes the application denial was in error and provide any additional documentation necessary to support the applicant’s assertion of same. The Community Programs Manager will review the appeal and issue a determination in writing within fourteen (14) calendar days. If further review is required, the Director of Administrative Services or designee shall review the appeal. The decision of the Director or designee shall be issued in writing within fourteen (14) calendar days and shall be final.

F. False Claims

Applicants shall certify on the Program Application and Certification of Income under penalty of perjury that “The information provided on this form is subject to verification by HUD at any time, and Title 18, Section 1001 of the U.S. Code states that a person is guilty of a felony and assistance can be terminated for knowingly and willingly making a false or fraudulent statement to a department of the United States Government.”

G. Interim Recertifications / Future Rent

Applicants who are receiving Program assistance will be required to notify the City of any changes in income, family composition, or renewals or termination of rental agreements. On occasions where this occurs, the City shall complete the following steps:

- Complete an interim recertification.
- Incorporate any changes to the applicant’s payment/grantee’s subsidy in the first month following the interim recertification.
- Notify both the applicant and the landlord in writing of any changes in the payment

structure or of termination of Program assistance, as applicable.

- For rent payments covering the months of November and/or December, applicant may be required to certify no change in income and certify continued need for the assistance payment.

H. Annual Recertification

The City is utilizing HOME funds for the implementation of the Program to address the COVID-19 pandemic. The City is implementing the suspensions and waivers granted under the Memorandum issued by HUD. Accordingly, the City does not intend to implement the program beyond December 31, 2020, therefore annual recertifications shall not be required.

I. Unit Inspection/Re-inspection

The City is utilizing HOME funds for the implementation of the TBRA to address the COVID-19 pandemic. The City is implementing the suspensions and waivers granted under the Memorandum issued by HUD. The City does not intend to implement the program beyond December 31, 2020. However, in the event that assistance continues beyond December 31, 2020 and HUD does not further waive or suspend the requirement for an HQS inspection, a physical inspection shall be performed using the City's HQS checklist to ensure that these units met the HQS standards.

J. Conflict of Interest

In accordance with 24 CFR 92.356, no employee, agent, consultant, officer, elected official, or appointed official of the City of Palmdale who exercise or has exercised any functions or responsibilities with respect to activities assisted with HOME funds or who are in a position to participate in a decision-making process or gain inside information with regard to these activities, may obtain a financial interest or financial benefit from a HOME assisted activity, or have a financial interest in any contract, subcontract, or agreement with respect to the HOME-assisted activity, or the proceeds from such activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for one year thereafter. Immediate family ties shall include (whether by blood, marriage or adoption) the spouse, parent (including a stepparent), child (including a stepchild), brother, sister (including a stepbrother or stepsister), grandparent, grandchild, and in-laws of a covered person.

Upon the written request of the City of Palmdale, HUD may grant an exception to the Conflict of Interest provisions on a case-by-case basis when HUD determines that the exception will serve to further the purposes of the HOME Program and the effective and

efficient administration of the City's TBRA program. HUD will only consider an exception after the City has provided the following:

- A disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict and a description of how the public disclosure was made.
- An opinion of the City's attorney that the interest for which the exception is sought would not violate State or local law.

In determining whether to grant a requested exception after the City has satisfactorily met the requirements above, HUD will consider the cumulative effect of the following factors, where applicable:

- Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project which would otherwise not be available.
- Whether the person affected is a member of a group or class of low- and moderate-income persons intended to be the beneficiaries of the assisted activity, and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class.
- Whether the affected person has withdrawn from his or her functions or responsibilities, or the decision-making process with respect to the specific assisted activity in question.
- Whether the interest or benefit was present before the affected person was in a position as described in this section.
- Whether undue hardship will result either to the City or the person affected when weighed against the public interest served by avoiding the prohibited conflict.
- Any other relevant considerations.

K. Blending / Other Funds

The City may blend HOME TBRA funds with other funds. If the applicant's other short term or emergency rental subsidy program does not provide assistance sufficient to lower a tenant's rental payment to zero (\$0), TBRA may be provided as supplemental assistance to further reduce the applicant's rent payment to zero (\$0).

Additionally, the City may secure other non-HOME funding sources to provide additional rental assistance beyond December 31, 2020. Additional assistance shall be at City's sole discretion based on funding availability. Other terms and conditions may apply, including but not limited to submission of additional application(s) or supporting documentation to qualify. Such assistance shall be available up to the program maximum of \$5,000 total,

including HOME and any other source. The program waitlist from the lottery shall be used to determine order of assistance to applicants.

L. Preferences and Priorities

Assistance shall be limited to units within the City's boundaries. Assistance shall be limited to current residents of the City. No other priorities or preferences for certain types of housing or household type are included herein.

However, in the future, the City reserves the right to establish priorities or preferences, subject to the preferences complying with nondiscrimination and fair housing requirements. Should the City elect to establish priorities or preferences, they shall be fully disclosed in all program documents, advertisements and presentations. Priorities and preferences of beneficiaries may include, but not be limited to, veterans, the elderly, or the physically disabled. Any limitation or preference must not violate nondiscrimination requirements in 24 CFR 92.350.

M. Rent Adjustments and Lease Renewals

Landlords may adjust rents as leases are renewed (generally on an annual basis). If a rent adjustment will take place during the assistance period, the City shall review and approve the rent increase. The City shall also re-determine the applicable utility allowance in effect at the time of lease renewal/rent adjustment. The City shall reject a lease if the rent is not reasonable, based on rents that are charged for comparable unassisted rental units or exceed the Fair Market Rent limits found in **Table 2**.

N. Move Outs & Terminations

An applicant may elect to move or not renew its current lease agreement during the assistance period. If the applicant elects to move, the TBRA assistance is portable. However, the new unit shall be located within the City boundaries and the new landlord must be advised of the remaining term of the assistance, which shall not extend beyond December 31, 2020. Assistance for moving costs, security deposits, or other move-related assistance is not an eligible cost of this Rental Assistance Program.

O. Violence Against Women Act

Pursuant to 24 CFR 92.359, the City of Palmdale will provide form HUD-5380- Notice of Occupancy Rights Under VAWA and HUD-5382- Certification of Domestic Violence, Sexual Assault, or Stalking, and Alternative Documentation, and the TBRA Lease Addendum with VAWA Protections to all TBRA participants. Under VAWA protections, the lease may be

bifurcated to allow the owner to remove only the tenant(s) engaged in criminal activity, while the remaining tenants retain TBRA assistance.

Limitations of VAWA protections:

- VAWA does not supersede the obligation to pay rent
- Violation not premised on an act of domestic violence, sexual assault, or stalking
- Court order regarding right of access / control of property or distribution / possession of property
- Actual and imminent threat to other tenants
- Failure to provide victim status documentation, if requested by property owner or City of Palmdale

Confidentiality of Information must be maintained in the strictest confidence. The following types of information must not be entered into shared database or disclosed to any other entity or individual, except to extent the disclosure is: a) requested/consented to in writing by victim in time-limited release, b) required for use in eviction proceeding or termination hearing; or c) otherwise required by applicable law.

Confidential information concerning incident(s) of violence, includes:

- Fact that applicant or tenant is a victim
- Any information on certification form, other victim status documentation, or emergency transfer request
- Information provided by applicant/ tenant regarding VAWA inquiry or assertion of rights

The City must maintain records and annually report on:

- Emergency transfers requested
- Outcomes of those requests

P. Program Guidelines Changes or Modifications

Minor changes to these Program Guidelines involving administrative procedures or accommodations to adapt to unique applicant situations or opportunities, or regulatory changes may be performed with the approval of the Community Programs Manager. Federal regulatory requirements for the HOME program are not subject to modification or revision, except when HUD issues guidance superseding prior regulatory requirements.

Application Process

Applications shall be processed in a manner that ensures fair access, including reasonable time periods and methods of submission. Assistance shall be offered to any City of Palmdale household requesting assistance in completing the Program Application and Certification of Income Form.

A. Applicant Intake Process

To participate in this Program, interested residents shall submit a Pre-Application Form during the advertised period of availability. Applicants selected from the Pre-Application period of availability via lottery will be provided an opportunity to complete and submit a full Program Application and Certification of Income (Exhibit 1) along with all required supporting documents.

If after the initial Pre-Application period of availability and lottery, the City determines that there are sufficient funds remaining, the application period may be reopened until all funds are obligated to eligible households.

1. Application Details

Applicants shall be contacted by staff in the order of the lottery results. Staff shall send Applications to applicants for completion. The Application shall be completed and submitted along with the supporting documents requested as part of the application. The application shall be submitted either in-person or electronically by emailing the completed application to the designated address. Application submittals must include all of the information requested by the City in order to determine eligibility. This includes City residency, proof of COVID-19 negative economic impact, rental amounts, , and household income certification. Application forms shall be reviewed in the order in which they are received. Applicants submitting incomplete Applications shall be notified by staff, via e-mail and/or U.S. mail, of any deficiencies in the application and shall provide the applicants 14 calendar days to submit the required information.

2. Notification of Eligibility

TBRA Applications that are deemed complete and meet all the Program criteria, as outlined in this policy and procedure manual, shall be eligible for rental assistance. Once an applicant is determined to be eligible to receive assistance, the City shall notify the applicant in writing. The notification shall contain the following:

- TBRA Lease Addendum Agreement (Exhibit 2) containing subsidy calculation
- Lead Based Paint Pamphlet and Certification of Receipt (Exhibit 3)

- Violence Against Women Act (VAWA) form HUD-5380 (Exhibit 8)
- Notice of Occupancy Rights under VAWA and form HUD-5382 (Exhibit 9)

If the applicant will be searching for a new unit, the City shall establish a deadline for the applicant to locate a new unit.

3. Lottery and Waitlist

Each applicant who submits a Pre-Application form will be entered into a lottery. Applicants will be pulled in the lottery process until each Pre-Application has been assigned a number and placed on a “lottery list” in chronological order of being drawn. Staff will begin with the first applicant on the lottery list and process all applicants in chronological order and in accordance with the guidelines until all program funds are depleted.

When program funds have been depleted, the City will maintain the lottery list as a waitlist. The waitlist will be maintained for up to six months from the date of fund depletion. If the City identifies additional funds, staff will start at the beginning of the waitlist to further process applicants to provide assistance to eligible individuals and families in accordance with program guidelines. Any additional funds identified by the City may entail different program requirements from those included herein for this program.

4. Applicant Confidentiality

Employees and agents of the City will not disclose any applicant’s personal confidential information as part of the program. All confidential information of applicants will be kept in a locked secured storage facility or password protected electronic files and unavailable to persons outside of the program. At all times, the City will abide by all requirements stated within the Privacy Act of 1974 as amended. If the City receives a request for public records related to the program, only non-confidential information, as verified by the City, will be provided. The City shall follow its Personally Identifiable Information (PII) policies and procedures to ensure all records containing personally identifying information (as defined by HUD) of any person or family who applies for and/or receives assistance is kept secure and confidential.

5. Written Agreements & Program Documents

All applicants determined eligible to receive assistance shall execute a TBRA Lease Addendum Agreement (Exhibit 2) for HOME program assistance with the City and the landlord of the unit to be rented. The written agreement shall be consistent with HOME

requirements at 92.504(c)(4), inclusive of the suspension and waiver approvals obtained by the City. The agreement must be executed prior to setting up the unit in IDIS but after the environmental review process has been completed. All property owners, or in the case of a property management company authorized by the property owner to act on their behalf, shall execute a TBRA Lease Addendum Agreement (Exhibit 002).

Any rental assistance contracts entered into by the City must be signed by the relevant parties and the City. These agreements shall include at least the following:

- Amount of assistance
- Term of the rental assistance agreement that ends December 31, 2020 (may not exceed 24 months if the TBRA program is modified and continues past December 31, 2020)
- Term of the rental assistance begins on the first day of the lease term (This is waived until December 31, 2020. This is only if the TBRA program continues past December 31, 2020.)
- Specify that the City will determine rent reasonableness and disapprove a lease if rent is not reasonable in accordance with [24 CFR 92.209\(c\)\(iii\)](#) (This is waived until December 31, 2020)
- Specify that the City will conduct initial and annual inspections to ensure units comply with housing quality standards in accordance with [24 CFR 982.401](#) and [24 CFR 92.209\(j\)](#) (This is waived until December 31, 2020)
- Specify that the City will review and approve leases of TBRA recipients to ensure compliance with requirements in accordance with [24 CFR 92.253\(a\)](#) and [24 CFR 92.253\(b\)](#) (This is accomplished through the TBRA Lease Addendum Agreement (Exhibit 002))

B. Annual Income Definition and Documentation

“Annual Income” is defined as all amounts, monetary or not, which go to the household (even if not related), or are anticipated to be received from a source outside the family during the 12-month period following submission of the Program Application and Certification of Income.

The Part 5 [definition](#) of annual income shall be used exclusively for this program. No other definition of income shall apply. For income and asset inclusions and exclusions, please review the Program Application and Certification of Income (Exhibit 1) or 24 CFR 5.609.

The City must determine that the applicant is not a student that would be ineligible to receive assistance in accordance with 24 CFR 92.2.

The HOME regulations at 24 CFR 92.203(a)(2) require the City to determine a tenant's annual income by examining at least 2 months of source documentation evidencing income and projecting anticipated income forward for the next 12 months. As a result of the waiver requested and obtained by the City for the Program, this requirement is waived through December 31, 2020, for rental assistance provided in response to the COVID-19 pandemic. The City must ensure that the tenant's self-certification indicates how the applicants financial situation has changed (i.e., job loss or reduced wages), and includes all income including any unemployment or emergency benefits received by the applicant as a result of the pandemic. Note that for the purposes of the tenant's self-certification, stimulus payments will not be included as emergency benefit. Once the waiver period ends on December 31, 2020, any applicant receiving assistance must submit, and the City must review, source documentation of income that covers at least two months.

For applicants receiving assistance beyond December 31, 2020, the City would need to use an Income Eligibility Calculation spreadsheet (Exhibit 7) to document the households adjusted gross income. All income sources must have at least two months of source documentation as required under 92.203(a)(2) with the actual income being projected over the following 12 months. All income certifications shall be signed and dated. Additional information as well as applicable income exclusions & inclusions are available at:

<https://www.hudexchange.info/programs/home/topics/income-determination/#guidebooks-and-tools>

For Part 5 income determinations, the City shall verify the applicant's household income using a third-party source information for each participant over the age of 18. Third party source documentation may include, but is not limited, to paycheck stubs or other wage statements, interest statements, unemployment or worker's compensation statements, or Social Security letter of monthly award. The City shall maintain a copy of the source verification documents in each applicant's file. The City must consistently use only one definition of income to qualify program applicants.

1. Definition of a Household and Documentation of Household Members

Household means one or more persons occupying a housing unit.

Therefore, household information must include, at a minimum, the following:

1. Full names and ages of all people living in the residence; and
2. Signature of all adult household members age 18 or over, certifying that the information provided related to the annual household income and household composition is correct.

2. Rent Payment Standards and Calculations

The City will implement the following Rent Payment Standard:

- The City shall utilize the maximum payment standard based on HUD's Fair Market Rent (FMR) standards (see **Table 2**). The payment standard for each unit size will not exceed the FMR as established in the table.
- The City assistance shall not exceed a total of \$5,000 per eligible applicant household.
- The City shall not pay more than 100 percent of monthly rent that is due or overdue.

Selection of Unit

This “Selection of Units” section provides the policies and procedures for applicants that will be searching for a new rental unit as part of the approval process or seeking a new unit during the assistance period.

A. Request for TBRA Unit Approval

Once the applicant informs the City of the unit (newly identified), along with a landlord that is willing to participate in the Program, the applicant shall submit a request for the unit to be approved and for using TBRA funds to rent the unit. The City will prepare the request form to be signed by the applicant and potential landlord.

B. Unit Size and Occupancy Standards

The following occupancy standards comply with HQS requirements and specify how the number of bedrooms required by the applicant’s household will be determined as related to both (1) determining the appropriateness of the actual unit size and (2) calculating amount of TBRA rental assistance. The City may modify these standards on a case by case basis to accommodate specific household composition and circumstances (e.g. pending child custody cases, chronic illnesses, family member who is absent most of the time, etc.).

1. General Guidance on Bedroom Requirements

Housing is overcrowded if there are more than two occupants per bedroom plus one person. Fair housing rules permit applicants to select smaller units that do not, from the City’s perspective, create seriously overcrowded conditions. Applicants may also select larger units at their own expense (meaning TBRA subsidy will not cover the increased cost of a larger unit). In addition to the number of bedrooms, both the size of the unit and the size of the bedrooms shall be considered when evaluating the individual circumstances of the family.

C. Portability

Portability is limited to the contiguous jurisdiction (City). The City must approve the portability before it is acted upon.

D. Housing Quality Standards (HQS) Inspections

The City is utilizing HOME funds for the implementation of TBRA to address the COVID-19 pandemic. Accordingly, the City will implement the suspensions and waivers granted

pursuant to a Memorandum issued by HUD. As such, the City does not intend to implement the program beyond December 31, 2020, therefore unit inspections under the HQS standards shall not be required.

However, as a result of the City using this waiver authority, the City hereby establishes that units that are known to the Palmdale Building and Safety Division to be uninhabitable due to “red-tagged” or serious unresolved Code Enforcement deficiencies that pose a threat to occupants shall not be eligible for assistance, at the sole discretion of the City.

E. Lead Based Paint (LBP)

The Housing Quality Standard (HQS) waiver noted above does not apply to the lead-safe housing requirements. The Lead-Safe Housing Rule of 24 CFR part 35, subpart M, made applicable to units rented by Program applicants pursuant to 24 CFR 92.355, cannot be waived. Consequently, the City shall ensure that units built before 1978 undergo visual evaluation and paint repair in accordance with 24 CFR Part 35, subpart M.

All applicants will be notified of the hazards of lead-based paint and of the symptoms and treatment of lead-based paint poisoning. Applicants will be provided with the Lead Paint Disclosure and a copy of the disclosure is to be retained in the applicant’s file. This is a standard requirement of all applications and the City must collect an acknowledgement signed by the applicant indicating receipt of the pamphlet, documenting that disclosure has occurred. The pamphlet and acknowledgement is included as Exhibit 3 to these Policies and Procedures.

The City’s LBP inspector must be trained in visual assessment, available at: <http://www.hud.gov/offices/lead/training/visualassessment/h00101.htm>

The LBP inspector shall conduct a visual assessment of all surfaces in covered areas (the dwelling unit to be occupied by a child under the age of six, common areas serving the dwelling unit, and exterior painted surfaces) for deteriorated paint). The LBP inspector shall prepare and sign the Lead-Based Paint Visual Assessment Certification (Exhibit 4).

Such inspection shall be accomplished observing social distancing procedures by one of the following methods, as determined by the applicant:

- 1) The applicant is willing to permit a City of Palmdale representative to inspect the unit in person in a manner that provides no physical contact. All persons present in the dwelling unit at the time of the inspection shall wear face coverings and remain at least six (6) feet apart at all times.

- 2) The applicant or property owner has their own technological device and is able to download the “Duo” app and facilitate a video inspection at a date and time that is mutually convenient for the applicant and for the City of Palmdale representative.

The landlord shall correct any conditions identified in the LBP visual assessment including stabilization of deteriorated paint. Paint stabilization normally involves repairing the substrate, scraping, and repainting the surface. All deteriorated paint must be stabilized by properly trained or supervised workers using Lead Safe Work Practices.

When work is complete, the City must ensure that the unit passes clearance (as defined in 24 CFR 35.1340) and must maintain a copy of the clearance report. Failure to obtain clearance on any unit where lead hazard reduction activities have occurred will result in disqualification of the unit. The landlord shall provide the tenant a copy of the clearance results, if applicable.

Agreement / Lease Addendum

The City and the landlord will enter into an agreement in which the landlord agrees to comply with the Program rules and the City agrees to pay all or a portion of the rent, as specified in the agreement. TBRA assistance shall be limited to the period spanning the date of execution of the agreement through December 31, 2020. The term of the TBRA Lease Addendum Agreement shall not go beyond December 31, 2020.

A. Lease Review

The City shall receive and maintain a copy of the lease. All HOME TBRA-assisted units must have a written lease with the TBRA Lease Addendum Agreement (Exhibit 2) attached at signing. The City must ensure each lease does not include any prohibited lease provisions. This is accomplished through the required TBRA Lease Addendum, which counteracts prohibited provisions and eliminates the need for in-depth legal review. The TBRA Lease Addendum also includes key HOME program requirements such as the VAWA lease addendum in accordance with 24 CFR 92.359(e).

The following lease provisions are prohibited:

- Agreement by the applicant to be sued or to admit guilt, or a judgment in favor of the landlord in a lawsuit brought in connection with the lease.
- Agreement by the applicant that the landlord may take, hold or sell the personal property of the applicant without notice to the applicant and a court decision on the rights of the parties (this does not apply to personal property left by the applicant after move-out).
- Agreement by the applicant not to hold the landlord or its agents legally responsible for any action or failure to act, whether intentional or negligent.
- Agreement by the applicant that the landlord may institute a lawsuit without notice to the applicant.
- Agreement that the landlord may evict the applicant without a civil court proceeding where the applicant has the right to present a defense, or before a court decision on the rights of the applicant and the landlord.
- Agreement by the applicant to waive a trial by jury.
- Agreement by the applicant to waive the applicant's right to appeal or otherwise challenge a court decision.
- Agreement by the applicant to pay attorney fees or other legal costs, even if the applicant wins in court.
 - A copy of the lease and the addendum shall be kept in each applicant's file.

B. Fair Housing & Accessibility

The Program shall be implemented consistent with the City's commitment to State and Federal equal opportunity laws. No person shall be excluded from participation in, denied the benefit of, or be subjected to discrimination under any program or activity funded in whole or in part with HOME funds on the basis of their disability, family status, national origin, race, color, religion, sex, marital status, medical condition, ancestry, source of income, age, sexual orientation, gender identity, gender expression, genetic information, or other arbitrary discrimination.

The City of Palmdale will provide reasonable accommodations and/or modifications or provide language assistance to individuals requesting such assistance to benefit from the services provided by the Program.

In accordance with the suspension and waiver Memorandum and approval by HUD, the requirement that applicants, assisted under the TBRA Program have a lease that complies with the requirements of 24 CFR 92.253(a) and (b) is waived through December 31, 2020. This applies to rental assistance provided to applicants already housed who have an executed lease agreement.

By using this waiver authority, the City shall execute a TBRA Lease Addendum Agreement with the applicant for a term mutually agreed upon by all parties, but not to exceed the waiver period ending on December 31, 2020. Note that the Memorandum does not waive the requirement for the City to comply with all Violence Against Women Act (VAWA) contained in 24 CFR 92.359 and as such, shall incorporate a lease addendum that addresses all VAWA requirements.

C. Termination of Tenancy by Landlord

Pursuant to HOME program regulations, landlords may evict applicants following applicable state and local laws. Generally, that means landlords may only evict applicants in the event of:

- Serious or repeated lease violations.
- Legal violations in connection with the unit or its premises.
- Criminal activity.
- Other causes specified by state or local law.

D. Termination of Assistance by City

The Oversight Committee may terminate assistance or deny renewal of Program assistance to a program participant who violates program requirements or is found to

have provided false information to the City. Upon termination, the City will provide form HUD-5380, Notice of Occupancy Rights under VAWA and form HUD-5382, Certification of Domestic Violence, Sexual Assault, or Stalking and Alternative Documentation.

The Oversight Committee may also approve resuming assistance to a program participant whose assistance was previously terminated. Termination of benefits or resumption of benefits shall be documented in correspondence to the program participant as follows:

- (1) Written notice to the program participant containing a clear statement of the reasons for termination or denial to renew TBRA assistance;
- (2) A review of the decision, in which the program participant is given the opportunity to present written or oral objections before a person other than the person (or a subordinate of that person) who made or approved the termination or decision to deny renewal of Program assistance; and
- (3) Prompt written notice of the final decision to the program participant.

Program Implementation

These policies and procedures describe the steps that must be followed by the City of Palmdale in the administration and implementation of the TBRA Program. These Policies and Procedures must be followed and shall be enforceable along with all aspects of the grant agreement and Federal HOME Investment Partnership Program regulations at 24 CFR Part 92.

A. Program Marketing

The City shall market the Program through various means to enable the widest reach possible. The City shall use the following methods to market the program:

- City's website at www.cityofpalmdale.org
- The City's cable channel
- Social media, including but not limited to, Facebook, Twitter, YouTube, and Instagram
- Local newspaper
- A program brochure will be developed and distributed to senior facilities, property management companies, and renter/landlord associations

As part of the marketing, the City shall implement an affirmative marketing plan describing how it will reach out to property owners to make them aware of the program and its requirements and to minimize potential discrimination. To further fair housing objectives, the City shall identify households that are least likely to apply and determine what special outreach activities shall ensure they are fully informed about the program.

To ensure that the Program access is not limited to a particular facility or program's applicants, the marketing approach shall address:

- How the program will be announced (i.e. a marketing and outreach strategy)
- How long applications will be accepted
- Where and how to submit applications
- How applicants will be contacted regarding program acceptance or denial

Landlord willingness to accept TBRA significantly affects the options and opportunities available to applicants. Mailing program notices to landlords using City records as a resource and participating in local landlord association meetings may be used as an effective tool.

B. Applicant Files/Checklist

An applicant file shall be created for each applicant who submits an actual program application form regardless of whether the program application is eventually accepted or denied. This file will contain the application form and all supporting documentation submitted by the application with the application as well as all written correspondence between the applicant and City. A log shall be maintained of all pre-screening applications that are received and reviewed. For applicants that are deemed to meet all the program criteria and are approved, a paper file shall be developed containing copies of all these supporting documentation including at least their income documentation or self-certification, calculation of tenant's contribution to rent, all written correspondence, documentation that the City reviewed and approved the lease, application form, and TBRA Lease Addendum Agreement. Applicant files must be maintained for five years after the period of rental assistance ends.

C. Environmental Review

24 CFR 58.22 prohibits the commitment or expenditure of HOME funds or other funds until the environmental review process has been completed and the environmental clearance and subsequent release of funds has been received. In accordance with the CARES Act, the waiver of environmental regulations is not permitted. Accordingly, the City shall conduct a programmatic environmental review for the Rental Assistance Program. A Categorically Excluded, Not Subject to 58.5 (CENST) review shall be completed prior to providing any assistance under this program.

A. Recordkeeping

Program files must be kept to document compliance with HOME program regulations. Project files must be maintained in compliance with the requirements of 24 CFR 92.508(a)(3).

The City shall maintain administrative and project records to include as applicable: property description and location, copies of written agreements, records regarding project requirements, copies of HOME eligible leases, maximum subsidy determination, compliance with property standards and on-going inspections, invoices and payment records, and related correspondence.

The City shall retain all applicable administrative and project records and documentation pertinent to Other Federal Requirements, as specified in 24 CFR 92.508, for a period of five (5) years after the closeout of the grant.

The Catalog of Federal Domestic Assistance (CFDA) number for this Program is 14.239.

B. Reporting

1. Project Set-up Report

An IDIS TBRA Set Up form (Exhibit 6) shall be completed when a project commitment is ready. A commitment occurs when a written agreement/lease agreement has been executed by the City, tenant, and owner, and tenancy is ready to commence.

2. Performance Reports

The City shall prepare and maintain records sufficient to inform performance reports on the current progress of the Program in each Consolidated Annual Performance Evaluation Report (CAPER) submission to HUD.

C. Affirmative Marketing & Minority Outreach

Affirmative marketing steps consist of actions to provide information and otherwise attract eligible persons in the housing market area to the available housing without regard to race, color, national origin, sex, religion, familial status or disability.

The Program shall follow its affirmative marketing plan consistent with the HOME regulations at 24 CFR 92.351. The plan shall define the affirmative marketing procedures that will take place to provide information and otherwise attract eligible persons in the program service area to the available housing or assistance without regard to race, color, national origin, sex, religion, familial status or disability. Required elements of the plan include:

- Identification of those persons across the protected classes that are expected to be “least likely to apply.”
- Description of how the City will inform potential participants about fair housing and affirmative marketing policies.
- Description of specific procedures or activities that shall be used to inform and solicit applications from those “least likely to apply” without special outreach.
- Delineation of the records that will be kept documenting the affirmative efforts.
- Description of how the City will assess the results of the affirmative actions and make corrective actions if necessary.

Should the Program be targeted to a special need or target population, the Plan shall describe:

- Non-mandatory services that are provided to a special need or target population as consistent with 24 CFR Part 92.209 (c)(2)(i).
- Eligibility criteria used to establish eligibility for a special need or target population as consistent with 24 CFR Part 92.209 (c)(2)(ii).
- How the program will be marketed across all protected classes within the special need preference.
- If the program targets persons with disabilities, how the program will be marketed to all disabilities (however, advertisements can identify the specific services available based on the targeted disability).

D. Oversight Committee

Once the program application is complete, the Oversight Committee shall recommend it for approval or denial. The Oversight Committee shall meet as frequently as necessary to ensure prompt decisions on each completed program application. The Oversight Committee shall include three representatives of the City of Palmdale. The Oversight Committee shall:

- Review and either approve or deny applications for assistance,
- Provide direction to terminate previously approved assistance for program participants who violate program requirements,
- Provide recommendations for policy improvements or clarifications, and
- Appoint a member whose responsibility it is to maintain all supporting documentation.

Community Programs staff shall prepare an Oversight Committee Memo (Exhibit 5) to summarize the approval action and document approval with each committee member's dated signature. The City shall be responsible for maintaining applicant files. Files shall contain all submitted information and documentation necessary to meet all required eligibility criteria and contain completed forms, documentation, and necessary information for all members of an applicant.

E. Accessibility

Private housing providers participating in a HOME-funded TBRA program are not subject to the requirements of Section 504 of the Rehabilitation Act of 1973, however the City is required to comply with the following:

- Section 504 and its implementing regulations at 24 CFR Part 8 obligates the City, as a recipient of Federal financial funds, to make its programs accessible to persons with disabilities, including providing a policy, practice, or rule modification, or an accessible feature in a unit or common area, if needed as an accommodation by an applicant or tenant with a disability, unless doing so would result in a fundamental alteration in the nature of its program or an undue financial and administrative burden (See 24 CFR 8.4, 8.20, 8.24, and 8.33 for further requirements and guidance).
- The City shall take the following steps to ensure that it is operating the Program in a manner that makes the program accessible to persons with disabilities:
 - Ensure that the location for the in-take process of the Program is in a building that is accessible to persons with mobility disabilities.
 - Distribute notices of the availability of housing assistance to eligible individuals with disabilities.
 - Make notices and application forms available in a variety of formats, to ensure that persons with disabilities receive information about the Program, and are able to access the program.
 - Provide information about the availability of accessible units to applicants who require accessible units, where known.
 - Provide information on counseling available to help those in need of accessible units to find them.
- In addition, the City is aware that it may need to provide reasonable accommodations to individuals with disabilities in order to make it possible for them to participate in the Program. Such accommodations may include providing higher rents and sufficient assistance to enable a person with a disability who needs a live-in aide to rent a unit with an extra bedroom, in addition to that needed by the family.
- Effective communication with applicants and beneficiaries may require auxiliary aids where necessary, such as sign language interpreters, TTY devices, note readers, large-

sized written materials, Braille materials, audio recordings, and other similar services and devices; and having a TTY or equally effective communication system available if the City communicates with the public by telephone.

Under the Fair Housing Act, housing providers must make reasonable accommodations for applicants or residents with disabilities to enable them to fully enjoy or use their dwelling and any related amenities afforded to other residents, in accordance with 24 CFR 100.203 and 100.204.

- Typically, an accommodation can be made with little or no cost to the housing provider. However, in some circumstances an applicant or resident will require an accommodation that has a cost and is necessary to the full use and enjoyment of the property by the tenant. In these cases, the housing provider is obligated to bear the cost of the accommodation, provided it does not impose an undue financial and administrative burden on the housing provider.

In addition, housing providers must permit tenants to make and pay for structural modifications to units or common areas that are needed to allow them to have effective use of the housing program (reasonable modifications).

- A housing provider is not required to pay for modifications or structural changes to the development. If the housing provider wishes to make these modifications on behalf of the tenant, the cost of these modifications can be passed on to the tenant, either as a direct payment to the housing provider, or in a series of payments over time. The tenant can also arrange to have these modifications made on his or her own. A housing provider may require the tenant or applicant to provide a description of the proposed work and reasonable assurances that the work will be done in a workmanlike manner and with required building permits.
- The housing provider may also require restoration of the unit to its original condition (except for normal wear and tear) prior to moving out, if the modification might interfere with a subsequent tenant's use and enjoyment of the unit, and payment into an interest-bearing escrow the funds for restoration.

F. Payment Process

The City shall implement a payment process for disbursing payments to outside entities, including landlords and utility providers. This process requires the City to make rent payments directly to the landlord or the property management company on the first of the month or based on the terms of the lease agreement and subject to an invoice being submitted by the Landlord or property management company.

G. Uniform Administrative Requirements for Financial Management

The City shall implement its financial management system to ensure that it meets the Uniform Federal Administrative requirements (2 CFR 200.301-316) that:

- Provide effective control over and accountability for all funds, property, and other assets.
- Identify the source and application of funds for federally sponsored activities including records and reports that verify the eligibility, reasonableness, allowability and allocability of costs.
- Permit the accurate, complete and timely disclosure of financial results in accordance with HUD reporting requirements.
- Minimize the time elapsing between the transfer of funds from the U.S. Treasury and disbursement.
- The City shall comply with the Uniform Administrative Requirements as set forth in 2 CFR Part 200 and the Uniform Administrative Requirements, Cost Principles and Audit Requirements and as described in 24CFR Part 92.205, as applicable and as may be amended from time to time.

The financial management standards shall provide for:

- Internal Controls – The combination of policies, procedures, job responsibilities, personnel and records that together create accountability in an organization’s financial system and safeguard its cash, property and other assets.
- Budget Controls – procedures to compare and control expenditures against approved budgets.
- Accounting Records – records that sufficiently identify the source and application of HOME funds provided.
- Cash Management – procedures in place to minimize the amount of time that elapses between receipt of HOME funds and the actual disbursement of those funds.

H. Disbursements and IDIS

The City shall not request reimbursement from HUD until the funds have been paid out for payment of eligible costs. Meaning that the cost has occurred prior to requesting HOME reimbursement. The amount of each reimbursement request shall be limited to the amount of the costs paid out.

IDIS - Integrated Disbursement Information System requirements:

- The City shall set up a single activity in IDIS and draw down funds as they are disbursed.

- Due to IDIS automatically cancelling projects in the system for no activity, the City shall not set up units in IDIS unless the Program assistance is ready to begin and a qualified tenant has an approved rental unit to begin renting and/or the City is ready request the first disbursement.

APPENDIX A

Definitions

Term:	Definition:
Consolidated Plan (24 CFR Part 91.5)	The document that is submitted to HUD that serves as the comprehensive housing affordability strategy, community development plan, and submissions for funding under any of the Community Planning and Development formula grant programs (e.g., CDBG, ESG, HOME, and HOPWA), that is prepared in accordance with the process described in this part.
Cost Burdened	A household that pays more than 30 percent of its monthly gross income for housing costs including rent and tenant-paid utilities
Extremely low-income – HOME Definition (24 CFR Part 92.2)	Family whose income is between 0 and 30 percent of the median income for the area, as determined by HUD with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 30 percent of the median for the area on the basis of HUD's findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family or household incomes.
Family (24 CFR 5.403)	<i>Family</i> includes, but is not limited to, the following, regardless of actual or perceived sexual orientation , gender identity , or marital status: <ol style="list-style-type: none"> 1. A single person, who may be an elderly person, displaced person, disabled person, near-elderly person, or any other single person; or 2. A group of persons residing together, and such group includes, but is not limited to: <ul style="list-style-type: none"> ○ A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family); ○ An elderly family. ○ A near-elderly family. ○ A disabled family. ○ A displaced family. ○ The remaining member of a tenant family.
Household	Household means all persons occupying a housing unit. The occupants may be a family, as defined in 24 CFR 5.403 ; two or more families living together; or any other group of related or unrelated persons who share living arrangements, regardless of actual or perceived, sexual orientation, gender identity, or marital status.
Lead-Based Paint (24 CFR Part 91.5)	Means lead-based paint hazards as defined in part 35, subpart B of this title.

Term:	Definition:
Low-income families – HOME Definition (24 CFR Part 92.2)	Family whose incomes do not exceed 80 percent of the median family or household income for the area, as determined by HUD with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 80 percent of the median for the area on the basis of HUD's findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family or household incomes.
Moderate-income family (24 CFR Part 91.5)	Family whose income does not exceed 80 percent of the median income for the area, as determined by HUD with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 80 percent of the median for the area on the basis of HUD's findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family or household incomes.
Persons with a disability (24 CFR Part 91.5)	Persons with a disability. A person who is determined to: <ol style="list-style-type: none"> 1. Have a physical, mental, or emotional impairment that: <ul style="list-style-type: none"> ▪ Is expected to be of long-continued and indefinite duration. ▪ Substantially impedes his or her ability to live independently; and ▪ Is of such a nature that the ability could be improved by more suitable housing conditions; or 2. Have a developmental disability, as defined in section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001-6007); or 3. Be the surviving member or members of any family that had been living in an assisted unit with the deceased member of the family who had a disability at the time of his or her death.
Rapid re-housing assistance (24 CFR Part 91.5)	The provision of housing relocation and stabilization services and short- and/or medium-term rental assistance as necessary to help a homeless individual or family move as quickly as possible into permanent housing and achieve stability in that housing.
Severely Cost Burdened	A household that pays more than 50 percent of its monthly gross income for housing costs including rent and tenant-paid utilities.
Subrecipient	A private non-profit organization or unit of general local government to which a grantee provides funds to carry out the eligible activities under the grant and which is accountable to the grantee for the use of funds provided.
Transitional housing (24 CFR Part 91.5)	A project that is designed to provide housing and appropriate supportive services to homeless persons to facilitate movement to independent living within 24 months, or a longer period approved by HUD. For purposes of the HOME program, there is no HUD-approved time period for moving to independent living.

Term:	Definition:
Victim service provider (24 CFR Part 91.5)	A private nonprofit organization whose primary mission is to provide services to victims of domestic violence, dating violence, sexual assault, or stalking. This term includes rape crisis centers, battered women's shelters, domestic violence transitional housing programs, and other programs.

APPENDIX B

Compliance with Applicable Laws, Rules & Regulations

The City shall comply with the following applicable laws, rules, and regulations for HUD programs:

1. U.S. Department of Housing and Urban Development HOME Investment Partnerships Program Regulations at 24 CFR Part 92.
2. 24 CFR Part 1 and 6, Public Law 90-284, Fair Housing Act, the regulations issued following Title VI of the 1964 Civil Rights Act and Section 109 of the 1975 Housing and Community Development Act that prohibits discrimination in HUD programs based on sex, race, color, national origin, and religion and administer all programs and activities in a manner to affirmatively further the policies of the Fair Housing Act.
3. 24 CFR Part 107 and 108, the regulations issued following Executive Order 11063 and Executive Order 12892 which prohibits discrimination and promotes equal opportunity in housing.
4. 24 CFR Part 24, the regulations that prohibit use of debarred or suspended contractors on federally assisted projects and Drug Free Workplace requirements; issued according to Executive Order 12459.
5. Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, regarding eligibility restrictions for certain resident aliens.
6. 24 CFR Part 58, the regulations prescribing the Environmental Review procedure under the National Environmental Policy Act of 1969.
7. 24 CFR Part 7 and 41 CFR Part 60, regulations on equal employment opportunity without regard to race sex, color, religion, age, national origin, and disability in federally assisted construction contracts.
8. 2 CFR Part 200, Uniform Administrative Requirements.
9. 24 CFR Part 87 and Byrd Anti-Lobbying Amendment (31 U.S.C. 1352), regulations for restrictions on lobbying and required certifications.
10. 36 CFR Part 800, the regulations outlining the procedures for the protection of historic and cultural properties.
11. Age Discrimination Act of 1975 (42 U.S.C. 6101), the regulations that prohibit discrimination on the basis of age.
12. Chapters 81 and 84, of the Health and Safety Code; Title VIII, subtitle D of the Cranston-Gonzalez National Affordable Act of 1990, and 24 CFR Part 50.
13. Clean Air Act (42 U.S.C. 7401) and the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), regulations and provision that requires compliance with all applicable standards, orders, or regulations issued following the rule.
14. Copeland "Anti-Kickback" Act (18 U.S.C. 874 and 40 U.S.C. 276c), the regulations on contracts for construction or repair awarded by subrecipients shall include a provision for compliance with the Copeland "Anti-Kickback" Act.
15. Executive Order 13170, regulations on increasing opportunities and access for Disadvantaged Businesses.
16. HUD requirements, all other required reports, circulars, and procedures when applicable.

17. National Affordable Housing Act (NAHA) PL 101-625.
18. National Flood Insurance Act of 1968, 24 CFR Part 55 under Executive Order 11988, the regulations for proposed projects and properties located in a floodplain.
19. 2 CFR 200, regulations that identify federal cost principals.
20. 2 CFR Part 200, regulations concerning annual audits.
21. Residential Lead Based Paint Hazard Reduction Act of 1992, the regulations implemented by 24 CFR Part 35, Subpart B imposes certain requirements on disclosure of lead base paint hazards.
22. Section 3 of the U.S. Housing and Urban Development Act of 1968 providing for economic opportunities for low and very low local residents in connection with assisted projects.
23. Section 504 of the Rehabilitation Act of 1973, 24 CFR Part 40 and 41, the regulations that sets forth policies and procedures for the enforcement of standards and requirements for accessibility for disabled persons. The Architectural Barriers Act of 1968 and the American with Disabilities Act provide additional laws on accessibility and civil rights to individuals with disabilities.
24. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, policies that provide for displacement, relocation assistance, and real property acquisition as defined by 42 U.S.C. 4601 (URA) (42 U.S.C. 4601), and implementing regulations issued by the Department of Transportation at 49 CFR part 24 and section 104(d) of the Housing and Community Development Act of 1974 (42 U.S.C. 5304(d)).
25. Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.
26. 2 CFR 92.504(a) and 2CFR 92.504(d)(3) Administrative Transparency and Accountability through risk-based monitoring for all HOME funded activities and projects, including on-site monitoring schedules and financial oversight protocols for rental properties.
27. Violence Against Women Act Protections. The program regulations set forth in 24 CFR Part 5, subpart L, apply to all HOME tenant-based rental assistance and rental housing assisted with HOME funds, as supplemented by section 24 CFR 92.359, and the requirements imposed therein.